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John Adams 1766.



DISCOURSES  
CONCERNING  
GOVERNMENT;

BY

ALGERNON SIDNEY,

Son to ROBERT Earl of LEICESTER,

AND

Ambassador from the Commonwealth of ENGLAND  
to CHARLES GUSTAVUS King of SWEDEN.

Published from an Original Manuscript of the AUTHOR.

To which is added,

A Short ACCOUNT of the AUTHOR's LIFE.

And a COPIOUS INDEX.

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IN TWO VOLUMES.

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VOL. I.

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EDINBURGH:

Printed for G. HAMILTON and J. BALFOUR.

M. DCC. L.

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T H E  
P R E F A C E.

**H**OW highly the writings of wise and good men concerning Government, have been esteemed in all ages, the testimony of history, and the preservation of so many books composed by the Ancients on that subject, do sufficiently manifest. And it may be truly said, that unless men have utterly abandoned themselves to all that is detestable, they have seldom attempted to detract from the worth of the assertors of liberty, though ambition, and other passions, have influenced them to act in opposition to it. When Augustus had surprised a young Roman, who was related to him, reading a political discourse of Cicero, he commended his judgment in that choice. The History of France, written by the President de Thou, with a spirit of freedom that might have been worthy of those who had lived before the violation of their liberty,

A 2

berty, has been so generally valued by men of all ranks in that nation, that it is hard to find a book on any important subject which has had so many editions. And the just esteem that the emperor Charles the fifth made of the Memoirs of Philip de Commynes (though that author has given many instances of his detestation of tyranny) may be enough to put this matter out of dispute. But if all other proof were wanting, the implacable hatred, and unwearied industry of the worst of men to suppress such writings, would abundantly testify their excellency.

That nations should be well informed of their rights, is of the most absolute necessity : because the happiness or infelicity of any people entirely depends upon the enjoyment or deprivation of liberty ; which is so invincibly proved in the following Discourses, that to endeavour to make it more clear, would be an unpardonable presumption.

If any man think the publication of this Work to be unseasonable at this time, he is desired to consider, that as men expect good laws only from a good government, so the  
reign

reign of a prince, whose title is founded upon the principle of liberty, which is here defended, cannot but be the most proper, if not the only time to inform the people of their just rights, that, from a due sense of their inestimable value, they may be encouraged to assert them against the attempts of ill men in time to come.

'Tis not necessary to say any thing concerning the person of the Author. He was so well known in the world, so universally esteemed by those who knew how to set a just value upon true merit, and will appear so admirable in the following Discourses, as not to stand in need of a flattering Panegyric. But it may not be amiss to say something of the Discourses now published.

The paper delivered to the sheriffs immediately before his death informs us, that he had left a large and a lesser treatise written against the principles contained in Filmer's book; and that a small part of the lesser treatise had been produced for evidence against him at his trial. 'Tis there also said, that the lesser treatise neither was, nor probably ever should have been finished. This therefore is the large work mentioned in that paper, and

not the leſſer, upon part of which the wicked ſentence pronounced, and executed againſt him, was grounded.

It remains only to add a few words for ſatisfaction of the public, that theſe Diſcourſes are genuine. And here I ſhall not need to ſay, that they were put into the hands of a perſon of eminent quality and integrity by the Author himſelf; and that the original is, in the judgment of thoſe who knew him beſt, all written by his own hand: His inimitable manner of treating this noble ſubject, is inſtead of a thouſand demonſtrations, that the Work can belong to no other than the Great Man whoſe name it bears.

A SHORT



A  
 SHORT ACCOUNT  
 OF THE  
 LIFE  
 OF  
*ALGERNON SIDNEY.*

**A**LGERNON SIDNEY, to whom the world is indebted for the following DISCOURSES ON GOVERNMENT, was of noble extract. His father was Robert earl of Leicester, who, in the year 1618, married lady Dorothy Piercy, eldest daughter of that illustrious peer, Henry earl of Northumberland. By her the earl had fifteen children; six sons, and nine daughters. Of his sons, two died before they came to maturity. Of the other four our Author was the second, and was born about the year 1622. The earl his father was a man of excellent parts, and of great learning. He was admired in the house of commons for his abilities; and the curious observations he made of men and of manners, which are still preserved, shew his uncommon capacity and discernment. 'Tis not to be wondered at therefore, that, at a very early period, he should be so careful to make his son ALGERNON acquainted with literature, and to give him a polite and liberal education.

In 1632, he was appointed ambassador extraordinary to the king of Denmark. This embassy was occasioned by the death of Sophia queen dowager of that kingdom, and grandmother to king Charles I. Though our Author was at that time only ten years of age, yet his father, who already observed in ALGERNON great appearances of a fine genius, took him along with him into Denmark, together with Philip his elder brother, that he might have them under his own inspection, and enjoy the pleasure of seeing their

gradual improvement in knowledge and virtue. However, the earl staid a very short time abroad; for having dispatched the business for which he was sent, he returned with his pupils into England in less than three months.

It can hardly be imagined, that, from such a quick jaunt, ALGERNON could reap much advantage; in such tender years, his mind could not be enough disciplined and enlarged, to receive moral or political instruction. However, as imitation is so natural to the tenderest years, and has such a powerful energy on minds of every character, the example of such a man as the earl must have been of vast service to him. His lordship was not like many modern travellers, who go abroad merely to gaze on objects they never saw before, or perhaps to learn the rudiments of a language, which, in polite company, it is thought a reproach to want; but made it his business to observe the manners of the nation where he resided, and to become acquainted with their political constitution, and with the characters of the king and the court\*. These observations he strongly inculcated into his sons. And that we shall find was a happy circumstance for ALGERNON, when we consider to what subject he afterwards applied his thoughts.

Not long after this, the earl was sent once more abroad. In May, 1636, he went by the king's orders into France, in quality of ambassador extraordinary: and thither also he carried ALGERNON and his brother along with him. By this time he had conceived great hopes of our Author's capacity, and had resolved to lose no opportunity of improving and enlarging it. Though we may easily suppose his time must be mostly employed in transacting public business, and managing the interests of the nation in these ticklish times; yet such was the earl's diligence and activity, that he seemed to take as much pains in the education of his sons, as if nothing else had demanded his concern. To that important office he devoted his leisure with the greatest pleasure, with the most eager application. And the consequences demonstrate, that his labour was not in vain. It was a lucky circumstance for our Author, that the earl resided in France for a considerable time. ALGERNON's mind was then beginning to unfold itself; it was ripening by degrees, and growing more susceptible of instruction. The force of the earl's arguments could then be understood, and the justness of his observations attended to†. And

\* The earl hath left us a very accurate account of his negotiations in Denmark, and of the national character of that country; which informs us of the strange rudeness, and uncivilized manners, which at that time prevailed in Denmark.

† The earl also wrote a journal of his embassy in France, and embellished it with many observations of the king, and of the manners which prevailed at court.

'tis certain, that Mr. SIDNEY reaped vast advantages from such a wise and judicious discipline. We find he was but a very short time in France, when he first began to distinguish himself. The sprightliness and vivacity of his temper, and the goodness of his nature, were so remarkable, that they gained him universal esteem. Not above six months after he had left England, the countess his mother wrote a letter to the earl at Paris, (dated November 10th, 1636.) in which, among other things, she says concerning ALGERNON; "I hear him much commended by all that come from thence, for a huge deal of wit, and much sweetness of nature." This gave a sort of ardor to his lordship, and made him doubly careful to form and finish those natural talents, which he had long before observed the seeds of, but which ALGERNON himself had now discovered to great advantage. The exercise of this pleasant discipline the earl continued all the time he was in France; and every day ALGERNON made his father happy, by giving him new specimens of his improvement under it. But in the year 1639, when the melancholy and fatal differences began betwixt the English and the Scots, the king ordered the earl to leave France, and to return into England.

Our Author, at his return, was about seventeen years of age. He had already seen much of the world; and his own natural sagacity, which was so much improved and directed by his father's instructions, rendered that experience more than commonly useful, and productive of genuine knowledge. The earl's unsettled way of life, after this period, made it impossible for him to superintend ALGERNON's education with so much exactness as he had done formerly; but as ALGERNON had already made great progress in literature, as well as in the knowledge of mankind, and was blessed by nature with a surprising judgment and capacity, the hurry of public business, in which his father was now involved, was the less detrimental to him. He could now, by his own diligence, pursue the track which the earl had chalked out for him, and bring to perfection what had been so wisely begun. Accordingly he applied himself eagerly to the prosecution of his studies; and his application was attended with great success. But his mind was too lively to be confined to speculation alone. His studies could not afford exercise enough to his sprightly temper. At that time the whole kingdom was disordered; every thing was in the utmost confusion. Such a circumstance, therefore, could not but be a strong incitement to an active mind to bestir itself, and to try its talents on the publick theatre. Besides, ALGERNON, as we have seen, had been much abroad, and had resided a considerable time at the very seat of political knowledge\*: during which

\* He had been about three years in France.

he had seen his father constantly employed in the service of the public. These circumstances, conspiring with his own natural temper, led his thoughts much to active life, and at last made him determine to become an actor himself. And when we look back to those dismal times, we must see what a strange scene of confusion it was, in which our Author was to be engaged. A scene proper indeed to shew his valour in; but which, in the issue, proved fatal to him.

However, Mr. SIDNEY, prompted by his nature and so many inviting circumstances, appears upon the public stage; and, making choice of the field as his theatre of action, he immediately got a commission for a troop of horse. At this time, the Irish rebellion broke out. Upon which, the king, who was then in Scotland, attempting to compose the differences which had happened betwixt the two nations, returned into England, to concert with the parliament what was to be done, in order to suppress it. Forces were immediately sent into Ireland, of which the earl of Leicester was made lord lieutenant: and ALGERNON, with his brother the lord L'Isle, went over along with them; his lordship in the quality of colonel of a regiment of horse, and our Author, of captain in the same regiment. As ALGERNON was a man of most extraordinary courage and resolution, he soon signalized himself in that new scene of life, and drew universal attention. He behaved with uncommon gallantry; and the important services he did his master, gained him a shining reputation for military virtue.

By this time the troubles of the nation had grown to a prodigious height. The royal standard was set up at Nottingham on the 22d of August, 1642. The parliament too had raised guards of their own, and both parties were preparing themselves for war. Unhappy state for Britain! when her guardians, at variance with each other, were ready to tear one another to pieces, and none could either give or receive a wound but at her expence. In this dismal situation of affairs, the king ordered ALGERNON, on his allegiance, to leave Ireland, and come to Oxford. Accordingly, Mr. SIDNEY obtained a licence from the lord lieutenant his father, dated at Oxford the 22d of June, 1643, and returned to England. But the parliament having received notice of his arrival, sent immediately into Lancashire, where he had landed, and ordered him to be taken into custody, and brought to London. At this the king expressed a great deal of resentment; imagining that Mr. SIDNEY's being seized was entirely owing to his own management, and was only a feint intended to cover his secret collusion with the parliament. But for this suspicion there was not the least foundation; and his joining afterwards with the parliament,



ment, may easily be accounted for from other considerations, without doing such an injury to his character. His honesty and undaunted courage equally conspired to render him incapable of such a silly artifice. Captain SIDNEY was now twenty-one years of age. His judgment was already ripe, and he could discern the justness of those observations his father had made of the political constitutions of the different countries he had seen. He now had a distinct view of the state of the different parties in Britain; and observed, that the nation was ready to be torn in pieces betwixt them. Absolute monarchy and democracy were engaged against each other; and such was the disorder, that anarchy was like to be the result of the contention. His heart was too warm in his country's favour, to allow him to be an idle spectator; and that he then adhered to the interest of the parliament, no body can wonder, if he has ever read his DISCOURSES ON GOVERNMENT.—The parliament took him into their service, and ordered 2000 l. to be paid him for his arrears. On the 10th of May, 1644, the earl of Manchester, who was serjeant-major-general of several counties in England, gave him the command of a troop of horse in his own regiment; in which station he behaved so well, that, on the 2d of April next year, he was appointed colonel of a regiment of horse by Sir Thomas Fairfax, commander in chief of the forces raised for the defence of the kingdom. In this quality he still continued to acquire fresh reputation. He was in the battle of York, and several others; in all which his bravery and good conduct were equally remarkable; and he had, for some time, the government of Chichester.

Soon after this he was employed in the expedition destined for Ireland; and, for his signal services there, he obtained the government of Dublin. But as the dignity and lustre, which attends military virtue, is seldom seen without envy, the discontent of some little souls, who wished to possess colonel SIDNEY's place, soon began to discover itself. These men formed a party in the house of commons, and, taking advantage of the thinness of the house, got it moved one day by the recorder, that colonel Jones should be made governor in chief. Those of the house, who were not of the party, strenuously opposed the motion, as it was a piece of the greatest ungenerosity and injustice to such distinguished merit. But party-spirit prevailed. Jones, who had been Mr. SIDNEY's deputy, was promoted to the government; and it was given out, that Dublin was a place of too much importance for colonel SIDNEY's management. However, the house of commons were so sensible of ALGERNON's merit, that, on the 7th of May, 1647, without opposition, they voted him their thanks for his excellent services in Ireland; and some time after made him governor of Dover.

Dover. The king was then in custody. A series of misfortunes had attended him, and he was immediately to be brought to his trial. Strange instability of human grandeur! A prince so lately at the head of three kingdoms, at last reduced to submit to the laws of those to whom he thought himself born to prescribe them. Colonel SIDNEY was nominated one of the judges to assist at the king's trial; but he declined the disagreeable office, and did not sit among them.

After the king's death, when Cromwell had assumed the government, Mr. SIDNEY refused to act in his service. His principles naturally led him to oppose Oliver's schemes; nothing being more directly contrary to a republican spirit than usurpation. During the protectorship therefore of Cromwell, and his son Richard, he retired from public view, and lived in a private manner at Penshurst; where he devoted his time wholly to study and reflection. And 'tis to that retirement we owe the following DISCOURSES. 'Tis certain no man ever studied the nature of government with greater accuracy than our Author. He was perfectly acquainted with its history in all its branches, and had penetrated into the bottom of every subject upon which it had the least dependance. Nature had favoured him with a solid judgment, and a most comprehensive understanding; and he was peculiarly happy in a strong, nervous, and masterly style. Nor was he less indebted to his education than to nature. It has been already observed how early he went abroad, and under how able and careful a tutor. So that it is hard to determine which were the happiest, the father in having such a son, or the son in enjoying such a father.

These happy circumstances could not fail to turn Mr. SIDNEY's mind to the study of government, and to make him a master in politicks. He was also engaged in the busy scene. There he could copy from real life, and determine the justness of his observations. Besides, he came upon the stage at a period the most favourable for attaining political knowledge. The kingdom was rent into factions of every denomination. There is not a possible form of government, which at that time had not a number of partisans. Every masque was thrown off; each party was exposed to public view, avowed its peculiar principles, and tried to act upon these principles as far as the others would permit them. This was a very curious, though a very melancholy, prospect to so great a man as Mr. SIDNEY. He accurately observed the uncommon scene, and nicely examined the nature of the contending parties. He weighed the principles maintained on all sides, traced them to their respective sources, and carefully marked their tendency.

dency. Mr. SIDNEY had lately seen too the PATRIARCHA \* of Sir Robert Filmer; the absurdities of which suggested new reflections to his mind, and made him attend to the nature and foundation of civil constitutions with still greater accuracy. What the result of all these advantages was, let his DISCOURSES ON GOVERNMENT witness. Discourses which are above flattery, and need only be read to be universally admired. As a writer on that subject, he has outdone all who went before him, his DISCOURSES being the most perfect and comprehensive of the kind, which have ever appeared. They are an honour to ALGERNON SIDNEY, and to the British nation. 'Tis with justice therefore, that an Author observes †, that he should infinitely regret the loss of Cicero's six books DE REPUBLICA, "as men of sense and probity have done formerly, were it not for the incomparable DISCOURSES CONCERNING GOVERNMENT, which that wise, learned, and noble gentleman, ALGERNON SIDNEY, hath left us." As the highest praise can neither add any thing to the Author's merit, nor represent him in a greater or more amiable light than his own writings do, 'tis needless to add any thing more on this subject. Let it suffice to say, that while learning, liberty, and good sense, attract the regard of mankind, our Author will be esteemed; and if ever these cease to be admired, it will be an honour to ALGERNON SIDNEY to fall into contempt. There are at Penshurst, in his own hand-writing, several treatises in Latin and Italian, and an ESSAY, in English, on the subject of VIRTUOUS LOVE. Were they published, we might see other specimens of our Author's genius.

While Mr. SIDNEY was thus usefully employed in his retirement, Richard resigned his protectorship. Whereupon the parliament, which had been dissolved by Cromwell, were again brought together, and the commonwealth once more set up. On the 7th of May, 1659, they voted a declaration to secure the liberty and property of the people, with regard both to their civil and religious interests, without either king or house of peers. 'Tis needless to observe, under what different shapes the government of England then appeared. The severe convulsions, which so lately shattered the nation, had not yet lost their strength. The state was still in a disordered and fluctuating condition. Such was the

\* "A book so poorly writ, says bishop Burnet, that it is strange SIDNEY bestowed so much pains in answering it." But if Sir Robert Filmer's doctrine, however absurd, was at that time adopted by a great number of persons of every character, it needs not seem strange, that our Author thought it worth his while to disprove it: and that it was much adopted, we need no other evidence than his dying for opposing it.

† Free Thoughts in Defence of a Future State, &c. published at London, in 8vo, in the year 1700.

situation of the kingdom when ALGERNON once more appeared in public, and came into the parliament's measures. On the 13th of May he was nominated one of the council of state, and, about a month after, was appointed to go as commissioner to the Sound, to mediate a peace between the kings of Sweden and Denmark. Sir Robert Honeywood and Bulstrode Whitelocke, Esq; were nominated along with him. But Whitelocke, having been formerly ambassador extraordinary at Sweden alone, could not digest being joined with those who would expect precedency of him; and knowing the firmness and resolution of SIDNEY's temper, he declined the service. So Mr. SIDNEY and Sir Robert undertook the embassy. While ALGERNON was in Denmark, he made himself master of the policy of the northern nations, and improved the knowledge which he had formerly imbibed from his father. His letters to the earl contain an exact account of all his negotiations there; and the political views, which then governed the court of Denmark, he unfolded in a very clear and masterly manner. Agreeably to a custom which prevailed at Denmark\*, colonel SIDNEY wrote in the book of motto's, which lay in the king's library, the following verse:

*Manus hæc inimica tyrannis  
Ense petit placidam sub libertate quietem.*

This verse Monsieur Terlon the French ambassador tore out of the book. Lord Moleworth, in the preface to his ACCOUNT OF DENMARK, observes that Mr. Terlon himself understood not a word of Latin; but having learned from others what was the meaning of the sentence, he considered it as a libel upon the French government, and upon that which was then getting foot in Denmark by French assistance and example. While ALGERNON was on his embassy, the restoration of Charles II. was in agitation, and when it was at last effected, he was advised to remain abroad, till his attachments to the commonwealth might be forgot; for at that time they were remembered with the highest resentment †.

This was no small inconvenience to Mr. SIDNEY; for, by that means, he was a sufferer in his private fortune, which he had left much embarrassed. But he bore the hardship with a manly spirit; and the letters he wrote to his Father during his banishment, shew a noble contempt of worldly advantages. In one re-

\* Every noble stranger who came to Denmark, was allowed to write a motto or verse in the King's book of motto's.

† King Charles could not be prevailed with to permit his return till seventeen years after.



spect, however, this misfortune of our Author's was a real benefit to him, as it afforded him an opportunity of enlarging his knowledge, by laying him under a necessity of visiting foreign courts. The first tour he made was through Germany, to Brussels, where he resided for a considerable time; and from thence he went into France, where he got a licence from the French king to go to Montpellier\*. He then travelled into Italy, and having reached Rome, he remained there till his return. His travels through Germany and France are wrote with great spirit, and enlivened with a number of pieces of history, with characters of great men, and with beautiful descriptions of all kinds. As he was ever unwearied in the pursuit of knowledge, especially that of human nature, he was always careful to make himself master of the customs, manners, constitution and policy of the kingdoms through which he passed, before he left them; whereby he became the most accomplished man of his time. Rome supplied him with numberless materials for his improvement in learning and knowledge; and there never was a man who knew how to make use of them to greater advantage. All his observations there he committed to writing; and the characters he has drawn of the cardinals, and other persons of distinction, shew his superior sagacity, and afford the reader a most curious entertainment. His father, by this time, expressed an earnest desire of seeing him before he died. He therefore applied to Robert earl of Sunderland, his grandson, who was then in favour with the king, to use his interest with his majesty, to obtain ALGERNON's return. Sunderland applied, and obtained his request.

Thus was ALGERNON SIDNEY brought home to his native country, after he had been above seventeen years abroad; and having promised constant obedience to his majesty, the king granted him a particular pardon. Bishop Burnet observes \*, that Mr. SIDNEY returned to England, "when the parliament was pressing the king into a war. The court of France obtained leave for him to return. He did all he could to divert people from that war; so that some took him for a pensioner of France. But to those to whom he durst speak freely, he said he knew it was all a juggle; that our court was in an entire confidence with France, and had no other design in this shew of a war, but to raise an army, and keep it beyond sea till it was trained and modelled."—After ALGERNON came home, and observed the state of the nation, his principles would naturally prompt him to oppose the schemes of the court. This mightily exasperated the king, and kindled a new flame of resentment against him. But

\* This licence was dated at Vincennes the 3d of August, 1663.

† History of his own Times, vol. i,

SIDNEY had too much integrity to dissemble his sentiments, and they were too well founded to be easily changed.

In 1678, about a year after he had returned home, he stood candidate for member of parliament for Guilford; but he was opposed by the court, and therefore lost the election \*. Strange proceedings were then beginning to be carried on; proceedings which were unaccountable in themselves, and which, in the issue, ruined many persons of the greatest worth and integrity. Our Author was too remarkable to be overlooked, and had too much merit to escape the censure and calumny of those times. Dr. Welwood well observes †, “that the shattered remains of English liberty were then attacked on all sides, and some of the noblest blood in the nation was offered up a sacrifice to the manes of popish martyrs, and made to atone for the bill of exclusion.” In so dismal a situation, such a guardian of liberty as ALGERNON SIDNEY could not long escape destruction. It was already at hand; for, in 1683, he was accused of being concerned in the Ryehouse plot, and, after lord Russell was examined, he was next brought before the council.

It was then dangerous for prisoners to answer the questions which were insidiously put to them. The least hint that could be turned to the disadvantage of a man, or his friends, was laid hold on; whereas the smallest regard was not paid to what one said in his own favour: SIDNEY therefore, when he came before the council, told them, with his usual boldness, that if they had any proof against him, he should make the best defence he could; but they were not to expect he would fortify their evidence by any thing he should say. By this means his examination was very short. Besides, there being no sort of evidence against him, his commitment was against law; for he was not taken up directly as a plotter, but as a republican. However, at that time there was no crime reckoned more capital than to have a republican spirit, or to be an enemy to unlimited monarchy. Mr. SIDNEY was then conducted to the Tower, where he lay for some time; but he was at last brought thence, by virtue of the habeas corpus act, on the 7th of November, to the King’s Bench bar, and was arraigned before the lord chief Justice Jefferies, on an indictment of high treason; to which he pleaded not guilty, and desired a fortnight’s time for preparing evidence; which being granted, he came to his trial on the 21st of November.

\* He left among his papers an account of the management of that election, and of the proceedings of the court-party who opposed him; which furnishes us with a notable instance of the partiality and corruption of the times.

† In his Memoirs, &c.

And now we are come to a most remarkable period of our Author's life ; a period which I believe every one will think merits a particular consideration.—His trial was certainly a master-piece in its kind, and will transmit the infamy of the judges and juries which were then employed, to latest posterity. 'Tis very strange, that SIDNEY's indictment, as Sir John Hawles observes \*, at the time when he came into the hall, was so far from being found by the grand jury, that it had not been so much as presented to them. But the council were so wise as to try men's pulses beforehand, to see how tame they would be. So a jury was picked out according to their mind. They consisted mostly of persons of the meanest rank. They would stick at nothing to serve a turn, and shewed themselves so exceedingly tractable, that they found the indictment upon sight, without the least consideration †. SIDNEY objected against a number of the jury, because they were not freeholders: but Jefferies told him, that had been over-ruled in lord Russel's case, and therefore it should be so in his. Accordingly he did over-rule it, and carried on matters in so impetuous a manner, that he would not allow ALGERNON to read the statute. Now, the cases of lord Russel and Mr. SIDNEY were far from being parallel. For lord Russel was tried at the Old Baily, where the jury consisted of Londoners ; whereas SIDNEY's trial was in Middlesex ‡. But Jefferies, as he himself said on another occasion, was for making precedents to the succeeding times, as those who had gone before them had made precedents for them. Four witnesses were produced against the colonel. The first was Mr. West, against whom SIDNEY objected, because he was not pardoned. But he was a good witness in lord Russel's trial, and that was a sufficient precedent for a man of Jefferies's temper to act upon. The next who was examined was Rumsey, and, after him, Keeling. But these three were only brought to make a shew ; for none of them knew any thing of SIDNEY. Only they said, that they had heard of a council of six, and that the prisoner was one of them. Yet even in that they contradicted each other. For West swore he had it from Rumsey, and Rumsey swore he had it from West.

The Lord Howard was next examined, and he was the only witness who pretended to know any thing of SIDNEY. His evidence was very particular, and 'tis very remarkable, that he gave

\* Remarks upon the trials of Fitzharris, Stephen College, &c.

† The colonel had twice insisted to have a copy of his indictment, and was both times denied that justice.

‡ In London the merchants are supposed to be rich ; but in a county, a man, who is no freeholder, is always supposed to be poor : so that the two cases were quite unlike.

it, as bishop Burnet says \*, “ with a preface which had become a “ pleader better than a witness.” And there cannot be a stronger instance of his lordship’s monstrous ingratitude ; for, during his imprisonment, Mr. SIDNEY had shewn him the utmost kindness, and managed every thing in which he was interested, with the greatest zeal and tenderness. It was therefore an honour to Mr. SIDNEY to have such a witness against him. Among other things, Howard deposed, that colonel SIDNEY was one of the first movers for the council of six † ; that the council met at Mr. Hamden’s house, and concerted their schemes ; and that the colonel sent one Aaron Smith into Scotland, in order to make a coalition of councils betwixt them and the Scots, and to unite them together. To these articles SIDNEY objected the great improbability of erecting a council of six, and that persons so little acquainted should all at once fall into so intimate a friendship. He declared, he never spoke with the duke of Monmouth above thrice in his life ; and that one time was, when Howard brought him to his house, and imposed upon both ; telling the duke, that the colonel had invited him, and the colonel, that the duke invited himself ; neither of which was true. He observed also, that the perjuries of Howard were too notorious and glaring, to allow his evidence any credit ; and that he had varied in several particulars from what he had deposed in lord Russel’s trial. In fine, he offered to prove, that Howard had confessed, “ that he could not get his “ pardon, until he had done some other jobbs ; until he was past “ the drudgery of swearing.”

Now one should think, that these objections might have been sufficient to cast any witness. But Jefferies had already resolved to condemn the colonel. Humanity and common justice were therefore to be disregarded, and the evidence was determined to be quite good. But Howard was but one witness, and the colonel could not be condemned without some decent appearance of justice. Whence were they to bring collateral proofs ? A very ingenious contrivance, suggested by the inhuman subtlety of the times, quickly procured these. A manuscript found among SIDNEY’s papers, was immediately produced ; and in it were the following damnable errors ; “ That power is originally in the people ; that the king is subject to the law of God, as he is a man ; “ and to the people who make him, as he is a king ; that the “ king ought to submit his interest to theirs, since he is not superior to any of them in any other respect than that he is “ by consent of all raised above any other ; that if he like not

\* History of his own Times, vol. i.

† These six, he said, were the duke of Monmouth, the earl of Essex, lord Russel, colonel Sidney, Mr. Hamden junior, and himself.



“ this condition, he may renounce the crown ; but if he receive  
 “ it upon this condition, and swear to perform it, he must expect the  
 “ performance will be exacted, or revenge taken by those whom  
 “ he hath betrayed ; that therefore the people may change or take  
 “ away kings without breaking any yoke, or that is made a yoke  
 “ which ought not to be made one ; that the people must be  
 “ judges of what happens between them and the king whom  
 “ they did constitute ; and that the power of calling and dissolv-  
 “ ing of parliaments is not in the king.”

These positions, by the singular sagacity of the court, were found to contain sufficient proof, that the colonel was in a plot against the king's life ; and therefore it was insisted, that they should stand as a second witness. Yet it could not be proved, that SIDNEY wrote them ; but there was a similitude of hands, and that was capital. The colonel argued, that for one to come and tell a tale of an imaginary council, and another of a libel, a paper written no body knows where, was a thing never to be got over ; and that as to these papers, at most they could only be his private sentiments concerning government, never communicated to any, and wrote some years ago. How therefore could it be pretended to be a proof of a late plot ? That the manuscript was not finished ; that the fiftieth part of it was not produced, nor even the tenth of that allowed to be read. Jefferies was so sensible of the strength of his reasoning, that he often interrupted him with the utmost rudeness, trying to put him in a passion ; but the crafty judge lost his aim, for SIDNEY behaved with the greatest calmness, and kept his temper to admiration.

With regard to his papers, the solicitor-general must needs prove them to be an ouvert act ; and his argument was, *Scribere est agere*. And Jefferies's law was, that if there were two witnesses, one to the treason, and another to a circumstance, such as the buying of a knife, they were quite sufficient. Not to mention a number of other particulars, which must equally raise our pity and indignation, the court concluded, that SIDNEY was not only guilty of the practices charged upon him, but that he could not have been otherwise, because his principles led him to it ; to which Jefferies added, that he was born a traitor. At last ALGERNON SIDNEY was found guilty on the 21st of November, and, on the 26th, was again brought to the bar, in order to receive sentence. There he had a new struggle for his life, but to no purpose. He had long before been devoted to destruction, and now he was to receive the iniquitous sentence. When he saw they were ready to pronounce it, he cried out ; “ I must appeal  
 “ to God and the world, I am not heard.” Then Jefferies pronounced sentence ; upon which ALGERNON nobly said ; “ Then,

“ O God! I beseech thee to sanctify these sufferings unto me  
 “ and impute not my blood to the country, nor the city, through  
 “ which I am to be drawn. Let no inquisition be made for it;  
 “ but if any, and the shedding of blood that is innocent must  
 “ be revenged, let the weight of it fall only upon those that maliciously persecute me for righteousness sake.” Jefferies replied, “ I pray God work in you a temper fit to go into the other  
 “ world; for I see you are not fit for this.” Then the colonel, stretching out his arm, cried; “ My lord, feel my pulse, and see  
 “ if I am disordered. I bless God, I never was in better temper  
 “ than I am now.”

Such was the trial, such the behaviour of ALGERNON SIDNEY. How unlike to each other! The one not more amiable than the other horrid and detestable.

There were few circumstances attending the trial, which were not originals, and without any precedent. The observation of Sir John Hawles \* is very just, that SIDNEY was merely talked to death under the notion of a commonwealth's man, and found guilty by a jury who were not much more proper judges in the case, than they would have been if what he had wrote had been done by him in Syriac or Arabic. This was the first instance of a man's ever losing his life, on an indictment of high treason, for writing any thing without publishing it; the first time that any particular expression in a writing was held a good evidence against a man arraigned for treason, without reading the whole. In short, the whole of it was monstrous. The very summing up of the evidence was ridiculous. It had more resemblance to a libel than a proof. There was nothing like reasoning in it; it was full of invectives, without any consequences, excepting *he was guilty, because he was so*. This is a known specimen of the logic of those times in the like cases: as giving a man the lie in an open court, is an instance of their good manners †.

As ALGERNON was not afraid to die, so, for his country's sake, he wanted to live: for which reason, after he received sentence, he sent to his nephew lord Hallifax a paper containing the chief points of his defence; desiring his lordship to lay it before the king. This Hallifax immediately did, praying his majesty to review the whole matter. The king indeed discovered some inclination to pardon him; but Jefferies, in a torrent of furious eloquence, said; “ Either SIDNEY must die, or he must die.” By this time there was an universal clamour against the trial; it was generally reckoned, as well it might, a piece of the most

\* In his remarks upon colonel SIDNEY's trial.

† Mr. SIDNEY suffered that indignity of judge Wilkins with the greatest patience.

enormous injustice. The execution therefore was respited for three weeks. At last, when all applications failed, the warrant for his execution was brought him. He received it with an unshaken fortitude, and expressed not the least concern. That warmth of temper, which seldom fails to accompany sprightliness and vivacity, had now entirely left him. A calm sedateness, a decent composure, fortified his breast to such a degree, that many were amazed at it. He told the sheriffs who brought the warrant, that he would not expostulate upon any thing on his own account, for the world was now nothing to him; but he desired they would consider how guilty they were of his blood, who had not returned a fair jury, but one packed, and as they were directed by the king's solicitor. He spoke this to them not for his own sake, but for theirs. This so struck one of the sheriffs, that he could not refrain from tears.

On the 7th of December, 1683, he was led to execution on a scaffold erected on Tower-hill, where he remained but a few minutes; for he spoke little, and, after a short prayer, laid his head on the block, which was cut off at one blow, in the sixty-first year of his age. He behaved with an unconcernedness that became one who had set up Marcus Brutus as his pattern \*. His body was next day buried at Penshurst among his ancestors.

Mr. SIDNEY wrote a long vindication of himself, which bishop Burnet says he read †; the substance of which was summed up in the paper which he gave to the sheriffs, when he was on the scaffold. He gave a copy of that paper likewise to a friend, lest the one he gave the sheriffs should have been suppressed. And in that he was not much mistaken. It was a fortnight before it was printed, though the speeches of those who died for the popish plot were published the very next day after their execution. And probably it never would have seen the light, had not several written copies of it been dispersed.

Thus fell ALGERNON SIDNEY, whose life and death have rendered him truly illustrious, for asserting the liberty of mankind; for defending the rights of the British nation; for declaring against tyranny and tyrants, against oppression, and against the ruin and desolation of his country. His life therefore was not more an ornament to Britain, than his death will ever be its disgrace:

\* History of his own Times, vol. i.

† Ibid.





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THE  
COPY of a PAPER

Delivered to the

SHERIFFS, upon the Scaffold on TOWER-HILL,

On FRIDAY, DECEMBER 7, 1683.

By ALGERNON SIDNEY, Esq;

Immediately before his DEATH.

*Men, Brethren, and Fathers; Friends, Countrymen, and Strangers:*

**I**T may be expected that I should now say some great matters unto you; but the rigour of the season, and the infirmities of my age, increased by a close imprisonment of above five months, do not permit me.

Moreover, we live in an age that makes truth pass for treason: I dare not say any thing contrary unto it, and the ears of those that are about me will probably be found too tender to hear it. My trial and condemnation doth sufficiently evidence this.

West, Rumsey, and Keeling, who were brought to prove the plot, said no more of me, than that they knew me not; and some others, equally unknown to me, had used my name, and that of some others, to give a little reputation to their designs. The Lord Howard is too infamous by his life, and the many perjuries not to be denied, or rather sworn by himself, to deserve mention; and, being a single witness, would be of no value, tho' he had been of unblemished credit, or had not seen and confessed that the crimes committed by him, would be pardoned only for committing more; and even the pardon promised could not be obtained, till the drudgery of swearing was over.

This being laid aside, the whole matter is reduced to the papers said to be found in my closet by the king's officers, without any other proof of their being written by me, than what is taken from suppositions upon the similitude of an hand that is easily counterfeited; and which hath been lately declared, in the lady Car's case, to be no lawful evidence in criminal causes.

But if I had been seen to write them, the matter would not be much altered. They plainly appear to relate to a large treatise written long since in answer to Filmer's book; which, by all intelligent men, is thought to be grounded upon wicked principles, equally pernicious to magistrates and people.

If he might publish to the world his opinion, that all men are born, under a necessity derived from the laws of God and nature, to submit to an absolute kingly government, which could be restrained by no law, or oath; and that he that has the power, whether he came to it by creation, election, inheritance, usurpation, or any other way, had the right; and none must oppose his will, but the persons and estates of his subjects must be indispensably subject unto it; I know not why I might not have published my opinion to the contrary, without the breach of any law I have yet known.

I might, as freely as he, publicly have declared my thoughts, and the reasons upon which they were grounded; and I am persuaded to believe, that God had left nations to the liberty of setting up such governments as best pleased themselves.

That magistrates were set up for the good of nations, not nations for the honour or glory of magistrates.

That the right and power of magistrates, in every country, was that which the laws of that country made it to be.

That those laws were to be observed; and the oaths taken by them, having the force of a contract between magistrate and people, could not be violated without danger of dissolving the whole fabrick.

That usurpation could give no right; and the most dangerous of all enemies to kings were they, who, raising their power to an exorbitant height, allowed to usurpers all the rights belonging unto it.

That such usurpations being seldom compassed without the slaughter of the reigning person, or family, the worst of all villainies was thereby rewarded with the most glorious privileges.

That if such doctrines were received, they would stir up men to the destruction of princes, with more violence than all the passions that have hitherto raged in the hearts of the most unruly.

That none could be safe, if such a reward were proposed to any that could destroy them.

That

That few would be so gentle as to spare even the best, if, by their destruction, a wild usurper could become God's anointed, and, by the most execrable wickedness, invest himself with that divine character.

This is the scope of the whole treatise; the writer gives such reasons as at present did occur unto him to prove it. This seems to agree with the doctrines of the most revered authors of all times, nations and religions. The best and wisest of kings have ever acknowledged it. The present king of France has declared, that kings have that happy want of power, that they can do nothing contrary to the laws of their country; and grounds his quarrel with the king of Spain, *anno* 1667, upon that principle. King James, in his speech to the parliament, *anno* 1603, doth in the highest degree assert it: The scripture seems to declare it. If nevertheless the writer was mistaken, he might have been refuted by law, reason, and scripture; and no man, for such matters, was ever otherwise punished, than by being made to see his error: and it has not (as I think) been ever known, that they had been referred to the judgment of a jury, composed of men utterly unable to comprehend them.

But there was little of this in my case; the extravagance of my prosecutors goes higher: the above-mentioned treatise was never finished, nor could be in many years, and most probably would never have been. So much as is of it was written long since, never reviewed nor shewn to any man; and the fiftieth part of it was not produced, and not the tenth of that offered to be read. That which was never known to those who are said to have conspired with me, was said to be intended to stir up the people in prosecution of the designs of those conspirators.

When nothing of particular application to time, place, or person, could be found in it, (as has ever been done by those who endeavoured to raise insurrections) all was supplied by inuendo's.

Whatsoever is said of the expulsion of Tarquin; the insurrection against Nero; the slaughter of Caligula, or Domitian; the translation of the crown of France from Meroveus his race to Pepin, and from his descendants to Hugh Capet, and the like, was applied by inuendo to the king.

They have not considered, that if such acts of state be not good, there is not a king in the world that has any title to the crown he wears; nor can have any, unless he could deduce his pedigree from the eldest son of Noah, and shew that the succession had still continued in the eldest of the eldest line, and been so deduced to him.

Every one may see what advantage this would be to all the kings of the world; and whether, that failing, it were not better  
for

for them to acknowledge they had received their crowns by the consent of willing nations; or to have no better title to them than usurpation and violence, which by the same ways may be taken from them.

But I was long since told that I must die, or the plot must die.

Left the means of destroying the best protestants in England should fail, the bench must be filled with such as had been blemishes to the bar.

None but such as these would have advised with the king's council of the means of bringing a man to death; suffered a jury to be packed by the king's solicitors, and the under-sheriff; admit of jurymen who are not freeholders; receive such evidence as is above-mentioned; refuse a copy of an indictment, or suffer the statute of 46 Edward III. to be read, that doth expressly enact, it should in no case be denied to any man upon any occasion whatsoever; over-rule the most important points of law without hearing. And whereas the statute, 25 Edward III. upon which they said I should be tried, doth reserve to the parliament all constructions to be made in points of treason, they could assume to themselves not only a power to make constructions, but such constructions as neither agree with law, reason, or common sense.

By these means I am brought to this place. The Lord forgive these practices, and avert the evils that threaten the nation from them. The Lord sanctify these my sufferings unto me; and tho' I fall as a sacrifice to idols, suffer not idolatry to be established in this land. Bless thy people, and save them. Defend thy own cause, and defend those that defend it. Stir up such as are faint; defend those that are willing; confirm those that waver; give wisdom and integrity unto all. Order all things so as may most redound to thine own glory. Grant that I may die glorifying thee for all thy mercies, and that at the last thou hast permitted me to be singled out as a witness of thy truth, and even by the confession of my opposers, for that OLD CAUSE in which I was from my youth engaged, and for which thou hast often and wonderfully declared thyself.



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# DISCOURSES

## CONCERNING

# GOVERNMENT.

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### C H A P. I.

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### S E C T I O N I.

### I N T R O D U C T I O N.

**H**AVING lately seen a book intituled PATRIARCHA, written by Sir Robert Filmer, concerning the universal and undistinguished right of all kings, I thought a time of leisure might be well employed in examining his doctrine, and the questions arising from it; which seem so far to concern all mankind, that, besides the influence upon our future life, they may be said to comprehend all that in this world deserves to be cared for. If he say true, there is but one government in the world that can have any thing of justice in it: and those who have hitherto been esteemed the best and wisest of men, for having constituted commonwealths or kingdoms; and taken much pains so to proportion the powers of several magistracies, that

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they might all concur in procuring the public good ; or so to divide the powers between the magistrates and people, that a well-regulated harmony might be preserved in the whole, were the most unjust and foolish of all men. They were not builders, but overthrowers of governments : Their business was to set up aristocratical, democratical or mixed governments, in opposition to that monarchy which by the immutable laws of God and nature it imposed upon mankind ; or presumptuously to put shackles upon the monarch, who by the same laws is to be absolute and uncontrolled : They were rebellious and disobedient sons, who rose up against their father ; and not only refused to hearken to his voice, but made him bend to their will. In their opinion, such only deserved to be called good men, who endeavoured to be good to mankind ; or to that country to which they were more particularly related : and in as much as that good consists in a felicity of estate, and perfection of person, they highly valued such as had endeavoured to make men better, wiser and happier. This they understood to be the end for which men enter'd into societies : And, tho' Cicero says, that commonwealths were instituted for the obtaining of justice, he contradicts them not, but comprehends all in that word ; because 'tis just that whosoever receives a power, should employ it wholly for the accomplishment of the ends for which it was given. This work could be performed only by such as excelled in virtue ; but lest they should deflect from it, no government was thought to be well constituted, unless the laws prevailed above the commands of men \* ; and they were accounted as the worst of beasts, who did prefer such

\* *Potentiora legum quam hominum imperia. Tacit.*

a condition before a subjection to the fluctuating and irregular will of a man.

If we believe Sir Robert, all this is mistaken. Nothing of this kind was ever left to the choice of men. They are not to enquire what conduces to their own good : God and nature have put us into a way from which we are not to swerve : We are not to live to him, nor to ourselves, but to the master that he hath set over us. One government is established over all, and no limits can be set to the power of the person that manages it. This is the prerogative, or, as another author of the same stamp calls it, the Royal Charter granted to kings by God. They all have an equal right to it ; women and children are patriarchs ; and the next in blood, without any regard to age, sex, or other qualities of the mind or body, are fathers of as many nations as fall under their power. We are not to examine whether he or she be young or old, virtuous or vicious, sober-minded or stark mad ; the right and power is the same in all. Whether virtue be exalted or suppressed ; whether he that bears the sword be a praise to those that do well, and a terror to those that do evil ; or a praise to those that do evil, and a terror to such as do well, it concerns us not ; for the king must not lose his right, nor have his power diminished on any account. I have been sometimes apt to wonder, how things of this nature could enter into the head of any man : Or, if no wickedness or folly be so great, but some may fall into it, I could not well conceive why they should publish it to the world. But these thoughts ceased, when I considered that a people from all ages in love with liberty, and desirous to maintain their own privileges, could never be brought to resign them, unless they were made to believe that in conscience



they ought to do it; which could not be, unless they were also persuaded to believe, that there was a law set to all mankind which none might transgress, and which put the examination of all those matters out of their power. This is our author's work. By this it will appear whose throne he seeks to advance, and whose servant he is, whilst he pretends to serve the king. And that it may be evident he hath made use of means suitable to the ends proposed for the service of his great master, I hope to shew that he hath not used one argument that is not false, nor cited one author whom he hath not perverted and abused. Whilst my work is so to lay open these snares that the most simple may not be taken in them, I shall not examine how Sir Robert came to think himself a man fit to undertake so great a work, as to destroy the principles, which from the beginning seem to have been common to all mankind; but only weighing the positions and arguments that he alledgeth, will, if there be either truth or strength in them, confess the discovery comes from him that gave us least reason to expect it, and that in spite of the antients, there is not in the world a piece of wood out of which a Mercury may not be made.

## S E C T. II.

*The common notions of liberty are not from school-divines, but from nature.*

**I**N the first lines of his book he seems to denounce war against mankind, endeavouring to overthrow the principle of liberty in which God created us, and which includes the chief advantages of the life we enjoy, as well as the greatest helps towards the felicity, that is the end of our hopes in the other.

To

To this end he absurdly imputes to the school-divines that which was taken up by them as a common notion, written in the heart of every man, denied by none, but such as were degenerated into beasts, from whence they might prove such points as of themselves were less evident. Thus did Euclid lay down certain axioms, which none could deny that did not renounce common sense, from whence he drew the proofs of such propositions as were less obvious to the understanding; and they may with as much reason be accused of paganism, who say that the whole is greater than a part, that two halves make the whole, or that a strait line is the shortest way from point to point, as to say, that they who in politics lay such foundations, as have been taken up by schoolmen and others as undeniable truths, do therefore follow them, or have any regard to their authority. Tho' the schoolmen were corrupt, they were neither stupid nor unlearned: They could not but see that which all men saw, nor lay more approved foundations, than, that man is naturally free; that he cannot justly be deprived of that liberty without cause, and that he doth not resign it, or any part of it, unless it be in consideration of a greater good, which he proposes to himself. But if he doth unjustly impute the invention of this to school-divines, he in some measure repairs his fault in saying, "This hath been  
 " fostered by all succeeding papists for good divi-  
 " nity: The divines of the reformed churches have  
 " entertained it, and the common people every  
 " where tenderly embrace it." That is to say, all christian divines, whether reformed or unreformed, do approve it, and the people every where magnify it, as the height of human felicity. But Filmer, and such as are like to him, being neither

reformed nor unreformed christians, nor of the people, can have no title to christianity; and, in as much as they set themselves against that which is the height of human felicity, they declare themselves enemies to all that are concern'd in it, that is, to all mankind.

But, says he, " They do not remember that the " desire of liberty was the first cause of the fall of " man : " And I desire it may not be forgotten, that the liberty asserted is not a licentiousness of doing what is pleasing to every one against the command of God; but an exemption from all human laws, to which they have not given their assent. If he would make us believe there was any thing of this in Adam's sin, he ought to have proved, that the law which he transgressed was imposed upon him by man, and consequently that there was a man to impose it; for it will easily appear that neither the reformed or unreformed divines, nor the people following them, do place the felicity of man in an exemption from the laws of God, but in a most perfect conformity to them. Our Saviour taught us " not to fear such as could kill the body, " but him that could kill and cast into hell : " And the apostle tells us that we should obey God rather than man. It hath been ever hereupon observed, that they who most precisely adhere to the laws of God, are least solicitous concerning the commands of men, unless they are well grounded; and those who most delight in the glorious liberty of the sons of God, do not only subject themselves to him, but are most regular observers of the just ordinances of man, made by the consent of such as are concerned, according to the will of God.

The error of not observing this may perhaps deserve to be pardon'd in a man that had read no books,

books, as proceeding from ignorance ; if such as are grossly ignorant can be excused, when they take upon them to write of such matters as require the highest knowledge : But in Sir Robert 'tis prevarication and fraud to impute to schoolmen and puritans that which in his first page he acknowledged to be the doctrine of all reformed and unreformed christian churches, and that he knows to have been the principle in which the Grecians, Italians, Spaniards, Gauls, Germans, and Britons, and all other generous nations ever lived, before the name of Christ was known in the world ; insomuch that the base effeminate Asiatics and Africans, for being careless of their liberty, or unable to govern themselves, were by Aristotle and other wise men called “ slaves “ by nature,” and look'd upon as little different from beasts.

This which hath its root in common sense, not being to be overthrown by reason, he spares his pains of seeking any ; but thinks it enough to render his doctrine plausible to his own party, by joining the Jesuits to Geneva, and coupling Buchanan to Doleman, as both maintaining the same doctrine ; tho' he might as well have joined the Puritans with the Turks, because they all think that one and one makes two. But whoever marks the proceedings of Filmer and his masters, as well as his disciples, will rather believe that they have learn'd from Rome and the Jesuits to hate Geneva, than that Geneva and Rome can agree in any thing farther than as they are obliged to submit to the evidence of truth ; or that Geneva and Rome can concur in any design or interest that is not common to mankind.

“ These men allowed to the people a liberty of “ deposing their princes. This is a desperate opi-  
“ nion. Bellarmin and Calvin look askint at it.”



But why is this a desperate opinion? If disagreements happen between king and people, why is it a more desperate opinion to think the king should be subject to the censures of the people, than the people subject to the will of the king? Did the people make the king, or the king make the people? Is the king for the people, or the people for the king? Did God create the Hebrews that Saul might reign over them? Or did they, from an opinion of procuring their own good, ask a king, that might judge them, and fight their battles? If God's interposition, which shall be hereafter explained, do alter the case; did the Romans make Romulus, Numa, Tullus Hostilius, and Tarquinius Priscus kings? or did they make or beget the Romans? If they were made kings by the Romans, 'tis certain they that made them sought their own good in so doing; and if they were made by and for the city and people, I desire to know if it was not better, that when their successors departed from the end of their institution, by endeavouring to destroy it, or all that was good in it, they should be censured and ejected, than be permitted to ruin that people for whose good they were created? Was it more just that Caligula or Nero should be suffered to destroy the poor remains of the Roman nobility and people, with the nations subject to that empire, than that the race of such monsters should be extinguished, and a great part of mankind, especially the best, against whom they were most fierce, preserved by their deaths?

I presume our author thought these questions might be easily decided; and that no more was required to shew the forementioned assertions were not at all desperate, than to examine the grounds of them; but he seeks to divert us from this enquiry



by proposing the dreadful consequences of subjecting kings to the censures of their people: whereas no consequence can destroy any truth; and the worst of this is, that if it were received, some princes might be restrained from doing evil, or punished if they will not be restrained. We are therefore only to consider whether the people, senate, or any magistracy made by and for the people, have, or can have such a right; for if they have, whatsoever the consequences may be, it must stand: And as the one tends to the good of mankind, in restraining the lusts of wicked kings; the other exposes them without remedy to the fury of the most savage of all beasts. I am not ashamed in this to concur with Buchanan, Calvin, or Bellarmin, and without envy leave to Filmer and his associates the glory of maintaining the contrary.

But notwithstanding our author's aversion to truth, he confesses, " That Hayward, Blackwood, Barclay, and others, who have bravely vindicated the right of kings in this point, do with one consent admit, as an unquestionable truth, and assent unto the natural liberty and equality of mankind, not so much as once questioning or opposing it." And indeed I believe, that tho' since the sin of our first parents the earth hath brought forth briars and brambles, and the nature of man hath been fruitful only in vice and wickedness; neither the authors he mentions, nor any others have had impudence enough to deny such evident truth as seems to be planted in the hearts of all men; or to publish doctrines so contrary to common sense, virtue, and humanity, till these times. The production of Laud, Manwaring, Sibthorp, Hobbs, Filmer, and Heylin seems to have been reserved as an additional curse to compleat the shame and misery of our age and country.

try. Those who had wit and learning, with something of ingenuity and modesty, tho' they believed that nations might possibly make an ill use of their power, and were very desirous to maintain the cause of kings, as far as they could put any good colour upon it; yet never denied that some had suffered justly (which could not be, if there were no power of judging them) nor ever asserted any thing that might arm them with an irresistible power of doing mischief, animate them to persist in the most flagitious courses, with assurance of perpetual impunity, or engage nations in an inevitable necessity of suffering all manner of outrages. They knew that the actions of those princes who were not altogether detestable, might be defended by particular reasons drawn from them, or the laws of their country; and would neither undertake the defence of such as were abominable, nor bring princes, to whom they wished well, into the odious extremity of justifying themselves by arguments that favoured Caligula and Nero, as well as themselves, and that must be taken for a confession, that they were as bad as could be imagined; since nothing could be said for them that might not as well be applied to the worst that had been, or could be. But Filmer, Heylin, and their associates, scorning to be restrained by such considerations, boldly lay the ax to the root of the tree, and rightly enough affirm, " That the whole fabric of that which they call popular sedition " would fall to the ground, if the principle of natural liberty were removed." And on the other hand it must be acknowledged, that the whole fabric of tyranny will be much weakened, if we prove, that nations have a right to make their own laws, constitute their own magistrates; and that such as are so constituted owe an account of their actions

to those by whom, and for whom they are appointed.

### S E C T. III.

*Implicit faith belongs to fools, and truth is comprehended by examining principles.*

WHILST Filmer's business is to overthrow liberty and truth, he, in his passage, modestly professeth "not to meddle with mysteries of state, or arcana imperii." He renounces those inquiries through an implicit faith, which never enter'd into the head of any but fools, and such, as through a carelessness of the point in question, acted as if they were so. This is the foundation of the papal power, and it can stand no longer than those that compose the Roman church can be persuaded to submit their consciences to the word of the priests, and esteem themselves discharged from the necessity of searching the scriptures, in order to know whether the things that are told them are true or false. This may shew whether our author or those of Geneva do best agree with the Roman doctrine: but his instance is yet more sottish than his profession. "An implicit faith, says he, is given to the meanest artificer." I wonder by whom! Who will wear a shoe that hurts him, because the shoemaker tells him 'tis well made? or who will live in a house that yields no defence against the extremities of weather, because the mason or carpenter assures him 'tis a very good house? Such as have reason, understanding, or common sense, will and ought to make use of it in those things that concern themselves and their posterity, and suspect the words of such as are interested in deceiving or persuading them not to see with their own eyes, that they may be

be more easily deceived. This rule obliges us so far to search into matters of state, as to examine the original principles of government in general, and of our own in particular. We cannot distinguish truth from falsehood, right from wrong, or know what obedience we owe to the magistrate, or what we may justly expect from him, unless we know what he is, why he is, and by whom he is made to be what he is. These perhaps may be called “ mysteries of state ;” and some would persuade us they are to be esteemed Arcana ; but whosoever confesses himself to be ignorant of them, must acknowledge that he is incapable of giving any judgment upon things relating to the superstructure, and in so doing evidently shews to others, that they ought not at all to hearken to what he says.

His argument to prove this is more admirable. “ If an implicit faith, says he, is given to the meanest artificer in his craft, much more to a prince in the profound secrets of government.” But where is the consequence ? If I trust to the judgment of an artificer, or one of a more ingenious profession, ’tis not because he is of it, but because I am persuaded he does well understand it, and that he will be faithful to me in things relating to his art. I do not send for Lower or Micklethwait when I am sick, nor ask the advice of Mainard or Jones in a suit of law, because the first are physicians, and the other lawyers ; but because I think them wise, learned, diligent, and faithful, there being a multitude of others who go under the same name, whose opinion I would never ask. Therefore if any conclusion can be drawn from thence in favour of princes, it must be of such as have all the qualities of ability and integrity, that should create this confidence in me ; or it must be proved that all princes, in as much as they



they are princes, have such qualities. No general conclusion can be drawn from the first case, because it must depend upon the circumstances, which ought to be particularly proved: And if the other be asserted, I desire to know whether Caligula, Claudius, Nero, Vitellius, Domitian, Commodus, Heliogabalus, and others not unlike to them, had those admirable endowments, upon which an implicit faith ought to have been grounded; how they came by them, and whether we have any promise from God, that all princes should for ever excel in those virtues, or whether we by experience find that they do so. If they are or have been wanting in any, the whole falls to the ground; for no man enjoys as a prince that which is not common to all princes: And if every prince have not wisdom to understand these profound secrets, integrity to direct him, according to what he knows to be good, and a sufficient measure of industry and valour to protect me, he is not the artificer, to whom the implicit faith is due. His eyes are as subject to dazzle as my own. But 'tis a shame to insist on such a point as this. We see princes of all sorts; they are born as other men: The vilest flatterer dares not deny that they are wise or foolish, good or bad, valiant or cowardly, like other men: and the crown doth neither bestow extraordinary qualities, ripen such as are found in princes sooner than the meanest, nor preserve them from the decays of age, sickness, or other accidents, to which all men are subject: And if the greatest king in the world fall into them, he is as incapable of that mysterious knowledge, and his judgment is as little to be relied on as that of the poorest peasant.

This matter is not mended by sending us to seek those virtues in the ministers, which are wanting in the



the prince. The ill effects of Rehoboam's folly could not be corrected by the wisdom of Solomon's counsellors: he rejected them; and such as are like to him will always do the same thing. Nero advised with none but musicians, players, chariot-drivers, or the abominable ministers of his pleasures and cruelties. Arcadius his senate was chiefly composed of buffoons and cooks, influenced by an old rascally eunuch. And 'tis an eternal truth, that a weak or wicked prince can never have a wise council, nor receive any benefit by one that is imposed upon him, unless they have a power of acting without him, which would render the government in effect aristocratical, and would probably displease our author as much as if it were so in name also. Good and wise counsellors do not grow up like mushrooms; great judgment is required in chusing and preparing them. If a weak or vitious prince should be so happy to find them chosen to his hand, they would avail him nothing. There will ever be variety of opinions amongst them; and he that is of a perverted judgment will always chuse the worst of those that are proposed, and favour the worst men, as most like to himself. Therefore if this implicit faith be grounded upon a supposition of profound wisdom in the prince, the foundation is overthrown, and it cannot stand; for to repose confidence in the judgment and integrity of one that has none, is the most brutish of all follies. So that if a prince may have or want the qualities, upon which my faith in him can be rationally grounded, I cannot yield the obedience he requires, unless I search into the secrets relating to his person and commands, which he forbids. I cannot know how to obey, unless I know in what, and to whom: nor in what, unless I know what ought to be commanded: nor what  
ought

ought to be commanded, unless I understand the original right of the commander, which is the great Arcanum. Our author finding himself involved in many difficulties, proposes an expedient as ridiculous as any thing that had gone before, being nothing more than an absurd begging the main question, and determining it without any shadow of proof. He enjoins an active or passive obedience before he shews what should oblige or persuade us to it. This indeed were a compendious way of obviating that which he calls popular sedition, and of exposing all nations, that fall under the power of tyrants, to be destroyed utterly by them. Nero or Domitian would have desired no more than that those who would not execute their wicked commands, should patiently have suffered their throats to be cut by such as were less scrupulous: and the world that had suffered those monsters for some years, must have continued under their fury, till all that was good and virtuous had been abolished. But in those ages and parts of the world, where there hath been any thing of virtue and goodness, we may observe a third sort of men, who would neither do villainies, nor suffer more than the laws did permit, or the consideration of the public peace did require. Whilst tyrants with their slaves, and the instruments of their cruelties, were accounted the dregs of mankind, and made the objects of detestation and scorn, these men who delivered their countries from such plagues were thought to have something of divine in them, and have been famous above all the rest of mankind to this day. Of this sort were Pelopidas, Epaminondas, Thrasibulus, Harmodius, Aristogiton, Philopemen, Lucius Brutus, Publius Valerius, Marcus Brutus, C. Cassius, M. Cato, with a multitude of others amongst the ancient heathens. Such as

were

were instruments of the like deliverances amongst the Hebrews, as Moses, Othniel, Ehud, Barac, Gideon, Samson, Jephtha, Samuel, David, Jehu, the Maccabees and others, have from the scriptures a certain testimony of the righteousness of their proceedings, when they neither would act what was evil, nor suffer more than was reasonable. But lest we should learn by their examples, and the praises given to them, our author confines the subject's choice to acting or suffering, that is, doing what is commanded, or lying down to have his throat cut, or to see his family and country made desolate. This he calls giving to Cæsar that which is Cæsar's; whereas he ought to have considered that the question is not whether that which is Cæsar's should be rendred to him, for that is to be done to all men; but who is Cæsar, and what doth of right belong to him, which he no way indicates to us: so that the question remains entire, as if he had never mentioned it, unless we do in a compendious way take his word for the whole.

#### S E C T. IV.

*The rights of particular nations cannot subsist, if general principles contrary to them are received as true.*

**N**Otwithstanding this our author, if we will believe him, "doth not question or quarrel at the rights or liberties of this or any other nation." He only denies they can have any such, in subjecting them necessarily and universally to the will of one man; and says not a word that is not applicable to every nation in the world as well as to our own. But as the bitterness of his malice seems to be most especially directed against England, I am inclined to believe he hurts other countries only by acci-

accident, as the famous † French lady intended only to poison her father, husband, brother, and some more of her nearest relations ; but rather than they should escape, destroyed many other persons of quality, who at several times dined with them : and if that ought to excuse her, I am content he also should pass uncensured, tho' his crimes are incomparably greater than those for which she was condemned, or than any can be which are not of a public extent.

## S E C T. V.

*To depend upon the will of a man is slavery.*

**T**HIS, as he thinks, is farther sweetened, by asserting, that he doth not inquire what the rights of a people are, but from whence ; not considering, that whilst he denies they can proceed from the laws of natural liberty, or any other root than the grace and bounty of the prince, he declares they can have none at all. For as liberty solely consists in an independency upon the will of another, and by the name of slave we understand a man, who can neither dispose of his person nor goods, but enjoys all at the will of his master ; there is no such thing in nature as a slave, if those men or nations are not slaves, who have no other title to what they enjoy, than the grace of the prince, which he may revoke whensoever he pleaseth. But there is more than ordinary extravagance in his assertion, that “ the greatest liberty in the world is for a people to live under a monarch,” when his whole “ book is to prove, that this monarch hath his right from God and nature, is endowed with an unlimited power of doing what he pleaseth, and can be re-

† The Marchioness of Brinvilliers.



strained by no law. If it be liberty to live under such a government, I desire to know what is slavery. It has been hitherto believed in the world, that the Assyrians, Medes, Arabs, Egyptians, Turks, and others like them, lived in slavery, because their princes were masters of their lives and goods: Whereas the Grecians, Italians, Gauls, Germans, Spaniards, and Carthaginians, as long as they had any strength, virtue or courage amongst them, were esteemed free nations, because they abhorred such a subjection. They were, and would be governed only by laws of their own making: “Potentiora  
“erant legum quam hominum imperia||.” Even their princes had the authority or credit of persuading, rather than the power of commanding. But all this was mistaken: these men were slaves, and the Asiatics were freemen. By the same rule the Venetians, Switzers, Grisons, and Hollanders, are not free nations: but liberty in its perfection is enjoyed in France and Turkey. The intention of our ancestors was, without doubt, to establish this amongst us by Magna Charta, and other preceding or subsequent laws; but they ought to have added one clause, that the contents of them should be in force only so long as it should please the king. King Alfred, upon whose laws Magna Charta was grounded, when he said the English nation was as free as the internal thoughts of a man, did only mean, that it should be so as long as it pleased their master. This it seems was the end of our law, and we who are born under it, and are descended from such as have so valiantly defended their rights against the encroachments of kings, have followed after vain shadows, and without the expence of sweat, treasure,



or blood, might have secured their beloved liberty, by casting all into the king's hands.

We owe the discovery of these secrets to our author, who after having so gravely declared them, thinks no offence ought to be taken at the freedom he assumes of examining things relating to the liberty of mankind, because he hath the right which is common to all: but he ought to have considered, that in asserting that right to himself he allows it to all mankind. And as the temporal good of all men consists in the preservation of it, he declares himself to be a mortal enemy to those who endeavour to destroy it. If he were alive, this would deserve to be answered with stones rather than words. He that oppugns the public liberty, overthrows his own, and is guilty of the most brutish of all follies, whilst he arrogates to himself that which he denies to all men.

I cannot but commend his modesty and care "not to detract from the worth of learned men;" but it seems they were all subject to error, except himself, who is render'd infallible through pride, ignorance, and impudence. But if Hooker and Aristotle were wrong in their fundamentals concerning natural liberty, how could they be in the right when they built upon it? Or if they did mistake, how can they deserve to be cited? Or rather, why is such care taken to pervert their sense? It seems our author is by their errors brought to the knowledge of the truth. "Men have heard of a dwarf standing upon the shoulders of a giant, who saw farther than the giant;" but now that the dwarf standing on the ground sees that which the giant did overlook, we must learn from him. If there be sense in this, the giant must be blind, or have such eyes only as are of no use to him. He minded

only the things that were far from him : these great and learned men mistook the very principle and foundation of all their doctrine. If we will believe our author, this misfortune befel them because they too much trusted to the schoolmen. He names Aristotle, and I presume intends to comprehend Plato, Plutarch, Thucydides, Xenophon, Polybius, and all the ancient Grecians, Italians, and others, who asserted the natural freedom of mankind, only in imitation of the schoolmen, to advance the power of the Pope ; and would have compassed their design, if Filmer and his associates had not opposed them. These men had taught us to make the unnatural distinction between Royalist and Patriot, and kept us from seeing, “ that the relation between “ king and people is so great, that their well- “ being is reciprocal.” If this be true, how came Tarquin to think it good for him to continue king at Rome, when the people would turn him out ? or the people to think it good for them to turn him out, when he desired to continue in ? Why did the Syracusians destroy the tyranny of Dionysius, which he was not willing to leave, till he was pulled out by the heels ? How could Nero think of burning Rome ? Or why did Caligula wish the people had but one neck, that he might strike it off at one blow, if their welfare was thus reciprocal ? ’Tis not enough to say, these were wicked or mad men ; for other princes may be so also, and there may be the same reason of differing from them. For if the proposition be not universally true, ’tis not to be received as true in relation to any, till it be particularly proved ; and then ’tis not to be imputed to the quality of prince, but to the personal virtue of the man.

I do not find any great matters in the passages taken out of Bellarmin, which our author says,  
com-

comprehend the strength of all that ever he had heard, read, or seen produced for the natural liberty of the subject : but he not mentioning where they are to be found, I do not think myself obliged to examine all his works, to see whether they are rightly cited or not : However there is certainly nothing new in them ; we see the same, as to the substance, in those who wrote many ages before him, as well as in many that have lived since his time, who neither minded him, nor what he had written. I dare not take upon me to give an account of his works, having read few of them ; but as he seems to have laid the foundation of his discourses in such common notions as were assented to by all mankind, those who follow the same method have no more regard to Jesuitism and Popery, tho' he was a Jesuit and a cardinal, than they who agree with Faber, and other Jesuits, in the principles of geometry, which no sober man did ever deny.

## S E C T. VI.

*God leaves to man the choice of forms in government ; and those who constitute one form, may abrogate it.*

**B**UT Sir Robert “ desires to make observations “ on Bellarmin’s words, before he examines “ or refutes them ;” and indeed it were not possible to make such stuff of his doctrine as he does, if he had examined or did understand it. First, he very wittily concludes, “ that if by the law of God, “ the power be immediately in the people, God is “ the author of a democracy.” And why not as well as of a tyranny ? Is there any thing in it repugnant to the being of God ? Is there more reason to impute to God Caligula’s monarchy, than the democracy of Athens ? Or is it more for the glory of  
C 3 God,

God, to assert his presence with the Ottoman or French monarchs, than with the popular governments of the Switzers and Grisons? Is pride, malice, luxury and violence so suitable to his being, that they who exercise them are to be reputed his ministers? And is modesty, humility, equality and justice so contrary to his nature, that they who live in them should be thought his enemies? Is there any absurdity in saying, that since God, in goodness and mercy to mankind, hath with an equal hand given to all the benefit of liberty, with some measure of understanding how to employ it, 'tis lawful for any nation, as occasion shall require, to give the exercise of that power to one or more men, under certain limitations or conditions; or to retain it in themselves, if they thought it good for them? If this may be done, we are at end of all controversies concerning one form of government, established by God, to which all mankind must submit; and we may safely conclude, that having given to all men, in some degree, the capacity of judging what is good for themselves, he hath granted to all likewise a liberty of inventing such forms as please them best, without favouring one more than another.

His second observation is grounded upon a falsity in matter of fact. Bellarmin does not say, that democracy is an ordinance of God more than any other government: nor that the people have no power to make use of their right; but that they do, that is to say ordinarily, transmit the exercise of it to one or more. And 'tis certain they do sometimes, especially in small cities, retain it in themselves: But whether that were observed or not by Bellarmin, makes nothing to our cause, which we defend, and not him.

The



The next point is subtle, and he thinks thereby to have brought Bellarmine, and such as agree with his principle, to a nonplus. He doubts who shall judge of the lawful cause of changing the government, and says, it is a "pestilent conclusion to place that power in the multitude." But why should this be esteemed pestilent? or to whom? If the allowance of such a power to the senate was pestilent to Nero, it was beneficial to mankind; and the denial of it, which would have given to Nero an opportunity of continuing in his villanies, would have been pestilent to the best men, whom he endeavoured to destroy, and to all others that received benefit from them. But this question depends upon another; for if governments are constituted for the pleasure, greatness or profit of one man, he must not be interrupted; for the opposing of his will, is to overthrow the institution. On the other side, if the good of the governed be sought, care must be taken that the end be accomplished, tho' it be with the prejudice of the governor: If the power be originally in the multitude, and one or more men, to whom the exercise of it, or a part of it, was committed, had no more than their brethren, till it was conferred on him or them, it cannot be believed that rational creatures would advance one or a few of their equals above themselves, unless in consideration of their own good; and then I find no inconvenience in leaving to them a right of judging, whether this be duly performed or not. We say in general, he that institutes, may also abrogate\*, most especially when the institution is not only by, but for himself. If the multitude therefore do institute, the multitude may abrogate; and they themselves, or those who succeed in the same right, can only be fit judges of the per-

\* Cujus est instituere, ejus est abrogare.



formance of the ends of the institution. Our author may perhaps say, the publick peace may be hereby disturbed; but he ought to know, there can be no peace, where there is no justice; nor any justice, if the government instituted for the good of a nation be turned to its ruin. But in plain English, the inconvenience with which such as he endeavour to affright us, is no more than that he or they, to whom the power is given, may be restrained or chastised, if they betray their trust; which I presume will displease none, but such as would rather submit Rome, with the best part of the world depending upon it, to the will of Caligula or Nero, than Caligula or Nero to the judgment of the senate and people; that is, rather to expose many great and brave nations to be destroyed by the rage of a savage beast, than subject that beast to the judgment of all, or the choicest men of them, who can have no interest to pervert them, or other reason to be severe to him, than to prevent the mischiefs he would commit, and to save the people from ruin.

In the next place he recites an argument of Belarmin, that “ ’tis evident in scripture God hath  
 “ ordained powers; but God hath given them to no  
 “ particular person, because by nature all men are  
 “ equal; therefore he hath given power to the peo-  
 “ ple or multitude.” I leave him to untie that knot if he can; but, as ’tis usual with impostors, he goes about by surmises to elude the force of his argument, pretending that in some other place he had contradicted himself, and acknowledged that every man was prince of his posterity; “ because that if  
 “ many men had been created together, they ought  
 “ all to have been princes of their posterity.” But ’tis not necessary to argue upon passages cited from authors, when he that cites them may be justly sus-  
 pected

pected of fraud, and neither indicates the place nor treatise, lest it should be detected; most especially when we are no way concerned in the author's credit. I take Bellarmin's first argument to be strong; and if he in some place did contradict it, the hurt is only to himself: but in this particular I should not think he did it, tho' I were sure our author had faithfully repeated his words; for in allowing every man to be prince of his posterity, he only says, every man should be chief in his own family, and have a power over his children; which no man denies: But he does not understand Latin, who thinks that the word Princeps doth in any degree signify an absolute power, or a right of transmitting it to his heirs and successors; upon which the doctrine of our author wholly depends. On the contrary, the same law that gave to my father a power over me, gives me the like over my children; and if I had a thousand brothers, each of them would have the same over their children. Bellarmin's first argument therefore being no way enervated by the alledged passage, I may justly insist upon it, and add, that God hath not only declared in scripture, but written on the heart of every man, that as it is better to be cloathed than to go naked; to live in a house than to lie in the fields; to be defended by the united force of a multitude, than to place the hopes of his security solely in his own strength; and to prefer the benefits of society, before a savage and barbarous solitude; he also taught them to frame such societies, and to establish such laws as were necessary to preserve them. And we may as reasonably affirm, that mankind is for ever obliged to use no other cloaths than leather breeches, like Adam; to live in hollow trees, and eat acorns, or to seek after the model of his house for a habitation, and to use no arms except  
such

such as were known to the patriarchs, as to think all nations for ever obliged to be governed as they governed their families. This I take to be the genuine sense of the scripture, and the most respectful way of interpreting the places relating to our purpose. 'Tis hard to imagine, that God who hath left all things to our choice, that are not evil in themselves, should tie us up in this; and utterly incredible that he should impose upon us a necessity of following his will, without declaring it to us. Instead of constituting a government over his people, consisting of many parts, which we take to be a model fit to be imitated by others, he might have declared in a word, that the eldest man of the eldest line should be king; and that his will ought to be their law. This had been more suitable to the goodness and mercy of God, than to leave us in a dark labyrinth, full of precipices; or rather, to make the government given to his own people, a false light to lead us to destruction. This could not be avoided, if there were such a thing as our author calls a "lord paramount over his childrens children" "to all generations." We see nothing in scripture, of precept or example, that is not utterly abhorrent to this chimera. The only sort of kings mentioned there with approbation, is such a one "as may not" "raise his heart above his brethren\*." If God had constituted a lord paramount with an absolute power, and multitudes of nations were to labour and fight for his greatness and pleasure, this were to raise his heart to a height, that would make him forget he was a man. Such as are versed in scripture, not only know that it neither agrees with the letter or spirit of that book; but that it is unreasonable in itself, unless he were of a species different from the rest of man-

kind. His exaltation would not agree with God's indulgence to his creatures, tho' he were the better for it; much less when probably he would be made more unhappy, and worse, by the pride, luxury and other vices, that always attend the highest fortunes. 'Tis no less incredible that God, who disposes all things in wisdom and goodness, and appoints a due place for all, should, without distinction, ordain such a power, to every one succeeding in such a line, as cannot be executed; the wise would refuse, and fools cannot take upon them the burden of it, without ruin to themselves, and such as are under them: or expose mankind to a multitude of other absurdities and mischiefs; subjecting the aged to be governed by children; the wise to depend on the will of fools; the strong and valiant to expect defence from the weak or cowardly; and all in general to receive justice from him, who neither knows nor cares for it.

## S E C T. VII.

*Abraham and the patriarchs were not kings.*

**I**F any man say, that we are not to seek into the depth of God's counsels; I answer, that if he had, for reasons known only to himself, affixed such a right to any one line, he would have set a mark upon those who come of it, that nations might know to whom they owe subjection; or given some testimony of his presence with Filmer and Heylin, if he had sent them to reveal so great a mystery. 'Till that be done, we may safely look upon them as the worst of men, and teachers only of lies and follies. This persuades me little, to examine what would have been, if God had at once created many men, or the conclusions that can be drawn from Adam's having  
been



been alone. For nothing can be more evident, than that if many had been created, they had been all equal, unless God had given a preference to one. All their sons had inherited the same right after their death; and no dream was ever more empty, than his whimsey of Adam's kingdom, or that of the ensuing patriarchs. To say the truth, 'tis hard to speak seriously of Abraham's kingdom, or to think any man to be in earnest who mentions it. He was a stranger, and a pilgrim in the land where he lived, and pretended to no authority beyond his own family, which consisted only of a wife and slaves. He lived with Lot as with his equal, and would have no contest with him, because they were brethren. His wife and servants could neither make up, nor be any part of a kingdom, in as much as the despotical government, both in practice and principle, differs from the regal. If his kingdom was to be grounded on the paternal right, it vanished away of itself; he had no child: Eliezer of Damascus, for want of a better, was to be his heir: Lot, tho' his nephew, was excluded: he durst not own his own wife: he had not one foot of land, till he bought a field for a burying-place: his three hundred and eighteen men were servants, (bought according to the custom of those days) or their children; and the war he made with them, was like to Gideon's enterprize; which shews only that God can save by a few as well as by many, but makes nothing to our author's purpose. For if they had been as many in number as the army of Semiramis, they could have no relation to the regal, much less to the paternal power; for a father doth not buy, but beget children.

Notwithstanding this, our author bestows the proud title of lord paramount upon him, and trans-



mits it to Isaac, who was indeed a king like his father, great, admirable, and glorious in wisdom and holiness, but utterly void of all worldly splendor or power. This spiritual kingdom was inherited by Jacob, whose title to it was not founded on prerogative of birth, but election and peculiar grace; but he never enjoyed any other worldly inheritance, than the field and cave which Abraham had bought for a burying-place, and the goods he had gained in Laban's service.

The example of Judah his sentence upon Thamar is yet farther from the purpose, if it be possible; for he was then a member of a private family, the fourth son of a father then living; neither in possession, nor under the promise of the privileges of primogeniture, tho' Reuben, Simeon, and Levi fell from it by their sins. Whatsoever therefore the right was, which belonged to the head of the family, it must have been in Jacob; but as he professed himself a keeper of sheep, as his fathers had been, the exercise of that employment was so far from regal, that it deserves no explication. If that act of Judah is to be imputed to a royal power, I have as much as I ask: he, tho' living with his father, and elder brothers, when he came to be of age to have children, had the same power over such as were of, or came into his family, as his father had over him; for none can go beyond the power of life and death: the same in the utmost extent, cannot at the same time equally belong to many. If it be divided equally, it is no more than that universal liberty which God hath given to mankind; and every man is a king till he divest himself of his right, in consideration of something that he thinks better for him.

## S E C T. VIII.

*Ninrod was the first king, during the life of Chush, Ham, Shem, and Noah.*

THE creation is exactly described in the scripture; but we know so little of what passed between the finishing of it and the flood, that our author may say what he pleases, and I may leave him to seek his proofs where he can find them. In the mean time I utterly deny, that any power did remain in the heads of families after the flood, that does in the least degree resemble the regal in principle or practice. If in this I am mistaken, such power must have been in Noah, and transmitted to one of his sons. The scripture says only, that he built an altar, sacrificed to the Lord, was a husbandman, planted a vineyard, and performed such offices as bear nothing of the image of a king, for the space of three hundred and fifty years. We have reason to believe, that his sons after his death, continued in the same manner of life, and the equality properly belonging to brethren. 'Tis not easy to determine, whether Shem or Japhet † were the elder; but Ham is declared to be the younger; and Noah's blessing to Shem seems to be purely prophetic and spiritual, of what should be accomplished in his posterity; with which Japhet should be persuaded to join. If it had been worldly, the whole earth must have been brought under him, and have for ever continued in his race; which never was accomplished, otherwise than in the spiritual kingdom of Christ, which relates not to our author's lord paramount.

As to earthly kings, the first of them was Nimrod, the sixth son of Chush the son of Ham, Noah's younger and accursed son. This kingdom was set up about a hundred and thirty years after the flood, whilst Chush, Ham, Shem and Noah were yet living; whereas if there were any thing of truth in our author's proposition, all mankind must have continued under the government of Noah whilst he lived; and that power must have been transmitted to Shem, who lived about three hundred and seventy years after the erection of Nimrod's kingdom; and must have come to Japhet if he was the elder, but could never come to Ham, who is declared to have been certainly the younger, and condemned to be a servant to them both; much less to the younger son of his son, whilst he, and those to whom he and his posterity were to be subjects, were still living.

This rule therefore, which the partizans of absolute monarchy fancy to be universal and perpetual, falling out in its first beginning, directly contrary to what they assert; and being never known to have been recovered, were enough to silence them, if they had any thing of modesty or regard to truth. But the matter may be carried farther: For the scripture doth not only testify, that this kingdom of Nimrod was an usurpation, void of all right, proceeding from the most violent and mischievous vices, but exercised with the utmost fury, that the most wicked man of the accursed race, who set himself up against God, and all that is good, could be capable of. The progress of this kingdom was suitable to its institution: that which was begun in wickedness, was carried on with madness, and produced confusion. The mighty hunter, whom the best interpreters call a "cruel tyrant," receding

ceding from the simplicity and innocence of the patriarchs, who were husbandmen or shepherds, arrogating to himself a dominion over Shem, to whom he and his fathers were to be servants, did thereby so peculiarly become the heir of God's curse, that whatsoever hath been said to this day, of the power that did most directly set itself against God and his people, hath related literally to the Babel that he built, or figuratively to that which resembles it in pride, cruelty, injustice and madness.

But the shameless rage of some of these writers is such, that they rather chuse to ascribe the beginning of their idol to this odious violence, than to own it from the consent of a willing people; as if they thought, that as all action must be suitable to its principle, so that which is unjust in its practice, ought to scorn to be derived from that which is not detestable in its principle. 'Tis hardly worth our pains to examine whether the nations, that went from Babel after the confusion of languages, were more or less than seventy-two, for they seem not to have gone according to families, but every one to have associated himself to those that understood his speech; and the chief of the fathers, as Noah and his sons, were not there, or were subject to Nimrod; each of which points doth destroy, even in the root, all pretence to paternal government. Besides, 'tis evident in scripture, that Noah lived three hundred and fifty years after the flood; Shem five hundred; Abraham was born about two hundred and ninety years after the flood, and lived one hundred seventy five years: he was therefore born under the government of Noah, and died under that of Shem: he could not therefore exercise a regal power whilst he lived, for that was in Shem: so that in leaving his country, and setting up a family for himself, that  
never



never acknowledged any superior, and never pretending to reign over any other, he fully shewed he thought himself free, and to owe subjection to none: And being as far from arrogating to himself any power upon the title of paternity, as from acknowledging it in any other, left every one to the same liberty.

The punctual enumeration of the years, that the fathers of the holy seed lived, gives us ground of making a more than probable conjecture, that they of the collateral lines were, in number of days, not unequal to them; and if that be true, Ham and Chush were alive when Nimrod set himself up to be king. He must therefore have usurped this power over his father, grandfather, and great grandfather; or, which is more probable, he turned into violence and oppression the power given to him by a multitude; which, like a flock without a shepherd, not knowing whom to obey, set him up to be their chief. I leave to our author the liberty of chusing which of these two doth best suit with his paternal monarchy; but as far as I can understand, the first is directly against it, as well as against the laws of God and man; the other being from the consent of the multitude, cannot be extended farther than they would have it, nor turned to their prejudice, without the most abominable ingratitude and treachery, from whence no right can be derived, nor any justifiable example taken.

Nevertheless, if our author resolve that Abraham was also a king, he must presume that Shem did emancipate him, before he went to seek his fortune. This was not a kingly posture; but I will not contradict him, if I may know over whom he reigned. Paternal monarchy is exercised by the father of the family over his descendants, or such as



had been under the dominion of him, whose heir he is. But Abraham had neither of these: Those of his nearest kindred continued in Mesopotamia, as appears by what is said of Bethuel and Laban. He had only Lot with him, over whom he pretended no right: He had no children 'till he was a hundred years old, (that is to say, he was a king without a subject) and then he had but one. I have heard that † sovereigns do impatiently bear competitors; but now I find subjection also doth admit of none. Abraham's kingdom was too great when he had two children, and to disburthen it, Ishmael must be expelled soon after the birth of Isaac. He observed the same method after the death of Sarah: He had children by Keturah; but he gave them gifts and sent them away, leaving Isaac like a stoical king reigning in and over himself, without any other subject 'till the birth of Jacob and Esau. But his kingdom was not to be of a larger extent than that of his father: The two twins could not agree: Jacob was sent away by his mother; he reigned over Esau only, and 'tis not easy to determine who was the heir of his worldly kingdom; for tho' Jacob had the birth-right, we do not find he had any other goods, than what he had gotten in Laban's service. If our author say true, the right of primogeniture, with the dominion perpetually annexed by the laws of God and nature, must go to the eldest: Isaac therefore, tho' he had not been deceived, could not have conferred it upon the younger; for man cannot overthrow what God and nature have instituted. Jacob, in the court-language, had been a double rebel, in beguiling his father, and supplanting his brother. The blessing of being lord over his brethren, could not have taken place.

† *Omnisque potestas impatiens consortis erit. Lucan.*

Or if Isaac had power, and his act was good, the prerogative of the elder is not rooted in the law of God or nature, but a matter of conveniency only, which may be changed at the will of the father, whether he know what he do or not. But if this paternal right to dominion were of any value, or dominion over men were a thing to be desired, why did Abraham, Isaac and Jacob, content themselves with such a narrow territory, when after the death of their ancestors, they ought, according to that rule, to have been lords of the world? All authors conclude that Shem was the eldest by birth, or preferred by the appointment of God, so as the right must have been in him, and from him transmitted to Abraham and Isaac; but if they were so possessed with the contemplation of a heavenly kingdom, as not to care for the greatest on earth; 'tis strange that Esau, whose modesty is not much commended, should so far forget his interest, as neither to lay claim to the empire of the world, nor dispute with his brother the possession of the field and cave bought by Abraham, but rather to fight for a dwelling on mount Seir, that was neither possessed by, nor promised to his fathers. If he was fallen from his right, Jacob might have claimed it; but God was his inheritance, and being assured of his blessing, he contented himself with what he could gain by his industry, in a way that was not at all suitable to the pomp and majesty of a king. Which way soever therefore the business be turned, whether, according to Isaac's blessing, Esau should serve Jacob, or our author's opinion, Jacob must serve Esau, neither of the two was effected in their persons: And the kingdom of two being divided into two, each of them remained lord of himself.

## S E C T. IX.

*The power of a father belongs only to a father.*

**T**HIS leads us to an easy determination of the question, which our author thinks insoluble ; “ If Adam was lord of his children, he doth not “ see how any can be free from the subjection of “ his parents,” For as no good man will ever desire to be free from the respect that is due to his father, who did beget and educate him, no wise man will ever think the like to be due to his brother or nephew that did neither. If Esau and Jacob were equally free ; if Noah, as our author affirms, divided Europe, Asia and Africa, amongst his three sons, tho’ he cannot prove it ; and if seventy two nations, under so many heads or kings, went from Babylon to people the earth, about a hundred and thirty years after the flood, I know not why, according to the same rule and proportion, it may not be safely concluded, that in four thousand years kings are so multiplied, as to be in number equal to the men that are in the world ; that is to say, they are, according to the laws of God and nature, all free, and independent upon each other, as Shem, Ham and Japhet were. And therefore, tho’ Adam and Noah had reigned alone when there were no men in the world except such as issued from them, that is no reason why any other should reign over those that he hath not begotten. As the right of Noah was divided amongst the children he left, and when he was dead, no one of them depended on the other, because no one of them was father of the other ; and the right of a father can only belong to him that is so, the like must for ever attend every other father in the world. This paternal power must

must necessarily accrue to every father: He is a king by the same right as the sons of Noah; and how numerous soever families may be upon the increase of mankind, they are all free, 'till they agree to recede from their own right, and join together in, or under one government, according to such laws as best please themselves.

## S E C T. X.

*Such as enter into society, must in some degree diminish their liberty.*

**R**EASON leads them to this: No one man or family is able to provide that which is requisite for their convenience or security, whilst every one has an equal right to every thing, and none acknowledges a superior to determine the controversies, that upon such occasions must continually arise, and will probably be so many and great, that mankind cannot bear them. Therefore tho' I do not believe that Bellarmin said, a commonwealth could not exercise its power; for he could not be ignorant, that Rome and Athens did exercise theirs, and that all the regular kingdoms in the world are commonwealths; yet there is nothing of absurdity in saying, that man cannot continue in the perpetual and entire fruition of the liberty that God hath given him. The liberty of one is thwarted by that of another; and whilst they are all equal, none will yield to any, otherwise than by a general consent. This is the ground of all just governments; for violence or fraud can create no right; and the same consent gives the form to them all, how much soever they differ from each other. Some small numbers of men, living within the precincts of one city, have, as it were, cast into a common stock, the right

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which



which they had of governing themselves and children, and by common consent joining in one body, exercised such power over every single person as seemed beneficial to the whole; and this men call perfect Democracy. Others chose rather to be governed by a select number of such as most excelled in wisdom and virtue; and this, according to the signification of the word, was called Aristocracy: Or when one man excelled all others, the government was put into his hands under the name of Monarchy. But the wisest, best, and far the greatest part of mankind, rejecting these simple species, did form governments mixed or composed of the three, as shall be proved hereafter, which commonly received their respective denomination from the part that prevailed, and did deserve praise or blame, as they were well or ill proportioned.

It were a folly hereupon to say, that the liberty for which we contend, is of no use to us, since we cannot endure the solitude, barbarity, weakness, want, misery and dangers that accompany it whilst we live alone, nor can enter into a society without resigning it; for the choice of that society, and the liberty of framing it according to our own wills, for our own good, is all we seek. This remains to us whilst we form governments, that we ourselves are judges how far 'tis good for us to recede from our natural liberty; which is of so great importance, that from thence only we can know whether we are freemen or slaves; and the difference between the best government and the worst, doth wholly depend upon a right or wrong exercise of that power. If men are naturally free, such as have wisdom and understanding will always frame good governments: But if they are born under the necessity of a perpetual slavery, no wisdom can be of use to them; but all must for  
ever



ever depend on the will of their lords, how cruel, mad, proud or wicked soever they be.

## S E C T. XI.

*No man comes to command many, unless by consent or by force.*

**B**UT because I cannot believe God hath created man in such a state of misery and slavery as I just now mentioned; by discovering the vanity of our author's whimsical patriarchal kingdom, I am led to a certain conclusion, that every father of a family is free and exempt from the domination of any other, as the seventy two that went from Babel were. 'Tis hard to comprehend how one man can come to be master of many, equal to himself in right, unless it be by consent or by force. If by consent, we are at an end of our controversies: Governments, and the magistrates that execute them, are created by man. They who give a being to them, cannot but have a right of regulating, limiting and directing them as best pleaseth themselves; and all our author's assertions concerning the absolute power of one man, fall to the ground: If by force, we are to examine how it can be possible or justifiable. This subduing by force we call conquest; but as he that forceth must be stronger than those that are forced, to talk of one man who in strength exceeds many millions of men, is to go beyond the extravagance of fables and romances. This wound is not cured by saying, that he first conquers one, and then more, and with their help others; for as to matter of fact, the first news we hear of Nimrod is, that he reigned over a great multitude, and built vast cities; and we know of no kingdom in the world, that did not begin with a greater number

than any one man could possibly subdue. If they who chuse one to be their head, did under his conduct subdue others, they were fellow conquerors with him ; and nothing can be more brutish, than to think, that by their virtue and valour they had purchased perpetual slavery to themselves and their posterity. But if it were possible, it could not be justifiable ; and whilst our dispute is concerning right, that which ought not to be is no more to be received, than if it could not be. No right can come by conquest, unless there were a right of making that conquest, which, by reason of the equality that our author confesses to have been amongst the heads of families, and as I have proved goes into infinity, can never be on the aggressor's side. No man can justly impose any thing upon those who owe him nothing. Our author therefore, who “ ascribes the enlargement of Nimrod's kingdom to “ usurpation and tyranny,” might as well have acknowledged the same in the beginning, as he says all other authors have done. However, he ought not to have imputed to Sir Walter Raleigh an approbation of his right, as lord or king over his family ; for he could never think him to be a lord by the right of a father, who by that rule must have lived and died a slave to his fathers that overlived him. Whosoever therefore like Nimrod grounds his pretensions of right upon usurpation and tyranny, declares himself to be, like Nimrod, a usurper and a tyrant, that is an enemy to God and man, and to have no right at all. That which was unjust in its beginning, can of itself never change its nature. “ *Tempus in* “ *se, fatis Grotius, nullam habet vim effectri-* “ *cem.*” He that persists in doing injustice, aggravates it, and takes upon himself all the guilt of his predecessors. But if there be a king in the world, that

that claims a right by conquest, and would justify it, he might do well to tell whom he conquered, when, with what assistance, and upon what reason he undertook the war; for he can ground no title upon the obscurity of an unsearchable antiquity; and if he does it not, he ought to be looked upon as a usurping Nimrod.

## S E C T. XII.

*The pretended paternal right is divisible or indivisible: if divisible, 'tis extinguished; if indivisible, universal.*

**T**HIS paternal right to regality, if there be any thing in it, is divisible or indivisible; if indivisible, as Adam hath but one heir, one man is rightly lord of the whole world, and neither Nimrod nor any of his successors could ever have been kings, nor the seventy two that went from Babylon: Noah survived him near two hundred years: Shem continued one hundred and fifty years longer. The dominion must have been in him, and by him transmitted to his posterity for ever. Those that call themselves kings in all other nations, set themselves up against the law of God and nature: This is the man we are to seek out, that we may yield obedience to him. I know not where to find him; but he must be of the race of Abraham. Shem was preferred before his brethren: the inheritance that could not be divided must come to him, and from him to Isaac, who was the first of his descendants that outlived him. 'Tis pity that Jacob did not know this, and that the lord of all the earth, through ignorance of his title, should be forced to keep one of his subjects sheep for wages; and strange, that he who had wit enough to supplant his brother, did so little understand his own bargain,

gain, as not to know that he had bought the perpetual empire of the world. If in conscience he could not take such a price for a dish of pottage, it must remain in Esau: However our lord paramount must come from Isaac. If the deed of sale made by Esau be good, we must seek him amongst the Jews; if he could not so easily divest himself of his right, it must remain amongst his descendants, who are Turks. We need not scruple the reception of either, since the late Scots act tells us, “That kings derive their royal power from God alone; and no difference of religion, &c. can divert the right of succession.” But I know not what we shall do, if we cannot find this man; for “*de non apparentibus & non existentibus eadem est ratio.*” The right must fall if there be none to inherit: If we do not know who he is that hath the right, we do not know who is near to him: All mankind must inherit the right, to which every one hath an equal title; and that which is dominion, if in one, when ’tis equally divided among all men, is that universal liberty which I assert. Wherefore I leave it to the choice of such as have inherited our author’s opinions, to produce this Jew or Turk that ought to be lord of the whole earth, or to prove a better title in some other person, and to persuade all the princes and nations of the world to submit: If this be not done, it must be confessed this paternal right is a meer whimsical fiction, and that no man by birth hath a right above another, or can have any, unless by the concession of those who are concerned.

If this right to an universal empire be divisible, Noah did actually divide it among his three sons: seventy and two absolute monarchs did at once arise out of the multitude that had assembled at Babel:

Noah,



Noah, nor his sons, nor any of the holy seed, nor probably any elder than Nimrod having been there, many other monarchs must necessarily have arisen from them. Abraham, as our author says, was a king : Lot must have been so also ; for they were equals : his sons Ammon and Moab had no dependance upon the descendants of Abraham. Ishmael and Esau set up for themselves, and great nations came of them : Abraham's sons by Keturah did so also ; that is to say, every one as soon as he came to be of age to provide for himself, did so, without retaining any dependance upon the stock from whence he came : Those of that stock, or the head of it, pretended to no right over those who went from them. Nay, nearness in blood was so little regarded, that tho' Lot was Abraham's brother's son, Eliezer his servant had been his heir, if he had died childless. The like continued amongst Jacob's sons ; no jurisdiction was given to one above the rest : an equal division of land was made amongst them : Their judges and magistrates were of several tribes and families, without any other preference of one before another, than what did arise from the advantages God had given to any particular person. This I take to be a proof of the utmost extent and certainty, that the equality amongst mankind was then perfect : He therefore that will deny it to be so now, ought to prove that neither the prophets, patriarchs, or any other men did ever understand or regard the law delivered by God and nature to mankind ; or that having been common and free at the first, and so continued for many hundreds of years after the flood, it was afterwards abolished, and a new one introduced. He that asserts this must prove it ; but till it does appear to us, when, where, how, and by whom this was done,

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we may safely believe there is no such thing ; and that no man is or can be a lord amongst us, till we make him so ; and that by nature we are all brethren.

Our author, by endeavouring farther to illustrate the patriarchal power, destroys it, and cannot deny to any man the right which he acknowledges to have been in Ismael and Esau. But if every man hath a right of setting up for himself with his family, or before he has any, he cannot but have a right of joining with others if he pleases. As his joining or not joining with others, and the choice of those others depends upon his own will, he cannot but have a right of judging upon what conditions 'tis good for him to enter into such a society, as must necessarily hinder him from exercising the right which he has originally in himself. But as it cannot be imagined that men should generally put such fetters upon themselves, unless it were in expectation of a greater good that was thereby to accrue to them, no more can be required to prove that they do voluntarily enter into these societies, institute them for their own good, and prescribe such rules and forms to them as best please themselves, without giving account to any. But if every man be free, till he enter into such a society as he chuseth for his own good, and those societies may regulate themselves as they think fit ; no more can be required to prove the natural equality in which all men are born, and continue, till they resign it as into a common stock, in such measure as they think fit for the constituting of societies for their own good, which I assert, and our author denies.

## S E C T. XIII.

*There was no shadow of a paternal kingdom amongst the Hebrews, nor precept for it.*

OUR author is so modest to confess, that Jacob's kingdom consisting of seventy two persons, was swallowed up by the power of the greater monarch Pharaoh: But if this was an act of tyranny, 'tis strange that the sacred and eternal right, grounded upon the immutable laws of God and nature, should not be restored to God's chosen people, when he delivered them from that tyranny. Why was not Jacob's monarchy conferred upon his right heir? How came the people to neglect a point of such importance? Or if they did forget it, why did not Moses put them in mind of it? Why did not Jacob declare to whom it did belong? Or if he is understood to have declared it, in saying the scepter should not depart from Judah, why was it not delivered into his hands, or into his heirs? If he was hard to be found in a people of one kindred, but four degrees removed from Jacob their head, who were exact in observing genealogies, how can we hope to find him after so many thousand years, when we do not so much as know from whom we are derived? Or rather how comes that right, which is eternal and universal, to have been nipp'd in the bud, and so abolished before it could take any effect in the world, as never to have been heard of amongst the Gentiles, nor the people of God, either before or after the captivity, from the death of Jacob to this day? This I assert, and I give up the cause if I do not prove it. To this end I begin with Moses and Aaron the first rulers of the people, who were neither of the eldest tribe according to birth,

nor

nor the disposition of Jacob, if he did, or could give it to any ; nor were they of the eldest line of their own tribe ; and even between them the superiority was given to Moses, who was the younger, as 'tis said, " I have made thee a God to Pharaoh, and " Aaron thy brother shall be thy prophet." If Moses was a king, as our author says, but I deny, and shall hereafter prove, the matter is worse : He must have been an usurper of a most unjust dominion over his brethren ; and this patriarchal power, which by the law of God was to be perpetually fixed in his descendants, perished with him, and his sons continued in an obscure rank amongst the Levites. Joshua of the tribe of Ephraim succeeded him ; Othniel was of Judah, Ehud of Benjamin, Barak of Naphtalim, and Gideon of Manasseh. The other judges were of several tribes ; and they being dead, their children lay hid amongst the common people, and we hear no more of them. The first king was taken out of the least family of the least and youngest tribe. The second, whilst the children of the first king were yet alive, was the youngest of eight sons of an obscure man in the tribe of Judah : Solomon one of his youngest sons succeeded him : Ten tribes deserted Rehoboam, and by the command of God set up Jeroboam to be their king. The kingdom of Israel by the destruction of one family passed into another : That of Judah by God's peculiar promise continued in David's race till the captivity ; but we know not that the eldest son was ever preferred, and have no reason to presume it. David their most revered king left no precept for it, and gave an example to the contrary : He did not set up the eldest, but the wisest. After the captivity they who had most wisdom or valour to defend the people, were thought most fit to command ;  
and



and the kingdom at the last came to the Asmonean race, whilst the posterity of David was buried in the mass of the common people, and utterly deprived of all worldly rule or glory. If the judges had not a regal power, or the regal were only just, as instituted by God, and eternally annexed to paternity, all that they did was evil: There could be nothing of justice in the powers exercised by Moses, Joshua, Gideon, Samuel, and the rest of the judges. If the power was regal and just, it must have continued in the descendants of the first: Saul, David and Solomon could never have been kings: The right failing in them, their descendants could inherit none from them; and the others after the captivity were guilty of the like injustice.

Now as the rule is not general, to which there is any one just exception, there is not one of these examples that would not overthrow our author's doctrine: If one deviation from it were lawful, another might be, and so to infinity. But the utmost degree of impudent madness to which perhaps any man in the world hath ever arrived, is to assert that to be universal and perpetual, which cannot be verified by any one example to have been in any place of the world, nor justified by any precept.

If it be objected, that all these things were done by God's immediate disposition: I answer, that it were an impious madness to believe that God did perpetually send his prophets to overthrow what he had ordained from the beginning, and as it were in spite to bring the minds of men into inextricable confusion and darkness; and by particular commands to overthrow his universal and eternal law. But to render this point more clear, I desire it may be considered, that we have but three ways of distinguishing between good and evil.

1. When

1. When God by his word reveals it to us.
2. When by his deeds he declareth it ; because that which he does is good, as that which he says is true.
3. By the light of reason, which is good, in as much as it is from God.

And first ; It cannot be said we have an explicit word for that continuance of the power in the eldest ; for it appears not, and having none, we might conclude it to be left to our liberty : For it agrees not with the Goodness of god to leave us in a perpetual ignorance of his will in a matter of so great importance, nor to have suffered his own people, or any other to persist, without the least reproof or admonition, in a perpetual opposition to it, if it had displeased him.

To the 2d. The dispensations of his providence, which are the emanations of his will, have gone contrary to this pretended law : There can therefore be no such thing ; for God is constant to himself : His works do not contradict his word, and both of them do equally declare to us that which is good.

Thirdly ; If there be any precept that by the light of nature we can in matters of this kind look upon as certain, 'tis that the government of a people should be given to him that can best perform the duties of it : No man has it for himself, or from himself ; but for and from those who before he had it were his equals, that he may do good to them. If there were a man, who in wisdom, valour, justice and purity, surpassed all others, he might be called a king by nature, because he is best able to bear the weight of so great a charge ; and like a good shepherd to lead the people to good. *Detur digniori* is the voice of reason ; and that we may be sure *Detur seniori*

seniori is not so, Solomon tells us, “ That a wise child is better than an old and foolish king.” But if this pretended right do not belong to him that is truly the eldest, nothing can be more absurd than a fantastical pretence to a right deduced from him that is not so. Now lest I should be thought to follow my own inventions, and call them reason, or the light of God in us, I desire it may be observed that God himself has ever taken this method. When he raised up Moses to be the leader of his people, he endowed him with the most admirable gifts of his spirit that ever he bestowed upon a man : When he chose seventy men to assist him, he endowed them with the same spirit. Joshua had no other title to succeed him than the like evidence of God’s presence with him. When the people through sin fell into misery, he did not seek out their descendants, nor such as boasted in a prerogative of birth ; but shewed whom he designed for their deliverer, by bestowing such gifts upon him as were required for the performance of his work ; and never fail’d of doing this, till that miserable sinful people rejecting God and his government, desired that which was in use among their accursed neighbours, that they might be as like to them in the most shameful slavery to man, as in the worship of idols set up against God.

But if this pretended right be grounded upon no word or work of God, nor the reason of man, ’tis to be accounted a meer figment, that hath nothing of truth in it.

## S E C T. XIV.

*If the paternal right had included dominion, and was to be transferred to a single heir, it must perish if he were not known; and could be applied to no other person.*

HAVING shewed that the first kings were not fathers, nor the first fathers kings; that all the kings of the Jews and Gentiles mentioned in scripture came in upon titles different from, and inconsistent with that of paternity; and that we are not led by the word nor the works of God, nor the reason of man, or light of nature to believe there is any such thing, we may safely conclude there never was any such thing, or that it never had any effect, which to us is the same. 'Tis as ridiculous to think of retrieving that, which from the beginning of the world was lost, as to create that which never was. But I may go farther, and affirm, that tho' there had been such a right in the first fathers of mankind exercised by them, and for some ages individually transmitted to their eldest sons, it must necessarily perish, since the generations of men are so confused, that no man knows his own original, and consequently this heir is no where to be found; for 'tis a folly for a man to pretend to an inheritance, who cannot prove himself to be the right heir. If this be not true, I desire to know from which of Noah's sons the kings of England, France, or Spain do deduce their original, or what reason they can give why the title to dominion, which is fancied to be in Noah, did rather belong to the first of their respective races, that attained to the crowns they now enjoy, than to the meanest peasant of their kingdoms; or how that can be transmitted to them, which



which was not in the first. We know that no man can give what he hath not ; that if there be no giver, there is no gift ; if there be no root, there can be no branch ; and that the first point failing, all that should be derived from it must necessarily fail.

Our author, who is good at resolving difficulties, shews us an easy way out of this strait. “ ’Tis true, says he, all kings are not natural parents of their subjects ; yet they either are, or are to be reputed the next heirs to those first progenitors, who were at first the natural parents of the whole people, and in their right succeed to the exercise of the supreme jurisdiction ; and such heirs are not only lords of their own children, but also of their brethren, and all those that were subject to their father, &c. By this means it comes to pass, that many a child succeeding a king hath the right of a father over many a grey-headed multitude, and hath the title of *Pater patriæ*.”

An assertion comprehending so many points, upon which the most important rights of all mankind do depend, might deserve some proof : But he being of opinion we ought to take it upon his credit, doth not vouchsafe to give us so much as the shadow of any. Nevertheless being unwilling either crudely to receive, or rashly to reject it, I shall take the liberty of examining the proposition, and hope I may be pardoned, if I dwell a little more than ordinarily upon that which is the foundation of his work.

We are beholden to him for confessing modestly that all kings are not the natural fathers of their people, and sparing us the pains of proving, that the kings of Persia, who reigned from the Indies to the Hellespont, did not beget all the men that lived

in those countries ; or that the kings of France and Spain, who began to reign before they were five years old, were not the natural fathers of the nations under them. But if all kings are not fathers, none are, as they are kings : If any one is, or ever was, the rights of paternity belong to him, and to no other who is not so also. This must be made evident ; for matters of such importance require proof, and ought not to be taken upon supposition. If Filmer therefore will pretend that the right of father belongs to any one king, he must prove that he is the father of his people ; for otherwise it doth not appertain to him ; he is not the man we seek.

'Tis no less absurd to say he is to be reputed heir to the first progenitor : For it must be first proved, that the nation did descend from one single progenitor without mixture of other races : That this progenitor was the man, to whom Noah (according to Filmer's whimsical division of Asia, Europe, and Africa among his sons) did give the land now inhabited by that people : That this division so made was not capable of subdivisions ; and that this man is by a true and uninterrupted succession descended from the first and eldest line of that progenitor ; and all fails if every one of these points be not made good. If there never was any such man who had that right, it cannot be inherited from him. If by the same rule that a parcel of the world was allotted to him, that parcel might be subdivided amongst his children as they increased, the subdivisions may be infinite, and the right of dominion thereby destroyed. If several nations inhabit the same land, they owe obedience to several fathers : that which is due to their true father, cannot be rendered to him that is not so ; for he would by that means be deprived of the right which is inseparably annexed to his person :

And lastly, whatsoever the right of an heir may be, it can belong only to him that is heir.

Lest any should be seduced from these plain truths by frivolous suggestions, 'tis good to consider that the title of *Pater patriæ*, with which our author would cheat us, hath no relation to the matters of right, upon which we dispute. 'Tis a figurative speech, that may have been rightly enough applied to some excellent princes on account of their care and love to their people, resembling that of a father to his children; and can relate to none but those who had it. No man that had common sense, or valued truth, did ever call Phalaris, Dionysius, Nabis, Nero, or Caligula, Fathers of their countries; but monsters, that to the utmost of their power endeavoured their destruction: which is enough to prove, that sacred name cannot be given to all, and in consequence to none but such, as by their virtue, piety, and good government do deserve it.

These matters will yet appear more evident, if it be considered, that tho' Noah had reigned as a king; that Zoroaster, as some suppose, was Ham, who reigned over his children, and that thereby some right might perhaps be derived to such as succeeded them; yet this can have no influence upon such as have not the like original; and no man is to be presumed to have it, till it be proved, since we have proved that many had it not. If Nimrod set himself up against his grandfather, and Ninus, who was descended from him in the fifth generation, slew him; they ill deserved the name and rights of fathers; and none, but those who have renounced all humanity, virtue, and common sense, can give it to them, or their successors. If therefore Noah and Shem had not so much as the shadow of regal power, and the actions of Nimrod, Ninus, and

others who were kings in their times, shew they did not reign in the right of fathers, but were set up in a direct opposition to it, the titles of the first kings were not from paternity, nor consistent with it.

Our author therefore, who should have proved every point, doth neither prove any one, nor assert that which is agreeable to divine or human story, as to matter of fact; and as little conformable to common sense. It does not only appear contrary to his general proposition, that all governments have not begun with the paternal power; but we do not find that any ever did. They who according to his rules should have been lords of the whole earth, lived and died private men, whilst the wildest and most boisterous of their children commanded the greatest part of the then inhabited world, not excepting even those countries where they spent and ended their days; and instead of entering upon the government by the right of fathers, or managing it as fathers, they did by the most outrageous injustice usurp a violent domination over their brethren and fathers.

It may easily be imagined what the right is that could be thus acquired, and transmitted to their successors. Nevertheless our author says, "All kings either are, or ought to be reputed next heirs, &c." But why reputed, if they were not? How could any of the accursed race of Ham be reputed father of Noah or Shem, to whom he was to be a servant? How could Nimrod and Ninus be reputed fathers of Ham, and of those whom they ought to have obeyed? Can reason oblige me to believe that which I know to be false? Can a lie, that is hateful to God and good men, not only be excused, but enjoined, when (as he will perhaps say) it is for the king's service? Can I serve two masters, or without the



the most unpardonable injustice, repute him to be my father, who is not my father ; and pay the obedience that is due to him who did beget and educate me, to one from whom I never received any good ? If this be so absurd, that no man dares affirm it in the person of any, 'tis as preposterous in relation to his heirs : For Nimrod the first king could be heir to no man as king, and could transmit to no man a right which he had not. If it was ridiculous and abominable to say that he was father of Chush, Ham, Shem and Noah ; 'tis as ridiculous to say, he had the right of father, if he was not their father ; or that his successors inherited it from him, if he never had it. If there be any way through this, it must have accrued to him by the extirpation of all his elders, and their races ; so as he who will assert this pretended right to have been in the Babylonian kings, must assert, that Noah, Shem, Japhet, Ham, Chush, and all Nimrod's elder brothers, with all their descendants, were utterly extirpated before he began to reign, and all mankind to be descended from him.

This must be, if Nimrod, as the scripture says, was the first that became mighty in the earth ; unless men might be kings, without having more power than others ; for Chush, Ham and Noah were his elders and progenitors in the direct line, and all the sons of Shem and Japhet, and their descendants in the collaterals, were to be preferred before him ; and he could have no right at all, that was not directly contrary to those principles which, our author says, are grounded upon the eternal and indispensable laws of God and nature. The like may be said of the seventy two heads of colonies, which (following, as I suppose, Sir Walter Raleigh) he says, went out to people the earth, and whom

he calls kings: for, according to the same rule, Noah, Shem, and Japhet, with their descendants, could not be of the number; so that neither Nimrod, nor the others that established the kingdoms of the world, and from whence he thinks all the rest to be derived, could have any thing of justice in them, unless it were from a root altogether inconsistent with his principles. They are therefore false, or the establishments before mentioned could have no right. If they had none, they cannot be reputed to have any; for no man can think that to be true, which he knows to be false; having none, they could transmit none to their heirs and successors. And if we are to believe, that all the kingdoms of the earth are established upon this paternal right; it must be proved that all those, who in birth ought to have been preferred before Nimrod, and the seventy two were extirpated; or that the first and true heir of Noah did afterwards abolish all these unjust usurpations; and making himself master of the whole, left it to his heirs, in whom it continues to this day. When this is done, I will acknowledge the foundation to be well laid, and admit of all that can be rightly built upon it; but if this fails, all fails: The poison of the root continues in the branches. If the right heir be not in possession, he is not the right who is in possession: If the true heir be known, he ought to be restored to his right: If he be not known, the right must perish: That cannot be said to belong to any man, if no man knows to whom it belongs, and can have no more effect than if it were not. This conclusion will continue unmoveable, tho' the division into seventy two kingdoms were allowed; which cannot be without destroying the paternal power, or subjecting it to be subdivided into as many parcels

as there are men, which destroys regality; for the same thing may be required in every one of the distinct kingdoms, and others derived from them. We must know who was that true heir of Noah, that recovered all: How, when, and to whom he gave the several portions; and that every one of them do continue in the possession of those, who by this prerogative of birth are raised above the rest of mankind; and if they are not, 'tis an impious folly to repute them so, to the prejudice of those that are; and if they do not appear, to the prejudice of all mankind, who being equal, are thereby made subject to them. For as truth is the rule of justice; there can be none, when he is reputed superior to all who is certainly inferior to

[In this place two pages are wanting in the original manuscript.]

—degenerated from that reason which distinguisheth men from beasts. Tho' it may be fit to use some ceremonies, before a man be admitted to practise physick, or set up a trade, 'tis his own skill that makes him a doctor or an artificer, and others do but declare it. An ass will not leave his stupidity, tho' he be covered with scarlet; and he that is by nature a slave, will be so still, tho' a crown be put upon his head: and 'tis hard to imagine a more violent inversion of the laws of God and nature, than to raise him to the throne, whom nature intended for the chain; or to make them slaves to slaves, whom God hath endued with the virtues required in kings. Nothing can be more preposterous, than to impute to God the frantick domination, which is often exercised by wicked, foolish and vile persons, over the wise, valiant, just and good; or to subject the best to the rage of the worst. If there  
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be any family therefore in the world, that can by the law of God and nature, distinct from the ordinance of man, pretend to an hereditary right of dominion over any people, it must be one that never did, and never can produce any person that is not free from all the infirmities and vices that render him unable to exercise the sovereign power; and is endued with all the virtues required to that end; or at least a promise from God, verified by experience, that the next in blood shall ever be able and fit for that work. But since we do not know that any such hath yet appeared in the world, we have no reason to believe that there is, or ever was any such; and consequently none upon whom God hath conferred the rights that cannot be exercised without them.

If there was no shadow of a paternal right in the institution of the kingdoms of Saul and David, there could be none in those that succeeded. Rehoboam could have no other, than from Solomon: When he reigned over two tribes, and Jeroboam over ten, 'tis not possible that both of them could be the next heir of their last common father Jacob; and 'tis absurd to say, that ought to be reputed, which is impossible: for our thoughts are ever to be guided by truth, or such an appearance of it, as doth persuade or convince us.

The same title of Father is yet more ridiculously or odiously applied to the succeeding kings. Baasha had no other title to the crown, than by killing Nadab the son of Jeroboam, and destroying his family. Zimri purchased the same honour by the slaughter of Elah when he was drunk; and dealing with the house of Baasha, as he had done with that of Jeroboam. Zimri burning himself, transferred the same to Omri, as a reward for bringing him



him to that extremity. As Jehu was more fierce than these, he seems to have gained a more excellent recompence than any since Jeroboam, even a conditional promise of a perpetual kingdom; but falling from these glorious privileges, purchased by his zeal in killing two wicked kings, and above one hundred of their brethren, Shallum inherited them, by destroying Zachary and all that remained of his race. This in plain English is no less than to say, that whosoever kills a king, and invades a crown, tho' the act and means of accomplishing it be never so detestable, does thereby become father of his country, and heir of all the divine privileges annexed to that glorious inheritance. And tho' I cannot tell whether such a doctrine be more sottish, monstrous or impious, I dare affirm, that if it were received, no king in the world could think himself safe in his throne for one day: They are already encompassed with many dangers; but lest pride, avarice, ambition, lust, rage, and all the vices that usually reign in the hearts of worldly men, should not be sufficient to invite them perpetually to disturb mankind, through the desire of gaining the power, riches and splendor that accompanies a crown, our author proposes to them the most sacred privileges, as a reward of the most execrable crimes. He that was stirred up only by the violence of his nature, thought that a kingdom could never be bought at too dear a rate;

—————“ Pro regno velim

“ Patriam, penates, conjugem flammis dare :

“ Imperia precio quolibet constant bene.”

SENEC. THEB.

But if the sacred character of God's anointed or vicegerent, and father of a country, were added to the  
other

other advantages that follow the highest fortunes ; the most modest and just men would be filled with fury, that they might attain to them. Nay, it may be, even the best would be the most forward in conspiring against such as reigned : They who could not be tempted with external pleasures, would be most in love with divine privileges ; and since they should become the sacred ministers of God, if they succeeded, and traitors or rogues only if they miscarried, their only care would be so to lay their designs, that they might be surely executed. This is a doctrine worthy of Filmer's invention, and Heylin's approbation ; which being well weighed, will shew to all good and just kings how far they are obliged to those, who under pretence of advancing their authority, fill the minds of men with such notions as are so desperately pernicious to them.

## S E C T. XVI.

*The ancients chose those to be kings, who excelled in the virtues that are most beneficial to civil societies.*

**I**F the Israelites, whose lawgiver was God, had no king in the first institution of their government, 'tis no wonder that other nations should not think themselves obliged to set up any : if they who came all of one stock, and knew their genealogies, when they did institute kings, had no regard to our author's chimerical right of inheritance, nor were taught by God or his prophets to have any ; 'tis not strange that nations, who did not know their own original, and who probably, if not certainly, came of several stocks, never put themselves to the trouble of seeking one, who by his birth deserved to be preferred before others : and if the various changes happening in all kingdoms (whereby  
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in process of time the crowns were transported into divers families, to which the right of inheritance could not without the utmost impiety and madness be imputed) such a fancy certainly could only enter into the heads of fools; and we know of none so foolish to have harboured it.

The Grecians, amongst others who followed the light of reason, knew no other original title to the government of a nation, than that wisdom, valour and justice, which was beneficial to the people. These qualities gave beginning to those governments, which we call *Heroum Regna*; and the veneration paid to such as enjoyed them, proceeded from a grateful sense of the good received from them: They were thought to be descended from the gods, who in virtue and beneficence surpassed other men: The same attended their descendants, till they came to abuse their power, and by their vices shewed themselves like to, or worse than others. Those nations did not seek the most antient, but the most worthy; and thought such only worthy to be preferred before others, who could best perform their duty. The Spartans knew that Hercules and Achilles were not their fathers, for they were a nation before either of them were born; but thinking their children might be like to them in valour, they brought them from Thebes and Epirus to be their kings. If our author is of another opinion, I desire to know, whether the *Heraclidæ*, or the *Æacidæ* were, or ought to be reputed fathers of the Lacedemonians; for if the one was, the other was not.

The same method was followed in Italy; and they who esteemed themselves *Aborigines*,

—————“ *Qui rupto robore nati*  
 “ *Compositive luto, nullos habuere parentes.*”

JUVEN. Sat. 6.  
 could

could not set up one to govern them under the title of Parent. They could pay no veneration to any man under the name of a common father, who thought they had none; and they who esteemed themselves equal, could have no reason to prefer any one; unless he were distinguished from others by the virtues that were beneficial to all. This may be illustrated by matters of fact. Romulus and Remus, the sons of a nun, constuprated, as is probable, by a lusty soldier, who was said to be Mars, for their vigour and valour were made heads of a gathered people. We know not that ever they had any children; but we are sure they could not be fathers of the people that flocked to them from several places, nor in any manner be reputed heirs of him or them that were so; for they never knew who was their own father; and when their mother came to be discovered, they ought to have been subjects to Amulius or Numitor, when they had slain him. They could not be his heirs whilst he lived, and were not when he died: The government of the Latins continued at Alba, and Romulus reigned over those who joined with him in building Rome. The power not coming to him by inheritance, must have been gained by force, or conferred upon him by consent: It could not be acquired by force; for one man could not force a multitude of fierce and valiant men, as they appear to have been. It must therefore have been by consent: And when he aimed at more authority than they were willing to allow, they slew him. He being dead, they fetched Numa from among the Sabines: He was not their father, nor heir to their father, but a stranger; not a conqueror, but an unarmed philosopher. Tullus Hostilius had no other title: Ancus Martius was no way related to such as had reigned. The first Tarquin was the



son of a banished Corinthian. Servius Tullus came to Rome in the belly of his captive mother, and could inherit nothing but chains from his vanquish'd father. Tarquin the proud murdered him, and first took upon himself the title of king, " sine jussu populi\*." If this murder and usurpation be called a conquest, and thought to create a right, the effect will be but small: The conqueror was soon conquered, banished, and his sons slain, after which we hear no more of him or his descendants. Whatsoever he gained from Servius, or the people, was soon lost, and did accrue to those that conquered and ejected him; and they might retain what was their own, or confer it upon one or more, in such manner and measure as best pleased themselves. If the regal power, which our author says was in the consuls, could be divided into two parts, limited to a year, and suffer such restrictions as the people pleased to lay upon it, they might have divided it into as many parcels, and put it into such form, as best suited with their inclinations; and the several magistracies which they did create for the exercise of the kingly, and all other powers, shews that they were to give account to none but themselves.

The Israelites, Spartans, Romans and others, who thus framed their governments according to their own will, did it not by any peculiar privilege, but by a universal right conferred upon them by God and nature: They were made of no better clay than others: They had no right, that does not as well belong to other nations; that is to say, the constitution of every government is referred to those who are concerned in it, and no other has any thing to do with it.

\* T, Liv.

Yet if it be asserted, that the government of Rome was paternal, or they had none at all; I desire to know how they came to have six fathers of several families, whilst they lived under kings; and two or more new ones every year afterwards: Or how they came to be so excellent in virtue and fortune, as to conquer the best part of the world, if they had no government. Hobbes indeed doth scurrilously deride Cicero, Plato and Aristotle, “*Cæterosque Romanæ & Græcæ anarchiæ fautores.*” But ’tis strange that this anarchy, which he resembles to a chaos, full of darkness and confusion, that can have no strength or regular action, should overthrow all the monarchies that came within their reach, “If (as our author says) the best order, greatest strength, and most stability be in them.” It must therefore be confessed, that these governments are, in their various forms, rightly instituted by several nations, without any regard to inheritance; or that these nations have had no governments, and were more strong, virtuous and happy without government, than under it, which is most absurd.

But if governments arise from the consent of men, and are instituted by men according to their own inclinations, they did therein seek their own good; for the will is ever drawn by some real good, or the appearance of it. This is that which man seeks by all the regular or irregular motions of his mind. Reason and passion, virtue and vice do herein concur, tho’ they differ vastly in the objects, in which each of them thinks this good to consist. A people therefore that sets up kings, dictators, consuls, pretors or emperors, does it not, that they may be great, glorious, rich or happy, but that it may be well with themselves and their posterity. This is not accomplished simply by setting one, a few,

r more men in the administration of powers, but by placing the authority in those who may rightly perform their office: This is not every man's work: Valour, integrity, wisdom, industry, experience and skill, are required for the management of those military and civil affairs that necessarily fall under the care of the chief magistrates. He or they therefore may reasonably be advanced above their equals, who are most fit to perform the duties belonging to their stations, in order to the publick good, for which they were instituted.

Marius, Sylla, Catiline, Julius or Octavius Cæsar, and all those who by force or fraud usurped a dominion over their brethren, could have no title to this right; much less could they become fathers of the people, by using all the most wicked means that could well be imagined to destroy them; and not being regularly chosen for their virtues, or the opinion of them, nor preferred on account of any prerogative that had been from the beginning annexed to their families, they could have no other right than occupation could confer upon them. If this can confer a right, there is an end of all disputes concerning the laws of God or man. If Julius and Octavius Cæsar did successively become lords and fathers of their country, by slaughtering almost all the senate, and such persons as were eminent for nobility or virtue, together with the major part of the people, it cannot be denied, that a thief, who breaks into his neighbour's house, and kills him, is justly master of his estate; and may exact the same obedience from his children, that they render to their father. If this right could be transferred to Tiberius, either through the malice of Octavius, or the fraud of his wife; a wet blanket laid over his face, and a few corrupted soldiers could invest Ca-

ligula with the same. A vile rascal pulling Claudius out by the heels from behind the hangings where he had hid himself, could give it to him. A dish of mushrooms well seasoned by the infamous strumpet his wife, and a potion prepared for Britannicus by Locusta, could transfer it to her son, who was a stranger to his blood. Galba became heir to it, by driving Nero to despair and death. Two common soldiers, by exciting his guards to kill him, could give a just title to the empire of the world to Otho, who was thought to be the worst man in it. If a company of villains in the German army, thinking it as fit for them as others, to create a father of mankind, could confer the dignity upon Vitellius; and if Vespasian, causing him to be killed, and thrown into a jakes less impure than his life, did inherit all the glorious and sacred privileges belonging to that title, 'tis in vain to inquire after any man's right to any thing.

If there be such a thing as right or wrong to be examined by men, and any rules set, whereby the one may be distinguished from the other; these extravagancies can have no effect of right. Such as commit them, are not to be looked upon as fathers; but as the most mortal enemies of their respective countries. No right is to be acknowledged in any, but such as is conferred upon them by those who have the right of conferring, and are concerned in the exercise of the power, upon such conditions as best please themselves. No obedience can be due to him or them, who have not a right of commanding. This cannot reasonably be conferred upon any, that are not esteemed willing and able rightly to execute it. This ability to perform the highest works that come within the reach of men; and integrity of will not to be diverted from it by any temptation,



temptation, or consideration of private advantages, comprehending all that is most commendable in man ; we may easily see, that whensoever men act according to the law of their own nature, which is reason, they can have no other rule to direct them in advancing one above another, than the opinion of a man's virtue and ability, best to perform the duty incumbent upon him ; that is, by all means to procure the good of the people committed to his charge. He is only fit to conduct a ship, who understands the art of a pilot : When we are sick, we seek the assistance of such as are best skill'd in physick : The command of an army is prudently conferred upon him that hath most industry, skill, experience and valour : In like manner, he only can, according to the rules of nature, be advanced to the dignities of the world, who excels in the virtues required for the performance of the duties annexed to them ; for he only can answer the end of his institution. The law of every instituted power, is to accomplish the end of its institution, as creatures are to do the will of their creator, and in desecting from it, overthrow their own being. Magistrates are distinguished from other men, by the power with which the law invests them for the public good : He that cannot or will not procure that good, destroys his own being, and becomes like to other men. In matters of the greatest importance, *Detur digniori* is the voice of nature ; all her most sacred laws are perverted, if this be not observed in the disposition of the governments of mankind : But all is neglected and violated, if they are not put into the hands of such as excel in all manner of virtues ; for they only are worthy of them, and they only can have a right who are worthy, because they only can perform the end for which they are instituted. This may seem strange

to those, who have their heads infected with Filmer's whimsies; but to others, so certainly grounded upon truth, that \* Bartholomew de las Casas, bishop of Chiapa, in a treatise written by him, and dedicated to the emperor Charles the fifth, concerning the Indies, makes it the foundation of all his discourse, that notwithstanding his grant of all those countries from the Pope, and his pretensions to conquest, he could have no right over any of those nations, unless he did in the first place, as the principal end, regard their good: "The reason, says he, is, that regard is to be had to the principal end and cause, for which a supreme or universal lord is set over them, which is their good and profit, and not that it should turn to their destruction and ruin; for if that should be, there is no doubt but from thenceforward, that power would be tyrannical and unjust, as tending more to the interest and profit of that lord, than to the publick good and profit of the subjects; which, according to natural reason, and the laws of God and man, is abhorred, and deserves to be abhorred." And in another place speaking of the governors, who, abusing their power, brought many troubles and vexations upon the Indians; he says, "† They had rendered his majesty's government intolerable, and his yoke insupportable, tyranni-

\* La razon es porque siempre se ha de tener respeto al fin y causa final, por el qual, el tal supremo y universal Sennor se les pone, que es su bien y utilidad; y a que no se le convierte el tal supremo Sennorio in danno, pernicié y destruycion. Porque si assi fuesse, no ay que dedar, que non desde entonees inclusivamente seria injusto, tyrannico y iniquo tal Sennorio, come mas se enderezasse al proprio interese y provecho del Sennor, que al bien y utilidad comun de los subditos; lo qual de la razon natural y de todas las leyes humanas y divinas es abhorrecido y abhorrexible. Bar. de las Casas. destier. de las Indias, pag. 111.

† El yugo y governación de Vuestra Magestad importable, Tyrannico y degno de todo abhorrecimiento. Pag. 167.

“ cal,

“cal, and most justly abhorred.” I do not alledge this through an opinion, that a Spanish bishop is of more authority than another man; but to shew, that these are common notions agreed by all mankind; and that the greatest monarchs do neither refuse to hear them, or to regulate themselves according to them, till they renounce common sense, and degenerate into beasts.

But if that government be unreasonable, and abhorred by the laws of God and man, which is not instituted for the good of those that live under it; and an empire, grounded upon the donation of the Pope, which amongst those of the Roman religion is of great importance, and an entire conquest of the people, with whom there had been no former compact, do degenerate into a most unjust and detestable tyranny, so soon as the supreme lord begins to prefer his own interest or profit, before the good of his subjects; what shall we say of those who pretend to a right of dominion over free nations, as inseparably united to their persons, without distinction of age or sex, or the least consideration of their infirmities and vices; as if they were not placed in the throne for the good of their people, but to enjoy the honours and pleasures that attend the highest fortune? What name can be fit for those, who have no other title to the places they possess, than the most unjust and violent usurpation, or being descended from those, who for their virtues were, by the peoples consent, duly advanced to the exercise of a legitimate power; and having sworn to administer it, according to the conditions upon which it was given, for the good of those who gave it, turn all to their own pleasure and profit, without any care of the publick? These may be liable to hard censures; but those who use them



most gently, must confess, that such an extreme deviation from the end of their institution, annuls it; and the wound thereby given to the natural and original rights of those nations cannot be cured, unless they resume the liberties, of which they have been deprived, and return to the ancient custom of chusing those to be magistrates, who for their virtues best deserve to be preferred before their brethren, and are endowed with those qualities that best enable men to perform the great end of providing for the public safety.

### S E C T. XVII.

*God having given the government of the world to no one man, nor declared how it should be divided, left it to the will of man.*

OUR author's next inquiry is, "What becomes of the right of father-hood, in case the crown should escheat for want of an heir? Whether it doth not escheat to the people?" His answer is, "'Tis but the negligence or ignorance of the people, to lose the knowledge of the true heir," &c. And a little below, "The power is not devolved to the multitude: No; the kingly power escheats on independent heads of families: All such prime heads have power to consent in the uniting, or conferring their fatherly right of sovereign authority on whom they please; and he that is so elected, claims not his power as a donative from the people, but as being substituted by God, from whom he receives his royal charter of universal father," &c.

In my opinion, before he had asked, what should be done in case the crown should escheat for want of an heir? He ought to have proved, there had been



been a man in the world, who had the right in himself, and telling who he was, have shewed how it had been transmitted for some generations, that we might know where to seek his heir; and before he accused the multitude of ignorance or negligence, in not knowing this heir, he ought to have informed us, how it may be possible to know him, or what it would avail us if we did know him, for 'tis in vain to know to whom a right belongs, that never was, and never can be executed. But we may go farther, and affirm, that as the universal right must have been in Noah and Shem (if in any) who never exercised it; we have reason to believe there never was any such thing: And having proved from scripture and human history, that the first kingdoms were set up in a direct opposition to this right, by Nimrod and others, he that should seek and find their heirs, would only find those, who by a most accursed wickedness, had usurped and continued a dominion over their fathers, contrary to the laws of God and nature; and we should neither be more wise, nor more happy than we are, tho' our author should furnish us with certain and authentick genealogies, by which we might know the true heirs of Nimrod, and the seventy two kings that went from Babylon, who, as he supposes, gave beginning to all the kingdoms of the earth.

Moreover, if the right be universal, it must be in one; for the universe being but one, the whole right of commanding it cannot at the same time be in many, and proceed from the ordinance of God, or of man. It cannot proceed from the ordinance of God; for he doth nothing in vain: He never gave a right that could not be executed: No man can govern that which he does not so much as

know: No man did ever know all the world; no man therefore did or could govern it: And none could be appointed by God to do that which is absolutely impossible to be done; for it could not consist with his wisdom. We find this in ourselves. It were a shame for one of us poor, weak, short-sighted creatures, in the disposal of our affairs, to appoint such a method, as were utterly ineffectual for the preservation of our families, or destructive to them; and the blasphemy of imputing to God such an ordinance, as would be a reproach to one of us, can suit only with the wicked and impudent fury of such as our author, who delights in monsters. This also shews us that it cannot be from men: One, or a few, may commit follies, but mankind does not universally commit, and perpetually persist in any: They cannot therefore, by a general and permanent authority, enact that which is utterly absurd and impossible; or if they do, they destroy their own nature, and can no longer deserve the name of reasonable creatures. There can be therefore no such man, and the folly of seeking him, or his heir that never was, may be left to the disciples of Filmer.

The difficulties are as great, if it be said, the world might be divided into parcels, and we are to seek the heirs of the first possessors; for besides that no man can be obliged to seek that which cannot be found, (all men knowing that “*Caliginosa nocte hæc premit Deus*”) and that the genealogies of mankind are so confused, that, unless possibly among the Jews, we have reason to believe there is not a man in the world, who knows his own original, it could be of no advantage to us tho’ we knew that of every one; for the division would be of no value, unless it were at the first rightly made by him who had all the authority in himself, (which does no  
where

where appear) and rightly deduced to him, who, according to that division, claims a right to the parcel he enjoys; and I fear our author would terribly shake the crowns, in which the nations of Europe are concerned, if they should be persuaded to search into the genealogies of their princes, and to judge of their rights according to the proofs they should give titles rightly deduced by succession of blood from the seventy two first kings, from whom our author fancies all the kingdoms of the world to be derived.

Besides, tho' this were done, it would be to no purpose: for the seventy two were not sent out by Noah, nor was he or his sons of that number; but they went or were sent from Babylon where Nimrod reigned, who, as has been already proved, neither had, nor could ever have any right at all; but was a mighty hunter, even a proud and cruel tyrant, usurping a power to which he had no right, and which was perpetually exercised by him and his successors against God and his people, from whence I may safely conclude, that no right can ever be derived; and may justly presume it will be denied by none who are of better morals, and of more sound principles in matters of law and religion than Filmer or Heylin; since 'tis no less absurd to deduce a right from him that had none, than to expect pure and wholesome waters from a filthy, polluted, and poisonous fountain.

If it be pretended that some other man since Noah had this universal right, it must either remain in one single person, as his right heir, or be divided. If in one, I desire to know who he is, and where we may find him, that the empire of the world may be delivered to him: But if he cannot be found, the business is at an end; for every man in the world may pretend himself to be the person;  
and



and the infinite controversies arising thereupon can never be decided, unless either the genealogies of every one from Noah were extant and proved, or we had a word from heaven, with a sufficient testimony of his mission who announceth it. When this is done, 'twill be time to consider what kind of obedience is due to this wonderful happy and glorious person. But whilst the first appears to be absolutely impossible, and we have no promise or reason to expect the other, the proposition is to be esteemed one of our author's empty whimsys, which cannot be received by mankind, unless they come all to be possessed with an epidemical madness, which would cast them into that which Hobbs calls "*Bellum omnium contra omnes*;" when every man's sword would be drawn against every man, and every man's against him, if God should so abandon the world to suffer them to fall into such misery.

If this pretended right be divided, it concerns us to know by whom, when, how, and to whom: for the division cannot be of any value, unless the right was originally in one; that he did exercise this right in making the division; that the parcels into which the world is divided are according to the allotment that was made; and that the persons claiming them by virtue of it are the true heirs of those to whom they were first granted. Many other difficulties may be alledged no less inextricable than these; but this seeming sufficient for the present, I shall not trouble myself with more, promising that when they shall be removed I will propose others, or confessing my errors, yeild up the cause.

But if the dominion of the whole world cannot belong to any one man, and every one have an equal title to that which should give it; or if it did belong to one, none did ever exercise it in governing the whole,



or dividing it; or if he did divide it, no man knows how, when, or to whom; so that they who lay claim to any parcels can give no testimony of that division, nor shew any better title than other men derived from his first progenitor, to whom 'tis said to have been granted; and that we have neither a word, nor the promise of a word from God to decide the controversies arising thereupon, nor any prophet giving testimony of his mission that takes upon him to do it, the whole fabrick of our author's patriarchal dominion falls to the ground; and they who propose these doctrines, which (if they were received) would be a root of perpetual and irreconcilable hatred in every man against every man, can be accounted no less than ministers of the devil, tho' they want the abilities he has sometimes infused into those who have been employ'd upon the like occasions. And we may justly conclude that God having never given the whole world to be governed by one man, nor prescribed any rule for the division of it; nor declared where the right of dividing or subdividing that which every man has should terminate; we may safely affirm that the whole is for ever left to the will and discretion of man: We may enter into, form, and continue in greater or lesser societies, as best pleases ourselves: The right of paternity as to dominion is at an end, and no more remains, but the love, veneration, and obedience, which proceeding from a due sense of the benefits of birth and education, have their root in gratitude, and are esteemed sacred and inviolable by all that are sober and virtuous. And as 'tis impossible to transfer these benefits by inheritance, so 'tis impossible to transfer the rights arising from them. No man can be my father but he that did beget me; and 'tis as absurd to say I owe

owe that duty to one who is not my father, which I owe to my father, as to say, he did beget me, who did not beget me; for the obligation that arises from benefits can only be to him that conferred them. 'Tis in vain to say the same is due to his heir; for that can take place only when he has but one, which in this case signifies nothing: For if I being the only son of my father, inherit his right, and have the same power over my children as he had over me; if I had one hundred brothers, they must all inherit the same; and the law of England, which acknowledges one only heir, is not general, but municipal, and is so far from being general, as the precept of God and nature, that I doubt whether it was ever known or used in any nation of the world beyond our island. The words of the apostle, "If we are children, we are therefore heirs and co-heirs with Christ," are the voice of God and nature; and as the universal law of God and nature is always the same, every one of us who have children have the same right over them, as Abraham, Isaac, and Jacob had over theirs; and that right which was not devolved to any one of them, but inherited by them all (I mean the right of father as father) not the peculiar promises, which were not according to the law of nature, but the election of grace, is also inherited by every one of us, and ours, that is, by all mankind. But if that which could be inherited was inherited by all, and it be impossible that a right of dominion over all can be due to every one, then all that is or can be inherited by every one is that exemption from the dominion of another, which we call liberty, and is the gift of God and nature.

## S E C T. XVIII.

*If a right of dominion were esteemed hereditary according to the law of nature, a multitude of destructive and inextricable controversies would thereupon arise.*

**T**HERE being no such thing therefore, according to the law of nature, as an hereditary right to the dominion of the world, or any part of it ; nor one man that can derive to himself a title from the first fathers of mankind, by which he can rightly pretend to be preferred before others to that command, or a part of it, and none can be derived from Nimrod, or other usurpers, who had none in themselves ; we may justly spare our pains of seeking farther into that matter. But as things of the highest importance can never be too fully explained ; it may not be amiss to observe, That if mankind could be brought to believe that such a right of dominion were by the law of God and nature hereditary, a great number of the most destructive and inextricable controversies must thereupon arise, which the wisdom and goodness of God can never enjoin, and nature, which is reason, can never intend ; but at present I shall only mention two, from whence others must perpetually spring. First if there be such a law, no human constitution can alter it : No length of time can be a defence against it : All governments that are not conformable to it are vicious and void even in the root, and must be so for ever : That which is originally unjust may be justly overthrown. We do not know of any (at least in that part of the world in which we are most concerned) that is established, or exercised with an absolute power, as by the authors of those opinions is  
esteemed

esteemed inseparable from it: Many, as the empire, and other states, are directly contrary ; and on that account can have no justice in them. It being certain therefore that he or they who exercise those governments have no right : that there is a man to whom it doth belong, and no man knowing who he is, there is no one man who has not as good a title to it as any other : There is not therefore one who hath not a right, as well as any, to overthrow that which hath none at all. He that hath no part in the government may destroy it as well as he that has the greatest ; for he neither has that which God ordained he should have, nor can shew a title to that which he enjoys from that original prerogative of birth, from whence it can only be derived.

If it be said, that some governments are arbitrary, as they ought to be, and France, Turkey, and the like be alledged as instances, the matter is not mended : For we do not only know when those, who deserve to be regarded by us, were not absolute, and how they came to be so ; but also, that those very families which are now in possession are not of a very long continuance, had no more title to the original right we speak of than any other men, and consequently can have none this day. And tho' we cannot perhaps say that the governments of the barbarous eastern nations were ever other than they are, yet the known original of them deprives them of all pretence to the patriarchal inheritance, and they may be as justly as any other deprived of the power to which they have no title.

In the second place, tho' all mens genealogies were extant, and fully verified, and it were allowed that the dominion of the world, or every part of it did belong to the right heir of the first progenitor, or any other to whom the first did rightly assign the  
parcel



parcel which is under question ; yet it were impossible for us to know who should be esteemed the true heir, or according to what rule he should be judged so to be : for God hath not by a precise word determined it, and men cannot agree about it, as appears by the various laws and customs of several nations, disposing severally of hereditary dominions.

'Tis a folly to say, they ought to go to the next in blood ; for 'tis not known who is that next. Some give the preference to him who amongst many competitors is the fewest degrees removed from their common progenitor who first obtained the crown : Others look only upon the last that possessed it. Some admit of representation, by which means the grandchild of a king by his eldest son, is preferred before his second son, he being said to represent his dead father, who was the eldest : Others exclude these, and advance the younger son, who is nearer by one degree to the common progenitor that last enjoyed the crown than the grandchild. According to the first rule, Richard the second was advanced to the crown of England, as son of the eldest son of Edward the third, before his uncles, who by one degree were nearer to the last possessor : And in pursuance of the second, Sancho surnamed the brave, second son of Alphonso the wise, king of Castile, was preferred before Alphonso son of Ferdinand his elder brother, according to the law of Thanestry, which was in force in Spain ever since we have had any knowledge of that country, as appears by the contest between Corbis and Orsua, decided by combat before Scipio Africanus ; continued in full force as long as the kingdom of the Goths lasted, and was ever highly valued, till the house of Austria got possession of that country, and introduced laws and customs formerly unknown to the inhabitants.

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The histories of all nations furnish us with innumerable examples of both sorts ; and whosoever takes upon him to determine which side is in the right, ought to shew by what authority he undertakes to be the judge of mankind, and how the infinite breaches thereby made upon the rights of the governing families shall be cured, without the overthrow of those that he shall condemn, and of the nations where such laws have been in force as he dislikes : and till that be done, in my opinion no place will afford a better lodging for him that shall impudently assume such a power, than the new buildings in Moor-fields.

'Tis no less hard to decide whether this next heir is to be sought in the Male-line only, or whether females also be admitted. If we follow the first as the law of God and nature, the title of our English kings is wholly abolished ; for not one of them since Henry the first has had the least pretence to an inheritance by the masculine line ; and if it were necessary, we have enough to say of those that were before them.

If it be said, that the same right belongs to females, it ought to be proved that women are as fit as men to perform the office of a king, that is, as the Israelites said to Samuel, to go in and out before us, to judge us, and to fight our battles ; for it were an impious folly to say that God had ordained those for the offices on which the good of mankind so much depends, who by nature are unable to perform the duties of them. If on the other side, the sweetness, gentleness, delicacy, and tenderness of the sex render them unfit for manly exercises, that they are accounted utterly repugnant to, and inconsistent with that modesty which does so eminently shine in all those that are good-amongst them ; that law of

nature which should advance them to the government of men, would overthrow its own work, and make those to be the heads of nations, which cannot be the heads of private families; for, as the apostle says, “The woman is not the head of the man, but the man is the head of the woman.” This were no less than to oblige mankind to lay aside the name of reasonable creature: for if reason be his nature, it cannot enjoin that which is contrary to itself; if it be not, the definition “Homo est animal rationale,” is false, and ought no longer to be assumed.

If any man think these arguments to be mistaken or misapplied, I desire him to enquire of the French nation on what account they have always excluded females, and such as descended from them? How comes the house of Bourbon to be advanced to the throne before a great number of families that come from the daughters of the house of Valois? Or what title those could have before the daughters of the other lines, descended from Hugh Capet, Pepin, Meroveus, or Pharamond? I know not how such questions would be received; but I am inclined to think that the wickedness and folly of those who should thereby endeavour to overthrow the most antient and most venerated constitutions of the greatest nations, and by that means to involve them in the most inextricable difficulties, would be requited only with stones.

It cannot be denied that the most valiant, wise, learned, and best polished nations have always followed the same rule, tho’ the \* weak and barbarous acted otherwise: and no man ever heard of a queen, or a man deriving his title from a female among the

\* *Reginarumque sub armis  
Barbaries pars magna jacet.* LUCAN. PHARS.

antient civilized nations: but if this be not enough, the law of God, that wholly omits females, is sufficient to shew that nature, which is his handmaid, cannot advance them. When God describes who should be the king of his people † (if they would have one) and how he should govern; no mention is made of daughters. The Israelites offer'd the kingdom to Gideon, and to his sons: God promised, and gave it to Saul, David, Jeroboam, Jehu and their sons. When all of them, save David, by their crimes fell from the kingdom, the males only were extirpated, and the females who had no part in the promises, did not fall under the penalties, or the vengeance that was executed upon those families: and we do not in the word of God, or in the history of the Jews, hear of any feminine reign, except that which was usurped by Athaliah; nor that any consideration was had of their descendants in relation to the kingdom: which is enough to shew that it is not according to the law of God, nor to the law of nature, which cannot differ from it. So that females, or such as derive their right by inheritance from females, must have it from some other law, or they can have none at all.

But tho' this question were authentically decided, and concluded that females might or might not succeed, we should not be at the end of our contests: for if they were excluded, it would not from thence follow, as in France, that their descendants should be so also; for the privilege which is denied to them, because they cannot, without receding from the modesty and gentleness of the sex, take upon them to execute all the duties required, may be transferred to their children, as Henry the second

† Deut. xvii.



and Henry the seventh were admitted, tho' their mothers were rejected.

If it be said that every nation ought in this to follow their own constitutions, we are at an end of our controversies ; for they ought not to be followed, unless they are rightly made : They cannot be rightly made, if they are contrary to the universal law of God and nature. If there be a general rule, 'tis impossible, but some of them being directly contrary to each other, must be contrary to it. If therefore all of them are to be followed, there can be no general law given to all ; but every people is by God and nature left to the liberty of regulating these matters relating to themselves according to their own prudence or convenience : And this seems to be so certainly true, that whosoever does, as our author, propose doctrines to the contrary, must either be thought rashly to utter that which he does not understand, or maliciously to cast balls of division among all nations, whereby every man's sword would be drawn against every man, to the total subversion of all order and government.

## S E C T. XIX.

*Kings cannot confer the right of father upon princes,  
nor princes upon kings.*

**L**EST what has been said before by our author should not be sufficient to accomplish his design of bringing confusion upon mankind, and some may yet lie still for want of knowing at whose command he should cut his brother's throat, if he has not power or courage to set up a title for himself, he has a new project that would certainly do his work, if it were received. Not content with

the absurdities and untruths already uttered in giving the incommunicable right of fathers, not only to those who, as is manifestly testified by sacred and prophane histories, did usurp a power over their fathers, or such as owed no manner of obedience to them: and justifying those usurpations, which are most odious to God and all good men, he now fancies a kingdom so gotten may escheat for want of an heir; whereas there is no need of seeking any, if usurpation can confer a right; and that he who gets the power into his hands ought to be reputed the right heir of the first progenitor; for such a one will be seldom wanting, if violence and fraud be justified by the command of God, and nations stand obliged to render obedience, till a stronger or more successful villain throws him from the throne he had invaded. But if it should come to pass that no man would step into the vacant place, he has a new way of depriving the people of their right to provide for the government of themselves. “Because, says he, “the dependency of antient families is oft obscure, “and worn out of knowledge; therefore the wisdom “of all or most princes hath thought fit many times “to adopt those for heads of families and princes of “provinces, whose merits, abilities, or fortunes have “ennobled them, and made them fit and capable “of such royal favours: All such prime heads and “fathers have power to consent to the uniting and “conferring of their fatherly right and sovereignty “on whom they please, &c.”

I may justly ask how any one or more families come to be esteemed more antient than others, if all are descended from one common father, as the scriptures testify; or to what purpose it were to enquire what families were the most ancient, if there were any such, when the youngest and most mean

by usurpation gets an absolute right of dominion over the eldest, tho' his own progenitors, as Nimrod did : but I may certainly conclude, that whatever the right be that belongs to those antient families, it is inherent in them, and cannot be conferred on any other by any human power ; for it proceeds from nature only. The duty I owe to my father does not arise from an usurped or delegated power, but from my birth derived from him ; and 'tis as impossible for any man to usurp or receive by the grant of another the right of a father over me, as for him to become, or pretend to be made my father by another who did not beget me. But if he say true, this right of father does not arise from nature ; nor the obedience that I owe to him that begot, from the benefits which I have received, but is meerly an artificial thing depending upon the will of another : and that we may be sure there can be no error in this, our author attributes it to the wisdom of princes. But before this comes to be authentick, we must at the least be sure that all princes have this great and profound wisdom, which our author acknowledges to be in them, and which is certainly necessary for the doing of such great things, if they were referred to them. They seem to us to be born like other men, and to be generally no wiser than other men. We are not obliged to believe that Nebuchadnezzar was wise, till God had given him the heart of a man ; or that his grandson Belshazzar, who being laid in the balance was found too light, had any such profound wisdom. Ahasuerus shewed it not in appointing all the people of God to be slain, upon a lie told to him by a rascal ; and the matter was not very much mended, when being informed of the truth, he gave them leave to kill as many of their enemies as they pleased. The hardness of Pharaoh's

heart, and the overthrow thereby brought upon himself and people, does not argue so profound a judgment as our author presumes every prince must have: And 'tis not probable that Samuel would have told Saul, "He had done foolishly," if kings had always been so exceeding wise: Nay, if wisdom had been annexed to the character, Solomon might have spared the pains of asking it from God, and Rehoboam must have had it. Not to multiply examples out of scripture, 'tis believed that Xerxes had not inflicted stripes upon the sea for breaking his navy in pieces, if he had been so very wise. Caligula for the same reason might have saved the labour of making love to the moon, or have chosen a fitter subject to advance to the consulate than his horse Incitatus\*: Nero had not endeavoured to make a woman of a man, nor married a man as a woman. Many other examples might be alledged to shew that kings are not always wise: And not only the Roman satyrist, who says "*Quicquid delirant reges†,*" &c. shews that he did not believe them to be generally wiser than other men; but Solomon himself judges them to be as liable to infirmities, when he prefers a wise child before an old and foolish king. If therefore the strength of our author's argument lies in the certainty of the wisdom of kings, it can be of no value, till he proves it to be more universal in them than history or experience will permit us to believe. Nay, if there be truth or wisdom in the scripture, which frequently represents the wicked man as a fool, we cannot think that all kings are wise, unless it be proved that none of them have been wicked; and when this is performed by Filmer's disciples, I shall confess my error.

\* Sueton.

† Horat.



Men give testimony of their wisdom, when they undertake that which they ought to do, and rightly perform that which they undertake; both which points do utterly fail in the subject of our discourse. We have often heard of such as have adopted those to be their sons who were not so, and some civil laws approve it. This signifies no more, than that such a man, either through affection to one who is not his son, or to his parents, or for some other reason, takes him into his family, and shews kindness to him, as to his son; but the adoption of fathers is a whimsical piece of nonsense. If this be capable of an aggravation, I think none can be greater, than not to leave it to my own discretion, who having no father, may resolve to pay the duty I owed to my father to one who may have shewed kindness to me; but for another to impose a father upon a man, or a people composed of fathers, or such as have fathers, whereby they should be deprived of that natural honour and right, which he makes the foundation of his discourse, is the utmost of all absurdities. If any prince therefore have ever undertaken to appoint fathers of his people, he cannot be accounted a man of profound wisdom, but a fool or a madman; and his acts can be of no value. But if the thing were consonant to nature, and referred to the will of princes (which I absolutely deny) the frequent extravagancies committed by them in the elevation of their favourites, shews that they intend not to make them fathers of the people, or know not what they do when they do it.

To chuse or institute a father is nonsense in the very term; but if any were to be chosen to perform the office of fathers to such as have none, and are not of age to provide for themselves (as men do tutors or guardians for orphans) none could be ca-

pable of being elected, but such as in kindness to the person they were to take under their care, did most resemble his true father, and had the virtues and abilities required rightly to provide for his good. If this fails, all right ceases; and such a corruption is introduced as we saw in our court of wards, which the nation could not bear, when the institution was perverted, and the king, who ought to have taken a tender care of the wards and their estates, delivered them as a prey to those whom he favoured.

Our author ridiculously attributes the title and authority of father to the word Prince; for it hath none in it, and signifies no more than a man, who in some kind is more eminent than the vulgar. In this sense Mutius Scævola told Porfenna, that “ Three hundred princes of the Roman youth had conspired against him \* :” by which he could not mean that three hundred fathers of the Roman youth, but three hundred Roman young men had conspired: and they could not be fathers of the city, unless they had been fathers of their own fathers. Princeps Senatus was understood in the same sense; and T. Sempronius the censor chusing Q. Fabius Maximus to that honour, gave for a reason, “ Se lecturum Q. Fabium Maximum, quem tum principem Romanæ civitatis esse, vel Annibale judice, dicturus esset † ;” which could not be understood that Hannibal thought him to be the father or lord of the city (for he knew he was not) but the man, who for wisdom and valour was the most eminent in it.

The like are and ought to be the princes of every nation; and tho’ something of honour may justly be attributed to the descendants of such as have done

\* Trecenti Romanæ juventutis principes. T. Liv.

† T. Liv. l. 7.

great services to their country, yet they who degenerate from them cannot be esteemed princes; much less can such honours or rights be conferred upon court-creatures or favourites. Tiberius, Caligula, Claudius, Nero, Galba, and others, could advance Macro, Pallas, Narcissus, Tigellinus, Vinnius, Laco, and the like, to the highest degrees of riches and power; but they still continued to be villains, and so they died.

No wise or good man ever thought otherwise of those who through the folly of princes have been advanced to the highest places in several countries. The madness of attributing to them a paternal power, seems to have been peculiarly reserved to compleat the infamy of our author; for he only could acknowledge a cooptitious father, or give to another man the power of chusing him. I confess that a man in his infancy may have been exposed, like Moses, Cyrus, Oedipus, Romulus: He may have been taken in war; or by the charity of some good person saved from the teeth of wild beasts, or from the sword by which his parents fell, and may have been educated with that care which fathers usually have of their children: 'tis reasonable that such a one in the whole course of his life should pay that veneration and obedience to him, who gave him as it were a second birth, which was due to his natural father; and this, tho' improperly, may be called an adoption. But to think that any man can assume it to himself, or confer it upon another, and thereby arrogate to himself the service and obedience, which, by the most tender and sacred laws of nature, we owe to those from whom we receive birth and education, is the most preposterous folly that hitherto has ever entered into the heart of man.

Our author nevertheless is not ashamed of it, and gives reasons no way unsuitable to the proposition. “Men are, says he, adopted fathers of provinces for their abilities, mérits, or fortunes.” But these abilities can simply deserve nothing; for if they are ill employed, they are the worst of vices, and the most powerful instruments of mischief. Merits, in regard of another, are nothing, unless they be to him; and he alone can merit from me the respect due to a father, who hath conferred benefits upon me, in some measure proportionable to those which we usually receive from our fathers: and the world may judge, whether all the court-ministers and favourites that we have known, do upon this account deserve to be esteemed fathers of nations. But to allow this on account of their fortunes, is, if possible, more extravagant than any thing that hath been yet utter’d. By this account Mazarin must have been father of the French nation: The same right was inherited by his chaste niece, and remained in her, till she and her silly husband dissipated the treasures which her uncle had torn from the bowels of that people. The partizans may generally claim the same right over the provinces they pillaged: Old Audley, Dog Smith, Bishop Duppa, Brownloe, Child, Dashwood, Fox, &c. are to be esteemed fathers of the people of England. This doctrine is perfectly canonical, if Filmer and Heylin were good divines; and legal, if they judged more rightly touching matters of law. But if it be absurd and detestable, they are to be reputed men, who, by attributing the highest honours to the vilest wretches of the world, for what they had gain’d by the most abominable means, endeavour to increase those vices, which are already come to such a height, that they can by no other way be brought  
to



to a greater. Daily experience too plainly shews, with what rage avarice usually fills the hearts of men. There are not many destructive villanies committed in the world, that do not proceed from it. In this respect 'tis called Idolatry, and "the root of all evil." Solomon warns us to beware of such as make haste to grow rich, and says, they shall not be innocent. But 'tis no matter what the prophets, the apostles, or the wisest of men say of riches, and the ways of gaining them; for our author tells us, that men of the greatest fortunes, without examining how they came to them, or what use they make of them, deserve to be made fathers of provinces.

But this is not his only quarrel with all that is just and good: His whole book goes directly against the letter and spirit of the scripture. The work of all those, whom God in several ages has raised up to announce his word, was to abate the lusts and passions that arise in the hearts of men; to shew the vanity of worldly enjoyments, with the dangers that accompany riches and honours, and to raise our hearts to the love of those treasures that perish not. Honest and wise men following the light of nature, have in some measure imitated this. Such as lived private lives, as Plato, Socrates, Epictetus, and others, made it their business to abate mens lusts, by shewing the folly of seeking vain honours, useless riches, or unsatisfying pleasures; and those who were like to them, if they were raised to supreme magistracies, have endeavoured by the severest punishments to restrain men from committing the crimes by which riches are most commonly gained: But Filmer and Heylin lead us into a new way. If they deserve credit, whosoever would become supreme lord and father of his country, absolute,

lute, sacred and inviolable, is only to kill him that is in the head of the government: Usurpation confers an equal right with election or inheritance: We are to look upon the power, not the ways by which it is obtained: Possession only is to be regarded; and men must venerate the present power, as set up by God, tho' gained by violence, treachery or poison: Children must not impose laws upon, nor examine the actions of their fathers. Those who are a little more modest, and would content themselves with the honour of being fathers and lords only of provinces, if they get riches by the favour of the king, or the favour of the king by riches, may receive that honour from him: The lord paramount may make them peculiar lords of each province as sacred as himself; and by that means every man shall have an immediate and a subaltern father. This would be a spur to excite even the most sleeping lusts; and a poison that would fill the gentlest spirits with the most violent furies. If men should believe this, there would hardly be found one of whom it might not be said, "*Hac spe, minanti fulmen, occuret Jovi\**." No more is required to fill the world with fire and blood, than the reception of these precepts: No man can look upon that as a wickedness, which shall render him sacred; nor fear to attempt that which shall make him God's vicegerent. And I doubt, whether the wickedness of filling mens heads with such notions was ever equalled, unless by him who said, "Ye shall not die, but be as Gods."

But since our author is pleased to teach us these strange things, I wish he would also have told us, how many men in every nation ought to be look'd upon as adopted fathers: What proportion of riches, ability or merit, is naturally or divinely required

\* Senec. Theb.

to make them capable of this sublime character : Whether the right of this chimerical father does not destroy that of the natural ; or whether both continue in force, and men thereby stand obliged, in despite of what Christ said, to serve two masters. For if the right of my artificial father arise from any act of the king, in favour of his riches, abilities or merit, I ought to know whether he is to excel in all, or any one of these points : How far, and which of them gives the preference ; since 'tis impossible for me to determine whether my father, who may be wise, tho' not rich, is thereby divested of his right, and it comes to be transferr'd to another, who may be rich tho' not wise, nor of any personal merit at all, till that point be decided ; or, so much as to guess, when I am emancipated from the duty I owe to him, by whom I was begotten and educated, unless I know whether he be fallen from his right, through want of merit, wisdom or estate ; and that can never be, till it be determined, that he hath forfeited his right, by being defective in all, or any of the three ; and what proportion of merit, wisdom or estate is required in him, for the enjoyment of his right, or in another that would acquire it : for no man can succeed to the right of another, unless the first possessor be rightly deprived of it ; and it cannot belong to them both, because common sense universally teaches, that two distinct persons cannot, at the same time, and in the same degree, have an equal right to the same individual thing.

The right of father cannot therefore be conferred upon princes by kings, but must for ever follow the rule of nature. The character of a father is indelible, and incommunicable : The duty of children arising from benefits received is perpetual, because they can never not have received them ; and can be due only  
to

to him from whom they are received. For these reasons, we see, that such as our author calls princes, cannot confer it upon a king; for they cannot give what they have not in themselves: They who have nothing can give nothing: They who are only supposititious, cannot make another to be real; and the whimsey of kings making princes to be fathers, and princes conferring that right on kings, comes to nothing.

## S E C T. XX.

*All just magistratical power is from the people.*

**H**A V I N G proved that the right of a father proceeds from the generation and education of his children: That no man can have that right over those, whom he hath not begotten and educated: That every man hath it over those, who owe their birth and education to him: That all the sons of Noah, Abraham, Isaac, Jacob, and others, did equally inherit it: That by the same reasons, it doth for ever belong to every man that begets children; it plainly appears, that no father can have a right over others, unless it be by them granted to him, and that he receive his right from those who granted it. But our author, with an admirable sagacity peculiar to himself, discovers, and with equal confidence tells us, that that which is from the people, or the chief heads of them, is not from the people: “He that is so elected, says he, claims not his  
“right from the people as a donative, but from God.” That is, if I mistake not, Romulus was not made king of the Romans by that people, but by God: Those men being newly gathered together, had two fathers, tho’ neither of them had any children; and no man knew who was their father, nor which of them was the elder: But Romulus by the slaughter of his  
brother



brother decided all questions, and purchased to himself a royal charter from God; and the act of the people which conferred the power on him, was the act of God. We had formerly learnt, that whatsoever was done by monarchs, was to be imputed to God; and that whosoever murdered the father of a people, acquired the same right to himself: but now it seems, that nations also have the same privilege, and that God doth, what they do. Now I understand why it was said of old, "*Vox populi est vox Dei*:" But if it was so in regard of Romulus, the same must be confessed of Tullus Hostilius, Ancus Martius, Tarquinius Priscus, and Servius Tullus; who being all strangers to each other, and most of them aliens also, were successively advanced by the same people, without any respect to the children, relations or heirs of their predecessors. And I cannot comprehend, why the act of the same people should not have the same virtue, and be equally attributed to God, when they gave the same or more power to consuls, military tribunes, decemviri, or dictators; or why the same divine character should not be in the same manner conferred upon any magistracies, that by any people have been, are, or shall be at any time erected for the same ends.

Upon the same grounds we may conclude, that no privilege is peculiarly annexed to any form of government, but that all magistrates are equally the ministers of God, who perform the work for which they were instituted; and that the people which institutes them, may proportion, regulate and terminate their power, as to time, measure, and number of persons, as seems most convenient to themselves, which can be no other than their own good. For it cannot be imagined that a multitude of people should send for Numa, or any other person to whom they

they owed nothing, to reign over them, that he might live in glory and pleasure; or for any other reason, than that it might be good for them and their posterity. This shews the work of all magistrates to be always and every where the same, even the doing of justice, and procuring the welfare of those that create them. This we learn from common sense: Plato, Aristotle, Cicero, and the best human authors lay it as an unmoveable foundation, upon which they build their arguments relating to matters of that nature: And the apostle from better authority declares, “ That rulers are not a terror to good-  
 “ works, but to evil: Wilt thou then not be afraid  
 “ of the power? do that which is good, and thou  
 “ shalt have praise of the same; for he is the minis-  
 “ ter of God unto thee for good: But if thou do  
 “ that which is evil, be afraid; for he beareth not  
 “ the sword in vain; for he is the minister of God,  
 “ a revenger to execute wrath upon him that doth  
 “ evil||.” And the reason he gives “ for praying for  
 “ kings, and all that are in authority, is, that we  
 “ may live a quiet and peaceable life, in all godliness  
 “ and honesty\*.” But if this be the work of the magistrate, and the glorious name of God’s minister be given to him for the performance of it, we may easily see to whom that title belongs. “ His children and servants ye are, whose works ye do.” He therefore, and he only, is the servant of God, who does the work of God; who is a terror to those that do evil, and a praise to those that do well; who beareth the sword for the punishment of wickedness and vice, and so governs, that the people may live quietly in all godliness and honesty. The order of his institution is inverted, and the institution vacated, if the power

|| Rom. 13.

\* 1 Tim. 2.

be turned to the praise of those that do evil, and becomes a terror to such as do well; and that none who live honestly and justly can be quiet under it. If God be the fountain of justice, mercy and truth, and those his servants who walk in them, no exercise of violence, fraud, cruelty, pride, or avarice, is patronized by him: and they who are the authors of those villanies, cannot but be the ministers of him, who sets himself up against God; because 'tis impossible that truth and falsehood, mercy and cruelty, justice and the most violent oppression can proceed from the same root. It was a folly and a lie in those Jews, to call themselves the children of Abraham, who did not the works of Abraham; and Christ declared them to be the children of the Devil, whose works they did †: which words proceeding from the eternal truth, do as well indicate to us, whose child and servant every man is to be accounted, as to those who first heard them.

If our author's former assertions were void of judgment and truth, his next clause shews a great defect in his memory, and contradicts the former: "The judgments of God, says he, who hath power to give and take away kingdoms, are most just; yet the ministry of men, who execute God's judgments without commission, is sinful and damnable." If it be true, as he says, that we are to look at the power, not the ways by which it is gained; and that he who hath it, whether it be by usurpation, conquest, or any other means, is to be accounted as father, or right heir to the father of the people, to which title the most sublime and divine privileges are annexed, a man, who by the most wicked and unjust actions advances himself to the power, becomes immediately the father of the

† John viii. 39.

people, and the minister of God ; which I take to be a piece of divinity worthy our author and his disciples.

It may be doubted what he means by a commission from God ; for we know of none but what is outwardly by his word, or inwardly by his spirit ; and I am apt to think, that neither he nor his abettors allowing of either, as to the point in question, he doth foully prevaricate, in alledging that which he thinks cannot be of any effect. If any man should say, that the word of God to Moses, Joshua, Ehud, Gideon, Samuel, Jerobeam, and Jehu, or any others, are, in the like cases, rules to be observed by all ; because that which was from God was good ; that which was good, is good ; and he that does good, is justified by it : he would probably tell us, that what was good in them, is not good in others ; and that the word of God doth justify those only to whom it is spoken : That is to say, no man can execute the just judgments of God, to the benefit of mankind, according to the example of those servants of God, without damnable sin, unless he have a precise word particularly directed to him for it, as Moses had. But if any man should pretend that such a word was come to him, he would be accounted an enthusiast, and obtain no credit. So that, which way soever the clause be taken, it appears to be full of fraud, confessing only in the theory, that which he thinks can never be brought into practice ; that his beloved villainies may be thereby secured, and that the glorious examples of the most heroick actions, performed by the best and wisest men that ever were in the world for the benefit of mankind, may never be imitated.

The next clause shews, that I did our author no wrong in saying, that he gave a right to usurpation ;  
for



for he plainly says, " That whether the prince be  
 " the supreme father of his people, or the true heir of  
 " such a father ; or whether he come to the crown  
 " by usurpation, or election of the nobles or people,  
 " or by any other way whatsoever, &c. it is the  
 " only right and authority of the natural father." In  
 the 3d Chap. Sect. 8. " It skills not which way the  
 " king comes by his power, whether by election,  
 " donation, succession, or by any other means." And in another place, " That we are to regard the  
 " power, not the means by which it is gained." To  
 which I need say no more, than that I cannot sufficiently admire the ingeniously invented title of father by usurpation ; and confess, that since there is such a thing in the world, to which not only private men, but whole nations owe obedience, whatsoever has been said antiently (as was thought to express the highest excess of fury and injustice) as, "*\* Jus datum sceleri ; jus omne in ferro est situm ; jus licet in jugulos nostros sibi fecerit ense ; Sylla potens Mariusque ferox & Cinna cruentus, Cæsareæque domus series,*" were solid truths, good law and divinity ; which did not only signify the actual exercise of the power, but induced a conscientious obligation of obeying it. The powers so gained, did carry in themselves the most sacred and inviolable rights ; and the actors of the most detestable villanies thereby became the ministers of God, and the fathers of their subdued people. Or if this be not true, it cannot be denied, that Filmer and his followers, in the most impudent and outrageous blasphemy, have surpassed all that have gone before them.

To confirm his assertions, he gives us a wonderful explanation of the fifth commandment ; which, he says, enjoins obedience to princes, under the terms

\* Lucan, &c.

of, “ Honour thy father and thy mother ;” drawing this inference, “ That as all power is in the father, “ the prince who hath it, cannot be restrained by “ any law ; which being grounded upon the perfect “ likeness between kings and fathers, no man can “ deny it to be true.” But if Claudius was the father of the Roman people, I suppose the chaste Messalina was the mother, and to be honoured by virtue of the same commandment : But then I fear that such as met her in the most obscene places, were not only guilty of adultery, but of incest. The same honour must needs belong to Nero and his virtuous Poppæa, unless it were transferred to his new-made woman Sporus ; or perhaps he himself was the mother, and the glorious title of Pater Patriæ belonged to the rascal, who married him as a woman. The like may be said of Agathocles, Dionysius, Phalaris, Busiris, Machanidas, Peter the Cruel of Castile, Christiern of Denmark, the last princes of the house of Valois in France, and Philip the second of Spain. Those actions of theirs, which men have ever esteemed most detestable, and the whole course of their abominable government, did not proceed from pride, avarice, cruelty, madness and lust, but from the tender care of most pious fathers. Tacitus sadly describes the state of his country, “ Urbs incendiis vastata, consumptis antiquissimis delubris, ipso capitolio civium manibus incenso ; pollutæ ceremoniæ ; magna adulteria ; plenum “ exiliis mare ; infecti cœdibus scopuli ; atrocius in “ urbe sævitum ; nobilitas, opes, omissi vel gesti honores pro crimine, & ob virtutes certissimum exitium ;” but he was to blame : All this proceeded from the ardency of a paternal affection. When Nero, by the death of Helvidius Priscus and Thraseas, endeavoured to cut up virtue by the roots,

“ ipsam

“*ipsam exscindere virtutem*,” he did it, because he knew it was good for the world that there should be no virtuous man in it. When he fired the city, and when Caligula wished the people had but one neck, that he might strike it off at one blow, they did it through a prudent care of their childrens good, knowing that it would be for their advantage to be destroyed ; and that the empty desolated world would be no more troubled with popular seditions. By the same rule Pharaoh, Eglon, Nabuchodonosor, Antiochus, Herod, and the like, were fathers of the Hebrews. And without looking far backward, or depending upon the faith of history, we may enumerate many princes, who in a paternal care of their people, have not yielded to Nero or Caligula. If our author say true, all those actions of theirs, which we have ever attributed to the utmost excess of pride, cruelty, avarice and perfidiousness, proceeded from their princely wisdom and fatherly kindness to the nations under them : and we are beholden to him for the discovery of so great a mystery which hath been hid from mankind, from the beginning of the world to this day ; if not, we may still look upon them as children of the devil ; and continue to believe, that princes as well as other magistrates were set up by the people for the publick good ; that the praises given to such as are wise, just and good, are purely personal, and can belong only to those, who by a due exercise of their power do deserve it, and to no others.

## C H A P. II.

## S E C T. I.

*That 'tis natural for nations to govern, or to chuse governors; and that virtue only gives a natural preference of one man above another, or reason why one should be chosen rather than another.*

**I**N this chapter our author fights valiantly against Bellarmin and Suarez, seeming to think himself victorious, if he can shew that either of them hath contradicted the other, or himself; but being no way concerned in them, I shall leave their followers to defend their quarrel: My work is to seek after truth; and, tho' they may have said some things, in matters not concerning their beloved cause of popery, that are agreeable to reason, law or scripture, I have little hope of finding it among those who apply themselves chiefly to school-sophistry, as the best means to support idolatry. That which I maintain, is the cause of mankind; which ought not to suffer, tho' champions of corrupt principles have weakly defended, or maliciously betrayed it: and therefore not at all relying on their authority, I intend to reject whatsoever they say that agrees not with reason, scripture, or the approved examples of the best polished nations. He also attacks Plato and Aristotle, upon whose opinions I set a far greater value, in as much as they seem to have penetrated more deeply into the secrets of human nature;



ture; and not only to have judged more rightly of the interests of mankind, but also to have comprehended in their writings the wisdom of the Grecians, with all that they had learnt from the Phœnicians, Egyptians and Hebrews; which may lead us to the discovery of the truth we seek. If this be our work, the question is not, whether it be a paradox, or a received opinion, “That people naturally govern, or chuse governors,” but whether it be true or not; for many paradoxes are true, and the most gross errors have often been most common. Tho’ I hope to prove, that what he calls a paradox, is not only true, but a truth planted in the hearts of men, and acknowledged so to be by all that have hearkned to the voice of nature, and disapproved by none, but such as through wickedness, stupidity, or baseness of spirit, seem to have degenerated into the worst of beasts, and to have retained nothing of men, but the outward shape, or the ability of doing those mischiefs which they have learnt from their master the devil.

We have already seen, that the patriarchal power resembles not the regal in principle or practice: that the beginning and continuance of regal power was contrary to, and inconsistent with the patriarchal: that the first fathers of mankind left all their children independent on each other, and in an equal liberty of providing for themselves: that every man continued in this liberty, till the number so increased, that they became troublesome and dangerous to each other; and finding no other remedy to the disorders growing, or like to grow among them, joined many families into one civil body, that they might the better provide for the conveniency, safety, and defence of themselves and their children. This was a collation of every man’s private right into a public

lic stock ; and no one having any other right than what was common to all, except it were that of fathers over their children, that were all equally free when their fathers were dead ; and nothing could induce them to join, and lessen that natural liberty by joining in societies, but the hopes of a public advantage. Such as were wise and valiant procured it, by setting up regular governments, and placing the best men in the administration ; whilst the weakest and basest fell under the power of the most boisterous and violent of their neighbours. Those of the first sort had their root in wisdom and justice, and are called lawful kingdoms or commonwealths ; and the rules by which they are governed, are known by the name of laws. These governments have ever been the nurseries of virtue : the nations living under them have flourished in peace and happiness, or made wars with glory and advantage : whereas the other sort springing from violence and wrong, have ever gone under the odious title of tyrannies ; and by fomenting vices, like to those from whence they grew, have brought shame and misery upon those who were subject to them. This appears so plainly in scripture, that the assertors of liberty want no other patron than God himself ; and his word so fully justifies what we contend for, that it were not necessary to make use of human authority, if our adversaries did not oblige us to examine such as are cited by them. This, in our present case, would be an easy work, if our author had rightly marked the passages he would make use of, or had been faithful in his interpretation or explication of such as he truly cites ; but failing grossly in both, 'tis hard to trace him.

He cites the 16th chapter of the third book of Aristotle's politics, and I do not find there is more  
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than twelve; or tho' that wound might be cured, by saying the words are in the twelfth, his fraud in perverting the sense were unpardonable, tho' the other mistake might be passed over. 'Tis true that Aristotle doth there seem to doubt whether there be any such thing as one man naturally a lord over many citizens, since a city consists of equals: but in the whole scope of that chapter, book, and his other writings, he fully shews his doubt did not arise from an imagination that one man could naturally inherit a right of dominion over many not descended from him; or that they were born under a necessity of being slaves to him (for such fancies can proceed only from distemper'd brains) but that civil societies aiming at the publick good, those who by nature were endowed with such virtues or talents as were most beneficial to them, ought to be preferred. And nothing can be more contrary to the frantick whimsy of our author, who fancies an hereditary prerogative of dominion inherent in a person as father of a people, or heir, or to be reputed heir of the first father, when 'tis certain he is not, but that either he or his predecessor came in by election or usurpation, than to shew that 'tis only wisdom, justice, valour, and other commendable virtues, which are not hereditary, that can give the preference; and that the only reason why it should be given, is, that men so qualified can better than others accomplish the ends for which societies are constituted: For tho', says he, all are equally free, all are not equally endowed with those virtues that render liberty safe, prosperous, and happy. That equality which is just among equals, is just only among equals; but such as are base, ignorant, vicious, slothful, or cowardly, are not equal in natural or acquired virtues, to the generous, wise, valiant, and industrious; nor equally  
useful

useful to the societies in which they live : they cannot therefore have an equal part in the government of them ; they cannot equally provide for the common good ; and 'tis not a personal, but a publick benefit that is sought in their constitution and continuance. There may be a hundred thousand men in an army, who are all equally free ; but they only are naturally most fit to be commanders or leaders, who most excel in the virtues required for the right performance of those offices ; and that, not because 'tis good for them to be raised above their brethren, but because 'tis good for their brethren to be guided by them, as 'tis ever good to be governed by the wisest and the best. If the nature of man be reason, *Detur digniori*, in matters of this kind, is the voice of nature ; and it were not only a deviation from reason, but a most desperate and mischievous madness, for a company going to the Indies, to give the guidance of their ship to the son of the best pilot in the world, if he wanted the skill required to that employment, or to one who was maliciously set to destroy them ; and he only can have a right grounded upon the dictates of nature, to be advanced to the helm, who best knows how to govern it, and has given the best testimonies of his integrity and intentions to imploy his skill for the good of those that are embarked. But as the work of a magistrate, especially if he be the supreme, is the highest, noblest, and most difficult that can be committed to the charge of a man, a more excellent virtue is required in the person who is to be advanced to it, than for any other ; and he that is most excellent in that virtue, is reasonably and naturally to be preferred before any other. Aristotle having this in his view, seems to think, that those who believed it not to be natural for one man to be lord  
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of all the citizens, since a city consists of equals, had not observed that inequality of endowments, virtues and abilities in men, which render some more fit than others, for the performance of their duties, and the work intended; but it will not be found, as I suppose, that he did ever dream of a natural superiority, that any man could ever have in a civil society, unless it be such a superiority in virtue, as most conduces to the publick good.

He confirms this in proceeding to examine the different sorts of governments, according to the different dispositions of nations; and is so bold to say, that a popular government is the best for a people, who are naturally generous and warlike: that the government of a few suits best with those, among whom a few men are found to excel others in those virtues that are profitable to societies; and that the government of one is good, when that one does so far surpass all others in those virtues, that he hath more of them than all the rest of the people together: and for the same reason that induced him to believe that equality is just amongst equals, he concludes inequality of power to be most unjust, unless there be inequality of merit; and equality of power to be so also, when there is inequality of virtue, that being the only rule by which every man's part ought to be regulated.

But if it be neither reasonable nor just that those who are not equal in virtue should be made equal in power, or that such as are equal in virtue should be unequal in power, the most brutal and abominable of all extravagancies is to make one or a few, who in virtue and abilities to perform civil functions are inferior to others, superior to all in power; and the miseries suffered by those nations, who inverting the laws of nature and reason, have placed children

dren or men of no virtue in the government, when men that excelled in all virtues were not wanting, do so far manifest this truth, that the pains of proving it may be spared.

'Tis not necessary for me to inquire, whether it be possible to find such a man as Aristotle calls "Naturâ regem," or whether he intended to recommend Alexander to the world, for the man designed by God and nature to be king over all, because no man was equal to him in the virtues that were beneficial to all. For pursuing my position, that virtue only can give a just and natural preference, I ingenuously confess, that when such a man or race of men as he describes, shall appear in the world, they carry the true marks of sovereignty upon them: We ought to believe, that God has raised them above all, whom he has made to excel all: It were an impious folly to think of reducing him into the ordinary level of mankind, whom God has placed above it. 'Twere better for us to be guided by him, than to follow our own judgment; nay, I could almost say, 'twere better to serve such a master, than to be free. But this will be nothing to the purpose, till such a man, or succession of men do appear; and if our author would persuade us, that all mankind, or every particular, is obliged to a perpetual subjection to one man or family, upon any other condition, he must do it by the credit of those who favour his design more than Aristotle.

I know not who that will be, but am confident he will find no help from Plato: for if his principles be examined, by which a grave author's sense is best comprehended, it will appear, that all his books of laws and of a commonwealth\*, are chiefly ground-

\* Plato de leg. & de republ.

ed upon this, that magistrates are chosen by societies, seeking their own good ; and that the best men ought to be chosen for the attaining of it : whereas his whole design of seeking which is the best form of government, or what laws do most conduce to its perfection and permanency, (if one rule were by nature appointed for all, and none could justly transgress it ; if God had designed an universal lord over the whole world, or a particular one over every nation, who could be bound by no law) were utterly absurd ; and they who write books concerning political matters, and take upon them to instruct nations how to govern themselves, would be found either foolishly to mispend their time, or impiously to incite people to rebel against the ordinance of God. If this can justly be imputed to Plato, he is not the wise man he is supposed to have been ; and can less deserve the title of divine, which our author gives him : but if he remain justly free from such censures, it must be confessed that whilst he seeks what is good for a people, and to convince them by reason that it is so, he takes it for granted, that they have a liberty of chusing that which appears to be the best to them \*. He first says, that this good consists in obtaining of justice ; but farther explaining himself, he shews that under the name of justice, he comprehends all that tends to their perfection and felicity ; in as much as every people, by joining in a civil society, and creating magistrates, doth seek its own good ; and 'tis just, that he or they who are created, should, to the utmost of their power, accomplish the end of their creation, and lead the people to justice, without which there is neither perfection nor happiness : That the proper act of justice is to give to every one his due ; to man

\* Plato de leg.

that which belongs to man, and to God that which is God's. But as no man can be just, or desire to be so, unless he know that justice is good; nor know that it is good, unless he know that original justice and goodness, through which all that is just is just, and all that is good is good, 'tis impossible for any man to perform the part of a good magistrate, unless he have the knowledge of God; or to bring a people to justice, unless he bring them to the knowledge of God, who is the root of all justice and goodness. If Plato therefore deserve credit, he only can duly perform the part of a good magistrate, whose moral virtues are ripened and heightned by a superinduction of divine knowledge. The misery of man proceeds from his being separated from God: This separation is wrought by corruption; his restitution therefore to felicity and integrity, can only be brought about by his reunion to the good from which he is fallen. Plato looks upon this as the only worthy object of man's desire; and in his laws and politicks he intends not to teach us how to erect manufactures, and to increase trade or riches; but how magistrates may be helpful to nations in the manner before-mentioned, and consequently what men are fit to be magistrates. If our author therefore would make use of Plato's doctrine to his end, he ought to have proved that there is a family in every nation, to the chief of which, and successively to the next in blood, God does ever reveal and infuse such a knowledge of himself, as may render him a light to others; and failing in this, all that he says is to no purpose.

The weakness in which we are born, renders us unable to attain this good of our selves: we want help in all things, especially in the greatest. The fierce barbarity of a loose multitude, bound by no law,



law, and regulated by no discipline, is wholly repugnant to it: Whilst every man fears his neighbour, and has no other defence than his own strength, he must live in that perpetual anxiety which is equally contrary to that happiness, and that sedate temper of mind which is required for the search of it. The first step towards the cure of this pestilent evil, is for many to join in one body, that every one may be protected by the united force of all; and the various talents that men possess, may by good discipline be rendered useful to the whole; as the meanest piece of wood or stone being placed by a wise architect, conduces to the beauty of the most glorious building. But every man bearing in his own breast affections, passions, and vices that are repugnant to this end, and no man owing any submission to his neighbour; none will subject the correction or restriction of themselves to another, unless he also submit to the same rule. They are rough pieces of timber or stone, which 'tis necessary to cleave, saw, or cut: This is the work of a skilful builder, and he only is capable of erecting a great fabrick, who is so: Magistrates are political architects; and they only can perform the work incumbent on them, who excel in political virtues. Nature, in variously framing the minds of men, according to the variety of uses in which they may be imploy'd, in order to the institution and preservation of civil societies, must be our guide, in allotting to every one his proper work. And Plato observing this variety, affirms, that the laws of nature cannot be more absurdly violated, than by giving the government of a people to such, as do not excel others in those arts and virtues that tend to the ultimate ends for which governments are instituted. By this means those who are slaves by nature, or rendered so by their vices, are often set  
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above those that God and nature had fitted for the highest commands ; and societies which subsist only by order, fall into corruption, when all order is so preposterously inverted, and the most extreme confusion introduced. This is an evil that Solomon detested : “ Folly is set in great dignity, and the “ rich sit in low places : I have seen servants upon “ horses, and princes walking as servants upon the “ earth \* :” They who understand Solomon’s language, will easily see, that the rich, and the princes he means, are such only who are rich in virtue and wisdom, and who ought to be preferred for those qualities : And when he says, a servant that reigneth is one of the “ three things the earth cannot bear,” he can only mean such as deserve to be servants ; for when they reign, they do not serve, but are served by others ; which perfectly agrees with what we learn from Plato, and plainly shews, that true philosophy is perfectly conformable with what is taught us by those who were divinely inspired. Therefore tho’ I should allow to our author, that Aristotle, in those words, “ It seems to some, not to be “ natural for one man to be lord of all the citizens, “ since the city consists of equals,” did speak the opinion of others rather than his own ; and should confess that he and his master Plato, did acknowledge a natural inequality among men, it would be nothing to his purpose : for the inequality, and the rational superiority due to some, or to one, by reason of that inequality, did not proceed from blood or extraction, and had nothing patriarchal in it ; but consisted solely in the virtues of the persons, by which they were rendered more able than others to perform their duty, for the good of the society. Therefore if these authors are to be trusted, whatsoever place a man is advanc-

\* Eccl. x. 7.

ed to in a city, 'tis not for his own sake, but for that of the city; and we are not to ask who was his father, but what are his virtues in relation to it. This induces a necessity of distinguishing between a simple and a relative inequality; for if it were possible for a man to have great virtues, and yet no way beneficial to the society of which he is, or to have some one vice that renders them useless, he could have no pretence to a magistratical power, more than any other. They who are equally free, may equally enjoy their freedom; but the powers that can only be executed by such as are endowed with great wisdom, justice and valour, can belong to none, nor be rightly conferred upon any, except such as excel in those virtues. And if no such can be found, all are equally by turns to participate of the honours annexed to magistracy; and law, which is said to be written reason, cannot justly exalt those, whom nature, which is reason, hath depressed, nor depress those whom nature hath exalted. It cannot make kings slaves, nor slaves kings, without introducing that evil, which, if we believe Solomon, and the spirit by which he spoke, "the earth cannot bear." This may discover what lawgivers deserve to be reputed wise or just; and what decrees or sanctions ought to be reputed laws. Aristotle proceeding by this rule, rather tells us, who is naturally a king, than where we should find him; and after having given the highest praises to this true natural king and his government, he sticks not to declare that of one man, in virtue equal or inferior to others, to be a meer tyranny, even the worst of all, as it is the corruption of the best, (or, as our author calls it, the most divine) and such as can be fit only for those barbarous and stupid nations, which, tho' bearing the shape of men, are little different from beasts:

Whoever therefore will from Aristotle's words infer, that nature has designed one man, or succession of men, to be lords of every country, must shew that man to be endowed with all the virtues, that render him fit for so great an office, which he does not bear for his own pleasure, glory or profit, but for the good of those that are under him; and if that be not done, he must look after other patrons than Aristotle for his opinion.

Plato does more explicitly say, that the civil or politic man, the shepherd, father, or king of a people, is the same, design'd for the same work, enabled to perform it by the excellency of the same virtues, and made perfect by the infusion of the divine wisdom. This is Plato's monarch; and I confess, that wheresoever he does appear in the world, he ought to be accounted as sent from God for the good of that people. His government is the best that can be set up among men; and if assurance can be given, that his children, heirs or successors, shall for ever be equal to him in the above-mentioned virtues, it were a folly and a sin to bring him under the government of any other, or to an equality with them, since God had made him to excel them all; and 'tis better for them to be ruled by him, than to follow their own judgment. This is that which gives him the preference: "He is wise through the knowledge of the truth, and thereby becomes good, happy, pure, beautiful and perfect. The divine light shining forth in him, is a guide to others; and he is a fit leader of a people to the good that he enjoys\*." If this can be expressed by words in fashion, this is his prerogative; this is the royal charter given to him by God; and to him only, who is so adapted for the performance of his

\* Plato in Alcib. l. 1, 2.



office. He that should pretend to the same privileges, without the same abilities to perform the works for which they are granted, would exceed the folly of a child, that takes upon him a burthen which can only be born by a giant; or the madness of one who presumes to give physic, and understands not the art of a physician, thereby drawing guilt upon himself, and death upon his patient. It were as vain to expect that a child should carry the giant's burden, and that an ignorant man should give wholesome physic, as that one who lives void of all knowledge of good, should conduct men to it. Whensoever therefore such a man, as is above-described, does not appear, nature and reason instruct us to seek him or them who are most like to him; and to lay such burdens upon them as are proportionable to their strength; which is as much as to say, to prefer every man according to his merit, and assign to every one such works as he seems able to accomplish.

But that Plato and Aristotle may neither be thought unreasonably addicted to monarchy; nor, wholly rejecting it, to have talked in vain of a monarch, that is not to be found; 'tis good to consider that this is not a fiction. Moses, Joshua, Samuel, and others were such as they define; and were made to be such, by that communion with God which Plato requires: And he in all his writings, intending the institution of such a discipline as should render men happy, wise and good, could take no better way to bring his countrymen to it, than by shewing them that wisdom, virtue, and purity only could make a natural difference among men.

'Tis not my work to justify these opinions of Plato and his scholar Aristotle: They were men,  
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and, tho' wise and learned, subject to error. If they erred in these points, it hurts not me, nor the cause I maintain, since I make no other use of their books, than to shew the impudence and prevarication of those, who gather small scraps out of good books, to justify their assertions concerning such kings as are known amongst us ; which being examined, are found to be wholly against them ; and if they were followed, would destroy their persons and power.

But our author's intention being only to cavil, or to cheat such as are not versed in the writings of the antients, or at least to cause those who do not make truth their guide, to waver and fluctuate in their discourses, he does in one page say, " That without  
" doubt Moses his history of the creation guided  
" these philosophers in finding out this lineal  
" subjection : " And in the next affirms, " That  
" the ignorance of the creation, occasioned several  
" amongst the heathen philosophers to think that  
" men met together as herds of cattle : " Whereas they could not have been ignorant of the creation, if they had read the books that Moses writ ; and having that knowledge, they could not think that men met together as herds of cattle. However, I deny that any of them did ever dream of that lineal subjection, derived from the first parents of mankind, or that any such thing was to be learnt from Moses. Tho' they did not perhaps justly know the beginning of mankind, they did know the beginnings and progress of the governments under which they lived ; and being assured that the first kingdoms had been those, which they called Heroum Regna, that is, of those who had been most beneficial to mankind ; that their descendants in many places degenerating from their virtues, had given nations occasion to set up Aristocracies ; and

they also falling into corruption, to institute Democracies, or mixed governments; did rightly conclude, that every nation might justly order their own affairs according to their own pleasure, and could have neither obligation nor reason to set up one man or a few above others, unless it did appear to them that they had more of those virtues, which conduce to the good of civil societies, than the rest of their brethren.

Our author's cavil upon Aristotle's opinion, "That those who are wise in mind are by nature fitted to be lords, and those who are strong of body ordained to obey," deserves no answer; for he plainly falsifies the text: Aristotle speaks only of those qualities which are required for every purpose; and means no more, than that such as are eminent in the virtues of the mind deserve to govern, tho' they do not excel in bodily strength; and that they who are strong of body, tho' of little understanding, and incapable of commanding, may be useful in executing the commands of others: but is so far from denying that one man may excel in all the perfections of mind and body, that he acknowledges him only to be a king by nature who does so, both being required for the full performance of his duty. And if this be not true, I suppose that one who is like Agrippa Posthumus, "*Corporis viribus stolidé ferrox,*" may be fit to govern many nations; and Moses or Samuel, if they naturally wanted bodily strength, or that it decayed by age, might justly be made slaves, which is a discovery worthy our author's invention.

## S E C T. II.

*Every man that hath children, hath the right of a father, and is capable of preferment in a society composed of many.*

I Am not concerned in making good what Suarez says: a Jesuit may speak that which is true; but it ought to be received, as from the devil, cautiously, lest mischief be hid under it: and Sir Robert's frequent prevarications upon the scripture, and many good authors, give reason to suspect he may have falsified one, that few Protestants read, if it served to his purpose; and not mentioning the place, his fraud cannot easily be discovered, unless it be by one who has leisure to examine all his vastly voluminous writings. But as to the point in question, that pains may be saved; there is nothing that can be imputed to the invention of Suarez; for, "that Adam had only an œconomical, not a  
" political power," is not the voice of a Jesuit, but of nature and common sense: for politic signifying no more in Greek, than civil in Latin, 'tis evident there could be no civil power, where there was no civil society; and there could be none between him and his children, because a civil society is composed of equals, and fortified by mutual compacts, which could not be between him and his children, at least, if there be any thing of truth in our author's doctrine, "That all children  
" do perpetually and absolutely depend upon the  
" will of their father." Suarez seems to have been of another opinion; and observing the benefits we receive from parents, and the veneration we owe to  
them



them to be reciprocal, he could not think any duty could extend farther than the knowledge of the relation upon which it was grounded; and makes a difference between the power of a father, before and after his children are made free; that is in truth, before and after they are able to provide for themselves, and to deliver their parents from the burden of taking care of them: which will appear rational to any who are able to distinguish between what a man of fifty years old, subsisting by himself, and having a family of his own, or a child of eight doth owe to his father: The same reason that obliges a child to submit entirely to the will of his parents, when he is utterly ignorant of all things, does permit, and often enjoin men of ripe age to examine the commands they receive before they obey them; and 'tis not more plain that I owe all manner of duty, affection, and respect to him that did beget and educate me, than that I can owe nothing on any such account to one that did neither.

This may have been the opinion of Suarez: but I can hardly believe such a notion, as, "that Adam in process of time might have servants," could proceed from any other brain than our author's; for if he had lived to this day, he could have had none under him but his own children; and if a family be not compleat without servants, his must always have been defective; and his kingdom must have been so too, if that has such a resemblance to a family as our author fancies. This is evident, that a hard father may use his children as servants, or a rebellious, stubborn son may deserve to be so used; and a gentle and good master may shew that kindness to faithful and well-deserving servants, which resembles the sweetness of a fatherly rule: but neither of them can change their nature; a son can never

grow to be a servant, nor a servant to be a son. If a family therefore be not compleat, unless it consist of children and servants, it cannot be like to a kingdom or city, which is composed of freemen and equals: Servants may be in it, but are not members of it. As truth can never be repugnant to justice, 'tis impossible this should be a prejudice to the paternal rule, which is most just; especially when a grateful remembrance of the benefits received, doth still remain, with a necessary and perpetual obligation of repaying them in all affection and duty: whereas the care of ever providing for their families, as they did probably increase in the time of our first long living fathers, would have been an insupportable burden to parents, if it had been incumbent on them. We do not find that Adam exercised any such power over Cain, when he had slain Abel, as our author fancies to be regal: the murderer went out, and built a city for himself, and called it by the name of his first-born. And we have not the least reason to believe, that after Adam's death Cain had any dominion over his brethren, or their posterity; or any one of them over him and his. He feared that whosoever saw him would kill him, which language does not agree with the rights belonging to the haughty title of heir apparent to the dominion of the whole earth. The like was practised by Noah and his sons, who set up colonies for themselves: but lived as private men in obscure places, whilst their children of the fourth or fifth generation, especially of the youngest and accursed son, were great and powerful kings, as is fully proved in the first chapter.

Tho' this had been otherwise, it would have no effect upon us; for no argument drawn from the examples of Shem, Ham, and Japhet, if they and  
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their children had continued under the dominion of Noah as long as he lived, can oblige me to resign myself and all my concerns absolutely into the hands of one who is not my father. But when the contrary is evidently true in them, and their next ensuing generations, 'tis an admirable boldness in our author to think of imposing upon us for an eternal and universal law (when the knowledge of our first progenitors is utterly extinguished) that which was not at all regarded by those, who could not be ignorant of their own original, or the duty thereby incumbent upon them, or their immediate fathers then living, to whom the rights must have belonged, if there had been any such thing in nature, or that they had been of any advantage to them: whereas in truth, if there had been such a law in the beginning it must have vanished of itself, for want of being exercised in the beginning, and could not possibly be revived after four thousand years, when no man in the world can possibly know to whom the universal right of dominion over the whole world or particular nations does belong; for 'tis in vain to speak of a right, when no one man can have a better title to it than any other. But there being no precept in the scripture for it, and the examples directed or approved by God himself and his most faithful servants, being inconsistent with, and contrary to it, we may be sure there never was any such thing; and that men being left to the free use of their own understanding, may order and dispose of their own affairs as they think fit. No man can have a better title than another, unless for his personal virtues; every man that in the judgment of those concerned excels in them, may be advanced: and those nations that through mistake set up such as are unworthy, or do not take right measures in

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providing for a succession of men worthy, and other things necessary to their welfare, may be guilty of great folly, to their own shame and misery; but can do no injustice to any people, in relation to an hereditary right, which can be naturally in none.

### S E C T. III.

*Government is not instituted for the good of the governor, but of the governed; and power is not an advantage, but a burden.*

THE follies with which our author endeavours to corrupt and trouble the world, seem to proceed from his fundamental mistakes of the ends for which governments are constituted; and from an opinion, that an excessive power is good for the governor, or the diminution of it a prejudice: whereas common sense teaches, and all good men acknowledge, that governments are not set up for the advantage, profit, pleasure or glory of one or a few men, but for the good of the society. For this reason Plato and Aristotle find no more certain way of distinguishing between a lawful king and a tyrant, than that the first seeks to procure the common good, and the other his own pleasure or profit; and doubt not to declare, that he who according to his institution was the first, destroys his own being, and degenerates into the latter, if he desect from that rule: He that was the best of men, becomes the worst; and the father or shepherd of the people makes himself their enemy. And we may from hence collect, that in all controversies concerning the power of magistrates, we are not to examine what conduces to their profit or glory, but what is good for the publick.

His



His second error is no less gross and mischievous than the first; and that absolute power to which he would exalt the chief magistrate, would be burdensome, and desperately dangerous if he had it. The highest places are always slippery: mens eyes dazzle when they are carried up to them; and all falls from them are mortal. Few kings or tyrants, says\* Juvenal, go down to the grave in peace; and he did not imprudently couple them together, because in his time few or no kings were known who were not tyrants. Dionysius thought no man left a tyranny, till he was drawn out by the heels. But Tacitus says, “Nescit quam grave & intolerandum fit cuncta regendi onus.” Moses could not bear it: Gideon would not accept of any resemblance of it. The moral sense of Jotham’s wise parable is eternal: The bramble coveted the power, which the vine, olive and fig-tree refused. The worst and basest of men are ambitious of the highest places, which the best and wisest reject; or if some, who may be otherwise well qualified——

[In this place two pages are wanting in the original manuscript.]

——as the fittest to be followed by mankind. If these philosophers and divines deserve credit, Nimrod, Ninus, Pharaoh, and the rest of that accursed crew, did not commit such excesses as were condemned by God, and abhorred by good men; but gaining to themselves the glorious character of his vicerents, left their practices as a perpetual law to all succeeding generations; whereby the world, and every part of it, would be for ever exposed to the violence, cruelty and madness of the most wicked men that it should produce. But if these opinions com-

\* ——— Sine cæde & sanguine pauci  
Descendunt reges, & sicca morte tyranni. *Juven. Sat.*

prehend an extravagancy of wickedness and madness, that was not known among men, till some of these wretches presumed to attempt the increase of that corruption under which mankind groans, by adding fuel to the worst of all vices; we may safely return to our propositions, that God having established no such authority as our author fancies, nations are left to the use of their own judgment, in making provision for their own welfare: that there is no lawful magistrate over any of them, but such as they have set up; that in creating them they do not seek the advantage of their magistrate, but their own: and having found that an absolute power over a people, is a burden which no man can bear; and that no wise or good man ever desired it; from thence conclude, that it is not good for any to have it, nor just for any to affect it, tho' it were personally good for himself; because he is not exalted to seek his own good, but that of the publick.

#### S E C T. IV.

*The paternal right devolves to, and is inherited by all the children.*

**T**HO' the perversity of our author's judgment and nature may have driven him into the most gross errors, 'tis not amiss to observe, that many of those delivered by him, proceed from his ignorance of the most important differences between father and lord, king and tyrant; which are so evident and irreconcilable, that one would have thought no man could be so stupid, as not to see it impossible for one and the same man, at the same time, to be father and master, king and tyrant, over the same persons. But lest he should think me too scrupulous, or too strict in inquiring after truth, I intend for the present to wave that inquiry, and to seek what was good for  
Adam

Adam or Noah: what we have reason to believe they desired to transmit to their posterity, and to take it for a perpetual law in its utmost extent; which I think will be of no advantage to our author: for this authority, which was universal during their lives, must necessarily after their decease be divided, as an inheritance, into as many parcels as they had children. The apostle says, "If children, then heirs, heirs of God, and joint heirs with Christ \*;" which alluding to the laws and customs of nations, could have been of no force, unless it had been true and known to be so. But if children are heirs, or joint heirs, whatsoever authority Adam or Noah had, is inherited by every man in the world; and that title of heir which our author so much magnifies, as if it were annexed to one single person, vanishes into nothing; or else the words of the apostle could have neither strength nor truth in them, but would be built upon a false foundation, which may perhaps agree with our author's divinity.

Yet if the apostle had not declared himself so fully in this point, we might easily have seen that Adam and Noah did leave their children in that equality; for fathers are ever understood to embrace all their children with equal affection, till the discovery of personal virtues or vices make a difference. But the personal virtues, that give a reasonable preference of one before another, or make him more fit to govern than the others, cannot appear before he is, nor can be annexed to any one line: Therefore the father cannot be thought to have given to one man, or his descendants, the government of his brethren and their descendants.

Besides, tho' the law of England may make one man to be sole heir of his father, yet the laws of

\* Rom. viii. 19.

God and nature do not so. All the children of Noah were his heirs: The land promised to Abraham, Isaac and Jacob, was equally divided among their children. If the children of Joseph made two tribes, it was not as the first-born, but by the will of Jacob, who adopted Ephraim and Manasseh; and they thereby became his sons, and obtained an inheritance equal to that of the other tribes. The law allowed a double portion to the first-begotten; but this made a difference between brothers only in proportion, whereas that between lord and servant, is in specie, not in degree. And if our author's opinion might take place, instead of such a division of the common inheritance between brothers, as was made between the children of Jacob, all must continue for ever slaves to one lord; which would establish a difference in specie between brethren, which nature abhors.

If nature does not make one man lord over his brethren, he can never come to be their lord, unless they make him so, or he subdue them. If he subdue them, it is an act of violence, contrary to right, which may consequently be recovered: If they make him lord, 'tis for their own sakes not for his; and he must seek their good, not his own, lest, as Aristotle says, he degenerate from a king into a tyrant. He therefore who would persuade us, that the dominion over every nation, does naturally belong to one man, woman or child, at a venture; or to the heir, whatsoever he or she be, as to age, sex, or other qualifications, must prove it good for all nations to be under them. But as reason is our nature, that can never be natural to us that is not rational. Reason gives *Paria paribus*, equal power to those who have equal abilities and merit: It allots to every one the part he is most fit to perform; and this



this fitness must be equally lasting with the law that allots it. But as it can never be good for great nations, having men amongst them of virtue, experience, wisdom and goodness, to be governed by children, fools, or vicious and wicked persons; and we neither find that the virtues required in such as deserve to govern them, did ever continue in any race of men, nor have reason to believe they ever will, it can never be reasonable to annex the dominion of a nation to any one line. We may take this upon Solomon's word, "Wo to thee, O land, when thy king is a child, and thy princes eat in the morning †:" And I wish the experience of all ages, did not make this truth too evident to us. This therefore can never be the work, much less the law of nature; and if there be any such thing in the world, as the dominion over a nation, inseparably united to a man and his family, it can have no other root, than a civil or municipal law, which is not the subject of our discourse.

Moreover, every father's right must cease, when he ceases to be; or be transmitted to those, who being also fathers, have the same title to it. And tho' the contrary method of annexing the whole inheritance to one person, or exposing all his brethren to be destroyed by his rage, if they will not submit, may conduce to the enlargement of a proud and violent empire, as in Turkey; where he that gains the power, usually begins his reign with the slaughter of his brothers and nephews: yet it can never agree with the piety, gentleness and wisdom of the patriarchs, or the laws of God and nature.

These things being agreed, we need not trouble ourselves with the limits or definition of a family, and as little with the titles given to the head of it:

† Eccl. x. 16.

'Tis all one to us, whether it be confined to one roof and fire, or extended farther; and none but such as are strangers to the practice of mankind, can think that titles of civility have a power to create a right of dominion. Every man in Latin is called Dominus, unless such as are of the vilest condition, or in a great subjection to those who speak to them; and yet the word strictly taken, relates only to Servus, for a man is lord only of his servant or slave. The Italians are not less liberal of the titles of Signore and Padrone, and the Spaniards of Sennor; but he would be ridiculous in those countries, who thereupon should arrogate to himself a right of dominion over those who are so civil. The vanity of our age seems to carry this point a little higher, especially among the French, who put a great weight upon the word Prince; but they cannot change the true signification of it; and even in their sense, "Prince du sang" signifies no more than a chief man of the royal blood, to whom they pay much respect, because he may come to the crown; as they at Rome do to cardinals, who have the power of choosing popes, and out of whose number, for some ages, they have been chosen. In this sense did Scevola, when he was apprehended by Porfenna, say, "Trecenti con-juravimus Romanæ juventutis principes\*;" which was never otherwise understood, than of such young citizens as were remarkable amongst their companions. And nothing can be more absurd than to think, if the name of prince had carried an absolute and despotical power with it, that it could belong to three hundred in a city, that possessed no more than a ten miles territory; or that it could have been given to them, whilst they were young, and the

\* T. Liv. l. 2.

most part of their fathers, as is most probable, still living.

I should, like our author, run round in a circle, if I should refute what he says of a regal power in our first parents ; or shew, that the regal, where it is, is not absolute as often as he does assert it. But having already proved, that Adam, Noah, Abraham, Isaac, Jacob, &c. enjoyed no such power ; transmitted to every one of their sons that which they had, and they became fathers of many great nations who always continued independent on each other, I leave to our author to prove, when and by what law the right of subdividing the paternal power was stopped, and how any one or more of their descendants came to have that power over their brethren, which none of their immediate children had over theirs.

His question to Suarez, how and when sons become free, favours more of jesuitical sophistry, than any thing said by the Jesuit ; but the solution is easy : for if he mean the respect, veneration and kindness proceeding from gratitude, it ceases only with the life of the father to whom it is due, and the memory of it must last as long as that of the son ; and if they had been possessed of such an absolute power as he fancies, it must have ceased with the reasons upon which it was grounded.

First, because the power, of which a father would probably have made a wise and gentle use, could not be rightly trusted in the hands of one who is not a father ; and that which tended only to the preservation of all the children, could not be turned to the increase of the pride, luxury and violence of one, to the oppression of others who are equally heirs.

In the second place, societies cannot be instituted, unless the heads of the families that are to compose them, resign so much of their right as seems convenient into the publick stock, to which every one becomes subject : but that the same power should, at the same time, continue in the true father, and the figurative father, the magistrate ; and that the children should owe intire obedience to the commands of both, which may often cross each other, is absurd.

Thirdly, it ceases when it cannot be executed ; as when men live to see four or five generations, as many do at this day, because the son cannot tell whether he should obey his father, grandfather, or great-grandfather, and cannot be equally subject to them all ; most especially, when they live in divers places, and set up families of their own, as the sons of the patriarchs did : which being observed, I know no place where this paternal power could have any effect, unless in the fabulous island of Pines ; and even there it must have ceased, when he died, who by the inventor of the story, is said to have seen above ten thousand persons issued of his body.

And if it be said, that Noah, Shem, Abraham, &c. consented that their children should go where they thought fit, and provide for themselves ; I answer, that the like has been done in all ages, and must be done for ever. 'Tis the voice of nature, obeyed, not only by mankind, but by all living creatures ; and there is none so stupid as not to understand it. A hen leaves her chickens, when they can seek their own nourishment : a cow looks after her calf no longer, than till it is able to feed : a lion gives over hunting for his whelps, when they are able to seek their own prey, and have strength enough to provide what is sufficient for themselves.

And



And the contrary would be an insupportable burden to all living creatures, but especially to men ; for the good order that the rational nature delights in, would be overthrown, and civil societies, by which it is best preserved, would never be established.

We are not concerned to examine, whether the political and oeconomical powers be intirely the same, or in what they differ : for that absolute power which he contends for, is purely despotical, different from both, or rather inconsistent with either as to the same subject ; and that which the patriarchs exercised, having been equally inherited by their children, and consequently by every one of their posterity, 'tis as much as is required for my purpose of proving the natural, universal liberty of mankind ; and I am no way concerned in the question, whether the first parents of mankind had a power of life and death over their children, or not.

## S E C T. V.

*Freemen join together and frame greater or lesser societies, and give such forms to them as best please themselves.*

**T**HIS being established, I shall leave Filmer to fight against Suarez or Bellarmin ; or to turn one of them against the other, without any concernment in the combat, or the success of it. But since he thereupon raises a question, “ Whether  
“ the supreme power be so in the people, that there is  
“ but one and the same power in all the people of  
“ the world ; so that no power can be granted, un-  
“ less all men upon the earth meet, and agree to  
“ choose a governor :” I think it deserves to be answered, and might do it by proposing a question to him ; Whether in his opinion, the empire of the  
K 2 whole

whole world doth, by the laws of God and nature, belong to one man, and who that man is? Or, how it came so to be divided, as we have ever known it to have been, without such an injury to the universal monarch, as can never be repaired? But intending to proceed more candidly, and not to trouble myself with Bellarmin or Suarez, I say, that they who place the power in a multitude, understand a multitude composed of freemen, who think it for their convenience to join together, and to establish such laws and rules as they oblige themselves to observe: which multitude, whether it be great or small, has the same right, because ten men are as free as ten millions of men; and tho' it may be more prudent in some cases to join with the greater than the smaller number, because there is more strength, it is not so always: but however every man must therein be his own judge, since if he mistake, the hurt is only to himself; and the ten may as justly resolve to live together, frame a civil society, and oblige themselves to laws, as the greatest number of men that ever met together in the world.

Thus we find that a few men assembling together upon the banks of the Tiber, resolved to build a city, and set up a government among themselves: and the multitude that met at Babylon, when their design of building a tower that should reach up to heaven failed, and their language was confounded, divided themselves, as our author says, into seventy two parcels, and by the same right might have divided into more, as their descendants did, into almost an infinite number before the death of their common father Noah. But we cannot find a more perfect picture of freemen, living according to their own will, than in Abraham and Lot: they went together into Canaan, continued together as long as

was convenient for them, and parted when their substance did so increase, that they became troublesome to each other. In the like manner Ismael, Isaac, and Abraham's six sons by Keturah, might have continued together and made one nation; Isaac and Esau, Moab and Ammon might have done so too; or all of them that came of the same stock might have united together; but they did not; and their descendants by the same rule might have subdivided perpetually, if they had thought it expedient for themselves: and if the sons of Jacob did not do the like, 'tis probable they were kept together by the hope of an inheritance promised to them by God, in which we find no shadow of a despotical dominion, affected by one as father or heir to the first father, or reputed to be the heir; but all continued in that fraternal equality, which according to Abraham's words to Lot they ought to do \*. There was no lord, slave or vassal; no strife was to be among them: they were brethren; they might live together, or separate, as they found it convenient for themselves. By the same law that Abraham and Lot, Moab and Ammon, Ismael, Isaac, and the sons of Keturah, Jacob, Esau, and their descendants, did divide and set up several governments, every one of their children might have done the like: and the same right remained to their issue, till they had by agreement engaged themselves to each other. But if they had no dependance upon each other, and might live together in that fraternal equality which was between Abraham and Lot; or separate, and continue in that separation, or reunite; they could not but have a right of framing such conditions of their reunion as best pleased themselves. By this means every number of men, agreeing together and

\* Gen. xiii.

framing a society, became a compleat body, having all power in themselves over themselves, subject to no other human law than their own. All those that compose the society, being equally free to enter into it or not, no man could have any prerogative above others, unless it were granted by the consent of the whole; and nothing obliging them to enter into this society, but the consideration of their own good; that good, or the opinion of it, must have been the rule, motive and end of all that they did ordain. 'Tis lawful therefore for any such bodies to set up one, or a few men to govern them, or to retain the power in themselves; and he or they who are set up, having no other power but what is so conferred upon them by that multitude, whether great or small, are truly by them made what they are; and by the law of their own creation, are to exercise those powers according to the proportion, and to the ends for which they were given.

These rights, in several nations and ages, have been variously executed, in the establishment of monarchies, aristocracies, democracies, or mixed governments, according to the variety of circumstances; and the governments have been good or evil, according to the rectitude or pravity of their institution, and the virtue and wisdom, or the folly and vices of those to whom the power was committed: but the end which was ever proposed, being the good of the public, they only performed their duty, who procured it according to the laws of the society, which were equally valid as to their own magistrates, whether they were few or many.

This might suffice to answer our author's question; but he endeavours further to perplex it, by a fiction of his own brain, " That God gave this power to " the whole multitude met, and not to every particular



“ ticular assembly of men :” And expects a proof,  
 “ That the whole multitude met, and divid-  
 “ ed this power which God gave them in gross,  
 “ by breaking it into parcels, and by appointing a  
 “ distinct power to each commonwealth.” He also  
 fathers it upon the assertors of liberty ; “ and does  
 “ not see, as he says, how there can be an election  
 “ of a magistrate by any commonwealth, that is  
 “ not an usurpation upon the privilege of the whole  
 “ world, unless all mankind had met together, and  
 “ divided the power into parcels which God had  
 “ given them in gross.” But before I put myself  
 to the trouble of answering that which is but an ap-  
 pendix to a whimsey of his own, I may justly ask,  
 what hurt he finds in usurpation, who asserts, that  
 the same obedience is due to all monarchs, whether  
 they come in by inheritance, election or usurpation ?  
 If usurpation can give a right to a monarch, why  
 does it not confer the same upon a people ? Or ra-  
 ther, if God did in gross confer such a right upon  
 all mankind, and they neither did, nor can meet  
 together by consent to dispose of it for the good of  
 the whole ; why should not those who can, and do  
 consent to meet together, agree upon that which  
 seems most expedient to them for the government of  
 themselves ? Did God create man under the necessity  
 of wanting government, and all the good that pro-  
 ceeds from it ; because at the first all did not, and  
 afterwards all could not meet to agree upon rules ?  
 Or did he ever declare, that unless they should use  
 the first opportunity of dividing themselves into such  
 parcels as were to remain unalterable, the right of  
 reigning over every one shall fall to the first villain  
 that should dare to attempt it ? Is it not more con-  
 sonant to the wisdom and goodness of God, to leave  
 to every nation a liberty of repairing the mischiefs

fallen upon them through the omission of their first parents, by setting up governments among themselves, than to lay them under a necessity of submitting to any that should insolently aspire to a domination over them? Is it not more just and reasonable to believe, that the universal right not being executed, devolves upon particular nations, as members of the great body, than that it should become the reward of violence or fraud? Or is it possible that any one man can make himself lord of a people, or parcel of that body, to whom God had given the liberty of governing themselves, by any other means than violence or fraud, unless they did willingly submit to him? If this right be not devolved upon any one man, is not the invasion of it the most outrageous injury that can be done to all mankind, and most particularly to the nation that is enslaved by it? Or if the justice of every government depends necessarily upon an original grant, and a succession certainly deduced from our first fathers, does not he by his own principles condemn all the monarchies of the world, as the most detestable usurpations, since not one of them that we know do any way pretend to it? Or, tho' I, who deny any power to be just that is not founded upon consent, may boldly blame usurpation, is it not an absurd and unpardonable impudence in Filmer, to condemn usurpation in a people, when he has declared that the right and power of a father may be gained by usurpation; and that nations in their obedience are to regard the power, not the means by which it was gained? But not to lose more time upon a most frivolous fiction, I affirm, that the liberty which we contend for is granted by God to every man in his own person, in such a manner as may be useful to him and his posterity, and as it was exercised by

Noah,

Noah, Shem, Abraham, Isaac, Jacob, &c. and their children, as has been proved, and not to the vast body of all mankind, which never did meet together since the first age after the flood, and never could meet to receive any benefit by it.

His next question deserves scorn and hatred, with all the effects of either, if it proceed from malice; tho' perhaps he may deserve compassion, if his crime proceed from ignorance: "Was a general meeting of a whole kingdom, says he, ever known for the election of a prince?" But if there never was any general meetings of whole nations, or of such as they did delegate and entrust with the power of the whole, how did any man that was elected come to have a power over the whole? Why may not a people meet to choose a prince, as well as any other magistrate? Why might not the Athenians, Romans, or Carthaginians, have chosen princes as well as archons, consuls, dictators or suffetes, if it had pleased them? Who chose all the Roman kings, except Tarquin the proud, if the people did not; since their histories testify, that he was the first who took upon him to reign "sine jussu populi\*? Who ever heard of a king of the Goths in Spain, that was not chosen by the nobility and people? Or, how could they choose him, if they did not meet in their persons, or by their deputies, which is the same thing, when a people has agreed it should be so? How did the kings of Sweden come by their power, unless by the like election, till the crown was made hereditary, in the time of Gustavus the first, as a reward of his virtue and service, in delivering that country from the tyranny of the Danes? How did Charles Gustavus come to be king, unless it was by the election of the nobility?

\* T. Liv. l. 1.

He acknowledged by the act of his election, and upon all occasions, that he had no other right to the crown than what they had conferred on him. Did not the like custom prevail in Hungary and Bohemia, till those countries fell under the power of the house of Austria? and in Denmark till the year 1660? Do not the kings of Poland derive their authority from this popular election, which he derides? Does not the stile of the oath of allegiance used in the kingdom of Arragon, as it is related by Antonio Perez secretary of state to Philip II. shew, that their kings were of their own making? Could they say, “ \* We who are as good as you, make you  
 “ our king, on condition that you keep and observe  
 “ our privileges and liberties; and if not, not;” if he did not come in by their election? Were not the Roman emperors in disorderly times chosen by the soldiers; and in such as were more regular, by the senate with the consent of the people?

Our author may say, the whole body of these nations did not meet at their elections; tho’ that is not always true, for in the infancy of Rome, when the whole people dwelt within the walls of a small city, they did meet for the choice of their kings, as afterwards for the choice of other magistrates. Whilst the Goths, Franks, Vandals and Saxons, lived within the precincts of a camp, they frequently met for the election of a king, and raised upon a target the person they had chosen: but finding that to be inconvenient, or rather impossible, when they were vastly increased in number, and dispersed over all the countries they had conquered, no better way was found, than to institute gemotes, parliaments,

\* Nos que valemos tanto come vos, os hazemos nuestro Rey, con tal que nos guardeyis nuestros fueros y libertades, y sino, no. *Relacion de Ant. Perez.*



diets, cortez, assemblies of estates, or the like, to do that which formerly had been performed by themselves; and when a people is, by mutual compact, joined together in a civil society, there is no difference as to right, between that which is done by them all in their own persons, or by some deputed by all, and acting according to the powers received from all.

If our author was ignorant of these things, which are the most common in all histories, he might have spared the pains of writing upon more abstruse points; but 'tis a stupendous folly in him to presume to raise doctrines depending upon the universal law of God and nature, without examining the only law that ever God did in a publick manner give to man. If he had looked into it, he might have learnt, that all Israel was, by the command of God, assembled at Mispeth to chuse a king, and did chuse Saul\*: He being slain, all Judah came to Hebron, and made David their king†; after the death of Ishbosheth, all the tribes went to Hebron, and anointed him king over them, and he made a covenant with them before the Lord‡. When Solomon was dead, all Israel met together in Shechem, and ten tribes disliking the proceedings of Rehoboam, rejected him, and made Jeroboam their king||. The same people in the time of the judges, had general assemblies, as often as occasion did require, to set up a judge, make war, or the like: and the several tribes had their assemblies to treat of businesses relating to themselves. The histories of all nations, especially of those that have peopled the best parts of Europe, are so full of examples in this kind, that no man can question them, unless he be brutally ignorant, or maliciously contentious. The great matters among

\* 1 Sam. x.    † 2 Sam. ii.    ‡ 2 Sam. v.    || 1 Kings xii.

the Germans were transacted “*omnium consensu*. “*De minoribus consultant principes : de majoribus omnes §*”. The michtelgemote among the Saxons was an assembly of the whole people : The baronagium is truly said to be the same, in as much as it comprehended all the freemen, that is, all the people ; for the difference between *Civis* and *Servus* is irreconcilable : and no man, while he is a servant, can be a member of a commonwealth ; for he that is not in his own power, cannot have a part in the government of others. All the fore-mentioned northern nations had the like customs among them : the governments they had were so instituted. The utmost that any now remaining pretends to, is, to derive their right from them : if, according to Filmer, these first assemblies could not confer it upon the first, they had none : such as claim under them, can inherit none from those that had none ; and there can be no right in all the governments we so much venerate ; and nothing can tend more to their overthrow than the reception of our author’s doctrine.

Tho’ any one instance would be sufficient to overthrow his general negative proposition (for a rule is not generally true, if there be any just exception against it) I have alledged many, and find it so easy to increase the number, that there is no nation, whose original we know, out of whose histories I will not undertake to produce the like : But I have not been solicitous precisely to distinguish, which nations have acted in their own persons, and which have made use of delegates ; nor in what times they have changed from one way to the other : for if any have acted by themselves, the thing is possible ; and whatsoever is done by delegated pow-

ers, must be referred to their principles ; for none can give to any a power which they have not in themselves.

He is graciously pleased to confess, that “ when  
 “ men are assembled by a human power, that pow-  
 “ er that doth assemble them, may also limit the  
 “ manner of the execution of that power, &c.  
 “ But in assemblies that take their authority from  
 “ the law of nature, it is not so ; for what liberty or  
 “ freedom is due to any man by the law of nature,  
 “ no inferior power can alter, limit or diminish :  
 “ no one man, or multitude of men, can give  
 “ away the natural right of another,” &c. These  
 are strong lines, and such as, if there be any sense  
 in them, utterly overthrow all our author’s doctrine ;  
 for if any assembly of men did ever take their au-  
 thority from the law of nature, it must be of such,  
 as remaining in the intire fruition of their natural  
 liberty, and restrained by no contract, meet together  
 to deliberate of such matters as concern themselves ;  
 and if they can be restrained by no one man, or  
 number of men, they may dispose of their own affairs  
 as they think fit. But because no one of them is  
 obliged to enter into the society that the rest may  
 constitute, he cannot enjoy the benefit of that socie-  
 ty, unless he enter into it : he may be gone, and  
 set up for himself, or set up another with such as  
 will agree with him. But if he enter into the socie-  
 ty he is obliged by the laws of it ; and if one of  
 those laws be, that all things should be determined  
 by the plurality of voices, his assent is afterwards  
 comprehended in all the resolutions of that plurality.  
 Reuben or Simeon might, according to the laws of  
 nature, have divided themselves from their brethren,  
 as well as Lot from Abraham, or Ismael and the  
 sons of Keturah from Isaac ; but when they, in  
 hopes

hopes of having a part in the inheritance promised to their fathers, had joined with their brethren, a few of their descendants could not have a right, by their dissent, to hinder the resolutions of the whole body, or such a part of it as by the first agreement was to pass for an act of the whole. And the scripture teaches us†, that when the lot was fallen upon Saul, they who despised him were stiled men of Belial; and the rest, after his victory over the Ammonites, would have slain them if he had permitted. In the like manner, when a number of men met together to build Rome, any man who had disliked the design, might justly have refused to join in it; but when he had entered into the society, he could not by his vote invalidate the acts of the whole, nor destroy the rights of Romulus, Numa, and the others, who by the senate and people were made kings; nor those of the other magistrates, who after their expulsion were legally created.

This is as much as is required to establish the natural liberty of mankind in its utmost extent, and cannot be shaken by our author's surmise, "That a gap is thereby opened for every seditious multitude to raise a new commonwealth:" For till the commonwealth be established, no multitude can be seditious, because they are not subject to any human law; and sedition implies an unjust and disorderly opposition of that power which is legally established; which cannot be when there is none, nor by him who is not a member of the society that makes it; and when it is made, such as entered into it, are obliged to the laws of it.

This shewing the root and foundation of civil powers, we may judge of the use and extent of them, according to the letter of the law, or the true intentional meaning of it; both which declare them to

† 1 Sam. x.



be purely human ordinances, proceeding from the will of those who seek their own good; and may certainly infer, that since all multitudes are composed of such as are under some contract, or free from all, no man is obliged to enter into those contracts against his own will, nor obliged by any to which he does not assent: Those multitudes that enter into such contracts, and thereupon form civil societies, act according to their own will: Those that are engaged in none, take their authority from the law of nature; their rights cannot be limited or diminished by any one man, or number of men; and consequently whoever does it, or attempts the doing of it, violates the most sacred laws of God and nature.

His cavils concerning proxies, and the way of using them, deserve no answer, as relating only to one sort of men amongst us, and can have no influence upon the laws of nature, or the proceedings of assemblies, acting according to such rules as they set to themselves. In some places they have voted all together in their own persons, as in Athens: in others by tribes, as in Rome: sometimes by delegates, when the number of the whole people is so great, that no one place can contain them, as in the parliaments, diets, general assemblies of estates, long used in the great kingdoms of Europe. In other parts many cities are joined together in leagues, as antiently the Achaians, Etolians, Samnites, Tuscans; and in these times the States of Holland, and cantons of Switzerland: but our author not regarding such matters, in pursuance of his folly, with an ignorance as admirable as his stupidity, repeats his challenge, “ I ask, says he, but one example out of the history of the whole world; let the commonwealth  
“ be named, wherever the multitude, or so much

“ as the major part of it, consented either by voice  
 “ or procuration to the election of a prince ;” not observing, that if an answer could not be given, he did overthrow the rights of all the princes that are, or ever have been in the world : for if the liberty of one man cannot be limited or diminished by one, or any number of men, and none can give away the right of another, ’tis plain that the ambition of one man, or of many, a faction of citizens, or the mutiny of an army, cannot give a right to any over the liberties of a whole nation. Those who are so set up, have their root in violence or fraud, and are rather to be accounted robbers and pirates, than magistrates. Leo Africanus \* observing in his history, that since the extinction of Mahomet’s race (to whom his countrymen thought God had given the empire of the world) their princes did not come in by the consent of those nations which they governed, says, that they are esteemed thieves ; and that on this account, the most honourable men among the Arabians and Moors, scorn to eat, drink, or make alliances with them : and if the case were as general as that author makes it, no better rule could be any where followed by honourable and worthy men. But a good cause must not be lost by the fault of an ill advocate ; the rights of kings must not perish, because Filmer knows not how to defend, or does maliciously betray them. I have already proved that David, and divers of the judges, were chosen by all Israel ; Jeroboam by ten tribes ; all the kings of Rome, except Tarquin the proud, by the whole city. I may add many examples of the Saxons in our own country : Ina and Offa were made kings, “ omnium consensu † :” These All are expressed plainly by the words, “ Archiepiscopis, Episcopis,

\* Leonis Afr. hist. Africae.

† Mat. Paris

“ Abbatibus,

“ Abbatibus, Senatoribus, Ducibus & Populo terræ.”

Egbert and Ethelward came to the crown by the same authority, “ Omnium consensu rex creatur †.”

Ethelwolf the Monk, “ Necessitate cogente factus  
“ est rex, & consensus publicus in regem dari petiit.”

Ethelstan, tho’ a bastard, “ Electus est magno con-  
“ sensu optimatum, & a populo consalutatus ||.” In

the like manner Edwin’s government being disliked,  
they chose Edgar, “ Unanimi omnium conspiratione;

“ Edwino dejecto, eligerunt Deo dictante Edgarum  
“ in regem, & annuente populo §:” And in another

place, “ Edgarus ab omni Anglorum populo electus  
“ est.” Ironside being dead, Canutus was received

by the general consent of all; “ Juraverunt illi,  
“ quod eum regem sibi eligere vellent: -fœdus etiam

“ cum principibus & omni populo ipse, & illi cum  
“ ipso percusserunt †.” Whereupon, “ Omnium

“ consensu super totam Angliam Canutus coronatur.  
“ Hardicanutus gaudenter ab omnibus suscipitur &

“ electus est\*.” The same author says that Edward  
the confessor “ Electus est in regem ab omni popu-

“ lo:” And another, “ Omnium electione in  
“ Edwardum concordatur †.” Tho’ the name of

conqueror be odiously given to William the Norman,  
he had the same title to the crown with his predeces-

sors, “ In magna exultatione a clero & populo sus-  
“ ceptus, & ab omnibus rex acclamatus.” I cannot

recite all the examples of this kind, that the history  
of almost all nations furnishes, unless I should make

a volume in bulk not inferior to the book of Martyrs:  
But those which I have mentioned out of the sacred,

Roman, and English history, being more than suffi-  
cient to answer our author’s challenge, I take liberty

to add, that tho’ there could not be one example

† Guil. Malmf. Polid. || Polid. Huntingd. § Mat. West. Hoveden.

† Florent. \* Abbas Croyl. Huntingd. † Ingulf.

produced of a prince, or any other magistrate, chosen by the general consent of the people, or by the major part of them, it could be of no advantage to the cause he has undertaken to maintain : For when a people hath either indefinitely, or under certain conditions and limitations, resigned their power into the hands of a certain number of men ; or agreed upon rules, according to which persons should, from time to time, be deputed for the management of their affairs, the acts of those persons, if their power be without restrictions, are of the same value as the acts of the whole nation, and the assent of every individual man is comprehended in them. If the power be limited, whatsoever is done according to that limitation, has the same authority. If it do therefore appear (as is testified by the laws and histories of all our northern nations) that the power of every people is either wholly, or to such a degree as is necessary for creating kings, granted to their several gemotes, diets, cortez, assemblies of estates, parliaments, and the like, all the kings that they have any where, or at any time chosen, do reign by the same authority and have the same right, as if every individual man of those nations had assented to their election. But that these gemotes, diets, and other assemblies of state, have every where had such powers, and executed them by rejecting or setting up kings ; and that the kings now in being among us have received their beginning from such acts, has been fully proved, and is so plain in it self, that none but those who are grossly stupid or impudent can deny it : Which is enough to shew that all kings are not set up by violence, deceit, faction of a few powerful men, or the mutinies of armies ; but from the consent of such multitudes, as joining together, frame civil societies ; and either in their own per-

sons



sons at general assemblies, or by their delegates, confer a just and legal power upon them; which our author rejecting, he does, as far as in him lies, prove them all to be usurpers and tyrants.

## S E C T. VI.

*They who have a right of choosing a king, have the right of making a king.*

**T**H O' the right of magistrates do essentially depend upon the consent of those they govern, it is hardly worth our pains to examine, "Whether the silent acceptation of a governor by part of the people be an argument of their concurring in the election of him; or by the same reason the tacit consent of the whole commonwealth may be maintained:" for when the question is concerning right, fraudulent surmises are of no value; much less will it from thence follow, "that a prince commanding by succession, conquest, or usurpation, may be said to be elected by the people;" for evident marks of dissent are often given: some declare their hatred; others murmur more privately; many oppose the governor or government, and succeed according to the measure of their strength, virtue, or fortune. Many would resist, but cannot; and it were ridiculous to say, that the inhabitants of Greece, the kingdom of Naples, or dutchy of Tuscany, do tacitly assent to the government of the great Turk, king of Spain, or duke of Florence; when nothing is more certain than that those miserable nations abhor the tyrannies they are under; and if they were not mastered by a power that is much too great for them, they would soon free themselves. And those who are under such governments do no more assent to them, tho' they

may be silent, than a man approves of being robbed, when, without saying a word, he delivers his purse to a thief that he knows to be too strong for him.

'Tis not therefore the bare sufferance of a government when a disgust is declared, nor a silent submission when the power of opposing is wanting, that can imply an assent, or election, and create a right; but an explicit act of approbation, when men have ability and courage to resist or deny. Which being agreed, 'tis evident that our author's distinction between eligere and instituere signifies nothing: tho', if the power of instituting were only left to nations, it would be sufficient; for he is in vain elected who is not instituted; and he that is instituted is certainly elected; for his institution is an election. As the Romans who chose Romulus, Numa, and Hostilius to be kings; and Brutus, Valerius, or Lucretius to be consuls, did make them so, and their right was solely grounded upon their election. The text brought by our author against this doth fully prove it, "Him shalt thou set king over thee whom the Lord shall choose\*;" for God did not only make the institution of a king to be purely an act of the people, but left it to them to institute one or not, as should best please themselves; and the words, "whom the Lord shall choose," can have no other signification, than that the people resolving to have a king, and following the rules prescribed by his servant Moses, he would direct them in their choice; which relates only to that particular people in covenant with God, and immediately under his government, which no other was. But this pains might have been saved, if God by an universal law had given a rule to all. The Israelites could not have been three hundred years without a king, and then

\* Deut. xvii.

left to the liberty of making one, or not, if he by a perpetual law had ordained that every nation should have one ; and it had been as well impertinent as unjust to deliberate who should be king, if the dominion had by right of inheritance belonged to one : they must have submitted to him whether they would or not : no care was to be taken in the election or institution of him, who by his birth had a right annexed to his person that could not be altered : he could not have been forbidden “ to multiply silver “ or gold,” who by the law of his creation might do what he pleased : it had been ridiculous to say, “ he should not raise his heart above his brethren,” who had no brethren, that is, no equals ; but was raised above all by God, who had imposed upon all others a necessity of obeying him. But God, who does nothing in vain, did neither constitute or elect any till they desired it, nor command them to do it themselves, unless it so pleased themselves ; nor appoint them to take him out of any one line : every Israelite might be chosen : none but strangers were excluded ; and the people were left to the liberty of choosing and instituting any one of their brethren.

Our author endeavouring by Hooker’s authority to establish his distinction between eligere and instituere, destroys it, and the paternal right, which he makes the foundation of his doctrine. “ Heaps of “ scripture are alledged, says he, concerning the solemn coronation and inauguration of Saul, David, “ Solomon and others, by nobles, antients, and “ people of the commonwealth of Israel :” which is enough to prove that the whole work was theirs ; that no other had any title more than what they bestowed upon him : they were set up by the nobles, antients, and people : even God did no otherwise intervene than by such a secret disposition of the

lots by his providence, as is exercised in the government of all the things in the world; and we cannot have a more certain evidence, that a paternal right to dominion is a meer whimſy, than that God did not cauſe the lot to fall upon the eldeſt, of the eldeſt line, of the eldeſt tribe; but upon Saul, a young man, of the youngeſt tribe: and afterwards, tho' he had deſigned David, Solomon, Jeroboam, and others, who had no pretence to the paternal right to be kings, he left both the election and inſtitution of them to the elders and people.

But Hooker being well examined, it will appear that his opinions were as contrary to the doctrine of our author, as thoſe we have mentioned out of Plato and Ariſtotele. He plainly ſays, “ It is impoſſible  
“ that any ſhould have a compleat lawful power  
“ over a multitude conſiſting of ſo many families,  
“ as every politic ſociety doth, by conſent of men,  
“ or immediate appointment from God: Becauſe  
“ not having the natural ſuperiority of fathers, their  
“ power muſt needs be uſurped, and then un-  
“ lawful; or if lawful, then either granted or  
“ conſented unto by them over whom they exerciſe  
“ the ſame, or elſe given extraordinarily by God\*.” And tho' he thinks kings to have been the firſt governors ſo conſtituted, he adds, “ That this is not  
“ the only regiment that hath been received in the  
“ world. The inconveniencies of one kind have  
“ cauſed ſundry others to be deviſed. So that in a  
“ word, all publick regiment, of what kind ſoever,  
“ ſeemeth evidently to have riſen from deliberate ad-  
“ vice, conſultation and compoſition between men,  
“ judging it convenient and behoofeful.” And a little below, “ Man's nature ſtanding therefore as it  
“ doth, ſome kind of regiment the law of nature

\* Hooker Eccl. Pol. l. 1. c. 10.



“ doth require ; yet the kinds thereof being many,  
 “ nature tieth not to any one, but leaveth the  
 “ choice as a thing arbitrary.” And again, “ To live  
 “ by one man’s will, became all mens misery : this  
 “ constrained them to come into laws, &c. But  
 “ as those laws do not only teach that which is  
 “ good, but enjoin it, they have in them a con-  
 “ straining force. To constrain men to any thing  
 “ inconvenient seemeth unreasonable ; most requisite  
 “ therefore it is that to devise laws, which all men  
 “ should be forced to obey, none but wise men  
 “ should be admitted. Moreover that which we  
 “ say concerning the power of government must  
 “ here be applied unto the power of making laws,  
 “ whereby to govern ; which power God hath over  
 “ all ; and by the natural law, whereunto he hath  
 “ made all subject, the lawful power of making  
 “ laws to command whole politick societies of men,  
 “ belongeth so properly unto the same intire societies,  
 “ that for any prince or potentate, of what kind  
 “ soever upon earth, to exercise the same of himself,  
 “ and not either by expresse commission immediately  
 “ from God, or else by authority derived at the first  
 “ from their consent, upon whose persons they impose  
 “ laws, it is no better than meer tyranny. Laws  
 “ therefore they are not, which public consent hath  
 “ not made so.” The humour of our age consider-  
 ed, I should not have dared to say so much ; but if  
 Hooker be a man of such great authority, I cannot  
 offend in transcribing his words, and shewing how  
 vilely he is abused by Filmer ; concluding, that if  
 he be in the right, the choice and constitution of  
 government, the making of laws, coronation, inau-  
 guration, and all that belongs to the making of kings,  
 or other magistrates, is meerly from the people ;  
 and that all power exercised over them, which is

not so, is usurpation and tyranny, unless it be by an immediate commission from God; which if any man has let him give testimony of it, and I will confess he comes not within the reach of our reasonings, but ought to be obeyed by those to whom he is sent, or over whom he is placed.

Nevertheless our author is of another opinion; but scorning to give us a reason, he adds to Hooker's words, "As if these solemnities were a kind of deed, whereby the right of dominion is given; which strange, untrue, and unnatural conceits are set abroad by seedsmen of rebellion:" and a little farther, "Unless we will openly proclaim defiance unto all law, equity and reason, we must say (for there is no remedy) that in kingdoms hereditary, birthright giveth a right unto sovereign dominion, &c. Those solemnities do either serve for an open testification of the inheritor's right, or belong to the form of inducing him into the possession". These are bold censures, and do not only reach Mr. Hooker, whose modesty and peaceableness of spirit is no less esteemed than his learning, but the scriptures also, and the best of human authors, upon which he has founded his opinions. But why should this be thought a strange, untrue, or unnatural conceit, to believe that when the scriptures say Nimrod was the first that grew powerful in the earth long before the death of his fathers, and could consequently neither have a right of dominion over the multitude met together at Babylon, nor subdue them by his own strength, he was set up by their consent; or that they who made him their governor, might prescribe rules by which he should govern? Nothing seems to me less strange, than that a multitude of reasonable creatures, in the performance of acts of the greatest importance, should

should consider why they do them. And the infinite variety which is observed in the constitution, mixture, and regulation of governments, does not only shew that the several nations of the world have considered them; but clearly prove that all nations have perpetually continued in the exercise of that right. Nothing is more natural than to follow the voice of mankind: the wisest and best have ever employed their studies in forming kingdoms and commonwealths, or in adding to the perfections of such as were already constituted; which had been contrary to the laws of God and nature, if a general rule had been set, which had obliged all to be forever subject to the will of one; and they had not been the best, but the worst of men who had departed from it. Nay, I may say, that the law given by God to his peculiar people, and the commands delivered by his servants in order to it, or the prosecution of it, had been contrary to his own eternal and universal law; which is impossible. A law therefore having been given by God, which had no relation to, or consistency with the absolute paternal power; judges and kings created, who had no pretence to any preference before their brethren, till they were created, and commanded not to raise their hearts above them when they should be created; the wisdom and virtue of the best men in all ages shewn in the constitution or reformation of governments; and nations in variously framing them, preserving the possession of their natural right, to be governed by none, and in no other way than they should appoint: the opinions of Hooker, "That all public regiment, of what kind soever, ariseth from the deliberate advice of men seeking their own good, and that all other is meer tyranny, are not untrue and unnatural conceits set abroad  
 " by

“ by the feedsmen of rebellion ;” but real truths grounded upon the laws of God and nature, acknowledged and practised by mankind. And no nation being justly subject to any, but such as they set up, nor in any other manner than according to such laws as they ordain, the right of chusing and making those that are to govern them, must wholly depend upon their will.

## S E C T. VII.

*The laws of every nation are the measure of magisterial power.*

OUR author lays much weight upon the word hereditary ; but the question is, what is inherited in an hereditary kingdom, and how it comes to be hereditary ? 'Tis in vain to say the kingdom ; for we do not know what he means by the kingdom : 'tis one thing in one place, and very different in others ; and I think it not easy to find two in the world that in power are exactly the same. If he understand all that is comprehended within the precincts over which it reaches, I deny that any such is to be found in the world : if he refer to what preceding kings enjoyed, no determination can be made, till the first original of that kingdom be examined, that it may be known what that first king had, and from whence he had it.

If this variety be denied, I desire to know whether the kings of Sparta and Persia had the same power over their subjects ; if the same, whether both were absolute, or both limited ; if limited, how came the decrees of the Persian kings to pass for laws ? if absolute, how could the Spartan kings be subject to fines, imprisonment, or the sentence of death ; and not to have power to send for their own supper out  
of



of the common hall? Why did Xenophon call Agesilaus a good and faithful king, obedient to the laws of his country, when upon the command of the ephori, he left the war that he had with so much glory begun in Asia, if he was subject to none? How came the ephori to be established to restrain the power of kings, if it could no way be restrained, if all owed obedience to them, and they to none? Why did Theopompus his wife reprove him for suffering his power to be diminished by their creation, if it could not be diminished? Or why did he say he had made the power more permanent in making it less odious, if it was perpetual and unalterable? We may go farther, and taking Xenophon and Plutarch for our guides, assert that the kings of Sparta never had the powers of war or peace, life and death, which our author esteems inseparable from regality, and conclude either that no king has them, or that all kings are not alike in power. If they are not in all places the same, kings do not reign by an universal law, but by the particular laws of each country; which give to every one so much power, as in the opinion of the givers conduces to the end of their institution, which is the public good.

It may be also worth our inquiry how this inherited power came to be hereditary. We know that the sons of Vespasian and Constantine inherited the Roman empire, tho' their fathers had no such title; but gaining the empire by violence, which Hooker says is meer tyranny that can create no right, they could devolve none to their children. The kings of France of the three races have inherited the crown; but Meroveus, Pepin, and Hugh Capet could neither pretend title nor conquest, or any other right than what was conferred upon them by the clergy, nobility,

nobility, and people ; and consequently whatsoever is inherited from them can have no other original ; for that is the gift of the people which is bestowed upon the first, under whom the successors claim, as if it had been by a peculiar act given to every one of them. It will be more hard to shew how the crown of England is become hereditary, unless it be by the will of the people ; for tho' it were granted that some of the Saxon kings came in by inheritance (which I do not, having, as I think, proved them to have been absolutely elective) yet William the Norman did not, for he was a bastard, and could inherit nothing. William Rufus and Henry did not ; for their elder brother Robert by right of inheritance ought to have been preferred before them : Stephen and Henry the second did not ; for Maud the only heiress of Henry the first was living when both were crowned : Richard, John, and those who followed, did not, for they were bastards born in adultery. They must therefore have received their right from the people, or they could have none at all ; and their successors fall under the same condition.

Moreover, I find great variety in the deduction of this hereditary right. In Sparta there were two kings of different families, endowed with an equal power. If the Heraclidæ did reign as fathers of the people, the Æacidæ did not ; if the right was in the Æacidæ, the Heraclidæ could have none ; for 'tis equally impossible to have two fathers as two thousand. 'Tis in vain to say that two families joined, and agreed to reign jointly : for 'tis evident the Spartans had kings before the time of Hercules or Achilles, who were the fathers of the two races. If it be said that the regal power with which they were invested did entitle them to the right of fathers,

thers, it must in like manner have belonged to the Roman consuls, military tribunes, dictators, and pretors; for they had more power than the Spartan kings: and that glorious nation might change their fathers every year, and multiply or diminish the number of them as they pleased. If this be most ridiculous and absurd, 'tis certain that the name and office of king, consul, dictator, or the like, does not confer any determined right upon the person that hath it: every one has a right to that which is allotted to him by the laws of the country by which he is created.

As the Persians, Spartans, Romans or Germans, might make such magistrates, and under such names as best pleased themselves, and accordingly enlarge or diminish their power; the same right belongs to all nations, and the rights due unto, as well as the duties incumbent upon every one, are to be known only by the laws of that place. This may seem strange to those who know neither books nor things, histories nor laws, but is well explain'd by Grotius; who denying the sovereign power to be annexed to any man, speaks of divers magistrates under several names that had, and others that under the same names had it not; and distinguishes those who have the "*summum imperium summo modo*," from those who have it "*modo non summo*:" and tho' probably he looked upon the first sort as a thing meerly speculative, if by that "*summo modo*," a right of doing what one pleases be understood; yet he gives many examples of the other, and among those who had "*liberrimum imperium*," if any had it, he names the kings of the Sabeans; who nevertheless were under such a condition, that tho' they were, as Agatharchidas

\* Grot. de Jur. bel. & pac l. 1. c. 1.

reports, obeyed in all things, whilst they continued within the walls of their palace, might be stoned by any that met them without it. He finds also another obstacle to the absolute power, “ cum rex partem habet summi imperii, partem senatus, sive populus ;” which parts are proportioned according to the laws of each kingdom, whether hereditary or elective, both being equally regulated by them.

The law that gives and measures the power, prescribes rules how it should be transmitted. In some places the supreme magistrates are annually elected, in others their power is for life ; in some they are meerly elective, in others hereditary under certain rules or limitations. The ancient kingdoms and lordships of Spain were hereditary ; but the succession went ordinarily to the eldest of the reigning family, not to the nearest in the blood. This was the ground of the quarrel between Corbis the brother, and Orsua the son of the last prince, decided by combat before Scipio \*. I know not whether the Goths brought that custom with them when they conquered Spain, or whether they learnt it from the inhabitants ; but certain it is, that keeping themselves to the families of the Balthei, and Amalthei †, they had more regard to age than proximity ; and almost ever preferred the brother, or eldest kinsman of the last king before his son. The like custom was in use among the Moors in Spain ‡ and Africa, who according to the several changes that happened among the families of Almohades, Almoránides, and Benemerini, did always take one of the reigning blood ; but in the choice of him had most respect to age and capacity. This is usually called the law of Thanestry ; and as in many other places, prevailed also in

\* T. Liv. l. 28.  
hist. Hispan.

† Saavedra corona Gothica.

‡ Marian.



Ireland, till that country fell under the English government.

In France and Turkey the male that is nearest in blood, succeeds; and I do not know of any deviation from that rule in France, since Henry the first was preferred before Robert his elder brother, grandchild to Hugh Capet: but notwithstanding the great veneration they have for the royal blood, they utterly exclude females, lest the crown should fall to a stranger; or a woman that is seldom able to govern herself, should come to govern so great a people. Some nations admit females, either simply, as well as males; or under a condition of not marrying out of their country, or without the consent of the estates, with an absolute exclusion of them and their children if they do; according to which law, now in force among the Swedes, Charles Gustavus was chosen king upon the resignation of queen Christina, as having no title; and the crown settled upon the heirs of his body, to the utter exclusion of his brother Adolphus, their mother having married a German. Tho' divers nations have differently disposed their affairs; all those that are not naturally slaves, and like to beasts, have preferred their own good before the personal interest of him that expects the crown, so as upon no pretence whatever to admit of one, who is evidently guilty of such vices as are prejudicial to the state. For this reason the French, tho' much addicted to their kings, rejected the vile remainders of Meroveus his race, and made Pepin the son of Charles Martel king: and when his descendants fell into the like vices, they were often deposed, till at last they were wholly rejected, and the crown given to Capet, and to his heirs male as formerly. Yet for all this Henry his grandchild, being esteemed more fit to govern than his elder brother Robert,

was

was, as is said before, made king, and that crown still remains in his descendants; no consideration being had of the children of Robert, who continued dukes of Burgundy during the reigns of ten kings. And in the memory of our fathers, Henry of Navarr was rejected by two assemblies of the estates, because he differed in religion from the body of the nation, and could never be received as king, till he had renounced his own, tho' he was certainly the next in blood; and that in all other respects he excelled in those virtues which they most esteem.

We have already proved, that our own history is full of the like examples, and might enumerate a multitude of others, if it were not too tedious: and as the various rules, according to which all the hereditary crowns of the world are inherited, shew, that none is set by nature, but that every people proceeds according to their own will; the frequent deviations from those rules do evidently testify, that “*Salus populi est lex suprema* ;” and that no crown is granted otherwise, than in submission to it.

But tho' there were a rule, which in no case ought to be transgressed, there must be a power of judging to whom it ought to be applied. 'Tis perhaps hard to conceive one more precise than that of France, where the eldest legitimate male in the direct line is preferred; and yet that alone is not sufficient. There may be bastardy in the case: bastards may be thought legitimate, and legitimate sons bastards. The children born of Isabel of Portugal during her marriage with John the third of Castile were declared bastards; and the title of the house of Austria to that crown, depends upon that declaration. We often see that marriages which have been contracted, and for a long time taken to be good, have been declared null; and the legitimization of the present king of France,

is founded solely upon the abolition of the marriage of Henry the fourth with Marguerite of Valois, which for the space of twenty seven years was thought to have been good. Whilst Spain was divided into five or six kingdoms, and the several kings linked to each other by mutual alliances, incestuous marriages were often contracted, and upon better consideration annulled; many have been utterly void, through the pre-engagement of one of the parties. These are not feigned cases, but such as happen frequently; and the diversity of accidents, as well as the humours of men, may produce many others, which would involve nations in the most fatal disorders, if every one should think himself obliged to follow such a one who pretended a title, that to him might seem plausible, when another should set up one as pleasing to others, and there were no power to terminate those disputes to which both must submit, but the decision must be left to the sword.

This is that which I call the application of the rule, when it is as plain and certain as human wisdom can make it; but if it be left more at large, as where females inherit, the difficulties are inextricable: and he that says, the next heir is really king when one is dead, before he be so declared by a power that may judge of his title, does, as far as in him lies, expose nations to be split into the most desperate factions, and every man to fight for the title which he fancies to be good, till he destroy those of the contrary party, or be destroyed by them. This is the blessed way proposed by our author to prevent sedition: but, God be thanked, our ancestors found a better. They did not look upon Robert the Norman as king of England after the death of his father; and when he did proudly endeavour, on pretence of inheritance, to impose himself upon the

nation, that thought fit to prefer his younger brothers before him, he paid the penalty of his folly, by the loss of his eyes and liberty. The French did not think the grandchild of Pharamond to be king after the death of his father, nor seek who was the next heir of the Merovingian line, when Chilperic the third was dead; nor regard the title of Charles of Lorraine after the death of his brother Lothair, or of Robert of Burgundy eldest son of king Robert; but advanced Meroveus, Pepin, Capet and Henry the first, who had no other right than what the nobility and people bestowed upon them. And if such acts do not destroy the pretences of all who lay claim to crowns by inheritance, and do not create a right, I think it will be hard to find a lawful king in the world, or that there ever have been any; since the first did plainly come in like Nimrod, and those who have been every where since histories are known to us, owed their exaltation to the consent of nations, armed or unarmed, by the deposition or exclusion of the heirs of such as had reigned before them.

Our author not troubling himself with these things, or any other relating to the matter in question, is pleased to slight Hooker's opinions concerning coronation and inauguration, with the heaps of scripture upon which he grounds them; whereas those solemnities would not only have been foolish and impertinent, but profane and impious, if they were not deeds by which the right of dominion is really conferred. What could be more wickedly superstitious, than to call all Israel together before the Lord, and to cast lots upon every tribe, family and person, for the election of a king, if it had been known to whom the crown did belong by a natural and unalterable right? Or if there had been such



such a thing in nature, how could God have caused that lot to fall upon one of the youngest tribe for ever to discountenance his own law, and divert nations from taking any notice of it? It had been absurd for the tribe of Judah to choose and anoint David, and for the other tribes to follow their example after the death of Ishbosheth, if he had been king by a right not depending on their will. David did worse in slaying the sons of Rimmon, saying, they had killed a righteous man lying upon his bed, if Ishbosheth, whose head they presented, had most unrighteously detained from him, as long as he lived, the dominion of the ten tribes: the king, elders and people, had most scornfully abused the most sacred things, by using such ceremonies in making him king, and compleating their work in a covenant made between him and them before the Lord, if he had been already king, and if those acts had been empty ceremonies conferring no right at all.

I dare not say that a league does imply an absolute equality between both parties; for there is a *foedus inaequale*, wherein the weaker, as Grotius says, does usually obtain protection, and the stronger honour; but there can be none at all, unless both parties are equally free to make it, or not to make it. David therefore was not king, till he was elected, and those covenants made; and he was made king by that election and covenants.

This is not shaken by our author's supposition, "That the people would not have taken Joas, Manasseh or Josiah, if they had had a right of choosing a king; since Solomon says, Woe unto the kingdom whose king is a child." For, first, they who at the first had a right of choosing whom they pleased to be king, by the covenant made with him whom they did choose, may have deprived them-

selves of the farther execution of it, and rendred the crown hereditary even to children, unless the conditions were violated upon which it was granted. In the second place, if the infancy of a king brings woe upon a people, the government of such a one cannot be according to the laws of God and nature ; for governments are not instituted by either for the pleasure of a man, but for the good of nations ; and their weal, not their woe, is sought by both : and if children are any where admitted to rule, 'tis by the particular law of the place, grounded perhaps upon an opinion, that it is the best way to prevent dangerous contests ; or that other ways may be found to prevent the inconveniencies that may proceed from their weakness. Thirdly, it cannot be concluded that they might not reject children, because they did not : such matters require positive proofs, suppositions are of no value in relation to them, and the whole matter may be altered by particular circumstances. The Jews might reasonably have a great veneration for the house of David : they knew what was promised to that family ; and whatever respect was paid, or privilege granted on that account, can be of no advantage to any other in the world. They might be farther induced to set up Joas, in hope the defects of his age might be supplied by the virtue, experience and wisdom of Jehoiada. We do not know what good opinion may have been conceived of Manasseh when he was twelve years old ; but much might be hoped from one that had been virtuously educated, and was probably under the care of such as had been chosen by Hezekiah : and tho' the contrary did fall out, the mischiefs brought upon the people by his wicked reign, proceeded not from the weakness of his childhood, but from the malice of his riper years. And both the examples  
of

of Joas and Josiah prove, that neither of them came in by their own right, but by the choice of the people. “Jehoiada gathered the Levites out of all the cities of Judah, and the chief of the fathers of Israel, and they came to Jerusalem: and all the congregation made a covenant with the king in the house of God, and brought out the king’s son, and put upon him the crown, and gave him the testimony, and made him king\*,” whereupon they slew Athaliah. “And when Ammon was slain, the people of the land slew them that had conspired against king Ammon; and the people of the land made Josiah his son king in his stead†:” which had been most impertinent, if he was of himself king before they made him so. Besides, tho’ infancy may be a just cause of excepting against, and rejecting the next heir to a crown, ’tis not the greatest or strongest. ’Tis far more easy to find a remedy against the folly of a child (if the state be well regulated) than the more rooted vices of grown men. The English, who willingly received Henry the sixth, Edward the fifth and sixth, tho’ children, resolutely opposed Robert the Norman: And the French, who willingly submitted to Charles the ninth, Lewis the thirteenth and fourteenth in their infancy, rejected the lewd remainders of Meroveus his race; Charles of Lorraine with his kindred descended from Pepin, Robert duke of Burgundy with his descendants, and Henry of Navarre, till he had satisfied the nobility and people in the point of religion. And tho’ I do not know that the letter upon the words, “*Væ regno cujus rex puer est,*” recited by Lambard, was written by Eleutherius bishop of Rome‡; yet the authority given to it by the Saxons, who made

\* 2 Chron. xxiii.    † 2 Chron. xxxiii.    ‡ Lamb. leg. Saxon.

it a law, is much more to be valued than what it could receive from the writer; and whoever he was, he seems rightly to have understood Solomon's meaning, who did not look upon him as a child that wanted years, or was superannuated, but him only who was guilty of insolence, luxury, folly and madness: And he that said, "A wise child was better than an old and foolish king," could have no other meaning, unless he should say, it was worse to be governed by a wise person than a fool; which may agree with the judgment of our author, but could never enter into the heart of Solomon.

Lastly, tho' the practice of one or more nations may indicate what laws, covenants or customs were in force among them, yet they cannot bind others: the diversity of them proceeds from the variety of mens judgments, and declares, that the direction of all such affairs depends upon their own will; according to which every people for themselves forms and measures the magistracy, and magistratical power; which, as it is directed solely for the good, hath its exercises and extent proportionable to the command of those that institute it; and such ordinances being good for men, God makes them his own.

### S E C T. VIII.

*There is no natural propensity in man or beast to monarchy.*

**I** See no reason to believe that God did approve the government of one over many, because he created but one; but to the contrary, in as much as he did endow him, and those that came from him, as well the youngest as the eldest line, with understanding to provide for themselves, and by the invention of arts and sciences, to be beneficial to each other; he shewed,



shewed, that they ought to make use of that understanding in forming governments according to their own convenience, and such occasions as should arise, as well as in other matters: and it might as well be inferr'd that it is unlawful for us to build, clothe, arm, defend or nourish ourselves, otherwise than as our first parents did, before, or soon after the flood, as to take from us the liberty of instituting governments that were not known to them. If they did not find out all that conduces to the use of man, but a faculty as well as a liberty was left to every one, and will be to the end of the world, to make use of his wit, industry and experience, according to present exigencies, to invent and practise such things as seem convenient to himself and others in matters of the least importance; it were absurd to imagine, that the political science, which of all others is the most abstruse and variable according to accidents and circumstances, should have been perfectly known to them who had no use of it; and that their descendants are obliged to add nothing to what they practised. But the reason given by our author to prove this extravagant fancy, is yet more ridiculous than the thing itself; "God, saith he, shewed his opinion, viz. That all should be governed by one, when he endowed not only men, but beasts with a natural propensity to monarchy: neither can it be doubted, but a natural propensity is referred to God who is the author of nature:" which I suppose may appear if it be considered.

Nevertheless I cannot but commend him in the first place for introducing God speaking so modestly, not declaring his will, but his opinion. He puts haughty and majestick language into the mouth of kings. They command and decide, as if they

were subject to no error, and their wills ought to be taken for perpetual laws; but to God he ascribes an humble delivery of his opinion only, as if he feared to be mistaken. In the second place, I deny that there is any such general propensity in man or beast, or that monarchy would thereby be justified tho' it were found in them. It cannot be in beasts, for they know not what government is; and being incapable of it, cannot distinguish the several sorts, nor consequently incline to one more than another. Salmasius his story of bees is only fit for old women to prate of in chimney-corners; and they who represent lions and eagles as kings of birds and beasts, do it only to show, that their power is nothing but brutish violence, exercised in the destruction of all that are not able to oppose it, and that hath nothing of goodness or justice in it: which similitude (tho' it should prove to be in all respects adequate to the matter in question) could only shew, that those who have no sense of right, reason or religion, have a natural propensity to make use of their strength, to the destruction of such as are weaker than they; and not that any are willing to submit, or not to resist it if they can, which I think will be of no great advantage to monarchy. But whatever propensity may be in beasts, it cannot be attributed generally to men; for if it were, they never could have deviated from it, unless they were violently put out of their natural course; which in this case cannot be, for there is no power to force them. But that they have most frequently deviated, appears by the various forms of government established by them. There is therefore no natural propensity to any one, but they choose that which in their judgment seems best for them. Or, if he would have that inconsiderate impulse, by which brutish and ignorant men may  
be

be swayed when they know no better, to pass for a propensity ; others are no more obliged to follow it, than to live upon acorns, or inhabit hollow trees, because their fathers did it when they had no better dwellings, and found no better nourishment in the uncultivated world. And he that exhibits such examples, as far as in him lies, endeavours to take from us the use of reason, and extinguishing the light of it, to make us live like the worst of beasts, that we may be fit subjects to absolute monarchy. This may perhaps be our author's intention, having learnt from Aristotle that such a government is only suitable to the nature of the most bestial men, who being incapable of governing themselves, fall under the power of such as will take the conduct of them : but he ought withal to have remembered, that according to Aristotle's opinion, this conductor must be in nature different from those he takes the charge of ; and if he be not, there can be no government, nor order, by which it subsists : beasts follow beasts, and the blind lead the blind to destruction.

But tho' I should grant this propensity to be general, it could not be imputed to God, since man by sin is fallen from the law of his creation. " The wickedness of man (even in the first ages) was great in the world : All the imaginations of his heart are evil, and that continually. All men are liars : There is none that doth good, no not one. Out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false testimonies, &c." These are the fruits of our corrupted nature, which the apostle observing, does not only make a difference between the natural and the spiritual man, whose proceeding only can be referred to God, and that only so far as he is guided by his spirit ; but shews,  
that

that the natural man is in a perpetual enmity against God, without any possibility of being reconciled to him, unless by the destruction of the old man, and the regenerating or renewing him through the spirit of grace. There being no footsteps of this in our author's book, he and his master Heylin may have differed from the apostle, referring that propensity of nature to God, which he declares to be utter enmity against him; and we may conclude, that this propensity, however general it may be, cannot be attributed to God as the author of nature, since it cannot be more general than the corruptions into which we are fallen.

### S E C T. IX.

*The government instituted by God over the Israelites was aristocratical.*

**N**Otwithstanding all this, our author is resolved that monarchy must be from God: "What form of government, says he, God ordained by his authority, may be gathered by that common-wealth which he instituted amongst the Hebrews; which was not aristocratical, as Calvin saith, but plainly monarchical." I may in as few words deny the government set up by God to have been monarchical, as he asserts it; but finding such language ordinarily to proceed from a mixture of folly, impudence and pride, I choose rather to shew upon what I ground my opinions, than nakedly to deliver them; most especially, when by insisting upon the government instituted by God over his people, he refers us to the scripture. And I do this the more boldly, since I follow Calvin's exposition, and believe that he having been highly esteemed for his wit, judgment and learning, by such as were endowed with



with the like, and revered as a glorious servant of God, might, if he were now alive, comfort himself, tho' he had the misfortune to fall under the censures of Filmer and his followers. 'Tis probable he gave some reasons for his opinions; but our author having maliciously concealed them, and I not having leisure at present to examine all his writings to find them, must content myself with such as my small understanding may suggest, and such as I have found in approved authors.

In the first place I may safely say, he was not alone of that opinion: Josephus, Philo and Moses Maimonides, with all the best of the Jewish and Christian authors, had long before delivered the same. Josephus says, that Saul's first sin by which he fell, was, "That he took away the aristocracy\*;" which he could not do if it had never been established. Philo imputes the institution of kingly government, as it was in Israel, neither to God nor his word, but to the fury of the sinful people. Abarbenel says, it proceeded from their delight in the idolatry to which their neighbours were addicted, and which could be upheld only by a government, in practice and principle contrary to that which God had instituted†. Maimonides frequently says the same thing‡, grounded upon the words of Hosea, "I gave them kings in my wrath;" and whosoever will call that a divine institution, may give the same name to plagues or famines, and induce a necessity incumbent upon all men to go and search the one where they may find it, and to leave their lands for ever uncultivated that they may be sure of the other: which being too bestial to be asserted by a man, I may safely say, the Hebrew kings were not instituted by

\* Jos. Ant. Jud.

† Abar. in 1 Sam. viii.

‡ Maim. More-Nevochim.

God, but given as a punishment of their sin, who despised the government that he had instituted : and the above-mentioned authors agree in the same thing, calling the peoples desire to have a king, furious, mad, wicked, and proceeding from their love to the idolatry of their neighbours, which was suited to their government ; both which were inconsistent with what God had established over his own people.

But waving the opinions of men, 'tis good to see what we can learn from the scripture, and enquire if there be any precept there expressly commanding them to make a king ; or any example that they did so whilst they continued obedient to the word of God ; or any thing from whence we may reasonably infer they ought to have done it : all which, if I mistake not, will be found directly contrary.

The only precept that we find in the law concerning kings, is that of Deuter. xvii. already mentioned ; and that is not a command to the people to make, but instructions what manner of king they should make, if they desired to have one : there was therefore none at all.

Examples do as little favour our author's assertions. Moses, Joshua, and the other judges, had not the name or power of kings : they were not of the tribe to which the scepter was promised : they did not transmit the power they had to their children, which in our adversary's opinion is a right inseparable from kings ; and their power was not continued by any kind of succession, but created occasionally, as need required, according to the virtues discovered in those who were raised by God to deliver the nation in the time of their distress ; which being done, their children lay hid among the rest of the people. Thus  
were

were Ehud, Gideon, Jephtha, and others set up :  
 “ Whosoever will give battle (say the princes and  
 “ people of Gilead) to the children of Ammon, shall  
 “ be head over the inheritance of Gilead †:” and find-  
 ing Jephtha to be such a man as they fought, they  
 made him their chief, and all Israel followed them.  
 When Othniel had shew’d his valour in taking  
 Kyriath Sepher, and delivering his brethren from  
 Cushan-Rishathaim, he was made judge : When  
 Ehud had killed Eglon ; when Shamgar and Samson  
 had destroyed great numbers of the Philistines ; and  
 when Gideon had defeated the Midianites, they were  
 fit to be advanced above their brethren. These dig-  
 nities were not inherent in their persons or families,  
 but conferred upon them ; nor conferred, that they  
 might be exalted in riches and glory, but that they  
 might be ministers of good to the people. This may  
 justify Plato’s opinion, that if one man be found  
 incomparably to excel all others in the virtues that  
 are beneficial to civil societies, he ought to be ad-  
 vanced above all : but I think it will be hard from  
 thence to deduce an argument in favour of such a  
 monarchy as is necessary to descend to the next in  
 blood, whether man, woman, or child, without  
 any consideration of virtue, age, sex, or ability ;  
 and that failing, it can be of no use to our author.  
 But whatever the dignity of a Hebrew judge was,  
 and howsoever he was raised to that office, it certain-  
 ly differ’d from that of a king. Gideon could not  
 have refused to be a king when the people would  
 have made him so, if he had been a king already :  
 or that God from the beginning had appointed that  
 they should have one : the elders and people could  
 not have asked a king of Samuel\*, if he had been  
 king ; and he could not without impiety have been

† Judges x.

\* 1 Sam. viii.

displeased with them for asking for such a one as God had appointed ; neither would God have said to him, “ They have not rejected thee, but they “ have rejected me that I should not reign over “ them,” if he had ordained what they desired. They did not indeed reject God with their mouths: they pretended to use the liberty he had given them to make a king; but would have such a one as he had forbidden : they drew near to him with their lips, but their hearts were far from him ; and he seeing their hypocrisy, severely chastised them in granting their ill conceived request ; and foretold the miseries that should thereupon befall them, from which he would not deliver them, tho’ they should cry to him by reason of what they suffered from their king : He was their creature, and the mischiefs thereby brought upon them were the fruits of their own labour.

This is that which our author calls God’s institution of kings ; but the prophet explains the matter much better, “ I gave them kings in my anger, and “ took them away in my wrath \* : in destroying them God brought desolation upon the people that had sinned in asking for them, and following their example in all kind of wickedness. This is all our author has to boast of : but God who acknowledges those works only to be his own, which proceed from his goodness and mercy to his people, disowns this ; “ Israel hath cast off the thing that is good “ (even the government that he had established) “ the enemy shall pursue him : they have set up “ kings, but not by me ; and princes, but I know “ them not.” As if he sought to justify the severity of his judgments brought upon them by the wickedness of their kings, that they, not he, had ordained.

\* Hof. xiii.

† Hof. viii.



Having seen what government God did not ordain, it may be seasonable to examine the nature of the government which he did ordain; and we shall easily find that it consisted of three parts, besides the magistrates of the several tribes and cities. They had a chief magistrate, who was called judge or captain, as Joshua, Gideon, and others, a council of seventy chosen men, and the general assemblies of the people\*.

The first was meerly occasional, like to the dictators of Rome; and as the Romans in times of danger frequently chose such a man as was much esteemed for valour and wisdom, God's peculiar people had a peculiar regard to that wisdom and valour which was accompanied with his presence, hoping for deliverance only from him.

The second is known by the name of the great Sanhedrin, which being instituted by Moses according to the command of God, continued, till they were all save one slain by Herod. And the third part, which is the assembly of the people, was so common, that none can be ignorant of it, but such as never looked into the scripture. When the tribes of Reuben, Gad, and half that of Manasseh had built an altar on the side of Jordan, "The whole  
" congregation of the children of Israel gathered to-  
" gether at Shiloh to go up to war against them,  
" and sent Phineas the son of Eleazer, and with  
" him ten princes, &c. †" This was the highest and most important action that could concern a people, even war or peace, and that not with strangers, but their own brethren. Joshua was then alive: the elders never failed; but this was not transacted by him or them, but by the collected body of the people; for they sent Phineas. This democratical

\* Numb. xi.

† Josh. xxii.

embassy was democratically received : it was not directed to one man, but to all the children of Reuben, Gad, and Manasseh, and the answer was sent by them all ; which being pleasing to Phineas, and the ten that were with him, they made their report to the congregation, and all was quiet.

The last eminent act performed by Joshua was the calling of a like assembly to Sechem, composed of elders, heads of families, judges, officers, and all the people, to whom he proposed, and they agreeing made a covenant before the Lord \*.

Joshua being dead, the proceedings of every tribe were grounded upon counsels taken at such assemblies among themselves for their own concerns, as appears by the actions of Judah, Simeon, &c. against the Canaanites † ; and when the Levite complained that his wife had been forced by those of Gibeah, the whole congregation of Israel met together at Mizpeh from all parts, even from Dan to Beersheba, as one man, and there resolved upon that terrible war which they made against the tribe of Benjamin. The like assembly was gathered together for the election of Saul, every man was there : and tho' the elders only are said to have asked a king of Samuel, they seem to have been deputed from the whole congregation ; for God said, " Hearken to " the voice of the people." In the same manner the tribe of Judah, and after that the rest chose and anointed David to be their king ‡. After the death of Solomon all Israel met together to treat with Rehoboam ; and not receiving satisfaction from him, ten of the tribes abrogated his kingdom.

If these actions were considered singly by themselves, Calvin might have given the name of a democracy to the Hebrew government, as well as to

\* Jos. xxiv.

† Judg. i.

‡ 1 Sam. viii. 7.

that of Athens; for without doubt they evidently manifest the supreme power to have been in the supreme manner in these general assemblies; but the government (as to its outward order) consisting of those three parts, which comprehend the three simple species, tho' in truth it was a theocracy; and no times having been appointed, nor occasions specified, upon which judges should be chosen, or these assemblies called; whereas the Sanhedrim, which was the aristocratical part, was permanent, the whole might rightly be called an aristocracy, that part prevailing above the others: and tho' Josephus calls it a theocracy, by reason of God's presence with his people; yet in relation to man he calls it an aristocracy, and says, that Saul's first sin by which he fell from the kingdom was, that "*Gubernationem optimatum sustulit;*" which could not be, if they were governed by a monarch before he was chosen.

Our author taking no notice of these matters, first endeavoursto prove the excellency of monarchy from natural instinct; and then begging the question, says, that God did always govern his people by monarchy; whereas he ought in the first place to have observed that this instinct (if there be any such thing) is only an irrational appetite, attributed to beasts, that know not why they do any thing; and is to be followed only by those men who being equally irrational, live in the same ignorance: and the second being proved to be absolutely false by the express words of the scripture, "*There was then no king in Israel \**," several times repeated, and the whole series of the history, he hath no other evasion than to say, "*That even then the Israelites were under the kingly government of the fathers of particular families.*"

\* Judg. xviii.

It appears by the forementioned text cited also by our author, that in the assembly of the people, gathered together to take counsel concerning the war against Benjamin, were four hundred thousand footmen that drew sword: they all arose together, saying, Not a man of us shall go to his tent. “ So all  
 “ the men of Israel were gathered together against  
 “ the city.” This is repeated several times in the relation. The Benjamites proceeded in the like manner in preparing for their defence, and if all these who did so meet to consult and determine were monarchs, there were then in Israel and Benjamin four hundred and twenty six thousand, seven hundred monarchs or kings, tho’ the scriptures say there was not one.

If yet our author insist upon his notion of kingly government, I desire to know who were the subjects, if all these were kings; for the text says, that the “ whole congregation was gathered together as  
 “ one man from Dan to Beersheba.” If there can be so many kings without one subject, what becomes of the right of Abraham, Isaac and Jacob, that was to have been devolved upon one man as heir to them, and thereby Lord of all? If every man had an equal part in that inheritance, and by virtue of it became a king, why is not the same eternally subdivided to as many men as are in the world, who are also kings? If this be their natural condition, how comes it to be altered, till they do unthrone themselves by consent to set up one or more to have a power over them all? Why should they divest themselves of their natural right to set up one above themselves, unless in consideration of their own good? If the 426700 kings might retain the power in themselves, or give it to one, why might they not give it to any such number of men as should best please themselves,



selves, or retain it in their own hands, as they did till the days of Saul ; or frame, limit, and direct it according to their own pleasure ? If this be true, God is the author of democracy ; and no assertor of human liberty did ever claim more than the people of God did enjoy and exercise at the time when our author says they were under the kingly government ; which liberty being not granted by any peculiar concession or institution, the same must belong to all mankind.

'Tis in vain to say the 426700 men were heads of families ; for the scripture only says, " They " were footmen that drew the sword," or rather all the men of Israel from Dan to Beersheba, who were able to make war. When six hundred Benjamites did only remain of the 26700, 'tis plain that no more were left of that tribe, their women and children having been destroyed in the cities after their defeat. The next chapter makes the matter yet more plain ; for when all that were at the congregation in Mispeth were found to have sworn, they would not give their daughters to any of the tribe of Benjamin \*, no Israelite was free from the oath, but the men of Jabesh Gilead, who had not been at the assembly : all the rest of Israel was therefore comprehended ; and they continuing to govern in a popular way with absolute power, sent twelve thousand of their most valiant men to destroy all the males of Jabesh Gilead, and the women that had lain by man, reserving the virgins for the Benjamites. This is enough for my purpose : for the question is not concerning the power that every householder in London hath over his wife, children, and servants ; but whether they are all perpetually subject to one man and family ; and I intend not to

\* Judg. xxi.

set up their wives, prentices, and children against them, or to diminish their rights, but to assert them, as the gift of God and nature, no otherwise to be restrained than by laws made with their consent.

Reason failing, our author pleases himself with terms of his own invention: "When the people  
 " begged a king of Samuel, they were governed by  
 " a kingly power: God out of a special love and  
 " care to the house of Israel, did choose to be their  
 " king himself, and did govern them at that time  
 " by his viceroy Samuel and his sons." The behaviour of the Israelites towards Samuel has been thought proud, perverse, and obstinate; but the fine court word "begging" was never before applied to them; and their insolent fury was not only seen against Samuel, but against God; "They have not  
 " rejected thee, but they have rejected me\*." And I think Filmer is the first who ever found that beggars in begging did reject him of whom they begged: or if they were beggars, they were such as would not be denied; for after all that Samuel had said to dissuade them from their wicked design, they said, "Nay but we will have a king†."

But lest I should be thought too much inclined to contradict our author, I confess that once he hath happened to be in the right. "God out of a special love to the house of Israel chose to be their  
 " king: he gave them laws, prescribed a form of  
 " government, raised up men in a wonderful manner to execute it, filled them with his spirit, was  
 " ever present when they called upon him: he gave  
 " them council in their doubts, and assistance in all  
 " their extremities: he made a covenant with them,  
 " and would be exalted by them." But what is this to an earthly monarch? Who can from hence

\* 1 Sam. viii.

† Ver. 19.

derive a right to any one man to play the lord over his brethren, or a reason why any nation should set him up? God is our Lord by right of creation, and our only Lord, because he only hath created us. If any other were equal to him in wisdom, power, goodness, and beneficence to us, he might challenge the same duty from us. If growing out of ourselves, receiving being from none, depending on no providence, we were offered the protection of a wisdom subject to no error, a goodness that could never fail, and a power that nothing could resist; it were reasonable for us to enter into a covenant, submit ourselves to him, and with all the faculties of our minds to addict ourselves to his service. But what right can from hence accrue to a mortal creature like to one of us, from whom we have received nothing, and who stands in need of help as much as we? Who can from hence deduce an argument to persuade us to depend upon his wisdom, who has as little as other men? To submit to his will who is subject to the same frailties, passions, and vices with the rest of mankind? Or to expect protection and defence from him whose life depends upon as slender threads as our own; and who can have no power but that which we confer upon him? If this cannot be done, but is of all things the most contrary to common sense, no man can in himself have any right over us; we are all as free as the four hundred twenty six thousand seven hundred Hebrew kings: we can naturally owe allegiance to none; and I doubt whether all the lusts that have reigned amongst men since the beginning of the world, have brought more guilt and misery upon them than that preposterous and ignorant pretence of imitating what God had instituted. When Saul set himself most violently to oppose the command of

God, he pretended to fulfil it: when the Jews grew weary of God's government, and resolved to reject him, that he should not reign over them, they used some of Moses his words, and asked that king of God, whom they intended to set up against him: but this king had not been set up against God, the people had not rejected God, and sinned in asking for him, if every nation by a general law ought to have one, or by a particular law one had been appointed by him over them. There was therefore no king amongst them, nor any law of God or nature, particular, or general, according to which they ought to have one.

## S E C T. X.

*Aristotle was not simply for monarchy or against popular government; but approved or disapproved of either according to circumstances.*

OUR author well observes that Aristotle is hardly brought to give a general opinion in favour of monarchy, as if it were the best form of government, or to say true, never does it. He uses much caution, proposes conditions, and limitations, and makes no decision but according to circumstances. Men of wisdom and learning are subject to such doubts; but none ought to wonder if stupidity and ignorance defend Filmer and his followers from them; or that their hatred to the antient virtue should give them an aversion to the learning that was the nurse of it. Those who neither understand the several species of government, nor the various tempers of nations, may without fear or shame give their opinions in favour of that which best pleaseth them; but wise men will always proportion their praises to the merit of the subject, and never commend



mend that simply which is good only according to circumstances. Aristotle highly applauds monarchy, when the monarch has more of those virtues that tend to the good of a commonwealth than all they who compose it. This is the king mentioned in his Ethics, and extolled in his Politics: he is above all by nature, and ought not by a municipal law to be made equal to others in power: he ought to govern, because 'tis better for a people to be governed by him than to enjoy their liberty; or rather they do enjoy their liberty, which is never more safe than when it is defended by one who is a living law to himself and others. Wheresoever such a man appears, he ought to reign: he bears in his person the divine character of a sovereign: God has raised him above all; and such as will not submit to him, ought to be counted sons of Belial, brought forth and slain. But he does withal confess, that if no such man be found, there is no natural king: all the prerogatives belonging to him vanish for want of one who is capable of enjoying them. He lays severe censures upon those who not being thus qualified take upon them to govern men, equal to or better than themselves; and judges the assumption of such powers by persons who are not naturally adapted to the administration of them, as barbarous usurpations, which no law or reason can justify; and is not so much transported with the excellency of this true king, as not to confess he ought to be limited by law, "*Qui legem præesse jubet, videtur jubere præesse Deum & leges: qui autem hominem præesse jubet, adjungit & bestiam; libido quippe talis est, atque obliquos agit, etiam viros optimos qui sunt in potestate, ex quo mens atque appetitus lex est* \*." This agrees with the

\* Arist. Polit. 1. 3. c. 12.

words of the best king that is known to have been in the world, proceeding, as is most probable, from a sense of the passions that reigned in his own breast ; “ Man being in honour, hath no understanding, “ but is like to the beast that perisheth.” This shews that such as deny that kings do reign by law, or that laws may be put upon kings, do equally set themselves against the opinions of wise men, and the word of God : and our author having found that learning made the Grecians seditious, may reasonably doubt that religion may make others worse ; so as none will be fit subjects of his applauded government, but those who have neither religion nor learning ; and that it cannot be introduced till both be extinguished.

Aristotle having declared his mind concerning government, in the books expressly written on that subject, whatsoever is said by the by in his moral discourses, must be referred to and interpreted by the other : and if he said (which I do not find) that monarchy is the best form of government, and a popular state the worst, he cannot be thought to have meant otherwise, than that those nations were the most happy, who had such a man as he thinks fit to be made a monarch ; and these the most unhappy, who neither had such a one, nor a few, that any way excelled the rest ; but all being equally brutish, must take upon them the government they were unable to manage : for he does nowhere admit any other end of just and civil government, than the good of the governed ; nor any advantage due to one or a few persons, unless for such virtues as conduce to the common good of the society. And as our author thinks learning makes men seditious, Aristotle also acknowledges, that those who have understanding and courage, which may be taken for learning, or the effect of it, will never en-

endure the government of one or a few that do not excel them in virtue : but no where dispraises a popular government, unless the multitude be composed of such as are barbarous, stupid, lewd, vicious, and incapable of the happiness for which governments are instituted ; who cannot live to themselves, but like a herd of beasts must be brought under the dominion of another ; or who, having among themselves such an excellent person as is above described, will not submit to him, but either kill, banish, or bring him to be equal with others, whom God had made to excel all. I do not trouble myself, or the reader, with citing here or there a line out of his books, but refer myself to those who have perused his moral and political writings, submitting to the severest censures, if this be not the true sense of them ; and that virtue alone, in his opinion, ought to give the preheminance. And as Aristotle, following the wise men of those times, shews us how far reason, improved by meditation, can advance in the knowledge and love of that which is truly good ; so we may in Filmer, guided by Heylin, see an example of corrupted Christians, extinguishing the light of religion by their vices, and degenerating into beasts, whilst they endeavour to support the personal interest of some men, who being raised to dignities by the consent of nations, or by unwarrantable ways and means, would cast all the power into the hands of such as happen to be born in their families ; as if governments had not been instituted for the common good of nations, but only to increase their pride, and foment their vices ; or that the care and direction of a great people were so easy a work, that every man, woman, or child, how young, weak, foolish or wicked soever, may be worthy of it, and able to manage it.

## S E C T. XI.

*Liberty produceth virtue, order and stability: slavery is accompanied with vice, weakness and misery.*

OUR author's judgment, as well as inclinations to virtue, are manifested in the preference he gives to the manners of the Assyrians and other eastern nations, before the Grecians and Romans: whereas the first were never remarkable for any thing, but pride, lewdness, treachery, cruelty, cowardice, madness, and hatred to all that is good; whilst the others excelled in wisdom, valour, and all the virtues that deserve imitation. This was so well observed by St. Augustin\*, that he brings no stronger argument to prove, that God leaves nothing that is good in man unrewarded, than that he gave the dominion of the best part of the world to the Romans, who in moral virtues excelled all other nations. And I think no example can be alledged of a free people that has ever been conquer'd by an absolute monarch, unless he did incomparably surpass them in riches and strength; whereas many great kings have been overthrown by small republics: and the success being constantly the same, it cannot be attributed to fortune, but must necessarily be the production of virtue and good order. Machiavel discoursing of these matters, finds virtue to be so essentially necessary to the establishment and preservation of liberty, that he thinks it impossible for a corrupted people to set up a good government, or for a tyranny to be introduced if they be virtuous; and makes this

\* De Civ. Dei.

conclusion,



† conclusion, “ That where the matter (that is, the “ body of the people) is not corrupted, tumults and “ disorders do no hurt ; and where it is corrupted, “ good laws do no good :” Which being confirmed by reason and experience, I think no wise man has ever contradicted him.

But I do not more wonder that Filmer should look upon absolute monarchy to be the nurse of virtue, tho’ we see they did never subsist together, than that he should attribute order and stability to it ; whereas order doth principally consist in appointing to every one his right place, office, or work ; and this lays the whole weight of the government upon one person, who very often does neither deserve, nor is able to bear the least part of it. Plato, Aristotle, Hooker, and (I may say in short) all wise men have held, that order required that the wisest, best, and most valiant men, should be placed in the offices where wisdom, virtue and valour are requisite. If common sense did not teach us this, we might learn it from the scripture. When God gave the conduct of his people to Moses, Joshua, Samuel, and others, he endowed them with all the virtues and graces that wererequired for the right performance of their duty. When the Israelites were oppressed by the Midianites, Philistines and Ammonites, they expected help from the most wise and valiant. When Hannibal was at the gates of Rome, and had filled Italy with fire and blood ; or when the Gauls overwhelmed that country with their multitudes and fury, the senate and people of Rome put themselves under the conduct of Camillus, Manlius, Fabius, Scipio, and the like ; and when they failed to choose such as were

† Si puo far questa conclusione, che dove la materia non e corotta, i tumulti ed altri scandali non nuocono : là dove la e corotta le buone leggi non giovano. Machiav. Disc. sopra T. Livio, lib. 1. c. 17. p. 134.  
fit

fit for the work to be done, they received such defeats as convinced them of their error. But if our author say true, order did require that the power of defending the country should have been annexed as an inheritance to one family, or left to him that could get it, and the exercise of all authority committed to the next in blood, tho' the weakest of women, or the basest of men.

The like may be said of judging, or doing of justice ; and 'tis absurd to pretend that either is expected from the power, not the person of the monarch ; for experience doth too well shew how much all things halt in relation to justice or defence, when there is a defect in him that ought to judge us, and to fight our battles. But of all things this ought least to be alledged by the advocates for absolute monarchy, who deny that the authority can be separated from the person, and lay it as a fundamental principle, that whosoever hath it may do what he pleases, and be accountable to no man.

Our author's next work is to shew, that stability is the effect of this good order ; but he ought to have known, that stability is then only worthy of praise, when it is in that which is good. No man delights in sickness or pain, because it is long, or incurable ; nor in slavery and misery, because it is perpetual : much less will any man in his senses commend a permanency in vice and wickedness. He must therefore prove, that the stability he boasts of is in things that are good, or all that he says of it signifies nothing.

I might leave him here with as little fear, that any man who shall espouse his quarrel, shall ever be able to remove this obstacle, as that he himself should rise out of his grave and do it : but I hope to prove, that of all things under the sun, there is

none more mutable or unstable than absolute monarchy ; which is all that I dispute against, professing much veneration for that which is mixed, regulated by law, and directed to the publick good.

This might be proved by many arguments, but I shall confine myself to two ; the one drawn from reason, the other from matters of fact.

Nothing can be called stable, that is not so in principle and practice, in which respect human nature is not well capable of stability ; but the utmost deviation from it that can be imagined, is, when such an error is laid for a foundation as can never be corrected. All will confess, that if there be any stability in man, it must be in wisdom and virtue, and in those actions that are thereby directed ; for in weakness, folly and madness there can be none. The stability therefore that we seek, in relation to the exercise of civil and military powers, can never be found, unless care be taken that such as shall exercise those powers, be endowed with the qualities that should make them stable. This is utterly repugnant to our author's doctrine : he lays for a foundation, that the succession goes to the next in blood, without distinction of age, sex, or personal qualities ; whereaseven he himself could not have the impudence to say, that children, and women (where they are admitted) or fools, madmen, and such as are full of all wickedness, do not come to be the heirs of reigning families, as well as of the meanest. The stability therefore that can be expected from such a government, either depends upon those who have none in themselves, or is referred wholly to chance, which is directly opposite to stability.

This would be the case, tho' it were (as we say) an even wager, whether the person would be fit or

unfit, and that there were as many men in the world able, as unable to perform the duty of a king ; but experience shewing that among many millions of men, there is hardly one that possesses the qualities required in a king, 'tis so many to one, that he upon whom the lot shall fall, will not be the man we seek, in whose person and government there can be such a stability as is asserted. And that failing, all must necessarily fail ; for there can be no stability in his will, laws or actions, who has none in his person.

That we may see whether this be verified by experience, we need not search into the dark relations of the Babyonian and Assyrian monarchies: those rude ages afford us little instruction ; and tho' the fragments of history remaining do sufficiently show, that all things there were in perpetual fluctuation, by reason of the madness of their kings, and the violence of those who transported the empire from one place or family to another, I will not much rely upon them, but slightly touching some of their stories, pass to those that are better known to us.

The kings of those ages seem to have lived rather like beasts in a forest, than men joined in civil society : they followed the example of Nimrod the mighty hunter force was the only law that prevailed, the stronger devoured the weaker, and continued in power till he was ejected by one of more strength or better fortune. By this means the race of Ninus was destroy'd by Belochus. Arbaces rent the kingdom asunder, and took Media to himself. Morodach extinguished the race of Belochus, and was made king : Nabuchodonosor like a flood overwhelmed all for a time, destroyed the kingdoms of Jerusalem and Egypt, with many others, and found no obstacle, till his rage and pride turned to a most  
bestial



bestial madness : and the Assyrian empire was wholly abolished at the death of his grandchild Belshazzar ; and no stability can be found in the reigns of those great kings, unless that name be given to the pride, idolatry, cruelty and wickedness in which they remained constant. If we examine things more distinctly, we shall find that all things varied according to the humour of the prince. Whilst Pharaoh lived, who had received such signal services from Joseph, the Israelites were well used : but when another rose up who knew him not, they were persecuted with all the extremities of injustice and cruelty, till the furious king persisting in his design of exterminating them, brought destruction upon himself and the nation. Where the like power hath prevailed, it has ever produced the like effects. When some great men of Persia had persuaded Darius, that it was a fine thing to command, that no man for the space of thirty days should make any petition to God or man, but to the king only, Daniel the most wise and holy man then in the world must be thrown to the lions. When God had miraculously saved him, the same sentence was passed against the princes of the nation \*. When Haman had filled Ahasuerus his ears with lies, all the Jews were appointed to be slain ; and when the fraud of that villain was detected, leave was given them, with the like precipitancy, to kill whom they pleased. When the Israelites came to have kings, they were made subject to the same storms, and always with their blood suffer'd the penalty of their prince's madness. When one kind of fury possessed Saul, he slew the priests, persecuted David, and would have killed his brave son Jonathan : when he fell under another, he took upon him to do the priest's

\* Dan vi.

office, pretended to understand the word of God better than Samuel, and spared those that God had commanded him to destroy : upon another whimsey he killed the Gibeonites, and never rested from finding new inventions to vex the people, till he had brought many thousands of them to perish with himself and his sons on mount Gilboa. We do not find any king, in wisdom, valour and holiness, equal to David ; and yet he falling under the temptations that attend the greatest fortunes, brought civil wars and a plague upon the nation. When Solomon's heart was drawn away by strange women, he filled the land with idols, and oppressed the people with intolerable tributes. Rehoboam's folly made that rent in the kingdom which could never be made up. Under his successors the people served God, Baal or Ashtaroath, as best pleased him who had the power ; and no other marks of stability can be alledged to have been in that kingdom, than the constancy of their kings in the practice of idolatry, their cruelty to the prophets, hatred to the Jews, and civil wars producing such slaughters as are reported in few other stories : the kingdom was in the space of about two hundred years possessed by nine several families, not one of them getting possession otherwise than by the slaughter of his predecessor, and the extinction of his race ; and ended in the bondage of the ten tribes, which continues to this day.

He that desires farther proofs of this point, may seek them in the histories of Alexander of Macedon, and his successors : he seems to have been endow'd with all the virtues that nature improved by discipline did ever attain, so that he is believed to be the man meant by Aristotle, who on account of the excellency of his virtues, was by nature framed for  
a king ;

a king; and Plutarch \* ascribes his conquests rather to those, than to his fortune: but even that virtue was overthrown by the successes that accompanied it: he burnt the most magnificent palace of the world, in a frolick, to please a mad drunken whore: upon the most frivolous suggestions of eunuchs and rascals, he kill'd the best and bravest of his friends; and his valour, which had no equal, not subsisting without his other virtues, perished when he became lewd, proud, cruel and superstitious; so as it may be truly said, he died a coward. His successors did not differ from him: when they had killed his mother, wife and children, they exercised their fury against one another; and tearing the kingdom to pieces, the survivors left the sword as an inheritance to their families, who perished by it, or under the weight of the Roman chains.

When the Romans had lost that liberty which had been the nurse of their virtue, and gained the empire in lieu of it, they attained to our author's applauded stability. Julius being slain in the senate, the first question was, whether it could be restored, or not? And that being decided by the battle of Philippi, the conquerors set themselves to destroy all the eminent men in the city, as the best means to establish the monarchy. Augustus gained it by the death of Antonius, and the corruption of the soldiers; and he dying naturally, or by the fraud of his wife, the empire was transferred to her son Tiberius; under whom the miserable people suffer'd the worst effects of the most impure lust and inhuman cruelty: he being stifled, the government went on with much uniformity and stability; Caligula, Claudius, Nero, Galba, Otho, Vitellius, regularly and constantly did all the mischief they could, and were

\* Plut. in vit. Alex.

not more like to each other in the villanies they committed, than in the deaths they suffered. Vespasian's more gentle reign did no way compensate the blood he spilt to attain the empire : and the benefits received from Titus his short-liv'd virtue, were infinitely overbalanced by the detestable vices of his brother Domitian, who turned all things into the old channel of cruelty, lust, rapine and perfidiousness. His slaughter gave a little breath to the gasping perishing world ; and men might be virtuous under the government of Narva, Trajan, Antoninus, Aurelius, and a few more ; tho' even in their time religion was always dangerous. But when the power fell into the hands of Commodus, Heliogabalus, Caracalla, and others of that sort, nothing was safe but obscurity, or the utmost excesses of lewdness and baseness. However, whilst the will of the governor passed for a law, and the power did usually fall into the hands of such as were most bold and violent, the utmost security that any man could have for his person or estate, depended upon his temper ; and princes themselves, whether good or bad, had no longer leases of their lives, than the furious and corrupted soldiers would give them ; and the empire of the world was changeable, according to the success of a battle.

Matters were not much mended when the emperors became Christians : some favour'd those who were called Orthodox, and gave great revenues to corrupt the clergy. Others supported Arianism, and persecuted the Orthodox with as much asperity as the Pagans had done. Some revolted, and shewed themselves more fierce against the professors of Christianity, than they that had never had any knowledge of it. The world was torn in pieces amongst them, and often suffer'd as great miseries by their sloth, ignorance



norance and cowardice, as by their fury and madness, till the empire was totally dissolved and lost. That which under the weakness and irregularity of a popular government, had conquer'd all from the Euphrates to Britain, and destroyed the kingdoms of Asia, Egypt, Macedon, Numidia, and a multitude of others, was made a prey to unknown barbarous nations, and rent into as many pieces as it had been composed of, when it enjoy'd the stability that accompanies divine and absolute monarchy.

The like may be said of all the kingdoms in the world; they may have their ebbings and flowings, according to the virtues or vices of princes or their favourites; but can never have any stability, because there is, and can be none in them: or if any exception may be brought against this rule, it must be of those monarchies only which are mixed and regulated by laws, where diets, parliaments, assemblies of estates, or senates, may supply the defects of a prince, restrain him if he prove extravagant, and reject such as are found to be unworthy of their office, which are as odious to our author and his followers, as the most popular governments, and can be of no advantage to his cause.

There is another ground of perpetual fluctuation in absolute monarchies; or such as are grown so strong, that they cannot be restrained by law, tho' according to their institution they ought to be, distinct from, but in some measure relating to the inclinations of the monarch, that is, the impulse of ministers, favourites, wives or whores, who frequently govern all things according to their own passions or interests. And tho' we cannot say who were the favourites of every one of the Assyrian or Egyptian kings, yet the examples before-mentioned of the different method follow'd in Egypt before, and af-

ter the death of Joseph, and in Persia whilst the idolatrous princes, and Haman or Daniel, Esther and Mordecai were in credit; the violent changes happening thereupon, give us reason to believe the like were in times of other kings: and if we examine the histories of latter ages, and the lives of princes that are more exactly known, we shall find that kingdoms are more frequently swayed by those who have power with the prince, than by his own judgment: so that whosoever hath to deal with princes concerning foreign or domestick affairs, is obliged more to regard the humour of those persons, than the most important interests of a prince or people.

I might draw too much envy upon myself, if I should take upon me to cite all the examples of this kind that are found in modern histories, or the memoirs that do more precisely shew the temper of princes, and the secret springs by which they were moved. But as those who have well observed the management of affairs in France during the reigns of Francis the first, Henry the second, Francis the second, Charles the ninth, Henry the third, Henry the fourth, and Lewis the thirteenth, will confess, that the interests of the Dukes of Montmorency and Guise, Queen Katharine de Medicis, the Duke of Epemon, La Fosseuse, Madam de Guiche, de Gabriele, d'Entragues, the Marechal d'Ancre, the Constable de Luines, and the Cardinal de Richelieu, were more to be consider'd by those who had any private or public business to treat at court, than the opinions of those princes, or the most weighty concerns of the state; so it cannot be denied, that other kingdoms where princes legally have, or wrongfully usurp the like power, are governed in the like manner; or if it be, there is hardly any prince's reign  
that

that will not furnish abundant proof of what I have asserted.

I agree with our author, that “good order and stability produce strength.” If monarchy therefore excel in them, absolute monarchies should be of more strength than those that are limited, according to the proportion of their riches, extent of territory, and number of people that they govern; and those limited monarchies in the like proportion more strong than popular governments or commonwealths. If this be so, I wonder how a few of “those giddy Greeks who,” according to our author, “had learning enough only to make them seditious,” came to overthrow those vast armies of the Persians as often as they met with them; and seldom found any other difficulty than what did arise from their own countrymen, who sometimes sided with the Barbarians. Seditions are often raised by a little prating; but when one man was to fight against fifty, or a hundred, as at the battles of Salamine, Platea, Marathon, and others, then industry, wisdom, skill and valour was required; and if their learning had not made them to excel in those virtues, they must have been overwhelmed by the prodigious multitudes of their enemies. This was so well known to the Persians, that when Cyrus the younger prepared to invade his brother Artaxerxes\*, he brought together indeed a vast army of Asiatics; but chiefly relied upon the counsel and valour of ten thousand Grecians, whom he had engaged to serve him. These giddy heads, accompanied with good hands, in the great battle near Babylon, found no resistance from Artaxerxes his army; and when Cyrus was killed by accident in pursuit of the victory they had gained, and their own officers treache-

\* Plat. vit. Artax.

rously murder'd, they made good their retreat into Greece under the conduct of Xenophon, in despite of above four hundred thousand horse and foot, who endeavoured to oppose them. They were destitute of horse, money, provisions, friends and all other help, except what their wisdom and valour furnished them; and thereupon relying, they passed over the bellies of all the enemies that ventured to appear against them in a march of a thousand miles. These things were performed in the weakness of popular confusion; but Agesilaus not being sensible of so great defects, accompanied only with six and thirty Spartans, and such other forces as he could raise upon his personal credit, adventured without authority or money to undertake a war against that great king Artaxerxes; and having often beaten Pharnabazus and Tissaphernes his lieutenants, was preparing to assault him in the heart of his kingdom, when he was commanded by the ephori to return for the defence of his own country.

It may in like manner appear strange, that Alexander with the forces of Greece, much diminished by the Phoecean, Peloponnesian, Theban, and other intestine wars, could overthrow all the powers of the East, and conquer more provinces than any other army ever saw; if so much order and stability were to be found in absolute monarchies, and if the liberty in which the Grecians were educated did only fit them for seditions: and it would seem no less astonishing, that Rome and Greece, whilst they were free, should furnish such numbers of men excelling in all moral virtues, to the admiration of all succeeding ages; and thereby become so powerful that no monarchs were able to resist them; and that the same countries since the loss of their liberty, have always been weak, base, cowardly, and vicious,  
if



if the same liberty had not been the mother and nurse of their virtue, as well as the root of their power.

It cannot be said that Alexander was a monarch in our author's sense; for the power of the Macedonian kings was small. Philip confessed the people were freemen, and his son found them to be so, when his fortune had overthrown his virtue, and he fell to hate and fear that generosity of spirit which it creates. He made his conquests by it, and lov'd it as long as he deserved to be lov'd. His successors had the same fortune: when their hearts came to be filled with barbaric pride, and to delight only in rendring men slaves, they became weak and base, and were easily overthrown by the Romans, whose virtue and fortune did also perish with their liberty. All the nations they had to deal with, had the same fate. They never conquered a free people without extreme difficulty: they received many great defeats, and were often necessitated to fight for their lives against the Latins, Sabines, Tuscans, Samnites, Carthaginians, Spaniards; and in the height of their power found it a hard work to subdue a few poor Etolians: but the greatest kings were easily overcome. When Antiochus had insolently boasted that he could cover Greece and Italy with the multitude of his troops, Quintus Flaminius \* ingeniously compared his army of Persians, Chaldeans, Syrians, Mesopotamians, Cappadocians, Arabians, and other base Asiatic slaves, to a supper set before him by a Grecian friend, which seeming to be of several sorts of venison, was all cut out of one hog, variously dress'd; and not long after was as easily slaughter'd as the hog had been. The greatest danger of the war with Mithridates was to avoid his poisons and treacheries;

\* Plut. in vit. Q. Flamin.

and to follow him through the deserts where he fled. When Lucullus with less than twenty thousand men had put Tigranes with two hundred thousand to flight, the Roman soldiers who for a while had pursued the chase, stood still on a sudden, and fell into loud laughter at themselves for using their arms against such wretched cowardly slaves\*. If this be not enough to prove the falshood of our author's proposition, I desire it may be consider'd whether good order or stability be wanting in Venice: whether Tuscany be in a better condition to defend itself since it fell under the power of the Medices, or when it was full of free cities: whether it were an easy work to conquer Switzerland: whether the Hollanders are of greater strength since the recovery of their liberty, or when they groaned under the yoke of Spain: and lastly, whether the intire conquest of Scotland and Ireland, the victories obtained against the Hollanders when they were in the height of their power, and the reputation to which England did rise in less than five years after 1648, be good marks of the instability, disorder, and weakness of free nations: and if the contrary be true, nothing can be more absurdly false than our author's assertion.

## S E C T. XII.

*The glory, virtue, and power of the Romans began and ended with their liberty.*

**A**Mong many fine things proposed by our author, I see none more to be admired, or that better declares the soundness of his judgment, than that he is only pleased with the beginning and end of the Roman empire; and says, “that their time  
“ of liberty” (between those two extremes) “ had

\* Plut. in vit. Lucul.

“ nothing

“ nothing of good in it, but that it was of short  
 “ continuance :” whereas I dare affirm that all that  
 was ever desirable, or worthy of praise and imitation  
 in Rome, did proceed from its liberty, grow up and  
 perish with it : which I think will not be contradicted  
 by any, but those who prefer the most sordid vices  
 before the most eminent virtues ; who believe the  
 people to have been more worthily employed by the  
 Tarquins in cleansing jakes and common shores,  
 than in acquiring the dominion of the best part of  
 mankind ; and account it better for a people to be  
 oppressed with hard labour under a proud master in  
 a sterile, unhealthy ten-mile territory, than to command  
 all the countries that lie between the Euphrates and  
 Britain. Such opinions will hardly find any better  
 patrons than Filmer and his disciples, nor the matters  
 of fact, as they are represented, be denied by any  
 that know the histories of those times. Many Romans  
 may have had seeds of virtue in them, whilst in the  
 infancy of that city they lived under kings ; but they  
 brought forth little fruit. Tarquin, surnamed the  
 proud, being a Grecian by extraction, had perhaps  
 observed that the virtue of that nation had rendered  
 them averse to the divine government he desired to  
 set up ; and having by his well-natured Tullia  
 poison’d his own brother her husband, and his own  
 wife her sister, married her, killed her father, and  
 spared none that he thought able to oppose his  
 designs, to finish the work, he butchered the senate,  
 with such as seemed most eminent among the people,  
 and like a most pious father endeavour’d to render  
 the city desolate : during that time they who would  
 not be made instruments of those villanies were  
 obliged for their own safety to conceal their virtues :  
 but he being removed, they shined in their glory.  
 Whilst he reign’d Brutus, Valerius,

Valerius, Horatius, Herminius, Larcius, and Coriolanus, lay hid and unregarded ; but when they came to fight for themselves, and to employ their valour for the good of their country, they gave such testimonies of bravery, as have been admired by all succeeding ages, and settled such a discipline, as produced others like to them, or more excellent than they, as long as their liberty lasted. In two hundred and sixty years that they remained under the government of kings, tho' all of them, the last only excepted, were chosen by the senate and people, and did as much to advance the publick service as could reasonably be expected from them, their dominion hardly extended so far as from London to Hounslow : but in little more than three hundred years after they recovered their liberty, they had subdued all the warlike nations of Italy, destroy'd vast armies of the Gauls, Cimbri, and Germans, overthrow'n the formidable power of Carthage, conquer'd the Cisalpine and Transalpine Gauls, with all the nations of Spain, notwithstanding the ferocity of the one, and the more constant valour of the other, and the prodigious multitudes of both ; they had brought all Greece into subjection, and by the conquest of Macedon the spoils of the world to adorn their city ; and found so little difficulty in all the wars that happened between them and the greatest kings after the death of Alexander of Epirus and Pirrhus, that the defeats of Siphax, Perseus, Antiochus, Prusias, Tigranes, Ptolemy, and many others, did hardly deserve to be numbred amongst their victories.

It were ridiculous to impute this to chance, or to think that fortune, which of all things is the most variable, could for so many ages continue the same course, unless supported by virtue ; or to suppose  
that



that all these monarchies which are so much extoll'd, could have been destroyed by that commonwealth, if it had wanted strength, stability, virtue, or good order. The secret counsels of God are impenetrable; but the ways by which he accomplishes his designs are often evident: when he intends to exalt a people, he fills both them and their leaders with the virtues suitable to the accomplishment of his end; and takes away all wisdom and virtue from those he resolves to destroy. The pride of the Babylonians and Assyrians fell through the baseness of Sardanapalus; and the great city was taken while Belsazzar lay drunk amongst his whores: the empire was transported to the Persians and Grecians by the valour of Cyrus, Alexander, and the brave armies that follow'd them. Histories furnish us with innumerable examples of this kind: but I think none can be found of a cowardly, weak, effeminate, foolish, ill-disciplin'd people, that have ever subdued such as were eminent in strength, wisdom, valour, and good discipline; or that these qualities have been found or subsisted any where, unless they were cultivated and nourish'd by a well order'd government. If this therefore was found among the Romans, - and not in the kingdoms they overthrew, they had the order and stability which the monarchies had not; and the strength and virtue by which they obtained such success was the product of them. But if this virtue and the glorious effects of it did begin with liberty, it did also expire with the same. The best men that had not fallen in battle were gleaned up by the proscriptions, or circumvented for the most part by false and frivolous accusations. Mankind is inclin'd to vice, and the way to virtue is so hard, that it wants encouragement; but when all honours, advantages and preferments are given to  
vice,

vice, and despised virtue finds no other reward than hatred, persecution, and death, there are few who will follow it. Tacitus well describes the state of the empire, when the power was absolutely fallen into the hands of one: "*Italia novis cladibus, vel*  
 "*post longam seculorum seriem repetitis, afflicta;*  
 "*urbs incendiis vastata, consumptis antiquissimis de-*  
 "*lubris, ipso capitolio civium manibus incenso;*  
 "*pollutæ ceremoniæ; magna adulteria; plenum*  
 "*exiliis mare; infecti cædibus scopuli; atrocius in*  
 "*urbe sævitum; nobilitas, opes, omissi vel gesti ho-*  
 "*nores pro crimine, & ob virtutes certissimum exi-*  
 "*tium.* \*" His following words shew, that the rewards of these abominations were not less odious than the things themselves: the highest dignities were bestowed upon the Delatores, who were a kind of rogues like to our Irish witnesses, or those that by a new coin'd word we call Trepanners. This is not a picture drawn by a vulgar hand, but by one of the best painters in the world; and being a model that so much pleases our author, 'tis good to see what it produced. The first fruit was such an entire degeneracy from all good, that Rome may be justly said never to have produced a brave man since the first age of her slavery. Germanicus and Corbulo were born expirante libertate; and the recompence they received did so little encourage others to follow their example, that none have been found in any degree like to them; and those of the most noble families applied themselves to sleep, laziness, and luxury, that they might not be suspected to be better than their masters. Thraseas, Soranus, and Helvidius were worthy men, who resolved to persist in their integrity, tho' they should die for it; but that was the only thing that made them eminent; for they

\* C. Tacit Hist. l. i.

were of unknown families, not Romans by birth, nor ever employed in war: and those emperors who did arrive to any degree of virtue, were Spaniards, Gauls, Africans, Thracians, and of all nations, except Romans. The patrician and plebeian families, which for many ages had fill'd the world with great commanders, and such as excelled in all virtues, being thus extinguished or corrupted, the common people fell into the lowest degree of baseness: "Plebs fordida circo & theatris fucta\*." That people which in magnanimity surpass'd all that have been known in the world; who never found any enterprize above their spirit to undertake, and power to accomplish, with their liberty lost all their vigour and virtue. They who by their votes had dispos'd of kingdoms and provinces, fell to desire nothing but to live and see plays.

"Duas tantum res anxius optat,  
"Panem & circenses†."

Whether their emperors were good or bad, they usually rejoic'd at their death, in hopes of getting a little money or victuals from the successor. Tho' the empire was by this means grown weak and bloodless, yet it could not fall on a sudden: so vast a body could not die in a moment: all the neighbouring nations had been so much broken by their power, that none was able to take advantage of their weakness; and life was preserved by the strength of hungry Barbarians, allured by the greatness of the pay they received to defend those, who had no power left to defend themselves. This precarious and accidental help could not be durable. They who for a while had been contented with their wages, soon began to think it fit for them rather to fight for themselves,

\* C. Tacit.

† Juvenal. sat.

than for their weak masters; and thereupon fell to set up emperors depending on themselves, or to seize upon the naked provinces, where they found no other difficulty than to contend with other strangers, who might have the like design upon the same. Thus did the armies of the East and West set up emperors at their pleasure; and tho' the Goths, Vandals, Huns, Sueves, Alans, and others had cruel wars among themselves, yet they feared and suffered little or nothing from the Romans. This state of things was so soon observed, that in the beginning of Tiberius his reign they who endeavoured to excite the Gauls to take arms, used no other arguments than such as were drawn from the extreme weakness of the Romans, "*Quàm inops Italia, plebs urbana imbellis, nihil in exercitibus validum præter externum*\*." It was evident that after the battles of Philippi and Actium, the strength of the Roman armies consisted of strangers; and even the victories that went under their name were gained by those nations which in the time of their liberty they had subdued. They had nothing left but riches gather'd out of their vast dominions; and they learnt by their ruin, that an empire acquir'd by virtue could not long be supported by money. They who by their valour had arrived at such a height of glory, power, greatness, and happiness as was never equalled, and who in all appearance had nothing to fear from any foreign power, could never have fallen, unless their virtue and discipline had decay'd, and the corruption of their manners had excited them to turn their victorious swords into their own bowels. Whilst they were in that flourishing condition, they thought they had nothing more to desire than continuance: but if our author's judgment is to be follow-

\* C. Tacit. an. l. 3.



ed, there was “ nothing of good in it, except the “ shortness of its continuance;” they were beholden to those who wrought the change, they were the better for the battles of Pharsalia, Philippi, Munda, and Actium; the destruction of two thirds of the people, with the slaughter of all the most eminent men among them was for their advantage: the proscriptions were wholesome remedies: Tacitus did not understand the state of his own country, when he seems to be ashamed to write the history of it, “ Nobis in arcto & inglorius labor †;” when instead of such glorious things as had been atchiev’d by the Romans, whilst either the senate, or the common people prevailed, he had nothing left to relate, but “ sæva jussa, continuas accusationes, “ fallaces amicitias, perniciem innocentium:” they enjoy’d nothing that was good from the expulsion of the Tarquins to the reestablishment of divine absolute monarchy in the persons of those pious fathers of the people, Tiberius, Caligula, Claudius, Nero, Galba, Otho, Vitellius, &c. There was no virtue in the Junii, Horatii, Cornelii, Quintii, Decii, Manlii; but the generous and tender-hearted princes before-mentioned were perfect examples of it: whilst annual magistrates governed, there was no stability; Sejanus Macro and Tigellinus introduced good order: virtue was not esteemed by the antient senate and people; Messalina, Agrippina, Poppæa, Narcissus, Pallas, Vinnius, and Laco knew how to put a just value upon it: the irregularities of popular assemblies, and want of prudence in the senate, was repaired by the temperate proceedings of the German, Pannonian and eastern armies, or the modest discretion of the pretorian bands: the city was delivered by them from the burden of governing the world,

† Annal. l. 4.

and for its own good frequently plunder'd, fired ; and at last, with the rest of desolated Italy, and the noblest provinces of Europe, Asia and Africa, brought under the yoke of the most barbarous and cruel nations. By the same light we may see that those who endeavour'd to perpetuate the misery of liberty to Rome, or lost their lives in the defence of it, were the worst, or the most foolish of men, and that they were the best who did overthrow it. This rectifies all our errors; and if the highest praises are due to him that did the work, the next are well deserved by those who perished in attempting it : and if the sons of Brutus, with their companions the Vitellii and Aquilii; Claudius Appius the Decemvir; those that would have betrayed the city to Porfenna; Spurius Melius, Spur. Cassius, Manlius Capitolinus, Saturninus, Catiline, Cethegus, Lentulus, had been as fortunate as Julius Cæsar, they might as well have deserved an apotheosis. But if all this be false, absurd, bestial and abominable, the principles that necessarily lead us to such conclusions are so also ; which is enough to shew, that the strength, virtue, glory, wealth, power and happiness of Rome proceeding from liberty, did rise, grow and perish with it.

### S E C T. XIII.

*There is no disorder or prejudice in changing the name or number of magistrates, whilst the root and principle of their power continues intire.*

**I**N the next place our author would persuade us that the Romans were inconstant, because of their changes from annual consuls to military tribunes, decemviri, and dictators; and gives the name of sedition to the complaints made against usury, or  
the

the contests concerning marriages or magistracy: but I affirm,

1. That no change of magistracy, as to the name, number, or form, doth testify irregularity, or bring any manner of prejudice, as long as it is done by those who have a right of doing it, and he or they who are created continue within the power of the law to accomplish the end of their institution; many forms being in themselves equally good, and may be used as well one as another, according to times and other circumstances.

2. In the second place, 'tis a rare thing for a city at the first to be rightly constituted: men can hardly at once foresee all that may happen in many ages, and the changes that accompany them ought to be provided for. Rome in its foundation was subject to these defects, and the inconveniencies arising from them were by degrees discover'd and remedied. They did not think of regulating usury, till they saw the mischiefs proceeding from the cruelty of usurers; or setting limits to the proportion of land that one man might enjoy, till the avarice of a few had so far succeeded, that their riches were grown formidable, and many by the poverty to which they were reduced became useless to the city. It was not time to make a law that the plebeians might marry with the patricians, till the distinction had raised the patricians to such pride, as to look upon themselves to have something of divine, and the others to be inauspicati or prophane, and brought the city into danger by that division; nor to make the plebeians capable of being elected to the chief magistracies, till they had men able to perform the duties of them. But these things being observed, remedies were seasonably applied without any bloodshed or mischief, tho' not without noise and wrangling.

3. All human constitutions are subject to corruption, and must perish, unless they are timely renewed, and reduced to their first principles: this was chiefly done by means of those tumults which our author ignorantly blames: the whole people by whom the magistracy had been at first created, executed their power in those things which comprehend sovereignty in the highest degree, and brought every one to acknowledge it: there was nothing that they could not do, who first conferr'd the supreme honours upon the patricians, and then made the plebeians equal to them. Yet their modesty was not less than their power or courage to defend it: and therefore when by the law they might have made a plebeian consul, they did not choose one in forty years; and when they did make use of their right in advancing men of their own order, they were so prudent, that they cannot be said to have been mistaken in their elections three times, whilst their votes were free: whereas, of all the emperors that came in by usurpation, pretence of blood from those who had usurped, or that were set up by the soldiers, or a few electors, hardly three can be named who deserved that honour, and most of them were such as seemed to be born for plagues to mankind.

4. He manifests his fraud or ignorance in attributing the legislative power sometimes to the senate, and sometimes to the people; for the senate never had it. The stile of *Senatus censuit*, *Populus jussit*, was never alter'd; but the right of advising continuing in the senate, that of enacting ever continued in the people.

5. An occasion of commending absolute power, in order to the establishment of hereditary monarchy, is absurdly drawn from their custom of creating a dictator in time of danger; for no man was ever  
"created,



created, but such as seemed able to bear so great a burden, which in hereditary governments is wholly left to chance. Tho' his power was great, it did arise from the law; and being confin'd to six months, 'twas almost impossible for any man to abuse it, or to corrupt so many of those who had enjoy'd the same honour, or might aspire to it, as to bring them for his pleasure to betray their country: and as no man was ever chosen who had not given great testimonies of his virtues, so no one did ever forfeit the good opinion conceived of him. Virtue was then honour'd, and thought so necessarily to comprehend a sincere love and fidelity to the commonwealth, that without it the most eminent qualities were reputed vile and odious; and the memory of former services could no way expiate the guilt of conspiring against it. This seeming severity was in truth the greatest clemency: for tho' our author has the impudence to say, that during the "Roman liberty the best men thrived worst, and the worst best," he cannot alledge one example of any eminent Roman put to death (except Manlius Capitolinus) from the expulsion of the Tarquins to the time of the Gracchi, and the civil wars not long after ensuing; and of very few who were banished. By these means crimes were prevented; and the temptations to evil being removed, treachery was destroy'd in the root; and such as might be naturally ambitious, were made to see there was no other way to honour and power than by acting virtuously.

But lest this should not be sufficient to restrain aspiring men, what power soever was granted to any magistrate, the sovereignty still remained in the people, and all without exception were subject to them. This may seem strange to those who think the

dictators were absolute, because they are said to have been sine provocatione; but that is to be only understood in relation to other magistrates, and not to the people, as is clearly proved in the case of Q. Fabius, whom Papirius the dictator would have put to death: “Tribunos plebis appello \*,” says Fabius Maximus his father, “& provoco ad populum, eumque tibi fugienti exercitus tui, fugienti senatus judicium, judicem fero; qui certe unus plusquam tua dictatura potest polletque: videro, cessurusne sis provocationi, cui Tullus Hostilius cessit.” And tho’ the people did rather interceed for Fabius than command his deliverance, that modesty did evidently proceed from an opinion that Papirius was in the right; and tho’ they desired to save Fabius, who seems to have been one of the greatest and best men that ever the city produced, they would not enervate that military discipline, to which they owed, not only their greatness, but their subsistence; most especially when their sovereign authority was acknowledged by all, and the dictator himself had submitted. The right of appeals to the people was the foundation of the Roman commonwealth, laid in the days of Romulus†, submitted to by Hostilius in the case of Horatius, and never violated, till the laws and the liberty which they supported were overthrown by the power of the sword. This is confirmed by the speech of Metellus the tribune, who in the time of the second Carthaginian war, causelessly disliking the proceedings of Q. Fabius Maximus then dictator, in a public assembly of the people said, “Quod si antiquus animus plebi Romanæ esset, se audacter laturum de abrogando Q. Fabii imperio; nunc modicam rogationem promulgaturum, de æquando magistri equitum &

\* T. Liv. l. 8.    † T. Liv. l. 1.

“dictatoris jure : \*” which was done, and that action, which had no precedent, shews that the people needed none, and that their power being eminently above that of all magistrates was obliged to no other rule than that of their own will. Tho’ I do therefore grant that a power like to the dictatorial, limited in time, circumscribed by law, and kept perpetually under the supreme authority of the people, may, by virtuous and well-disciplin’d nations, upon some occasions, be prudently granted to a virtuous man, it can have no relation to our author’s monarch, whose power is in himself, subject to no law, perpetually exercised by himself, and for his own sake, whether he have any of the abilities required for the due performance of so great a work, or be entirely destitute of them ; nothing being more unreasonable than to deduce consequences from cases, which in substance and circumstances are altogether unlike : but to the contrary, these examples shewing that the Romans, even in the time of such magistrates as seemed to be most absolute, did retain and exercise the sovereign power, do most evidently prove that the government was ever the same remaining in the people, who without prejudice might give the administration to one or more men as best pleased themselves, and the success shews that they did it prudently.

\* T. Liv. l. 22.

## S E C T. XIV.

*No sedition was hurtful to Rome, till through their prosperity some men gained a power above the laws.*

**L**ITTLE pains is required to confute our author, who imputes much bloodshed to the popular government of Rome; for he cannot prove that one man was unjustly put to death, or slain in any sedition before Publius Gracchus: the foundations of the commonwealth were then so shaken, that the laws could not be executed; and whatsoever did then fall out ought to be attributed to the monarchy for which the great men began to contend. Whilst they had no other wars than with neighbouring nations, they had a strict eye upon their commanders, and could preserve discipline among the soldiers: but when by the excellence of their valour and conduct the greatest powers of the world were subdued, and for the better carrying on of foreign wars, armies were suffered to continue in the same hands longer than the law did direct, soldiery came to be accounted a trade, and those who had the worst designs against the commonwealth, began to favour all manner of licentiousness and rapine, that they might gain the favour of the legions, who by that means became unruly and seditious; 'twas hard, if not impossible, to preserve a civil equality, when the spoils of the greatest kingdoms were brought to adorn the houses of private men; and they who had the greatest cities and nations to be their dependants and clients, were apt to scorn the power of the law. This was a most dangerous disease, like those to which human bodies are subject when they are arrived to that which physicians call the athletic habit, proceeding from the highest perfection of health,



health, activity and strength, that the best constitution by diet and exercise can attain. Whosoever falls into them shews that he had attain'd that perfection; and he who blames that which brings a state into the like condition, condemns that which is most perfect among them. Whilst the Romans were in the way to this, no sedition did them any hurt: they were compos'd without blood; and those that seem'd to be the most dangerous, produced the best laws. But when they were arriv'd to that condition, no order could do them good; the fatal period set to human things was come, they could go no higher,

——“ Summisque negatum  
Stare diu \*;”

and all that our author blames, is not to be imputed to their constitution, but their departing from it. All men were ever subject to error, and it may be said that the mistaken people in the space of about three hundred years did unjustly fine or banish five or six men; but those mistakes were so frankly acknowledged, and carefully repair'd by honours bestow'd upon the injured persons, as appears by the examples of Camillus, Livius Salinator, Paulus Emilius, and others, that they deserve more praise than if they had not failed.

If for the above-mentioned time seditions were harmless or profitable, they were also absolutely exempted from civil wars. Those of Apulia and Greece were revolts of conquer'd nations, and can no way fall under that name: but 'tis most absurdly applied to the servile and gladiatorian wars; for the gladiators were slaves also, and civil wars can be made only by those who are members of the civil

\* Lucan. l. 1.

society, which slaves are not. Those that made the *bellum sociale*, were freemen, but not citizens; and the war they made could not be called civil. The Romans had three ways of dealing with conquered nations.

1. Some were received into the body of the city, *Civitate donati*, as the Latins by Romulus; the Albans by Hostilius; the Privernates when their ambassador declared, that no peace could be durable unless it were just and easy; and the senate said, “*Se viri & liberi vocem audivisse, talesque dignos esse ut Romani fiant;*” and the like favour was shewn to many others.

2. By making laws with them, as Livy says, “*Populum Romanum devictos bello populos, male societate & amicitia habere conjunctos, quam tristi subjectos servitio:*” of which sort were the Samnites, who not liking their condition, joined with Hannibal; and afterwards, under the conduct of the brave Tullius, with other nations that lived under the condition of the *Socii*, made an unprosperous attempt to deliver themselves.

3. Those who after many rebellions were “in provinciam redacti,” as the Capuans, when their city was taken by Appius Claudius, and Q. Fulvius Flaccus.

We often hear of wars made by those of the two latter sorts; but of none that can be called civil, till the times of Marius Sylla, and Catiline: and as they are to be esteemed the last strugglings of expiring liberty, when the laws, by which it had subsisted, were enervated; so those that happened between Cæsar and Pompey, Octavius and Antonius, with the proscriptions, triumvirate, and all the mischiefs that accompanied them, are to be imputed wholly to the monarchy for which they contend,

ed, as well as those between Nero, Galba, Otho, Vitellius, and Vespasian, that hardly ever ceased till the empire was abolished ; for the name of a commonwealth continued to the end ; and I know not why Tiberius or Nero might not use it as well as Sylla or Marius.

Yet if our author be resolved to impute to popular government all that passed before Cæsar made himself perpetual dictator, he will find no more than is seen in all places. We have known few small states, and no great one free from revolts of subjects or allies ; and the greatest empire of the East was overthrown by the rebellion of the Mammalukes their slaves. If there is any difference to be observed between what happened at Rome, 'tis chiefly, that whilst there was any shadow of liberty, the slaves, gladiators, subjects or allies, were always beaten and suppressed ; whereas in the time of the emperors, the revolt of a province was sufficient give a new master to the best part of mankind ; and to he having no more power than was required for a present mischief, was for the most part, in a short time, destroy'd by another. But to please our author, I will acknowledge a second defect, even that wantonness to which he ascribes all their disorders ; tho' I must withal desire him to consider from whence wantonness doth proceed. If the people of Turkey or France did rebel, I should think they were driven to it by misery, beggary or despair ; and could lay wantonness only to the charge of those who enjoy'd much prosperity. Nations that are oppress'd and made miserable, may fall into rage, but can never grow wanton. In the time of the Roman emperors, the pretorian cohorts, or the armies that had the liberty of ravaging the richest provinces, might be proud of their strength, or grow wanton through the

the abundance of their enjoyments: The janizaries in latter ages may, for the same reasons, have fallen into the like excesses; but such as have lost their liberty are in no danger of them. When all the nobility of Rome was destroyed, and those who excelled in reputation or virtue, were fallen in the wars, or by the proscriptions; when two thirds of the people were slain, the best cities and colonies burnt, the provinces exhausted, and the small remains left in them oppressed with a most miserable slavery, they may have revolted, and sometimes did, as the Britains, Batavians, and others mentioned in the Roman history: but they were driven to those revolts by fury and necessity, arising from the miseries and indignities they suffer'd under an insupportable tyranny; and wantonness had no part in them. The people of Rome, when they were a little freed from the terror of the soldiers, did sometimes for the same reasons conspire against the emperors; and when they could do no more, expressed their hatred by breaking their statues: but after the battles of Pharsalia, Philippi, and the proscriptions, they never committed any folly through wantonness. In the like manner Naples and Sicily have revolted within these few years; and some who are well acquainted with the state of those kingdoms, think them ready again to do the like; but if it should so happen, no man of understanding would impute it to wantonness. The pressures under which they groan, have cured them of all such diseases; and the Romans since the loss of their liberty could never fall into them. They may have grown wanton when their authority was revered, their virtue admired, their power irresistible, and the riches of the world were flowing in upon them, as it were, to corrupt their manners, by inciting them to pleasure:



sure: but when all that was lost, and they found their persons expos'd to all manner of violence from the basest of men; their riches exhausted by tributes and rapine, whilst the treasures of the empire were not sufficient to supply the luxury of their masters; the misery they suffer'd, and the shame of suffering it, with the contemptible weakness to which they were reduc'd, did too strongly admonish them that the vices of wantonness belonged only to those who enjoy'd a condition far different from theirs; and the memory of what they had lost, sharpened the sense of what they felt. This is the state of things which pleases our author; and, by praising that government, which depriv'd those who were under it of all that is most desirable in the world, and introduc'd all that ought to be detested, he sufficiently shews, that he delights only in that which is most abominable, and would introduce his admir'd absolute monarchy, only as an instrument of bringing vice, misery, devastation and infamy upon mankind.

## S E C T. XV.

*The empire of Rome perpetually decay'd when it fell into the hands of one man.*

**I**N pursuance of his design our author, with as much judgment as truth, denies that Rome became mistress of the world under the popular government: "It is not so, says he, for Rome began her empire under kings, and did perfect it under emperors: it did only increase under that popularity: her greatest exaltation was under Trajan, and longest peace under Augustus." For the illustration of which, I desire these few things may be consider'd,

1. That

1. That the first monarchy of Rome was not absolute: the kings were made by the people without regard to any man's title, or other reason than the common good, choosing him that seemed most likely to procure it; setting up at the same time a senate consisting of a hundred of the most eminent men among them; and, after the reception of the Sabines into the city, adding as many more to them, and committing the principal part of the government to their care, retaining the power of making those laws to which the kings who reigned by their command were subject, and reserving to themselves the judgment of all great matters upon appeal. If any of their kings deserved to be called a monarch, according to Filmer's definition, it was the last Tarquin\*; for he alone of all their kings reigned not *Jussu populi*, but came in by treachery and murder. If he had continued, he had cured the people of all vices proceeding from wantonness; but his farthest conquest was of the small town of Gabii ten miles distant from Rome, which he effected by the fraud of his detestable son; and that being then the utmost limit of the Roman empire, must deserve to be called the world, or the empire of it was not gained by their kings.

2. The extent of conquest is not the only, nor the chief thing that ought to be consider'd in them; regard is to be had to the means whereby they are made, and the valour or force that was employ'd by the enemy. In these respects not only the overthrow of Carthage, and the conquests of Spain, but the victories gained against the Sabines, Latins, Tuscans, Samnites, and other valiant nations of Italy, who most obstinately defended their liberty, when the Romans had no forces but their own, shew more

\* T. Liv. l. 2,

virtue, and deserve incomparably more praise, than the defeats of any nations whatsoever, when they were increased in number, riches, reputation and power, and had many other warlike people instructed in their discipline, and fighting under their ensigns. But I deny that the Romans did ever make any considerable acquisition after the loss of their liberty. They had already subdued all Italy, Greece, Macedonia, the islands of the Mediterranean sea, Thracia, Illyrium, Asia the less, Pontus, Armenia, Syria, Egypt, Africa, Gaul and Spain. The forces of Germany were broken; a bridge laid over the Rhine, and all the countries on this side subdued. This was all that was ever gained by the valour of their own forces, and that could bring either honour or profit. But I know of no conquest made after that time, unless the name of conquest be given to Caligula's expedition, when he said he had subdued the sea, in making a useless bridge from Puteoli to Baiæ; or that of the other fool, who entered Rome in triumph, for having gathered shells on the sea-shore. Trajan's expedition into the East, was rather a journey than a war: he rambled over the provinces that Augustus had abandoned as not worth keeping, and others that had nothing to defend them, but ill-armed and unwarlike barbarians: upon the whole matter, he seems to have been led only by curiosity; and the vanity of looking upon them as conquests, appears in their being relinquish'd as soon as gained. Britain was easily taken from a naked and unskilful, tho' a brave people: hardly kept, and shamefully lost. But tho' the emperors had made greater wars than the commonwealth, vanquished nations of more valour and skill than their Italian neighbours, the Grecians or Carthaginians; subdued and slaughter'd those that in numbers and ferocity had exceeded the

Cimbri,

Cimbri, Gauls and Teutons, encountered captains more formidable than Pirrhuss and Hannibal, it might indeed increase the glory of him that should have done it, but could add nothing of honour or advantage to the Roman name: the nobility was extirpated long before, the people corrupted and enslaved, Italy lay desolate, so as a Roman was hardly to be found in a Roman army, which was generally composed of such, as fighting for themselves or their commander, never thought of any thing less than the interest of Rome: and as it is impossible that what is so neglected and betray'd, should be durable, that empire which was acquired by the valour and conduct of the bravest and best disciplin'd people of the world, decay'd and perished in the hands of those absolute monarchs, who ought to have preserved it.

3. Peace is desirable by a state that is constituted for it, who contenting themselves with their own territories, have no desires of enlarging them: or perhaps it might simply deserve praise, if mankind were so framed, that a people intending hurt to none, could preserve themselves; but the world being so far of another temper, that no nation can be safe without valour and strength, those governments only deserve to be commended, which by discipline and exercise increase both, and the Roman above all, that excelled in both. Peace therefore may be good in its season, and was so in Numa's reign; yet two or three such kings would have encouraged some active neighbours to put an end to that aspiring city, before its territory had extended beyond Fidenæ. But the discipline that best agreed with the temper and designs of a warlike people, being renew'd by his brave successors, the dangers were put on their enemies; and all of them, the last only excepted, persisting



persisting in the same way, did reasonably well perform their duty. When they were removed, and the affairs of the city depended no longer upon the temper or capacity of one man, the ends for which the city was constituted were vigorously pursued, and such magistrates annually chosen, as would not long continue in a universal peace, till they had gotten the empire to which they aspir'd, or were by ill fortune brought to such weakness, as to be no longer able to make war. Both of these happened in the so much magnified reign of Augustus. He found the empire so great, that all additions might rationally be rejected as useless or prejudicial; and Italy so exhausted, that wars could only be carried on by the strength of strangers: it was time to lie still when they had no power to act: and they might do it safely, whilst the reputation gained by former victories preserved them from foreign invasions. When Crassus, Pompey, and Cæsar, who had torn the commonwealth into three monarchies, were kill'd, and the flower of the Roman nobility and people destroyed with them, or by them: when Cato's virtue had prov'd too weak to support a falling state, and Brutus with Cassius had perished in their noble attempt to restore the liberty: when the best part of the senate had been exposed for a prey to the vulturs and wolves of Thessaly, and one hundred and thirty of those who deserved the hatred of tyrants, and had escaped the fury of war, had been destroy'd by the proscriptions: when neither captains nor soldiers remained in the desolate city; when the tyrant abhorr'd and fear'd all those who had either reputation or virtue, and by the most subtle arts endeavoured so to corrupt or break the spirits of the remaining people, that they might not think of their former greatness, or the ways of recovering it, we ought not to wonder that they

they ceased from war. But such a peace is no more to be commended, than that which men have in the grave ; as in the epitaph of the marquiss Trivulzio seen at Milan, “ *Qui nunquam quievit, quiescit, tace.*” This peace is in every wilderness : the Turks have established it in the empty provinces of Asia and Greece. Where there are no men, or if those men have no courage, there can be no war. Our ancestors the Britons observed, that the peace which in that age the Romans established in the provinces, consisted in the most wretched slavery and solitude : “ *Misserrimam servitutem pacem appellant.*” And in another place, “ *Solitudinem faciunt, pacem vocant\*.*” This is the peace the Spaniards settled in their dominions of the West-Indies, by the destruction of † forty millions of souls. The countries were very quiet, when wild beasts only were left to fight in them, or a few miserable wretches, who had neither strength nor courage to resist their violence. This was the peace the Romans enjoyed under Augustus : a few of those who made themselves subservient to his pleasure, and ministers of the public calamities, were put into a flourishing condition ; but the rest pined, withered, and never recovered. If yet our author will have us to think the liberty of the people of Rome obliged to Augustus, who procured such a peace for them, he ought to remember, that besides what they suffered in settling it, they paid dear for it even in the future ; for Italy was thereby so weakned, as never to recover any strength or virtue to defend itself ; but depending absolutely upon barbarous nations, or armies composed of them, was ravaged and torn in pieces by every invader.

\* C. Tacit.

† Barth. de las Casas, destruyc. de las Indias.

4. That peace is only to be valued which is accompanied with justice : and those governments only deserve praise, who put the power into the hands of the best men. This was wholly wanting during the reigns of Augustus and his successors. The worst of men gained the sovereignty by alliance, fraud or violence, and advanced such as most resembled themselves. Augustus was worse in the beginning than in the latter end of his reign ; but his bloody and impure successor, grew every day more wicked as long as he lived : whilst he sat upon the rocks at Capreæ with his Chaldeans, he meditated nothing but lust or mischief, and had Sejanus and Macro always ready to execute his detestable designs. Caligula could find none equal to himself in all manner of villanies ; but favour'd those most who were likest to him. Claudius his stupidity, drunkenness, and subjection to the fury of two impudent strumpets and manumised slaves, proved as hurtful to the empire, as the savage fury of his predecessor. Tho' Nero was a monster that the world could not bear, yet the raging soldiers kill'd Galba, and gave the empire to Otho for no other reason, than that he had been the companion of his debauches, and of all men was thought most to resemble him : with them all evils came in like a flood ; and their successors finding none so bad as themselves, but the favourites, whores and slaves that governed them, would suffer no virtue to grow up ; and filled the city with a base, lewd, and miserable rabble, that cared for nothing beyond stage-plays and bread. Such a people could not be seditious ; but Rome had been desolate, if they had not thus filled it. And tho' this temper and condition of a people may please our author ; yet it was an incurable wound to the state, and in consequence to the best part of the world.

When the city had been burnt by the Gauls, it was soon restored : the defeats of Ticinum, Trebia, Thrasimene, and Cannæ were repair'd with equal or greater victories : the war of the allies ended in their overthrow : the fury of the gladiators was extinguished with their blood : the commonwealth lost battles, but was never conquered in any war ; and in the end triumphed over all that had contended with them. Whilst liberty continued, it was the nurse of virtue ; and all the losses suffered in foreign or civil wars, were easily recovered : but when liberty was lost, valour and virtue was torn up by the roots, and the Roman power proceeding from it, perished.

I have not dwelt so long upon this point to expose the folly of our author, but to show that the above-mention'd evils did proceed from a permanent cause, which will always produce the like effects ; and histories testify, that it has done the same in all places. Carthage was rebuilt, after it had been destroy'd by Scipio, and continued to be a rich city for almost a thousand years, but produced no such men as Amilcar, Asdrubal and Hannibal : Cleomenes and Euclidas were the last that deserved to be called Spartans : Athens never had an eminent man, after it felt the weight of the Macedonian yoke ; and Philopemen was the last of the Achaians. Tho' the commonwealths of Italy in latter ages, having too much applied themselves to the acquisition of money, and wanted that greatness of spirit which had reigned in their ancestors, yet they have not been without valour and virtue. That of Pisa was famous for power at sea, till the Genoeses overthrew them. Florence had a brave nobility, and a stout people. Arezzo, Pistoia, Cortona, Sienna, and other small towns of Tuscany, were not without strength,



strength, tho' for the most part unhappily exercised in the factions of Ghibelins and Guelphs, Neri and Bianchi, that divided all Italy; but since the introduction of Filmer's divine absolute monarchy, all power, virtue, reputation and strength, is utterly perished from among them, and no man dares to oppose the public mischiefs. They usually decide private quarrels by assassination or poison; and in other respects they enjoy the happiness of that peace which is always found within empty walls and desolated countries: and if this be according to the laws of God and nature, it cannot be denied, that weakness, baseness, cowardice, destruction and desolation are so likewise. These are the blessings our well-natur'd author would confer upon us; but if they were to be esteemed so, I cannot tell why those that felt them, complained so much of them. Tacitus reciting what passed in his time, and somewhat before (for want of a christian spirit) in the bitterness of his soul says, "*Nec unquam atrocioribus*" "*populi Romani cladibus, magisque justis indiciis*" "*probatum est, non esse curæ Deis securitatem*" "*nostram, esse ultionem\*.*" Some thought that no punishments could be justly deserved by a people that had so much favour'd virtue; others, that even the Gods they ador'd, envied their felicity and glory; but all confess'd they were fallen from the highest pitch of human happiness into the lowest degree of infamy and misery: and our author being the first that ever found they had gained by the change, we are to attribute the discovery of so great a secret to the excellency of his wisdom. If, suspending my judgment in this point, till it be proved by better authority than his word, I in the mean time follow the opinion of those who think slavery doth naturally

\* C. Tacit. l. i.

produce meanness of spirit, with its worst effect, flattery, which Tacitus calls “*foedum servitutis crimen*,” I must believe, that the impudence of carrying it to such a height, as to commend nothing in the most glorious liberty, that made the most virtuous people in the world, but the shortness of its continuance, and to prefer the tyranny of the basest of men, or worst of monsters, is peculiar to Filmer; and that their wickedness, which had never been equalled, is surpassed by him, who recommends as the ordinance of God, the principles that certainly produce them.

“ But, says our author, tho’ Rome was for a while miraculously upheld in glory by a greater prudence than its own, yet in a short time, after manifold alterations, she was ruined by her own hand.” But ’tis absurd to say, that the overthrow of a government, which had nothing of good in it, can be a ruin; or that the glory in which it continued, had nothing of good in it; and most of all, that it could be ruin’d by no hands but its own, if that glory had not been gained, and immediately or instrumentally supported by such virtue and strength as is worthily to be preferr’d before all other temporal happiness, and does ever produce it. This shews that liars ought to have good memories. But passing over such foolish contradictions, I desire to know, how that “ prudence, greater than its own” (which till I am better inform’d, I must think to be inseparably united to justice and goodness) came miraculously to support a government, which was not only evil in it self, as contrary to the laws of God and nature; but so perpetually bent against that monarchy, which he says is according to them, as to hate all monarchs, despise all that would live under them, destroy as many of them as came within  
their

their reach; and make a law by which any man was authorised to kill him, who should endeavour to set up this divine power among them. Moreover, no human prudence preserved the Roman glory but their own: the others directly set themselves to oppose it, and the most eminent fell under it. We know of no prudence surpassing the human, unless it be the divine: but the divine prudence did never miraculously exert it self, except to bear witness to the truth, and to give authority to those that announced it. If therefore the glory of this popular government was miraculously supported by a more than human prudence, it was good in it self; the miracles done in favour of it did testify it, and all that our author says against it is false and abominable.

If I lay aside the word Miraculous, as put in by chance, 'twill be hard to know how God (who in the usual course of his providence guides all things by such a gentle and undiscerned power, that they seem to go on of themselves) should give such virtue to this popular government, and the magistrates bred up under it, that the greatest monarchs of the earth were as dust before them, unless there had been an excellency in their discipline, far surpassing that of their enemies; or how that can be called ill in its principle, and said to comprehend no good, which God did so gloriously support, and no man was ever able to resist. This cannot be better answer'd than by our author's citation, "*Suis & ipsa Roma viribus ruit;*" That city which had overthrown the greatest powers of the world must, in all appearance, have lasted for ever, if their virtue and discipline had not decay'd, or their forces been turned against themselves. If our author therefore says true, the greatest good that ever befel the Romans, was the

decay of their virtue and discipline ; and the turning of their own arms against themselves, was not their ruin but their preservation.

When they had brought the warlike nations of Italy into subjection, or association ; often repressed the fury of the Gauls, Cimbri and Teutons ; overthrown the wealth, power and wit of Carthage supported by the skill, industry, and valour of Hannibal and his brave relations ; almost extirpated the valiant Spaniards, who would no other way be subdued ; defeated Philip, Perseus, Antiochus, Gentius, Syphax and Jugurtha ; struck an awe into Ptolomy ; avoided the snares and poisons of Mithridates ; followed him in his flights, reveng'd his treacheries, and carried their victorious arms beyond his conquer'd kingdoms to the banks of Tygris : when neither the revolt of their Italian associates, nor the rebellion of their slaves led by Spartacus (who in skill seems to have been equal to Hannibal, and above him in courage) could put a stop to their victories : when Greece had been reduced to yield to a virtue rather than a power greater than their own, we may well say, that government was supported by a more than human prudence, which led them through virtue to a height of glory, power and happiness, that till that day had been unknown to the world, and could never have been ruined, if by the decay of that virtue they had not turned their victorious arms against themselves. That city was a giant that could die by no other hand than his own ; like Hercules poison'd and driven into madness, after he had destroy'd thieves, monsters and tyrants, and found nothing on the earth able to resist him. The wisest of men in ancient times, looking upon this as a point of more than human perfection, thought



thought or feigned to think, that he was descended from the Gods, and at his death received into their number, tho' perhaps Filmer would prefer a weak, base and effeminate slave before him. The matter will not be much different, if we adhere to the fore-mentioned similitude of the athletic habit; for the danger proceeds only from the perfection of it, and he who dislikes it, must commend that weakness and vice which may perish, but can never be changed into any thing worse than itself, as those that lie upon the ground can never fall. However this fall of the Romans, which our author, speaking truth against his will, calls their ruin, was into that which he recommends as the ordinance of God: which is as much as to say, that they were ruin'd when they fell from their own unnatural inventions to follow the law of God and of nature; that luxury also through which they fell, was the product of their felicity; and that the nations that had been subdued by them, had no other way of avenging their defeats, than by alluring their masters to their own vices: this was the root of their civil wars. When that proud city found no more resistance, it grew wanton.

—————Sævior armis

“Luxuria incubuit, victumque ulciscitur orbem.”

LUCAN.

Honest poverty became uneasy, when honours were given to ill-gotten riches. This was so monarchical, that a people infected with such a custom must needs fall by it. They who by vice had exhausted their fortunes, could repair them only by bringing their country under a government that would give impunity to rapine; and such as had not virtues to

deserve advancement from the senate and people, would always endeavour to set up a man that would bestow the honours that were due to virtue, upon those who would be most abjectly subservient to his will and interests. When mens minds are filled with this fury, they sacrifice the common good to the advancement of their private concerns. This was the temper of Catiline expressed by Sallust, “*Luxuria principi gravis, paupertas vix à privato toleranda*” \*; and this put him upon that desperate extremity to say, “*Incendium meum ruinâ extinguam.*” Others in the same manner being filled with the same rage, he could not want companions in his most villanous designs. ’Tis not long since a person of the highest quality, and no less famous for learning and wit, having observed that the state of England, as it stood not many years ago, and that to which it has been reduc’d since the year sixty, as is thought very much by the advice and example of France, said, that they now were taking a most cruel vengeance upon us for all the overthrows received from our ancestors, by introducing their most damnable maxims, and teaching us the worst of their vices. ’Tis not for me to determine whether this judgment was rightly made or not; for I intend not to speak of our affairs: but all historians agreeing, that the change of the Roman government was wrought by such means as I have mentioned; and our author acknowledging that change to have been their ruin, as in truth it was, I may justly conclude, that the overthrow of that government could not have been a ruin to them, but good for them, unless it had been good; and that the power which did ruin it, and was set up in the room of it, cannot have been according to the laws of God or na-

\* Sallust. bel. Catilin.

ture, for they confer only that which is good, and destroy nothing that is so; but must have been most contrary to that good which was overthrown by it.

## S E C T. XVI.

*The best governments of the world have been composed of Monarchy, Aristocracy, and Democracy.*

OUR author's cavils concerning I know not what vulgar opinions that democracies were introduc'd to curb tyranny, deserve no answer; for our question is, whether one form of government be prescribed to us by God and nature, or we are left according to our own understanding, to constitute such as seem best to ourselves. As for democracy he may say what pleases him of it; and I believe it can suit only with the convenience of a small town accompanied with such circumstances as are seldom found. But this no way obliges men to run into the other extreme, in as much as the variety of forms between meer democracy and absolute monarchy is almost infinite: and if I should undertake to say, there never was a good government in the world, that did not consist of the three simple species of monarchy, aristocracy and democracy, I think I might make it good. This at the least is certain, that the government of the Hebrews instituted by God, had a judge, the great Sanhedrin, and general assemblies of the people: Sparta had two kings, a senate of twenty eight chosen men, and the like assemblies: all the Dorian cities had a chief magistrate, a senate, and occasional assemblies: the Ionian, Athens, and others, had an Archon, the Areopagi; and all judgments concerning matters of the greatest importance, as well as the election of

of magistrates, were referr'd to the people. Rome in the beginning had a king and a senate, whilst the election of kings, and judgments upon appeals remained in the people; afterwards consuls representing kings, and vested with equal power, a more numerous senate, and more frequent meetings of the people. Venice has at this day a duke, the senate of the Pregadi, and the great assembly of the nobility, which is the whole city, the rest of the inhabitants being only *Incolæ*, not *Cives*; and those of the other cities or countries are their subjects, and do not participate of the government. Genoa is governed in like manner: Luca not unlike to them. Germany is at this day governed by an emperor, the princes or great lords in their several precincts, the cities by their own magistrates, and by general diets, in which the whole power of the nation resides, and where the emperor, princes, nobility, and cities have their places in person, or by their deputies. All the northern nations, which upon the dissolution of the Roman empire possessed the best provinces that had composed it, were under that form which is usually called the Gothic polity: they had king, lords, commons, diets, assemblies of estates, cortes, and parliaments, in which the sovereign powers of those nations did reside, and by which they were exercised. The like was practised in Hungary, Bohemia, Sweden, Denmark, Poland; and if things are changed in some of these places within few years, they must give better proofs of having gained by the change than are yet seen in the world, before I think myself obliged to change my opinion.

Some nations not liking the name of king, have given such a power as kings enjoy'd in other places to one or more magistrates, either limited to a cer-

tain



tain time, or left to be perpetual, as best pleased themselves : others approving the name, made the dignity purely elective. Some have in their elections principally regarded one family as long as it lasted : others consider'd nothing but the fitness of the person, and reserved to themselves a liberty of taking where they pleased. Some have permitted the crown to be hereditary as to its ordinary course ; but restrained the power, and instituted officers to inspect the proceedings of kings, and to take care that the laws were not violated : of this sort were the Ephori of Sparta, the Maires du Palais, and afterwards the constable of France ; the Justicia in Arragon ; Rijckshofmeister in Denmark ; the high steward in England ; and in all places such assemblies as are before-mentioned under several names, who had the power of the whole nation. Some have continued long, and it may be always in the same form ; others have changed it : some being incensed against their kings, as the Romans exasperated by the villanies of Tarquin, and the Tuscans by the cruelties of Mezentius, abolished the name of king : others, as Athens, Sicion, Argos, Corinth, Thebes, and the Latins, did not stay for such extremities ; but set up other governments when they thought it best for themselves, and by this conduct prevented the evils that usually fall upon nations, when their kings degenerate into tyrants, and a nation is brought to enter into a war by which all may be lost, and nothing can be gained which was not their own before. The Romans took not this salutary course ; the mischief was grown up before they perceived, or set themselves against it ; and when the effects of pride, avarice, cruelty and lust were grown to such a height, that they could no longer be endured, they could not free themselves without a war : and where-

as upon other occasions their victories had brought them increase of strength, territory and glory; the only reward of their virtue in this was, to be delivered from a plague they had unadvisedly suffered to grow up among them. I confess this was most of all to be esteemed; for if they had been overthrown, their condition under Tarquin would have been more intolerable than if they had fallen under the power of Pyrrhus or Hannibal; and all their following prosperity was the fruit of their recover'd liberty: but it had been much better to have reformed the state after the death of one of their good kings, than to be brought to fight for their lives against that abominable tyrant. Our author in pursuance of his aversion to all that is good, disapproves this; and wanting reasons to justify his dislike according to the custom of impostors and cheats, hath recourse to the ugly terms of a Back-door, Sedition and Faction: as if it were not as just for a people to lay aside their kings when they receive nothing but evil, and can rationally hope for no benefit by them, as for others to set them up in expectation of good from them. But if the truth be examin'd, nothing will be found more orderly than the changes of government, or of the persons and races of those that governed, which have been made by many nations. When Pharamond's grandson seem'd not to deserve the crown he had worn, the French gave it to Meroveus, who more resembled him in virtue: in process of time when this race also degenerated, they were rejected, and Pepin advanced to the throne; and the most remote in blood of his descendants having often been preferred before the nearest, and bastards before the legitimate issue, they were at last all laid aside; and the crown remains to this day in the family of Hugh Capet, on whom it was bestow'd upon the rejection of Charles of Lorrain.

In

In like manner the Castilians took Don Sancho fir-named the brave, second son to Alphonso the wise, before Alphonso el Desheredado, son of the elder brother Ferdinand. The states of Arragon preferred Martin brother to John the first, before Mary his daughter married to the Count de Foix, tho' females were not excluded from the succession; and the house of Austria now enjoys that crown from Joan daughter to Ferdinand. In that and many other kingdoms, bastards have been advanced before their legitimate brothers. Henry Count of Trastamara, bastard to Alphonso the eleventh king of Castile, received the crown as a reward of the good service he had done to his country against his brother Peter the cruel, without any regard had to the house of la Cerda descended from Alphonso el Desheredado, which to this day never enjoy'd any greater honour than that of Duke de Medina Celi. Not long after the Portuguese conceiving a dislike of their king Ferdinand, and his daughter married to John king of Castile, rejected her and her uncle by the father's side, and gave the crown to John a knight of Calatrava, and bastard to an uncle of Ferdinand their king. About the beginning of this age the Swedes deposed their king Sigismund for being a papist, and made Charles his uncle king. Divers examples of the like nature in England have been already mentioned. All these transportations of crowns were acts performed by assemblies of the three estates in the several kingdoms, and these crowns are to this day enjoy'd under titles derived from such as were thus brought in by the deposition or rejection of those, who according to descent of blood had better titles than the present possessors. The acts therefore were lawful and good, or they can have no title at all; and they who made them, had a just power so to do.

If our author can draw any advantage from the resemblance of regality that he finds in the Roman consuls and Athenian archons, I shall without envy leave him the enjoyment of it; but I am much mistaken if that do not prove my assertion, that those governments “were composed of the three “simple species:” for if the monarchical part was in them, it cannot be denied that the aristocratical was in the senate or Areopagi, and the democratical in the people, but he ought to have remembered that if there was something of monarchical in those governments when they are said to have been popular, there was something of aristocratical and democratical in those that were called regal; which justifies my proposition on both sides, and shews that the denomination was taken from the part that prevail’d; and if this were not so, the governments of France, Spain, and Germany might be called democracies, and those of Rome and Athens monarchies, because the people have a part in the one, and an image of monarchy was preserved in the other.

If our author will not allow the cases to be altogether equal, I think he will find no other difference, than that the consuls and archons were regularly made by the votes of the consenting people, and orderly resign’d their power, when the time was expir’d for which it was given; whereas Tarquin, Dionysius, Agathocles, Nabis, Phalaris, Cæsar, and almost all his successors, whom he takes for complete monarchs, came in by violence, fraud, and corruption, by the help of the worst men, by the slaughter of the best, and most commonly (when the method was once establish’d) by that of his predecessor, who, if our author say true, was the father of his country and his also. This was the root and foundation of the only government that deserves praise: this is that which stamp the divine character



character upon Agathocles, Dionysius and Cæsar, and that had bestow'd the same upon Manlius, Marius, or Catiline, if they had gain'd the monarchies they affected. But I suppose that such as God has bless'd with better judgment, and a due regard to justice and truth, will say, that all those who have attained to such greatness as destroys all manner of good in the places where they have set up themselves by the most detestable villanies, came in by a back-door; and that such magistrates as were orderly chosen by a willing people, were the true shepherds who came in by the gate of the sheepfold, and might justly be called the ministers of God, so long as they performed their duty in providing for the good of the nations committed to their charge.

## S E C T. XVII.

*Good governments admit of changes in the superstructures, whilst the foundations remain unchangeable.*

**I**F I go a step farther, and confess the Romans made some changes in the outward form of their government, I may safely say they did well in it, and prosper'd by it. After the expulsion of the kings, the power was chiefly in the nobility, who had been leaders of the people; but it was necessary to humble them, when they began to presume too much upon the advantages of their birth; and the city could never have been great, unless the plebeians who were the body of it, and the main strength of their armies, had been admitted to a participation of honours. This could not be done at the first: they who had been so vilely oppress'd by Tarquin, and harass'd with making or cleansing sinks, were not then fit for magistracies, or the command of armies; but they could not justly be excluded from them, when

when they had men who in courage and conduct were equal to the best of the patricians ; and it had been absurd for any man to think it a disparagement to him to marry the daughter of one whom he had obey'd as dictator or consul, and perhaps follow'd in his triumph. Rome that was constituted for war, and fought its grandeur by that means, could never have arriv'd to any considerable height, if the people had not been exercised in arms, and their spirits rais'd to delight in conquests, and willing to expose themselves to the greatest fatigues and dangers to accomplish them. Such men as these were not to be used like slaves, or oppress'd by the unmerciful hand of usurers. They who by their sweat and blood were to defend and enlarge the territories of the state, were to be convinced they fought for themselves ; and they had reason to demand a magistracy of their own, vested with a power that none might offend, to maintain their rights, and to protect their families, whilst they were abroad in the armies. These were the tribunes of the people, made, as they called it, *Sacrosancti* or inviolable ; and the creation of them was the most considerable change that happened till the time of Marius, who brought all into disorder. The creation or abolition of military tribunes with consular power, ought to be accounted as nothing ; for it imported little whether that authority were exercised by two, or by five : that of the *Decemviri* was as little to be regarded, they were intended only for a year ; and tho' new ones were created for another, on pretence that the laws they were to frame could not be brought to perfection in so short a time, yet they were soon thrown down from the power they usurped, and endeavour'd to retain contrary to law : the creation of the dictators was no novelty, they were made occasionally from the beginning

beginning, and never otherwise than occasionally, till Julius Cæsar subverted all order, and invading that supreme magistracy by force \*, usurped the right which belong'd to all. This indeed was a mortal change even in root and principle. All other magistrates had been created by the people for the public good, and always were within the power of those that had created them. But Cæsar coming in by force, sought only the satisfaction of his own raging ambition, or that of the soldiers, whom he had corrupted to destroy their country; and his successors governing for themselves by the help of the like rascals, perpetually exposed the empire to be ravaged by them. But whatever opinion any man may have of the other changes, I dare affirm, there are few or no monarchies (whose histories are so well known to us as that of Rome) which have not suffer'd changes incomparably greater and more mischievous than those of Rome whilst it was free. The Macedonian monarchy fell into pieces immediately after the death of Alexander: 'tis thought he perished by poison: his wives, children and mother, were destroyed by his own captains: the best of those who had escaped his fury, fell by the sword of each other. When the famous Argyraspides might have expected some reward of their labours, and a little rest in old age, they were maliciously sent into the east by Antigonus to perish by hunger and misery, after he had corrupted them to betray Eumenes. No better fate attended the rest; all was in confusion, every one follow'd whom he pleased, and all of them seemed to be filled with such a rage that they never ceased from mutual slaughters till they were consumed; and their kingdoms continued in perpetual wars against each other, till they all fell under

\* *Jura omnium in se traxit. Suet.*

the Roman power. The fortune of Rome was the same after it became a monarchy: treachery, murder and fury, reigned in every part; there was no law but force; he that could corrupt an army, thought he had a sufficient title to the empire: by this means there were frequently three or four, and at one time thirty several pretenders, who called themselves emperors; of which number he only reigned that had the happiness to destroy all his competitors; and he himself continued no longer than till another durst attempt the destruction of him and his posterity. In this state they remained, till the wasted and bloodless provinces were possess'd by a multitude of barbarous nations. The kingdoms established by them enjoy'd as little peace or justice; that of France was frequently divided into as many parts as the kings of Meroveus or Pepin's race had children, under the names of the kingdoms of Paris, Orleans, Soissons, Arles, Burgundy, Austrasia, and others: these were perpetually vexed by the unnatural fury of brothers or nearest relations, whilst the miserable nobility and people were obliged to fight upon their foolish quarrels, till all fell under the power of the strongest. This mischief was in some measure cured by a law made in the time of Hugh Capet, that the kingdom should no more be divided: But the Appannages, as they call them, granted to the king's brothers, with the several dukedoms and earldoms erected to please them and other great lords, produced frequently almost as bad effects. This is testified by the desperate and mortal factions, that went under the names of Burgundy and Orleans, Armagnac and Orleans, Montmorency and Guise: these were followed by those of the league, and the wars of the Huguenots: they were no sooner finish'd by the taking of Rochel, but new ones began by  
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the intrigues of the duke of Orleans, brother to Lewis the thirteenth, and his mother; and pursued with that animosity by them, that they put themselves under the protection of Spain: to which may be added, that the houses of Condé, Soissons, Montmorency, Guise, Vendosme, Angouleme, Bouillon, Rohan, Longueville, Rochfocault, Epernon, and I think I may say every one that is of great eminency in that kingdom, with the cities of Paris, Bourdeaux, and many others, in the space of these last fifty years, have sided with the perpetual enemies of their own country.

Again, other great alterations have happened within the same kingdom: the races of kings four times wholly changed: five kings deposed in less than one hundred and fifty years after the death of Charles the great: the offices of Maire du Palais, and constable, erected and laid aside: the great dukedoms and earldoms, little inferior to sovereign principalities, establish'd and suppress'd: the decision of all causes, and the execution of the laws, placed absolutely in the hands of the nobility, their deputies, seneschals, or vice-seneschals, and taken from them again: parliaments set up to receive appeals from the other courts, and to judge sovereignly in all cases expressly to curb them: the power of these parliaments, after they had crushed the nobility, brought so low, that within the last twenty years they are made to register, and give the power of laws, to edicts, of which the titles only are read to them; and the general assemblies of estates, that from the time of Pepin had the power of the nation in their hands, are now brought to nothing, and almost forgotten.

Tho' I mention these things, 'tis not with a design of blaming them, for some of them deserve it not;

and it ought to be consider'd that the wisdom of man is imperfect, and unable to foresee the effects that may proceed from an infinite variety of accidents, which according to emergencies, necessarily require new constitutions, to prevent or cure the mischiefs arising from them, or to advance a good that at the first was not thought on: and as the noblest work in which the wit of man can be exercised, were (if it could be done) to constitute a government that should last for ever, the next to that is to suit laws to present exigencies, and so much as is in the power of man to foresee: and he that should resolve to persist obstinately in the way he first entered upon, or to blame those who go out of that in which their fathers had walked, when they find it necessary, does as far as in him lies, render the worst of errors perpetual. Changes therefore are unavoidable, and the wit of man can go no farther than to institute such, as in relation to the forces, manners, nature, religion or interests of a people and their neighbours, are suitable and adequate to what is seen, or apprehended to be seen: and he who would oblige all nations at all times to take the same course, would prove as foolish as a physician who should apply the same medicine to all distempers, or an architect that would build the same kind of house for all persons, without considering their estates, dignities, the number of their children or servants, the time or climate in which they live, and many other circumstances; or, which is, if possible, more sottish, a general who should obstinately resolve always to make war in the same way, and to draw up his army in the same form, without examining the nature, number, and strength of his own and his enemies forces, or the advantages and disadvantages of the ground. But as there may be  
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some universal rules in phyfic, architecture and military difcipline, from which men ought never to depart; fo there are some in politicks alfo which ought always to be obferved: and wife legiflators adhering to them only, will be ready to change all others as occafion may require, in order to the public good. This we may learn from Mofes, who laying the foundation of the law given to the Ifaaelites in that juftice, charity and truth, which having its root in God is fubject to no change, left them the liberty of having judges or no judges, kings or no kings, or to give the fovereign power to high priefts or captains, as beft pleafed themfelves; and the mifchiefs they afterwards fuffer'd, proceeded not fimplly from changing, but changing for the worfe. The like judgment may be made of the alterations that have happen'd in other places. They who aim at the public good, and wifely inftitute means proportionable and adequate to the attainment of it, deferve praife; and thofe only are to be diflik'd, who either foolifhly or maliciously fet up a corrupt private intereft in one or a few men. Whofoever therefore would judge of the Roman changes, may fee, that in expelling the Tarquins, creating confuls, abating the violence of ufurers, admitting Plebeians to marry with the Patricians, rendring them capable of magiftracies, deducing colonies, dividing lands gained from their enemies, erecting tribunes to defend the rights of the commons, appointing the decemviri to regulate the law, and abrogating their power when they abufed it, creating dictators and military tribunes with a confular power, as occafions requir'd; they acted in the face of the fun for the good of the public; and fuch acts having always produced effects fuitable to the rectitude of their intentions, they confequently deferve praife. But when another principle

began to govern, all things were changed in a very different manner : evil designs, tending only to the advancement of private interests, were carried on in the dark by means as wicked as the end. If Tarquin when he had a mind to be king, poison'd his first wife and his brother, contracted an incestuous marriage with his second by the death of her first husband, murder'd her father and the best men in Rome, yet Cæsar did worse : he favour'd Catiline and his villanous associates ; bribed and corrupted magistrates ; conspir'd with Crassus and Pompey ; continued in the command of an army beyond the time prescribed by law, and turned the arms with which he had been entrusted for the service of the commonwealth, to the destruction of it ; which was rightly represented by his dream, that he had conspired his mother : In the like manner when Octavius, Antonius and Lepidus, divided the empire, and then quarrell'd among themselves ; and when Galba, Otho, Vitellius and Vespasian set up parties in several provinces, all was managed with treachery, fraud and cruelty ; nothing was intended but the advancement of one man, and the recompence of the villains that served him : and when the empire had suffered infinite calamities by pulling down or rejecting one, and setting up another, it was for the most part difficult to determine who was the worst of the two, or whether the prevailing side had gained or lost by their victory. The question therefore upon which a judgment may be made to the praise or dispraise of the Roman government, before or after the loss of their liberty, ought not to be, whether either were subject to changes, for neither they nor any thing under the sun was ever exempted from them ; but whether the changes that happened after the establishment of absolute power in the emperors, did



did not solely proceed from ambition, and tend to the public ruin: whereas those alterations related by our author concerning consuls, dictators, decemviri, tribunes and laws, were far more rare, less violent, tending to, and procuring the public good, and therefore deserving praise. The like having been proved by the examples of other kingdoms, and might be farther confirmed by many more, which on account of brevity I omit, is in my opinion sufficient to manifest, that whilst the foundation and principle of a government remains good, the superstructures may be changed according to occasions, without any prejudice to it.

## S E C T. XVIII.

*Xenophon in blaming the disorders of Democracies,  
favours Aristocracies, not Monarchies.*

**I**N the next place our author introduces Xenophon, “ disallowing popular governments: cites Rome and Athens as places “ where the best “ men thriv’d worst, and the worst best;” and condemns the Romans for making it capital to pass sentence “ of death, banishment, loss of liberty, or “ stripes upon any citizen of Rome.” But lest his fraud in this should be detected, he cites no precise passage of any author, alledges few examples, and those mistaken; never tells us what that law was, when made, or where to be found; whereas I hope to prove, that he has upon the whole matter abominably prevaricated, and advanced things that he knows to be either impertinent or false.

1. To this end we are in the first place to consider, whether Xenophon speaks of popular governments simply, or comparatively: if simply, ’tis confess’d that a pure democracy can never be good, un-

less for a small town ; if comparatively, we must examine to what he compares it ; we are sure it was not to absolute monarchy ; there was no such thing amongst the Greeks established by law : the little tyrants who had enslaved their own countries, as Jason, Phæreus, Phalaris, and the like, had no pretence to it, and were accounted as the worst of beasts : none but such as in all bestiality were like to them, did ever speak or think well of them : Xenophon's opinion in this point, may be easily found out by what pass'd between his master Plato and the Sicilian tyrant ; and the matter will not be mended by referring to his own experience : he had seen the vast monarchy of Persia torn in pieces by the fury of two brothers, and more than a million of men brought to fight upon their private quarrel ; instead of that order, stability and strength which our author ascribes to absolute monarchy as the effect of wisdom and justice, he knew, that by filling one man with pride and cruelty, it brought unspeakable miseries upon all others, and infected them with all the vices that accompany slavery : men lived like fishes ; the great ones devour'd the small ; and as appeared by Tissaphernes, Pharnabazus, and others with whom he had to deal, the worst and basest were made to be the greatest : the Satrapes insulted over those of meaner rank, with an insolence and cruelty that equal'd the depth of their servile submission to their proud master. Luxury and avarice reigned in all : many great nations were made to live for the service of one man, and to foment his vices. This produced weakness and cowardice ; no number of those slaves were able to stand against a few free Grecians. No man knew this better than Xenophon, who after the death of Cyrus the younger, and the treacherous murder of Clearchus, and  
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other officers that commanded the Greeks who had served him, made his retreat from Babylon to the Hellespont with ten thousand foot, and passed over the bellies of all that dared to oppose him. He would never have spent his life in exciting his countrymen to attempt the conquest of Asia, nor persuaded Agesilaus to put himself at the head of the enterprize, if he had thought there was such admirable order, stability and strength in that monarchy, and in the Greeks nothing but "giddiness of spirit," and so much learning as made them seditious: nor could he, being a wise man and an excellent captain, have conceived such a design, if he had not by experience found that liberty inspir'd his countrymen with such solid virtue, and produced such stability, good order and strength, that with small numbers of them he might hope to overthrow the vain pomp of the Barbarians, and to possess himself of their riches, tho' they could bring more than a hundred men to fight against one; which design being interrupted in his time by domestic wars, was soon after his death accomplished by Alexander.

But that Xenophon's meaning may be better understood, 'tis good to consider, that he spoke of such governments as were then in use among the Greeks; which tho' mixed, yet took their denomination from the prevailing part: so that the Dorians, who placed the power chiefly in the hands of a few chosen men, were said to be governed aristocratically; and the Ionians giving more power to the common people, democratically: and he tho' an Ionian, either through friendship to Agesilaus, conversation with the Spartans, or for other reasons best known to himself, preferr'd the government of Sparta, or some other which he thought he could frame,  
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and desir'd to introduce, before that of Athens; as Cimon, Thucydides, and many other excellent men of that city are said to have done: and if I acknowledge they were in the right, and that Athens was more subject to disorder, and had less stability than Sparta, I think it will be of little advantage to absolute monarchy.

2. The Athenians did banish some worthy men, and put others to death; but our author, like the devil, never speaking truth, unless to turn it into a lie, prevaricates in his report of them. The temporary banishment which they called Ostracism, was without hurt or dishonour, never accounted as a punishment, nor intended for any other end, than to put a stop to the too eminent greatness of a man, that might prove dangerous to the city; and some excellent persons who fell under it, were soon recalled and brought home with glory. But I am not solicitous whether that reason be sufficient to justify it or not: we are upon a general thesis relating to the laws of God and nature; and if the Athenians, by a fancy of their own, did make an imprudent use of their liberty, it cannot prejudice the public cause. They who make the worst of it can only say, that by such means they, for a time, deprived themselves of the benefits they might have received from the virtues of some excellent men, to the hurt of none but themselves; and the application of it as an injustice done to Themistocles is absolutely false: He was a man of great wit, industry and valour\*, but of uncertain faith, too much addicted to his own interest, and held a most dangerous correspondence with the Persians, who then threatened the destruction of Greece. Through envy and spite to Aristides, and to increase his own power, he raised

\* Plat. in vita Themist.



dangerous factions in the city; and being summoned to render an account of his proceedings, he declined the judgment of his country, fled to their enemies, and justly deserved the sentence pronounc'd against him. Some among them were unjustly put to death, and above all Socrates; but the people, who, deceived by false witnesses, (against whom neither the laws of God or man have ever prescrib'd a sufficient defence) had condemned him, did so much lament their crime, when the truth was discovered to them, that I doubt whether a more righteous judgment had given better testimony of their righteous intentions. But our author's impudence appears in the highest excess, in imputing the death of Phocion to the popular state of Athens: their forces had been broken in the Sicilian war; the city taken, and the principal men slain by Lyfander; the remains of the most worthy destroy'd by the thirty tyrants set up by him; their ill-recovered liberty overthrown by the Macedonians, and the death of Phocion compassed by Polyperchon, who with foreign soldiers, slaves, vagabonds, and outlaws, overpower'd the people.

The proceedings of Rome may be more completely justified: Coriolanus was duly condemn'd, he set too great a price upon his own valour, and arrogated to himself a power in Rome, which would hardly have been endur'd in Corioli: his violence and pride overbalanced his services; and he that would submit to no law, was justly driven out from the society which could subsist only by law. Quintius was not unlike him, and Manlius Capitolinus far worse than either. Their virtues were not to be consider'd when they departed from them. Consideration ought to be had of human frailty, and some indulgence may be extended to those who

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commit errors, after having done important services ; but a state cannot subsist, which compensating evil actions with good, gives impunity to the most dangerous crimes, in remembrance of any services whatever. He that does well, performs his duty, and ought always to do so : justice and prudence concur in this ; and 'tis no less just than profitable that every action be considered by itself, and such a reward or punishment allotted to it, as in nature and proportion it doth best deserve.

This, as I suppose, is enough for their cases ; but relates not to those of Mamercus, Camillus, Livius Salinator, and Æmilius Paulus ; their virtue was complete, they were wrongfully sentenc'd. But the best princes, senate or people that ever was in the world, by the deceit of evil men, may and have been drawn out of the way of justice : yet of all the states that are known to us, none was ever so free from crimes of malice and wilful injustice ; none was ever guilty of so few errors as that of Rome ; and none did ever give better testimonies of repentance, when they were discovered, than the Romans did by the veneration they shew'd to those worthy persons, and the honours they conferr'd upon them afterwards. \* Mamercus was made dictator, to repair the unjust mark of infamy laid upon him by the censors. Camillus being recall'd from his banishment, often enjoyed the same honour, and died the most revered man that had ever been in that city. Livius Salinator was not only made consul after he had been fined, but the people (as it were to expiate the guilt of having condemn'd him) suffer'd that asperity of speech and manners, which might have persuaded such as had been less confident of his virtue and their own, that he desir'd

\* Tit. Liv.

to be reveng'd, tho' it were with the ruin of the city. They dealt in the like manner with Paulus Æmilius, repairing the injury of a fine unduly impos'd. Their generosity in leaving the tribunes in the forum, with their accusation against Scipio Africanus, and following him to celebrate an annual sacrifice in the capitol, in commemoration of his victory against Hannibal, was no less admirable than the greatness of his mind, who thought his virtue should be so well known, that no account ought to be expected from him; which was an error proceeding from a noble root, but not to be born in a well-govern'd commonwealth. The laws that aim at the public good, make no distinction of persons; and none can be exempted from the penalties of them, otherwise than by approved innocence, which cannot appear without a trial: he that will not bend his mind to them, shakes off the equality of a citizen, and usurps a power above the law, to which no man submits upon any other condition, than that none should be exempted from the power of it. And Scipio being the first Roman that thus disdained the power of the law, I do not know whether the prejudice brought upon the city by so dangerous an example, did not outweigh all the services he had done: nevertheless the people contented with his retirement to his own house, and afterwards convinc'd of his innocence, would probably (if he had not died in a few months) have brought him back with the honours that fate reserved for his ashes.

I do not at present remember any other eminent men, who can be said in any respect to have thrived ill, whilst the people and senate of Rome acted freely; and if this be not sufficient to clear the point, I desire to know the names of those worst men that thrived.

thrived best. If they may have been judged to thrive, who were frequently advanced to the supreme magistracies, and enjoy'd the chief honours; I find no men so eminent as Brutus, Publicola, Quintius Cincinnatus, and Capitolinus, the two Fabii surnamed Maximi, Corvinus, Torquatus, Camillus, and the like: and if these were the worst men that Rome produced in those ages, valour, wisdom, industry in the service of their country, and a most intire love to it must have been the worst of qualities; and I presume our author may have thought them so, since they were invincible obstacles to the introduction of that divine monarchy which Appius Claudius the decemvir, Manlius Capitolinus. Spurius Cassius, Sp. Melius, and some others may be thought to have affected.

However, these instances are not to be understood as they are simply in themselves, but comparatively with what has happen'd in other places under absolute monarchies: for our inquiry is not after that which is perfect, well knowing that no such thing is found among men; but we seek that human constitution which is attended with the least, or the most pardonable inconveniencies. And if we find that in the space of three hundred years, whilst the senate, people and legally created magistrates governed Rome, not one worthy man was put to death, not above five or six condemned to fines by the beguiled people, and those injuries repair'd by the most honourable satisfaction that could be given; so that virtue continued ever flourishing; the best men that could be found were put into the chief commands, and the city was filled with more excellent men than were ever known to be in any other place: and on the other side, if the emperors so soon as the government was changed, made it their business  
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to destroy the best, and so far succeeded in their design, that they left none; and never failed to advance the worst, unless it fell out as to queen Catharine de Medicis, who is said never to have done any good but by mistake, and some few may have proved better than was intended; it will appear, that our author's assertions are in the utmost degree false. Of this we need no better witness than Tacitus. The civil wars, and the proscriptions upon which he touches, are justly to be attributed to that monarchy which was then setting up, the only question being who should be the monarch, when the liberty was already overthrown. And if any eminent men escaped, it was much against the will of those who had usurped the power: he acknowledges his histories to be a continued relation of the slaughter of the most illustrious persons, and that in the times of which he writes, virtue was attended with certain destruction. After the death of Germanicus and his eldest children, Valerius Asiaticus, Seneca, Corbulo, and an infinite number more who were thought most to resemble them, found this to be true at the expence of their lives: Nero, in pursuance of the same tyrannical design, murder'd Helvidius and Thraseas, that he might "tear up virtue" by the roots \* : Domitian spared none willingly that had either virtue or reputation; and tho' Trajan, with perhaps some other, might grow up under him in the remote provinces, yet no good man could escape who came under his eye, and was so eminent as to be observed by him. Whilst these, who were thought to be the best men that appear'd in the Roman empire, did thrive in this manner, Sejanus, Macro, Narcissus, Pallas, Tigellinus, Icetus, Vinnius, Laco, and others like to them,

\* Ipsam excindere virtutem. *Tacit.*

had the power of the empire in their hands. Therefore, unless mankind has been mistaken to this day, and that these, who have hitherto been accounted the worst of villains, were indeed the best men in the world, and that those destroy'd by them, who are thought to have been the best, were truly the worst, it cannot be denied that the best men, during the liberty of Rome, thrived best; that good men suffer'd no indignity, unless by some fraud imposed upon the well-meaning people; and that so soon as the liberty was subverted, the worst men thrived best. The best men were expos'd to so many calamities and snares, that it was thought a matter of great wonder to see a virtuous man die in his bed: and if the account were well made, I think it might appear, that every one of the emperors before Titus shed more noble and innocent blood than Rome and all the commonwealths in the world have done whilst they had the free enjoyment of their own liberty. But if any man in favour of our author seek to diminish this vast disproportion between the two differing sorts of government, and impute the disorders that happen'd in the time of the Gracchi, and others, whilst Rome was struggling for her liberty, to the government of a commonwealth, he will find them no more to be compar'd with those that fell out afterwards, than the railings of a turbulent tribune against the senate, to the villanies and cruelties that corrupted and dispeopled the provinces from Babylon to Scotland: and whereas the State never fail'd to recover from any disorders, as long as the root of liberty remain'd untouch'd, and became more powerful and glorious than ever, even after the wars of Marius and Sylla; when that was destroy'd, the city fell into a languishing condition, and grew

weaker and weaker, till that and the whole empire was ruin'd by the barbarians.

3. Our author, to shew that his memory is as good as his judgment, having represented Rome in the times of liberty as a public slaughter-house, soon after blames the clemency of their laws; whereas 'tis impossible that the same city could at the same time be guilty of those contrary extremities; and no less certain, that it was perfectly free from both. His assertion seems to be grounded upon Cæsar's speech (related by Salust\*) in favour of Lentulus and Cethegus companions of Catiline: but tho' he there endeavoured to put the best colour he could upon their cause, it signified only thus much, that a Roman citizen could not be put to death, without being heard in public; which law will displease none that in understanding and integrity may not be compared to Filmer and his followers. 'Tis a folly to extend it farther; for 'tis easily proved that there was always a power of putting citizens to death, and that it was exercised when occasion required. The laws were the same in the time of the kings, and when that office was executed by consuls, excepting such changes as are already mention'd. The *Lex per-duellionis* cited by Livy in the case of Horatius who had kill'd his sister, continued in force from the foundation to the end of that government: the condemnation was to death, the words of the sentence these, "*Caput obnubito, infelici arbore reſte ſuſpendito; verberato intra Pomærium vel extra Pomærium †.*" He was tried by this law upon an appeal made to the people by his father, and absolved "*admiratione magis virtutis quam jure cauſæ;*" which could not have been, if by the law no citizen might be put to death. The ſons of Brutus were condemn'd to death in public, and exe-

\* Saluſt. Bell. Catilin.

† T. Liv. l. 1.

cuted with the Aquilii and Vitellii their companions in the same conspiracy: Manlius Capitolinus was put to death by the vote of the people: Titus Manlius by the command of his father Torquatus, for fighting without order: two legions were decimated by Appius Claudius: Spurius Melius refusing to appear before the dictator, was killed by Servilius Ahala general of the horse, and pronounced *Jure cæsum*: Quintus Fabius was by Papirius the dictator condemn'd to die, and could not have been saved but by the intercession and authority of the people. If this be not so, I desire to be informed what the senate meant by condemning Nero to be put to death *More majorum*, if *More majorum* no citizen might be put to death: why the consuls, dictators, military tribunes, decemviri, caused rods and axes to be carried before them, as well within as without the city, if no use was to be made of them. Were they only vain badges of a power never to be executed; or upon whom was the supreme power signified by them to be exercised within and without the city, if the citizens were not subject to it? 'Tis strange that a man who had ever read a book of matters relating to the affairs of Rome, should fancy these things; or hope to impose them upon the world, if he knew them to be foolish, false, and absurd. But of all the marks of a most supine stupidity that can be given by a man, I know no one equal to this of our author, who in the same clause wherein he says no citizen could be put to death or banished, adds, that the magistrates were upon pain of death forbidden to do it; for if a magistrate might be put to death for banishing a citizen, or causing him to be executed, a citizen might be put to death; for the magistrates were not strangers, but citizens. If this was not so, he must think that no crime was capital, but the punishment of capital crimes; or that no man was subject to the supreme power, but he that



was created for the execution of it. Yet even this will not stop the gap ; for the law that condemned the magistrate to die, could be of no effect, if there were no man to execute it ; and there could be none if the law prohibited it, or that he who did it was to die for it : and this goes on to infinity. For if a magistrate could not put a citizen to death, I suppose a citizen could not put to death a magistrate ; for he also is a citizen. So that upon the whole matter we may conclude, that malice is blind, and that wickedness is madness. 'Tis hard to say more in praise of popular governments than will result from what he says against them : his reproaches are praises, and his praises reproaches. As government is instituted for the preservation of the governed, the Romans were sparing of blood, and are wisely commended by Livy for it : " Nulli unquam populo " mitiores placuere pœnæ ;" which gentleness will never be blamed, unless by those who are pleased with nothing so much as the fury of those monsters, who with the ruin of the best part of mankind, usurp'd the dominion of that glorious city. But if the Romans were gentle in punishing offences, they were also diligent in preventing them : the excellence of their discipline led the youth to virtue, and the honours they received for recompence confirmed them in it. By this means many of them became laws to themselves ; and they who were not the most excellent, were yet taught so much of good, that they had a veneration for those they could not equal, which not only served to incite them to do well according to their talents, but kept them in such awe as to fear incurring their ill opinion by any bad action, as much as by the penalty of the law. This integrity of manners made the laws as it were useless ; and whilst they seemed to sleep, ignorant

persons thought there were none : but their discipline being corrupted by prosperity, those vices came in which made way for the monarchy ; and wickedness being placed in the throne, there was no safety for any but such as would be of the same spirit, and the empire was ruined by it.

### S E C T. XIX.

*That corruption and venality which is natural to courts, is seldom found in popular governments.*

OUR author's next work is, with that modesty and truth which is natural to him, to impute corruption and venality to commonwealths. He knows that monarchies are exempted from those evils, and has discovered this truth from the integrity observed in the modern courts of England, France, and Spain, or the more antient of Rome and Persia : but after many falsehoods in matter of fact, and misrepresentations of that which is true, he shews that the corruption, venality, and violence he blames, were neither the effects of liberty, nor consistent with it. Cneius Manlius, who with his Asiatic army brought in the luxury that gave birth to those mischiefs, did probably follow the looseness of his own disposition ; yet the best and wisest men of that time knew from the beginning that it would ruin the city, unless a stop might be put to the course of that evil : but they who had seen kings under their feet, and could no longer content themselves with that equality which is necessary among citizens, fomented it as the chief means to advance their ambitious designs. Tho' Marius was rigid in his nature, and cared neither for money nor sensual pleasures, yet he favour'd those vices in others, and is said to be the first that made use of them to his advantage. Cati-

line

line was one of the lewdest men in the world, and had no other way of compassing his designs than by rendring others as bad as himself : and Cæsar set up his tyranny by spreading that corruption farther than the others had been able to do ; and tho' he, Caligula, and some others were slain, yet the best men found it as impossible to restore liberty to the city when it was corrupted, as the worst had done to set up a tyranny whilst the integrity of their manners did continue. Men have a strange propensity to run into all manner of excesses, when plenty of means invite, and that there is no power to deter ; of which the succeeding emperors took advantage, and knowing that even their subsistence depended upon it, they thought themselves obliged by interest as well as inclination to make honours and preferments the rewards of vice : and tho' it be not always true in the utmost extent that all men follow the example of the king ; yet it is of very great efficacy : tho' some are so good that they will not be perverted, and others so bad that they will not be corrected ; yet a great number does always follow the course that is favour'd and rewarded by those that govern. There were idolaters doubtless among the Jews in the days of David and Hezekiah ; but they prosper'd better under Jeroboam and Ahab : England was not without papists in the time of queen Elizabeth ; but they thrived much better during the reign of her furious sister. False witnesses and accusers had a better trade under Tiberius, who called them *Custodes Legum*, than under Trajan who abhorred them ; and whores, players, fidlers, with other such vermin, abounded certainly more when encouraged by Nero, than when despised by Antoninus and Marcus Aurelius. But as every one of these manifested what he was by those he favour'd or punish'd, and that a man

can only be judged by his principles or practices, he that would know whether absolute monarchies or mixed governments do most foment or punish venality and corruption, ought to examine the principle and practice of both, and compare them one with the other.

As to the principle, the above-mentioned vices may be profitable to private men, but they can never be so to the government, if it be popular or mixed : no people was ever the better for that which renders them weak or base ; and a duly created magistracy, governing a nation with their consent, can have no interest distinct from that of the public, or desire to diminish the strength of the people, which is their own, and by which they subsist. On the other side, the absolute monarch who governs for himself, and chiefly seeks his own preservation, looks upon the strength and bravery of his subjects as the root of his greatest danger, and frequently desires to render them weak, base, corrupt, and unfaithful to each other, that they may neither dare to attempt the breaking of the yoke he lays upon them, nor trust one another in any generous design for the recovery of their liberty. So that the same corruption which preserves such a prince, if it were introduced by a people, would weaken, if not utterly destroy them.

Again all things have their continuance from a principle in nature suitable to their original : all tyrannies have had their beginnings from corruption. The histories of Greece, Sicily, and Italy shew that all those who made themselves tyrants in several places, did it by the help of the worst, and the slaughter of the best : men could not be made subservient to their lusts whilst they continued in their integrity ; so as their business was to destroy those who would not be corrupted, they must therefore endeavour



endeavour to maintain or increase the corruption by which they attain their greatness: if they fail in this point, they must fall as Tarquin, Pisistratus, and others have done; but if they succeed so far that the vicious part do much prevail, the government is secure, tho' the prince may be in danger. And the same thing doth in a great measure accidentally conduce to the safety of his person: for they who for the most part are the authors of great revolutions, not being so much led by a particular hatred to the man, as by a desire to do good to the public, seldom set themselves to conspire against the tyrant, unless he be altogether detestable and intolerable, if they do not hope to overthrow the tyranny.

The contrary is seen in all popular and well-mixed governments: they are ever established by wise and good men, and can never be upheld otherwise than by virtue: the worst men always conspiring against them, they must fall, if the best have not power to preserve them. Wheresoever therefore a people is so governed, the magistrates will obviate as far off the introduction of vices, which tend as much to the ruin of their persons and government, as to the preservation of the prince and his. This is evidenced by experience. 'Tis not easy to name a monarch that had so many good qualities as Julius Cæsar, till they were extinguished by his ambition, which was inconsistent with them: he knew that his strength lay in the corruption of the people, and that he could not accomplish his designs without increasing it. He did not seek good men, but such as would be for him; and thought none sufficiently addicted to his interests, but such as stuck at the performance of no wickedness that he command-

ed : he was a soldier according to Cæsar's heart who said,

“ Pectore si fratris gladium juguloque parentis  
 “ Condere me jubeas, gravidæve in viscera partu  
 “ Conjugis, invita peragam tamen omnia dextra.”

LUCAN.

And lest such as were devoted to him should grow faint in villany, he industriously inflamed their fury :

—————“ Vult omnia Cæsar  
 “ A se sæva peti, vult præmia Martis amari.”

IBID.

Having spread this poison amongst the soldiers, his next work was by corrupting the tribunes to turn the power to the destruction of the people, which had been erected for their preservation ; and pouring the treasures he had gained by rapine in Gaul into the bosom of Curio, made him an instrument of mischief, who had been a most eminent supporter of the laws. Tho' he was thought to have affected the glory of sparing Cato, and with trouble to have found that he despised life when it was to be accounted his gift ; yet in suspecting Brutus and Cassius, he shew'd he could not believe that virtuous men who loved their country could be his friends. Such as carry on the like designs with less valour, wit and generosity of spirit, will always be more bitterly bent to destroy all that are good, knowing that the deformity of their own vices is rendered most manifest, when they are compared with the good qualities of those who are most unlike them ; and that they can never defend themselves against the scorn and hatred they incur by their vices, unless such a number can be infected with the same, and made to delight in the recompences of iniquity that  
 foment

foment them, as may be able to keep the rest of the people in subjection.

The same thing happens even when the usurpation is not so violent as that of Agathocles, Dionysius, or the last king of Denmark, who in one day by the strength of a mercenary soldiery overthrew all the laws of his country: and a lawfully created magistrate is forced to follow the same ways as soon as he begins to affect a power which the laws do not confer upon him. I wish I could say there were few of these; but experience shews that such a proportion of wisdom, moderation of spirit, and justice is requir'd in a supreme magistrate, to render him content with a limited power, as is seldom found. Man is of an aspiring nature, and apt to put too high a value upon himself; they who are raised above their brethren, tho' but a little, desire to go farther; and if they gain the name of king, they think themselves wronged and degraded, when they are not suffer'd to do what they please.

“ Sanctitas, pietas, fides

“ Privata bona sunt: qua juvat reges cant.\*”

In these things they never want masters; and the nearer they come to a power that is not easily restrained by law, the more passionately they desire to abolish all that opposes it: and when their hearts are filled with this fury, they never fail to choose such ministers as will be subservient to their will: and this is so well known, that those only approach them who resolve to be so. Their interests as well as their inclinations incite them to diffuse their own manners as far as they can, which is no less than to bring those who are under their power to all

\* Senec. Thyest.

that wickedness of which the nature of man is capable; and no greater testimony can be given of the efficacy of these means towards the utter corruption of nations, than the accursed effects we see of them in our own and the neighbouring countries.

It may be said that some princes are so full of virtue and goodness, as not to desire more power than the laws allow, and are not obliged to choose ill men, because they desire nothing but what the best are willing to do. This may be, and sometimes is: the nation is happy that has such a king: but he is hard to find, and more than a human power is required to keep him in so good a way. The strength of his own affections will ever be against him: wives, children, and servants will always join with those enemies that arise in his own breast to pervert him: if he has any weak side, any lust unsubdued, they will gain the victory. He has not search'd into the nature of man, who thinks that any one can resist when he is thus on all sides assaulted: nothing but the wonderful and immediate power of God's spirit can preserve him; and to alledge it will be nothing to the purpose, unless it can be proved that all princes are blessed with such an assistance, or that God hath promised it to them and their successors for ever, by what means soever they came to the crowns they enjoy.

Nothing is farther from my intention than to speak irreverently of kings; and I presume no wise man will think I do so, if I profess, that having observed as well as I can what history and daily experience teach us concerning the virtues and religions that are or have been from the beginning of the world encouraged and supported by monarchs, the methods they have followed since they have gone under the name of christians, their moral as well as their theological



gical graces, together with what the scriptures tell us of those who in the last days will principally support the throne of antichrist; I cannot be confident that they are generally in an extraordinary manner preserved by the hand of God from the vices and frailties to which the rest of mankind is subject. If no man can shew that I am in this mistaken, I may conclude, that as they are more than any other men in the world exposed to temptations and snares, they are more than any in danger of being corrupted, and made instruments of corrupting others, if they are no otherwise defended than the rest of men.

This being the state of the matter on both sides, we may easily collect, that all governments are subject to corruption and decay; but with this difference, that absolute monarchy is by principle led unto, or rooted in it; whereas mixed or popular governments are only in a possibility of falling into it: as the first cannot subsist, unless the prevailing part of the people be corrupted; the other must certainly perish, unless they be preserved in a great measure free from vices: and I doubt whether any better reason can be given, why there have been and are more monarchies than popular governments in the world, than that nations are more easily drawn into corruption than defended from it; and I think that monarchy can be said to be natural in no other sense, than that our depraved nature is most inclined to that which is worst.

To avoid unnecessary disputes, I give the name of popular governments to those of Rome, Athens, Sparta, and the like, tho' improperly, unless the same may also be given to many that are usually called monarchies, since there is nothing of violence in either; the power is conferr'd upon the chief magistrates of both by the free consent of a willing people,

people, and such a part as they think fit is still retained and executed in their own assemblies; and in this sense it is that our author seems to speak against them. As to popular government in the strictest sense, (that is pure democracy, where the people in themselves, and by themselves, perform all that belongs to government) I know of no such thing; and if it be in the world, have nothing to say for it. In asserting the liberty, generally, as I suppose, granted by God to all mankind, I neither deny, that so many as think fit to enter into a society, may give so much of their power as they please to one or more men, for a time or perpetually, to them and their heirs, according to such rules as they prescribe; nor approve the disorders that must arise if they keep it intirely in their own hands; and looking upon the several governments, which under different forms and names have been regularly constituted by nations, as so many undeniable testimonies, that they thought it good for themselves and their posterity so to do, I infer, that as there is no man who would not rather choose to be governed by such as are just, industrious, valiant and wise, than by those that are wicked, slothful, cowardly and foolish; and to live in society with such as are qualified like those of the first sort, rather than with those who will be ever ready to commit all manner of villanies, or want experience, strength or courage, to join in repelling the injuries that are offer'd by others: so there are none who do not, according to the measure of understanding they have, endeavour to set up those who seem to be best qualified, and to prevent the introduction of those vices, which render the faith of the magistrate suspected, or make him unable to perform his duty, in providing for the execution of justice, and the public defence of the state against  
- foreign

foreign or domestic enemies. For as no man who is not absolutely mad, will commit the care of a flock to a villain, that has neither skill, diligence, nor courage to defend them, or perhaps is maliciously set to destroy them, rather than to a stout, faithful, and wise shepherd; 'tis less to be imagined that any would commit the same error in relation to that society which comprehends himself with his children, friends, and all that is dear to him.

The same considerations are of equal force in relation to the body of every nation: for since the magistrate, tho' the most perfect in his kind, cannot perform his duty, if the people be so base, vicious, effeminate and cowardly, as not to second his good intentions; those who expect good from him, cannot desire so to corrupt their companions that are to help him, as to render it impossible for him to accomplish it. Tho' I believe there have been in all ages bad men in every nation, yet I doubt whether there was one in Rome, except a Catiline or a Cæsar, who design'd to make themselves tyrants, that would not rather have wished the whole people as brave and virtuous as in the time of the Carthaginian wars, than vile and base as in the days of Nero and Domitian. But 'tis madness to think, that the whole body would not rather wish to be as it was when virtue flourished, and nothing upon earth was able to resist their power, than weak, miserable, base, slavish, and trampled under foot by any that would invade them; and forced as a chattel to become a prey to those that were strongest. Which is sufficient to shew, that a people acting according to the liberty of their own will, never advance unworthy men, unless it be by mistake, nor willingly suffer the introduction of vices: whereas the absolute monarch always prefers the worst of those

those who are addicted to him, and cannot subsist unless the prevailing part of the people be base and vicious.

If it be said, that those governments in which the democratical part governs most, do more frequently err in the choice of men, or the means of preserving that purity of manners which is required for the well-being of a people, than those wherein aristocracy prevails; I confess it, and that in Rome and Athens the best and wisest men did for the most part incline to aristocracy. Xenophon, Plato, Aristotle, Thucydides, Livy, Tacitus, Cicero, and others, were of this sort: but if our author there seek patrons for his absolute monarchy, he will find none but Phalaris, Agathocles, Dionysius, Catiline, Cethegus, Lentulus, with the corrupted crew of mercenary rascals, who did or endeavour'd to set them up. These are they “*quibus ex honesto nulla est spes* ;” they abhor the dominion of the law, because it curbs their vices, and make themselves subservient to the lusts of a man who may nourish them. Similitude of interests, manners, and designs, is a link of union between them: both are enemies to popular and mixed government; and those governments are enemies to them, and by preserving virtue and integrity, oppose both; knowing, that if they do not, they and their governments must certainly perish.

## S E C T. XX.

*Man's natural love to liberty is temper'd by reason, which originally is his nature.*

**T**HAT our author's book may appear to be a heap of incongruities and contradictions, 'tis not amiss to add to what has already been observed, that



that having asserted absolute monarchy to be “ the only natural government,” he now says, “ that the nature of all people is to desire liberty without restraint.” But if monarchy be that power which above all restrains liberty, and subjects all to the will of one; this is as much as to say, that all people naturally desire that which is against nature; and by a wonderful excess of extravagance and folly to assert contrary propositions, that on both sides are equally absurd and false. For as we have already proved that no government is imposed upon men by God or nature, ’tis no less evident, that man being a rational creature, nothing can be universally natural to him, that is not rational. But this liberty without restraint being inconsistent with any government, and the good which man naturally desires for himself, children and friends, we find no place in the world where the inhabitants do not enter into some kind of society or government to restrain it: and to say that all men desire liberty without restraint, and yet that all do restrain it, is ridiculous. The truth is, man is hereunto led by reason which is his nature. Every one sees they cannot well live asunder, nor many together, without some rule to which all must submit. This submission is a restraint of liberty, but could be of no effect as to the good intended, unless it were general; nor general, unless it were natural. When all are born to the same freedom, some will not resign that which is their own, unless others do the like: this general consent of all to resign such a part of their liberty as seems to be for the good of all, is the voice of nature, and the act of men (according to natural reason) seeking their own good: and if all go not in the same way, according to the same form, ’tis an evident testimony that no one is directed by nature; but as a  
few

few or many may join together, and frame smaller or greater societies, so those societies may institute such an order or form of government as best pleases themselves; and if the ends of government are obtained, they all equally follow the voice of nature in constituting them.

Again, if man were by nature so tenacious of his liberty without restraint, he must be rationally so. The creation of absolute monarchies, which entirely extinguishes it, must necessarily be most contrary to it, tho' the people were willing; for they thereby abjure their own nature. The usurpation of them can be no less than the most abominable and outrageous violation of the laws of nature that can be imagined: the laws of God must be in the like measure broken; and of all governments, democracy, in which every man's liberty is least restrained, because every man hath an equal part, would certainly prove to be the most just, rational and natural; whereas our author represents it as a perpetual spring of disorder, confusion and vice. This consequence would be unavoidable, if he said true; but it being my fate often to differ from him, I hope to be excused if I do so in this also, and affirm, that nothing but the plain and certain dictates of reason can be generally applicable to all men as the law of their nature; and they who, according to the best of their understanding, provide for the good of themselves and their posterity, do all equally observe it. He that enquires more exactly into the matter may find, that reason enjoins every man not to arrogate to himself more than he allows to others, nor to retain that liberty which will prove hurtful to him; or to expect that others will suffer themselves to be restrain'd, whilst he, to their prejudice, remains in the exercise of that freedom which nature allows.

He

He who would be exempted from this common rule, must shew for what reason he should be raised above his brethren ; and if he do it not, he is an enemy to them. This is not popularity, but tyranny ; and tyrants are said *Exuisse hominem*, to throw off the nature of men, because they do unjustly and unreasonably assume to themselves that which agrees not with the frailty of human nature, and set up an interest in themselves contrary to that of their equals, which they ought to defend as their own. Such as favour them are like to them ; and we know of no tyranny that was not set up by the worst, nor of any that have been destroy'd, unless by the best of men. The several tyrannies of Syracuse were introduced by Agathocles, Dionysius, Hieronymus, Hippocrates, Epicides, and others, by the help of lewd, dissolute mercenary villains ; and overthrown by Timoleon, Dion, Theodorus, and others, whose virtues will be remembred in all ages. These, and others like to them, never sought liberty without restraint, but such as was restrained by laws tending to the public good ; that all might concur in promoting it, and the unruly desires of those who affected power and honours which they did not deserve might be repressed.

The like was seen in Rome : when Brutus, Valerius, and other virtuous citizens had thrown out the lewd Tarquins, they trusted to their own innocence and reputation ; and thinking them safe under the protection of the law, contented themselves with such honours as their countrymen thought they deserved. This would not satisfy the dissolute crew that us'd to be companions to the Tarquins. “ *Sodales adolescentium Tarquiniorum assueti more*  
*regio vivere, eam tum æquato jure omnium*  
*licentiam quærentes libertatem aliorum in suam*  
 VOL. I. T vertisse

“ vertisse servitutem conquerebantur. Regem ho-  
 “ minem esse, à quo impetres ubi jus, ubi injuria  
 “ opus sit. Esse gratiæ locum, esse beneficio : &  
 “ irasci & ignoscere posse. Leges rem surdam esse  
 “ & inexorabilem, salubriorem inopi quam potenti :  
 “ nihil laxamenti nec veniæ habere, si modum ex-  
 “ cesseris : periculosum esse in tot humanis errori-  
 “ bus sola innocentia vivere \*.” I cannot say that  
 either of these sought a liberty without restraint ;  
 for the virtuous were willing to be restrained by the  
 law, and the vicious to submit to the will of a man,  
 to gain impunity in offending. But if our author  
 say true, the licentious fury of these lewd young  
 men, who endeavour’d to subvert the constitution  
 of their country, to procure the impunity of their  
 own crimes would have been more natural, that is  
 more reasonable than the orderly proceedings of the  
 most virtuous, who desir’d that the law might be  
 the rule of their actions, which is most absurd.

The like vicious wretches have in all times en-  
 deavoured to put the power into the hands of one  
 man, who might protect them in their villanies,  
 and advance them to exorbitant riches or undeserved  
 honours ; whilst the best men trusting in their in-  
 nocence, and desiring no other riches or preferments,  
 than what they were by their equals thought to de-  
 serve, were contented with a due liberty, under the  
 protection of a just law : and I must transcribe the  
 histories of the world, or at least so much of them  
 as concerns the tyrannies that have been set up or  
 cast down, if I should here insert all the proofs that  
 might be given of it. But I shall come nearer to  
 the point, which is not to compare democracy with  
 monarchy, but a regular mixed government with  
 such an absolute monarchy, as leaves all to the will  
 of that man, woman, or child, who happens to be

\* T. Liv. l. 2.



born in the reigning family, how ill soever they may be qualified. I desire those who are lovers of truth to consider, whether the wisest, best, and bravest of men, are not naturally led to be pleased with a government that protects them from receiving wrong, when they have not the least inclination to do any? Whether they who desire no unjust advantage above their brethren, will not always desire that a people or senate constituted as that of Rome, from the expulsion of Tarquin to the setting up of Cæsar, should rather judge of their merit, than Tarquin, Cæsar, or his successors? or whether the lewd or corrupted pretorian bands, with Macro, Sejanus, Tigellinus, and the like, commanding them, will not ever, like Brutus his sons, abhor the inexorable power of the laws, with the necessity of living only by their innocence, and favour the interest of princes like to those that advanced them? If this be not sufficient, they may be pleased a little to reflect upon the affairs of our own country, and seriously consider whether H--de, Cl--f--d, F--lm th, Arl-ng-n and D--nby, could have pretended to the chief places, if the disposal of them had been in a free and well-regulated parliament? Whether they did most resemble Brutus, Publicola, and the rest of the Valerii, the Fabii, Quintii, Cornelii, &c. or Narcissus, Pallas, Icetus, Laco, Vinnius, and the like? Whether all men, good and bad, do not favour that state of things, which favours them and such as they are? Whether Cl-v-l-d, P-rtlm-th, and others of the same trade, have attained to the riches and honours they enjoy by services done to the commonwealth? And what places Chissinch, F--x and Jenkins, could probably have attained if our affairs had been regulated as good men desire? Whether the old arts of begging, stealing and bawling,

ing, or the new ones of informing and trepanning, thrive best under one man who may be weak or vicious, and is always subject to be circumvented by flatterers, or under the severe scrutinies of a senate or people? In a word, whether they who live by such arts, and know no other, do not always endeavour to advance the government under which they enjoy, or may hope to obtain the highest honours, and abhor that, in which they are exposed to all manner of scorn and punishment? Which being determined, it will easily appear why the worst men have ever been for absolute monarchy, and the best against it; and which of the two in so doing can be said to desire an unrestrained liberty of doing that which is evil.

### S E C T. XXI.

*Mixed and popular governments preserve peace, and manage wars, better than absolute monarchies.*

**B**EING no way concerned in the defence of democracy; and having proved that Xenophon, Thucydides, and others of the antients, in speaking against the over great power of the common people, intended to add reputation to the aristocratical party to which they were addicted, and not to set up absolute monarchy, which never fell under discourse among them, but as an object of scorn and hatred, evil in itself, and only to be endured by base and barbarous people, I may leave our knight, like Don Quixote, fighting against the phantasms of his own brain, and saying what he pleases against such governments as never were, unless in such a place as San Marino near Sinigaglia in Italy, where a hundred clowns govern a barbarous rock that no man invades, and relates nothing to our question.

If his doctrine be true, the monarchy he extols is not only to be preferred before unruly democracy, and mixed governments, but is the only one that, without a gross violation of the laws of God and nature, can be established over any nation. But having, as I hope, sufficiently proved, that God did neither institute, nor appoint any such to be instituted, nor approve those that were; that nature does not incline us to it, and that the best as well as the wisest men have always abhorr'd it; that it has been agreeable only to the most stupid and base nations; and if others have submitted to it, they have done so only as to the greatest of evils brought upon them by violence, corruption or fraud; I may now proceed to shew that the progress of it has been in all respects suitable to its beginning.

To this end 'twill not be amiss to examine our author's words: "Thus, says he, do they paint to  
 " the life this beast with many heads: let me give  
 " the cypher of their form of government: as it is  
 " begot by sedition, so it is nourished by crimes:  
 " it can never stand without wars, either with an  
 " enemy abroad, or with friends at home;" and in order to this I will not criticize upon the terms, tho' the cypher of a form, and war with friends, may be justly called nonsense; but coming to his assertions, that popular or mixed governments have their birth in sedition, and are ever afterwards vexed with civil or foreign wars, I take liberty to say, that whereas there is no form appointed by God or nature, those governments only can be called just, which are established by the consent of nations. These nations may at the first set up popular or mixed governments, and without the guilt of sedition introduce them afterwards, if that which was first established prove unprofitable or hurtful to them; and

those that have done so, have enjoy'd more justice in times of peace, and managed wars, when occasion requir'd, with more virtue and better success, than any absolute monarchies have done. And whereas he says, that "in popular governments each man hath a care of his particular, and thinks basely of the common good; they look upon approaching mischiefs as they do upon thunder, only every man wisheth it may not touch his own person:" I say that men can no otherwise be engaged to take care of the public, than by having such a part in it, as absolute monarchy does not allow; for they can neither obtain the good for themselves, posterity and friends, that they desire, nor prevent the mischiefs they fear, which are the principal arguments that persuade men to expose themselves to labours or dangers. 'Tis a folly to say, that the vigilance and wisdom of the monarch supplies the defect of care in others; for we know that no men under the sun were ever more void of both, and all manner of virtue requir'd to such a work, than very many monarchs have been: and, which is yet worse, the strength and happiness of the people being frequently dangerous to them, they have not so much as the will to promote it; nay, sometimes set themselves to destroy it. Antient monarchies afford us frequent examples of this kind; and if we consider those of France and Turkey, which seem most to flourish in our age, the people will appear to be so miserable under both, that they cannot fear any change of governor or government; and all, except a few ministers, are kept so far from the knowledge of, or power in the management of affairs, that if any of them should fancy a possibility of something that might befall them worse than what they suffer,



or hope for that which might alleviate their misery, they could do nothing towards the advancement of the one, or prevention of the other. Tacitus observes, that in his time no man was able to write what passed, "*Inscitia reipublicæ ut alienæ.\**" They neglected the public affairs in which they had no part. In the same age it was said, that the people, who whilst they fought for their own interests, had been invincible, being enslaved, were grown fordid, idle, base, running after stage-plays and shows; so as the whole strength of the Roman armies consisted of strangers. When their spirits were depressed by servitude, they had neither courage to defend themselves, nor will to fight for their wicked masters; and least of all to increase their power, which was destructive to themselves: the same thing is found in all places. Tho' the Turk commands many vast provinces, that naturally produce as good soldiers as any, yet his greatest strength is in children that do not know their fathers; who not being very many in number, may perish in one battle, and the empire by that means be lost, the miserable nations that groan under that tyranny having neither courage, power, nor will to defend it. This was the fate of the Mamalukes. They had for the space of almost two hundred years domineer'd in Egypt, and a great part of Asia; but the people under them being weak and disaffected, they could never recover the defeat they received from Selim near Tripoli, who pursuing his victory, in a few months utterly abolished their kingdom.

Notwithstanding the present pride of France, the numbers and warlike inclinations of that people, the bravery of the nobility, extent of dominion, convenience of situation, and the vast revenues of their king, his greatest advantages have been gain'd

\* Tacit. An. l. 1.

by the mistaken counsels of England, the valour of our soldiers unhappily sent to serve him, and the strangers of whom the strength of his armies consists; which is so unsteady a support, that many who are well versed in affairs of this nature, incline to think he subsists rather by little arts, and corrupting ministers in foreign courts, than by the power of his own armies; and that some reformation in the counsels of his neighbours might prove sufficient to overthrow that greatness which is grown formidable to Europe; the same misery to which he has reduced his people, rendring them as unable to defend him, upon any change of fortune, as to defend their own rights against him.

This proceeds not from any particular defect in the French government, but that which is common to all absolute monarchies. And no state can be said to stand upon a steady foundation, except those whose strength is in their own soldiery, and the body of their own people. Such as serve for wages, often betray their masters in distress, and always want the courage and industry which is found in those who fight for their own interests, and are to have a part in the victory. The business of mercenaries is so to perform their duty, as to keep their employments, and to draw profit from them; but that is not enough to support the spirits of men in extreme dangers. The shepherd who is an hireling, flies when the thief comes; and this adventitious help failing, all that a prince can reasonably expect from a disaffected and oppressed people is, that they should bear the yoke patiently in the time of his prosperity; but upon the change of his fortune, they leave him to shift for himself, or join with his enemies to avenge the injuries they had received. Thus did Alphonso and Ferdinand kings of Naples, and

Lodovico Sforza duke of Milan fall, in the times of Charles the eighth and Louis the twelfth kings of France. The two first had been false, violent, and cruel; nothing within their kingdom could oppose their fury: but when they were invaded by a foreign power, they lost all, as Guicciardin says, without breaking one lance; and Sforza was by his own mercenary soldiers delivered into the hands of his enemies.

I think it may be hard to find examples of such as proceeding in the same way have had better success: but if it should so fall out, that a people living under an absolute monarchy, should through custom or fear of something worse (if that can be) not only suffer patiently, but desire to uphold the government; neither the nobility, nor commonalty can do any thing towards it. They are strangers to all public concerns: all things are govern'd by one or a few men, and others know nothing either of action or counsel. Filmer will tell us 'tis no matter; the profound wisdom of the prince provides for all. But what if this prince be a child, a fool, a superannuated dotard, or a madman? Or if he does not fall under any of these extremities, and possesses such a proportion of wit, industry, and courage as is ordinarily seen in men, how shall he supply the office that indeed requires profound wisdom, and an equal measure of experience and valour? 'Tis to no purpose to say a good council may supply his defects; for it does not appear how he should come by this council, nor who should oblige him to follow their advice: if he be left to his own will to do what he pleases, tho' good advice be given to him; yet his judgment being perverted, he will always incline to the worst: if a necessity be imposed upon him of acting according to the advice  
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of his council, he is not that absolute monarch of whom we speak, nor the government monarchical, but aristocratical. These are imperfect fig-leaf coverings of nakedness. It was in vain to give good counsel to Sardanapalus; and none could defend the Assyrian empire, when he lay wallowing amongst his whores without any other thought than of his lusts. None could preserve Rome, when Domitian's chief business was to kill flies, and that of Honorius to take care of his hens. The monarchy of France must have perished under the base kings they call "Le roy faineants," if the sceptre had not been wrested out of their unworthy hands. The world is full of examples in this kind: and when it pleases God to bestow a just, wise and valiant king as a blessing upon a nation, 'tis only a momentary help, his virtues end with him; and there being neither any divine promise nor human reason moving us to believe that they shall always be renewed and continued in his successors, men cannot rely upon it; and to alledge a possibility of such a thing is nothing to the purpose.

On the other side, in a popular or mixed government every man is concerned: every one has a part according to his quality or merit; all changes are prejudicial to all: whatsoever any man conceives to be for the public good, he may propose it in the magistracy, or to the magistrate: the body of the people is the public defence, and every man is arm'd and disciplin'd: the advantages of good success are communicated to all, and every one bears a part in the losses. This makes men generous and industrious; and fills their hearts with love to their country; \*this, and the desire of that praise which is the reward of virtue, raised the Romans above the rest

\* Amor patriæ laudisque immensa cupido. *Virg.*



of mankind; and wheresoever the same ways are taken, they will in a great measure have the same effects. By this means they had as many soldiers to fight for their country as there were freemen in it. Whilst they had to deal with the free nations of Italy, Greece, Africa, or Spain, they never conquer'd a country, till the inhabitants were exhausted: but when they came to fight against kings, the success of a battle was enough to bring a kingdom under their power. Antiochus upon a ruffle received from Acilius at Thermopylæ, left all that he possessed in Greece; and being defeated by Scipio Nasica, he quitted all the kingdoms and territories of Asia on this side Taurus. Paulus Æmilius became master of Macedon by one prosperous fight against Perseus. Syphax, Gentius, Tigranes, Ptolemy, and others were more easily subdued. The mercenary armies on which they relied being broken, the cities and countries not caring for their masters, submitted to those who had more virtue and better fortune. If the Roman power had not been built upon a more sure foundation, they could not have subsisted. Notwithstanding their valour, they were often beaten; but their losses were immediately repair'd by the excellence of their discipline. When Hannibal had gained the battles of Trebia, Ticinum, Thrasimene, and Cannæ; defeated the Romans in many other encounters, and slain above two hundred thousand of their men, with Paulus Æmilius, C. Servilius, Sempronius Gracchus, Quintius, Marcellus, and many other excellent commanders: when about the same time the two brave Scipio's had been cut off with their armies in Spain, and many great losses had been sustain'd in Sicily and by sea, one would have thought it impossible for the city to have resisted: but their virtue,

love

love to their country, and good government was a strength that increased under all their calamities, and in the end overcame all. The nearer Hannibal came to the walls, the more obstinate was the resistance. Tho' he had kill'd more great captains than any kingdom ever had, others daily stepp'd up in their place, who excell'd them in all manner of virtue. I know not, if at any time that conquering city could glory in a greater number of men fit for the highest enterprizes, than at the end of that cruel war, which had consumed so many of them; but I think that the finishing victories by them obtained, are but ill proofs of our author's assertion, that they "thought basely of the common good, and fought only to save themselves." We know of none except Cecilius Metellus, who after the battle of Cannæ had so base a thought as to design the withdrawing himself from the public ruin; but Scipio (afterwards surnamed Africanus) threatening death to those who would not swear never to abandon their country, forced him to leave it. This may in general be imputed to good government and discipline, with which all were so seasoned from their infancy, that no affection was so rooted in them, as an ardent love to their country, and a resolution to die for it, or with it; but the means by which they accomplished their great ends, so as after their defeats to have such men as carried on their noblest designs with more glory than ever, was their annual elections of magistrates, many being thereby advanc'd to the supreme commands, and every one by the honours they enjoy'd fill'd with a desire of rendring himself worthy of them.

I should not much insist upon these things, if they had been seen only in Rome: but tho' their discipline seems to have been more perfect, better observed,

served, and to have produc'd a virtue that surpass'd all others ; the like has been found, tho' perhaps not in the same degree, in all nations that have enjoy'd their liberty, and were admitted to such a part of the government, as might give them a love to it. This was evident in all the nations of Italy. The Sabines, Volsci, Æqui, Tuscans, Samnites and others were never conquer'd, 'till they had no men left. The Samnites alone inhabiting a small and barren province, suffer'd more defeats before they were subdued, than all the kingdoms of Numidia, Egypt, Macedon, and Asia ; and, as 'tis express'd in their embassy to Hannibal, never yielded, till they who had brought vast numbers of men into the field, and by them defeated some of the Roman armies, were reduced to such weakness, that they could not resist one legion. We hear of few Spartans who did not willingly expose their lives for the service of their country ; and the women themselves were so far inflamed with the same affection, that they refused to mourn for their children and husbands who died in the defence of it. When the brave Brasidas was slain, some eminent men went to comfort his mother upon the news of his death ; and telling her he was the most valiant man in the city, she answer'd, that he was indeed a valiant man, and died as he ought to do, but that through the goodness of the gods, many others were left as valiant as he\*.

When Xerxes invaded Greece, there was not a citizen of Athens able to bear arms, who did not leave his wife and children to shift for themselves in the neighbouring cities, and their houses to be burnt when they embarked with Themistocles ; and never thought of either till they had defeated the barbarians at Salamine by sea, and at Platea by land.

\* Thucyd. de bel. Pelopon.

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When men are thus spirited, some will ever prove excellent; and as none did ever surpass those who were bred under this discipline in all moral, military and civil virtues; those very countries where they flourished most, have not produced any eminent men since they lost that liberty which was the mother and nurse of them.

Tho' I should fill a volume with examples of this kind (as I might easily do) such as our author will say, that in popular governments men look upon mischiefs as thunder, and only wish it may not touch themselves: but leaving them to the scorn and hatred they deserve by their impudence and folly, I conclude this point with the answer, that Trajano Boccalini puts into the mouth of Apollo\*, to the princes who complained that their subjects had not that love to their countries, as had been, and was daily seen in those who lived under commonwealths; which did amount to no more than to tell them, that their ill government was the cause of that defect, and that the prejudices incurr'd by rapine, violence, and fraud, were to be repaired only by liberality, justice, and such a care of their subjects, that they might live happily under them.

## S E C T. XXII.

*Commonwealths seek peace or war according to the variety of their constitutions.*

**I**F I have hitherto spoken in general of popular or mixed governments, and if they were all founded on the same principle, it was only because our author without distinction has generally blamed them all, and generally imputed to every one those faults, which perhaps never were in any; but most certainly

\* Ragion. 99.



are directly opposite to the temper and constitution of many among them. Malice and ignorance reign so equally in him, that 'tis not easy to determine from which of the two this false representation proceeds. But lest any man should thereby be imposed upon, 'tis time to observe, that the constitutions of commonwealths have been so various, according to the different temper of nations and times, that if some of them seem to have been principally constituted for war, others have as much delighted in peace; and many having taken the middle, and (as some think) the best way, have so moderated their love to peace, as not to suffer the spirits of the people to fall, but kept them in a perpetual readiness to make war when there was occasion: and every one of those having followed several ways and ends, deserve our particular consideration.

The cities of Rome, Sparta, Thebes, and all the associations of the Etolians, Achaïans, Sabines, Latins, Samnites, and many others that antiently flourish'd in Greece and Italy, seem to have intended nothing but the just preservation of liberty at home, and making war abroad. All the nations of Spain, Germany, and Gaul fought the same things. Their principal work was to render their people valiant, obedient to their commanders, lovers of their country, and always ready to fight for it: and for this reason when the senators of Rome had kill'd Romulus, they persuaded Julius Proculus to affirm, that he had seen him in a most glorious form ascending to heaven, and promising great things to the city, "*Proinde rem militarem colant.*" The Athenians were not less inclined to war, but applied themselves to trade, as subservient to that end, by increasing the number of the people, and furnishing them with the means  
of

of carrying it on with more vigour and power. The Phenician cities, of which Carthage was the most eminent, followed the same method : but knowing that riches do not defend themselves, or scorning slothfully to enjoy what was gained by commerce, they so far applied themselves to war, that they grew to a power, which Rome only was able to overthrow. Venice, Florence, Genoa, Lucca, and some other cities of Italy seem chiefly to have aimed at trade ; and placing the hopes of their safety in the protection of more powerful states, unwillingly enter'd into wars, especially by land ; and when they did, they made them by mercenary foldiers.

Again, some of those that intended war desir'd to enlarge their territories by conquest ; others only to preserve their own, and to live with freedom and safety upon them. Rome was of the first sort ; and knowing that such ends cannot be accomplished without great numbers of men, they freely admitted strangers into the city, senate and magistracy. Numa was a Sabine : Tarquinius Priscus was the son of a Grecian : one hundred of those Sabines who came with Tatius were admitted into the senate ; Appius Claudius of the same people came to Rome, was made a member of the senate, and created consul. They demolished several cities, and brought the inhabitants to their own ; gave the right of citizens to many others (sometimes to whole cities and provinces) and cared not how many they received, so as they could engraft them upon the same interest with the old stock, and season them with the same principles, discipline and manners. On the other side the Spartans desiring only to continue free, virtuous, and safe in the enjoyment of their own territory ; and thinking themselves strong enough to defend it, framed a most severe discipline, to which few

few strangers would submit. They banished all those curious arts, that are useful to trade ; prohibited the importation of gold and silver ; appointed the Helotes to cultivate their lands, and to exercise such trades as are necessary to life ; admitted few strangers to live amongst them ; made none of them free of their city, and educated their youth in such exercises only as prepared them for war. I will not take upon me to judge whether this proceeded from such a moderation of spirit, as placed felicity rather in the fulness and stability of liberty, integrity, virtue, and the enjoyment of their own, than in riches, power, and dominion over others ; nor which of these two different methods deserves most to be commended : but certain it is that both succeeded according to the intention of the founders.

Rome conquer'd the best part of the world, and never wanted men to defend what was gained : Sparta lived in such happiness and reputation, that till it was invaded by Epaminondas, an enemy's trumpet had not been heard by those within the town for the space of eight hundred years, and never suffer'd any great disaster, till receding from their own institutions, they were brought by prosperity to affect the principality of Greece, and to undertake such wars as could not be carried on without money, and greater numbers of men than a small city was able to furnish ; by which means they were obliged to beg assistance from the barbarians, whom they scorned and hated, as appears by the stories of Callicratidas, Lyfander, and Agefilaus, and fell into such straits as were never recovered.

The like variety has been observed in the constitutions of those northern nations that invaded the Roman empire ; for tho' all of them intended war, and looked upon those only to be members of their

commonwealths, who used arms to defend them, yet some did immediately incorporate themselves with those of the conquer'd countries. Of this number were the Franks, who presently became one nation with the Gauls; others kept themselves in a distinct body, as the Saxons did from the Britains: and the Goths for more than three hundred years that they reigned in Spain, never contracted marriages, or otherwise mixed with the Spaniards, till their kingdom was overthrown by the Moors.

These things, and others of the like nature, being weighed, many have doubted whether it were better to constitute a commonwealth for war or for trade; and of such as intend war, whether those are most to be praised who prepare for defence only, or those who design by conquest to enlarge their dominions. Or, if they admit of trade, whether they should propose the acquisition of riches for their ultimate end, and depend upon foreign or mercenary forces to defend them; or to be as helps to enable their own people to carry on those wars, in which they may be frequently engaged. These questions might perhaps be easily decided, if mankind were of a temper to suffer those to live in peace, who offer no injury to any; or that men who have money to hire soldiers when they stand in need of them, could find such as would valiantly and faithfully defend them, whilst they apply themselves to their trades. But experience teaching us that those only can be safe who are strong: and that no people was ever well defended, but those who fought for themselves; the best judges of these matters have always given the preference to those constitutions that principally intend war, and make use of trade as assisting to that end: and think it better to aim at conquest, rather than simply to stand upon their own defence;



since he that loses all if he be overcome, fights upon very unequal terms; and if he obtain the victory, gains no other advantage, than for the present to repel the danger that threatned him.

These opinions are confirmed by the examples of the Romans, who prosper'd much more than the Spartans; and the Carthaginians, who made use of trade as a help to war, rais'd their city to be one of the most potent that ever was in the world: whereas the Venetians having relied on trade and mercenary soldiers, are always forced too much to depend upon foreign potentates; very often to buy peace with ignominious and prejudicial conditions; and sometimes to fear the infidelity of their own commanders, no less than the violence of their enemies. But that which ought to be valued above all in point of wisdom as well as justice, is, the government given by God to the Hebrews, which chiefly fitted them for war, and to make conquests. Moses divided them under several captains, into thousands, hundreds, fifties, and tens: this was a perpetual ordinance amongst them: in numbring them, those only were counted, who were able to bear arms: every man was obliged to go out to war, except such as had married a wife, or upon other special occasions were for a time excused; and the whole series of the sacred history shews that there were always as many soldiers to fight for their country as there were men able to fight. And if this be taken for a picture of a many-headed beast delighting in blood, begotten by sedition, and nourished by crimes, God himself was the drawer of it.

In this variety of constitutions and effects proceeding from them, I can see nothing more justly and generally to be attributed to them all, than that love to their country, which our author impudently

affirms to be wanting in all. In other matters their proceedings are not only different, but contrary to each other: yet it cannot be said that any nations have enjoyed so much peace as some republics. The Venetians too great inclination to peace is accounted to be a mortal error in their constitution, and they have not been less free from domestic seditions than foreign wars; the conspiracies of the Falerii and Tiepoli were extinguished by their punishment, and that of La Cueva crushed before it was ripe. Genoa has not been altogether so happy: the factions of the Guelps and Ghibelins that spread themselves over all Italy, infected that city; and the malice of the Spaniards and French raised others under the Fregosi and Adorni: but they being composed, they have for more than a hundred and fifty years rested in quiet.

There is another sort of commonwealth composed of many cities associated together, and living æquo jure; every one retaining and exercising a sovereign power within itself, except in some cases expressed in the act of union, or league made between them. These I confess are more hardly preserved in peace. Disputes may arise among them concerning limits, jurisdiction, and the like. They cannot always be equally concerned in the same things. The injuries offer'd to one do not equally affect all. Their neighbours will sow divisions among them; and not having a mother city to decide their controversies by her authority, they may be apt to fall into quarrels, especially if they profess christianity; which having been split into variety of opinions ever since it was preached, and the papists by their cruelty to such as dissent from them, shewing to all, that there is no other way of defending themselves against them, than by using the same, almost every man is  
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come to think he ought (as far as in him lies) to impose his belief on others, and that he can give no better testimony of his zeal, than the excess of his violence on that account. Nevertheless the cantons of the Switzers, tho' accompanied with all the most dangerous circumstances that can be imagined, being thirteen in number, independent on each other, governed in a high degree popularly, professing christianity differing in most important points ; eight of them much influenced by the Jesuits, and perpetually excited to war against their brethren by the powerful crowns of Spain and France, have ever since they cast off the insupportable yoke of the earls of Hapsburg, enjoy'd more peace than any other state of Europe, and from the most inconsiderable people, are grown to such a power, that the greatest monarchs do most solicitously seek their friendship ; and none have dared to invade them, since Charles Duke of Burgundy did it to his ruin : and he who for a long time had been a terror to the great, dangerous, and subtil king of France, gave by the loss of three armies and his own life a lasting testimony of his temerity in assaulting a free and valiant, tho' a poor people, fighting in their own quarrel. Commynes well relates that war ; but a vast heap of bones remaining to this day at Muret with this inscription, " Caroli fortissimi Burgundiorum ducis exercitus, muretum obsidens ab Helvetiis cæsus, hoc sui monumentum reliquit," best shews the success of it. Since that time their greatest wars have been for the defence of Milan ; or such as they have undertaken for pay under the ensigns of France or Spain, that by the use of arms they may keep up that courage, reputation and experience which is requir'd for the defence of their

own country. No government was ever more free from popular seditions ; the revolts of their subjects have been few, weak, and easily suppressed ; the dissention raised by the Jesuits between the cantons of Zurich and Lucern was as soon composed as the rebellion of the county of Vaux against the canton of Bern ; and those few of the like nature that have happened among them have had the like success : so that Thuanus in the history of his time, comprehending about fifty years, and relating the horrid domestic and foreign wars, that distracted Germany, France, Spain, Italy, Flanders, England, Scotland, Poland, Denmark, Sweden, Hungary, Transilvania, Muscovy, Turkey, Afric, and other places, has no more to say of them than to shew what arts had been in vain used to disturb their so much envied quiet. But if the modest temper of the people, together with the wisdom, justice, and strength of their government, could not be discomposed by the measures of Spain and France, by the industry of their ambassadors, or the malicious craft of the Jesuits, we may safely conclude that their state is as well settled as any thing among men can be, and can hardly comprehend what is like to interrupt it. As much might be said of the cities of the Hanseatic society, if they had an entire sovereignty in themselves : but the cities of the united provinces in the Low Countries being every one of them sovereign within themselves, and many in number, still continuing in their union in spite of all the endeavours that have been used to divide them, give us an example of such steadiness in practice and principle, as is hardly to be parallel'd in the world, and that undeniably prove a temper in their constitutions directly opposite to that which our author imputes to all popular governments : and if the death of Barneveldt  
and



and De Wit, or the preferment of some most unlike to them be taken for a testimony that the best men thrive worst, and the worst best, I hope it may be consider'd that those violences proceeded from that which is most contrary to popularity, tho' I am not very willing to explain it.

If these matters are not clear in themselves, I desire they may be compared with what has happen'd between any princes that from the beginning of the world have been joined in league to each other, whether they were of the same or of different nations. Let an example be brought of six, thirteen, or more princes or kings who enter'd into a league; and for the space of one or more ages, did neither break it, nor quarrel upon the explication of it. Let the states of the Switzers, Grisons, or Hollanders, be compared with that of France, when it was sometimes divided between two, three, or four brothers of Meroveus or Pepin's races; with the heptarchy of England; the kingdoms of Leon, Arragon, Navarre, Castile and Portugal, under which the christians in Spain were divided; or those of Cordoua, Seville, Malaga, Granada, and others under the power of the Moors; and if it be not evident, that the popular states have been remarkable for peace among themselves, constancy to their union and fidelity to the leagues made with their associates; whereas all the abovementioned kingdoms, and such others as are known among men to have been joined in the like leagues, were ever infested with domestic rebellions and quarrels arising from the ambition of princes, so as no confederacy could be so cautiously made, but they would find ways to elude it, or so solemn and sacred, but they would in far less time break through it: I will confess, that kingdoms have some-

times been as free from civil disturbances; and that leagues made between several princes, have been as constantly and religiously observed, as by commonwealths. But if no such thing do appear in the world, and no man who is not impudent or ignorant dare pretend it, I may justly conclude, that tho' every commonwealth hath its action suitable to its constitution, and that many associated together are not so free from disturbances, as those that wholly depend upon the authority of a mother city; yet we know of none that have not been, and are more regular and quiet than any principalities; and as to foreign wars, they seek or avoid them according to their various constitutions.

### S E C T. XXIII.

*That is the best government, which best provides for war.*

OUR author having huddled up all popular and mixed governments into one, has in some measure forced me to explain the various constitutions and principles upon which they are grounded: but as the wisdom of a father is seen, not only in providing bread for his family, or increasing his patrimonial estate, but in making all possible provision for the security of it; so that government is evidently the best, which, not relying upon what it does at first enjoy, seeks to increase the number, strength, and riches of the people; and by the best discipline to bring the power so improved into such order as may be of most use to the public. This comprehends all things conducing to the administration of justice, the preservation of domestic peace, and the increase of commerce, that the people being pleased with their

their present condition, may be filled with love to their country, encouraged to fight boldly for the public cause, which is their own; and as men do willingly join with that which prospers, that strangers may be invited to fix their habitations in such a city, and to espouse the principles that reign in it. This is necessary for several reasons; but I shall principally insist upon one, which is, that all things in their beginning are weak: the whelp of a lion newly born has neither strength nor fierceness. He that builds a city, and does not intend it should increase, commits as great an absurdity, as if he should desire his child might ever continue under the same weakness in which he is born. If it do not grow, it must pine and perish; for in this world nothing is permanent; that which does not grow better will grow worse. This increase also is useless, or perhaps hurtful, if it be not in strength, as well as in riches or number: for every one is apt to seize upon ill guarded treasures; and the terror that the city of London was possessed with, when a few Dutch ships came to Chatham, shews that no numbers of men, tho' naturally valiant, are able to defend themselves, unless they be well arm'd, disciplin'd and conducted. Their multitude brings confusion: their wealth, when 'tis like to be made a prey, increases the fears of the owners; and they, who if they were brought into good order, might conquer a great part of the world, being destitute of it, durst not think of defending themselves.

If it be said that the wise father mention'd by me endeavours to secure his patrimony by law, not by force; I answer that all defence terminates in force; and if a private man does not prepare to defend his estate with his own force, 'tis because he lives under the protection of the law, and expects  
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the force of the magistrate should be a security to him: but kingdoms and commonwealths acknowledging no superior, except God alone, can reasonably hope to be protected by him only; and by him, if with industry and courage they make use of the means he has given them for their own defence. God helps those who help themselves; and men are by several reasons (suppose to prevent the increase of a suspected power) induced to succour an industrious and brave people: but such as neglect the means of their own preservation, are ever left to perish with shame. Men cannot rely upon any league: the state that is defended by one potentate against another becomes a slave to their protector: mercenary soldiers always want fidelity or courage, and most commonly both. If they are not corrupted or beaten by the invader, they make a prey of their masters. These are the followers of camps who have neither faith nor piety \*, but prefer gain before right. They who expose their blood to sale, look where they can make the best bargain, and never fail of pretences for following their interests.

Moreover, private families may by several arts increase their wealth, as they increase in number; but when a people multiplies (as they will always do in a good climate under a good government) such an enlargement of territory as is necessary for their subsistence can be acquired only by war. This was known to the northern nations that invaded the Roman empire; but for want of such constitutions as might best improve their strength and valour, the numbers they sent out when they were overburden'd, provided well for themselves, but were of no use to the countries they left; and whilst those Goths,

\* —Ibi fas ubi maxima merces. *Lucan.*



Vandals, Franks, and Normans enjoyed the most opulent and delicious provinces of the world, their fathers languished obscurely in their frozen climates. For the like reasons, or through the same defect, the Switzers are obliged to serve other princes; and often to imploy that valour in advancing the power of their neighbours, which might be used to increase their own. Genoa, Lucca, Geneva, and other small commonwealths, having no wars, are not able to nourish the men they breed; but sending many of their children to seek their fortunes abroad, scarce a third part of those that are born among them die in those cities; and if they did not take this course, they would have no better than the nations inhabiting near the river Niger, who sell their children as the increase of their flocks.

This does not less concern monarchies than commonwealths; nor the absolute less than the mixed: all of them have been prosperous or miserable, glorious or contemptible, as they were better or worse arm'd, disciplin'd, or conducted. The Assyrian valour was irresistible under Nabuchodonozor; but was brought to nothing under his base and luxurious grandson Belshazzar: the Persians who under Cyrus conquer'd Asia, were like swine exposed to slaughter when their discipline failed, and they were commanded by his proud, cruel, and cowardly successors. The Macedonian army overthrown by Paulus Æmilius was not less in number than that with which Alexander gained the empire of the east; and perhaps had not been inferior in valour, if it had been as well commanded. Many poor and almost unknown nations have been carried to such a height of glory by the bravery of their princes, that I might incline to think their government

as

as fit as any other for disciplining a people to war, if their virtues continued in their families, or could be transmitted to their successors. The impossibility of this is a breach never to be repaired; and no account is to be made of the good that is always uncertain, and seldom enjoy'd. This disease is not only in absolute monarchies, but in those also where any regard is had to succession of blood, tho' under the strictest limitations. The fruit of all the victories gained by Edward the first and third, or Henry the fifth of England, perished by the baseness of their successors: the glory of our arms was turned into shame; and we, by the loss of treasure, blood, and territory, suffer'd the punishment of their vices. The effects of these changes are not always equally violent; but they are frequent, and must fall out as often as occasion is presented. It was not possible for Lewis the thirteenth of France to pursue the great designs of Henry the fourth: Christina of Sweden could not supply the place of her brave father; nor the present king in his infancy accomplish what the great Charles Gustavus had nobly undertaken: and no remedy can be found for this mortal infirmity, unless the power be put into the hands of those who are able to execute it, and not left to the blindness of fortune. When the regal power is committed to an annual or otherwise chosen magistracy, the virtues of excellent men are of use, but all does not depend upon their persons: one man finishes what another had begun; and when many are by practice rendred able to perform the same things, the loss of one is easily supplied by the election of another. When good principles are planted, they do not die with the person that introduced them; and good constitutions remain, tho' the authors of them perish. Rome did not fall  
back

back into slavery when Brutus was killed, who had led them to recover their liberty: others like to him pursued the same ends; and notwithstanding the loss of so many great commanders consumed in their almost continual wars, they never wanted such as were fit to execute whatever they could design. A well governed state is as fruitful to all good purposes, as the seven-headed serpent is said to have been in evil; when one head is cut off, many rise up in the place of it. Good order being once established, makes good men; and as long as it lasts, such as are fit for the greatest employments will never be wanting. By this means the Romans could not be surprised: no king or captain ever invaded them, who did not find many excellent commanders to oppose him; whereas they themselves found it easy to overthrow kingdoms, tho' they had been established by the bravest princes, through the baseness of their successors.

But if our author say true, 'tis of no advantage to a popular state to have excellent men; and therefore he imposes "a necessity upon every people to choose  
 " the worst men for being the worst, and most like  
 " to themselves; lest that if virtuous and good men  
 " should come into power, they should be excluded  
 " for being vicious and wicked, &c. Wise men  
 " would seize upon the state, and take it from the  
 " people." For the understanding of these words, 'tis good to consider whether they are to be taken simply, as usually applied to the devil and some of his instruments, or relatively, as to the thing in question: if simply, it must be concluded that Valerius, Brutus, Cincinnatus Capitolinus, Mamer-cus, Paulus Emilius, Nasica, and others like to them, were not only the worst men of the city; but that they were so often advanced to the supreme magistracies, because they were so: if in the other  
 sense

sense relating to magistracy and the command of armies, the worst are the most ignorant, unfaithful, slothful, or cowardly; and our author to make good his proposition, must prove, that when the people of Rome, Carthage, Athens, and other states had the power of choosing whom they pleased, they did choose Camillus, Corvinus, Torquatus, Fabius, Rullus, Scipio, Amilcar, Hannibal, Asdrubal, Pelopidas, Epaminondas, Pericles, Aristides, Themistocles, Phocion, Alcibiades, and others like to them, for their ignorance, infidelity, sloth, and cowardice; and on account of those vices, most like to those who choose them. But if these were the worst, I desire to know what wit or eloquence can describe or comprehend the excellency of the best; or of the discipline that brings whole nations to such perfection, that worse than these could not be found among them? and if they were not so, but such as all succeeding ages have justly admir'd for their wisdom, virtue, industry, and valour, the impudence of so wicked and false an assertion ought to be rejected with scorn and hatred.

But if all governments whether monarchical or popular, absolute or limited, deserve praise or blame as they are well or ill constituted for making war; and that the attainment of this end do entirely depend upon the qualifications of the commanders, and the strength, courage, number, affection, and temper of the people out of which the armies are drawn: those governments must necessarily be the best which take the best care that those armies may be well commanded; and so provide for the good of the people, that they may daily increase in number, courage, and strength, and be so satisfied with the present state of things, as to fear a change, and fight for the preservation or advancement of the public interest as of their own. We have already found  
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that in hereditary monarchies no care at all is taken of the commander: he is not chosen, but comes by chance; and does not only frequently prove defective, but for the most part utterly incapable of performing any part of his duty; whereas in popular governments excellent men are generally chosen; and there are so many of them, that if one or more perish, others are ready to supply their places. And this discourse having (if I mistake not) in the whole series, shewn, that the advantages of popular governments, in relation to the increase of courage, number, and strength in a people, out of which armies are to be formed, and bringing them to such a temper as prepares them bravely to perform their duty, are as much above those of monarchies, as the prudence of choice surpasses the accidents of birth, it cannot be denied that in both respects the part which relates to war is much better perform'd in popular governments than in monarchies.

That which we are by reason led to believe, is confirmed to us by experience. We every where see the difference between the courage of men fighting for themselves and their posterity, and those that serve a master who by good success is often render'd insupportable. This is of such efficacy, that no king could ever boast to have overthrown any considerable commonwealth, unless it were divided within it self, or weakned by wars made with such as were also free; which was the case of the Grecian commonwealths when the Macedonians fell in upon them. Whereas the greatest kingdoms have been easily destroy'd by commonwealths: and these also have lost all strength, valour, and spirit after the change of their government. The power and virtue of the Italians grew up, decayed and perished with their liberty. When they were divided into many commonwealths,

monwealths, every one of them was able to fend out great armies, and to suffer many defeats before they were subdued; so that their cities were delivered up by the old men, women, and children, when all those who were able to bear arms had been slain: and when they were all brought under the Romans, either as associates or subjects, they made the greatest strength that ever was in the world.

Alexander of Épirus was in valour thought equal, and in power little inferior to Alexander of Macedon: but having the fortune to attack those who had been brought up in liberty, taught to hazard or suffer all things for it, and to think that God has given to men hands and swords only to defend it, he perished in his attempt; whilst the other encountring slavish nations, under the conduct of proud, cruel, and for the most part unwarlike tyrants, became master of Asia.

Pyrrhus seems to have been equal to either of them; but the victories he obtain'd by an admirable valour and conduct, cost him so dear, that he desir'd peace with those enemies who might be defeated, not subdued.

Hannibal wanting the prudence of Pyrrhus, lost the fruits of all his victories; and being torn out of Italy, where he had nested himself, fell under the sword of those whose fathers he had defeated or slain; and died a banish'd man from his ruin'd country.

The Gauls did once bring Rome, when it was small, to the brink of destruction; but they left their carcases to pay for the mischiefs they had done; and in succeeding times their invasions were mention'd as tumults rather than wars.

The Germans did perhaps surpass them in numbers and strength, and were equal to them in fortune

tune as long as Rome was free. They often enter'd Italy, but they continued not long there, unless under the weight of their chains. Whereas the same nations, and others like to them, assaulting that country, or other provinces under the emperors, found no other difficulty than what did arise upon contests among themselves who should be master of them. No manly virtue or discipline remain'd among the Italians: those who govern'd them, relied upon tricks and shifts; they who could not defend themselves, hired some of those nations to undertake their quarrels against others. These trinklings could not last: the Goths scorning to depend upon those who in valour and strength were much inferior to themselves, seized upon the city that had commanded the world, whilst Honorius was so busy in providing for his hens, that he could not think of defending it. Arcadius had the luck not to lose his principal city; but passing his time among fidlers, players, eunuchs, cooks, dancers, and buffoons, the provinces were securely plunder'd and ransack'd by nations, that are known only from their victories against him.

'Tis in vain to say that this proceeded from the fatal corruption of that age; for that corruption proceeded from the government, and the ensuing desolation was the effect of it. And as the like disorder in government has been ever since in Greece and the greatest part of Italy, those countries which for extent, riches, convenience of situation, and numbers of men, are equal to the best in the world, and for the wit, courage, and industry of the natives, perhaps justly preferable to any, have since that time been always exposed as a prey to the first invader. Charles the eighth of France is by Guicciardin, and other writers, represented as a prince

equally weak in body, mind, money, and forces ; but as an ill hare is said to make a good dog, he conquer'd the best part of Italy without breaking a lance. Ferdinand and Alphonso of Arragon, kings of Naples, had governed by trepanners, false witnesses, corrupt judges, mercenary soldiers, and other ministers of iniquity ; but these could afford no help against an invader ; and neither the oppressed nobility, nor people, concerning themselves in the quarrel, they who had been proud, fierce, and cruel against their poor subjects, never durst look an enemy in the face ; and the father dying with anguish and fear, the son shamefully fled from his ill governed kingdom.

The same things are no less evident in Spain. No people ever defended themselves with more obstinacy and valour than the Spaniards did against the Carthaginians and Romans, who surpassed them in wealth and skill. Livy calls them "*Gentem ad bella gerenda & reparanda natam,*" and who generally kill'd themselves when they were master'd and disarm'd, "*Nullam sine armis vitam esse rati.*" But tho' the mixture of Roman blood could not impair their race, and the conjunction of the Goths had improved their force ; yet no more was requir'd for the overthrow of them all, than the weakness and baseness of the two lewd tyrants Witza and Rodrigo, who disdained all laws, and resolved to govern according to their lust. They who for more than two hundred years had resisted the Romans, were entirely subdued by the vile, half-naked Moors, in one slight skirmish ; and do not to this day know what became of the king who brought the destruction upon them. That kingdom after many revolutions is with many others come to the house of Austria, and enjoys all the wealth of the Indies ; whereupon they



they are thought to have affected an universal monarchy. “*Sed ut sunt levia Aulicorum ingenia,*” this was grounded upon nothing except their own vanity : they had money and craft ; but wanting that solid virtue and strength which makes and preserves conquests, their kings have nothing but Milan that did not come to them by marriage : and tho’ they have not received any extraordinary disasters in war, yet they languish and consume through the defects of their own government, and are forced to beg assistance from their mortal and formerly despis’d enemies. These are the best hopes of defence that they have from abroad ; and the only enemy an invader ought to fear in their desolate territories is that want and famine which testifies the good order, strength and stability of our author’s divine monarchy ; the profound wisdom of their kings in subtilly finding out so sure a way of defending the country ; their paternal care in providing for the good of their subjects ; and that whatsoever is defective in the prince, is assuredly supplied by the sedulity of a good council.

We have already said enough to obviate the objections that may be drawn from the prosperity of the French monarchy. The beauty of it is false and painted. There is a rich and haughty king, who is bless’d with such neighbours as are not likely to disturb him, and has nothing to fear from his miserable subjects ; but the whole body of that state is full of boils, and wounds, and putrid sores : there is no real strength in it. The people is so unwilling to serve him, that he is said to have put to death above fourscore thousand of his own soldiers within the space of fifteen years, for flying from their colours ; and if he were vigorously attack’d, little help could be expected from a discontented nobility,

bility, or a starving and despairing people. If to diminish the force of these arguments and examples, it be said that in two or three thousand years all things are changed; the antient virtue of mankind is extinguished; and the love that every one had to his country is turned into a care of his private interests: I answer, that time changes nothing, and the changes produced in this time proceed only from the change of governments. The nations which have been governed arbitrarily, have always suffer'd the same plagues, and been infected with the same vices; which is as natural, as for animals ever to generate according to their kinds, and fruits to be of the same nature with the roots and seeds from which they come. The same order that made men valiant and industrious in the service of their country during the first ages, would have the same effect, if it were now in being: men would have the same love to the public as the Spartans and Romans had, if there was the same reason for it. We need no other proof of this than what we have seen in our own country, where in a few years good discipline, and a just encouragement given to those who did well, produced more examples of pure, compleat, incorruptible, and invincible virtue than Rome or Greece could ever boast; or if more be wanting, they may easily be found among the Switzers, Hollanders, and others: but 'tis not necessary to light a candle to the sun.

## S E C T. XXIV.

*Popular governments are less subject to civil disorders than monarchies; manage them more ably, and more easily recover out of them.*

**T**IS in vain to seek a government in all points free from a possibility of civil wars, tumults, and seditions: that is a blessing denied to this life, and reserved to compleat the felicity of the next. But if these are to be accounted the greatest evils that can fall upon a people, the rectitude or defects of governments will best appear if we examine which species is more or less exposed to, or exempted from them.

This may be done two ways.

1. By searching into the causes from whence they may, or usually do arise.
2. Which kind has actually been most frequently and dangerously disturbed by them.

To the first: seditions, tumults, and wars do arise from mistake, or from malice; from just occasions, or unjust: from mistake, when a people thinks an evil to be done or intended, which is not done nor intended, or takes that to be evil which is done, tho' in truth it be not so. Well regulated cities may fall into these errors. The Romans being jealous of their newly recover'd liberty, thought that Valerius Publicola designed to make himself king, when he built a house in a place that seemed too strong and eminent for a private man. The Spartans were not less suspicious of Lycurgus; and a lewd young fellow in a sedition put out one of his eyes: but no people ever continued in a more constant affection to their best deserving citizens, than both the Romans and Spartans afterwards

manifested to those virtuous and wrongfully suspected men.

Sometimes the fact is true, but otherwise understood than was intended. When the Tarquins were expelled from Rome, the patricians retained to themselves the principal magistracies; but never thought of bringing back kings, or of setting up a corrupt oligarchy among themselves, as the plebeians imagin'd; and this mistake being discover'd, the fury they had conceived, vanished; and they who seemed to intend nothing less than the extirpation of all the patrician families, grew quiet. Menenius Agrippa appeased one of the most violent seditions that ever happened amongst them (till civil interests were pursued by armed troops) with a fable of the several parts of the body that murmur'd against the belly: and the most dangerous of all was composed by creating tribunes to protect them. Some of the patrician young men had favour'd the Decemviri, and others being unwilling to appear against them, the people believed they had all conspired with those new tyrants: but Valerius and Horatius putting themselves at the head of those who sought their destruction, they perceived their error, and looked upon the patricians as the best defenders of their liberties: "Et inde, says Livy, "auram libertatis captare, unde servitutem timu-  
"issent." Democratical governments are most liable to these mistakes: in aristocracies they are seldom seen, and we hear of none in Sparta after the establishment of the laws by Lycurgus; but absolute monarchies seem to be totally exempted from them. The mischiefs design'd are often dissembled or denied, till they are past all possibility of being cured by any other way than force; and such as are by necessity driven to use that remedy, know they must



must perfect their work or perish. He that draws his sword against the prince, say the French, ought to throw away the scabbard; for tho' the design be never so just, yet the authors are sure to be ruin'd if it miscarry. Peace is seldom made, and never kept, unless the subject retain such a power in his hands, as may oblige the prince to stand to what is agreed; and in time some trick is found to deprive them of that benefit.

Seditions proceeding from malice, are seldom or never seen in popular governments; for they are hurtful to the people, and none have ever willingly and knowingly hurt themselves. There may be, and often is malice in those who excite them; but the people is ever deceiv'd, and whatsoever is thereupon done, ought to be imputed to error, as I said before. If this be discovered in time, it usually turns to the destruction of the contriver; as in the cases of Manlius Capitolinus, Spurius Melius, and Sp. Cassius: if not, for the most part it produces a tyranny, as in those of Agathocles, Dionysius, Pisistratus, and Cæsar. But in absolute monarchies, almost all the troubles that arise, proceed from malice; they cannot be reformed, the extinction of them is exceeding difficult, if they have continued long enough to corrupt the people; and those who appear against them, seek only to set up themselves, or their friends. Thus we see that in the civil wars of the East, the question was, whether Artaxerxes or Cyrus, Phraates or Bardanes, should reign over the Persians and Parthians: the people suffer'd equally from both whilst the contests lasted; and the decision left them under the power of a proud and cruel master. The like is seen in all places. After the death of Brutus and Cassius, no war was ever undertaken in the Roman empire upon a better ac-

count than one man's private concerns: the provinces suffer'd under all; and he, whom they had assisted to overthrow one wicked tyrant, very often proved worse than his predecessor. And the only ground of all the dissensions with which France was vexed under the princes of Meroveus and Pepin's races, were, which of them should reign, the people remaining miserable under them all.

The case is not much different in mixed monarchies: some wars may be undertaken upon a just and public account, but the pretences are commonly false: a lasting reformation is hardly introduced, an intire change often disliked. And tho' such kingdoms are frequently and terribly distracted, as appears by the beforemention'd examples of England, Spain, &c. the quarrels are for the most part begun upon personal titles, as between Henry the first and Robert; Stephen and Maud; or the houses of Lancaster and York: and the people who get nothing by the victory which way soever it fall, and might therefore prudently leave the competitors to decide their own quarrels, like Theorestes and Polinices, with their own swords, become cruelly engaged in them.

It may seem strange to some that I mention seditions, tumults, and wars, upon just occasions; but I can find no reason to retract the term. God intending that men should live justly with one another, does certainly intend that he or they who do no wrong, should suffer none; and the law that forbids injuries, were of no use, if no penalty might be inflicted on those that will not obey it. If injustice therefore be evil, and injuries be forbidden, they are also to be punished; and the law instituted for their prevention, must necessarily intend the avenging of such as cannot be prevented. The  
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work of the magistracy is to execute this law ; the sword of justice is put into their hands to restrain the fury of those within the society who will not be a law to themselves ; and the sword of war to protect the people against the violence of foreigners. This is without exception, and would be in vain if it were not. But the magistrate who is to protect the people from injury, may, and is often known not to have done it : he sometimes renders his office useless by neglecting to do justice ; sometimes mischievous by overthrowing it. This strikes at the root of God's general ordinance, that there should be laws ; and the particular ordinances of all societies that appoint such as seem best to them. The magistrate therefore is comprehended under both, and subject to both, as well as private men.

The ways of preventing or punishing injuries, are judicial or extrajudicial. Judicial proceedings are of force against those who submit or may be brought to trial, but are of no effect against those who resist, and are of such power that they cannot be constrained. It were absurd to cite a man to appear before a tribunal who can awe the judges, or has armies to defend him ; and impious to think that he who has added treachery to his other crimes, and usurped a power above the law, should be protected by the enormity of his wickedness. Legal proceedings therefore are to be used when the delinquent submits to the law ; and all are just, when he will not be kept in order by the legal.

The word sedition is generally applied to all numerous assemblies, without or against the authority of the magistrate, or of those who assume that power. Athaliah and Jezabel were more ready to cry out treason than David ; and examples of that sort are so frequent, that I need not alledge them.

Tumult



Tumult is from the disorderly manner of those assemblies, where things can seldom be done regularly; and war is that "*Decertatio per vim*," or trial by force, to which men come when other ways are ineffectual.

If the laws of God and men are therefore of no effect, when the magistracy is left at liberty to break them; and if the lusts of those who are too strong for the tribunals of justice, cannot be otherwise restrained than by sedition, tumults and war, those seditions, tumults, and wars, are justified by the laws of God and man.

I will not take upon me to enumerate all the cases in which this may be done, but content myself with three, which have most frequently given occasion for proceedings of this kind.

The first is, when one or more men take upon them the power and name of a magistracy, to which they are not justly called.

The second, when one or more being justly called, continue in their magistracy longer than the laws by which they are called do prescribe.

And the third, when he or they who are rightly called, do assume a power, tho' within the time prescribed, that the law does not give; or turn that which the law does give, to an end different and contrary to that which is intended by it.

For the first; Filmer forbids us to examine titles: he tells us, we must submit to the power, whether acquired by usurpation or otherwise, not observing the mischievous absurdity of rewarding the most detestable villanies with the highest honours, and rendering the veneration due to the supreme magistrate as father of the people, to one who has no other advantage above his brethren, than what he has gained by injuriously dispossessing or murdering him that  
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was so. Hobbs fearing the advantages that may be taken from such desperate nonsense, or not thinking it necessary to his end to carry the matter so far, has no regard at all to him who comes in without title or consent; and denying him to be either king or tyrant, gives him no other name than *Hostis & Latro*, and allows all things to be lawful against him, that may be done to a public enemy or pirate: which is as much as to say, any man may destroy him how he can. Whatever he may be guilty of in other respects, he does in this follow the voice of mankind, and the dictates of common sense: for no man can make himself a magistrate for himself; and no man can have the right of a magistrate, who is not a magistrate\*. If he be justly accounted an enemy to all, who injures all; he above all must be the public enemy of a nation, who by usurping a power over them, does the greatest and most public injury that a people can suffer: for which reason, by an established law among the most virtuous nations, every man might kill a tyrant; and no names are recorded in history with more honour, than of those who did it.

These are by our authors called “*Tyranni sine titulo*,” and that name is given to all those who obtain the supreme power by illegal and unjust means. The laws which they overthrow can give them no protection; and every man is a soldier against him who is a public enemy.

The same rule holds tho’ they are more in number, as the Magi who usurped the dominion of Persia after the death of Cambyfes; the thirty tyrants at Athens overthrown by Thrasibulus; those of Thebes slain by Pelopidas; the Decemviri of Rome, and others; for tho’ the multitude of offenders may

\* De Civ. l. 2,

sometimes procure impunity, yet that act which is wicked in one, must be so in ten or twenty; and whatsoever is lawful against one usurper, is so against them all.

2. If those who were rightly created, continue beyond the time limited by the law, 'tis the same thing. That which is expir'd, is as it had never been. He that was created consul for a year, or dictator for six months, was after that a private man; and if he had continued in the exercise of his magistracy, had been subject to the same punishment as if he had usurped it at the first. This was known to Epaminondas, who finding that his enterprize against Sparta could not be accomplished within the time for which he was made Bæotarches, rather chose to trust his countrymen with his life than to desist, and was saved meerly through an admiration of his virtue, assurance of his good intentions, and the glory of the action.

The Roman Decemviri, tho' duly elected, were proceeded against as private men usurping the magistracy, when they continued beyond their time. Other magistracies had ceased; there was none that could regularly call the senate or people to an assembly: but when their ambition was manifest, and the people exasperated by the death of Virginia, they laid aside all ceremonies. The senate and people met, and exercising their authority in the same manner as if they had been regularly called by the magistrate appointed to that end, they abrogated the power of the Decemviri, proceeded against them as enemies and tyrants, and by that means preserved themselves from utter ruin.

3. The same course is justly used against a legal magistrate, who takes upon him (tho' within the time prescribed by the law) to exercise a power which  
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the law does not give : for in that respect he is a private man, “ *Quia*, as Grotius says, *eatenus non habet imperium* ;” and may be restrain’d as well as any other, because he is not set up to do what he lists, but what the law appoints for the good of the people ; and as he has no other power than what the law allows, so the same law limits and directs the exercise of that which he has. This right naturally belonging to nations, is no way impair’d by the name of supreme given to their magistrates ; for it signifies no more, than that they do act sovereignly in the matters committed to their charge. Thus are the parliaments of France called *Cours Soveraines* ; for they judge of life and death, determine controversies concerning estates ; and there is no appeal from their decrees : but no man ever thought, that it was therefore lawful for them to do what they pleased ; or that they might not be opposed, if they should attempt to do that which they ought not. And tho’ the Roman dictators and consuls were supreme magistrates, they were subject to the people, and might be punished as well as others if they transgressed the law. Thuanus carries the word so far, that when Barlotta, Giustiniano, and others who were but colonels, were sent as commanders in chief of three or four thousand men upon an enterprize, he always says, “ *Summum Imperium ei delatum*.” Grotius explains this point, by distinguishing those who have the “ *summum Imperium summo modo*,” from those who have it “ *modo non summo*.” I know not where to find an example of this sovereign power, enjoy’d without restriction, under a better title than Occupation ; which relates not to our purpose, who seek only that which is legal and just. Therefore laying aside that point for the present, we may follow Grotius in examining the right of those who are  
certainly



certainly limited : “ *Ubi partem Imperii habet rex, partem senatus five populus;*” in which case he says, “ *Regi in partem non suam involanti, vis justa opponi potest\**,” in as much as they who have a part, cannot but have a right of defending that part. “ *Quia data facultate, datur jus facultatem tuendi,*” without which it could be of no effect.

The particular limits of the rights belonging to each, can only be judged by the precise letter, or general intention of the law. The dukes of Venice have certainly a part in the government, and could not be called magistrates if they had not. They are said to be supreme; all laws and public acts bear their names. The ambassador of that state speaking to pope Paul the fifth†, denied that he acknowledged any other superior than God. But they are so well known to be under the power of the law, that divers of them have been put to death for transgressing it; and a marble gallows is seen at the foot of the stairs in St. Mark's palace, upon which some of them, and no others, have been executed. But if they may be duly opposed, when they commit undue acts, no man of judgment will deny, that if one of them by an outrageous violence should endeavour to overthrow the law, he might by violence be suppressed and chastised.

Again, some magistrates are entrusted with a power of providing ships, arms, ammunition, and victuals for war; raising and disciplining soldiers, appointing officers to command in forts and garisons, and making leagues with foreign princes and states. But if one of these should embezel, sell, or give to an enemy those ships, arms, ammunition or provisions; betray the forts; employ only or principally, such men as will serve him in those wicked actions; and, con-

\* Grot. de jur. bel. & pac. l. 2.

† Thuan. l. 137.



trary to the trust reposed in him, make such leagues with foreigners, as tend to the advancement of his personal interests, and to the detriment of the public, he abrogates his own magistracy; and the right he had, perishes (as the lawyers say) *frustratione finis*. He cannot be protected by the law which he has overthrown, nor obtain impunity for his crimes from the authority that was conferred upon him, only that he might do good with it. He was *singulis* major on account of the excellence of his office; but *universis* minor, from the nature and end of his institution. The surest way of extinguishing his prerogative, was by turning it to the hurt of those who gave it. When matters are brought to this posture, the author of the mischief, or the nation must perish. A flock cannot subsist under a shepherd that seeks its ruin, nor a people under an unfaithful magistrate. Honour and riches are justly heaped upon the heads of those who rightly perform their duty, because the difficulty as well as the excellency of the work is great. It requires courage, experience, industry, fidelity and wisdom. The good shepherd, says our Saviour, lays down his life for his sheep: the hireling who flies in time of danger, is represented under an ill character; but he that sets himself to destroy his flock is a wolf. His authority is incompatible with their subsistence; and whoever disapproves tumults, seditions or war, by which he may be removed from it, if gentler means are ineffectual, subverts the foundation of all law, exalts the fury of one man to the destruction of a nation; and giving an irresistible power to the most abominable iniquity, exposes all that are good to be destroy'd, and virtue to be utterly extinguished.

Few will allow such a preeminence to the Dukes of Venice or Genoa, the Advoyers of Switzerland, or the Burgomasters of Amsterdam. Many will say these are rascals if they prove false, and ought rather to be hang'd, than suffer'd to accomplish the villanies they design. But if this be confess'd in relation to the highest magistrates that are among those nations, why should not the same be in all others, by what name soever they are called? When did God confer upon those nations the extraordinary privilege of providing better for their own safety than others? Or was the gift universal, tho' the benefit accrue only to those who have banished great titles from among them? If this be so, 'tis not their felicity, but their wisdom that we ought to admire and imitate. But why should any think their ancestors had not the same care? Have not they, who retain'd in themselves a power over a magistrate of one name, the like over another? Is there a charm in words, or any name of such efficacy, that he who receives it should immediately become master of those that created him, whereas all others do remain for ever subject to them? Would the Venetian government change its nature, if they should give the name of king to their prince? Are the Polanders less free since the title of king is conferr'd upon their dukes? or are the Muscovites less slaves, because their chief magistrate has no other than that of duke? If we examine things but a little, 'twill appear that magistrates have enjoy'd large powers, who never had the name of kings; and none were ever more restrained by laws than those of Sparta, Arragon, the Goths in Spain, Hungary, Bohemia, Sweden, Denmark, Poland, and others, who had that title. There is therefore no such thing as a right universally belonging to a name; but every  
one

one enjoys that which the laws, by which he is, confer upon him. The law that gives the power, regulates it; and they who give no more than what they please, cannot be obliged to suffer him to whom they give it, to take more than they thought fit to give, or to go unpunished if he do. The agreements made are always confirmed by oath, and the treachery of violating them is consequently aggravated by perjury. They are good philosophers and able divines, who think this can create a right to those who had none; or that the laws can be a protection to such as overthrow them, and give opportunity of doing the mischiefs they design. If it do not, then he that was a magistrate, by such actions returns into the condition of a private man; and whatever is lawful against a thief who submits to no law, is lawful against him.

Men who delight in cavils may ask, Who shall be the judge of these occasions? And whether I intend to give the people the decision of their own cause? To which I answer, that when the contest is between the magistrate and the people, the party to which the determination is referred, must be the judge of his own case; and the question is only, whether the magistrate should depend upon the judgment of the people, or the people on that of the magistrate; and which is most to be suspected of injustice: that is, whether the people of Rome should judge Tarquin, or Tarquin judge the people. He that knew all good men abhorred him for the murder of his wife, brother, father-in-law, and the best of the senate, would certainly strike off the heads of the most eminent remaining poppies; and having incurr'd the general hatred of the people by the wickedness of his government, he feared revenge; and endeavouring to destroy those he feared (that is

the city) he might easily have accomplish'd his work, if the judgment had been referred to him. If the people judge Tarquin, 'tis hard to imagine how they should be brought to give an unjust sentence: they loved their former kings, and hated him only for his villanies: they did not fancy, but know his cruelty. When the best were slain, no man that any way resembled them could think himself secure. Brutus did not pretend to be a fool, till by the murder of his brother he found how dangerous a thing it was to be thought wise. If the people, as our author says, be always lewd, foolish, mad, wicked, and desirous to put the power into the hands of such as are most like to themselves, he and his sons were such men as they sought, and he was sure to find favourable judges: if virtuous and good, no injustice was to be feared from them, and he could have no other reason to decline their judgment, than what was suggested by his own wickedness. Caligula, Nero, Domitian, and the like, had probably the same considerations: but no man of common sense ever thought that the senate and people of Rome did not better deserve to judge, whether such monsters should reign over the best part of mankind to their destruction, than they to determine whether their crimes should be punished or not.

If I mention some of these known cases, every man's experience will suggest others of the like nature; and whosoever condemns all seditions, tumults and wars raised against such princes, must say, that none are wicked, or seek the ruin of their people, which is absurd; for Caligula wish'd the people had but one neck, that he might cut it off at a blow: Nero set the city on fire; and we have known such as have been worse than either of them: they



they must either be suffer'd to continue in the free exercise of their rage, that is, to do all the mischief they design; or must be restrain'd by a legal, judicial, or extrajudicial way; and they who disallow the extrajudicial, do as little like the judicial. They will not hear of bringing a supreme magistrate before a tribunal, when it may be done. "They will, says our author, depose their kings." Why should they not be deposed, if they become enemies to their people, and set up an interest in their own persons inconsistent with the public good, for the promoting of which they were erected? If they were created by the public consent, for the public good, shall they not be removed when they prove to be of public damage? If they set up themselves, may they not be thrown down? Shall it be lawful for them to usurp a power over the liberty of others, and shall it not be lawful for an injur'd people to resume their own? If injustice exalt itself, must it be for ever established? Shall great persons be rendred sacred by rapine, perjury and murder? Shall the crimes for which private men do justly suffer the most grievous punishments, exempt them from all, who commit them in the highest excess, with most power, and most to the prejudice of mankind? Shall the laws that solely aim at the prevention of crimes be made to patronize them, and become snares to the innocent whom they ought to protect? Has every man given up into the common store his right of avenging the injuries he may receive, that the public power which ought to protect or avenge him, should be turned to the destruction of himself, his posterity, and the society into which they enter, without any possibility of redress? Shall the ordinance of God be rendred of no effect; or the powers he hath appointed to be set up for

the distribution of justice, be made subservient to the lusts of one or a few men, and by impunity encourage them to commit all manner of crimes? Is the corruption of man's nature so little known, that such as have common sense should expect justice from those, who fear no punishment if they do injustice; or that the modesty, integrity, and innocence, which is seldom found in one man, tho' never so cautiously chosen, should be constantly found in all those who by any means attain to greatness, and continue for ever in their successors; or that there can be any security under their government, if they have them not? Surely if this were the condition of men living under government, forests would be more safe than cities; and 'twere better for every man to stand in his own defence, than to enter into societies. He that lives alone might encounter such as should assault him upon equal terms, and stand or fall according to the measure of his courage and strength; but no valour can defend him, if the malice of his enemy be upheld by a public power. There must therefore be a right of proceeding judicially or extrajudicially against all persons who transgress the laws; or else those laws, and the societies that should subsist by them, cannot stand; and the ends for which governments are constituted, together with the governments themselves, must be overthrown. Extrajudicial proceedings by sedition, tumult, or war, must take place, when the persons concern'd are of such power, that they cannot be brought under the judicial. They who deny this, deny all help against an usurping tyrant, or the perfidiousness of a lawfully created magistrate, who adds the crimes of ingratitude and treachery to usurpation. These of all men are the most dangerous enemies to supreme magistrates:

magistrates: for as no man desires indemnity for such crimes as are never committed, he that would exempt all from punishment, supposes they will be guilty of the worst; and by concluding that the people will depose them if they have the power, acknowledge that they pursue an interest annexed to their persons, contrary to that of their people, which they would not bear if they could deliver themselves from it. This shewing all those governments to be tyrannical, lays such a burden upon those who administer them, as must necessarily weigh them down to destruction.

If it be said that the word Sedition implies that which is evil; I answer, that it ought not then to be applied to those who seek nothing but that which is just; and tho' the ways of delivering an oppressed people from the violence of a wicked magistrate, who having armed a crew of lewd villains, and fattened them with the blood and confiscations of such as were most ready to oppose him, be extraordinary, the inward righteousness of the act doth fully justify the authors. He that has virtue and power to save a people, can never want a right of doing it. Valerius Asiaticus had no hand in the death of Caligula; but when the furious guards began tumultuously to enquire who had kill'd him, he appeased them with wishing he had been the man\*. No wise man ever asked by what authority Thrasibulus, Harmodius, Aristogiton, Pelopidas, Epaminondas, Dion, Timoleon, Lucius Brutus, Publicola, Horatius, Valerius, Marcus Brutus, C. Cassius, and the like, delivered their countries from tyrants. Their actions carried in themselves their own justification, and their virtues will never be forgotten whilst the

\* Utinam fecissem. *Tacit.*

names of Greece and Rome are remembred in the world.

If this be not enough to declare the justice inherent in, and the glory that ought to accompany these works, the examples of Moses, Aaron, Othniel, Ehud, Barac, Gideon, Samuel, Jephtha, David, Jehu, Jehoiada, the Maccabees, and other holy men raised up by God for the deliverance of his people from their oppressors, decide the question. They are perpetually renowned for having led the people by extraordinary ways (which such as our author expresses under the names of sedition, tumult, and war) to recover their liberties, and avenge the injuries received from foreign or domestic tyrants. The work of the apostles was not in their time to set up or pull down any civil state; but they so behaved themselves in relation to all the powers of the earth, that they gained the name of pestilent, seditious fellows, disturbers of the people; and left it as an inheritance to those, who in succeeding ages by following their steps should deserve to be called their successors; whereby they were exposed to the hatred of corrupt magistrates, and brought under the necessity of perishing by them, or defending themselves against them: and he that denies them that right, does at once condemn the most glorious actions of the wisest, best, and holiest men that have been in the world, together with the laws of God and man, upon which they were founded.

Nevertheless, there is a sort of sedition, tumult, and war proceeding from malice, which is always detestable, aiming only at the satisfaction of private lust, without regard to the public good. This cannot happen in a popular government, unless it be amongst the rabble; or when the body of the people is so  
corrupted,



corrupted, that it cannot stand ; but is most frequent in, and natural to absolute monarchies. When Abimelech desir'd to make himself king \*, he rais'd a tumult among the basest of the people : he hired light and vain persons, some translations called them lewd vagabonds, kill'd his brethren, but perished in his design, the corrupt party that favour'd him not having strength enough to subdue the other, who were more sincere. Sp. Melius, Sp. Cassius, and Manlius attempted the like in Rome : they acted maliciously, their pretences to procure the public good were false. 'Tis probable that some in the city were as bad as they, and knew that mischief was intended ; but the body of the people not being corrupted, they were suppress'd. It appear'd, says Livy, “ *Nihil esse minus populare quam regnum :*” they who had favour'd Manlius, condemn'd him to death when it was proved, that “ *egregias alioqui virtutes foeda regni cupidine maculasset.*” But when the people is generally corrupted, such designs seldom miscarry, and the success is always the erection of a tyranny. Nothing else can please vain and profligate persons, and no tyranny was ever set up by such as were better qualified. The ways of attaining it have always been by corrupting the manners of the people, bribing soldiers, entertaining mercenary strangers, opening prisons, giving liberty to slaves, alluring indigent persons with hopes of abolishing debts, coming to a new division of lands, and the like. Seditions rais'd by such men always tend to the ruin of popular governments ; but when they happen under absolute monarchies, the hurt intended is only to the person, who being removed, the promoters of them set up another ; and he that is set up, subsisting only by the strength of those who

\* Jud. ix.

made him, is obliged to foment the vices that drew them to serve him ; tho' another may perhaps make use of the same against him.

The consequence of this is, that those who uphold popular governments, look upon vice and indigence as mischiefs that naturally increase each other, and equally tend to the ruin of the state. When men are by vice brought into want, they are ready for mischief: there is no villany that men of profligate lives, lost reputation, and desperate fortunes will not undertake. Popular equality is an enemy to these ; and they who would preserve it must preserve integrity of manners, sobriety, and an honest contentedness with what the law allows. On the other side, the absolute monarch who will have no other law than his own will, desires to increase the number of those who through lewdness and beggary may incline to depend upon him ; tho' the same temper of mind, and condition of fortune prepare them also for such seditions as may bring him into danger ; and the same corruption which led them to set him up, may invite them to sell him to another that will give them better wages.

I do not by this conclude that all monarchs are vicious men ; but that whoever will set up an absolute power, must do it by these means ; and that if such a power be already established, and should fall into the hands of a person, who by his virtue and the gentleness of his nature should endeavour to render the yoke so easy, that a better disciplin'd people might be contented to bear it ; yet this method could last no longer than his life, and probably would be a means to shorten it ; that which was at first established by evil arts always returning to the same : that which was vicious in the principle, can never be long upheld by virtue ; and we see that the worst  
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of the Roman emperors were not in greater danger from such good men as remained undestroy'd, than the best from the corrupt party that would not be corrected, and sought such a master as would lay no restriction upon their vices. Those few who escaped the rage of these villains, only gave a little breathing time to the afflicted world, which by their children or successors was again plunged into that extremity of misery, from which they intended to deliver it. An extraordinary virtue was required to keep a prince in a way contrary to the principles of his own government; which being rarely found, and never continuing long in a family or succession of men, the endeavours of the best became ineffectual, and either they themselves perished in them, or after their death all things returned into the old polluted channel.

Tho' the power of the Hebrew kings was not unlimited, yet it exceeded the rules set by God, and was sufficient to increase the number of the worst of men, and to give them opportunities of raising perpetual disturbances. On the king's side there were flatterers and instruments of mischief: on the other side there were indebted and discontented persons. Notwithstanding the justice of David's cause, the wisdom, valour, and piety of his person, none would follow him, except a few of his own kindred (who knew what God had promised to him) and such as were uneasy in their worldly circumstances. After the death of Saul there was a long and bloody war between Ishbosheth and David. The former being killed, the slightest matters were sufficient to put the whole nation into blood. Absalom with a few fair words was able to raise all Israel against his father: Sheba the son of Bichri with as much ease raised a more dangerous tumult: David by wisdom, valour,  
and

and the blessing of God surmounted these difficulties, and prepared a peaceable reign for Solomon; but after his death they broke out into a flame that was never quenched till the nation was so dispersed that no man knew where to find his enemies. Solomon by his magnificence had reduced Israel to such poverty, as inclin'd them to revolt upon the first offer of an opportunity by Jeroboam. From that time forward Israel was perpetually vexed with civil seditions and conspiracies, or wars with their brethren of Judah. Nine kings with their families were destroyed by the first, and the latter brought such slaughters upon the miserable people as were never suffer'd by any who were not agitated by the like fury; and the course of these mischiefs was never interrupted, till they had brought the nation into captivity, and the country to desolation. Tho' God according to his promise did preserve a light in the house of David, yet the tribe of Judah was not the more happy. Joash was slain by a private conspiracy, and Amaziah (as is most probable) by public authority, for having foolishly brought a terrible slaughter upon Judah. Athaliah destroyed the king's race, and was killed her self by Jehoiada, who not having learnt from our author to regard the power only, and not the ways by which it was obtained, caused her to be dragg'd out of the temple, and put to a well-deserved death. The whole story is a tragedy: and if it be pretended that this proceeded rather from the wrath of God against his people for their idolatry, than from such causes as are applicable to other nations; I answer, that this idolatry was the production of the government they had set up, and most suitable to it; and choosing rather to subject themselves to the will of a man, than to the law of  
God,



God, they deservedly suffer'd the evils that naturally follow the worst counsels. We know of none who, taking the like course, have not suffer'd the like miseries. Notwithstanding the admirable virtue and success of Alexander, his reign was full of conspiracies, and his knowledge of them prompted him to destroy Parmenio, Philotas, Clitus, Calisthenes, Hermolaus, and many more of his best friends. If he escaped the sword, he fell by poison. The murder of his wives, mother and children, by the rage of his own soldiers; the fury of his captains employed in mutual slaughters, till they were consumed; his paternal kingdom after many revolutions transferred to Cassander his most mortal enemy; the utter extinction of his conquering army, and particularly the famous Argyraspides, who being grown faithless and seditious, after the death of Eumenes, were sent to perish in unknown parts of the East, abundantly testify the admirable stability, good order, peace, and quiet that is enjoy'd under absolute monarchy. The next government of the like nature that appeared upon the stage of the world was that of Rome, introduced by wars that consumed two thirds of the people; confirmed by proscriptions, in which all that were eminent for nobility, riches, or virtue, perished. The peace they had under Augustus was like that which the devil allow'd to the child in the gospel, whom he rent sorely, and left as dead\*. The miserable city was only cast into a swoon: after long and violent vexations by seditions, tumults and wars, it lay as dead; and finding no helper like to him who cured the child, it was delivered to new devils to be tormented, till it was utterly destroy'd. Tiberius was appointed as

\* Mar. xix. 21.

a fit instrument for such a purpose. It was thought that those who should feel the effects of his pride, cruelty, and lust, would look upon the death of Augustus as a loss. He performed the work for which he was chosen; his reign was an uninterrupted series of murders, subornations, perjuries, and poisonings, intermixed with the most detestable impurities, the revolts of provinces, and mutinies of armies. The matter was not mended by his successors: Caligula was kill'd by his own guards: Claudius poison'd by his wife: Spain, Gaul, Germany, Pannonia, Mæsia, Syria, and Ægypt, revolted at once from Nero; the people and senate followed the example of the provinces. This I think was, in our author's sense, sedition with a witness. Nero being dead by the hand of a slave, or his own to prevent that of the hangman, Galba enter'd the city with blood and slaughter; but when his own soldiers found he would not give the money for which they intended to sell the empire, they killed him: and to shew the stability of absolute monarchy, it may be observed, that this was not done by the advice of the senate, or by a conspiracy of great men; "Suscepere  
 " duo manipulares populi Romani imperium trans-  
 " ferendum, & transtulerunt\*." Two rascals gave the empire to Otho, and the whole senate was like to be butcher'd for not being so ready to follow their venerable authority as they ought to have been, and hardly escaped the fury of their mad and drunken companions. As a farther testimony that these monarchies are not subject to seditions and tumults, he had at once only two competitors against whom he was to defend the well-acquired empire: his army was defeated at Brescia, he kill'd himself; and his successor Vitellius was soon after thrown into the

\* C. Tacit. Hist. l. 1.

common shore. The same method still continued : Rome was fill'd with blood and ashes ; and to recite all the public mischiefs would be to transcribe the history : for as Pyrrhus being asked who should succeed him, answered, He who has the sharpest sword ; that was the only law that governed in the following ages. Whoever could corrupt two or three legions, thought he had a good title to the empire ; and unless he happen'd to be kill'd by treachery, or another tumult of his own soldiers, he seldom receded from it without a battle, wherein he that was most successful, had no other security than what the present temper of the soldiers afforded him ; and the miserable provinces having neither virtue nor force, were obliged slavishly to follow the fury or fortune of those villains. In this state did Rome dedicate to Constantine the triumphal arch that had been prepared for Maxentius ; and those provinces which had set up Albinus and Niger submitted to Septimius Severus. In the vast variety of accidents that in those ages disturbed the world, no emperor had a better title than what he purchased by money or violence ; and enjoyed it no longer than those helps continued, which of all things were the most uncertain. By this means most of the princes perished by the sword, Italy was made desolate, and Rome was several times sackt and burnt. The mistress of the world being made a slave, the provinces which had been acquired by the blood of her antient virtuous citizens, became part of an usurper's patrimony, who without any regard to the public good, distributed them to his children according to their number, or his passion. These either destroy'd one another, or fell under the sword of a third who had the fortune of their father, the greatest part most commonly falling to the share of the worst. If at  
any

any time the contrary happened, the government of the best was but a 'lucid interval. Well-wishing men grew more extremely to abhor the darkness that follow'd when they were gone. The best of them could do no more than suspend mischief for a while, but could not correct the corrupt principle of their government; and some of them were destroyed as soon as they were thought to intend it: and others who finished their days in peace, left the empire to such persons of their relations as were most unlike to them. Domitian came in as brother to Titus. Commodus and Heliogabalus were recommended by the memory of those virtues that had been found in Antoninus and Aurelius. Honorius and Arcadius, who by their baseness brought utter ruin upon the western and eastern empires, were the sons of the brave Theodosius. They who could keep their hands free from blood, and their hearts from malice, covetousness, and pride, could not transmit their virtues to their successors, nor correct the perverseness that lay at the root and foundation of their government. The whole mass of blood was vitiated: the body was but one vast sore, which no hand but that of the Almighty could heal; and he who from an abhorrence of iniquity had declared he would not hear the cries of his own people, when they had chosen the thing that was not good, would not shew mercy to strangers who had done the same thing.

I have insisted upon the Hebrew, Macedonian and Roman histories, because they are the most eminent and best known to us: we are in the dark concerning the Babylonian, Assyrian, Chaldean, Bactrian, and Egyptian monarchies: we know little more of them than the scripture occasionally relates concerning their barbarous cruelty, bestial pride, and extravagant



vagant folly. Others have been like to them, and I know not where to find a peaceable monarchy unless it be in Peru, where the Ynca Garcilasso de la Vega says, that a man and a woman, children of the sun and moon, appearing amongst a barbarous people living without any religion or law, established a government amongst them, which continued in much peace and justice for twelve generations: but this seeming to be as fabulous as their birth, we may pass it over, and fix upon those that are better known; of which there is not one that has not suffered more dangerous and mischievous seditions, than all the popular governments that have been in the world: and the condition of those kingdoms which are not absolute, and yet give a preference to birth, without consideration of merit or virtue, is not much better.

This is proved by the reasons of those seditions and tumults, as well as from the fact itself.

The reasons do arise from the violence of the passions that incite men to them, and the intricacy of the questions concerning succession.

Every man has passions; few know how to moderate, and no one can wholly extinguish them. As they are various in their nature, so they are governed by various objects; and men usually follow that which is predominant in them, whether it proceed from anger or desire, and whether it terminate in ambition, covetousness, lust, or any other more or less blameable appetite. Every manner of life furnishes something, that in some measure may foment these; but a crown comprehends all that can be grateful to the most violent and vicious. He who is covetous, has vast revenues, besides what he may get by fraud and rapine, to satisfy his appetite. If he be  
given

given to sensuality, the variety of pleasures, and the facility of accomplishing whatever he desires, tends farther to inflame that passion. Such as are ambitious, are incited by the greatness of their power to attempt great matters; and the most sottish or lazy may discharge themselves of cares, and hope that others will be easily hired to take the burden of business upon them whilst they lie at ease. They who naturally incline to pride and cruelty, are more violently tempted to usurp dominion; and the wicked advices of flatterers, always concurring with their passions, incite them to exercise the power they have gotten with the utmost rigour, to satiate their own rage, and to secure themselves against the effects of the public hatred, which they know they have deserved. If there be, as our author says, no other rule than force and success, and that he must be taken for the father of a people who is in possession of a power over them; whoever has the one, may put the other to a trial. Nay, even those who have regard to justice, will seldom want reasons to persuade them that it is on their side. Something may be amiss in the state; injuries may be done to themselves and their friends. Such honours may be denied as they think they deserve; or others of less merit, as they suppose, may be preferred before them. Men do so rarely make a right estimate of their own merits, that those who mean well may be often deceived: and if nothing but success be requir'd to make a monarch, they may think it just to attempt whatever they can hope to accomplish. This was the case of Julius Cæsar; he thought all things lawful, when the consulate, which he supposed he had deserved, was denied.

“ Viribus utendum est quas fecimus : arma tenenti  
 “ Omnia dat qui iusta negat.”

LUCAN.

These enterprizes seem to belong to men of great spirits ; but there are none so base not to be capable of undertaking, and (as things may stand) of bringing them to perfection. History represents no man under a more contemptible character of sottish laziness, cowardice, and drunkenness, than Vitellius ; no one more impure and sordid than Galba : Otho was advanced for being in his manners like to Nero : Vespasian was scorned for his avarice, till the power fell into such hands as made the world believe none could be unworthy of the empire ; and in the following ages the worst men by the worst means most frequently obtained it.

These wounds are not cured by saying, that the law of God and nature prevents this mischief, by annexing the succession of crowns to proximity of blood ; for mankind had not been continually afflicted with them, if there had been such a law, or that they could have been prevented by it : and tho' there were such a law, yet more questions would arise about that proximity, than any wise man would dare to determine. The law can be of no effect, unless there be a power to decide the contests arising upon it : but the fundamental maxim of the great monarchies is, that there can be no interregnum : the heir of the crown is in possession, as soon as he who did enjoy it is dead. “ Le Mort,” as the French say, “ saisit le vif :” There can be therefore no such law, or it serves for nothing. If there be judges to interpret the law, no man is a king till judgment be given in his favour ; and he is not king by his own title, but by the sentence given by them.

If there be none, the law is merely imaginary, and every man may in his own case make it what he pleases. He who has a crown in his view, and arms in his hand, wants nothing but success to make him a king; and if he prosper, all men are obliged to obey him.

'Tis a folly to say the matter is clear, and needs no decision; for every man knows that no law concerning private inheritances can be so exactly drawn, but many controversies will arise upon it, that must be decided by a power to which both parties are subject: and the disputes concerning kingdoms are so much the more difficult, because this law is no where to be found; and the more dangerous, because the competitors are for the most part more powerful.

Again, this law must either be general to all mankind, or particular to each nation. If particular, a matter of such importance requires good proof, when, where, how, and by whom it was given to every one. But the scriptures testifying to the contrary, that God gave laws to the Jews only, and that no such thing as hereditary monarchy, according to proximity of blood, was prescribed by them, we may safely say, that God did never give any such law to every particular, nor to any nation. If he did not give it to any one, he did not give it to all, for every one is comprehended in all; and if no one has it, 'tis impossible that all can have it; or that it should be obligatory to all, when no man knows or can tell, when, where, and by what hand it was given, nor what is the sense of it: all which is evident by the various laws and customs of nations in the disposal of hereditary successions: and no one of them, that we know, has to this day  
been



been able to shew that the method follow'd by them, is more according to nature than that of others.

If our author pretend to be God's interpreter, and to give the solution of these doubts, I may ask which of the five following ways are appointed by God, and then we may examine cases resulting from them.

1. In France, Turkey, and other places, the succession comes to the next male, in the streight eldest line, according to which the son is preferred before the brother of him who last enjoy'd the crown, (as the present king of France before his uncle the duke of Orleans) and the son of the eldest before the brothers of the eldest; as in the case of Richard the second of England, who was advanced preferably to all the brothers of the black prince his father.

2. Others keep to the males of the reigning family, yet have more regard to the eldest man than to the eldest line: and representation taking no place among them, the eldest man is thought to be nearest to the first king; and a second son of the person that last reigned, to be nearer to him than his grandchild by the eldest son: according to which rule, any one of the sons of Edward the third remaining after his death, should have been preferr'd before Richard the second who was his grandchild.

3. In the two cases beforementioned, no manner of regard is had to females, who being thought naturally incapable of commanding men, or performing the functions of a magistrate, are, together with their descendants, utterly excluded from the supreme as well as from the inferior magistracies; and in Turkey, France, and other great kingdoms, have no pretence to any title: but in some places, and particularly in England, the advantages of proximity belong to them as well as to males; by which means

our crown has been transported to several families and nations.

4. As in some places they are utterly rejected, and in others received simply without any condition ; so those are not wanting, where that of not marrying out of the country, or without the consent of the estates, is imposed, of which Sweden is an example.

5. In some places proximity of blood is only regarded, whether the issue be legitimate or illegitimate ; in others bastards are wholly excluded.

By this variety of judgments made by several nations upon this point, it may appear, that tho' it were agreed by all that the next in blood ought to succeed, yet such contests would arise upon the interpretation and application of the general rule, as must necessarily be a perpetual spring of irreconcilable and mortal quarrels.

If any man say, the rule observed in England is that which God gave to mankind ; I leave him first to dispute that point with the kings of France, and many others, who can have no right to the crowns they wear, if it be admitted ; and in the next place to prove that our ancestors had a more immediate communication with God, and a more certain knowledge of his will than others, who for any thing we know, may be of authority equal to them : but in the mean time we may rationally conclude, that if there be such a rule, we have had no king in England for the space of almost a thousand years, having not had one who did not come to the crown by a most manifest violation of it ; as appears by the fore-cited examples of William the first and second ; Henry the first, Henry the second and his children ; John, Edward the third, Henry the fourth, Edward the fourth and his children ; Henry the seventh, and all that claim under any of them. And if pos-  
session

session or success can give a right, it will I think follow, that Jack Straw, Wat Tyler, Perkin Warbeck, or any other rascal, might have had it if he had been as happy as bold in his enterprize. This is no less than to expose crowns to the first that can seize them, to destroy all law and rule, and to render right a slave to fortune. If this be so, a late earl of Pembroke, whose understanding was not thought great, judged rightly when he said his grandfather was a wise man tho' he could neither write nor read, in as much as he resolved to follow the crown, tho' it were upon a coalstaff. But if this be sufficient to make a wise man, 'tis pity the secret was no sooner discovered, since many, who for want of it liv'd and died in all the infamy that justly accompanies knavery, cowardice and folly, might have gained the reputation of the most excellent men in their several ages. The bloody factions with which all nations subject to this sort of monarchy have been perpetually vexed, might have been prevented by throwing up cross or pile, or by battle between the competitors body to body, as was done by Corbis and Orsua, Cleorestes and Polinices, Ironside and Canutus; it being most unreasonable, or rather impiously absurd for any to venture their lives and fortunes, when their consciences are not concern'd in the contest, and that they are to gain nothing by the victory.

If reason teaches, that till this expeditious way of ending controversies be received, the ambition of men will be apt to embroil nations in their quarrels, and others judging variously of those matters, which can be reduced to no certain rule, will think themselves in conscience obliged to follow the party that seems to them to be most just; experience manifests the same, and that ambition has produced more

violent mischiefs than all the other desires and passions that have ever possessed the hearts of men. That this may appear, it will not be amiss to divide them into such as proceed from him who is in possession of the power, through jealousy of state, as they call it, to prevent the enterprizes of those who would dispossess him, and such as arise between competitors contending for it.

Tarquin's counsel concerning the poppies, and Periander's heads of corn, is of the first sort. The most eminent are always most feared as the readiest to undertake, and most able to accomplish great designs. This eminence proceeds from birth, riches, virtue, or reputation, and is sometimes wrought up to the greatest height by a conjunction of all these. But I know not where to find an example of such a man, who could long subsist under absolute monarchy. If he be of high birth, he must, like Brutus, conceal his virtue, and gain no reputation, or resolve to perish, if he do not prevent his own death by that of the tyrant: all other ways are ineffectual; the suspicions, fears, and hatred thereupon arising, are not to be removed: personal respects are forgotten, and such services as cannot be sufficiently valued, must be blotted out by the death of those who did them. Various ways may be taken, and pretences used according to the temper of times and nations; but the thing must be done; and whether it be colour'd by a trick of law, or performed by a mute with a bowstring, imports little. Henry the fourth was made king by the earl of Northumberland, and his brave son Hotspur; Edward the fourth by the valiant earl of Warwick; Henry the seventh by Stanley: but neither of them could think himself safe, 'till his benefactor was dead. No continued fidelity, no testimonies of modesty and humility



lity can prevent this. The modesty of Germanicus in rejecting the honours that were offer'd to him, and his industry in quieting the mutinied legions, accelerated his ruin : when 'twas evident he might be emperor if he pleas'd, he must be so, or die : there was no middle station between the throne and the grave. 'Tis probable that Caligula, Nero, and other beasts like to them, might hate virtue for the good which is in it ; but I cannot think that either they, their predecessors or successors, would have put themselves upon the desperate design of extirpating it, if they had not found it to be inconsistent with their government ; and that being once concluded, they spared none of their nearest relations. Artaxerxes killed his son Darius : Herod murder'd the best of his wives, and all his sons except the worst. Tiberius destroy'd Agrippa Posthumus, and Germanicus with his wife and two sons. How highly soever Constantine the great be commended, he was polluted with the blood of his father-in-law, wife, and son. Philip the second of Spain did in the like manner deliver himself from his fears of Don Carlos ; and 'tis not doubted that Philip the fourth, for the same reasons, dispatched his brother Don Carlos, and his son Balthasar. The like cases were so common in England, that all the Plantagenets, and the noble families allied to them being extinguish'd, our ancestors were sent to seek a king in one of the meanest in Wales.

This method being known, those who are unwilling to die so tamely, endeavour to find out ways of defending themselves ; and there being no other than the death of the person who is in the throne, they usually seek to compass it by secret conspiracy, or open violence ; and the number of princes that have been destroy'd, and countries disturb'd by those

who through fear have been driven to extremities, is not much less than of those who have suffer'd the like from men following the impulse of their own ambition.

The disorders arising from contests between several competitors, before any one could be settled in the possession of kingdoms, have been no less frequent and bloody than those abovemention'd, and the miseries suffer'd by them, together with the ruin brought upon the empires of Macedon and Rome, may be sufficient to prove it; however to make the matter more clear, I shall alledge others. But because it may be presumption in me to think I know all the histories of the world, or tedious to relate all those I know, I shall content myself with some of the most eminent and remarkable: and if it appear that they have all suffer'd the same mischiefs, we may believe they proceed not from accidents, but from the power of a permanent cause that always produces the same or the like effects.

To begin with France. The succession not being well settled in the time of Meroveus, who disposse's'd the grand-children of Pharamond, he was no sooner dead than Gillon set up himself, and with much slaughter drove Chilperic his son out of the kingdom; and he after a little time returning with like fury, is said to have seen a vision, first of lions and leopards, then of bears and wolves, and lastly of dogs and cats, all tearing one another to pieces. This has been always accounted by the French to be a representation of the nature and fortune of the three races that were to command them\*, and has been too much verified by experience. Clovis their first christian and most renowned king, having by good means or evil exceedingly enlarged

\* Hist. de France en la vie de Chilperic I.

his territories, but chiefly by the murders of Alaric and Ragnacaire, with his children, and suborning Sigismond of Metz to kill his father Sigebert†, left his kingdom to be torn in pieces by the rage of his four sons, each of them endeavouring to make himself master of the whole; and when, according to the usual fate of such contests, success had crown'd Clothaire, who was the worst of them all, by the slaughter of his brothers and nephews, with all the flower of the French and Gaulish nobility, the advantages of his fortune only resulted to his own person. For after his death the miserable nations suffer'd as much from the madness of his sons, as they had done by himself and his brothers. They had learnt from their predecessors not to be slow in doing mischief, but were farther incited by the rage of two infamous strumpets, Fredegonde and Brunehaud, which is a sort of vermin that, I am inclin'd to think, has not usually govern'd senates or popular assemblies. Chilperic the second, who by the slaughter of many persons of the royal blood, with infinite numbers of the nobility and people, came to be master of so much of the country, as procured him the name of king of France, killed his eldest son on suspicion that he was excited against him by Brunehaud, and his second, lest he should revenge the death of his brother: he married Fredegonde, and was soon after kill'd by her adulterer Landry. The kingdom continued in the same misery through the rage of the surviving princes, and found no relief, tho' most of them fell by the sword; and that Brunehaud who had been a principal cause of those tragedies, was tied to the tails of four wild horses, and suffer'd a death as foul as her life. These were lions and leopards. They involved the kingdom in

† Mezeray &amp; de Serres.

desperate troubles; but being men of valour and industry, they kept up in some measure the reputation and power of the nation, and he who attain'd to the crown defended it. But they being fallen by the hands of each other, the poisonous root put forth another plague more mortal than their fury. The vigour was spent, and the succession becoming more settled, ten base and slothful kings, by the French called *Les roys faineans*, succeeded. Some may say, they who do nothing, do no hurt; but the rule is false in relation to kings. He that takes upon him the government of a people, can do no greater evil than by doing nothing, nor be guilty of a more unpardonable crime, than by negligence, cowardice, voluptuousness, and sloth, to desert his charge. Virtue and manhood perish under him; good discipline is forgotten; justice slighted; the laws perverted or rendred useles; the people corrupted; the public treasures exhausted; and the power of the government always falling into the hands of flatterers, whores, favourites, bawds, and such base wretches as render it contemptible, a way is laid open for all manner of disorders. The greatest cruelty that has been known in the world, if accompanied with wit and courage, never did so much hurt as this slothful bestiality; or rather these slothful beasts have ever been most cruel. The reigns of Septimius Severus, Mahomet the second, or Selim the second, were cruel and bloody; but their fury was turned against foreigners, and some of their near relations, or against such as fell under the suspicion of making attempts against them: the condition of the people was tolerable; those who would be quiet might be safe; the laws kept their right course; the reputation of the empire was maintained, the limits defended, and the public peace



Peace preserved. But when the sword passed into the hands of lewd, slothful, foolish and cowardly princes, it was of no power against foreign enemies, or the disturbers of domestic peace, tho' always sharp against the best of their own subjects. No man knew how to secure himself against them, unless by raising civil wars; which will always be frequent, when a crown defended by a weak hand is proposed as a prize to any that dare invade it. This is a perpetual spring of disorders; and no nation was ever quiet, when the most eminent men found less danger in the most violent attempts, than in submitting patiently to the will of a prince, that suffers his power to be managed by vile persons, who get credit by flattering him in his vices. But this is not all; such princes naturally hate and fear those who excel them in virtue and reputation, as much as they are inferior to them in fortune; and think their persons cannot be secured, nor their authority enlarged, except by their destruction. 'Tis ordinary for them, "*Inter scorta & ganeas principibus viris perniciem machinare\**," and to make cruelty a cover to ignorance and cowardice. Besides the mischiefs brought upon the public by the loss of eminent men, who are the pillars of every state, such reigns are always accompanied with tumults and civil wars, the great men striving with no less violence who shall get the weak prince into his power, when such regard is had to succession, that they think it not fit to divest him of the title, than when with less respect they contend for the sovereignty itself. And whilst this sort of princes reigned, France was not less afflicted with the contests between Grimbault, Ebroin, Grimoald, and others, for the mayoralty of the palace, than they had been

\* C. Tacit.

before by the rage of those princes who had contested for the crown. The issue also was the same: after many revolutions, Charles Martel gained the power of the kingdom, which he had so bravely defended against the Saracens; and having transmitted it to his son Pepin, the general assembly of estates, with the approbation of mankind, conferred the title also upon him. This gave the nation ease for the present; but the deep-rooted evil could not be so cured; and the kingdom, that by the wisdom, valour, and reputation of Pepin, had been preserved from civil troubles during his life, fell as deeply as ever into them so soon as he was dead. His sons, Carloman and Charles, divided the dominions, but in a little time each of them would have all. Carloman fill'd the kingdom with tumult; raised the Lombards, and marched with a great army against his brother, till his course was interrupted by death, caused, as is supposed, by such helps as princes liberally afford to their aspiring relations. Charles deprived his two sons of their inheritance, put them in prison, and we hear no more of them. His third brother Griffon was not more quiet, nor more successful; and there could be no peace in Gascony, Italy or Germany, till he was kill'd. But all the advantages which Charles, by an extraordinary virtue and fortune, had purchased for his country, ended with his life. He left his son Lewis the gentle in possession of the empire, and kingdom of France, and his grandson Bernard king of Italy: but these two could not agree, and Bernard falling into the hands of Lewis, was deprived of his eyes, and some time after kill'd. This was not enough to preserve the peace: Lothair, Lewis and Pepin, all three sons to Lewis, rebelled against him; called a council at Lions, deposed him, and divided the empire

pire amongst themselves. After five years he escaped from the monastery where he had been kept, renew'd the war, and was again taken prisoner by Lothair. When he was dead, the war broke out more fiercely than ever between his children: Lothair the emperor assaulted Lewis king of Bavaria and Charles king of Rhetia; was defeated by them, and confined to a monastery, where he died. New quarrels arose between the two brothers, upon the division of the countries taken from him, and Lorraine only was left to his son. Lewis died soon after, and Charles getting possession of the empire and kingdom, ended an inglorious reign in an unprosperous attempt to deprive Hermingrade, daughter to his brother Lewis, of the kingdom of Arles, and other places left to her by her father. Lewis his son, call'd the Stutterer, reigned two years in much trouble; and his only legitimate son, Charles the simple, came not to the crown till after the death of his two bastards Lewis and Carloman, Charles le Gros, and Eudes duke of Anjou. Charles le Gros was deposed from the empire and kingdom, strip'd of his goods, and left to perish through poverty in an obscure village. Charles the simple, and the nations under him, thrived no better: Robert duke of Anjou raised war against him, and was crown'd at Rheims; but was himself slain soon after in a bloody battle near Soissons. His son-in-law, Herbert earl of Vermandois, gathered up the remains of his scatter'd party, got Charles into his power, and called a general assembly of estates, who deposed him, and gave the crown to Raoul duke of Burgundy; tho' he was no otherwise related to the royal blood than by his mother, which in France is nothing at all. He being dead, Lewis son to the deposed Charles was made king; but his reign was

as inglorious to him, as miserable to his subjects. This is the peace which the French enjoy'd for the space of five or six ages under their monarchy ; and 'tis hard to determine whether they suffer'd most by the violence of those who possess'd, or the ambition of others who aspir'd to the crown ; and whether the fury of active, or the baseness of slothful princes was most pernicious to them : but upon the whole matter, through the defects of those of the latter sort, they lost all that they had gained by sweat and blood under the conduct of the former. Henry and Otho of Saxony, by a virtue like that of Charlemagne, deprived them of the empire, and settled it in Germany, leaving France only to Lewis surnamed Outremer, and his son Lothair. These seem'd to be equally compos'd of treachery, cruelty, ambition, and baseness : They were always mutinous, and always beaten : their frantic passions put them always upon unjust designs, and were such plagues to their subjects and neighbours, that they became equally detested and despis'd. These things extinguish'd the veneration due to the memory of Pepin and Charles ; and oblig'd the whole nation rather to seek relief from a stranger, than to be ruin'd by their worthless descendants. They had tried all ways that were in their power, depos'd four crowned kings within the space of a hundred and fifty years ; crowned five who had no other title than the people confer'd upon them, and restored the descendants of those they had reject'd, but all was in vain ; their vices were incorrigible, the mischiefs produc'd by them intolerable ; they never ceas'd from murdering one another in battle, or by treachery, and bringing the nation into civil wars upon their wicked or foolish quarrels, till the whole race was reject'd, and the crown placed



placed upon the head of Hugh Capet. These mischiefs raged not in the same extremity under him and his descendants, but the abatement proceeded from a cause no way advantagious to absolute monarchy. The French were by their calamities taught more strictly to limit the regal power; and by turning the dukedoms and earldoms into patrimonies, which had been offices, gave an authority to the chief of the nobility, by which that of kings was curbed; and tho' by this means the commonalty was exposed to some pressures, yet they were small in comparison of what they had suffer'd in former times. When many great men had estates of their own that did not depend upon the will of kings, they grew to love their country; and tho' they chearfully served the crown in all cases of public concernment, they were not easily engaged in the personal quarrels of those who possessed it, or had a mind to gain it. To preserve themselves in this condition, they were obliged to use their vassals gently; and this continuing in some measure till within the last fifty years, the monarchy was less tumultuous, than when the king's will had been less restrained. Nevertheless they had not much reason to boast; there was a root still remaining, that from time to time produced poisonous fruit: civil wars were frequent among them, tho' not carried on with such desperate madness as formerly; and many of them upon the account of disputes between competitors for the crown. All the wars with England, since Edward II. married Isabella daughter, and, as he pretended, heir of Philip Le Bel, were of this nature. The defeats of Crecy, Poitiers, and Agincourt, with the slaughters and devastations suffer'd from Edward III. the black prince, and Henry V. were merely upon contests for the crown,  
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and for want of an interpreter of the law of succession, who might determine the question between the heir male, and the heir general. The factions of Orleans and Burgundy, Orleans and Armignac, proceeded from the same spring; and the murders that seem to have been the immediate causes of those quarrels, were only the effects of the hatred growing from their competition. The more odious, tho' less bloody contests between Lewis the eleventh, and his father Charles the seventh, with the jealousy of the former against his son Charles the eighth, arose from the same principle. Charles of Bourbon prepared to fill France with fire and blood upon the like quarrel, when his designs were overthrown by his death in the assault of Rome. If the dukes of Guise had been more fortunate, they had soon turned the cause of religion into a claim to the crown, and repair'd the injury done, as they pretended, to Pepin's race, by destroying that of Capet: and Henry the third thinking to prevent this by the slaughter of Henry le Balafre, and his Brother the Cardinal de Guise, brought ruin upon himself, and cast the kingdom into a most horrid confusion. Our own age furnishes us with more than one attempt of the same kind attended with the like success. The duke of Orleans was several times in arms against Lewis the thirteenth his brother; the queen-mother drew the Spaniards to favour him; Montmorency perished in his quarrel; Fontrailles reviv'd it by a treaty with Spain, which struck at the king's head as well as the cardinal's, and was suppress'd by the death of Cinq Mars and de Thou. Those who understand the affairs of that kingdom, make no doubt that the count de Soissons would have set up for himself, and been follow'd by the best part of France, if he had not been kill'd in the pursuit of his victory at the battle of Sedan.

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Since that time the kingdom has suffer'd such disturbances as shew, that more was intended than the removal of Mazarine: and the Marechal de Turenne was often told, that the check he gave to the prince of Condé at Gien, after he had defeated Hocquincourt, had preserved the crown upon the king's head. And to testify the stability, good order, and domestic peace that accompanies absolute monarchy, we have in our own days seen the house of Bourbon often divided within it self; the duke of Orleans, the count de Soissons, the princes of Condé and Conti in war against the king; the dukes of Angoulesme, Vendome, Longueville, the count de Moret, and other bastards of the royal family following their example; the houses of Guise, D'Elbeuf, Bouillon, Nemours, Rochefocault, and almost all the most eminent in France, with the parliaments of Paris, Bourdeaux, and some others, joining with them. I might alledge many more examples, to shew that this monarchy, as well as all others, has from the first establishment been full of blood and slaughter, through the violence of those who possessed the crown, and the ambition of such as aspired to it; and that the end of one civil war has been the beginning of another: but I presume upon the whole these will be thought sufficient to prove, that it never enjoyed any permanent domestic quiet.

The kingdoms of Spain have been no less disturbed by the same means; but especially that of Castile, where the kings had more power than in other places. To cite all the examples, were to transcribe their histories; but whoever has leisure to examine them will find, that after many troubles, Alphonso the second, notwithstanding his glorious surname of Wise, was deposed by means of his ambitious son: Don Alonso, surnamed El Desheredado, sup-

planted by his uncle Don Sanco el bravo : Peter the cruel cast from the throne, and killed by his bastard brother the Conde de Trastamara. From the time of the above named Alphonso to that of Ferdinand and Isabella, containing about two hundred years, so few of them passed without civil wars, that I hardly remember two together that were free from them : and whosoever pretends that of late years that monarchy has been more quiet, must, if he be ingenuous, confess their peace is rather to be imputed to the dexterity of removing such persons as have been most likely to raise disturbances (of which number were Don John of Austria, Don Carlos son to Philip the second, another of the same name son to Philip the third, and Don Balthazar son to Philip the fourth) than to the rectitude of their constitutions.

He that is not convinced of these truths by what has been said, may come nearer home, and see what mischiefs were brought upon Scotland by the contests between Baliol and Bruce\*, with their consequences, till the crown came to the Stuart family; the quiet reigns and happy deaths of the five James's†, together with the admirable stability and peace of the government under queen Mary‡, and the perfect union in which she lived with her husband, son and people, as well as the happiness of the nation whilst it lasted.

But the miseries of England, upon the like occasions, surpass all. William the Norman was no sooner dead, but the nation was rent in pieces by his son Robert, contesting with his sons William and Henry for the crown. They being all dead and their sons, the like happened between Stephen and Maud : Henry the second was made king to termi-

\* Buchan. de reb. Scot.

† Drummond.

‡ Melvil.



nate all disputes, but it proved a fruitless expedient. Such as were more scandalous, and not less dangerous, did soon arise between him and his sons; who besides the evils brought upon the nation, vexed him to death by their rebellion. The reigns of John and Henry the third were yet more tempestuous. Edward the second's lewd, foolish, infamous and detestable government ended in his deposition and death, to which he was brought by his wife and son. Edward the third employ'd his own and his subjects valour against the French and Scots; but whilst the foundations were out of order, the nation could never receive any advantage by their victories: all was calculated for the glory, and turned to the advantage of one man. He being dead, all that the English held in Scotland and in France was lost through the baseness of his successor, with more blood than it had been gained; and the civil wars raised by his wickedness and madness, ended as those of Edward the second had done. The peace of Henry the fourth's reign was interrupted by dangerous civil wars; and the victory obtained at Shrewsbury had not perhaps secured him in the throne, if his death had not prevented new troubles. Henry the fifth acquired such reputation by his virtue and victories, that none dared to invade the crown during his life; but immediately after his death the storms prepared against his family, broke out with the utmost violence. His son's weakness encouraged Richard duke of York to set up a new title, which produced such mischiefs as hardly any people has suffer'd, unless upon the like occasion: for besides the slaughter of many thousands of the people, and especially of those who had been accusom'd to arms, the devastation of the best parts of the kingdom, and the loss of all that our kings had inherited in France,

orgained by the blood of their subjects, fourscore princes of the blood, as Philip de Commynes calls them, died in battle, or under the hand of the hangman. Many of the most noble families were extinguished; others lost their most eminent men. Three kings and two presumptive heirs of the crown were murder'd, and the nation brought to that shameful exigence, to set up a young man to reign over them, who had no better cover for his sordid extraction than a Welch pedigree, that might shew how a taylor was descended from prince Arthur, Cadwallader and Brutus. But the wounds of the nation were not to be healed with such a plaister. He could not rely upon a title made up of such stuff, and patch'd with a marriage to a princess of a very questionable birth. His own meanness inclin'd him to hate the nobility; and thinking it to be as easy for them to take the crown from him, as to give it to him, he industriously applied himself to glean up the remainders of the house of York, from whence a competitor might arise, and by all means to crush those who were most able to oppose him. This exceedingly weakened the nobility, who held the balance between him and the commons, and was the first step towards the dissolution of our antient government: but he was so far from settling the kingdom in peace, that such rascals as Perkin Warbeck and Simnel were able to disturb it. The reign of Henry the eighth was turbulent and bloody; that of Mary furious, and such as had brought us into subjection to the most powerful, proud and cruel nation at that time in the world, if God had not wonderfully protected us. Nay, Edward the sixth, and queen Elizabeth, notwithstanding the natural excellency of their dispositions, and their knowledge of the truth in matters of religion, were forced by that  
which

which men call jealousy of state, to foul their hands so often with illustrious blood, that if their reigns deservē to be accounted amongst the most gentle of monarchies, they were more heavy than the government of any commonwealth in time of peace; and yet their lives were never secure against such as conspired against them upon the account of title.

Having in some measure shew'd what miseries have been usually, if not perpetually brought upon nations subject to monarchies by the violence of some princes, and the baseness, folly, and cowardice of others, together with what they have suffer'd in contests for the several crowns, whilst men divided into divers factions, strive with as much vehemency to advance the person they favour, as if they or their country were interested in the quarrel, and fight as fiercely for a master as they might reasonably do to have none, I am not able to determine which of the two evils is the most mortal. 'Tis evident the vices of princes result to the damage of the people; but whether pride and cruelty, or stupidity and sloth be the worst, I cannot tell. All monarchies are subject to be afflicted with civil wars; but whether the most frequent and bloody do arise from the quarrels of divers competitors for crowns before any one gain the possession of them, or afterwards through the fears of him that would keep what he has gained, or the rage of those who would wrest it from him, is not so easily decided. But commonwealths are less troubled with those distempers. Women, children, or such as are notoriously foolish or mad, are never advanced to the supreme power. Whilst the laws, and that discipline which nourishes virtue is in force, men of wisdom and valour are never wanting; and every man desires to give testimony of his virtue, when he knows 'twill be rewarded with honour and power. If unworthy

persons creep into magistracies, or are by mistake any way prefer'd, their vices for the most part turn to their own hurt ; and the state cannot easily receive any great damage by the incapacity of one who is not to continue in office above a year ; and is usually encompassed with those who having borne, or are aspiring to the same, are by their virtue able to supply his defects ; cannot hope for a reward from one unable to corrupt them, and are sure of the favour of the senate and people to support them in defence of the public interest. As long as this good order continues, private quarrels are suppress'd by the authority of the magistrate, or prove to be of little effect. Such as arise between the nobles and commons frequently produce good laws for the maintenance of liberty, as they did in Rome for above three hundred years after the expulsion of Tarquin ; and almost ever terminated with little or no blood. Sometimes the errors of one or both parties are discovered by the discourse of a wise and good man ; and those who have most violently opposed one another become the best friends, every one joining to remove the evil that causes the division. When the senate and people of Rome seemed to be most furiously incensed against each other, the creation of tribunes, communication of honours and marriages between the patrician and plebeian families, or the mitigation of usury compos'd all ; and these were not only harmless things, but such as gave opportunities of correcting the defects that had been in the first constitution of the government, without which they could never have attained to the greatness, glory, and happiness they afterwards enjoy'd. Such as had seen that people meeting in tumult, running through the city, crying out against the kings, consuls, senate, or decemviri, might have thought they would have fill'd all with blood and slaughter ;



slaughter ; but no such thing happened. They desired no more than to take away the kingdom which Tarquin had wickedly usurped ; and never went about so much as to punish one minister of the mischiefs he had done, or to take away his goods, till upon pretence of treating his ambassadors by a new treachery had cast the city into greater danger than ever. Tho' the decemviri had by the like villanies equally provoked the people, they were used with the like gentleness : \* Appius Claudius and Oppius having by voluntary death substracted themselves from public punishment, their colleagues were only banished, and the magistracies of the city reduced to the former order without the effusion of more blood. They who contended for their just rights, were satisfied with the recovery of them ; whereas such as follow the impulse of an unruly ambition never think themselves safe, till they have destroyed all that seem able to disturb them, and satiated their rage with the blood of their adversaries. This makes, as well as shews the difference between the tumults of Rome, or the secession of the common people to mount Aventine, and the battles of Towton, Teuxbury, Eveshal, Lewes, Hexham, Barnet, St. Albans, and Bosworth. 'Tis in vain to say these ought rather to be compared to those of Pharsalia, Actium, or Philippi ; for when the laws of a commonwealth are abolish'd, the name also ceases. Whatever is done by force or fraud to set up the interests and lusts of one man in opposition to the laws of his country, is purely and absolutely monarchical. Whatsoever passed between Marius, Sulla, Cinna, Catiline, Cæsar, Pompey, Crassus, Augustus, Antonius, and Lepidus, is to be imputed to the contests that arise between competitors for mo-

\* T. Liv. l. 3.

narchy, as well as those that in the next age happened between Galba, Otho, Vitellius, and Vespasian: or, which is worse, whereas those in commonwealths fight for themselves when there is occasion, and if they succeed, enjoy the fruits of their victory, so as even those who remain of the vanquished party, partake of the liberty thereby established, or the good laws thereupon made; such as follow'd the ensigns of these men who sought to set up themselves, did, rather like beasts than men, hazard and suffer many unspeakable evils to purchase misery to themselves and their posterity, and to make him their master, who increasing in pride, avarice, and cruelty, was to be thrown down again with as much blood as he had been set up.

These things, if I mistake not, being in the last degree evident, I may leave to our author all the advantages he can gain by his rhetorical description of the tumults of Rome, “when blood was in the  
“market-place suckt up with sponges, and the jakes  
“stuffed with carcases;” to which he may add the crimes of Sylla’s life, and the miseries of his death: but withal I desire to know what number of sponges were sufficient to suck up the blood of five hundred thousand men slain in one day, when the houses of David and Jeroboam contended for the crown of Israel, or of four hundred thousand who fell in one battle between Joash and Amaziah on the same occasion; what jakes were capacious enough to contain the carcases of those that perished in the quarrels between the successors of Alexander, the several competitors for the Roman empire; or those which have happened in France, Spain, England, and other places upon the like occasions. If Sylla for some time acted as an absolute monarch, ’tis no wonder that he died like one, or that God punish-  
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ed him as Herod, Philip the second of Spain, and some others, because the hand of his fellow-citizens had unjustly spar'd him. If when he was become detestable to God and man, he became also miserable, his example ought to deter others from the crimes that are avenged by a power which none can escape, and to encourage those who defend, or endeavour to recover their violated liberties, to act vigorously in a cause that God does evidently patronize.

## S E C T. XXV.

*Courts are more subject to venality and corruption than popular governments.*

**T**H O' court-flatterers impute many evils to popular governments they no way deserve, I could not think any so impudent as to lay corruption and venality to their charge, till I found it in our author. They might in my opinion have taken those faults upon themselves, since they certainly abound most where bawds, whores, buffoons, players, slaves and other base people who are naturally mercenary, are most prevalent. And whosoever would know whether this does more frequently befall commonwealths than monarchies, especially if they are absolute, need only to inquire whether the Cornelii, Junii, Fabii, Valerii, Quintii, Curii, Fabritii, and others who most prevailed in Rome after the expulsion of the kings, or Sejanus, Macro, Narcissus, Pallas, Ictus, Tigellinus, Vinnius, Laco, Agrippina, Messalina, Lollia, Poppæa, and the like, were most subject to those base vices: whether it were more easy to corrupt one or two of those villains and strumpets, or the senates and people of Rome, Carthage, Athens, and Sparta; and whether that sort of rabble had more power over the princes they served,

served, than such as most resembled them had whilst the popular government continued. 'Tis in vain to say those princes were wicked and vile, for many others are so likewise; and when the power is in the hands of one man, there can be no assurance he will not be like them. Nay, when the power is so placed, ill men will always find opportunities of compassing their desires: " Bonus, cautus, optimus " imperator venditur," said Dioclesian; and tho' he was no unwise man, yet that which principally induced him to renounce the empire, was the impossibility he found of defending himself against those that were in credit with him, who daily betray'd and sold him. They see with the eyes of other men, and cannot resist the frauds that are perpetually put upon them. Antoninus Pius and Marcus Aurelius seem to have been the best and wisest of all the Roman emperors; but the two Faustina's had such an ascendent over them, as was most shameful to their persons, and mischievous to the empire and the best men in it. Such as these may gain too much upon the affections of one man in the best regulated government; but that could be of no great danger to the public, when many others equal or not much inferior to him in authority, are ready to oppose whatever he should endeavour to promote by their impulse: but there is no remedy when all depends upon the will of a single person who is governed by them. There was more of acuteness and jest, than of truth in that saying of Themistocles, " That his " little boy had more power than any man in " Greece; for he governed his mother, she him, " he Athens, and Athens Greece." For he himself was found to have little power, when for private passions and concerns he departed from the interest of the public; and the like has been



found in all places that have been governed in the like manner.

Again, corruption will always reign most where those who have the power do most favour it, where the rewards of such crimes are greatest, easiest, and most valued, and where the punishment of them is least feared.

1. For the first, we have already proved that liberty cannot be preserved, if the manners of the people are corrupted, nor absolute monarchy introduced where they are sincere; which is sufficient to shew that those who manage free governments ought always to the utmost of their power to oppose corruption, because otherwise both they and their government must inevitably perish; and that on the other hand, the absolute monarch must endeavour to introduce it, because he cannot subsist without it. 'Tis also so natural for all such monarchs to place men in power who pretend to love their persons, and will depend upon their pleasure, that possibly 'twould be hard to find one in the world who has not made it the rule of his government: and this is not only the way to corruption, but the most dangerous of all. For tho' a good man may love a good monarch, he will obey him only when he commands that which is just; and no one can engage himself blindly to do whatever he is commanded, without renouncing all virtue and religion; because he knows not whether that which shall be commanded is consistent with either, or directly contrary to the laws of God and man. But if such a monarch be evil, and his actions such as they are too often found to be, whoever bears an affection to him, and seconds his designs, declares himself an enemy to all that is good; and the advancement of such men to power does not only introduce, foment,  
and

and increase corruption, but fortifies it in such a manner, that without an intire renovation of that state it cannot be removed. Ill men may possibly creep into any government; but when the worst are placed nearest to the throne, and raised to honours for being so, they will with that force endeavour to draw all men to a conformity of spirit with themselves, that it can no otherwise be prevented, than by destroying them and the principle in which they live.

2. To the second; man naturally follows that which is good or seems to him to be so. Hence it is that in well-govern'd states, where a value is put upon virtue, and no one honoured unless for such qualities as are beneficial to the public, men are from the tenderest years brought up in a belief, that nothing in this world deserves to be sought after, but such honours as are acquired by virtuous actions: by this means virtue itself becomes popular, as in Sparta, Rome, and other places, where riches (which with the vanity that follows them, and the honours men give to them, are the root of all evil) were either totally banished, or little regarded. When no other advantage attended the greatest riches than the opportunity of living more sumptuously or deliciously, men of great spirits slighted them. When Aristippus told Cleanthes, that if he would go to court and flatter the tyrant, he need not seek his supper under a hedge; the philosopher answer'd, that he who could content himself with such a supper, need not go to court, or flatter the tyrant. Epaminondas, Aristides, Phocion, and even the Lacedemonian kings, found no inconvenience in poverty, whilst their virtue was honour'd, and the richest princes in the world feared their valour and power. It was not difficult for Curius,  
Fabricius,

Fabricius, Quintius Cincinnatus, or Paulus Æmilius, to content themselves with the narrowest fortune, when it was no obstacle to them in the pursuit of those honours which their virtues deserved. 'Twas in vain to think of bribing a man who supped upon the coleworts of his own garden. He could not be gained by gold, who did not think it necessary. He that could rise from the plow to the triumphal chariot, and contentedly return thither again, could not be corrupted; and he that left the sense of his poverty to his executors, who found not wherewith to bury him, might leave Macedon and Greece to the pillage of his soldiers, without taking to himself any part of the booty. But when luxury was brought into fashion, and they came to be honour'd who liv'd magnificently, tho' they had in themselves no qualities to distinguish them from the basest of slaves, the most virtuous men were expos'd to scorn if they were poor: and that poverty which had been the mother and nurse of their virtue, grew insupportable. The poet well understood what effect this change had upon the world, who said,

“ Nullum crimen abest facinusque libidinis, ex quo  
 “ Paupertas Romana perit. Juven. Sat. 6. 293.

When riches grew to be necessary, the desire of them which is the spring of all mischief, follow'd. They who could not obtain honours by the noblest actions, were oblig'd to get wealth to purchase them from whores and villains, who expos'd them to sale: and when they were once entered into this track, they soon learnt the vices of those from whom they had received their preferment, and to delight in the ways that had brought them to it. When they were come to this, nothing could stop them: All  
 thought

thought and remembrance of good was extinguish'd. They who had bought the commands of armies or provinces, from Ictus or Narcissus, fought only how to draw money from them, to enable them to purchase higher dignities, or gain a more assured protection from those patrons. This brought the government of the world under a most infamous traffic, and the treasures arising from it were, for the most part, dissipated by worse vices than the rapine, violence and fraud with which they had been gotten. The authors of those crimes had nothing left but their crimes, and the necessity of committing more, through the indigence into which they were plung'd by the extravagance of their expences. These things are inseparable from the life of a courtier; for as servile natures are guided rather by sense than reason, such as addict themselves to the service of courts, find no other consolation in their misery, than what they receive from sensual pleasures, or such vanities as they put a value upon; and have no other care, than to get money for their supply by begging, stealing, bribing, and other infamous practices. Their offices are more or less esteemed according to the opportunities they afford for the exercise of these virtues; and no man seeks them for any other end than for gain, nor takes any other way than that which conduces to it. The usual means of attaining them are, by observing the prince's humour, flattering his vices, serving him in his pleasures, fomenting his passions, and by advancing his worst designs, to create an opinion in him that they love his person, and are entirely addicted to his will. When valour, industry and wisdom advanced men to offices, it was no easy matter for a man to persuade the senate he had such qualities as were requir'd, if he had them  
not:



not : but when princes seek only such as love them, and will do what they command, 'tis easy to impose upon them ; and because none that are good will obey them when they command that which is not so, they are always encompassed by the worst. Those who follow them only for reward, are most liberal in professing affection to them, and by that means rise to places of authority and power. The fountain being thus corrupted, nothing that is pure can come from it. These mercenary wretches having the management of affairs, justice and honours are set at a price, and the most lucrative traffic in the world is thereby established. \* Eutropius when he was a slave, used to pick pockets and locks ; but being made a minister, he sold cities, armies and provinces : and some have undertaken to give probable reasons to believe, that Pallas, one of Claudius his manumised slaves, by these means brought together more wealth in six years, than all the Roman dictators and consuls had done from the expulsion of the kings to their passage into Asia. The rest walked in the same way, used the same arts, and many of them succeeded in the same manner. Their riches consisted not of spoils taken from enemies, but were the base product of their own corruption. They valued nothing but money, and those who could bribe them, were sure to be advanced to the highest offices ; and whatever they did, feared no punishment. Like effects will ever proceed from the like causes. When vanity, luxury and prodigality are in fashion, the desire of riches must necessarily increase in proportion to them ; and when the power is in the hands of base mercenary persons, they will always (to use the courtiers phrase) make

\* ——— Nunc uberiore rapina  
Peccat in orbe manus. *Claud.*

as much profit of their places as they can. Not only matters of favour, but of justice too, will be exposed to sale; and no way will be open to honours or magistracies, but by paying largely for them. He that gets an office by these means, will not execute it gratis: he thinks he may sell what he has bought; and would not have entered by corrupt ways, if he had not intended to deal corruptly. Nay, if a well-meaning man should suffer himself to be so far carried away by the stream of a prevailing custom, as to purchase honours of such villains, he would be obliged to continue in the same course, that he might gain riches to procure the continuance of his benefactors protection, or to obtain the favour of such as happen to succeed them: and the corruption thus beginning in the head, must necessarily diffuse it self into all the members of the commonwealth. Or, if any one (which is not to be expected) after having been guilty of one villany, should resolve to commit no more, it could have no other effect than to bring him to ruin; and he being taken away, all things would return to their former channel.

Besides this, whosoever desires to advance himself, must use such means as are suitable to the time in which he lives, and the humour of the persons with whom he is to deal. It had been as absurd for any man void of merit to set himself up against Junius Brutus, Cincinnatus, Papirius Cursor, Camillus, Fabius Maximus, or Scipio; and by bribing the senate and people of Rome, think to be chosen captain against the Tarquins, Tuscans, Latins, Samnites, Gauls or Carthaginians, as for the most virtuous men, by the most certain proofs of their wisdom, experience, integrity and valour, to expect

advancement from Caligula, Claudius, and Nero, or the lewd wretches that govern'd them. They hated and feared all those that excelled in virtue, and setting themselves to destroy the best for being the best, they placed the strength of the government in the hands of the worst, which produced the effects beforementioned. This seems to have been so well known, that no man pretended to be great at court, but those who had cast off all thoughts of honour and common honesty: "Revertar cum leno, meretrix, scurra, cinædus ero," said one who saw what manners prevailed there; and where-soever they do prevail, such as will rise, must render themselves conformable in all corruption and venality. And it may be observed, that a noble person now living amongst us, who is a great enemy to bribery, was turned out from a considerable office, as a scandal to the court; for, said the principal minister, he will make no profit of his place, and by that means casts a scandal upon those that do.

If any man say, this is not generally the fate of all courts, I confess it; and that if the prince be just, virtuous, wise, of great spirit, and not pretending to be absolute, he may choose such men as are not mercenary, or take such a course as may render it hard for them to deserve bribes, or to preserve themselves from punishment, if they should deflect from his intention. And a prince of this age speaking familiarly with some great men about him, said, he had heard much of vast gains made by those who were near to princes, and asked if they made the like? One of them answer'd, that they were as willing as others to get something, but that no man would give them a farthing; for every one finding a free admittance to his majesty, no man needed a solicitor: and it was no less known that he did of

himself grant those things that were just, than that none of them had so much credit as to promote such as were not so. I will not say such a king is a phenix ; perhaps more than one may be found in an age ; but they are certainly rare, and all that is good in their government proceeding from the excellency of their personal virtues, it must fail when that virtue fails, which was the root of it. Experience shews how little we can rely upon such a help ; for where crowns are hereditary, children seldom prove like to their fathers ; and such as are elective have also their defects. Many seem to be modest and innocent in private fortunes, who prove corrupt and vicious when they are raised to power. The violence, pride and malice of Saul, was never discover'd till the people had placed him in the throne. But where the government is absolute, or the prince endeavours to make it so, this integrity can never be found : he will always seek such as are content to depend upon his will, which being always unruly, good men will never comply ; ill men will be paid for it, and that opens a gap to all manner of corruption. Something like to this may befall regular monarchies, or popular governments. They who are placed in the principal offices of trust may be treacherous ; and when they are so, they will always by these means seek to gain partizans and dependents upon themselves. Their designs being corrupt, they must be carried on by corruption ; but such as would support monarchy in its regularity, or popular governments, must oppose it, or be destroy'd by it. And nothing can better manifest how far absolute monarchies are more subject to this venality and corruption than the regular and popular governments, than that they are rooted in the principle of the one, which cannot subsist without them ; and are so contrary to the others, that



that they must certainly perish unless they defend themselves from them.

If any man be so far of another opinion, as to believe that Brutus, Camillus, Scipio, Fabius, Hannibal, Pericles, Aristides, Agesilaus, Epaminondas or Pelopidas, were as easily corrupted as Sejanus, Tigellinus, Vinnius or Laco; that the senate and people of Rome, Carthage, Athens, Sparta or Thebes, were to be bought at as easy rates as one profligate villain, a slave, an eunuch or a whore; or tho' it was not in former ages, yet it is so now: he may be pleased to consider by what means men now rise to places of judicature, church-preferment, or any offices of trust, honour or profit under those monarchies which we know, that either are or would be absolute. Let him examine how all the offices of justice are now disposed in France; how Mazarine came to be advanced; what traffic he made of abbeyes and bishoprics, and what treasures he gained by that means; whether the like has not continued since his death, and as a laudable example been transmitted to us since his majesty's happy restoration: whether bawds, whores, thieves, buffoons, parasites, and such vile wretches as are naturally mercenary, have not more power at White-hal, Versailles, the Vatican, and the Escorial, than in Venice, Amsterdam, and Switzerland: whether H-de, Arl-ng-t-n, D-nby, their graces of Cleveland and Portsmouth, S-nd-rl-nd, Jenkins or Chiffinch, could probably have attained such power as they have had amongst us, if it had been disposed by the suffrages of the parliament and people: or lastly, whether such as know only how to work upon the personal vices of a man, have more influence upon one who happens to be born in a reigning family,

or upon a senate consisting of men chosen for their virtues and quality, or the whole body of a nation.

But if he who possesses or affects an absolute power be by his interest led to introduce that corruption which the people, senate, and magistrates who uphold popular governments abhor, as that which threatens them with destruction : if the example, arts, and means used by him and his dependents be of wonderful efficacy towards the introduction of it : if nothing but an admirable virtue, which can hardly be in one that enjoys or desires such a power, can divert him from that design ; and if such virtue never did, nor probably ever will continue long in any one family, we cannot rationally believe there ever was a race of men invested with, or possessing such a power, or that there will ever be any who have not, and will not endeavour to introduce that corruption, which is so necessary for the defence of their persons, and most important concerns, and certainly accomplish their great design, unless they are opposed or removed.

## S E C T. XXVI.

*Civil tumults and wars are not the greatest evils that befall nations.*

“ **B**UT skin for skin,” says our author, “ and all that a man hath will he give for his life.” And since it was necessary to grace his book with some scripture phrases, none could be fitter for that purpose than those that were spoken by the devil ; but they will be of little use to him : for tho’ I should so far recede from truth, as to avow those words to be true, I might safely deny the conclusions he draws from them, “ That those are the worst

“ governments under which most men are slain; or, “ that more are slain in popular governments than in “ absolute monarchies.” For having proved that all the wars and tumults that have happen’d in commonwealths, have never produced such slaughters as were brought upon the empires of Macedon and Rome, or the kingdoms of Israel, Judah, France, Spain, Scotland or England, by contests between several competitors for those crowns; if tumult, war, and slaughter, be the point in question, those are the worst of all governments where they have been most frequent and cruel. But tho’ these are terrible scourges, I deny that government to be simply the worst that has most of them. ’Tis ill that men should kill one another in seditions, tumults and wars; but ’tis worse to bring nations to such misery, weakness and baseness, as to have neither strength nor courage to contend for any thing; to have nothing left worth defending, and to give the name of peace to desolation. I take Greece to have been happy and glorious, when it was full of populous cities, flourishing in all the arts that deserve praise among men: when they were courted and feared by the greatest kings, and never assaulted by any but to his own loss and confusion: when Babylon and Susa trembled at the motion of their arms; and their valour exercised in these wars and tumults which our author looks upon as the greatest evils, was raised to such a power that nothing upon earth was found able to resist them: and I think it now miserable, when peace reigns within their empty walls, and the poor remains of those exhausted nations sheltering themselves under the ruins of the desolated cities, have neither any thing that deserves to be disputed amongst them, nor spirit or force to repel the injuries

they daily suffer from a proud and insupportable master.

The like may be said of Italy: whilst it was inhabited by nations governing themselves by their own will, they fell sometimes into domestic seditions, and had frequent wars with their neighbours. When they were free, they loved their country, and were always ready to fight in its defence. Such as succeeded well, increased in vigour and power; and even those that were the most unfortunate in one age, found means to repair their greatest losses if their government continued. Whilst they had a propriety in their goods, they would not suffer the country to be invaded, since they knew they could have none if it were lost. This gave occasion to wars and tumults; but it sharpened their courage, kept up a good discipline, and the nations that were most exercised by them, always increased in power and number; so that no country seems ever to have been of greater strength than Italy was when Hannibal invaded it: and after his defeat, the rest of the world was not able to resist their valour and power. They sometimes killed one another; but their enemies never got any thing but burying-places within their territories. All things are now brought into a very different method by the blessed governments they are under. The fatherly care of the king of Spain, the pope, and other princes, has establish'd peace amongst them. We have not in many ages heard of any sedition among the Latins, Sabines, Volsci, Equi, Samnites, or others. The thin, half-starv'd inhabitants of walls supported by ivy, fear neither popular tumults, nor foreign alarms; and their sleep is only interrupted by hunger, the cries of their children, or the howling of wolves. Instead of many turbulent, contentious cities, they have



have a few scattered silent cottages; and the fierceness of those nations is so temper'd, that every rascally collector of taxes extorts without fear from every man, that which should be the nourishment of his family. And if any of those countries are free from that pernicious vermin, 'tis through the extremity of their poverty. Even in Rome a man may be circumvented by the fraud of a priest, or poison'd by one who would have his estate, wife, whore, or child; but nothing is done that looks like tumult or violence. The governors do as little fear Gracchus as Hannibal; and instead of wearying their subjects in wars, they only seek, by perverted laws, corrupt judges, false witnesses, and vexatious suits, to cheat them of their money and inheritance. This is the best part of their condition. Where these arts are used, there are men, and they have something to lose; but for the most part the lands lie waste, and they who were formerly troubled with the disorders incident to populous cities, now enjoy the quiet and peaceable estate of a wilderness.

Again, there is a way of killing worse than that of the sword: for as Tertullian says upon a different occasion, "*Prohibere nasci est occidere*;" those governments are in the highest degree guilty of blood, which by taking from men the means of living, bring some to perish through want, drive others out of the country, and generally dissuade men from marriage, by taking from them all ways of subsisting their families. Notwithstanding all the seditions of Florence, and other cities of Tuscany, the horrid factions of Guelphs and Ghibelins, Neri and Bianchi, nobles and commons, they continued populous, strong, and exceeding rich; but in the space of less than a hundred and fifty years, the peaceable

reign of the Medices is thought to have destroyed nine parts in ten of the people of that province. Amongst other things 'tis remarkable, that when Philip the second of Spain gave Sienna to the duke of Florence, his ambassador then at Rome sent him word, that he had given away more than six hundred and fifty thousand subjects; and 'tis not believ'd there are now twenty thousand souls inhabiting that city and territory. Pisa, Pistoia, Arezzo, Cortona, and other towns that were then good and populous, are in the like proportion diminished, and Florence more than any. When that city had been long troubled with seditions, tumults, and wars, for the most part unprosperous, they still retain'd such strength, that when Charles the eighth of France being admitted as a friend with his whole army\*, which soon after conquer'd the kingdom of Naples, thought to master them, the people taking arms, struck such terror into him, that he was glad to depart upon such conditions as they thought fit to impose. Machiavel reports, that in that time Florence alone, with the Val d'Arno, a small territory belonging to that city, could, in a few hours, by the sound of a bell, bring together a hundred and thirty five thousand well arm'd men; whereas now that city, with all the others in that province, are brought to such despicable weakness, emptiness, poverty and baseness, that they can neither resist the oppressions of their own prince, nor defend him or themselves if they were assaulted by a foreign enemy. The people are dispers'd or destroy'd, and the best families sent to seek habitations in Venice, Genoa, Rome, Naples, and Lucca. This is not the effect of war or pestilence; they enjoy a perfect peace, and suffer no other plague than the government they are un-

\* Guicciard.

der. But he who has thus cured them of disorders and tumults, does, in my opinion, deserve no greater praise than a physician, who should boast there was not a sick person in a house committed to his care, when he had poison'd all that were in it. The Spaniards have established the like peace in the kingdoms of Naples and Sicily, the West-Indies, and other places. The Turks by the same means prevent tumults in their dominions. And they are of such efficacy in all places, that Mario Chigi brother to pope Alexander the seventh, by one sordid cheat upon the sale of corn, is said within eight years to have destroy'd above a third part of the people in the ecclesiastical state; and that country which was the strength of the Romans in the time of the Carthaginian wars, suffer'd more by the covetousness and fraud of that villain than by all the defeats received from Hannibal.

'Twere an endless work to mention all the places where this peaceable solitude has been introduc'd by absolute monarchy; but popular and regular governments have always applied themselves to increase the number, strength, power, riches, and courage of their people, by providing comfortable ways of subsistence for their own citizens, inviting strangers, and filling them all with such a love to their country, that every man might look upon the public cause as his own, and be always ready to defend it. This may sometimes give occasion to tumults and wars, as the most vigorous bodies may fall into distempers: when every one is solicitous for the public, there may be difference of opinion, and some by mistaking the way may bring prejudice when they intend profit: but unless a tyrant do arise, and destroy the government which is the root of their felicity; or they be overwhelm'd by the  
irresistible

irresistible power of a virtue or fortune greater than their own, they soon recover, and for the most part rise up in greater glory and prosperity than before. This was seen in the commonwealths of Greece and Italy, which for this reason were justly called nurseries of virtue, and their magistrates preservers of men; whereas our author's peace-making monarchs can deserve no better title than that of enemies and destroyers of mankind.

I cannot think him in earnest when he exaggerates Sylla's cruelties as a proof that the mischiefs suffer'd under free states are more universal than under kings and tyrants: for there never was a tyrant in the world if he was not one, tho' through weariness, infirmity of body, fear, or perhaps the horror of his own wickedness, he at length resigned his power; but the evil had taken root so deep, that it could not be removed: there was nothing of liberty remaining in Rome: the laws were overthrown by the violence of the sword: the remaining contest was who should be lord; and there is no reason to believe that if Pompey had gained the battle of Pharsalia, he would have made a more modest use of his victory than Cæsar did; or that Rome would have been more happy under him than under the other. His cause was more plausible because the senate follow'd him, and Cæsar was the invader; but he was no better in his person, and his designs seem to have been the same. He had been long before "*suarum legum auctor & everfor.*" He gave the beginning to the first triumvirate; and 'twere folly to think that he who had been insolent when he was not come to the highest pitch of fortune, would have proved moderate if success had put all into his hands. The proceedings of Marius, Cinna, Catiline, Octavius, and Antonius were all of  
I the



the same nature. No laws were observ'd : no public good intended ; the ambition of private persons reigned ; and whatsoever was done by them, or for their interest, can no more be applied to popular, aristocratical or mix'd governments, than the furies of Caligula and Nero.

## S E C T. XXVII.

*The mischiefs and cruelties proceeding from tyranny are greater than any that can come from popular or mixed governments.*

**T**IS now time to examine the reasons of our author's general maxims. " The cruelties," says he, of a tyrant extend ordinarily no farther than some particular men that offend him, and not to the whole kingdom. It is truly said of his late majesty king James, a king can never be so notoriously vicious, but he will generally favour justice, and maintain some order. Even cruel Domitian, Dionysius the tyrant, and many others are commended in histories as great observers of justice, except in particular cases, wherein his inordinate lusts may carry him away." This may be said of popular governments ; for tho' a people through error do sometimes hurt a private person, and that may possibly result to the public damage, because the man that is offended or destroy'd, might have been useful to the society, they never do it otherwise than by error : for having the government in themselves, whatever is prejudicial to it, is so to them ; and if they ruin it, they ruin themselves, which no man ever did willingly and knowingly. In absolute monarchies the matter is quite otherwise. A prince that sets up an interest in himself, becomes an enemy to the public : in  
following

following his own lusts he offends all, except a few of his corrupt creatures, by whose help he oppresses others with a yoke they are unwilling to bear, and thereby incurs the universal hatred. This hatred is always proportionable to the injuries received, which being extreme, that must be so too; and every people being powerful in comparison to the prince that governs, he will always fear those that hate him, and always hate those he fears. When Luigi Farnese first duke of Parma had by his tyranny incensed the people of that small city, their hatred was not less mortal to him than that of the whole empire had been to Nero; and as the one burn'd Rome, the other would have destroyed Parma, if he had not been prevented. The like has been, and will be every where, in as much as every man endeavours to destroy those he hates and fears; and the greatness of the danger often drives this \* fear to rage and madness. For this reason Caligula wish'd but one neck to all the people; and Nero triumphed over the burning city, thinking by that ruin he had prevented his own danger. I know not who the good authors are that commend Domitian for his justice; but Tacitus call him "principem virtutibus infestum †;" and 'tis hard to find out how such a man can be an observer of justice, unless it be just, that whoever dares to be virtuous under a vicious and base prince should be destroy'd. Another ‡ author of the same time speaking of him, does not say he was unjust, but gives us reason to think he was so, unless it were just for him, who had a power over the best part of

\* Cuncta ferit dum cuncta timet. *Lucan.*

† Tacit. in vit. Agric.

‡ Cum jam semianimum laceraret Flavius orbem

Tertius, & calvo, ferviret Roma tyranno. *Juvenal.*

the world, to destroy it; and that he who by his cruelty had brought it to the last gasp, would have finish'd the work, if his rage had not been extinguished.

Many princes not having in themselves power to destroy their people, have stirred up foreign nations against them, and placed the only hopes of their safety in the public calamity; and lawful kings when they have fallen into the first degree of madness, so as to assume a power above that which was allowed by the law, have in fury proved equal to the worst usurpers. Clonymus of Sparta was of this sort: he became, says Plutarch\*, an enemy to the city, because they would not allow him the absolute power he affected; and brought Pyrrhus the fiercest of their enemies, with a mighty and well disciplin'd army to destroy them. Vortigern the Briton call'd in the Saxons with the ruin of his own people†, who were incensed against him for his lewdness, cruelty, and baseness. King John for the like reasons offer'd the kingdom of England to the Moors, and to the pope. Peter the cruel, and other kings of Castille brought vast armies of Moors into Spain to the ruin of their own people, who detested their vices, and would not part with their privileges. Many other examples of the like nature might be alleged; and I wish our own experience did not too well prove that such designs are common. Let him that doubts this, examine the causes of the wars with Scotland in the years 1639, 1640; the slaughters of the protestants in Ireland 1641; the whole course of alliances and treaties for the space of fourscore years; the friendship contracted with the French; frequent quarrels with the Dutch, together with other circumstances that

\* Plut. vit. Pyrrh.

† Math. Westm.

are already made too public : if he be not convinced by this, he may soon see a man in the throne, who had rather be a tributary to France than a lawful king of England, whilst either parliament or people shall dare to dispute his commands, insist upon their own rights, or defend a religion inconsistent with that which he has espoused ; and then the truth will be so evident as to require no proof.

Grotius was never accused of dealing hardly with kings, or laying too much weight upon imaginary cases ; nevertheless amongst other reasons that in his opinion justify subjects in taking arms against their princes, he alleges this, “ *propter immanem sævitiam,*” and “ *quando rex in populi exitium fertur ;*” in as much as it is “ contrary to, and inconsistent “ with the ends for which governments are instituted ;” which were most impertinent, if no such thing could be ; for that which is not, can have no effect. There are therefore princes who seek the destruction of their people, or none could be justly opposed on that account.

If king James was of another opinion, I could wish the course of his government had been suited to it. When he said that whilst he had the power of making judges and bishops, he would make that to be law and gospel which best pleased him, and filled those places with such as turned both according to his will and interests, I must think that by overthrowing justice, which is the rule of civil and moral actions, and perverting the gospel which is the light of the spiritual man, he left nothing unattempted that he durst attempt, by which he might bring the most extensive and universal evils upon our nation that any can suffer. This would stand good, tho’ princes never erred, unless they were “ transported “ with some inordinate lusts ;” for ’tis hard to find  
one



one does not live in the perpetual power of them. They are naturally subject to the impulse of such appetites as well as others, and whatever evil reigns in their nature is fomented by education. 'Tis the handle by which their flatterers lead them; and he that discovers to what vice a prince is most inclin'd, is sure to govern him by rendering himself subservient. In this consists the chief art of a courtier, and by this means it comes to pass that such lusts as in private men are curbed by fear, do not only rage as in a wild beast, but are perpetually inflamed by the malice of their own servants: their hatred to the laws of God or men that might restrain them, increases in proportion with their vices, or their fears of being punished for them. And when they are come to this, they can set no limits to their fury, and there is no extravagance into which they do not frequently fall. But many of them do not expect these violent motives: the perversity of their own nature carries them to the extremities of evil. They hate virtue for its own sake, and virtuous men for being most unlike to themselves. This virtue is the dictate of reason, or the remains of divine light, by which men are made beneficent and beneficial to each other. Religion proceeds from the same spring, and tends to the same end; and the good of mankind so intirely depends upon these two, that no people ever enjoyed any thing worth desiring that was not the product of them; and whatsoever any have suffer'd that deserves to be abhorr'd and feared, has proceeded either from the defect of these, or the wrath of God against them. If any prince therefore has been an enemy to virtue and religion, he must also have been an enemy to mankind, and most especially to the people under him. Whatsoever he does against those that excel in virtue and religion, tends to the destruction

destruction of the people who subsist by them. I will not take upon me to define who they are, or to tell the number of those that do this: but 'tis certain there have been such; and I wish I could say they were few in number, or that they had liv'd only in past ages. Tacitus does not fix this upon one prince, but upon all that he writes of; and to give his readers a taste of what he was to write, he says, "that nobility and honours were dangerous, but that virtue brought most certain destruction\*;" and in another place, that "after the slaughter of many excellent men, Nero resolved to cut down virtue it self, and therefore kill'd Thraseas Patus and Bareas Soranus†." And whosoever examines the christian or ecclesiastical histories, will find those princes to have been no less enemies to virtue and religion than their predecessors, and consequently enemies to the nations under them, unless religion and virtue be things prejudicial or indifferent to mankind.

But our author may say, these were particular cases; and so was the slaughter of the prophets and apostles, the crucifixion of Christ, and all the villainies that have ever been committed; yet they proceeded from a universal principle of hatred to all that is good, exerting it self as far as it could, to the ruin of mankind: and nothing but the over-ruling power of God, who resolved to preserve to himself a people, could set bounds to their rage, which in other respects had as full success as our author, or the devil could have wished.

Dionysius (his other example of justice) deserves observation: more falsehood, lewdness, treachery, ingratitude, cruelty, baseness, avarice, impudence and hatred to all manner of good, was hardly ever

\* C. Tacit. Hist. l. i.

† Ann. l. xvi. 21.

known in a mortal creature. For this reason, Diogenes seeing him at Corinth, tho' in a poor and contemptible condition, said, he rather deserved to have continued in the misery, fears and villanies of his tyranny, than to be suffer'd peaceably to converse with honest men. And if such as these are to be called observers of justice, it must be concluded that the laws of God and of men, are either of no value, or contrary to it; and that the destruction of nations is a better work than their preservation. No faith is to be observed: temples may be justly sack'd; the best men slain for daring to be better than their masters; and the whole world, if it were in the power of one man, rightly torn in pieces and destroy'd.

His reasons for this are as good as his doctrine: "It is, saith he, the multitude of people and abundance of riches, that are the glory and strength of every prince: the bodies of his subjects do him service in war, and their goods supply his wants. Therefore if not out of affection to his people, yet out of natural love unto himself, every tyrant desires to preserve the lives and goods of his subjects." I should have thought that princes, tho' tyrants, being God's vicegerents, and fathers of their people, would have sought their good, tho' no advantage had thereby redounded to themselves, but it seems no such thing is to be expected from them. They consider nations, as graziers do their herds and flocks, according to the profit that can be made of them: and if this be so, a people has no more security under a prince, than a herd or flock under their master. Tho' he desire to be a good husband, yet they must be delivered up to the slaughter when he finds a good market, or a better way of improving his land; but they are often foolish, riotous, prodigal,

gal, and wantonly destroy their stock, tho' to their own prejudice. We thought that all princes and magistrates had been set up, that under them we might live quietly and peaceably, in all godliness and honesty : but our author teaches us, that they only seek what they can make of our bodies and goods, and that they do not live and reign for us, but for themselves. If this be true, they look upon us not as children, but as beasts, nor do us any good for our own sakes, or because it is their duty, but only that we may be useful to them, as oxen are put into plentiful pastures that they may be strong for labour, or fit for slaughter. This is the divine model of government that he offers to the world. The just magistrate is the minister of God for our good : but this absolute monarch has no other care of us, than as our riches and multitude may increase his own glory and strength. We might easily judge what would be the issue of such a principle, when the being of nations depending upon his will, must also depend upon his opinion, whether the strength, multitude and riches of a people do conduce to the increase of glory and power, or not, tho' histories were silent in the case ; for these things speak of themselves. The judgment of a single man is not to be relied upon ; the best and wisest do often err, the foolish and perverse always ; and our discourse is not of what Moses or Samuel would do, but what may come into the fancy of a furious or wicked man who may usurp the supreme power, or a child, a woman, or a fool, that may inherit it. Besides, the proposition upon which he builds his conclusion, proves often false : for as the riches, power, number and courage of our friends is for our advantage, and that of our enemies threatens us with ruin ; those princes only can reasonably believe the strength  
of



of their subjects beneficial to them, who govern so as to be assured of their affection, and that their strength will be employ'd for them : but those who know they are, or deserve to be hated, cannot but think it will be employ'd against them, and always seek to diminish that which creates their danger. This must certainly befall as many as are lewd, foolish, negligent, imprudent, cowardly, wicked, vicious, or any way unworthy the places they obtain ; for their reign is a perpetual exercise of the most extreme and ruinous injustice : every man that follows an honest interest, is prejudic'd : every one who finds the power that was ordained for his good, to be turned to his hurt, will be angry and hate him that does it : if the people be of uncorrupted manners, this hatred will be universal, because every one of them desires that which is just ; if composed of good and evil, the first will always be averse to the evil government, and the others endeavouring to uphold it, the safety of the prince must depend upon the prevalence of either party. If the best prove to be the strongest, he must perish : and knowing himself to be supported only by the worst, he will always destroy as many of his enemies as he can ; weaken those that remain ; enrich his creatures with their spoils and confiscations ; by fraud and rapine accumulate treasures to increase the number of his party, and advance them into all places of power and trust, that by their assistance he may crush his adversaries ; and every man is accounted his adversary, who has either estate, honour, virtue or reputation. This naturally casts all the power into the hands of those who have no such dangerous qualities, nor any thing to recommend them, but an absolute resignation of themselves to do whatever they are commanded. These men having neither will

nor knowledge to do good, as soon as they come to be in power, justice is perverted, military discipline neglected, the public treasures exhausted, new projects invented to raise more; and the prince's wants daily increasing, through their ignorance, negligence, or deceit, there is no end of their devices and tricks to gain supplies. To this end swarms of spies, informers and false witnesses are sent out to circumvent the richest and most eminent men: the tribunals are fill'd with court-parasites of profligate consciences, fortunes and reputation, that no man may escape who is brought before them. If crimes are wanting, the diligence of well-chosen officers and prosecutors, with the favour of the judges, supply all defects; the law is made a snare; virtue suppress'd, vice fomented, and in a short time honesty and knavery, sobriety and lewdness, virtue and vice, become badges of the several factions; and every man's conversation and manners shewing to what party he is addicted, the prince who makes himself head of the worst, must favour them to the overthrow of the best, which is so streight a way to an universal ruin, that no state can prevent it, unless that course be interrupted.

These things consider'd, no general judgment can be made of a magistrate's counsels, from his name or duty. He that is just, and become grateful to the people by doing good, will find his own honour and security in increasing their number, riches, virtue, and power: if on the other side, by doing evil, he has drawn upon himself the public hatred, he will always endeavour to take from them the power of doing him any hurt, by bringing them into the utmost weakness, poverty, and baseness. And whoever would know whether any particular prince desires to increase or destroy the bodies and goods of  
his

his subjects, must examine whether his government be such as renders him grateful or odious to them ; and whether he do pursue the public interest, or for the advancement of his own authority set up one in himself contrary to that of his people ; which can never befall a popular government, and consequently no mischief equal to it can be produced by any such, unless something can be imagined worse than corruption and destruction.

## S E C T. XXVIII.

*Men living under popular or mixed governments, are more careful of the public good, than in absolute monarchies.*

OUR author delighting in strange things, does in the next place, with an admirable sagacity, discover two faults in popular governments, that were never found by any man before him ; and these are no less than ignorance and negligence. Speaking of the care of princes to preserve their subjects, he adds, “ On the contrary in a popular  
“ state, every man knows the public good doth not  
“ wholly depend upon his care, but the common-  
“ wealth may be well enough governed by others,  
“ tho’ he only tend his private business.” And a little below, “ Nor are they much to be blamed  
“ for their negligence, since it is an even wager  
“ their ignorance may be as great. The magis-  
“ trates amongst the people being for the most part  
“ annual, do always lay down their office before  
“ they understand it ; so as a prince of a duller  
“ understanding must needs excel them.” This is bravely determin’d, and the world is beholden to Filmer for the discovery of the errors that have hitherto been epidemical. Most men had believed,

that such as live in free states, are usually pleas'd with their condition, desire to maintain it; and every man finding his own good comprehended in the public, as those that sail in the same ship, employs the talent he has in endeavouring to preserve it, knowing that he must perish if that miscarry. This was an encouragement to industry; and the continual labours and dangers to which the Romans and other free nations exposed themselves, have been taken for testimonies that they thought themselves concerned in the businesses that passed among them, and that every one did not neglect them through an opinion that they would be done well enough by others. It was also thought that free cities, by frequent elections of magistrates, became nurseries of great and able men, every man endeavouring to excel others, that he might be advanced to the honour he had no other title to than what might arise from his merit or reputation; in which they succeeded so well, that one of them may be justly said to have produced more eminent men, than all the absolute monarchies that have been in the world. But these were mistakes. Perhaps Brutus, Valerius, and other Roman senators or magistrates, for the space of three hundred years, might have taken some care of the commonwealth, if they had thought it wholly depended upon one of them. But believing it would be well enough governed by others, they neglected it. Camillus, Cincinnatus, Papirius, Fabius, Rullus and Maximus, Scipio Africanus, Amilcar, Hannibal, Pericles, Themistocles, Alcibiades, Epaminondas, Philopemen, and others, might have proved able men in affairs of war or government; but they were removed from their offices before they understood them, and must needs be excelled in both by princes,



tho' of duller understanding. This may be enough to excuse them for performing their duty so slackly and meanly : but 'tis strange that Tacitus, and others, should so far overlook the reason, and so grossly mistake the matter of fact, as not only to say, that great and excellent spirits failed when liberty was lost, and all preferments given to those who were most propense to slavery ; but that there wanted men even to write the history, "*Inscitia reipublicæ ut alienæ\**." They never applied themselves to understand affairs depending upon the will of one man, in whom they were no otherwise concern'd, than to avoid the effects of his rage ; and that was chiefly to be done, by not falling under the suspicion of being virtuous. This was the study then in request ; and the most cunning in this art were called *Scientes temporum* : no other wisdom was esteemed in that and the ensuing ages, and no more was requir'd, since the paternal care, deep wisdom, and profound judgment of the princes provided for all ; and tho' they were of duller understandings, they must needs excel other magistrates, who having been created only for a year, left their offices before they could understand the duties of them. This was evidenced by that tenderness and sincerity of heart, as well as the great purity of manners observed in Tiberius ; the clemency, justice, solid judgment and frugality of Caligula ; the industry, courage and sobriety of Claudius ; the good nature and prudent government of Nero ; the temperance, vivacity and diligence of Vitellius, the liberality of Galba and Vespasian ; together with the encouragement given by Domitian, Commodus, Heliogabalus, and many others, to all manner of virtues and favours conferred upon those that excel-

\* Tacit. Annal. l. i.

ed in them. Our author giving such infallible proof of his integrity and understanding, by teaching us these things that would never have come into our heads, ought to be credited, tho' that which he proposes seem to be most absurd. But if we believe such as lived in those times, or those who in latter ages have perused their writings, we cannot but think the princes beforementioned, and the greatest part of those who possessed the same place, not only to have been void of all virtue, and to have suffer'd none to grow up under them but in baseness, sottishness and malice, to have been equal to the worst of all beasts. Whilst one prince polluted with lust and blood, sat in his grotto at Capreæ, surrounded with an infamous troop of astrologers, and others were govern'd by whores, bardache's, manumised slaves, and other villains, the empire was ruin'd through their negligence, incapacity and wickedness; and the city that had flourish'd in all manner of virtue, as much or more than any that has been yet known in the world, produced no more; the discipline was dissolved that nourish'd it; no man could hope to advance a public good, or obviate an evil by his diligence and valour; and he who acquired reputation by either, could expect no other reward than a cruel death. If Germanicus and Corbulo, who were born when liberty was expiring, be brought for examples against the first part of my assertion, their ends will justify the latter; and no eminent Roman family is known to have brought forth a man that deserved to be named in history since their time. This is as probable in reason as true in fact. Men are valiant and industrious, when they fight for themselves and their country; they prove excellent in all the arts of war and peace, when they are bred up

in virtuous exercises, and taught by their fathers and masters to rejoice in the honours gained by them: they love their country, when the good of every particular man is comprehended in the public prosperity, and the success of their achievements is improved to the general advantage: they undertake hazards and labours for the government, when 'tis justly administered; when innocence is safe, and virtue honour'd; when no man is distinguish'd from the vulgar, but such as have distinguish'd themselves by the bravery of their actions; when no honour is thought too great for those who do it eminently, unless it be such as cannot be communicated to others of equal merit: they do not spare their persons, purses, or friends, when the public powers are employ'd for the public benefit, and imprint the like affections in their children from their infancy. The discipline of obedience in which the Romans were bred, taught them to command: and few were admitted to the magistracies of inferior rank, till they had given such proof of their virtue as might deserve the supreme. Cincinnatus, Camillus, Papirius, Mamercus, Fabius Maximus, were not made dictators, that they might learn the duties of the office; but because they were judged to be of such wisdom, valour, integrity and experience, that they might be safely trusted with the highest powers; and whilst the law reigned, not one was advanced to that honour, who did not fully answer what was expected from him. By this means the city was so replenished with men fit for the greatest employments, that even in its infancy, when three hundred and six of the Fabii, "*Quorum neminem, says Livy, ducem sperneret quibuslibet temporibus senatus,*" were killed in one day, the city did lament the loss, but was not so weak-

weakned to give any advantage to their enemies : and when every one of those who had been eminent before the second Punic war, Fabius Maximus only excepted, had perished in it, others arose in their places, who surpassed them in number, and were equal to them in virtue. The city was a perpetual spring of such men as long as liberty lasted ; but that was no sooner overthrown, than virtue was torn up by the roots ; the people became base and fordid, the small remains of the nobility slothful and effeminate, and their Italian associates becoming like to them, the empire whilst it stood, was only sustained by the strength of foreigners.

The Grecian virtue had the same fate, and expired with liberty : instead of such soldiers as in their time had no equals, and such generals of armies and fleets, legislators and governors, as all succeeding ages have justly admired, they sent out swarms of fiddlers, jesters, chariot-drivers, players, bawds, flatterers, ministers of the most impure lusts ; or idle, babling, hypocritical philosophers not much better than they. The emperors courts were always crowded with this vermin ; and notwithstanding the necessity our author imagines that princes must needs understand matters of government better than magistrates annually chosen, they did for the most part prove so brutish as to give themselves and the world to be governed by such as these, and that without any great prejudice, since none could be found more ignorant, lewd, and base than themselves.

'Tis absurd to impute this to the change of times ; for time changes nothing ; and nothing was changed in those times but the government, and that changed all things. This is not accidental, but according to the rules given to nature by God, imposing upon all things a necessity of perpetually following



lowing their causes. Fruits are always of the same nature with the seeds and roots from which they come, and trees are known by the fruits they bear: as a man begets a man, and a beast a beast, that society of men which constitutes a government upon the foundation of justice, virtue, and the common good, will always have men to promote those ends; and that which intends the advancement of one man's desires and vanity, will abound in those that will foment them. All men follow that which seems advantageous to themselves. Such as are bred under a good discipline, and see that all benefits procured to their country by virtuous actions, redound to the honour and advantage of themselves, their children, friends, and relations, contract from their infancy a love to the public, and look upon the common concerns as their own. When they have learnt to be virtuous, and see that virtue is in esteem, they seek no other preferments than such as may be obtained that way; and no country ever wanted great numbers of excellent men, where this method was established. On the other side, when 'tis evident that the best are despised, hated, or mark'd out for destruction; all things calculated to the humour or advantage of one man, who is often the worst, or govern'd by the worst; honours, riches, commands, and dignities disposed by his will, and his favour gained only by a most obsequious respect, or a pretended affection to his person, together with a servile obedience to his commands, all application to virtuous actions will cease; and no man caring to render himself or his children worthy of great employments, such as desire to have them will by little intrigues, corruption, scurrility and flattery endeavour to make way to them; by which means true merit in a short time comes to be abolished,

lish'd, as fell out in Rome as soon as the Cæsars began to reign.

He who does not believe this, may see whether the like did not happen in all other commonwealths of Italy and Greece; or if modern examples are thought to be of more value, let him examine whether the noblemen of Venice, who are born and bred in families that never knew a master, who act for themselves, and have a part in all the good or evil that befalls the commonwealth, and know that if it be destroy'd, they must perish, or at least that all changes are to their prejudice, do neglect the public interests, as thinking that the whole not depending upon any one of them, things will be well enough governed, tho' they attend only their private benefit. Let it be observed whether they do better understand the common concerns, than the great men of France or Spain, who never come to the knowledge of any thing, unless they happen to be favour'd by the king or his ministers, and know themselves never to be more miserable than when their master is most prosperous. For my own part, I cannot think it necessary to allege any other proof of this point than that when Maximilian the emperor \*, Lewis the twelfth of France, the fierce pope Julian the second, and Ferdinand the subtil, powerful, and bold king of Spain, had by the league of Cambray combin'd against the Venetians, gained the battle of La Ghirad'adda, taken Alviano their general prisoner, deprived them of all their dominion on the terra firma, and prepared to assault the city, it was, under God, solely preserved by the vigour and wisdom of the nobility, who tho' no way educated to war, unless by sea, sparing neither persons nor purses, did with ad-

\* Paol. Paruta hist. Venet. Guicciard.

mirable industry and courage first recover Padoüa, and then many other cities, so as at the end of that terrible war they came off without any diminution of their territories. Whereas Portugal having in our age revolted from the house of Austria, no one doubts that it had been immediately reduced, if the great men of Spain had not been pleased with such a lessening of their master's power, and resolved not to repair it by the recovery of that kingdom, or to deprive themselves of an easy retreat when they should be oppressed by him or his favourites. The like thought was more plainly express'd by the mareschal de Bassompierre, who seeing how hardly Rochel was pressed by Lewis the thirteenth, said, \* he thought they should be such fools to take it: but 'tis believ'd they would never have been such fools; and the treachery only of our countrymen did enable the cardinal Richlieu to do it (as for his own glory, and the advancement of the popish cause he really intended) and nothing is to this day more common in the mouth of their wisest and best men, tho' papists, than the acknowledgment of their own folly in suffering that place to fall, the king having by that means gotten power to proceed against them at his pleasure. The brave monsieur de Turenne is said to have carried this to a greater height in his last discourse to the present king of France: " You think, said he, you have armies, but you have none; the one half of the officers are the bawdy-house companions of monsieur de \*\*\*, or the creatures of his whore madam de \*\*\*: the other half may be men of experience and fit for their employments; but they are such as would be pleased with nothing more than to see you lose

\* Je croy qu'enfin nous serons assez fous pour prendre la Rochelle.  
 Mem. de Bassompierre.

“ two or three battles, that coming to stand in need  
“ of them, you might cause them to be better used  
“ by your ministers than of late they have been.”  
It may be easily imagin’d how men in such sentiments do serve their master ; and nothing is more evident than that the French in this age have had so great advantages, that they might have brought Europe, and perhaps Asia, under their power, if the interest of the nation had been united to that of the government, and the strength, vigour, and bravery of the nobility employ’d that way. But since it has pleas’d God to suffer us to fall into a condition of being little able to help ourselves, and that they are in so good terms with the Turk as not to attack him, ’tis our happiness that they do not know their own strength, or cannot without ruin to themselves turn it to our prejudice.

I could give yet more pregnant testimonies of the difference between men fighting for their own interests in the offices to which they had been advanced by the votes of numerous assemblies, and such as serve for pay, and get preferments by corruption or favour, if I were not unwilling to stir the spleen of some men by obliging them to reflect upon what has pass’d in our own age and country ; to compare the justice of our tribunals within the time of our memory, and the integrity of those who for a while manag’d the public treasure ; the discipline, valour, and strength of our armies and fleets ; the increase of our riches and trade ; the success of our wars in Scotland, Ireland, and at sea, the glory and reputation not long since gained, with that condition into which we are of late fallen. But I think I shall offend no wise or good man, if I say, that as neither the Romans nor Grecians in the time of their liberty ever performed any actions more glorious



ous than freeing the country from a civil war that had raged in every part, the conquest of two such kingdoms as Scotland and Ireland, and crushing the formidable power of the Hollanders by sea; nor ever produced more examples of valour, industry, integrity, and in all respects compleat, disinterested, unmoveable and incorruptible virtue, than were at that time' seen in our nation: so neither of them upon the change of their affairs did exceed us in weakness, cowardice, baseness, venality, lewdness, and all manner of corruption. We have reason therefore not only to believe that all princes do not necessarily understand the affairs of their people, or provide better for them than those who are otherwise chosen; but that, as there is nothing of greatness, power, riches, strength, and happiness, which we might not reasonably have hoped for, if we had rightly improved the advantages we had, so there is nothing of shame and misery which we may not justly fear, since we have neglected them.

If any man think that this evil of advancing officers for personal respects, favour or corruption, is not of great extent, I desire him to consider, that officers of state, courts of justice, church, armies, fleets and corporations, are of such number and power as wholly to corrupt a nation when they themselves are corrupted; and will ever be corrupt, when they attain to their offices by corruption. The good management of all affairs, civil, military, and ecclesiastical, necessarily depends upon good order and discipline; and 'tis not in the power of common men to reform abuses patronized by those in authority, nor to prevent the mischiefs thereupon ensuing; and not having power to direct public actions to the public good, they must consequently want the industry and affection

tion that is required to bring them to a good issue. The Romans were easily beaten under the Decemviri, tho' immediately before the erection, and after the extinction of that power, none of their neighbours were able to resist them. The Goths who with much glory had reigned in Spain for about three hundred years, had neither strength nor courage under their lewd and odious king Rodrigo, and were in one day subdued with little loss of blood by the Saracens, and could not in less than eight hundred years free their country from them. That brave nation having of late fallen under as base a conduct, has now as little heart or power to defend it self : court-parasites have rendered valour ridiculous ; and they who have ever shew'd themselves as much inclin'd to arms as any people of the world, do now abhor them, and are sent to the wars by force, laid in carts, and bound like calves brought to the shambles, and left to starve in Flanders as soon as they arrive. It may easily be judged what service can be expected from such men, tho' they should happen to be well commanded : but the great officers, by the corruption of the court, think only of enriching themselves ; and increasing the misery of the soldiers by their frauds, both become equally useless to the state.

Notwithstanding the seeming prosperity of France, matters there are not much better managed. The warlike temper of that people is so worn out by the frauds and cruelties of corrupt officers, that few men list themselves willingly to be soldiers ; and when they are engaged or forced, they are so little able to endure the miseries to which they are exposed, that they daily run away from their colours, tho' they know not whither to go, and expect no mercy if they are taken. The king has in vain attempted to correct this humour by the severity of martial law ;  
but

but mens minds will not be forced ; and tho' his troops are perfectly well arm'd, cloth'd, and exercised, they have given many testimonies of little worth. When the prince of Condé had by his own valour, and the strength of the king's guards, broken the first line of the prince of Orange's army at the battel of Seneff, and put the rest into disorder, he could not make the second and third line of his own army to advance and reinforce the first, by which means he lost all the fair hopes he had conceived of an entire victory. Not long after, the Marechal de Crequi was abandoned by his whole army near Trier, who ran away, hardly striking a stroke, and left him with sixteen horse to shift for himself. When Monsieur de Turenne, by the excellency of his conduct and valour, had gain'd such a reputation amongst the soldiers, that they thought themselves secure under him, he did not suffer such disgraces; but he being kill'd, they returned to the usual temper of forced and ill-used soldiers: half the army was lost in a retreat, little differing from a flight; and the rest, as they themselves confess, saved by the bravery of two English regiments. The prince of Condé was soon after sent to command; but he could not with all his courage, skill and reputation, raise their fallen spirits, nor preserve his army any other way, than by lodging them in a camp near Schlestadt, so fortified by art and nature that it could not be forc'd.

To these we may add some examples of our own. In our late war the Scots foot, whether friends or enemies, were much inferior to those of the parliament, and their horse esteemed as nothing. Yet in the year 1639 and 1640, the king's army, tho' very numerous, excellently armed and mounted, and in appearance able to conquer many such kingdoms

as Scotland, being under the conduct of courtiers, and affected as men usually are towards those that use them ill, and seek to destroy them, they could never resist a wretched army commanded by Leven; but were shamefully beaten at Newborn, and left the northern counties to be ravaged by them.

When Van Tromp set upon Blake in Foleston-Bay, the parliament had not above thirteen ships against threescore, and not a man that had ever seen any other fight at sea, than between a merchant ship and a pirate, to oppose the best captain in the world, attended with many others in valour and experience not much inferior to him. Many other difficulties were observ'd in the unsettled state: few ships, want of money, several factions, and some who to advance particular interests betray'd the public. But such was the power of wisdom and integrity in those that sat at the helm, and their diligence in choosing men only for their merit was blessed with such success, that in two years our fleets grew to be as famous as our land armies; the reputation and power of our nation rose to a greater height, than when we possessed the better half of France, and the kings of France and Scotland were our prisoners. All the states, kings and potentates of Europe, most respectfully, not to say submissively, sought our friendship; and Rome was more afraid of Blake and his fleet, than they had been of the great king of Sweden, when he was ready to invade Italy with a hundred thousand men. This was the work of those, who, if our author say true, "thought basely of the public concernments;" and believing things might be well enough managed by others, minded only their private affairs. These were the effects of the negligence and ignorance of those, who being suddenly advanced to offices, were removed before they under-



stood the duties of them. These diseases which proceed from popular corruption and irregularity, were certainly cured by the restitution of that integrity, good order and stability that accompany divine monarchy. The justice of the war made against Holland in the year 1665; the probity of the gentleman, who without partiality or bribery, chose the most part of the officers that carried it on; the wisdom, diligence and valour manifested in the conduct, and the glory with which it was ended, justifies all that our author can say in its commendation. If any doubt remains, the subtilty of making the king of France desire that the Netherlands might be an accession to his crown; the ingenious ways taken by us to facilitate the conquest of them; the industry of our ambassadors in diverting the Spaniards from entering into the war 'till it was too late to recover the losses sustain'd; the honourable design upon the Smyrna fleet, and our frankness in taking the quarrel upon ourselves; together with the important figure we now make in Europe, may wholly remove it; and in confirmation of our author's doctrine, shew, that princes do better perform the offices that require wisdom, industry and valour, than annual magistrates; and do more seldom err in the choice of officers, than senates and popular assemblies.

## S E C T. XXIX.

*There is no assurance that the distempers of a state shall be cured by the wisdom of a prince.*

“ **B**UT, says our author, the virtue and wisdom of a prince supplies all. Tho’ he were of a duller understanding, by use and experience he must needs excel all :” nature, age, or sex, are,

as it seems, nothing to the case. A child as soon as he comes to be a king, has experience; the head of a fool is filled with wisdom, as soon as a crown is set upon it, and the most vicious do in a moment become virtuous. This is more strange than that an ass being train'd to a course, should out-run the best Arabian horse; or a hare bred up in an army, become more strong and fierce than a lion; for fortune does not only supply all natural defects in princes, and correct their vices, but gives them the benefit of use and experience, when they have none. Some reasons and examples might have been expected to prove this extraordinary proposition: but according to his laudable custom, he is pleased to trouble himself with neither; and thinks that the impudence of an assertion is sufficient to make that to pass, which is repugnant to experience and common sense, as may appear by the following discourse.

I will not insist upon terms; for tho' *duller understanding* signifies nothing, in as much as no understanding is dull, and a man is said to be dull only because he wants it; but presuming he means little understanding, I shall so take it. This defect may possibly be repair'd in time; but to conclude it must be so, is absurd, for no one has this use and experience when he begins to reign. At that time many errors may be committed to the ruin of himself or people, and many have perish'd even in their beginning. Edward the fifth and sixth of England, Francis the second of France, and divers other kings have died in the beginning of their youth: Charles the ninth lived only to add the furies of youth to the follies of his childhood; and our Henry the second, Edward the second, Richard the second, and Henry the sixth, seem to have been little wiser in the last, than in the first year of their reign or life. The  
present

present kings of Spain, France, and Sweden, came to the crowns they wear before the sixth year of their age; and if they did then surpass all annual magistrates in wisdom and valour, it was by a peculiar gift of God, which for any thing we know, is not given to every king, and it was not use and experience that made them to excel. If it be pretended that this experience, with the wisdom that it gives, comes in time and by degrees; I may modestly ask, what time is requir'd to render a prince excellent in wisdom who is a child or a fool? and who will give security that he shall live to that time, or that the kingdom shall not be ruin'd in the time of his folly? I may also doubt how our author, who concludes that every king in time must needs become excellent in wisdom, can be reconciled to Solomon, who in preferring a wise child before an old and foolish king that will not be advised, shews that an old king may be a fool, and he that will not be advised is one. Some are so naturally brutish and stupid, that neither education nor time will mend them. 'Tis probable that Solomon took what care he could to instruct his only son Rehoboam; but he was certainly a fool at forty years of age, and we have no reason to believe that he deserv'd a better name. He seems to have been the very fool his father intended, who tho' brayed in a mortar would never leave his folly: he would not be advised, tho' the hand of God was against him; ten tribes revolted from him, and the city and temple was pillaged by the Egyptians. Neither experience nor afflictions could mend him, and he is called to this day by his own countrymen *stultitia gentium*. I might offend tender ears, if I should alledge all the examples of princes mentioned in history, or known in our own age, who have lived and died

as foolish and incorrigible as he: but no man, I presume, will be scandalized, that the ten last kings of Meroveus his race, whom the French historians call *Les roy faineants*, were so far from excelling other men in understanding, that they liv'd and died more like to beasts than men. Nay, the wisdom and valour of Charles Martel expired in his grand-child Charles the great; and his posterity grew to be so sottish, that the French nation must have perished under their conduct, if the nobility and people had not rejected them, and placed the crown upon a more deserving head.

This is as much as is necessary to be said to the general proposition; for it is false, if it be not always true; and no conclusion can be made upon it. But I need not be so strict with our author, there being no one sound part in his assertion. Many children come to be kings when they have no experience, and die, or are depos'd before they can gain any. Many are by nature so sottish that they can learn nothing: others falling under the power of women, or corrupt favourites and ministers, are perswaded and seduced from the good ways to which their own natural understanding or experience might lead them; the evils drawn upon themselves or their subjects, by the errors committed in the time of their ignorance, are often grievous, and sometimes irreparable, tho' they should be made wise by time and experience. A person of royal birth and excellent wit, was so sensible of this as to tell me, " That the condition  
" of kings was most miserable, in as much as they  
" never heard truth till they were ruin'd by lies,  
" and then every one was ready to tell it to them,  
" not by way of advice, but reproach, and rather  
" to vent their own spite, than to seek a remedy to  
" the evils brought upon them and the people."

Others



Others attain to crowns when they are of full age, and have experience as men, tho' none as kings; and therefore are apt to commit as great mistakes as children: and upon the whole matter all the histories of the world shew, that instead of this profound judgment and incomparable wisdom which our author generally attributes to all kings, there is no sort of men that do more frequently and intirely want it.

But tho' kings were always wise by nature, or made to be so by experience, it would be of little advantage to nations under them, unless their wisdom were pure, perfect, and accompanied with clemency, magnanimity, justice, valour and piety. Our author durst hardly have said, that these virtues or graces are gained by experience, or annexed by God to any rank of men or families. He gives them where he pleases without distinction. We sometimes see those upon thrones, who by God and nature seem to have been designed for the most fordid offices; and those have been known to pass their lives in meanness and poverty, who had all the qualities that could be desir'd in princes. There is likewise a kind of ability to dispatch some sort of affairs, that princes who continue long in a throne may to a degree acquire or increase. Some men take this for wisdom, but K. James more rightly called it by the name of kingcraft; and as it principally consists in dissimulation, and the arts of working upon mens passions, vanities, private interests or vices, to make them for the most part instruments of mischief, it has the advancement or security of their own persons for object, is frequently exercised with all the excesses of pride, avarice, treachery and cruelty; and no men have been ever found more notoriously to deflect from all that deserves praise in a

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prince,

prince, or a gentleman, than those that have most excelled in it. Pharasmenes king of Iberia, is recorded by Tacitus \* to have been well vers'd in this science. His brother Mithridates king of Armenia had married his daughter, and given his own daughter to Rhadamistus son of Pharasmenes. He had some contests with Mithridates, but by the help of these mutual alliances, nearness of blood, the diligence of Rhadamistus, and an oath, strengthen'd with all the ceremonies that amongst those nations were esteemed most sacred, not to use arms or poison against him, all was compos'd; and by this means getting him into his power, he stifled him with a great weight of clothes thrown upon him, kill'd his children, and not long after his own son Rhadamistus also. Louis the eleventh of France, James the third of Scotland, Henry the seventh of England, were great masters of these arts; and those who are acquainted with history, will easily judge how happy nations would be if all kings did in time certainly learn them.

Our author, as a farther testimony of his judgment, having said that kings must needs excel others in understanding, and grounded his doctrine upon their profound wisdom, imputes to them those base and panic fears which are inconsistent with it, or any royal virtue: and to carry the point higher, tells us, "There is no tyrant so barbarously wicked, but his own reason and sense will tell him, that tho' he be a God, yet he must die like a man; and that there is not the meanest of his subjects, but may find a means to revenge himself of the injuries offer'd him:" and from thence concludes, that "there is no such tyranny as that of a multitude which is subject to no such fears." But if

\* Tacit. Ann. l. 11. c. 12.

there be such a thing in the world, as a barbarous and wicked tyrant, he is something different from a king, or the same; and his wisdom is consistent or inconsistent with barbarity, wickedness, and tyranny. If there be no difference, the praises he gives, and the rights he ascribes to the one belong also to the other: and the excellency of wisdom may consist with barbarity, wickedness, tyranny, and the panic fears that accompany them; which hitherto have been thought to comprehend the utmost excesses of folly and madness: and I know no better testimony of the truth of that opinion, than that wisdom always distinguishing good from evil, and being seen only in the rectitude of that distinction, in following and adhering to the good, rejecting that which is evil, preferring safety before danger, happiness before misery, and in knowing rightly how to use the means of attaining or preserving the one, and preventing or avoiding the other, there cannot be a more extravagant deviation from reason, than for a man, who in a private condition might live safely and happily, to invade a principality: or if he be a prince, who by governing with justice and clemency might obtain the inward satisfaction of his own mind, hope for the blessing of God upon his just and virtuous actions, acquire the love and praises of men, and live in safety and happiness amongst his safe and happy subjects, to fall into that barbarity, wickedness and tyranny, which brings upon him the displeasure of God, and detestation of men, and which is always attended with those base and panic fears, that comprehend all that is shameful and miserable. This being perceiv'd by Machiavel \*, he could not think that any man in his senses would not rather be a Scipio than

\* Discors. sopra T. Liv. l. 1. c. 10.



a Cæſar ; or if he came to be a prince, would not rather chooſe to imitate Ageſilaus, Timoleon, or Dion, than Nabis, Phalaris, or Dionyſius ; and imputes the contrary choice to madneſs. Nevertheleſs 'tis too well known that many of our author's profound wiſe men in the depth of their judgment, made perfect by uſe and experience, have fallen into it.

If there be a difference between this barbarous wicked tyrant, and a king, we are to examine who is the tyrant, and who the king ; for the name conferred or aſſumed cannot make a king, unleſs he be one. He who is not a king, can have no title to the rights belonging to him who is truly a king : ſo that a people who find themſelves wickedly and barbarouſly oppreſſed by a tyrant, may deſtroy him and his tyranny without giving offence to any king.

But 'tis ſtrange that Filmer ſhould ſpeak of the barbarity and wickedneſs of a tyrant, who looks upon the world to be the patrimony of one man ; and for the foundation of his doctrine, aſſerts ſuch a power in every one that makes himſelf maſter of any part, as cannot be limited by any law. His title is not to be queſtioned ; uſurpation and violence confer an incontestable right : the exerciſe of his power is no more to be diſputed than the acquiſition : his will is a law to his ſubjects ; and no law can be impoſed by them upon his conduct. For if theſe things be true, I know not how any man could ever be called a tyrant, that name having never been given to any, unleſs for uſurping a power that did not belong to him, or an unjuſt exerciſe of that which had been conferred upon him, and violating the laws which ought to be a rule to him. 'Tis alſo hard to imagine how any man can be called barbarous and wicked, if he be obliged by no law but that of his own



own pleasure; for we have no other notion of wrong, than that it is a breach of the law which determines what is right. If the lives and goods of subjects depend upon the will of the prince, and he in his profound wisdom preserve them only to be beneficial to himself, they can have no other right than what he gives, and without injustice may retain when he thinks fit: if there be no wrong, there can be no just revenge; and he that pretends to seek it, is not a free man vindicating his right, but a perverse slave rising up against his master. But if there be such a thing as a barbarous and wicked tyrant, there must be a rule relating to the acquisition and exercise of the power, by which he may be distinguish'd from a just king; and a law superior to his will, by the violation of which he becomes barbarous and wicked.

Tho' our author so far forgets himself, to confess this to be true, he seeks to destroy the fruits of it by such flattery as comprehends all that is most detestable in profaneness and blasphemy, and gives the name of Gods to the most execrable of men. He may by such language deserve the name of Heylin's disciple; but will find few among the heathens so basely servile, or so boldly impious. Tho' Claudius Cæsar was a drunken sot, and transported with the extravagance of his fortune, he detested the impudence of his predecessor Caligula, (who affected that title) and in his rescript to the procurator of Judea, gives it no better name than "*turpem Cæii insaniam.*" For this reason it was rejected by all his pagan successors, who were not as furiously wicked as he: yet Filmer has thought fit to renew it, for the benefit of mankind, and the glory of the christian religion.

I know not whether these extreme and barbarous errors of our author are to be imputed to wickedness

or

or madness; or whether, to save the pains of a distinction, they may not rightly be said to be the same thing; but nothing less than the excess of both could induce him to attribute any thing of good to the fears of a tyrant, since they are the chief causes of all the mischiefs he does. Tertullian says they are “*Metu quam furore sæviores;*” and Tacitus\*, speaking of a most wicked king, says, that he did “*Sævitiā ignaviæ obtendere;*” and we do not more certainly find that cowards are the cruellest of men, than that wickedness makes them cowards; that every man’s fears bear a proportion with his guilt, and with the number, virtue and strength of those he has offended. He who usurps a power over all, or abuses a trust reposed in him by all, in the highest measure offends all; he fears and hates those he has offended, and to secure himself, aggravates the former injuries: when these are public, they beget a universal hatred, and every man desires to extinguish a mischief that threatens ruin to all. This will always be terrible to one that knows he has deserved it; and when those he dreads are the body of the people, nothing but a public destruction can satisfy his rage, and appease his fears.

I wish I could agree with Filmer, in exempting multitudes from fears; for they having seldom committed any injustice, unless through fear, would, as far as human frugality permits, be free from it. Tho’ the Attic Ostracism was not an extreme punishment, I know nothing usually practised in any commonwealth, that did so much favour of injustice: but it proceeded solely from a fear that one man, tho’ in appearance virtuous, when he came to be raised too much above his fellow citizens, might be tempted to invade the public liberty. We do not find that the Athenians,

\* Gotarzes Tac. Ann. l. 12. c. 10.

or any other free cities, ever injur'd any man, unless through such a jealousy, or the perjury of witnesses, by which the best tribunals that ever were, or can be establish'd in the world, may be misled; and no injustice could be apprehended from any, if they did not fall into such fears.

But tho' multitudes may have fears as well as tyrants, the causes and effects of them are very different. A people, in relation to domestic affairs, can desire nothing but liberty, and neither hate or fear any but such as do, or would, as they suspect, deprive them of that happiness: their endeavours to secure that seldom hurt any except such as invade their rights; and if they err, the mistake is for the most part discovered before it produce any mischief; and the greatest that ever came that way, was the death of one or a few men. Their hatred and desire of revenge can go no farther than the sense of the injury received or feared, and is extinguished by the death or banishment of the persons; as may be gathered from the examples of the Tarquins, Decemviri, Cassius, Melius, and Manlius Capitolinus. He therefore that would know whether the hatred and fear of a tyrant, or of a people, produces the greater mischiefs, need only to consider, whether it be better that the tyrant destroy the people, or that the people destroy the tyrant: or at the worst, whether one that is suspected of affecting the tyranny should perish, or a whole people, amongst whom very many are certainly innocent: and experience shows that such are always first sought out to be destroy'd for being so: popular furies or fears, how irregular or unjust soever they may be, can extend no farther; general calamities can only be brought upon a people by those who are enemies to the whole body, which can never be the multitude, for they



are that body. In all other respects, the fears that render a tyrant cruel, render a people gentle and cautious; for every single man knowing himself to be of little power, not only fears to do injustice because it may be revenged upon his person, by him, or his friends, kindred and relations that suffers it; but because it tends to the overthrow of the government, which comprehends all public and private concerns, and which every man knows cannot subsist unless it be so easy and gentle, as to be pleasing to those who are the best, and have the greatest power: and as the public considerations divert them from doing those injuries that may bring immediate prejudice to the public, so there are strict laws to restrain all such as would do private injuries. If neither the people nor the magistrates of Venice, Switzerland, and Holland, commit such extravagances as are usual in other places, it does not perhaps proceed from the temper of those nations different from others, but from a knowledge, that whosoever offers an injury to a private person, or attempts a public mischief, is exposed to the impartial and inexorable power of the law; whereas the chief work of an absolute monarch is to place himself above the law, and thereby rendering himself the author of all the evils that the people suffer, 'tis absurd to expect that he should remove them.

### S E C T. XXX.

*A monarchy cannot be well regulated, unless the powers of the monarch are limited by law.*

OUR author's next step is not only to reject popular governments, but all such monarchies as are not absolute: "for if the king," says he, "admits the people to be his companions, he leaves  
to



“to be a king.” This is the language of French lackeys, valet de chambre’s, taylors and others like them in wisdom, learning and policy, who when they fly to England for fear of a well-deserved gally, gibbet, or wheel, are ready to say, “Il faut que le  
“roy soit absolu, autrement il n’est point roy.” And finding no better men to agree with Filmer in this sublime philosophy, I may be pardoned if I do not follow them, till I am convinced in these ensuing points.

1. It seems absurd to speak of kings admitting the nobility or people to part of the government: for tho’ there may be, and are nations without kings, yet no man can conceive a king without a people. These must necessarily have all the power originally in themselves; and tho’ kings may and often have a power of granting honours, immunities, and privileges to private men or corporations, he does it only out of the public stock, which he is entrusted to distribute; but can give nothing to the people, who give to him all that he can rightly have.

2. ’Tis strange that he who frequently cites Aristotle and Plato, should unluckily acknowledge such only to be kings as they call tyrants, and deny the name of king to those, who in their opinion are the only kings.

3. I cannot understand why the Scripture should call those kings whose powers were limited, if they only are kings who are absolute; or why Moses\* did appoint that the power of kings in Israel should be limited (if they resolved to have them) if that limitation destroyed the being of a king.

4. And lastly, how he knows that in the kingdoms which have a shew of popularity, the power is wholly in the king.

\* Deut. xvii.

The first point was proved when we examined the beginning of monarchies, and found it impossible that there could be any thing of justice in them, unless they were established by the common consent of those who were to live under them; or that they could make any such establishment, unless the right and power were in them.

Secondly, Neither Plato nor Aristotle acknowledge either reason or justice in the power of a monarch, unless he has more of the virtues conducing to the good of the civil society than all those who compose it; and employ them for the public advantage, and not to his own pleasure and profit, as being set up by those who seek their own good, for no other reason than that he should procure it. To this end a law is set as a rule to him, and the best men, that is, such as are most like to himself, made to be his assistants, because, say they, “ \* Lex est  
“ mens sine affectu, & quasi Deus;” whereas the best of men have their affections and passions, and are subject to be misled by them: which shews, that as the monarch is not for himself nor by himself, he does not give, but receive power, nor admit others to the participation of it, but is by them admitted to what he has. Whereupon they conclude, that to prefer the absolute power of a man, as in those governments which they call Barbarorum regna, before the regular government of kings justly exercising a power instituted by law, and directed to the public good, is to choose rather to be subject to the lust of a beast than to be governed by a God. And because such a choice can only be made by a beast, I leave our author to find a description of himself in their books which he so often cites.

\* Plat. de leg. Arist. polit.

But if Aristotle deserve credit, the princes who reign for themselves and not for the people, preferring their own pleasure or profit before the public, become tyrants ; which in his language is enemies to God and man. On this account Boccacini introduces the princes of Europe raising a mutiny against him in Parnassus, for giving such definitions of tyrants as they said comprehended them all ; and forcing the poor philosopher to declare by a new definition, that \* “ tyrants were certain men of antient times whose race is now extinguished’.” But with all his wit and learning he could not give a reason why those who do the same thing that rendered the antient tyrants detestable, should not be so also in our days.

In the third place, The scriptures declare the necessity of setting bounds to those who are placed in the highest dignities. Moses seems to have had as great abilities as any man that ever lived in the world ; but he alone was not able to bear the weight of the government, and therefore God appointed seventy chosen men to be his assistants. This was a perpetual law to Israel ; and as no king was to have more power than Moses, or more abilities to perform the duties of his office, none could be exempted from the necessity of wanting the like helps. Our author therefore must confess that they are kings who have them, or that kingly government is contrary to the scriptures. When God by Moses gave liberty to his people to make a king, he did it under these conditions “ He must be one of their “ brethren : they must choose him : he must not “ multiply gold, silver, wives, or horses : he must

\* Che i tiranni furono certi huomini del tempo antico de i quali hoggi si e perduta la razza. Boccac. Rag. de Parn.

“ not lift up his heart above his brethren \*.” And Josephus paraphrasing upon the place, says, “ He shall do nothing without the advice of the Sanhedrin ; or if he do, they shall oppose him †.” This agrees with the confession of Zedekiah to the princes (which was the Sanhedrin) “ The king can do nothing without you ; ‡” and seems to have been in pursuance of the law of the kingdom, which was written in a book, and laid up before the Lord ; and could not but agree with that of Moses, unless they spake by different spirits, or that the spirit by which they did speak was subject to error or change : and the whole series of God’s law shews, that the pride, magnificence, pomp and glory usurped by their kings was utterly contrary to the will of God. They did lift up their hearts above their brethren, which was forbidden by the law. All the kings of Israel, and most of the kings of Judah utterly rejected it, and every one of them did very much depart from the observation of it. I will not deny that the people in their institution of a king intended they should do so : they had done it themselves, and would have a king that might uphold them in their disobedience ; they were addicted to the idolatry of their accursed neighbours, and desired that government by which it was maintained amongst them. In doing this they did not reject Samuel ; but they rejected God that he should not reign over them. They might perhaps believe that unless their king were such as the law did not permit, he would not perform what they intended ; or that the name of king did not belong to him, unless he had a power that the law denied. But since God and his prophets give the name of king to the chief magistrate, endowed with a power that was re-

\* Deut. xvii.

† Jos. Ant. Jud.

‡ Jer. xxxviii.



strained within very narrow limits, whom they might without offence set up, we also may safely give the same to those of the same nature, whether it please Filmer or not.

4. The practice of most nations, and (I may truly say) of all that deserve imitation, has been as directly contrary to the absolute power of one man as their constitutions : or if the original of many governments lie hid in the impenetrable darkness of antiquity, their progress may serve to shew the intention of the founders. Aristotle seems to think that the first monarchs having been chosen for their virtue, were little restrained in the exercise of their power ; but that they or their children falling into corruption and pride, grew odious ; and that nations did on that account either abolish their authority, or create senates and other magistrates, who having part of the power might keep them in order. The Spartan kings were certainly of this nature ; and the Persian, till they conquer'd Babylon. Nay, I may safely say, that neither the kings which the frantic people set up in opposition to the law of God, nor those of the bordering nations, whose example they chose to follow, had that absolute power which our author attributes to all kings as inseparable from the name. Achish the Philistine loved and admired David ; he looked upon him as an angel of God, and promised that he should be the keeper of his head for ever ; but when the princes suspected him, and said “ he shall not go down with us to battle \*,” he was obliged to dismiss him. This was not the language of slaves, but of those who had a great part in the government ; and the king's submission to their will, shows that he was more like to the kings of Sparta, than to an absolute monarch who does whatever

\* 1 Sam. xxix.

pleases him. I know not whether the Spartans were descended from the Hebrews, as some think ; but their kings were under a regulation much like that of the 17th of Deut. tho' they had two : their senate of twenty-eight, and the Ephori, had a power like to that of the Sanhedrin ; and by them kings were condemned to fines, imprisonment, banishment, and death, as appears by the examples of Pausanias, Clonymus, Leonidas, Agis, and others. The Hebrew discipline was the same ; “ Reges Davidicæ stirpis,” says Maimonides, “ judicabant & “ judicabantur.\*” They gave testimony in judgment when they were called, and testimony was given against them : whereas the kings of Israel, as the same author says, were “ superbi, corde elati, “ & spretores legis, nec judicabant, nec judicabantur † ;” proud, insolent, and contemners of the law, who would neither judge, nor submit to judgment as the law commanded. The fruits they gathered were suitable to the seed they had sown : their crimes were not left unpunish'd : they who despised the law were destroyed without law ; and when no ordinary course could be taken against them for their excesses, they were overthrown by force, and the crown within the space of few years transported into nine several families, with the utter extirpation of those that had possess'd it. On the other hand, there never was any sedition against the Spartan kings ; and after the moderate discipline according to which they liv'd, was established, none of them died by the hands of their subjects, except only two, who were put to death in a way of justice : the kingdom continued in the same races, till Cleomenes was defeated by Antigonus, and the government overthrown by the insolence of the Mace-

\* More Nevochim.

† Ibid.

donians. This gave occasion to those bestial tyrants Nabis and Machanidas to set up such a government as our author recommends to the world, which immediately brought destruction upon themselves, and the whole city. The Germans who pretended to be descended from the Spartans, had the like government. Their princes according to their merit had the credit of persuading, not the power of commanding \* ; and the question was not what part of the government their kings would allow to the nobility and people, but what they would give to their kings ; and 'tis not much material to our present dispute, whether they learnt this from some obscure knowledge of the law which God gave to his people, or whether led by the light of reason, which is also from God, they discovered what was altogether conformable to that law. Whoever understands the affairs of Germany, knows that the present emperors, notwithstanding their haughty title, have a power limited as in the days of Tacitus. If they are good and wise, they may persuade ; but they can command no farther than the law allows. They do not admit the princes, noblemen, and cities to the power which they all exercise in their general diets, and each of them within their own precincts ; but they exercise that which has been by public consent bestowed upon them. All the kingdoms peopled from the north observed the same rules. In all of them the powers were divided between the kings, the nobility, clergy, and commons ; and by the decrees of councils, diets, parliaments, cortes, and assemblies of estates, authority and liberty were so balanced, that such princes as assumed to themselves more than the law did permit, were severely punished ; and those

\* Tacit. de morib. Germ.

who did by force or fraud invade thrones, were by force thrown down from them.

This was equally beneficial to kings and people. The powers, as Theopompus king of Sparta said, were most safe when they were least envied and hated. Lewis the eleventh of France was one of the first that broke this golden chain; and by more subtle arts than had been formerly known, subverted the laws, by which the fury of those kings had been restrained, and taught others to do the like; tho' all of them have not so well saved themselves from punishment. James the third of Scotland was one of his most apt scholars; and \* Buchanan in his life says, That " he was precipitated into all manner of infamy by men of the most abject condition; that the corruption of those times, and the ill example of neighbouring princes, were considerable motives to pervert him: for Edward the fourth of England, Charles of Burgundy, Lewis the eleventh of France, and John the second of Portugal, had already laid the foundations of tyranny in those countries; and Richard the third was then most cruelly exercising the same in the kingdom of England."

This could not have been, if all the power had always been in kings, and neither the people nor the nobility had ever had any: for no man can be said to gain that which he and his predecessors always possessed, or to take from others that which they never had; nor to set up any sort of government, if it had been always the same. But the

\* Ab hominibus infimæ fortis in omnia simul vitia est præceps datus: tempora etiam corrupta & vicinorum regum exempla non parum ad eum evertendum juverunt: nam & Edvardus in Anglia, Carolus in Burgundia, Ludovicus undecimus in Gallia, Joannes secundus in Lusitania, tyrannidis fundamenta jecerunt: Richardus tertius in Anglia eam immanissime exercuit. Hist. Scot. l. 12.



foreſaid Lewis the eleventh did aſſume to himſelf a power above that of his predeceſſors ; and Philip de Commynes ſhews the ways by which he acquired it, with the miſerable effects of his acquiſition both to himſelf and to his people : modern authors obſerve that the change was made by him, and for that reaſon is ſaid by Mezeray, and others, “ to have brought thoſe kings out of \* guardianship :” they were not therefore ſo till he did emancipate them. Nevertheleſs this emancipation had no reſemblance to the unlimited power of which our author dreams. The general aſſemblies of eſtates were often held long after his death, and continued in the exerciſe of the ſovereign power of the nation. Davila †, ſpeaking of the general aſſembly held at Orleans in the time of Francis the ſecond, aſſerts the whole power of the nation to have been in them. Monſieur de Thou ‡ ſays the ſame thing, and adds, that the king dying ſuddenly, the aſſembly continued, even at the deſire of the council, in the exerciſe of that power, till they had ſettled the regency, and other affairs of the higheſt importance, according to their own judgment. Hottoman || a lawyer of that time and nation, famous for his learning, judgment and integrity, having diligently examined the anti-ent laws and histories of that kingdom, diſtinctly proves that the French nation never had any kings but of their own chooſing ; that their kings had no power except what was conferr’d upon them ; and that they had been removed, when they exceſſively abuſed, or rendred themſelves unworthy of that truſt. This is ſufficiently clear by the fore-cited examples of Pharamond’s grandchildren, and the degenerated races of Meroveus and Pepin ; of which

\* Davoir mis les roys hors de page.

† Hiſt. delle guerre civ.

‡ Thuan. hiſt. l. 1.

|| Hottom. Franco-Gallia.

many were deposed, some of the nearest in blood excluded; and when their vices seemed to be incorrigible, they were wholly rejected. All this was done by virtue of that rule which they call the Salique law: and tho' some of our princes pretending to the inheritance of that crown by marrying the heirs general. denied that there was any such thing, no man can say that for the space of above twelve hundred years, females, or their descendents, who are by that law excluded, have ever been thought to have any right to the crown: and no law, unless it be explicitly given by God, can be of greater authority than one which has been in force for so many ages. What the beginning of it was is not known: but Charles the sixth receding from this law, and thinking to dispose of the succession otherwise than was ordained by it, was esteemed mad, and all his acts rescinded. And tho' the reputation, strength and valour of the English, commanded by Henry the fifth, one of the bravest princes that have ever been in the world, was terrible to the French nation; yet they opposed him to the utmost of their power, rather than suffer that law to be broken. And tho' our success under his conduct was great and admirable; yet soon after his death, with the expence of much blood and treasure, we lost all that we had on that side, and suffer'd the penalty of having unadvisedly entred into that quarrel. By virtue of the same law, the agreement made by king John when he was prisoner at London, by which he had alienated part of that dominion, as well as that of Francis the first, concluded when he was under the same circumstances at Madrid, were reputed null; and upon all occasions that nation has given sufficient testimony, that the laws by which they live are their own, made by themselves, and not imposed  
upon

upon them. And 'tis as impossible for them who made and deposed kings, exalted or depressed reigning families, and prescribed rules to the succession, to have received from their own creatures the power, or part of the government they had, as for a man to be begotten by his own son. Nay, tho' their constitutions were much changed by Lewis the eleventh, yet they retained so much of their antient liberty, that in the last age, when the house of Valois was as much depraved as those of Meroveus and Pepin had been, and Henry the third by his own lewdness, hypocrisy, cruelty and impurity, together with the baseness of his minions and favourites, had rendered himself odious and contemptible to the nobility and people; the great cities, parliaments, the greater and (in political matters) the sounder part of the nation declared him to be fallen from the crown, and pursued him to the death, tho' the blow was given by the hand of a base and half-distracted monk.

Henry of Bourbon was without controversy the next heir; but neither the nobility nor the people, who thought themselves in the government, would admit him to the crown, till he had given them satisfaction that he would govern according to their laws, by abjuring his religion which they judged inconsistent with them.

The later commotions in Paris, Bourdeaux, and other places, together with the wars for religion, shew, that tho' the French do not complain of every grievance, and cannot always agree in the defence and vindication of their violated liberties, yet they very well understand their rights; and that, as they do not live by, or for the king, but he reigns by, and for them; so their privileges are not from him, but that his crown is from them; and that, according

according to the true rule of their government, he can do nothing against their laws, or if he do, they may oppose him.

The institution of a kingdom is the act of a free nation; and whoever denies them to be free, denies that there can be any thing of right in what they set up. That which was true in the beginning, is so, and must be so for ever. This is so far acknowledged by the highest monarchs, that in a treatise published in the year 1667, by authority of the present king of France, to justify his pretensions to some part of the Low-countries, notwithstanding all the acts of himself, and the king of Spain to extinguish them, it is said, “ \* That kings are under the happy inability to do any thing against the laws of their country.” And tho’ perhaps he may do things contrary to law, yet he grounds his power upon the law; and the most able and most trusted of his ministers declare the same. About the year 1660, the count d’Aubijoux, a man of eminent quality in Languedoc, but averse to the court, and hated by cardinal Mazarin, had been tried by the parliament of Tholouse for a duel, in which a gentleman was kill’d; and it appearing to the court (then in that city) that he had been acquitted upon forged letters of grace, false witnesses, powerful friends, and other undue means, Mazarin desired to bring him to a new trial: but the chancellor Seguier told the queen-mother it could not be; for the law did not permit a man once acquitted to be again questioned for the same fact; and that if the course of the law were interrupted, neither the Salique law, nor the succession of her children, or any thing else could be secure in France.

\* Que les roys ont cette bienheureuse impuissance de ne pouvoir rien faire contre les loix de leur pays. *Traité des droits de la reyne.*



This is farther proved by the histories of that nation. The kings of Meroveus and Pepin's races, were suffer'd to divide the kingdom amongst their sons; or, as Hottoman says †, the estates made the division, and allotted to each such a part as they thought fit. But when this way was found to be prejudicial to the public, an act of state was made in the time of Hugh Capet, by which it was ordain'd, that for the future the kingdom should not be dismembred; which constitution continuing in force to this day, the sons or brothers of their kings receive such an Apannage (they call it) as is bestow'd on them, remaining subject to the crown as well as other men. And there has been no king of France since that time (except only Charles the sixth) who has not acknowledged that he cannot alienate any part of their dominion.

Whoever imputes the acknowledgement of this to kingcraft, and says, that they who avow this, when 'tis for their advantage, will deny it on a different occasion, is of all men their most dangerous enemy. In laying such fraud to their charge, he destroys the veneration by which they subsist, and teaches subjects not to keep faith with those, who by the most malicious deceits show, that they are tied by none. Human societies are maintained by mutual contracts, which are of no value if they are not observ'd. Laws are made, and magistrates created to cause them to be performed in public and private matters, and to punish those who violate them. But none will ever be observed, if he who receives the greatest benefit by them, and is set up to oversee others, give the example to those who of themselves are too much inclin'd to break them. The first step that Pompey made to his own ruin was, by violating the \* laws he

† Hotom. Fran. Gall. \* *Suarum legum lator & everfor Tacit.*  
himself

himself had proposed. But it would be much worse for kings to break those that are established by the authority of a whole people, and confirmed by the succession of many ages.

I am far from laying any such blemishes on them, or thinking that they deserve them. I must believe the French king speaks sincerely, when he says he can do nothing against the laws of his country : and that our king James did the like, when he acknowledged himself to be the servant of the commonwealth ; and the rather, because 'tis true, and that he is placed in the throne to that end. Nothing is more essential and fundamental in the constitutions of kingdoms, than that diets, parliaments, and assemblies of estates should see this perform'd. 'Tis not the king that gives them a right to judge of matters of war or peace, to grant supplies of men and money, or to deny them ; and to make or abrogate laws at their pleasure : all the powers rightly belonging to kings, or to them, proceed from the same root. The northern nations seeing what mischiefs were generally brought upon the eastern, by referring too much to the irregular will of a man ; and what those who were more generous had suffer'd, when one man by the force of a corrupt mercenary soldiery had overthrown the laws by which they lived, feared they might fall into the same misery ; and therefore retained the greater part of the power to be exercised by their general assemblies, or by delegates, when they grew so numerous that they could not meet. These are the kingdoms of which Grotius speaks, “ † where the king has his part, and the senate or “ people their part of the supreme authority ;” and where the law prescribes such limits, “ ‡ that if the “ king attempt to seize that part which is not his,

† De jur. Bel. & Pac. l. 2.

‡ Ibid.

“ he may justly be opposed :” which is as much as to say, that the law upholds the power it gives, and turns against those who abuse it.

This doctrine may be displeasing to court-parasites ; but no less profitable to such kings as follow better counsels, than to the nations that live under them : the wisdom and virtue of the best is always fortified by the concurrence of those who are placed in part of the power ; they always do what they will, when they will nothing but that which is good ; and 'tis a happy impotence in those, who through ignorance or malice desire to do evil, not to be able to effect it. The weakness of such as by defects of nature, sex, age or education, are not able of themselves to bear the weight of a kingdom, is thereby supported, and they together with the people under them preserved from ruin ; the furious rashness of the insolent is restrained ; the extravagance of those who are naturally lewd, is aw'd ; and the bestial madness of the most violently wicked and outrageous, suppress'd. When the law provides for these matters, and prescribes ways by which they may be accomplished, every man who receives or fears an injury, seeks a remedy in a legal way, and vents his passions in such a manner as brings no prejudice to the commonwealth : if his complaints against a king may be heard, and redressed by courts of justice, parliaments, and diets, as well as against private men, he is satisfied, and looks no farther for a remedy. But if kings, like those of Israel, will neither judge nor be judged, and there be no power orderly to redress private or public injuries, every man has recourse to force, as if he liv'd in a wood where there is no law ; and that force is always mortal to those who provoke it : no guards can preserve a hated prince from the vengeance of one resolute hand ; and they as often fall by the swords of  
their

their own guards as of others : wrongs will be done, and when they that do them cannot or will not be judged publickly, the injur'd persons become judges in their own case, and executioners of their own sentence. If this be dangerous in matters of private concernment, 'tis much more so in those relating to the public. The lewd extravagancies of Edward and Richard the seconds, whilst they acknowledged the power of the law, were gently reprov'd and restrained with the removal of some profligate favourites ; but when they would admit of no other law than their own will, no relief could be had but by their deposition. The lawful Spartan kings, who were obedient to the laws of their country, liv'd in safety and died with glory ; whereas 'twas a strange thing to see a lawless tyrant die without such infamy and misery, as held a just proportion with the wickedness of his life : they did, as Plutarch says of Dionysius \*, many mischiefs, and suffer'd more. This is confirmed by the examples of the kingdom of Israel, and of the empires of Rome and Greece ; they who would submit to no law, were destroy'd without any. I know not whether they thought themselves to be Gods, as our author says they were : but I am sure the most part of them died like dogs, and had the burial of asses rather than of men.

This is the happiness to which our author would promote them all, “ If a king admit a people to be  
 “ his companions, he ceaseth to be a king, and the  
 “ state becomes a democracy.” And a little farther,  
 “ If in such assemblies, the king, nobility, and  
 “ people, have equal shares in the sovereignty, then  
 “ the king hath but one voice, the nobility likewise  
 “ one, and the people one ; and then any two of  
 “ these voices should have power to over-rule the

\* Vit. Timoleon.



“ third: thus the nobility and commons should  
 “ have a power to make a law to bridle the king,  
 “ which was never seen in any kingdom.” We  
 have heard of nations that admitted a man to reign  
 over them (that is, made him king) but of no man  
 that made a people. The Hebrews made Saul, Da-  
 vid, Jeroboam, and other kings: when they returned  
 from captivity, they conferred the same title upon the  
 Asmonean race, as a reward of their valour and vir-  
 tue: the Romans chose Romulus, Numa, Hostili-  
 us, and others to be their kings; the Spartans insti-  
 tuted two, one of the Heraclidæ, the other of the  
 Æacidæ. Other nations set up one, a few, or more  
 magistrates to govern them: and all the world agrees,  
 that *Qui dat esse, dat modum esse*; he that makes  
 him to be, makes him to be what he is: and nothing  
 can be more absurd than to say, that he who has  
 nothing but what is given, can have more than is  
 given to him. If Saul and Romulus had no other  
 title to be kings, than what the people conferred up-  
 on them, they could be no otherwise kings than  
 as pleased the people: they therefore did not admit  
 the people to be partakers of the government; but  
 the people who had all in themselves, and could  
 not have made a king if they had not had it, be-  
 stow’d upon him what they thought fit, and re-  
 tained the rest in themselves. If this were not so,  
 then instead of saying to the multitude, “ Will ye  
 “ have this man to reign?” they ought to say to the  
 man, “ Wilt thou have this multitude to be a people?”  
 And whereas the nobles of Arragon used to say to  
 their new-made king, “ We who are as good as  
 “ you, make you our king, on condition you keep  
 “ and maintain our rights and liberties, and if not,  
 “ not;” he should have said to them, “ I who am  
 “ better than you, make you to be a people, and  
 “ will

“ will govern you as I please.” But I doubt whether he would have succeeded, till that kingdom was joined to others of far greater strength, from whence a power might be drawn to force them out of their usual method.

That which has been said of the governments of England, France and other countries, shows them to be of the same nature; and if they do not deserve the name of kingdoms, and that their princes will by our author’s arguments be persuaded to leave them, those nations perhaps will be so humble to content themselves without that magnificent title, rather than resign their own liberties to purchase it: and if this will not please him, he may seek his glorious sovereign monarchy among the wild Arabs, or in the island of Ceylon; for it will not be found among civiliz’d nations.

However more ignorance cannot be express’d, than by giving the name of democracy to those governments that are composed of the three simple species, as we have proved that all the good ones have ever been: for in a strict sense it can only suit with those, where the people retain to themselves the administration of the supreme power; and more largely, when the popular part, as in Athens, greatly overbalances the other two, and that the denomination is taken from the prevailing part. But our author, if I mistake not, is the first that ever took the antient governments of Israel, Sparta and Rome, or those of England, France, Germany and Spain, to be democracies, only because every one of them had senates and assemblies of the people, who in their persons, or by their deputies, did join with their chief magistrates in the exercise of the supreme power. That of Israel, to the time of Saul, is called by Josephus an aristocracy. The same name is

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given

given to that of Sparta by all the Greek authors ; and the great contest in the Peloponnesian war was between the two kinds of government ; the cities that were governed aristocratically, or desired to be so, following the Lacedemonians ; and such as delighted in democracy taking part with the Athenians. In like manner Rome, England, and France, were said to be under monarchies ; not that their kings might do what they pleased, but because one man had a preheminance above any other. Yet if the Romans could take Romulus, the son of a man that was never known, Numa a Sabine, Hostilius and Ancus Martius private men, and Tarquinius Priscus the son of a banished Corinthian, who had no title to a preference before others till it was bestowed upon them ; 'tis ridiculous to think, that they who gave them what they had, could not set what limits they pleased to their own gift.

But, says our author, “ The nobility will then  
 “ have one voice, and the people another, and they  
 “ joining may over-rule the third, which was never  
 “ seen in any kingdom.” This may perhaps be a way of regulating the monarchical power, but it is not necessary, nor the only one : there may be a senate, tho' the people be excluded ; that senate may be composed of men chosen for their virtue, as well as for the nobility of their birth : the government may consist of king and people without a senate ; or the senate may be composed only of the peoples delegates. But if I should grant his assertion to be true, the reasonableness of such a constitution cannot be destroyed by the consequences he endeavours to draw from it ; for he who would instruct the world in matters of state, must show what is, or ought to be, not what he fancies may thereupon ensue. Besides, it does not follow, that where there

are three equal votes, laws should be always made by the plurality ; for the consent of all the three is in many places required : and 'tis certain that in England, and other parts, the king and one of the estates cannot make a law without the concurrence of the other. But to please Filmer, I will avow, that where the nobles and commons have an equal vote, they may join and over-rule or limit the power of the king : and I leave any reasonable man to judge, whether it be more safe and fit, that those two estates comprehending the whole body of the nation in their persons, or by representation, should have a right to over-rule or limit the power of that man, woman, or child, who sits in the throne ; or that he or she, young or old, wise or foolish, good or bad, should over-rule them, and by their vices, weakness, folly, impertinence, incapacity, or malice, put a stop to their proceedings ; and whether the chief concerns of a nation may more safely and prudently be made to depend upon the votes of so many eminent persons, amongst whom many wise and good men will always be found if there be any in the nation, and who in all respects have the same interest with them, or upon the will of one, who may be, and often is as vile, ignorant, and wretched as the meanest slave ; and either has, or is for the most part made to believe he has an interest so contrary to them, that their suppression is his advancement. Common sense so naturally leads us to the decision of this question, that I should not think it possible for mankind to have mistaken, tho' we had no examples of it in history : and 'tis in vain to say, that all princes are not such as I represent : for if a right were annexed to the being of a prince, and that his single judgment should over-balance that of a whole nation, it must belong to him as a prince, and be

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enjoyed by the worst and basest, as well as by the wisest and best, which would inevitably draw on the absurdities above-mentioned: but that many are, and have been such, no man can deny, or reasonably hope that they will not often prove to be such, as long as any preference is granted to those who have nothing to recommend them, but the families from whence they derive; a continual succession of those who excel in virtue, wisdom, and experience, being promised to none, nor reasonably to be expected from any. Such a right therefore cannot be claimed by all; and if not by all, then not by any, unless it proceed from a particular grant in consideration of personal virtue, ability, and integrity, which must be proved: and when any one goes about to do it, I will either acknowledge him to be in the right, or give the reasons of my denial.

However this is nothing to the general proposition: nay, if a man were to be found, who had more of the qualities required for making a right judgment in matters of the greatest importance, than a whole nation, or an assembly of the best men chosen out of it (which I have never heard to have been, unless in the persons of Moses, Joshua, or Samuel, who had the spirit of God for their guide) it would be nothing to our purpose; for even he might be biassed by his personal interests, which governments are not established principally to promote.

I may go a step farther, and truly say, that as such vast powers cannot be generally granted to all who happen to succeed in any families, without evident danger of utter destruction, when they come to be executed by children, women, fools, vicious, incapable or wicked persons, they can be reasonably granted to none, because no man knows what any

one will prove till he be tried ; and the importance of the affair requires such a trial as can be made of no man till he be dead. He that resists one temptation may fall under the power of another ; and nothing is more common in the world, than to see those men fail grossly in the last actions of their lives, who had passed their former days without reproach : wise and good men will with Moses say of themselves, “ I cannot bear the burden :” and every man who is concerned for the public good, ought to let fools know they are not fit to undergo it, and by law to restrain the fury of such as will not be guided by reason. This could not be denied, tho’ governments were constituted for the good of the governor. ’Tis good for him that the law appoints helps for his infirmities, and restrains his vices : but all nations ought to do it tho’ it were not so, in as much as kingdoms are not established for the good of one man, but of the people ; and that king who seeks his own good before that of the people, departs from the end of his institution.

This is so plain, that all nations who have acted freely, have some way or other endeavoured to supply the defects, or restrain the vices of their supreme magistrates ; and those among them deserve most praise, who by appointing means adequate to so great a work, have taken care that it might be easily and safely accomplished : such nations have always flourished in virtue, power, glory, and happiness, whilst those who wanted their wisdom, have suffer’d all manner of calamities by the weakness and injustice of their princes, or have had their hands perpetually in blood to preserve themselves from their fury. We need no better example of the first, than that of the Spartans, who by appointing such limits to the power of their kings as could hardly be

be transgress'd, continued many ages in great union with them, and were never troubled with civil tumults. The like may be said of the Romans from the expulsion of the Tarquins, till they overthrew their own orders, by continuing Marius for five years in the consulate, whereas the laws did not permit a man to hold the same office two years together; and when that rule was broken, their own magistrates grew too strong for them, and subverted the commonwealth. When this was done, and the power came to be in the hands of one man, all manner of evils and calamities broke in like a flood: 'Tis hard to judge whether the mischiefs he did, or those he suffered were the greater: he who set up himself to be lord of the world, was like to a beast crowned for the slaughter, and his greatness was the forerunner of his ruin. By this means some of those who seem not to have been naturally prone to evil, were by their fears put upon such courses to preserve themselves, as being rightly estimated, were worse than the death they apprehended: and the so much celebrated Constantine the great died no less polluted with the blood of his nearest relations and friends, than Nero himself. But no place can show a more lively picture of this, than the kingdoms of Granada, and others possessed by the Moors in Spain\*; where there being neither senate nor assemblies of the nobility and people, to restrain the violence and fury of their kings, they had no other way than to kill them when their vices became insupportable; which happening for the most part, they were almost all murder'd; and things were brought to such extremity, that no man would accept a crown, except he who had neither birth nor virtue to deserve it.

\* Hist. de Espan. de Mariana.

If it be said that kings have now found out more easy ways of doing what they please, and securing themselves ; I answer, that they have not proved so to them all, and it is not yet time for such as tread in the same steps to boast of their success : many have fallen when they thought their designs accomplished ; and no man, as long as he lives, can reasonably assure himself the like shall not befall him. But if in this corrupted age, the treachery and perjury of princes be more common than formerly ; and the number of those who are brought to delight in the rewards of injustice, be so increased, that their parties are stronger than formerly : this rather shows that the balance of power is broken, or hard to be kept up, than that there ought to be none ; and 'tis difficult for any man, without the spirit of prophecy, to tell what this will produce. Whilst the antient constitutions of our northern kingdoms remain'd intire, such as contested with their princes sought only to reform the governments, and by redressing what was amiss, to reduce them to their first principles ; but they may not perhaps be so modest, when they see the very nature of their government chang'd, and the foundations overthrown. I am not sure that they who were well pleased with a moderate monarchy, will submit to one that is absolute ; and 'tis not improbable, that when men see there is no medium between tyranny and popularity, they who would have been contented with the reformation of their government, may proceed farther, and have recourse to force, when there is no help in the law. This will be a hard work in those places where virtue is wholly abolished ; but the difficulty will lie on the other side, if any sparks of that remain : if vice and corruption prevail, liberty cannot subsist ; but if virtue have the advantage, arbitrary power cannot be established.



established. Those who boast of their loyalty, and think they give testimonies of it, when they addict themselves to the will of one man, tho' contrary to the law from whence that quality is derived, may consider, that by putting their masters upon illegal courses they certainly make them the worst of men, and bring them into danger of being also the most miserable. Few or no good princes have fallen into disasters, unless through an extremity of corruption introduced by the most wicked, and cannot properly be called unhappy, if they perished in their innocence ; since the bitterness of death is asswaged by the tears of a loving people, the assurance of a glorious memory, and the quiet of a well satisfied mind. But of those who have abandoned themselves to all manner of vice, followed the impulse of their own fury, and set themselves to destroy the best men for opposing their pernicious designs, very few have died in peace. Their lives have been miserable, death infamous, and memory detestable.

They therefore who place kings within the power of the law, and the law to be a guide to kings, equally provide for the good of king and people. Whereas they who admit of no participants in power, and acknowledge no rule but their own will, set up an interest in themselves against that of their people, lose their affections, which is their most important treasure, and incur their hatred, from whence results their greatest danger.

## S E C T. XXXI.

*The liberties of nations are from God and nature, not from kings.*

W<sup>H</sup>atsoever is usually said in opposition to this, seems to proceed from a groundless conceit, that the liberties enjoy'd by nations arise from the concessions of princes. This point has been already treated : but being the foundation of the doctrine I oppose, it may not be amiss farther to examine how it can be possible for one man born under the same condition with the rest of mankind to have a right in himself that is not common to all others, till it be by them or a certain number of them conferred upon him ; or how he can without the utmost absurdity be said to grant liberties and privileges to them who made him to be what he is.

If I had to do with a man that sought after truth, I should think he had been led into this extravagant opinion by the terms ordinarily used in patents and charters granted to particular men ; and not distinguishing between the proprietor and the dispenser, might think kings had given, as their own, that which they only distribute out of the public treasury, and could have had nothing to distribute by parcels, if it had not been given to them in gross by the public. But I need not use our author so gently. The perversity of his judgment, and obstinate hatred to truth is sufficient to draw him into the most absurd errors without any other inducement ; and it were not charity, but folly to think he could have attributed in general to all princes, without any regard to the ways by which they attain to their power, such an authority as never justly belonged to any.

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This will be evident to all those who consider, that no man can confer upon others that which he has not in himself: if he be originally no more than they, he cannot grant to them or any of them more than they to him. In the seventh, eighth, ninth and subsequent sections of the first chapter, it has been proved that there is no resemblance between the paternal right, and the absolute power which he asserts in kings: that the right of a father, whatever it be, is only over his children; that this right is equally inherited by them all when he dies: that every one cannot inherit dominion; for the right of one would be inconsistent with that of all others: that the right which is common to all is that which we call liberty, or exemption from dominion: that the first fathers of mankind after the flood had not the exercise of regal power; and whatsoever they had was equally devolved to every one of their sons, as appears by the examples of Noah, Shem, Abraham, Isaac, Jacob, and their children: that the erection of Nimrod's kingdom was directly contrary to, and inconsistent with the paternal right, if there was any regality in it: that the other kingdoms of that time were of the same nature: that Nimrod not exceeding the age of threescore years when he built Babel, could not be the father of those that assisted him in that attempt: that if the seventy two kings, who, as our author says, went from Babylon upon the confusion of languages, were not the sons of Nimrod, he could not govern them by the right of a father; if they were, they must have been very young, and could not have children of their own to people the kingdoms they set up: that whose children soever they were, who out of a part of mankind did within a hundred and thirty two years after the flood, divide into so many kingdoms, they shewed that others in

process

process of time might subdivide into as many as they pleased ; and kingdoms multiplying in the space of four thousand years since the seventy-two, in the same proportion they did in one hundred and thirty two years into seventy two, there would now be as many kings in the world as there are men : that is, no man could be subject to another : that this equality of right and exemption from the domination of any other is called liberty : that he who enjoys it cannot be deprived of it, unless by his own consent, or by force : that no one man can force a multitude, or if he did, it could confer no right upon him : that a multitude consenting to be governed by one man, doth confer upon him the power of governing them ; the powers therefore that he has, are from them, and they who have all in themselves can receive nothing from him, who has no more than every one of them, till they do invest him with it. This is proved by sacred and prophane histories. The Hebrews in the creation of judges, kings, or other magistrates, had no regard to paternity, or to any who by extraction could in the least pretend to the right of fathers : God did never direct them to do it, nor reprove them for neglecting it : if they would choose a king, he commanded them to take one of their brethren, not one who called himself their father : when they did resolve to have one, he commanded them to choose him by lot, and caused the lot to fall upon a young man of the youngest tribe : David and the other kings of Israel or Judah had no more to say for themselves in that point than Saul : all the kings of that nation before and after the captivity, ordinarily or extraordinarily set up, justly or unjustly, were raised without any regard to any prerogative they could claim or arrogate to themselves on that account. All that they had therefore was from their elevation,



elevation, and their elevation from those that elevated them: 'twas impossible for them to confer any thing upon those from whom they received all they had; or for the people to give power to kings, if they had not had it in themselves; which power universally residing in every one, is that which we call liberty. The method of other nations was much like to this. They placed those in the throne who seemed best to deserve so great an honour, and most able to bear so great a burden: the kingdoms of the heroes were nothing else but the government of those who were most beneficent to the nations amongst whom they lived, and whose virtues were thought fit to be raised above the ordinary level of the world. Tho' perhaps there was not any one Athenian or Roman equal to Theseus or Romulus in courage or strength, yet they were not able to subdue many: or if any man should be so vain to think that each of them did at first subdue one man, then two, and so proceeding by degrees conquered a whole people, he cannot without madness ascribe the same to Numa, who being sent for from a foreign country, was immediately made king of a fierce people, that had already conquer'd many of their neighbours, and was grown too boisterous even for Romulus himself. The like may be said of the first Tarquin, and of Servius; they were strangers: and tho' Tullus Hostilius and Ancus Martius were Romans, they had as little title to a dominion over their fellow-citizens, or means of attaining to it, as if they had come from the farthest parts of the earth. This must be in all places, unless one man could prove by a perfect and uninterrupted genealogy that he is the eldest son of the eldest line of Noah, and that line to have continued perpetually in the government of the world: for if the power has

been divided, it may be subdivided into infinity; if interrupted, the chain is broken, and can never be made whole. But if our author can perform this for the service of any man, I willingly surrender my arms, and yield up the cause I defend. If he fail, 'tis ridiculous to pretend a right that belongs to no man, or to go about to retrieve a right which for the space of four thousand years has lain dormant; and much more to create that which never had a subsistence. This leads us necessarily to a conclusion, that all kingdoms are at the first erected by the consent of nations, and given to whom they please; or else all are set up by force, or some by force and some by consent: if any are set up by the consent of nations, those kings do not confer liberties upon those nations, but receive all from them, and the general proposition is false. If our author therefore, or his followers, would confute me, they must prove that all the kingdoms of the world have their beginning from force, and that force doth always create a right; or if they recede from the general proposition, and attribute a peculiar right to one or more princes, who are so absolute lords of their people, that those under them have neither liberty, privilege, property or any part in the government, but by their concessions, they must prove that those princes did by force gain the power they have, and that their right is derived from it. This force also must have been perpetually continued; for if that force be the root of the right that is pretended, another force by the same rule may overturn, extinguish or transfer it to another hand. If contracts have interven'd, the force ceases; and the right that afterwards doth accrue to the persons, must proceed from, and be regulated according to those contracts.

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This may be sufficient to my purpose: for as it has been already proved, that the kingdoms of Israel, Judah, Rome, Sparta, France, Spain, England, and all that we are concerned in, or that deserve to be examples to us, did arise from the consent of the respective nations, and were frequently reduced to their first principles, when the princes have endeavour'd to transgress the laws of their institution; it could be nothing to us, tho' Attila or Tamerlane had by force gained the dominions they possess'd. But I dare go a step further, and boldly assert, that there never was or can be a man in the world that did, or can subdue a nation; and that the right of one grounded upon force is a meer whimsey. It was not Agathocles, Dionysius, Nabis, Marius, Sylla or Cæsar, but the mercenary soldiers, and other villains that joined with them, who subdued the Syracusans, Spartans or Romans: and as the work was not performed by those tyrants alone, if a right had been gained by the violence they used, it must have been common to all those that gained it; and he that commanded them could have had no more than they thought fit to confer upon him. When Miltiades desired leave to wear an olive garland \*, in commemoration of the victory obtained at Marathon, an Athenian did in my opinion rightly say, "If you alone did fight against the Persians, it is just that you only should be crowned; but if others did participate in the victory, they ought also to have a part in the honour." And the principal difference that I have observ'd between the most regular proceedings of the wisest senates or assemblies of the people in their persons or delegates, and the fury of the most dissolute villains, has been, that the first seeking the public good,

\* Plut. in Vit. Cim.

do usually set up such a man, and invest him with such powers as seem most conducing to that good : whereas the others following the impulse of a bestial rage, and aiming at nothing but the satisfaction of their own lusts, always advance one from whom they expect the greatest advantages to themselves, and give him such powers as most conduce to the accomplishment of their own ends : but as to the person 'tis the same thing. Cæsar and Nero did no more make themselves what they were, than Numa ; and could no more confer any right, liberty or privilege upon the army, that gave them all they had, than the most regular magistrate can upon the senate or people that chose them.

This also is common to the worst as well as the best, that they who set up either, do, as into a public treasury, confer upon the person they choose, a power of distributing to particular men, or numbers of men, such honours, privileges and advantages, as they may seem, according to the principles of the government, to deserve. But there is this difference, that the ends of the one being good, and those of the other evil, the first do for the most part limit the powers, that something may remain to reward services done to the public, in a manner proportion'd to the merit of every one, placing other magistrates to see it really performed, so as they may not, by the weakness or vices of the governor, be turned to the public detriment : the others think they never give enough, that the prince having all in his power, may be able to gratify their most exorbitant desires, if by any ways they can get his favour ; and his infirmities and vices being most beneficial to them, they seldom allow to any other magistrate a power of opposing his will, or suffer those who for the public good would assume it. The world



world affords many examples of both sorts, and every one of them have had their progress suitable to their constitution. The regular kingdoms of England, France, Spain, Poland, Bohemia, Denmark, Sweden and others, whether elective or hereditary, have had high stewards, constables, mayors of the palace, rixhofmeisters, parliaments, diets, assemblies of estates, cortes, and the like, by which those have been admitted to succeed who seemed most fit for the public service; the unworthy have been rejected; the infirmities of the weak supplied; the malice of the unjust restrained; and when necessity required, the crown transferred from one line or family to another. But in the furious tyrannies that have been set up by the violence of a corrupted soldiery, as in the antient Roman empire, the kingdoms of the Moors and Arabians, the tyrannies of Ezzelino of Padouia, those of the Visconti and Sforzeschi of Milan, Castruccio Castracani of Lucca, Cæsar Borgia, and others, there was nothing of all this. The will of the prince was a law: all power was in him, and he kept it, till another stepped up and took it from him, by the same means that he had gain'd it. This fell out so frequently, that tho' all the Roman emperors endeavour'd to make their power hereditary, it hardly continued three generations in one line from Augustus to Augustulus, unless in that of Constantine, and that with extreme confusion and disorder. They who had madly set up a man to be their head, and exposed so much of the world as was under their power, to be destroy'd by him, did by the like fury throw him down, and never ceased till they had brought the empire to utter ruin.

But if this paternal sovereignty be a meer fiction that never had any effect; that no nation was ever  
 commanded

commanded by God to make it their rule, nor any reprov'd for the neglect of it; none ever learnt it from the light of nature, nor were by wise men taught to regard it: the first fathers claimed no privilege from it when every man's genealogy was known; and if there were such a thing in nature, it could be of no use at this day, when the several races of men are so confus'd, that not one in the world can prove his own original; and that the first kingdoms, whether well or ill constituted, according to the command of God or the inventions of men, were contrary to, and incompatible with it; there can have been no justice in any, if such a rule was to have been observ'd; the continuance of an unjust usurpation can never have created a right, but aggravated the injustice of overthrowing it: no man could ever by his own strength and courage subdue a multitude, nor gain any other right over them if he did, than they might have to tear it from him; whoever denies kingdoms or other magistracies to have been set up by men, according to their own will, and from an opinion of receiving benefit by them, accuses all the governments that are, or ever have been in the world, of that outrageous injustice in their foundation which can never be repair'd. If there be therefore, or ever was, any just government amongst men, it was constituted by them; and whether their proceedings were regular or violent, just or unjust, the powers annexed to it were their donation: the magistracies erected by them, whether in one or more men, temporary or perpetual, elective or hereditary, were their creatures; and receiving all from them, could confer nothing upon them.

## S E C T. XXXII.

*The contracts made between magistrates, and the nations that created them, were real, solemn, and obligatory.*

OUR author having with big words and little sense inveigh'd against popular and mix'd governments, proceeds as if he had proved that they could not, or ought not to be. "If it be," says he, "unnatural for the multitude to choose their governors, or to govern, or to partake in the government; what can be thought of that damnable conclusion which is made by too many, that the multitude may correct or depose their princes, if need be? Surely the unnaturalness and injustice of this position cannot sufficiently be expressed. For admit that a king make a contract or paction with his people originally in his ancestors, or personally at his coronation (for both these pactions some dream of, but cannot offer any proof of either) yet by no law of any nation can a contract be thought broken, except first a lawful trial be had by the ordinary judge of the breakers thereof; or else every man may be both party and judge in his own case, which is absurd once to be thought; for then it will lie in the hands of the headless multitude, when they please, to cast off the yoke of government that God has laid upon them, and to judge and punish him, by whom they should be judged and punished themselves." To this I answer first briefly, that if it be natural for the multitude to choose their governors, or to govern, or to participate of the government as best pleases themselves; or that there never was a government in the world that was

not so set up by them, in pursuance of the power naturally inherent in themselves; what can be thought of that damnable conclusion, which has been made by fools or knaves, that the multitude may not, if need be, correct or depose their own magistrates? Surely the unnaturalness and injustice of such a position cannot be sufficiently expressed. If that were admitted, all the most solemn pacts and contracts made between nations and their magistrates, originally or personally, and confirmed by laws and mutual oaths, would be of no value. He that would break the most sacred bonds that can be amongst men, should by perjury and wickedness become judge of his own case, and by the worst of crimes procure impunity for all. It would be in his power, by folly, wickedness and madness, to destroy the multitude which he was created and sworn to preserve, tho' wise, virtuous and just, and headed by the wisest and justest of men; or to lay a yoke upon those who by the laws of God and nature ought to be free: he might in his own case judge that body by which he ought to be judged; and who in consideration of themselves and their own good, made him to be whatsoever he is more than every one of them: the governments instituted for the preservation of nations, would turn to their destruction: It would be impossible to check the fury of a corrupt and perfidious magistrate: the worst of men would be raised to a height that was never deserved by the best; and the assurance of indemnity would, by increasing their insolence, turn their other vices into madness, as has been too often seen in those who have had more power than they deserved, and were more hardly brought to account for their actions than ought to have been:



been: tho' I never heard of any who had so much as our author asserts to be in all, nor that any was absolutely assured he should not be question'd for the abuse of what he had.

Besides, if every people may govern, or constitute and choose one or more governors, they may divide the powers between several men, or ranks of men, allotting to every one so much as they please, or retaining so much as they think fit. This has been practised in all the governments, which under several forms have flourished in Palestine, Greece, Italy, Germany, France, England, and the rest of the world. The laws of every place show what the power of the respective magistrate is, and by declaring how much is allowed to him, declare what is denied; for he has not that which he has not, and is to be accounted a magistrate whilst he exercises that which he has.

If any doubts do hereupon arise, I hope to remove them, proving in the first place, that several nations have plainly and explicitly made contracts with their magistrates.

2. That they are implicit, and to be understood, where they are not plainly expressed.

3. That they are not dreams, but real things, and perpetually obliging.

4. That judges are in many places appointed to decide the contests arising from the breach of these contracts; and where they are not, or the party offending is of such force or pride that he will not submit, nations have been obliged to take the extremest courses.

To the first: I suppose it will not be denied, that the annual magistrates of divers commonwealths are under some compact, and that there is a

power of constraining them to perform the contents, or to punish them for the violation. The modest behaviour of the Roman consuls and dictators (as long as their laws were in force) might not probably proceed from their good nature. Tho' the people had not been, as our author says, mad, foolish, and always desirous to choose the worst men for being most like to themselves, but admirably wise and virtuous, 'tis not to be imagined that in the space of three or four hundred years they should never have fallen upon one who would have transgressed, if he could have done it safely, tho' they had used the utmost caution in their choice. But the power of the consuls being only for a year, that of the dictator for six months at most, and the commission that he should take care \* the commonwealth might suffer no damage, shew the end and condition upon which they were chosen; and tho' their power is by some thought to have been absolute, yet the consuls were frequently opposed and brought into order by the senate, tribunes, or people, and sometimes the dictator himself. Camillus † in his fourth dictatorship was threatened by the tribunes with a great fine, and by that means obliged to abdicate his magistracy. I have already mention'd Marcus Fabius Maximus, who in the behalf of his son Quintus condemned to die by Papirius the dictator, appealed to the ‡ people: and when the conduct of Fabius in the war against Hannibal was not approved, Nanius the tribune thought he made a very modest proposition, in that he did not desire his magistracy should be abrogated; but that the

\* Ne quid detrimenti respubl. accipiat.

† Plat. Vit. Camil.

‡ Qui solus plus quam tua dictatura potest polletque cui & reges cedere, &c. T. Liv. l. 8.

master of the horse should be made equal to him in power, which was done accordingly. 'Tis agreed by all, that the consuls were in the place of kings, and that the power of the dictator was at least equal to what theirs had been. If they therefore were under such a rule, which they could not transgress, or might be reduced to order if they did, and forced to submit to the people as the kings had done, the kings were also made upon the same conditions, and equally obliged to perform them.

The scripture is more clear in the case. The judges are said to have been in power equal to kings; and I may perhaps acknowledge it, with relation to the deuteronomical king, or such as the people might have chosen without offending God. The Gileadites made a covenant with Jephtha, that he should be their head and captain: he would not return to his country till they had done it. This was performed solemnly before the Lord in Mispeh, and all Israel followed them. They might therefore make a covenant with their kings, for the difference of names does not increase or diminish the right. Nay, they were in duty obliged to do it: the words of the seventeenth of Deuter. "He shall not multiply wives, &c. " that his heart be not lifted up above his brethren," can have no other signification, than that they should take care he did it not, or, as Josephus says, hinder him if he attempt it; for the law was not given to the king who was not, but to those who might make him if they thought fit. In pursuance of this law——

[The rest of this chapter is wanting in the original manuscript.]

















