

THE  
CAUSE OF TRUTH,

CONTAINING,

BESIDES A GREAT VARIETY OF OTHER MATTER,

A REFUTATION OF ERRORS

IN THE POLITICAL WORKS

OF

THOMAS PAINE,

AND OTHER PUBLICATIONS OF A SIMILAR KIND

IN A SERIES OF LETTERS,

A RELIGIOUS, MORAL, AND POLITICAL NATURE.

---

BY ROBERT THOMAS, Minister of ABERDEEN.

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*The English Monarchy differs in its nature and main foundations from every other. DE LOUVE.*

*They (the English) know better than any other people upon earth, how to posses at the same time these three great advantages, religion, commerce, and liberty. SPIRIT OF LAWS.*

---

D U N D E E,

Printed by T. COLVILL for the Author, — 1797,

And sold by Messrs. J. Dickson, W. Creech, W. Laing, J. Watson & Co. Manners & Millar, Edinburgh; R. Morison & Son, G. M'Farlane, and T. Hill, Perth; J. Gillies, Glasgow; G. Mills, Dundee; Verner & Hood, Birchen-lane, Allen & West, No 16, Paternoster-row, and Martin & Bain, No 184, Fleet-street, London.

(PRICE 3s.)

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## ERRATA.

- P 16, l. 12, for *contradiction*, read *contradistinction*.  
Note, p. 117, for *Godwin's*, read *Goldsmith's*.  
P. 113. l. 12, for *alderman*, read *ealdorman*.  
Note, p. 250, l. 5, for *acropollis*, read *acropoleis*.  
P. 338, l. 14 and 15, for *Council of Provision*, read *Assembly of Revision*.  
P. 403, l. 30, for *the influencing on balancing, &c.* read *the influence on the one side, balancing, &c.*  
P. 417, l. 10, for *despotism*, read *disposition*.  
P. 421, l. 25, for *subject*, read *subjects*.  
Id. l. 26, for *affair*, read *affairs*.

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**W**HEN this book, in its first state, was going to the press, a friend of the author's advised him to introduce into it, a refutation of the principal errors in Godwin's enquiry. He followed his advice. But, by doing so, he was led to alter and enlarge it; and a succession of causes, most of them unforeseen, has retarded the publication to the present time. But as the size of the work is three times greater than what was originally intended, and the work itself, perhaps, more accurate, these, it is presumed, will be deemed more than a compensation to subscribers for having wanted it so long; especially as a work of this kind seems to be still necessary, and as the price of this is only 2s. to subscribers, the small sum to which the author at first limited it.



# DEDICATION.

*ABDIE MANSE, 20th July, 1797.*

MY LORD,

THE following letters were, with permission, to have been inscribed to your Lordship's most illustrious father: But that being no longer possible, be pleased, my Lord, to accept this dedication of them, as a sincere, though humble expression both of my veneration for the memory of the late Earl of Mansfield, and of my most sanguine hopes, that your Lordship will prove worthy of those great and worthy ancestors from whom you are descended, and of that splendid name which you have been so early doomed to bear.

I have the honour to be, with the greatest respect and regard,

MY LORD,

Your Lordship's

The Rt. Hon.  
The Earl of Mansfield. }

Most Humble and

Most Obedient Servant,

ROBERT THOMAS.

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Your Lordship's

The Rt. Hon.  
The Earl of Mansfield. }

Most Humble and

Most Obedient Servant,

ROBERT THOMAS.

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## INTRODUCTION.

COUNTRYMEN,

IT is not surprising, that some of us should have been misled by Thomas Paine. Never was there a book written with more plausibility, with more delusive and seductive art, than his political publications. Had he written nothing but truths, though his genius seems better calculated to mislead than inform, his publications would have been harmless, and might have passed unobserved into the ocean of oblivion: Had he written only falsehoods and error, his writings would have been equally harmless to others; and perhaps he himself might have escaped with impunity, on the supposition of his being insane: But this artful man has so blended truth and error; he has so infused the poison of asps into the salutary draught of truth, that he has blinded the understandings, and infuriated the hearts of many.

His falsehoods, his errors, his visionary schemes have served him as an enchanter's wand; with the touch of which he introduces his reader into Fairyland; leads him in flowery paths through myrtle groves; and presents nothing to his view but harmony, peace, riches, and happiness. He conceals the pit, which lies before the traveller. He hides the dæmons of *Discord, War*, and all confusion and misery; which are ready to burst forth, and to change this fair and pleasing scene into a blasted heath covered with ruins and slain; over which Slavery and Misery, instead of Liberty and Equality, preside.

If we have only read his books, and publications of the same kind, we may still wander in those mazes of error, which lead to ruin: But if we read books on the other side of the question, if we divest ourselves of prejudice, if we reflect, and carefully compare things together, and consider them in all points of view, and in all their consequences, we shall all of us detest his doctrines,

as more fatal to us than the most direful pestilence that ever raged over the earth.

The subsequent pages are intended as a refutation of the *principal errors* in this man's political works, Godwin's enquiry, and other writings of a similar kind. The truth of what is advanced in them, is proved by religion, reason, facts, and the doctrines of learned men †, whose reputation has been, and is, deservedly great; and who could not be parties in those disputes, which have, for these several years, agitated in some measure the greater part of Europe.

I am,

Abdie Maske,  
20th July,  
1797.

}

COUNTRYMEN,



Your Harty Well-wisher,

And Most Humble Servant

ROBERT THOMAS.

† The books chiefly referred to in this work are,

Home's Hist. of England, 8 vol., octavo, printed London,	1791
Goldsmith's do. of Rome, 2 vols, octavo, printed London,	1786
do. do. of Greece, 2 vols, octavo, printed London,	1785
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# C O N T E N T S.

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THE  
STATE OF NATURE.

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LETTER I.

*The State of Nature considered as a State of Innocence.*

COUNTRYMEN,

THE terms *nature* and *natural* have been used by different writers, and by the same writers in different parts of their works, in so various senses as to cause no small ambiguity in language, and confusion in ideas. Writers have not agreed concerning what *the state of nature* is; and therefore these terms, when applied to such a state, must ever have been used in a loose sense.

This state may be considered in a fourfold view, 1, as the state of innocence; 2, as that state which ought to be, because most agreeable to the whole of our nature, considered as a constitution; 3, as a state, of which moral and natural evil, or sin and suffering, are remarkable constituents; 4, as the condition, in which the human race has been generally found to exist. We will take a short view of this state in those four respects.

Let us begin with the state of innocence. If, by the state of nature, we understand the original state of every individual it is the state, in which he exists at his birth. But if, by this state, we understand the original state of the human race, or the state of innocence, we must learn it from the writings of Moses, compared with other places of scripture; which contain not only the sole historical, but the most rational, and philosophic, account of it.

It is evident, from the marks of design in the whole frame of man, and that portion of happiness, which he enjoys, that he was formed by a wise and good being. His power of thinking and acting shews, that, in his frame, there is a part distinct from mere matter, that is a soul; and the dissolution of the body shews, of what materials it is composed.

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His reasoning faculty, his admiration of excellence and contempt of defect, his love of moral good and his aversion to moral evil, (when both are separated from circumstances that mislead his judgment) and the superiority of conscience over the other parts of his nature, shew, that he was, in some measure, formed after the image of the Creator and Benefactor of all the living creatures; and the subjection, in which he is able to hold these creatures, is a proof, that he was made to have dominion over them.

It is unphilosophical to assign a plurality of causes for the production of any effect, which may be fully accounted for by one; and, according to Moses, the human race are descended from one pair. It was necessary, that that pair should have been formed mature in body, and, in a certain degree, mature also in mind, both for their own preservation, and for the generation and education of their offspring. The spreading of men into the most distant islands may be accounted for by accidents such as were, some years ago, realized by certain inhabitants of Otaheite\*; and the variety of their appearance, by natural causes, which produce similar varieties in other animals, and in vegetables, of the same species. The uniformity or great likeness of their minds, prior to education and the formation of habits, is a greater proof, that they are descended from the same pair, and are the same species of animals, than the greatest similarity in their appearance would be, were their minds found to be, in any considerable degree, naturally dissimilar.

It is philosophical to suppose, that the original state of the human race was a state of happiness. For it is absurd to suppose, that a being of infinite power, wisdom, and goodness, should have made man, or any part of his works imperfect; and if man came perfect from the hand of his Creator, and was placed in a situation perfectly fitted to his specific nature, happiness must have been the result. And, therefore, when God, after creating all things, surveyed his works, he pronounced all of them to be very good.

If the cause assigned in scripture, for the introduction of moral and natural evil, or of sin and suffering, into the world, be the defection of our first parents, the assigning of this as the cause is very rational and agreeable to what we experience: For, tho' they were made perfectly good, yet they

\* See Cook's voyages.

they were not made unchangeable; and if they were changeable, they might become worse: They might be tempted, they were tempted, they yielded by degrees to the temptation; and tho' they might have stood, yet they fell. Their fall was their sin; and moral evil, being thus introduced into the world, was followed by natural evil or suffering. And when once sin and suffering are begun, no man can assign their utmost limits. The beginning of evil is like the opening of a sluice, which may, in time, desolate the most extensive and fairest country.

All this is very philosophical, because agreeable to what we experience. For we find by experience, that men, who have the greatest aversion to certain vicious actions, and a certain vicious course of life, may, by frequent temptations, and yielding to them in some degree, get rid of their aversions, and at last commit those actions, and follow that course of life, from which, at one period of their lives, they would have turned with abhorrence. We find also, that vice is by far the greatest, though not the sole cause, of men's present sufferings; that as they become vicious, they become miserable; that vice and misery are necessarily and inseparably linked together. And thus, by experience, that is, philosophy (for the sum of our experience, together with the inferences deduced from it, is just the sum of our philosophy) we see how creatures made good and happy, may become evil and miserable.

As the world was made for the service of man, in the same manner that he was made for the service of God, the changes for the worse (whatever they were) that took place in the situation of our first parents, after the fall, were the punishment of their sin. To the other creatures, they were merely natural evils or sufferings; but to them, they were both natural evils and punishments. Paradise was a fit situation for innocent creatures; but creatures, who had lost their innocence, and become, in a certain degree, vicious, required a situation of difficulty, danger, and suffering, but of hope, to teach them wisdom and repentance; and to form in them habits of thinking and acting, which should, in the end, become perfection, and so prepare them for a situation, perfectly free from all physical evil, a place where there shall be *nothing to hurt or destroy*.\*

R. T.

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\* See Eutler's Analogy of Natural and Revealed Religion.

## L E T T E R. II.

*On the fall of our first Parents.*

COUNTRYMEN,

**T**HE power of all causes merely mechanical is to be measured by their effects. The power of intelligent causes or agents cannot be measured by any effect produced by them. A man, who builds a hut, may build a palace or a town. The power of men (who are intelligent causes) has never yet been defined; the limits of it are not known. The author of nature is one intelligent cause, as appears from the unity of design in his works. His power, therefore, cannot be measured by any effects of it; nor can we assign to it limits. Surely, therefore, he, who made the universe, had power to make this world free from all evil; for even a man may make his dwelling commodious; and yet we find, that, in the world, there is a certain portion at least of relative evil.

Our experience teaches us, that moral evil is a cause both of moral and natural evil, or that sin is a cause of suffering and of more sin. This is a law of nature, which holds, in some way and measure, without exception; and, when we assign this law as the cause of impiety and vice, and of suffering, the reasoning is just as conclusive as when we assign the general law of gravitation to account for the adhesion of matter, or for any other particular fact, which may be reduced to it\*. To say, therefore, that our first parents became

\* Sir Isaac Newton, having, by a number of experiments, ascertained this general law of nature, *that all matter gravitates to all matter*, applied it to account for the revolution of the planets round the sun: And as it is a certain fact, that the tendency of moral evil or sin is to increase itself, and to produce natural evil or suffering, this quality of sin, which is a law of our nature, may, with equal reason, be applied to account for the manner, in which sin and suffering have taken place in the works of God, in the degree they have, by ascribing them to the temptation, the yielding, and fall of our first parents, as the cause. For as they were mutable, they might become worse. But to become worse is to be morally evil, or sinners. To be sinners is to be liable to suffering, or rather to be sufferers. And a state of sin and misery in some degree, is the very state, into which, according to the Scriptures, the fall brought mankind; and the state, in which they have ever been found to exist.

became, in some degree, corrupt and miserable by their original sin; and that their corruption and misery are propagated to their offspring, is strictly philosophical, because agreeable to experience; and, if we take into consideration the perfection of God, and the original perfection of his works, (which is a necessary conclusion from the perfection of his nature) the reasoning is conclusive.

But the occasion of their first sin and fall, and the circumstances attending it, may be a subject of ridicule to some, whilst they may prove a stumbling-block to others, or serve to exercise their ingenuity. There is not here room for answering all the cavils of sceptics fully; but the following observations may serve to put the serious and candid in a way of satisfying their own minds.

We are very sure, that mind or spirit is a distinct substance from matter or body; because we are conscious, that, in our own frame, there is both a spiritual and material substance. As mind or spirit and matter or body are distinct substances, they may exist separately. As there are spirits, there may be spirits of different orders, or of different powers, just as there are men of different degrees of bodily and mental strength. We know, that matter or body is inert, and that mind or spirit only is active. It is very credible, therefore, that an unembodied spirit of great power and high rank, but fallen and therefore malignant, should have entered into the serpent, and made use of it to tempt Eve. What the shape and appearance of the serpent then were, we cannot tell; but the scriptures tell us, that, after the fall, it in particular, with the rest of the creatures, underwent a great change for the worse; and that it was, in the state of innocence, *more subtle than any beast of the field*; a quality, which it is said still to possess. Eve, though acquainted with every thing belonging to her duty, and necessary to her happiness, a character implied in the idea of every perfect intelligent creature, had notwithstanding much to learn by experience, as probably all finite natures have. It is extremely probable, therefore, that she was unacquainted with the natural power of the serpent; and the more so, if we take into the account, what is commonly supposed upon the best grounds, that, before she fell, she had little time to learn it. When the serpent, therefore, addressed her, in language she understood, its words could excite no surprize,

except what might be produced by her witnessing what she had not done before: nor could they excite any alarm, because she had never experienced suffering, was innocent, and of course unsuspecting. Natural law is, perhaps, understood by every human being even now, except when the mind is blinded by some accidental cause; and conscience makes it peculiarly binding: But positive law, though sometimes as well understood, is yet always less binding; and the prohibition from eating of the forbidden fruit was a positive law. Prior to that prohibition, it was as lawful and natural to eat of that fruit as of any other. But a positive precept, and, perhaps, temptation or trial of some kind or other, were necessary to prove the fidelity of our first parents to their Lord; and to enure them to obedience, in order that, by habits of obedience they might be secured against all danger of falling. These effects, could not, in the absence of temptation, have been produced in so great a degree, if at all, by enjoining obedience to natural law: For it was as natural for them, in the absence of temptation, to yield obedience to that law, as for a healthy tree to produce fruit: or for them to move a limb, or to gratify any desire.

When the subtlety, therefore, of the serpent, aided by a powerful, but malignant spirit; the inexperience, the innocence, and the unsuspecting disposition of Eve; and the probable necessity of some sort of temptation, are taken into consideration; the temptation and fall of our first parents will appear perfectly credible. But it will appear more so, if we consider the temptation itself and all its circumstances.

The whole of the temptation was conducted with an art that truly excites wonder. The scene of it was laid in a garden, where all was beauty to the eye, or music to the ear; where every thing pleased, and nothing offended; where there was nothing to excite fear or suspicion; where all was tranquil; where all conspired to put the mind off its guard. It commenced in a time, the most favourable for seduction, in the absence of Adam, whose very presence, not to mention his superior knowledge and strength of mind, would have fortified his wife against it. The serpent begins it with the greatest imaginable art. He does not at all bid Eve eat of the fruit. He leaves her *to the freedom of her own will*. He knew, that offering her the fruit and desiring her to eat of it might either have blunted in her the

edge

edge of natural desire, or excited an alarm in her mind. But, by a question most artfully put, he at once turns her attention to it, excites in her a desire after it, and shakes her faith. *Yea, hath God said, ye shall not eat of every tree of the garden?* Eve recollects the prohibition of her Creator, and the penalty of eating of the prohibited fruit. The serpent not only removes her fears by telling her, that she and Adam should not die; but fires her with the ambition of their being as gods. The fears of Eve were banished; her ambition, that strong passion, was set a working; the fruit hung before her on the tree, good for food, pleasant to the eye, and to be desired to make one wise as God.

In Eve now, the sense of beauty, the natural propensity to eat of fair and good fruit, and the natural desire of rising, were all addressed. Her faith was weakened by her credulity; the fear of evil consequences was removed; and she was at once blinded and impelled by desire. In this situation, in this state of mind, in this temper, it was not possible but that she must have been inclined to eat. Though innocent, tho' immaculate as the new fallen snow, she must, by her very nature, have been, in some degree, disposed to yield to the temptation. Her inclination to yield must have been increased by a continuation of the same causes, which produced it. She yielded, therefore, by degrees, and in yielding fell. *She took of the fruit.* Several causes must have made Adam more passionately in love with Eve than any man hath been with any woman since that time: And if we consider the influence of example, the force of love, and the effect of solicitation from the object of strong and tender passion, we shall not be surprized, if Adam, after hearing the words of the serpent repeated, and having the fruit presented to him by Eve; and after being affected with both in the same manner she was, should have also yielded to the temptation. *She gave also to her husband with her, and he did eat.* Thus fell the first pair; and, with them, the human race.

There is, in the whole of the temptation, a great deal of nature and probability. There is nothing in it, for aught we know, unnatural; and, therefore, nothing incredible. Their eating of the forbidden fruit, considered as a natural action, was innocent; but, considered as a violation of the command of their Creator, Preserver, and Benefactor,



tor, it was a great sin: And, if we consider the greatness of it, and the connexion between men and their situation, it will not appear incredible, that this sin should have been the cause of misery to the human race: and of changing, in some measure, the nature of the world. For we know by experience, because we see it, that, even now, sin makes the greatest alteration in the minds and bodies of men, in their understandings and hearts, in the whole of their thoughts, feelings, and situations. How many a fair flower hath it blasted! How many strong men hath it slain! How many wise men hath it changed into idiots! How many that were once rich, virtuous, and happy, hath it rendered poor, vicious, and miserable! How often hath it affected, not only the sinner himself, but his offspring for generations! What instance can be produced, of any one sin, though but in thought or intention, however small in appearance, which has not a greater or less tendency to render men immediately miserable, or, by rendering them more vicious, to accumulate their misery? Was there ever a period of the world, in which sin was not most detestable to him, the whole of whose providence, shews, *that he is of purer eyes than to behold iniquity, and that he cannot look upon sin;* or did he ever want power to punish it? And if sin produce so many baleful effects now, why should it not have produced, in the state of innocence, all the effects ascribed to it in scripture? There is no doubt, that it is uniformly, and without one single exception, in some measure and in some way, a cause of evil; and, how far it may operate, is not to be learned *a priori*. but from experience: And, therefore, all the changes which, it is said, in scripture, to have produced, in men and the other works of God, are perfectly credible; credible because supported by experience, and because we know nothing to the contrary.

Upon the whole, from the perfection of God; from the original perfection of his works; from the mutability of all creatures (that is, their disposition, in a certain period at least of their existence, to become either better, or worse) from that general law of nature, that sin (which is becoming worse) affects the minds and bodies, the happiness and the whole situation not only of sinners themselves, but of their descendants; and from sin and suffering being, in some measure, common to all men; this conclusion is unavoidable, that the temptation, the sin, and fall of our first parents,

were

were the cause of producing misery to themselves and to the whole of their offspring. The account, therefore, given by Moses and the other sacred writers, of the manner in which sin and suffering were introduced, and in which they are continued, in the works of God, is natural, rational, and therefore credible. It may be added, that no other account is so. This, at least, is certain, that no evil could have proceeded from God, who is perfect and immutable, *who can neither be tempted with evil, nor tempt any of his creatures*; that all evil must have proceeded immediately from our first parents themselves; and that they must have become evil, and of course sufferers, by temptation only: And if by temptation, why not by that very strong and seductive temptation recorded by Moses?

Should it be objected, that it is inconsistent with the justice of God, that all the descendants of the first pair should suffer for their transgression; it may be replied, that we every day see children suffer for the sake of their parents; that such things take place under his moral government of the world, and in the course of his natural providence; and that they are dispensations of that providence of the same kind, though not in the same degree, with that dispensation, by which the whole of the human race suffer, in a greater or less degree, for the first transgression of Adam and Eve; And, therefore, if God be unjust in punishing their sin in their posterity, he is also unjust, though in a less degree, in what constantly takes place, *in visiting the iniquities of the fathers upon the children unto the third and fourth generation*\*.

But, perhaps, it may be objected, that the whole of this argument is an impeachment of the divine goodness. I here beg leave to reply, that the object of this letter was not to vindicate that goodness, but the account, given by Moses, of the way in which moral and natural evil, or sin and suffering, came to take place in the works of a being, who wanted neither wisdom, nor power, nor disposition, to make them perfect, that is, free from all evil; and this, I should imagine, has been done, in a manner satisfactory to persons of candour

But in answer to any objections, which may arise in the mind, with regard to the goodness of God, it may not be improper here to observe,

1. That

\* Butler's Analogy.

1. That there is, in the works of creation and providence, a positive proof of that goodness

It is impossible for a person of reflexion and sensibility, to cast his eyes abroad into the world, and to consider the diffusion of happiness among all the living creatures, without perceiving and even feeling the goodness of that being, who made, who preserves, and benefits, them all. Every man is to himself a proof of that goodness, whether he consider his own frame, the rank which he holds among the creatures, or that portion of good which he himself enjoys. For, as God standeth in no need of any creatures to augment, or continue, his happiness, nothing but spontaneous goodness in him could have moved him to create any being whatever, and to bestow on it any portion of good. Here then is a positive proof, from creation and providence, and even from consciousness, of the goodness of God.

2. It may be observed, that all the objections against the divine goodness are, so far as we know, founded not in reality, but in appearance only. For,

1. The manner, in which suffering was introduced into the world, serves to vindicate that goodness. When God made man, he made him perfect and happy in his kind. But our first parents, being free and not necessary agents, sinned against God; and drew wrath upon themselves and the rest of the creatures. For all suffering is the natural effect of sin; it is the punishment inflicted by God for transgression. And how far, considering the nature of man, and his relation to the rest of the creatures, and the whole of his situation, it was possible in the nature of things, and consistent with divine justice and even human happiness, to prevent suffering from taking place in the measure we see it does, it is impossible for us to determine: And, therefore any objection against the divine goodness, from the evils that are in the world, and the manner, in which they were introduced, are founded in our ignorance.

2. God hath provided a remedy against the evils that are in the world by the mediation of his own Son.

It might, perhaps, have been impossible, in the nature of things, to prevent sin and suffering in creatures that were free, without continually working miracles. However, God hath permitted them, he hath also provided a remedy against them, for all good men. Christ is said, in scripture

to be the propitiation for the sins of the whole world, and the saviour of all men: And, if we admit what has been admitted, and what seems very probable from these passages of scripture, that the blessings of his mediation may, in some way unknown to us, extend to all good men in every nation and age of the world, in delivering them from their present imperfection, sin, and suffering; and that none, but the finally impenitent, the obstinately and incorrigibly wicked, shall be left in a state of sin and misery, there is here a further vindication of the divine goodness. The sufferings of such men are, in a manner, their own choice. When God called, they refused; and, therefore, they are left, in the natural course of things, *to eat of the fruit of their own way.*

3. Under the mediation of Christ, the sufferings of the present state serve to vindicate the goodness of God.

The laws of God are the rule of our lives; and the observance of them, the means of our happiness: And as all the sufferings of this life are, with regard to men, intended, not to ruin, but to reform them; to lead them to repentance and obedience to those laws, that is to lead them to happiness; those sufferings are marks not of malevolence or cruelty, but of benevolence or goodness in him who inflicts them. And that this is the intention of those sufferings, is evident from scripture, where we are taught, *that God doth not afflict willingly, or wantonly grieve the children of men; that he correcteth them by sufferings as a father correcteth his children, namely, that they may be partakers of his holiness: And if they are partakers of his holiness, they shall also partake of his happiness.*

4. Our ignorance is a sufficient, and ought to be to us a satisfactory, answer, to all the apparent objections against the goodness of God†.

The whole government of God is a scheme, which we cannot fully comprehend. We know but in part, and see, as through a glass, darkly. We see but one link, as it were, of a chain which hath no end; and, even that link, we see but imperfectly and obscurely. We neither understand thoroughly the beginning, nor can we at all see the end, of things. Our very ignorance, therefore, ought to silence all objections against the goodness of that being, who hath given us so great positive proof of his goodness in those parts of his works, which we see; and, who for ought we know, may

† Butler's Analogy.

may give us evidence of it without any appearance of exception or doubt, in those parts of them, which we cannot at present behold. We frequently see the folly of a peevish child, who frets against its parents; we cannot help sometimes smiling at the folly of an obscure individual, who pretends to know all the reasons of a prince's conduct; but our folly must be infinitely greater, when, amidst our present darkness, we find fault with the government of God, and call in question his goodness. Shall not he, who can have no motive to be either unjust, or malevolent, shall not the Judge of all the earth do right.

5. Notwithstanding of our present darkness and ignorance, we have reason, from what we see and know, to believe, that all the evils of the present state shall terminate in the greatest possible good.

It is well known, that certain poisons and noxious animals are, by a certain application of them, medicines; storms, which are apt to desolate countries, are frequently necessary to clear the atmosphere from vapours, that would prove mortal; the evil deeds of individuals sometimes contribute to the public good; nay, even a man's own folly and sufferings in certain periods of his life, contribute in certain other periods of it, to render him wise and happy; and from these and similar facts, there is a very great presumption, that all events and actions, combined, will in the event of things, produce, in the works of God, the greatest possible good.

From the nature of God, from the tendency of piety and virtue to produce happiness, and from revelation, this at least we may remain assured of, *that all things work together for good to the pious and virtuous, that all things shall end in their happiness.*

R. T.

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### L E T T E R III.

*The State of Nature, considered as the State, which ought to be.*

COUNTRYMEN,

**T**HERE is one sense of the words *nature* and *natural*, in which they are used with a reference, not to one part

part of the nature of man, but to the whole considered as a constitution or system. In this sense of the words, that only is *natural*, which is morally good; and to follow *nature* is to follow the dictates of conscience\*.

Men have, in their nature, various affections, appetites, and propensities, corresponding to various objects, which are external to them, which put them in motion, and which thus serve as the motives or principles of their actions. But this is not the whole, but a part only of their nature. They have also a faculty, by which they know right and wrong; which approves, or disapproves, their thoughts and actions, as they are moral, or immoral; and which is intended, by God, to regulate all their affections and desires, as to the time, place, manner, and degree, in which they are to be indulged; and to direct the whole of their conduct. This faculty is called *Conscience*. It is the ruling part of our nature. Its dictates, when it is well-informed, are intended, by God, to be the rule of our lives; and having this rule within them, men are said, by the apostle Paul, to be *a law unto themselves*.

This faculty of conscience, joined to the affections, desires, propensities, and the whole of the inferior part of our nature, makes up the moral system or constitution of man's nature; and acting according to the whole of this system, and not to any part of it singly, is acting *naturally*, or *according to nature*, in the proper sense of the words. Therefore, tho' to desire riches, honour, and pleasure, be natural to men, considering those desires merely as making a part of their nature; yet to desire those things, and to seek to obtain them in any way inconsistent with our Duty to God, to ourselves, or others, is unnatural, because it is against conscience, which is the highest part of our nature, and the very *law* of it: But to seek those things in every way consistent with our duty, is fully natural, because it is agreeable both to our inclinations and to conscience. For the same reason, tho' it may be natural to a brute creature, to indulge any of its desires in such a manner as may prove mortal to it, because it has no faculty, which answers to conscience in man; yet it is not natural to man, to indulge his desires in such a manner as may lead to misery, because he has a conscience, and to act in such a manner is to rebel against

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\* Butler's Sermons.

gainst its natural authority. In the same manner, tho' it may be natural to a brute, when irritated, to wound or destroy its master; yet it is not natural to men to rise up against their lawful superiors, because this must be against their consciences. In short, in the full, strict, and proper sense of the word *natural*, when applied to the conduct of men, all impiety, intemperance, injustice, malevolence, and every species of vice, are unnatural; and piety, temperance, justice, benevolence, and all sorts of virtue, natural. Considering the nature of man, as having a presiding and governing part or a conscience, what is morally good, is natural, because agreeable to conscience; what is morally evil, is unnatural, because against it. To do good is to act *naturally*; and to be, and do, good, in the highest degree, of which we are capable, is to be perfectly, *in a state of nature*. In this sense of the term, "a state of innocence," "a state of perfection," "and a state of nature," signify the same idea; and it is in this sense, that the ancient moralists are to be understood, when they say, "that man is born to virtue; that it consists in following nature; and that vice is more contrary to that nature than torments and Death†."

We use the word nearly in the same sense, when we speak of things inanimate, and of creatures devoid of conscience. Thus, the planets may be said to be in a natural state, when they move in their orbits, according to those laws of motion, which their Creator has imposed on them; a tree, when it bears leaves and fruit in consequence of the laws of vegetation; and an animal, when it enjoys health in consequence of performing the functions proper to its nature. But when an animal, or vegetable, is diseased, it is said to be, not in a natural, but *præternatural*, that is in an unnatural, state. Thus, vice is the disease of the mind; to make a progress in piety and virtue, is to be in a state of convalescence; and to attain to perfection in these, is to attain to a state perfectly healthful and natural.

From what has been said, we may perceive, that the state of innocence and a future state of perfection must, in a great measure, coincide. In both, the person acts according to the laws of his nature; and in both, he is happy. There may, however, be some difference between the state of our first parents and that of good men in another world.

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† Preface to Butler's Sermons.

Our first parents were upright or perfect, and placed in a situation suited to their nature; and happiness, in this situation, was the result of their obedience. Good men, in another world, will also be perfect; and happiness will arise out of their obedience and situation. But there seems to be this difference at least between the state of innocence and a state of future perfection. In the former, our first parents wanted what good men acquire, in some measure, by the practice of their duty, those confirmed habits of piety and virtue, which, joined to the innocence of their character, would probably have placed them beyond the danger of falling‡.

There is also another difference commonly stated by divines. Our first parents, in the state of innocence, could have had, under God, only the habit of doing their duty to preserve them from falling; which, by long and frequent practice, might in time, have become so strong as to prove an effectual security against that danger: Good men, in another world, will have, as their security, not only the strength of habit, but also the mediation of their Saviour.

Upon the whole, as all the works of God are called *nature*; so for every creature to be in that perfect state, for which it was originally intended by its Creator, is to be in its natural state. Moral evil, which began with the fall of our first parents, has, in some measure, deranged the works of God, and put man especially out of his *natural state*. But the strong propensity in man to perfection and happiness, and his desire of immortality and distributive justice; the belief of all nations concerning a future state, however imperfect, and disguised with fable; the power, wisdom, and goodness, of God; and his will as revealed to us in his word; all teach us to look forward to a time, in which the disorders of *nature* shall be rectified, in which all evil shall be done away with regard to good men; to a time, in which there shall be *new heavens and a new earth*, in which *righteousness*, that is *righteous persons*, shall dwell; to a time, in which, they, who, by the grace of God, honestly endeavour to do his will, shall be rendered consummately happy; to a time, in which the *righteous*, delivered from all those evils, which now afflict them, shall rejoice, shall exult, shall glory in Him, who is the uncreated source of all excellence; to a time, in which, no more hastening from one unsatisfying



object to another, they shall repose in their Creator, and enjoy in his presence fullness of joy and pleasures for ever more.

R. T.

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## LETTER IV.

*Of the State of Nature, considered as a State, of which Sin and Suffering are remarkable constituents.*

COUNTRYMEN,

**H**AVING already considered the state of nature both as a state of innocence and as that state, which ought to be, let us now take a view of it as a state, of which moral and natural evil, or sin and suffering, are remarkable parts.

Theological writers use the terms *nature* and *natural* in contradiction to the terms *grace* and *gracious*. By a state of nature, they mean that state of sin and misery, into which mankind are brought by the fall; and by a state of grace, that state, into which they are put by the mercy of God; by which the obedient recover from the state of sin and misery, and, in the end, attain to a state of perfection and happiness.

But when theologians use the term *state of nature* in this sense, they mean only simply to express the bare fact with regard to all men, as they come into the world, namely, that they are in such a state that they, in some measure, sin and suffer. They consider the sin and sufferings of men merely as facts, that take place in nature, like any other facts; and they call their sin and suffering natural, because both are, in some measure, common to all men, that is, in their sense of the word, *natural*.

Neither is there any thing absurd or incredible in what they commonly teach with regard to the states of nature and grace. For, if they teach, that the sin of our first parents was the cause of after sin and suffering, they say no more in kind, tho' much more in degree, than that a man, by some very base and atrocious crimes, or some vicious course of life, may affect his own interest, health, understanding, morals, and happiness, and those of his descendants for several generations; and that these descendants, by committing similar

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crimes and following a similar course of life, may, in like manner, affect their children; and so on as long as that race of men continues in existence||. If they maintain, that men are in themselves unable to deliver themselves from the state of sin and misery, this is, in a manner, saying, that a man, by one rash and foolish action, or by a course of vice, may so affect his own mind and body with disease, and the minds and bodies of those who shall descend from him, that no skill, or power, of his, or theirs, shall be able to recover them; especially, if the course begun by the ancestor of the family, be more, or less, followed by all his offspring. If they say, that God, of his grace, is pleased to recover men from this state of sin and misery, this is only saying, that he acts in a manner suitable to that goodness and mercy, which, in some measure, we every hour experience, and which *are over all his works*. And if he is pleased to employ the mediation of his Son, and the operations of his Spirit, in the recovery of men (both of whom are, in Scripture, said to have assisted in the creation of the world, and may, therefore, for any thing we know, assist in the redemption of it) tho' there may, in this, be to us some things dark and hard to be understood, and others incomprehensible; yet there is nothing in it absurd or incredible: For we find, that, in the course of his natural provideance, he frequently employs various medicines, things which we call accidental, and even the instrumentality of their fellow creatures, in delivering men from those distresses, which, by their own impiety, vice, or even folly, they have brought upon themselves; which is an use of means, or a sort of mediation, which the persons themselves would not, in many cases, have thought of, but which was necessary to their being delivered from their troubles. Besides, being, in a very great measure, ignorant of the Divine Nature, of the nature of things in creation, and of the plan of providence, we are, in no degree judges of what it may be fit for God to do, and what instruments and means it may be necessary and meet for him to employ. \* But if it please God to reveal to us those things, and give us evidence of the truth of them, tho' that evidence may not be such as we desire, it is our duty to believe them; because we know nothing against the truth of them, but much for it. For instance, the doctrines of the Trinity, of Christ's incarnation and mediation, and of the

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operation

|| See Butler's Analogy.

operation of the Almighty Spirit, are certainly very great mysteries: But if there be ground in scripture to believe those mysteries, and if the belief of them have any good tendency with regard to our conduct and happiness, both of which are plainly the case, then it is both our duty and interest to believe them. But to deny them, upon the supposition, that there is reason to believe them, merely because we cannot comprehend them, is highly irrational.

For, 1st, it supposes, that men understand mysteries, which they do not. For the very nature of a mystery is that we do not understand it. Secondly, it supposes, that we understand the greatest of all mysteries, the nature of God, and the manner, in which he exists and operates; which none, perhaps, has yet pretended to. For surely, if we cannot fully comprehend our own nature, or that of any of the creatures much less can we comprehend the nature of that Great Eternal Being, who pervades the universe; who is the cause, the support, the centre, and boundary, of all nature; the life of every thing that lives, and the joy of all his sensible and intellectual creatures. Before a man can shew what the Godhead is, and what it is not; before he can exactly define the limits of that power, which made, which preserves and governs all things; it would be premature and irrational in him to deny what is revealed of it, unless that revelation should involve it in an absurdity; or, after a part only is revealed, to pretend to explain the whole. May not that God, who has given existence to so many kinds of creatures, all of which differ from one another, as to their natures and modes of acting, may not He have a nature and manner of acting, which are peculiar to himself, and which none of them shall ever be able fully to comprehend. Is it not even implied in the very idea which we must entertain of the Creator, the Preserver, and Governour, of the Universe, that *his ways are not as our ways nor his thoughts as our thoughts.*

It is evident from the nature of man, that he originally was, and still is, intended for happiness and perfection. But the ignorance, impiety, vice, and misery of men in those places, where the light of revelation does not in some degree shine, plainly shew the necessity in which man, the noblest of God's works in this lower world, stood in need of a revelation. The partial communication of that light is a dispensation of providence

providence of the very same kind (tho' in a much higher degree) with the unequal distribution of talents, wealth, and happiness; and possibly the same reasons that would fully account for the one dispensation would account for the other: Yet no man will say, that because God hath bestowed talents, wealth, and happiness upon men unequally, those blessings are not necessary to men in general; and the same may be said of the general necessity of revelation.

Men, therefore, standing in need of a revelation, it was suitable to the nature of God to bestow it. But prior to the giving of a revelation, it was to be expected, that this work of God, like his other works, should contain some things beyond our comprehension; tho' they should have been, as probably most of them are, revealed, in the plainest language; in the same manner that there are many things in creation and providence, which we cannot comprehend. But that degree of darkness which is common to all the three, affords a probability, that they are all the work of the same being; and, therefore, what is obscure or altogether incomprehensible in revelation, instead of invalidating the evidence for the truth of it, contributes, in some measure, to prove it. Had there been nothing obscure, or incomprehensible, in revelation; had every thing in it been obvious, and easy to be understood; we should have wanted that part of the evidence of the truth of it, which arises from its likeness to creation and providence; from its likeness to the other works of that Divine Being, who is *surrounded with clouds and darkness; whose way is in the sea, and whose foot-steps are not known.*

A man writes two letters, which we are sure are his; and afterwards a third, of which we may entertain some doubt, whether it be his, or not; but the thoughts in it, and the manner in which they are expressed, are very like those of the other two; from which we presume, that it is his also. Now all the works of God, are, in a manner, a discourse, a message, an epistle to man. In all of them, there is a degree of obscurity, and some things incomprehensible; but all of them agree in teaching us some very plain lessons; such as, that he is wise, powerful, and good, beyond our comprehension; that he is a lover of what is right, regular, and decent; that he is the friend of the virtuous, and, in a manner, the enemy of the vicious, whilst they continue such; that, tho'

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he is inflexibly just, he is likewise merciful; that he is ready not only to receive the penitent to his favour, but to reward them when they shall have changed their manner of life. All these doctrines are contained in the works of creation and providence, and in revelation; and thus far they agree. But the works of creation and providence speak a language, which, yet is, in a great measure, mysterious to us, and which is the very object of philosophy at this time to interpret\*. In the same manner, there are mysteries in revelation, which we at present have probably no faculties to understand. And thus far also creation and providence and revelation agree. Seeing therefore, that they agree in expressing some very useful thoughts in a very clear manner, and other thoughts in a manner more, or less, obscure; and in containing something that are to us mysteries; their agreement in these respects affords a presumption, that each of them is the work of the same Divine being; just as the writing of a letter, or the finishing of any piece of work, in a peculiar manner, points out the respective authors of them, prior to our being told who those authors really are. And thus even the very obscurity and mysteries of revelation, instead of disproving, serve in some measure, to prove, that the author of it is God.

If it should be asked, why we have not a greater measure of light and stronger faculties? it may be asked, in reply, why we have not the eyes and wings of an eagle? We have a certain station assigned us in the creation of God, and a certain work to perform; and the light afforded us is sufficient for this work. Our great business in this world, is not, in a great degree, to accumulate knowledge, or to understand mysteries (a thing impossible) but to be qualified for the other by acquiring good habits. These habits may, through Divine assistance, be acquired by the weakest and most illiterate man, in the practice of his duty; the path of which, and that light, which we enjoy, is in general so plain *that a wandering man, tho' a fool, shall not err therein.*

Even the apparent deficiency in the evidence of the truth of revelation (for there is none real) or its not being so strong as we might desire, as well as the obscurity and incomprehensibility

\* The great Bacon calls man the interpreter of nature, and recommends humility as being as necessary to enter into the knowledge of mysteries, as into the Kingdom of Heaven; a proper admonition to those who presumptuously think, that, even without learning, they have access to the knowledge of all truth.

Ability of some things revealed, serve to exercise, not our understandings only, but our faith and patience, and submission to the Divine will; and thus contribute to form in us that religious temper of mind, which is so decent in itself, and so fruitful in happiness. When God commanded Abraham to *walk before him and be perfect*, and promised, as the reward of his obedience, that he would make a mighty nation of him, and that kings should come out of him, there could not be such an exercise of faith and piety in yielding obedience to the Divine will at that time, as afterwards in offering up Isaac. For, in that early period of the world, when but a small portion of the earth was inhabited, it was natural for Abraham to believe, when God promised it, that his offspring should be widely spread, and some of them become very great. But what a struggle must there have been between piety and fatherly affection, between faith in the promise of God, and faith in the course of nature, before he stretched forth his hand to *slay his only son whom he loved*, that son, with whom *the covenant was to be established*, that is, in the line of whose descendants, the promises to Abraham were to be eminently fulfilled. In the offering up of Isaac, there was such a triumph of faith over those prejudices with regard to the course of nature, which are common to all men, such a submission of the understanding to revelation, such a resignation of the heart to the Divine Will, as deservedly to give to that patriarch the title of *father of the faithful*.

In the two most remarkable scenes of our Saviour's life, he seems to have wanted much of that light, which, at other times, he enjoyed. When, in *the garden*, and *sweating great drops of blood*, he offered up supplications and prayers, with *strong crying and tears*, to him that was able to save him from death, and was heard in that he feared, that is, - heard in having his fears, in some measure, removed, or in being supported under them; and when, on the cross, he cried out *my God, my God, why hast thou forsaken me?* it is evident, that his distress in both cases, arose from that darkness, which had, in some measure, clouded his mind, or from the want of that light, which he usually enjoyed. But how great does the faith of our Saviour appear? how ardent and constant his regard to man? how entire his submission to the will of his Father? when amidst this obscure and uncomfortable light, or rather this partial and defecting darkness, he proceeded in his work, and ceased not till he had finished it?

The case of all pious and virtuous men is, more, or less, like those of Abraham and our Saviour. Their experience and observation of the course of nature afford them a strong presumption, that, at last, it will be well with the righteous and ill with the wicked; the word of God assures them of it; and they are inclined to believe it; for, as they are conscious of their sincerity in serving God, they cannot but entertain some hope of being rewarded. But sometimes they see, both with regard to themselves and others, the course of nature, as to outward things, inverted; the righteous in adversity, and the wicked in prosperity: The evidence of revelation also, however sufficient for them in ordinary cases, is yet weaker than that of the senses: And sometimes it is so far weakened by contrary appearances, that the righteous, almost despairing of happiness in the way of their duty, are disposed to say with Asaph, *verily I have cleansed my heart in vain, and washed mine hands in innocency.* But tho' the evidence for the truth of revelation and the reality of the rewards of piety and virtue, be not, as it sometimes appears to our minds, either so certain as we might desire, or unvarying, it is not, therefore, to be rejected. We should esteem him a madman, who, travelling through a dangerous country in a winter night, should reject the light of the stars, because he could not enjoy that of the sun.

The present state is, perhaps, in every respect, a mixed one. Reason and folly, virtue and vice, happiness and misery, light and darkness, faith and doubt, are always, in a certain proportion, blended together; and he, who suspends his belief, till he get evidence and light without any mixture of doubt and darkness, must suspend it till he go to the other.

Mean while, those, who are determined to make use of the light which they have, will find, upon trial, that there is scarcely a case, in which it is not sufficient to direct them. They will find, that the longer they suffer themselves to be guided by it, it will shine the brighter. They will begin seriously to reflect, that the mind, like the eye, has its limits; that, from the limited nature of the soul, there are some things, which we cannot know at all, and others, which we can know but in part: And, if they are pious and virtuous in proportion to their knowledge, they will feel a very strong propensity to believe, that there will be a time, in which they shall arrive at that land, which now appears to them faintly

faintly at a distance; in which the fogs that now obstruct the sight, shall disappear; and in which, having acquired a higher elevation and a greater power of vision, they shall see every object distinctly over a whole horizon.

That piety and virtue tend to make us happy, and impiety and vice, miserable, are matters of observation and experience, like any other facts, which uniformly happen: And that happiness, or misery, in a very high degree, will, upon the supposition of a future state, be at last our lot, is an inference as deducible from those facts, as *that a stone dropt from a tower, will fall to the ground*, is deducible from the law of gravitation. And, therefore, if the scriptures serve, in any degree (which they certainly do) to excite us to begin and persevere in a good course of life; and to deter us from, and stop us in, a bad one, it is our duty and interest to retain and use them: But it would be madness itself to reject them.

To recapitulate what has been said. When Theologians speak of the *state of nature*, they mean to say, that the present condition of men is such that they, in some measure, sin and suffer. What they say of this state, is what we are given to understand from the sacred scriptures, and is neither absurd; nor incredible. Tho' there may be many things dark in the scriptures; yet that very darkness is a part of the proof of their Divine original, because it is so like the darkness in creation and providence. At the same time, that darkness, by the difficulties which it occasions, serves, with other things, to exercise the faith and patience of good men; and to beget and strengthen in them resignation to God; in which consists the whole or the greatest part of our duty, and which is a copious source of our happiness. But tho' the scriptures are dark with regard to those things, which it does not much concern us at present to know; yet they are very clear with regard to those, which it is our chief interest to be informed of. They teach us, what, by tradition and reason, we might, perhaps, have known, that the sin of our first parents was the cause why mankind, in the present world, are in a state of sin and misery; and they teach us what, without a revelation, we never should have known, that they are delivered from this state by the mediation of a Divine Saviour. They teach us also what experience serves to prove, that as rebellion against the will of God is the cause of all misery; so submission to it is the certain road to happiness.

R. T.

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 LETTER V.

*The State of Nature, considered as the State in which the Human race has been generally found to exist.*

COUNTRYMEN,

WHEN we wish to know the natural state of any species of animals, we examine them; and all that we discover from such an examination, is all that we know of their natural state. We must proceed in the same manner, if we wish to know what is in fact the natural state of man. The specific description of what man is, is the description of the *state of nature* relative to mankind.

Whatever is common to animals of a certain description, is said to be natural to them, because it constitutes a part of their nature; thus, self-motion is common, *i. e.* natural to all animals, and reason to man. Whatever is not common to any class of animals, but peculiar to one, or more of them, is said to be, not natural, but preternatural, or monstrous. Whatever, therefore, is common to all men, must be natural to them, whether it respect their minds and bodies, or their situation and manner of living. When we consider, therefore, the fact with regard to man, and neither what he was in a state of innocence, nor what he ought to be, what is common to the whole kind, is natural; and the most general facts respecting the whole race, make up the account of the *State of Nature*. In this sense of the term, *the State of Sin and Misery* coincides with the *State of Nature*, or rather is a part of it.

But there have been writers on Politics, who have assumed neither the state of innocence, nor the state, in which man ought to exist, nor the state of sin and misery, but a supposition of their own, for the state of nature. In order to favour some hypothesis, without documents from history, without individual experience, without the support of science, they have imagined to themselves a state, in which man never did exist; and, from their own imaginations, they have copied a picture of man, and called it his natural state. But if we

consider

‡ See Essay on the History of Civil Society by Dr Ferguson.

consider man as we do other animals (and, if we except revelation, we have no other way of knowing any thing about him) his natural state is that, in which he is actually found, in some measure, to exist, in every age and nation.

The state of nature is not a state of solitude; for man is not a solitary, but gregarious animal. He is always, except in very rare cases, found in the company of his kind. He is born and educated, and remains, in society. He has a disposition to associate with his fellow creatures. He is miserable, if banished from them. He feels the most generous and ardent emotions of the soul in their society, and makes all his noble efforts with a view to it. It is there only that his character fully evolves, that he displays all the great and amiable qualities of the soul, and that he finds improvement and happiness.

The natural state of man is not a state of *anarchy*. For, as he is always in the company of his fellow creatures, so he is always a *member of civil society*. Every family, or company of men, however small, has its rules of proceeding; and those rules are its laws. In the family, the father, and in the tribe, the chief, are the governors. From his birth to his death, man is, in some sort, connected with government. For the most part, he is a subject; but, even when a magistrate, he is more, or less, subject to laws.

His natural state is not a state either of perpetual war, or of perpetual peace; but alternately of both. For men are, by nature, and spontaneously benevolent. They are, in some degree, friends to each other for no other reason, but because God has made them so. When they are found to be enemies, it is only previous injury, real, or supposed, emulation, interference of interest; fear, or some such cause, which makes them so: And even then, if they are enemies to one party, they are friends to another.

The state of nature is not a state of *Equality*; for of all the living creatures, men considered in all respects, are the most unequal to each other. When sound authors speak of *the natural equality of mankind*, and of *equal natural rights*, they refer to those rights of men, which subsist in their persons, and which are born with them. These rights are the right to the exclusive *innocent* use of all the faculties of their minds and members of their bodies, and the right of self-defence. These are the only rights, which are properly called *natural*, because they are immediately conferred by the God of *nature*,

and subsist in the nature of man; and with respect to those rights only, are men necessarily equal. In all other respects they may be, and most frequently are, unequal.

The natural state of man is neither a state of perfect ignorance, rudeness, vice, and misery; nor a state of perfect knowledge, improvement, virtue, and happiness; but a state in some degree, composed of all those qualities.

Abstracting from things that are local, temporary, peculiar, or in any respect adventitious, the natural history of an individual is that of the species. Man is naturally disposed to maintain his rights; to improve his nature and condition; and to co-operate with, and benefit, his fellow creatures. His reason and his heart dispose him to entertain sentiments of piety towards his Creator, and to express them by his actions. Like every individual, the whole race has a progress from rudeness to improvement. Accidental causes may retard the progress, and sometimes, in a great measure, undo it; but it is the very nature of man to improve in some way or other.

But no stage in his progress towards perfection, nor any diversity in his external condition, constitutes his state, at one time, a state of nature, and, at another, a state of art. For art, tho' distinguished from what nature herself bestows on every individual, is yet natural to man. In every place, and at all times, he accommodates himself to his situation. In one place, he is a hunter, or fisher; in another, a shepherd, a husbandman; in another, an artist; and, in another, a merchant. Nature, which, by a rapid and instinctive operation makes the fox a hunter and the heron a fisher, makes man, by a slow and complicated process, all that he is in his highest elevation. Instinct, that is nature, impels the cat to use her paw; and reason, that is nature, leads men to science, and skill in the arts. Instinct, experience, and reason unite, enabling him to supply, by his invention, those defects in his character and condition, which nature in the progress of time supplies in other animals. He is, in some measure, the artificer of his own bodily frame and intellects; and, in a great measure, the artificer of his morals and behaviour, and of his fortune and happiness. A vegetable, or animal, is no less in its natural state, when it has acquired maturity, than when the former first shoots up, or the latter drops from the daisy. The bee and beaver are equally in a natural state, in the beginning, middle, and end of their work. And tho' mankind

have a progress from ignorance and rudeness to knowledge and refinement; yet no stage in this progress is their natural state more than another. They are in a state of nature, when they first set out; they are in a state of nature in every stage of their journey; and they will be in a state of nature, should they ever come to an end of it.

The striking features in the character of man, and the principal constituents in his state, are ever the same; and when it is asked what is the natural state of man? it may be answered, that it is his present one, in whatsoever place, time, or manner, he may exist. The rainbow is an emblem of the general or specific, *i. e.* natural state of man. In every period of his existence, in every stage of his march backward, or forward, we see, either in fainter, or stronger colours, what he is in every other. The transition from one stage of improvement to another, is sometimes imperceptible (for those stages, like the colours of the grand arch of heaven, frequently run into one another) but tho', between the rudeness of the savage and the improvement of the citizen, as between the azure and the red, there is the widest difference; yet that difference is produced by nature, by the nature of man and the nature of his circumstances.

Having considered the state of nature according to the different senses of the term, 1, as a state of innocence; 2, as the state which ought to be, because such a state only is agreeable to the whole of our nature, considered as a constitution; 3, as a state, of which sin and suffering are remarkable constituents; and, 4, as the state, in which the human race has been generally found to exist; we shall now be able to deduce, from the whole, a few practical inferences.

1. From what has been said, it is evident, that the state of innocence, the state which ought to be, and the state of good men after death, in a great measure, coincide. Each of them is a state of perfection. To this perfect state, our affections instinctively dispose, and our reason guides us; to this state, our love of pleasure and aversion to pain prompt us; to this state, the disposition of things in creation and the various dispensations of providence impel us; to this state, the voice of conscience and the voice of God call us; for this state, almost all that is without and within us tend, in some degree, to form us. To this consummate state, therefore, it is our highest wisdom, in spite of every temptation, obstacle, and

discouragement, to seek, under the operation of the God of nature, with all that power, which it has pleased him to bestow upon us. For, to say all in a word, to be in this state is to be perfect in our kind, and to enjoy the greatest happiness competent to our nature.

2. What has been said, will serve, in some measure, to correct certain errors, which have been produced by a misapplication of the terms, *natural equality*, *natural liberty*, and *natural rights*. There never was a time, in which men were, in all respects, *equal*; in which they had a *liberty* of doing what they *pleased*; or in which they had the *same rights*. *Natural equality* consists in justice being equally administered to all; and our form of government is better fitted to maintain this natural equality than any other that either is, or ever was. *Natural liberty* is the liberty of doing all good and no evil; for this liberty and no other does *the God of nature* confer; and with regard to this liberty, all men in this country are *as free as thought*; all which will appear more evidently in what follows of this work. *Natural rights* are those, which are inherent in the nature or persons of men. The subject of them is a person's self. But to whatever real, and not fictitious, state, we give the name of *the state of nature*, it is evident, that we can learn no more from it, with regard to the rights of men, than from the present state.

In order that we may see what are their rights, all that is necessary, is to consider them as unconnected individuals. Four men from the four quarters of the world meet on an uninhabited island; each occupies a part of it; each has his personal and real rights; and his personal and relative duties (for there is no state in which men can exist, in which they have not their duties as well as their rights). The rights of each are what is his own; his duties, those things, which he ought to do. They afterwards associate either for the purpose of defending themselves against strangers, or of obtaining some common object. Here then there is a *civil society*, and the rights and duties of those four men are now determined, and afterwards regulated, by their convention or agreement. Their state, as connected together, has been very properly called the social state, or the state of society. But their state, considered as unconnected individuals, has been very improperly called the state of nature, or their natural state. For this is an expression signifying a state, which never had a real existence.

ence. It is an expression not only improper, but ambiguous. It may, therefore, be used equivocally to deceive men into an opinion, that they have rights, which they never at any time had; or men, without any evil intention on the part of the person who uses it, may themselves run into the same error. Besides, tho' there had been (which there never was) any state in which men were once equal; yet as the circumstances, and relations, the whole condition of individuals is perpetually changing, that equality must soon have been annihilated, and the greatest inequality with regard both to rights and duties, created.

3. What has been said, will serve also to correct the errors of some with regard to the origin of political constitutions or forms of government.

The existence of men as unconnected individuals is extremely rare or uncommon, that is, *unnatural*. The *natural* state of men is a *social* state. Men are always found in groupes; and, prior to any positive institutions, are, for the most part, connected by constitutions or bodies of laws, which rise spontaneously; which are dictated by the occasion; which become forms by their being used and found beneficial; and which are either binding in themselves, as being parts of the law of nature, or become binding by the acquiescence of those, who receive from them protection.

Wherever there are men, there are laws; for men are *a law to themselves*; and their laws respecting their mutual rights and duties, when put together, compose their political constitutions. It is just as natural for all societies of men to have constitutions or bodies of political laws, tho' they never have been written, or formally agreed on, as it is for individuals to have eyes. For what eyes are to the individual, that are political laws or constitutions to society. Perhaps, there is not one exception to this general assertion, except in times of anarchy, when government is dissolved: And even then, the parties into which the state is split, must each have a temporary constitution for itself.

In an early period of society, in which, generally speaking, men are comparatively innocent, and in which their business is simple and easily transacted, few laws are necessary; and those are the dictates of reason. It is only in a state of society, somewhat advanced, when the affairs of men are multiplied and become complex, that contests with regard to rights arise;

and then usages, dictated at first by reason judging according to the merits of any case, become laws, and decide cases that are litigated. Thus, the rules, by which a father manages his family, receiving additions according to circumstances, become those, by which a chieftain governs his tribe; and these again, being augmented by the same natural process, become those which govern a nation.

There is no doubt, that this is the course of nature in the formation of political laws or constitutions; from whence we may see the error of those, who contend, that no country has a constitution, in which the people, either individually, or by their representatives, as in a few states in modern times, has not met, and agreed how they should be governed, and expressed their agreement by writing. But even this, if it be an advantage, is an advantage, as will appear in the sequel, possessed in the highest degree by the *Constitution of Britain*.

Upon the whole, the natural, that is the personal, rights of men are seen intuitively, and recognized as soon as they are mentioned. Their adventitious rights, including in that term all their rights as members of civil society, are discoverable by reason judging according to the nature of existing circumstances. But in order to discover those rights, it is absurd to have recourse to a *fiction concerning a state of nature*. This itself is error; and it leads to error. All that is, at any time, necessary to a people, is candour, or a disposition to acknowledge rights, when reason hath discovered what they are.

R. T.

OF

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# OF THE RIGHTS OF MEN.

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## LETTER VI.

### *Of Rights in General*.\*

COUNTRYMEN,

A Person who looks for some agreement between the title of a book and its contents, will be somewhat surprized, upon perusing "the Rights of Man," that Mr Paine should have given to those two of his publications that title. For, instead of finding in them, what, from their name, one should naturally be led to expect, a distinct, clear, true, and full state of the rights of men, one finds only one that is confused, obscure, erroneous, and partial; to which the author has added a flimsy commentary on the French declaration of rights.

"Hitherto," says he, "we have spoken, and that but in part, of the Natural Rights of man; we are now to speak of his Civil Rights, and shew how the one originates from the other." By the *natural rights of man*, Mr Paine here means, not merely those rights, with which a man is born, and which are inherent in his person, but (as is obvious from his division of all rights into natural and civil, as well as from the tenor of his discourse upon rights) all the other rights also of men out of society, whether natural, (that is personal and original) or adventitious; such as the rights, which any person out of society may have, to his property and possessions, and to liberty. All these rights, which he denominates "natural rights," in contradistinction to "civil rights," he speaks of, according to his own confession, "but in part;" and yet he tells us, that "the civil rights of man originate from his natural." A knowledge of the natural rights of man is the data or principles from which he infers his civil rights; and yet he states his natural rights "but in part." Notwithstanding, upon this partial, this unsure foundation, does this author build

\* See Dr Ferguson's *Institutes of Moral Philosophy*, and Sir William Blackstone's *Commentaries on the Laws of England*.



build all his superstructure of "regenerating governments," redressing wrongs, and giving to man what he calls his rights. Is this the candid and clear reasoner who is to instruct mankind! Is this the light that has set the world in a blaze! Eyl we must be fools indeed, if it produce any thing but a blaze.

As it is necessary, that men should know what rights they may have out of society, in order that they may know what rights they have in it, I shall here beg leave to offer a few observations, first, on the absolute, and then on the relative, rights of men. But prior to this, it may be proper to take notice of the term *right*, and the different classes, into which rights have been divided.

The term *right*, when it is used to signify the relation which a person bears to what belongs to him, or what is his own, expresses a simple idea. The idea itself of such a relation is simple; and therefore cannot be described, or defined, but by another expression equivalent to the term *right*. It is however, sufficiently well understood by the most ignorant person, and even by children, when it respects things that are within the sphere of their knowledge. Every person knows the meaning of the terms "mine," "thine," "his," &c. There is not a peasant, who does not understand the meaning of the word *right*; though, if desired to express the idea conveyed by it, he would probably be at a loss for words, or express himself in a way less proper and significant.

A right has been defined, "the relation of a person to a thing, in which no alteration ought to be made without his own consent;" and such things are the constituents of the person, or the constituents of his state\*.

"Rights may be considered in respect to their subject, or in respect to their source. In the first respect, they are said to be personal, or real. In the second, they are said to be original, or adventitious."

"The *personal rights* of men subsist in their persons, and in the constituents of their nature. They are the rights, which they have to the limbs and members of the body, to the faculties and talents of the mind, and to the uses of both."

"*Real rights* subsist in things, of which any person may have the exclusive use." They are the rights which a man has to all those external things, which are his, and which constitute, or make up, what is called a man's outward condition.

in or estate; such are the rights to "possession, property, and command."

"*Original rights* are the universal appurtenances of man's nature, and coeval with his being." They are so called, because the subjects of them belong to a person from the origin or commencement of his existence. The term *original rights* is but another name for those rights that are personal.

"*Adventitious rights* are such as accrue variously to men in the course of human life." They do not necessarily commence with the birth of a person, (which is the case with original rights) but may come to him afterwards in different ways; as, by inheritance, bequest, occupancy, or as the fruits of his labour. The adventitious rights of men are the same sort of rights with their real

Rights may be divided into *natural, civil, and political rights.*

Natural rights are those, which subsist in a person's nature, and of which the subjects compose his nature. They are the same with personal or original rights. They may all be expressed by this general term, *the right which every man has to himself.* These rights only ought to be called natural; and they are so called with the utmost propriety, because they are inherent in the *nature* of man, and are immediately conferred by the God of *nature.*

Civil rights are those, which belong to men considered as private members of civil society, or as subjects of government. Such are the rights to life, liberty, and property, and the secure enjoyment of them; and consequently the right to protection from the magistrate. Life, liberty, and property, may, indeed, belong to men, or be their rights, either in, or out of, civil society; but it is civil society only, which protects men in the use of those rights, and gives them the secure enjoyment of them; and therefore all of them may very properly be called civil rights, tho' the right to life is also a natural and original right.

Political rights are those, which belong to men considered in a public capacity, or in their relation to the state; such as the rights of legislators, of magistrates, and of the rest of the community with regard to public affairs. Perhaps the political rights of men have never been precisely the same in any two countries: Nor have they continued precisely the same at all times in the same country. They ought to vary with the situation and character of the people. There are men so vir-

tuous

tuous that very great powers may be entrusted to them with safety; there are others so vicious that they cannot be safely entrusted with any; they require coercion and restraint to oblige them to perform their duty, and to prevent them from committing crimes; and the political rights or powers of the different constituent parts of any state, ought to be, in a great measure, in proportion as the character of the people approaches to either of these extremes. All other things being equal, the more wise and virtuous any people is, the greater may their political rights or powers be; and so contrariwise.

No particular rule can be given, according to which political rights ought to be always distributed amongst the different constituent parts of any civil society. A general rule is, that every man should have such a share of those rights that he may neither injure, nor be injured by, any other. This distribution of political rights affords security to all; and the obtaining of security is the chief end and design of all civil or political society.

Though, in this country, some minute things of a political nature may require to be altered, when it can be done with safety; yet the chief excellence of the British Constitution as will afterwards appear in this work, is, that for a long time past, but especially since the accession of his present Majesty to the throne, the public or political rights of all ranks have been such as to secure to all ranks their private or civil rights. The theories of speculative men, our own passions and imaginations, nay our very reasonings concerning political rights may mislead us. But when, in any country, every individual enjoys securely what is his own, we are sure, that, in that country, the distribution of political power is just what ought to be. We here judge from a clear and obvious fact and such facts never can deceive us. Now, all things considered, there is no country in the world where a man has such security for what is his own as in Britain; an undoubted proof that, in that country, the distribution of political power is just. Nay, to a person that is well informed, it will appear evident upon reflexion, that any considerable alteration with regard to political rights, would there ruin that very security, which might be intended to promote †.

Belle

† The two bills lately passed in Parliament, the one against "treasonable and seditious parliaments and attempts," and the other against "seditious meetings," take from no man any of his political rights. The

Besides the above mentioned classes of rights, there is another division of them into *natural* and *civil*. This division of rights

are intended to regulate only the use of those rights, or to prevent such an abuse of them as would end in the destruction and misery of the country. They are of the same nature with the suspension of the Habeas Corpus Act; and the same necessity justifies all the three. For, *when crimes multiply, faith Dr Ferguson, Institutes of moral Philosophy, p. 279, when crimes multiply, and criminals are enabled to employ the forms of law as the subtler judges of iniquity, it may be necessary to alter such defective forms.* Ever if they were (what they are not, but what some have erroneously contended they are) an infringement of our political rights; yet this infringement is only for the space of three years; and, therefore, it is rather a suspension than an infringement of those rights. But it is not even a suspension of them. For the exercise of those rights in thinking, in speaking, writing, meeting, and petitioning, in every right and innocent way, about all public affairs, is not interrupted by those acts even for a single instant. Those acts, therefore, are not an infringement, nor even a suspension, of any of our political rights, but simply a regulation of them; a regulation urged by necessity herself, to which all things must yield. I would beg leave here to appeal, to the heart of any sober and reasonable man, whether he would not, for any time almost, submit even to the despotism of Turkey, rather than see acted, in this country, those scenes of oppression, injustice, cruelty, and blood; which, within these few years, have successively come upon the public stage of France? Yet the prevention of such dreadful calamities was the very object of those temporary acts or regulations, and what rendered them indispensably necessary. In passing them, our present Legislature acted not only according to the necessity of circumstances, which justifies whatever it requires, but according to precedents of the Legislature of this country in former times, and according to many precedents of a similar nature, though infinitely more dangerous to liberty, in the republic of Rome. In that republic, when any great public danger was apprehended, not their nobility and commons in conjunction, but their senate, *i. e.* their nobility alone, created a chief magistrate, and conferred on him a power, which was unlimited either in extent or duration, and for the use, or abuse, of which he was not responsible even upon the laying down of his office. The necessity of existing circumstances justified indeed their senate in conferring such power; but the superiority of the British Constitution to that of Rome, and indeed to all other republican constitutions, appears eminently in this, that our Legislature never has been under the necessity of vesting any such powers in the Supreme Magistrate.

But, if our liberty be in any danger from those acts, the danger is the same to men of all rank; for those acts respect neither the riches nor rank of any subject. And therefore, if there should be any real ground to apprehend danger from them, those very persons through the nation, who have been foremost to support the passing of them, would again be foremost to have them repealed even before the end of those three years, when their validity expires, and the acts then selves become as void as if they had never been made. In both cases, both men would act only from the very same motive, a regard to their own private rights, and liberty.

rights is adopted by some French writers, by the National Assembly of France in their "Declaration of Rights," and by Mr Paine in his Rights of Man, part 1. p. 22. This vision of rights has been productive of error and absurdity, because the language is ambiguous. For instance, in the Declaration of rights by the National Assembly of France, the first article, men are said to be equal in respect of the rights; and, in the second, one of their *natural rights* is said to be "the right of property." And, in "the Rights of Man," part 1. p. 24, "every generation" is said "to be equal in rights to the generations that preceded it."

It is an impropriety in language to call the right to property a natural right; for such a right neither is a constituent part of the *nature* of man, nor does it necessarily commence with his birth. But should we adopt this impropriety of expression, and call property a natural right; yet, in this respect men are not equal to one another. If I have but a sixpence and another man a thousand pounds, it is true, that my right *i. e.*, my relation to my sixpence, is just the same with his to his thousand pounds. But if I have no property whatever and if he have property, in this case, my rights are not equal to his.

The term right sometimes signifies the relation of a person to a thing; as when we say, that the proprietor of an estate has a right to it. This is its proper signification. But sometimes it signifies also the subject of a right; as when we say that such an estate is the right of such a person. This is an improper sense of the word, though commonly used and understood; for the estate is not strictly speaking the person's right, but the subject of his right. But this double sense of the term right has led to error, and affords to artful men an opportunity of speaking equivocally with an intention of deceiving and misleading others.

But, in neither sense of the term right, are men "equal in respect of their rights;" whether we call their rights natural or civil. For, first, if by rights we mean the things which men have a right to, neither individual men, nor generations of men, have "equal rights." For one man, or generation of men, may be very poor; and another man, or generation very rich, that is, they may have very *unequal rights*. But 2. if by rights, we mean not the things which men have a right to, but the relation which they bear to such things,

men in this, the proper sense of the term, they are not "equal in respect of their rights." For one man has only a right to himself; another has not only a right to his self, but to an estate; and, therefore, *their rights cannot be equal.*

It has been said, that Mr Paine never meant an equality of property by the expression "equal natural right in the world," and other expressions of a similar kind. But a man, who even equivocally teaches the people, that they have "equal rights," doubtless intends to lead them into a snare by exciting them to the fruitless attempt of obtaining equal possession. This method has, indeed, been found very useful in procuring the force of the people to accomplish a revolution in government in favour of ambitious men. Combined with other causes, it had this effect in England, in the times of Cromwell, and but lately in France. But when this engine of working on the people had answered the purposes of those that employed it, it was, in both countries, laid aside as useless and even dangerous. The French Convention took the first public opportunity of discarding the idea of "an equality of rights;" and, by the new Declaration of Rights, they have substituted in its place that "equality that counts in the law being the same to all; whether it protect, or punish;" a reasonable and blessed equality indeed, but an equality, which *we in this kingdom, have long experienced.*

The leaders in France have wholly excluded from their new Declaration of Rights, the term "natural rights;" very probably, because they saw, that the words, though harmless in themselves, might again be made use of to produce, not only a new revolution of government against them, but a revolution of property. They speak now only of "the rights of men in society;" and these, as they affirm, in their declaration of rights, are Liberty, Equality, Security, Property. It is rather remarkable, that they have omitted, in their latter declaration of rights, what, in their former, they affirmed to be a "right of man," *Resistance of Oppression.* By this omission, they tacitly deny what, in cases of extreme necessity, is acknowledged by all parties in this country. But such denial was then, and may still be, prudent in their rulers. Liberty, they very well define as "consisting in the power of doing what does not injure another;" and equality, they define as well, when they affirm, that it "consists in the law being the same to all; which, with regard to these matters, has ever been

the sense, and long the experience, of this country. But perhaps, they have not succeeded so well in their definition of *Security*, when they say, that it "consists in the action of all to assure to each the enjoyment and preservation of his rights." For security is not enjoyed, when there is either "action," or necessity of "action, for assuring to each his rights." It is then only enjoyed, when there is no necessity for any such "action;" in that calm and tranquil season, when every man enjoys himself and his all without fear of injury. And the power of having such enjoyment, as it is the natural result of our mixed constitution, so it is the very pride and glory of every Briton who understands his *Rights* as a *Subject*.

The French have, for these six years, been talking, writing, acting, and fighting, for a form of government, that should afford to each security; but, prior to the formation of their last new constitution, all that they had done towards obtaining this most eligible end, was, by their own confession, "in vain." Where now is even the presumption, that they have obtained it? Is it in the blood shed on their scaffolds, where the flower of their country fell in hecatombs? Is it in the flourishing state of their private and public affairs? Is it in the possession of one great, but limited, national head, who should check the exorbitant ambition of individuals, that a verlasting source, in republics, of civil war, revolutions, and all misery. Ah! they have been long and painfully climbing the steep; but they have not yet reached the summit where their security lies.

R. T.

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## LETTER VII.

### *Of Absolute Rights.*

COUNTRYMEN,

HAVING, in the foregoing letter, considered the general term *right*, and rights as classified in different ways, we now come, as was proposed, to take a short view of them, as classified under the heads, *absolute and relative rights*.

By absolute rights are meant all those which belong to particular men considered merely as individuals or single parties, and which may belong to them either in society, or out of it.

By

By relative rights, those which are incidental to men as members of civil society, and standing in various relations to each other\*. This latter class of rights, therefore, has also been very properly called *social rights*; as the former has been called *natural*, in allusion to a chimerical state of nature, in which men have been represented as solitary individuals, or unconnected with one another. But, perhaps, it may be proper, as much as possible, to avoid this mode of expression, not only as it refers to a mere supposition, but because, being ambiguous, it may lead to dangerous errors. We will, therefore, in what follows, call those rights which belong to men considered as unconnected individuals, *absolute rights*; and those which belong to them as members of civil society, *relative or social*. And we will endeavour briefly to state and illustrate both sorts, and then subjoin a few words with regard to the duties of men in general. Let us begin with their absolute rights.

1. The first of the absolute rights of men, that I would take notice of, is that general right which may be properly enough expressed by "the Right which every man has to himself." It is composed of the rights which every man has to the limbs and members of the body, to the faculties and talents of the mind, and to the uses of both. These rights are personal; for they subsist in the person. They are original; for they commence with his existence. They are natural; for they are both the constituents of his nature, and the immediate gift of the Author of nature; and together with the rights of defence, and of natural liberty, and, in certain cases, the right of command, they are, perhaps, the only rights which, with safety and propriety, are denominated natural.

These personal, original, or natural, rights, are the only rights, that are "inherent," and which, except they are forfeited by the crimes of the person, "cannot be annihilated." They are also "inalienable." If the person is a member of civil society, he is a part of it, and therefore cannot alienate that belongs to the whole: If he is a solitary unconnected individual, he cannot sell them, because he cannot receive a price for them: But they are chiefly inalienable, because they are talents committed to him by the Lord of the Universe; talents for the use of which he is responsible, but which he could not sell as he ought, were they alienated, or, in other words, were



be a slave. Every man is a charge intrusted to himself by his Creator; and his duty (under the Divine assistance and direction) is to do good, to cultivate his nature (which is chiefly and most effectually cultivated in doing good) and thus to serve his Great Master, and become qualified for a higher and better state of existence. But as no man can serve two masters, whose commands may contradict one another, no man would be at liberty thus to perform his duty, and answer the intention of his creation, were he the property, and under the absolute command, of another. The personal rights of men, therefore, are inalienable. In other words, men cannot *de jure* be bought and sold, or become slaves.

If, however, some men are already slaves, the sudden emancipation of them might, in certain cases, be, in every respect, more detrimental both to themselves and others, than a continuance of their slavery till such time as, by proper institutions, they have become capable of the *innocent* enjoyment of liberty. It may happen also, it has been said, that, in some countries, men may be such slaves, or in such wretchedness, that purchasing them to be slaves in another country, and placing them in happier circumstances, is doing them no injury. It is true, that placing men in happier circumstances, whether they are freemen, or slaves, is doing them a *benefit*. But this reasoning, as applicable to the negroes in the West India islands, depends on a thorough investigation and comparison of *facts*, of which facts I must confess I have not a competent knowledge, and for which investigation and comparison there is not here room. I content myself, therefore, with concluding in general from the preceding observations, that as men are born free, they ought always to remain so; that is, masters of themselves and of all their innocent actions.

2. Another of the absolute rights of men is the right of *Possession*.

Any person may have a right of possession to any thing which is neither the property of any other, nor occupied by any other. "It is occupancy alone, which constitutes the right of possession; and occupancy is such a relation of a person to a thing, that no other can use the same thing, without detriment or molestation to the occupier. In this manner, a person may occupy the ground on which he lies, the water he drinks, the air he breathes, the light that shines upon him, the tract of the sea on which he sails; but no one

can occupy the earth, the passing stream, the atmosphere, or the ocean." Nor can any person have a right of possession either to the property of another, or to what is already *bona fide* occupied by another; for in both cases, he who should thus possess any subject, would commit a trespass against that other person, and, instead of acquiring a right, would be liable to repair the injury.

The law of prescription, by which, he who, *bona fide*, possesses any subject for forty years, acquires a right of property to it, is not a law of nature, but of convention. By the law of nature, the right of possession to any subject, ceases with the use of it. But, in general, tribes, or colonies of men, seem originally to have acquired their rights to property in land by use and mutual agreement. When a tribe migrates to any unoccupied place with their flocks and herds, they have a right to feed them in common. But as such common rights give rise to contention, as happened between the herdsmen of Abraham and Lot, it would not be long before the different families composing the tribe, would agree to assign to every man a certain portion of the common land as his own property. It was in this way, that Jacob and Laban set up a pillar and heap of stones, as a mark or limit between them, that the one should not pass beyond it to harm the other. When the whole, or any part, of a country is thus parcelled out among the families of a tribe, the head of each family acquires a right to his portion. His cattle also are his property, being in some measure the fruits of his labour; and the soil is ameliorated by their manure. He builds also, we will suppose, on the spot assigned him; he incloses the whole, or part of it, and improves it in various ways. And thus occupancy, common consent, and labour, give him the right of property to what, at the settlement of the tribe, he had only the right of possessing in common with others. It was certainly somehow in this manner that the original proprietors of the different parts of the earth, acquired a right to property in land, that is, a right either to use, or alienate it, exclusive of the right of all other men.

But as the right of Primogeniture in a certain degree at least, has always prevailed, is necessary for the due subordination of society, and is expressly of Divine institution, in this division of land, the chief of the tribe would have the greatest

portion, and the chiefs of families greater portions than the inferior branches. The right also of alienating their property, combined with the various conduct of men and the sovereign providence of God (by both of which one man becomes rich, and another poor) would make this original division still more unequal. From all which we may perceive how, by the express institution of God and his over-ruling providence, and the different sorts of conduct of different men, the greatest inequality with regard to property, may eventually take place.

3. Another of the absolute rights of men is a right to Property.

As every man has an exclusive right to himself, so he has an exclusive right to his *property*. If he had not an exclusive right there either would be no right, or another man, or any number of men, would have the same right; and thus all things would be in common. But the consequence of this would be, that the idle and prodigal would consume the property of the industrious and frugal; and this community of goods would immediately produce idleness, intemperance, contention, and *all vice, confusion, and misery*.

Every man considered apart and by himself, or as unconnected with every other man, has a "discretionary power" either to alienate his property, or to retain, and use it in every innocent way. He has, by the supposition, received no favour from any other, he is under no obligation to him, he is not accountable to him. He has indeed no discretionary power over his property with regard to God; he is accountable to him for the use of all: But with regard to man, such a discretionary power constitutes the very notion of a right to property. "Is it not lawful for me to do what I will with my own?" expresses the sense of all mankind with regard to the right which a man has to the innocent use of his property. Even children understand and maintain the difference between "mine and thine."

That every man should have an exclusive right to himself and his own, is analogous to the other dispositions of nature and providence. The different parts of the creation, like the individuals of the human race, are related to one another, and together make one whole; but every different part has its own place, its own power, and, as it were, its *own office and rights*. Every planet has its own orbit, every animal its own element; every tree its own station, and every atom of matter its own position;

position; in which they exist, and respectively perform the offices for which their Creator has destined them: And, in the same manner, every man, though in reality more or less connected with all other men, has his own proper rights. He is made, by the power and providence of God, to move in concert with his fellow-creatures, and yet to move in an orbit peculiar to himself. He has a certain station assigned him, he has a certain place under God to occupy; but to confound the rights of property, or to render them common, would be to jumble the world into *Chaos*.

It may here be proper to observe, that, as men are the members of society, they have not the right to the whole of that property, which they would have a right to, were they out of society. They owe to the society, to which they belong, for the protection and other benefits they receive from it, that equitable portion of their property, which is necessary to its support; and this portion is not, properly and strictly speaking, their property, but the property of the society.

4. Another of the absolute rights of men is a right to command in certain cases.

Every man *out of society* has an original or natural right to command any man to obtain or desist from injuries or wrongs; and if an injury is done, he may command the injurious to repair it. For justice entitles the injured to be indemnified; and, by the supposition, there is no magistrate to enforce his claim to indemnification. The parent also has a natural right to command the obedience of the infant child in all things that are right. This right is founded in parental duty, in the ignorance and inexperience of children during their infancy, and in the need, in which they consequently stand of direction and controul; for without the exercise of this right, on the part of the parent, children, by acting ignorantly and wilfully, would, in all cases, suffer much mischief, and frequently become so vicious as to be miserable for the whole of their lives. But this right of the parent ceases, when the child has arrived at the years of full maturity, or become major.

The right of the husband to command the obedience of the wife in things that are right and reasonable, is also founded in nature, and confirmed by the precept of God and the usages and laws of all nations. But how far this right may extend; and in what particular cases it may be used, does not appear to be determinable by any particular rule. It has varied in different

different countries and ages of the world, and seems to be regulated partly by custom, and partly by positive laws. It hath been observed, however, that the natural authority of the one sex is balanced by the persuasive qualities of the other; and that where this balance prevails in the family, it is never asked who has the supreme command.

Except in the above mentioned cases, no person has a natural right to command another. The right of the master to the obedience of the servant is the consequence of their agreement. The right of the magistrate also to the obedience of the subject, tho' founded in nature, and indispensibly necessary to the welfare of men, is yet regulated by convention. In civil society, the right of commanding redress of wrongs belongs to the magistrate. If any individual were permitted to use this right in his own cause, the society would, in so far, be dissolved; and the liberty and security of all destroyed.

5. Another of the absolute rights of men is Liberty.

Liberty, as it respects God and conscience, is the freedom of acting in every innocent way. As it respects men, it may be defined freedom for a man to use himself, his property, and all his rights in every way not injurious to others. It is the very essence of this latter sort of liberty, that a man should have, with regard to man, a discretionary power both over himself and all his property. But he has no such power with regard to God, from whom he receives all, whose steward he is, and to whom he is answerable.

Society is ignorant of the manner, in which the person and real rights of any of its members should be used so as, ultimately and upon the whole, to contribute to the good of all (for that is the province of God alone) yet, if it did know this unerringly, it has no right to compel men to use their rights in that precise way. It has a right to compel every member to perform his duty, and to abstain from wrongs; and what duty and wrong are ought to be determined by the laws. It is the happiness of a Briton, that he lives in a country, where the duties of the subject, and the wrongs he may commit are clearly marked by the laws. In this happy country, all actions are lawful, but those that are forbidden by some law; nothing is a civil duty which is not required by the laws; and nothing a civil injury but what they forbid. The duties of men are distributed with the greatest equality; and so sacred is the right of private property, that the united force of the whole

whole: society never, under any pretence whatever, takes from any of its members any thing without giving him an equivalent.

But though society cannot compel its members to use all their rights in that precise way, which may contribute to the good of the whole; yet he who abuses any of his rights either personal, or real, will generally find his happiness by the abuse proportionally diminished. Though he may escape the punishment of human laws, in cases of such abuse as they are incompetent to punish; yet the justice of God pursues him through all the ways of life, meets him at every turn, and punishes the violation of his laws even in the abuse of his gifts.

Perfect Liberty consists in acting, not according to the impulse of passion and desire, which is but a part of our nature, but in acting according to the whole of our nature considered as a constitution; in acting in such a manner, that the whole of our actions shall be regulated by *reason and conscience*. It is the liberty of doing all that is right, and no wrong. It is to serve God, whose service is "perfect liberty." This is that sort of liberty, which in scripture is called *the Glorious Liberty of the Sons of God*, and which is enjoyed by men in proportion as they approach, in point of moral rectitude, to the image of that Great and Good Being who confers it. This sort of liberty, and no other, if we consider the different parts of our nature, as composing one system, is the liberty of nature, or natural liberty. It is of a moral kind, and analogous to that natural liberty with which we think and move. When the mind is in a state of soundness and tranquillity, and left to its own operations, it is said to be free; when the lungs move easily by the inspiration and expiration of the air, the person is said to breathe freely; when the joints and muscles of the arm move without any impediment, the person is said to move his arm with freedom; and, in the same manner, when a man acts according to the rules of reason and conscience, then, and only then, is he free. All his other actions are not properly free, but restrained in a manner analogous to the restraints incident to the bodily frame. The moral part of man has its rules of action; as well as those that are merely natural; and it is only his actions that are morally good that are morally free. Men, therefore, have a right to use, but not to abuse, their personal and real rights. The abuse of their rights is licentiousness; the innocent and moral use of them is true Liberty. The

The right to this sort of liberty is founded in the rights to person and property. For if a man had not a liberty of exclusively using these in every innocent way as he sees meet, he could not be said to possess or enjoy them. His right to them would not be exclusive of the right of every other man, which is implied in the very notion of a right; that is, in other words, he would have no right to them.

In civil society, the actions of men are in part restrained; but, under good government, their liberty is not thereby infringed, but in fact produced, or realized. "Natural liberty is not impaired, as sometimes supposed, by political institutions; but owes its existence to political institutions, and is impaired only by usurpations and wrongs\*." There would be no liberty without some degree of restraint; and it is only the necessary restraints laid upon all, that make all free.

6. Another of the absolute rights of men is Security.

Security is a certain tranquillity of mind arising from the confidence which a person has, that neither his person, nor property, nor any of his other rights, are in any danger. The right to security is founded in the rights a man has to himself, his possessions, property, and liberty. For, without security, there could be no enjoyment either of personal, or real rights; and, without the enjoyment of these rights, their value would, in all cases, be much diminished, and in some, annihilated. A person who is apprehensive of violence being offered to his life, or of being deprived of his possessions, property, or liberty, instead of receiving enjoyment, suffers pain. The person, or persons, who cause that pain, do him a real injury; and he has a right to be placed in a situation, in which he may be free from all apprehension of injury, that is, he has a right to security.

Security, that choice blessing, can never be enjoyed but under government; and under no government in the whole world, can any person of reflection enjoy it in so very high a degree as under that of Britain. There, the billows of the ocean rise up against every invader; and the laws spread before every inhabitant a shield, which protects him not only from the attacks, but even from the threatenings of every other.

7. Another of the absolute rights of men is the right of Defence.

Every

\* Ferguson's Institutes, p. 266.

Every man, though he should not be a member of any civil society, has a right of defending himself, his property, and in general all his rights against every other. If no injury is either offered, or apprehended, to his rights, there is no occasion for defending them; but if there should, "he may use such means to defend them, and obtain security, as are necessary, and may prove effectual" By the law of nature, he may use those means only, that are necessary; for all unnecessary violence in defending a man's right is unjustifiable and injurious, and renders even the defender of his rights culpable. An individual, whose rights are either invaded, or in danger of being invaded. before he proceed to force in his own defence, ought to use every other probable means to secure them. He ought to endeavour to persuade the aggressor to desist from injuring him; he may amuse him, or use stratagem, to make him desist; and if he is obliged to use force in the maintaining of what is his own, he has a right to use it just so far as is necessary, but no farther. If he go beyond what is necessary, the aggressor and he then change places; and he, in his turn, becomes the aggressor.

The right of defence is founded in the right which every person has to himself and his own. If there were no danger either offered, or apprehended, to these, the right of defence could not exist, because it would not be necessary; for it is the necessity of using this right, that creates it. A man of an extensive understanding and benevolent heart, will bear much, and pass by many petty injuries, before he proceed to make use of it. When he is under a necessity of using it, he will do it with a certain degree of reluctance and with regret; and the means of defence, whatever they are, he will use only to maintain his own rights, not to injure the person, by whom they are in danger. "A person is more concerned, says a great philosopher of the present age, to maintain and exercise the affections of a beneficent mind, than he is to preserve his condition in any other respect\*."

In civil society, the right which every individual out of it has to defend himself and his rights, is vested in the magistrate, whose office it is to afford him protection. Yet there are cases even under government, in which a man may use his natural right of defence; as when an attack is made on his person, or property; and, in general, when the arm of civil  
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\* Dr Adam Ferguson.



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Under the foregoing heads, seem to be comprehended the absolute rights of men, that is, the rights which, in a certain way and measure, may belong to men either as members of civil society, or as living solitary unconnected individuals which state has been erroneously called the *state of nature*.

Their personal rights, their rights to liberty, security, and defence, are natural rights; because all of them are either parts of their nature, or belong to it. They are, therefore, "indefeasible, indefeasible, and inalienable." None of the other rights of men are "unalienable." Possessions and Property may be "alienated;" Life and Liberty may, even by the Law of Nature, be "forfeited;" and Death, the merited punishment of some crimes, together with the existence of the criminal in the present world, terminates *in his rights*.

In civil society, the absolute rights of men, in so far as they can have a real existence in it, are commonly expressed by the terms, Life, Liberty, and Property; and sometimes by the single word "Liberties," used to signify not only personal liberty, but the unrestrained innocent use of every article is a person's date. The defence of these rights, or liberties, together with the preservation and improvement of the virtue and happiness of men (so far as that can be done by human institutions) is, or ought to be, the object of all governments, as it certainly is the only rational and just end of all civil associations: And by the proportion in which the end is obtained, and not by any certain distribution of power, office, or political privilege, are we to judge of the goodness of any government. If it were possible, that it could be obtained in a high degree, under the government of a *despot*, the government would be good: If not, it would be bad, though every member of the society were, if possible, not in name, but in reality, a Sovereign.

Let the reader, who is acquainted with ancient and modern governments, now pause, if he pleases, and reflect whether in any government, monarchical, or republican, that either is, or ever was, the *Rights of Man* are secured by so strong and permanent fences, as in the *Government of Britain*.

The above account of the absolute rights of men will serve to guard the reader against the danger of those loose, equivocal, and dangerous expressions in "the Rights of Man," which are usually

unity or equality of man;" "the equal rights of man," "their being all of one degree," "their natural right in the world being of the same kind." If, by these expressions, Mr Paine means, that men are equal as to their personal; or original rights, he affirms a truth: If he means, that their right to property is equal, he affirms a falsehood: And though it has been maintained, that this was not his meaning; yet I here affirm, that though he has not directly expressed this meaning, he has yet insinuated it; and that no other meaning than this can consistently be drawn from his words. For, several writers both in France and England, have sometimes called the absolute rights of men (of which *property* is one) their rights in a state of *nature*, or their *natural* rights; the National Assembly of France, in their "Declaration of Rights," plainly stated property among the *natural* rights of man; and as Mr Paine has plainly followed those writers who constantly refer to an ideal state of nature, and the French in particular, in their sentiments, it is fair to suppose, that, when he uses the same words with them, he uses them in the same sense. Now in this sense of the word natural rights, there is no "equality of right" amongst men, nor is their natural rights in the world, "whenever they came into it," either of the same kind or the same in number. For one man has his personal rights merely; another has these rights, a right to property, and, perhaps, also a right to possession. And if a difference of age, strength, understanding, virtue, and external possessions, create distinctions or degrees, they are not "all of one degree" even in what has been termed *the state of nature*. It is a glaring impropriety in language, and even a contradiction in terms, to speak of "the unity of man" in that state, in which, by the very supposition, they exist as unconnected individuals.

It is true, that Mr Paine endeavours to introduce equality of property, or rather to excite in the breasts of the poor a vain expectation of it, with very much art, but not with art sufficient for his purpose. He shews his picture of Equality by halves. He would have us see that part of it, where it seems an angel of light; but the veil, which he throws over the cloven feet, is too thin to conceal them. Like the statue of the god Janus, it is double-faced. With the one tongue, it flatters the poor with hopes of an equalization of property; and with the other it would lull the rich into security. He speaks equivocally, and therefore dangerously. His ambiguous

ous expressions are fitted to excite in the minds of the poor, an expectation of an equal share of the property of the rich, whilst the rich themselves being accustomed to such expressions used in a certain sense, are apt to feel less alarm.

Another author, more philosophic in appearance, but in reality less artful, than Mr Paine, though most probably equally ill-disposed, has spoken plainly out. With a boldness and confidence, that would become a *Cailline*, to shew us the pretended beauty of Equality, he plucks off the covering, with which Paine would have concealed its real deformity. The author, whose works have been countenanced by certain men in this country, openly condemns inequality of property; endeavours, with an affected philanthropy, to shew the advantages that would arise from an equal distribution of riches, and warns the rich of their danger, should they attempt to resist such distribution\*. But the kingdom is roused by the doctrines of these men, and in arms against their designs. They have themselves founded the alarm†.

R. T.

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## L E T T E R VIII.

### *Of Relative Rights, and of Duties.*

COUNTRYMEN,

**A**S the riches and strength of any society are the aggregate of the riches and strength of its members, so its rights are the sum of the rights of all the individuals that compose it. But as, in civil society, there must be legislators, magistrates, and subjects, from their relative situation, one individual may have more, and another less, than their absolute rights, or those rights which they would have, were they out of society, or not members of it. The legislator acquires a right to enact laws for the whole society; and the magistrate, a right to execute them; rights which do not belong to any man out of society: And the subject gives up, except in cases of necessity, the being judge in his own cause, and such an

\* " An Enquiry into Political Justice, by William Godwin."

† Idem towards the end.

## Of the Rights of Men.

equitable portion of his service and property, as the safety and good of the state may require; all of which, out of society, are the rights of the individual; but which, in society, are the rights of the state.

In civil society, every member, whatever be his place, contributes, or ought to contribute, in some way, something to the common good; and what remains behind, is his own. And this he does, not merely for the sake of the society, but chiefly for his own safety and happiness. As the political rights of every society ought to vary with the character and circumstances of its members, it is impossible to lay down rules, which will answer in all cases, with regard to what, in such society, one man ought to acquire, and another surrender. Reason must here judge, after all things are impartially, calmly, and maturely considered. But it may not be here improper, briefly to state what, in general, are the rights of the different members considered in their different relations, or the *relative rights of men*.

These are the rights of the Legislator, of the Magistrate, and of the Subject.

1 The rights of legislators are not only those which belong to them as private individuals, but those which authorize them to make such laws, as shall conduce to the public good; and also a compensation for their public service, whether they shall demand such compensation, or not.

That legislators have a right to enact good laws, has never, perhaps, been called in question, except by that very extraordinary writer of the present times, William Godwin, who asserts, "that legislation is not an affair of human competence;" that is, in other words, that no description of men whatever have a right to enact any laws whatever. It is true, that, in making laws, men have no right to depart from the laws of God, of nature, and of reason. For reason, or, more properly speaking, God is the universal legislator, in as much as he gives laws to all nations. But it is equally true, that men have a right to enact such laws as are conformable to the Divine law, such as are right and reasonable in themselves, and conducive to human happiness. Nay it is farther true, that men, whether they will, or not, are under a necessity of enacting such laws. For every man has a certain way of living, or rule of life, frequently varied indeed, but still

a rule whilst it lasts; and his way or rule of life is his law; but it is only a good way of life that can render him happy. Seeing, therefore, that all men must have a certain way of living, or certain rules or laws of life; and seeing that men must lead a good life, if they would lead a happy one, that is, must have good rules or laws of life; they have not only a right to enact good laws, but they are under an indispensable necessity of doing it in order to their own happiness.

This is doing only what the supreme Legislator of heaven and earth has done, and what he still continues; and, in this, men are "followers of God." In this, they use only their right, and perform an indispensable duty. In mechanics, men study the laws of nature, and from them deduce rules for the construction of all machines; and in morals and politics, they study the will of God (which is the sovereign law of nature) and from that, they deduce rules and laws for their private, and public conduct. In both they do the same thing. In both, they are but the interpreters of the will of God. In both, they do not, properly speaking, make laws, but interpret, and apply to particular cases, those laws which are already made by God, and give them an additional sanction, which, in the present state of human nature, is absolutely necessary to their being obeyed. And, in this sense of making laws, if we except the necessary sanction of men, "legislation," or the making of laws, "is not an affair of human competence;" for all the laws of men are, in this sense, already ordained by God; and the duty of men is, by the study of the word and works of God, to discover and apply them. And now we discover, that the sum of what this author says is this; that God being the maker of all good laws, men have no right to alter them, a truth which was as well known before we were born, as it will be when we shall be dead.

But to say, "that legislation is not an affair of human competence," or that men have no right to make laws, is, in every other sense of the words, false. This manner of speaking is paradoxical, insidious, and very dangerous: and can be intended for nothing else, but to shake men's minds loose from all the just and lawful authority of their country, by making them believe, that men have no right to bind them by any laws whatever. But though the making of the eternal laws of Religion and Morality does not belong to men, but is the work of God, in the same manner that all the laws of nature are;

yet

yet the interpreting of his laws, and the applying of them to particular cases, that is, the making of laws, in the common sense of the words, is the *right and duty* of men; a right which they must use, a duty with which they cannot dispense. For, though no law almost need be made for a *righteous man*, who, in almost all cases, will be both a law and the sanction of that law to himself; yet laws must be made for wicked men, for the *lawless and disobedient, for the ungodly and for sinners, for unholy and profane*.

Without positive law, that is, the application of the law of God and nature to certain particular cases, such men among others, would be as wolves among sheep, and might bite and devour them at their pleasure. The most general laws of God and nature, with regard to the actions of men, are, that, in all cases, we should abstain from what is wrong, and do what is right. But it is easy to see what a scene of wickedness and misery the world would soon be, were it not for those positive laws, which define what right and wrong are in particular cases, and which have ever been found, in some measure, necessary to restrain the wickedness of men. Though God was the universal legislator to the Israelites as well as to all other nations; yet knowing how apt men are to misinterpret and misapply his general laws, and what contention and misery would ensue, if every man were left to interpret and apply them in his own case, he was pleased to give to that chosen people, particular laws both of a political and civil nature; and, if that people needed such laws, can any other nation want them?

Upon the whole, though men can neither make, nor alter, the laws of God and nature; yet they can, and ought, and must, make such positive laws as conduce to their own safety and happiness; and to say, that they either cannot, or ought not, is, in the common and ordinary sense of the words, as false as it is insidious and dangerous.

2. In civil society, the magistrate has, not only his rights as a private individual, but all those which belong to him in the capacity of a magistrate; and these are all those things which may qualify him for the proper exercise of his office; that is, for defending the state from external danger, the maintaining of internal peace and tranquillity, and the impartial distribution of justice. He has, therefore, a right of commanding the subject as the laws direct; a right to such a portion of the service and property of the subject as the ne-



cessary of the state may require; a right to that maintenance, which is suited to his dignity; a right to respect and honour, and even to all those ensigns of magistracy, and all that state, which, with other things, may be necessary to impress the subject with such sentiments. All these things are necessary to support him in the discharge of his duty, and therefore they are his rights: For whatever is necessary to qualify him, for the proper exercise of his office, all that, and nothing more, or less, is his right, as a magistrate.

Mr Paine tells us "that government of itself (that is governors) has no rights;" and Mr Godwin maintains, "that princes and magistrates have no rights," that they are altogether "duties."<sup>\*</sup>

When these men speak so, they either err, or, what is much more probable, designedly utter a falsehood. If magistrates are men, they certainly have "the rights of men" in the capacity of private individuals; and as they are magistrates, they have also their rights as such; which rights have, in general, been but now mentioned. If men were perfect (which is very much to be desired, though not expected in the present state) there would probably be little or no use for human government; but as men are still imperfect, and frequently very vicious, there is still need of this sort of government, which some have affectedly called "formal government," as if all good human government, like the divine, were not strictly formal. But if human government be necessary, laws are necessary: If laws be necessary, magistrates (that is, men who shall be, in some sort, answerable to the public for their official conduct) are necessary to execute the laws: And if magistrates are necessary to execute the laws, it is not only their right to execute them, it is also their duty. What would the world be, if we had no government, no restraint upon the actions of some men, that is, no laws, and no magistrates to execute the laws? A hell, in which the wicked would be constantly the tormentors of the righteous. Kings and Princes, therefore, and all magistrates, have a right, a necessary right, to execute the laws; and the impartial execution of them is a duty which they owe to Almighty God, to their subjects, and to themselves.

For some time past, it has been usual with some men, to  
ridicule

\* Rights of Man, part 2. page 26. Godwin's Enquiry, vol. 1. p. 106.

ridicule and decry all pomp and state, all splendour and magnificence, all official dress, and all those ensigns of majesty, of dignity, and of rank, which may indeed become excessive, but which, in a certain just degree, are necessary to procure, or to preserve, to magistrates, that respect and authority, which men in all ages and nations, have judged necessary for the execution of the laws. But when those men act so, it is not certainly in the character of philosophers, in the old and received sense of the word. Their opinions are not inferences from facts; and when they endeavour to shake off what they call their prejudices, they endeavour to shake off their nature\*.

It is true, it is an old practice to aid the legal and natural authority of the magistrate, by giving him a certain degree of splendour and state in his dress, in his attendance, in the place assigned him in public, and in the ensigns of magistracy, carried before him; but this practice may be a very good one notwithstanding of its age. It is now a long time, since men have been accustomed to see with their eyes, and walk with their legs; and still they find these customs very convenient. But it is not more natural, not more necessary, for men to use their eyes and legs for these purposes, than for them, to be affected with certain appearances. When an illiterate man is pleased, or awed, by the colour, the shape, the air, the whole appearance of any object, it is not because he is illiterate, but because he is a man. The greatest philosopher is pleased, or awed, in the same manner: Nor is it at all the design of philosophy to prevent these effects, but to regulate them, and to make them to us what the author of nature intended they should be. And as all those external things which

\* It is pleasant to hear some men, with an air of great new light and such depth of understanding, ascribe that respect for magistrates, which is produced by the decency of their official dress, to *prejudice*. If, by prejudice they mean an opinion of any thing, prior to any experience, or certain knowledge, of it (which seems to be the proper sense of the word) this respect is not a prejudice, for we see, that it uniformly arises from certain causes. But it is a great prejudice to think, that naked majesty shall be so respected as that which is adorned in a becoming manner; for this is an opinion formed prior to any experience or knowledge to support it. Nay, it is more than a prejudice, it is an error, if we may at all judge from what we experience. Is a rich man, whose appearance is splendid and far beneath his station, as much respected as he whose appearance is plain and mean? "My landlord," says the Spectator, "never bows so low to me as when I am best dressed."

which are, and have ever almost, in some degree, been, used to give that dignity and authority to the magistrate, which is necessary to him in order to the due and impartial execution of the laws, serve the purpose, in some measure, by exciting, in a certain degree, sentiments of respect in the subject; the use of them is not blameable, but, in a high degree, wise and laudable: Nor will it ever appear ridiculous but to those whose imaginations, from some natural, or accidental, cause, are habitually disposed to distort most things they contemplate; a disorder of the mind which frequently indeed relieves a disease of the heart.

When we use them, we act only as *men*, that is, according to our nature; but the measure in which they are to be used, depends on various causes. In general, the more numerous the people, and the greater the inequality amongst them, the greater, all other things being equal, ought to be the splendour, the state, the majesty, of its supreme magistrate. China, an empire the most populous, and amongst the most unequal, as to its subjects, of any in the world, is governed chiefly by respect to superiors; which, in that country, is therefore cultivated with the greatest attention and the most scrupulous exactness\*.

Neither is there, in official dress, or in any of those things used by magistrates and other persons of distinction, to assist in producing that necessary respect which is due to their persons, or to put others in mind of what is due to them, any imposture more than in the ordinary behaviour of any honest man of plain common sense. Every man knows, that a certain degree of respect, proportioned to his station, is necessary to him, in all his intercourse with others, both at home and abroad; he knows, that even his children and domestic must respect him, that due order may be preserved in his family; and therefore he, in some degree, studies, in his dress, speech, and the whole of his behaviour, that others shall respect him in the degree they ought, or, at least, that they shall not despise him. A nation is a great family; the supreme magistrate is the common father; and the same respect though in a much higher degree, is due to him, as to a natural parent, and to all other magistrates, and persons in authority, in proportion to their station.

Besides many other methods of late used to stir up the mind

\* Montesquieu's Spirit of Laws.

of the people of this country against their lawful superiors, a very poor quibble has been made use of, "that we ought not to obey the magistrate, but the laws." "No man," says Mr Godwin, "is bound to yield obedience to another man, or set of men on earth\*." "The first lesson of virtue," says he, "is obey no man†." If these men could bring others literally to practise this doctrine, they might at once effect their purposes; for then they might go on forever in the commission of all crimes before either justice or the laws would punish them. For what are laws but mere thoughts either written, or printed, or simply existing in the minds of those who have thought them? What is justice even, as it exists in our minds, but a thought? And what can mere thoughts do? I would now beg leave here to assert, that if, as members of society, we are to obey at all, we must obey the magistrate, because properly speaking we cannot obey the laws. In strictness and propriety of language, laws cannot either require or enforce obedience; they are simply an expression of the public will, or of the will of those who legislate for the public, which, in this country, is the same thing. But though laws cannot, yet magistrates can, literally require, command, and enforce obedience to their will; and their will ought to be obeyed, and, for the sake of our own happiness, must be obeyed, when it is the same with the public will, that is, the same with the laws.

The necessary conclusion from all that has been said with regard to the right, of the magistrate, is, that Kings, Princes, and all Magistrates have not only their rights as private individuals; but that, as magistrates, they have a right to all that is necessary to qualify them for the proper and effectual discharge of their duty, and a right to the obedience of their subjects, when their commands are according to the laws, or what the laws authorize.

3. In civil society, the rights of the subject are not only all that remains, after surrendering to government what is necessary for the good of the society, but security, and an equitable portion of all that government can do for his benefit: And, subordinate to these rights, are all their forms and laws, the rights of thinking of all public matters; of conversing, writing, and acting, concerning them, in every innocent way; of making their wants and grievances known to the Sovereign;

\* Godwin's Enquiry, vol. I. p. 155. † Id. p. 397.

Sovereign; and of petitioning for redress and all due assistance.

It has been asked "what government does for us?" and Mr Paine tells us, "that it gives us nothing." Government does for man, what man, as an unconnected individual, never could do for himself. It defends him, in this country at least, not only from injury, but even from the fear of injury. It gives him the tranquil liberty of doing what is right, and of improving himself and his condition in every way not injurious.

It may be observed, in general, with regard to the rights of men in civil society, whatever their place in it may be, that they have a right to all those laws, forms, offices, and officers, to all that prerogative and privilege, which are necessary to the security of all those absolute or private rights which remain to them, after surrendering what is necessary to government; all of which rights are either included in, or the effects of, a good constitution or form of government. But as good health is a certain proof of a good bodily constitution, so general security is a certain proof of a good political one; and this, as has been already observed, is, in the constitution of Britain, a quality which it possesses in a higher degree, than any other, ancient, or modern. "A monarchy, like Bolingbroke's, limited like ours, may be placed, for aught I know, as it has often been represented, just in the middle point, from whence a deviation leads, on the one hand, to tyranny, and, on the other, to anarchy."

Under this limited and mixed monarchy, political equality does not consist in all having equal power and privilege, but in the dividing powers and privileges of those unequal parts, into which the state necessarily divides itself, being equally balanced; and civil equality, not in every man having equal fortunes and rank with another, things impossible, but in every man having the secure enjoyment of what is his own. The secure enjoyment of what is a man's own, is the natural, and, as I have already said, necessary effect of the unequal, but equitable division of power and privilege in the constitution; and though, through the mutability of men and things, imperfections must, perhaps, in the lapse of time, arise in the best constitution; yet, what must afford a very high degree of pleasure to the reflecting mind, that very energy in the constitution of this country, which created its excellencies, can correct, as they appear, its occasional defects.

With

With regard to the rights and duties of men, it may be observed in general, that though they are not always reciprocal; yet as their political rights and duties are so, the one may be learned from the other. If it be the right of the legislator to enact good laws, and that of the magistrate to execute them, it is the duty of the subject to obey them; and so contrariwise. The fundamental rights of the supreme magistrate and of the subject, in this country, are expressed by the general terms prerogative and privilege. The end of these fundamental rights is to produce other rights, all of which are comprehended in the general terms, allegiance and protection. Allegiance is the right of the supreme magistrate; and protection, the right of the subject: And protection is the duty of the supreme magistrate; and allegiance, the duty of the subject. The particular rights and duties included in those general terms, must be learned from books which treat fully of those subjects. But after all, there will be much that must be left to reason for the direction of men in some particular cases, for which no rules can be given. Whatever is reasonable, all things considered, is, in every case, both right and duty. A man of an understanding free from passion, prejudice, and the bias of interest and party; and of an honest, benevolent, and humane disposition; will frequently discover, in certain cases, things to be his duty, which no human authority can compel him to perform; whilst a man of a different description may often, by entrenching himself behind the forms of law, violate, with impunity, every principle of religion, morality, and sound policy.

Prior to all convention or agreement, prior to all positive laws and human institutions, men are, by the laws of God and nature, under obligations to perform certain duties. Those duties which arise from the relations, in which they stand to their maker and to each other, as well as those which they owe to themselves, are obligatory in every stage of their existence. They may and do vary according to circumstances, but the duties, arising from the existing circumstances, are constantly obligatory. There is a certain fitness in those duties to the nature and relative situation of men, upon which some authors have been led to rest the obligation to the practice of them; there is a certain propriety, a certain decency and beauty, in them, for which the ancient moralists called them "the beautiful and the good;" there is in them a certain moral force, which,

which, in opposition to irregular desires, constrains us to perform them; and till the nature of man, of society, and of things, change, the duties of piety, justice, benevolence, veracity, faithfulness, temperance, industry, in a word, all the duties of religion and virtue must remain. The existence of them doth not depend on the will of man, but on the will of God; on that nature which he hath given to men, and the whole of that situation, in which he hath placed them; and the performance of them, under the favour of mankind are, by the immutable decree of heaven, the indispensable conditions of our happiness. If any attempt is made to abolish them, the same stroke that reaches them, will reach the welfare of society; and should the system of duty fall, it will involve human happiness in its ruins.

R. T.

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## LETTER IX.

*Observations on Rights and Duties, chiefly relative to certain Errors in "An Enquiry into Political Justice, by William Godwin."*

COUNTRYMEN,

**I**F one man, by honest industry, and the blessing of God, *colloquial* *men* *power* *to* *become* *rich*, acquire, not only the necessaries, but the superfluities of life; and if another, by the same conduct, acquire scarcely its necessaries; whatever each has, is his right; and there is surely no sort of injustice in the one being in affluent, and the other, in poor circumstances. If there be, the injustice must be on the part of God, whose providence maketh the difference. But it would be the greatest injustice on the part of man, in every sense of the word, to take from the rich what is theirs, and to give it to the poor. For though, he who is the Lord of all, frequently doth so in the course of providence, yet such "an arbitrary deviation of property," would, in men, be very injurious, and "is not an affair of human competence."

"While the Declaration of Rights was before the National Assembly," says *Mr Peine*, "some of its members remarked, that if a Declaration of Rights was published, it should be accompanied with a Declaration of Duties. The observation discovered

the over-drawn mind that reflected, and it only erred in not reflecting far enough. A Declaration of Rights is, by reciprocity, a Declaration of Duties also. Whatever is my right as a man, is also the right of another; and it becomes my duty to guarantee, as well as to possess\*."

Though it does not appear, that an accurate declaration of duties would have done Mr Paine much good; yet it might have been of use to those whom he pretends to enlighten; and, therefore, it is, perhaps, to be regretted, that it was neglected. For though, in some cases, "a Declaration of Rights is, by reciprocity, a Declaration of Duties;" because, in such cases, what is the right of one party is the duty of another, and so contrariwise; yet, in all cases, it is not so; for there are certain cases, in which somethings are the duties of certain men, which are not the rights of any other. Duties and Rights are not always reciprocal. Those rights and duties, which belong to *Justice*, which are the effect of contract or convention, or which relate to the parent and infant child, are reciprocal; or, in other words, what is the right of one party is the duty of another; for instance, it is the duty of a debtor, or an injurious person, to pay his debt, or to repair an injury; and it is the right of the creditor, or person injured, to receive payment, or reparation: It is the right of governors to be supported by the governed, and it is the duty of the governed to support them; and, therefore, some taxes are called duties: It is the right of the parent, in certain cases, to direct and controul the actions of the infant child; and it is the duty of the latter, in such cases, to submit to the direction and controul of the former. But though such rights and duties are reciprocal, because they always imply each other; yet there are rights and duties which are not reciprocal, because they do not imply one another; for instance, A has a right to an estate, and B has none; and as the right of A does not necessarily imply a duty to B, neither does B's having no right imply a claim upon A.

The ambiguity of language evidently appears in the several

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places

\* Rights of Man, part I. p. 51. This is all that Mr Paine has been pleased to say of the duties of men. It is cursory, obscure, and inaccurate. "What is my right as a man," i. e. either as an unconnected individual, or as a member of society "is" not "the right of another." My right is exclusive of every other person's. Another may have the same sort of right with mine, but it is impossible, that he should have my right.



senses in which the terms, *rights* and *duties*, have been used. *Duties* sometimes means what one man may claim from another, as his rights; and, at other times, only what a person ought to do from choice†. Of the first sort of duties are all reciprocal rights and duties; of the second sort are all the benevolent affections and the expressions of them; such as friendship, charity, and all friendly, and charitable actions; all which are duties merely. Reciprocal duties being also rights, the performance of them may be forced; thus, a master, or servant may oblige or compel one another to perform the duties, which they have engaged to perform, that is, to fulfill the conditions of their agreement. But the performance of those duties which are not reciprocal, cannot be compelled; such as the duties of benevolence and charity. A has a considerable estate; B is a young man of merit with nothing. It may, perhaps, from circumstances, be the duty of A, in point of benevolence, to assist B with less or more of his income; but B has no right to such assistance, nor can he compel A to afford it. “I have 100 loaves, a man in the next street is perishing of hunger, and one of my loaves would preserve his life, to whom does the loaf in justice belong‡?” If the loaf be mine, it is my right, and in justice it belongs to me; but it would be an indelible reproach to me, if I did not give it him to preserve his life.

Cases of necessity are exceptions from all rules. Necessity implies, that a thing must be done, and therefore is a rule of law to itself. Thus, though the owner of a house, a horse, a boat, a loaf of bread, or any such thing, has a right to the exclusive use of it; yet a person, to save his life, may use any or all of them without the owner's consent. In such cases, the use of them is justified by necessity. But such use of any thing belonging to another does not give the person that uses it, a right to it. On the contrary, he who does any hurt or damage to another by the use of any thing belonging to that other person, (though that use may be justified by the necessity of the case) instead of acquiring a right to the thing used, becomes bound to repair the damage sustained by the other person. *Men do not despise a thief, says Solomon, if he steal to satisfy his soul; but if he be found, he shall restore seven fold, he shall*

† This latter is perhaps the proper sense of the word. See Ferguson's Institutes of M. P.

‡ Godwin's Enquiry, v. 2. p. 326.

shall give all the substance of his house; which words authorize this maxim at least, that he whose necessity obliges him to use the property of another, is bound to compensate him for the loss he may thereby sustain. But no necessity of one man can annihilate the right that another man has to his own, though it may justify the occasional use of somethings belonging to him, in so far as that use is necessary, but no farther. In a word, no necessity can make *mine thine*, or *thine mine*.

It is of the utmost importance; that we understand the difference between Rights and Duties, and between Justice and Charity. What is a man's right he may maintain by any means that are necessary right and just; what is his duty merely (that is, not the right of any other at the same time) is what he ought to do, but what no man or body of men can compel him to do, unless that man or body of men have a right to it, which, by the supposition, is not the case. I have the sum of ten pounds, which is my right, and I may use every necessary and right means to keep it: Another man wants it, and circumstances may be such as make it my duty in point of charity to give it him: But as it is my right, and not his, he may not compel me to do it. The same may be said of Justice and Charity. I do a man justice when I give him what is his own. I do him an act of beneficence or charity, when I give him what is mine. Every man may be compelled to do justice; but no man ought to be compelled to do actions of charity, except where the community, to which he belongs, is lawfully assessed for a maintenance to the poor; and, in that case, for a man to contribute towards their support is not merely an action of charity, but of justice in fulfilling a legal obligation. If it were the right of any man, or set of men, to compel others to give to the poor, prior to any law of society with regard to it, or if the poor were to force the rich to supply their wants, all rights, in the proper sense of the word, would be annihilated, and actions of charity would be robberies. Indeed charity and all beneficent actions, in order to be such, must be voluntary or spontaneous. Their nature is such that they cannot be forced. The attempt to force them would alienate the affections of men. Instead of exciting benevolence and charity, it would excite disgust and aversion; and though, in some cases, it might produce the external effects of these virtues; yet it would destroy the virtues themselves||.

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|| God forbid, that I should be here understood, as saying any thing  
that

It is rather singular, that Mr Godwin, who, if his words have any meaning, does not believe revealed religion, nor, as it should seem, any religion whatever, should yet make use of one of the doctrines of Christianity to establish the main doctrine of his book; that he should lay this doctrine as the chief foundation

that might prejudice the interest of the poor, who are the brothers, though not the equals, of the rich. We have the examples of God and our Saviour, the esteem and love of all good men, the blessing, or curse, of the poor themselves, the greatest promises, and the most dreadful threatenings, in scripture, one of the strongest impulses of the heart and a most refined pleasure, all to induce us to the practice of that manly and amiable duty, charity. That wise and good being, who watches over us with the care of a parent, has ordained us to be instrumental in doing good to one another; and he has annexed a certain pleasure to all beneficent actions, as their natural reward. He who looks with compassion on the distresses of the poor, and relieves them, enjoys, in the action itself, a most delicious pleasure, "he feeds upon the luscious sweets of grief;" and when his heart dissolves with sorrow, "in griefs pleasure with the side of woe."

If we consider all the different sorts of human happiness, we shall find, all things considered, that, next to the consciousness of acting a worthy part in life, and the hope of the approbation and favour of God, the greatest happiness which we enjoy, is the happiness of doing good. The man who shuts his heart and hand against the necessities of the poor, shuts up from himself a source of the purest pleasure. He, in so far, unmans himself by stripping himself of part of his nature and natural happiness. The chief advantage which a very rich man has over one that has just enough, is that he can do more good, and consequently enjoy more rational and humane pleasure. When a rich man is, like Job, *a father to the poor*, he enjoys, in pitying and helping them, those yearnings of the heart, which are indeed a very great pleasure to those who feel them, but which can neither be felt, nor understood, by men of a callous and insensible heart.

Far, therefore, very far indeed, would I be even from it situating any thing that would, in the smallest degree, be detrimental to the poor. All that I wish to do, is to observe, that justice and charity are distinct duties; that men may be forced to be just; but that they neither ought to be, nor can be, forced to be charitable. Yet it is but justice to the age and country, in which we live, to say, that no country in any age of the world has been so distinguished, perhaps, for charity as our own country at the present time; of which truth our hospitals, infirmaries, poor-houses, charity schools, donations, subscriptions, collections, and all the different ways of benefiting the poor, which are increasing every day, are a proof. We may, perhaps, have gone backward in some things within this century past; but we have certainly made great progress in sympathy, in charity, and, perhaps, in all the duties of humanity. We ought to be "just before we are generous;" and yet never want "a tear for pity, and a hand open a day, to making charity."

foundation of his grand system of Equality of Property; that he should infer from it, even though erroneously, the justice of that confused sort of a community of goods, which he affects to be fond of being introduced. But it is possible for a man to be a hypocrite, and yet an infidel, to cant, and yet thrust at religion. When a man thus acts a double part, it is a proof not only of a little mind and a bad heart, but of a wrong cause. Truth stands in no need of such arts; its own native strength supports it; and all such little artifices, when made use of to prop error, are, in reality, so many weights hung round it, which in the end bring it to the ground. Can any thing be more impudent, or more absurd, than to deny the truth of religion, and yet argue from its doctrines? Is this "an insult to the understandings of men?"

The doctrine of our holy religion, made use of by Mr Godwin, and to which I refer, is that very important one, which teaches us, that we are the stewards of almighty God, and answerable to him for all our talents.

We are, indeed, the stewards of God. All that we possess, we receive from him, and hold of him only as a bounty and in trust. We have no right, or "discretionary power" with regard to him. We are bound to use our strength, understanding, wealth, all our natural, and all our acquired talents, every farthing of our money, and every instant of our time, in that way, which he, in his law, directs; and to him we are answerable for the use of all his gifts. But we are the stewards of *God*, and not of *man*; and for all those actions, which are not injurious to our fellow-creatures, but which may be unjust with regard to God, we are answerable, not to *man*, but to *the Lord of the universe*. To this master, and to him only, we must, with regard to such actions, *stand or fall*. If I had not a discretionary power to do what I will with my own, except injury, I should be a steward not of God, but of man. Some other person, or persons, would have a power of commanding me to do what they pleased with my own (for such a power must, in the last place, be lodged somewhere, before any right can be used, before any thing whatever can be done; because God does not interfere, and therefore man must, in determining what is the most proper use of any talent, in any particular case) and, in that case, I should be their steward, and not the steward of God; for they would have a discretionary power over me, or a right

to command me to do what *they* pleased with *my own*. But as it would be but reasonable, that I should have the same power or right to command them to do what *I* pleased with *their own*, they would also be my stewards; and thus, no man would be the steward of God, but every man a steward of another. In other words, every man would have a power or right of commanding every other to use his goods, time, money, and all his talents, as he should think proper; that is, he would have a right or "*discretionary power*" with regard to all that is *another man's*, but no such right or power with regard to what is *his own*. Now, according to this scheme, rights are not destroyed, but exchanged; and, instead of every man having a discretionary power or right with regard to what is his own, he would have such power or right only with regard to what is another's. But as every man must, in general, be the best judge of what ought to be done with his own; and as disputes would arise between the real, and the pretended owners of any thing, with regard to the use of it; it may be better to let things remain as they are, and to suffer every man to do what he thinks proper with his own, except injuring others.

It is curious to observe the different ways, which different men take to accomplish the same end, and the errors, into which men are obliged to fall, when they deviate from the path of truth. Mr Paine declaims much, and reasons very little, on the rights of man, never states their duties, but simply mentions them in such a way as to mislead the unwary, not to instruct the ignorant. Mr Godwin denies that either individuals, or society has any rights; and asserts, that all that belongs to men is duties\*. But both of them have the same object in view, insurrection and the subversion of government †. The latter author, indeed, is not always so absurd as one, at first sight, would imagine; for he corrects, in some measure, his absurdities by his contradictions. When he aims at destroying the right to property, or at giving all men an equal right to it, that is, at equalizing property, he tells us that "men have no rights:" When he aims at subverting the government, he says, "that society, *i. e.* all the men in a nation, have no right to establish any form of government;" and when he wishes to unite men in thought, word, and deed in order to the accomplishment of his plans of destruction, he

contradicts

\* Godwin's Enquiry, v. 1. p. 105, 108. † *Idem* v. 2.

contradicts himself, and resumes the rights which he had laid down; he then boldly asserts, that men have "a claim to the assistance and co-operation of their fellow men in every lawful pursuit;"\* that is, as appears upon a full comparison of the different parts of his work with one another, a right to be assisted by one another in robbery, plunder, and destruction; and that they have a right, "to conscience and the press†," that is, as appears upon a like comparison, a right to express false and mischievous thoughts, in order to mislead and ruin one another. There is, in short, but one object through the whole book, which the author constantly keeps in his eye, and to which all the parts are subservient; I mean the subversion of government. For unity of design, therefore, it must be confessed, he ranks with the first writers‡.

This author not only annihilates all virtue and vice, all crimes and offences, all merit and demerit, at one stroke, by his system of *necessity*, or making men *necessary* agents; but, as if this were not sufficient, he attacks different virtues singly by other arguments; such as gratitude, faithfulness in fulfilling promises made by oath, and obedience to magistrates§. He has however very absurdly called his book "An Enquiry into Political Justice." This indeed was a virtue, or rather, as he explains himself, a vice, which he could not spare; and, therefore, even his *necessity*, to which all other men must submit, could not force him to part with it. His political justice is to destroy all established government whatever¶, all established churches¶¶, all schools\*\*\*, all religious societies††, the institution of marriage‡‡, and all institutions of every kind; to abolish all distinctions of magistrate and subject, high and low, rich and poor; to level all distinctions, except what are physical and moral|||, if any thing can be moral, upon his plan of necessity. This destructive and levelling scheme is his political justice: and though labour contributes to the health, strength, understanding, virtue, and happiness of men; when they are thus levelled, he employs them not in moderate labour (for in the event of his plan, manual labour is to be banished, being superseded by inventions§§) but he sets them down to converse, to contemplate, to expand their faculties,

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\* Godwin's Enquiry, vol. I p. 108. Id. p. 108. † Id. p. 108.

‡ Vide Idem passim. § Idem v. 2 p. 232, 233. V. 1. p. 83, 84, 155, 117. § Idem v. 2. p. 383. ¶ Id. v. 1. p. 46. \*\* Id. v. 2. p. 379. †† Id. v. 2. p. 130. ‡‡ Id. p. 137, 140. ||| Id. p. 211. §§ Id. p. 117.

to improve their virtue, and to fill their heads with great designs. It is probable, however, he has not forgotten, "that idle dogs worry sheep;" for he has candidly acknowledged, that he does not think men yet fit for this state. Had he been candid enough, he would probably have added, that they never will. The superseding of manual labour by any degree of improvement in inventions, if we may judge of what is to come by what is past, is a chimera. In this country, the quantity of bodily labour has kept pace with the discovery of those things, which facilitate and abridge it. There is much more work performed by men's hands now, than formerly, though the quantity of machinery is a great deal more; in those parts of the kingdom, where the labour of the people is least assisted by machinery, the people are least laborious; and, in savage countries, where inventions are scarcely known, the people are necessarily idle. The propensity to action, and to proceed in all sorts of improvement, like avarice and ambition, is strengthened by indulgence. It seems to be a law of man's nature, that his labours of any kind should never come to a close; and it is certainly his happiness. That happiness may not, perhaps, be much increased by an accession to the accommodations and ornaments of life; but it must be much increased by an increase of that honest industry of every kind, by which those accommodations and ornaments are acquired. For, to be employed in a certain degree, is to enjoy pleasure; to have nothing to do, is to feel pain. The nature of man consists of a body, as well as a mind; and each requires its proper employment, as the eye requires light, and the stomach food. There is no doubt, that the hand is made for labour as much as the foot for walking; nor is there any probability, that either of them shall ever want employment, or that their natural offices shall be superseded by any kind of inventions. The whole nature of man must be employed in order to happiness; and, therefore, should ever that period arrive, which is to terminate his labours either of a bodily or mental kind, it must also terminate his happiness.

The terms "priest-craft," "state-engine," "state juggler," "trick," "imposture," "quackery," and the like, have been much used by every declaimer against government, and every canting writer for what has been called *the rights of man*. This writer seems to deal very much in this sort of political cant. His plans, however, seem to have too much of the ridiculous

liculous in them to prove dangerous. He is but a humble follower of Mr Paine; less acute, less sagacious, but absurdly more learned, a strenuous supporter of his doctrine, and zealous promoter of his views. He has attempted to draw a picture of what ought to be, and of human happiness; but neglecting the beautiful original, and copying from his own heart and head only, he has produced an appearance, which it is impossible to look on without feeling a certain mixed sentiment of ridicule and scorn; a picture, which, after viewing the whole of it, one may very properly call

*Monstrum horrendum, informe, ingens, cui lumen ademptum.*"

There were, in the days of the apostles Peter and Jude, certain men, whose characters, I am sorry to say, seem to bear too great a resemblance to those of certain modern writers. *They were wells without water, clouds that were carried with a tempest. They spake great swelling words of vanity, with which they allured.—— Whilst they promised liberty, they themselves were the servants of corruption. They denied the Lord God, and our Lord Jesus Christ. They despised dominion, and spake evil of dignities. They ran greedily after the error of Balaam for reward. They were trees whose fruit withereth, without fruit, twice dead, plucked up by the roots; raging waves of the sea, beating out their own shame; wandering stars, to whom is reserved the blackness of darkness for ever.*

Suppose, that all rights were annihilated, that all that belonged to men were duties, would they be as industrious in providing for others, as they now are in providing for themselves? Or, if less industrious, would they be as wise, virtuous, rich, and happy? Suppose "that mind" (not the divine, but the human mind) "were omnipotent over matter;" that we need but bid a plough till a field, or a ship perform a voyage, and they should be done; suppose, that all the creatures in the universe were obedient to the nod of man, would men agree how the different parts of it should be employed? Suppose this world again turned into a paradise stocked with every thing to please the senses; that all were common, and external distinctions amongst men; suppose even, that all desire, offered itself spontaneously to our wishes; would it be a situation for man? They must be ignorant of human nature, who think so. It is necessity which is the mother of invention and improvement. It is want that whets genius. It is inequality that excites to emulation. It is difficulty,



difficulty, and a degree of uncertainty and danger, that rouse the soul from its slumbers, and make it more resolute in its pursuit of any laudable and desirable object. It is by activity and not by negligence and sloth, that men are improved, and made happy. It is in the ardent pursuit of some distant object of a worthy kind, more than in lazy contemplation, in the possession of the greatest blessings, that human happiness consists.

We are made for alternate rest and motion, for alternate thought and action; we are made with defects in our nature and placed in a situation, in which our external wants, by their exertion which they cause, both supply our defects, and conduce to our happiness: And if we consult the health and strength of the mind and body; the improvement of our talents, morals, and happiness; a situation of plenty without want, of ease without difficulty, and of pleasure without pain will not be the object of our choice. Were all those things which afford us enjoyment, placed under the eye, and within the reach, *the fall* soul would loathe them, and turn away with disgust. The very curse which was pronounced upon our earth, after the fall, is to man in his lapsed condition, a blessing. It obliges him to employ himself, by which he is, in a great measure, preserved from vice and misery, and rendered wiser, better, and more happy. It forces him to be industrious, and to practice that honest industry, by which the world has been much improved, the character and condition of man ameliorated, and human happiness augmented. But had our world, after the fall, remained in its primitive state of fertility and beauty, instead of being to man a real paradise, it would with all its beauty and richness, have proved to him a garden overgrown with briars and nettles, with rank and poisonous weeds; and full of all noxious, loathsome, and abominable creatures.

To improve the nature of man, especially the moral part of it, is the sure road to human happiness; but to render it possible, "the human mind omnipotent over matter;" to place men in a situation in which they should have nothing to do; to render all equal, and to leave them to soar on the wings of imagination, in planning great enterprizes, which by the supposition, no such enterprizes would be necessary to suppose, that all these things, the whole of this vicious scheme were practicable; yet all these things put together

ould not form a road to happiness, but to the extreme of  
ice and wretchedness. But such a scheme may be expected  
om a man, who is not without hopes of rendering man im-  
ortal; but who thinks that, in order to be so, he must be  
ways gay and banish sleep\*. All other improvers have  
ducted their improvements by studying the language of  
ature, and yielding to her commands; he alone stands forth  
great example of one, who is to improve human nature and  
uman happiness by opposing her.

Bacon, indeed, speaks of rendering men immortal as a thing  
impossible, but he directs men to the study and observance  
the laws of nature as the means of accomplishing this end.  
ere, this very great man seems to have been dreaming; but,  
ea in his dream, his sagacious mind was consistent with it-  
self. He had but one rule for all his improvements, which  
as to comply with nature; never to force, or oppose her.  
That Bacon says of making men immortal, is the flight of a  
rog and vigorous mind, which seems to have forgotten,  
at to decay is as much a law of our nature as to grow; what  
Godwin says of it, is like the delirium of a madman.

If I may be allowed to offer my humble opinion to my  
countrymen, it is this. It may be our wisdom to leave this  
prover and those who choose to follow him, to try their ex-  
periments of their equal rights, or no rights, and of unequal  
ties, their contemplations, imaginations, and all their pro-  
posed felicity, on themselves. If they succeed, we may then  
follow them as fast as we can. Meanwhile, as we are better  
satisfied with our own old way, than their new one, we had  
better follow the old rules of justice, honesty, benevolence,  
piety, temperance, and industry, as they are commonly un-  
derstood. By doing so, we shall most frequently be success-  
ful; but by following their plans, there is no likelihood, from  
appearances at least, of any thing but disappointment and  
sorrow. With regard to morality, God hath fixed it; and we  
can no more alter the nature of right and wrong, of justice  
and charity, or of any other duty, than we can alter our own  
nature.

Though the probability of producing the greatest degree of  
human happiness were to determine our conduct (which it  
ought not) yet we are ignorant of what, in any number of  
cases, may, upon the whole, produce the greatest happiness  
of

\* Godwin's Enquiry, vol. 2. p. 402.

of which the persons concerned are susceptible, unless it be the performance of what is commonly called their duty. We find, indeed, with regard both to individuals and communities that the tendency of following the rule of duty, is to lead to happiness; and that the tendency of neglecting, or violating it, is to lead to misery. Experience, therefore, teaches us that, if the production of the greatest possible degree of human happiness is to be the object of all public and private conduct, we have no rule to go by, but the rule of duty; a rule which he who is intimately acquainted with the nature of man and of his situation, and of all actions, hath fixed, unalterably fixed; a rule which he hath made a *way of pleasantness and peace* to induce us to walk in it; but which he hath fenced, on every side, with thorns and precipices, with a thousand armed enemies, with misery and death to prevent deviation.

I shall conclude this letter with a quotation from an author who was a Christian and a very great philosopher. "Some great and distinguished merit, have I think expressed themselves in a manner, which may occasion some danger to careless readers, of imagining, the whole of virtue to consist singly aiming, according to the best of their judgement, at promoting the happiness of mankind in the present state; and the whole of vice, in doing what they foresee, or might foresee, is likely to produce an overbalance of unhappiness in it than which mistakes none can be conceived more terrible. For it is certain, that some of the most shocking instances of injustice, adultery, murder, perjury, and even of persecution may, in many supposable cases, not have the appearance of being likely to produce an overbalance of misery in the present state; perhaps sometimes may have the contrary appearance. For this reflection might easily be carried on, but forbear—The happiness of the world is the concern of him who is the Lord and Proprietor of it. Nor do we know what we are about, when we endeavour to promote the good of mankind in any ways but those which he has directed; that is indeed in all ways not contrary to veracity and Justice. I speak thus upon supposition of persons really endeavouring, in so far as they are able, to do good without regard to these. But the truth seems to be that such supposed endeavours, proceed almost always from ambition the spirit of party, or some indirect principle concealed perhaps in a great measure from the persons themselves." R. T.

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# ON EQUALITY.

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## LETTER X.

### *The Inequality of Men a Law of Nature.*

COUNTRYMEN,

**T**HERE are no words which have had a greater tendency to deceive and mislead some, and to excite a dangerous ferment in their minds, than the terms *equality* and *equal rights*. I shall, therefore, take the liberty of offering to my countrymen a few thoughts on the subject of equality, understanding the word in its utmost latitude, as signifying an equality of capacity, fortune, rank, power, authority, and of every constituent in the state of man.

It hath been often observed, that there is not one person or thing exactly alike, or in all respects equal, to another. All the way down from man, the noblest creature on earth, to the smallest particle of inanimate matter, nothing is to be seen but variety and inequality. One of the most general facts with regard to men, is, that they have been, in all ages, unequal. Till the creation of Eve, Adam had neither superior, inferior, nor equal, of his own kind. Eve was made his inferior, as appears from a comparison of the different natures of the two sexes, from the uniform subjection of the female to the male sex, from the words of the apostle Paul\*, and from the words of her Creator to Eve upon the fall†. There can be no doubt, that Cain and Abel were subject to their parents during their infancy, and, at least, the early part of their youth. Their parents were their rulers, and they their subjects. This has been the case between the parent and child ever since; and both the preservation and happiness of children render this subordination necessary. Thus, the creator and governor of the world laid, in the first family, and hath ever since continued

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\* Ephesians v. 23. 1 Tim. ii. 12. † Gen. iii. 16.

nued to lay, in all families, a certain foundation of inequality, subordination, and government.

But when men had multiplied, the greatest inequality must have prevailed amongst them. Instead of being equal, they are, at all times, naturally and originally unequal. They are unequal in strength, capacity, and disposition. They are unequal in their conduct and with regard to the various dispensations of Providence. One man is strong, and another, weak; one, wise, and another, foolish; one, industrious, and another, idle; one has naturally a strong propensity to those vices which tend to sink him; another, a natural disposition to those virtues which are the natural causes of his rising. Add to all this, that one man is almost constantly borne on the tide of prosperity, whilst another is made the sport of adversity. From all those causes variously combined, it happens, that one man becomes a master, and another, a servant; one rich, and another, poor; and as respect, influence, power, and authority are generally attendant on riches, one becomes a leader, and a number, followers. Some men, by their dispositions and virtues, their natural and acquired talents, are qualified for being rulers, whilst others are fitted only to act under them in a subordinate capacity; and if a man be rich, virtuous, and qualified to rule others, he naturally, in some degree, obtains an ascendant. Though there never, therefore, had been, any violence, deceit, or injustice, in the world, men must, in the ordinary course of providence, have become very unequal to each other, in riches, respect, honour, influence, power, and authority; which, if we except the talents, dispositions, and virtues, of the mind, are, perhaps, all the constituents of their condition.

Where then is that equality, about which there has been so much talk? It is neither original, nor adventitious. It is neither natural, nor artificial. It consists neither in equal riches, honour, nor power. It never has been known, and never can be seen. Scarcely, perhaps, can it be imagined. Or if some men of strong imaginations have been able to represent it to themselves, yet it never can be realized. If the Almighty Being, who hath ordained this inequality amongst men, should, by working a miracle, reduce them to a state of equality; yet, nature being again left to herself, the same causes that have produced inequality, would reproduce it during the lapse of countless ages.

All men, indeed, ought to be free, *i. e.* to enjoy the liberty, in all situations, of doing what is right, but no wrong. In this single respect, they either are, or ought to be equal: In all other respects, they may be, in most, they are, and in some, they ever must be, unequal.

And as men are unequal in the present life, so they will be unequal in the other. If we give any credit to revelation and the general creed of men in all ages and countries; if we can infer any thing from the present moral government of God with regard to his future administration; if the well-grounded hopes of good men, and the natural fears of the wicked, are considered as intimations of God's purposes with regard to them; if distributive justice, which nature so loudly calls for, be an attribute of the God of nature; it must, in a future state, *be well with the righteous, and ill with the wicked.*

In whatever light, then, in whatever period of their being, we contemplate men, still we find them unequal. Inequality is, with regard to them, a law of nature, a law as certain in its operation as the falling of heavy bodies to the ground, the circulation of the blood in animals, or their propensities to food and sleep. To attempt, therefore, to equalize men, is to act against nature, that is, against God, and must be productive of nothing but misery.

Mr Paine's error lies in misrepresenting the original state of man, and in overlooking those variations in the character and situation of men, produced by an original inequality in the formation of their minds and bodies, and by numberless adventitious causes. "For every history of the creation and of providence, every traditional account, whether from the lettered, or unlettered, world, however they may vary in their opinion, or belief of certain particulars, all agree in establishing" not "the unity" or equality, but the diversity and inequality of men.

R. T.

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## LETTER XI.

*To attempt to equalize man is to act against God.*

COUNTRYMEN,

WHAT can Thomas Paine mean, when, speaking of the original state of man, he asserts the unity of man?

Does he mean, that the soul and body of Adam, being united, formed one man? or does he mean, that Adam and Eve, being joined by the tie of marriage, formed one couple? No. He explains his meaning by saying, that men are all of one degree, and, consequently, that all are equal. He might have given us as much information, and he certainly would have expressed himself with more propriety, had he told us, that men are all equal, and, consequently, of one degree. For the sameness of degree being but a part of equality, could he have established the equality of men, their being of one degree would have followed as a necessary conclusion. But very unluckily he has assumed the conclusion of a syllogism to prove the major proposition.

What light does it throw on the equal rights of men? (as he expresses himself,) to tell us, that Adam and Eve were equal, though this untruth were admitted as a fact? Must all men be equal; because the first couple were so? As well might he tell us, that all the trees of an immense forest are equal, because they might originally have sprung from two acorns so equal, that no person would have preferred the one to the other. The best and greatest man that ever lived, considered merely with regard to his humanity, is but a man: But his virtues, his abilities, his merit, his riches, power and influence, in short, the whole constituents of his nature, character, and condition, give him a preference to others, and entitle him to rank above them.

In considering the equality or rather inequality of men, there is one marked distinction between man and the inferior creatures, to which we ought to attend. Among all the lower orders of creatures, every individual without art or education, and simply by the use of its natural powers, arrives instinctively at the perfection of the species. All that nature ever intended the species should be, may be seen in any individual. There is a certain limit to which nature leads them, and beyond which they do not pass. But the case is very different with the human species. The son improves upon the experience of the father. He adds riches to the father's store. He joins invention to invention, herd to herd, and field to field; and thus, as knowledge, arts and riches, advance, the offspring differs from the founder of the family, till, at last, this difference becomes so great, that he who has always lived in an improved and polished society, can have no exact idea of the

the state of men in a rude and barbarous age. The law of nature, both with regard to individuals and societies of the human race, is, that they should make a progress in the acquisition of knowledge, of virtue, of riches, and of every thing, which constitutes the happiness of the individual or social state. But this progress depends on a thousand circumstances, and is very different both in different individuals, and in different societies. How preposterous then! how absurd must it be! to take the original condition of man as a standard to measure what man should be in a state of very high improvement, or as a level to reduce them to equality!

All reasoning from the original state of man to what he ought to be in any period of society is nugatory. But if any person should think himself justifiable in attempting to reduce the present race to a state of equality, because, truly, "Adam and Eve were equal" (which by the way, is nonsense, because it supposes men were equal before they began to exist) I beg leave to observe, that to attempt a reduction of all men to the same level would be to act contrary to the course of nature, contrary to God, both in creation and providence; that it would be an attempt even to deprive him, in a certain degree, of his sovereign authority in bestowing rewards and inflicting punishments, and to frustrate the end of our coming into this world.

1. To attempt to reduce all men to a state of equality would be acting against God in the work of creation.

The renovation of the face of the earth, on the return of the spring, and the continuation of the different kinds of animals, have been, by some, very justly stiled a perpetual creation. Every man also acknowledges his own creation in particular, when he calls God his creator. But in the creation or continuation of the human race, our creator makes the greatest difference between individuals. There are some men born with such talents and dispositions, that wherever they are placed, they will rise in a certain degree. Their nature buoys them up. Though accident, or design, may tend to obscure, or bury their talents; yet they will occasionally burst forth, like the sun from behind a cloud; and though they should never rise above the level, where they are born, yet they will ever be the first in that rank, where they are placed. There are others, whom nothing can both raise and support. Though raised by their friends, they cannot hold their place.



Like stones placed on the surface of water, they naturally sink to the bottom. Julius Cæsar said, that he would rather be the first in an obscure village of Italy, than second at Rome. His bravery, his clemency, his generosity, his eloquence, all his talents and virtues, favoured his ambition, and raised him to the empire. Claudius was raised by his friends from obscurity and contempt to the throne; but all that those friends could do for him, was never able to give him the common sense and dignity of an ordinary man. The young shepherd, who, by the divine assistance, rescued his father's flock from the paw of the lion, and from the paw of the bear, discovered, on those occasions, that courage and conduct, which afterwards enabled him to triumph over the champion of Gath, and, at last, in spite of all the envy and persecution of Saul, raised him to the throne. The natural rashness, imprudence, and over-bearing temper, of Rehoboam, as much as his young counsellors, dictated to him, that answer which was the immediate cause of the ten tribes revolting from him; otherwise he would have rejected the counsel of the young men with contempt. I know it will be said, that the exaltation of David, and the revolt of the ten tribes, were determined by God. The observation is just. Every thing, even the most trifling in appearance, is determined by an over-ruling providence. But in the conduct of providence, the great ruler of the world commonly makes use of natural means. And the natural means of David's exaltation and honour, and of Rehoboam's partial fall and disgrace, was the courage and conduct of the former, and the haughty answer of the latter; and that courage and conduct, and that answer, arose from a natural and original difference in the men. In short, men, with regard to each other, are like liquors of different specific gravities put into a bottle; the natural tendency of which, however shaken, is each to assume its proper place. But to attempt the reducing of all men to the same level is to act in opposition to God, who, in creating men, has made original and insuperable distinctions.

2. To attempt the reducing of men to the same level would be to act in opposition to the all-wise and irresistible providence of God.

We have but now seen, that there are original distinctions amongst men, distinctions formed by nothing but a divine hand; and on these original distinctions, as a foundation, are raised

added innumerable others of an adventitious kind. A wise man is always distinguished from a fool; a strong man from a weak; and a virtuous man from a vicious. But if a man, who unites in his own person, many natural talents and good dispositions, has virtue to improve and apply them, his superiority over a man of a different character, will, in time, become very great. In this manner providence favours those original gifts, which are bestowed by a divine hand. But it does more. It is solely owing to that providence, which determines the time and all the circumstances of our birth, and the bounds of our habitation, that one man is born of virtuous, rich, and powerful parents; and another of parents that are vicious, poor, and of no weight in society. And these providential advantages contribute much to raise a man in the world above the level of his equals. A virtuous parent will give his son a virtuous education; the tendency of a virtuous education is to form a virtuous man; and the tendency of virtue is to acquire wealth, respect, and influence. A parent also who is rich and powerful, will do much to promote his son. He will give him a certain portion of his goods or estate, and he will recommend him to others, who may be of use to him in the acquisition of wealth and respectability, or even honour. And who can blame him? A man surely may dispose of his own as he sees meet. And he who will not, by all lawful means, provide for his own, though a Christian in name, is, in reality, an infidel. Nay the children of good men, though left orphans, are often favoured, and brought forward in the world, for the sake of their fathers. Thus, David shewed such favour to Mephibosheth for his father Jonathan's sake, that he not only restored to him the lands of Saul, but did him the honour of having him continually at his own table.

The fortunes of men, in a natural or providential way, frequently depend very much on the fortunes of their connexions, and are sometimes wholly involved in theirs. Though Jonathan had not fallen with Saul on mount Gilboa; yet as the appointment of David by God, his natural abilities, his character, and consequent popularity, had all, destined him to the throne, the family of Jonathan would have sunk into private, perhaps, obscure, individuals. But when David rose, all his family acquired a proportionate elevation.

It might be easily shewn also, that the vices, the weakness

or poverty of the parent, may, in some cases, sink the child below the condition, in which he is born; and that they will ever retard, and, in some cases, prevent his rising; but this I omit, that I may not be tedious.

But independent of natural talents and dispositions, independent of the adventitious circumstances of birth, education, and friends, there is a providence, which rules over all, and varies indefinitely the condition and rank of men. You will find two men born with equal natural advantages, born, educated, and brought forward in the world upon a level; and yet, in time, by a concurrence of unforeseen causes, one of these men shall remain in, or fall below, the condition, in which they were born, and the other rise far above it. Thus it is, that the Supreme Being checks the presumption and self-confidence of men, and shews, *that promotion is not the necessary consequence of natural and circumstantial advantages; that it cometh not from the east, nor the west, nor the south, but that he is Judge; and thus he putteth down one, and setteth up another.*

We see therefore, that though providence, in its natural and ordinary course, promotes men to riches and honour, according to the use they make of their talents and dispositions, and according to the power and influence of their families and friends; yet it frequently rules the fortunes of men in a sovereign way, and creates distinctions, which none could have foreseen. To attempt to abolish these distinctions, therefore, and reduce all men to a state of equality, would not only be unjust and impracticable, but it would be acting as much against the dispensations of an all-wise and beneficent providence, as it would be to attempt to alter the course of nature in any one respect. I say nothing here of the injustice and impiety of the attempt. I speak of it only as contrary to nature, contrary to the providence of him, who is the God of nature.

3. To attempt to reduce all men to a state of equality would be to act in opposition to God's moral government of the world, that government, by which as a king or master he respectively rewards and punishes good and bad actions in his subjects or servants.

There are scarcely any of those natural and adventitious distinctions amongst men, such as strength, understanding, good dispositions, riches, and honour, which may not be improved

proved by the practice of virtue, and lost by the practice of vice. And the practice of virtue is always indispensably necessary, in order to preserve them.

Though health depends, in a great measure, on the natural goodness of the constitution; yet temperance is necessary to the preservation of it; and, generally, this first of blessings is the natural reward of that virtue. Temperance is as necessary to the preservation of the faculties of the mind in their vigour; but, in order to ripen them, and give them a strength not natural to them, care and diligence in applying them to their proper objects is absolutely requisite. Good dispositions also, though the gift of nature, require careful cultivation, and the long, and frequently painful practice of our duty, before good habits can be ingrafted on them, before they expand themselves, and appear in all their richness and beauty. Riches are sometimes an inheritance, but they cannot be preserved without proper management: Nor can they ever scarcely be acquired without some sort of labour on the part of some person or other. Honour, in a certain degree, is sometimes also an inheritance, even in those countries where there are no artificial distinctions, as when a son is respected and regarded for his father's worth; but, in all countries, every man's reputation will rest ultimately on his own merit; and by that, as the standard, will men measure that share of respect and honour, which is his due.

But all those blessings, which distinguish one man from another, may be forfeited by vice. For, in short, virtue, in respect of these distinctions, as well as in many other respects, brings, along with it its own reward, and vice its own punishment. Thus it is, that God rewards temperance, industry, economy, and every species of virtuous actions with health and strength of mind, with riches, honour, and other distinctions; and punishes excess, negligence, prodigality, and all sorts of vice, with bodily and mental weakness, with poverty and disgrace; by which men either sink below their original state, or become distinguished only as objects of aversion and contempt. Length of days, says Solomon of wisdom, that is of wise and virtuous conduct, length of days is in her right hand; and in her left, riches and honour. And the distinctions, amongst men, created by wise and foolish conduct, are marked by him particularly, and in the strongest terms. The wise in heart, saith he, shall inherit glory, but shame shall be the

the promotion of *fools*. The effect of virtuous or vicious conduct is not indeed always to exalt or sink men. For very frequently there is one event to the righteous and to the wicked. But the tendency of virtue is to distinguish men by all that is beautiful, lovely, and good; the tendency of vice to distinguish them by every thing that is ugly, detestable, and evil. But he who gives these different tendencies to virtue and vice is the judge of all the earth; and by giving them these tendencies does he shew himself to be a governour of the world who rewards and punishes his servants by a certain rule opening, in a great measure, and generally, according to the works.

The sum of this argument is, that the great governour of the world distinguishes some men from others by conferring on them superior power, riches, and honour, as the reward for the rectitude of their conduct; and that he punishes others for their vices, by placing them in a condition directly opposite. Whoever, therefore, shall attempt to abolish these distinctions, and to reduce all men to a state of equality, will in this respect, act contrary to God, considered as a king, an endeavour, in some measure, to wrest from him his sceptre.

4 To endeavour to reduce all men to the same level, is an act in opposition to the intention of the whole plan of providence with regard to us, in opposition to God in all his dispensations of nature and grace.

We came into this world not only imperfect, but also corrupt, tho' not vicious; we are by nature noble, but fallen creatures; and the intention of all the dispensations of God's providence towards us, whether of a prosperous, or adverse kind, whether of nature, or of grace, is to supply the defects in our nature, to correct what is wrong in us; and, in a word, to form in us habits of piety and virtue.

All those dispensations may be reduced to those, which are of a prosperous, and those, which are of an adverse kind; and both kinds are designed to enlighten us, and to render us both wiser and better. When it pleaseth God to reward piety and virtue with external blessings, his intention is to teach us, *that, in keeping his laws, there is great reward; that godliness is profitable unto all things, having promise of the life that now is, and of that which is to come.* When he bestoweth such blessings on the impious and vicious, the intention is, *that his goodness may lead them to repentance.* When he afflicteth those, who

re proceeding in a course of impiety and vice, by making them feel poverty, contempt, and disgrace, it is, that, like the prodigal son, they may come to themselves, and return to their father; it is, that they may think upon their ways, and turn their feet unto his testimonies. And when he correcteth those who have reformed their lives, but who are still imperfect, it is as a father correcteth his children, not for his pleasure, but for their profit; namely, that they may be partakers of his holiness.

Those means, which he employs for the conversion of sinners, and for the confirmation of those, who are converted, in the ways of religion and virtue, are frequently of an external kind. Under the old testament dispensation, the chief means, by which his people, were kept in the way of their duty, or brought back, when they had strayed from it, were the prosperity and adversity, which they were alternately made to experience, according as they observed, or violated his laws: And even now, notwithstanding of the clear light of the Gospel, which discovers to us the rewards of piety and virtue, and the punishment of impiety and vice, in another world, he still employs adversity and prosperity, that is the distinctions of riches, authority, esteem, and honour, and of poverty, contempt, neglect, and disgrace, and other distinctions of a similar kind, as the means of reforming men, and confirming them in their duty; by the practice of which, under the operations of his spirit, they gradually become happier in the present world, and qualified for the happiness of the world which is to come.

But to equalize men, were that practicable, to abolish those distinctions, which, in the course of his providence, God makes between the righteous and the wicked, between wise and good conduct, and that which is foolish and bad, would be to act against the intention of his providence towards us in the present state, against God himself; who, in the present world, deals with men, as a wise and affectionate father with his children, making them to feel alternately every thing that is good or bad, in order to their conversion from sin, and their confirmation in the practice of their duty. How impious then, how unnatural, how unjust, how cruel to ourselves and others must the levelling scheme be!

Upon the whole, to attempt to equalize men is to act against the Almighty, in creation, in his natural providence, in his moral government of the world, and in his preparing men for a state of perfect rectitude and perfect happiness.

I am certain, that many of our modern levellers are not aware, that, in endeavouring to establish equality, they are acting against God; otherwise they would turn from the idea with abhorrence: Nor do I know, that any political writer has represented the levelling scheme exactly in this point of view; but if they will give themselves the trouble of reflecting, they cannot but perceive the truth of all that has been advanced.

R. T.

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## LETTER XII.

*To establish Equality is impossible.*

COUNTRYMEN,

Should ever the people of this country become weary of that inequality in their condition, which he, who made and ruleth the world, hath appointed; and long to establish equality, they would have a great deal to do, before they could accomplish their desire.

1. They must change their nature.

It is not "a regeneration of government," which, in this case, would be necessary, but a regeneration of man. They must extinguish the desire of distinction, which hitherto has been found inseparable from their nature. It is an innocent, a useful, and even necessary law of human nature, moderately to desire honours, distinctions, and eminence of every kind. "The love of equality" has never been known to have a place among our affections. It has no real object, to which, like the other affections, it might correspond; and though men may desire to equal their superiors, yet they have never been known to desire equality with their inferiors. This is against their nature.

But, before we can establish equality, we must annihilate not only the natural desire of distinction, but a sense of right and wrong. As every man knows, that he has a right to maintain what is his own, he will be very averse to give it to another, before he be convinced, that that other has a right to it; and to convince men of this, we must first convince them, that there is no difference between *mine* and *thine*, that there is nothing like justice, or that justice and benevolence

are the same. And though the desire of distinction and a sense of justice were wholly extirpated; yet the production of benevolence, in the degree necessary to dispose men to a state of equality, would be found a very hard task. It is with difficulty, in the present state of human nature, that some men can be charitable, and others, just; but it would be extremely difficult to persuade the rich to part with almost their all, and place themselves on a level with the poor. On all these accounts, it will not be thought an extravagant assertion, to say, that before we can equalize men we must so far change their nature, as to make it different in kind from what it now is. For God never did, and never will, make men equal in their circumstances; and if he do not, it must be men themselves. But before men be brought to undertake this great work, they must be fitted for it by having their nature regenerated or specifically changed; and as this regeneration or specific change depends on the will of God, we must wait till it shall please him to produce it, before we can undertake to equalize men, with any probability of success. Equality in the circumstances of men, or a "revolution of property" as Mr Godwin terms it, "cannot take place, till the general mind has been highly cultivated\*." It will not take place then, for the more men are cultivated, the farther will they be from confounding things, that are distinct; the more will each be disposed to preserve his own, and to allow to others their own. He had said the truth, if he had said, that it can not take place, before men undergo a specific change.

2 Before we can equalize men, we must produce the greatest change in their situation.

Our cities and towns, our elegant and neat houses, all, except public buildings, must be razed to the ground, or suffer to crumble into dust. The whole of the country must be divided into small plots of ground, one of which must be assigned to every man at least, above the age of twenty-one, for his own subsistence and that of his family. All our manufactories, all instruments and machines for abridging and facilitating labour, and all our shipping (except what makes a part of the public force) must be destroyed. All local and incidental advantages, by which one man, or one part of the country, may become unequal to another, must be abandoned. Nay, a man must abstain from using his strength, skill,

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sight,

\* Godwin's Enquiry, v. 2. p. 353.



forefight, and any advantage fortune may give him, in such manner, as might render him, in time, unequal to others, much as honest men now abstain from stealing. All this may be done before men can either be made, or remain, equal. But this would produce such a change for the worse, upon the face of the country, and in the whole of the external condition and happiness of men, as we can, at present, have just conception of.

3. Before we can equalize men, we must produce a great change in their employments, and whole mode of life.

All arts and sciences as the means of procuring riches, commerce and manufactures, all luxury (if it were possible that men, in such a state, could enjoy the means of luxury) and all frugality, all labour and idleness, all care and negligence, all means, in short, of acquiring and spending, beyond a certain measure, must be strictly forbidden. Every man must build, and keep in repair, his own house, and must manufacture for himself and for no other, all the instruments of labour, and the different articles of food and cloathing. If any man is permitted either to work to another for wages or to manufacture and sell any thing whatever, there will, so far, be a certain degree of inequality; and if such practices, however small, are, at first, winked at for the sake of conveniency, they will soon become greater. The avarice and ambition, perhaps even the necessities, of men, will prompt them to extend their labours and commerce; and the society which began with establishing equality, will thus, after some time, become, in any degree almost, unequal.

4. Before we can establish equality, besides those mentioned above, we must enact and observe several other very unjust and disagreeable laws.

Suppose an equal partition of all property amongst all the men of the society, that are married. If one family should die out, their portion must either be unoccupied and unappropriated, or given to some person who wants. If one man has no children, or fewer than another, he must, by the laws, be obliged to adopt the children of another in order that they may be equal. If the inhabitants should either increase or decrease, there must be a new partition of property; and if they should increase beyond the number, which the lands can supply with food, the surplus must be banished; all other sources, from which they might derive a support, being shut up

In this country, at present, the diminution, or increase, of the inhabitants, can occasion little inconveniency. Though the number be greater than the fields, in their present state, can supply with food; yet all having liberty to apply themselves to trade and manufacture, they acquire, by them, the means of buying corn from other countries, which can spare it; and thus their industry supplies the deficiency of the lands. But, in order to establish equality, trade and manufactures, as has been already observed, must be banished; and, therefore, along with them, must be banished, all that surplus of the inhabitants, who can have no subsistence by agriculture. And the whole of this method, it is evident, must not only be begun, but continued, if we intend to establish and maintain equality.

The sum of what has been said, is this: If we are to establish equality in the circumstances of men, we must literally regenerate their understandings and hearts, change, in the greatest degree, their situations and employments, and enact the most unjust and disagreeable laws; from all of which, it is evident, that men must suffer the greatest injustice, and lie under the most intolerable restraints; that, if they are to enjoy equality, they cannot enjoy liberty; that they would lose their liberty in proportion as they gained equality; that, in order to be equal, they must lay themselves under greater restraints, than any master lays upon his slaves. But as the establishment of equality, even in the circumstances of men, depends on a specific alteration of their nature, it is, therefore, with regard to man, impossible.

The whole of what has been said, is confirmed by history. Sparta is the most remarkable state, of which there are any historical records, for equality amongst the individuals of the two classes of men, into which it was divided. Their freemen, who, compared with the rest, were a sort of aristocracy, were, by Lycurgus, made, and for a long time preserved, equal in their situation; all the rest of the men in the state were also equal, for they were all the most abject slaves. But though the aristocrates were kinsmen, or of the same tribe, (for they were a distinct race from the Helotes, or slaves, a conquered people\*) though the inequality amongst them, as

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\* In Mr Godwin's scheme of equality, all men are to be Spartans or Aristocrates; and all matter, Helotes or slaves\*. Let him make his slaves tractable, and he will not want aristocrates. His farce will then be acted in life, and more than poetical justice done to all.

\* Godwin's Enquiry, v. 2. p. 389.

in savage tribes. must have been comparatively small, and consequently the difficulty of establishing equality of property amongst them little, compared with what it must be in any European country; though Lycurgus, by his plan, proposed to exempt them from all labour, (for that was to be the task of the slaves only) though the rich aristocrates could scarcely refuse to the poor members of their own body what was necessary for their support (for the whole order were, for their own security, under a perpetual necessity of being leagued against the slaves) yet it was with the utmost difficulty, and after a violent struggle of parties, that he could induce them to adopt his plan. In that country, their best houses were, what ours would be, should we try the levelling scheme, mean cottages. The freemen were prohibited, not only from trade and all servile employments, but even from agriculture. They were obliged to neglect the arts of peace for those of war, and to suppress or neglect the humane and gentle virtues for the cultivation of those that were harsh and severe. They were obliged to be all equally barbarous and rude, except in the art of war. Wives and children seem to have belonged to the state more than to the individual. In short, after all that has been said of Sparta, nature seems there to have been, in a great measure, inverted; and when they became more numerous than their lands could support, they were obliged either to murder their slaves, or send out colonies of their freemen, that is, in a manner, to banish them from their native home. At last, that unnatural system of equality, amongst the freemen of Sparta, which, in a great measure, prevailed (for they were far from being equal in power) and which was propped by injustice, cruelty, idleness, barbarism, and the suppression of the humane affections, fell to the ground.

Upon the whole, whenever we consider the levelling scheme with any degree of attention, we are still led to this conclusion, that as it is against nature, so it is impossible.

The inequalities amongst men, with respect to wealth, power, estimation, and rank, are the necessary result of unequal talents and dispositions, of unequal opportunities of displaying those talents and dispositions, and of a variety of circumstances, determined, indeed, by God, but, with regard to us, entirely fortuitous. If it be natural for the sea to ebb and flow; if it be natural for the moon to assume various phases; if it be natural for the sun to rise and set; if it be natural for

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all vegetables to spring and wither; it is natural for men to be unequal. The inequality, which prevails amongst them, is no less natural, no less necessary, than their bloom, decay, and final dissolution. But when we are able to invert, or at least how alter, the course of nature; when, by means of our new light, we can teach the rivers to return to their sources; when, by our new laws, we are able to chain the deep, and set bounds to its "proud waves;" when we shall have found out an invention for arresting the sun in his course, or forcing him to alter it according to our humour or caprice; then may we think of establishing equality, and of doing it with some probability of success.

There is a fable that prevails amongst some of the people of this country, that certain of the fallen angels, for their rebellion against God, were doomed to make ropes of the sand of the sea. Such would be the curse; and such, the fruitless task, of those, who should endeavour to establish equality; which would be a violation of one of the most general laws of nature.

R. T.

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## L E T T E R XIII.

### *Consequences of an Attempt to establish Equality.*

COUNTRYMEN,

It must be evident, from the foregoing considerations, that the establishment of equality is impossible. But should it be attempted, there are, at least, three consequences to be apprehended; civil dissensions, slavery, and the subjection of the country to a foreign power. The former of these would most certainly, the two latter, most probably, follow.

In order to render men equal in their circumstances, it is necessary to make an equal partition, not of land only, but of all other property of every kind. The whole of the money, goods, and effects, of every individual in the nation, must, as it were, be collected into one heap, in order that an equal division of all may be made amongst all. But is it not easy to see what opposition this scheme must meet with, not only from the proprietors of land, but from all men, whose property or income is greater than their neighbours? nay, from

every man, however mean his present condition, who may at any distant period, expect to better his circumstances, arise to some degree of inequality? And would not this opposition, should it become a civil war, be productive of more horrors, than have yet been experienced by wretched France?

The nation, upon such an attempt being made, would immediately divide into two factions. The one faction would be composed, not only of all proprietors of land, but of all those possessed of property of any other sort; of all substantial tenants and tradesmen; of all those, who, tho' poor, had any reasonable expectation of bettering their circumstances by honest industry; of all those, whatever might be their circumstances, in whose breasts there were any sense of justice; any tenderness in shedding the blood of their relations, friends, and countrymen; any regard to the divine laws, or any fear of God, before whose judgment seat we must all appear. The other faction would be chiefly composed of those, whose vices had reduced them both to poverty and despair; of those, whose disappointments had produced, in their minds, a species of madness; and of some ambitious and designing men, who would ride in the tempest of civil dissension, and direct the storm towards the destruction of all power but their own. These different descriptions of men would compose the two factions. And if we consider how many are possessed of property to such extent, that they would not submit to a division; and how few are possessed of so little, that they would quietly put it into the hands of licentious, unprincipled, unjust men, in expectation of receiving it back with interest; if we consider what influence those in the higher ranks ever have had, and, in the nature of things, ever must have, in attaching to their interest those in the lower; if we consider, that the great body of the people of this nation is a thinking, steady, sober-minded race of men, who have penetration to discover the designs of those, who are liberal in their professions of zeal for their interest, and sagacity to see the end of any measures proposed to them; and in whose breasts, without any ostentation, justice, humanity, and the fear of God, in a great degree, prevail; we shall entertain no doubt, that that faction, which should be for an equal division of property, would be by far the weakest, and most probably but a handful of men, compared with the other\*.

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\* When a certain author concludes, that a majority of the people of  
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It would not only be the least numerous, but the weakest in all respects. These men would not only be almost wholly destitute of money, arms, of every thing to make good their false claims; but they would want that strength of mind and body, which would be necessary to maintain their cause. There is no doubt, that the whole almost of that faction, who should be for an equal partition of property, would be vicious men; and the constant tendency of vice is to weaken both the mind and body. It tends to deprive men, not only of that animal strength and courage, which are natural to them, but of that penetration, that foresight, that presence of mind, that firmness and intrepidity arising from a consciousness of integrity, which are possessed by the virtuous in times of necessity, and which are necessary for conducting a war. When men are conscious of a good cause, they main-  
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this country would contend for equality of property, his conclusion is not drawn from the actual state of their minds, tho' most probably from that of his own.

Suppose all those in the lowest rank, collected in a vast plain; that a demagogue should ascend a stage, and, with a voice heard by all, should say to them; "It is not just, that the rich should have so much, and you nothing but your earnings; it is just, that there should be an equal division of property: All is before you, and you have only to fight for such a division: Follow me, and you shall obtain it." Would not the people's consciences tell them, that they have no right to the property of others, and that it would be unjust to seize it? Would not they reflect upon the hazard of such an attempt? Would they not shrink back, with fear and horror, from the thought of being obliged either to murder the innocent, or to be put to death by them? Would not their very nature tell them, that they should be answerable to the Lord of the universe for all the injustice and murder that should be committed? Could they look up to him for a blessing upon their attempt, or for peace of conscience and happiness in the enjoyment of what they must wade through streams of blood to obtain? Would not they hesitate much, and revolve, in their minds, with the utmost seriousness, the nature of the business, the uncertainty of success, or rather the certainty of disappointment, the necessity of murder in order to success, and the pain of that worm that gnaws the heart of murderers? And after thus thinking, how few would be disposed to follow this demagogue to a harvest of blood and misery?

The case, here supposed, was actually, in some sort, tried at Rome. The proposals of Catiline to his followers contained more than the above speech. He promised his followers, not equality, but riches and all the honours of the state. Yet, even in that Heathen country, in the time of its greatest corruption, he was followed by none but the vicious, the criminal, and desperate. And if few in the lowest ranks of life would engage in so horrid a business, much fewer in the higher ranks would, and none in any rank but the vicious and furiously desperate.

tain it both with courage and constancy; but they never can have much courage, or constancy, when their own consciences fight against them; and this must be the case in a contention where the unjust partition of property is the object. The wicked, saith Solomon, flee, when no man pursueth; but the righteous are bold as a lion \*.

Should these two factions, therefore, take the field, how unequal would be the contest? On the one hand, are a superiority of numbers, riches, arms, and wisdom, a good cause, and courage to maintain it; on the other, inferior numbers, want of all things necessary for conducting a war, a bad cause, a bad conscience, and of course pusillanimity. But it is not probable, that those men would bring their cause to be decid-

\* Good men, in general, are possessed not only of native strength of mind, but of much additional courage and fortitude, which they derive from the consciousness of serving God. They generally have a certain elevation of mind, which sets them above fear, and which is nobly expressed by a French writer of former times. "Je crains Dieu, je n'ai point d'autre crainte." "I fear God, I have no other fear." That support, that strength and courage, which the pious and virtuous derive from their piety and virtue in time of danger, are well exemplified in the life of David. The confidence, which he placed in God (and he could have placed no confidence in him, had he not been conscious, that, notwithstanding of the occasional prevalence of sin, the aim of his life was to serve him) made him, when a youth, run with ardour, naked, and unarmed, (except with a shepherd's staff and sling) against a man of gigantic size and strength, and experienced in war. And afterwards, when he was in so critical a situation, that his followers became seditious, and spoke of stoning him, because the Amalekites had carried off their wives, children, and goods, this confidence gave him that presence of mind, and that courage, which enabled him both to escape danger from his own men, and to recover all from the Amalekites. It was on that memorable occasion, that *David comforted himself in the Lord his God*. It was on such occasions, that this great king and pious man could say: "The Lord is my light and my salvation, whom shall I fear? The Lord is the strength of my life, of whom shall I be afraid? Though an host shall encamp against me, my heart shall not fear; though war should rise against me, in this will I be confident. For, in the time of trouble, he shall hide me in his pavilion; in the secret of his tabernacle shall he hide me, he shall set me up upon a rock."

The case of wicked men, in time of danger, is quite the reverse. Their impiety and vice deprive them of their natural fortitude and courage, and make them superstitious, timorous, and faint-hearted. A dream, an incident construed into a bad omen, a rumour, a noise, the shaking of a leaf, even their own shadow, are, at such times, sufficient to put them in fear or terror. So true is it what Solomon says of them, *The wicked flee, when no man pursueth.*

ed in the field. Their mad ardour and groundless discontent would evaporate in riots and tumults about big towns. But if, by a concurrence of accidents, the cause should be decided with arms, there is no doubt, all things considered, that those, who should be for an equal partition of property, would be the losing party.

This will appear evident to those, who consider, with due attention, what has now been said; and it may be illustrated by similar cases in the history of Rome. The conspirators, headed by Catiline, were a body of such men, as would, in this country, contend for an equality of property; and that conspiracy was soon crushed by a combination of all the virtuous men in the republic. At Rome, the *Agrarian Laws* never produced any thing almost, but sedition, tumults, and ineffectual struggles; and yet the object of those laws urged on the Senators, with such force by the tribunes of the people, backed by the people themselves, was not, by any means, an equal partition of lands, or of any other kind of property. They were of two sorts. The object of the one sort was to divide certain lands won from the enemy among the soldiers, who had won them; and these laws the people never could get enacted. The object of the other sort was to limit the size of estates; and this indeed was passed into a law, but was not long observed.

The people of Rome were soldiers, and, like the tenants of the Crown, in this country, during the prevalence of the feudal system, were, when summoned by the consul, obliged to take the field, and provide themselves with arms, cloaths, and victuals. At the time, the former sort of Agrarian Laws were proposed by the tribunes, and for a considerable time afterwards, they received no pay from the republic; and, if a campaign was long, their fields lay uncultivated, and their necessary expences involved them in debt. Their creditors had power not only to confine, but to torment, them: So that many of the Roman people, on their return from the wars, found themselves deprived of their freedom, and involved in poverty and misery. But they had conquered certain lands from their neighbours. These lands, therefore, were theirs by the right of conquest; but the rich had long retained them in their own hands; and now the people insisted that they should be divided. To effect this division was the object of those long and violent contentions about the Agrarian Laws.

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The case of the Roman people was very different from theirs in this country, who should aim at an equal partition of property. They contended only for a division of certain conquered lands; which ought, on the one hand, either to have been restored to the conquered, or, on the other, to have been divided among the conquerors, or to have been common. But whether their cause was right, or wrong, the people never could get their resolutions, with regard to a division of those lands, passed into a law. And if the Roman people could not, after many and violent struggles, obtain a division of certain lands, which really seemed to be theirs, upon what ground can an equality of all property, in this country, be expected?

When the people of Rome saw, that all their struggles to obtain a division of the conquered lands, were fruitless, they dropt the contest; about which time, Licinius Stolo made a motion for limiting the size of estates to five hundred acres. The motion was, indeed, adopted, and passed into a law; but it was not long, before Licinius himself was fined for transgressing it. The violation of it became afterwards frequent; and notwithstanding all the efforts of the two Gracchi and Drusus, tribunes of the people, it became, in time, quite obsolete\*.

It is very remarkable, that though at the founding of Rome, two acres only of land were allowed to each man as his portion; yet, notwithstanding of all the contention about the agrarian laws, there was, at last, a greater inequality, in point of property, amongst men in that republic, than in any other government, perhaps, either before or since, in the whole world.

Indeed it was usual, at Rome, for any leader of the people to urge the agrarian laws on the rich, when he intended to give popularity to any ambitious measure, which he wished the people to adopt. In the republic of Rome, a line, drawn by the fundamental laws, for a long time, separated the plebeians or commons from the patricians or nobility. The rich plebeians burned with ambition to pass beyond this line, and mix with the patricians; to become eligible to all offices and honours; and, in short, to be in point of constitutional

\* Sometime after the enacting of this law, and before it became obsolete, it being found, that certain rich men were possessed of more land than what was allowed by it, the illicit surplus was taken from them as a fine, and divided among the people. This seems to be all the division of land, that was made in consequence of the agrarian laws.

tutional rank, wholly on a level with the Patricians: And when they wished to pass any law, which paved the way for the abolition of all distinctions, they were sure to be very clamorous for the agrarian laws, that the people seeing their apparent zeal for their interest, might support them in obtaining what was really the object of their desire. This is evident. For, when the rich plebeians had, by the assistance of the people, rendered the whole order capable of filling all offices, and enjoying all honours, offices and honours however, which they themselves only could, from circumstances, fill and enjoy, they abandoned the cause of the people in the lower classes, and formed connexions with the rich only, whether descended from patrician or plebeian families; there was then nothing more heard of the agrarian laws.

In Rome, the bait with which the rich demagogues fished to catch the people, was a profession of great zeal for these laws; and it should seem, that, in these times, the cry of liberty, equality, and universal suffrage, has been made use of, by some, for the same purpose. There was one mischief, which at Rome, followed the ineffectual struggles of the people for the agrarian laws, against which we ought to guard with the utmost caution. The attempt to enact and enforce those laws, joined to the privilege of voting individually, which the people had acquired, was the remote cause of the civil wars that ruined that state. Rome was now a monstrous democracy, in which, tho' there were no legal, there were yet the greatest real, distinctions. The people were divided, and, from the habit of contending, prone to faction. Ambitious men seized the opportunity, and placed themselves at the head of the different factions; and from that time, Rome became a continued scene of tumult, civil war, and slaughter, till Augustus gave it peace and slavery. And were we to attempt to establish equality, and should succeed in the extinguishing of constitutional rank, and the establishing of universal suffrage (for here, as in Rome, where it was tried for a very long period, equality could be carried no farther) what reason have we to believe that we should escape similar calamities? None at all. We are made of the same flesh and blood with the Romans; and similar effects will ever be produced by similar causes. That monstrous democracy of Rome, which Augustus gave the finishing blow, was but lately renewed in the Convention of France.

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Indeed it was usual, at Rome, for any leader of the people to urge the agrarian laws on the rich, when he intended to give popularity to any ambitious measure, which he wished the people to adopt. In the republic of Rome, a line, drawn by the fundamental laws, for a long time, separated the plebeians or commons from the patricians or nobility. The rich plebeians burned with ambition to pass beyond this line, and mix with the patricians; to become eligible to all offices and honours; and, in short, to be in point of constitutional

\* Sometime after the enacting of this law, and before it became obsolete, it being found, that certain rich men were possessed of more land than what was allowed by it, the illicit surplus was taken from them as a fine, and divided among the people. This seems to be all the division of land, that was made in consequence of the agrarian laws.

national rank, wholly on a level with the Patricians: And when they wished to pass any law, which paved the way for the abolition of all distinctions, they were sure to be very clamorous for the agrarian laws, that the people seeing their apparent zeal for their interest, might support them in obtaining what was really the object of their desire. This is evident. For, when the rich plebeians had, by the assistance of the people, rendered the whole order capable of filling all offices, and enjoying all honours, offices and honours however, which they themselves only could, from circumstances, fill and enjoy, they abandoned the cause of the people in the lower classes, and formed connexions with the rich only, whether descended from patrician or plebeian families; there was then nothing more heard of the agrarian laws.

In Rome, the bait with which the rich demagogues fished to catch the people, was a profession of great zeal for these laws; and it should seem, that, in these times, the cry of liberty, equality, and universal suffrage, has been made use of, by some, for the same purpose. There was one mischief, which, at Rome, followed the ineffectual struggles of the people for the agrarian laws, against which we ought to guard with the utmost caution. The attempt to enact and enforce those laws, joined to the privilege of voting individually, which the people had acquired, was the remote cause of the civil wars that ruined that state. Rome was now a monstrous democracy, in which, tho' there were no legal; there were yet the greatest real, distinctions. The people were divided, and, from the habit of contending, prone to faction. Ambitious men seized the opportunity, and placed themselves at the head of the different factions; and from that time, Rome became a continued scene of tumult, civil war, and slaughter, till Augustus gave it peace and slavery. And were we to attempt to establish equality, and should succeed in the extinguishing of constitutional rank, and the establishing of universal suffrage (for here, as in Rome, where it was tried for a very long period, equality could be carried no farther) what reason have we to believe that we should escape similar calamities? None at all. We are made of the same flesh and blood with the Romans; and similar effects will ever be produced by similar causes. That monstrous democracy of Rome, to which Augustus gave the finishing blow, was but lately revived in the Convention of France.

It is as certain as any thing in our history, that the original settlers in this island could not have a right of possession to all of it; for, being few in number, they could occupy a part only. It is equally certain, that the tribes, who came after them, contended with them about their possessions, and certainly had a right to possess any parts that were unoccupied and unappropriated. How these different tribes settled their disputes, is not known; but it is certain, that, between contending nations, and tribes or families of the same nation, there is not, perhaps, a spot of ground, which has not been frequently conquered and reconquered: And the latest conquerors were always supposed to have a right to what they possessed in consequence of their conquering it; a law, which, though absolutely unjust, was yet relatively equal, because it was the same to all independent societies of men. Brennus, king of the Gauls, expressed the law that has ever obtained amongst savage and barbarous nations, "the rights of valiant men lie in their swords."

For one nation to take from another its property, does not give it a right to that property, more than robbery gives a robber a right to his plunder; yet when two nations have been at war, whatever the cause of the war has been, and have agreed upon, or acquiesced in, certain conditions, upon which they are to live together in peace, what property and advantages each of them retains, by their mutual agreement or acquiescence, are to be accounted its rights, otherwise there never would be peace.

Though the right of conquest cannot be admitted in any civil society, because the admission of it would be the cause of perpetual robbery and murder; and would at once put an end to the society; though in such societies there is no necessity for admitting it, because if one man is deprived by another of his right, the magistrate can restore it; yet, in the case of nations at war, this right must be admitted, because there is a necessity for admitting it, there being no third party, like a magistrate, who has a right and power to command the injurers to repair the injuries they have done; and because, without admitting this right, hostilities would be perpetual. It is not justice, which creates the right of conquest, but necessity; and as necessity urges the vanity of this right, it has been, and, for the sake of mankind, for the prevention of the perpetual effusion of human blood, it ever must be admitted as

valid

valid. Men are, in the case of one nation being conquered by another, left to choose the least of two evils, either to resist the conqueror, or to admit his right as valid. Wars must come; human nature makes it so; but if the right of the conqueror is not to be acknowledged, there is no hope of their coming to an end. Necessity, therefore, irresistible necessity, obliges mankind to recognize this right. We find, therefore, that the validity of this right has been admitted from the times we have any account of mankind. We find, that Melchizedek received tithes of all, and that Abraham permitted the men who accompanied him to receive a portion of the spoil, after the battle of the kings; and that Jacob, when dying, left to Joseph, a portion, which he *took from the Amorite with his sword and his bow*; in which cases, they used the right of conquerors. It will be said, that these good men used their right as conquerors only in so far as to indemnify themselves for the trouble and expence of necessary wars. I am disposed to think they used their right only so far; for good men will not, in the character of good men, use any advantage gained in war for any other purpose; they will never use it, at least, to injure their neighbours. But the above-mentioned facts are recorded in such a way as gives us to understand, that the right of conquerors to the spoil taken by them was then acknowledged as a valid right: And the history of our own country, and of all barbarous nations teaches us, that, during the times of barbarism, what is called the right of conquest, was universally considered as valid. I wish here not to be misunderstood. Though a custom unjust in itself, is less injurious, when it is universal, than it would be, were it local, because, mutual injuries in such a case are, upon the whole, in some measure, repaired by each other; yet I maintain, that the right of the conqueror entitles him only to indemnify himself and to provide for his own safety, not to injure another nation.

It is a very great error to suppose, that there was a remote period, when the inhabitants of this country were equal. There were always, so far as history goes, the inequalities of king and subject, of chieftain and follower or vassal. The Saxons and Normans brought with them the same distinctions. And as those distinctions had always an inequality of possession and property, corresponding to them, so both sorts of inequality must have arisen, partly from the right of primogeni-

ture, that universal right, which, in a certain degree, is founded in nature and the appointment of God; partly from unequal wisdom, strength, and probity, and the unequal dispensations of providence. These inequalities, therefore of fortune and rank, being, in so far, made by God, no human power could have prevented them. But they were rendered much greater by persons selling themselves and their children for slaves; a practice, which seems once to have prevailed in every part of the world. In Europe, war does not appear to have been the cause of greater inequalities amongst men, than would, by the above-mentioned causes, have taken place, though men had lived in perpetual peace; though it certainly has been the cause, why one nation, or family, has fallen, and another risen up in its room.

The conquest of England by the Normans has been objected as very injurious, by certain political writers, with a very philanthropic air, but with the very worst intentions. It gives the lie to a man's philanthropy, it argues malevolence, and dark design, when he uses all the powers of language to stir the sediments of malevolence, revenge, war, and misery. If any nation has a right to conquer another, the Normans certainly had as good a right to conquer the Saxons, as the Saxons had to conquer the Britons. The conquest by the former was in itself less injurious than that of the latter, and it was much more beneficial in its effects. Towards the end of the Saxon monarchy, there was no true liberty. The Norman conquest, "by regenerating the government," was the true, though remote, cause of all that liberty, which we now enjoy\*.

In wars begun about two thousand years ago, and carried on, with no great intervals of peace, for about twelve hundred, between different nations, and different tribes or families of the same nation, there must have been much injury committed. But those injuries were mutual, and, in a long course of years, as between the Scots and English, must nearly have balanced each other. This we know, that the people of those times composed their differences themselves according to the laws or maxims that then prevailed. They had a right to do it; we neither have a right to do it, nor can we do it; nor, had we both the right and power, ought we to do it by the laws of the present day. For no individual or nation

\* De Lolme on the Constitution of England, b. 1. c. 1, and 2.

tion ought to be judged by a *post factum* law; or, as the French express it, the laws ought not to have a retro-active effect. All causes whether public or private ought always to be tried by the existing laws, because they can be tried by no other: Nor ought any cause, which is equitably decided by those laws, to be again tried; otherwise, there would be no end of contention.

As it is a wholesome maxim, that every man be deemed innocent, before he can be proved guilty; so it is a maxim equally wholesome, that the present possessor of any subject be deemed the just possessor, before some other person can disprove the supposed right of the present possessor, and shew his own. But the doctrine of restitution has been taught with no oblique reference to the Norman conquest and other wars in ancient times. If any man has himself suffered injury, let him shew it, and the law will repair the injury. If any man complain, that some of his ancestors may have been injured in remote periods, let him trace up the chain of his ancestors to Adam; let him shew, that some of his ancestors have been injured; but that none of them have ever been injurious; let him shew, that between his ancestors and their contemporaries, during a course of two thousand years or more, there has not been a retaliation of injuries; and that the injuries received by both parties have not by retaliation, and other means, been balanced. All this he is bound to shew, before he can shew, that he has a claim to reparation for those supposed injuries, which he has received through his ancestors.

As every inch of the island has been several times conquered, if a restitution of lands is to be made, it must be made to the first proprietors; and they can no where be found. If a restitution of lands is to be made, for the same reason, a restitution must be made of the whole produce of the land; that is, a restitution of the money and goods of the farmer, of the cities and houses through the kingdom, of the riches of the merchant and manufacturer, in so far as it can be proved, that those subjects or riches have either immediately or remotely, either in a direct or indirect way, flowed from the soil, which is the support of all. But as the original proprietors of land can never be found, nor their descendants known; as the measure in which any man may be entitled to a compensation in consequence of his ancestors being injured in a remote period cannot be ascertained, as the restitution of lands



supposed to be unjustly possessed; *i. e.* all the lands in the kingdom (for all have been several times conquered) involve in it, so far, the restitution of all property that may have, in any way, arisen from them; in short, as there is a veil of impenetrable darkness, that covers past injuries, and past reparation of injuries; if restitution is to be at all made, it must be made by what men would consider as very injurious, by collecting all the property of every kind, in the country, into one common heap, that an equal distribution of all may be made amongst all. But as this would be injurious, so, as has been already shewn, it would be impracticable. The attempt to do it, would be fruitful in nothing but mischief.

Such an attempt would breed the greatest animosities and deep-rooted enmities amongst friends and neighbours. It would produce the greatest dissensions and tumults; it would prove the cause of blood-shed on such occasions, and of executions afterwards. It might, as at Rome, be the cause of such faction, as would terminate in slavery; or it might be as open to invasion, and subject us to a foreign power; which would terminate our domestic quarrels by seizing the property both of poor and rich. A similar contention between the Britons, who inhabited the southern part of the island, and that of the northern, was the cause why the former invited the Saxons to assist them against the latter. The Saxons, indeed, assisted them; but when they had driven away their enemies, they seized the country, and the property in it, for themselves. Few conquests have been more dreadful, in any respect, than the Saxon conquest of this country. It is supposed that they either put to death, enslaved, or wholly exterminated, the inhabitants\*. The maxim and practice of the Romans was "divide and rule." By dividing the Greeks, they were able to subdue that people, who, when united, could bid defiance to all the great force of the Persian king. William the conqueror led his brave and warlike troops to the coast of France, opposite to England, and shewing them the land, which should be theirs, if they won it by their valour, fired them at once with the love of glory and with ambition. The desires of men are ever the same; and certainly the country, so enriched and so improved, with all its trade and

\* Hume's History of England. Goldsmith's do.

† Goldsmith's History of Greece.

all its insular advantages, is of all countries in the world, the most tempting prize to a foreign power.

Upon the whole, when such observations, as the above, are considered with seriousness and attention, no poor man, if honest, will be disposed to claim any property, which he cannot prove a right to; nor any rich man, disposed to grant such claims, before seeing the justice of them.

R. T.

## LETTER XIV.

### *Fruits of Equality supposed to be Established.*

#### COUNTRYMEN,

IT must be very plain to persons of reflexion, that the establishment of equality, even in those things, which are exterior to men, is impossible. But, suppose, that those things of a natural and moral kind, which render such an establishment impossible, were removed, and that men were not only made equal, but rendered permanently such, the establishment of equality would be productive of the most pernicious effects.

1. It would suppress the desire of distinction; for there can be no gratification of this desire, where no distinction is allowed.

But as men are destined to be unequal, the desire of distinction corresponds to their destination. This desire, like all others, considered simply as a part of our nature, is neither virtuous nor vicious, but indifferent. It is the objects to which it is directed, and the way and measure, in which it is indulged, that characterize it. To desire distinction for personal good qualities is virtuous in itself, and the symptom of an improving nature. To desire distinction in external things, such as fortune and reputation, if it be neither excessive, nor excite to wrong methods to obtain it, is not only innocent, but productive of wise and virtuous conduct; for, generally speaking, excellence in all departments, as well as superior fortune, reputation, and honour, cannot be otherwise acquired. The petty frauds of scholars, statesmen, soldiers, merchants, and of men in all the different employments in life, are commonly detected;

detected; and then the means used to procure distinction defeat the end. The just desire, therefore, of distinction, not only tends to increase the wealth and reputation, but to improve the character and happiness of men.

It has been said, that were men equal in their circumstances and rank, they would seek distinction in personal excellence only. During the short time, that the agrarian law, in Rome, for limiting the size of estates to five hundred acres, was observed, the Patricians aimed at being distinguished from the Plebeians by their virtues and manners. Their aim was laudable; but perhaps their motive was rather pique and a just sense of their rank, than a desire of distinction for what was excellent in their conduct and behaviour. Neither was there, by any means, an equality at Rome, during the observance of this law. There still remained, not only the distinctions of Patrician and Plebeian, but a great disparity of fortune. But were all men equal as to riches and rank, and no possibility of becoming unequal, they would probably neglect the distinction of personal excellence, as much as those distinctions, which are produced by things, that are external to them. There being nothing but equality in all sensible things, they would probably have little desire of inequality in things that are intellectual and moral; especially, if we take into consideration that ignorance, which would follow the establishment of equality, and which would render men in a great measure incapable of discerning and valuing personal good qualities. And to place distinction on account of intellectual and moral excellence before persons stupid for want of information, as an object of desire, would be to call pearls before swine.

But granting the truth of the observation in its full extent, there is no reason, why we should equalize men in order to turn the desire of distinction to its most laudable object, the desire of personal excellence; for this effect is already produced amongst us in as great a degree, as it could be in a state of the greatest equality with regard to riches and honour. Probably it is produced in a much higher. For in all ranks, personal excellence will give eminence to those who are possessed of it, and, in most cases, place them, if in the humbler stations of life, by the respectability and influence, which it gives them, on a level with those, who are in the higher.

“ But even the desire of fame, or of distinction on account  
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of good intellectual and moral qualities," it has been said by a writer, who plead for the system of equality, "may be lost in the strong desire of benefiting mankind, absorbed by a high degree" of benevolence or "philanthropy".

Men have no merit in being benevolent to a certain degree; for they are so by their very nature, without culture and without effort. But they are also actuated by self-love in so high a degree, that all their actions have been, by some, though erroneously, traced up to this principle as their proper source. In the human constitution, the regard, which men have for themselves, bears a certain proportion to that, which they have for others. In this constitution, their regard for themselves must be greater than their regard for others, because men are a charge, and must be the constant objects of attention, to themselves, which they would not be, were their affection for themselves no greater than their affection for their fellow-creatures. I would here be understood to speak of the regard, which men have for their own species, in general, not of those particular friendships and connections, in which regard for a man's self is lost in his regard for others; in which all the selfish affections are extinguished by the social; in which a person seems to live and act only for the sake of those, who are dear to him; in which all that men commonly desire for themselves, is valued only as it contributes to their happiness. Self-love, however, in a certain just degree, does not, by any means, exclude, from the heart, regard for others, but, in its consequences, rather gives scope to the exercise of it; just as a man, who is attentive to his own affairs, has a greater power of doing good to others, than he who neglects them. But to supersede the due regard, which men have for themselves, by giving an excessive and disproportionate prevalence to that which they have for others, is just as impossible as it is to alter the proportion, which the different parts of the body bear to each other; and, though possible, it would probably be such an innovation in the constitution of the human mind, as would be productive of nothing but misery. At any rate, such is the present frame and condition of men, that any institutions for suppressing, or regulating, the regard, which men have for themselves, and giving a disproportionate strength to the social affections, would be productive of the worst consequences. It is not so much culture, as nature, which makes us benevolent; and as

no culture can make us really more benevolent, than we ought to be, in a consistency with that regard, which is due to ourselves, so any political institutions, which should require the expressions of benevolence in such a degree, would be, in a great measure, fruitless, or productive only of evil.

The desire of distinction for things, that are neither immoral, nor unworthy of attention, and in a certain degree proportioned to our other affections and the value of those things, in which men seek distinction, is a natural, just, useful, and laudable principle of action, and productive of the happiest effects; and it is vain to attempt to confine it to the desire of distinction for personal good qualities, or to supersede the exercise of it by giving an unnatural, and undue strength to the affection of benevolence. This desire, which is productive of so many beneficial effects both to the individual and to society, has full scope amidst that inequality, which now prevails in this country; but to establish equality, would be, in a great measure, to suppress this desire, and of course would be attended by much loss and mischief. The amputation of a limb, or the distortion of the body, is just as likely to produce happiness, as the partial suppression of this desire, when it is just, and in its just degree, or the total absorption of it by good-will to mankind, "or philanthropy".

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\* The most benevolent men are generally the happiest; for benevolence is pleasant; and as piety is a species of benevolence, a high degree of it conduces much to our present happiness, independent of all future considerations. An excess of benevolence is very rare; but if the end of this affection were to become general, it would not contribute to human happiness, because it would in proportion to its excess, lead men to neglect their own interest, and attend to that of others; which they do not understand so well as the persons themselves, nor be profited to take care of it. It is, therefore, a mark of the divine wisdom in the moral constitution of man, that men in general should have a greater regard for their own interest and happiness, than the rest of others. I would not be here understood as saying any thing against a very high degree of benevolence, which is a very great excellence in the character, and a certain source of pleasure, but against that chimerical, that impossible degree of it, which, if it could be produced, would be excessive, and detrimental.

Mr Godwin is of opinion, that the communication of what he calls truth may render men benevolent or philanthropic in this excessive degree, which he calls improvement; that this excessive degree of benevolence will dispose them to adopt his system of equal property with compulsion, but spontaneously, and to maintain it; that in this system

The establishment of equality would diminish industry. By this plan, the desire of distinction is suppressed, and commerce, all the means of acquiring and spending, and all accumulation, except for public purposes, are prohibited. The attention and industry of men, therefore, must be directed wholly to what is necessary for their subsistence, and, perhaps, in some degree, to their accommodation, if any accommodation worth notice, were to be expected in a state of equality. But it is not the desire of the necessaries, or even of the accommodations of life, which is the great spring of industry, but the desire of distinction. It is the desire of eminence, of those distinctions, that are created by superiority in riches, respect, influence and power, more than the desire of the necessaries and accommodations of life simply considered, which is the source of industry; and as, without industry, the earth affords little or nothing for the use

equal property, to do good will be the universal passion; that all sharing like abundance selfishness will vanish; that each will lose his individual existence in the thought of general good. Had a person of a sound understanding seen nothing but these passages of his writings, in which he touches this doctrine, he would probably have been disposed to call the world under Mr Godwin's system of equality, philanthropy, and happiness, "the paradise of fools;" and to imagine this author to be a well-meaning wrong-headed man; but should he afterwards read the immorality and irreligion of his writings; should he read what he afterwards says of the difficulty of restraining men from violence and massacre in the crisis of a revolution, which he affirms to be not far off; should he read the caution, which he gives the rich to make only a temperate resistance to the system of equal property for fear of massacre; and the apology, which he offers for the massacre which would attend such a revolution, by the happiness, which he says, would arise from equality of property and a degree of benevolence sufficient to maintain it, after it is established; should, I say, a person read these doctrines and such as these, which are diffused through his book, he will be disposed to think him, worse than wrongheaded.

I here affirm in opposition to Mr Godwin, that the production of benevolence in the degree necessary for the peaceable introduction of equality of property is simply impossible, and that, could men by any sort of nature, be rendered so benevolent, it would be detrimental to their happiness. And this, I flatter myself, is already sufficiently evident from what has been said. If we really intend to promote the happiness of men, it would be our wisdom either to suffer them to be what God in the course of nature makes them, or, if we are to augment their happiness by improving their nature, that we do not, by our pretended or wrong improvements, disproportion and disfigure that nature.

\* See Godwin's *Equity* towards the end.

† *Idem.*

use of man, so industry both of a bodily and mental kind, is the source, from which, under God, all our blessings flow. Establish equality, therefore, and you, in a great measure, dry up this source of subsistence, of riches, and of happiness. In the present state of things, men are stimulated to be industrious, not only for the necessaries, but for all the other things of life, that are desirable. Of course, the quantity of industry must be much greater than it would be in a state of equality. The establishment, therefore, of equality, would be the diminution of industry.

3. Another consequence of the establishment of equality would be the loss of the sciences and arts.

In a state of equality, there would be no great men to patronize the ingenious; and patronage draws forth talents which, without it, would be forever latent. There would be scarcely any need of knowledge of the sciences and skill in the arts, in a state of mankind, in which navigation, trade, the use of all machinery, and almost all inventions, must be prohibited, as the means of introducing inequality; in which there would scarcely be a private house better than a hut; in which the whole attention of men would be limited to the necessary cultivation of their fields and manufacture of things for their own use. Nay the sciences and arts as extending any farther than to amusement, must, by the supposition, be banished. It has often been observed, that skill in the arts is acquired by labour being so subdivided, that each may have his attention solely directed to one kind of it. But how soon would it be lost in a state, in which the minds of men, could they attend to them, would be turned to a thousand different objects. Thus, in a state of equality, the want of patronage, the necessary prohibition of the sciences and arts as the means of producing inequality, and the distraction of men's minds, would banish almost wholly, from society, both knowledge and art.

4. The establishment of equality would be attended by a corruption of morals and manners.

In proportion as industry would be lessened, sloth would prevail; and sloth is not only a vice in itself, but the cause of other vices. Under such an establishment, men would have no desire of external distinctions, because it could not be gratified; scarcely any desire of distinction of any sort; and consequently no desire to cultivate themselves and acquire those virtues, by the practice of which all distinctions are generally

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quired. And thus, through sloth and listlessness, the mind, the heart, the whole man would be neglected. Human nature would lie uncultivated, barren of those virtues and graces which now adorn it, and fruitful only in vice and rudeness\*.

5. Another consequence of the establishment of equality would be a diminution of the population and strength of the country.

As equality would diminish the industry of men, it would diminish their numbers; for, all other things being equal, their numbers are always in proportion to the means of subsistence, and the means of subsistence in proportion to their industry. As the established equality must be maintained, when they become so numerous, that there would not be a spot of ground for every family or man above twenty-one, the supernumeraries must be banished or sent out as colonies, as in ancient Greece; or the fruit of marriage must be suppressed, as in the island of Formosa; or children must be exposed, as in China; or the aged and infirm must be put to death, as in some other countries. In a country, where commerce and the arts are permitted, there is no necessity for having recourse to such barbarous and unnatural expedients; because, by the practice of the arts, the inhabitants may supply themselves with all the different products of the earth. Tyre was but a rock in the sea; yet, by commerce, the inhabitants were able to supply themselves

\* Both Godwin and Paine have asserted, that the present inequality of property is the cause of the frequency of executions in this country. The falshood of this assertion is shown by the confession of many of those unhappy men, who forfeit their lives by their crimes. Those men, with a dying breath, affirm, that it is their vices, which drag them to an untimely end.

Inequality of fortune, together with trade and manufacture, has a tendency to lessen the number of executions. For inequality stimulates industry, the commerce and manufacture of the country give men an opportunity of being industrious, and industry both preserves men from crime, and, by furnishing them with necessaries and conveniences, prevents all but the vicious from doing what is injurious to the property of others. In the reign of Henry the eight, there were about 2000 annually executed for robbery and theft; in that of Elizabeth, between three and four hundred; and at present perhaps there are not above forty†. These differences seem to have been produced by a difference of industry, and a difference of industry by a difference of opportunity of being industrious, i. e. by an increase of commerce and manufactures. But were it possible to introduce Mr Godwin's equality and plenty, men would be idle, idleness would produce vice, vice crimes, and crimes executions.

† Hume's History of England, vol. 5. Note (M M)



themselves with almost all those things, which any country produced. The same may, in a great measure, be said of Holland. The same is literally the fact with regard to all large trading towns, the soil of which produces nothing; and yet, in such towns, one may find all the different things, which the earth affords.

But if commerce is banished, and equality maintained by means, whether right, or wrong, must be used to prevent the increase of the people beyond what the fields, ill cultivated can support; and thus population would be hurt. Beside the mean, sordid, perurious way of living, which the people would be under a necessity of adopting, would probably produce diseases, and lessen their numbers. All the people would be literally savages, and savage nations are never populous.

The same causes nearly, that would diminish the number would diminish also the riches of the people, and, in the event, reduce them to abject poverty. And it is the riches and numbers of a nation, combined with its laws, customs, morals, and manners, that form its strength. The establishment of equality, therefore, would diminish both the riches and strength of the nation.

6. Another great evil, which would, in a certain degree follow the establishment of equality, is anarchy.

It has been said, that a subordination of rank is necessary to the support of a monarchy. It may be said with equal truth, that a certain degree of it is equally necessary to the support of all governments, not excepting even that of a family. For in all governments, the magistrate requires the sort of authority, which arises from superior riches and rank, as well as that, which is legal, in order to the execution of the laws. They are ignorant of men, who think, that they will submit to their equals. "There is, in all governments, *à la Hume*, a certain struggle between authority and liberty." But in governments, in which all should be equal, this struggle would be rebellion, licentiousness would succeed liberty, and anarchy rule. In time of war, common danger unites savages, they put themselves under the government of a leader; but, in peace, they have scarcely any sort of government. The reason is the great equality, that prevails amongst them, and, in the same situation, like causes will produce like effects.

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† Political Essays

‡ Essay on the History of Civil Society, by Dr Ferguson.

7. To crown the whole of what has been said, the establishment of equality would be the establishment of misery.

It would suppress almost wholly the desire of distinction, the gratification of which, as well as the effects of that gratification, affords pleasure. By diminishing industry, it would not only diminish the activity of men, which is in itself pleasing, but the means of subsistence and accommodation, and it would wholly destroy those of ornament. It would deprive men of that pleasure, which, in a certain degree, is now common to all in every rank, in this country, the pleasure, which arises from information or learning. By tending, in a great degree, to corrupt men's morals, it would tend as much to render them miserable; for corruption of morals is but another name for misery. It would be a constant cause of strife; for there would be no subordination. In short, the idleness, the poverty, the vice, ignorance, and rusticity, which it would produce, would all tend to misery.

Let us represent to ourselves all the shipping destroyed, except what is necessary for the defence of the island; all elegant buildings and even comfortable houses, except those which belong to the public, thrown down, and miserable cottages erected in their stead; all trade and manufacture stopped; all the intercourse of commerce broken off; and all the sociability, various improvement, and riches, which it produces, banished; the country divided into spots of ground, possessed by poor, ignorant, naked, dirty inhabitants; and we shall have some, though a faint, idea of the effects of equality. What is the difference between savages, who either want, or are ignorant of, the means of improvement, and a polished nation, who deprives itself of them? If there be any difference, it is in favour of the savages. To establish equality, therefore, supposing it possible, would be to sink ourselves into a state worse than the savage. Among savages, equality is, in a manner, accidental; amongst us, the laws would render it necessary. Savages may emerge from their present state; but we should be constantly detained in the condition of savages, till indignant nature, spurning the maxims of an absurd philosophy, and recollecting her own slavery, would break the chains of equality.

Better were it for fair Albion to be torn and mangled by some convulsion of nature, than subjected to the yoke of equality. When this system is established, her children must exchange their elegant abodes, and even their neat and comfortable

table dwellings for mean cottages or dirty hovels: The beauty of her daughters and the gracefulness of her sons, instead of being adorned with apparel, which, even in those of the lowest rank, is neat and clean, and which distinguishes them from those of the same rank in all other countries, must appear in the nudity of a savage, or in the sordid rags of a beggar. When equality is established, farewell to those noble and animating sentiments, by which the virtuous in the various ranks of life, aspire to riches, elegance, and distinction: Farewell to all those fond hopes, which the worthy and industrious entertain, of seeing their children succeed them in their virtues, and rising above them in point of wealth and respectability: All these hopes, which though frequently fallacious, yet give vigour and ardour to manhood in the pursuit of what is laudable, and support and comfort to life in its decline, must be abandoned; and the parent must confine his prospects to the seeing of one of his sons settled in a mean cottage, on a few acres of land, and the rest of his children turned abroad into the wide world to make room for him, that remains at home. Farewell then to fair Science, and all the arts that follow in her train. Farewell to rational and sound Theology, the gift of our heavenly benefactor, bestowed upon us indeed by revelation, but preserved, like his other gifts, by human care and prudence, directed and assisted by the Universal Spirit. Farewell to Philosophy, that beautiful maid, the daughter of Experience and Reason, the comfort, the joy, the pride of man. Farewell to all those virtues and graces, all those arts which compose the train of Philosophy and Theology. Farewell to all that fair and graceful troop, which is first followed by the wise and learned, and then by men of all ranks; till all the multitude acquire the air and manners of their celestial leaders, and appear themselves to think and speak and act, as if heaven-born. We have long been in a paradise, and, though far from being innocent, have been permitted to converse with celestial beings; but should equality be established, like our first parents, when leaving the garden of Eden, we must descend into a world, a second time cursed by the laws of equality; and assume in some measure the appearance and brutality of the beasts, with which it is stocked.

To conclude this letter, with the substance of what has been said, were it possible to establish equality, the establishment of it would extinguish, in every breast, that flame, which gives life and motion to all, which keeps every head and eve-

ry hand active, which gives riches and beauty to the country, and information, virtue, and happiness to the inhabitants; and we should sink into a lethargic listlessness, into the most profound ignorance and stupidity, into vice and anarchy, and into the extreme of poverty and misery. These are the baneful fruits that would hang on the tree of *Equality*!

R. T.

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L E T T E R X V.

*Reflexions on certain Approaches towards Equality.*

COUNTRYMEN,

**E** Quality in the gifts of nature is not to be expected. The only equality which some may vainly think it possible to establish, is equality in external things; such as riches, honour, and power. But if we take a review of those attempts which have been made towards some sorts of equality, we shall find reason, in addition to what has been said in former letters, to believe, that the latter sort of it is eventually as impossible, as the former.

In some savage nations, men are nearly equal in their circumstances, because they cannot be otherwise. The whole almost of their riches consist in the instruments of war, labour, fishing, and hunting; and in their miserable huts, furniture, and clothing. If they take any thing in war, it is equally divided. The women sow the corn in common, and all equally share in the produce of the soil. They have no herds nor flocks, little or no trade; nor do they understand the culture of the soil; else pasturage, commerce, and agriculture would soon render them unequal\*. They are equal in their circumstances, only because they are all equally poor. Yet they are not equal in all respects.

In all or most savage nations, there is the inequality of prince or chief and of subject or follower. They use also certain things as the marks of rank, which, in those rude nations, are equivalent to titles and ensigns of rank in nations that are polished. Personal qualities there give pre-eminence, because

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there

\* See Dr Ferguson's Essay on the History of Civil Society.

there is nothing else to do it; yet no person born in this country would prefer a savage to a civilized state of society, because, in such a state, merit is the chief cause of distinction; for even merit is valued chiefly, as it contributes to happiness.

Amongst the freemen of Sparta, equality of property was established by the efforts of Lycurgus, and preserved by his laws. But at the time that he established this sort of equality, the lucrative arts of commerce and manufacture which, in this country, are so copious sources of wealth, were little understood at Sparta; the lands were almost the only source of support; and, therefore, if a man wanted land, he had no means of supporting himself: But the lands were conquered from the Helots, who still lived amongst the Spartans: the possessors of land needed the assistance of those that had none, and were destitute, to defend them against the Helots; and those who had no land, and were destitute, but who were the most numerous party, insisted on a division of it: All these causes, none of which exist in this country, paved the way for a partition of landed property, which, after much struggle, was effected by Lycurgus.

Yet the inhabitants of the Spartan territory were more unequal than those of any other. There were there the odious, unjust, and cruel distinctions of Spartan and Helot. The Helots were the most abject and wretched of all slaves. At home, they suffered contempt and ignominy; and, both at home and abroad, they performed all labour for their masters, who were either idle, or employed in hunting, or military exercises: And when they became too numerous, they were hunted like wild beasts, and put to death, by the young Spartans. Upon one of these occasions, about two thousand of them were massacred. The Spartans performed these cruelties in the night, as if they had blushed to perpetrate them in the face of day. But what complicated the misery of the Helots was, that they were from generation to generation in the same condition. They wanted hope, that support of the wretched; for none of them could ever obtain liberty.

Even amongst the freemen of Sparta, there was no equality of political power, though there was an equality of property. There was the great inequality of two hereditary kings and their subjects. The whole of the Spartans were a most-hateful aristocracy to the Helots; and the senate was an aristocracy to all the rest of the Spartans. The power of the people

people, was only nominal. They were left out of all offices of the state. They had, indeed, their conventions or meetings of the people; but the senate, the members of which enjoyed their places for life, could either convene, or dismiss, them at its pleasure. The subject of deliberation was also proposed by the senate, while the people, denied the privilege of debating or discussing, could only reject or ratify with laconic decision. In the constitution of Sparta, there was a happy balance of power; but the people were only instruments in the hands of the wiser citizens. Personal liberty was also in great danger at Sparta, from the power of the Ephori, certain magistrates, who had a power of arresting and imprisoning all. In short, if we consider the liberty of discussing all political subjects, and canvassing all public business, in popular meetings, the liberty of the press, of petitioning the King and Parliament, the Habeas Corpus act, and the trial by jury, privileges enjoyed by all subjects in this kingdom, we shall find, that the people of this country, who have no vote in electing members of Parliament, have as much (if not more) political weight, than felt to the state of the people of Sparta. Thus, though there was an equality of property amongst the Spartans, there was no equality of power. The equality of property was maintained by a prohibition of trade. But when the Spartans joined with the other Greeks in the war against Persia, the riches acquired in the war put an end to this equality of property.

When Romulus founded Rome, his followers must have been nearly on a level; for they were all a sort of robbers or plunderers. He found it easy, therefore, to divide the territory equally, amongst them, by assigning to each two acres of land. But in the progress of their conquests, the Licinian law was enacted for limiting the size of estates to 500 acres, and afterwards some became enormously rich, and others extremely poor. In Rome there were also the distinctions of Patrician and Plebeian, even from the very beginning, when such distinctions were less natural than afterwards. The Patricians enjoyed all the honours, and filled all the offices of the state. The Plebeians were excluded from all honours and offices, and had only the name of power. Nature seems to have been twice inverted at Rome. At the commencement

† See Goldsmith's History of Greece for the above account of Spartan equality.

of the state, though every subject seems to have been equal to another as to riches, they were rendered unequal as to power and rank; and towards the decline of the republic, though there was the greatest diversity amongst them with regard to wealth, all distinctions of rank, honour, and power, except what was official, were abolished. The inversion of the order of nature in the first instance was, perhaps, a species of injustice; in the second, it was, without doubt, the occasion of political slavery.

It would have been happy for the Romans, if the distinctions, at first made by Romulus, whether then necessary, or not, had continued, when they certainly became necessary on account of the great inequality amongst the citizens, with regard to riches, which had taken place. But when these distinctions became most necessary, the people were prompted by their leaders, to insist, that they should be broken down. Their leaders effected their purpose; the distinctions were abolished; but, from that time, if we except the interests of rich and poor, there were no separate interests in the state, to balance each other; and a few leaders conducted the people to slavery. At Rome also there was the degrading inequality of freeman and slave. In this country, all are free and the inequalities amongst the subjects, with respect to honours and power, are in a certain proportion to property, that is, in such a proportion as to protect the private rights of all, that is, to maintain all the equality that can be permanent.

In the republic of Athens, the government being democratical, the people were equal as to the right of suffrage in their public assemblies; but as they were very unequal in point of riches, the equality of suffrage fitted them only to be the tools of rich demagogues; by which, as at Rome, factions were created, and the people several times deprived of their liberty. If they recovered it, when lost, (which was not the case at Rome) it was because the Athenian republic was much less extensive and powerful than the Roman; and of course, the power of their leaders, now become their tyrants, less fitted to keep them in slavery.

The Athenians were divided into four classes or ranks, according to their riches. The fourth or lowest rank consisting of those who paid no taxes, (at least directly) were excluded from all offices and magistracies; and, in this state also, there was the distinction of freeman and slave.

When the children of Israel were in Egypt, as they were slaves, they were probably nearly on a level with regard to riches. The greatest inequality amongst them was probably produced by superior age and the right of primogeniture. When they had come into the land of Canaan, it was divided equally amongst them; usury was prohibited; no man could become a slave; no man's property could be alienated forever; but, though alienated for a time, constantly returned to him at the year of Jubilee, when every servant became free, and every debtor was released from his debt. These laws had certainly a tendency to maintain equality of property amongst that people; and were, perhaps, all the laws, that could have been enacted for this purpose, without the greatest inconvenience; yet they proved ineffectual. By means of successions, legacies, a difference of conduct, and other causes, the greatest inequality with regard to riches took place. Nor were ever the Israelites equal to one another in point of rank and power. They had their "elders," their "princes," "the renowned of the congregation," who occupied a higher place, and enjoyed, both in war and peace, a greater power than others. Amongst that people, there was also the degrading inequality of slavery. They were permitted to make slaves of the Heathens. The Gibeonites, a whole nation, lived amongst them, like the Helots amongst the Spartans. To breathe the very air of this island, as if by enchantment, makes a slave free.

The primitive Christians burned with such zeal for the cause they had espoused, and glowed with such mutual affection, that, for that cause, and for the sake of one another, they were ready to sacrifice every worldly consideration. They assembled together for the purposes of instruction and devotion; they were persecuted on all sides, which both increased their zeal and their affection to each other; but whilst thus persecuted, chased from their homes, and eagerly engaged in promoting the common cause, many of the poor must have perished of hunger, had they not been supported by the rich. In this time of necessity, the rich, without any compulsion, without any precept human or divine, but merely from the impulse of zeal and affection, made, of the things which they possessed, a sort of community of goods, from which the wants of the necessitous were supplied. On this very extraordinary



ordinary occasion, they seemed to be moved only by one soul, and to be literally the members of the same body. *They were of one heart and one soul.* The consequence of this entire union of affection and sentiments is marked in scripture. *Neither said any of them, that ought of the things which he possessed was his own; but they had all things common.* Neither was there any amongst them that lacked: for as many as were possessors of lands or houses sold them, and brought the prices of the things that were sold, and laid them down at the Apostles feet: and distribution was made unto every man according as he had need. Here then we perceive a society living together in a state of equality with regard to riches. But the causes of this equality were so extraordinary as never to be expected to return. These people were under the miraculous influence of the Holy Ghost, and actuated by the warmest zeal, and affection for one another; and their equality was the natural result of their peculiar situation and feelings. And it is true, were men to be again placed in a similar situation, and to be inspired with similar affections, like effects would naturally be produced. But this equality or community of goods, like the causes of it, was only temporary. When the primitive Christians began to be less influenced by a miraculous power, when their danger in some measure ceased, when their zeal and mutual affection abated (all of which seem to have taken place as the cause of Christianity gained strength) they separated, and every man lived upon what was his own. Even whilst the equality of property, or rather the voluntary community of goods, lasted, there was no equality or confusion of rights. That every man had his own rights, i. e. a discretionary power to do what he pleased with his own, excepting injury, is plainly implied in Peter's words to Ananias; *Whiles it remained, was it (Ananias's possession) not thine own? and after it was sold, was it not thine own power?* Were it possible, that any man or set of men, by the diffusion of knowledge, or any sort of discipline or education, or any other means whatever, could place others in a situation the same with that of the primitive Christians, and give them opinions, affections, and dispositions the same with theirs, he might then establish equality of property or a community of goods; or to speak more accurately this equality would, as among these Christians, be the spontaneous growth of that state in which he might place them: it would rise, even though he used means to suppress it. But

as the placing of men in such a state is just simply impossible, no man possessed of any degree of reflexion will ever attempt it; and it is certainly doing the unwary a very ill office, to excite in their minds an expectation, which never can be gratified.

About the time of the reformation of religion in Germany, certain anabaptists sprung up, who were for establishing equality, and began to carry their wild scheme into execution; but they were repressed by the civil power.

In the time of Cromwell, the doctrine of equality was revived in England; a doctrine, which Cromwell himself cherished, "and employed successfully against both King and Parliament." The levellers of that time, a sort of fanatics, were for "abolishing royalty, setting aside nobility, introducing among the citizens an universal equality of property and power, and levelling men of all ranks. They disallowed all subordination, whatsoever, and declared, that they would have no other chaplain, king, or general, but Christ. They declared, that all men were equal; and all degrees and ranks should be levelled, and an exact partition of property established in the nation. This ferment spread through the army; and, as it was a doctrine well suited to the daring soldiery, it promised every day to become more dangerous and fatal. Several petitions were presented, urging the justice of a partition, and threatening vengeance in case of refusing redress." Cromwell's power was now threatened with an overthrow by a doctrine, by which it had been acquired. The army had become factious and mutinous to obtain equality. But Cromwell never preached this doctrine with an intention that his soldiers should practise it. He rode in amongst the mutineers with his red regiment, killed one or two of them with his own hand, hanged some on the spot, sent others prisoners to London, "and thus dissipated a faction no otherwise criminal than in following his example\*.

In France, while the *agitators* of that country were meditating the extinction of royalty and nobility, the subversion of government, and their own exaltation, the cry of equality was loudly vociferated amongst the people; but they never explained to them what that equality was to be. An obscure, indistinct image of some good under the name of Equality was held up to the people, who were blindly led to worship it

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\* Hume's and Godwin's histories of England.

more than ever they did the reliques of their most favourite saints. They knew not, that the devotion which they paid to Equality, was a prayer for destruction to themselves, for the downfall of all that was noble and venerable amongst them, and for the elevation of *Irrigion* and *Immorality*, *Avarice* and *Ar. Lian*, under the semblance of *Patriotism*, *Justice*, and *Security*.

It should seem, that, in France, men were loud in their praises of equality in proportion as they were conscious of their own detestable designs; which, indeed, is the way of pretenders in all countries; real patriotism, like real affection of a private kind, dealing little in show, and noise, and much in benefits. A nobleman, whose character is branded, assumed the name of Egalite, or Equality, as if he had been to be foremost in establishing it. A gentleman from this country, conversing with Danton, told him, that they could have no other equality in France than what they had in England, *less that should be the same to all*. Danton finding himself pressed by his arguments, and unable to answer them, put an end to the conversation by saying, "we must have equality." He was so far in the right. There was no other way of accomplishing their plan but by beginning it at least, with leveling royalty and nobility. But they have not yet completed their design: or they have changed their minds, and left off where they began. Even Paine's Equality is now hissed by them. Their plain dress is exchanged for foppery; their simplicity for luxury; and, instead of the inequality of one king, they have that of five directors. But to support the system of Inequality new modelled, they have legally adopted that part of equality, which has been long established and maintained in England, and made the laws, on paper at least, equal to all.

It is evident from what has been said in this letter, that the different attempts made to establish equality, that have been mentioned, have in the end, proved abortive. This review of equality, therefore, as established, or attempted to be established, in different ages and parts of the world, serves to confirm us in the belief of what was shewn in former letters, that in all situations where men may become unequal, equality is unnatural, and, in the event, impossible.

It is curious to observe the different reasons which levelers at different periods have assigned for their attempts to introduce

duce equality. "The saints," said those in Cromwell's time, "were the salt of the earth: An entire parity had place among the elect: And, by the same rule, that the apolles were exalted from the most ignoble professions, the meanest sentinel, enlightened by the Spirit, was entitled to equal regard with the greatest commander\*." Mr Paine traces the rights of man to what he calls their source, and argues, that men are equal, because Adam was just a "male" and Eve, just a "female†" Mr Godwin contends that men have a right to be equal, because they have "no rights;" from which another would argue, that, in that case, tho' they should be unequal, they can suffer no wrongs. The error and absurdity of men change the nature neither of truth nor of things. Men become unequal like the trees of the forest; and history, experience, and reason teach us, that they cannot be made equal.

R. T.

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## LETTER XVI.

### *Of Nobility, and Titles of Honour.*

#### COUNTRYMEN,

THE tendency of a high degree of capacity and good disposition, carefully cultivated and properly applied, is to obtain distinction with regard to riches, power, honour, and all those eligible things of an external kind, in which men differ from each other. If a man who is thus distinguished, is succeeded by a son who is like him, and who pursues the same line of conduct, the son probably rises above the station of the father: The grandson, from the same causes, may rise higher: And thus a man that becomes eminent by his own abilities and merit, is frequently the founder of a great family. A family is like a river, which, though at its source, it may be a very small brook, receives, in its course, an accession of streams, till at last it become so great, that it awes with its force, pleases with its grandeur, and is valued for the fertility which it communicates to the neighbouring banks.

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\* Hunt's History of England, vol. 7. p. 109.    † Rights of Man, pt. 1. p. 22.

When a family has acquired its highest elevation, its dignity is supported, not only by the same means it has been obtained, talents and virtues, and by its fortune, but by that respect, which men of ingenuous minds naturally entertain for families that have been long distinguished. All men in all ages, unless their understandings have been somehow perverted, have discovered a disposition to value somethings merely for the sake of their antiquity; the universality of which disposition proves, that it is *not a prejudice*, but an *original propensity*, like any other in our nature. And we have a natural propensity, (not a prejudice, but a natural disposition or propensity) to respect ancient families, as such, in the same manner, that we are pleased with an ancient edifice, or an old oak, or as we venerate an old man. We cannot help transferring, in some degree, the worth or eminence of the father to the son, and in this, it must be confessed, we do not always err; for very frequently the son is found to bear a strong resemblance to the father, not only in his appearance, but in the qualities of his mind and heart. Those who have turned their attention to this subject, have observed, that the qualities of a progenitor may be seen to descend from father to son through many generations. And this probably has led some to think, that great families have something in their nature different from that of the lower ranks; as they are apt to imagine, that those qualities which raised the family, still remain in it, though in a dormant state, and require only proper occasions to draw them forth. But the rise or fall of families does not depend on their merit or demerit only, but on a variety of other causes all of which are directed by that Almighty Being, who assigns to every family and individual their lot of wealth and honour, or of poverty and disgrace. *Many, saith Solomon, who, during a reign of about seventy years, had great opportunity of observing the fortunes of men, many seek the rulers favour; but every man's judgment cometh from the Lord.*

When we regard and honour a son for his father's worth, we, in this, imitate that just and good Being, who *showeth mercy to thousands of them that love him, and, keep his commandments*; that is, favour to thousands of the descendants of those who are pious and virtuous: And though no man ought to be neglected, despised, or hated, for the obscurity, or even crimes of his parents or other ancestors; yet we conceive it to be a proper expression of our esteem and regard for worthy men

when we signify a partiality for their offspring, prior even to the knowledge of what they may be. The excellence, therefore, of one man succeeded, in the same family, by men of similar characters, is the natural cause of a family's becoming great: And though, when a family has arrived at the summit of its greatness, there should sometimes be a stagnation of those virtues which first distinguished the ancestors of it, as there may be no occasion for the exercise of them; yet, not only its fortune, but the natural disposition of men to respect antiquity, and their just partiality to the descendants of worthy men, contribute to its support. And, indeed, this partiality to the offspring of great and good men is not only extremely natural to men of probity, but highly political: For, if we except the considerations of future rewards and punishments, we shall not find a greater preservative from base and injurious actions, nor a greater incentive to actions that are noble and beneficial to mankind, than the persuasion which a parent may reasonably entertain, that his children or other descendants may, in some way and measure, be rewarded or punished by others, according to his deserts. In short, the greatness of individuals is a natural, though not a necessary, consequence of distinguished talents and virtues; the greatness of families is most frequently the effect of the talents and virtues of several of its progenitors: In all ages past, the honours of the parent, in a certain degree, have been derived; and, in all future ages, they will be derived, upon the son. This is the providence of an infinitely wise and good Being, acting on the instinctive principles of our nature, and, in order to encourage virtue, extending the benefit of good desert to the posterity of good men.

But families, like nations and individuals, have their rise and fall. A great family, like the sun, may be seen in history, to have its rise, its meridian height, and its decline. For a while, like a tower, it has been proudly eminent, and then has sunk into a humble cottage. Such changes, though commonly lamented, and always grievous to individuals, are yet happy for mankind. They tell the great in very moving language, *that riches are not forever, and that the crown endureth not unto all generations*; but that those virtues, by which their greatness has been acquired, are still necessary to its support; whilst, at the same time, they cherish nascent virtue, and promote its growth. By such changes, there is a circulation

lation of riches, honour, and power, according to a scheme, which, if we saw the whole of it, would probably shew us, that, these temporal considerations are distributed amongst mankind, considering them as composed of many different families, with greater equality than we commonly imagine; that there is not a family, which, though at one time obscure, has not, at another, shone; or which is not destined in some future period, to experience such vicissitude. And if we consider, that this very probable circulation of these temporal blessings, in a greater or less degree, through all families, in an indefinite space of time, is produced by the great Governor of the world, not in a partial or arbitrary way, but for wise purposes, and generally according to the merit or demerit of families and individuals, we shall not be disposed, in case we want them, to murmur against providence, and say *the Lord's ways are not equal*, or to envy those who possess them; but to submit to the hand of God, and betake ourselves to that course of life, which he has appointed as the means, on our part, by which they are to be obtained.

But, in whatever manner greatness may be acquired, and however long it may last, there are always among mankind certain powerful individuals; and as the power of such men is never so dangerous as when the bounds of it are not ascertained\*, it has been the policy of nations, in which there has been any degree of liberty, to fix the limits of it by law. But, by thus limiting it, you make them a distinct order in the state; and when you give a name to this order, you give them a title, whatever that name be; thus the names of Patricians at Rome; of elders, princes, and chiefs of the fathers among the Israelites; as well as that of Lords in this country, were titles or general names of men of great power and high rank †.

A Baron or Lord was anciently a nobleman, who held lands of the King. Over the tenants under him, he had  
military

\* De Lolme, p. 491.

† In order to ridicule titles, it has been said; "no man among the Romans would have said, *my Lord Pompey, or my Lord Caesar.*" Nor would they have said *Sir* to Brutus or Cassius in speaking to them, or *Mrs* when speaking of the greatest lady in Rome; and yet by the courtesy of this country, these modes of speech are allowed to be used of every body. The truth is, we are more courteous or polite than either the Greeks or Romans were. And yet "*Caesar and Brutus, the Patricians,*" was as great a diminution as "*my Lord.*"

military command and a civil jurisdiction. These were his rights. He was obliged to assist the King in his wars, in the administration of justice, in levying subsidies, in all the national councils; and to perform certain other services. These were his duties. The vassals or tenants of the Lords stood in the same relation to them, in which they stood to the King. The duties and rights of both sorts of vassals were the same. The feudal governments were on the plan of an army. The King was the commander in chief, and the nobility were the officers. The lands which they held, were their pay; and the services they performed in war and peace were their duty\*. The titles of alderman or elderman, earl, and count, were synonymous terms, and signified a nobleman, who, besides his barony, had the civil government of a shire or county in the manner of sheriffs; and, perhaps, also the military command of the freemen of the county. A marquis was a nobleman whose office it was to guard the marches. In France, a Duke was a nobleman, who had an authority over two or three counts; but in this country, the title of Duke, as well as that of viscount, served only to denote a certain degree of nobility. A Knight was a tenant of the crown, who served in the wars, and assisted the King in all public affairs, where his assistance was due and required. Honours and offices were formerly convertible or synonymous terms; and to have called a man an Earl, Lord, or Knight, was only calling him by the proper name of his office; as if one had said general, colonel, or judge such a one †.

Through the changes for the better, that have taken place, the nobility, like the commons, are freed from the burden of feudal services, and have lost some of their offices and rights. The barons have lost their civil jurisdiction within their baronies, and the military command of their tenants; and the earls theirs over the counties. But what they have lost, the people have gained. Their loss has contributed much to the tranquility and security of the people, and to the steadiness of the government. The lesser barons have lost the right of being each a member of the national council or parliament. Instead of this, they send representatives to it; and their representatives, together with those of the towns and burghs,

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\* See Dr Robertson's History of Scotland, b. 1.

† See Blackstone's Commentaries, b. 1. p. 397. Montesquieu's Spirit of Laws, b. 20.



now compose a third branch of the legislature, the House of Commons, which is a check on the Crown and nobility, and a defence to the rights of the people. Still however the titles of the different degrees of nobility are the names of offices. For the nobility themselves are still an essential part of the state; and discharge the most important offices of legislators and judges, in such a way, as not only to maintain their own rights, and the prerogative of the Crown, but also the rights of the rest of the subjects.

It is of no consequence what name is given to this order of men. If we consult the welfare of the nation, they must still continue a distinct order: If they continue a distinct order, that order must have a name; and that name will be their title. Whatever ridicule, therefore, Mr Paine or any other may vainly attempt to throw upon titles, it is evident that there is nothing more ridiculous in the use of them than in giving to any man the name of his office or employment; or than in calling Mr Paine by his proper name, which all will allow may be well enough applied to him, though it might be a "nick-name" to another. Nay, whilst that honourable and useful order of men, our nobility, continues a distinct order in the state, it is as impossible to avoid using titles, as to avoid using the name of any office or employment whatever, when we speak of it. And though the office of the nobility be now the same with what it was formerly; yet to call them by their former names is just the same with calling a man John or Thomas both in his childhood and manhood, though the same individual differs very much from himself in these two periods. Words very often occasion much disputation; and amongst those, who admit the necessity and use of nobility in this nation, all disputes about titles must be merely disputes about words. If we admit, that the nobility are a useful order in the state, we cannot condemn the use of titles, which are neither more, nor less, than the names of that order.

As to the appellations or terms of address "my Lord" and "Sir," the former is an expression of respect to a dignified person, the latter is the same to a person of respectability. These expressions of respect are justified by usages in scripture and never condemned by it. On the contrary, we find in scripture nobility itself justified by God, who appointed in right of the first born, a certain sort of superiority; and who expressly commanded the Israelites, that *with them there should*

*As a man of every tribe, every one chief of the house of his fathers.* Josephus says, that that people were first governed by an aristocracy; which was certainly true, if we abstract the theocracy, and consider only the human part of their government. Nothing is more evident from scripture, than that there were amongst them an aristocracy or nobility of different degrees, who seem to have had the same weight in their government which nobility in general have had in most other governments. It is impossible but there must be distinctions, or different degrees or ranks amongst men. Providence, as well as men themselves, who are but instruments in the hands of providence, is constantly employed either in creating or preserving such distinctions or degrees: And to express, in words and every other proper way, that respect which is due to men of superior station, is what simple nature, unless corrupted, prompts us to; what is decent in itself; what conduces to order, good government, and happiness; and what the law of God expressly requires.

As to that torrent of illiberal and abusive language, which Mr Paine discharges against nobility, though it were true of any of them, this would be a fault in their characters, but no objection against the order, any more than the errors and falsehood of some men are an objection against mankind, who are generally lovers of truth. Whatever may be the faults of any individuals amongst the nobility, the order itself is necessary for the welfare of the state: For such powerful men, whether with or without titles, always spring up in all societies; when their power is unlimited, it is dangerous; when limited by the laws, as in this country, it is highly useful; their ambition is gratified, and the whole community benefited. But the very limiting of their power in such a manner, that it may be useful to the rest of the people, and yet enable them to maintain their rights, is the erecting of them into a separate order; and the names of the different degrees in this separate order are their titles.

But Mr Paine's invectives against nobility is as false as it is scurrilous. The titles of a man does not surely change his nature. He may, for any thing we know, become a nobleman, and still be a man. If the nobility have their foibles, so have the commons of all ranks. Every station of life has its own temptations; and though a vicious man of rank and fortune were stripped of his title, it is not likely, that his

character would be much mended by it. The very consciousness of his honours must be a check on him, without which he would be worse than he is. For titles serve, not only to improve the characters of men by exciting them to that meritorious conduct by which they are obtained; but to preserve an excellent character, when acquired, or to maintain an unblemished one, by inspiring those who enjoy titles with a sense of their own dignity. Is it not likely that a rich commoner either in our towns or in the country, may be as vicious as the greatest nobleman?

It is not to be expected, that men will excell in things, to which it is not their business to apply. The business of our noblemen is not to be merchants, navigators, manufacturers, or artists of any kind. This would, perhaps, be out of character; and it might lead them to be monopolizers; which the rest of the community would be apt to consider as injurious to them. How can it be expected then, that noblemen, except by accident, should be inventors in any of the arts which belong to the mercantile or mechanical professions? Their chief business, I may say, the business of their profession, is to defend the country from foreigners; to maintain their own rights, and those of their inferiors; to preserve the constitution and laws from corruption, and to improve both when necessary; and, in a word, to take a part in the whole of the national business. And in all these things, they have distinguished themselves; of which truth the constitution, and the security and prosperity of the country at this moment, are witnesses. Even the sciences, and the arts, (excellence in which depends on a knowledge of the sciences) are much indebted to certain noblemen. Lord Bacon so reformed philosophy, that it is chiefly owing to his instructions, we have since made such discoveries in the sciences, and so great improvements in the arts: Lord Napier had the honour of being the inventor of the Logarithms: And whilst the world stands, it is probable, that the names of a Bacon and a Napier will not be forgotten. In short, it is but candid to acknowledge, that, amongst the nobility, one may always find a proportional number of men as much distinguished from ordinary men by their abilities and other good qualities, as they are distinguished from the commons by their honours.

Judge Blackstone wrote at a time, when no disputes of party kind could influence him to say any thing of nobility; but

but what he conceived to be just; and this circumstance, as well as his great character, should lead us to hearken to him with attention.

“The distinction of rank and honours,” says he, “is necessary in every well-governed state: in order to reward such as are eminent for their services to the public, in a manner the most desirable to individuals, and yet without burden to the community; exciting thereby an ambitious yet laudable ardour, and generous emulation in others. And emulation, or virtuous ambition, is a spring of action which, however dangerous in a mere republic, or under a despotic sway, will certainly be attended with good effects under a free monarchy; where, without destroying its existence, its excesses may be continually restrained by that superior power, from which all honour is derived. Such a spirit, when nationally diffused, gives life and vigour to the community; it sets all the wheels of government in motion, which, under a wise regulator, may be directed to any beneficial purpose; and thereby every individual may be made subservient to the public good, while he principally intends to promote his own particular views. A body of nobility is also peculiarly necessary in our mixed and compounded constitution, in order to support the rights of both the crown and the people, by forming a barrier to withstand the encroachments of both. It creates and preserves that gradual scale of dignity, which proceeds from the peasant to the prince; rising like a pyramid from a broad foundation, and diminishing to a point as it rises. It is this ascending and contracting proportion that adds stability to any government; for when the departure is sudden from one extreme to another, we may pronounce the state to be precarious. The nobility, therefore, are the pillars, which are reared from among the people, more immediately to support the throne; and if that falls, they must also be buried under its ruins. Accordingly, when in the last century, the commons had determined to extirpate monarchy, they also voted the house of lords to be useless and dangerous. And since titles of nobility are thus expedient in the state, it is also expedient that their owners should form a separate and independent branch of the legislature. If they were confounded with the mass of the people, and like them had only a vote in electing representatives, their privileges would soon be borne down and overwhelmed by the popular torrent, which would **effectually**

effectually level all distinctions. It is therefore highly necessary, that the body of nobles should have a distinct assembly, distinct deliberations, and distinct powers from the commons.

R. T.

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## LETTER XVII.

*Consequences of the Extinction of the Honours of the Nobility, of rendering them personal only.*

COUNTRYMEN,

**I**F the honours of the nobility were extinguished, or the order abolished, a necessary consequence of this would be the extinction of kingly power; which, under proper regulations, is the surest protection of the people.

In kingly governments, the king and the nobility are so mutually dependent, that, in all such governments, it is a maxim, "no king no nobility, no nobility no king." The nobility derive from, and communicate to the throne, a lustre; and as they owe their existence to the king, so they are his immediate support. Their natural place is between the king and the people; and there they connect both. Their fortunes, rank, and honours, connect them with the king; and their interest, alliance, and friendship, connect them with the people. They are, therefore, a sort of mediators, who are well fitted to transact, between them, the business that concerns both. A king deprived of his nobility, might, for some time, occupy an exalted, splendid, and useful station; but familiarity would at last lessen that awful respect, which the people would at first entertain for him; and if he had not power to render himself despotic, he would either be deposed or sink into the humble station of the president of a republic. Whether the respect paid to the late king of France, by the National Assembly, was real or only feigned, when he appeared in that assembly, unsupported by his nobility, retaining, indeed, the name, but deprived of the dignity and power of a king, he was like "the sun shorn of his beams." He wanted both the splendor and power necessary to royalty; and

both his deposition and death were the natural consequences of the entire annihilation of the honours of the nobility. The scene of his appearance must have been an awkward, because an unnatural one. It must not only have been painful and humiliating to himself, but painful to such of the assembly as retained the sentiments of a liberal and ingenuous mind. Had the French, instead of abolishing the order of the nobility, only deprived their nobles of all injurious and odious privileges; had they erected them into a separate house of legislation, like our house of Lords; had they conferred on them no power or privilege, but what was necessary either for the maintenance of their honours and private rights, or for the general good of the nation, France would have avoided her misfortunes, and been now happy. The nobility, as in Britain, would, for their own sake, have supported the just authority of the chief magistrate, from whom they should have derived their honours; and for their own sake as well as that of the people, they would have combined to confine his power within due bounds; and the exercise of a just power on the part of the King, would have introduced "the reign of the laws." But to run into extremes seems to be too much the character of that nation.

To return from this slight digression, as those oxen which Solomon planted round the brazen sea, that he made for the temple, were both its support and ornament, so a nobility are at once the support and ornament of the throne; and were they removed, it would fall of course. As the neck, shoulders, and arms, are the support and guard of the head of the natural body, so, in all nations such as France and Britain, a nobility are the support and defence of the head of the body politic. The extinction of nobility, therefore, would be the extinction of kingly government.

Another consequence of the extinction of this order would most probably be the erecting of a sort of representative democracy, if a government, in which the chief men would, in ordinary cases, be chosen, and have the sole direction of affairs, deserves that name. It is impossible to say, with certainty always, what form the government of any country may assume, when the people have shaken themselves loose from lawful authority; but the natural form of a government, where the people have extinguished royalty and nobility, is popular or democratic. In this country, therefore, as the extinction of

of nobility would be the extinction of royalty, so the extinction of royalty would most probably be followed by a government similar to that of the revolutionary government of France. The whole power of the state would be lodged in a body of men, the representatives, in name at least, of all ranks, except such parts of it as they should put in commission, by placing it in the hands of different officers civil and military, creatures of their own, who should yield obedience to them, and become the tools of their oppression.

It is to be observed, with regard to such a body of men, that they are wholly without any constitutional check or control whatever, either in enacting, interpreting, or executing the laws. The whole power of the state is supremely lodged in them; they are above all other powers; all other powers are responsible to them; but they are responsible to none. In short, in a representative government of this kind, the rulers have it in their power to do whatever they choose; if they should not choose to abuse their power, this might be owing to their wisdom, moderation, or some other cause besides the constitution, which has provided no check to it\*. Should the representatives of the people abuse their power, and the people complain, till those lay down their power on the expiration of it, or of their own accord, the people have only one way left to redress their grievances, rebellion; a mode of redress which is in the power of the subjects of Turkey. But if the commanders of the army and the deputies of the people understand each other, they may suppress all insurrections, they may lengthen the duration of their power, and render themselves absolute†.

Suppose, however, that instead of having one house of representatives, like the convention of France, the nation, after abolishing royalty and nobility, should choose to have a house of representatives and a senate, like the congress of America or the present legislature of France, this would, in effect, make but little alteration. The same party of men in the nation

\* The want of a check was the cause why Rob. spierre and his party could guillotine as many as they pleased. The fate of that tyrannical party served, instead of a constitutional check, to moderate the power of their successors.

† This is in some measure illustrated by the steps taken by the French Convention in forcing on the people the new constitution, and continuing the power of two-thirds of their number, that is, the power of the leaders.

that would fill the one house, would also fill the other. It would be the rich and powerful only that would do both. For let the government be changed, if possible, into ten thousand different forms, it will ever be found, that when the people settle after any insurrection, civil war, or revolution, such men will be uppermost. It is a great excellence in the British Constitution, that this party of great men is made a separate order in the state, by having honours and peculiar privileges assigned them. By this means, they have, with regard to these things, a separate interest in the state; the bounds of their power is clearly marked; and a certain jealousy between them and the commons created, which checks their power, and prevents them from leading the people, as in simple democracies and representative republics. Nor is there any other effectual way of preventing powerful demagogues from acquiring a real power that would be dangerous to liberty. Were the order of nobility, therefore, extinguished, their separate interest would be abolished; and the abolition of this separate interest would leave any great man or association of such men, to pursue their own individual interest, without the controul of a king or the check of commons; that is, it would leave them to create faction in the state, to engross all power, and, as at Rome and lately in France, to render themselves absolute. A King and the separate orders of Lords and Commons prevent all this in the government of this country, and give it a steadiness, which prevents it from running into tyranny on the one hand, or anarchy on the other. But were the honours and privileges of the nobility abolished, the whole government of the nation would fall into the hands of rich men of a certain description; and as they would have influence to fill all the houses of legislation, that should be erected, there would be little or no controul in one house over another. In a word, the abolition of our nobility would be attended with this effect, that the rich would rule all with no controul, if we had one house of representatives, and with very little or none, if we had two or more.

But this change in the constitution would be a very great change for the worse. It is true, that, in our present constitution, the rich are allowed more power, than the poor; and it is but just they should: For as a rich man has no more natural power to defend himself and maintain his rights, than a poor man, and much more to lose, it is right, that he should have



have more authority. As the natural power of the rich is less than that of the poor, the deficiency of natural power must be made up by a greater share of that which is adventitious, in order that every man may be able, and no more than able, to maintain his rights, and enjoy security. If we mean, therefore, by the constitution, to preserve to every man his property and all his other individual or absolute rights, we must allow to the rich a just constitutional power, greater than that of the poor, in addition to their natural power, in order that the effective and real power of the rich may balance that of the poor, and that neither class may be able to oppress the other. Just equality of power in such a state as ours, does not consist in each man's having as much power as another, but in the balance of power among the different parts of which it is composed. When these parts are duly balanced, every individual is safe, because the part, to which he belongs, has power to protect him. Thus, in our government, the powers of the Crown, of the Lords, and Commons, are so proportioned to each other, that each is secure against any illegal invasion of another; and, as the Crown, which executes the laws, is *independent in the execution of them*, all individual subjects in all ranks enjoy security. The commons are a check upon the Lords, and the Lords upon the Commons; and the Crown is a check upon both, and, in its turn, is checked by both. But were our legislature made to resemble the Convention of France, its present legislature, or the two houses of legislation of the American Congress, the mutual controul of its different constituent parts would be lost. Suppose, that, in the country, any popular humour or rage should so much influence the House of Commons, as to make them pass a bill, which they did not approve of, but which they might pass to gratify their constituents, the Lords, being independent of any constituents would most certainly oppose it in their house, if they saw, that the passing of it would be against the interest of the nation. Or if both Houses should resolve to pass such a bill; yet a negative might be put on their resolutions by the Crown. Such a case as this, however, has seldom happened since the constitution has acquired its full maturity, and probably will happen but seldom: For when both the Lords and Commons agree to pass any bill, it is to be presumed, that it will be for the interest of the Crown, as well as that of the nation; both of which interests, indeed, when rightly understood, will be found to be ultimately the same.

In France, whilst the Convention lasted, there was absolutely no legal check on it; and, in the American congress, both the senate and the president must be but a feeble check on the house of representatives. The same may be said of the mutual check of the council of 500 and that of the ancients in France. I mean not to find fault with the constitution of the United States of America; It was the best, perhaps, they were capable of receiving, after they had become independent; and, may answer them well enough, during the life of president Washington, and, in some way, so long as the circumstances and character of the people continue what they are, or rather, perhaps, what they were at its formation. What I would maintain is, that such a constitution will not answer in France, that it would not answer in this country, where there is so great inequality with regard to riches; where many are disposed to corrupt, and many more to be corrupted; where numbers being crowded together are easily rendered factious by those designing men, whose talents, wealth, and popularity, may qualify them to be leaders. By introducing such a government into this country, we should lose the check, which the different parts of our present government have on each other. If, in this government, that check has, at any time, been less than it ought to have been, the reason must have been, that we are governed by *men*; it must have been owing to the men employed in public affairs, and not to the constitution; which, by a proportionate distribution of power among the different constituent parts of the state, has provided as great a legal check, as can be provided by human wisdom.

But were we to abolish nobility, the abolition of nobility would be followed by the abolition of royalty, and the government would be changed into a representative one; which, whether simple or mixed, would either entirely want a check, or have one that would be very feeble.

There are some, who know and confess the use of titles and a nobility as great encitements to worthy actions, and as essentially necessary to the happiness of this nation, but who are for rendering the honours of the nobility the personal rewards of those who merited them, and not descendible to their heirs. These people probably mean well: Their intention seems to be to make honours always the reward of his merit, who enjoys them: But they do not seem to take into consideration,

deration, that such a change also would have a bad tendency, that as the extinction of the honours of the nobility would abolish royalty, so the rendering of them personal only, would extend the royal power beyond its due limits.

For, let us suppose, that, at an average, the number of titled men are 210, that each obtains his honours at the age of 40 (when his merit may have been tried and known) that each nobleman lives to the age of 70, and that each reign on an average is 30 years, then seven peers would at an average be created every year, 49 every septennial parliament, and the whole order renewed every king's reign. Now it is evident, that, if these peers were really men of merit, they would feel a strong inclination, from gratitude for their honours, to favour the Crown; for men of merit are generally the most grateful. Nay their gratitude might even blind their eyes, and render them, in a certain degree, not sensible of their own partiality. And thus the Crown might gain a degree of influence in a way, which, at present, is not practicable, and which would wear the appearance of virtue.

Besides, if those men, who should be raised to the peerage for their services, were only those rich men of merit, who could easily support the dignity of their new rank, men of merit of smaller fortunes might complain, that the greatest honours of the state were confined to men, whose fortunes should be ample, and that the rest, however deserving, were neglected. And, on the other hand, if the Crown, in order to prevent or remove this ground of complaint, should also confer those honours on the poor, or those in the middle ranks, it would be under a necessity of bestowing on them many pensions, that are now unnecessary (for poverty or meanness would bring these honours into contempt) and then there would be a complaint of the unnecessary waste of public money. Thus, in whatever way these honours should be bestowed, there would be occasion for complaint. It is much better, therefore, that titles should remain in their present state; that they should be descendible, but extinguishable; and that they should be conferred on men of merit, capable, in some degree, of supporting the dignity annexed to them. Men of merit of more slender fortunes can be rewarded in some other way more suitable to their real rank. Upon this plan, the honours of the state go in circulation: Few can receive too sudden an elevation, and none are depressed, who are not depressed either by their

own misconduct, or by causes, the operation of which no human institutions can prevent. Upon this plan, the meanest man of worth in the kingdom, if he enjoys health and reason, may enjoy the necessaries and many of the conveniencies of life, and even accumulate riches; he may see his children, if he bring them up virtuously, increasing his wealth and acquiring consideration; he may even see his virtuous grand-children wearing those honours, to which the virtue of the family has led them by easy and gentle steps.

But let no poor man ever indulge the fallacious expectation of acquiring riches, respectability, or honour, by revolutions, or in any other way, than the way of his duty. No wise man will look for *durable riches and honour* in any other way, and it is certain beyond all doubt, that there is no other way to happiness. In a change of government, it sometimes happens, that men of desperate fortunes, but of talents and enterprize, by pushing themselves forward, rise from poverty and obscurity to wealth and distinction. But if there be any in this country, who have expectations of raising themselves in this way, let them consider the great uncertainty and hazard of such attempts. A man who plunges into the dangers of a revolution, in order to make his fortune, is like one who lays out the whole of his stock on a ticket in a lottery, in which ten thousand blanks are drawn for one prize. But if such men blinded to their danger by intemperate desires, should, in order to gratify their avarice or ambition, resolve to involve their country in misery and bloodshed, and to corrupt or destroy its religious and civil institutions, crimes the greatest any mortal can commit, crimes greater than all others put together, let them consider, that they have to do, not with men only, who will revenge such injuries, but with an Almighty God, who, whether he operate secretly or by making bare his arm in the sight of all men, uniformly punishes atrocious guilt with misery. Let them call to remembrance those numberless ways, in which he can punish them, and render them miserable, though raised to the summit of power and grandeur. Let them consider, that he can send a worm to nip the flower of all their glory; that he can infuse into the cup of pleasure, the most bitter dregs, and oblige them to drink it off; that he can raise the most direful of all wars in their own consciences; that he can in every place fill their minds with terror and raise up spectres in their frightened imaginations. Let

them seriously think how easily he can cast a gloom over all nature to their eyes, and make even the most pleasing objects painful; that he can render them so miserable, that, in the morning, they shall say, *would God it were even; and in the evening would God it were more; for the fear of their heart whereunto they shall fear, and for the sight of their eyes, which they shall see; and that at last he can make them inexpressibly and forever wretched.*

It has been observed in a preceding part of this letter, that whatever form any government may assume, the rich, when things are settled in their natural order, will always have most power; that the deficiency of natural power in the rich ought to be made up by a proportionally greater quantity of that which is political; and that the powers of the different constituent parts of this state are so proportioned as to afford security to all. That the rich will ever be the most powerful, is a truth, which is proved by every day's experience, and may be illustrated by the history of the Roman state from its foundation to the time it lost its liberty.

At first, that state consisted of a king, patricians or lords, and plebeians or commons. Whilst it continued such, it resembled the government of Britain; and "such was the harmony of power, that there was no instance of jealousy during the first reigns\*;" a certain proof, that the people enjoyed liberty. But the patricians or nobility expelled their king, and took their power to themselves, without giving any share of it to the common people. They engrossed all the legislative and all the executive power. They allowed the people a vote, indeed, in most of their public deliberations; but they took care, that they should vote in such a manner as to do neither good nor ill; and, at the same time, they excluded them from all honours and offices. They frequently insulted them; nor would they ever suffer them to intermarry with them. The people resented these and other injuries. They found means to get themselves rendered eligible to all honours and offices, to marry into the patrician families, and to abolish all distinction between patrician and plebeian; but it was only the rich plebeians that were the better for these changes. It was these only that actually obtained honourable employments, and formed alliances with the patricians†. It was, at this period that the term *nobility* first came to be used by the Romans, and

\* Spirit of Laws, b. II. c. 12.—† De Lolme.

and signified those rich men, whether of patrician or plebeian families, who ruled the state. The rich, however descended, connected themselves with each other, and kept for themselves all places and employments that were honourable and lucrative. Little alteration took place in the situation of the poor, in consequence of these changes in the affairs of the state, except that they were occasionally made use of by the rich, as instruments to promote their designs; and, when they obtained the unjust and destructive power of voting individually in the assembly of the nation; a power, by which the poorest man had equal weight in voting with the richest, they then became very fit instruments for carrying on their designs. The rich demagogues bribed, entertained, and flattered them; and thus they formed factions in the state, and engaged it in those civil wars, which frequently drenched Rome in blood, and ended only in making both rich and poor slaves. But, in all this progress from a free to a despotic government, the rich had always the most power and frequently the whole of it. Indeed every man's own observation will prove to him this truth, that the tendency of great riches is to procure great power. And, where, as in our government, the power of the rich is limited by the laws, and neither exorbitant nor oppressive, it is but candid to acknowledge, that its being superior to that of the poor is but just and according to the order of nature, because necessary for their security.

If, in this country, any man is desirous of encreasing his power, let him, by all honest and virtuous methods, encrease his riches. This is a just method of encreasing it, and a sure one: For power, in a certain degree, always follows property, whether a man be in office or out of it. And surely no man in this country has any just cause of complaint with regard to the smallness of his power, if that power, however small, be in proportion to his station; for here every man is free. And though very few can be in office, and few have any immediate power in the government; yet every man has a certain remote and mediate influence. By means of the press, every man has it in his power, in the course of eight days, to express his sentiments with regard to all public affairs, to every man in the kingdom; and the just sentiments of the nation ever have influenced, ever ought to influence, and,

whilst we continue free, ever will influence, its government. Or suppose a person, by his education, incapable himself of forming just sentiments of public matters, and of expressing them to others in a clear and proper stile; yet he has a certain degree of influence even in adopting the just sentiments of others when thus expressed; and here there are never wanting men of penetration and judgment, who will occasionally instruct the people. The only inconvenience to be apprehended from this channel of information, is, that designing men and pretended patriots may, by fair professions and specious writings, deceive and mislead the less knowing among the people. This has often been done, and, though frequently punished with justice, will yet be done again. A sure remedy for it, if the people would use it, is for them to suspend their opinion of such writings, and to form no judgment of those public matters that may be treated in them, till they see both sides of the question fairly and fully considered. Years sometimes may be necessary to arrive at the truth; but when this is discovered, every man may assent to it; and the general, well-founded, and thoroughly matured opinion of the nation will ever influence both the legislative and executive powers. And thus, every individual capable of forming an opinion, has, even in forming his opinion, a certain degree of influence or remote power in the direction of public affairs.

Upon the whole, in this country of freedom, every man, however poor and mean, has a certain degree of influence or power; and the power of the different classes of men, is in a certain proportion to their wealth; that is, in such a proportion as to afford them security. If the influence or power of the people of any particular town or district, or of any description, be in a proportion, by which they either suffer for themselves, or may injure the public, there is no doubt, that the legislature will rectify the error, when it can conveniently be done. If any individual is dissatisfied with that share of influence or power, that is allotted to his proper condition, let him take the road, which God and nature points out to him, let him endeavour, by wise and good conduct, to increase his reputation, his wealth and respectability. If he be successful in increasing these, even in getting a name for probity, a thing in every man's power, it is impossible he can miss an increase of power or influence. For in all the affairs of the world, so much reputation is really so much power.

But

But should he be unsuccessful, if he be a truly wise man, instead of repining against providence, or finding fault with the institutions of his country, he will be disposed to say with Epictetus, "I am in that station, in which God has placed me." Resignation to the will of God rendered this man happy, though a deformed and much injured slave, and has transmitted his name, with admiration, to posterity. This will make us happy in every station; and, without it, we must be unhappy in any.

R. T.

## L E T T E R X V I I I .

### *Of the Right of Primogeniture.*

COUNTRYMEN,

**T**ITLES considered merely as names, can, it is evident, do neither good nor ill; considered as marks of honour, they have the best effects. They are rewards of merit, which cost the state nothing, and which stimulate to meritorious conduct. This conduct becomes habit in those who adopt it, and serves, in the way of example, to beget the same habit in others; and thus, in both ways, it is favourable to the morals and happiness of society. Since titles, therefore, are so innocent in themselves, and so useful, as marks of honour, to extinguish them would be doing society a material injury.

Though we were to extinguish titles, we should not, by that means, abolish nobility: For the term nobility properly signifies those men who are distinguished from others by their riches, and by their influence, power, authority, respectability, and rank; which, in all countries, where there are any means of acquiring and spending are generally in proportion to their riches. In almost all countries, therefore, there are, and have been, such distinguished men, that is, a nobility.

In trading countries, this is unavoidable. In all our counties and towns, of those men who enjoy no title or office whatever, there are four or five different ranks produced by little or nothing but mere riches; and those different ranks are too apt to feel that envy and jealousy with respect to each other, which those who think superficially or not at all, impute to the distinction created by titles. Distinctions in general are founded



founded in the nature of man and of things, that is, in the appointments of God: And though, to the ambitious, they may sometimes give a certain degree of uneasiness; yet this uneasiness, like certain bodily pains to the individual, is salutary to society. It gives to the individual and to the whole, the desire of rising, or of maintaining their place, which is a copious source of virtuous and useful conduct.

Not only at Rome, where the government was a mixture of aristocracy and democracy, but at Athens, where it was democratical, there were different classes of citizens, who ranked just according to their riches. There were also, indeed, at Rome, the distinctions of Patricians and Plebeians or Lords and Commons; but after the abolition of these distinctions, there still remained a nobility. Indeed, it seems to have been after the abolition of the distinctions of Patricians and Plebeians, that the Romans came to use the word *nobility*, which signified all their rich and powerful men, whether descended from patrician or plebeian families. In Poland, under the former government, there were no titles such as are in this country; but there was the very worst sort of nobility, an aristocracy, to whom all the rest were slaves. In some of the other kingdoms of the north of Europe, the introduction of titles is rather a modern thing; but these kingdoms had always a nobility; and, in former times, before the use of them, their nobility had much more power than at present. In short, titles are no more connected with nobility, than the name of any thing is connected with that thing; and it is very obvious, that the name of a thing serves only to distinguish it from some other thing, but does not make it either better or worse, or any how alter it.

Real\* nobility, in all countries, is produced by riches and power.

\* The word *real* is here used in contradistinction to *personal*; and by *real nobility* is meant external greatness, the chief constituent of which is wealth, in all countries, where there is a great disparity of fortune. It is, by no means, here intended to derogate from the value of personal good qualities. Personal excellence is, if I may so express it, the nobility of a man; superiority with respect to riches, birth, connexions, influence, power, and all the constituents of external greatness, is the nobility of a member of society. The former may be said to constitute absolute; the latter, relative nobility. The superiority of personal excellence compared with external greatness is striking. It is an estate which is fruitful in happiness, and of which no man can be deprived against his will. It commands respect and even honour; and the want of

power. These are so essential to it, that, without them, it cannot subsist. In some countries, it consists in certain exclusive privileges also, which may, according to the nature of them, be either oppressive or beneficial to the rest of the people. In France, the nobility were the middle order, which protected the people, and distinguished the too arbitrary government of that country from despotism; but, for a long time before the revolution, their privileges were, on the one hand, too small to defend them against the crown, and, on the other, too great for the liberty of the people. In Britain, the Nobility, as formerly in France, are also a barrier against the invasion of the Crown; but their privileges are only such as qualify them to be that barrier; they are neither unnecessary, nor oppressive to the Commons. To that order, they are a protection, as well as a support to the Crown. While they preserve their own proper place, they keep both the Crown and the Commons in theirs. They prevent that fluctuation of power, which is constantly fruitful in civil wars and revolutions. They balance, and are balanced by, the Crown and the Commons; in this mutual balance, consist political liberty and equality; and the effect of these is civil liberty and equality, that is, security to all in the enjoyment of their private rights, which is all the liberty and equality that can be realized.

But if, in all trading countries, where the subject enjoys security, some become very rich and of course very powerful; if real nobility consist in riches and power; if it be of use to assign limits to the power of such great men (which is done in this country) if such men, when so limited with respect to their power, do no harm, but good, to the rest of the people; if even the very names, by which such men are called, when thus limited, have a beneficial tendency; and if, after all, these names, and not things, are so intolerable an eye-sore to any; what shall we say? are these men guided by reason or prejudice? do they consult either their own happiness or the happiness of the nation? No! To extinguish such names, to abolish such an order of men, one is at loss whether to call folly, or an infatuated rage for misery and ruin. Titles and nobility

cannot be compensated by all external blessings. But personal excellence is not confined to any rank; and a very rich man, whose personal qualities are equal to another's, who is less rich, must generally have more of that power and external greatness, which arises from riches; not, in this external greatness, nobility, under whatever name or title, but always consisted

bility may excite the envy of some; but if the order of nobility, an order so necessary to the welfare of the country, for that reason, to be abolished, we must, for the same reason, endeavour, by all means, to abolish all distinctions, not only of fortune and merited respect, esteem, and honour, but of unequal strength, wisdom, beauty, and even worth; for these distinctions excite envy, and the greater they are, the more envy do they excite.

To deprive our nobility of their titles and privileges would indeed, be to abolish an established and useful order of men in the state; but it would not abolish their greatness. There is no other way of doing this, than abolishing the right of primogeniture: And even this would not destroy greatness; it would only be taking power from those who now possess it with advantage to the whole community, to put it into the hands of others, where it would be extremely dangerous. Before we proceed, therefore, to the abolition of this right, we will be prudent to consider, whether we should not do more harm than good by it.

The right of primogeniture, to a certain extent at least, is both founded in nature and appointed by God; and there is no doubt, certain advantages attending it. By this institution, there is always a considerable degree of inequality preserved amongst individuals; this inequality, by exciting emulation, leads to industry; and industry preserves men from vice, and renders them rich, virtuous, and happy, as individuals, and powerful as a body or nation. It will be said, perhaps, that the inheritance of the first born encourages him in sloth and the vices which attend it. But if, in a great family, one son should, from this cause, be in danger of becoming vicious (for the very consciousness of his dignity in representing such a family must, in some degree, counteract the bad tendency of a large fortune) the other sons will be more industrious and consequently more virtuous and happy, than they would have been, had their father's fortune been equally divided amongst them.

But that inequality, which is, in a certain degree, kept up by the right of primogeniture, not only produces more industry and virtue, and consequently more happiness, in the community, than would be without it; but it serves also to maintain that subordination, which is necessary for good government, that is, for the tranquil enjoyment of life and property.

The world, it is evident, never was, and never can be, ultimately governed by force, but by one part of it acting upon, and obeying, another, that is, by subordination; and it is not merely superiority of piety and virtue, of wisdom, years, rank, office, and descent, but superiority of riches chiefly, which creates and preserves this subordination.

In states that subsist chiefly by trade, such as Holland; or by Agriculture, such as America, it may, in some cases, be a good rule to divide the fortune of the father equally amongst the children; because, by such a division, each of them is obliged to be as industrious, as he was: But this rule is, in other cases, attended with mischiefs; for instance, in a trading town, the sons of several rich merchants, being left by their fathers, with great stocks, may, by uniting or even trading separately, be able, by the excess of their capital, to engross all trade as effectually, as if there were a monopoly established in their favour, by law. The consequence of their thus monopolizing is, that the rest of the inhabitants are thrown into a state of despair. They become remiss, and negligent of their business; they have no spirit for enterprize in trade, because they have no hope of success; they are obliged to be, in a great measure, idle, because they have nothing to do. A sort of unnecessary nobility, a hateful aristocracy, arises in the town, which engrosses all, and does all; the rest of the people, seeing themselves nothing, grumble, become refractory, and, perhaps, seditious. But if, in such cases, the bulk of the father's fortune were left to the oldest son, and the remainder divided amongst the rest of the children, these bad consequences would be prevented. The oldest son being able to live without trade, would leave it to the younger children; and these having little or no advantage over the other citizens or burghers, all would have an equal chance of success, and would, therefore, be equally industrious; and being satisfied with this sort of equality, they would be good neighbours and peaceable subjects.

The industry of men is the sole cause of their riches, and, in a great measure, the cause and support of their virtue; and their riches and virtue are the sources of national strength and prosperity, and of individual happiness; and inequality is the sharpest spur to industry. Men are born with a very strong desire of rivalling or excelling one another; they have no natural desire of equality with any one, except as a stage in their progress

progress to superiority. Even some of those, who are clamorous for equality, would disdain, were it not necessary for their purposes, to mix with their followers; and this kind of rising, if not excessive or irregular, is productive of excellent effects. It obliges men to be industrious, and, in some cases, virtuous, in order that they may gratify it; and industry and virtue render them happy.

*All is the gift of industry, what'er  
Exalts, embellishes, or renders life  
Delightful.*

If it were possible, therefore, to annihilate inequality without force, and even with the ease and swiftness of thought, the annihilation of it would be destruction and misery. If, which is actually the case in this country, those, who are in the lower ranks, enjoy the necessaries, and, in a reasonable degree, the comforts of life, and a fair opportunity of bettering their condition by their industry, to limit the fortunes of men, or to attempt to render them, in some degree, equal, would be to check their industry; it would do no good, but much harm to the poor, as well as to the whole of the community †. Be the greatest inequality, to which any man in this nation can aspire, and that, after which the ambitious most ardently press, is the inequality of the honours of the nobility; and, therefore, had those honours no other good effect in our country than exciting men to industry, every wise man would, on the single account, wish to preserve them.

But besides the danger of destroying that subordination amongst men, which, whatever some may vainly think, is absolutely necessary to the administration of justice and the tranquillity of society; besides the danger, in some cases, of a monopoly of trade and an unnecessary aristocracy on the part of a certain description of men, and of idleness, discontent

† The truth of the above observations, as well as of those made in some other preceding letters, is confirmed by a learned man, who left his country, some years ago, for America. "This country," (America) says he, in a letter to his friend here, "wants two orders of men, which are highly beneficial to the rest. I mean the rich and the poor. They are the *res mediatricas* (the golden medium) which does well enough for poor, wretched policy and occasions a stagnation of the faculties of the mind which providence designed for action. A climax or inequality of fortunes, talents, tastes, and pursuits, is the institution of nature, and essentially necessary for political happiness."

and sedition, on the part of others; there is a much greater danger to be apprehended from the abolition of the right of primogeniture.

If the fortunes of landed proprietors were, at their death, equally divided amongst their children, the greatest estates would, in a few generations, be reduced to petty farms, because proprietors of land have comparatively few means of augmenting their patrimony. But though the fortunes of merchants are equally divided amongst their children, every son, by following his father's occupation, may, in the course of a few years, make his patrimony equal to his father's fortune, perhaps double, triple, or increase it in any other considerable proportion. By this means, therefore, there would in time be a number of very rich merchants, and few very rich proprietors of land, except such as have purchased land with the money which they have gained by trade; and the number of such landed proprietors would probably be few, as those possessed of small portions of land would, by the smallness of their fortunes, be enured to industry and economy, and loath to part with their portions, as land is the most certain and valuable kind of property. Besides, those merchants who should purchase property in land, by their habits of trading, their town acquaintances, and their thirst after power, would naturally be led to reside in towns. If the right of primogeniture, therefore, were abolished, there would be a number of rich merchants, and a great many petty, but few great proprietors of land, that is, the scene of things would be changed, but things themselves would not be changed for the better. Our real nobility, that is, our great and powerful men, would reside in towns instead of residing in the country. Were this the whole effect of the abolition of the right of primogeniture, it would be of very little importance to the nation; but this is by no means, the whole effect. Another consequence of it would be, that the towns would be crowded with people from the country, which is, in many respects, pernicious. The divisions and subdivisions of great estates would soon reduce most of them to farms of such a size as would maintain only the proprietors of them; the old tenant, therefore, would be turned out of his farm, and obliged to betake himself to some large town, where he would settle, and probably enter into some sort of business.

In the towns, therefore, after a certain period, there would

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be a numerous people and a monied aristocracy; and, in the country, the people would probably be less numerous, and the greatest proprietor of land, the proprietor only of a middle-sized farm. There is, however unreasonable, a certain disaffection in men, who follow different occupations, towards each other; and there is always in all descriptions of men a strong desire of superior power. Disaffection, therefore, in whatever degree it might be, and a struggle for power, would establish one party in the towns, and another in the country. But the country party would be no match for that in the towns. Individuals in the former party would have much less riches than individuals in the latter, that is to say, they would have much less power; for, in trading countries, power is generally in proportion to riches. But there are other things besides inequality of property, which would make the power of the towns greater than that of the country. The rich inhabitants of towns can easily assemble; their ample fortunes give them leisure to meet, and even their business brings them frequently together. In all their meetings, they can discuss the politics of the day, and lay their schemes for engrossing all power; and as they have a command of money, they may, in towns especially, have also a command of men. The inhabitants of the country cannot, without considerable difficulty, assemble in any great numbers; they can meet but seldom, because their business, fortunes, and scattered manner of living, will not permit frequent meetings. When they are met, they are less acquainted with politics than their neighbours in towns; they have less learning and less address (for both their country life, and their scanty fortunes, upon the supposition, that the right of primogeniture is abolished, must make it so) and they have no superfluous money, like the wealthy merchants to attach to them followers. A correspondence also between the different districts or counties cannot be so easily maintained, as between the different towns.<sup>1</sup>

According to the supposition, our nobility or great men now reside in towns, and our commons in the country; but the commons would be no balance against the nobility. For they have less riches and fewer followers, that is, less power, and they have less conveniency and less address to use the power, which they have, in their own defence. The necessary consequence of this disparity between the two parties, in which the state divides itself, is, that the aristocrats of the towns obtain all political power.

By the abolition, therefore, of the right of primogeniture, the balance of power, between the towns and counties, and (which is of more importance) between the rich and poor, would be wholly destroyed. It is one of the greatest excellencies of our government, that the powers of the different parts of the state are a balance to each other. It is in this equal balance of power, that political equality consists; and the result of it is civil equality, that is, the equality, which consists in the laws being, not in words, but in reality, the same to all. By this equal balance, every part of the state is able to defend its rights against every other; and consequently every individual is, by this balance, secured in the enjoyment of those rights, for the maintenance of which men choose to live under government.

But if this balance of political power is destroyed, as the quantity of power in the whole state would be the same, that description or order of men, which gains an undue influence in the state, may oppress that, which loses the power which they acquire. They may make laws, which would throw the whole burden of government from themselves upon that description of men; who has least power. They may lay taxes on them to any amount. But as this would not be a burden to those on whom they should be imposed, provided they had power to raise the prices of labour, provisions, and all articles, in proportion, they might, after imposing the taxes, fix the prices of labour and of every commodity. For instance, supposing what would be the consequence of obliging every man to divide his fortune equally amongst his children, that the towns should acquire all political power, that is, all power of enacting and executing the laws, there is nothing to hinder the freemen or inhabitants of them from laying all taxes or the greater part of them on the inhabitants of the country, and afterwards obliging the farmer to sell the produce of his farm, and the labourer and country handicraftman to work, at the prices, they should be pleased to fix. There is no legal restraint to hinder them from doing so; for they are, by the supposition, possessed of all political power. And if we consider, on the one hand, the numbers that must be in the towns, and the facility with which they can be united under rich and powerful leaders, and, on the other, the difficulty, the impossibility almost, of uniting the inhabitants of the country, on account of their living at so great a distance from each other,



and having no powerful leader to conduct them, we shall soon perceive, that, as the inhabitants of the towns would have it in their power to enact what laws they pleased, so they would have it equally in their power to execute them. Thus, by this single change, the abolition of the right of primogeniture, the country would be entirely at the mercy of the towns, that is, the one half of the nation would be real slaves to the other.

The Lacedaemonians, a Greek nation, subdued the inhabitants of that territory which they possessed; but the former inhabitants, who were countrymen called Helots, were permitted to live amongst them and enjoy liberty. But afterwards the inhabitants of Sparta, their chief town, imposed a tribute on the countrymen: The countrymen refused to pay it, and the citizens had recourse to force: They obliged the countrymen to submit, and made them the most wretched slaves of which there is any account in history: Nor were these countrymen or Helots ever able to recover their liberty. By the abolition of the right of primogeniture, and obliging every man to divide his estate equally among his children, the power of the towns would be increased, and that of the country diminished, in almost any proportion. What then would hinder the inhabitants of the towns from making the inhabitants of the country Helots or slaves? The power of the towns and the power of the counties are at present equally poised: For though the number of the representatives of the nation, in Parliament, from the towns, be greater than that from the Counties; yet as many of the burghs are represented by country gentlemen, and as the House of Lords is composed of landed proprietors, no law is permitted to be enacted, which is not supposed to be of advantage to the inhabitants of the counties, as well as to those of the towns.

It will, perhaps, be said, in answer to the above reasoning, that the effect of the abolition of the right of primogeniture would not be the diminution of the size of country estates and the increase of the riches of the towns, that is, the diminution of the power of the country and the increase of that of the towns, in the degree that is mentioned above. But it may be replied, that this would be the tendency of the abolition of that right; that any exceptions from the general rule are not worth mentioning; and that it is not even necessary, that the effect should be so great as has been stated, in order to put it in the power of the towns to enslave the counties. All that

that is necessary for this purpose, is to make the power of the towns preponderate in any considerable degree; and this certainly would be the effect of abolishing the right of primogeniture. If a man be even but a few degrees stronger than his neighbour, he may both cast him down and keep him down, should they struggle, as effectually as if the one were a giant, and the other a dwarf. But that the abolition of the right of primogeniture would make the power of the towns preponderate in a very great degree, is an unavoidable conclusion from the preceding reasoning. Abolish the right of primogeniture, therefore, and you lay the foundation of Bastiles or state prisons for the inhabitants of the country. Abolish this right, and you make the towns a turbulent and fluctuating aristocracy, and the counties perpetual slaves. "Where riches," saith Hume, "are in few hands (and were the right of primogeniture abolished, they would be nearly banished from individuals in the counties, and mostly in the hands of the chief men in towns) where riches are in few hands, these will enjoy all the power, and will readily conspire to lay all the burden on the poor, and oppress them still farther to the discouragement of industry." At present, the riches and power of the towns are balanced by those of the counties; and hence the inhabitants of both enjoy freedom.

It has been objected against the right of primogeniture, that, by the exercise of such a right, the younger children of landed proprietors suffer injustice and sometimes hardship. It is rather remarkable, that this objection should be most violently urged against this right by those who are in no danger of suffering by it. However, the objection itself is, in a great measure, specious, and of no weight against the advantages arising from the right of primogeniture.

Every man certainly has a right of disposing of his fortune in any way not injurious to any other, and of leaving it to be so disposed of in all future times, so long as it continues with his heirs; for this right is implied in the rights to property and liberty. But because a man leaves the bulk of his fortune to his oldest son, it does not follow, that he can make no provision for his other children. He may save any proportion of his rents, as the merchant does of his gains; and these savings, by accumulating at the rate of compound interest, in being lent out to farmers and traders, will, even with benefit to the community, become, in the space of 20, or 30 years,

a sum sufficient to portion a numerous family. If a man will not live so far within his income, as to be able to do this, it is his own fault. In this country, there now are, and, whilst we continue a trading nation, and stand in need of a navy, there ever will be, so many ways of disposing of the younger sons of the nobility and gentry, that a little saving only is, in most cases necessary to put them in a way of providing for themselves; and when a father has it in his power to leave his daughters in an independent situation, and does it not, he is to be blamed for want of œconomy; for his being obliged to leave his property in land to his oldest son, does not oblige him to spend more than he can afford, after what should be set apart for portioning his other children, is deducted from his income.

When what is sufficient for portioning daughters and bringing younger sons forward in the world, is saved from the rents of an estate, the estate itself may then be left to the oldest son. The daughters are either married, or if they live single, they may be independent. The younger sons, under the care of that good Being, who feeds the young ravens, have their own good conduct to trust to; and by exerting themselves in the various employments of life, together with the good offices of their friends, they generally, perhaps, become abler men than their older brother, though not more useful members of society, and frequently acquire greater affluence. Whilst they bustle and struggle through the world, they serve to encrease the virtue, riches, and happiness, of the community, though their sole aim may be to encrease their own fortunes. And thus, in our government, the oldest sons of landed proprietors, though they should be, in a great measure, inactive, remain as pillars of the state: And under the roof of that immense and superb fabrick which they support, all the rest of the people, as well as they, enjoying liberty, frequently, by their industry, obtain riches, and almost always competence and happiness.

The substance of what has been said in this letter, is this: Titles are but the names of a certain order of men, who must, in some sort, exist in every country, where there is an inequality with respect to riches. Titles, the right of primogeniture, and all sorts of inequality or eminence, are not only causes of subordination, that is, of good government, but of industry, of virtue in general, of individual happiness, and of  
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national strength. The right of primogeniture does not lay any father under a necessity of not providing for all his children, as well as the oldest; but the abolishing of this right would, in the end, give the towns a power of enslaving the counties. It is, therefore, the interest of this nation to maintain their nobility, the right of primogeniture, and other sorts of inequality; and to leave the door from one rank to another open to all.

Instead therefore of abolishing titles and the right of primogeniture, it has been supposed, that certain regulations with regard to entails, might be of use to the country. "If," *it has been said*, "the method of entailing estates perpetually, should be universally adopted, every inch of land in the kingdom may, in a certain time, become inalienable. The proprietors of land will be the only persons, who will have any permanent, certain, and valuable property. All the trading part of the nation will be thrown into the same situation with the Jews, or rendered incapable of purchasing land with their gains. The consequences of this must be, on the one hand, that a very great check will be given to the industry of such men, that is, that a great obstacle will be placed in the way, to the industry and other virtues, the riches, strength, and happiness of the nation; and, on the other, that the heirs, in particular, of estates perpetually entailed, will be less virtuous and happy than otherwise they would be. Besides, these situations of the landed and trading parts of the nation with respect to each other, might, on the part of the latter, be productive of discontent, disaffection to government, and, in the end, of civil war, of a revolution, or of the total abolition of entails of every kind."

"But," *on the other hand*, if proprietors of land are not permitted to entail their estates either wholly or in part, as far as they can see, or on a son, grandson, or great grandson, should they have any, they might complain, that one of their most precious rights was taken from them, the right which every man has of disposing of his property in any way not injurious to others. Besides, the entire abolition of entails might destroy that inequality in the nation, which, by preserving a character of weight, is one principal cause of the tranquil enjoyment of all our rights; which gives life, motion, virtue, and happiness to all; which, whilst it is a fence round every individual, is also a bulwark to the nation."

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“ Such regulations, therefore, with regard to entails, may serve to keep up certain higher classes of men, which are necessary to due subordination, and yet not preclude any industrious individual from filling a place in those classes, ought to prevail, if we consult the tranquil enjoyment of individual rights, the stability of government, or the industry, virtue, and happiness of the subject.”

How far these reflexions concerning entails are just the reader will judge for himself. All I contend for, is, that the abolition of the honours of our nobility and of the right of primogeniture, would do us no good, but very much harm.

R. T.

## LETTER XIX.

### *Uses of Inequality.*

#### COUNTRYMEN,

THE great inequality in the condition of men, is but a part of that much greater inequality or variety which prevails in the other works of God; a variety, which is very pleasing, and which demonstrates the greater wisdom and goodness in the Creator; as, by means of it, life and a certain portion of good are communicated to an immense number of sensible creatures that otherwise could have no existence. If all were earth, or air, or water, there would be no vegetables, and the creation would be a huge mass of waste and dream-matter: If there were no vegetables, there would be no living creatures; for they could have no subsistence; and without such creatures, the world would be a dull and lifeless scene: And were it replenished with the larger and nobler sorts of animals only, there would be many chasm or empty place, which is now filled with creatures, which participate of life and happiness, and which serve the most beneficial purposes. If we may compare great things with small, the world considered with regard to the variety and subserviency of its parts, is like an immense fabrick, in which there are many apartments, all of them useful, though different, and all contributing to answer some general end; or like the human body

each part of which contributes, in some way, to the good of the whole.

If we consider the variety of the human species, or the inequality that prevails amongst men, we shall find the same goodness and wisdom in their inequality, that is conspicuous in the variety that prevails through all nature, the same subserviency of one part of the species to another, and the same general tendency of all its parts to the accomplishment of one great and benevolent end, the improvement and happiness of the individual and of the whole.

Much of what might be said in illustration of these truths will suggest itself to the recollection of the reader. I shall take the liberty of pointing out to him only a few particulars.

1. The inequality of men leads them to associate, and to cultivate benevolence, sympathy, humanity, moderation, and all those virtues, the practice of which are requisite in their intercourse with each other, and which are a very great source of happiness.

The wealth of the rich is necessary to the poor; and the labours and assistance of the poor are of use to the rich. The counsel of age, and experience are necessary to the young, and the vigour and enterprize of youth are useful to the old. The light and maxims of the learned are of service to the illiterate; who repay what they receive from them in various ways. The husbandman is more useful to the mechanic, and the mechanic to the husbandman, than the individuals of either of these classes of men could be to themselves, were each to raise his own corn, and manufacture for himself the different necessaries and conveniencies of life. The head of the nation, and all civil magistrates under him, are of use to direct its common force for its security from external and internal danger; and they require, in their turn, the assistance of the subject. And thus, all individuals and ranks of men are linked together, and rendered mutually dependent, by the need, in which they stand of each other. The need which each man has of another leads all to associate, and to continue in society; and their continuance in society improves their understandings and hearts, and promotes their happiness. In their intercourse with each other, they are obliged to practice the rules of truth, honesty, benevolence, and every social duty; the practice of those duties begets good habits; and good habits are a sure foundation of happiness.

ness. Thus, the inequality of men renders every man dependent on another; their mutual dependence obliges them to associate; and the necessary practice of the social duties improves them and increases their happiness.

It cannot, indeed, be denied, that men are always found in society, that they are disposed to it, and that they are happy in it; but it is likewise true, that there is also in men a certain aversion to society, especially to those societies where they are strangers. And were there no necessity for them to associate, they would frequently rather choose to live in a somewhat solitary manner. Man is compounded of very opposite qualities; he is fond of company, and yet, in some certain cases, he is averse to it. He has in his nature, two principles analogous to gravitation and repulsion in the material world, the one impelling him to associate with his fellow creatures, and the other restraining him from it. And were every man quite independent of another, and self-sufficient (which would be the case, were they equal,) as they would have no occasion one for another, their disposition to associate would decrease, and their aversion to it so increase by habit of abstinence from company, that in a short time, instead of those various societies, which prevail, we should see a country peopled with solitary families and individuals, and almost all intercourse amongst men broken off. But, by the intermission of their intercourse with each other, the mind would gather a rust, the heart would be encrusted with inflexibility, and all the social nature of man would lose its beauty and strength. The eye would seldom gladden with pleasure the sight of an acquaintance; the brow would wear a frown; the heart would be contracted; the speech and manner would become awkward and disagreeable; the very ardour of spirit and courage would be abated; and the whole man faded and obscured. All this is proved by instances of those who live much in solitude, and of savages. But all those bad effects are prevented, or rather the contrary good effects are produced, by the mutual intercourse of men; and this intercourse is continued chiefly by the need which one man has of another, by the need which all have of all; or, in other words, by the inequality, which God has in creation and providence, produced amongst men.

2. The inequality of men excites emulation, which is attended by many good consequences.

This effect, it has in two ways. It tends to dispose men to society by their mutual helpfulness to each other; and, whilst they are in society, the difference, which they perceive between themselves and others, stirs up a desire of equalling or surpassing their superiors; and this desire is productive of excellent effects. A class of students learning the same lesson, a company of merchants or manufacturers in the same line of business, a group of farmers in the same neighbourhood, make each a greater progress in the pursuit of their respective objects, than any of them would do by himself. In the former case, each is pushed on by another, each disdains to be behind his neighbour, each pants with a desire of rivalling his superior, and struggles with all his ardour to be foremost: In the latter case, tho' the desire of learning and of gain, of that excellence which we cannot but admire, and of those blessings which we most value, will lead men to apply themselves to their respective employments and pursuits, in a certain degree; yet their application will always be feeble, when compared with that which is produced by the spur of emulation; when men that are unequal, act, as it were, in the company of each other, and from a desire of equality or superiority.

It must be confessed, that emulation is sometimes the cause of angry contentions amongst men of warm tempers; and what is still worse, that it sometimes terminates in envy, or deadly hatred. But emulation and envy, are very different affections. Emulation is simply the desire, which one person entertains of equalling a superior, or of excelling an equal; envy is the hatred, which one person bears to another for some superiority, which he himself cannot attain. Envy never excites a man to any thing but to hurt the person envied; emulation stirs the spirit not only to the acquisition of wealth, respectability, and power, but to every thing that is excellent either in learning, in manners, or in conduct; to every thing that is lovely or of good report. Envy is the mark of a base mind, emulation that of a generous one. Emulation is frequently a pleasant affection from that ardour of mind in the pursuit of its favourite object, which it generates; envy is so painful, that Solomon calls it the *rotteness of the bones*. And, in short, so very different are these two affections, that they never, perhaps, have place together in the same person, with regard to the same object.

But



But whatever may be the good effects of moderate emulation on men, in improving their understanding, their dispositions, their conduct, and their external condition; all these good effects would be lost, were men either made equal by nature, or rendered so, if possible, by any human institutions. For, where there neither is, nor can be, any inequality, there can be no room for one striving to equal or excel another. And here I cannot but observe, that as, in monarchies, there is much greater room for this passion to exert itself, infinitely less danger attending the exertion of it, and much more security to men of eminence, than in republics, so, in these respects, as well as in many others, the monarchial form of government has advantages over the republican. In republics, there are, indeed, those distinctions in point of wealth and respectability, that are naturally produced by good conduct; but there are no honours, the desire of which may, in some degree, excite emulation in all, but especially in those who are already satiated with abundance of wealth, and have little or no desire left them, but after power and artificial distinctions. There is, in monarchies, a gradual scale of estimation beginning with the simple esteem of honest worth, though in poverty, rising from esteem to respectability, from respectability to the different dignities, and from dignities to royalty; and to some degree or other in this scale, except the last, every man may aspire. And this aspiration is the parent or nurse of many virtues, which, without it, would either never be produced, or languish for want of their proper nourishment. The love of our country is, in republics, by way of eminence, called virtue, because it strengthens all those virtues, that are requisite in our country's service. How much more then may emulation in Monarchies be called virtue, which exercises all the virtues, which polishes and improves the whole man? Besides, a subject of the British government has a motive to love his country, which never did exist in any republic, in so great a degree; I mean rational, stable, and undisturbed liberty.

3. The inequality of men is the cause of a certain subordination, which is necessary for the peace and good government of the world.

Thus, the superiority of the parent to the child, of the master to the servant, and of the king to the people, is the principal cause why both families and kingdoms are ruled with

with propriety. But were all men equal, it would be impossible to prevent, in any great degree, either in families or larger communities, confusion, irregularities, and crimes. Any person of attention and reflexion may observe, that the world is immediately governed by the influence and authority, whether natural or adventitious, of one part of it over another, and not by force, except in cases rather extraordinary or out of the common course of affairs. And this influence and authority depend on some sort of superiority; most perhaps, on superior wealth, in which the bulk of men are most conscious of any inferiority, and by which they are most influenced. Men are respected for superior wisdom, piety, and virtue; for their descent from illustrious or worthy ancestors; for the offices which they discharge; and, in a certain degree, even for mere bodily qualities: But, with the greater part of mankind, it must be acknowledged, that they are chiefly respected for their superior riches. Wordly wealth and prosperity diffuse a sunshine over a man's character, which adorns his good qualities, and sometimes gilds even his vices and imperfections, or leaves them in the shade. This, however, is certain, that, of any number of worthy men every way equal, except in wealth, the richest will always be esteemed the best, and possess most influence and authority.

“ A faint in crape is twice a faint in lawn.”

Nor is there any thing unbecoming, or improper in paying a certain deference, a certain liberal respect, to men, who can claim no other superiority to others, but superior fortune and descent. There is even something generous, something humane, something to which we have a natural propensity, in that respectful, not servile, behaviour, which we observe towards men, who are well descended, and who have done nothing to forfeit that esteem, which is excited by the superiority of their birth. To behave disrespectfully to such men, is rude and unmannerly, and argues a defect of understanding or good disposition.

All superiority is a cause of respect; respect is so much influence and authority; and, by influence and authority infinitely more than by mere force, is the world governed, and men restrained from misdemeanours and crimes. “ There is not any one thing more necessary to the happiness of the world than good government, and yet there could be no government, in an equality; and there is nothing which makes such an in-

equality like an unequal fortune\*." Were all men equal, there could be none of that influence and authority, which rise from superiority; and the world must, in that case, be governed either by a sense of duty, or the fear of punishment. It never has been yet governed by a sense of duty; and were there not some certain subordination amongst men, created by the superiority of some and inferiority of others, the very magistrate himself would be possessed of little power to inflict those punishments, which the law has annexed to crimes. A company of boys, who, either know not, or acknowledge not, any superior among themselves, a family of servants in the absence of their master and mistress; an assembly of men in a popular government, who consider themselves as equal, are the most unruly, the most refractory, and turbulent societies, which can be named. But when, in such societies, all is noise and uproar, contention and disorder, the matter, or any person of acknowledged superiority and great respectability, enters, immediately the noise is hushed, and order introduced; and each submits to this superior, and returns to his duty. And in this manner it is, that the natural and adventitious inequality amongst men contributes to the good government of the world, that is, to the happiness of men.

One observation will here readily suggest itself to the reader, namely, that a limited and mixed monarchy, such as the British, is much better calculated for the purposes of good government, than those democratical states, where there is little acknowledged or legal superiority, amongst a certain class, but where every man claims an equal authority. Never was there any state, in which the members were perfectly equal: in all states, the government has, in the last place, uniformly come into the hands of men distinguished by their riches, rank, and authority; and, amongst such men, in popular states, there is constantly a contention for the superiority. Athens, and Rome during a certain period of the republic, were states where each freeman had an equal power in all things that came before the assemblies of the people; but nothing in history can afford us a parallel to the confusion and contention, the misrule and anarchy, of those states at certain times. In order to preserve order and regularity, and to distribute in partial justice between great and small, there must, whether men will, or will not, be, in all governments, perhaps, for

\* Sherlock on Providence, p. 184.

man very much superior to the rest, some person of acknowledged and decided authority, some head vested with a limited, but great legal power. He, who thinks to rule men, amongst whom great inequality prevails, by any other sort of government, and do impartial justice to each, seems to be in as great an error, as he who should imagine, that the motions of the natural body can be directed without its head. Such a governor of men is the King of Britain. His authority is such as bridles the licentiousness and turbulence, which would otherwise take place amongst great equals; but is not sufficient to support him in ruling in a manner inconsistent with the laws. By the exercise of this just power, the peace of the kingdom is preserved, and justice equally distributed to all. And thus, the great inequality of the chief magistrate is, in part, the cause why all enjoy their rights.

Lastly, that inequality, which is, in this world, the natural consequence of good conduct, affords to a good man the strongest presumption, that his piety and virtue shall be rewarded in the other.

The natural fruits of piety and virtue are riches, authority and distinction; those of impiety and vice, poverty, neglect, and obscurity. The law of God, which is the law of nature, is, that, even in the present life, in some way and measure, good conduct shall be rewarded, and ill conduct punished. There are, indeed, exceptions from this law; but so are there from the most general rules. Sometimes the rewards of good, and the punishments of bad men, are of an inward kind, and concealed from the world; and here the exception from the rule is only in appearance. Thus also, when smoke ascends from a chimney, or water rises in a pipe, there seem to be two exceptions from that general rule or law of nature, that all matter within a certain distance from the earth, has a tendency towards its centre. Sometimes wicked men acquire riches and reputation by certain actions of merit, though the course of their lives be vicious; and sometimes the faults of good men, though few and small, have much injured their fortunes and reputation. But the law is not violated, but observed, in such cases; for it is virtue in the bad man, that is rewarded, and vice in the good, that is punished. "But sometimes good men are punished for their goodness, and wicked men rewarded for their wickedness." This exception creates some difficulty; yet it may be solved. Wicked men

do not punish the good, strictly speaking, for their goodness, but because they are jealous of their superiority, and because the goodness of such men reproaches them for their wickedness: Nor do they reward wicked men strictly speaking, for their wickedness, but because they perform some action that is agreeable to them, because the characters of such men keep them in countenance, or because they are, upon the whole, to their taste. Some such causes, as these, will furnish us with reasons why, in this world, wicked men are sometimes rewarded for their wickedness, and good men punished for their goodness†. All such cases, therefore, are no proof, against the truth of this general rule, that piety and virtue are rewarded, and impiety and vice, punished, in some way and measure, even in the present life. Such cases, indeed, prove the counteraction of such a law by other causes; but do not prove its non-existence, any more than the stoppage of the circulation in some certain place of the body, and the suspension of a stone in the air, prove, that there is no circulation of the blood nor any such thing as gravitation. No person doubts, that the tendency of industry and frugality is to lead to riches, and of idleness and prodigality, to poverty; that the tendency of integrity and benevolence, is to procure esteem, confidence, and regard, of dishonesty and malevolence, contempt, distrust, and aversion; though those causes may not uniformly produce their proper effects: And so of other virtues and vices.

It is, therefore, a general rule, that goodness has a tendency to its own reward, and wickedness, a tendency to its own punishment, in this world; that is, in other words, that goodness and wickedness have a tendency to create the greatest inequality amongst men, an inequality in favour of the pious and virtuous, and every way against the impious and vicious. And the thorough conviction of these truths must serve very  
much

† As it is quite against the moral nature of man to approve vice, and disapprove virtue, so it is as much against that nature, properly speaking, to reward vicious actions and punish good ones. It is not the intention of such actions, or the virtue or vice of them, but the actions themselves, simply considered as events, or what is done, which are always rewarded or punished. It is just as natural for goodness to be rewarded and wickedness punished, as for a stream to descend from a mountain; and, therefore, whatever now obstructs the natural course of their being rewarded or punished, when such obstructions are, in the issue an event of things, under the perfect government of God, removed, the good must be rewarded, and the wicked punished.

much to confirm a good man in the belief of those rewards, that await him in the other world; where that which is here but tendency shall become effect; where all internal and external causes of the sufferings of good men shall cease; where they shall be perfectly good, and of course perfectly happy.

The government of God by rewarding the good, and punishing the wicked, is a plan, which, in this world, is not fully executed; which is but going forward towards its completion; but which, in the other, will be finished: And there it will fully appear to every eye capable of perceiving it, that moral goodness is the true cause of all pleasure, that to be perfectly good is to be consummately happy.

We had never discovered these most sublime and most comfortable truths, had not God been pleased to reveal them in his word; but now that they are revealed, we are capable of reconciling those general rules that goodness tends to its own reward, and wickedness to its own punishment, with all adverse appearances. No good man now, under the clear light of the Gospel, has any reason to say, as did the pious Asaph, "Verily I have cleansed my heart in vain, and washed mine hands in innocency." For, in the Gospel, we are assured, that wicked men have all their portion of good things, and good men all their portion of evil things, in the present world.

Thus, I have endeavoured to point out some of those wise and good purposes which are answered by the inequality that takes place amongst men.

It disposes men to society, in which all the social virtues are cultivated, and, by that means, a source of cheap and laudable pleasures opened; it produces emulation, which improves both their characters and circumstances; it is the cause of a certain subordination, without which the world could not be well governed, scarcely governed at all; and, so far as any advantageous inequality is the natural result of good conduct, it fosters, in good men, the hope of eternal rewards; a hope, which confirms them in the practice of their duty, and supports them under any adverse dispensations of providence. In short, in whatever light we consider, that inequality, of which we are sometimes apt to complain, nothing could have been so wisely appointed for improving the rational and moral part of our nature, and promoting in every respect our present and future happiness.

Each individual in civil society, is a member of the body politic,

politic, a member, which is interellect in, and contributes to the safety and happiness of the whole; and which contributes to these ends in the regular discharge of its function. What the Apostle saith, in order to illustrate the usefulness of a diversity of gifts in the church, will serve equally well to illustrate the usefulness of the great natural and adventitious inequality amongst men in civil society. *For the body is not one member, but many. If the foot shall say, because I am not the hand, I am not of the body, is it therefore not of the body? If the whole body were an eye, where were the bearing? If the whole were bearing, where were the smelling? But now hath God set the members every one of them in the body as it hath pleased him. — And the eye cannot say unto the hand, I have no need of thee; nor again the hand to the feet, I have no need of you. Nay, much more those members of the body, which seem to be more feeble, are necessary. — God hath tempered the body together. — That there should be no schism in the body; but that the members should have the same care one for another †.*

R. T.

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## LETTER XX.

*Respects in which we are all Equal.*

### COURTREMEN.

**I**N the preceding letters on equality, we have seen, that equality is one of the most general facts relating to mankind; that riches, honour, power, and all adventitious distinctions are the natural fruits of original distinctions which are made by God only; that any attempt to abolish those adventitious distinctions, which are useful, and which arise amongst men, according to the order of providence, would prove ruinous and abortive; that titles, considered as the names of offices, have been common to all nations; that, with us, they are still names of offices, and, in our government, answer the best of purposes; and that all those inequalities amongst men which are sometimes apt to excite discontent, and murmurings against providence, serve to improve their nature and condition, and to promote their present and future happiness.

† 1 Cor. xii. 14. &c.

These considerations will doubtless have great weight with thinking men, in reconciling them to any thing in their lot, in which they may perceive their inferiority to others: But what may have this effect in a much greater degree, is, that the people of this country are much more upon a level, than appears at first view; that they are really equal in all respects necessary to their happiness. This, I shall endeavour to shew by the following observations.

1. We are all equal in being the subjects of a government, in which the laws are the same to rich and poor.

There are no privileged orders of men in this country. Except freedom from arrests, there is no legal privilege, but what is common to all ranks\*. The law is no respecter of persons. Its

\* The exclusive rights or privileges which the freemen of cities and boroughs have within the royalties of the same, are of the same kind with the right of every individual to his private property; and they are, for the same or similar reasons, exclusive. But Mr Paine has said, that, on account of these privileges, a "man is not free of his country." It is not to my purpose to enquire whether such privileges are, upon the whole, of advantage or disadvantage to the Kingdom. But I would observe, that for a man to be free in his country is to be free to reside where he pleases, to work to whom he pleases, to employ himself and all his advantages in any *innocent* way he pleases, and, in short, not to be a bondman; a freedom which, in former times, was not so fully enjoyed, as now, by any. When the Legislature, in their wisdom, shall see it proper to disfranchise the cities and boroughs, they no doubt have a right to do it by giving the citizen and burgessees an equivalent for their peculiar privileges. Mean while, for others than citizens and burgessees to claim a right to these privileges is the same with one man's claiming a right to live in another's house, or to use any of his property or possessions.

The person of the King is sacred and inviolable, because his office is perpetually necessary *for the public good*. Freedom from arrests for debts is a privilege enjoyed by the peers of the realm perpetually, (and indeed is the only peculiar privilege they enjoy, worth mentioning) because they are perpetually counsellors of the Crown, and liable to be employed in public business; by members of the House of Commons during the sitting of parliament, and for forty days before and after, the time allowed them for coming and returning; because, during the time that parliament sits, they are also counsellors of the Crown, and employed in the service of the public; by clergymen during the performance of divine service and convocations; and by suitors, witnesses, and other persons necessarily attending any courts of record.

In all such cases, freedom from arrests is more or less necessary for the dispatch of business and the general good; and therefore it is evident, that the law, in all such cases, is not partial, as it does not respect any individual



Its precepts and its punishments are the same to all. It prescribes the same rule of conduct to the great and to the little; and it inflicts on both the same punishment in case of transgression. Like the law of nature, on which it is founded, it is so steady and uniform, that the most powerful offender cannot promise himself impunity. If a great man should injure a mean one in his property, person, or reputation, he is liable to that punishment which the law inflicts, and which we see is, in fact, inflicted in such cases. And as the laws are the same to all, so the independence of the judges, but chiefly by the trial by jury, make them to be impartially executed. In short, the laws afford equal protection to all, and, in case of injury, equal redress. In this respect, therefore, are the subjects of this government equal. And this sort of equality gives every man so great a degree of security, and such a scale of independence, as never were nor are enjoyed, so steadily, and on so sure a foundation, by the people of any other country.

2. We are all equal in respect of private liberty.

There is no restraint laid upon one man, that is not laid on another: Nor is there any restraint laid upon any man, which is not necessary for the good of all. Every man is, by the law, restrained from all those things that would be injurious either to the individual or to the community; and such a degree of restraint is necessary to liberty: For if a strong or cunning man

were

divided from any private motives, but every individual, who may be in the above predicaments, for the public good. In all cases of crimes and other public offences, as well as civil rights and wrongs, the law is the same to all subjects\*, and also with regard to taxes, which are so imposed, that every man pays, in the last place, according to his expences, *i. e.* generally according to his income, *i. e.* according to the value of the property, for which he receives protection from government. So that with a few necessary exceptions, "the laws" of this country "are the same to rich and poor." Members both of the House of Lords and House of Commons may be sued for any just debt as well as any other subject, by process against their goods †.

If the laws are, at any time, partially executed, it must be owing to some defect either in the men concerned in the execution of them, or in the forms of execution. If the defect be in the men, the laws are not to blame: If in the forms, let any man clearly point out the defect and the remedy, and I appeal to any man, who candidly observes what parliament is occasionally doing, to improve the administration of justice, and for the general good, whether there is not a moral certainty, that such remedy will be applied.

\* See Blackstone's Commentaries

† De Lolme on the Constitution of England.

were at liberty to injure a man that is weak and simple, the latter could enjoy no liberty, but would, in many cases, be the slave of the former. To restrain all, therefore, in so far as is necessary for the liberty and security of all, is really no infringement of natural liberty, but a confirmation of it; and this is all the restraint that is laid on any man in this country. In every other respect, he is perfectly free, or master of all his actions; a freedom, which is an invaluable blessing. For, by this means, a man may employ himself in any innocent pursuit or occupation, that suits his inclination and circumstances; and, though he may be less rich and honourable than many others, there is no legal restraint or obstruction to hinder him from becoming more so. He is, by the laws, master of himself, he is a freeman; all his powers are his own, and may be employed by him in any way that may promote or benefit him. We see numbers, who, by honest industry and care, have emerged from the very depths of poverty and obscurity to riches and consideration; and some, who have risen from being commoners to the peerage. If all men are not equally successful, it would be the height of absurdity to ascribe this to the laws, which is owing solely either to their own conduct, or to the providence of God, who is ultimately the giver of riches and power, and the source of all honour and distinction.

3. We are all equal in being at liberty to choose our own religion.

It is, on many accounts, very much and deeply to be lamented, that there should be so many differences amongst us with regard to those matters of religion; which are really in themselves indifferent or arbitrary. Some sects, indeed, have already discovered the absurdity of some of their peculiarities, and the emptiness of others; and it is most probable, that as men become more enlightened, they will be more united in their religious faith and practice. However, in the mean time, the law has provided a relief for all who may choose to dissent from the established churches. Every man is, by the law, permitted, not only to indulge his religious opinions, but to profess and practice them in any innocent way; a circumstance in which we are all equal, and a blessing on which our forefathers set a high value when they obtained it at the Revolution; before which, for a long time, each sect, persecuted another, as each obtained the ascendant. They did not consider the equity of toleration; nor were they acquainted with the advantages

advantages of it; but they knew, and each in their turn felt, the difference between "toleration and intolerance;" a distinction, which, if we may credit Mr Paine, he has not yet been able to make\*.

We are, therefore, all equal in being at liberty to choose our own religion: Nor are any of the legal disabilities which any dissenter may lie under to be complained of. No man suffers any positive loss by such disability; no man is, by such disability, injured in his person, property, or good name; he is thereby only excluded from voting in election of members for the House of Commons, and from holding certain offices under the crown; restraints, which can affect very few in comparison with the body of the people, and which are imposed on those few for the safety and tranquillity of the state; that is, for the good of the whole. Dean Swift observes, "that it is absurd, that any person who professeth a different form of worship from that which is national, should be trusted with a vote for electing members in the House of Commons. Because every man is full of zeal for his own religion, altho' he regards not morality; and therefore will endeavour to his utmost to bring in a representative of his own principles, which, if they be popular, may endanger the religion established; which, as it hath formerly happened, may alter the whole frame of government." The same or a similar reason may be assigned for the other sort of legal disability the dissenters lie under. When those reasons cease, there is no doubt, that all restraints of this kind will be removed. But let it be observed in the mean time, that, with regard to the choice, and the innocent profession and practice, of our religion, we are all as free as thought; and, in this, we are all equal.

4. In as far as any human government can make us so, we are all equal with respect to improving our worldly condition in every right and innocent way.

The laws not only leave every man at liberty to choose his own employment, and to embrace every favourable and proper opportunity of making, or improving, his fortune; but they secure every man in the possession of what he honestly acquires; they give him, as it were, enticement of every article in his possession, and confirm him in the possession and use of it. In this respect, we have an advantage not only over those who are in what has been called a state of nature, or without civil institutions,

\* Rights of Man, part I. p. 34.

institutions, and who, for that reason, never can enjoy security, or call what they have their own; but also over the subjects of despotic and arbitrary states. The difference between countries under such governments, and ours, is striking. In such countries, may be seen large tracts of land either ill cultivated and ill inhabited, or quite neglected and abandoned by the inhabitants; and a poor, miserable, dejected, and idle race of men. In our country, we see the whole extent of it inhabited, great part of it highly cultivated, and the rest fast approaching to that state; we see the people chearful, industrious, vigorous, and active, and enjoying, in a very great degree, the conveniencies and comforts of life. And this difference is to be ascribed chiefly to the security for the fruits of their labour, which all ranks, in this country, enjoy. For who would labour to obtain that to-day, which he might lose to-morrow? This security, the frequent alienation of property, and the expectation of consideration, distinction, and honours, are the parents of industry and œconomy, of ingenuity and dexterity, of bravery and fortitude, of many virtues and of all professional excellence. And in the enjoyment of this security, we are all equal. We are equal, therefore, in so far as any human government can make us so, with respect to improving our worldly condition in every right and innocent way.

5. All ranks of men in this country are equal in respect of happiness.

All are not born to external estates; but every man that enjoys health and reason, has an estate in himself. His capacity or his natural powers are his estate; and, if he will apply them in any useful way, they are a fund of wealth\*. In this country, where there is employment for all, no man that enjoys a sound mind in a sound body can want, but he who refuses to work; and *he that will not work, saith the apostle, shall not eat.* In ordinary cases, the poorest man can, by his labour,

\* "A man is not poor, says Montesquieu, because he has nothing, but because he does not work. The man who without any degree of wealth has an employment, is as much at his ease as he who without labour has an income of a hundred crowns a year. He who has no substance, and yet has a trade, is not poorer than he who possessing ten acres of land, is obliged to cultivate it for his subsistence. The mechanic who gives his art as an inheritance to his children, has left them a fortune, which is multiplied in proportion to their number. It is not so with him, who having ten acres of land, divides it among his children." Spirit of Laws, l. 23. c. 29.

labour, provide for himself and his family, lodging, food, and raiment, which are all that nature requires; and in extraordinary cases, his wants are supplied by the public. A rich man may sometimes have many imaginary or artificial desires, which he has it in his power also to gratify; but such desires exist only in a diseased imagination. A poor man has seldom any of them. Most of his desires are the simple cravings of nature, and these are easily satisfied.

A poor man's table is not, indeed, covered with so costly and delicious fare as the table of the rich; but his labour both furnishes him with wholesome food, and seasons it with hunger, that best of sauces, which makes *every bitter thing sweet*. The materials of his bed are not so soft as those of a rich man's; but toil converts them into down, and *his sleep is sweet*. His lodging and clothing are not so fine, nor always so warm; but they shelter and cover him, and use and hardihood make up the deficiency. The deliciousness of food and drink, the magnificence of houses, and the splendour of dress and equipage, certainly afford much less pleasure to the rich than the poor imagine. The pleasure of them depends almost wholly on their novelty. Use either annihilates or renders it comparatively stupid. The poor have not so much leisure as many of the rich; but their time never hangs heavy on their hands. They never know the misery of those who have nothing to do; a misery, which sometimes makes the splendid objects of envy, in reality, objects of pity.

The only way of knowing the happiness of rich and poor, is to see and compare them. The faces of men express all their pains and pleasures. In this at least, they are a true mirror; for no art can teach men always to conceal their satisfaction or their discontent. In spite of all art, the painful and pleasant affections shine on the countenance. When we consider, then, the whole outward appearance of rich and poor, which of them give the greatest signs of happiness? Which of them seem to eat and drink with most inclination? Which of them seem to sleep soundest? Which of them, when awake, smile sweetest, or laugh loudest? Is the rich man, who rides in his carriage, happier than the ploughman who whistles to his horses? Is a brilliant assembly of ladies and gentlemen at a ball, happier than a company of lads and lasses on a harvest field? Is a rich man, in a spacious and elegant room, surrounded by his wife and children, happier than a poor man in a cot-

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age, who enjoys the same sort of pleasure? No! The scene is shifted, and the actors changed; but the happiness of both is the same.

There is, indeed, one respect, in which the rich will ever have an advantage over the poor; and that is their greater power of doing good. This, to a wise and benevolent man, will appear the most enviable circumstance in their lot; though most probably that, for which they are least envied by the greater part of mankind; and yet this is the chief source of our happiness. For it is evident beyond a doubt, that happiness does not depend so much on any certain external condition or circumstance, as on the part which men act. God is the parent of all, and looks upon his children with a paternal eye. He makes indeed distinctions amongst them. On all, but the vicious, he bestows some share of happiness, and most on those who are best deserving. But he is not partial, as men sometimes are. His apparent partiality is justice, or paternal affection, directed by wisdom. He does not limit happiness to any rank, but proportions it to the piety and virtue of men in all stations. It is to be found indifferently in the palace and in the cottage: Like the light of the sun, it emanates from the Deity, and enters into every heart, from which impiety and vice have not shut it out. Antoninus, one of the greatest of the Roman emperors, and Epictetus, a Greek slave, were both happy in their respective stations, because both were good. Both were remarkable for their piety and virtue, both had brought their wills to entire submission to the divine will, and both were attentive to the duties of their respective stations. The one, therefore, wore a crown without any uneasiness; and the other supported slavery without discontent\*.

Lastly, we are all equal in this country, in being all equal-  
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\* If the rich and distinguished enjoy no more happiness than the poor and obscure, it may be asked what good purpose is served by men's being industrious in procuring riches, honours, and all those things, which are commonly esteemed blessings or the means of happiness, in a greater degree than that in which they at any time enjoy them? And it may be answered, that men are formed to be active, to be perpetually changing something in their condition upon the supposition, that they change it for the better; that, in being thus employed, as they yield to a necessary law of their nature, so they find happiness; that though the acquisition of any supposed blessing may not confer happiness, yet idleness and neglect of affairs would be certain misery.

ly at liberty to improve our happiness in the present world, and to qualify ourselves for the happiness of the other.

However mean a man's situation may be, there can be nothing in it to hinder him from advancing in the ways of piety and virtue; and as these are really both to rich and poor the only means of happiness, worth mentioning, every man, by increasing in the practice of them, has it in his power most essentially to augment his stock of present happiness. But what above all things deserves our most serious attention, the more we increase our present happiness in this way, the more also do we lay up in store for the future. The time will soon come, when death shall level all external distinctions amongst men; and, after death, each man will find his rank and his happiness correspond most exactly to his life. The great plan of God's moral government will then be completed, and every man shall be rewarded, or punished, according to the deeds done in the body. *To them, who, by patient continuance in well doing, seek for glory, honour, and immortality, God will then render eternal life.* And every man in this country may, if he chooses, both begin to do well and continue patient in well doing. There is nothing in the laws to hinder him, and, if he has not sufficient strength to do so in himself, the grace of his Saviour is sufficient for him, and the throne of God is accessible to all. If a man will neither begin, nor continue, to do well, neither the laws of God, nor those of our country, are to blame, but he himself.

Every man, therefore, who seriously resolves to be and to continue good, and who makes progress in goodness, adds to the stock of his present happiness, and lays up for himself in store endless happiness against the time which is to come. And as every man may do so, this is another respect in which we are all equal. It is a part of that common equality, upon which no just value can be set, because its effects reach to eternity; a part which, to a truly good man, will prove a sovereign balm to every wound of the spirit, a firm support under the pressure of adversity, and a strong consolation at the approach of death.

It must be evident, from what has been now advanced, that in this country, however unequal we may be in some respects we are equal in all respects necessary to our present and future happiness. Very much of this common equality depends on that private or individual liberty which we all enjoy; and the

liberty depends wholly on the due balance of power amongst the different orders of men in the state. Never was the power of those orders so happily balanced, as it has been for a century past, by our excellent constitution. From the era of the revolution at least, every man became free; and, till the present time, every man has continued so. This is not the effect of chance, but of the steady operation of our constitution. If we have any regard, therefore, to true *liberty and equality*, if we set any value on our present or future happiness, let us watch over this constitution with a careful and jealous eye, let us repair its breaches, should there be any made in it, and supply its occasional defects; but let us as soon think of extinguishing the sun to light a taper in its stead, as of exchanging it for the new-fangled, specious, and most dangerous schemes of our modern speculators. Let patience have its perfect work; and if experience, the best of teachers, should discover to us a better form of government, we shall unanimously adopt it.

Though the above considerations must have their weight with all reflecting men; yet though we were entirely equal, our discontents would not be wholly removed. The causes of them lie deep and fixed in the nature of man. The children of Israel in the wilderness were at once the most equal, the best governed, and the most discontented people, of whom we have any account in history. It is the lot of man never entirely to acquiesce in any situation. There is a want in his nature, which nothing earthly can supply. He is a stranger in this world, and can never be satisfied, till he arrive at his own home. He is a sheep that has strayed from its shepherd, which never ceases to bleat, till it again join the flock. He is destined for the enjoyment of the Eternal; and all his present uneasiness and complaints are but inactive efforts to ascend to this, the ultimate source of happiness.

Before dismissing this subject, it may not be improper to observe, that there is a certain degree of inequality that cannot exist in this country; I mean the inequality of one man's having abundance and another's having absolutely nothing. The different institutions of a charitable kind, both in England and Scotland, prevent such disparity in the condition of men, and so far *establish a community of goods*. Parliament has lately been, and, in consequence of a motion made by the chancellor of exchequer, is now actually employed in better-



ing the condition of the poor. When that is done as far as can be, this is all that man can do for them in a consistency with the morals and happiness of society. To establish any other community of goods, would, if practicable, be to establish vice and misery. To place men in such a condition that they should have plenty, and be under no necessity of doing any thing to procure the necessaries and comforts of life, were it possible, would be only to render them more vicious and miserable.

Some, on the Lord's day, are weary in church and out of church; weary of reading, reflexion, and devotion; so weary of every thing belonging to that day, that they betake themselves to unnecessary visiting, to amusements, entertainments, debauchery, mischief, to any thing almost to kill the time and relieve them from their weariness. How miserable then should men be, if the whole of their lives were made a continual weariness by the whole of their time being converted into a perpetual sabbath? Now to make their whole time such is Mr Godwin's plan in its highest degree of perfection, except that he excludes from it religious duties. To read, reflect, and converse, to plan great undertakings, to practice virtue, and to be under no necessity of performing bodily labour, are, according to him, the sum of all perfection as it relates to man. Prayer, praise, and all intercourse with him who made us, and on whom we constantly depend; duties, which, if rightly performed, are very pleasant, and must therefore very much augment human happiness, as well as exalt human nature, never enter into his philosophic, philanthropic art of living\*.

That a certain portion of our time should be set a part for reflecting on our lives, learning our duty, or refreshing our memories with the remembrance of it, and for performing the duties of devotion in a public, and more solemn manner than at

\* It is not possible, that men can be equal, there is such a great variety of opinions amongst them. Some of the French not long ago were for no Sabbath; Mr Godwin is for nothing but a Sabbath, but then it is to be upon quite a new plan. If his great zeal for the good of mankind would permit him to have patience, the Millennium would come of its own accord, just as his teeth and nails have grown. Could this extraordinary philosopher swallow and digest, labour and rest, and look up, and down, and straight on, like any plain man of common understanding and feelings, he might hope to see it, even though he should unfortunately die before the time, from want of skill to render himself immortal.

at other times, most men will acknowledge is a very useful institution. It refreshes the mind and body, improves the man in all respects, and makes secular business go on the better. God has ordained, from the beginning of the world, that a seventh part of it shall be devoted to those purposes; and this portion has been found to answer very well as yet. Let any man demonstrate, that a greater or less portion would answer better,

R. T.

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OF

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# OF UNIVERSAL SUFFRAGE,

A N D

# ANNUAL PARLIAMENTS.

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## LETTER XXI.

*Universal Suffrage contrary to Common Sense.*

COUNTRYMEN,

**U**NIVERSAL suffrage, according to the definition of those who have contended for it, is for "every man above the age of twenty-one, to vote in choosing a member of the House of Commons, unless he be incapacitated for voting by insanity or crimes;" and this, it has been said, would be of advantage to the people, and is their right. As I have not been able to see the truth of this doctrine, I beg leave to lay before my countrymen, in one or two letters which follow, certain reasons, which have led me to entertain very different sentiments of this matter.

The great rule, according to which the right of suffrage as well as all other political power and privilege, whether of a legislative or executive kind, ought to be distributed, is, that the individual or private rights of all in any political society may be secure: And these rights, whether they consist in dignities, superior riches, or other distinctions, can never be secure, unless the power, which protects them, be in proportion to the danger, to which they are liable, of being invaded. In all the ancient and almost all the modern governments therefore, men have more or less, according to circumstances conformed to this rule; which shews it to be the general sense of mankind.

Universal suffrage is not like or analogous to any usage or institution, which has obtained in this or almost any other country.

In all trading companies, perhaps, the partners are allowed either tacitly or expressly a share of power in managing their common concerns, in proportion to their shares of stock. And if, in such companies, where property only is the common concern, men are allowed to have a direction of the common business in proportion to their interest in it, much more in political society, where not only property, but life, religion, morality, and happiness, are the common interest, ought they to have a power, which may secure these blessings to all; and that power, in order to effect this end, must bear some certain proportion to property and the other relations in which men stand to each other. In our cities and boroughs, the merchant part of the council have greater weight in the internal government of them than any other description of freemen, for this reason in particular, that they are possessed of greater property. At the union of England and Scotland, the latter kingdom was allowed to send members to the House of Commons in proportion to its taxes; and doubtless its taxes were in proportion to its supposed property.

In the government of the country, the crown has much greater weight than any individual amongst the Lords or Commons, not only that its weight may balance the other powers of the state, and preserve the liberties of all, but because its interest in the welfare of the country is much greater than that of any subject. The Lords represent themselves in parliament, whereas the Commons are represented by deputies, not only because the whole order of nobility have their dignities and peculiar privileges, and, in some measure, the prerogative of the Crown, to defend, but because individual Lords are generally possessed of greater property than individual Communiors; which greater property requires a greater power to protect it. For similar reasons, those communiors only, who hold property of the Crown to a certain extent, or who are freemen of cities or boroughs, vote in the election of the members of the House of Commons.

That class of subjects, who are denominated the common people or the populace, both during the Saxon government and for a long period after the Norman conquest, were bondmen. In both those periods, they were represented, not by deputies of their own choosing, but by their Lords, in the same manner that women are represented by their husbands; infant children, by their parents; wards, by their guardians; tenants,

tenants, by landed proprietors; and so on: The Commons had no representation of their own choosing till the reign of Edward the first, or the regency of the earl of Leicester. But they were not till then without a representation; for a very superior represented his inferior in the courts of the law; and the nobility represented the whole nation in the King's court, or great council of the nation. And, in honour of this old representation, it deserves to be remarked that, under it, and by means of the nobility that composed it, the common people obtained Magna Charta, which is the foundation of all their present liberties. But as they do not now, so they never did, enjoy any privilege like Universal Suffrage †.

If we take a view of all other governments ancient or modern, we shall find, with scarcely one exception, that nothing equivalent to it ever did or does obtain under them. In the ancient republics as well as monarchies, the slaves had no vote in public business, nor any share whatever of political power. Of all the men in the territory of Sparta famed for equality amongst the freemen, ten thousand only gave the votes ‡; and no man became a voter till he had attained his thirtieth year §.

At Athens, the number of freemen was commonly about twenty thousand ¶; but no freeman was a voter in the assembly of the people, if a servant to another, because he was supposed to have no will of his own ¶. And if we deduct the number of freemen that were servants from the whole number, perhaps the number of voters was not greater in that state, than in Sparta.

In the purest and most happy times of the Roman republic it was property rather than numbers that decided the election. But though Rome enlarged her territory, she never limited the number of her voters, and this was one principal cause of her ruin \*\*\*. It was not till the freedom of Rome was transferred on multitudes, and till the vote of the poorest man had the same weight with that of the richest, that ambitious great men had an opportunity, by intrigue and corruption, of forming factions in the state. Those factions had

\* Hume's History, v. 2. p. 210, 272. † Hist. of England prior to the reign of Ed. I. ‡ Spirit of Laws, book 2. chapter 3. § Goldsmith's Hist. of Greece, v. 1. p. 29. ¶ Spirit of Laws, b. 3. c. 1.

¶ Goldsmith's Hist. of Greece, v. 1. p. 75. \*\*\* Spirit of Laws, b. 2. c. 1.

led by leaders each pretending, that he acted for the good of the republic, produced civil wars; and those civil wars led in a change of the government and the loss of liberty<sup>\*</sup>. In all of the American states, perhaps, except Vermont, some qualification is required for becoming a voter in the election of the members of their legislature, besides mere majority of age and soundness of mind; such as the possession of so much property, the renting of a tenement of so much value, or the paying of taxes, i. e. direct or assessed taxes<sup>†</sup>. In Vermont, no other qualification is required, than one year's residence and a good character. But in all the territory of that state, there is only one large town, and about seventeen thousand voters, amongst whom there is no great inequality of fortune<sup>‡</sup>. That state is the most democratical, perhaps, of any in the world; and the subjects of it may continue to enjoy, in some measure, the substance of a democracy or representative government, whilst they are so few in number; whilst they are chiefly employed in cultivating the fields; whilst the great body of them are nearly equal as to riches; whilst they preserve those manners which are common to country people; whilst there are few able to corrupt, and few disposed to be corrupted; whilst, in short, there is no great temptation, for any considerable number of them, to act in a manner contrary to the public interest. Virginia is now, in effect, an aristocracy or oligarchy<sup>§</sup>. When it is twice as old as now, it may be a monarchy or despotism. The democracies of Athens and Rome experienced such changes, why not any of the modern democracies, when the circumstances and character of their subjects approach to those of the subjects of these ancient republics? "The government of Virginia," saith Mr. Morse, "though nominally republican, is, in fact, oligarchical or aristocratical<sup>¶</sup>." This is the oldest of the American governments, according to the same author; and the reason why it is more aristocratical than some of the other governments, is undoubtedly, that there has been more time in that state than in the rest, for those inequalities of fortune and influence to arise, which never fail to change the substance of a democracy, though they may not always affect its form. If the qualification for being a voter be lower in America than

<sup>\*</sup> See the Hist. of Rome during the time of the common wealth.

<sup>†</sup> Morse's Geography of America.      <sup>‡</sup> Id. p. 472.      <sup>§</sup> Id. p. 383.

<sup>¶</sup> Morse's Geography, p. 387.

than in Britain, it is because the people are more on a level because by far the greater part of them live at a distance from each other, "nine-tenths of the whole being employed in agriculture \*;" because there are few who have either riches or influence to corrupt and mislead others in their choice. Such reasons will account for the right of suffrage being widely diffused in America; reasons which do not exist in this country. The facility of acquiring the right of suffrage in America, is already found to be attended with mischievous consequences. The Americans, therefore, it is said, intend to remedy those evils by raising the qualification for being a freeman or voter. This will exclude many from voting who now enjoy that privilege. But even now, those who have no constitutional right to vote, must appear to be numerous if we consider how many there are, who are possessed of property, who rent none, and who pay no direct taxes. In France, universal suffrage has been exploded. Thus by the new constitution, not only servants, mendicants, and the like are excluded from voting, but all those, who pay no direct contribution †. The reason given for such exclusion, and the unequal distribution of political power in general, must hold in all countries, where there is any considerable inequality of fortune. "If men," says *D'Anglas*, "without property, were to enjoy the rights of citizens without taxes, they would soon attack property, and establish fatal taxes, the effects of which they would neither feel nor have foresight of. A country governed by proprietors, is in a social state; a nation governed by persons not proprietors is in a state of anarchy ‡."

But if the object of all laws with regard to the suffrage of the people, be the civil or private liberty and security of neither America, nor France, is a model for us to imitate. America considered with regard to the comparative disparity of rank and fortune of its inhabitants, their occupations, their manners, and their scattered manner of residence is a country specifically different from this, and certainly liable, as yet, to suffer from intrigue, corruption, and faction though even now those roots of bitterness are there beginning to shoot, and may in the end check the growth of national prosperity.

\* Morse's Geography, p. 82. † Constitution of 1795.

‡ Speech of Boilly *D'Anglas* at delivering to the Convention a part of the Commission of Eleven.

prosperity and happiness; should not their government, with a change of circumstances, change in some measure its form. France, since the death of its King, has been perpetually enfeebled by successive factions. Even that faction, which gave, upon parchment, the privilege of suffrage to all that paid a direct tax, deprived, by force, the whole nation of two-thirds of its rights with regard to the choice of its representatives.

It need scarcely be observed, that nothing approaching to universal suffrage, is enjoyed in any other government of Europe; except, perhaps, some of the Swiss cantons. If any thing like it be enjoyed by the inhabitants of any of those cantons, it must be for reasons that will not apply to Britain; which is so extensive, so populous, and so diversified by inequalities of fortune, rank, and influence. But if political liberty be the only rational end of all political laws, it is very evident from different parts of Mr De Lolme's book on the constitution of England, that, in respect of political liberty, he gives England a preference to his native country\*. "If," saith he expressly, "we consider the great advantages to public liberty, which result from the institution of *the Trial by Jury*, and from *the Liberty of the Press*, we shall find England to be in reality a more *democratical State* than any other we are acquainted with. The judicial power and the censorial power are vested in the people †"

Thus, we find, that, with one or two exceptions, and those too for reasons that will not apply to Britain, neither universal suffrage, nor any privilege equivalent to it; has ever obtained in any government ancient or modern. The reason doubtless is, that to give one man who is worth nothing as much power in the government which protects all, as another who may be worth five thousand a-year, is contrary to the *Common Sense of Mankind*.

One swallow, according to the proverb, makes no summer. It is not the size of a dwarf or of a giant, but a certain middle size, that is the proper measure of the human race. The numerous

\* Mr De Lolme was a native of Geneva; a Lawyer; a member of the council of 200 in his native country, in which he resided till about the age of seven-and-twenty. After this, he resided some time in England and studied its political constitution. His information, therefore, with regard to the extent of political liberty in this country and Switzerland must have been sufficiently accurate. See preface to his work on the Constitution of England.

† De Lolme on the Constitution of England, p. 428.



numerous sect of some insects are very useful to them, but unnecessary, and would be inconvenient and hurtful to them. Every person knows, that the same coat will not suit every back; but it is not so generally attended to, that every government will not answer every nation. Some nations are as different from others as one species of animals from another. And as animals of different kinds are fitted by nature for different specific ways of life, so nations, by their character and the difference amongst individuals with regard to property, rank, and influence, are fitted for different constitutions or forms of government.

R. T.

## L E T T E R XXII.

*Effects of Universal Suffrage and Annual Parliaments,  
Character, Condition, and Happiness of the People.*

COUNTRYMEN,

HAVING, in the preceding letter, observed, that neither like universal suffrage obtained in any of the ancient republics; that it does not obtain in any of those modern states which some have professed to admire, except perhaps the state of Vermont alone; that if in any of the modern states, the right of suffrage has been more diffused than in Britain, this greater diffusion of it has been owing to circumstances, which obtain in those states, but not in this country, and which render those models, in this respect, not fit for us to imitate; let us now consider some of its effects.

Universal suffrage would have the worst effects on the character, condition, and happiness of the people.

The more aristocratical the constitution of our boroughs, the less the corruption and intemperance at the election of a member of the House of Commons; the more democratical the greater. In some of the latter sort of boroughs, may be seen, on such occasions, scenes of idleness, dissipation, intemperance, and riot, to which other places of the kingdom are wholly strangers. But to introduce universal suffrage would be to make the whole kingdom, in a great measure, such as these boroughs.

In all the boroughs as well as counties, there are some dependent

dependent on others, that were universal suffrage established as a law they would be under a necessity of voting with them, without being either corrupted or entertained. But there are others, who are in so independent a situation, though a mean one, and who, on most occasions, perhaps, would be so indifferent in their choice, that they must be determined partly by pecuniary considerations, and partly by entertainment. The spirit of party also would lead almost all to excess in conviviality. And those two causes, the bribing of some, and the entertaining of all, at elections, would produce, all over the kingdom, scenes of idleness, dissipation, intemperance, and corruption, which are now almost wholly confined to some of the boroughs.

If we take into consideration, all the different meetings of the people with one another, and with the candidates or their agents, we may suppose, as a moderate calculation, that there would, on the whole, be a week of dissipation and intemperance. On such occasions, not only would their excesses injure their health; but their very occasional idleness, dissipation, and intemperance, would beget habits of those vices, and create in them a dislike to their former industrious and temperate way of life. And if, by annual parliaments, those practices returned every year, it is impossible to say what, in the course of a few years, the effects of them would be on the morals of the whole nation. It is certain, that, in the boroughs, even septennial elections are attended with the worst consequences to some individuals. How great then would be the effect, if the whole kingdom were, by universal suffrage, changed, in some measure, into a corrupt borough, and if the cause of vice were to operate every year by annual elections?

No man becomes vicious at once; it is against his nature. The vicious become such by degrees. One vicious action dispels to another; the edge of conscience is blunted by frequent repetition; a propensity to vicious actions is produced by the same means; and thus, as men practice vice, the restraints from it, which nature imposes on them, become more and more feeble, and their inclination to it, greater and greater, till they become vicious in the extreme; and, what is of all things the most wretched, lose all power of recovering their lost innocence and virtue. The case of a whole nation is the same with that of an individual. Being composed of individuals, it also is gradually corrupted by occasional indulgence

in vicious actions: So that were the object of any people to render themselves vicious, they could not, perhaps, devise means more effectual, than universal suffrage and annual parliaments.

Their health and understanding would suffer by intemperance; their industry, by idleness and dissipation; their temperance and sobriety, by excess; and their honesty and patriotism (whatever it might be) by bribery. The annual practice of selling their votes to the highest bidder, or of giving them to the best entertainer, would blunt the edge of conscience and dispose them to dishonesty in all their intercourse with each other. Did the people possess the privilege of universal suffrage, that part of the government, in which they would be a share, would be entirely demeritless. But "the mischief of a republic," *says Montesquieu*, (that is, of a democracy) "is when the people are entirely gained by bribery and corruption. In this case, avarice becomes their ruling passion; unconcerned about the republic and every thing belonging to it, they quietly wait for their hire\*." The great principle of a republic, *says the same author*, is virtue. But universal suffrage would prove the bane of virtue.

In a political view, therefore, universal suffrage would prove the greatest evil to this nation. But its effects on the happiness of individuals would be most melancholy. By rendering men vicious, it would render them miserable. He who made man, has ordained that, in the keeping of his laws, there shall be a certain reward of happiness, but that the violation of them shall be attended with misery: And it is not in the power of all the creatures together, to abrogate these laws, or even to suspend their operation. It is a characteristic of the divine laws, that the sanction of them is unalterable, that the penalty of them cannot be escaped but by repentance and a return to the way of our duty, and not wholly even by these means. We every day see how miserable many render themselves by idleness, drinking, and other sorts of debauchery; and the direct tendency of universal suffrage and annual parliaments, is to render the whole nation such as those wretched individuals. A man may be as happy, though in a mean condition, as the highest in the land, provided his heart and life be good; but if he be vicious, let his circumstances and station be what they will, he must be miserable. The same truth will

\* Spirit of Laws. b. 2. c. 2.

will apply to all the individuals of a nation, to the whole of the people. Though we were to lose much of our trade and riches, even though the constitution and laws were to undergo a change for the worse; yet the nation might be happy, though not so happy as now, if it retained its virtue: But though it had the government and trade of the whole world; though every subject were as rich as *Cresus*; though the constitution and laws were immediately and expressly of divine appointment; yet vice, a necessary consequence, in some degree, of universal suffrage, would render it miserable.

The effect of universal suffrage on the condition of the people would be as bad, perhaps, as that which it would have on their morals. Let not any imagine, that they are to make rich by this plan, but those who are rich already, and who, in consequence of purchasing votes by their money and entertainment, are to sell them again to the highest bidder; or who having thus purchased the suffrages of a borough or county, must, to prevent bankruptcy, sell his own suffrage to the minister in the House of Commons. Universal suffrage, by corrupting the people, would of necessity corrupt the ministers of the Crown. At least, however upright and patriotic their intentions might be, it would lay them under a necessity of corrupting the House of Commons. In this government, which is free, men have a will of their own; and therefore, (such is human nature) there must be a system of due influence to determine the wills of a majority of the House of Commons in favour of the minister. For if the Crown had not a majority on its side; the majority might refuse it the necessary supplies; and then the business of the nation must stop; for it could not proceed in a constitutional way; and if the minister attempted to raise the supplies by force, he would be resisted, and a civil war might follow. To gain a majority for the minister, there must, in case of universal suffrage, be either a very great number of unnecessary lucrative places created, or the members of parliament must be directly bribed; in both which cases, it would be corruption direct or indirect, that would determine them. And thus, the tide of corruption would, through the channel of their representatives, flow from the people to the minister, and from the minister to the people, till it sapped the foundation of the government, or till the excess of this evil cured itself by obliging all ranks, for their own sake, to return to the present state of suffrage, or to put it in some such state as would remedy the evil.

Mean while, before we enter into this trade, it would be prudent in the poor to consider, that, whatever it might be to a few rich individuals, it would, at any rate, be a losing trade to them. In this trade as well as all others, it would be money only that would make money. All that the poor could expect, would be flattery and entertainment about the time of elections, and some money to be scattered amongst the needy or corrupt of them, which, to each man's share, would be very little. But this would not make them rich, but, in the event, poorer. For, besides the loss of their time, the very money expended in entertaining and bribing them, must, in the last place, come from the nation; and as our taxes are equitably imposed, an equitable portion of it must come from them. For as money would be necessary to influence their corrupt and venal representatives, and as government has no money but the revenue, this must be augmented by taxation, and it is but just, that the people should pay an equitable portion of the taxes, because they are protected. So that, instead of enriching the poor, the scheme of universal suffrage would only give money to the corrupt part of the nation, at one time, to oblige government to take it from the whole at another; and all the unnecessary expence at elections would be a national expence. It is the case with a nation, as with a family. If it give a great deal out at one time, it must receive as much in at another. The whole expence of elections (and by universal suffrage that expence would be prodigiously increased) it is evident, is a national expence; for no nation but the British defrays it. And though certain rich individuals would always defray this expence in the first place; yet it must at last be chiefly defrayed by the government; and government must be reimbursed by the nation. And though the rich would, indeed, pay most of the expence of government; yet the poor would also pay their share; and that share must generally be nearly equal to what they have received either in the way of entertainment and bribery, or any other way of inclining their wills.

It is plain, therefore, that none but the rich, who could purchase votes to sell them, would, in the end, make any thing of the trade of universal suffrage. The poor would be just where they are (supposing what is not possible, that no alteration for the worse were to take place) that is, they would be free; and if they bettered their circumstances, it would be  
only

only by their industry, temperance, and economy. For the immediate cause of the riches of individuals and of nations, is their industry joined to frugality or the proper management of the fruits of their industry. Let any man tell the poor what he will, whatever changes take place in the government of the country, even though they should be for the better, except a few individuals out of millions, no poor man will be more bettered than another, or than the rich, by such changes. All the rest of the poor must remain in the same relative situation in which they are. In other words, the labour of their own hands, when they are in health, must support them. Agriculture, manufacture, and commerce, are the support of all; but none of them will support any man without labour; and, in that labour, every poor man must share, till providence, by blessing his labours, shall place him in such a situation, that he may choose whether he shall labour, or not. This is the order of the providence of an Almighty Being, and man cannot alter it; nor even attempt to alter it, without producing, in a proportionate degree, confusion and misery.

But though universal suffrage would not enrich the poor; yet it would tend to make them poorer, by the loss of that time, which might be employed with advantage to their circumstances; by a waste of the necessaries and comforts of life, the expence of which would, in the last place, be defrayed, not by their representatives only, but in part by them also in common with the rest of the nation; and by the tendency of the whole business of annual elections by universal suffrage, to injure the health, understanding, and morals; which not only indisposes men for all labour and occupation, the only ultimate means of acquiring riches, but which poisons all the springs of human happiness. Whatever tends to make men worse, tends directly to poverty, and, in various ways, to misery.

In this country, in which taxes are so imposed, that, in effect, and in the event, they operate, not equally, but equitably in taking from each individual, for the protection of the whole, a portion of his income proportioned to that income, the whole nation is very like a family; and national prodigality, intemperance, corruption, dissipation, and idleness, are, so far as they operate, *national poverty, weakness, and misery.*

Such, therefore, upon the whole, would be the effect of universal suffrage on the character, condition, and happiness

of the people, that were government to confer it on them, as a privilege, it would be sending them Pandora's box; out of which, according to the ancient mythology, all the evils of life issued. Even hope herself would not remain behind, should the fatal privilege continue.

R. T.

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## L E T T E R XXIII.

*Universal Suffrage and Annual Parliaments would very much increase the national expence.*

COUNTRYMEN,

**A** Nother effect of universal suffrage and annual parliament would, on the most moderate calculation, be an annual addition of two millions and a half to the expence of the nation.

For, let us suppose what may be nearly the truth, that the number of persons in the kingdom is ten millions; that a fourth of them is men above the age of twenty-one, that is, voters; that seven days of their time is, one way and another, spent in the business of their elections; and that the money expended, during this time, in corrupting and entertaining them, ten shillings and sixpence for each voter; then there is seven days lost to each from his proper employment, that is, on an average, ten and sixpence; and this added to the other expence makes the whole expence for each voter just one guinea (if in this country, where all are employed, a waste of time equivalent to a waste of money) that is, the whole expence of an election is 2,500,000 guineas.

Now suppose the number of voters at present to be one to three and a half only of what it would be in case universal suffrage, and the elections to return once in six years when there will, at every election, be only one vote given, according to the present mode of election, for twenty-one would be given upon the supposition of universal suffrage and annual parliaments; that is to say, supposing the expence of procuring single votes to be, in both cases, the same, universal suffrage and annual parliaments would cost the nation and twenty times more than the present mode of election.

that is, the expence of the present elections is just the one and twentieth part of what elections would cost, were each man above the age of one and twenty annually to give his vote. But that one and twentieth part is just 2,500,000 shillings according to the above estimate of annual elections by universal suffrage; which sum taken from 2,500,000 guineas, the whole expence of one election by universal suffrage, there will remain 2,500,000 pounds sterling. This is the neat sum that is annually saved to the nation by the present mode of election, or which would be expended or lost by annual elections and universal suffrage. But this sum equitably collected, and lent out, would, at the rate of compound interest, in about thirty years, reduce the national debt as much as would be safe and convenient, and in about forty, it would extinguish it.

This calculation will hold so far true, though there were only eight or six millions of persons in the kingdom; because the proportion between the expence of the present elections and that which would be incurred by universal suffrage and annual parliaments, will always be the same, whatever we may suppose the number of the people to be. The only difference, in case the number of voters should be less than what has been supposed above, is just this, that the reduction or extinction of the national debt, according to our plan, would be a few years longer in being accomplished. And the same observation may be made, supposing the expence of elections, or the real loss to the nation incurred by them, to be smaller than what has been stated above. Now it is vain to say, that the nation could annually afford so great a sum, or more or less, to defray the expence of its elections of members of the House of Commons, but not to pay off its debt, in whatever manner that sum should be collected.

It will, perhaps, be objected to the above reasoning, that the expence of annual elections by universal suffrage is stated too high. But this does not by any means appear. For, suppose the number of members of the House of Commons to be only 500, and the expence of each successful candidate at each election to be, on an average, only 5000 pounds (which is just twenty shillings for each voter, each election, if the number of voters be 2,500,000) then the whole expence of annual elections will be 2,500,000 pounds, the precise sum stated above. But if the unsuccessful candidate be at the same



same expence, which is very probable, then there will be added 2,500,000 pounds more to the expence of an election. And if the loss of time to the whole electors be equivalent to the expence of either candidate, there will be other 2,500,000 added to the same expence; which will make the whole expence of an election by universal suffrage to be 7,500,000, that is, just three times more than what it has been above supposed.

It may also be objected, that the expence of annual elections by universal suffrage would not be all loss. But one half of it, perhaps, that is, the time spent in elections, which might be spent in some useful occupation, would be mere loss. And by far the greater part of articles consumed on such occasions, being a waste, and not a just use of them, is also loss. So that nearly the whole expence of time and money, that would be produced by universal suffrage and annual parliaments, would be mere loss.

It may be farther objected, that, though the whole or almost the whole of the expence, produced by this means, more than the expence of present elections, would be loss; yet it would be loss to individuals only, and not to the nation. But the very same argument might be made use of to justify all waste of public money. The loss of individuals is, in the end, the loss of nations. The riches of every nation are precisely the riches of the individuals that compose it. The common stock of every nation is the revenue of its government; and that revenue must always be in proportion to the riches of individual subjects. What is lost, therefore, to individuals, is lost to the common stock; for it is impossible, that either money or goods can be both lost and make part of the revenue. So that, whether we consider the riches of a nation as consisting in the riches of the individuals which compose it, or in the revenue of its government, what is a loss to individuals, is a loss to the nation.

But, besides the direct and positive loss which the nation would sustain by universal suffrage and annual parliaments, it would, by the same means, sustain a further loss in a remote and circuitous way. What is saved by the present mode of election; or, in other words, what would be lost by annual elections and universal suffrage, is employed in agriculture, trade, or some sort of improvement. What is employed in any of these ways, promotes industry; industry multiplies riches,

riches; increasing riches enable the subject to bear increasing taxes without being oppressed; and, as taxes increase, the revenue, that is, the common stock of the nation, is increased.

But were what is now employed in stimulating to industry, and increasing the national wealth, lost instead of being so employed, there would be first a positive loss, and then the loss of all the fruits of that industry, which is produced by that sum's being saved and employed, which would be lost by universal suffrage and annual parliaments.

It is not pretended, that the above calculation with regard to the expence of universal suffrage and annual parliaments, is accurate. It is not necessary, in order to prove the doctrine contained in this letter, that it should. This, however, is certain, that if the number of voters upon the supposition of universal suffrage and annual parliaments, were to the present number as three and a half to one (which is certainly very far below what it would be) and if the expence of procuring votes were in both cases the same (and perhaps there would be no great difference) universal suffrage would cost the nation one and twenty times more than the present elections. The expence may be more or less than what has been stated; but the general reasoning is conclusive, and proves, that such parliaments and suffrage would add to the expence of the nation. Such a sum, at least, as collected and left to accumulate, would, in the course of not many years, either extinguish the national debt, or reduce it to such a sum as would be a national advantage and security, not a burden. And if the nation cannot afford such a sum annually, neither can it afford the expence of universal suffrage and annual parliaments. It seems, indeed, very inconsistent to complain of the national debt and taxes; and yet to contend for what would infallibly very much increase both, and at the same time render the nation less able to support them.

It has been said, that universal suffrage would put an effectual stop to bribery. It may be asked, how! The mere conferring of this privilege on the people would not certainly render them more honest; but it would expose them to temptation, and give them an opportunity of being dishonest, should there be any to bribe them; and such there never will be wanting. It would not, indeed, be possible for a candidate to expend as much on each of fifty or a hundred electors, as he may now do on each of ten; yet this would not prevent corruption.



*L. Island District*

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corruption. The spirit of party, which is strong even now, would probably become stronger in proportion as the right of suffrage were diffused; and this spirit would induce, not only the candidates themselves, but the leading men who should support them, to scatter their money in corrupting and entertaining the electors. The ambition of men will never cease. Like the point of honour, as placed in duelling, and like all our other passions, perhaps, it will gain strength from difficulty in gratifying it; and, therefore, though the right of suffrage were diffused so as to become universal, the difficulty of carrying their elections would most probably only make more candidates ruin themselves by their profusion. One reason assigned for changing the duration of parliaments from three to seven years, was the great expence of elections to candidates; "a certain proof that there were not then fewer people to bribe than there are now." It would not be necessary, that the candidates should be at the whole or any great part of the expence of entertaining and corrupting the people. The spirit of party would furnish enough of rich partisans, whose kennels would make them willingly share in that expence. At present, in those boroughs, in which voters are most numerous, there is, it is said, most venality, dissipation, and intemperance.

Whilst fortunes are so suddenly acquired abroad by men, who, returning home, want either power themselves, or to connect themselves with those who have it, by supporting them; whilst wealth flows into the country from all quarters of the globe; and whilst there is so great disparity of fortunes, there never will be wanting some who are disposed to corrupt, and others, to be corrupted. We are at present nearly in the same situation with respect to riches and inequality in the possession of them, that the Romans were when "all things were sold at Rome," when the wealth of provinces was lavished on the populace, who had most unjustly caused a law to be made, that every freeman's vote should have the same weight with that of another. It was then that Jugurtha, king of Mauritania, having escaped the punishment of his crimes by bribing the senate, could not help turning about, when leaving the city, and saying, "O Rome, how readily wouldst thou sell thyself, if there were any man rich enough to be the purchaser!" The sarcasm of this wicked prince was a prophecy. The people continued to sell themselves, at every election, to the high-  
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A bidder, till their wealthy merchants made them all slaves. And in this country, as at Rome, the diffusing the right of suffrage would only be diffusing corruption. To render it universal, would be to corrupt the whole nation.

Neither would any law forbidding candidates to declare themselves such before the day of election, prevent canvassing, bribery, intrigue, nor even wholly dissipation and intemperance, previous to elections. The laws against corruption are at present as severe, perhaps, as they can be made, without entirely defeating the intention of them; and yet they are evaded. It would be impossible to define, by any laws, what a declaration of intending to be a candidate, should be, in such a manner as to prevent every loop-hole, by which the candidates might violate the law with impunity. Words have no determinate meaning, separated from the air, the gesture, and the tone of voice, with which they are spoken. It is, therefore, much more than the mere articulate sounds or words which a person uses, that determines his meaning. Sometimes the manner of saying a thing gives one to understand the very contrary of what is said. It would be easy, therefore, for any person intending to be a candidate, to deny his intention in words, and yet to confess it by his manner, behaviour, and the whole of his conduct. And as there is always a number of men in this country, equal in talents and probity to others, and superior to them in riches and influence, towards the approach of an election, the houses of such men would be resorted to by all their dependents and connexions. These, though possessed of no great penetration, would easily learn their intention with regard to the ensuing election, though they did not express it in words, and they would take their steps accordingly. Parties would be active; and all the business of electioneering would be gone through nearly, perhaps, in the same manner as at present.

No law certainly could be made, prohibiting men from meeting in a convivial manner, and talking of the persons fittest to represent them in parliament; for this is friendly and patriotic; and, under the appearance of friendship and patriotism, all the arts of electioneering could be practised with great facility and safety. There are many instances of persons canvassing with the greatest eagerness, for offices, by means of their friends and connections, even whilst they themselves profess to decline them. Mr Morse, indeed, in his geography, says,  
 " that



“that the base business of electioneering, which is so little known in Connecticut; that a man, who wishes to be chosen into office, acts wisely for that purpose, who keeps his desires to himself; and that in New England (of which Connecticut, in his account, forms a part) the expression of a wish to be promoted, is the direct way to be disappointed\*.” But there is nothing, in what this writer says, contrary to what is affirmed above. The inequality amongst the freemen of America is nothing compared with that which subsists amongst the inhabitants of this country; where there is no high degree of inequality, the people are not disposed to submission; the republican spirit, which can scarcely brook a superior, is universally prevalent in New England; and this spirit joined to the equality, which produces, and fosters it, must excite disgust when a man expresses a desire of being promoted, that is, of becoming superior to his equals. But the inequality amongst men in this country, not only disposes them to submission, but puts it in the power of the rich to corrupt and influence the poor. Mr Morse acknowledges, in the passages now quoted from his geography, “that electioneering arts” are already “a little known” in America. When the riches of the people and the inequality in the possession of them become greater, those arts will be more known. Even now, by other accounts, the Americans are as venal according to their measure of riches and inequality, as the people in Britain.

Mr Morse ascribes the honesty of the Americans to the want of the means of corruption †. That country is yet but in its infancy. In its maturity, if it resemble other countries in great inequality, amongst its inhabitants, with regard to riches, it will resemble them in certain inconveniencies arising from that inequality: If it be more equal, it will be more turbulent, and want those advantages which arise from a greater degree of inequality. In this country and all others in the same predicament, all that can be done, is to discountenance and in some measure restrain corruption and undue influence; to prevent them wholly is impossible. But were every man admitted to vote every year in choosing a member of the House of Commons, the numbers that would be corrupted and unduly influenced would keep them in countenance; and the blame of such practices would be wholly banished.

Besides

\* Morse's Geography, p 241, 148. † Morse's Geography, p, 148

Besides, the justice and policy of a law forbidding candidates to declare themselves previous to the day of election, though it were to prove effectual, is very questionable. If the people are to be the electors, they ought to know some time before the election, who are to be the candidates, that, having time to inform themselves with regard to their characters, they may not, on the day of election, see a candidate with whose merit they are unacquainted, and be under a necessity either of making a hasty choice, or of declining to vote. But if such a law would be just and politic upon the supposition of universal suffrage and annual parliaments, it would be equally so, supposing the qualifications of voters and duration of parliaments, to remain nearly as they are.

Upon the whole, besides other mischiefs, universal suffrage and annual parliaments, notwithstanding of any laws relative to elections, would probably, upon the lowest calculation, produce *an annual loss to the nation of two millions and a half; perhaps of double or triple that sum*.\*

R. T

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## L E T T E R XXIV.

### *Other Consequences of Universal Suffrage.*

#### COUNTRYMEN,

**I**N all civil societies, every man is entitled to enjoy security, and consequently is interested to support the government which affords him security. Government, therefore, is a common good or common interest. But, besides this common interest, there are a great many separate interests, which arise from party, from the unequal possession of riches and dignities, and from the whole of the situations of men considered in their relation to one another. In such countries as ours, there are, besides other interests, the interests of rich and poor; and, in those two classes, every individual has an interest of his own. Now the great object of government is to secure to all ranks and to each individual in every rank, what is their own, or what they are particularly interested to preserve.

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\* See calculation, p. 186, 187, 188.

But if individuals amongst the poor or those in the lower ranks, had an authority or power in the government (which is the instrument of affording security to all) equal to that of individuals amongst the rich or those in the higher ranks, it is evident, that the latter could not enjoy security; because this instrument might be used to injure instead of protecting them. If men were perfect, any class might be allowed an exorbitant power, because they would not abuse it: But as they are imperfect, liable to temptation, and frequently ready to yield to it, no exorbitant power ought to be possessed by any class, because it might be abused. The distribution of power should be such, that no class, nor any individual may be able, with impunity, to injure another. But universal suffrage would be an exorbitancy of power in the lower classes, which might be used for the very worst of purposes.

For, let us suppose, that a party shall have the address to make them believe, that they are oppressed with taxes: That the monarchical part of the government is so expensive that they cannot be delivered from the burden of taxes but by erecting a pure republic; and that this will deliver them: That a republic is, on every account, preferable to a monarchy or mixed government: That all distinctions of honour and power are unjust; "for that all men ought to be equal:" Let us suppose also, that the doctrine of equality is so preached to them as to give them hopes, not only of abolishing all distinctions of honour and power, but of sharing in the property of the rich; and of bettering, not only their own condition, but that of the nation, by a change of government: Let us suppose, that such doctrines are artfully, zealously, and industriously preached to them, and inculcated by every means upon their minds; then it is evident, that as those classes of the people have interests separate from those of the other classes, so they might begin to have separate views; views inconsistent with the common good and even with their own good, though they might not perceive it. And if, in such a state of their minds, every man above the age of one and twenty had the privilege of voting for a member of the House of Commons, no man can foretell what would be the precise consequences. This is certain, that no good would be expected, but much evil apprehended, by all those, who being more enlightened than the body of the common people, would see farther into the consequences of things.

As they would be more numerous than those in the higher classes, they might compose the House of Commons of men, who should have the same views of rights, equality, and government, with themselves: And this House of Commons might attempt to realize the whole of their favourite scheme; to place all taxes on the rich according to Mr Paine's plan; to abolish the monarchical part of the Constitution, as in France; to vote the House of Lords unnecessary and dangerous, like the partisans of Cromwell; and to change the form of the government into a republic. All this, they might attempt to do; and being the keepers of the national purse, they might make use of it to enforce every new claim. Should they be refused their demands, they could refuse the necessary supplies to the Crown. It was in this manner, that the people in the reign of Charles the first, by means of their representatives, countenanced in the beginning by certain of the nobility, wrested from the Crown, first the dangerous part of its prerogative, and then that which was necessary. This diminution of the royal prerogative, joined to the power of the popular leaders, gave those leaders an opportunity, in the end, of abolishing royalty, and wreathing, about the neck of the nation, the yoke of a republic, under which it continued for years to groan, but which it threw off the first opportunity, and, with unbounded joy, welcomed the return of monarchy in the return of Charles the second. It was by a similar exorbitancy of power in the people of France, or rather in their representatives, that the government of that country was destroyed instead of being improved.

I speak at present only of what the people, in case of universal suffrage, might attempt to do, not of what they would really accomplish. For this nation being instructed by its own calamities in former times, and by the late calamities of France, every unbiassed man in it, who understands the true interest of the country, would be ready to resist any unjust claims made either by the Crown or by the lower or higher orders of the people. Though every man, therefore, above the age of twenty-one, had the privilege of voting in the election of a member of the House of Commons; though, in consequence of this privilege, that house should be composed of men, who should attempt to produce changes similar to what have been mentioned above; yet it is certain, that they would meet with opposition, not only from the Crown and the House of Lords,

but from every well informed and well meaning man in the kingdom. It is true, that, in case of opposition, they might refuse the supplies to the Crown. But this refusal would not enable them to make their resolutions be passed into laws. The House of Lords itself would, from pure necessity, probably grant those supplies; this would be unconstitutional; debate and contention between the two Houses, would arise; the nation would become factious; and a civil war would follow. It was a contention of a similar kind in the end, which produced the civil wars in the reign of Charles the first.

But whilst the state of suffrage remains nearly as it is, it is next to an absurdity to suppose, that those who have power to alter the constitution, will make any alteration in it, that is material or for the worse. It is absurd to suppose, that the Crown with its present authority and influence, will yield up any necessary and just part of its prerogative. It is absurd to suppose, that the Lords will attempt to abolish royalty, upon which the very existence of their honours and privileges depends. It is absurd to suppose that any member of the House of Commons, of fortune, merit, and influence, will attempt to abridge the necessary privileges of the nobility, both because he may well aspire to those privileges, and because he must be convinced, that they are necessary to the welfare of all. It is absurd to suppose, that either the remainder of the House of Commons or their constituents should attempt to introduce universal suffrage, both because it could add nothing to their privileges, and because being generally men of some property, and sufficiently informed of the consequences of diffusing the privilege of suffrage so widely, they would see, that, in such a state of it, they could have no security for their property, for their lives, or any thing in the constitution and laws, on which they set any value. It is not in any degree probable, that the Commons will permit any of their necessary privileges to be abridged by the Crown or the Lords; because they are possessed of the greatest degree of power in the state; because their power has been almost uniformly employed either in extending or maintaining their privileges; and because in surrendering any of their necessary privileges, they render, not only the condition of their constituents, but their own, insecure. Whilst the state of suffrage, therefore, continues nearly as it is, no material change in the constitution, for the worse, is to be apprehended.

And

And whilst the constitution remains, the people in no rank whatever, have any thing to apprehend, with regard to their lives, liberty, and property. For, whilst that remains, no laws civil or criminal can be enacted, which shall not equally respect all; and the laws will be impartially executed, whilst the execution of them is entrusted to one man, who has authority and power to execute them, that is, whilst we are governed by a king whose power is very great but limited; and whilst the Habeas Corpus act, the trial by jury, and the liberty of the press, are privileges of all.

If those in the lower ranks, who are excluded from voting in the election of members of the House of Commons, have any thing in appearance to apprehend, it is, least the taxes should fall upon them with too great a weight. But here, perhaps, they have no more to fear than those in the higher. Neither do the fears of any with regard to this appear to be well founded. For, though within this century, taxes have increased much; yet all prices, that is the income of every individual, have increased as much: So that if any give more out now than formerly, they receive as much back in place of it. All the difference is, that instead of counting a smaller sum, they are now obliged to count a greater. This will ever be the case till prices can be raised no higher †. Should it be necessary to impose taxes after that, the great burden of them must fall upon the rich, and not upon the poor, and that for the most obvious reason. The poor must have not only the mere necessaries of life, but also some of its conveniencies, that is, they must have what is commonly deemed a subsistence. This, in some measure, they ever have had and ever will have in all countries where the soil and trade are fitted to afford it. Nei-

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† It is long since speculative men have entertained fears, that prices could be raised no higher; and yet they have still continued to rise. There seems to be as little ground to fear, that government will be always under a necessity of imposing new taxes. Were there nothing else to make us expect a repeal of taxes after the present commotions of Europe are over, we might expect it from the present plan of improving the *waste lands* in the kingdom. If we consider, on the one hand, with what spirit this plan has been adopted and is every day pursued, what an addition the completion of it must be, to the subsistence, the population, the industry, and riches of the country, and consequently to the revenue, and, on the other, that all this addition will cause little new expence to government, we shall not, by any means, be over sanguine, if we think, that this source of wealth alone may be sufficient for reducing the national debt so as to render a repeal of taxes a thing of course.

ther art nor force will deprive them of it. But, in this country, since taxes have encreased, not only have prices risen, but the real wealth, the substantial abundance or plenty of the people, has undeniably been gradually augmented.

But as the rich have, not only the necessaries and conveniences of life, but also more or less of its luxuries, they have a surplus above what the poor have; and as the poor can spare nothing from what is a just subsistence, if more taxes are to be imposed after prices can be raised no higher, the new taxes must be paid wholly from this surplus of the rich, because there is no other fund from which they can be paid. Therefore, should ever the time come, when prices can be raised no higher, and when it may be still necessary to impose new taxes, the rich must pay all the additional taxes, because the poor cannot †. Mean while, as we have no poll-tax; and taxes are so imposed, that, in the last place, they affect the  
subject

† It has been asked, "what right has any set of men to tax me without my consent?" It may be answered, that if many were never to be taxed but with their own consent, they would scarcely be taxed at all, and never as they ought. The right to tax by some person or other is founded in the right, which government has to support. The right of men of property, and those only to tax us, is founded in this, that the country could not be so equitably taxed in any other way; and for the same reason, the electors of such men ought to have certain property, and a certain interest in the country. Were it otherwise, the poor might strip the rich of their wealth, and reduce them to their own level, simply by the power of taxation. But, in this country, whilst prices continue to rise, it is impossible for the rich to lessen the income of the poor by taxation without lessening their own; unless they were to impose either poll-taxes, or taxes which would operate in a similar manner. Even then it would be scarcely possible.

For as taxes are laid on articles, which those only who are rather rich can afford, that is, on accommodations and luxuries, the burden of them is laid, in the first place, on the richer classes only, and there the greater part of it remains. If they endeavour to push it off by raising the price of land, or the value of their income of any other kind, the price of labour and all commodities is raised in proportion; and the income of all is, in time, the same in value with what it was before taxes were imposed. The national debt is, indeed, increased; but this debt has as yet been a burden only by the fears it has excited. Should it become a real and sensible burden, the rich as well as poor will feel it. Should it make bankrupts of any class, it must make bankrupts of the rich only, and of the rich chiefly, who can neither secrete their property, nor transport it beyond seas, that is, of landed proprietors. And if it must be paid, the landed chiefly must pay it; for the poor cannot; and men in business find means of concealing or transporting their property, which is not the case with lands.

subject in proportion to his private expences; and as the rents of land and the prices of labour and all commodities, are raised in proportion to men's necessary or prudent expences; whatever the taxes are at present, they are borne by each, in proportion to his strength. Should they ever become greater than that strength, they will not be oppressive to one individual without being oppressive to the nation. This I mention, however, merely as a supposition to illustrate my argument, and not as an event to be feared. For the people in all ranks, considered in their private capacity, have, to this very day, been growing richer; the proof of which truth is their trade, their agriculture, their manufactures, and their whole stile of living. What a difference is there between the whole of their condition now and what it was at the accession of the present family to the throne!

Taxes are at present paid in proportion to what a man either expends or ought to expend for himself and family, that is, generally according to his income, that is, according to what he can bear; and, therefore, they are just or equitable. We find, therefore, that universal suffrage is not necessary to make them so. But were the poorer classes of people to have the power of laying on the taxes, they might lay the whole of them almost on the rich by taxing every kind of property above a certain value, so as to render it of no use, above that value, to the possessor. For instance, every estate or income above 60 or even 50 pounds a year, might be so taxed as to render its value no more than 100 or 50 pounds. And, in this case, the laws with regard to taxes, would be a species of agrarian laws, which, could they be executed, would introduce some sort of equality of property and all the evils attending it. And as the House of Commons claims exclusively the right of imposing taxes (all money bills originating in their House, and the House of Lords not being permitted by them to make any alteration in such bills) universal suffrage, by giving the poorer classes a power of choosing the former House, would give them a certain degree of power of laying all the taxes or any oppressive part of them on the richer; because, if the supplies granted by them, and all the ways and means of raising them, were not to meet with the consent of the Lords, they might refuse them altogether.

Should their representatives attempt to use their power in this way, there is no doubt, that they would meet with nearly

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ly the same opposition that the poor themselves would, were they to attempt, by force, a direct and formal partition of all lands and property. Equality would be the object of the poorer class, on the latter supposition, and an approach to it their object, on the former; and in both cases, their attempt would most likely meet with equal resistance. As universal suffrage, therefore, would give the poor a power of acting most oppressively and unjustly towards the rich, or of attempting to do it; and as the very attempt, if persisted in, would embroil the nation in a civil war, and produce much mischief, the people have no right to it, unless they have a right to do wrong. But though the present state of suffrage or representation may possibly admit of some small alteration, for the better, in a favourable time; yet no bad consequences are to be apprehended from it in its present state, either to the constitution, or to the life, property, or liberty of any subject. And as these are at present enjoyed in security by all, and as universal suffrage would render them insecure, therefore, it can never be admitted as a privilege or right of the people, because it would be inconsistent *with general security*, the grand criterion of all political rights, the only measure of all distribution of power and privilege, and the chief end of all government.

The privileges of those in the upper ranks of life are, in this country, balanced by the natural power and political privileges of those in the lower. This is an obvious fact. But any thing, like universal suffrage, would give to the latter an exorbitancy of power, which, as anciently at Rome and lately in France, they might first use to ruin their superiors, and of which their leaders would then deprive them.

It is evident, that were the government wholly representative or elective, according to the plan of certain innovators, the ill consequences of universal suffrage would be more to be dreaded, than now that neither the Crown nor the House of Lords are elective. For, upon that new plan, it would give the lower class of the people, a power of composing the whole of the legislature of what men they should choose. Left to their own good sense, and the due influence and direction of their superiors, and moved only by their natural sense of justice, they would generally choose such men as would maintain the interests of all ranks. But as this is never to be expected, whilst ambition and avarice occupy so much of the human heart,

first, they would, as has ever been the case in popular states, be misled by artful and designing men; and under the influence of error concerning their rights, and of ill founded resentment for supposed wrongs, they would compose the whole legislature of those very men who had deceived and misled them. Those leaders, like those in ancient Rome and in modern France, would probably at first promise them *Agrarian Laws*, or flatter them with the hope of Equality; for it has been observed, that those are ever the most liberal in their promises, who never intend to fulfil them: They could, indeed, deny them nothing in words, which they should ask; for they could not both lead the n, and thwart their inclinations: They would even go a certain length in fulfilling their promises to favour the deception: But when they had firmly seated themselves on the summit of power, at least in their own imaginations, great difficulties would then occur to them; their promises would appear to them to have been rash and injurious; "the püssades, the canaille, the meanest of the people, must not be permitted any longer to interfere in matters of government, else all will be anarchy; the property of a country must govern it, else it cannot be well governed; if the people will not submit to what is for their benefit, they must be compelled; the state must have dignity, and a certain degree of splendour must be attached to the executors of the laws." In this manner, the leaders of the people would change their appearance, their words, and the whole of their conduct, after they had changed the former rulers of the country and the form of the government. But those changes would, to the people, be changes only for the worse. Strong desire of revenge for injuries and bloodshed, the necessary concomitants of such resolutions, general indignation against deceit and treachery, and returning affection in the people to their old superiors, would make their new ones jealous; jealousy would make them tyrannical; and the people, after suffering all the miseries of a revolution, would find, when too late, that, instead of limited and mild governors, they had given themselves arbitrary and cruel masters.

Though the government, and all political connexion amongst men, were dissolved, and the people were to become "the sovereign" (every man being master or sovereign of himself, which is all the sovereignty that any unconnected number of men can have) they would not retain their sovereignty for five minutes.

minutes. They would instantly put themselves under the direction of leaders, and these would be the sovereign. It is impossible, that the people should act but under some direction; and, therefore, as Mr De Lolme tells us, the only thing they ever make of their power is either to give it away or suffer it to be taken from them. And such is the corruption of human nature, that, in the time of a revolution, they frequently give their power to those who abuse it.

But let us suppose, for the sake of argument, what may or may not ever can be, that the people are neither corrupted nor misled, nor any how influenced, by their leaders; that their leaders are but simple instruments in the hands of the people their masters, instruments which may be used for any purpose, without hurting those who use them; then the people would be left wholly to their own will; and if they had the privilege of suffrage, they might, if they choosed, merely by their decrees, destroy, or any how alter, the constitution, and all honorary distinctions, and introduce, in so far as is possible, equality in property and every other respect. For, if the people were the sovereign, what is there within the reach of their natural power, which they would not have a constitutional power of doing?

It may, perhaps, be said, that though the privilege of suffrage were universal, it would never be used by inferiors to injure their superiors; and it may, on as certain a foundation as is laid, in defence of the worst constitution, that the people will never abuse the laws of it. But a constitution, in order to be a good one, must preclude any description of men in society, from injuring another; it must prevent not only wrongs but even the apprehension of wrongs; in other words, it must afford security to all. This is the characteristic excellence of the British constitution. But, if universal suffrage were a part of the constitution, the lower classes of the people might injure those in the middle and higher, in the greatest degree. Nor could ever the latter classes enjoy security under such a constitution: They would be, as the same description of men were at one period, in the democratical government of Athens, constantly under the reign of terror. What has been said is sufficient to shew, that universal suffrage cannot be one of the rights of the men of this country, and much less a government wholly representative or elective.

The words, *liberty and equality*, have been joined together  
with

ing and conversation, in such a manner as if the things  
 ed by them, were mutually dependent, or as if the one  
 not subsist without the other. But it was formerly  
 that, besides the other evils that would attend the in-  
 tion of an equality of property, the maintaining of such  
 ty would lay men under restraints the most unreasonable  
 intolerable, and wholly inconsistent with liberty. It has  
 been shewn in this letter, that equality of suffrage in the  
 tion of members of the House of Commons, would give  
 ce part of the nation, an immediate power of enslaving  
 other, and most probably in the event, to one junto of  
 ern, a power of enslaving the whole. It may be added,  
 a continuation of the same process would, as happened in  
 ce, make one of these leaders a despot, and give the rest  
 after. Whether, therefore, by equality, we understand  
 ty of property or of suffrage, both sorts of it are *incompati-*  
*ble with Liberty.*

It is easy for speculative men, to imagine things that never  
 be realized. Madmen are said to have a peculiar talent in  
 way. And sometimes the former sort is as much the  
 of their own imaginations as the latter. But *liberty and*  
*ty*, in either of the senses above, are two states of men,  
 ch, in this country, would be repugnant to each other,  
 ch could not subsist together.

R. T.

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## LETTER XXV.

*Universal Suffrage is not a Right of the Men of this Country†.*

COUNTRYMEN,

THAT universal suffrage is not a right, and ought not  
 to be a privilege, of the people of this country, is evi-  
 dent from the preceding letters. But as some have claimed it  
 a privilege on the ground of right, it may be proper to shew,  
 in a more particular manner, that it is not, in any sense of  
 the term, a right of the people.

It is not a right, to which they can lay claim by any thing  
 precedent or usage. For there is not, in the history of  
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† See the preceding letters on the Rights of Men.

this country, any vestige of its having ever been their privilege. During the Saxon monarchy, and for a long period afterwards it is clear from the history of the country, that the lower classes of the people were bondmen or villains, who were represented by their Lords; and that no description of the people had any representation of their own choosing till the reign of Edward the first, or the regency of the earl of Leicester.

It is not one of their natural rights. For, if by natural rights, we understand those rights which belong to men in what has been, though erroneously, called a state of nature or considered as unconnected individuals, living without government or political institutions, universal suffrage cannot be among those rights. For how can a man have a right to anything in a state in which the thing itself neither has, nor can have, existence? The right to universal suffrage, supposing it to be really a right, can commence only from the time that men begin to live together as members of the same civil society. Prior to that, it can have no existence any more than a child which may be born a hundred years hence, can have rights before it begin to exist.

Neither is it a natural right, supposing, that, by natural rights, we understand those rights, with which a man is born which are inherent in his nature or person, and which are necessary to his security, as an individual. The natural rights of men in this sense of the term (which seems to be the proper one) are those rights which subsist in their persons; such as the right to the limbs and members of the body, and the faculties of the mind, the right to the free and innocent use of them, the right to security and of course to the means of enjoying security, that is, the right to defend ones self against injury. But it is neither security, nor is it among the means of obtaining or enjoying security. It would give one part of the community power of injuring another in all their interests; but it is not necessary to any part of the community (as the fact undeniably shews) for the preservation of any thing, which they call their own. For whatever a man may call his own, whether life, liberty, or property, is, in this country, secured to him, almost in a degree of perfection, by the existing laws but would be rendered insecure, intruded, violated, destroyed, by universal suffrage. It is not, therefore, in any sense of the term, among the natural rights of men.

Neither is it among their civil rights, that is, among the  
right

rights which belong to them as private members of civil society, or as subjects of government; that is, all those things, which belong to them as individuals, after rendering to the government, which protects them, what is due.

Lastly, it is not among their political rights. The political rights of men are those which belong to them in their public capacity, in their relation to the state, or as members of the body politic. Now, as the chief end of all political society is to preserve to men in society, those rights which belong, to them out of it; and next to that, to improve their nature, to ameliorate their condition, and, in a word, to promote their happiness; we have no other way of knowing what are their political rights, than referring them to those ends or designs of society. Whatever serves to obtain or promote those ends, is their right; whatever has a contrary tendency, though in the smallest degree, is not their right. Now universal suffrage does not, in any degree, serve, nor is it at all necessary, to promote those ends; but, on the contrary, were it to become the privilege of the people, it would, more than any thing else that can be devised, counteract them.

The first, the chief design of civil or political society is, that men may enjoy security in the possession of all that belong to them. Security, they have a right to out of society; and, therefore, they have a right to it in society. Out of society, they have a natural right to use all the just means of obtaining security, just so far as they are necessary, and no farther; and, therefore, in society, they have a *political right* precisely of the same extent to use the same means. But as no man, out of society, has a right to do what would injure another, neither has any man, in society, a right to what would give him a power of injuring others. But universal suffrage would give one part of the political society of this country, a power of injuring another in almost any degree. It is not, therefore, one of the political rights of the men of this country.

Neither, if we are to judge of what are the political rights of men, by their tendency to improve their nature, ameliorate their condition, and promote their happiness, is universal suffrage among these rights. For the direct tendency, and, in a high degree, the effect, of it, would be to injure their health, understanding, and fortunes; to introduce general poverty; to create civil dissensions; and, in short, to produce national misery.

In a society of men, that is either innocent and virtuous; or of which the members are, at least, nearly upon a level with regard to the possession of riches, universal suffrage would probably produce no ill consequences; and, as it might be necessary to the security of its members, that the right of suffrage should be either widely diffused or universal, it would be their right in so far as it would be necessary. If they were innocent and virtuous, they would neither corrupt, nor be corrupted. If they were equal as to riches, though far from being perfectly innocent and virtuous, there would be none that would have any considerable influence (at least of a corrupt kind) over another; for they would not have the means of corruption. In such society, therefore, there would be little to fear from intrigue; from corruption, from the avarice of some, and the ambition of others. But the men of our political society are neither innocent and virtuous, nor equal as to riches. Though not more vicious, perhaps, than in any former period, they are yet far from being so innocent and virtuous as to fit them for universal suffrage.

Political laws must correspond to the characters and circumstances of the men, for whom they are intended. Without such a correspondence, they must be bad laws; and, in proportion as they have such a correspondence, they are good. In Sparta, where all the free men were nearly equal in their circumstances, and where there were no means of corruption, every freeman, at the age of thirty, was considered as fit to give his vote in the assembly of the freemen. This was, perhaps, necessary for the security of all; and there was no danger from corrupt influence or bribery. For the same reason, the right of suffrage may be more widely diffused in America than in Britain, and more diffused in some of the states of America, than in others. Vermont, perhaps, if any of them are fitted for universal suffrage, is fitter than most others, because there the people seem to be most on a level. But, in this country, where men are extremely unequal in point of riches, influence, and honours; where that inequality serves the most beneficial purposes; where the destruction of it would be attended with the worst of consequences; universal suffrage would be productive of the most terrible evils.

Upon the whole, universal suffrage is not, in any sense of the word right, a right of the men of this country. It is not their right in consequence of any precedent, or usage in former

mer times. It is not one of their natural rights: For it is not among those rights which belong to men in a supposed state of nature, that is, out of society, because it can have no existence but in society: Neither is it among those rights with which every man is born, that is, among their personal or inherent rights. It is not among their civil rights, that is, those rights which belong to them as private members of civil society; for it is no part either of their possessions, property, persons, or individual or private liberty. It is not among their political rights: For the only rule, by which we can determine what these rights are, is the fitness of any privilege, power, or institution, to afford to all the members of society, first, and chiefly, security in the innocent use of all their private or absolute rights; and, secondly, to improve, so far as can be done by political institutions, their condition and character. But, in this country, universal suffrage, instead of affording security to all, would render the condition of all, but especially of the rich, insecure. It is not necessary to the security of any; and its effects would be destruction and misery. Instead, therefore, of being among the rights of the men of this country, it would, if conferred on them, be among the greatest wrongs which they can suffer.

I must now take the liberty of affirming, that a certain inequality in political power is the right of the men of this country, because necessary to their security and welfare. Out of society, men have a right to security; and, therefore, in society, they have the same right. Out of society, they have a right to use all the means necessary to enjoy security, in every way not injurious to others; and, therefore, in society, they have a right to use the same means in the same ways. But the means of enjoying security in society, are the privileges of its members, its laws, forms, magistrates, and officers of all kinds; and all these they have a right to, in kind and measure, just as they afford security to all, and in no other way. The people of this country are, and, so long as we continue a trading nation, ever must be, very unequal with regard to riches: The honours of the state are of the greatest use, and ought, therefore, to be continued: But the riches, rank, and honours of some, are objects of envy to others: Those, therefore, require greater power to defend their rights, than the lower classes of the people, to defend theirs. The great, therefore, and those in or above the mid-



the higher ranks have need of greater power to defend their rights than those in the lower. They are, therefore, entitled either to vote in national affairs themselves, or to appoint representatives; whilst those below them are entitled to do neither, because such a privilege might be used to injure their superiors. The giving of a vote in public affairs, and all political laws and forms, are the means or instruments, which men in society use for their defence; and they are their rights in so far only as they are necessary to their security. Beyond this, they cease to be the means of defence, and become offensive weapons. But universal suffrage, in the hands of the people of this country, would be a weapon fatal, not only to the security and happiness of those in the higher ranks, but to those of the people themselves. There is, therefore, not the least shadow of its being their right.

Have the people then, in the lower classes, no political rights? Yes. All those who have no right in choosing a member to the House of Commons, have yet, (what to them, considering their numbers, is equivalent to it) a right of communicating their thoughts to one another and to the whole nation in every innocent way; a right of expressing their opinion, in the same way, of all public affairs; and a right of petitioning, in the same way, the King and both Houses of Parliament. These are their political rights; and with these, they form a balance to the political power of those in the upper ranks. In this balance, consists the true political equality of rich and poor; and whilst this balance is preserved, as it now is, every man will be equal to another in the secure enjoyment of what belongs to him, as an individual.

Whilst the people enjoy their present political rights, they are spectators of those who manage their interests, spectators, who, with those who are either in opposition to ministry or independent, will never fail, sooner or later, to correct those who act in public, should they err in performing the part assigned them. But universal suffrage would make the people themselves in a great measure actors in the national drama. There would be no neutral persons to observe and correct public errors; parties would be converted into factions; and the sword of civil war would be used to do that, which, at present, is done by the expression of the public mind.

The political rights of the people have neither in this country, nor any other, been, for any long period, stationary. They have  
fluctuated,

fluctuated, and, in a certain degree, perhaps, must fluctuate. They are their rights only whilst they conduce to their own security, and that of the rest of the community. But universal suffrage, though it were made the legal privilege of the people, never can be their right; because there never can be a period in the duration of this country, whilst things remain in any degree, like what they are, in which it would not be injurious to one part of the community, and ruinous to the whole.

It is certainly not essential to the constitution of this country, that we should have septennial rather than triennial parliaments. The constitution was the same, except some improvements, when we had triennial parliaments; and it might be the same, were it not for those improvements, though we had them again. There was the best reason for changing them from triennial into septennial. There seems to be a similar reason for continuing them such. Should that reason cease to exist, and should it appear to be the sense, not of a party, but of the nation, that triennial parliaments, all things maturely considered, are, upon the whole, preferable to septennial, there is not the least doubt, that the former sort would be voted into a law. Why? Because it would be supposed to conduce to the public good, which, though not always immediately, has yet, in the event of debate and party-contention, ever prevailed, in this country, over all private considerations. For the truth of this affirmation, and the inferences to be drawn from it with regard to changing the duration of Parliaments, as shall be most conducive to the public good, I appeal, not to any single acts of parliament (for it is natural for mankind to err) but to the general tendency of parliamentary business, to the history of the country, and to the excellence (whatever it may be) of the constitution; which is not a work of nature or of chance, but of the legislature of this country in former periods; of a legislature which had not more wisdom than the present, nor more rights to protect.

But though the duration of parliaments may be lengthened or abridged, as shall conduce to the public good, we are not, therefore, under a necessity of altering the state of suffrage so as to make it universal. This I mention, because *universal suffrage* and *annual parliaments* have been coupled in writings and discourse, as if we could not have the one without the other.

If annual parliaments should become necessary, I am persuaded from seeing in the history of the country, the gradual progress which has, even to the present day, been occasionally made in all things which benefit the country, that we shall obtain even them: But as universal suffrage never can be necessary for the general good, but constantly injurious to it, it never can be expected.

The reason given by Judge Blackstone, why many are excluded from voting in the election of a member to the House of Commons is, "that they are in so mean a condition that they have no will of their own." This reason is a permanent one. Did such men possess this privilege, they would be instruments in the hands of rich, popular, artful, and designing leaders, for subverting the established power and setting up the power of such leaders. They would become habituated to side with different leaders. Those leaders, each in his turn, would make use of them in injuring one another, and conduct them only to slavery. The people would lose their privileges, they would lose the inclination to use their wills as they ought, they would lose at last even the sense of that just liberty which they now enjoy, and fall into an invincible stupidity with regard to their rights. This was the condition to which Rome was brought by her leaders. "When Scylla thought of restoring Rome to her liberty, that unhappy city was incapable of that blessing. She had only the feeble remains of virtue, which were continually diminishing: instead of being roused out of her lethargy by Cæsar, Tiberius, Caius, Claudius, Nero, Domitian, she rivetted every day her chains; if she struck some blows, her aim was at the tyrant, but not at the usurpation †." This was the condition to which their leaders conducted the people in the democracy of Athens. This is the condition to which France has been tending since the revolution. This must be the condition of the people in all countries, where there is great inequality in riches and influence, and where the distribution of political power is not in such proportion as to prevent, in such a manner as is done in this country, any description of men from gaining an ascendant.

I shall close the whole of what has been said on this subject with a quotation from the celebrated president Montesquieu, whose great knowledge of the nature of legislation has pro-

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† Spirit of Law, b. 3 c. 3.

and him the name of *the legislator of nations*; a quotation, which, though it is meant only to shew why the Lords ought to have a greater share in the legislature, than the Commons, will, by a parity of reason, shew why some of the Commons ought to vote in choosing a member of the House of Commons, whilst others are excluded from voting.

"In such a state," saith he, speaking of England, "there are always persons distinguished by their birth, riches, or honours: but were they to be confounded with the common people, and to have only the weight of a single vote, like the rest, the common *liberty* would be their *slavery*, and they would have no interest in supporting it, as most of the popular resolutions would be against them. The share they have, therefore, in the legislature, ought to be in proportion to their other advantages in the state; which happens only when they form a body that has a right to check the licentiousness of the people, as the people have a right to oppose any encroachment of theirs †."

R. T.

† Spirit of Laws, b. 11. c. 6.

ON

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# ON THE PRESENT STATE OF OUR REPRESENTATION.

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## L E T T E R XXVI.

### *Observations on the Present State of our Representation.*

COUNTRYMEN,

**I**N a civil society such as ours, it is not only necessary, that the legislative power should be shared by a king, lords, and commons, but that the representatives of the last branch of that power should be chosen, not by all the people indiscriminately, but by a certain number of them, duly qualified. Those who are thus qualified, elect the members of the House of Commons. But these members, after being thus elected, are the representatives, not of their electors or constituents only, but of the whole body of the people. They are as really the representatives of a man who is not worth a groat, or even of a pauper, as of the richest landed proprietor. This may, perhaps, to some, appear a bold assertion; and yet, I believe, it may be made plainly evident.

The representatives of the people in the House of Commons are not the representatives of any part of the kingdom more than of any other. They are, indeed, said to be members for the respective places, which have chosen them; but they are not, on that account, more the representatives of these places, than of any other. Collected together, they form one body, which is the representation of all the places in the kingdom. And as they are the representatives of all the places, so are they the representatives of every individual, in the whole realm. This is evident from the nature of the business, which comes before them. That business is, not of a particular, but general nature. It is the business, not of one description of men in society, but of the whole. It is the business, not of their constituents only, but of the nation at large. When they vote for any law, which has a tendency to  
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secure the persons, or property, of all, such as the late bill "for the more easy and speedy recovery of small debts;" or to promote the fisheries, agriculture, manufacture, or commerce; it is evident, that, as they act for the benefit of all, and in the business of all, they are the representatives of all.

"The end," says Judge Blackstone, speaking of a member of Parliament, "the end of his coming thither (to Parliament) is not particular, but general; not barely to advantage his constituents, but the common wealth; to advise his majesty (as appears from the writ of summons) *de communi consilio super negotiis quibusdam arduis et urgentibus, regem statum et defensionem regni Angliæ et ecclesiæ concernentibus* And therefore he is not bound, like a deputy in the united provinces, to consult with, or take the advice, of his constituents upon any particular point, unless he himself thinks it proper or prudent so to do\*."

As the members of the House of Commons are the representatives of all places in the kingdom, and as the business which they manage is, in a greater, or less degree, the business of every subject, their constituents have no right or claim whatever to enjoin them to vote in any certain way rather than another; neither is it their duty to vote according to the sense of their constituents, unless that sense coincide with their own. They are, indeed, bound to hear their constituents; nay, it is their duty, I should presume, in ordinary cases, to take all proper steps to know their minds, as well as to inform themselves with regard to all particular business, which comes before them; but when they have learned what is the minds of their constituents, and collected all proper information on any subject to be considered by them, it is then as much their duty to vote without any partial respect to constituents, but simply according to their own judgment and the dictates of their own consciences.

For, were not the representatives of the people at liberty thus to vote in all business that comes before them, the intention of their being in parliament would, in a great measure, be frustrated; and the government, instead of being, in a high degree, representative, would become almost simply democratical. The artful politician, who wished to carry any point, instead of applying himself to the judgment and candour of the representatives of the people in the House of Commons,

\* Blackstone's Commentaries, v. 1. p. 157.

Commons, would resort to the leaders in the counties and boroughs; he would gain them, and so gain his cause in Parliament.

When once the power of the people is delegated to representatives, it must be wholly delegated. These representatives must have a power, not of doing what is wrong, or unconstitutional, but a discretionary power of doing every thing consistent with the constitution and the interest of the people. They may sometimes, indeed, in conjunction with the Crown and the Lords, have a power of suspending the constitutional laws, and even of altering the constitution. But the exercise of this extraordinary power is to be measured by the necessity of the case, by a necessity created by the security, or other advantage, of the nation; the preservation of which security, and the promoting of which advantage, are the intention of their being representatives. And when this extraordinary power is directed by the necessity of the case, the use of it, either in suspending the constitutional laws, or altering the constitution, is not unconstitutional, but strictly constitutional, because provided for, and allowed, by the fundamental laws of the constitution, and the practice of the legislature in all periods; a practice, which, when beneficial in some cases, forms the constitution, and, in all cases, explains and confirms it.

A discretionary power, therefore, not a power of doing what is wrong, but a power of doing whatever the security and good of the nation may, in their judgment, require they must possess. Thus far the power of the people may be wholly alienated, or made their representatives, during their continuance in office, else, besides other mischiefs, the arts of popular leaders would be made use of to influence the people, who would make their representatives only their mere mouths or organs of voting their opinions, and frequently the mere tools of demagogues. In this manner, were the people misled and abused at Rome. By these arts, did the two Gracchi, tribunes or representatives of the people, successively perish, after being deserted by that very people, whose cause they maintained †.

† As the people are, in the last place, the sole means of transferring power, they ever have been made use of, in some way, for this purpose in the governments of Athens and Rome, in which they voted personally in transacting public business, they were a mob, and were used in  
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As the business, therefore, transacted in the House of Commons, is the business of all, and as its members have, and must have, a discretionary power of doing what is right and for the advantage of the nation, they are, though chosen by a certain number of the people, not the representatives of that number only, but of the whole.

The ambiguity of language occasions error here, as in many other cases. The term representative is used in two different senses. It signifies a person, who is chosen by another, and who acts for, or in the room of, that other; and if this were the only sense of the term, the members of the House of Commons would be the representatives of their constituents only. But this is not the only sense of the term; neither is it the sense, in which it ought to be understood, when applied to this branch of the legislature. It signifies also one who stands in the room or stead of another, and who acts for that other, though not chosen or appointed by him to do so. Thus, a parent acts for an infant child or minor, and is his representative, though not chosen by him, not only in baptism, but in a great variety of other affairs, in which the representation of the parent or his agency for his child is absolutely

tumultuary and violent manner against those who ruled. In large cities, such as London and Paris, they have been used nearly in the same manner, to effect the same purposes. In the long parliament, their leaders encouraged them to act against King Charles the first, by petitions, which were graciously received by them, though presented by apprentices, porters, women, and even beggars; and by other proceedings of a tumultuary kind. It is curious to observe how closely the leaders of the people in France followed the English demagogues, when they wanted to subvert the power of their king, and to establish their own. They differed chiefly in this, that the English demagogues pretended they had the interest of liberty and religion in view; the French, the establishment of liberty and equality. Both agreed in pretending the good of the people, and in the means used by them to accomplish their real designs. But it is as curious to remark, that when the popular leaders in either country had used the people in establishing their own power, they dismissed them, and laid them under the greatest restraints. Even though they had been what they pretended, patriots, they would have been under a necessity of prohibiting the people from interposing in affairs of government, so as to intimidate, or influence, their governors; for where there is such interposition, there can be no government. When power is abused by those, to whom it is entrusted, the interposition of the subject will then be as useful as in ordinary cases it is hurtful. The necessity of the case will determine the kind and degree of such interposition; and when it is according to that necessity, it is a duty. But no such necessity exists in this country.



solutely necessary for the good of the latter. Thus wives are represented by their husbands; and the female sex general, by the male. All these are the representatives of the persons for whom, or in behalf of whom, they transact business, without any deputation. And, in the same manner, are the members of the House of Commons the representatives of the whole body of the people, though chosen and deputed by a part.

If it should be asked what right representatives have to act for those, who have not appointed them, it may be answered *the right which every man has of benefiting every other, or of doing good.* No man ever questions the right of the parent to represent, or act for, the child in all things beneficial to the latter; and such is the right of the members of our parliament to represent that part of the people, which has not chosen them. That every person should be represented in all the affairs of that community of which he is a member, and which he shares, in some degree, the advantages and disadvantages, all will acknowledge to be, not only fair and equitable but a benefit and a right. But as universal suffrage would be every way detrimental both to rich and poor, there is no other way of conferring on all this benefit or privilege of being represented with security and advantage, but by limiting suffrage within certain convenient bounds, or, in other words, by requiring certain reasonable qualifications in the electors of representatives. And if suffrage be thus limited, there will be some of the community represented by those whom they have not chosen to represent them. In short, all have a right to be well represented; but this right never could be enjoyed, were all to choose their representatives. Some, therefore, of the whole, being duly, that is, conveniently qualified (as they respect the rest) must be the sole constituents of a representation that is to benefit the whole.

Even those who contend for universal suffrage, are not strictly and properly speaking, universal. They exclude, from the right of suffrage, all minors and females. Possibly, if asked their reason for such exclusion, they would reply (and I should imagine justly) that the admitting them as voters, would be attended with confusion, tumult and much mischief, and that they are sufficiently well represented by majors and males, with whom, they are, in some way, connected. The very same, or similar, reasons will justify

by the exclusion of many of those, who are majors, from choosing their representatives in Parliament; and therefore all such must be represented in the same way that those, who are for universal suffrage, would have females and minors to be represented.

Neither are we to apprehend, that this representation is not a good one, because not chosen by all. An election by all (as we have already seen) would be productive of the worst effects. But as the affairs of infants and minors, and of the female sex, are sufficiently well taken care of by parents, and by the other sex, so the affairs of the whole body of the people may be, and really are, well managed, though the managers of them are chosen only by a part.

It will be here replied, that the reason why the affairs of infants and minors are faithfully and well managed by their parents, and those of females, by the other sex, is, that there is a certain common interest, which makes the business of the representatives and the represented, in a manner, the same. It is true: and this is the reason why the representatives of all the people in this island must, in general, be good and faithful representatives. It is because the interest of the meanest person in the kingdom is, in a great measure, their interest.

Every individual, whatever interest he may have in common with others, has yet an interest that is peculiarly and indivisibly his; and, therefore, we find, that, notwithstanding the closeness of connexion between the parent and the child, the former has sometimes injured the latter. But the community of interest between the parent and child is such, either from mutual affection or mutual advantage, that, in general, the parent does more for the child than for himself. But, in certain cases, the connexion between a member of the House of Commons and the meanest of the people, is more close, the interest of both these parties more common, and, if I may be allowed the expression, more the same interest, than that between the parent and child. For example, the richest commoner, whether a member of the House of Commons, or an elector, is as much a subject as the meanest man of our political society; he is as much subject to the laws, as liable to be injured in his person or property by bad laws, and consequently as much interested to repeal such laws, and to enact good ones. Here there is, between the members of

Parliament and the meanest subject, a certain community or rather sameness of interest, which never can be divided or separated, so long as the members of parliament continue subjects, and so long as the power of the Crown is such as to enable it to act independently *in the execution* of the laws.

The same community of interest with regard to taxes, wars, and all those things which affect the property of the subject, might be shewn to subsist between the members of the House of Commons and the people of all ranks, whether constituents of that house or not. There is not a farthing of national expence, which may increase the taxes, that does not affect them proportionally with the meanest of the people. For if taxes are raised, they are raised in an equal proportion. In time, the incomes of all are raised, or, (which seldom or perhaps never happens) at worst, their expences diminished, in the same proportion: And thus the relative condition of all is still the same. If taxes bear harder on any description of men than the members of the House of Commons, it is on those, whose incomes cannot be raised, at least, in proportion to the rise of taxes. It is not on the merchant, the manufacturer, or the labourer. These men have, in all past times, found means to raise their incomes in proportion to the rise of taxes; and no doubt they will find means of doing it in all times to come, should there be a necessity of imposing fresh taxes; though there is the greatest reason to believe, that the period is fast approaching, when, instead of imposing new taxes, the old ones will be repealed, and the national debt, though great, liquidated by an operation slow, perhaps, but certain in its effects. However, as the interest of every member of parliament, with regard to laws and taxation, is of the same kind with that of every subject, they cannot, in these respects, betray the interest of the meanest of the people, without betraying their own.

It is not impossible, indeed, for a man under strong temptation, to betray, for the sake of temporary and peculiar motives, his own interest, in certain respects, as well as that of the people. Thus, we see men, for the sake of a momentary gratification, betray their own interest in all respects; forfeit their peace of mind, their good name, their health, their fortune. Such things are owing to the corruption or imperfection of human nature; and if men will betray that interest which is their own, indivisibly and peculiarly their

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own, it is not to be expected, but they will, from motives of a similar kind, be less faithful, than they ought to be, in taking care of those interests, which are less theirs, because shared by others. But no form of government, no mode of electing representatives, can wholly prevent such instances of want of attention, or unfaithfulness, in representatives; because the fault, either is not, or, at least, may not be, in any political constitution, but in human nature. Universal suffrage and a republican form of government, instead of lessening, would only increase this ground of complaint; because the former would increase corruption, and render it in a manner necessary; and because the latter would, in a great measure, destroy that community of interest between the people and their representatives, which the greatness, the indivisibility, and permanency, of the executive power in our government, have happily established. Besides, undue influence, arising either from hope or fear, and corruption, have ever prevailed more in republics, and, from the want of a sufficiently great and stable authority in the rulers in such governments, ever must prevail more, than in a government so constituted as ours; in which the solid weight of authority supplies, in a great measure, though by no means wholly, the place of influence, and renders corruption on the part of the Crown, unnecessary.

Much declamation there has been concerning the influence of the Crown on the representatives of the people in Parliament as well as others out of Parliament: But if any man will consider the danger, in which this country has been, within these few years, and the opposition in Parliament even in the time of that danger, he will be apt to think, that the influence of the Crown, instead of being diminished, ought to be augmented. It does not appear, that that influence, whatever it may be, has been unduly used. There is not a war, perhaps, in which we have been engaged for this century past, which has not, at its commencement at least, been a war of the people, or a war of such of them as were well informed, independent, and impartial. When a war has been about to commence, if it has been unpopular, ministers have avoided it; or if, after being begun, it has become such, they have brought it to a conclusion; a proof, that the influence of the Crown in that which is most complained of, is not greater than it ought to be. There has not been a war entered into, by  
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this country, for a century past, which would not have been waged, though the government had been republican; but it might have been engaged in more wars, had the people had their choice of their representatives. In that case, a Pompey, or a Cæsar, or a Cromwell, starting up, would have influenced and led them into war; whereas, by the present state of suffrage, the populace can, with difficulty, and but seldom, be made such tools of. Instead of being actively engaged, they are now spectators of the great men, who manage public affairs, and, by the awe which they inspire, preserve them from deviating from that line of conduct, which, generally and upon the whole, promotes the common good.

But should it be supposed, that the members of the House of Commons, at any time, promote that interest less than they might do, they can be dismissed every six or seven years, and replaced by others; who, from the circumstance of their being recently chosen, and chosen for the very purpose of paying more attention to the interest of their constituents will, on these accounts, be more attentive to it. They will be disposed to make a point of honour of acquitting themselves so as to merit general approbation. And should Parliaments become triennial instead of being septennial, a change, however, which might do more hurt than benefit, this cure of improper representatives may be applied every two or three years instead of every six or seven.

But besides the members of the House of Commons, the people have representatives in the Lords. It is very true, the Lords stand in the room or stead of none but themselves; neither are they responsible to any constituents, nor can they be dismissed from their office in the manner, in which the members of another branch of the legislature may; but, if acting for the whole nation in all national business, make them representatives of the nation, they are the representatives even of the meanest of the people. And as they also (except in the few cases that are peculiar to them, and necessary for the proper discharge of their office, but which afford them no protection should they violate the laws) are subject to all laws civil and criminal, and obliged to support the public burdens in proportion to their expence, that is generally, in proportion to their property, they must, in general, be faithful representatives. They are equally interested with the meanest subject, nay much more interested, to defend those laws,

laws, which secure life and property. Accordingly, in the reign of King John, the people found them faithful representatives, when they had no other. They then obtained, not only security for their own rights, but those laws or clauses, which secured to the villain or bondman, not only his life, but the instruments of his labour, which were almost the whole of his property. And being still subjects, they must be still interested to defend all the rights of subjects. Even the King himself, is, in one sense, a representative of the people; a representative, who is deeply interested to promote their welfare, because his own is inseparably connected with it; a representative, the greatness and permanency of whose power free him from any necessity of perverting justice, and sacrificing the poor to the rich. This is not the case with the rulers in republics, whose power is not only of short duration, but precarious. Such rulers, being raised by the very men, who may depose them; are, more, or less, under a constant necessity of destroying their friends to prevent them from turning their great power against them, or of flattering them, and shewing them partiality, to retain their support. Hence, in such governments, justice never can be done to the poor.

The people, therefore, have a representation; and that representation, from the members of it being really, and not in name, subjects, and the facility, with which they may be changed, have been, and ever must be, upon the whole, a faithful and good representation. Of its goodness, the goodness of the constitution and laws, the prosperity of the country, and their continued progress, for about seven hundred years, towards perfection, are an irrefragable proof: Nor does it appear, that any proposed alteration in the state of suffrage, however it might gratify certain individuals, would serve to improve it. Universal suffrage would certainly corrupt it; and by giving an exorbitant power to a few great subjects, would most probably, in the event, subvert the throne, and make the rest slaves.

It has been said, that we ought to have, *a full, fair, free, equal and pure representation of the people.* That is a full representation, which is as numerous as ours, and of which the members, however chosen, are, as in ours, the representatives of all. That is a fair representation, by which all are represented impartially. That is a free representation, of which

the members, as in ours, have liberty of speech in their public assemblies, a liberty of canvassing all public affairs, and of calling all the ministers and servants of the Crown to account for their public conduct, of making them answerable to the people in the persons of their representatives. That is an equal representation, in which the interests of all are equally provided for; in which it is impossible to be partial for any length of time, in any thing of moment. That is a pure representation of which the members have, on the average, acted, (so far as can be expected from the imperfection of human nature) for the public good; of which the general tendency, since the time of its first institution, has been to better the condition of the people in all respects. No man has ever yet acted uniformly and unremittingly for his own private benefit; but it is the very nature of every man endowed with reason, to benefit himself; and the tendency, it cannot be denied, of our representation has been to benefit the represented.

The manner in which a representation of the people is constituted, is a circumstance; and we are to judge of its merit not from that, but from its effects. Now if any man will deny, that the effects of our representation have been, upon the whole, the benefiting of the people more than any other form of government in any other country, he must deny all history, and even what he sees and enjoys. A representation wholly hereditary would be oppressive; one wholly elective would be worse, as it would not only be, in a great measure oppressive, but occasion a perpetual fluctuation of power, civil wars, and all that train of miseries which accompany them. That representation of the people, therefore, is best which is justly composed of both. For, on the one hand, it gives stability to government, and affords public tranquillity and, on the other, it binds up the hand of oppression, and produces, or preserves, liberty. And such, with any supposed defects, is, *at present*, our incomparable representation.

Certain efforts have been made towards a reform of Parliament, or rather a change in the state of electors of members of the House of Commons in Scotland. Fictitious voters have been struck off from the roll of freeholders; and meetings of landed proprietors have been held with a view to make all tenants or subtenants of the Crown, possessed of property to a certain extent, hold immediately of the latter, and to  
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lower the qualification of county voters. In the Boroughs also, much has been done to render the internal government of them less aristocratical, and to extend a little farther their privilege of choosing their members of Parliament.

With regard to the proposed alterations in the state of county votes in Scotland, they would not, perhaps, make any alteration either in the form of the government, or in the state of public affairs in any respect. But if it could be shewn, that such alterations would strengthen the landed interest, by attaching to it more closely a number of landed proprietors who have now no vote, remove any appearance of partiality, prevent unfairness at elections, and so unite proprietors of land more cordially, such effects might justify, if not render them laudable; and it should seem, that, in a time of public tranquillity, they might be effected without great difficulty.

It has been regretted, that the reform of the *Scots Boroughs* was not granted by Parliament; as the refusing of it has been supposed to render some disaffected to government. But supposing this to be, in a certain degree, true (for some of the *Scots Borough* reformers have, in the time of apprehended danger, discovered themselves, by their actions, firm friends of government) it is to be considered whether this evil be not infinitely less than what might have been produced by granting that reform. It has often been said, that there has been no proper time for such reform these several years: The principles and practice of France have ever influenced those of this country; and, as the pernicious tendency of their late principles and conduct was foreseen by men of penetration and sagacity in Parliament, whilst many in this country, of no common degree of understanding in ordinary affairs, were rejoicing in what was going forward in that, it was not only just, but extremely wise, in Parliament, to refuse a reform in times so pregnant with danger. Had the right of suffrage in these boroughs, been, some time ago, much more widely diffused than at present, it is probable, they would have returned to Parliament, men who would have attempted to alter the constitution of the kingdom instead of bettering the condition of the subject. And as there was ground, at least, to apprehend this, the persons in Parliament, who under such apprehension, voted against the reform of these boroughs, acted undoubtedly as patriots, as friends of their country.

It has been said, that the constitutions of some of the

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Scots boroughs are too aristocratical, or rather that they are oligarchical; that many are constantly excluded from all share in the internal government of these boroughs, and from all choice in the election of their members of Parliament, who, by their wealth, character, and respectability, are just as well entitled to share, in their turn, in these privileges, as those who uninterruptedly enjoy them; and that this exclusion, beside certain other ill effects, is the real cause of the disaffection of some. Though, for the most part, this exclusion is but an imaginary loss to any, and a real advantage to the body, of the inhabitants; yet, as it has the appearance of a hateful partiality, it will always produce party and ill-will among men themselves, and, perhaps, a degree of disaffection to government. But it does not appear, that the constitution of any of these boroughs was too aristocratical, while the minds of some seemed to give a republic a preference to our happy mixed form of government.

Some time ago, some of the very leaders of the people in these boroughs were themselves deceived and misled by erroneous publications, and perhaps by ill-founded resentment for being refused what they thought their right; and, under the influence of error and resentment, it was impossible they could avoid misleading their followers. From the example of France, from the prevalence of error, and from the heat of resentment, they were like men in a delirium; and, in such a state of their minds, to have increased their power, would have been to put a weapon into their hands, to destroy both themselves and others.

But *a lying tongue, saith Solomon, is but for a moment; but the lip of truth shall be established*: Erroneous doctrine, like private lies, may sometimes, indeed, do much mischief; but the tendency of truth is to prevail over error, and in time it will prevail. The minds of men will cool by degrees; publications tending to undeceive the people, and place their interest and happiness in a true light, will be circulated, and in time have their just effect; the state of France has already shewn, and will yet much more fully shew, the vast preference which ought to be given to our form of government, compared with theirs; and men freed from error and resentment, will be able to give it that preference.

When that desirable time arrives (and, perhaps, it is not very distant) the *Constitutions of the Scots Boroughs* will be in  
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state for receiving any real improvement. The right of suffrage in them, though not rendered universal, might then be somewhat more widely diffused; and that power in the whole business of these boroughs, shared, in their turn, by a number, which, being now perpetually ingrossed by a few, has unhappily given so much offence. A just, temperate, and well timed alteration in the constitutions of these boroughs would (it has been supposed) render them more quiet without diminishing the necessary, and just influence of the Crown, or altering the constitution of the kingdom.

Though some people, whose lively imaginations are ever apt to run before their judgments, may think, that a representation of the people ought always to be proportioned to the extent of territory, to population, and riches; and conclude, that a representation is good, only as it is in proportion to these; yet others who are determined in judging, by facts, and not imaginations, will be disposed to think, that, however representatives may be distributed over the surface of a country, that is a good representation, which produces good. And though the representatives of the people in this country, may not, at all times, have done all that might have been done, for the public benefit (for where is there one man that does, at all times, what is for his own private advantage?) yet the goodness of the constitution, of the laws, and of the whole state of the kingdom, irrefragably proves, that their representation has, at one time with another, and upon the whole, been a good representation for the whole of the people; that in general, and in the event of things, they have acted as much for the public advantage, as men commonly do; upon the whole, for their own. What does it matter, though one district send twenty or thirty members to Parliament, and another, only two or three; if, which is the fact, each member be a representative of every individual in the Kingdom, and the affairs of one part be as well taken care of as those of another? The public business of Scotland is as well taken care of as that of Cornwall; that of the counties of Perth and Angus, as that of the county of Fife; and Manchester is in a more flourishing condition than Old Sarum.

In politics as well as in mechanics, the rule for practice is drawn, not from speculation, but from those facts, which are found, upon trial, most to promote the end in view. In this sense, what does good, is good, and nothing else. It is only  
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by its doing good, that we know it to be good. And the our representation is, upon the whole, good, is manifest from the good it has done to all in all ranks. However irregular it may appear, when compared with the speculations of some yet it is perfectly regular when compared with this supreme rule, "the good of the people."

Though it were true, that the Crown has a great deal of influence in the decayed, or (as they are sometimes called) rotten boroughs; yet it does not appear, that that influence, comparing all things together, is more than it ought to be. I do not hesitate to say, that, in my humble opinion, it is in the Cities and Boroughs in general, rather less. The unmanageable spirit of the towns and boroughs in general, their force compared with that of the counties, the facility of uniting that force, and putting it in motion, are such as might prove dangerous to liberty, if the Crown had not a firm hold of them either by influence or by force. Towns and boroughs, it has been observed, are naturally much inclined to republicanism, and generally enjoy a considerable degree of liberty even in arbitrary governments; and were their effective power in the government, greater than that of the counties, it would prove dangerous, not only to the constitution, but to general liberty. Their constitutional power in the House of Commons is, at present, four times greater than that of the counties, as they return four times the number of members. It is true this great power of theirs is balanced by the powers of the Crown and of the Lords, and moderated, in the exercise of it by their being represented by country gentlemen: But should they chuse to depute their power only to resident citizens or burghers, or to others in their interest only (the time of doing which seems to approach as their riches increase, and money loses its value, unless the qualification for representing them rises in proportion) such is the superiority of their representatives in number, and so great the power of a majority in the House of Commons, that, in case of a general disaffection among them, though ill grounded, they might, by the full, but misguided use of their power, change, in a short time, the government from its happy mixed form into a destructive republic.

But the danger to the constitution is not the only danger to be apprehended from the cities and boroughs using the whole of their constitutional power in a time of disaffection,

or blind zeal for liberty. There is another danger which is peculiar to the counties. As the inhabitants of the counties and towns live by one another, as they serve each other, as the right hand the left, it is plainly their interest to live in harmony, and to promote one another's advantage. But the wills of men ever have been, and ever will be, more, or less, at variance with their reason and interest. Unfortunately the landed proprietor and rich trader are sometimes apt to look rather with an evil eye on each other. A difference of employments, manners, fashions, speech, place of residence, even the most minute difference, is apt to produce, or augment, a certain coldness or disaffection in the one description of subjects towards the other; and this disaffection might induce them, more, or less, to act in opposition to each other's interest, though the interest of either is best taken care of, when both interests are equally promoted. When we consider, therefore, the constitutional power of the cities and boroughs in the House of Commons, their force, the facility of concentrating and directing that force, and that mutual disposition, however unreasonable and absurd, of the inhabitants of the towns and counties towards each other, which has frequently expressed itself in no friendly way, we shall see the necessity of the Crown's having a very great deal of influence in the boroughs. The towns (as hath already been observed) by gaining too great an ascendancy in the government, might very much oppress, or wholly enslave, the counties, as the town of Sparta enslaved the countrymen who inhabited its territory, because they refused to pay the taxes, which it was pleased to impose on them. And lest any one should think that the towns never would abuse their superior power, let it be remembered, that a difference of the same kind with the above-mentioned, between the landed and monied interests in France, was one principal, though remote, cause of the calamities, which have befallen that country.

If any change, therefore, were to be made in the state of the decayed boroughs with regard to their power of electing members to serve in Parliament, that which would probably most conduce to the virtue of such boroughs, and of the country at large, to general security, and of course to general prosperity and happiness, would be to take from these boroughs, the privilege of election, allowing them a just compensation,

compensation, and to confer it on those counties, (if there be any such,) which may need more representatives. If this were done, though the number of members from the counties might be still less than that from the boroughs; yet, by means of the due influence of the Crown in the boroughs, and the interest of landed proprietors in procuring themselves to be elected as representatives for them, the necessary balance of power between the landed and trading interests of the nation might be preserved with more certainty than at present. And if so, such an alteration in the state of our representation, as it would make it more equal in respect of these two descriptions of subjects, so it would tend to prevent any disagreeable consequences, which might follow those mutual misunderstandings and that disaffection, which might subsist between them, and of course serve to promote the prosperity of both, which lies, not in their opposing each other, but in their harmony and co-operation †.

But though I have taken the liberty of mentioning such an alteration in the state of our representation, as what might possibly conduce to the future security of subjects of all descriptions

† The danger to be apprehended from an excess of power in the towns, compared with the power of the counties, seems to increase in proportion to the increase of the numbers in towns, and the increase of their riches. That system, therefore, of letting lands, which serves to diminish the numbers of inhabitants in the country, and to increase those in town, seems to deserve the most serious consideration. We would think, that by this means, the proprietors of land intended to give their natural power or force to merchants and manufacturers; that is, to part with what, in the last place, is the only means of their security. Independent villages being little towns, the building of them does not appear to be a remedy for the evil, which may justly be apprehended. The strength of the country, as distinguished from that of the towns, seems to lie in that chain of connexion, which, even after the abolition of feudal obligations, made the interest of the landed proprietor, the tenant, and subtenant or cottager, in some measure the same, and which bound them together by a sort of friendship.

Besides taking from the decayed boroughs the privilege of election in the manner above mentioned, there are other two things, which seem to have a tendency to prevent the power of the towns from becoming exorbitant, and to maintain the balance of power between them and the counties. The one is the letting of lands in such a manner that the people may reside in the country rather than in towns; the other is the raising the qualification for being a representative of the boroughs. By the former of these means, the natural power or force of the country would be increased; and by the latter, their power in Parliament prevented from being diminished.

criptions; yet I mention it with the utmost diffidence and hesitation. An alteration apparently just, laudable, and useful, may, in its remote consequences, be productive of the worst effects; the present time is not the proper time for any alteration, though certainly good; and though certain alterations, without affecting the constitution, might both satisfy certain individuals, and tend to preserve general security; yet the present representation, with what to some may appear irregularities and defects, answers for the present time, all the intentions of a representation of the people, fully as well as any other that can be devised. On all these accounts, it is my humble, but decided opinion, that if the men of this country intend, not to gratify any private passion, but to promote the general welfare, they will not, at present, attempt any alteration whatever, in the state of the representation; and that, when they do it, they will proceed with the utmost caution and deliberation, and with that humility and freedom from prejudice, which are as necessary for improving in politics, or the art of governing men, as in all other sciences and arts.

I shall conclude these reflexions on the state of our representation with two quotations from Mr De Lolme's treatise on the constitution of England, which merit the most serious consideration. "There is a number of circumstances in the English Government, which those persons who wish for speculative ameliorations, such as Parliamentary reform, or other changes of a like kind, do not perhaps think of taking into consideration. If so, they are, in their proceedings, in danger of meddling with a number of strings, the existence of which they do not suspect. While they only mean reformation and improvement they are in danger of removing the *keystone* on which the existence of the fabric depends, or, like King Nisus's daughter, of cutting off the fatal hair with which the fate of the city is connected†."

"Temporary prepossessions of the people may be made use of, to make them concur in doing what will prove afterwards, the ruin of their own liberty. Plans of apparent improvement in the Constitution, forwarded by men, who, though with good intentions, shall proceed without a due knowledge of the true principles and foundation of government may produce effects quite contrary to those which were designed, and in reality prepare its ruin‡." R. T.

† P. 471.

‡ P. 496.

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# O F L I B E R T Y.

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## L E T T E R XXVII.

*Of Physical, and Natural Liberty, and of Necessity.*

COUNTRYMEN,

**L**IBERTY may be divided into six different kinds, physical, natural, political, civil, and religious liberty, and the liberty of the press: And on each of these I shall offer a few humble observations.

It might be shewn, that that man enjoys, in perfection, all the liberty that is competent to his nature, who is in that condition and situation, and acts in that manner, which are suitable to the whole of his nature; and that this liberty wholly coincides with what is right and good, both in the physical and moral senses of the terms. But for this, there is not here room.

As men uniformly act from motives either of an external or internal kind, their acting so is as natural to them, or as necessary, as their acting itself. But to say, that the will is not free, because it determines from motives, is the same with saying, that any of our senses, or intellectual powers is not free, because none of them can act without some object: For instance, that the sense of sight is not free, because the eye cannot see without something to be seen; or that the memory is not free, because it cannot recollect without something to be remembered. If the will were destitute of motives, it would be free, in a manner analogous to that, in which a palsied limb is free; it would not act or determine at all, it would be stopped or restrained from acting, i. e. it would not be free. To deprive men of all motives of action, would be to turn them into the condition of stones or other inert matter, in so far as relates to volition and action; but this would not make them free; for it is allowed by all, that such matter is not free, but perpetually under necessity, or the influence of some external cause. If men therefore

therefore, are capable of being free, they must be free only in acting from motives.

They are, indeed, placed amidst a great multiplicity of various objects, which make impressions on the understanding and heart, or which are means of perception and feeling; but still they may be free. When a person acts, or remains at rest, willingly, spontaneously, or according to his inclination, or choice, he is said to be free. This is the simplest notion of liberty, and is what all men are conscious of enjoying, when they are under no physical compulsion, or restraint. This may be called physical liberty, because it belongs to the physical nature of man; as distinguished from his moral nature. And it is this liberty, or power of acting, or remaining at rest, according to choice, or inclination, together with the knowledge of our duty, which makes us answerable for our conduct.

Our ideas of cause and effect, or of the Divine decrees, do not alter the nature of our actions. For as one object whatever we think will be white, and another black, so, according to that nature which God hath given us, one action will be good, or have merit, and another evil, or have demerit; we are so formed as to approve of some actions, and disapprove of others. Neither do those ideas prevent, or any how alter, the natural consequences of actions: For still, according to the constitution of nature, whatever may be our opinions, actions morally good will tend to happiness, and actions morally evil, to misery. Our ideas of actions frequently change; but the nature and consequences of them ever remain the same.

The very same necessity, influencing the actions of men, (supposing it to exist) if it justifies the commission of crimes, justifies also the punishment of them; because, according to such necessity, neither of them can be helped; and if a man must be vicious, he must also be unhappy, or miserable. So long as men retain their nature, they will distinguish between a murderer, or assassin, and the weapon, with which he perpetrates his crime; and they will feel a difference between piety and virtue, and impiety and vice. Seeing, therefore, that a necessity, supposed to influence the actions of men, can neither change the nature, nor prevent, or, in any respect, alter, the natural consequences of their actions, such necessity, whether true, or false, is not applicable to practice,



that is, it is, with regard to us, "as if it were not true †. Such necessity supposes, that we think, believe, will, act, enjoy, and suffer, in a way and measure exactly according to the efficiency of certain unavoidable, irresistible causes. It is true, therefore, the belief of it cannot make the least alteration in human concerns: But if false, the belief of it would be productive of the worst effects.

Whatever connexion there may be between causes and effects, or between the Divine Decrees and what comes to pass, there is an absurdity in supposing God to be the author of evil. For, prior to the formation of all things, that is, at the time, if I may be allowed the expression, when he made his decrees, or arranged his works so that, according to this supposition, evil was necessarily to arise from them, as he had neither equal, nor superior, nothing, no being, to resist his will; or to deviate from it, he could have had no temptation to evil; and even a man would not do evil without some temptation. The origin of evil is in the mutability of the creatures. But why he hath made them mutable, must perhaps, be ever as great a mystery to men in the present state, as why he hath made them at all.

Physical liberty has been defined above to be the power of acting, or remaining at rest, according to inclination, or choice. But this liberty is not only limited by the weakness of mankind, it is also abridged and directed by conscience; and the just abridgement and direction of it by this faculty, is *natural liberty*. This species of liberty is of a moral nature, as it relates to the morals, or lives, of men; but it is with propriety called *natural liberty*, because it is the only liberty permitted us by God, the author of our, and every other nature, and by conscience, his law and vicegerent in the breasts of men; because it is the only liberty consistent with the moral constitution of our nature, and with the happiness of mankind considered as a certain species of creatures existing in nature, or among the works of God.

Physical liberty is what a man *can* do; natural liberty, what he *ought* to do. To have power to behave in a rude, injurious, impious, or vicious manner, is not natural liberty; but the use of such a power, whether in society or out of it, and in every stage of it, is licentiousness, and the effect either of rudeness, or corruption. Natural liberty is no other

† Bude's Analogy, p. 110.

ther than the power, authority, or right, of doing in all situations, what is suitable to our nature and condition, what is right, or morally good. This liberty belongs to men at all times, and in all situations. It is the exact measure of all other kinds of liberty, except that which is physical; and, by turns, assumes the name of any of them, according to the subject of conversation. For instance, a certain just distribution of political power among the constituent parts of any state, is political liberty, considered in relation to the state; and natural liberty, considered in relation to what is morally right. Out of society, indeed, a person has a right to more liberty, than he has a right to in it (though he must always really enjoy less) but after surrendering to society, that portion of his natural liberty, which is necessary for the good of the whole, what remains behind, though sometimes called political, civil, or religious liberty, may still, with propriety, be denominated *natural*. because it is just that part of his natural liberty, which remains, and which is allowed him by conscience, the only part of his nature, that has a natural authority to rule him †.

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† It is an impropriety in language, and leads to error, to denominate the power of doing what one chooses, whether right, or wrong, *natural liberty*. Such liberty men sometimes indulge themselves in, especially in the savage state, which has sometimes been called the *State of nature*; but the proper name of such indulgence is *licentiousness*. *Natural liberty* is that only, which is agreeable to the *whole* of our nature, considered as a constitution, or system of various parts under the government of conscience; or which is permitted us by conscience, when it is rightly informed. In the savage state, or out of civil society, men have a right to more liberty, than under civil government, because they have fewer duties; but they have less enjoyment of liberty, and less security, because they are almost perpetually, in some way, impeded and constrained by others.

But whether in civil society, or out of it, and in every situation, natural liberty consists only in *the power of leading a right life*. Or, to use the words of Montesquieu, "it can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will." *Spirit of Laws*, b. 11. c. 3. Or, according to Sir W. Blackstone, "it consists properly in a power of acting as one thinks fit, without any restraint or controul, except by the law of nature," that is, by the law of God and of conscience. *Blackstone's Comment.* v. 1. p. 125. And as the just liberty of men in all societies, is measured by this law, their liberty in these, may be called by one general appellation, natural liberty; though, for the sake of distinction, it is called political, civil, or religious liberty, &c. according to the specific kind of it.

. It may not perhaps, be improper, here to observe, that no man, though out of society, has a right to do wrong, neither has he in society, a right to that share of political power which may enable him to do wrong, because political society is instituted chiefly for security; and that never can be enjoyed, when any member of it has a power of injuring another.

Men of all characters, who are under no physical compulsion, or restraint, are equally free in the physical sense of the term liberty. They are equally free also in the natural sense of it; for conscience, the ruling part of their nature, prescribes only what is right, as the rule of duty to all. They differ only as to their characters; and the best always enjoy most that liberty which is natural, moral, and conducive to happiness.

I was going to observe, that there is an infinite absurdity in a person's leaving the known rule of duty and happiness, to regulate his conduct by inscrutable decrees, or by a chain of causes, of which he can see neither the beginning, the middle, nor the end.

The use of abstract terms frequently makes men the dupes of their own abstractions. Without using such terms, let us consider the state of man, as it is. It is simply this. God hath instructed us in the knowledge of our duty, by that nature which he hath given us, by our experience of his providence, and by his word. He hath, by the same means, told us what will be the consequences of doing, or of neglecting and violating, our duty. And he leaves us to act as we shall choose, and to reap the fruit of our own way.

The most imperious of all sorts of necessity is, that we must be good in order to be happy. The known, the certain, the unalterable decree of God is, that right conduct, is the sole means of happiness, and that wrong conduct tends to misery. This is the condition of man; and neither his reasonings, nor his efforts, can, in the smallest degree, alter it.

R. T.

LETTER

## LETTER XXVIII.

## Of Political Liberty.

COUNTRYMEN,

**I**N all societies, there is a general, and individual, and sometimes a corporation or partial, interest. The general interest of any society is the interest of all its members considered collectively, or as forming one body. The individual interest of men is their interest considered as single persons, and consists in their absolute, or individual rights†. The interest of a party or corporation of men in society is the interest of any party or description of men, who, as a party or corporation, may have an interest peculiar to themselves; such as the rights of a borough, or any corporation in a borough, or of the Lords and Commons. The interest of corporations or parties of men in society consists in their powers and privileges.

The end of political society is the preservation of the rights of its members; and, therefore, all societies, and all corporations and individuals in society, ought to be possessed of a power sufficient to preserve their rights. When the powers of those different parts, into which a society is divided, are such as enable each to preserve its own rights, the political power of that society is equally divided; and, from this equal distribution of political power, arises *political liberty*, or the *innocent use* of all those public powers and privileges, which belong to the different classes of men, who compose the society or state.

Now such is the political power and liberty of the *British Nation*. In that nation, the political power is divided in an equal manner, among the different parts which compose it; and the effect of this equal division is, that every part can use its own rights without injuring the rights of any other. The political power, or the power of the whole state, is equally divided among the King, Lords, and Commons, for each of these component parts of the state may use its own rights without injuring those of another; and in this equal division of power consists the *political equality* of British subjects, and not in every description of men, or every individual,

† See absolute rights, Letter 7.

al, having just as much absolute power in the direction of public affairs, as every other.

The intention of this distribution of power, proportional to the different parts, is to preserve to every individual, what belongs to him as an individual; and never was there any nation, in which that intention was fulfilled in so high a degree, as in Britain. All intelligent and reflecting men must be convinced, that such a nation, as ours, cannot be governed well without a permanent chief magistrate of very great power, that is, without a king, whatever may be his stile or title. All know, that, in every country, where there are means of spending and acquiring, there will always be a certain description of men that are very rich and powerful, that is, a nobility, and another description of men who have less riches and power, that is, a commonalty. Whatever name we give to these men, such men with such riches and power, will, in a certain degree, exist in every nation. Now, by the British Constitution, these different descriptions of men have the just extent of their power marked out to them; and, beyond the constitutional limits, they have no liberty, nor power, to pass

The King or chief magistrate requires a very great power to maintain both his own prerogative and the privileges of his subjects. His office may be in danger of being either mutilated, or destroyed, sometimes, perhaps, by a combination of the great men, and, at other times, by the caprice or humour of the lower ranks; and yet it is a necessary office; and therefore, his share of political power, that is, his prerogative and influence, must be so great as to form a defence against all the danger, to which his office may be exposed. The property and honours of the nobility are liable to envy and yet their office in the state is also necessary; and, therefore, they also require a considerable power to defend their office, their property, and honours. As individuals, indeed they have much less power than the King, though much more than an individual commoner; but the aggregate of the power, aided, as may be requisite, at one time, by the power of the Crown, and, at another, by that of the Commons, not only preserves their own rights and privileges, but balances the powers of the other two constituent parts of the state. The rest of the nation have their representatives in Parliament; and though a private individual commoner has power immensely less than that of the Crown, and much less

than that of an individual among the Lords; yet their numbers and riches make up the deficiency; and their collective power, being lodged in their representatives, enables them both to balance the powers of the Crown and of the Lords, and to maintain their own rights. As a body, by their wealth and numbers, their absolute power is extremely great; and as they have the command of the national purse, their relative power in the state, that is, their political power, requires a very great prerogative and influence in the Crown, and considerable privileges of a peculiar kind in the Lords, in order that their very great power may be balanced, and prevented from becoming dangerous. The balance of power among individuals, among nations, and among the different parts which compose nations, has place, when none of them is able to injure another: And this balance is both the proper cause and support of general liberty, or of justice between nation and nation, between corporation and corporation, and between individual and individual.

Those who are acquainted with the British Constitution, and are versant in politics, know, that the different political powers in Britain are nicely balanced; that the result of this balance is, that all the parts of the state enjoy political liberty; and that this liberty is productive of civil liberty, that is, productive of the secure enjoyment of what belongs to each individual in his private capacity.

It may, perhaps, be said, that those who have no right of voting for a member of Parliament, have no political liberty. But this is a mistake. They have the liberty, in every innocent and honest way, of observing all public affairs, and of communicating to others their observations, of meeting to consider of them, and of making known their sentiments and desires to the King, or to either house of Parliament. And though, perhaps, some alterations may be made, relative to the manner in which the representatives of the people become such; yet those of the Commons, who have no right to vote, electing a representative, a privilege which subjects in their condition never at any time enjoyed, they have still a very great measure of political liberty in the liberty of the press. The public mind, by means of the just use of this liberty, is easily and fully expressed; and that mind, not the mind of a party, but the public mind, ever has had, and ever will have very much influence both on the legislative and executive powers. Were  
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such a privilege as the liberty of the press enjoyed in Turkey, according to Mr De Lolme, "it would immediately introduce a degree of liberty" into the most despotic government of that country. But in ours, in which each part of the state is free, and all the people equally represented, though each part only choose their representatives, it is, with other causes, productive of full civil or private liberty to all.

In this manner, do the different parts of the British Nation balance each other; and thus does their mutual balance give to each individual the secure enjoyment of what is his own.

It is an error to suppose, what, from contemplating the mutual balance of parts, one, at first sight, may be apt to do, and what has unjustly been affirmed, that the power of the different parts destroy each other, or that their mutual balance puts a stop to public business; for we see, by the fact, that neither is the case. The truth is, all the individuals in the different parts are interested that public business should be forwarded; and part of that very power which serves to form the balance, by affording just motives of action, oils the wheels of the public machine. In a company of merchants no partner surely will neglect or oppose their common business and interest, because he knows, that no other partner can injure him. Thus it is in the British Government.

In the natural body, the ear, the eye, and the tongue have not the same offices with the head, or the hand; yet the members enjoy equal liberty: And in the body politic, though different individuals, according to their riches, rank and use, are vested with different powers, and perform different offices: yet in a well constituted state, such as Britain, every subject enjoys the liberty which belongs to him as a private individual; and the enjoyment of this is the design of the object, the end of all public offices, forms, and laws, of all political or civil society.

R. T.

LETT

## LETTER XXIX.

## Of Civil, and Religious Liberty.

COUNTRYMEN;

CIVIL liberty is that which belongs to the members of any political, or civil, society, considered merely in their individual, or private, capacity†. It consists in the secure enjoyment of all a person's absolute rights, except such a portion of them, as must be surrendered to the governors in that society, to which he belongs; such as the being judge (except in cases of necessity) in his own cause, and that portion of his property and service, which may be necessary for the common good.

Now in a country, in which every man *knows* that, in so far as is in the power of laws, his person, property, reputation or good name, are secure; in which he enjoys them without fear of being injured in them; in which he finds himself master of all his innocent thoughts, words, and actions; it is unnecessary to spend time in shewing, that civil or private liberty is enjoyed by all.

Religious liberty consists in freedom to worship God according to Conscience.

All nations, almost, emerged, in any degree, from the savage state, and even most savage nations, perhaps, have had an established religion; and the advantages derived from such an establishment, are manifest. The Israelites had an establishment of this kind, instituted by God himself; and, though the Christian dispensation differs in many things from the Mosaic; yet it will be difficult to shew, why any Christian people ought not to have an established religion as well as the Children of Israel. Indeed our Saviour himself established his own Church; and though he did not actually endow it; yet he gave the ministers of it a right to a maintenance. Some of them, it is true, declined using this right which Christ had conferred, choosing rather to work with their hands than be burthensome to the churches; but what they did, not in consequence of any command, but of choice, did not annul the grant which he had made. He did not endow his church; for, considered merely as a man, this was not in his power;

† See p. 44, and 45.



such a privilege as the liberty of the press enjoyed in Turkey according to Mr De Lolme, "it would immediately introduce a degree of liberty" into the most despotic government of that country. But in ours, in which each part of the state is free, and all the people equally represented, though each part only choose their representatives, it is, with other causes, productive of full civil or private liberty to all.

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## LETTER XXIX.

*Of Civil, and Religious Liberty.*

COUNTRYMEN;

CIVIL liberty is that which belongs to the members of any political, or civil, society, considered merely in their individual, or private, capacity†. It consists in the free enjoyment of all a person's absolute rights, except such a portion of them, as must be surrendered to the government in that society, to which he belongs; such as the giving judge (except in cases of necessity) in his own cause, and that portion of his property and service, which may be necessary for the common good.

Now in a country, in which every man *knows* that, in so far as is in the power of laws, his person, property, reputation or good name, are secure; in which he enjoys them without fear of being injured in them; in which he finds himself master of all his innocent thoughts, words, and actions; it is unnecessary to spend time in shewing, that civil or private liberty is enjoyed by all.

Religious liberty consists in freedom to worship God according to Conscience,

All nations, almost, emerged, in any degree, from the savage state, and even most savage nations, perhaps, have had an established religion; and the advantages derived from such an establishment, are manifest. The Israelites had an establishment of this kind, instituted by God himself; and though the Christian dispensation differs in many things from the Mosaic; yet it will be difficult to shew, why any Christian people ought not to have an established religion as well as the Children of Israel. Indeed our Saviour himself established his own Church; and though he did not actually endow it; yet he gave the ministers of it a right to a maintenance. Some of them, it is true, declined using this right which Christ had conferred, choosing rather to *work with their hands than be burthensome to the churches*; but what they did, was not in consequence of any command, but of choice, did not rescind the grant which he had made. He did not endow his Church; for, considered merely as a man, this was not in his power;

† See p. 44, and 45,

power; for, though rich, yet, for our sake, he had become poor; and though Lord of all, yet he never had recourse to the property of any man, either for the supply of his private wants, or for promoting the purposes of his mission. The reason why he did not endow his church, was possibly the same why he did not suddenly, or at once, abolish the Mosaic dispensation. He doubtless knew, that the minds of men are not able to endure a sudden change in their religion, though for the better; and, therefore, that dispensation was not immediately abolished, but suffered to *wax old and decay, and pass away*, in proportion as the Gospel dispensation was embraced. And as the temporalities of the Jewish church were in the possession of the priests and Levites, to have endowed his church by appointing any additional part of the property of the Jews for a maintenance to his ministers, would have been rendering the burdens of that people, already very heavy, altogether intolerable; it would have been *putting new wine into old bottles*, and would have proved an offence, a stumbling block, to those who were to embrace Christianity. But our Lord ordered, that *they which preach the Gospel, should live of the Gospel* †.

Every sect of dissenters establish for themselves, a church, when they associate together for the establishment and maintenance of the worship of God according to their particular opinions. Indeed it is impossible to avoid a religious establishment, if we have any religion at all amongst us, and if our opinions concerning the true religion are not as numerous as individual families. For what is a religious establishment but an appointment of clergy, their duties, and maintenance, by men agreed in the belief of the same religious creed, and bound to defray the common expence of their worship? The difference between the religious establishments of dissenters and those which are national (both of them considered merely as establishments) is, that the expence of the former sort is defrayed by dissenters themselves, that of the latter by the public. And this certainly is but reasonable; for, whatever some may think, or say, a national established church is, in various ways, a national blessing; and, if it be a public advantage, it is but right, that the public should support it.

A national establishment of a religious kind, by rendering the clergy belonging to it independent, has a great tendency,

† 1 Cor. ix. 14. Matt. x. 10. Gal. vi. 6. 1 Tim. iii. 17.

not only to preserve purity of doctrine, and impartiality in discipline, in the church, but to prevent sedition and faction in the state. Its clergy having a certain maintenance which renders them independent both of the government and of any description of subjects, are well fitted to be impartially a sort of mediators in cases of public misunderstandings and differences. This would not be the case, were they dependent either on the government or on the subject. "The clergy (of Connecticut) who are numerous, and, as a body, very respectable, have hitherto preserved a kind of aristocratical balance in the very democratical government of the state; which has happily operated as a check on the overbearing spirit of republicanism\*." It is pleasant enough to hear the ridiculous clamour of some against the clergy's having any thing to do in political or civil affairs, as if they, like other subjects, were not entitled to the privileges of subjects, or as if their being clergymen deprived them of the rights of freemen. Any description of men may be possessed of an exorbitant power; but that surely is not a reason why they should not be allowed the use of a just power, in things which, as men, most nearly concern them. It is well known, that, formerly in Europe, the rigour of barbarous laws and manners, was mitigated by the clergy: Bishop Langton was the chief instrument in procuring Magna Charta: And the despotism of Turkey is limited by its religion, that is, by its clergy †.

An established church is a support to religion in general; which, if left to fashion, caprice, or the humour of men, would, like antiquated manners, or an old hypothesis, be neglected, despised, or, perhaps, capriciously resumed by turns after long intervals of disuse. At any rate, it would be corrupted, and decline. But what supports true religion, supports morality; and morality is the riches, the strength, the happiness of nations. It is true the Christian religion is to continue *always, even unto the end of the world*; but its continuance, like that of other things, will constantly depend, under the care of its great author, on the due use of means; and an indispensable means of its preservation is a national religious establishment. In some places of America, since they were disjoined from Britain, all the inhabitants, without the interference of government, have been left to

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choose

\* Morse's Geography, p. 219.

† Spirit of Laws.

choose and pay their own clergy; but the decline of religion in that quarter of the world, if we may judge by the experience of a dozen of years, is no proof, that the neglect of national established religion is among the means of improvement in piety and virtue †.

One great advantage, amongst others, of a national religious establishment, is, that it not only gives permanence to sound doctrines, and good principles, but facilitates the communication, and promotes the practice, of them. Neither will such an establishment obstruct the progress of knowledge whilst we have the liberty of the press; nor eventually prevent the triumph of truth over error. The inhabitants of this island seem ever to have had a religion established and supported by the public; and yet its religion has frequently been changed for the better.

Every man has his creed or confession of faith, which is just his religious opinions. A system of religious truths is as fully as useful in religion, as a system of general facts is in a department of philosophy; and, though the terms of communion, in imitation of the practice of the primitive Christians, might, perhaps, with considerable advantage, be reduced to a much smaller number; yet the most speedy and effectual way of instructing the young, or other novices, is to lay before them a system or collection of religious truths. This is pointing out to the traveller, the way, from which, without such direction, he would most certainly wander. It will be allowed, that any system of supposed truths may have in it some mixture of error; but this is only allowing that men are fallible. But even those who write against systems deliver in their very writings, a system, without being aware of its absurdity.

† In some places of America, government so far interposes as to oblige the subjects to maintain a Christian minister of some persuasion or other. In Rhode Island, indeed, there is not only no religion established by the government, but "no contract formed by the minister with his people is valid in law; a peculiarity which distinguishes it from all other protestant countries." But in that state, though, "in some places, public worship be attended with punctuality and propriety," yet in others, "they make the Sabbath a day of visiting and festivity; and in others, they esteem every day alike, having no place of meeting for religious worship." It is there that one may find "a considerable number of persons who can be reduced to no particular description, but are all religion strictly Nothingarians." Morse's Geography, p. 206. It will be observed also, that the subjects of this state are the most ignorant perhaps, of all the Americans.

absurdity of their conduct. If we are to banish systems, we must not, in any way whatever, communicate our ideas. If we do, we shall be just where we are; and every man will have his system or creed, both in philosophy and religion. Even though all were to keep their opinions to themselves; yet every man would have his own opinion, that is, his system, or creed. Did not Mr. Godwin, might I ask, did he not recollect, that in publishing his writings, he published to the world a very peculiar system of public and private conduct? The thing which seems to be with reason complained of, is not creeds or systems, but the requiring the belief of numerous articles (some of them comparatively unimportant and minute) as the condition of Christian communion. Here we seem to have departed from the practice of the Apostles and primitive Christians, and our departure has been the cause of much dissention and schism.

Both the doctrines and precepts of religion are unalterably established by God, through means of revelation. But it is well known, that there are some things with regard to forms, and discipline, for which we have no express and precise rule in scripture, no rule, except that general one, that all things be done decently and in order. Men, therefore, are, in such things, left to their own judgments and consciences. Accordingly, in some countries, they have made choice of an episcopal form, and, in others, of a presbyterial, according as they judged the one to be more suitable than the other to the form of their civil government\*. Both episcopals and presbyterians thought themselves justified in adopting their respective forms of church government, the former, by the practice of the Apostles, the latter, by the precept of our Saviour †. Scotland may appear an exception to the above observation. But the presbyterial form of her church was owing to circumstances. The civil government of that country, was, at the time of the reformation, not in name, but in reality, an aristocratic republic; the chief reformers among the clergy were educated in republican principles at Geneva, and several causes then contributed to the abolition of more than error. But, though it seems to be, in general, a just opinion, that a hierarchy is more favourable to monarchical government, than a parity among the clergy; yet no person will say, that the clergy of the church of England

\* Mosheim's Church History. † Montesquieu's Spirit of Laws.

are more attached to our present government, than the  
her sister church. Neither is there any more "absurdity"  
in having an established form of church government in  
part of the island, different from that which is, in  
other, than in a parent's ruling two children of different  
ages and tempers in two different ways, each adapted to  
respective child. But in a nation, as well as in a family, let  
a difference of government may contribute to the improve-  
ment and welfare of the individual as well as to the peace of  
the whole.

But though, on various accounts, it is the duty and in-  
terest of a nation, to have a religious establishment; yet it may  
appear to some to be their duty in point of conscience, to  
dissent from that establishment, and to set up a form of wor-  
ship for themselves; though, by so doing, they may not  
deviate farer from the true religion. And all who choose  
have, in this country, a liberty of dissenting, and worshipping  
God according to their consciences, provided there be nothing  
in their mode of worship injurious to others. This is relig-  
ious liberty, or, as it has sometimes been called, liberty of  
conscience: And that it is, in this country, fully enjoyed by  
all, is known and undeniable.

R. T.

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## L E T T E R   X X X .

### *Of the Liberty of the Press.*

COUNTRYMEN,

**P**olitical Liberty and that which is civil, have been some-  
times confounded. They may be thus distinguished  
Political liberty is the power of a member of civil society  
with regard to public affairs; civil liberty, his power with re-  
gard to what is exclusively his own. The liberty of the press  
though here considered by itself, is a part of our political li-  
berty; and a part which is common to all ranks of subjects.  
It consists in every subject's being free to publish his thoughts.

If the publication of thoughts be injurious, the injurious  
person is certainly bound to repair the injury: And whether  
he has been really injurious, and what sort of reparation he  
ought

ought to make, is decided by a jury of his peers. And now, one would imagine, that, by the event of state trials for these several years, even the shadow of suspicion with regard to juries being partial to the Crown, must be vanished. Alfred the Great used to say, that Englishmen ought to be as free as thought. By obtaining the liberty of the press, every subject of the British Government has become what this great and good king thought Englishmen ought to be. For, by this liberty, the just use of which, is, in a great measure, the guardian of all our other liberties, all their actions are as free as conscience, the ruling part of their nature, permits any of their thoughts to be.

The liberty of the press is doubtless a very great privilege, as it is a means of preventing, or correcting public abuses; of maintaining our other privileges and rights; and of improving our condition in every respect. If ever we come to lose it, it will probably be either by a change of government from its present mixed form to republic; or by a too great diminution of the power of the Crown, or by a too great increase of that of the subject; or, perhaps, by the licentiousness of the press, which possibly may become such as to prove its tomb.

The liberty of the press may be enjoyed in a greater degree, in a government so constituted, and so stable, as ours, than it can be in any other species of kingly government, or in any sort of republic. In our government, all that is generally to be apprehended to government from the press, is only a change of ministry, should the nation, by means of publications, be convinced, that such a change would be of public advantage. But, in all republics, the chief magistrate, or magistrates, are but a little raised above many of the subjects; the satyr and invective of publications make them jealous of their power, which they hold by a very precarious tenure; and their jealousy constantly stimulates them to abridge, or wholly restrain, the liberty of the press\*.

R. T.

\* De Lolme on the Constitution of England, p. 425, 426, &c.

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LETTER



## L E T T E R XXXI.

*Objections against our Liberty obviated.*

## COUNTRYMEN,

**T**HE legal disabilities of dissenters, certain rare instances of partiality in the administration of justice in some inferior courts, the tediousness of law suits, and possibly some other inconsiderable things, may be again urged, as they have been, against that liberty which we have the happiness to enjoy. Dean Swift, whose words have been already quoted\*, assigns the very best reasons for the legal disabilities of dissenters. Instances of partiality in the administration of justice are very rare, and these in things of rather an inconsiderable kind; and there is every reason to believe, that they will be still more rare. Wholly to prevent them is, perhaps, impossible, whilst men remain imperfect. Parliament, by a late act, has enabled the subject in Scotland (for English subjects enjoyed such a privilege long before) to recover small debts by a very speedy and cheap process. And let me ask any person of candour and sufficient information, whether he does not believe, that the same legislature will, by similar acts, a bridge, if necessary, all other law suits, as far as the liberty of the subject will permit?

The institution of courts for the easy and speedy recovery of small debts, both in England and Scotland, is doubtless a very great acquisition, especially to the poor of these kingdoms. Such courts, by a summary process, not only prevent litigious persons of equal fortunes from hurting one another; but, by deciding finally, and at a small expence, pecuniary causes of small value, they prevent a rich man from gaining any undue advantage over a poor, by appealing to higher courts.

One of these courts was established in London, so early as the reign of Henry the eighth; and as the value of money has fallen much since that time, such courts might, perhaps be now permitted to decide in causes of much greater value. But, for various reasons, judge Blackstone, prefers to these courts, a sort of courts, which were used in England in the Saxon times; and in which a jury of twelve freeholder

gave

our judgment in causes similar to those, now decided in our courts of conscience. A court of this kind, which he recommends, and of which he describes the plan, was instituted in the county of Middlesex, by statute 23. Geo. II. c. 23. And it is only of this court that he says, "this is a plan entirely agreeable to the constitution and genius of the nation: calculated to prevent a multitude of vexatious actions in the superior courts, and at the same time to give honest creditors an opportunity of recovering small sums; which now they are frequently deterred from by the expence of a suit at law: a plan which, in short, wants only to be generally known, in order to its universal reception\*."

This court, which proceeds in the decision of causes of small value, by a jury of twelve freeholders, is not, according to his learned writer, "an innovation, but a revival of an ancient practice of the Saxons;" and it may be extended to every county of the island, and, perhaps, to causes of much greater value, than those, in which it is now entitled to decide. None, however, who reflect with impartiality on what parliament has almost uniformly been doing for *the good of the people*, since the conquest, will make any doubt, that they will still employ themselves, as may be requisite, in doing what, indeed, they have already very nearly completed, in passing such acts as may facilitate, and accelerate, the impartial distribution of justice; and prevent vexatious, tedious, and expensive law suits.

But whatever may be in any of those few things, urged against our liberty, all that can be said of them is, that they are simple grievances which exist among many and great privileges. They are but a few imperfect leaves amidst that luxuriance of fruit, which hangs on our tree of liberty. They exact, by any means, objections to the constitution of the kingdom, considered as composed of a King, Lords, and Commons. For, this constitution solely has given birth to our liberty, nourished it during ages, and brought it to its present degree of maturity. The constitution is the tried, and approved means or instrument of producing our liberty; and to abolish it would be to destroy the means in order to lose the end. Should Britons ever attempt it, they will recall the fable of the boy, whose goose laid golden eggs, but who

\* Blackstone's Commentaries, v. 3. p. 83.

who killed her, that he might have the whole of them at once.

“For a nation to love liberty,” saith Mr. Paine, quoting the words of the Marquis de la Fayette, “it is sufficient that she knows it; and to be free, it is sufficient that she wills it\*.”

As the love of liberty is natural to individuals, it must be natural to nations, which are composed of individuals; and if the different members of any nation or body politic were moved by one will, like the members of the natural body, though now enslaved, they would the next instant be free. But, in every nation, there are a thousand opinions, a thousand different interests and wills; and these differences always retard, and, in most cases, wholly prevent the production of liberty. This choice blessing has never been produced by a simple volition; but has ever cost the greatest struggles.

When the words, quoted above, dropped glowing from the mouth of the Marquis de la Fayette, a nobleman in the very bloom of youth, an enthusiast in the cause of liberty, though the subject of an absolute government, they had a novelty and grace which charmed, a brilliancy which dazzled our eyes: But their novelty is gone; their splendour is tarnished and the sense of them, when examined narrowly, is next as if one were to say, *for a blind man to enjoy the light, it is sufficient, that he see it; and to see it, he need but open his eye.*

The idea entertained of our liberty by the president Montesquieu, deserves to be remarked by us, not only because his extensive and profound knowledge of laws has procured for him the title of “legislator of nations†,” but because he was the subject of a government which was both arbitrary and the rival of ours. “Their laws,” saith he, “not being made for one individual more than another, each considers himself as a monarch; and, indeed, the men of this nation are rather confederates than fellow subjects‡.”

After all that Mr. Paine, has said of liberty and equality of the natural and civil rights of men, of the origin of governments, and of constitutions, and against monarchy and nobility, I do not find, upon an accurate examination of his works, that he hath, in any part of them, denied the existence of civil or private liberty amongst us, I mean that the

\* Rights of Men, part I: p. 9. † Preface to Spirit of Laws, p. 1

‡ Spirit of Laws, b. 19. c. 27. p. 418.

which consists in the secure enjoyment of what exclusively belongs to any man considered in his individual or private capacity. And I should imagine, that most people will consider this his silence as a tacit acknowledgement from him, that we really enjoy this sort of liberty. Indeed it was not in his power to deny it; for as all men in this nation are conscious of enjoying it, each would have been able to detect the lie, not by any process of reasoning, (for that would have been unnecessary) but by a simple appeal to his own consciousness.

The chief, though not the sole, end of all government, or political society, is to place and keep every subject, or member, in such a situation; that he may use or enjoy himself and his all without injury, without molestation, without fear. All constitutions, laws, forms, offices, political rights and privileges are good in proportion as they conduce to this end. This end is answered by our form of government; and, therefore, it must be a good one, though it is not like the systems of Mr. Paine and some other late writers.

Whether equality be considered as consisting in equality of property, honour, power, or privilege, I cannot dismiss this subject without observing, that it is perfectly incompatible with liberty; that, though easily joined in words, they never can be joined in nature; *that to attempt to equalise men, is to attempt to annihilate their rights, and forge chains for Mankind*.\*

R. T.

\* See pages 87, 203, &c.

OBJEC.

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# OBJECTIONS AGAINST KINGLY GOVERNMENT OBVIATED.

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## L E T T E R   X X X I I .

*Mistakes with regard to our Government, produced by the various senses of Words.*

### COUNTRYMEN,

**I**T is somewhat remarkable, that the Greeks, the most celebrated nation in ancient times, and the English, the most celebrated in modern, should have called their chief magistrates kings, a name which implies, that they thought the office of such magistrates was necessary to the happiness of the people.

As the same word has various significations, the indefinite use of words has ever been a fruitful cause of error. The word king, as applied to the present chief magistrate of this nation, hath a meaning different from what it hath, when applied to the chief magistrate of any other in any age of the world; or from what it had, when applied to the chief magistrate of this nation, for a long time after the conquest. The

+ The Greek word *βασιλεύς*, which we translate king, signifies *the support of the people*. These kings, whom the Greeks disliked and banished, were called *τυραννοί*, tyrants, most probably because they fortified themselves in castles or towers (*τῦρραι*). It is true the Greeks called these places at which their *τυραννοί* lived *ακρόπολις*; but a great part of the Latin language was derived from the Greek; and the word *turris* might at one period have been used by the Greeks, and afterwards become obsolete. The Spartans were constantly governed by *hereditary kings*; but they were "the avowed enemies of tyrants" Goldsmith's *Hist. of Greece*, p. 20.

The English word king seems to be of Celtic, or ancient British extraction, and to signify the head, i. e. the head of the people. It is still used with the same variation in the pronunciation, by the descendants of the Celts or original Britons in the highlands of Scotland, and is found in the composition of names of places in the low countries; in both which cases, it signifies the head. See Buchanan's *Hist. of Scotland*, Book I.

The reason is, that the office of our king, that is, his prerogative, situation, or relation to his people, is, all things considered, different from those of any other magistrate, the name of whose office we express by the word king.

The present king of this country, considered as a king, differs as much from all other kings that either do, or ever did, reign in any other (considering them as kings) as one species of living creatures, from another; and when we argue from the badness of some kingly governments to the badness of ours, the reasoning is no more conclusive than it would be, were we to argue, that because some animals are beasts of prey, all animals are such.

The British government is neither a pure monarchy, a pure aristocracy, nor a pure democracy, but a natural, and just mixture of all the three. It is a political body, of which the King is the head, and every subject a member. Absolute monarchies (and much more despotisms) are political bodies which have a head, but scarcely a member. The men who live under such governments, are simple subjects. All the British, except the King, are, indeed, subjects, and, in order to their own happiness, must be subjects; but every one of them, having a certain just share of political power, is so far, in one sense, a sovereign, or a constituent part of the body politic. The government of this country is specifically different from all other governments, whether ancient, or modern; and, therefore, we have no specific or proper name, for it. Were a person to invent one, he would, perhaps, call it a *panocracy*, because, in this nation, whilst all are governed, all, in some degree, govern. As in the natural body, every member however small, however insignificant, however distant from the head, is yet connected with, and has an influence upon, both the head and all the other members, so in the body politic of this country, whilst all are subject to the King and to the laws, the meanest subject contributes, or, at least, has it in his power, in some way, to contribute, to the making of laws, to their preservation, and to their execution.

There are various sorts of food, cloaths, houses, machines, &c. which are comparatively bad; but to argue, that because some sorts of food, or lodging, are bad, all other sorts are bad also, is a fallacy: And the same is the fallacy of arguing, that

† See Letters 6, 8, 15, 16, 19, 21, 26, 27, 28, 29, 30, 31.

that because some sorts of kingly government are exceptible, therefore ours, though different in kind from all other, is exceptionable also. "The monarchies," says *Montesquieu*, "we are acquainted with, have not, like the English, liberty for their direct view ||" The true liberty enjoyed by Britons; the consequences of this liberty, security, national prosperity and happiness; and the solid foundations, on which liberty in this country rests; distinguish the government of it as much from all other monarchies as from all republics.

The Latins used to say, "it is difficult to deceive an old man by giving him words" instead of things, or deeds; but, in our time, there seems to be a great facility in giving men words for things. Indeed, as the same word sometimes expresses many different ideas, men of the most acute judgment are in danger of being imposed on by words\*. Mr. Paine either knew this, or he was himself, perhaps, in some measure, imposed on and misled by verbal deceptions. But he ought to have known, and to have informed his readers, that names do not change the nature of things; that as certain American animals are not made better by giving them the names of certain generous animals of Europe, neither is the Head of the British nation any worse, that he bears the same official name with some of those heads of nations, whose power and vices have made them scourges both to their subjects and neighbours.

‡ All trees are trees; and all fruit, fruit; but there are some trees whose fruit is wholesome food; others whose fruit cannot be eaten; and others whose fruit is poison; so it is with the British monarchy compared with other monarchies under which men have lived. A consul, or president of a republic, as in ancient Rome, has too much power; a king, as formerly in Scotland, has too little. Does the difference of names make any difference to their subjects? Which of the two is the better, or worse governour? Though either of them is much better than no governour; yet neither of them is the best which a nation may have. That quantity of power which enables a governour to employ the force of a nation as to defend it, to maintain internal tranquillity, to distribute justice

‡ *Spirit of Laws*, b. II. c. 7. p. 213.

\* The deception of words, or men's aptitude to be led into error by names, is mentioned by the immortal Bacon as one of the causes, which obstruct the progress of science.

justice impartially, to protect all his subjects, but to oppress none, is just what he ought to be possessed of: And such, all know, is the power of the King of Britain. As a governor, therefore, he is a good one, though a king; and his government is a good one, though a species of monarchy. The declamation, therefore, of Mr. Paine, against kings and kingly government does not apply to the chief magistrate and government of this country. The despotism in this country, which he affects to combat, is the child of his own brain.

It might be shewn at large, both from ancient and modern history, that as in a numerous family of children and servants, there is less rule and justice, and more disputes and waste, in the absence of the master and mistress, than when they are present, so, in a nation such as ours, there would be more civil and foreign wars, more expence, and less justice, security, and liberty, under a republican government, than under a monarchy modified and limited in the manner, in which ours is; and the expence and wars of monarchies are supposed to be principal objections against them. But omitting, for the present, these and other seeming objections to monarchy in general (which however do not, by any means, hold with regard to our kind of monarchy) I shall in the following letters obviate those seeming objections to government by kings, which have been forced from the holy scriptures.

Mean while, I cannot help observing, that, in a nation such as ours, a republican government, is a gulph that continually roars, and swallows, and destroys, a mixed, and justly limited monarchy, a sea which is generally calm, and at which the occasional agitation but contributes to health and happiness.

R. T.

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## L E T T E R XXXIII.

*Kingly Government is supported by the sacred Scriptures.*

COUNTRYMEN,

AS Mr. Paine has, not only made use of words of mens invention, but, though an infidel, even of the word of God itself, to deceive others, and to prejudice them against kings



kingly government. I shall, in this, and the three following letters, shew, that there is nothing in the sacred scriptures against this form of government, but much for it; that all very passages of scripture, which have been misapplied in order to vilify it, are wholly in its favour.

1. Then I would observe, that if there be any form of government preferable to another on account of any thing recorded in scripture, it is the kingly form.

The people of Israel were constantly, in some sort, under kingly government. The Lord was their king, not as he king of all nations, but in a manner that was sensible, immediate, and wholly peculiar to themselves. *He was their judge, their law giver, their king that saved them.* There was no function of a sovereign, which he did not discharge amongst them in a sensible manner. He was their sole legislator, he directed them when and how to attack their enemies, and he fought for them; and in several instances he judged them without the ministry of men, and in a manner that was both sensible and awful. At the same time, Moses was a viceroy under the great king; and, therefore, he is called *king in Jeshurun*. He received the law from God, and delivered it to the people; he judged them, in ordinary cases, according to the law, either himself, or by those judges whom he deputed, and he led them against their enemies. In short, under God he was a limited king. And all the judges who followed, as they were not elected by the people, but chosen of God, and raised to their office by *his spirit coming upon them*, so they performed, as the occasion required, the same kingly offices with Moses.

Whether, therefore, we consider that people as governed by God alone, or by God through means of the ministry of men, still we find, that their government was kingly. The elders, indeed, that is, the chief men, were, like our parliament, consulted on certain occasions, and they were the most consulted, as the miraculous and sensible government of God decreased; but never do we find among that people, any thing like a republic. And if we except one or two tribes or families (for they scarcely deserve the name of nations) there are but two instances in scripture, of a people wanting kingly government. These are the Sodomites, and the people of Israel at the time when every man did what was right in his own eyes. *There was then no king in the land, or judge to all us.*

To the judges of Israel, succeeded a sort of chief magistrates called kings; but the chief, perhaps the only difference between these magistrates and the judges, lay in their names, and in the greater grandeur and state of the former; a difference which had then become necessary, because, at that time, the awe, with which the frequent and visible interpositions of God formerly impressed their minds, must then have had less influence on them, in proportion as these interpositions became less frequent; and there was then no way of ruling that turbulent nation, but by giving to their chief magistrate, a more dignified name, and more riches and splendour, that is, in other words, greater power. All nations (not excepting republics) in which there has been any inequality, have found it necessary to strengthen the constitutional authority of their chief magistrates, whether called kings, consuls, or whatever has been their names, by giving them splendour and state. France feeling this necessity has abandoned her plainness, and given the splendour and state of kings to her five directors.

It might here be mentioned also, that both God the father and Christ the son are kings in the most extensive and proper sense of the word, the former essentially, the latter by delegation; and that, if in things within our power, and which have more of religion and morality in them, than some seem to be aware of, we are to imitate the best of models, we ought to prefer kings to any other sort of chief magistrates. But I pass on to observe, what may now be evident, that, if men are to take the models set before them in scripture for forming their chief magistrate, they will never form to themselves any other than a king; for there is no instance to be found there, of any other chief magistrate, who can be considered as a model, than one who was, in some sort, a king.

2. I would observe, that there is, in scripture, nothing against, but much for, kingly government.

If we read the scriptures from the beginning to the end, we shall find many things said against individual kings, for their conduct both in a public, and private capacity, but nothing against kingly government. But we are in scripture commanded to pray for kings, to honour them, to be in subjection to them, and to render them tribute.

Besides, we find God himself countenancing kings, considered in their royal capacity; not only the whole of the family of David, but several of the kings of the ten tribes. It

is, perhaps, worthy of remark, that never were the Israelites so powerful, in any period of their state, as when David was their king, a prince, who, as a man, had his failings, but, as a king, was according to God's own heart. And certainly the Great Being, who both in his word and in the course of his natural providence, teacheth us, *that he is of purer eyes than behold iniquity*, that he cannot look upon sin, never would have countenanced kingly government in appointing their kings, in directing, favouring, and blessing them, had there been any thing, in that form of government, wrong, immoral, or sinful. No! This were far, very far from God. *Shall not the judge of all the earth do right?* But his very countenancing kingly government in countenancing the kings of Judah and Israel, considered as kings, is a certain proof, that he who can neither err, nor deceive, gave his sanction to this form of government.

Indeed kingly government of some sort is, perhaps, the only kind of government, to which there is, in scripture, a divine sanction given. Very far would I be from insinuating, that other forms of government are illegal, when compared with the word of God, or that they are founded in what is unjust or wrong; but if we carefully peruse the bible, we shall find, that it is kingly government chiefly, perhaps only, which has there the Divine sanction. At least, that sanction is there given to that form of government in a manner, in which it was never given to any other.

But if kingly government is never condemned, but countenanced, by God in scripture, what was the sin of the Israelites in asking of him a king?

Their sin consisted in three distinct particulars.

1. They desired what was against their own temporal interest.

2. They desired to violate an express command of God.

3. They were guilty of spiritual idolatry.

1. They desired what was directly against their own temporal interest.

This will be evident, if we consider what sort of king they desired. They asked not a king or head in general to judge them, and lead them against their enemies; for as this was necessary, it could not be sinful: They asked not a king such as God had described and was to choose for them; a king who should be pious, and avoid what had a tendency to lead the  
people

people to idolatry; a king who should be temperate, and studious of the laws\*. They asked not a king such as ours, who should be limited by the laws: But they asked a king to judge them, like all the nations†. In short, they asked such a king as all the nations had amongst whom they dwelt. But the kings of Asia have ever been despots, or, in a great degree, arbitrary; and such was the king, whom Samuel told them they should have. In a word, when the Israelites desired a king, they in effect desired, that their chief magistrate should, in a manner, be a despot, and they themselves slaves.

If their kings did not prove such in the event, this was owing partly to their repenting of their sin, in which case a threatened punishment was remitted; and partly to the permanency of their laws, and religion, which has ever been a check on arbitrary power.

But if we in this country had a king to choose, and were to choose such an one, as a wise and good providence hath set over us, we should not commit that sin (if I may so speak) against ourselves, from which the Israelites could not be prohibited. For, under our admirable kingly government, not only does every man enjoy himself and all that belongs to him in safety; but *the chief cause of our security is our having a king, a king who, on the one hand, is limited by the laws, and, on the other, possessed of a power sufficient to execute them in such a manner, that the meanest subject knows he is safe and free.*

2. When the Israelites desired a king, they desired to violate an express command of God.

It is manifest, from the whole of scripture, that God intended, that the people of Israel should be a holy nation: For this purpose, he called Abraham from the house of his father Haran, who was an idolater, and promised to make of him a mighty nation. For this, he went down into Egypt with the descendants of the patriarchs, and, in due time, delivered them from the oppression of the Egyptians, and settled them in the land of Canaan, which he had promised to their fathers. All this, he did, not from any thing like partiality in men, nor from any blind attachment to that people, but that he might establish in the world, through means of them, the true knowledge and worship of himself; that is, in the lan-

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\* Deut. xvii. 4, &c.

† 1 Sam. viii. 5.

12. viii. 10, &c.

‡ 1 Sam. xii. 19, 20, &c.

guage of scripture, *that they might be a holy, and peculiar people above all the nations of the earth.* Deut. xiv. 2<sup>o</sup>.

But as it was naturally impossible, that they could long be a holy, without being a separate, people, he, as it were, erected a *middle wall of partition* between them and all other nations. He gave them a religion, ceremonies, and customs, of which many were *shadows of good things to come*, and some, perhaps, necessary in that warm climate, for the preservation of health; but of which some also were merely marks of separation, and, so far as we can judge, of importance only as they served, with other things, to keep them separate from all other nations. To preserve them a distinct and separate people, he also prohibited them in the most express and peremptory manner, from making any *covenant* with the neighbouring nations, and from imitating in any respect, their laws, usages, and manners. *After the manner of the land of Egypt, wherein ye dwell, shall ye not do; and after the manner of the land of Canaan, whither I bring you, ye shall not do; neither shall ye walk in their ordinances. Ye shall do my statutes and keep mine ordinance: to walk therein: I am the Lord.* But as they desired a king, *like the other nations*, they desired to walk in one of the ordinances of the Heathens, the most important to any people. In desiring a king, therefore, *like the other nations*, they desired to violate an express command of God.

They contended with Samuel, and said, " *Nav but we will have a king over us: That we also may be like all the nations.*" " *That we also may be like all the nations.*" This was the intention of the Israelites in asking a king; and, in this intention, did their sin, in part, consist †, and not in desiring a king simply considered; a thing otherwise indifferent, except in as far as the power of their chief magistrate might affect their temporal interest. God had endeavoured by every means, to make them in certain respects, unlike all other nations; and they desired *to be like them*. In this, they violated, not only the letter, but the spirit of the above-mentioned precept,

\* See Sherlock on Providence, C 8.

† Levit. xviii. 3, 4.

‡ I Sam. viii. 19, 20.

¶ Mr Paine himself has unwarily acknowledged that this was part of the sin of Israel in asking a king. " *And here,*" says he, " *we cannot but acknowledge, that their motives (in asking a king) were bad, viz. that they might be like unto other nations, whereas their true glory laid in being as much unlike them as possible.*" *Common Sense*, p. 12.

cept, and of all their peculiar laws and customs. By desiring to be like other nations in desiring a king, they were about to counteract, in a great measure, all the dispensations of God's providence towards them as a peculiar people; they were about to return to Egypt, to take the shortest road to ignorance and idolatry. Is it to be wondered at, then, that that good, but jealous God, should, on this occasion, have given them a king in his anger, and afterwards have taken him away in his wrath?

§. The people of Israel in asking a king, were guilty of idolatry.

Trust in God is an essential part of that duty which we owe him; and to trust ultimately in any being but God is spiritual idolatry. Now part of the sin of Israel in asking a king, consisted in their distrusting God, and in trusting to the king whom they sought.

That this was part of their sin, will appear evident beyond a doubt, if we consider their situation and behaviour at the time. Nahash King of the Ammonites had come up against them, a powerful and cruel prince. With him, they offered to make a covenant, and to become his servants. But he refused to make any covenant with them but upon condition of *thrusting out their right eyes, and laying it as a reproach upon Israel.* In this sad, and ignominious situation, they seem to have been at a loss what to do. Samuel was grown too old to conduct them against their enemy; and his sons they could not trust. But, instead of placing their trust in God, and seeking deliverance from him, they placed their trust in some one of themselves, they sought deliverance through means of the King whom they desired\*. *And when ye saw, saith Samuel to them, after putting them in mind what deliverances God had wrought for them by men whom he sent, when ye saw, that Nabash king of the Ammonites came against you, ye said unto me, Nay but a king shall reign over us, when the Lord your God was your king†.*

That part of their sin in desiring a king was idolatry, will further appear, if we consult the prophet Hosea, the whole of whose prophecy is levelled against their idolatry both in worshipping strange gods and in placing their confidence in man. *O Israel, saith he, thou hast destroyed thyself (by thy idolatry, it is evident from the context) but in me is thy help found, Hos-*

\* 1 Sam. xi. 1, 2.

† xii. 12.

1 Sam. xiii. 9. That is, it is I only who am thy helper and deliverer; and neither Baal, nor any of thy great men. And therefore, it follows in the 10th verse, *I will be thy king, that is, I will deliver thee from the hand of thine enemies.* He then expostulates with them concerning their past folly: placing that confidence in their great men, which they ought to have placed in him only: *Where is any that may save thee (that is, that is able to save thee) in all thy cities? and the judges of which thou hast said give me a king and princes?* And then he directly points at Saul, in whom they were punished for distrustful God, and in whom they might see the vanity of all expectations of help from power merely human. *I gave thee a king in mine anger, and took him away in my wrath.* If he had said, when thou desiredst a king or chief magistrate different from Samuel, with a disposition of heart to place thy confidence, not in me, but in him, I gave thee a king in mine anger at thy idolatry, and afterwards, to turn you from this new species of idolatry, as well as to punish him for disobedience, *I took him away in my wrath* \*.

Upon the whole, it is evident, that the sin of the Israelites in asking a king, did not consist in desiring a king or chief magistrate of that name, different from Samuel (for God had both foretold them, that they should have a king, and had given directions with regard to their king) but in desiring what was against their own interest, in seeking to violate the express command of God, and in their idolatry. Yet this complex sin was forgiven them upon their repentance, and their happiness, as before, was made to depend on their service to the Lord †. God first chastised them for their sin in giving them Saul; and then he gave them David a king after his own heart. And this King and his descendants continued to govern them till their idolatry made both king and people benighted away captives to Babylon.

R. T.

LETTER

\* That Mr Paine thought part of the sin of Israel in asking a king consisted in idolatry, is plain from these words. "The hankering which the Jews had for the idolatrous customs of the Heathens is something accountable; ——— they came ——— to Samuel, saying, Make us a king to judge us, like the other nations." *Common Sense*, p. 1. But, if we may judge from his own words, he did not think, that *idolatry* was now idolized.

† 1 Sam. xii. 20, 21, &amp;c.

L E T T E R XXXIV.

*Reasons why the Israelites were not, for some time after coming out of Egypt, under that sort of Kingly Government, to which they were afterwards subject.*

COUNTRYMEN,

SOME, not attending to the difference of times, may, perhaps, find a difficulty, in discovering the reasons why the Israelites, for some time after leaving Egypt, were not subject to such kings, as afterwards governed them; and, as the solution of this difficulty may serve to confirm what has been advanced in the preceding letter, as well as to throw light on the nature of government in general, I shall here offer, as a help towards the solution of it, a few humble observations.

1. The Israelites, from their long residence among the Egyptians had become so addicted to idolatry, that, in order to cure them of it, it was necessary they should, for a certain time, be under theocracy, that is, under the government of God in a peculiar and miraculous manner.

That they were idolaters when they lived in Egypt, and for some time after they had left it, is evident from their great propensity to join in the idolatrous rites of the Heathens, and particularly from their making the golden calf; which is supposed by some learned men, to have been an imitation of the Egyptian god Apis.

For, within three months after their leaving Egypt, notwithstanding of all the miracles which God had wrought in their favour, and which might have convinced them, that he was the only living, and true God; notwithstanding that they daily saw miracles in the pillar of cloud and the manna; even whilst Moses was receiving the law for them, amidst a scene the most august and tremendous, that can be painted by the imagination, they quickly relapsed into idolatry. Impatient, and doubtful of Moses' return, they commanded Aaron to make them a golden calf, and then said of it *these be thy Gods, Israel*; an amazing proof of their deep-rooted idolatry! But the very end of calling that people, and separating them from all others, was, that they might know, and believe,



lieve, and serve the true God †; and this end, it is evident could not be effected but by a series of miracles; and the theocracy, or peculiar government of God, exhibited a constant series of miracles, which were (if any thing was) calculated to lead the most stupidly incredulous and inflexible of them to believe in and serve that Divine Being, by whose power they were wrought. These miracles did not, indeed produce the intended effect upon all of them. Such of them as had contracted deep rooted habits of idolatry in Egypt were never thoroughly cured of it; they still adhered, in some measure, to their former gods. It is said, *that they could not enter into the promised land because of unbelief*, that is, unbelief of the true God. But the rising generation who either had not known, or were but slightly tinctured with the idolatries of Egypt, were formed by those miracles which they saw, to be what God intended them to be, *a holy nation*. It is expressly said, *that they served God all the day of Joshua, and all the days of the elders that had over-lived Joshua, and which they knew all the works of the Lord that he had done for Israel ‡*.

One reason, therefore, why the Israelites, for some time after leaving Egypt, were not governed by such kings as afterwards ruled them, was, that they were necessarily under theocracy, a sort of government, which was miraculous and peculiar and which precluded every other.

2. Another reason was *the great equality* which must have subsisted amongst them, both on their quitting Egypt and some considerable time after.

Whilst they remained in Egypt, they were such slaves that Pharaoh not only employed them in the most servile, and oppressive occupation of making brick without straw, but put their male children to death; and, in such a situation, it is not probable, that any of them could have acquired great wealth. On the contrary, they were so poor, that they were commanded to borrow different articles of their Egyptian neighbours. During their wandering in the wilderness,

† This was the end of all the miracles which God wrought in sight of that people, but particularly of those which were produced at the giving of the law from Sinai. *Out of heaven he made the voice to be heard, that he might instruct thee; and upon earth he showed thee his great power, and then brought his words out of the midst of the fire — Know, therefore, consider it in thine heart, that the Lord is true in heaven above, and in the earth; there is none else.* Deut. iv. 35, 36, 39.

‡ Joshua xiv. 32.

had a daily supply of food; their cloaths waxed not old; nor were there any means by which some of them might become extremely rich, and others extremely poor. When they entered the land of Canaan, though it was divided among them by lot, yet it was equally divided; *to the many was given the greater inheritance, and to the few the less.* And their laws were calculated to maintain, for some time, this equality. For, they were commanded to lend to each other, yet durst take no usury; no Israelite could become a slave to another; he who had been sold as an hired servant might at any time be redeemed; every seventh year there was a release of debts, and the servant who had served six years, was set at liberty; and every fiftieth year, if the land of any man had been alienated, it returned to him free, and the servant obtained freedom †.

The equality, therefore, with regard to riches which must have prevailed among the Israelites upon their coming out of Egypt and for some time after, was such as rendered them unfit for that sort of kingly government, to which they were afterwards subject.

For, whatever some may imagine, no form of government, however good in itself, is equally fit for every people. Where there is no great inequality of property among the members of a state, every member claims, and is entitled to, equal privileges and an equal power in the management of public affairs. Such is the sort of government that prevails in some of the particular corporations in our towns and cities. Where there is a considerable, but not an excessive inequality of property, the richer class think, that they are entitled to a proportionally greater share of power in the direction of the affairs of the community, than the poorer, because they have a greater interest in them; and the poorer class are disposed to acknowledge the justice of their claims. And, upon this plan, the internal government of our cities and towns is established. In the former case, the government is a democracy; in the latter, a mixture of democracy and aristocracy. But when, by a combination of causes regularly operating for a number of years, or by accident, one family rises far above the level of the richer class, in point of riches and power, then the government of the state changes in reality, if not in name,

† Levit. xxv.

name, into a species of monarchy † or a mixture of monarchy, aristocracy, and democracy. Every man who reflects must see, that power naturally follows property, and that political power ought always to bear some proportion to property, in order that the richer members of any community may be secured against the envy and rapacity of the poorer.

In short, it is the order of nature, and it is agreeable to our notions of right, that where there is a great inequality amongst any people, with regard to riches, there should also be some proportionate inequality with regard to power in the direction of their common affairs.

But it hath been already observed, that the Israelites upon their coming out of Egypt, and for some time after, must have been nearly equal in point of property: And, in this state of equality, they were, by no means, fitted to be governed by such human kings as afterwards ruled them, not to mention, that the theocracy which they were under, precluded this sort of government.

Whilst they remained equal in point of wealth, if we except the right of the first born, or the pre-eminence of the representatives of their tribes, and of the clans or families, into which their tribes were divided, their judges and elders, no man had a just claim to more power than another, because he could not plead the necessity of it for the defence of his person, or property. Besides we are sure from the history of men in all ages, and from the history of that people in particular, that they would not, at this time, have submitted to monarchical government in the person of any of their brethren. It is not without a certain degree of reluctance at some times, that men submit to the government of their superiors; but they never will, in a regular, and peaceable manner, submit to that of their equals. Where there is a great equality, every man looks upon himself to be as good as another; and notwithstanding the indispensable necessity, in all possible situations, of submission to just government, they cannot easily brook subjection to an equal. The most turbulent of all governments

† The state of Athens was, perhaps, the most democratical of which there are any historical records; yet, in that state, the rich had more power than the poor. Thucydides, by his great riches, his personal good qualities, and his popular arts, acquired the power, and assumed the name of a king, and transmitted both to his two sons; and there Pericles, by the same means, acquired the power of a king, though he never assumed the name. *History of Greece.*

vements are those, in which the body of the people, or any considerable number of them, is equally wealthy with their rulers. The frequent murmurings of the Israelites against Moses and Aaron; the rebellion of Korah, Dathan, and Abiram; and the sedition even of Aaron and Miriam; are undoubted proofs, that even Moses, with all that authority which he derived from being educated by Pharaoh's daughter, as her own son; from being son-in law to Jethro, the priest or prince of Midian; from his education, which must have been vastly superior to that of his countrymen; and from his own personal excellence; never could have governed that people, had he not been highly honoured and miraculously supported by God: And if he could not, much less could any of the rest of the Israelites.

A necessary conclusion from what has been said is, that the equality that prevailed among the Israelites, during the administration of Moses, was such as could not admit of a kingly government such as was afterwards established among them.

The theocracy, therefore, and the great degree of equality of property that prevailed amongst the Israelites, till they had been a considerable time settled in the land of Canaan, seem to be the reasons why they were not, at first, governed by such kings, as afterwards ruled them.

But afterwards, as these causes decreased, and causes of an opposite tendency operated, they became fit for being subjects of a human monarchy, and were accordingly governed by kings, that is supreme magistrates different from their judges.

The theocracy was the most absolute, though the most efficient and best of all governments. Whilst the people living in a scene wholly miraculous, perceived every moment, that God was *among* them, ruling them, though invisibly, yet in a manner as sensible, as that of any human magistrate, and ready to punish them for disobedience, they were kept more under subjection to the laws, than they could have been by the most exact human police. But when they no longer saw the *glory of the Lord*, and the pillar of cloud and of fire, resting on the tabernacle; when they ceased to gather manna; when their cloaths waxed old, like their neighbours; when God, instead of interposing frequently and miraculously in their national business, interposed seldom, and that in a manner much less striking; when, in short, except on certain rare occasions, their government had all the appearance of being

merely human; that awe of the Divine Majesty, which restrained them from crimes, and stimulated them to their duty necessarily decreased, and, at certain times (as appears from their relapses into idolatry) was, perhaps, wholly lost: And when this supernatural obligation became weak, it was necessary to supply the deficiency by giving them a chief magistrate, whose power and greatness should restrain them from crimes, and awe them into obedience to the laws, that is, was necessary to give them a human king.

The time when such a king became necessary, was most probably when they asked one of Samuel; for it is said, *the word of the Lord was precious in those days* † the days of Eli *there was no open vision*; which words certainly signify in general, that the Israelites had then begun to attend more to the laws and rules of God's word, than formerly, because there was less of the miraculous in their government, either to direct them in their duty, and oblige them to the performance of it, or to restrain them from what was wrong.

We find, therefore, that sometime before they obtained Saul as their king, they were prepared for human kingly government, by the theocracy's becoming less sensible (for among that people, it never entirely ceased) and consequently less fit for governing them. It may be added, that they were also prepared for it by experiencing the inconvenience of judges, especially of Samuel's sons.

But besides the theocracy's becoming less striking, there was another cause no less powerful, perhaps, which fitted the Israelites for human kingly government at the time they desired a king; I mean the inequality with regard to riches which, at this time, began to take place.

Their civil laws, as hath already been observed, were calculated to preserve, for a long time, that equality of landed property, which at first subsisted among them. If any number of them, for the two or three first generations, became richer than their neighbours, their riches must have consisted chiefly in money, or goods, or houses *in walled cities* †. An inequality of landed property could be created by nothing but by one family's succeeding to the original inheritances of several other families, become extinct, or by similar original portions being divided among several other families descended from the same stock; and this inequality (which, in a course

† Levit. xxv. 29, 30.

try that had little trade, was the chief inequality that could (subsist) could not take place till some considerable time had elapsed.

But we find, that, about the time of the appointment of human kingly government, some of the people had become very rich, and others of course poor; that is, that the nation had, about this time, approached to that unequal condition with regard to the possession of riches, which renders any people fitter for being the subjects of a monarchy, than of any other sort of government. For a monarchy is a species of government, in which there are various ranks, which are created chiefly by an inequality in the possession of riches. Its form, where it is regular, is like a beautiful spire, rising from a broad base, and terminating in a narrow, but highly ornamented top. And where wealth is possessed unequally, each man naturally falls into his proper rank; and the poor are subject to the rich.

But where the rich have the poor in subjection to them, and no superior to check themselves, the latter are in danger of being oppressed †; and their danger necessarily requires one

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† This was actually the case among the Israelites, towards the end of the times of the judges, or between the death of Sampson and the commencement of Samuel's magistracy, when riches must, from various causes, have been very unequally possessed. During this period; *every man did what was right in his own eyes.* There was no check on the actions of any; in consequence of which, as formerly in Europe, when the kings possessed too little power to execute the laws on the great, the rich and powerful oppressed the poor and weak. In this period, the country of Israel seems to have been infested with bands of lawless men, who did what they pleased; and one scene would lead us to think, that their wickedness was equal to that of Sodom itself. But this anarchy, insecurity, oppression, and wickedness, is, by the sacred historian, plainly ascribed to their want of a king. *There was then no king in the land.* Judges xvii. 6. xviii. 1, 25. xix. 12. "The King of America," says Mr Paine, "reigns above, and does not make havock of mankind. We do far approve of monarchy, that the laws are king." The king of all nations reigns above, and for the violation of his laws, he makes the most dreadful havock amongst mankind. Human magistrates have ever been found necessary; and when a magistrate is himself subject to the laws, and possessed of a power to execute them, impartially, it is then, and only then, that the laws, in one sense, reign, or "are king." Such is the chief magistrate of this nation; and such were the kings of Israel. *David executed justice and judgment unto all his people,* 2 Sam. viii. 15. And as we read no more of any man's doing "what was right in his own eyes," it is to be presumed, that every man was obliged, by the power of the kings, to do what was right in the eye of the law. Such was the use of the kings in Israel; and such is the use of ours.

member of their society to be possessed of a great, but just power, to check the rich and powerful, and afford protection to all the members; and the person who has power to do so, is a king, whatever be his official name.

As that inequality, therefore, with regard to property which had crept in among the Israelites, must have disposed them to submit to the government of a king chosen from themselves, and as kingly government was that which was best fitted to protect the poor against the rich, or rather all against all, they were, at the time that Saul was anointed, matured and fitted for this sort of government.

Both the decrease, therefore, of miracles in the theocracy, and the encrease of inequality in point of riches, influence, and consequent power, required, that, in the days of Samuel, the government of judges should terminate, and that of kings begin. And thus, as the Mosaic dispensation was to pass away, and be succeeded by the Christian, so the aristocracy of the Israelites (for so Josephus calls it) or the government of judges, was destined to give place to limited monarchy. Generally speaking, the progress of any society from a state in which it is governed by elders, judges, chiefs, or representatives of families, to that in which it is governed by kings, keeps pace with the encrease of inequality among its members with regard to riches; and this with the practice of arts or the means of acquiring and spending\*. This we find to have been the case, not only with the Israelites, but with the Edomites†, and the children of Heth‡, and, indeed, with all other nations, few, or none excepted. Every nation, in which inequality in point of riches, and its necessary consequence, inequality of influence and power, prevail to a certain degree, must be governed by a king, even a hereditary king, in order to be governed well. America, therefore, in some future period, is destined to have her kings. France, indeed, has lost one king, but she has acquired five under different names. The wisdom of a people lies in choosing a king, when they cannot refuse one; and in so limiting him by laws and collateral powers, as to make him, not a tyrant, but a father. This the children of Israel did; and this the British nation hath done.

The substance of what has been said is this. The Israelites,

\* See Essay on the History of Civil Society. † Gen. xxvi. 31. 40.

‡ Gen. xxiii. 3. 2 Kings. vii. 6.

ites, upon their coming out of Egypt, were idolaters; and the theocracy was necessary to convince them of their error, and bring them back to the service of the true God; and this sort of government precluded, for a considerable time, every other. They were equal, and would have scorned subjection to any of their number, who should have assumed the power and state of a monarch. Every man had little to dread from his neighbour, because their fortunes being nearly equal, their power must have been such. But when the theocracy became less striking, and the people unequal in their circumstances, something else was requisite to awe the turbulent into a just submission to the laws, and to protect the weak and innocent against the strong and injurious. What was wanted, was a chief magistrate limited by a contract between him and the subjects, but possessed of all that authority and influence, and honoured with all those signs of greatness and dignity, which constitute the power of kings. Such were the kings of the twelve tribes, and such the kings of Judah. All these kings were great, but limited, not only by the criminal, and civil laws, and those of religion, but, as it should seem, by express contracts between them and the people †.

Had the Israelites, therefore, asked a king as their chief magistrate, simply that, by his great power, he might put the laws in execution, and thus protect all orders of men in the nation, without any hankering after the manners and customs of the Heathens, without any distrust of God, and without any propensity to idolatry, in far had they been from committing a sin, that they would have asked of Heaven a necessary boon, and the greatest blessing, which, in a chief magistrate, any people can enjoy.

R. T.

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L E T T E R XXXV.

*Of Hereditary Monarchy among the Israelites.*

COUNTRYMEN,

**T**HE truth of what hath been said in the two preceding letters, concerning kingly government, will be corroborated,

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† Deut. xvii. 14, &c. 2 Sam. v. 3. 2 Kings, xi. 4, 17. 1 Chron. xii. 3.



rated, if we take into the account, that God gave a special sanction to hereditary monarchy, as it subsisted among his chosen people.

In the very infancy of society, he gave Cain a certain pre-eminence or rule over Abel, analogous to the succession of the first-born son, to his father, in hereditary monarchies. And in the seventeenth chapter of Deuteronomy, where he foretells that the Israelites were to have a king, he says not, that they were to elect a king, but that *in any wise, they should set him king over them, that is, submit to him, whom the Lord their God should choose.* And afterwards, in the same chapter, when he has charged their future kings to observe certain precepts, it is added, *to the end that he (their king) may prolong his days in his kingdom; he, and his children in the midst of Israel;* an express declaration, that the kingdom of Israel was to be an hereditary kingdom, though hereditary in the family of any king only upon condition, that that king proved obedient\*. Accordingly we find, in the history of the kingdoms of Judah and of the ten tribes, that this prediction or promise was exactly fulfilled.

Saul was not elected by the people, he was appointed by God himself†; and his appointment was signified to them by making them cast lots‡; a method wisely chosen, to prevent murmuring and rebellion among the chiefs of that turbulent people. But the kingdom was not made hereditary in the family of Saul. In the wilderness, God had threatened *utterly to put out the remembrance of Amalek from under heaven* because that people laid wait for Israel in the way, when he came out of Egypt§. And he sent Saul to execute this threatening, charging him expressly to go and smite Amalek, and *utterly to destroy all that they had, and not to spare them, but to slay both man and woman, infant and suckling, ox and sheep, camel and ass.* But Saul spared Agag, and the best of the sheep, and the fatlings and the lambs, and all that was good. And because Saul rejected the word of the Lord, the Lord also rejected him from being King\*\*. The condition, on which the crown was to descend from father to son, was obedience to God; but Saul, by his disobedience forfeited it for his descendants.

When David came to the throne, it was not by the election of the people, but by the appointment of God; who

\* 1 Chron. xxviii. 7.

† 8 Sam. x. i.

‡ 1 Sam. x. 24.

§ Exod. xvi. 14.

§ 1 Sam. xv. 1.

\*\* 1 Sam. xv. 3, 9, 21.

sent Samuel to anoint him, which was the form and sign of his being appointed. Neither David himself, nor the people, had any choice in his being made king; for God commanded him to be captain over his people\*. *All the tribes of Israel, indeed, came to David unto Hebron, and anointed him king over Israel;* but it is evident, from what they said to David on that occasion, that the design of their meeting was, not to elect him king, but to signify their acquiescence in God's having appointed him. *Behold,* said they to him, *we are thy bone and thy flesh. Also in time past, when Saul was king over us, thou wast he that leddest out and broughtest in Israel; and the Lord said unto thee, thou shalt feed my people Israel, and thou shalt be a captain over them†.* The last clause of these words put it out of all doubt, that as the people knew, that God had appointed David to the throne, so the design of their meeting was to signify their acquiescence in the Divine appointment. But that the tribes came to Hebron, not to elect David, but to express their acquiescence in the election or appointment of God, is made further evident by these words in the book of Chronicles. *All these men of war that could keep rank, came with a perfect heart to Hebron, to make David king over all Israel; and all the rest of Israel also were of one heart to make David king.* Their being of one heart to make him king, signifies, that they had cordially and unanimously acquiesced in God's appointing him to be king, previously to their meeting, and that they met at Hebron only to express their acquiescence, and go through the ceremony of his coronation; which ceremony would have been performed, though they themselves had elected him.

We find, indeed, David entering into a league with the elders of Israel; but we have no reason from that, to conclude, that there was any thing like an election. This league was certainly nothing more than the terms or conditions, on which king and people were to live with each other, and may, perhaps, be called the civil contract, or the constitution, of the kingdom of Israel; a form which probably was renewed at the accession of every following king, in the same manner as our kings take the coronation oath. David, therefore, was not elected king by the people, but appointed by God.

And as God made him a king, so he made his kingdom hereditary. The condition, upon which any king was to transmit

\* 1 Sam. xiii. 14.

† 2 Sam. v. 1, 2, 3.

transmit the crown to his children, was his obeying God\*. Saul failed in performing this condition, by sparing the Amalekites; but David performed it. He was a man according to God's own heart, not in his private character, which, in one case, was highly exceptionable, but as a king; in which capacity he fulfilled God's will in executing his vengeance on the Heathen, whom Saul had spared†. And for his obedience, God was pleased to promise to him, *that his house and his kingdom should be established forever‡*; which promise, in its mystical sense, relates to the Messiah, but, in its literal sense, signifies, that the crown should be hereditary in the family of David; which it was, till the extinction of royalty (properly speaking) in Judah.

What is very remarkable, after God had entered into this covenant of royalty (as some call it) with David, he continued to keep it, notwithstanding of the idolatry and other sins of some of his successors. What he swore or promised, he observed, *he visited the transgression of David's children with the rod, and their iniquity with stripes*; but he made the crown to descend in his family from father to son. So far was the all-wise, and almighty governour of the world from "cashiering" these kings "for their misconduct."

Solomon, who succeeded David in the throne, was not the eldest of his father's sons. But Adonijah the eldest gave symptoms of bad dispositions; for, whilst his father was yet alive, he usurped the throne: Solomon was, in the early part of his life, a wise and pious prince. And God who gave him those dispositions which fitted him to govern, made choice of him as his father's successor, in preference to Adonijah. *And of all my sons, said David to his people a little before his death (for the Lord hath given me many sons) he hath chosen Solomon my son, to sit upon the throne of the kingdom of the Lord over Israel. And he said unto me—Moreover, I will establish his kingdom forever, if he be constant to do my commandments and judgments, as at this day*||. Here, then, we perceive, that it was neither David, nor the people, but God that chose Solomon to be king; and that the kingdom was to continue in his family forever upon the condition of obedience. The people, indeed, *made Solomon King, and anointed him unto the Lord*; that is, made him king, by anointing

\*Exod. xvii. † 1 Sam. xiii. 14. Acta, xiii. 22.

‡ 2 Sam. vii. 16. 1 Chron. xvi. 14. xii. 10.

‡ 1 Chron. xxviii. 5, 6, 7.

ing him to the Lord, which was his inauguration, not the election or appointment of him to be king, but this they did only in consequence of God's choice of him being made known to them. and afterwards they *submitted themselves to him as their king, just as they submitted to any other ordinance of God.*

When God was to execute his threatening against Solomon by rending ten of the tribes from Rehoboam, he himself chose a king for the ten tribes. *Behold, saith he by Ahijah, the prophet, to Jeroboam, I will take thee, and thou shalt reign according to all that thy soul desireth, and shalt be king over Israel\**. It is true, indeed, *that they sent and called Jeroboam unto the congregation, and made him king over all Israel;* but as God's previous choice of him was so well known, that he was obliged to flee into Egypt, to avoid the effects of Solomon's anger, there is not the least doubt, that the people in calling Jeroboam, were determined solely by God's having chosen him, and that their making of him king was nothing but the passing through the ceremony or form of his coronation. Jeroboam, therefore, was really elected, and made king by God, not by the people.

But God who made him a king, promised at the time he made choice of him, to make his kingdom hereditary on the condition expressed in the seventeenth chapter of Deuteronomy, namely, obedience. *And it shall be, saith he to him, if thou wilt hearken unto all that I command thee, and wilt walk in my ways, and do that is right in my sight, to keep my statutes and my commandments, as David my servant did; that I will be with thee, and build thee a sure house, as I built for David, and will give Israel unto thee †.* To build Jeroboam a sure house, it is evident, signifies to make the crown of Israel hereditary in his family, as that of Judah was in the family of David. In the case of Jeroboam, therefore, God plainly signified his intention of making the kingdom of the ten tribes hereditary on condition of obedience. But Jeroboam forfeited this advantage by breaking the condition in being an idolater himself, and causing Israel to commit the same sin. Fearing lest the people should return to the house of David, by going to Jerusalem to worship, and having learned the idolatry of Egypt, whilst he resided there, after the manner of the Israelites in the wilderness, and with a like infatuation, he set up

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\* I Kings, xi. 37.

† V. 38.

two calves (imitations most probably of the Egyptian God Apis) the one in Dan, and the other in Bethel, to be worshipped by the people; though the express condition on which the crown was to be made hereditary in his family, was, that he should abstain from idolatry, and serve the true God.

Jehu was anointed, that is, chosen and appointed, by God to the kingdom<sup>†</sup>; and because he obeyed God in executing his vengeance on the house of Ahab, God was pleased to make the crown hereditary in his family, to the fourth generation ‡. Here again we see the fulfilment of what was predicted Deut. xvii. namely, the election of a king by God, and the crown rendered hereditary for obedience, though not perpetually so, because the obedience was partial; for Jehu still adhered to the worship of the calves that had been set up in Bethel. Had he obeyed God fully, as David did, as God is no respecter of persons, there is no doubt, that he would have rendered the crown perpetually hereditary in his family, as it was in the house of David.

If we except Jeroboam and his son, Elah the son of Baasha, the son and grandsons of Omri, and Jehu and his family to the fourth generation, and one or two more who succeeded their respective fathers, all the other kings of the ten tribes were usurpers, and succeeded to the crown by murdering their predecessors. As the ten tribes, from the time of Jeroboam, were constantly addicted to one, or several kinds of idolatry, God seems to have left them, in a great measure, especially towards the end of their state, *to walk in the way of their own heart and in the sight of their own eyes*, and to suffer, as the punishment of their sin, all the miseries attendant on usurpations and elections of kings.

It is evident from scripture, that, except in the case of some of the kings of the ten tribes, who usurped the kingly power, or procured it by faction, God uniformly appointed the kings of these tribes, by nominating and anointing men who first ruled them themselves, and then left the crown hereditary in their families; and if God appointed their kings, it is an error to say, that they were chosen by the people. There is not, in scripture, one instance of a king either of Israel or Judah, being elected by any description of the people. All of them, except the usurpers in the former kingdom, were either immediately appointed by God to their office,

† 2 Kngs. ix. 6.

‡ Id. x. 30.

vice, by being anointed, or mediately appointed by succeeding to their fathers, as he had ordained. The crown of Israel, indeed, was several times transferred from one family to another; but this was never done but for the idolatry of the reigning prince, that is, for breaking the condition on which the crown was to descend from father to son.

The voice of the people, or their concurrence, was no more requisite to give authority to those kings whom God chose and appointed (and he either immediately or mediately appointed all but the usurpers) than their consent was to give authority to their laws. Both of them were equally given by God, and had, on that account, equal authority. When they met *to make such a king*, what they did, was a form of the same kind with their meeting to receive the law, and saying *all that the Lord hath spoken, we will do*. But if, at any time, they made any other king over them, than him whom God, not they, chose and appointed, that king had no lawful authority; they violated the constitution given them by God, who expressly said to them: *Thou shalt in any wise set him king over thee, whom the Lord thy God shall choose*\*. Accordingly, God by the mouth of the prophet Hosea, who was a witness of some of the kings of the ten tribes being deposed and others set up by them without consulting God, charges them with it as a sin. *They have set up kings, but not by me; they have made princes, and I knew it not*†, that is, they made it not known to me, or did not consult me in it.

From the foregoing enumeration of facts, it is impossible to avoid perceiving, that hereditary kingly government is, in an especial manner, sanctioned by God, or that it has his special authority. It was predicted and appointed by him; it prevailed as the reward of obedience to his law; and it was enjoyed by the nation, as a blessing; for we do not find, that there was any civil war in Judah on account of the succession of their kings; and yet, on an average, their kings were much better than those of Israel.

I would not be understood as saying, that no other form of government, than hereditary monarchy is approved by God; but that this form of government is sanctioned by him, in scripture, in a manner, in which no other ever was. He appointed Moses, Joshua, and other viceroys or chiefs individually, without the smallest intimation, that their office was to be  
either

\* Deut. xvii. 15.

† Hosea, viii. 4.

either perpetual in itself, or hereditary in their respective families; but so early as the days of Moses, he ordained, the kingly government should afterwards be a part of the political constitution of the children of Israel, and that the kingdom should be hereditary upon condition of obedience to his laws; and, at last, when the people became fit for it, he actually established hereditary kingly government, partly among the ten tribes, for the partial obedience of some of their kings, and fully among the people of Benjamin and Judah, for the full obedience of David, who, as a king, *fulfilled all his will*†.

It is a very curious and striking fact, that God should, in a supernatural and immediate way, have established among his ancient people, a form of government very like that which he hath, in the ordinary course of his providence, established in this land. And, in this respect, we, as well as they, are a *peculiar people, a nation highly favoured of the Lord*.

It has been thought, indeed, that the children of Israel were so peculiar a people, that they are no example to other nations in things that are political or civil. The peculiarity of that dispensation is a general fact, which some writers assume to account for things which either they do not understand, or which are objections to their theories. But to endeavour to account for all particular facts by general rules, is at best but a fallacious mode of reasoning, and frequently productive of error. They who assume the gravitation of matter, or the circulation of the blood, to account for the nourishment and growth of vegetables, seem to reason as conclusively, as they who take the peculiarity of the Israelitish dispensation with regard to religion, to account for all their political and civil institutions, or, in particular, for the establishment, amongst them, of hereditary limited monarchy.

I can scarcely help giving it as my humble, but decided opinion, that the sole reason, why their Great Legislator established this sort of government amongst them, in preference to any other, was its greater usefulness to their temporal interest; and, in this opinion, I should imagine I am justified by facts. After the theocracy had become less striking and the people more unequal as to the possession of wealth, it was found, that they could not be governed by judges. Towards the latter end of the administration of these magistrates, except that of Samuel,

\* Deut. xvii. 15, 20.

† See the history of these tribes. Psalm lxxx. 29. Acts xiii. 21.

uel, whose extraordinary personal authority, supplying the place of greater riches and state, made him a sort of king) the government was irregular and oppressive, and puts us in mind of all the feudal governments of Europe some centuries ago. The anarchy and oppression in both were owing to the same cause, a defect of power in the chief magistrate. The judges of Israel, among their princes and heads of families or clans, were very like the Kings of those governments among their barons. And as in the latter case, so in the former, the powerful violated the laws, and oppressed the weak, with impunity. But in both cases, the strong and injurious were checked, and the weak and innocent protected, by their chief magistrates acquiring greater power.

Many of the laws of the Israelites had a peculiar relation to that dispensation of religion which they were under, to their situation with regard to their heathen neighbours, and perhaps even to their climate: But to those who consider, that Moses was a type of Christ as well as David; that the genealogy of Christ might have been traced to David, or Judah, though the former had not been a king; that the religion of that people did not require kingly government more than any other; that a different sort of government might have been more favourable to their religion by strengthening *the middle wall of partition* between them and all other nations, (who seem to have been then subject to monarchy alone) to those who consider these things, it will appear evident, that the establishment of hereditary limited monarchy among them had no such relation; that the sole reason of this establishment was its superior temporal advantages, when compared with any other political constitution. And as the same reason accounts for the establishment of this sort of government among us, we have a double reason for acquiescing in it, and preferring it to any other, the example of *the King of kings* in establishing it among his ancient people, and superior national advantage.

R. T.



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# OF THE HEREDITARY SUCCESSION TO THE CROWN.

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## LETTER XXXVI.

*Good Kings are not to be expected by Election.*

COUNTRYMEN,  
**T**HERE is nothing so respectable that it may not be turned into ridicule; nothing so excellent that it may not be vilified; nor is there any blessing, which, in the possession of imperfect creatures, may not be, in some degree, productive of inconvenience. But hereditary monarchy, limited and qualified, as it now is in this country, is far preferable to the same sort of government, were it elective. Were we to alter this single quality in the Crown of this country, its being hereditary and to render it elective, we should suffer an incalculable loss, without gaining one single advantage. But, in order to see these truths, we must compare the hereditary succession to the Crown with the election of kings. And in this and several subsequent letters, I shall take the liberty of offering a few observations, by which we may be able to judge of their respective merits.

The only imaginable advantage that could be derived from the electing of our kings, is that, according to the expectation of some perhaps, we should, by this means, be always or, at least, frequently, governed by kings eminent for their ability and virtue. But this expectation is fallacious.

Were the Crown elective, it would perhaps, be very rarely obtained by a man absolutely weak; the successful candidate must be possessed, at least, of cunning address, and turn for intrigue and cabal: But it does not follow on that account, that he must be a wise, and much less a virtuous man; for a character of wisdom and probity is not composed of such qualities. Able men would generally decline offering themselves as candidates. For, in elective monarchies, the advantage

advantages of the king above those in the highest rank of subjects must, for the most part, be inconsiderable; and the dangers, to which he must be exposed from the fluctuation of popular opinion, many: And wise men foreseeing these things, would sequester themselves from public affairs, where dangers would meet them, and seek to enjoy themselves in private. This was the case with the nobility at Rome, after the empire became elective. Besides, it might not infrequently happen, that the leaders in the strongest party would raise a weak man to the throne, when they could not obtain that honour for themselves, in order that, by directing him, they might favour the purposes of their own avarice or ambition. The Crown also, as in imperial Rome and in Poland, would sometimes be sold to the highest bidder, and generally procured by bribery and faction, without respect to character.

And, if by election, we are not to expect kings of consummate wisdom, neither are we to hope for such as may be distinguished by their virtues. It is not difficult to find men who, having some favourite object in view, and knowing the character which is requisite to the obtaining of it, can assume that character, and act under it as a mask for the whole or a great part of their lives.

Cromwell seems, at his first outset, to have been sincerely a religious man, or rather an enthusiast; but it is evident, that he was afterwards an hypocrite. He was probably, at first, charmed himself with the beauty of true religion, and then put on the appearance of it to attract the admiration and regard of that enthusiastic age. He seems to have begun with being the dupe of a warm imagination; and though a fool in religion to his latest breath, he ended with being a knave.

In the popular state of Athens, Pisistratus notwithstanding of all the power and eloquence of the wise, and virtuous Solon, who warned the people of his designs, had art enough to usurp the chief power, and make himself a king. "He possessed, in appearance, every virtue. He was a well-bred man, of a gentle and insinuating behaviour, ready to assist and succour the poor, whose cause he pretended to espouse. He was wise and moderate to his enemies, a most artful and accomplished dissembler, and was every way virtuous except in his inordinate ambition. His ambition gave him the appearance of possessing qualities which he really wanted. He seemed the most zealous champion for equality amongst the citizens

tizens, whilst he was aiming at the entire subversion of *freedom*, and he declared loudly against all innovations, while he was actually meditating a *change*. The giddy multitude caught by these appearances were zealous in seconding his views, and without examining his motives, were driven headlong to *tyranny and destruction* \*.”

Pericles was descended from the greatest and most illustrious families of Athens, allied to all the most powerful, very rich, and more eloquent than all his contemporaries. “He was liberal to the poor; and when his own money failed him, he expended on them the public treasure in bribes, largesses, and other distributions. When he was going to speak in public, it was a constant saying with him to himself, ‘remember, Pericles, that thou art going to speak to people born in the arms of liberty, and do thou take care to *flatter* them in their ruling passion.’ Several great and good men, seeing the scope of his actions, opposed his ambition; but with the advantages of birth, fortune, and connexions, his eloquence, bribery, and flattery enabled him to get the better of all opponents. Even in the democratical state of Athens, he acquired every thing almost but the *name* of king. He made the Athenians whose rage was for *liberty*, the voluntary fabricators of their own *chains*.”

“Manlius having gained great honour in saving the Capitol, when Rome was sacked by the Gauls, was fired with the ambition of obtaining the sovereignty of his country. With this view, he laboured to ingratiate himself with the populace, paid their debts, and railed at the *patricians* whom he called their oppressors. He began to talk of a *division of the lands* among the *people*, insinuated that there should be no distinctions in the state; and to give weight to his discourse, he always appeared at the head of a large body of the dregs of the people, whom his largesses had made his followers. But being accused of sedition, he was *condemned by the people themselves*, and thrown *headlong from the Tarpeian rock* †.”

Sylla, who, in the civil wars at Rome, headed a faction against Caius Marius, was born of one of the most illustrious families of the state. “He had the reputation of an able commander. His person was elegant; his air noble; his manners

\* Goldsmith's Hist. of Greece v. I. p. 58      † Idem v. I. p. 194.  
 † Goldsmith's Hist. of Rome v. p. 1. 185.

manners easy, and apparently sincere. He was so liberal that he even prevented those requests which modestly hesitated to make. He stooped to an acquaintance with the meanest soldiers. He desired to please all the world, and could adapt himself to men of all descriptions. But he had no character of his own, except that of a *complete dissembler*.\* When he had conquered Marius and his faction, he put shackles on Rome, forced her to create him perpetual dictator, and bathed her in the blood of her own children, whom he commanded to be put to death†.

The character of Julius Cæsar, whose successful ambition gained him the supreme power at Rome, and enabled him to enslave his country, is so like that of Pisistratus, the Athenian, that he has been called *the Roman Pisistratus*. "Next to Cicero, he was the greatest orator, and without a doubt the greatest general of his time. He was descended from popular ancestors, and practised all his life *the arts of popularity*. He affected to be merciful and bounteous, and probably was so to a certain degree. He bestowed great rewards on his soldiers, and paid the debts of his officers. He pillaged the *wealth of provinces* to spread it among *the citizens of Rome*, and gave even his rapine the *air of generosity*‡."

It was a common practice of the rich and ambitious great men in Rome, to procure laws, *in appearance at least*, favourable to the people, to distribute amongst them corn and money, and to practise on them *all the arts of popularity*. In proportion as riches increased, these practices became frequent; and faction ruined the state.

The *popular arts*, by which Absalom stole the hearts of Israel, and seduced them into a rebellion against his own father, are well known, as well as those of the Pharisees, who *did all to be seen of men*; to gratify their vanity, covetousness, and ambition. And there ever have been hypocrites in patriotism as well as religion, which is but the means of imposing on men, not the cause. The whole of history abounds with instances of men, who have been liberal in their professions of regard to the people, and have practised every art to gain their affection and confidence, only that they might employ them as instruments in promoting their own views. It should seem, that the bulk of mankind is destined to be perpetually misled and injured by a designing few. What delu-

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\* Goldsmith's Hist. of Rome p. 349. &c. † Id. v. I. p. 432.

five art did not the demagogues in France practise! How shamelessly did they spurn from them the people when they had served their purposes? How soon did their practices produce the most execrable tyranny!

As able men, therefore, were the Crown of this kingdom elective, foreseeing the dangers attending the kingly office, would decline offering themselves as candidates for it; and as men possessed of virtue in appearance only, would, by their professions and practices, frequently impose on the people; a person may venture to predict, that, if the latter had their choice of a king, we should not obtain one eminent either for wisdom or virtue, but most frequently one whose character would be quite the reverse.

We shall be the more confirmed in this opinion, if we consider, that the electors, though they knew such a man, would not generally make choice of him. Men eminent for their wisdom and virtue, though they may excite the admiration and love of some, and command respect from all, are by no means favourites with the bulk of mankind. Their characters are too good for some, and they excite the jealousy and envy of others. Our Saviour was too good for that generation of men, among whom he lived. The people, indeed, who, when left to the natural direction and impulse of their understandings and hearts, received those deep impressions of admiration, esteem, and regard, which the excellence of his character was fitted to make, would, on a certain occasion, *have taken him by force, and have made him a king*; but, in a short time afterwards, misled and inflamed by their leaders, they cried out *crucify him, crucify him*. It was the goodness, the greatness, the excellence, the splendour of his character, which was the procuring cause of his death. This excited the envy of the Jewish chiefs against him; and "for envy" they first delivered him to Pilate, and afterwards brought him to the cross. Socrates, the Athenian, was the most virtuous of all the Heathen philosophers. His goodness was not confined to speculation, but was active in benefiting all; yet his very goodness stirred up to him enemies among his countrymen, who plotted against him, and most unjustly took away his life. "Every man," said he before his judges, "either amongst us, or elsewhere, who inflexibly applies himself to prevent the violation of the laws, and the practice of iniquity

ty in a government, will never do so long with impunity.\*" Eminence, whether of talents or virtues, is a certain cause of procuring enemies to its possessor. "Has he ever done you any wrong," said Aristides to the Athenian peasant who was about to vote for his banishment, "that you are for condemning him in this manner." "No," replied the peasant, "but I hate to hear him praised for his justice." And it is absurd to suppose, that personal excellence should procure a man both enemies and voters.

Eminence in useful qualities, indeed, though it should excite envy against the person possessed of it, will frequently in times of danger or necessity determine even his enemies to make choice of him to conduct their affairs: It was thus that the Athenians, when their state was in danger, often recalled those great men whom their envy or jealousy had banished, and conferred on them the highest offices: But, in ordinary cases, such offices, when elective, have been almost uniformly obtained, not for the sake of personal good qualities, but through connexion, influence, intrigue, corruption, violence, or some certain combination of such causes. In the purest times of the Roman republic, the people having become electors of their magistrates, had not "skill or integrity to fix upon capable men; and scarcely did any Consul lay down his office, but that very multitude who had chosen him, were foremost to accuse his remissness or incapacity †." In states where the chief magistrate has been elective, the object of the electors has generally been, not the best man, but the man who best suited their particular views. Even though the most eligible qualities were sometimes to determine the majority of voters; yet the contention of an election would frequently leave behind it such effects as would diminish or destroy those qualities in the object of their choice. Though by means of election, therefore, we should sometimes though rarely, obtain a king distinguished for those qualities which would fit him for government; yet, for the various reasons above-mentioned, there is evidence next to demonstration, that we shall much oftener enjoy such a blessing in the due course of hereditary succession.

It will, perhaps, be objected to the preceding reasoning, that a man in the highest rank (and such only would stand candidates

\* Goldsmith's Hist. of Greece, v. 1. p. 372.

† Goldsmith's Hist. of Rome, v. 1. p. 114.

candidates for the office of king) though distinguished by personal excellence, would be an object of envy to those only in the upper ranks; that the body of the electors in the primary assemblies (such as the counties and boroughs) who would instruct their delegates to fix on the person pointed out by them, are removed at so great a distance from those in the higher ranks, that the worthy qualities of the latter excite, not the envy, but the esteem and regard of the former; and that those qualities would of course determine the votes of the majority in favour of the person possessed of them in the highest degree. But this objection is not founded in experience. Men in the highest ranks are frequently objects of envy to others in every rank, and particularly those of the middle classes; and they immediately influence their inferiors. Neither is it evident, that those in the highest or upper ranks would be the only candidates for the kingly office. The plebeians of Rome were never at rest till one and sometimes both consuls were elected from their own order. If a candidate starts from the superior ranks, he meets with envy in his equals, and in many of his inferiors: If from any of the middle ranks, he is contemned by his superiors, and hated by almost all his equals and inferiors. Should the successful candidate belong to the latter ranks, it is probable, that the sword of civil war, not the votes of electors, would in the event give a king and then a despot to Britain. Besides, if we consider the disguise, under which men can act, and the exaggeration of character, the calumny and detraction, which always prevail in all popular elections, we shall plainly see, that the real characters of candidates never could be known but to a few of the electors. Suppose, that these few were delegates from the people, and left entirely at their liberty to choose whomsoever they would for king, here again affection, hatred, envy, and a train of partial considerations mislead them in their choice. This assembly though higher in rank, have the very same passions with their inferiors. Let a person calmly reflect on all those elections of which he has had a thorough knowledge, and he will be convinced, that in all elective offices, the successful candidate must be generally indebted, for his success, to other causes than his own merit.

In short, were this an elective kingdom, whether the king should be chosen by deputies instructed to vote either according to the minds of their constituents or their own, whether the

the candidates should appear from the upper or middling ranks, should one of them chance to be much distinguished by his abilities and virtues, that is, by his fitness for government, he would, I will venture to affirm, (except, perhaps, in the single case of some dreadful calamity threatening the country) \* be rejected for that very fitness. So powerful is the opposition which distinguished merit uniformly meets with from envy. In all elections, the man who, in ordinary cases, is most likely to succeed, is not the wise, but the cunning man, not the man of ability, but of address, not the virtuous, but the specious man. What was it that made Robespierre dictator of France? Was it his birth, fortune, or influence? No! He was a foundling, and, before the revolution, a scrivener. Was it his worth? No! He is now known and acknowledged to have been a monster! It was those very arts, which, were this kingdom elective, would sooner or later give a Robespierre to Britain.

R. T.

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## L E T T E R   X X X V I I .

*Effects of the Election of Kings.*

COUNTRYMEN,

**T**HE election of our kings would not only frustrate the intention of it, but be productive of the very worst of consequences.

1. It would be productive of civil wars.

If there be any who seriously prefer the elective, to the hereditary, mode of succession to the Crown, they doubtless proceed upon the supposition, that the election of a king would go on as smoothly, and be attended with as few ill consequences, as the election of a member of Parliament, of a magistrate or other office bearer in any of our towns, or of a minister in any of those congregations, in which the minister is elective. They doubtless imagine, that this is the age of reason and not of passion; and that avarice, ambition, and the strongest

\* When a state, in which the highest office is elective, is threatened with internal or external danger, it unanimously confers the greatest power on a Circumlocution; at other times, a Scylla acquires the ascendant.



strongest partialities, are all "to yield to the gentle, but commanding voice of pure, enlightened reason." But unfortunately history and individual experience chance to be against their hypothesis. Even in the election of a person to a petty office, in which honour chiefly is the object, the contention between parties has frequently been so violent, that the interposition of the magistrate has been found necessary to make them keep the peace, and the greater the honour and emolument of any office, the warmer must be the contention.

If the object for which such men contended were a crown; if all their passions were inflamed by the hope of obtaining, and the fear of losing, all those emoluments and honours, which must be shared by the adherents of a successful candidate for royalty: and if there were no external force to restrain or moderate their passions; would the election be peaceable? Would there be no after divisions and animosities? Would the minority quietly submit to the majority, and, in concord with them, study only the common good? All history answers in the negative. The contentions of the Polish chiefs in the election of a king, of the Germans sometimes in the election of an emperor, of the Romans in the appointment of a chief magistrate, during the whole of those periods in which the nomination of such a magistrate depended on election, in short, the contentions of all men in all countries and ages, in which the king or chief magistrate has been elective, amount to a certain proof, that the election of a king would most frequently be, in some degree, productive of civil wars. Religion, even the mild and peaceable genius of the Christian religion, has not, in the case of contested elections, been able so to bridle the strong and inflamed passions of men, as to prevent such misery. The sword sometimes decided who was to be chief Druid among the Gauls; the choice of a bishop divided the Christian world, and gave rise to the numerous sect of the Donatists; and the election of a pope has frequently lighted up the flames of war over half of Europe. Never, therefore, never can a nation such as ours, in which there is, and must be, the greatest inequality, elect its kings, and yet avoid civil wars.

2. Another effect (or rather chain of effects) of electing our kings would be, that it would render them jealous, unjust, and cruel, and their subjects suspicious, rebellious, and traitorous, and produce the greatest national vice and misery.

Man is naturally the friend of man. It is only opposition, competitions, injuries, fear, jealousy, and similar causes, which make them enemies to one another. Marius and Sylla were successively possessed of more than kingly power at Rome; but their fierce contentions and mutual injuries rendered them equally cruel to each other and to their respective adherents. Marius, returning to Rome, after being driven from it by Sylla's party, "entered the city with his guards, and massacred all that had ever been obnoxious to him without remorse or pity †." When Sylla's party again prevailed, besides other cruelties and proscriptions, he ordered eight thousand men who had submitted to him, to be imprisoned in the *Villa Publica*, and then to be put to death in cold blood ‡. When the second triumvirate divided among themselves the supreme authority, each in order to gratify the revenge of another, not only determined on the death of his enemies, but yielded up such of his friends as were obnoxious to either of his colleagues. Lepidus gave up *his brother*; Anthony, *his uncle*; and Augustus, *Cicero*, one of the best and wisest men, and by far the greatest orator, among the Romans. The contentions of the great men with each other for the ascendant. "civil discords, triumvirates, and proscriptions, weakened Rome more than any war she had ever been engaged in||." Julius Cæsar and perhaps Augustus seem to have been naturally men of moderation and clemency; but they exercised those virtues chiefly, after they had subdued every enemy, and imagined themselves out of danger. The monstrous cruelty of several of the succeeding emperors is justly ascribed by historians, to those fears and jealousies, with which they were perpetually haunted.

Hippias and Hipparchus, brothers, and joint kings of Athens, were for some time, excellent princes; but Hipparchus committed a crime, for which he was assassinated, and which excited a rebellion of their subjects. These things filled the heart of Hippias with distrust and revenge, stimulated him to put many of the Athenians to death, and rendered him ever after the enemy of the state §

"In the kingdoms of the Heptarchy, an exact rule of succession

† Goldsmith's Hist. of Rome v. 1 p. 363.

‡ II. v. 1. p. 377.

§ Spirit of Laws b. 21 c. 2. p. 128.

§ Goldsmith's Hist. of Greece v. 1. p. 66, &c.

succession was either unknown or not strictly observed; whence the reigning prince was continually agitated with jealousy against all the princes of the blood; whom he still considered as rivals, and whose death alone could give him entire security in the possession of the throne\* " John, King of England, jealous of the spirit and bravery of his nephew, the young Duke of Brittany, and the true heir to the Crown, stabbed him with his own hand.

Abimelech, from jealousy without a doubt, *stew throats and ter of his father's sons upon one stone.* And this practice has been frequently followed by the kings of some places in Asia, where all the sons of the king being equally eligible to the throne, the fear of being deposed, must frequently torment the prince who mounts it. " In such governments, every prince of the royal family is equally capable of being chosen, hence it follows, that the prince who ascends the throne, immediately strangles his brothers, as in Turkey; or puts out their eyes, as in Persia; or bereaves them of their understanding, as in the Mogul's country; or, if these precautions are not used, as in Morocco, the vacancy of the throne is always attended with the horrors of a civil war† "

In the history of the kingdom of the ten tribes of Israel in which the crown, though intended to be hereditary by the great legislator‡, was frequently usurped, there are several instances of cruel massacres committed by the usurpers on those of whom they must have been jealous. *Baasha, conspired against Nadab the son of Jeroboam, and slew him. He slew also all the house of Jeroboam; he left not to Jeroboam any that breathed§.* *Zimri conspired against Elah the son of Baasha and killed him. And he slew all the house of Baasha; he left him none, neither of his kinsfolk nor friends¶.*

In a great kingdom, where there are a number of great men each interested to join a party, and each, by a chain of connexions, influencing his inferiors down to the meanest subject the election of a king must ever be conducted with the great

\* Hume's Hist. of England v. 1. p. 58. Id. v. 2. p. 48.

† Spirit of Laws b. 5. c. 14.

‡ It was as much the nature of the constitution of that kingdom that the crown should be hereditary, as it is the nature of the moral constitution of mankind, that they should be happy. But a failure of the effect intended to be produced in either case, is no argument against the spirit of the respective constitutions.

§ 1 Kings 17. 27, 26.

¶ Id. c. 16. v. 10 and 11.

all heats and animosities, and most frequently with the most ruinous and cruel civil wars. Those contentions and wars would, indeed, at last terminate in a king or rather despot; but the effects of them, contempt, aversion, hatred, jealousy, revenge, would remain, and actuate both king and people. Henry the seventh, who was of the house of Lancaster, ever entertained the most implacable hatred to all of the unfortunate house of York. He seems never to have been at rest till he brought the last of them, the young, and innocent Earl of Warwick, to suffer on a scaffold\*.

That perpetual jealousy, therefore, which in elective monarchies, always dwells, in some degree, in the breasts of their monarchs, must in proportion to the degree of it, dispose them to actions of injustice and cruelty.

But injustice and cruelty in the king would produce conspiracies and rebellions on the part of the people; these would provoke him to new acts of cruelty and injustice; and thus the kingdom would become a scene of tumult and civil war, of proscriptions, assassinations, executions, and of vice and misery.

Friendship begets friendship; and enmity, enmity. In general, every affection and the expression of it beget a similar affection and expression. If the prince, therefore, is unjust or cruel, the people will naturally resent his injustice or cruelty, and by a similar conduct, will seek to gratify their desire of vengeance, or to redress their injuries. And this reciprocity of ill offices would involve the kingdom in conspiracies and all their direful consequences.

All mutual confidence between the different parties would be lost. The court would become a rendezvous of informers, and a scene of conspiracies against the obnoxious, and suspected among the people; and the country would be turned into a scene of discontent, murmuring, and rebellion against the crown. All good men would withdraw from the management of public affairs, where they would be in danger from one party or another; and their places would be filled by men of desperate fortunes, of low condition, and profligate morals; who would seek to insinuate themselves into the favour of the prince by informations, and actions of pretended zeal against those whom they would represent as his enemies.

The crown would never sit steady on the head of the prince;

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\* Hume's Hist. of England v. 3. p. 383.

nor could the people have any security for their privileges. And thus things would go on from evil to worse, till all those fair fruits of our present excellent constitution were blasted, which we now securely enjoy. Despair would cover the faces of the timid, and revenge would occupy the hearts of the resolute. Some would leave their native land for a foreign clime; and others, in order to revenge their own, and their country's, wrongs, would plunge themselves into a sea of blood. The morals of prince and people would be corrupted, or rather entirely destroyed. For not to mention the effects of those animosities, that bribery and corruption, which would precede every election (even supposing it were conducted peaceably) those mutual injuries between the king and his adherents on the one hand, and the people on the other, would be productive of every evil work.

Those who have read, with any degree of attention, the history of Rome from the time of Marius to the fall of the empire, during the most of which period, the person possessed of the chief power was elected, will not think, that the above description is at all exaggerated. It will immediately recall to his memory, those scenes of vice and misery, from which the mind turns with horror, but which frequently, nay almost constantly in a greater or less degree, were exhibited in that most unhappy state, from the time that the empire became elective. Even in the history of England, where, though the crown was hereditary, the acquiescence of the clergy and barons was requisite to confirm the succession to it, one may observe some of the above mentioned effects of election; especially during the contention between the houses of York and Lancaster, when the right of the Crown was made to be the right of the strongest, and the sword determined who was to wear it.

Lastly, the electing of our kings would wholly alter the nature of our government. According to circumstances, it would change it either into an aristocratic republic or an absolute monarchy.

1. If the elections did not produce civil wars at every accession to the throne, the electors would stipulate new conditions with the king. Human nature in all ranks is ambitious. The electors, therefore, desirous of extending their own power and lessening that of the king, would either find, or pretend, sufficient reasons for diminishing the prerogative of  
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the Crown and increasing what would be called the privileges of the people. It was in this manner that the House of Commons proceeded in diminishing the royal prerogative and increasing their own privileges from the time of their first institution under Henry the third to the time of the civil wars between the houses of York and Lancaster, or till the accession of Henry the seventh; and from the accession of the Stuarts till some time after the revolution; though they had no other instrument, with which to carry on their operations than the power of granting or refusing supplies to the Crown. And if the exercise of this single power hath so much increased the privileges and other powers of the Commons, what bounds could be set to their requests and consequent power, if they were also possessed, in part, of the right of electing their kings?

Having the power of stipulating with each king prior to his accession, and the power of controuling him afterwards, they might proceed, and probably would proceed, to strip the Crown first of one part of its prerogative and then of another, till they had left the king nothing but the empty name of his office, or reduced him to the state of a president of a republic. It is nugatory to say, that the influence of the Crown, as at present, would check the ambition of the electors; it would but add fuel to the flame. No king prior to his accession could be possessed of any influence but that of a subject. During the vacancy of the throne, that influence would be wholly possessed by the great electors, and they would, at each vacancy, naturally endeavour to retain some part of it. Such is the ambition of mankind, that the Lords themselves, who are at present a bulwark to the throne, would most probably co-operate with the Commons in lessening the royal power, were they thereby to increase their own. Or should a just sense of their possessing already as much power as is consistent with their own security and happiness and those of the nation, induce them to oppose any encroachments of the commons on the prerogative of the Crown, their simple negative would be but a feeble barrier. When the latter, in the reign of Charles the first, chose to make use of their power in an intemperate manner, not all the power of the Crown and Lords together could stop their mad career till they had abolished both monarchy and nobility.

Thus, therefore, the tendency of electing our kings, even

upon the supposition that the elections were made peaceably, would be to change the form of the government into a species of republic; that is, it would tend to transfer the power of the crown from one powerful individual to a number. For we are not to suppose, that the people, or those in the lower ranks of life would at all share the power thus transferred. In all states such as ours, there are a number of men possessed of fortunes much greater than their neighbours; and as power follows property, let a government change how it will, those very rich men, except in some cases of popular fury and tumult, will ever be possessed of the chief, and sometimes of the whole authority. The people of Rome, though they were able to abolish all real distinction between the patricians and plebeians, were never able to abolish the distinction of rich and poor. This distinction still remained; and though each freeman had a vote in all affairs laid before the people, and was equally capable of being elected to the highest offices; yet a few rich individuals engrossed the whole power. In England, though the rump parliament abolished monarchy and the house of peers, yet they, or rather Cromwell and a few adherents, retained the whole power of the state in their own hands, and reduced the rest of the people in all ranks to a state of slavery.

But as the very attempt to reduce men to an equality in point of riches would be attended with infinite mischiefs, and prove abortive; as unequal power is the natural effect of unequal riches; and as a number of rich individuals, instead of one, would rule the land, were the form of the government to change to republic; it is much safer for the liberty and happiness of the people, that the kingly power, under just limitations, should remain in the hands of one great man than be put into the hands of a number. The reason is plain. One man, whatever he may be, may be kept within certain safe bounds, if all the other men in the state find it their interest, as at present, to keep him within such bounds; but a body of rich and powerful individuals, without a head vastly superior to check them, are with difficulty restrained. Scarcely are any restraints which can be imposed on them, sufficient to afford security to a poor individual. At present, our King being exclusively possessed of the supreme executive power, and of a degree of influence which enables him to exercise it

impartially,

impartially, all are kept under the restraints of the laws; and rich and poor are equally safe.

But this would not long be the case, were the Crown elective. This single change would soon change the government into a despotism or aristocracy. If it should change it into a despotism, all would be slaves: If into an aristocracy (which is the present supposition) the populace would enjoy neither liberty nor security. The Crown of Poland was elective; but its king was but the chief of a body of aristocrats; and the people were slaves.

2. Let us suppose what is most natural, that the election of a king produced civil war.

In this case, it is evident, the king would be elected by the strongest party. He would be their creature, and in many respects their tool. He must ever be conscious of his own weakness, and of his real subjection to those who have raised him to the throne. He must be sensible, that, as they raised him, so, if they retain their power, they can depose him; and, in such a situation, it is impossible, that he should act either with becoming dignity, or sufficient freedom. Being continually subject to a faction, he must be their patron, and, in many, cases the oppressor of an opposite party; and in this manner, he would be under a necessity of governing, till such time as he found means of balancing the strength of parties.

To be under undue restraint is an irksome situation; to be free is pleasant; but to have very extensive or unlimited power is highly gratifying. It might happen, therefore, that this king raised by a faction and subject to it, after finding means to rid himself of all undue restraint by balancing parties, would seek to free himself from all restraints whatever, from all restraints, at least, of a legal and constitutional nature.

He is, we will suppose, well descended, rich, brave, popular, possessed of all those talents that can gain the affection and confidence of his subjects. Thus fitted to win upon the people, he attempts to render himself absolute. By the constitution, he has the command of the army; which he attaches to himself by bounty, clemency, and every popular art. Some of the leading men, he gains by presents, offices, and honours; others, he flatters with hopes; others, he intimidates; and all, by some means or other, he either brings over



to his interest, or prevents from opposing him. With such talents and advantages, he endeavours to encrease his power to a degree that is arbitrary or despotic. Most probably the measures, he would take, would be gradual and specious. But should his designs, being discovered, meet with opposition, it might most probably happen, that; in the civil war preceding his coming to the throne, those who had either inclination, or power, to oppose him, would be averse to violence from experiencing the calamities of civil dissensions. This disposition would lead them to bear with much; and he perceiving their passiveness, would still proceed, without noise, towards arbitrary power. But should he meet with resistance, the army and the greater part of the leaders of the people being attached to him, he might endeavour to accomplish his end by force; and, in this attempt, he would be successful, if, as has been supposed, his opponents have been exhausted by civil wars, and averse to renew those scenes of horror.

It is, in fact, somehow in this manner that most sovereigns have possessed themselves of unlimited power. At Rome, Marius, Sylla, Julius Cæsar, and Augustus, partly by their having the command of an army, their talents, intrigues, and corruption of the people; and partly by fortunate accidents, successively gained an ascendant, and enslaved their country; which, for a long series of years, had, at one time, been agitated by tumult, and, at another, bled under the sword of civil war. When Augustus had attained to the sovereign power, and rendered all but himself slaves, his justice, clemency, moderation, and affability were such, that Rome, long torn by the dissension of her sons, fondly thought she had recovered her liberty, and, desirous of repose, hugged her chains.

Henry the seventh was possessed of great talents for governing men: All the great nobility, who alone had power to resist his encroachments on the rights of any order of the subjects, had been destroyed in the long and bloody civil war that preceded his accession to the throne: The people tired of discord and internal convulsions were willing to submit to usurpations and even to injuries rather than plunge themselves into like miseries: A faction devoted to the king, was willing to support all his measures: And thus, partly by his own abilities, partly by the peculiar circumstances of the people Henry found means to render himself more absolute than any  
king

king of England had been since the granting of Magna Charta.

When Henry the eighth came to the throne, he found his subjects broken to the yoke, and habituated to tame submission; and both the talents and dispositions as well as fortune of this king increased their passiveness. At his accession, he was young, handsome, possessed of spirit and external accomplishments; which, with his being heir to the houses both of York and Lancaster, rendered him very popular. He was of so violent a temper, that none durst oppose his will; and besides the power which he acquired by breaking off from the church of Rome, he had, during a great part of his reign, resources independent of his parliament. His Nobility had been weakened both by the war between the Yorkists and Lancastrians, and by the alienation of their estates, the full power of doing which had been granted them by his father; and the Commons, though become opulent, knew not yet their own power. These causes rendered him the most absolute king that ever ruled in England.

We see, therefore, that the electing of our kings would not only produce civil wars and a train of baleful consequences, but that, according to circumstances, it would change them either into presidents of an aristocratic republic, or arbitrary princes; changes of which it may be difficult to say which would be the worse for the people.

The constitution being corrupted, that very people, the electors of their kings, would, by turns pine, under a fatal atrophy, and be torn by convulsions. Science, arts, wealth, patriotism, would disappear; and the nation would sink into ignorance, poverty, impotence and contempt.

How admirable is our present form of government, which is equally remote from both extremes! How excellent is that constitution, in which are wisely tempered the powers of monarchy, aristocracy, and democracy; which gives to all ranks, a proportional weight in the political balance; and which confers on the King a dignity and power, that qualify him to be only—The Benefactor of All.

R. T.

LET.

## L E T T E R XXXVIII.

*Advantages of the Hereditary Succession to the Crown.*

COUNTRYMEN,

**T**HOUGH there were as great a chance of obtaining good kings by election, as by hereditary succession; though no ill consequences were to be apprehended from the former; yet the latter (the check which the nation has on the Crown, considered) is attended with advantages, which alone, perhaps, would determine a person of a clear and unbiassed understanding to give it the preference.

1. Hereditary succession prevents the direful effects of election. No person will say, that hereditary succession will wholly prevent civil wars, which may arise from several causes besides a doubtful or disputed succession to the Crown; but, in this country, this cause has been almost the sole source of civil war; and to deny, that hereditary succession will prevent those civil wars which would flow from this source, is to deny, that any effect will cease to be produced, when its proper cause ceases to act.

Both in England and Scotland, when the civil wars concerning the succession to the Crown, took place, the present rule of succession was either not fully adopted, or (which is the same thing) it wanted that force which was necessary to the observance of it, and which it has derived from custom alone: For this political law, like many other, seems to be not an act of the legislature, but the product of custom, or the growth of practice: And though it had been generally observed, yet it was also frequently violated; and one violation paved the way for another, and diminished the authority of the general rule. Even after a law has been established by custom, it is very far from being always obeyed; where a combination of powerful subjects is determined to break it.

This was actually the case both in England and Scotland at the times of the civil wars occasioned by the succession to the Crown. The respective barons possessed almost the whole force of both kingdoms; they divided into parties; they were not checked by the commons; there was no force to oblige them to acknowledge the claims of one pretender only; there

there was nothing to prevent civil wars; and such wars, of course, took place.

But the uniform practice of several centuries elapsed since these wars, a much greater degree of civilization, a diminution of the power of the Nobility, and an increase of that of the Commons, all ensure obedience to the present law of hereditary succession. The civil wars which followed the revolution, were, in a manner, the effect of election. No person now, however honourable, rich, and powerful, except the heir apparent, can, for a single moment, entertain a rational hope of mounting the throne; and thus is a period put to all civil wars concerning the succession. "An hereditary succession to the Crown is now established in this and most other countries, in order to prevent that periodical bloodshed and misery, which the history of ancient imperial Rome, and the more modern experience of Poland and Germany, may shew are the consequences of elective kingdoms\*." "A settlement of this kind puts an end to intrigue, and stifles ambition †."

2. Another advantage of hereditary succession is, that it interests the king more in the prosperity and happiness of his subjects, than he would be, were the crown elective.

Every king must know, that his riches, power, and greatness will ever bear an exact proportion to those of his subjects. He will, therefore, naturally study, not only for their advantage, but for his own, and that of his family, every means of increasing their riches and numbers, of cultivating their morals, and of affording them security and happiness. He will consider the whole kingdom as an improveable estate, the fruits of which are not only reaped by himself, but may be reaped by his descendants down to the latest posterity. And, therefore, not only the love of his people and his own personal advantage, but a natural regard to his family, will lead him to take all those measures, which may encourage piety, virtue, commerce, arts, and population; on which he must be sensible, that not only the security and happiness of his people, but his own and those of his family must entirely depend. And this we find is actually the case under our present King. It was said of Cæsar "that he *loved his country*, because he *would govern it*." The same hope, either for himself, or his descendants,

\* Blackstone's Commentaries v. 1 p. 193.

† Spirit of Laws b. 5. c. 14.

descendants, must produce patriotism in the breast of every king of Britain; and patriotism will induce him to study the advantage of his people.

But it cannot be expected, that either the king in an elective monarchy, or the chief magistrate in a republic, should so interest themselves in the prosperity of the state. The emoluments and honours of their offices are but temporary and confined to themselves. They last only for one life, or for a year or two; nor are they enjoyed by their families, except by the accident of some of them being elected. The general interest, therefore, of such chief magistrates in the welfare of the community, must be too small, and their separate interest too great, to lead them to be so studious as an hereditary king would be, of promoting the riches, morals, and strength of the people. There would be great danger of their studying their own separate interest so much as to hurt the interest of the kingdom. They might be induced to take irregular and oppressive methods to enrich themselves and their friends; and thus, they would be apt to do in proportion to the shortness of the duration of their power. In short, where the crown is hereditary, the king is like the proprietor of an estate, who takes care to cultivate it in such a manner, that the soil may be improved; where it is elective, the king as well as the chief magistrate in a republic, is like a tenant who removes at the expiration of a short lease, and who exhauts the soil to increase his store.

3. In hereditary monarchies of long standing, the king's dignity and splendour, in this, derives from a race of illustrious ancestors, a peculiar authority.

It is to no purpose either to attempt to ridicule, or to argue in a captious manner, against that sentiment of respect which men entertain for some families for the sake of their ancestors. The sentiment in its just degree, is natural, and influences the philosopher as well as the peasant; and government must be adapted, not to what some may imagine men ought to feel, but to what they do feel. Kings, therefore like other men, will be valued for the greatness and splendour of their ancestors. One cause which contributed not a little to the popularity of Henry the eighth at his accession to the throne, was his descent from the illustrious houses of York and Lancaster, and his being, on that account, the representa-

tative of all the Norman kings, and allied to all the Saxon, who had ever ruled over all England.

But that dignity and splendour which kings in hereditary monarchies, derive from their ancestors, as it cannot be conferred on the chief magistrate either in an elective kingdom, or a republic, so it is really so much influence or authority; and by this persuasive force alone, in the last place, is the world governed; without it, it would be perpetually a scene of anarchy and horror:

These, therefore, are advantages resulting from an hereditary succession to the Crown in this country. It prevents those civil wars, which, were the office of chief magistrate elective, would arise from the ambition of great men; and it gives the king a peculiar authority to govern his subjects, and a peculiar interest in governing them well.

R. T.

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L E T T E R XXXIX.

*Objections to the Hereditary Monarchy of this Country Answered.*

COUNTRYMEN,

IT is certainly no flattery of kings to say, that they are men, that their minds and bodies are naturally like those of other individuals of the human race; and it is evident, that they have all opportunities of improving their natural parts, of acquiring that knowledge of men and things, and those virtuous habits, which qualify them for discharging with propriety, the duties of their high station\*.

If, on the one hand, flattery, power, and riches obstruct the improvement of their nature, or tend, in any degree, to vitiate it, on the other, the consciousness of their dignity, of what mankind naturally expect from them, and of their obligations

\* When Mr Paine speaks of kings, he represents all sorts of them as those eastern monarchs who are, all their lives, shut up in a seraglio. But it is evident, that the King of Britain has as great opportunity at one time and another, of knowing mankind in general, as any of his subjects, or indeed any man whatever, except those who have experienced a sad change from a very affluent to a very poor condition; and they, too frequently, know them in such a way, as leads them neither to love, nor benefit them.

gations to their people; must be a stimulus to their diligence in acquiring what they ought to be possessed of, a preservative against injurious and base actions, and a strong incentive to worthy conduct. Adulation blinds, pleasure stupifies, sloth sicks and consumes, avarice and ambition prompt; but the sentiment of shame which creates the fear of doing what would sully the character, and of neglecting what is necessary to give it a due degree of brightness, is, perhaps, the strongest principle of human conduct. And its operation in preserving a person from what is mean, and leading him to what is excellent, must generally be in proportion to his station, and what mankind expect from him. Our laws, therefore, consider the word of noblemen as equivalent to the oath of others. But if such be the effect of this principle on that class of men, what must be its influence on Kings! They having the same nature with other men, a much higher station, and of consequence a much higher character to support, should generally be better than others. If they are not, it must be ascribed to certain peculiarities in their situation. Every station of life is more exposed to certain temptations, and more liable to certain foibles than another; and if we would wholly prevent those weaknesses which grow in an affluent and dignified station, we must reduce all men to an equality of fortune. But this would be, not only to oppose the appointment of the Lord of all, but to cut off the head of the hydra. A number of imperfections and vices would immediately shoot up in place of one that should be cut down. Had not the great men in the republic of Rome, have not those in that of France, the same foibles and vices with the great men in monarchies? Was Cæsar less ambitious, or Anthony less voluptuous, than they would have been, had they been Kings, or the subjects of a monarchy? Would Robespierre have been more vicious, had he been Louis? No! He must have been less. He would have been free from that crowd of suspicions, which, like furies, haunted his steps, and changed him into a monster.

This is plain, that kings have naturally the same dispositions and talents with other men; that though they have temptations, in some degree, peculiar to all men in a high station, they have also, in a higher degree than others, the strongest motives to acquire and practice all the noble and splendid virtues, and consequently those also of an inferior kind, as the former,

former, in a great measure, depend upon the latter,†. But it is the throne of an hereditary limited monarchy, that is the native soil of those virtues which are mild, gentle, and pleasing: And never there do those malignant vices lift up their heads, which rise from jealousy, and which, in elective governments, whether monarchical or republican, diffuse their baneful influences among the people.

In hereditary monarchies, the heir apparent may be unqualified to govern either by his minority, or a defect of understanding; but, in both cases, the constitution of this country provides a remedy. In the former, it provides a regency; in the latter, it ordains, that the legislature shall provide a sufficient successor. And though a regency be not equal to the government of a king; yet the evils incident to it, are but temporary, and even while they continue, less than those which from similar causes, must be perpetually suffered, in such a country as this, under the government either of an elective monarchy, or of a republic.

Should the king in a hereditary limited government, be comparatively weak and vicious, a case which I hope will never happen in this country, which may God forbid, but which may here be very innocently supposed) should such a king rule, there is little to be apprehended to the liberties of the subject, from a character that is wholly made up of weakness; for vice itself is confessedly the greatest weakness. Should he be able and vicious, a character rarely, perhaps, to be met with, in this country, the parliament can prevent him from doing material injury. Even the House of Commons itself can, by refusing him supplies, deprive him of almost all his power. Or if a king of ability and ambition should, in any degree, invade the liberties of his subjects, they have it in their power easily to recover their ground, when a less able, and ambitious king ascends the throne. And thus, in the course of the succession of princes of different characters, the disadvantages of one reign are balanced by the advantages of another. In perusing the history of England, we find, that the people have obtained almost all their privileges from kings who were in some respect weak; weak either by a defect of natural ability, by vice, by a flaw in their title to the Crown,

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† The conqueror of the East was frugal, that he might be munificent. In the expence of his household, he was the private Macedonian, in his public expences, he was Alexander. *Spirit of Laws.*



by want of money, by an exorbitancy of power in the Nobility and leading men among the Commons, or by some certain combination of these causes. At present, it should seem, that the subject has more to fear from a diminution of the royal power in the hands of a weak king, than from its increase under the government of a man of ability.

The principal excellence of machinery depends on its doing a great deal of work with very little human assistance; and the great excellence of our government is, that it answers all the purposes of a good government, without requiring of the chief magistrate any thing but a general inspection and direction of public affairs. But this very excellence of it gives men of Mr Paice's cast an opportunity of ridiculing the office of the Crown as merely a sinecure; though every body sees, that a petty farmer, or tradesman, who manages his affairs with common prudence, may be much more at his ease, than he who sits on the throne.

It is the power of the king in this country, duly limited by the constitution, that is, by the laws, the Lords and Commons, and the just use of other privileges of the people, it is this authority, or power thus limited, that keeps all right, that prevents confusion, and that causes "the laws to reign." As the power of gravitation, combined with that of motion in a direct line, preserves order on the surface of this earth, and among the heavenly bodies, and gives us the light and heat of the sun, the beauty of summer and the plenty of autumn; so it is the great power of the King in this land, combined with the power of parliament and other privileges of the people, that is the cause of justice, security, riches, and happiness. Destroy either of these powers, and you destroy the whole effect. Like the unseen, silent energy in the works of nature, or rather like that Divine Hand which produced nature, this compound power of the constitution operates regularly and unremittingly, "both when we wake and when we sleep;" and like that it is productive of general happiness. There are some who have no sensible perception of the hand of God in the works of nature, though his unseen, but uniform operation is the unremitting cause of all existence, life, motion, perfection, and happiness; and, in like manner, there may be others who either do not see, or see with indifference, that the power of the King in this country, is, under God, one principal cause of our national felicity. Yet, in neither  
case

case does ignorance, or insensibility, alter the fact. This just and beneficial power of the Crown is what the security, prosperity, and happiness of all require; but it is vain to expect it either in an elective monarchy, or in a republic, however constituted, in such a nation as this; in which there would be a thousand to despise, and a million to envy, the person, or persons, who should be stationed at the helm of affairs; and to employ their power, at every short interval, in accomplishing a revolution.

Whatever some men may affect, no man having the due use of his understanding, can seriously despise *the Crown of Britain*. To the greatest subject, it is at once the most awful, and amongst the most valuable objects, in nature. How tremendous, how venerable must that governour be, who, under the supreme governour of the universe, can by a simple delegation of his power, revocable at pleasure, *make at one time war, and at another peace, to the ends of the earth*; who can, without noise, tumult, or opposition, bring the most powerful offender to justice, as a father administers chastisement to his son; who alone, by the due exercise of his power, ensures the lives, property, and liberty of millions!

But let us, with all decent respect to this very great and illustrious authority, let us, for once, and for a moment, suppose what is absolutely false, that the King of this country, is "a mere pageant of state." Causes, in appearance, the most despicable, are frequently, both in the moral and physical world productive of the most important effects; and it is the mark of a great genius to observe such causes, that of a narrow understanding, to overlook them. Whatever any King of this land may be as a man, as a chief magistrate, he answers the intention of such a magistrate better than any other would, vested with a greater or less power, and better than any number of such magistrates, possessed of any power whatever. And though the money necessary to support him in his proper station, to make him what he really is, *the benefactor of all*, be, indeed, a very great sum in cumulo; yet to the share of any individual subject, it is but a trifle; and, compared with the advantages derived from his government, it is nothing. Even that expence is much less than what would be incurred by the nation under a republican government, such, for instance, as that of France. It does not require much arithmetic to see, that it is easier to support one man in a royal

state than five. But though the magnificence and splendour of republican rulers should be less than that of monarchs; yet such rulers are always conscious, that they hold their power by a precarious tenure; and, to supply the want of that authority, in some degree, inseparable from a hereditary king they are under a necessity of privately diffusing large sums among their partizans, winking at oppression, and dissipating the revenue in various ways, so as to gratify the avarice of their adherents. This waste of public money, or rather the excess of expence in republics such as the French, above the necessary expence of such a government as the British, must always bear a proportion to the opposition which its rulers meet with, and therefore, though very great, it is incalculable. Cromwell had left him in money and stores, by the Parliament, 1,200,000 pounds; his revenue was greater than that of any of the kings had been; and great sums came into the treasury from the sale of crown, church, and private lands yet he died two millions in debt\*. This greater public expence is to be ascribed chiefly to the expensive nature of republican governments. Kings pay with honours, what republican rulers must pay with gold.

R. T.

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## L E T T E R XL.

*The Government of this Country is preferable to one wholly Elective.*

### COUNTRYMEN,

**T**HE government of this country is wholly representative, as every individual in the nation is *fully and fairly represented* †; but it is not wholly elective. Were it wholly elective, however constituted and named, it would differ little from an elective republic; it would be liable to all the disadvantages of that form of government; and like that, though constituted democratical, it would, at one time, become an aristocracy, and, at another, a despotism. One unspeakable advantage of our form of government, considered in connexion with

\* Hume's Hist. of England, v. 7. p. 338

† See Letter on the Present State of our Representation.

with its other qualities, is, that the Crown and the honours of the Nobility are hereditary; by which means, those revolutions and tyrannies which naturally spring up in republics or governments wholly elective, are here rendered next to impossible. But were the government wholly elective, it is as certain, that we should experience fluctuation of power, civil wars, and all their attendant horrors, as that animal life will be extinguished by a certain excessive indulgence of the appetites and passions. Both sorts of calamity would be produced by a violation of the same general law of nature, an undue influence and exertion of power in certain parts of the respective constitutions.

Though this nation had a right, and were so blind to its own interest as, to change its government from its present form to a republic, in which every office should be elective, the office of chief magistrate or magistrates, would be very nearly perhaps, wholly, as much the object of contention, as a crown in elective monarchies. It is vain to mention the suppression of canvassing for such offices; for that has never been practicable. It is vain to expect, that the supreme magistrates for the time being, should by means of the public force, oblige the candidates to abstain from violence. For should that force be the people themselves, they are parties, and would turn their arms against each other to support the respective candidates, whose cause they should favour. Should it be a body of regular forces possessed of no right of voting (an idea, however, inconsistent with that of a government perfectly elective) what courage could the magistrates have to command these troops against those who next moment were to be their masters? Or how should an army be conducted against those men, to whom the commanders should next day, perhaps, look up for promotion? But supposing the election of such chief magistrates is conducted with little tumult or opposition. By what force, are the malecontent party through the nation to be prevented from rebelling? By the force of the nation. But that force is itself divided into parties; it burns with the flame of contention, and is ready to kindle a general conflagration. In Britain, all elections are conducted peaceably: but this is, in the last place, owing solely to the greatness of the executive power which can easily suppress any insurrection, to that power being constantly lodged in one

and the same hand, and to the comparatively unimportant offices for which elections are made.

Let any man dispassionately consider what would be the consequences of an election to the chief magistracy of such a nation as this, or France, and he will be persuaded, that they would most frequently be civil wars, and all the mischiefs and horrors attending them. The honours and emoluments of the office are, and, in order to good government, ever must be, next to royal. Ambition (perhaps avarice) enflames the candidates. All the great take a side. All the little, through influence, attachment, corruption, or even conviviality, follow them. Every man, magistrate and subject, is a partizan. The election is made, we will suppose, without insurrection. But there is one party disappointed. Insurrections become frequent in places remote from the seat of government. The new executive power, commands them to be suppressed. But who is to obey? The public force however composed, is composed of partizans. They in part, as well as the rest of the nation are stung with disappointment, and burn with impatience to take vengeance on those who, they suppose, have injured them. When they receive orders, therefore, to march against the insurgents, they either quarrel among themselves, or the disaffected file off, and augment the strength of those rebels, whom they were intended to subdue. At last both parties take the field; and the sword finally decides the election.

That this is not mere theory, but what would most frequently happen in such countries as this and France, were the office of the chief magistracy elective, history, the school of wisdom, will convince us; I say in such countries as this and France; for there may be states, such as those of America in which the effects of such elections must be less detrimental. The King of Poland was in reality, but the chief magistrate of a republic; he seems to have been less distinguished from his electors, than the directory of France from those great men in that country, whose wills must ever determine the elections, though there should be twenty stages from the primary assemblies to that which elects the chief magistrates and yet in Poland; the election of their king, director, or president, names make no difference) was productive of civil war.

At Rome, there was no crown to contend for. Their  
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chief magistrates were two Consuls. They had, indeed, dignity annexed to their office; but not the dignity and splendour of royalty. And their office lasted but two years. In short, the consuls were not much raised above the level of the nobility, and their elevation was very temporary. Yet the office of Consul (sometimes even the command of an army) fired the ambition of the great men at Rome, and became an object, for which they contended in civil wars. Sylla and Marius, Cæsar and Pompey, Anthony and Augustus, successively contended with each other for the ascendant, as much as if the object of their contention had been a kingdom or empire; which the government was not till their contentions had rendered it such; and then it became despotic. These contentions, it deserves to be remarked, happened at Rome, not when it bore a resemblance to America, but when it bore the greatest resemblance to this country and France, in extent of territory, in a standing mercenary army, and in that great, but necessary inequality in the possession of wealth, which various causes had produced; and which above all other things enabled the popular rich men to divide the state into factions, and to bring armies of citizens against each other into the field.

Similar instances of civil wars and tyranny, occasioned by contention for the chief power, might be quoted from the history of Athens. No sooner was the power of the sons of Pisistratus suppressed, than Calisthenes and Isagoras began to contend for it. Their contention produced first a civil war in which the former, together with 700 Athenian families, was banished, and then a war with Sparta\*. By the advice and influence of Alcibiades, the richest, the most accomplished, and perhaps the best descended of all the Athenians, though he himself was, at the time, an exile, their leaders abolished the democracy, and substituted in its place an aristocracy known by the name of the 400 tyrants. These governed with absolute power, "put to death some" of their opponents, banished others, and confiscated their estates with impunity. All who ventured to oppose this change of government, or even to complain of it, were butchered under false pretences; and those were intimidated, who demanded justice of the murderers†."

The Athenians, indeed, deposed those tyrants; but they  
were

\* Goldsmith's *Hist. of Greece* p. 8.

† *Id.* p. 300

were soon succeeded by others. Their mutual content had involved them in a war with Sparta; which obliged them to accept for their democracy, the government of thirty individuals, commonly called the thirty tyrants. These, instead of compiling a more perfect body of laws, the pretence of their being chosen, having rid themselves of Alcibiades and Theramenes, the only persons likely to oppose them, by procuring the death of the one, and obliging the other to drink the juice of the fatal hemlock, in the manner of the decemvirs and triumvirs at Rome, they committed the greatest injuries and atrocities. "Each singled out his victim; whom he put to death, and confiscated their estates. Nothing passed through the city but imprisonments and murders. All the citizens of any consideration in Athens, and who retained any love of liberty, quitted a place reduced to so hard and shameful a slavery, and sought elsewhere an asylum and retreat, where they might live in safety\*." Of these voluntary exiles a body conducted by Thrasybulus, expelled, indeed the thirty tyrants, and substituted ten persons to govern their country; but their conduct proved no better than that of those whom they succeeded †. These contentions among the leaders of the Athenians for the chief power, "this intestine fury," to use the words of Xenophon, "consumed as many in eight months as the Peloponnesian war had done in eight years."

Those instances of civil wars, executions, proscriptions and banishments, which have been now quoted from the histories of the republics of Rome and Athens, and which arise from the ambition of popular leaders aspiring to the sovereignty of their country, are so like those which have arisen from the same causes in the republic of France in the course of the elevation and fall of different factions, that they must strike every one with their resemblance. Indeed the likeness is so obvious, that the different parties in the last mentioned country have reproached each other with the epithets of decemvirs and tyrants.

Neighbouring nations view the late atrocities of France with horror, and some are apt to look on the authors of them as distinguished, by their wickedness, from the rest of mankind. But such men are to be found in every country, though it is seldom that their wickedness has such a theatre, in which

\* Goldsmith's Hist. of Greece p. 330, 331.

† Id. p. 333.

which to display itself. The peculiarity of their wickedness was produced rather by their situation and the nature of their government, than by any thing peculiar in their own nature. A number of men without principle found themselves suddenly in the situation of leaders. This kindled or fanned in their souls the flame of ambition. Their ambition found the means of gratification; but it met with opposition. This opposition being ineffectual was but a wind that blew the flame of ambition into a conflagration; which consumed humanity, justice, religion, patriotism, and every thing which stood between them and the object of their ardent desire. Had they been, as we, in this country, are, under the government of a very powerful and permanent, but limited monarch, their ambition would have had sufficient play; and, instead of subverting the government, and causing the greatest calamity, would only have contributed to general liberty and national happiness.

But in all countries such as this and France, where there is no hereditary governour, ambition having unlimited scope, every powerful man may aspire to the direction of public affairs. The ambition of such men meeting with opposition from each other, produces contention; contention is the cause of civil war; and such war is followed by proscriptions, executions, and all that varied train of miseries produced by triumphant and enraged faction. The men in such governments have no effectual bond of union. They are constantly divided into parties, which stand nearly in the same relation to each other, as different nations, there being no great superior power to bridle their passions, and moderate their contentions; and therefore, whilst the world stands, they never can long enjoy internal peace and security. Hereditary kingly government, therefore, as established in this country, is, in such a nation as this infinitely preferable, not only to elective monarchy, however constituted, but to all those elective governments, which are called republican, but which are uniformly oligarchical, or aristocratic, always oppressive to some part of the community, and frequently tyrannic.

R. T.

LET.



## L E T T E R X L L.

*Of the Government of the United States of America, and that  
of France.*

COUNTRYMEN,

**F**ROM what has been advanced in several preceding letters, it is evident, that hereditary monarchy, duly limited, is, in such a nation as this, preferable to an elective government, whether monarchical, or republican, however constituted in other respects. But to this conclusion, drawn from the nature of man as well as facts in history, the fact with regard to the government of the United States of America, will probably be objected. But admitting, that such a government is a happy one for America, it does not follow, that it would at all answer the end of a good government in this country, because this nation is totally different from the American. And this difference is the reason why the constitution of those states, though advantageous to the Americans, would prove ruinous to us. But in order that this may appear, I shall here take the liberty of presenting to the reader a few observations on the difference between the two nations.

1. It is natural to expect a greater degree of patriotism, generally, in the United States of America, than in some ancient states.

The American government being a new one, the subjects of it must, from the very circumstances of its novelty, be more patriotic than otherwise they would be. Thus, the Romans, Athenians, and Spartans, glowed with zeal for their respective political establishments, for a considerable time after their commencement. As new friendships are sometimes warmer than old ones; as parents are generally more solicitous for their younger, than for their older children, as the primitive Christians were animated with more zeal, than those who followed them, so, in general, men are more interested in the support of new establishments (if supposed good) than of old ones, not only because the former have novelty to engage the heart, but because they require more care and attention.

But besides, the novelty of the government of the United States

tes, and the greater degree of attention, necessary for its support, than for that of those governments which have obtained stability by their very duration, the patriotism of the Americans must be greater than that of some ancient nations on account of the struggle, by which they obtained their independence. Their government is the purchase of the treasure and blood of those who enjoy it; and as a man who earns an estate with much care and labour, values it more than he would do, had it come to him without either, so the present race in America must be more attached to their form of government, than some other nations to theirs (though equally good) who have inherited them from their ancestors. But when the novelty of their government is gone; when succeeding generations receive it from their ancestors, like any other inheritance, without trouble or expence; their patriotism will suffer a diminution.

It is true, when a government is good, though ancient, if there should be any danger apprehended to it, its subjects, like those of the British at the present time, will then feel a zeal in the defence of it, that cannot be surpassed; their patriotism will glow with a juvenile ardour; the very antiquity of their government will heighten their attachment to it. But this is an extraordinary case: and, therefore, such an ardour of patriotism cannot be expected to regulate their conduct at other times. Thus, a mother, when any of her children are in danger of losing their lives, feels maternal tenderness, in a moment, rush, with violence into her bosom, and negligent of herself and every thing else, regardless of all consequences and every risk, she flies to their assistance; though, in ordinary cases, she discovers little fondness for them.

2. There must be less ambition among the Americans, than in some ancient nations.

The human character has a certain progress. Men first desire what is necessary for their subsistence and accommodation, and then what is ornamental. When these desires are gratified, they naturally seek power. But the whole almost of the Americans are still employed in procuring necessaries and conveniencies; but a few of them comparatively in seeking distinction in their houses and equipages, and still fewer in canvassing for power. Ambition must, as yet, have seized only on a few of them, compared with the rest; and even that few have little leisure and means to gratify it. General Wash-  
ington

ington himself, though possessed of extensive property, had been long intent on cultivating his lands, and of late had resigned the presidency. But when the whole almost of a nation is employed in the pursuit of necessaries, accommodation or ornaments, ambition, or the passion for power, is naturally in a great measure, excluded. And parties never can be so violent and dangerous in a state, till ambition occupy the hearts of many of its members. It was not when a Roman nobleman was obliged, by his poverty, to attend to his domestic affairs, sometimes, like Fabricius, to cultivate his farm with his own hands, but when Rome, become mistress of the world, was supported by the labours of other nations, that certain of her great men, prompted by ambition, sought to domineer over their fellow citizens.

3. Though the number of the ambitious in America were equal to that of some ancient nations; yet such men have much less in their power to gratify their ambition.

They have not, like the ambitious of Athens and Rome, and of many modern states, that great superfluity of wealth which gives influence, and which, being scattered in corrupting the poorer members of society, becomes, in republican states, the means of forming factions. Though there were certain dissensions among the Greeks and Romans; yet it was not till they became rich, and till riches came to be very unequally possessed (which is not generally the case in America) that the rich leaders in either nation were able, by corrupting the people, to give their dissensions that strength which rendered them factious, and which, in the end, extinguished patriotism, and ruined liberty.

Another circumstance which must prevent the ambitious in America from gratifying their ambition by corrupting the people, and rendering them factious, is the distance, at which the great body of the Americans live from each other. There is scarcely a large town or city in all the territory of the United States. The people live scattered over a vast extent of country, thinly inhabited; their numbers being scarcely one third of the people in Britain\*, and their cor-

\* New York in 1786, contained only 23,614 persons; Boston contains only 14,040; and their other large towns on an average, perhaps about 4 or 5 thousand. Philadelphia, the capital of the United States contains only 40,000, that is probably about the 25th part of the number in London, and the 20th of that in Paris. Morse's Geography p. 63.

try about six times as extensive †; which renders it difficult for artful and designing men to practice on them. There must, therefore, not only be less ambition among the Americans, than in those ancient nations, to which it proved so destructive, but less power and opportunity of gratifying that passion.

4. There must be less corruption in the American States than there was in the ancient republics.

Besides the greater degree of patriotism, arising from the novelty of their political establishments, which is an antidote to corruption; besides the smallness, in general, of the fortunes of the ambitious, and the difficulty of influencing or bribing the people, on account of the distance at which they generally live from each other, the habits of bribery and venality cannot, from want of time, have struck their roots so deep in that country, as to produce those fruits which proved so baneful to the ancient republics. The work of corruption is not instantaneous, but gradual; the habit of it rather steals on men, than is acquired. In new nations, as among young individuals, public opinion, and the innate sense of the baseness of bribery and venality, are peculiarly strong barriers against them. But, as the practice of these vices encreases, these barriers become feeble, and at last, as in Athens and Rome, become almost no barriers at all. The laws may be severe against corruption; but people learn to laugh at these instances of it, that are known, and to feel too little shame for such practices.

Lastly, though the people of this country (a few excepted) prefer a limited monarchy to any other sort of government; the body of the Americans most probably give the preference to their republican form. Indeed, they have not yet experienced the disadvantages of this form in general, to make them wish for a constitution, in all respects, similar to that of Britain. And the judgment and inclination of a people, as well as their condition and character in other respects, must be matured and fitted for any sort of government, before they can enjoy it with advantage, or even before they will, in most cases, submit to it. "It is the business of the legislator," says *Montesquieu*, "to follow the spirit of the nation, when it is not contrary to the purposes of government; for we do nothing so well as when we act with freedom, and follow the bent of our natural genius."

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† *Morse's Geography*, p. 35, 492.

In America, therefore, there must be more public spirit and patriotism, less ambition, less power of gratifying that passion, and less corruption, than in the ancient republics and even some modern states. Add to this, that the genius of the Americans is not yet fitted for a monarchy. On all these accounts, therefore, the people of America are to be considered as specifically different from those of the republics of Rome and Athens, and even those of Britain and France. Any reasoning, therefore, from what the constitution of the American states is, to what the constitution either of Britain or France, ought to be, is conclusive. All things considered, a system of conduct suitable to a child, would answer an adult person as well as the constitution of America, the people of Britain or France. A government, therefore, wholly elective, may very well answer the former country so long as the people retain their present character, and remain in their present condition, though it would prove as destructive to either of the latter, as it did to those ancient republics; in which they bear, in many respects, a strong resemblance.

But the difference between America and France or Britain is not necessary, but casual. It is owing to the novelty of the American nation as well as the novelty of its government. America is, in all respects, but in its infancy. But when she has arrived at maturity; when the vast extent of its territory is fully peopled; when the wealth of the nation is very much accumulated; and when the distribution of that wealth, as consequently of influence and power, comes to be very unequal (both of which are the necessary result of liberty and the practice of arts) when numbers, after the country is fully occupied, are crowded together in cities or large towns disposed, as at Athens and Rome to corrupt and be corrupted; then America, like these states, must either suffer the evils of a government wholly elective or democratical, civil dissensions and in the end slavery; or alter its constitution by infusing into it a greater portion of aristocracy and monarchy, and such alteration must, in order to good government, gradually increase, for a certain time, nearly in proportion to the increase of population in cities, of general wealth, and of inequality in the property of individuals.

Various causes contributed to the loss of liberty at Rome, but the chief, the sole immediate cause of it was the contentions of a few great men for superiority. But for these,

we except external violence, no reason, perhaps, can be assigned why its liberty should not have remained to the present day. And these men never could have contended in the manner they did, had the Romans been governed by a king vested with due authority, and possessed of sufficient influence. In such a sovereign, their ambition would have met with an impassable barrier; and their activity, instead of overturning liberty, would have been employed in splendid or useful actions. The duke of Marlborough is said to have been the most powerful subject of his time in Europe. But, though covered with laurels won in the most noble cause, the defence of liberty, how easily was he stripped of his command even by a queen of an uncommonly soft temper! What great man in this nation, except the heir apparent alone, however great his connexions, influence, and talents, can aspire to more than the favour of his King, the approbation of the public, and the reward of merit?

The Americans, since the establishment of their government, have been, in reality, under a sort of limited monarchy, in all respects, perhaps, necessary to them, like that of England. General Washington has been to them all the king which the character and condition of their nation has yet required. They are sensible of the evils, to which their form of government is peculiarly liable; and their good sense, nay even necessity, will prompt them, to do what, in some measure, they have already done, to make such alterations as may be generally useful. Without a doubt, the time will come, when they will be better fitted to a limited hereditary monarchy, than any other sort of government. Happy, indeed, will they be, if they then obtain such a permanent head as he who, next to the governour of the world, is, in this nation, *the confidence and glory of his subjects, the Father of his People.*

Besides the above-mentioned causes, which are but temporary, there are other causes of a kind still more temporary, which, added to the former, will, perhaps, fully account for the election of a chief magistrate, proceeding, at present, peaceably in America. These are the comparative weakness of the Americans, the apprehension of a war with France, the danger of civil dissensions, or a revolution from the intrigues of that country, and the designs of some of their own citizens, and the sense which the Americans have, of the ne-

cessity of peace and tranquillity for the extension of their trade, the cultivation of their lands, the improvement of their manufactures, the extinction of their national debt, and, in a word, national prosperity.

But it is evident, that the rulers of France were of opinion, upon finishing the new constitution, that a government, wholly elective, would not answer in that country. This appears from the decree of the convention, that the citizens should elect two-thirds of their future legislature from their present or the convention itself (which was, in effect, the continuation of power nearly in the same hands) From their obliging them to vote their compliance with this decree, and the acceptance of the new constitution together; an expedient of the same kind with that made use of by the tribunes of the people at Rome, when they wished to pass an unpopular law along with one that was popular: From their bringing over the army in the first place, or very early, to adopt their measures, which was not only an easy matter, if we consider their influence on the commanders and the necessary subordination of an army, but highly political, as the army could then be made use of to awe or compel the rest: From the use which was actually made of it to compel the citizens of Paris to comply with their proposals; two thousand of whom were killed at one time in attempting resistance.

The rulers of France, indeed, pleaded necessity for their conduct. But that necessity could arise only from the danger, to which the new constitution was exposed, from foreign powers, Royalists, and Jacobins, or from the general aversion to it. Had the constitution been generally popular, its internal enemies would have been but a handful of men to its friends; and both its internal and external enemies would have but increased the patriotism of a great majority of the nation, and animated them in its defence: If it was not popular, this itself was a sufficient reason for not establishing it; as the inclination of a nation ought to be, in a great measure, consulted, in the formation of its government.

The sense of the leaders in France with regard to the advantages of a limited monarchy, and their fear of the mischiefs which perpetually arise, in such a country, from a government wholly elective, is manifest in their new constitution, which establishes a directory with a president at its head; which ordains that one of the members of the Directory shall  
annually

annually and by rotation go out, and be succeeded by another person; that the choice of directors shall be limited to their legislature; that the choice of that legislature shall be confined to those who pay assessed taxes; and that the possession of real property for a year at least shall be a part of the qualification for becoming a legislator. Here we perceive certain resemblances of democracy, aristocracy, and monarchy. The French nation seems to have approached as near to a just mixed monarchy, as the peculiar views of its leaders, and even consistency in the latter, would admit. The intention, we will suppose, of the present constitution, is to prevent, (as far as can be done by such a constitution) the baneful effects of general elections, and to give that unity and harmony of parts, and stability to the state, and that strength to the executive power in particular, which are so great excellencies in the Constitution of Britain. But as that people still want a permanent head, a door is still left open for ambition, faction, and all that train of crimes and miseries, which have already blackened the page of their history as well as that of Rome.

Though the government of France is, by the constitution, elective; yet it has, as yet, been, in practice, compulsive, "Necessity obliged the rulers to compel the people to choose two thirds of their legislature from the convention." Yes. And the same necessity will generally oblige them to adopt similar measures, because such necessity does not depend on the character of those who are in power, or any peculiar circumstances, but on causes which are perpetual, the ambition of human nature, and the unlimited scope, which, in a government like that of France, is given to the gratification of that passion. Were the constitution of Britain like that of France, its rulers, (it may safely be said) would find themselves at almost every election under a similar necessity. So that, if we are to judge from experience, the establishment of a regular government, wholly elective, is, in either country, impracticable.

R. T.



## L E T T E R XLII.

*Of the two last Settlements of the Crown.*

COUNTRYMEN,

**T**HERE is a difference between power and right. The power of men is what they *can* do; their right, what they *ought* to do, enjoy, or possess. Their power is, by the law of their nature, limited and directed by their right, that is, by what is morally good.

“What a whole nation chooses to do,” says *Mr Paine*, “it has a right to do.” This is not true. No nation, more than any individual, has a right to do any thing but what is allowed by conscience, or what is in itself good, or at least indifferent, that is, neither hurtful to itself, nor injurious to another. Every nation has a right to do just what God allows. This comprehends precisely the whole of what individuals and nations (which are composed of individuals) have a right to do.

A nation or political society, as well as individuals, has a right to make a fair contract with any other nation, or with any private party, whether of its own members, or of any other nation; because such a contract is, not only either good in itself, or indifferent, but, in many cases necessary to human happiness. Thus, we find Jacob and Laban entering into a covenant or contract, that the one should not pass beyond a certain limit to harm the other.

Every right action or duty is binding in its own nature: But there are many things, indifferent in themselves, which become duties only in consequence of a contract, or the promises of parties; as whether A shall deliver 100 bulls of wheat to B or C, prior to any contract or agreement; though a fair bargain with either to do this to him, makes it the duty of A to deliver it to him, with whom the bargain is made. Thus, a man's duty is, in many cases, determined only by agreement or contract.

In every contract, there are mutual promises, or a promise and acceptance. And this promise or acceptance may be signified by words, writ, or any other sign, understood by both parties. A contract is binding, because men being naturally disposed

disposed to rely on the voluntary promises of each other, they actually depend on the fulfilment of such promises; what is thus promised, becomes a part of their estate, and they act upon it, in many cases, with as much certainty, as if it were in their possession. And, therefore, he who breaks a promise made by him to another, in a fair contract, does him an injury. Men, therefore, are as much bound to perform the conditions of a fair contract, as to abstain from injury or wrong. A fair contract is binding, not only on the parties contracting, but on their posterity, if the latter be included in it. It ever has been the practice of men to bind their posterity by their contracts; and it ever will be their practice, because human happiness requires it, and even human necessity urges it\*. The new constitution of France, (in the opinion doubtless of those who made it) binds probably about one million of persons who were not of age when it was made; and that of the United States of America, perhaps one half of the nation. Every law must bind posterity, more or less, in order to its being a law; and every law is, in its own nature, binding forever, if, (as is the case with regard to the law of hereditary succession to the Crown, *in this country*) it be preferable to any other that might be substituted in its place.

When this nation settled the Crown by contract, through means of its representatives (the only way, in which it could stipulate) first, on William and Mary, and then on the Princess Sophia, and their heirs and successors, it followed that uniform practice amongst men, of contracting or covenanting, which human happiness and human necessity require and justify. The contract made between this nation and these personages respectively, is the same with that which now subsists between the King and his subjects. In that contract, the people of this nation, by means of its representatives, promised to submit to the government of limited, protestant, hereditary

\* To shew the right which men have to bind their posterity by *fair contracts*, it is sufficient to observe, that, without such contracts, neither political constitutions, nor civil laws, could be binding, that is have authority, or be really constitutions or laws; and that neither could the business of mankind be transacted. These things render the obligation of fair contracts on posterity necessary. The uniform practice of mankind shows that mankind have considered it as necessary. And when a thing is necessary, the necessity of it justifies it. A wrong or injurious contract is not binding even on the injured party who makes it; but the contract between the King and People of this country, is necessary, fair, and of advantage to all parties.

ditary kings, and the king to govern them according to the laws of the realm, that is, according to laws of their own making, as they, by means of their representatives either made, or (what is equivalent) adopted them †.

It is impossible, therefore, that any contract could be more fair than this. But a fair contract is binding, even though one of the parties should come to suffer loss by it; as when a person suffers loss in consequence of any fair bargain; much more, therefore, must it be binding, when both parties find their advantage in it. In whatever manner some other nations different from ours, may be governed, it is as certain as any thing future, that we cannot be governed by any other sort of rulers, than kings that are limited and hereditary, without suffering unspeakable loss and misery. And whatever words were used at the respective settlements of the Crown, referred to above, the full sense and spirit of what the nation at either settlement promised, was to submit to the government of such kings.

But neither settlement precluded the nation from improving the Constitution and Laws, as its uniform practice since proves. It only binds it to the government of hereditary, limited, protestant kings, that is, binds it to what is indispensibly necessary to its own happiness.

The right to the Crown of this realm is not a divine right; for it was conferred by the nation: It is not an unalienable or indefeasible right; for in case of incapacity, or other necessary reason, the parliament, that is, the representatives of the whole nation, that is, the different parts of the nation, each in its proper and legal place and way, may alter or new-model the succession: "And to deny this doctrine is now made highly penal," 6 Ann. c. 7 †. The King of this land, and his successors, each in his turn, have a right to govern the people according to the laws. This right, they have, because the thing in itself is morally good, because it was  
conferred

† Mr Pain does not say one word with regard to the altering of the succession to the Crown. Indeed, to have done so would have been contrary to those principles of liberty, which he pretends to adopt. The contract, therefore, between the King and People of this country, is to be considered here, as if no such alteration had been made, but simply in itself, or with regard to the justice or morality of it considered merely as a contract. It may be observed, however, that the necessity of the case justified the nation in what it then did.

‡ See Blackstone's Commentaries, b. 1. c. 3.

conferred on them by a national contract, and because it is necessary to national happiness.

The whole of what Mr Paine says of the two last settlements of the Crown, is reducible to untruth, or to nothing. The general proposition from which he argues, or rather decides, "that a whole nation has a right to do what it chooses," is false. And what he says of "taking from posterity their rights," and of "commanding how the world is to be governed to the end of time" is either false or strictly impertinent. For the generation which settled the Crown, did not thereby "take from posterity their rights" (which he very candidly represents Mr Burke as saying\*) but what had the strongest tendency to secure them, by limiting the Crown more than formerly. And so far were they from "commanding how the world was to be governed to the end of time," that they did not even determine how they themselves were to be, in every respect, governed; for soon after the revolution, several very important political laws were enacted by them; and similar alterations in the laws have been made, on proper occasions, ever since.

Prior to all political laws and contracts, men are bound by the laws of God and of the *own* nature, to do their duty, and to pursue their own happiness in the way of their duty. And all that was done at the settlement of the Crown, first, by William and Mary, and then, on the family of Hanover, was only applying this general law to those particular cases, and confirming the obligation of it by a contract between the King and People. For it is certain, that, in this country, morality, the secure enjoyment of life, liberty, and property, and, in short, human happiness, closely depend on the observance of such a contract, or, in other words, on our being governed, according to the laws of the realm, by hereditary limited kings.

A father surely has a right to improve his estate, and leave it in its improved condition, to his children; and this precisely is what our ancestors did at the revolution and the after settlement of the Crown.

I shall close what hath been said on hereditary government with a quotation from that learned and judicious writer, Sir William Blackstone. "The title to the Crown is at present hereditary, though not quite so absolutely hereditary as formerly.

\* Rights of Men, part 1. p. 57.

merly. Formerly the descent was absolute, and the Crown went to the next heir without any restriction; but now, upon the new settlement, the inheritance is conditional, being limited to such heirs only, of the body of the princess Sophia as are protestant members of the church of England, and are married to none but protestants."

"And in this due medium consists, I apprehend, the true constitutional notion of the right of succession to the imperial crown of these kingdoms. The extremes, between which it differs, are each of them equally destructive of those ends for which societies were formed and are kept on foot. When the Magistrate, upon every succession, is elected by the people, and may by the express provision of the laws be deposed (if not punished) by his subjects, this may sound like the perfection of liberty, and look well enough, when delineated on paper; but in practice will be ever productive of tumult, contention, and anarchy. And, on the other hand, divine indefeasible hereditary right, when coupled with the doctrine of unlimited passive obedience, is surely of all constitutions the most thoroughly slavish and dreadful. But when such an hereditary right as our laws have created and vested in the royal stock, is closely interwoven with those liberties, which we have seen in a former chapter, are equally the inheritance of the subject; this union will form a constitution, in theory the most beautiful of any, in practice the most approved, and, I trust, in duration the most permanent. It was the duty of an expounder of our laws to lay this constitution before the student in its true and genuine light; it is the duty of every good Englishman to understand, to revere, to defend it †."

R. T.

† Blackstone's Commentaries, b. 1. c. 3. p. 217, 218.

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OF THE NECESSITY AND ORIGIN OF GOVERNMENT, AND OF THE FORMATION OF THE BRITISH CONSTITUTION.

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L E T T E R XLIII.

*Of the Origin of Government.*

COUNTRYMEN,

**W**HEN a person asks what is the origin of government, the question, from the ambiguity of language, may be understood as implying three distinct questions; 1. What is the origin of government, abstractly considered? 2. What is the origin of particular constitutions or forms of government? 3. What is the origin of governours considered as such, or how did they obtain their power?

With regard to the first of these questions, what is the origin of government, abstractly considered, the plain answer is God. It is he that hath laid the foundation of government in the nature of mankind, by making them moral agents, and subordinate to each other, and by disposing them to society, and submission to just rule. And all right or authority, as well as wisdom, probity, and force, to enact and execute just laws, is derived from him alone.

As to the second question, what is the origin of particular constitutions or forms of government, if, by these, we understand bad forms, the answer is the ignorance, imperfection, and wickedness of men: But if good forms, the answer is, that they have their origin in the author of all good. The same being that hath given to every individual, certain rules of life, by which he is to conduct himself, hath also given to all societies, certain rules, that is, constitutions, by which they are to manage their public affairs; and, in neither case, have men authority to deviate from the rules which he prescribes. Individuals (and much more societies) are

are frequently, in some measure, ignorant of the rule; but do they always follow it, when discovered; but neither their ignorance, nor neglect, alters the case. The precept or command of God is their invariable and sole rule. Men both as individuals and societies, are, by their moral nature, *law unto themselves*; and conscience, when it is not blinded by prejudice, desire, or passion, in most cases, points out to them their duty.

But as the same rule of life will not, in all cases, answer every individual, nor the same individual at all times, neither does the same form of government suit every people, nor the same people at every period. And hence, though forms of government differ, they may all be equally good in their relation to the subject, and all equally derived from God; or mean derived from him, in the same way with any just rule of private conduct. How it is, that one people comes to have one form of government, and another, another, depends on a variety of circumstance, which it is unnecessary to mention. All that it is necessary here to shew, is, that every good form has its origin in the supreme governour of mankind, as much as any moral law, or right system of private conduct.

The last question, what is the origin of governours, considered as such, or how did they obtain their power, admits of various answers. Some governours have acquired their power by force; others, by fraud, or by both; others, by the election of the governed; and others, by inheritance; which ultimately is a species of election, where this rule has been admitted, as in this country, by the governed; for the rule of hereditary succession is their choice, and that rule points out their governour.

But as the express choice, or consent, of the people, is not necessary to constitute a just law, neither is it always necessary to confer on governours a just power, or authority. A father has an original or natural right to govern his family *well*, independent of its choice; and frequently a family has changed into a tribe, or nation, with its representative at its head, whose authority, like that of a father, has been acquired in by the rest. Sometimes, as seems to have been the case with the Saxons who invaded England, a multitude, from the love of novelty, the spirit of enterprize, the disposition to associate, and the desire of possessions, have followed a chief; and

and that chief, and his descendants, in the course of hereditary succession, have become kings by a general acquiescence, without any formal election; in which case, their authority is justly acquired. One nation has been conquered by another, and forced to submit to its laws and governours; but afterwards has not only acquiesced in them, but preferred them to any other. No person will, in this case, say, that the power of its governours was at first just, as it was obtained by force; or that afterwards it was not just, as it was then the people's choice.

We must admit, that the hereditary succession to the crown is, in this country, just, because necessary to general happiness; and the justice of this rule being admitted, whether the authority or right of his present Majesty to govern this land, be considered as founded ultimately on conquest, the acquiescence of the people, or their choice, we must admit, that it is a just authority. If it be founded on conquest, he is lineal heir to William the Conqueror, except where a deviation hath been made from the direct line of succession, in order to preserve the liberty and happiness of the nation: If on the acquiescence, or tacit consent, of the people, then his just, and legal authority is derived from that king and his successors, in whose government the people (supposing them to have been subdued) first acquiesced. It may be difficult to point out the precise time in which this happened; but it hath certainly long since taken place; because the people have frequently had it in their power to revolt from their kings, and have yet acquiesced in their government, or rather made choice of it. If his authority be founded on the choice of the nation, it is a lawful and just authority, because he is lineal heir to the Princess Sophia, who was destined to the throne by the choice of the representatives of the nation, that is by the nation itself in so far as it is capable of making a choice. If we consider, that the crown was offered to the conqueror by the English barons, the then representatives of the nation; that Charles the second was recalled from banishment, to wear it, by one convention; that it was offered to the Prince of Orange by another; that it was settled by Parliament on the Princess Sophia and her heirs and successors; and that his present Majesty is legal heir or successor to all those hereditary princes, on whom the Crown was conferred by the nation, or its representatives, there is not a doubt,



that his authority ultimately flows from election, and is immediately derived to him by the law of hereditary succession.

But if his authority rest where, next to God, it ought chiefly to rest, on his people's being happier in remaining under his government, than in revolting, and choosing for themselves another governour, or other governours, that is, if it be founded on national advantage, there is no disputing its validity. And so long as this continues to be the effect of his government, and that of his successors, he is, and they will be, governour of this nation by a divine right, not by that *inseparable* divine right which has been justly exploded. but by that *eternal law* by which whatever is just and right, derives its authority from the fountain of rectitude.

Upon a review of what hath been here said, it will appear that there is not one ground, upon which any chief magistrate can claim his authority, which does not more or less contribute to constitute his Majesty's; and that all of them put together, undoubtedly form that moral, legal, and valid right, by which he rules this realm.

R. T.

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## LETTER XLIV.

*The same Subject.*

COUNTRYMEN,

**M**R PAINE tells us, "that all the sources of government may be comprehended under three heads, First, its foundation. Secondly, power. Thirdly, the common interest of society, and the common rights of man\*." And, in the following page, he says, "that in tracing government to its origin, we shall easily discover, that governments must have arisen either out of the people, or over the people."

All wise legislators have laid the foundation of their laws in religion, being sensible, that no other foundation could be trusted. Most religions, indeed have been much corrupted. But the belief, that he who made the world, governs it, that he is the friend of the good, and the enemy of the bad, that all they do shall be rewarded, or punished, according to the works, has been common to them all; and, on this common belief, have legislators founded their laws.

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\* Rights of Men, p. 1 p. 24.

Religion has been sometimes misused by designing men, who have thereby gained too great an ascendant in civil affairs; but the wrong use of it is no argument against its goodness; for our abuse of any blessing does not alter its nature, or make it less a blessing in itself. But if the ministers of any religion have gained an undue influence in government, those amongst us, who are for rendering the church wholly independent of the state, have need to beware of the tendency of their doctrine.

According to Mr Paine, a government which "originates in power," is when a people being subdued, are forced to submit to the laws of their conqueror; and a government which has its source in "the common interest of society, and the common rights of man," is, when a nation having met in "their original character," and formed for themselves a constitution, are governed by that which they have formed.

If a man of plain natural sense were desirous of knowing the best of any number of constitutions, he would naturally enquire, not whether the people possessed of any of them had been conquered; but in which of them the forms and laws had the greatest tendency to guard their rights, and promote their happiness: And that constitution, he would pronounce the best, which was found to have this tendency in the greatest degree. For he must be sensible, that the goodness of a constitution, like the goodness of every thing else, lies in itself, and not in the way, in which it has been formed. The constitution of England, according to Mr Paine, was thought a good one, before the formation of those of America and France; and yet that constitution, (*he tells us*) had its origin in conquest. Such was the origin of all the Gothic governments; which Montesquieu himself pronounces to have been "the happiest in the world, whilst they lasted †."

The laws of the universe, by which all things are preserved, and according to which nature proceeds in her course, compose a constitution so excellent that it excites the admiration of all; and surely that constitution can be no worse that it was formed without any choice on the part of man, or any other order of creatures. The moral and physical laws, to which mankind are subject, are a constitution which is impos-

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† All of these governments resembled that of Britain in the distribution of power among the king, the nobility, the clergy, and the people. See Spirit of Laws, b. II. c. 4.

ed on them by their creator, and in the making of which they have no choice; but so excellent is that constitution that its uniform tendency is to produce happiness. The political, and civil laws of the Israelites were enacted by God solely; and certainly must have been the best they were capable of receiving. But if a convention or assembly of the whole, or a part, of the people, or their choice made in any way whatever, were necessary to form a good constitution that of the Israelites could not have been a good one; for it was not their choice; they were obliged to submit to it. In short, the goodness of a constitution consists in itself, and does not, in any degree, depend either on its being forced on a people, or on their choice, or consent.

Though a people, therefore, were obliged to accept of a constitution from a conqueror, it might, notwithstanding the compulsion, be a good one. On the other hand, the same people left to their own choice, might form a bad one. They might have little experience, and, therefore, might mistake; their aversion to one form might drive them to the opposite extreme; caprice, not reason, might direct them; or if a modest sense of their incapacity for the most important of all affairs, legislation, should suspend their choice, it would soon be directed by active, but designing, men, to promote their own private views. The French nation (or its leaders) has rejected the very constitution which Mr Paine extolls; it has been about seven years in forming (we will suppose) a good one; but, if we may judge from effects, it has not yet done with its work.

In judging, therefore, of the merit of a constitution, the only thing to be considered, is, not whence, nor how, nor by whom, it arose, but what it is. Its goodness is neither in its origin, nor mode of formation, but solely in itself.

R. T.

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## LETTER XLV.

*The same Subject.*

COUNTRYMEN,

**T**HERE is one source of government, of which Mr Paine has taken no notice, because to have done so would

would have been against what he labours to establish; I mean the family. Governments which are derived from this source, arise neither "out of the people," nor "over the people," (as he explains these phrases) they naturally *grow up among the people*; and, like most things that are not forced, but spontaneous, they are excellent in their kind, and become evil only by corruption, or abuse.

In all families, nature, or rather the author of nature, has given to the parent, a certain authority over the infant child; and the natural deference and affection of children to their parents, dispose them to submission. And, though the parent and his children should live together, till the latter become capable of directing themselves, still the parent retains, in some measure, his natural influence or power over them. The habit of submission, the respect which children entertain towards their parents, the knowledge of their experience, and the confidence which they place in them, incline them to yield obedience to them till death, or extreme old age. Thus, every family is a government in itself; and such were the patriarchal governments.

Upon the death, or demise, of the parent, if the family live together, his authority naturally devolves on his first-born son, who thereby becomes his representative. And, though the right of the first-born has been much declaimed against, and has frequently been abused; yet it was established by God, and expressly declared to be established by him, as early as Cain and Abel\*; and when it extends only a certain length, it is, not only founded in nature, but productive of excellent effects. When the parent of a family dies, the younger children, partly from the respect which they entertain for their elder brother, and partly from the habit of obeying him to a certain degree, are naturally disposed to submit to his direction or government; and their submission in the early ages of the world, would have been greater than can now be generally expected, both because men were then more innocent and because, in the case of any of the children's rebelling against the authority of the elder brother, and leaving the family, they would have had fewer to assist and protect them. The eldest son also has more experience than the younger children, and, on that account, must generally be better qualified to manage the affairs of the family. Thus,

\* Genesis iv. 7.

the authority of the first born is so far founded in nature; and that authority would be much increased by its being discovered to men to be the appointment of their maker. The descent of the paternal authority to the first-born son, by an established rule, having also a tendency to prevent contention about the superiority in families, would also dispose men to recognize it. But, in order to support the authority of the first-born, grounded on the aforesaid considerations, he was, by a law of the Hebrews, to have a double portion. And thus we see, in the first generation, nature, habit, the precept of God, a sense of utility, and the influence of riches, all uniting to establish the right of primogeniture.

The same reasons that would have disposed the younger children of the same parent to submit to their elder brother, would likewise dispose his grand children to submit to the eldest son of his first born; and thus the right of primogeniture would descend in a direct line from father to son.

When the family has multiplied into a tribe, its representative, or he who inherits the authority of primogeniture, becomes its judge in disputes that arise amongst its members, and its leader in its contests with any neighbouring tribe, and when the tribe becomes a nation, its representative becomes a king. This theory is founded in general fact. Amongst the descendants of Esau, there were first *dukes*, or leaders; and afterwards, when that people *had built cities, and increased in numbers and tribes*, there were *kings* †. The same progress from paternal to kingly authority, seems to have taken place all over the east, in the original families and nations, amongst whom we read in scripture, of no other form of government almost, than the kingly. The earliest accounts also, which we have of men in profane history, present us with nothing but kingly governments, in which the eldest son generally succeeded to his father. But neither in the sacred, nor profane, history of men, in the early ages of the world, do we meet with one instance, perhaps, of a republic. Yet these ancient kingly governments did not exclude a *representation of the people*; for, in almost all of them, we find, that the *principal men, the elders, or the senate*, were uniformly the representatives of the nation and, as such, had a certain share in the management of public affairs. The Scottish clans were either descendants of the same man, or constituted as such.

They

† Gen xxvi. 31.

They formed, as it were one large family, in all the branches of which the right of primogeniture prevailed, and of which the chieftain was the representative.

Here, then, we see a *natural, and just origin of governments that are both kingly and representative.* This sort of representative government seems to be the most natural, and the most ancient of all governments; and improved, as in this island, by the addition of a part which more immediately represents the middle, and lower classes of the people, is, in almost all cases, preferable to any other. Mr Paine has either from ignorance, or with design, asserted, that representative governments (as he calls them) or republics that are wholly elective, are the invention of modern times; but they existed in Greece, between two and three thousand years ago, nearly in the same manner as at present, in America. Such was the council of the Amphyctions, to which deputies were annually sent from all the states of Greece, to deliberate and vote on all matters civil and religious, that concerned the whole. Such, long after, was the Achæan league; which was an union of different states, that preserved the liberty of Greece, till the intrigues of Rome pretending, like France, to give liberty to individual states, broke the union, and enslaved the whole\*. Such also was the confederate republic of Lycia, which was an association of twenty-three towns; each of which sent deputies to the common council according to its size, and contributed to the public expence according to its suffrages. "Were I to give a model of an excellent confederate republic," says *Montesquieu*, I should pitch upon Lycia †.

It is to be observed, however, with regard to these confederate republics, that, wanting the connexion of one permanent, and common head; they never were united, except when forced to unite by a foreign enemy; they were generally at war among themselves. The rulers in France have decreed, that the republic of that country is one and indivisible; and the present war gives effect to their decree. But let peace be established, and security fully enjoyed, and the departments of France will be a Græcian confederacy. Then will that country yet more fully personate Rome, when become mistress of the world, she sunk beneath the repeated strokes of her sons, and was fain to put herself under the protection of a *master*. "As a certain kind of confidence,"

*says*

\* Hist. of Greece.

† Spirit of Laws, b. 9. c. 3.

*says Montesquieu,* "forms the glory and stability of monarchies and republics, on the contrary, must have something to apprehend. A fear of the Persians supported the laws of Greece. Carthage and Rome were alarmed and strengthened by each other. Strange, that, the greater security those states enjoyed, the more, like stagnated waters, they were subject to corruption †." R. T.

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L E T T E R XLVI.

*Of the Necessity of Government.*

COUNTRYMEN,

**I**F we could realize the dreams of an over-heated imagination, or the fictions of a delusive heart; if we could either restore the state of innocence, or render the Millennium present, men being innocent, or perfect, would need no other government, than that, under which it is the destiny of all creatures to exist. But as they are not only liable to error, but, in many cases, prone to injury, they require human laws to direct, and human government to restrain, them. The light of good laws is a blessing; and every just restraint on the actions of men is among their most precious rights in society.

Human government, indeed, like cloaths, may put us in mind of "our lost innocence;" but, like cloaths, it also covers and shelters us from the most bitter of all storms, the corruption of human nature. Like food, it is necessary; and like that it contributes to the support and comfort of men. In no case, therefore, is just human government an evil, but, in every case, a blessing.

Mr Paine employs some pages to shew, that "civilization, civilized life, and civil society" nearly answer all the purposes of "formal government;" "that civil society requires but few rules, and whether they be enforced by the forms of government, or not, the effect will be nearly the same \*."

The terms "civilization, civil society, and civilized life" imply, in their very meaning, some sort of government; and, without

† Spirit of Laws, b. 8. c. 6.

\* Rights of Men, p. 2. p. 9, 10, 11, 12.

without this idea, they have no proper, clear, and distinct sense. They are borrowed from the Latin word *civis*, which signifies a freeman and subject of government. "Civil society" signifies a company of men who live under the same government; "civilized life," the state of such a company, or their mode of life; and "civilization" those habits which men acquire by living under government. And all government, where there are laws, is "formal;" for it is just the ruling of men according to those laws, that is, according to forms.

When Mr Paine, therefore, would shew us, that human government, or what he calls "formal government" is "nearly unnecessary, his arguments are these. *Civilization almost supersedes civilization; civil society, civil society; civilized life, civilized life; and formal government, formal government.* The whole of his meaning may be expressed in this short sentence; *the ruling of men almost renders the ruling of men unnecessary;* or more generally thus; because a thing that is necessary, is, it is therefore unnecessary. When his words are examined, they are found to be literally *nonsense*; as they convey no idea to the mind; but disposed in his manner, from the fallacy of language, they make a plausible piece of sophistry.

If it were not for a certain degree of religion, justice, truth, and benevolence, the disposition in men to associate with each other, their approbation of virtue, and disapprobation of vice, the sense of the need in which they stand of each other, and such principles, (which are the foundation of civil society) there could be no government of men by men. But if such principles, co-operating with human government, cannot always restrain men from injury, much less could they do it, without it.

It is curious enough to observe, that, in that period of the world, the nearest to the state of innocence, when the earth unappropriated, lay wide before men, when there could be little dispute about property and none about honorary distinctions, and political rights, when there could be little external cause of dispute, the first-born of men slew his innocent brother; though he was bound to benefit him by the ties of nature, of infant acquaintance, and those habits of benevolence which are commonly produced in men by living together. *And wherefore slew he him? Because his own works were evil, and his brother's righteous.* Thus, simple envy was the cause of the first innocent blood being shed. But what bounds could be



be set to murder, rapine, and all manner of injuries and atrocities, if (which would be the case without the restraint of government,) along with this passion, avarice, ambition, lust, and every other passion and desire, had unlimited scope. But it seems to be a needless task to prove, that government is *indispensably* necessary. The uniform practice of mankind demonstrates the necessity of it. Every master of a family has a government which he exercises over his children and servants; every band of robbers even has a government among themselves; and every man who would persuade his neighbour, that human laws and magistrates are, in any degree unnecessary, affords, in himself, an instance of their being indispensable. R. T.

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## LETTER XLVII.

### *Every Government has a Constitution.*

COUNTRYMEN,

AS every society must have a government of some sort so every government that is, in any degree, regular or uniform in its operation, that is, every government of which we know any thing, must have a corresponding constitution. In all families, there are certain fundamental rules. Such are those which require parents to love, protect, educate and provide for, their children. Such also are the terms or conditions, upon which master and servant live together. Such rules as these are indispensably necessary in all families and, put together, they form a body of rules or laws which is the constitution of a family. It is plain, therefore, that every family must have a constitution, no nation can want one without suffering the evils of anarchy. It is, therefore, rather remarkable, that Mr. Paine should affirm, that the English nation has no constitution; and that he should attempt to prove this by "the continual use of the word constitution in the English parliament," is no less remarkable. It is curious also, that he should say, "that the whole is a form of government without a constitution;" for a constitution and form of government being the same thing, his sense is, that

whole is a form of government without a form of government. In every family, those rules or laws are its constitution, which regulate the conduct of the head, the children, and the servants, towards each other; and which settle the terms upon which they live together, whether those rules or laws be expressed, or only implied and understood. A similar body of rules or laws is the constitution of every corporation, of every borough, of every republic, kingdom, or empire. They are fundamental, and, in some degree, essential to all societies. Even in Turkey itself, there are some rights peculiar to the janissaries, and others, to the church, which the Sultan may not violate; and certain laws of the Alcoran, which he may not transgress. These form a constitution, by which despotism, in that country, is, in some degree, limited. It sounds a little strange in our ears, to speak of *the constitution of Turkey*, but the term is used by the great Montesquieu himself †. As every country, therefore, must have a government; so every government must have a constitution.

R. T.

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## LETTER XLVIII.

### *A Convention Unnecessary.*

#### COUNTRYMEN,

MR Paine seems to think it essential to a constitution, that it has been formed by the people meeting in what he calls their "original character," that is, without laws, without magistrates, without government, without any political, or civil connexion, without any legal restraint. The Americans indeed found themselves in such a situation after their declaration of independence; but their situation was the necessary result of what they had done, not the object of their choice.

But to be without government is no part of the original character of man; it is not natural to him but adventitious, or casual; and never happens but in cases of revolt, or emigration, scarcely even then; for it should seem that, in such cases, men uniformly find themselves, as in France and America,

† Spirit of Laws, b. 5. c. 14.

rica, under the controul of leaders, who have been either chosen, or have somehow usurped their power.

But supposing, that to be without government is part of the original character of men (in which sense, for the sake of argument, I shall understand the phrase) what advantage can any people propose to themselves by resolving themselves into "their original character;" with a view to form for themselves a constitution? The only imaginable advantage of this most foolish, dangerous, and mischievous step, is, that they may be free from all compulsion, or restraint, on the part of their rulers. But this very advantage, the English nation enjoyed about six hundred years ago, at Runnemeade, in as great a degree, as any nation can enjoy it. The whole nation was at that time, resolved, not to destroy, but to improve, the constitution. The barons therefore (who were then the only representatives of the people) after having concerted measures among themselves, met the King at the above-mentioned place. The latter, attended only by a few knights, encamped in one place; and the former with their vassals and retainers in arms, in another\*. What then had they to fear from a king deserted by his subjects, and, at once, weak, odious, and contemptible! What restraints, from any ruler, did they lie under? They had nothing to fear, nor any thing to restrain them, but the just, and right sentiments of their own minds; but these were a sufficient restraint. They asked nothing but what was just and moderate consistent with the dignity and prerogative of the Crown, and necessary to their own security; and they obtained what they asked†. They procured Magna Charta, which contains a great part of the constitution, and is now the foundation of the liberty of all Britain.

At the above-mentioned period, therefore when the constitution of England was altered, improved or confirmed, its people were in all respects necessary for the forming of a good constitution, in the same situation with the people of America at the time of forming their constitution. They were under as little fear or restraint; they were as free in their choice; they had their representatives, the barons who were connected with them by a common interest and who, for the support received from them, were obliged to grant them, in the same charter, terms similar to those which they themselves

\* Hume's Hist. of England, v. 2. p. 84.

† Id. p. 87.

ves received from the king\*. But as the manner of forming, or altering, a constitution (if a safe, just, and good one) is a mere circumstance, I should not have made the above observations, had it not been to shew, that, in every thing necessary for forming a good constitution, the people of England, when they amplified, improved, and ratified theirs, were in a situation fully as advantageous as that of the Americans, when they formed, or acquiesced, in their different constitutions.

Since the obtaining of Magna Charta, the English constitution has received many, and great improvements: But all these improvements, it has received by means of the ordinary legislature; which is a certain proof, because a proof from long and uniform experience, that all necessary alterations in the constitution may be made by Parliament; and that a convention is wholly unnecessary. The English nation has never, *of choice*, made use of a convention for any purpose; nor has it, by a convention, made any change in the constitution, or laws. There are, so far as I recollect, but two instances of a convention in the history of that people. The one was held to restore Charles the second; the other, to fill the throne become vacant by the abdication of James the seventh. In both cases, the nation acted from necessity, not from choice. The national business required the representatives of the people to meet; but their meeting was a convention. It could not have been a parliament without a king; and there was not, at either period, any king in the land. But neither convention made the least alteration in the constitution or laws. The subsequent alterations were made by the Parliament. It was that which changed the Declaration of Rights, made by a Convention, into law.

As our constitution, therefore, has been improved, so it may still receive improvement, by parliament, without any convention, or "meeting of the people in their original character;" which would be the most hazardous means of improvement, that could be employed. For a meeting of the people "in their original character" supposes that all government is dissolved; and that every man has a power of doing what he chooses, without being restrained, or called to answer for his conduct, by any laws, or rulers. To reduce the people, therefore, to "their original character," is not

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only

\* De Lolme on the Constitution of England, p. 24, § 8.

only to incur the greatest danger of civil war, but to give every robber and assassin, and every band of such men, power to rob, murder, and destroy almost with impunity; it is to give them a power of committing every crime without any legal restraints. Every nation must be convinced of the extreme impolicy, the madness, of dissolving its existing government, according to Mr Paine's plan, "to erect a new one on the basis of a new constitution." America, therefore, like England, has provided for amendments in its constitution by its ordinary legislature, or by a *convention*, if that shall be deemed *necessary*\*. But a convention is the very last means to which it will have recourse†. Even the leaders in France have resolved, that their present constitution shall not be abolished; but have provided by the constitution itself, "a Committee of Provision" to remedy any inconveniencies which may arise from it‡. So far are they even from "reducing the nation to its original character."

But perhaps those in this country, who wish for a convention are not for dissolving the government, altogether, but for retaining men under restraints similar to the present. This is precisely what this nation ever has done; and what, I am persuaded, it ever will do. For, by this means, we avoid all the dreadful effects of anarchy; and, as the experience of seven hundred years proves, we are possessed of the power of making every useful alteration.

R. T

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## LETTER XLIX.

### *Mr Paine's Paradox considered.*

#### COUNTRYMEN,

**T**HOUGH all wise men conduct themselves by experience; though neither nations, nor individuals, have any other guide; though volumes of experiments prove, that the subjects of Britain can make any necessary alteration in their constitution and laws; yet Mr Paine would fain persuade us, that they cannot. "There is a paradox," says he

\* Morse's Geography, p. 60.

† See Letters by Publius.

‡ See the Constitution of France.

"in vitiated bodies regenerating themselves." This, like a great part of his writings, is a play upon words, by which he endeavours to cheat this famous nation of its native good sense.

There is no greater paradox in a whole nation rectifying its errors, or changing any thing wrong in its situation, than in an individual's doing the same things; for all nations are composed of individuals; and what one person may do, all may do. The best teacher of nations as well as individuals, is experience. When men feel the ill effects of their errors or misconduct, they are, in a manner, forced to amend. And, in fact, this nation, since the time of the conquest, has, with few exceptions, made a constant progress in improving their government. The Americans also, since their declaration of independence, have made several alterations pointed out to them by experience; they are still from the instructions of this sage teacher, disposed, when necessary, to make more; and no person, however sagacious, can foresee what alterations may yet be dictated to them by experience, during the lapse of many ages.

If the people of any country were like a withered tree, or a dead animal, which are, properly speaking, "vitiating bodies," if the powers of their minds were destroyed, there would be a natural impossibility of their "regenerating," or even improving, the constitution. But this is not the case with the people of this country. Never did the human mind discover here greater vigour, than at present; and never was its native strength so much aided by learning. Never were the people possessed of greater sensibility to their rights, or a greater disposition to maintain them, nor animated with a warmer love of liberty, and more thorough detestation of oppression. These are the principles of their political life. By these, did they acquire their rights; and by these will they maintain them.

Whatever may be the vices of the present age, want of sensibility to their rights, and of a disposition to preserve them, is not among the number. If we are changed, it is, most probably, that some, like valetudinarians, are become delicately sensible, and apprehensive of sufferings they can never endure. However, any person, acquainted with the history of the country, must be convinced, that, though the vices of the people may be changed, they are, to say the least, no

greater, upon the whole, than they have been in all former ages; and yet amidst all these vices, which, like weeds, may sometimes have retarded the growth of the constitution, it has gradually risen, and long flourished.

It is, in general, much easier to reform a vicious nation (that is, in Mr Paine's language, a vitiated body) than a vicious individual, whose character is thoroughly formed, though it requires more time. A vicious nation is constantly losing some of its parts, whose place is supplied by children, who are innocent, and, by proper education, capable of, being rendered virtuous; but a vicious individual, in whom the habits of vice are confirmed, changes, for the most part, only to the worse. Accordingly we find, that savage nations (which are, in a great degree, vicious) have been civilized, and rendered comparatively virtuous, whereas individuals who have been long accustomed to vice, generally grow worse, or die without any reformation.

But we have no need of Mr Paine's "regeneration" in this country. That work is over here long ago. All that the nation has to do in its political capacity, is what every Christian and honest man has to do in the capacity of an individual, to advance towards perfection by adhering to the good principles, good forms, and good laws.

R. T.

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## LETTER L.

*The Constitution of Britain is the Work of the People.*

COUNTRYMEN,

"A Constitution," says Mr Paine, "is a thing antecedent to government; and a government is only the creature of a constitution\*." This is precisely, as if he had said, *that every cause is prior to its effect*. His words do not convey any new idea to the mind; but they prove, that we have a constitution; which he has had the audacity, I had almost said impudence, to deny. For we are sure we have a regular government; and, therefore, according to his words, now quoted, we must have a constitution.

What

\* Rights of Man, p. 1. p. 25.

What Mr Paine would insinuate by the above words, is, that we ought to dissolve our government to make a constitution. For, says he, the constitution of a country is not the act of its government, but of the people constituting a government.

The goodness of a constitution is not to be estimated by its being formed either by governours, or governed; but by its effects. We are sure we have a good constitution; because we experience a regular, and good government; and I flatter myself, that I shall, in this letter, shew, that this good constitution is the "act" or work, not of a king or "government," but of the people, or the whole nation.

The word government is sometimes used to signify the ruling of a people, and, at other times, their rulers or governours. But in neither sense of the word is our constitution the "act" of the government. Our parliament has a very great influence on our government; that is, our governours, and is a very great check on them. But our parliament is not properly our governours, but our legislature. Our government is those who rule or govern us according to the constitution and laws. And as all our inferior governours derive their authority from the King, he is, properly speaking our governour, or government, in Mr Paine's sense of the word government. Now where can it be shewn in the history of this country, that our constitution is the act of any king, or kings, either with, or without their assistants in exercising government?

Magna Charta, the Petition of Rights, and the Bill of Rights, and all the other acts of Parliament, that form any part of the Constitution, were not, it is evident, the acts of a king, or government, but the acts of the people, that is, of the representatives of the people, to which the king gave his consent. Supposing, therefore, Mr Paine's negative definition of a constitution to be true; yet our constitution is not "the act of a government, but of a people constituting a government." And, at this present time, the people are governed according to the constitution; so that the government of them is just what Mr Paine says government should be, "the creature of the Constitution."

If a company of merchants who have entered into a contract to carry on any branch of trade, shall think proper to make any alteration in their plan, that is, in their constitution



relative to that branch of business, cannot they make such alteration without returning to their original character, that is, without dissolving their partnership, and stopping all their business, whatever might be the disadvantages of so doing, because one of the partners may be entrusted with the management of the company's affairs? No person surely will say they cannot; and all the individuals of this country, as connected with one another in their political situation, are a company associated to preserve and promote their common happiness, to which the above reasoning will unexceptionably apply. Experience proves, that it will; for the fact is, that the people and the government, have been constantly joined together in altering the constitution.

Mr Paine, speaking of the American revolution, is pleased to say, "that all the revolutions till then had been worked within the atmosphere of a court, and not on the great floor of a nation\*." He ought to have excepted, at least, these four great alterations that took place in the English constitution, alterations that were either revolutions, or what was equivalent to them, I mean the obtaining of Magna Charta, the Petition of Rights, the Habeas Corpus Act, and the Bill of Rights. These great, and beneficial alterations were worked every where in the island, but "in the atmosphere of a court;" the last, when there was no court. All ranks of men in the kingdom were more, or less, concerned in obtaining them; and, in their struggle to obtain them, they were joined, with few exceptions, even by the courtiers of the times. Liberty was the object; the cause was common; and neither favours, nor expectations, nor the nearest tie of blood, prevented men from uniting in it. Lord Churchill (afterwards Duke of Marlborough) had been raised by James the second, from the rank of a page; but, at the revolution, he forsook his benefactor, and the Princess Ann, her father; and both joined the prince of Orange†.

If it be necessary, in order to form a good constitution, that those who form it, should, at the time of its formation, be quite free, and independent of the person, or persons, whom they intend to govern them, there is one period, at least in the history of England, in which the people of that country

\* Rights of Men, p. 2 p 13.

† See the Hist. of the reigns of King John, c. 1 c. 2. and J. ii. De Lolme on the Constitution of England, p. 25, 50, 57.

country were in such a situation; I mean the revolution. In the interval between the abdication of James the second and the accession of the Prince of Orange, they had no king; they were, in a manner, in "their original character;" at least, they certainly lay under no restraint from the power of any supreme magistrate; and, in this situation, as they proposed certain alterations in the constitution, as the terms upon which the Prince of Orange was to succeed to the vacant throne, which were afterwards made by Parliament, and as the rest of the constitution was their free choice, they may be considered as having made it anew, or, to use Mr Paine's term, as having regenerated it. "The convention annexed to this settlement of the Crown" (on King William and Queen Mary) "a declaration of rights, where all the points which had of late years been disputed between the king and the people, were finally determined; and the powers of royal prerogative were more narrowly circumscribed, and more exactly defined, than in any former period of the English government\*." And this declaration of rights became law by passing in both Houses of Parliament, and receiving the royal assent.

From the time of the conquest, the English nation has regenerated their constitution more than the people of the united states of America theirs. That people have adopted the whole almost of the laws and constitution of England, with the exception of a president instead of a king; and this difference, their peculiar situation and character admitted, and, indeed, in some measure, required. And the people of several of the individual states of the union have chosen to continue the constitution given them by Britain, rather than run the risk of any alteration,†. But the people of England, since the above-mentioned period, have gradually formed the House of Commons, which, it has often been confessed, is the most powerful branch of our legislature, and a certain check on the executive power.

R. T.

\* Hume's History of England, v. 8. p. 319.

† See Morie's Geography.

LET.

## LETTER LI.

*Liberty; the Effects of the Conquest.*

COUNTRYMEN,

**M**R Paine seems to resent the conquest as much as any of those that suffered by it. What does he mean by "the nation's resenting itself from the reproach of the conquest?" Can he point out an old nation in the world, which has not, several times, conquered, and been conquered? If the Normans conquered the Saxons, the Saxons conquered the Britons; and there seems to be no part of the island, which has not been, several times, lost and won. Must the present generation of Englishmen quarrel, involve themselves in a cruel civil war, and tinge the ocean which surrounds them with their own blood, because, forsooth, their common ancestors chanced, about seven hundred years ago, to quarrel under two leaders, one of which conquered the other? If Mr Paine means to rescue the nation from "the reproach of the conquest," he must fight the battle of Hastings over a gain, and make Harold conquer William; and yet this does not seem to be among the ways and means of establishing his "universal peace."

The effects of the conquest on the situation of the common people, seem to have been, for a long period, rather inconsiderable. They were bondmen before the conquest, and they continued such after it, till riches acquired by honest industry and a conversion of services and of rents in kind into money made them free. But its effects on the nation in general though at first felt most severely by the great especially, proved, in the event, most happy. The conquest may be said to have been, in some measure, both the grave and the cradle of liberty. When the conqueror, by means of a vast and sure revenue, and an army of sixty thousand men, always ready to attend him, introduced the feudal system of government in all its rigour; when he assumed the prerogatives of imposing taxes, and established the *Curia Regis* or king's court a formidable tribunal, to which there was an appeal from the courts of the barons; and which decided, in the last resort, on the estates, honours, and lives of the barons themselves

elves; he may be said to have, in a certain degree, overwhelmed and buried the liberty of all. But what seemed to have been its grave, proved only its cradle. The feudal system of government, as introduced by William of Normandy, with the harshness of a step-mother, became the nurse of genuine liberty. For a hundred and fifty years after the conquest, England was governed by a power unknown, in the same degree, to all the kingdoms founded by the northern conquerors\*. This exorbitant power of the conqueror and several of his successors, being equally oppressive, or, at least, equally formidable to all, produced an union of all ranks against the Crown, and a spirit of concerted resistance; and this union of high and low in resisting oppression on the part of the Crown, was the cause of universal liberty. By this union, produced by the conquest alone, the people first procured from Henry the first, youngest son of the conqueror, a charter, in many respects, favourable to liberty, which was renewed by Stephen, and confirmed by Henry the second; and afterwards they obtained Magna Charta; in which there was certain provision made for the security of the meanest in the kingdom.

It was impossible, that it could be otherwise. The barons needed the assistance of their vassals, and these, of theirs; the assistance even of the peasants and cottagers was solicited; and as every man knew his own importance, he insisted on obtaining the same, or similar, privileges from his superior, which the latter obtained from the Crown, either immediately, or through means of his lord. The danger of all ranks was similar; their privileges, therefore, were made to be similar, and, in point of liberty, men in the lowest ranks began to make advances towards equality. The conquest gave to the Crown an excessive, and dangerous power; this power made all ranks unite against it; and this union was the cause of general liberty †.

"Magna Charta," says Mr Paine, "was, as far as it went, of the nature of a reconquest ‡" It is true; and many of the other acts of the legislature, which tend to the security of the subject, are, also of the nature of a reconquest. And as the nation, by means of its ordinary legislature, have

\* Hum's Hist. of England, v. 2. p. 7.

† De Lolme on the Constitution of England, b. 1. c. 1. and 2.

‡ Rights of Men, p. 2. p. 23.

have obtained more from their kings, than all they were deprived of by the conqueror, they may be said to have gained *more than a reconquest*. For, before the conquest, in England, as well as in all the other governments of Europe about that time, the power of the king was so small, and that of the nobility or barons so great, that the country was subject to a lawless aristocracy rather than a regular government; which was the cause of many mischiefs, and deprived the lower classes of the people of all security from the laws. "The reproach," therefore, of the "conquest," had there been any, is now more than "wiped off."

The exorbitant power of the conqueror made every man, high and low, to tremble for his own safety, to court the assistance of each other, and to unite in sharing dangers and privileges; and though, since the conquest, the power of the Crown has fluctuated much, and seems, in the reign of some princes, to have been exerted in rather a feeble manner; yet it ever has continued such as to require an union of all ranks to watch it. And as this union was the *cause*, so it is the *support of our Liberty*. The conquest, therefore, instead of being a reproach to us (whatever it might have been to Harold and his followers; by forming that union of all ranks of subjects, which gave birth to general liberty, nursed it during ages, and brought it at last to maturity, is the remote cause of that, in which every *Briton will glory*.

Though the whole constitution of this country, therefore, had originated in conquest (which is not the case, for all parties acknowledge, that some part of it is Saxon) though its rise had been "over the people;" yet its formation, its growth hath been "out of the people." They watched it with an attentive eye, they cultivated it with care, they lopt off its excrescences, and hurtful luxuriance; and now they enjoy themselves under its hospitable shade\*.

R. T.

LET.

\* Mr. De Lolme conjectures (and I should imagine with the greatest probability) that had England not been conquered by William of Normandy, its government would at this time have been as absolute as the former government of France. At the era of the Conquest, both governments were nearly the same. But, in England, the formidable power of the conqueror rendered a combination of all ranks, to watch and check it, necessary; and this combination continued for ages, pro-  
duced

## L E T T E R LII.

*The Constitution of Britain has a Visible Form.*

COUNTRYMEN,

**A** Constitution," says Mr Paine, "is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none†"

That which exists only in name, or idea, has, properly speaking, no existence at all; and where the arts of writing and printing are understood, if the constitution of the country can be neither written, nor printed, it is an evidence that there is none. The reason is, that all our ideas of government, or of any thing else, may be expressed; and where letters are understood, they may be expressed by letters.

But surely the knowledge of the arts of writing and printing is not necessary to the existence of a constitution; and, therefore, there may be a constitution, though it has never been either written, or printed. Had Mr Paine said, that where a constitution cannot be spoken, there is none, he would have expressed a truth. A constitution is a body of laws, relating to the government of a people, and regulating (as has been already observed) the terms on which they are to live together, especially considered in the different stations of governors and governed.

But as no people under a regular government, can possibly want a constitution of some sort, so every constitution may be expressed either, *viva voce* or by some sort of signs. But we must not confound things that are distinct. The expression of a constitution, whether in writing, or print is not the constitution itself, but only the sign, or the evidence of it, and therefore, is not necessary to its existence. Had the people of America been able neither to read, nor write; yet they

enjoyed in the event, liberty. On the other hand, the despicable power of the French monarchs required no such combination. The Crown was suffered to acquire a dangerous power in time, because it had once been contemptible to the barons. But become very powerful it invaded the rights of those very barons, and there was not united force to oppose them.

† Rights of Men, p. 1. p. 25.

they might have had a constitution. Their ignorance of letters would not have hindered them from coming to some agreement concerning the terms, on which they were to live together as members of the federal union, or of any of these individual states which compose it; and that agreement would have been their constitution. Every constitution is a sort of bargain or agreement; and millions of agreements have been made by men who knew nothing either of writing or printing. The ancient Britons had certainly a constitution and laws though it is commonly supposed they were unacquainted with letters. The common law of England has surely a real existence (for it has been long used) though some parts of it were most probably not committed to writing originally, and though the original copies of some other parts of it may now be lost. The whole almost of this law has been adopted by the American states; but they could not have adopted it if it had not had a real existence. In short, the constitution of any government is a system of forms and laws that is rules; and the writing or printing, of these rules is no more necessary to their existence than the writing or printing of a bargain between two men is necessary to its existence. After the constitution of this country has been so long used, so much and justly esteemed and praised, so productive of happiness, so obstinately adhered to and so ably defended, it is not possible, that any man in his senses, who knows what a constitution is, can doubt its existence.

But our constitution can be either written, or printed, that is, "produced in a visible form," and therefore, according to Mr Paine it must have a "real existence." Several excellent writers, such as the president Montesquieu, Sir William Blackstone and Mr De Lolme, have written on it; and in their writings it may be seen in a "visible" and very lovely "form." And if any man will be at the pains to study it he may by writing it, produce it in "a visible form" for himself. He may collect part of it from the records of ancient statutes which have a visible form, and the rest of it from usages and forms which must also have a "visible form," because most of them are used every day and all of them occasionally in a "visible" manner.

The whole power of enacting laws is vested jointly in the King, the Nobility, and the Representatives of the Commons the whole power of executing them, exclusively in the King

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These parts of the constitution are so necessary, that they may be called its essence, and so useful, that, though all the other parts were wanting, they could soon supply the deficiency. Let these parts be a "visible form," not a shadowy visible form, like writing or printing (which are but the representatives of realities, the shews of substances) but a form which contains both a substance and the evidence of that substance. Any person who sees the King and Parliament met, when the royal assent is given to a law, sees a visible form, and a most substantial one; he sees, not the evidence of a part of our constitution, as a piece of writing, or print, may be seen, but a part itself of the constitution. In short, any person who sees the manner, in which, and the persons, by whom, our laws are regularly made and executed, sees, in so far, the constitution. He sees it, not on paper, as one may see the constitution of France, or Plato's impracticable plan of a republic; but he sees itself in actual operation; and he can have no more doubt of its existence, than of the existence of any piece of machinery, which he sees performing the work, for which it is intended.

The whole of our constitutional usages, forms, and laws, may be expressed on paper, and digested, if the legislature thinks proper, into articles. For the Constitution of Britain is not merely "a constitution of principles," but of rules also, that are fixed and determinate, which have been long used, and which, therefore, have more validity and force, than any new constitution, or system of political laws, that could be invented. For, to use Mr Paine's words, "the laws which common usage ordains, have greater influence, than the laws of government \*." And all the articles of the constitution, put together on paper, would be the constitution in Mr Paine's "visible form."

The obvious reason why the originals of some parts of our constitution are not to be found in writing, is, that they are lost, or that those parts were formed, or adopted, in ages either prior to the knowledge of letters, or prior to the use of them in recording laws †. But these parts are the foundation of that noble, and beautiful structure, which rose gradually, and from which nations copy, and will continue to copy, as our moderns imitate the architecture of ancient Greece. Both America and France have followed England; the former,

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\* Rights of Men, . 2. p. 20.

† Bie. Bone's Commentaries



mer, perhaps, as far as its condition and character; the latter, as far possibly as the peculiar views of its leaders, would permit. But the novelty and splendour of those principles of liberty, justice, and equality in a limited sense of the term, which have, for ages, been the guides of Englishmen, dazzled and obscured the eye of France. Like a person born blind, who first beholds the light of day, she was struck, astonished, overwhelmed, with that blaze of political light, which burst forth upon her; and incapable of conducting her steps, she committed herself to unskilful, and false guides, who led her to the shrines of Truth and Error, where she fell a sacrifice, memorable for nothing more than its being a demonstration, that a theory of government without experience, serves only to produce national calamity and ruin.

The constitution of this country is a stream, the sources of which are, in a great measure, hid; which is but small in its beginning, but which encreases, as it advances, and which at last becomes a mighty river that communicates fertility and pleasantness to the country through which it flows. Its form is of all the most natural, and therefore the most beautiful. In all civil societies, nature left to herself, gives to their government, that compound form which is a mixture of monarchy, aristocracy, and democracy. In Athens and Rome, as well as Sparta, notwithstanding the equal distribution of power, sometimes aimed at by the laws, this was constantly the form of government in reality, though not always in name. But in the latter country, though celebrated for what has been called *equality*, there were always two hereditary kings, a senate with more power than our House of Lords, and an assembly of the people with infinitely less than our House of Commons. Our constitution, like that of Sparta, in some measure, has assumed that beautiful form which nature perpetually presents to men for their imitation. It has admitted the power of a chief, of nobles, and of commons; but it has limited the powers of each, and balanced them with a careful hand; and of this limitation and balance of power, liberty and equality, *rightly understood*, are the necessary result.

R. T.

OBSER.

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# OBSERVATIONS ON THE BRITISH CONSTITUTION.

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## L E T T E R L I I I .

### *Of the Fitness of the Constitution to the People*

#### COUNTRYMEN,

**T**HE excellencies of the British Constitution, like those of the constitution of the universe, are numerous, and cannot be discovered but by a full and accurate comparison of its different parts with one another, with the people, for whom it is intended, and with the principal end of all government, general security. It is impossible, therefore, in a work of this kind, to do justice to a subject so interesting to Britons; but the observations which I shall take the liberty of offering, may not be without their use.

One excellence of the constitution of this country is, that it is fitted to the inhabitants, that is, to the extent of territory which they possess, to the necessary inequality that subsists among them, and to their character in other respects.

Republics that extend over a great tract of country become despotic or oppressive in places distant from the seat of government. Thus, the Roman magistrates were so oppressive in the provinces, that the laws made to restrain them, served but to encrease their oppression. "Cicero informs us, that the Romans could not better consult the interest of the provinces, than by repealing these very laws. For, in that case, says he, our magistrates having entire impunity, would plunder no more than would satisfy their own rapaciousness; whereas at present they must satisfy also that of their judges, and of all the great men in Rome, of whose protection they stand in need." "It is natural," says *Montesquieu*†, for a republic to have only a small territory; otherwise it cannot long subsist. In an extensive republic, there are men of large for-

† Spirit of Laws, b. 2. c. 16.

tunes, and consequently of less moderation; there are trusts too considerable to be placed in any single subject; he has interests of his own; he soon begins to think that he may be happy and glorious by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In an extensive republic, the public interest is sacrificed to a thousand private views. In a small one, the interest of the public is better understood; abuses have less extent, and of course are less protected." In states, on the the other hand, of small extent, monarchy cannot long subsist; the monarch wants that power to suppress the insurrections of his subjects, which kings of a larger territory are possessed of. The latter derive that force from one part of their subjects, by which they are able to preserve the rest in subjection. Were we to establish republican government in this island, with any degree of success, we should be under a necessity of dividing it into a number of small states. But this would be only to establish a number of petty governments; which, like the different Grecian states, the different kingdoms of the heptarchy, or even like England and Scotland before the union, would be perpetually at variance with one another. Besides, though establishments of this kind might have been attended with fewer ill consequences, about two or three centuries ago, when the power of France was small; yet the division of the island, at present, into small confederate republics, would be only the easiest and shortest way to subject the whole to the yoke of that country. The petty confederate republics of Greece as well as that of Carthage were swallowed up by the over-grown republic of Rome; and that, in the end, died of an overgrowth. Though it were admitted, therefore, that a republican government might be eligible in France; yet a monarchy or government, in which the whole of the national force is directed by one hand, is requisite in this country, to defend us against the attempts of a very powerful neighbour. But the middling extent also of Britain fits it better for mixed monarchy than any kind of republic.

The constitution of this nation is adapted, not only to the moderate extent of its territory, but to the inequality that necessarily subsists among the people. In all countries, where there are a thousand ways of acquiring and dissipating; there will be, not only the natural inequalities of mankind, but those of an adventitious kind, produced by riches, influence,  
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and power; and, therefore, in all such countries, though the laws should establish a democracy, or a certain degree of equality among the people with regard to public affairs; yet the government will, in reality, be such as is established in this country; there will be a king, a nobility, and commons; though there should be no such distinction in the constitution. But where the laws do not provide for such distinctions in the manner that is done in this country, the power entrusted to the servants of the public, is constantly abused. A Pisistratus, a Sylla, or a Robespierre, arises among the Socrateses, or Brutuses, which surround him, and enslaves the whole. The constitution of Britain is not only fitted to the extent of territory and the inequality of the people, but to their character in other respects. Ambition is inseparable from human nature. When men, therefore, have acquired necessaries, conveniencies, and luxuries, and distinction in their houses, equipage, and whole mode of life, they naturally become ambitious. Every desire being gratified but that of power or greatness, this, in its turn, craves its proper object, and occupies the whole man. In this country, this progress of the human heart is provided for. Ambition or the desire of greatness has ample scope; there is no bounds set to it, except those which are necessary for the preservation of general liberty and happiness. Every subject, even the meanest, may aspire to all human greatness, but royalty; and here the most powerful happily finds a check. - By this means, all the virtues which lead to greatness, are cherished, and yet those revolutions and miseries prevented, which are uniformly produced in governments, where the great men may aspire to the supreme power; and where their contentions for it, are an inexhaustible source of turbulence, civil dissension, and various miseries.

It is, therefore, a very great excellence in the constitution of Britain, that it is fitted to the people, that is, to the extent of territory which they possess, to the inequality that subsists among them, and to their character in other respects.

R. T.

## LETTER LIV.

*Of the Distribution of Power in the Constitution*

COUNTRYMEN,

**T**HE excellence of the constitution of Britain will further appear, if we consider the distribution of power among the inhabitants.

In this country, whilst we continue to practice the arts of agriculture, manufacture, and commerce, there ever will be the greatest inequality with regard to the possession of wealth; unequal wealth creates unequal influences; and unequal influence is unequal power. In other words, whilst we continue what we are, there necessarily ever will be among us, a real subordination. In a republic, from the want of a hereditary head and the ambition of great individuals, this subordination, as happened frequently in the republics of Athens and Rome, and as hath happened in France, since the revolution, becomes irregular and oppressive; but, in this country the constitution renders it both regular and the means of general liberty.

That unequal power of individuals, which necessarily arise from unequal riches, is distributed with equality among the different constituent parts of the state. In all countries similar to this, as formerly in Athens and Rome, and now in France, there are always a chief, his immediate adherents and their followers, that is, a king, a nobility, and commons; and, in this country, their shares of power are adjusted to each other in such a manner as conduces to the safety and welfare of all. It is here unnecessary to enter into a detail of the different articles which compose the prerogative of the King, and the powers and privileges of the different classes of subjects. It is sufficient to observe that as the King has a power to preserve his prerogative, so all classes of subjects, by means of the Parliament, and the privileges of bringing their thoughts before the whole nation; of meeting, in every innocent way, to confer with each other, and to resolve accordingly; and of making all their desires either of redress of grievances, or obtaining any new advantage, known to the King and both Houses of Parliament; it is sufficient,

try, to observe, that all classes of subjects having such privileges, and a power to use them without any fear, but with the greatest security, they have a power, not merely an authority, but (as facts prove) eventually a *sufficient power* both of preserving what is their own or their right, and of making all alterations for the better in their condition or situation. And in proof of this, it is only necessary to recollect, that it is by the just and prudent use of these privileges, that the liberties of British subjects have been preserved, and their condition ameliorated down to the present day. This uniform tendency in a constitution to preserve and improve the condition of all who are governed by it, and nothing else, is a decided proof of its goodness.

We will, therefore, try the merits of the distribution of power in our government by these two criterions which may be deemed infallible; the tendency of the constitution to preserve and improve itself, and its tendency to preserve and improve the condition of the subject.

Whether we date the constitution from the time of Egbert, the first Saxon king that ruled over all England, or from the conquest, or from the institution of the House of Commons, when its different parts were distinctly formed, it is obvious from history, that there is, in the body politic of this country, as in the natural body, a disposition and energy to preserve itself. Notwithstanding the transfer of power from the Saxon to the Danish kings, and from these to the Norman, and the usurpation of Cromwell, the monarchical and aristocratical parts of the constitution have remained entire; and the power of the Commons, from the time of its first institution, was gradually augmented, till the constitution had acquired a state of maturity. Notwithstanding the ambition of several kings to enlarge the royal prerogative, and the efforts of the Lords and Commons to encrease their respective privileges, at the expence of the Crown or of each other, the constitution has not only survived, but continued to improve.

But as the history of the country shews us, that the tendency of the constitution is to preserve and improve itself, so that, as well as the experience of individuals at the present time, proves its tendency to preserve and improve what is eligible in the condition of the subject. The state of the subject has fluctuated much in the course of several centuries; and so does the state of every individual's health, fortune, reputation,

reputation, and happiness; nothing is unchangeably stable, but the author of the universe; but notwithstanding of those fluctuations from better to worse and *vice versa*, what is eligible in the condition of the people of this country, has not only been generally preserved, but, upon the whole, much augmented. Their wealth and liberty have been increased; their character in general, perhaps, improved; and the whole of their condition bettered, and rendered more secure. All this is known to those who, to the least acquaintance with the history of the country, joins that of a few years experience. And thus we perceive the justness of the distribution of power in the constitution, from the tendency of the latter to preserve and improve both itself and whatever is eligible in the condition of the subject.

It is, indeed, next to impossible, that the state of the public and of individuals could be otherwise than it has, in general, been for a long period, if we consider the distribution of political power. That power is not distributed equally among individuals; for that would be ruinous, and in practice impossible; but it is distributed equally among the different parts of the legislature, and in such a manner among all the constituent parts of the state, as tends to the good of the nation. The constitution of the legislature is such, that, in the event, all good laws must be enacted, and all bad ones, repealed. The independence, or real separation of the judicial power both from the legislative and executive is such that all causes are fairly tried; and the executive power so great, though limited, that the people are protected in the country's being defended and the laws being impartially executed.

On the nature of the executive power, and the real separation of the judicial both from that and the legislative, I shall afterwards offer a few observations. Mean while, I shall conclude this Letter with observing, that such is the distribution of political power in this country, such the influence and check of one part of the public on another, that (as far as can be effected by any human government) every unreasonable desire in the individual is restrained, and every reasonable one, gratified,

R. T.

LET.

L E T T E R L V.

Of the Supreme Executive Power.

COUNTRYMEN,

IF we contemplate the crown, or the supreme executive power of this country, we shall perceive in it a group of excellencies.

1. It is an excellence in this power, that it is very great. All laws, however good, being but thoughts, are of no use, unless impartially executed; and this requires, that he who is entrusted with the execution of them, should be possessed of a power, the greatness of which must be in proportion to the numbers and inequality of those whom he governs. It must be proportioned to their numbers, because it is more difficult to govern a multitude, than a handful of men; and to their inequality; for otherwise the great subjects might violate the laws, and the small only be obliged to observe them. The laws, in that case, would be only what Anacharsis, the Scythian philosopher, truly predicted those of Solon would be. "Alas, said he to Solon, all your laws will be found to resemble spiders webs; the weak and small flies will be caught and entangled; but the great and powerful will always have strength enough to break through them." Even in the government of a family, the smallest of all governments, unless the head of it has sufficient authority, his servants become insolent, and his children undutiful. From the want of a sufficiently great power to execute the laws, the Jews in the time of the Judges, the republics of Athens and Rome, for the greater part of their duration, and the kingly governments of Europe, some centuries ago, exhibited scenes of the greatest anarchy and oppression. The strong constantly injured the weak with impunity. "At Athens, says Xenophon, a man would be highly displeas'd to be thought dependent on the magistrate." The same will ever be the case in all democracies, or governments wholly elective, as well as that of Athens. What Mr Addison says of the consular power at Rome, will ever be found to apply to the chief magistrates of all such republics, "that they have the ornaments without the

\* Goldsmith's Hist. of Greece, v. 1. p. 49.

† Spirit of Laws b. 5. c. 8.



the force of the regal authority †." In short, it is the duty of the chief magistrates of all republics, to be secretly despised by those great men who, excepting the dignity of office, are their equals, and frequently their superiors. At the same time, no usage, no laws, can ever give the magistrates in such governments that efficient authority, that force, which is indispensably necessary for preserving tranquillity, and administering justice; but such governments must ever be like a large family of servants in the absence of the master and mistress, turbulent, oppressive, and anarchical. So feeble was the power of the Scottish kings, and so great that of the nobles, that an army was necessary at some times to bring one powerful offender to justice. "Among the Scots," says Hume, "it was of little consequence how the laws were framed, or by whom voted, while the exorbitant aristocracy had it so much in their power to prevent their regular execution." The same may be said of all states where the supreme executive authority is not possessed of sufficient power to discharge its proper functions; that is, of all republics, in which the chief magistracy must wink at the oppression and crimes of powerful offenders, because it dare not punish them—How different is the King of Britain, who, without speaking, without acting, without any interposition, but simply by the weight of his authority strengthening the arm of those to whom he has entrusted a part of his power, can, by the instrumentality of men of no great respectability in themselves, punish, if found guilty, the most powerful subject!

It is, therefore, a very great excellence in the constitution of Britain, and an excellence which republics never can possess, that the chief magistrate is vested with so great a power that the laws are impartially executed, and that the small enjoy as great security as the great.

2 Another of the excellencies of the supreme executive power is, that it is vested in one person.

Were it divided, the effect of the division would be dissensions in the state, civil wars, partiality in the execution of the laws, and a train of mischiefs. The two consuls at Rome shared between them, the supreme executive power; but this division of it, from the different views and interests of these supreme magistrates, was the occasion of many public mischiefs. Joined to its elective quality, it gave an opportunity

† S. c. c. No. 287.

‡ Hist. of England, v. 6. p. 427.

unity to the leading men, to form those factions which constantly agitated the state, perverted justice, and in the end threw liberty. "The Molossi," says *Montesquieu*, "not knowing how to limit the executive power, made two kings; which the state was weakened more than the prerogatives they wanted rivals, and they created enemies." Even in states, where the equality among the freemen must have had a tendency to suppress ambition and faction, the two kings, though hereditary, were frequently at variance. The supreme command in a state, as in an army, must belong exclusively to one person; otherwise neither any degree of unity, nor tranquillity, nor justice, nor stability in the government, is to be expected. The state is divided against itself, and cannot stand. The French themselves, though they have abolished royalty, as formerly established, have provided it under a different shape. They have vested the supreme executive power in a directory, of which the president having the casting vote, is really king of France. His colleagues are, in effect, but his council. So sensible are the leaders of the nation, that their chief magistracy ought to be what they have decreed their republic. "one and indivisible."

If, in this country, the supreme executive power were entrusted to any number of men instead of one, impartial justice never could be obtained. Every member of this power would have his own favourites and dependents, and be himself dependent; and each of them in causing the laws to be administered would influence the course of justice in favour of his friends and connexions. In proportion to the number of the supreme magistrates, would be their corrupt influence and partiality; and if they should possess any active share in the legislature, as at Rome, or any considerable influence in enacting laws, as in France, (and from their connexion with the popular leaders who have made them, the one or the other would always be the case) there would be a proportionate loss of liberty; as they would have a certain weight in enacting laws, and the whole power of executing them. The perfect union of the legislative and executive powers, as in Turkey, is perfect despotism. Such supreme magistrates would uniformly be the most considerable men in the state; they would procure their places, if elective, as in France and all democracies, by interest with other great men; and as one friendly

friendly offices in cases of that kind, is expected to be performed by another, though at the expence of justice, they would be under a necessity of being partial to their friends, in order to support their own interest. Friendship, enmity, jealousy of the power of others, and fear of losing their own, would all conspire to make justice be distributed with a partial hand. The chief magistrates at Rome having as least a certain weight in legislation, and being connected with and dependent on the other great men, both together forming a junta in the making and executing of the laws, very injurious to their opponents, and to all but their connexions.

It is here to be observed, that the fitness, or strong tendency in the executive power, to prevent partiality in the execution of the laws, does not arise either from the greatness or unity of that power singly, but from its greatness and unity joined. Were it small, the powerful men, as in the feudal governments, at one period, would be able to pervert justice; and were it parcelled out among such men, each, as in the republics of Athens and Rome, would connive at the oppression and crimes of another, in order to obtain the same indulgence for himself and his friends. But as this power is both great, and united in the person of one man, its greatness and unity combined, render him *absolute in executing the laws*, and it is his being absolute or independent in this respect, which enables him to be the impartial distributor of justice. The *real* greatness or strength of the executive power in Britain, and the union of all the branches of it in the person of the King, combined with the responsibility of all the servants of the Crown, have made the government of that country "a government rather of laws than of men;" they have made it in point of impartiality to approach nearer than that of any other to the government of him who is "no respecter of persons." So that if there be any government on earth, in which "the laws reign," it is chiefly and above all, the government of *this highly favoured Isle*.

Besides its tendency to prevent faction, partiality, and various sorts of injury, another great advantage arising from the union of all the branches of the executive power in the person of the King, is, that it is confined with much more ease and certainty than it could be, were it shared by any number of men. Being held by one great man, there is a combination of all the other men in the state, whose common interest is

to keep it within certain safe limits. Nay, what is worthy of observation, if it were not confined within such limits, the greatest men, if refractory and obnoxious, would be the first sufferers. The leaders in any opposition made to the crown, would be the first that would feel the consequences of that formidable power's being permitted to have any greater latitude, than that which is marked out by the laws. Owing to various causes which no longer exist, (an exorbitancy of power in the Crown, a deficiency in that of the nobility, and a ignorance of their strength in the Commons) Henry the eighth could both suspend the laws, and give to his proclamations the force of law, and try those who were obnoxious to him by a commission; his power was not limited; but had the greatest scope; and peer fell after peer, as they became obnoxious to that capricious and self-willed prince. All men in the state, therefore, even the highest, see in the unity of the executive power, a sword, which, if directed solely by the laws, is a sure security for life and property; but which, if left to itself, might make the greatest havoc and destruction among men of all descriptions. All, therefore, are deeply interested to confine this power within proper bounds; and, therefore, it is so confined. In short, one principal cause of the great impartiality in executing the laws as well as of public tranquillity, in this country, is, that the whole of the executive power is constantly vested in the person of the king; and that all others are mere subjects.

"The result of a division of the executive power, is either a more or less speedy establishment of the right of the strongest, or a continued state of war. That the laws of a state may have weight, and continue in force, it is necessary, that the Executive power should be one."

3. Another excellence in the executive power of this island, is its hereditary quality.

By the Crown's being hereditary, the ambition of great subjects is suppressed, and those civil wars prevented, which would be produced by elections to the chief magistracy; the King, peculiarly interested in the welfare of the nation; and the government, prevented from degenerating into despotism on the one hand, and the worst sort of republic on the other; that is, in other words, the people are thereby

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preserved

\* De Lolme on the Constitution of England, p. 221, 222.

preferred from slavery; which would be the consequence of electing our chief magistrate.

For, should the government become despotic, slavery is implied in the very idea of it; and should it change to republic, the lower classes of the people, especially, would suffer a degree of oppression bordering on the slavery of despotic government. It would be only the partizans of the successful candidate for the chief magistracy, that could expect either security or impartial justice. In Rome as well as Poland, the office of the chief magistracy was elective: And, in the former country, the lower classes of the people suffered the greatest injury and oppression; in the latter, they were slaves.

4. The last excellence in the executive power of this country, which I shall here mention, is that it is limited.

It is unnecessary almost to mention the advantages derived to the subject, from the due limitation of the power of the Crown. That every man may know his duty; that all a man's actions are lawful, except those which are forbidden by some positive law; that the meanest subject may enjoy the greatest security for life, liberty, and property, all the fruits of his labour, all that is dear to him; are unspeakable advantages; and all these are the result of the limitation of this power. In fine, it is because the Crown is limited, that the nation is free, prosperous, distinguished, and happy.

But the limitation of this power, from which so great blessings arise, closely depends on those qualities of it, which have been mentioned in a preceding part of this letter, namely, its greatness, its unity, and its being hereditary. Were it not great, it would be unable to execute the laws, or defend the state; were it parcelled out among a number of great men (and such only could ever obtain any share in it) though great, it would be employed only in bringing the smaller offenders to justice; the great and their immediate supporters would escape; and if it were not hereditary, the government would degenerate into a species of Republic, like that of Rome after the expulsion of the kings, in which the great only (and their friends; whether in office or out of it, would enjoy liberty; or into a sort of despotism, like the same government from the time of Augustus. It is, therefore, a blessing for which the people of this country ought to be peculiarly thankful to the sovereign dispenser of all good, that they

they are under the government of one extremely great man, whose power is indivisible and hereditary, and, therefore, duly limited. His power is not, like that of the supreme magistrates of Athens and Rome, or of the kings of Europe, some centuries ago, to be despised by the greatest subject; it is formidable to all; it requires all to watch it for the preservation of their own liberty; it is, therefore, duly limited, and because it is thus limited, we are happy.

Though, in this country, the supreme executive power is exclusively vested in the King; yet the government is so republican in its nature from the authority of the Lords and Commons, and the privileges of all descriptions of subjects, that Montesquieu calls it a republic disguised under the form of a monarchy\*. Another writer of our own nation was at a loss what name to give it. This was not surprising: It is a phenomenon in the political world, so rare and excellent, that Tacitus the deepest of the Roman historians, and Cicero the greatest of their philosophers, thought, that such a government, though the best in its own nature, was, in practice, impossible. There is not either in our language or any other, a specific name for it: But such is its nature, from the greatness, the indivisibility, and hereditary quality of the executive power on the one hand, and from the wise distribution of the legislative and of other powers of the people on the other, that it is better fitted than any other kind of government, to produce general tranquillity, and to afford protection, liberty, and security to all, but especially to the lower ranks of subjects. The King of this country is by the constitution, and, whilst that remains what it is, ever must be a father to the poor.

Whatever advantages, therefore, any ambitious, popular, and powerful individual may vainly propose to himself by a change of government, let the poor especially adhere to their King; let them cling to him as the only plank that will save them from perishing in that storm which, in case of a change to republic, would be immediately raised by the ambitious struggling with each other for power. Let them look attentively first, on France and then on Britain, and they will perceive the truth of Solomon's words, that for the transgression of a land, many are the princes thereof; but that by a man of understanding and knowledge (and such ever must be the King of

\* Spirit of Laws, b. 5. c. 19.

this country, aided and strengthened by the wisdom and power, in some measure, of the whole nation) the State, that is, the tranquillity and happiness, thereof shall be prolonged.

I shall conclude this letter with these very remarkable words of Mr. De Lolme. "The wealthy Commoner, the Representative of the people, the potent Peer, always having before their eyes the view of a formidable Power, of a Power from the attempts of which they have only the shield of the laws to protect them, and which would, in the issue, retaliate an hundred fold upon them their acts of violence, are compelled, both to wish only for equitable laws, and to observe them with scrupulous exactness"

"Let then the people dread (it is necessary to the preservation of their liberty) but let them never entirely cease to love the Throne, that sole and indivisible seat of all the active powers in the State."

"Let them know, it is that, which, by lending an immense strength to the arm of Justice, has enabled her to bring to account as well the most powerful, as the meanest offender, — which has suppressed, and if I may so express myself weeded out all those tyrannies sometimes confederated with, and sometimes adverse to, each other, which incessantly tend to grow up in the middle of civil societies, and are the most terrible in proportion as they feel themselves to be less firmly established."

"Let them know, it is that, which, by making all honours and places depend on the will of one Man, has confined within private walls those projects, the pursuit of which, in former times, shook the foundations of whole states, — has changed into intrigues the conflicts; the outrages of ambition, — and that those contentions which, in the present times, afford them only matter of amusement, are the Volcanos which set in flames the ancient Commonwealths."

"It is that, which, leaving to the rich no other security for his palace than that which the peasant has for his cottage, has united his cause to that of this latter, the cause of the powerful to that of the helpless, the cause of the man of extensive influence and connections, to that of him who is without friends."

It is the Throne above all, it is this jealous Power, which makes the People sure that its Representatives never will be any thing more than its Representatives; at the same time it

is the ever subsisting Carthage which vouches to it for the duration of their virtue\*.

L E T T E R LVI.

Tendencies of the Power of the Crown.

COUNTRYMEN,

BESIDES those excellencies in the supreme executive power of this country, mentioned in the preceding letter, there are various others. Of these the most obvious are its tendencies,

- 1. To preserve itself.
- 2. To unite the public force.
- 3. To exclude foreign powers from having an undue influence in our national councils, and the whole of our national affairs\*.

1. It has a tendency to preserve itself.

All natural persons of the human race, and, indeed, all animals, are endowed by their maker with certain principles tending to their own preservation, which is the first law of nature; and, in the same manner, all political societies and corporate bodies ought to be so constituted, that they may not only answer the intention of them at first, but be able to continue to do so by continuing their own existence. Without such a quality, their value would be much diminished, if not annihilated; and of such a quality is the crown of Britain possessed. The king is not only vested with a great authority, which is supported by the peculiar interest which the nobility have in the throne, by the lustre of his descent, and the pomp and majesty with which he is surrounded; he has not only a negative on the resolutions of the other branches of the legislature (the want of which was the ruin of the ancient German monarchies) and the command of all the national force

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\* De Lolme on the Constitution of England, p. 288.

† I call these tendencies, because neither in politics, nor morals, nor mechanics, nor in any thing else, do causes uniformly produce the effects intended. But, though tendencies, they are so peculiarly brought out that they produce their proper effects with more certainty in our government, than in any other.



but he is possessed of a certain influence† arising from the conferring of honours, and the disposal of offices; all of which compose that mass of solid power, by which he is able to repel all attacks that are made on his prerogative.

It is true, that, since the constitution has been so thoroughly matured, that it falls little short of that point of perfection, the highest to which any human government can be raised, by far the greater part of those men in the nation, who have power to entrench on the royal prerogative, would be deterred from the attempt, from a conviction, that, instead of improving, they would injure and might destroy the constitution. But, in former times, when attempts were made to lessen the prerogative of the Crown, whether by the

Lords

† Those who condemn a system of influence wholly, have forgotten what the bulk of mankind are; or, perhaps, they confound influence with corruption; though the latter is, in all senses of the word, an evil, the former a necessary and wise provision. Corruption makes men vicious and miserable; influence, in a just degree, and properly directed, tends to make them virtuous and happy. The necessary degree of influence in the Crown must vary with the character of the Prince, and that of the people, with national wealth, with the degree of inequality in which it is possessed, with the privilege of the people, and other causes. But "though we may give to influence" what name we please; though we may call it by the invidious appellations of corruption and dependance; yet some degree and some kind of it are inseparable from the very nature of the constitution, and necessary to the preservation of our mixed government." *Hume's Essays*, v. I. p. 48.

A father, by influencing his son, that is, by encouraging him to do what is right, as well as by restraining him from what is wrong, forms him for being a virtuous and happy man; and such, by the constitution of this country, is the conduct of the father of his people. It might, therefore, be advisable to consider maturely the condition and character of British subjects, before any serious endeavour is made to diminish his influence; and whether the savings to the nation by any diminution of it would be equivalent to the inconveniences, perhaps serious losses of another kind, that might be occasioned by it.

The loaves and fishes will ever be a fertile subject of declamation; but it is not always certain, that those who declaim most against them, have least inclination to them. About 2800 years ago, there lived a person who most deservedly stood so high in the esteem and regard of the people, his countrymen, that they would have taken him by force and made him a king; yet, upon a certain occasion, he told them, that they sought him, not for those amazing and most beneficent actions which they saw him perform, but for the loaves which he distributed among them. Human nature differs very little at one time from what it is at another; and the business of legislators is not to law men into a mould for some certain form of government, but to adapt government to men.

Lords or Commons, it was able to defeat them. And should there be any similar attempts made in future either with a mistaken view to improve the constitution, or to gratify the spirit of party, there is no doubt, that it would be equally successful in repelling from itself all danger. And if we consider the miseries arising from revolutions, this peculiarly strong tendency in the Crown to preserve itself, by which they are prevented, will appear a very great excellence. For though one Constitution might, in almost all respects, be more excellent than another; yet if that other were more steady, less liable to fluctuation of power from one set of rulers to another, and, of course, better fitted to produce public tranquillity, it would for this single excellence, be, in most cases, entitled to the preference. But the constitution of this country, besides being in most respects, superior to all other constitutions, has, from the solid power of the Crown, this peculiar excellence, that it is fitted to afford to all internal peace and security.

2. Besides the peculiarly strong tendency in the Crown to preserve its prerogative, another excellence in this part of the constitution is, that it unites the public force more closely, than can be done in some monarchies, or in any republic.

The same power, by which it is able to repel from itself all attempts of the subject, enables it to unite, in some degree, all the discordant parts of the state. Some monarchies, like the German, and all republics (but especially those that are wholly elective) like those of Athens and Rome, are but ill united; and their force, whether in executing the laws, or defending the nation, of course, weakened. Pompey the Great and Julius Caesar were both heads of parties at Rome, when its government had become, in effect, a democracy, both generals and at variance with each other; there was no superior power sufficient to oblige them to be reconciled, or, at least, to dismiss their armies, and abstain from violence; and therefore, a civil war was the consequence of their disagreement. Immediately before the civil war between Charles the first and his Parliament, the royal prerogative had been so much abridged, and the influence of the Crown was so small, that the government was rather a republic than a monarchy; and the power and apprehensions of the popular leaders rendered the civil war a thing of course. In the feudal governments, the King was little else than the generalissimo of the nation.

national forces; he had so little power, and his barons so much, that the latter waged war against the King, or against each other; which could scarcely ever have happened, had the King been possessed of sufficient power. But, in our government, such wars, the most destructive of all, are prevented by the power of the Crown being so great, that it forms all the powers of the state into an instrument, which at once distributes justice impartially, maintains internal tranquillity, and repels external violence.

The King of Britain being constantly (for the King never dies) the root of all branches of the executive power, and a constituent part of the legislative, and possessed also of a certain degree of influence, is able to concentrate the whole strength of individuals, as it were, to grasp this as an instrument either for administering justice impartially to his subjects, or defending them against external danger. Such a monarch is not, like several of those in Europe, in former times, under a necessity either of assassinating a subject possessed of exorbitant power, or of employing an army against him; he need but suffer the nature of the Constitution to operate, and the most powerful man finds himself under the controul of the laws, and merely a subject. All the opposition made to him, serves only to confine his power to the execution of the laws and public resolutions, to check those who are in office, and to promote what is generally supposed to be the public interest.

3. Another excellence of the Crown of Britain is, that it excludes foreign powers from having an undue and dangerous influence in our national councils, and the whole of our national affairs.

In order to effect this, the King is exclusively vested with the power of sending and receiving embassies, of making leagues and treaties, and of declaring war, and making peace. His power with regard to war and peace has frequently been a subject of declamation, and sometimes of reasoning. It is not here denied, that it may have been improperly used: (which is only admitting that men may err) but it is affirmed, that it could be nowhere else lodged with such security and advantage to the nation. For it must be lodged somewhere; and if it be not a part of the royal prerogative, it must devolve to the members of the legislature, or a council of other subjects. But to lodge it with either, would be to open a door to foreign

sign powers to form, by means of corruption and intrigues, factions in the very bosom of the state. In the republics of Athens and Rome, those powers of the Crown, relative to foreign nations, belonged to their public assemblies, in consequence of which, by bribing the leaders, they were able to seize the whole. By corrupting the Roman senate, Jugurtha, king of Mauritania, escaped the punishment of his crimes; and by corrupting the demagogues at Athens, Philip, king of Macedon, rendered himself master of Greece. By the same means, the Persian king broke that very confederacy of the Grecian republics, that had been formed against him, and subdued them by the force of his gold\*. Thus also, Elizabeth, Queen of England, was able to maintain, in Scotland, (of which the government, in her time, was rather a republic than a monarchy) a faction, both during the government of Mary of Guise, and that of her unfortunate daughter †.

The official power, emoluments, and honours of rulers in republics, being both very precarious and of short duration, they never can be, generally speaking, proof against being corrupted by foreign powers. The committing, therefore, of the whole of the executive power in relation to foreign nations, into the hands of the King, whose interest is the welfare of the country is both permanent and extremely great, is "the only method of preventing the most dangerous of all factions, a faction in the bosom of the state in favour of a foreign enemy." And such is the interest which the King has, and ever must have, in his people; so closely are his riches, power, and happiness connected with theirs, that this will do effectually, unless his income should, by a blind parsimony, be too much diminished. The corruption of the chief magistrate by a foreign power, is a calamity that hath never befallen Britain, except in the reign of Charles the second. That Prince was so poor, and his Parliament so parsimonious, that he became the pensioner and tool of Lewis the fourteenth; and to gratify him, he betrayed the interest of the kingdom, and of the Protestant cause, by engaging his subjects in a war with the Dutch. But such happily, since the revolution, has been the civil list of the chief magistrate of this country, and the

\* Goldsmith's Hist. of Greece, v. 1. p. 388, 440. v. 2. p. 7, 8, 17, &c.

† Robertson's Hist. of Scotland. Crookshanks' Hist. of the Reformation.

the public revenue, that no bribe could be offered to him which would not be rejected with equal contempt and indignation.

Indeed, therefore, of being a defect, it is an excellence in the Constitution, that the King has the power of making war and peace. Neither is this power liable to abuse (though men may err in the use of it) whilst the continuance of the army, and the pay both of the army and navy, are annually voted by the Representatives of the whole nation; whilst the ministers of the Crown are answerable for their official conduct, and whilst all enjoy the liberty of the press.

Mr Paine, indeed, has affirmed, that the different parts of our government protect one another; and another moderate writer, that there never was a government of controul. But if an error or fault in the ministers of the Crown escape and inadvertion in our government, where, by the constitution, a permanent difference of rank, authority, and privilege, make the different parts to controul one another, what must be the case in that of France, in which there is no such difference and, of course, no controul, but that of one party over another.

In Britain, as well as in republics, the opposition is a check on the executive power; but, besides this, the permanent difference of interests in the Crown, the Nobility, and the Commons, is a check that is perpetual, that produces stability in the state, and that is peculiar to states of which some constituent part, or parts, are hereditary; it never can exist in a republic such as France, where all offices are elective. And here I cannot help pointing out as an excellence, what Mr Paine affects to consider as a defect, I mean the hereditary quality of the monarchical and aristocratical parts of our government; an excellence which, checked, as these parts are by the House of Commons, and the influence of the whole nation, gives our government a constant and decided superiority over all republics; because it so affects the whole machine of government, that justice is equitably administered, public tranquillity preserved, and endless revolutions, civil dissensions, and various miseries prevented.

If there be a controul of parts in any government, it must be chiefly that of Britain: If there be no controul in this government, in which power and privilege are so wisely distributed

lated, and rest on so stable a foundation, there never will be one in any other.

I must now take the liberty of affirming, that there exists in this government, a real and just controul. This does not consist in the Crown, Lords, and Commons, so opposing each other, as to stop, or, in cases of emergency, retard each other's proper motions, but in these different parts so influencing, checking, and, in the event, directing each other, that each preserves itself, and its proper interests. Neither is it an argument, that there exists no such controul, that the nation has at any time been engaged in an unnecessary war; that a war necessary at its commencement, has been continued, after it has ceased to be such; or that the national business in general has, at certain times, been conducted in a manner different from what it ought to have been. Such effects may be ascribed to the ardour, or weakness of human nature; as, in such cases, this nation like others, and like individuals, may have acted from the impulse of passion, or want of foresight, rather than the dictates of sound policy.

There are many instances in the history of England, of the mutual controul of parts in our state, particularly of the controul of the Representatives of the people over the executive power, or the ministers and other servants of the Crown; from which, as well as many recent facts, it is evident, that neither the prerogative of the Crown in former times, nor its influence since the former was diminished, and the latter increased, has been able to prevent that mutual controul of parts in the state, by which, and by nothing else, their respective rights have been maintained\*. The greatest proof, and, I should imagine, an irrefragable one, that there is a real controul in any government, is when all subjects, not excepting the meanest, enjoy themselves and their all in the most perfect security; and such is the situation of the meanest British subject.

There exists, therefore, a real controul of parts in the government of this country. The Crown is exclusively entrusted

\* The instances of the controul of the Commons are to be found in several periods, perhaps, of the history of England, after that part of the state had acquired any power; but they are more rare in proportion as the Constitution advanced towards its mature state, and as the government, of course, became more regular. See *De Lolme's Const. of Eng.* p. 362, &c.

ed with the power of making war and peace; but this part is its prerogative, instead of being a defect, is a real and great excellence in the constitution; as it guards us against the dangerous influence of foreigners, without being itself dangerous. Upon the whole, the executive power of this country has these three tendencies in a degree that cannot exist in the executive power of any republic, namely to preserve itself; to unite the force of the nation for its defence, the administration of justice, and the maintenance of internal peace; and to exclude foreigners from injuring us by intriguing with and corrupting those who are charged with the management of the most important public affairs.

R. T.

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## LETTER LVII.

*Of that maxim, "the King can do no wrong."*

COUNTRYMEN,

**I**T is an excellence in the Constitution, that the King can do no wrong; the meaning of which words is, "that he is above the reach of all courts of law, and that his person is sacred and inviolable †."

The King is the head of the nation; it is from him, that the authority to exercise any office, whether legislative or executive, is immediately derived. It is he who summons, prorogues, and dissolves parliaments; and who appoints all officers civil and military. It is in his name, or by his authority, that all public business is conducted. Therefore were he either arrested, or tried in any court, the whole public business of the nation must cease, as there would be no person or persons, in whose name, or by whose authority, it could be carried on. Besides, if there were any individual or body of individuals, that could arrest and try the King, it would evidently be, not he, but they, who would be possessed of the supreme power; and that power might be made use of to depose and deprive him of life, as happened to Charles the first of England, and Louis the sixteenth of France; and either the deposition or violent death of a king would, as in both these cases,

† De Lolme on the Constitution of England, p. 74.

ales, give rise to a revolution, civil wars, and their attendant calchiefs and horrors.

Even though it were possible, that these calamities were not to follow the arrest and trial of the King; yet this mode of proceeding against him, and even the imputation of any error or fault to him, would lessen him in the eyes of his subjects, and prevent him from acting with that dignity, and that independence on great subjects, which are necessary to the impartial administration of justice, and the security and happiness of all ranks.

“The calling of Kings to account, and cashiering them for their misconduct,” has of late been a favourite doctrine with some, and seems, at first view, to have the air of liberty, justice, and public good; but, upon a nearer inspection, it will be found productive of faction, all the horrors of civil war, and most probably, in the event, of the subjection of the whole nation, as formerly in this country, to the arbitrary controul of a few popular leaders. Even in the petty government of a family, if the head of it were answerable to his children and servants, for his conduct, there would be an end of that respect which is due to him, and of that subordination and obedience, which are necessary to the preservation of religion and morality, of order and happiness, in private life. And surely, if the person of the father of a family is “sacred and inviolable” among his children, and domestics, much more ought the King’s to be so among his subjects; because violence offered to the person of the former affects but one family, to that of the latter, millions. But both the power of a parent or master, and that of the King, are retained and properly directed by the laws.

There are, in the constitution of this country, admirable provisions against the abuse of power in the chief magistrate, without injuring his just authority. Though the King himself is not responsible to any subject, or any human power; though he can be neither arrested; nor tried in any court, though his person be sacred; “and his character perfect in the eye of the law;” yet he is checked, and confined within the bounds assigned to his office, by law, by the Parliament, (especially by the House of Commons, through means of their right of granting or refusing him money; by the liberty of the press, and other privileges of all subjects; and by the natural influence of a great and free nation. Besides, as



the King cannot act without ministers and other servants, and as they are responsible for the whole of their official conduct, and may be punished according to their demerits, as they have been in former times, the nation has the same security in their responsibility, that its interests shall be duly attended to, that it would have, were the King himself responsible. Nay it has greater security. For though the chief magistrate could be called to account, all prudent men must be so sensible of the inconveniencies, and, most frequently, direful consequences of attempting it, that many things that are reprehended, or may be punished, in his ministers, would, in him, pass unnoticed. Thus the excessive punishments annexed to the breaking of some laws, have been found to render such laws of no avail. And if rash men should attempt it, the attempt would either be frustrated by his influence exerted with all its force in his own defence, or, as formerly happened in England, be productive of a civil war. At any rate, the remedy would be much worse than the evil. But, at present, the nation has ample security, that its interests shall be properly taken care of, and the various public calamities that would arise from personal responsibility in the chief magistrate, are prevented.

The want of personal responsibility in the King, the sacredness of his person, and the ascription of absolute perfection to him, are what is, in some degree, common to him with both Houses of Parliament. The members of the House of Commons enjoy freedom from arrest for debts both during the sitting of Parliament, and for six weeks before it meets, and six weeks after it rises, the spaces of time respectively allowed them for going to Parliament and returning; and this privilege is allowed them, because, during the time they enjoy it, as legislators and counsellors of the King, they are not their own, but belong to the nation. The members of the House of Lords enjoy the same privilege perpetually, because they are perpetually counsellors of the Crown. Both houses enjoy all liberty of speech, and nothing said in either House of Parliament is questionable in any other place. According to the same rule, the King's person is sacred and inviolable, and he is himself above the reach of all courts of law, because as the great superintendant and director of all national business, he is at all times necessary to the nation†. In these three se-

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† The supposition of law is, that neither the King nor either house of parliament

eral cases, peculiar to those individuals of this nation now mentioned, the same rule applies in a greater or less degree, in proportion to the importance of the offices which they respectively discharge. Neither does the Constitution or laws respect their persons, but their offices. The sole view of the constitution here is, not individual, but general good.

There are persons of judgment and candour, who will, perhaps, be here disposed to say, that though it is of great advantage to the nation, that the King's person is sacred, and that the responsibility of the Crown exists in its servants only; and that though the nation has all security, in their being responsible, that its affairs shall be well taken care of, could these servants be punished for their misdemeanours; yet that the influence of the Crown is such that they are constantly protected. But an influence similar to that of the Crown, and which must exist, in some degree, in all governments, can also protect the servants of republics: Besides, in such governments, the great men are, in a high degree, obliged to league together; and being thus leagued, they protect one another by their authority, by their numbers, and by their individual influence. Thus, in the republic of Rome, the great so protected one another in general, that no crime, nor any kind of oppression almost, which they committed, could be punished, except by tumult, sedition, civil war, or some sort of violence\*. This, we know, is not the case in our government. The reason is, that the King of this land is not the King of a faction, but of a nation. If one party will not serve him, another, whilst his government is what

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parliament (collectively taken) is capable of doing any wrong; since in such cases the law feels itself incapable of furnishing any adequate remedy. *Blackstone's Commentaries*, p. 244.

\* The authors of the French constitution have been so sensible of the danger arising to the public, from the combinations of the great in republics, that they have excluded persons within a certain degree of relation, from being members of the Directory at the same time, or within five years of each other. The institution may be laudible; but it is vain. Where ambition stimulates men, the tie of relation is known to be of little avail either one way or another. The members of the two triumvirates at Rome were not allied to each other. Ambition first joined them, and enslaved their country; it then divided them, and produced a civil war. In the second triumvirate, each of the members proscribed some of his relations or friends to gratify the revenge or ambition of another.

it now is, will press their services on him. His authority is so great and stable, his influence so great and general, that, though, as a man, affection or pity might lead him to wish for protection to a favourite, though, in some degree, culpable; yet he is never, like the rulers in republics, under a necessity of protecting any public person with a view to his own personal safety, or the maintenance of his prerogative. Thus, that very influence which is supposed to protect ill-deserving ministers, is the chief cause why the King is not under a necessity of protecting them, but may suffer them to feel the consequences of their demerit. It is known from the History of past times, that the servants of the Crown were punished for misdemeanours, when the prerogative was greater; and no reason can be assigned why those among them, who injure the country, may not still be punished, now that it is much less. The increased influence of the Crown renders their punishment both more easy and safe.

Though the King, therefore, in the eye of the law, "can do no wrong;" yet any of his servants may: And though he is not responsible; yet all of them are. That very influence which has, by some, been supposed to render their responsibility nugatory, does, in fact, make it real. It gives such stability to the throne, it affords such security to the royal person and prerogative, it renders the King so independent of any particular set of subjects, that he can have no inducement of a selfish nature, to protect his servants, if guilty, by any undue influence or illegal action. Justice will determine him to protect his servants, if innocent and deserving, when accused by their enemies; mercy, a quality peculiarly amiable in a sovereign, and required in the sovereign of this country, by the Constitution, may prompt him to extenuate or excuse their faults; but being by his influence secure himself, and certain of being served, he can have no personal or private motive for preventing the due course of justice; which scarcely ever can be the case (never in the same degree) in republics.

If what has been here said with regard to the perfection of the chief magistrate, in the eye of the law, stand in need of any confirmation, it may be confirmed by the highest authorities.

"The legislative body," says *Montesquieu* where he praises the constitution of England, ought not to have a power of arraigning the person, nor, of course, the conduct of him who

is entrusted with the executive power. His person should be sacred, because, as it is necessary for the good of the state, to prevent the legislative body from rendering themselves arbitrary, the moment he is accused or tried, there is an end of liberty. In this case, the state would be no longer a monarchy, but a kind of republic, though not a free state.\*" How remarkably do these words of this great man answer to what happened in France as well as England, after the trial and execution of their respective kings!

"If any person," says judge Blackstone, "has, in point of property, a just demand upon the king, he must petition him in the court of chancery, where his chancellor will administer right as a matter of grace, though not upon compulsion. And as to personal wrongs, it is well observed by Mr Locke, the harm which the sovereign can do in his own person, not being likely to happen often, nor to extend itself far †, nor being able by his single strength to subvert the laws, nor oppress the body of the people (should any prince have so much weakness and ill-nature as to endeavour to do it) the incon-  
 \* Spirit of Laws, b. 11. c. 6.  
 † There is but one instance, so far as I recollect, in the whole history of England, of any King's putting any person to death with his own hand, which is that of King John. That prince being a usurper slaundered Arthur, the young Duke of Brittany, and true heir to the Crown; but the extreme viciousness of this prince's character gave his subjects an easy and safe opportunity of obtaining from him Magna Charta. In the other monarchies of Europe, instances of such violence committed by their Kings, have, perhaps, been nearly as rare; and all of them have proceeded, not from an excess, but a defect, of power in the respective Crowns. Whilst a king enjoys security, his subjects have nothing violent and illegal to apprehend either to their persons, property, or liberty.  
 ‡ Blackstone's Commentaries, v. 1. p. 243

venience, therefore, of some particular mischiefs, that may happen sometimes, when a heady prince comes to the throne, is well recompensed by the peace of the public and security of government, in the person of the chief magistrate being thus set out of the reach of danger ‡."

R. T.

## L E T T E R LVIII

*Of the Real Separation of the Judicial Power from the Legislative and Executive.*

COUNTRYMEN,

**I**N several of the foregoing letters, I have taken the liberty of pointing out a few of the many excellencies in the constitution of this country, which are not only great, but which cannot exist, nearly in the same degree, in any sort of republic, or in any government but those which are constituted in a similar manner. If we contemplate the judicial power, we shall still farther perceive the decided superiority of our constitution to every other.

It may be remarked, in general, as a great excellence of the British Constitution, that these three powers, the legislative, the executive, and the judicial, are separated, or lodged in different hands. For if any man, or body of men, had the power of enacting laws, the power of trying causes, and the power of putting the laws and public resolutions in execution, the whole power of the state would be lodged in that man or body of men. He or they would be as arbitrary as any individual, or body of individuals can be; they would find no obstacle to their will, except such as are merely physical, or exist in the refractory dispositions and rebellious conduct of their subjects. By the constitution, the life, liberty, and property of every man would be at their disposal. Hence the arbitrary government of Venice, where all the three powers are lodged in the same body of men. Hence the despotism of Turkey, where the Sultan unites them in his own person\*. Hence, as the true cause, the despotism of the Robespierrian faction. Hence also, the Convention, after the death of Robespierre, had it in their power to be as arbitrary as when under his influence. They were, indeed, more moderate; but their moderation, it is evident, was not owing to the constitution, in which there was no change, but to other causes. But where these three powers are separated in the manner they are in our government, the subject enjoys the greatest possible security for his rights.

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\* Spirit of Laws, b. II. c. 6.

“There is no liberty,” says *Montesquieu*, “if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary controul; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.”

“There would be an end of every thing, were the same man, or the same body, whether of the nobles or the people, to exercise these three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals \*.”

If the king of any European country were possessed of the power of enacting laws and trying causes, the people would have no security for their rights but his wisdom and integrity. For, if he should be disposed to invade those rights, as a judge, he might so interpret the laws as to favour his own designs; or if this should not answer, as a legislator, he would only have to enact new laws that would; or if he should not be able, by any existing laws, or any interpretation of them, to accomplish his will, having the command of the national force, he might break through all restraints of law, and oblige his subjects to submit.

Suppose, that the same powers were vested in a permanent or hereditary body of men, that body would have it equally in their power to oppress the rest of the nation, with this difference, that, being more numerous and consequently stronger, they might be more oppressive. The former government of France, though not without some restraints, was, in a great measure, arbitrary. It was sometimes oppressive, and it had always power to be so in a certain degree. Yet the subjects of that government suffered less oppression under their arbitrary monarchs than under their nobles for some time before and after the accession of the Capets, when the government, instead of being a monarchy, was in fact an aristocracy; which, as in all the other monarchies of Europe, at one time or another, almost annihilated the power of their kings, and arrogated all power to themselves. “And in the republics of Italy,” says *Montesquieu*, “where these three powers are united, there is less liberty than in our monarchies †.” (He does not here mean England, the govern-  
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\* Spirit of Laws, b. II. c. 6.

† Id. b. II. c. 6.

ment of which he is comparing with other governments, and which he praises for the liberty enjoyed under it, but the other monarchies of Europe) Were these three powers, therefore, the legislative, the executive, and the judicial, united in one permanent body of men, that body might be more oppressive than a single magistrate or king vested with the same powers.

Suppose further, that these three powers, instead of being lodged in a permanent or hereditary body, are lodged in one that is periodically elected by the people, even this body would have it in their power to oppress. This is evident from what has happened in France. One would be apt to imagine, that, the people having a right to elect their own governours, and to call them to account for their public conduct, those governours would be upon their guard against injuring or oppressing them. But the horrid scenes of injustice, oppression, and cruelty, exhibited in France, since the revolution, as well as in the two most distinguished republics of antiquity, in which the people enjoyed similar powers, prove the supposition to be ill-founded. The convention was elected by the people; and yet, under that convention, the people, by their own confession, instead of enjoying liberty, suffered the worst of tyrannies. The reason was, that, though there was a separation of the legislative, the executive, and the judicial powers *in name*, there was none in reality. Tribunals were erected, their judges appointed, and their sentences executed, by the very men who enacted the laws; and these judges were so much under the influence of these legislators, so entirely instruments in their hands, that the same men did, in fact, enact and execute the laws. And hence arose their power to oppress and injure. The Roman people had the choice of all their magistrates and judges, the power of enacting their own laws †, and the power of calling all the servants of the republic to account for their public conduct; yet at Rome also, even whilst the people enjoyed these powers, their magistrates were able to oppress them with impunity. It cannot well be here objected, that the oppression and injuries suffered by the people of Rome, under their governours, were owing to the people of that republic, transacting their  
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† After the people of Rome had obtained the power of making their laws which were called plebiscita they possessed the whole power of legislation; and the Roman government was a democracy.

business personally, or by tribunes, instead of representatives, as in France; for he who compares the history of the Roman republic, during the latter periods of it, with that of the French, will find, in point of injustice, oppression, and murder, the most striking resemblance between them; except, that, according to the French themselves, now that the truth is discovered and acknowledged, every thing unjust and cruel in ancient Rome has been heightened in modern France. The cause of the great abuses of power in both governments was, that every thing was transacted by a faction.

It must be acknowledged, that there are many advantages arising to the people of all countries, especially such as Britain and France, from their appointing representatives; yet representatives will not, in a republic, prevent faction; and faction is the source of all their evils. In the most select companies, there will be differences; and a difference of interests, of manners, and even of sentiments, ambition, avarice, jealousy, hatred, revenge, and such causes, all combine to divide communities. In our government, where there is a powerful head to prevent divisions from becoming factions, they end in parties, which generally forming a moderate opposition, promote the good of the state: But in republics, where there is no such power to restrain the violence of divisions, instead of ending in parties, they end in factions, which are destructive of liberty and happiness nearly in proportion to the numbers of the people, and their disparity with regard to riches, influence, and rank. Had ancient Rome and modern France been governed by kings of great, but limited, power, those factions would have been prevented, which oppressed, enslaved, and tyrannized over, the people in both. But no human wisdom can, in such nations, prevent the rise of factions, whilst their government is republican. Such nations, so governed, naturally generate and nurse factions. If it were possible, that they could be generated in Britain, so unfriendly to them is the government of one man, permanently great, that it would soon destroy them.

Faction, therefore, I beg leave to repeat it, cannot be prevented in a nation such as Rome was, and France and Britain now are, if the government be republican. And wherever there is faction it is of little consequence how the different powers of the state are distributed by political laws; the whole power is, in fact, held by the most powerful faction; and



and that faction is governed by a few leaders. For every faction must have leaders, otherwise it would be no faction, but a few contentious individuals, incapable of doing any thing but uttering their resentment and complaints; and as every faction must have leaders, so it must submit to their government; and if these leaders belong to the most powerful faction, they govern the whole nation. All the powers of the state, however distributed by forms, are, in reality possessed by them only. From the time of Marius and Sylla to the time Augustus rendered himself absolute, the Roman people were continually governed by different factions; and the leaders in each successive faction, were possessed of the whole power of the state.

In all republics, therefore, where the people are numerous, where there is a great inequality with respect to riches, and of course, with respect to influence and power, there must be faction; because the people must have leaders; because the leaders are uniformly those rich men that are possessed of abilities and popularity; and because there is no great superior power to suppress the contentions of the leaders among themselves for the ascendant. And where there are factions, the most powerful faction engrosses all political power; and then, whether the people manage their public affairs themselves, or by means of representatives, the advantages attending the latter mode, are not sufficient to prevent partiality, injustice, cruelty, and all the mischiefs produced by faction. Rome, with its tribunes of the people, a species of representatives, and its popular assemblies, suffered all those calamities. But under the Robespierrian faction, the French nation are of opinion they suffered much more. "The pages of our history," said Fermeat on the eve of the anniversary of Robespierre, "will afford more astonishing and tyrannical acts than the annals of Rome." The proscriptions of Marius and Sylla are nothing in comparison with those of Robespierre and his accomplices." They now celebrate the destruction of a man whom they once adored, of a man whose declamations were filled with the words *Liberty and Equality*, but whose conduct enslaved his country, and made the unhappy victims of his vengeance equal only in death. But did Robespierre produce those calamities to France by his single power? No. He was but a man, and had only the power of a single individual. He produced them by the faction which he had the art to form

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and the republican nature of the government gave him an opportunity of forming that faction. Had the government of France been like that of Britain, that wretched country had never produced a Robespierre. The power of the Crown would have rendered the birth of such a monster abortive.

Robespierre, by his cunning and ferocity, favoured by circumstances, raised himself, in opposition to the liberties and rights of his country, to be, in fact, dictator of France. But, in the republic of Rome, the dissensions of citizens forced the legislature to create a dictator, that is, a magistrate vested with all the power of the state, without any responsibility annexed to his office. Public safety and happiness render a power equivalent to a dictatorship occasionally necessary in all republics in nations such as the Romans were; but the great power of the Crown, in this nation, supersedes it, by suppressing or preventing all exorbitant power in any description of subjects.

It will be readily acknowledged, that all the evils suffered by France, since the revolution, have been produced by faction (for it cannot be denied) but then it will, perhaps, be said, that the factions in that country were produced by the revolution, one part of the nation favouring kingly government, and another, republican. Those who think so, labour under a mistake. The partizans of royalty never have been able, in any considerable degree, to form factions among the rulers of that country, since the abolition of monarchy. But if they have been able, in some small degree, to render part of the nation factious, the opposition which that factious part gave to the whole body, must, from a sense of common danger, have tended, in a much greater degree, to unite, than divide them. The factions that have done any considerable mischief, have arisen among those who were active in deposing the unfortunate Louis, and establishing a republic, among those whom ambition first united, and afterwards divided upon a change of circumstances and views.

The Revolution, it is true, was the occasion, but it was but the occasion, not the cause, of those factions. The real cause of them lay deep in the human constitution, in the difference of sentiments and interests, of hatred and attachment, which is inseparable from human nature, but chiefly in the ambition of the leading men, to which the revolution gave scope. No cause, like the French revolution, operated, in rendering

rendering the citizens of Athens and Rome, factions; yet factions continued to distract those republics almost perpetually; all of which factions were produced, not by a difference of sentiments with regard to the nature of the government (for if we except the heads of the factions whose aim was to render their own power supreme and absolute, all were agreed, that it should be republican) but by the mutual antipathies, the spirit of revenge, the avarice and ambition of their great men, who wanted a great superior power to bridle their excessive desires. The seeds of faction are inseparable from the nature of man; and a republican government, whether aristocratic or democratic (but especially the latter) is the soil in which they spontaneously shoot up, and, with a peculiar rickness, shed their baneful influence.

In the republic of Rome, which, from being a mixed government, somewhat resembling that of Britain, had become a democracy, Sylla having overcome all his rivals, and forced the people to create him perpetual dictator, was able for a short time, to smother all dissensions among the great; but, upon his death, they burst out into a flame, and produced a civil war that ended in the power of the first triumvirate. But Crassus being dead, and Cæsar and Pompey now sharing between them this usurped power, their jealousies of each other gave birth to that famous civil war, in which the flower of Rome fell; and the plains of Pharsalia made Cæsar master of Rome. During the continuance of his power, which lasted but three months from the time he had subdued all opponents, the state enjoyed repose. But though the character and circumstances of the Roman people required the government of one man; yet the power of such a governour, though, in Cæsar, exercised with clemency and justice, was intolerable even to those whom he had distinguished by his favour; and the flames of civil dissensions were lighted up anew when he fell at the foot of Pompey's statue, by the poniards of the senators. These new dissensions, after producing numberless proscriptions and murders, and the most dreadful scenes of misery, ended in the power of the second triumvirate. But a difference happening between Mark Anthony and Augustus, a civil war again divided Rome, and made Augustus absolute.

In France, various factions yielded to the superior power of that which was headed by Robespierre. This becoming more powerful

powerful by the fall of every other, made that leader a dictator. His power was resisted by a faction which gained the ascendant, and stained their scaffolds with the blood of their opponents. The rulers of that ill-fated country have, since the death of their king, been generally like mushrooms. As one set has sprung up, another has decayed; and the storm of contention has successively swept them away. And as no laws can bind the leading men of that country, whatever constitution they form, factions will, at certain intervals, continue to distract it, till either their dissensions again give them a Sylla or a Robespierre, or till sad experience of the insufficiency of republican government to produce security and tranquillity, teach them to put themselves under the government of one great common head, whose power shall be hereditary and limited, but sufficient to suppress the excessive ambition of popular leaders, the perpetual source of unspeakable miseries in republics, when established in such countries as France.

It has been thought by some political writers, that a republic of small extent, in which the people vote individually, and transact their public business themselves, is preferable to one, in which they use representatives. Such a republic was that of Athens; yet Athens, from the time of the abolition of kingly government, was a nest of factions. Whether they were governed by Pisistratus (who usurped the government) under the name of a king, or by Pericles without it, or by the four hundred tyrants, or by the thirty, or by any other leaders, still, almost continually, they were governed by faction: And under the government both of the faction of the four hundred, and that of the thirty tyrants, murders, public executions of those of one faction by another, proscriptions, and banishments, were as common as they were afterwards in the republic of Rome, and as they have been in that of France. These calamities are not peculiar to men of a certain age or country, but inherent, in some degree, in the very nature of republics, especially those which are merely democratical, and in which there is, as there ever must be in this country, any great inequality among the citizens with regard to riches. Were a democratical republic, therefore, or (as it has been called) a government representative or wholly elective, to be established in this country, all thinking men would expect those calamities which rendered the subjects of

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the ancient democracies miserable, with as much certainty as they expect frost in winter, or vegetation in the spring.

It is not representatives that can prevent factions in a republic. These, on the contrary, like the tribunes at Rome, are, from their influence with the people, frequently the authors, and, almost always, the instruments, of faction. The same party that can influence the votes of electors, can persuade them to arm in their cause; and if that party meet with opposition, it will inevitably become a faction; and faction is but another name for civil dissensions and almost all public calamities.

I do not mean to say, that democratical republics in countries so diversified by riches and influence as those of Britain and France, have no intervals of domestic tranquillity; for they generally enjoy, and must, in some degree, enjoy, such tranquillity, whilst the power of the ruling faction continues: But I maintain, that, in such countries, such republics are fields, in which factions spontaneously rise; fields, in which, whilst one faction flourishes, another sheds its leaves; fields, in which all the baleful fruits of faction are reaped, except when the exorbitant power of a few produces a winter that nips the bud of liberty, of all manly sentiment and action.

In such governments, there are certain calms of internal peace, which may be called the interregnums of discord and bloodshed; but alas! these calms are but the forerunners of almost all public calamities. In the most sultry climates, there are refreshing breezes; in war there are truces; even in the very madness of the human mind, there are certain lucid intervals; and when human nature is disgusted with repeated horrors; when the strength of parties is exhausted; and when one party gains the ascendant; then the agitation of republican factions subsides, for a short season, into a calm. But in such governments, factions cease from quarrelling only that they may breathe; whilst they breathe, they meditate ruin to each other; and when they have recovered their breath, they renew their hostilities. Oh! my country, mayst thou ever be preserved from a government, the genius of which heaps ruin upon ruin, and dies in the act of spreading misery and horror.

The democratic republics of America and Switzerland will, perhaps, be objected to the preceding observations with regard to such governments: But it has been observed in a

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former letter†, that America being a country, in several respects, very different from Britain and France, republican government may answer very well, for some time at least, in that country, though it would prove the greatest evil in these. The same observation may be extended to the small democracies of Switzerland, which are poor, surrounded by powerful neighbours who unite them, as Persia did the Græcian republics, and influenced by the aristocracy of Berne; all of which causes tend to render them tranquil.

The continuance also of the power of the same party in France, since the death of Robespierre will possibly be objected to what has been said with regard to the fluctuation of power in such republics. But no great space has yet elapsed since that period; and it has been admitted, that even in such governments as that of France, in such countries as that, there are certain times, in which the citizens pause from internal dissension, and enjoy a certain degree of tranquillity. These seasons are when the state is exhausted, or employed by a foreign enemy; or when the people have become weary of contention. Such states are then without dissensions, as Samson was like another man after being deprived of his locks; or as a sick man is without passions, because he wants strength. But let such a state enjoy some repose, and the flames of civil discord will, as at Rome, again burst forth. When one storm has blown over, there must be some time for another to gather. It is the nature of *Ætna* alternately to prepare and throw out its fire; and it is the nature of republics to generate factions; and these, at certain short intervals, give birth to civil wars.

It has been said, that the great defect of the ancient republics was, that the people deliberated and voted individually, instead of employing representatives. This certainly was a defect in these republics. But their public meetings, though turbulent, and the cause sometimes of affrays, were not the cause of those ambitious designs, factions, and civil wars, which wasted them, shed the blood of citizens in torrents, and produced unutterable scenes of misery. No! Ambition has its origin in the nature of man; the plots laid to gratify that passion, were hatched in secret by one or two leaders, and executed, not in the forum, or places where the people met, but on the field of battle. In the republic of England

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† Letter 41.

formerly (in some measure) and in that of France lately (in the highest degree) as well as in the ancient republics, the weeds of faction, civil war, and proscriptions, grew up spontaneously, and arrived at a baneful maturity. The defect of all governments of that sort is the want of a permanent chief and aristocracy, which, when duly limited by representatives of the people, give stability to the state, preserve or promote liberty, and prevent, so far as can be done in any government, those internal miseries which constantly rise in republics, if instituted in countries where there is a great inequality of fortune and influence; unless, as in America and Switzerland, they are prevented by certain causes peculiar to the condition and character of the people, and their relation to neighbouring states, but not existing in the nature of republics †.

To bring this argument to a conclusion, the three powers of every state, the legislative, the executive, and the judicial, cannot be safely entrusted to one man, because he might become a tyrant: They cannot be entrusted to one permanent body of men, because that body would be absolute, and might be tyrannical: Nor can they be entrusted to one body of men, though elected periodically by the people, because such a body is absolute, and may be tyrannical, during their continuance in office. The decemvirs at Rome, elected by the people to improve the laws, soon became such tyrants, that, at the end of three years, every man in the state joined in expelling them; and the French give the name of decemvirs to those very leaders who were formerly held up by them as the mirrors of patriotism. Though, in such nations as those of France and Britain, these three powers should be entrusted to different bodies of men, each elected by the people; they would be separated in name only, and not in reality. The powerful men in the state would influence the elections to each power; and thus the same body of great men would,

† I am supported in delivering the above opinion of republics not only by facts, but in a great measure (were that necessary) by general Washington's speech on the resignation of the presidency. But if that general preferred a monarchy to a republic, why did he not attempt to establish one in his own country? The reason doubtless was, that he knew the people. But from the known character of that great man, both for probity and wisdom, I have not the least doubt, that had he been an Englishman, he would have risked his life and fortune in supporting our mixed government. Men like general Washington, consider both time and place.

in fact, both enact and execute the laws, and direct all public affairs. The whole power of the state would be in the hands of one junto; and that junto, if they agreed, would, by means of their influence, be the most powerful, and, in case of opposition, the most tyrannical of matters. It is impossible, that Robespierre and his adherents should have been so injurious and bloody, had they wanted opponents. It is opposition, that makes absolute governments tyrannical, and limited ones just.

It is true, that occasional differences arising among those possessed of the three powers, in the manner mentioned above, would sometimes restrain their oppression, or abate their tyranny. It is a difference of this kind, which is the cause of the small difference in point of liberty, between the republic of Venice (in which the three powers are separated in name, but united in fact) and that of Turkey†. But excepting these occasional or accidental differences, the governments of a republic, in which the three powers are separated by the Constitutional laws, might, during their continuance in office, be in a great measure arbitrary and tyrannical; and should their tyranny become intolerable, there would be a revolution. The people, if united, would expel them, as they did the decemvirs at Rome, or put them to death, as they did the late decemvirs of France. But if the people should be so disunited, that those possessed of the three powers, should attach a considerable part of them to their interest, a civil war would take place, as happened frequently in the republic of Athens, and that of Rome also towards the end of this republic. But what would be the issue of these civil wars? Only a certain interval of domestic peace, if the form of the government remained the same. In that case, the fall of one faction would only be the rise of another. The state would become a tempestuous ocean, on which the billows of one faction would only roll themselves to the shore and disappear, to be succeeded by those of another. And wherever there is faction, it is impossible to separate the three powers of the state in fact, and to preserve them so separated; the one of them will constantly influence the other, and it is vain in such a state, to expect the impartial administration of justice.

It is easy to separate the judicial power from the legislative

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† Spirit of Laws, b. 11. c. 6.



and executive, by public resolutions or political laws, but, in a republic, in which there is a considerable inequality of riches and influence, to keep them separate in practice, by all do not hesitate to say, impossible.

But in this government, of which the parts are so judiciously mixed and tempered, they are separated, not only by political laws, but in fact.

The reason of this decided and constant superiority of our government to all republics, is the greatness and permanency of the power of the Crown, on the one hand, and the greatness of the power of the people (which is also permanent) on the other. By the power of the Crown, I would be here understood to mean, not only its constitutional authority, but the whole of its influence, both of which constitute its power; and by the power of the people, that is, of all subjects, not merely the authority of both houses of Parliament, but the political privileges of all other subjects, such as the liberty of the press, of petitioning both the King and Parliament, &c. all of which compose that influence, or, if I may be permitted so to speak, that re-action on the power of the Crown, which is its proper and constitutional check.

It was the great power of the Crown, which enabled the Kings of England generally to keep the most powerful men in the kingdom in a state of due subjection. It was the greatness of this power, which united subjects of all ranks to form a check to it, and which has uniformly preserved that union. It was chiefly the re-action of these two great powers on each other, which, during the long course of years, formed and matured, and which now preserves, the constitution. And the proper energy of the constitution, or of the constituent parts of the state, is the cause of justice being equally administered, that is, the cause of all that for which men live in civil society.

The judicial power is, indeed, separated from the legislative and executive by the Constitutional laws, by the power of judging being delegated to judges who, holding their places for life, are independent, by the Habeas Corpus Act, by the Trial by Jury, and by the Liberty of the Press: But without a great power in the Crown to cause justice to be executed, and without a great power in the whole body of the people to check the power of the Crown so as to prevent it from passing its due bounds, all restraints of a legal and formal

at kind would be no defence against a King who should choose to be, in certain cases, arbitrary, or against a faction, which should choose to gratify its party spirit. If the power of the Crown were exorbitant, the reigning prince, like Henry the eight, might attempt (and with so much success) to influence the judges and jury, or he might change the form of trial; or if a faction were possessed of power in the same degree, like the faction of Robespierre in France, or that of Cromwell in England, it would more readily attempt the same things, and would be more successful, because shame and fear would, to them, be no restraints, though they must, in some measure, restrain a single supreme magistrate, however powerful. It is the check of the Crown on the Subject, and that of the Subject on the Crown, which placing the judicial power beyond the influence of either, secures its independence and of course its impartiality. It is these checks which preserve the established forms of judging; it is these, infinitely more than any forms or laws, which make the stream of Justice flow uninterruptedly in its proper channel.

The real separation of the judicial power from the legislative and executive (as such separation exists in this country) and the impartiality, with which justice is of course administered, are its most distinguishing peculiarities; qualities in its government, which never can, in so high a degree, obtain in any other government, except those, in which the balance of power between the sovereign and the people, or between the supreme executive power and those who either enact the laws, or live under them, is adjusted with such exactness, and maintained with such steadiness. These qualities, therefore, never can, in so high a degree, obtain in arbitrary monarchies; nor in republics, in which there is a considerable inequality among the citizens, in point of wealth. Such republics are constantly governed by faction; and faction neither does, nor can, administer justice with impartiality.

It may not be improper here to observe, that since the accession of his present majesty, not only have juries been declared judges of law and fact; but that beneficial statute enacted (at the earnest request of his majesty from the throne) by which the judges are rendered independent; "His Majesty having been pleased to declare, that he looked upon the independence and uprightness of the judges, as essential

to the impartial administration of justice, as one of the best securities of the rights and liberties of his subjects, and conducive to the honour of the Crown †."

The real separation of the Judicial power from the legislative and executive, and the impartial execution of the law in this country, are facts which are known and acknowledged. What I have attempted in this letter, is only to shew how these effects are produced, and that they never are, in such countries as this, to be expected in the same degree, under republican governments, especially those which are democratical or wholly elective; and this, I flatter myself, is done in a manner satisfactory to persons of reflexion and candour.

There is no constitution or system of government perfect because men are imperfect. There is no constitution, though capable of being rendered perfect at one time, that will always remain so, because those circumstances in a nation, of which it must be adapted, are subject to change. But the constitution under which we have the happiness to live, notwithstanding of any inconsiderable things which may require alteration, is, *considered in its relation to us*, infinitely preferable to any other.

Solon, the famous Athenian legislator, being asked which popular form of government was the best, replied, "that, in which an injury done to the meanest subject is an insult upon the whole constitution †". This character answers exactly the Constitution of this country. "The oppression of an obscure individual." (Jenks), says Judge Blackstone, gave rise to the famous Habeas Corpus Act."

R. T.

† Blackstone's Commentaries, v. 1. p. 268.

‡ Goldsmith's Hist. of Greece, v. 1. p. 47.

# THINGS THAT ARE NO ARGUMENTS AGAINST THE GOODNESS OF THE CONSTITUTION.

## LETTER LIX.

### *Of the Opposition to the Executive Power.*

COUNTRYMEN,

It is no argument against the goodness of that superlatively excellent constitution which, by a wise and good process, it is our lot to enjoy, that that party in the nation, in Parliament and out of it, which is in opposition to the Ministry, tell us, that the Constitution is corrupted, our Liberty infringed, and the country ruined. Such, in some degree, ever has been, and ever will be, the language of such a party, though it is evident, that occasionally, and upon the whole, the Constitution and Liberty of the people have been improving, and their wealth and happiness increasing, from the time of the conquest †.

Very far am I here from intending any thing personal: neither can this be supposed, because I speak not of any set of men who may chance to be of the opposition party at any particular time, but of that party in general.

In every country which enjoys liberty in any degree, there must

† I am well aware, that the suspension of the Habeas Corpus Act, and several other temporary acts, may here be objected as infringements of our liberty and corruptions of the constitution. No person, I will venture to affirm, has yet found himself by these acts restrained from saying an innocent word or action; and, therefore, he has not found his liberty infringed. Scarcely any person will now be hardy enough to say, that they were not necessary to curb licentiousness, sedition, and rebellion; and if they were necessary, they were just, even though they had, at a certain time, changed the constitution, and deprived all of their liberty. Such expedients were made use of in former times, in cases of necessity; and this itself is a proof that the constitution is not altered.

must be parties nearly in the same degree, because men thinking differently, and having different interests, have also such countries, liberty of acting in opposition to each other provided they keep within the limits marked out by the law. And where there are parties, whether from interest or principle, it is vain to expect, that they will not blame each other's conduct, even where there is no cause of blame, but rather ground of praise.

The opposition party in this country, have not only the partialities which arise from difference of sentiments and views, but those also which arise from difference of interest to mislead them. Their schemes are often frustrated, and their hopes disappointed; their passions, therefore, are inflamed; and passion never yet saw, or stated, nor was ever capable of seeing, or stating, things just as they are. It is the very nature of passion to exaggerate.

Foreigners have remarked, that the people of this country (probably from the effects of physical causes in a great measure) are peculiarly disposed to be anxious and apprehensive when there is no ground of inquietude and fear, but even ground of security and happiness. This uneasy, restless, and apprehensive temper is, from the peculiar state of the animal frame, apt to affect some men more than others; and some men from their very temper, are inclined to side with the party in the nation, which are in opposition to Ministry, and supposed to be peculiarly watchful for the public good. Besides, there may be men neither influenced by desire of countenance or favour, nor disposed, in any uncommon degree, by physical causes, to be apprehensive, who, in ordinary cases, join the party to preserve or promote the happiness of the country. They see, that, in point of wealth and liberty, we are distinguished from all other nations (it is their pride to see it) and they not only enjoy their share of present national happiness but feel their hearts dilated with the most pleasing hopes of increasing that happiness: But they know, that our liberty is preserved by a moderate opposition; they know the necessity of checking, in some degree, even the best of ministers and such men, therefore, may from principle, and with reason, sometimes have opposed the minister, though in times of danger, they give him their support.

“As we are afraid” says *Montesquieu*, “of being deprived of the blessing we already enjoy, and which may be disguised

and misrepresented to us, and as fear always enlarges objects, the people (Britons) are uneasy under such a situation, and live themselves in danger even in those moments when they are most secure."

"As those, who, with the greatest warmth, oppose the executive power, dare not avow the self-interested motives of their opposition, so much the more do they increase the terrors of the people, who can never be certain whether they are in danger or not. But even this contributes to make them avoid the real dangers to which they may be exposed."

"But the legislative body, having the confidence of the people, and being more enlightened than they, may calm their uneasiness, and make them recover from the bad impressions they have entertained."

"When an impression of terror has no certain object, it produces only clamour and abuse: it has, however, this good effect that it puts all the springs of government in motion, and fixes the attention of every citizen; but if it arises from a violation of the fundamental laws, it is sullen, cruel, and produces the most dreadful catastrophes."

"If when the uneasiness proceeds from no certain object, the foreign power should threaten the state, or put its prosperity or its glory in danger, the little interests of party would yield to the more strong and binding, and there would be a perfect coalition in favour of the executive power.†"

This is certain, that, in countries which enjoy freedom, there must be parties; where party spirit prevails, it is vain to expect, even from men of the purest intentions, an accurate state of public affairs; and, therefore, though the constitution may be corrupted, and the country ruined in the imaginations and speeches, not only of the timid and self-interested, but of the zealous in the cause of liberty, we have no reason to think them so in fact, unless we feel them to be so, which, at present, is by no means the case.

R. T.

† Spirit of Laws, b. 19. c. 27.

LET.

## LETTER LX

## Of Taxes.

COUNTRYMEN,

**T**HAT our taxes are great cannot be denied; but denied, that they are heavy. They are great, they must be great, because the necessary and just demands of government are great.

It has been asked what government gives us in return for our money? And some of the people have been made to believe, that it gives us nothing. Let such people then know (it is their duty and happiness to know it) that government gives men every thing almost, except the mere gift of nature.

Government, in this country, above all governments which either are, or ever were, in any other, gives men liberty and security; that is, it places them in that tranquil state, which they may, in every innocent way, enjoy all that they have, and render it more by improving their natural and ventitious advantages. It is our government which gives its subjects the advantages of this latter sort by planting, supporting, and defending our colonies; by extending, improving, and protecting our trade; and by increasing the number of lawful and useful employments, in rewarding the ingenuity and industry of artists and learned men. It is this government eminently, which enables them to acquire, securely or without fear, the means of acquiring necessities, accommodations, ornaments, and, in a word, happiness; is only in consequence of that security which it affords its subjects, that the cottager, equally with the most noble peer, sits tranquilly at his own fire-side, counts on what is his own, depends on it, enjoys it, and seeks to increase it in every lawful way. Without government, the strong and cunning would, in a thousand ways, oppress and injure the weak and simple. This would soon produce a state of war, and place men in a situation, in which they could neither depend on their lives, nor their property, nor any thing which is dear to them. The country would stream with blood; towns and cottages would be deserted; all occupation, but plant

and murder, would cease, till necessity in pity to mankind, should assume the reins of government, and save the world from ruin.

If, therefore, government in general, give men so many blessings; if our government in particular give us many and various blessings in a degree enjoyed by the subjects of no other government, (which is literally the fact,) is that government to receive nothing in return? Is it not, in justice, entitled to a reward or compensation? Can government or governours afford us these blessings without receiving an adequate support? No! The justice of taxes, that is, of the support, to which government is entitled from its subjects, is obvious; and, therefore, we are not only commanded to render to all their dues, tribute to whom tribute is due, custom, to whom custom, honour, to whom honour, fear, to whom fear; but we find our Saviour himself working a miracle (which he never did for his own support) in order to pay tribute to a nation which had conquered his country, and which was then governed by Tiberius, an emperor confessedly among the greatest of tyrants.

In this country, taxes must be great, because the wise, just, and beneficent purposes of government, which they answer, are many. But, though great, I must take the liberty of affirming, that they are not heavy, that is, a sensible burden. This affirmation may not be a very popular one; but it is founded on the most obvious facts. It is not a conclusion drawn from reasoning concerning the comparative value of money and the means of subsistence at any number of periods, concerning the increase or diminution of national wealth, and the improvement of our commerce, agriculture, and the various arts, things, with regard to which we may very easily err; but from that, in which no man can be deceived, I mean a comparison of the present state of the people of all ranks with their state in all past times. Ascend to the source of our history, and you find the people of this country troops of naked savages, conducted by their respective leaders, without any houses but huts, without arts, and without any means of subsistence, except the spontaneous growth of the earth, and the produce of their flocks and herds\*. Descend afterwards to the time of the conquest, and you find them emerged, indeed, from the savage state, but still in the barbarous,

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\* Hume's History of England, v. 1. p. 3.



little acquainted with agriculture and the mechanic arts, desire frequently of the necessaries, and always of the conveniences, comforts, and ornaments, of life †. Descend even to the reign of Henry the seventh; and you find an Earl of Northumberland, living amidst a numerous retinue, indeed, but in a stile of coarse barbarous plenty, or rather penury, of which the very tenants of such a man would now be ashamed ‡. Compare the condition of all ranks, at the present time, with what it was in general, fifty, forty, or, in most places, perhaps, even twenty years ago, and you find the greatest difference in favour of the present times. The cottager now lives like the farmer formerly; the farmer, like the landed gentleman; the gentleman, like the nobleman; the nobleman, like a prince or king. Towns have risen in marshes and wastes, where once scarce a living creature could subsist; and thousands of wealthy merchants and tradesmen may be seen, where a beggar, in former times, when taxes were little or nothing, could not have lodged. Our country, from being one dreary waste, has assumed a beauty and richness which are unrivalled by any place of equal extent, on the surface of the whole globe. In fine, though our taxes have necessarily increased, all ranks are infinitely better fed, clothed, and lodged, than when they paid few or none, a plain and incontestable proof, that, though great, they are not heavy.

Heaviness and lightness are relative terms. We can consider any thing as light or heavy only in relation to his strength who supports it. If a man's strength has increased in a double, triple, or any other proportion to the increased weight of a burden which he has been accustomed to bear, it is evident, that he is able to support with ease, in the prime of life, a burden which would have crushed him in his infant years. This is precisely the case with regard to this nation and its taxes. Its taxes have increased; but its strength to bear them has increased much more. So that, at present, taxes to men, in general, in all ranks, cannot be a sensible burden, except the imagination has been filled with false ideas.

Though the taxes of a people have increased; yet if their wealth, like that of this nation, has increased in a much greater

† *Hume's History of England*, v. 1. p. 229. ‡ *Id.* v. 3. Note 8.

greater proportion; if, as in our case, the nation has en-  
 creased the quantity of its real riches, that is, not of its  
 gold and silver (which like paper money, are ultimately, in a  
 great degree, but the representatives of real wealth, having  
 very little intrinsic value, as they can neither feed, nor clothe,  
 nor lodge a person, and are used chiefly in ornaments) if, I  
 say, a nation has increased the quantity, not of its gold and  
 silver, but of its real riches, that is, the quantity of all those  
 things which afford men subsistence and enjoyment; if, be-  
 sides, the state of its agriculture, commerce, and mechanic  
 arts, and the extent or greatness of its dominions, be such,  
 that there is a probability next to certainty, not only of pre-  
 serving the increased quantity of its real riches, but of mak-  
 ing it still greater; if such be the state of a nation, then I  
 maintain, that, however its taxes may have increased, its  
 government must be good; for an abundance of these things  
 cannot be acquired or preserved under a bad government;  
 and if its government be good, the constitution must be good.  
 For, to use Mr Paine's words, "a government is only the  
 creature of a constitution §;" that is, the constitution is the  
 cause, and the government, the effect; and, therefore, as  
 this government is good the constitution must be good.

Our taxes, therefore, though great, are no argument  
 against the goodness of the constitution.

R. T.

LETTER LXI.

*The same Subject.*

COUNTRYMEN,

THE most unpleasant of all tasks is to write in defence of  
 our taxes; and even whilst a person is so employed, he  
 can scarcely help wishing, that they were less. The reason  
 is, that men are generally rather averse to give away, though  
 abundantly disposed to receive, money. But neither the  
 opinion of others, nor his own feelings, ought to deter a  
 writer from stating things as they are.

Though, from unavoidable causes, directed by the su-  
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§ Rights of Men, p. 1. p. 35.

present governeur of the world, there must be, in all countries, men who are poor, comparing their condition with what is necessary to their maintenance in their proper station; yet it is evident from the considerations in the preceding letter, that our taxes, though necessarily great, and, in some sense a burden, are not burdensome or oppressive. And whilst all prices rise, as they have hitherto done, proportionally with our taxes, or whilst the ability of the subject increases in the same or a greater proportion, which has yet been, and which, there is every reason to expect, will still be, the case, it is impossible, that they ever should become a sensible burden, unless they are made so in imagination by the designing, or by those who are, by their fears, their own tormentors.

Besides the advantages which the country has derived from its taxes, in being defended, and in having its liberty enlarged, and its trade extended and improved, there are other advantages flowing from this source, which it has long enjoyed, and which it will constantly enjoy, whilst things remain in their present happy state. The payment of them is a certain security for our liberty. For

1. The power of the Crown is thereby checked, and our privileges maintained, and occasionally improved.

2. It thence derives an influence which is necessary to enable it to suppress the excessive ambition of the great, to maintain public tranquillity, and to administer justice impartially.

1. Taxes, as they are paid in this country, are a check on the power of the Crown.

Were the patrimony of the Crown such as to enable it to act without any pecuniary assistance from the subject, those restraints which it now lies under, and which, in a manner, obliges it to respect the laws, and the rights of the meanest person in the kingdom, would, in a great measure, be wanting, or be no restraints; and the former might be violated, and the latter invaded, by it, with a great degree of safety to itself. Besides, if the subjects had any grievance to be redressed, or any necessary and just privilege or advantage to ask, their requests would not, by any means, be so easily obtained (it at all) as they are at present, the revenue depending on a vote of the Representatives of the People. It was by this privilege, the right which the people have of granting or refusing supplies by means of their representatives, that they

they acquired by far the greater part of their liberty and privileges, and that they have hitherto maintained them; and it is by the same means that they will be able, in a constitutional way, not only to preserve and improve them, but to ameliorate their condition in every respect, in so far as it depends on the will of the executive power. Thus, therefore, is the payment of taxes, in one respect, a great national advantage.

2. The Crown derives from them a certain degree of influence, which enables it to suppress the excessive ambition of the great, to maintain public tranquillity, and to administer justice impartially.

The greater part of its influence depends on the collecting and expending of the revenue; and its influence is the greater part of its power. In a country where money is, by many considered as the chief constituent of rank, and where it is able to effect every thing almost within the compass of human power, it is vain to expect, that the Crown, though it retained its constitutional authority, would have the force or power which enables it to rule all subjects according to law, without its influence; and its influence depends chiefly on its collecting and expending the revenue. Without this influence, though the chief magistrate might, from habit, be, for a while, respected by the great; yet that respect, as happened to the late King of France, would soon be changed into contempt. Like the frogs in the fable, who obtained a log of wood for a king, they would soon learn to insult a magistrate, who though vested with authority, yet, like the Heathen idols, could *do neither good nor evil*. The powerful, whether they were so by wealth, talents, or art, would, as at Rome and in the feudal governments, form confederacies among themselves, which would, in most cases, bid defiance to public justice, oppress the poor, and commit crimes with impunity. But these and all similar mischiefs are, in our country, prevented, by our being ruled by one very powerful man. This ruler is powerful, because his influence is great; and his influence is great, because he has a great deal to bestow, that is, because he not only collects, but expends the taxes.

In a word, the granting of our taxes by means of our representatives, is the instrument of preserving and improving

the privileges of the subject, and the collecting and expending of them, that, by which the chief magistrate maintains the peace of the public, administers justice impartially, protects all, and affords to all the most ample security in the enjoyment of their rights. Considered in this view, taxes are a common bond, which unites king and people, and which peculiarly interests the former in the welfare of the latter. Though it were possible, therefore, that this nation could free itself from them at once, and with the ease of simple volition; yet, in delivering itself from them, instead of gaining an advantage, it would sustain an unspeakable loss. By freeing themselves from taxes, the poor and weak would throw away the shield of the laws, and abandon their chief protector; and the leaders of the people would take up the iron rod of injustice, cruelty, and oppression. The dæmons of avarice, ambition, and civil war would soon waste and depopulate the country. Trade and Agriculture would languish or die; every visage would be covered with paleness; and Britannia, drenched in blood, would deplore the folly and wretchedness of her sons.

Taxes, therefore, in general, are one of the greatest arguments for the goodness of the constitution. It does not appear, that they are, at present, greater than what the necessary purposes of government require; it is certain, that they are light compared with the strength of the nation; and that increase of population, industry, and riches, which is next to certain, will most probably diminish them, or, which is the same thing, augment the ability of all subjects.

What has been said of taxes, in this and the preceding letter, is confirmed by the sentiments of that great statesman and lawyer, the president Montesquieu. "This nation," *says he speaking of Britain*, "is passionately fond of liberty, because this liberty is real; and it is possible, for it in its defence, to sacrifice its wealth, its ease, its interest, and to support the burden of the most heavy taxes, even such as a despotic prince durst not lay upon his subjects."

"But as the people have a certain knowledge of the necessity of submitting to those taxes, they pay them from the well-founded hope of their discontinuance; their burdens are heavy, but they do not feel their weight \*."

R. T.

\* Spirit of Laws, b. 19. c. 27.

LET

## LETTER LXII.

*Of the increased Influence of the Crown.*

COUNTRYMEN,

**T**HOUGH the influence of the Crown has increased, and is still encreasing, this encrease is no argument against, but for, the goodness of the Constitution.

The influence of the Crown is the chief constituent of its power; and, therefore, it must bear a certain proportion to the general encrease of riches, that is, of influence and power in the subjects; otherwise its power would be diminished, and rendered incapable of performing its proper functions.

The wealth of all ranks, but especially of the trading part of the nation, has encreased very much since the revolution; at which period the prerogative of the Crown had been very much diminished, and its influence was small; and if its influence had not afterwards encreased in a certain proportion to the encrease of the riches of subjects in general, the constitution, instead of being improved, would have become worse. When the people of this country had less wealth and trade, and fewer means of acquiring wealth, a much smaller degree of influence was sufficient to govern them, than what has become necessary, since numbers of monied men have arisen in towns, places the most apt to become refractory, turbulent, and even seditious, who would despise any influence which the Crown, in former times, was able to exert. As the wealth, therefore, that is, the influence of subjects has encreased, it was necessary, that that of the Crown should also have encreased, in order that the influence on balancing that on the other, the throne might not be subverted by a power pressing upon it, which has ever been ready to take advantage of its weakness.

Before the Constitution attained to its present mature state, an influence in subjects superior to that of the Crown, seems, in general, to have been of advantage to the nation. It was this which gave it that superiority during the reign of the Stuarts, by which our national liberty was, in a manner, perfected †. But now that any material alteration in the constitution

† Blackstone's Commentaries, v. 4. p. 432.

situation would be hurtful to the nation, such a superiority of influence in subjects would be ultimately detrimental to themselves, as it would afford a power to those who are fond of innovation, to invade and lessen the royal prerogative so as to unfit the chief-magistrate for ruling this great nation. In short, if we are to enjoy our rights, the influence of the Crown must encrease nearly in proportion to the encrease of the wealth of subjects in general; and as this seems to have been the measure of its encrease since the revolution, that encrease is not an argument against, but for, the goodness of the Constitution.

Whether its influence is, or has, at any time, been, excessive or disproportionate to the state of the subjects, can be known only by what it has done, as every cause is known by its effect; and it does not appear, that it has done any thing since the encrease of its influence has become a topic of declamation, which was not intended, at least, to benefit the nation. It has been employed in protecting the country, in enacting many laws of a public or private nature, confessedly of general advantage, and in making "the laws to reign."

But the present war and certain acts of Parliament have been supposed to be injurious to the nation.

If it was necessary to preserve the balance of power in Europe, and our rights as Britons, it was necessary to wage war with France, even though that country had not previously declared war against this. The balance of power, though sometimes mistaken, has been understood, and, in some degree, attended to, in all countries and ages, and is just as necessary as that two or more weak men should unite against one strong man, from whom they have something hostile to apprehend. This has been the situation of this and several neighbouring nations, with regard to France, ever since its power became so great, but especially since the establishment of its republican government. A short time after this, the rulers of France threatened almost all established governments, but especially those which they called tyrannies, that is, monarchies, and more especially the monarchy of this country, and even the country itself; and its threats, accompanied

‡ The president of the National Convention declared, "that the French nation would not rest, till they had devoured proud Albion, and plunged Pitt and his accomplices in the Ocean; till they had planted the

hostile measures, rendered it just as necessary that this country should act against that, as that one man seeing another advancing towards him with a weapon in his hand, and with a hostile air and gesture, should put himself in a condition of preventing or repelling violence. In such a case, instinct stimulates, and reason allows, directs, nay even commands, one nation to use against another, from whom it has reason to apprehend injury, every means except those which are injurious to a third party; or any of its own members, in so far as they are necessary for defending itself, and obtaining security; and these, it has been repeatedly declared by the ministers of the Crown, were the objects of the war. "The sole object of the war," said the president of the Cabinet Council, in the House of Lords, about two years ago, with a precision and manliness that distinguished his character, "the sole object of the war is, in one word, Security."

Necessitated, therefore, as this nation was to defend itself against the wanton or malignant attack of its neighbour, it was a duty which ministers owed to their king and country, to offer every kind of assistance to every power that would assist this country against France; and to maintain our cause by negotiation, by force, by money, by every just and necessary means that nature and providence should furnish them with. If any or the greater part of the allied powers, whether subdued, or not, have withdrawn from the alliance either from necessity, or choice, the ministers of the Crown are certainly not answerable for the conduct of independent states.

But France has been successful! What then? Mere strength is no proof of merit; Nor is the success of a cause any argument of its goodness. If it be, we also have been successful; and if the goodness of a cause is to be determined by success, we have not only an argument, but a proof of the goodness of ours. We have not only preserved our constitution and liberties; but we have both preserved and extended our dominions. We have not lost an inch of territory; but have gained much. We have not only increased our own naval force, but lessened that of the enemy.

Nay the whole alliance against France has been nearly as successful as any independent state ought to be against another.

of liberty on the banks of the Thames, and made the Marseilloise may be sung on the streets of London;" and his speech was followed with loud applause from the Convention.



ther. The opposition which the French has met with from the allied powers, has checked, though it has not conquered them. They, as well as these powers, have lost much of their blood and money, they have become less capable of putting their threats and menaces, and most probably their first resolutions against other governments, in execution. They have had time to reflect, and to experience calamities both of a domestic and foreign kind, so as to know by their experience, that a republican government is not, by any means, a perfect one, and perhaps to suffer other nations to enjoy their own forms of government. In short, after having given scope to a blind, a mad ardour, they are now, in a great measure, come to themselves in consequence of the opposition made to them by the allied powers, and other causes. They have ceased to threaten other governments with ruin. They are become much more moderate and tractable, and willing, it should seem, that a general peace should be established in Europe, and that every nation should be left, without molestation on their part, to enjoy their own government. The obtaining of these most desirable objects, whether they have yet been fully obtained, or not, is the motive of ministers, according to their own confession, for continuing the war; for a declaration of war on the part of France forced them to enter into it. And as the preservation of what is our own, is the most justifiable of actions, the French, had it not been for the check they have received from the combined powers, would have over-run Europe with a rage blinder than that for the crusades, and infinitely more destructive, no blame certainly attaches to ministers for the general conduct with regard to the war, but much praise: in opposing a power that would have wasted with the quickness and fatality of a pestilence, and which, in its effects would have been much more direful and permanent, they have committed certain small errors (of which, however, I know none; for no man or men can foresee all things) this only shews us, that, though able and upright ministers, they are yet men.

As the conduct of ministers is laudable and meritorious with regard to foreign affairs, it is no less so with regard to domestic. Their vigilance to prevent those evil-minded or deluded people among us, who wished to follow the example of France, and so ruin their country, is much to be praised. It is now seen, and can scarcely be denied, that the suspension

the Habeas Corpus Act, and the bills with regard to treason and sedition, as well as those with regard to the seduction of his Majesty's forces, and the mutineers at the North, were loudly called for, by the most imperious necessity. They also, like the war, have answered the intention of them. They have contributed, in a high degree, to preserve internal tranquillity, and thus to preserve our constitution. They have contributed to bring the mutineers to a just sense of their conduct; and have given the deluded people in Ireland an opportunity of discovering their error, and of returning to their allegiance. In fine, the joint operation of the war and these several acts has, under God, proved, in a high degree, the means of preserving the Constitution and Laws, Liberty and Happiness of the Nation, both against foreign and domestic enemies: And to preserve these blessings, expence can be deemed too great.

Ministers, therefore, even if we judge them, not by the goodness of their intention, but by the event hitherto, are to be blamed, but highly praised. And an influence in the Crown which has enabled them to act in this meritorious manner, is not an argument against, but for, the goodness of the Constitution.

If a party in the nation, loyal, I am fully persuaded, to stand, and ready, in case of any great emergency, to give the most decided proof of their loyalty, ready, if necessity should require it, to shed their blood in torrents, in defence of that country, which they may have, perhaps, in some degree, injured, through the heat of contention, and by the enthusiasm of their eloquence, if this loyal party have not been able effectually to thwart a minister, wise and steady, and his years, in a remarkable degree, this is not an argument against the Goodness of the Constitution, but a proof, that the Minority in Parliament is not yet the Majority.

R. T.

LET.

## L E T T E R L X I I I .

*Of the National Debt.*

COUNTRYMEN,

"CAN we but leave posterity," says Mr Paine to the Americans, when he would persuade them to continue the war against this country, "can we but leave posterity with a settled form of government, and independent constitution of its own, the purchase, at any rate, will be cheap. The debt we may contract, doth not deserve our regard, if the work be but accomplished. No nation ought to be without a debt; a national debt is a national bond\*;" that is, a security for the permanence of its government; for, in no other sense, can the words "national bond" be understood. Here then, this author, when he means to favour his own purpose, fairly acknowledges the use of a national debt. And it has been confessed by all parties, that this nation has derived advantages from its debt, in the security it has afforded to its government in time of danger, and in the commercial purposes which it has uniformly served.

It must, indeed, be confessed, that the great Montesquieu himself expresses himself in a manner which seems contradictory to what is said of the advantages which a nation may derive from its debt. "A well regulated government, says he, ought to set aside, for the first article of its expence, a determinate sum to answer contingent cases. It is with the public as with individuals, who are ruined when they live up exactly to their income†." These words seem to be true in general with regard to absolute monarchies and despotisms, in which there is no liberty and generally few rich subjects, except such as are attached to the government by offices or honours; but they will not hold true with regard to free governments, especially the government of this country, in which the wealth of thousands who have no particular attachment to it, and the liberty of all, are extreme. The government of this country being of a mixed sort, and of a very peculiar structure, all those general rules will not apply to it, which hold in simple governments, and indeed in every other kind

\* COMMERCE SENSE, p. 35.

† Spirit of Laws, b. 13. c. 18.

kind of government. It is evident, from the writings of Montesquieu, that he considered this government as peculiar, and not reducible to all the rules of any other. It is even plain from his own words, that he did not intend the words quoted above, of the government of this country. For, of this nation or government, he says expressly; "to preserve its liberty, it borrows of its subjects, and its creditors seeing that its credit would be lost, if ever it were conquered, have a new motive to make fresh efforts in defence of its liberty\*." Though it may, therefore, be generally true of despotic governments and of absolute monarchies (of which latter kind he was a subject; "that they are ruined, even when they live up exactly to their income;" yet it is as true of this government, that it derives strength from living beyond it; "it preserves its liberty by borrowing of its subjects, and, its creditors have a new motive to make fresh efforts in defence of its liberty."

In a country such as this, in which, without public funds, there must be constantly an immense quantity of superfluous money in the hands of merchants and other traders; money, which, in their hands might be employed, as in France, to effect the most dreadful purposes, but which in the hands of government, may be used to guard our liberties and serve other purposes of general utility; in a country, in which liberty is enjoyed in so high a degree that it frequently degenerates into licentiousness, and of which the capital is so immense, so populous, and of such a character, that many of its inhabitants are, *occasionally*, not only licentious and turbulent, but seditious, and sometimes, perhaps, almost rebellious; in such a country as this, if my humble opinion were asked with regard to the policy of a national debt, I should give it decidedly in favour of such a debt to a certain extent; because, though very considerable, it can never, whilst we continue to be as prosperous as we have been, be a sensible burden, nor produce any inconvenience, and it affords, in every popular storm, an additional anchor to the vessel of the state, by peculiarly intersting the creditors of government in the capital, to support it in that place where it is most exposed to danger.

This nation has derived various advantages from its debt; nor has that debt been yet felt as a burden. For, "the burden

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of

\* Spirit of Laws, b. 19. c. 27.

of the national debt," says Mr. Paine, with great truth, "consists, not in being so many millions or so many hundred millions, but in the quantity of taxes collected every year to pay the interest †." And as it has been shewn, to my understanding, in a manner that is unanswerable, that our taxes, though great, are not a burden, that is, a sensible burden, it follows as a consequence of Mr Paine's words, that our national debt is not a burden.

But it has been supposed, that this debt is greater than is necessary. Granting that it is, the excess is no argument against the goodness of the constitution. It is the nature of man never to remain in a due medium, but to go to extremes; and if any thing is to be blamed for the excess of the public debt of this and other European nations, it is chiefly, perhaps, in the last place, this disposition in mankind.

Some part of the debt of this nation was a necessary sequel to the revolution; and the rest of it has been contracted in wars that were necessary for the defence of the country and its foreign dominions, and the protection of our trade and liberty. It is, therefore, part of the price of those blessings which we enjoy.

That these wars were necessary appears from the history of the respective times, in which they took place; and a certain celebrated writer who speaks in the strongest terms against our national debt, acknowledges, that they have been just in the commencement of them, but that they have been continued after they have ceased to be such ‡. This is an argument of a disposition in the ministers of the Crown, or rather in the nation at large, at the times of these wars, to carry things to extremes, but no argument against the goodness of the Constitution. Ministers act according to the general sentiments of the nation; and these sentiments cannot be controlled by, but must ever controul, any constitution.

All men, whether considered as individuals, or forming societies, are guided by opinion solely; and men's opinions vary, perhaps, as much with regard to systems of public conduct, as with regard to systems of any species of philosophy. Nay a whole nation is sometimes as whimsical in its public conduct, as individuals with regard to the fashion of their houses, equipage, or dress. Something like this, was the case, when the French lost so much by the Mississippi scheme, and

† Rights of Man, p. 2. p. 71.

‡ See Hume's political essays.

and the English, by that of the South sea. A humour in eleven of the tribes of Israel almost annihilated the tribe of Benjamin; and a disposition in the Romans to raze Carthage, was the ruin of that state: though a few sages saw, that the interests of both states required, that it should be spared. A rage for the Crusades formerly actuated Europe; a rage to abolish Christianity now actuates many in France, and a few in other countries. In the reign of James the second, the resistance made to the throne was general; in that of his daughter Ann, petitions from all parts of the country were presented to the Queen, confirming the doctrine of non-resistance. There are errors of individuals, errors of nations, errors even of the human race; but when a nation, or the majority of it commits an error for a longer or shorter time, that error argues nothing with regard to their constitution, but proves they are men.

A humour or disposition to contract debts, seems once to have pervaded the whole or a great part of Europe. It was not confined to governments or national societies, but extended itself to towns; many of which have contracted debts on the same principle with governments, namely, public good. Nay the same principle, with respect to themselves, has regulated the conduct of companies of merchants, and even of individuals, many of which have deeply involved themselves in debt to prosecute some favourite scheme. In short, a disposition to contract debt, in order to gratify their humour, or better their condition, seems once to have actuated the men of a great part of Europe; and the modern invention of substituting paper for gold and silver, enabled them to indulge this disposition. But a nation in debt, like an individual in the same situation, is frequently, from accidental causes, obliged to increase its debt, before it can get rid of its incumbrances.

The Dutch first contracted public debts at low interest; the practice was followed by France and other nations of Europe; and when a part, or even one, of neighbouring nations adopts such a system of conduct, the rest are obliged to do it, just as one nation is under a necessity of encreasing its forces, when another does the same. For an encrease of public money, though borrowed, is, in the first place, an encrease of national strength. But when nations, from general opinion or disposition, encrease their public debts, even supposing such

debts to be very prejudicial, this is no argument of the good  
 acts or badacts of their respective constitutions, but an argu-  
 ment of the folly of the times; especially in this country  
 the conduct of whose governours is influenced, I had almost  
 said, wholly regulated, by the voice of the nation. For  
 "the sovereign is here in the same case with a private person  
 and, against the ordinary maxims of prudence, is frequently  
 obliged to give his confidence to those who have most offend-  
 ed him, and to disgrace the men who have best served him, &  
 he does that by necessity, which other princes do by choice."  
 "Every man has, in some sort, a share in the administration  
 of the government<sup>†</sup>." If their governments be free, the evil  
 is, not in the constitutions, but in the men, of which the  
 nations consist.

When the other powers of Europe increased their forces  
 by increasing their debts, Britain was obliged to do the same.  
 Had it been a republic, it could not have avoided it. The  
 republic of Athens is, perhaps, the only government of an-  
 tiquity, that contracted a public debt; the Dutch republic  
 was the first modern one that adopted the practice. The po-  
 litical state of this nation, for a considerable time after the  
 revolution, the general disposition in this and other European  
 countries, to anticipate, and the practice of our neighbours,  
 not the peculiar temper or disposition of our governours, and  
 much less the constitution, seem to be the proper causes of our  
 national debt. This debt, to a certain considerable amount,  
 is a general benefit; and the excess of it, (supposing it to be  
 excessive) has been produced partly by general error, and  
 partly by necessity.

But our loss, from whatever cause, is retrievable. By the  
 report of a committee of the House of Commons, the whole  
 of the public debt will be paid in a shorter period than that in  
 which it has been in contracting. What though the time  
 were double or triple, or even quadruple? There is a certain-  
 ty almost, that our riches will increase; and, in that case, we  
 shall be relieved in two ways. Whilst the burden of debt  
 dwindles into that size which will be a general benefit, our  
 strength to bear it will increase. The wealth of individuals  
 is greater than in any former period; their taxes are not  
 heavy, though great; and surely it is no great exercise of  
 patience to bear our increased (I may say) still increasing  
 prosperity.

\* Spirit of Laws. b. 19. c. 27. p. 416.

† Id. p. 418.

prosperity, tho' our public encumbrances become no ex-  
traneous, but a general and certain advantage.

Some people, it is said, wish for a change of our in-  
comparably excellent form of government to republic, in order to  
cancel the national debt. But we are not necessitated to  
commit a national bankruptcy, by the wants either of the  
public or of private individuals. This would be an act of in-  
justice, that would ruin thousands, give the most severe, if  
not a mortal blow, to trade, and stain the fair page of our  
history, an act, for which we could not justify ourselves either to  
God or our own consciences. But were it necessary, absolute-  
ly and indispensably necessary, to take this most unjust, cruel,  
and destructive step, it might be taken, as formerly in France,  
without changing the government to republic. Were we to  
make this fatal change, like most bankrupts, we should find,  
when too late, that we had lost much by our bankruptcy.  
The frequent disorders and civil wars that would take place,  
would consume much more than the interest of our public  
debt, besides preventing men from pursuing the various arts  
by which wealth is procured. Who would have thought of  
making Italy a trading country from the time of Marius to  
that of Augustus. And such would be our country under  
republican government.

Our constitution has given us wealth by giving us liberty.  
Wealth has, indeed, contributed to encrease our liberty,  
and the liberty and wealth of the nation produce or preserve  
each other. But without liberty and security, few would en-  
deavour to acquire, because none could be sure of possessing.  
Our constitution by making all free, has tended, and does tend  
to make all rich. And for us to change this constitution, on  
account of any supposed misconduct in the nation or its go-  
vernours, for a republican one, that is, for one unspeakably  
worse, would be nearly the same as for an individual to  
deprive himself of reason and strength, because, in some  
period of his life, he may have made an imprudent use of  
them. With all our encumbrances, therefore, it is our wis-  
dom to guard our constitution in order to preserve our free-  
dom

\* When I mention the prosperity or flourishing state of this country  
since the constitution arrived at its mature state, I would be understood  
as speaking generally and on an average, and as excepting those inter-  
vals, in which trade in general, or any branches of it, have suffered a  
temporary loss or stagnation. And no nation more than any individual  
is at all times equally prosperous.



dom and augment our riches. The troubled atmosphere of a republican government, though of the best kind deviseable by the wit of man, would blast that Tree of Liberty, under which Britannia kindly nurses and provides for her children, and which is perpetually covered with blossoms, and loaded with the richest and most delicious fruit.

Upon the whole, this is certain, that the constitution of this country is one principal cause why the people are richer than their neighbours; that if any blame attaches to the contracting either of a greater or less quantity of national debt, it is the nation, not the constitution that is to be blamed; and that to change the government to republic, would be a sure and short road to private poverty and misery, and to public ruin.

R. T.

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# OF THE SUPERIORITY OF THE BRITISH CONSTITUTION TO EVERY OTHER.

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## L E T T E R L X I V .

*The Superiority of the Constitution of Britain, to every other,  
shewn from the parts and principles of its Government.*

COUNTRYMEN,

**T**HE constitution of this country is superior to that of all others, 1. with regard to the parts which compose the government; and, 2. with regard to its principles.

In every society, there is one person, who, on account of his wealth, descent, character, abilities, and merit, or some certain combination of these, has, in some degree, greater respectability and influence than any of the other members; that is, there is a leader, chief, or head. There are others, who, for similar reasons, have less respectability and influence than this person, but more than the same number of the rest of the members, that is, there is a senate, an aristocracy, or nobility. The rest may differ from each other in point of influence and authority; but being inferior both to the chief and those who are next to him, they generally unite in such a manner as to defend themselves; and here we find plebeians, commons, or a democracy. Some classification or division of the members of society, similar to this, seems to be natural to men who enjoy freedom. It took place in all the democracies of antiquity, in reality, though not often in name; and is exemplified in the relation which men bear to each other in all our cities and towns.

In every society, therefore, there really exist, partly from natural, and partly from accidental, causes, a king, a nobility, and commons. This, in some degree, is the natural shape of society; nor can any laws or power of man, give it another. But where the powers of these three descriptions  
of

of the members of society, are not defined by laws; at one time, the chiefs, and, at another, the people, arrogate to themselves all power, and oppress and injure the rest of the community. Now our constitution is superior to all others in this respect, that it defines more accurately, and confirms with more certainty, the powers and privileges of all ranks of men, than any other that either is, or ever was. It allows to every individual, some share of power as well as privilege; and it makes the powers of all to co-operate towards the security of all. It possesses the strength and dispatch of monarchy, the wisdom of aristocracy, and the public spirit of democracy. It unites the advantages of all the three; and excludes their disadvantages by tempering and balancing the powers of those who have any share or influence in the government.

2. The constitution of Britain is superior to all others, with regard to its principles, that is, the human passions which set the different parts of government in motion\*.

The three principles of government are fear, virtue or the love of one's country, and honour. The first is properly the principle of despotism; the second, that of republic; the last, that of monarchy. In our government, they are united; and their combined influence contributes to render it more perfect than any other.

Our laws, though mild, are sufficient to deter most subjects from crimes; our country is so lovely on account of the liberty and security enjoyed in it, that the love of it or virtue must animate all good men who are fully acquainted with the value of liberty, and know that their liberty is the effect of the constitution; and the sense of honour actuates, in some degree, all ranks. Thus we have in the bosoms of men, cherished by the constitution, three great securities for our liberties and happiness, fear or self-preservation, patriotism or virtue, and honour, or the love of what is great and excellent, and aversion to what is mean and defective. Add to these, that we have the principle of religion, the surest defence against injury, in greater purity, if not in greater strength, than almost all other nations.

It is true, the subjects of republics have a certain sense of honour, as well as fear of punishment; and, it is in such governments, that patriotism is supposed to glow with particular ardour.

\* See Spirit of Laws, b. 3. c. 1.

ardour. But it is in monarchies, that the principle of honour is cultivated with the greatest care and success; and it is in such governments as ours, where the *laws reign*, that fear operates, in its just degree, without degenerating into servility and terror. Neither did virtue or patriotism ever flourish more in any of the ancient republics than it now does, with certain exceptions, in this country; and against these exceptions are to be stated the despotism and conduct of the slaves in these ancient governments, who always hated, and sometimes made war against, their governours. It is known, because history records it, that, in the ancient democracies, the citizens were fully as selfish and venal as the members of any rotten borough in this kingdom. Where was the virtue of the Athenians, when all their leaders, except, perhaps, Demosthenes himself, was bribed by Philip, king of Macedonia? Where was that of the Romans, when the wealth of provinces was scattered by their leaders to bribe the plebeians of Rome?

Honour has been censured as a principle of action; but this censure proceeds upon a mistake. The principle of honour is as natural to man, as the principles of religion, morality, and public spirit. Honour is but a sort of exalted or noble morality. Religion teaches us to consider certain actions as sinful; morality, as unsuitable to our nature; and honour, as base. Honour is the love of what is great and splendid in actions; and the aversion to what is little and mean. Rightly understood, it leads men to the practice of what is commanded by religion, and prescribed by morality, with the precepts and maxims of which it coincides.

The point of honour has, indeed, been mistaken, as in the case of duelling; but so has the rule of religion and morality, as in the cases of offering human victims to the gods, and of exposing aged parents and infants. What is wanted, is not the extinction of any of these principles, all of which are natural, useful, and even necessary, to mankind, but the proper direction of them.

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† It has been thought, that the Legislature could apply a remedy against the evil of duelling, by subjecting the duellist to an ignominious punishment. The late king of Prussia is said, by such means, to have prevented the officers of his army from fighting duels. At a certain time, it was becoming fashionable at Rome, for wives not to survive their husbands. The senate corrected this propensity to suicide in the Roman ladies, by ordaining, that she who killed herself on the death of her husband, should be dragged through the streets of Rome at a horse's

“ We see, says *Montesquieu*, that, in countries where the people move only by the spirit of commerce, they make a traffic of all the humane, all the moral virtues: the most trifling things, those which humanity would demand, are there done, or there given, only for money.” This tendency of commerce to corrupt the heart and life, is, among us, counteracted, by the principle of honour, combined with that of religion. The former of these principles regulates the conduct of our merchants so much, that a man who is honest and practical in his dealings, is frequently called, not an honest, but an honourable man. The latter has been frequently known to lead men to compensate those whom they have injured, when a compensation could not have been obtained by any other means. In the ages of superstition, the tendency of religion was to make men build and endow churches, enrich the clergy, become soldiers in the crusades, or make a pilgrimage to the holy land; and these effects, it had on kings themselves. In this age, in which Christianity is, in this country, stripped of superstition, its tendency is either to restrain men from injuring each other, or to induce them to repair the injuries which they have done, and this tendency it hath with regard both to rulers and subjects. “ It is religion, says *Montesquieu*, that amends, in some measure the Turkish constitution †.

The leaders in the revolution in France, besides other mischiefs, did the greatest injury to their country in destroying or lessening the influence of the principles of religion and honour by the abolition of their church and monarchy; both of which ought to have been reformed, not abolished. They found, at one time, they had left only one principle of government; and that was terror. It should seem, that, to the bulk of the nation, patriotism never can be a principle of action; nor does it appear, that there is yet established any regular and sufficient system of influence, or that any can be established, whilst the present constitution remains. The chief principles, therefore, of their government must be either terror again, or corruption. But blood was not found to be a cement of the state; and gold employed corruptly, though it may serve as a temporary cement, will eventually divide and subvert it. They ought to have preserved all the principles of government; and one would have strengthened another.

† Spirit of Laws, b. 5. c. 14.

The principle of honour never can, in monarchies even, supply the place of religion. One ought to endeavour to make the one principle, not supersede, but assist the other. The effect of a sense of honour in restraining from what is injurious and mean, is described by Montesquieu, with two strokes of his masterly pencil. "Crillon refused to assassinate the duke of Guise, but offered to fight him. After the massacre of St. Bartholomew, Charles the ninth, having sent orders to the governors in the several provinces for the Huguenots to be murdered, viscount Dorte, who commanded at Bayonne, wrote thus to the king." "Sire, among the inhabitants of this town, and your majesty's troops, I could not find so much as one executioner: they are honest citizens, and brave soldiers. We jointly, therefore, beseech your majesty to command our arms and lives in things that are practicable." "This great and generous soul looked upon a base action as a thing impossible\*."

In fine, the government of this country is superior to all others, first, with regard to the constituent parts of the state, and secondly, with regard to its principles; which, putting all the parts of the government in motion, are the soul of the body politic. It combines the power of all for the good of all. It unites the principles of all governments; and renders them subservient to the public good. If the principles of religion and morality sometimes clash with that of honour, as in duelling, their disagreement is, not natural, but casual. The false point of honour and the practice of duelling have their origin in an absurd and superstitious custom of antiquity†, and it should seem, that the example of the great, time, and our wise legislature may rectify the error of the sense of honour, and abolish this baleful practice. At any rate, as this practice is not connected with one form of government more than another, it would continue, as in France, though the government were to change its form.

R. T.

\* Spirit of Laws, b. 4. c. 3.

† Spirit of Laws.

## L E T T E R L X V .

*The Superiority of the British Constitution to Elective Republics,  
shewn by a comparison of some of their effects.*

COUNTRYMEN,

**T**HE superiority of a government such as ours, in this country, to all sorts of government but elective republic, will be readily acknowledged by all parties: Its superiority to this sort also is evident upon contemplating their respective forms and principles: - But that superiority will be still more evident, if we attend to some of their respective effects.

It has already been shewn by arguments, in my humble opinion, unanswerable, that faction cannot be prevented in those sorts of republican governments (if erected in countries resembling this, in which the people delegate their power to representatives, as in France, any more than in those, in which they transact their public business in person, as in the ancient democracies of Athens and Rome. And as faction is the source of all or most of those mischiefs which render such governments inferior to ours, I am at liberty in comparing the effects of elective republic with those of such a government as this (supposing a government of each kind established in two countries, both nearly resembling this) to support my arguments by facts relating to the ancient democracies.

In countries such as this, the great superiority of a government such as ours, to a republic wholly elective, consists in our being ruled by one person, whose power is limited and hereditary. Many and great are the advantages above what can be afforded by any sort of republic, which are derived from this source. Some of them are as follows.

1. There is greater unanimity among the subjects, under the government of this country, than there would be under the government of an elective republic; and, of course, greater strength in the nation.

Neither blood nor treasure could unite the subjects of the ancient republics of Athens and Rome; and the same may be said of that of France. The fear of a foreign enemy has al-

ways

ways been found necessary to unite the subjects of such governments. In this government, as the father of a family, partly by authority, and partly by a sense of duty in his children and domestics, unites the members of it, so does the chief magistrate, by his great authority, and due influence, unite his subjects. The parties in this country, arise chiefly from the republican part of the government, and are, in general, of advantage: The parties in republics, are factions, and generally destructive or ruinous. In such a country as this, a pure republic or one wholly elect would be a house divided against itself, and could not long both stand and be happy. The different parts of the state in this country, and the different parties in the government, are like the different parts or principles in the human constitution; which may sometimes counteract each other, but which are always necessary to the happiness of the man.

2 The community or rather sameness of interest, in one respect, between the chief magistrate of this country and his subjects, is a marked superiority of our constitution, to that of a republic wholly elective.

In all republics, the chief magistrate or magistrates are but as the upper servants of a family. Their individual interest is too great, and that which they have in common with their subject too small, to afford to the latter sufficient security, that they will, at all times, manage their public affair with fidelity and due attention. In our government, the chief magistrate is, as it were, really the father of his people. The richer and happier they are, his riches and happiness must be the greater; and it is impossible for him, even for a moment, to neglect their interest without neglecting his own. Hence they have the greatest security, that he will pay due attention to their public concerns.

3. In a country such as this, wars would be more frequent under a republican government than they now are.

The reason of this is both the great community of interest, that subsists between the king and his subjects, and the stability of the power of the former. The language of every king's heart in this country, must be that of James the second with regard to a part of them, "Oh! spare my English subjects." Self-interest, if not humanity and a sense of duty, must perpetually induce him to spare them, as a careful

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shepherd, his flock; and if we add to this principle, the check of Parliament and of a free nation, it is evident, that nothing almost can incite him to enter into war, but mere necessity, either real, or generally supposed real. On the other hand, in republics, the ruler or rulers cannot be under such restraint from war by self-interest; and that, though, by no means, the sole or even the strongest, is yet the most constantly active and most effective principle, in human nature.

The power of the chief magistrate of this country is so stable, and (if I may so speak) so independent, that no description of his subjects can force him into a war: That of republican rulers is constantly so dependent on great subjects whether in or out of office, who may find either profit or gratification in war, that they may be frequently forced into it against their own judgments (if not their consciences) and against the interest of the state.

Besides, republican governments, are, perhaps in their own nature, more given to war than governments such as this. The very spirit of such governments renders them, it should seem, more impatient under what may be called national injuries and affronts. We find, that all the ancient republics (not excepting that of Carthage, whose trade ought to have preserved it from frequent wars, had the nature of its government been pacific) if they were able to contend with their neighbours, were almost perpetually at war with them.

4. In a country such as this, the government is more stable than that of a republic would be; and there are fewer civil dissensions and wars than there would be under republican government.

The reason of this difference is, that the crown is hereditary, and its power very great. As it is hereditary, the ambition of any subject to ascend the throne is prevented; or if any should conceive the mad desire of reigning, so great is that power, that so blind an ambition would be nipt in the bud. Hence those civil wars which arise from contention for the chief power, are here, in a very great measure, if not wholly, prevented. But, in a republic, where the chief magistracy is elective, ambition being inseparable from human nature, as every little man would be great, so every great man would be supreme. Hence those factions, civil wars, and revolutions, which have ever torn or destroyed such governments.

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5. In a country such as this, a government such as the British is, all things considered, less expensive than an elective republic; or, in other words, the subjects of this government may be richer than they would be under republican government.

They are less engaged in foreign wars, than they would be under such government; their taxes consequently must be less; and they are infinitely less exposed to civil wars, in consequence of which, they have not only more time to use the means of acquiring wealth, but they save those immense sums which would, in such wars, be employed against each other, and at the same time, they avoid the devastation of them. In the republic of Rome, Julius Cæsar seized the public treasure to contend with an opposite party\*; and, in England, when the prerogative of the Crown was so reduced that the government was, in effect, a republic, the leaders of a faction employed the revenue in making war against the King†. Besides, republics are made up of so many discordant parts; and the authority of their rulers is so small, that it requires immense sums to suppress excessive ambition, to maintain public tranquillity, and to support the government against its own subjects. Pericles was obliged, not only to involve himself in debt, but to use the public treasure in bribes and largesses, in order to preserve the ascendant which he had gained in the republic of Athens‡. What immense sums of secret service money must be allowed to the chief magistrates in elective republics, to soder the divided subjects, if it be intended, that the state should, for any length of time, enjoy tranquillity!

6. A government like the British, is, in such countries as Britain, more favourable than republic, to excellence in the human character.

It nourishes independence of spirit, and, of course, gives free scope to the exercise of every virtue, because every subject knows, that, if he is able to support himself, he is as independent of every other, as it is possible for men to be of their fellow creatures; whilst, at the same time, it prevents, in the highest degree, those civil dissensions and wars, which corrupt, harden, brutalize the heart; which change men, not into savages, but monsters. It produces and nourishes pub-

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\* Goldsmith's Hist. of Rome, v. I. p. 40.

† Hume's hist. of England, v. 6. p. 496.

‡ Goldsmith History of Greece, v. I. p. 126.

lic spirit or the love of one's country; which is endeared to us chiefly by the liberty, security, and tranquillity afforded by its government. And without extinguishing the sense of independence, it is the cause of that gentleness, that courteousness, which are commanded in the sacred scriptures, and which are in themselves so graceful, so pleasing, so conducive to human happiness.

When the great Montesquieu represents monarchy as less favourable to virtue, than some other sorts of government, he is, according to his own words, to be understood, not as speaking of the private virtues, but of public virtue, which he calls "the love of one's country." "I speak here," says he, "of political virtue, which is also moral virtue, as it is directed to the public good: very little of private moral virtue, and not all of that virtue which relates to revealed truths\*." Neither, when, in the same passages of *the Spirit of Laws*, he speaks of monarchy, is he to be understood as speaking of the government of this country, which he calls "a republic disguised under the form of a monarchy," but of the monarchies on the continent †.

In fine, the government of this country is at once favourable to independence of mind and conduct, and to those decorous manners which are an ornament to our nature, and which, being pleasing to ourselves and others, conduce much to our happiness. Affording the greatest possible liberty of a private kind to every subject, it leaves him to cultivate all religious and moral virtues, whilst the very consciousness of enjoying such liberty must render their country very dear to all who know the value of so great a blessing. If we add the disaffected freemen to the numerous bodies of slaves in the ancient republics, we shall probably find, that, notwithstanding of a certain degree of disaffection in this country, there are many more men in it, lovers of their country, than ever were in these governments even in the times of their greatest purity.

7. In a country like this, a government such as ours, is more favorable than an elective republic, to the impartial administration of justice.

In republics instituted in such countries as this, however they may be constituted, it is impossible to prevent faction; and where faction prevails, that faction which gains the ascendant, has generally neither eyes to see what justice is to their

\* Note, *Spirit of Laws*, b. 3 c. 30. † *Spirit of Laws*, b. 5. c. 19.

their opponents, nor a heart to allow it, nor hands to administer it. In this country, there are parties, but very rarely factions. The stability of the government is such that the executive power is not, as frequently in republics, under a necessity or temptation of departing from the straight road of justice, to gratify any powerful subjects, or to wreck its vengeance on those who may have provoked it. So great is that power, that it crushes faction as soon as it is formed; and so great is its ability to administer impartial justice, that the seditious and even the rebellious are dealt with mildly, and according to the laws.

8. In a country such as this, a republican government is less capable than ours, of punishing crimes.

The rulers in such governments, are constantly so dependent on certain great or popular subjects, that it is only small ones they can punish. They never can punish those great subjects or their connexions, however guilty, who made and support, and who can unmake, them. Hence, in such governments, the great can, with impunity, as at Rome, oppress and injure the small. In our country, as a father corrects his children, so does our very powerful chief magistrate punish the greatest offender as well as the smallest; and thus he protects all his subjects.

9. In countries like Britain or France, republican governments are less capable than ours, of rewarding merit.

Such is the imperfection of human nature, that, in all countries, distinguished merit uniformly excites envy; and it is the nature of this passion, not to reward, but to punish it. Hence, in all republics, the most deserving citizens have generally met with the worst treatment. They have been uniformly slandered and undermined; and most frequently either put to death, or banished, or obliged to abandon their country; of which truths, the histories of the republics of Athens, Rome, and Carthage, and (I may add) that of France, afford ample proof. In that of Athens, men of extraordinary merit were so frequently banished by the votes of the citizens, that for a great man to be thus punished by them, came, at length, to be considered as the surest test of his merit, and to be deemed an honour instead of a disgrace.

It was in this republic, that Socrates was put to death for doing too much good. It was in a republic in reality, that the brave, the patriotic Wallace, after having rescued his

country from a foreign yoke, was rendered useless to it by the envy of the great men, and left, in the event, to be betrayed into the hands of his enemies. It was in a government, in effect, republican, that the Saviour of the world was crucified: For the Roman governour was with respect to his apprehension, trial, and crucifixion, as if he had not been; he was forced to comply with the leaders of the people; who in reality, put Christ to death, and this they did *for envy*. But it would be an endless task to mention all those great and worthy men who, have risen in republics, only to fall by the cruel stroke of envy, like fair flowers by the scythe of the reaper.

It has been affirmed, that, in such governments, merit has been injuriously treated, rather from a salutary principle of jealousy, than from envy. The truth seems to be, that both were causes of what their great men injuriously suffered for their good desert. These governments are so unstable; their rulers, on the one hand, hold their power by so precarious a tenure; and the people, on the other, are perpetually so jealous of being deprived of their liberty, by those very men who defend it; that uncommon merit (except when rendered necessary by any great emergency) is, in them, almost constantly intolerable. Such governments, therefore, are calculated to depress and discourage merit in general, and even that very kind of it, which is their principle, the love of one's country. They are fitted to convert the most eminent of their citizens, as in the case of Cariclanus, into their most implacable enemies.

The very reverse of all this is the case in this country. The king is so great, his power so stable, that he must be wholly free from jealousy; and so much is he interessed in the good-desert of his subjects, that he must be disposed to reward their meritorious services, as a father encourages good disposition and conduct in his children. And he can reward them in a way, in which republics cannot reward those who serve them, I mean the conferring on them dignities and titles of honour, a sort of reward, which costs the public nothing, and which is frequently the greatest inducement to deserve them. But should such men unfortunately be neglected, let their merit and fame, and the envy they may excite, be ever so great, yet in this government, they have all the protection against the malignity of that passion which laws can afford; a protection which men of distinguished merit can scarcely enjoy in republics; in some of which the very laws themselves were framed to injure them.

10. Republics admit of less liberty than the government of this country.

In many cases, those subjects of republican governments, who are in opposition to the rulers and those connected with them, cannot enjoy even the liberty of doing in private, what is not injurious to others; and they never can enjoy fully and permanently the liberty of speaking and writing of public affairs. Their rulers being constantly jealous, and afraid of losing their authority, keep a strict hand over those who, by their words or writings may tend to lessen it. The invective and satire of publications wound them so deeply that they are intolerable; whilst, when unfounded, they can make no impression on a king, whose authority rests on a solid foundation. It is a maxim that will hold forever true, that the less stable the power of rulers, the greater their jealousy of the liberty of the press or the communication of opinion. Thus, in private life, we find men stately and distant in their behaviour to their inferiors, in proportion to their nearness to them.

I can scarcely help regretting, that, on account of the great and unexpected increase of the size of this work, I am obliged to comprehend in two letters, what requires a volume. Many of the ideas, however, here briefly expressed, are, in preceding parts of this publication, more fully unfolded, to which I must refer the reader. But I am persuaded, that even these brief observations here put together so as to be seen at once, are sufficient to shew to men of an ordinary understanding, if free from prejudice, that in a country such as this, our mixed form of government, is preferable to every kind of mere republic.

These observations, I think, entitle me to conclude this letter with observing, that if a man wish to live under a government, where, at the least expence, all things taken into the consideration, he may calmly, or without fear of injury, enjoy himself and his all; where he may use all means, not injurious to others, to improve his character and condition, to promote his present happiness, and to qualify himself (so far as is in his power) for a happiness that is future and eternal, he will, if he see as he ought, give, without one moment's hesitation, the government of this country a decided and constant preference to every other.

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## CONCLUSION.

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### LETTER LXVI.

#### COUNTRYMEN.

THE true knowledge, and practical sense, of religion and morality, are the surest protections which men have against injury, and the most certain and copious sources of their happiness. Whoever, therefore, would persuade them, that there is no difference between a good and evil action, that religion is a forgery, and that there will be no fate, in which *it will be well with the righteous, and ill with the wicked*, certainly endeavours to prepare them for the commission of crimes, to which they have a natural aversion, and of which all but those who are rendered callous by vice, think with honour.

It is as natural for men to be religious in some way and measure, as it is for them to have feelings, perception, and reason. The fear and love of God, and submission to His will, are vital and practical religion. These are, in some sort, and in a certain degree, either natural to mankind; or what they are capable of acquiring by instruction, example, experience, and practice; and they constitute the supreme happiness of a creature such as man.

It does not appear, that religion, like science and arts, is the result of observation and reasoning. For, in those countries, where science and arts were best understood, the people had the most imperfect and absurd notions of God and religion. The Greeks and Romans derived their purest notions of a religious kind ultimately from the Hebrews; and these had them by revelation. We derive ours from the same source. It became the author, the preserver, and benefactor of our nature to instruct and perfect it; and as natural means were incompetent for these purposes, those which are supernatural, that is, a revelation, were necessary.

That religion only, which is most agreeable to those noti-

ons of the Deity, in the belief of which we are confirmed by what we discover of his works, and which has the greatest tendency to make men wiser, better, and happier, deserves to be called *natural religion*; and such is the Christian. If the mysteries in this religion prove, that it is not true; those in nature prove, that it does not exist. But the mysteries in both afford a certain presumption, that both have the same origin; and serve to improve the human character\*.

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\* The leading doctrines in Christianity seem to be these,

1. That mankind are, by nature, in a state of sin and misery;

2. That they are delivered from this state, by the mediation or interposition of a Divine person, as the means of their salvation, on the part of God;

3. That they are delivered from it, by obedience to the will of God, as the means, on their part;

4. That the future state of men will correspond to their present lives.

The truth of these doctrines is supported, or proved, by our experience, and by reason. As to the first, some, instead of saying, "that mankind are, by nature, in a state of sin and misery," will, perhaps, be disposed to say, that they are in a state of imperfection and unhappiness. But this is a difference, partly in words only, and partly with regard to the degree of defect and suffering in the human race. This general truth, that there is a certain portion of moral evil and suffering, common, that is, natural, to mankind, neither has been, nor can be, denied.

The second proposition above is, that mankind are delivered from their present state of sin and misery, by the mediation or Interposition of a Divine person, as the means of their salvation, on the part of God.

As the sin and misery, or defect and suffering, of mankind, in the present state are natural, though both may be lessened by culture; yet no power but that which is superior to nature—that is, a Divine power, can fully and finally deliver mankind from them. But the Saviour of the world is represented in Scripture as possessed of power that is Divine, and superior to nature; as being God; as having created all things, and as upholding and governing them. So that, by whatever terms we may choose to express the present state of mankind, he is, according to scripture, just such a saviour as that state necessarily requires.

The third proposition, that mankind are delivered from a state of sin and misery by obedience to the will of God, as the means on their part, is quite consonant to reason, and what we experience.

We are said to be saved by faith, that is, by faith considered as a vital and operative principle; which sort of faith has the same reference to a religious life, that the belief of the common rules or maxims of ordinary life have to worldly affairs; both of them being necessary to action. Now faith considered as a principle of good works produces obedience to the will of God. It disposeth us heartily to acquiesce in the proposals of the Gospel; to receive Christ as our Saviour, and to walk in him, that is to walk as he also walked, that is, to submit wholly to the will of God. We are, therefore, saved by submission or obedience to this will, as the

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As religion is necessary to preserve men from crimes and vice, to instruct and better them, and to render them happy; and as the Christian religion has a greater tendency to produce these effects than any other; any plan tending to abolish this religion, or to lessen its effects, cannot be reform. And all writings or discourse having such a tendency, have just so far a tendency to misery.

Of all reforms, a reformation of the hearts and lives of men is the most necessary and most advantageous. The work of an author corresponds to his understanding and heart; that of an artist, to his skill and dexterity; and, in general, all the works of man, to man. If, therefore, we would raise a structure of useful and solid reform of any thing of a public nature,

means of salvation on our part. And accordingly, Christ is said to be *the author of salvation to all them that obey him*. Now this doctrine, that we are saved by obedience or submission to the Divine will, as the means of salvation, on our part, is quite agreeable to reason and what we experience. For upon a comprehensive view, and thorough consideration, of facts that we observe, it will be found, that no general and permanent improvement in any thing, nor general and permanent happiness, can be produced, but by obedience to the will of God, that is, by obedience to those laws which he has imposed on men and things; of which laws the precepts or commands of the Gospel are a part.

The fourth proposition, that the future state of men will correspond to their present lives, is quite agreeable to the natural hopes of good men, and the natural fears of the wicked; to that sense of justice, which is natural to men; to what men experience with regard to the different effects of moral and immoral conduct (the tendency of the former being to increase their virtue and happiness; that of the latter to augment their depravity and misery) and to the general belief of men in all countries, *that it will be well with the righteous, and ill with the wicked*; or, *divisa tuncere, malos a bonis loca cetera, inculta, frons, atque formidolosa, habere.* Cato. in Sallust's hist. Cat. conspiracy.

It might be here added, that the work of our salvation is begun, carried on, and completed, by the operation of the Spirit of God, that is, by the operation of God. But it seems unnecessary to prove this to those who consider, as the Heathens did, that it is, in him, we live, and move, and have our being; that we receive from him, life, and breath, and all things.

Christianity contains all the doctrines of what has been called natural religion. If it contains more, it contains nothing but what is consistent with these, and what has a tendency to promote the practice intended by them. And if we cannot comprehend all its doctrines, this just proves, that the human understanding is limited, or that creatures are not infinite.

Upon a comparison of what has been called natural religion with Christianity, I cannot tell whether one should most blame the heads or hearts of those who give the former a preference to the latter.

ture, we must begin with laying a foundation in the reformation or amelioration of men themselves. The spring of all true reform or amelioration is the heart of the individual. If men endeavour to discover what is wrong or defective in their hearts and lives; if they seriously resolve to reform it; if they strenuously and unremittingly attempt to put their good resolutions in execution; they will be reformed or become better according to the course of nature: And when every individual has become better, the nation will be reformed in its private capacity: And when the nation itself has become better, all reform, or amelioration of a public kind, will become easy, and almost a matter of course.

Though the reformation of the heart and life be, on various accounts, preferable to every other; yet to propose to effect it, in any considerable degree, may appear chimerical. Suppose that it is: Yet as the characters of men in this country (if we except, perhaps, the temporary delusion of some, and the consequences of that delusion) seem, upon the whole, to be rather improved, than become worse, I affirm, that, even without personal reformation, this nation has every reason to expect all real amelioration or reform in the constitution and laws, and in the whole of their condition, so far as that depends on either. And this, I affirm on the authority of facts that can neither be denied, nor misrepresented by any slight of sophistry. From the time of the conquest, that is, from the time that it became the interest of every subject to watch, and confine within just limits, the executive power, the constitution and laws have been gradually ameliorated by the nation, not "acting in its original character," but through the organ of its representatives, first, in the national council, or assembly of barons, and afterwards in both Houses of Parliament. And as this has been, with few exceptions, the uniform operation of the nation, so acting, that is, of the constitution, I affirm, that there is in the latter a tendency so to act; or in other words, that there is in the constitution a tendency to improve both itself and the laws; this general quality in the constitution being the same that it was at the conquest, namely, that it is the interest of all subjects to confine the executive power. And as this tendency has undeniably existed in it about seven hundred years, it may be pronounced nearly as strong as any in the works of nature.

If I observe the face of the earth, from the earliest time in  
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the spring to the middle of summer, gradually changing, in its usual manner, its appearance, imperceptibly losing its verdure, and acquiring a certain yellowness, I expect, without a doubt the fruits of harvest: And if I observe in history, the constitution of this country and its laws gradually becoming better, for a space of seven hundred years; reaching to the present time, through the operation of causes, which still exist and possess all the strength they ever possessed, I expect with little less certainty, that both will continue to become better; and, in the event, be as perfect as human power can render them.

Men who do not intend to fulfil their promises, but to deceive and ensnare others, will promise any thing to effect their designs. We have been offered and promised a great deal of Liberty and Equality; but unfortunately for the dealers in these articles, we can receive none. As we are free to do all good, and restrained only from what is injurious, our liberty can receive no accession. To establish equality is impossible; but the attempt to establish it would be universally ruinous. We find, that the people in France are, in one respect, in the same situation with those of all other countries; they are still obliged to gain a livelihood by some lawful occupation. In the last "Declaration of the Rights of Man, and of a Citizen," published by the *Legislature* of that country, Liberty is defined to be "the power of doing that which does not injure another;" and Equality is said to "consist in the law's being the same to all, whether it protect or punish." But this liberty and equality, which really are of the right sort, the people of this country have long enjoyed, and do still enjoy, in a higher degree, and on a more certain foundation, than the people of France.

As this country is alarmed, armed, and on its guard (which was by no means the case with France; for the designs of certain persons there were not foreseen; and the revolution was accomplished by them through intrigue and by surprise) any attempt here, towards a revolution, would most probably prove the immediate ruin of its authors, or be productive of the most terrible civil war; and, in either case, the attempt would be fruitless.

But it is not only the fruitlessness of such an attempt, and the impossibility of gaining any public advantage by it, though accomplished, that ought to deter the common folks

or those in the lowest or lower ranks of life from associating with any leaders, their superiors, to endeavour to change the government. Permit me to assure you, my Countrymen, who are in such stations, that you have nothing to hope, but much to fear, from a revolution. You would most certainly change that good constitution which is the remote cause of your being so comfortable as you are, for one that would be the remote cause, *to you*, of great poverty and misery. You could not gain one public advantage, but would lose a great deal. None of you (except, perhaps, a few out of millions) could gain anything even of a private kind; and what such gained in this way, would, probably, be soon spent, like ill-gotten wealth in general; and then they would be involved in the general poverty of their country.

Very far, my Countrymen in the humblest ranks of life, very far would I be from saying any thing that would, in the smallest degree, reflect on people of your station, whether in this country, or any other. No! I trust I have more candour and liberality, more humanity. I am conscious, that I have a regard for men, as men, be their station what it will, even for the houseless and friendless children of want. But that very regard I entertain for you, is one cause why I take the liberty of telling you things which are true, but which some of you either do not know, or do not consider. And surely, I am *not* to be considered as *your enemy*, because I tell you the truth. *Faithful are even the counsels of a friend; but the kisses of an enemy are deceitful.* It was not such men as you (except very few, indeed, compared with the rest) that made any thing by the spoils of any in France; but men in stations superior to yours; such as petty priests, petty lawyers and attorneys, petty landholders, monied men, and, in general, men of some education, gentility, and address, but of little, or rather no principle. It was such men as these who, by intrigue and cabal, brought about the revolution in that country, and reaped the spoils of others, not such men as you. People in your station were then made use of in France, as formerly in this country, and indeed in every other where a revolution has been effected, only in clearing away the rubbish for building a magnificent structure for their superiors to riot in, and lord it over the poor; and when they had performed this servile office, they were then cast away as vile things, or

spurned as creatures that were destructive. This is notorious, and cannot be denied.

Both the church and state of France needed to be reformed; but both in this country were reformed long ago; and to change even but a few degrees more, would be to *deform and injure*, not to reform and better, them. And should any of you in the humbler stations of life be induced by *the slights of men*, and *conning craftiness*, whereby they lie in wait to deceive, to attempt a revolution, your disappointment and ruin would most probably soon follow; or should the plan succeed, of which there is not the smallest likelihood, the portion of this world's goods that any of you could thereby obtain would be almost nothing. But what wounds would your consciences receive, if your bodies survived! How would your peace of mind, and your inward happiness be destroyed by engaging in an enterprize which would make your country flow with blood, to effect what is not needful to any, but would be highly injurious to all! I never see any of the common folks in this country, attaching themselves to those above them, with a view to a revolution, but I am put in mind of Dr Goldsmith's fable of the giant and dwarf. The dwarf accompanied the giant in his wars; but after fighting some battles, and losing limb after limb, he found the giant had all the advantage, and he all the loss.

Nothing can more shew the preposterousness of a desire in any description of people in this country to follow France than that country's following this. The French have borrowed their best maxims and principles of government from the British; and such a change, has the form of their government undergone, that it has come as near, perhaps, to that of the government of Britain, as the passions, views, necessities, or supposed security, of their leaders would permit\*. To con-

\* There were doubtless many even among the leaders of France, men of judgment and moderation, who, like the Abbé Sieyès, author of the present constitution, but lately assassinated, preferred a limited monarch to that constitution at the time of its formation: But they, who less than all, in a certain degree, follow; they must adapt their plans to the judgment, turn of thinking, and inclinations of those whom they would conduct.

These leaders in France, who would have preferred limited monarch to any other sort of government, were obliged to conform to the fears and hopes of some, to the prejudices of others, and to the enthusiasms of others, of those popular persons who supported them. They must have

fer the authority of their directory on one person, and render it hereditary; and to invest their council of elders with such hereditary powers and privileges as would tend only to the good of the nation; would render the French constitution essentially British; and all reform of an inferior kind would follow as a matter of course.

France has been cast down, and is still suppressed. She is obliged to stifle her sighs, and weep in secret with her dutiful children. Durst they make their voice to be heard, they would make but one chorus in parodying that beautiful song which was composed on Richard cœr de lion\*, and sing, O Louis, O notre pere.

There is a kindly as well as a cruel vicissitude in human affairs. There was never a valley of tears, which had not its mountain of joy. Since the death of Robespierre the opinion of Frenchmen has been veering round from that point, from which Boreas drives his ruffian blast, to that where the Zephyrs dispense liberty, arts, and politeness. Perhaps a mysterious providence permitted the tyranny of that man to chastise France, and teach both that and other nations. It has, at least, taught the chiefs in that nation moderation, and disposed them to assimilate the form of their government to that of this country.

The chief obstacle to a full assimilation, to the restoration of monarchy, duly limited, seems to be the compounding of matters between those who have lost property in land and those who have acquired it. But, in a loss which has resembled that of a deluge, all must lay their account with bearing a part. The hearts of men are disposed to relent. When cruelty has exhausted itself, pity and kindness naturally begin to operate. The French are sufficiently fond of variety; and, like the English formerly, will grow weary of republic. They are sensible; and their hearts, though steeled against

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sees, that the French nation, all things taken into consideration, was not fully matured for the best sort of government; and, therefore, they contented themselves with giving it one of an inferior kind. "Solon being asked if the laws he had given to the Athenians were the best, he replied, 'I have given them the best they were able to bear.' A fine expression that ought to be perfectly understood by all legislators. 'I have given you precepts that are not good.' This signified, that they had only a relative goodness; which is, the sponge that wipes out all difficulties in the law of Moses." Spirit of Laws, b. 19. c. 21.

\* O Richard, O mon poi, &c.

erty in the heat and obstinacy of contention, will yet stand with tenderers for their royal family and that splendid train of nobility, who, under a government like ours, would benefit the meanest man in that country, and ornament the whole. Reason and humanity will, most certainly, fully resume their places. Men will probably be disposed to make mutual concessions, and accept mutual offers. A general forgiveness and oblivion of injuries may be confirmed by law, and thus, the fears of some dissipated, and mutual confidence established. And a national debt may adjust matters between those who have lost property, and those who possess it; a debt, the interest of which may be paid in taxes that cannot be felt by six and twenty millions of people; a debt which operating thus, would secure to France what she still wants, a truly free government, and public tranquillity; and which by securing to her so rare a happiness, would incalculably more than compensate her for the interest.

After Cromwell and his adherents had usurped the government of England, there was as little probability of restoring the King and Constitution, as there now can be, of restoring royalty in France, limited so as to produce general benefit. Many of the people wished it, but they despaired of it. Republican principles were then as strong and as widely diffused in England as they now are in France; and a spirit of fanaticism, which could brook no superior, governed many. The King had been worsted in battle; and obliged to abandon the kingdom, and pass his time in exile. All attempts made to restore him, had been defeated by the ruling powers; and the nation expected nothing but slavery and oppression. But when every one feared, not only the continuance of their present misery, but some new calamities, providence stirred up a man, who, in a very short time, restored both the king and the constitution, without noise, tumult, or opposition, and thereby diffused an excess of joy through the nation†.

Should such be the lot of France; should it please the Almighty being, in whose hand the hearts of chiefs are as flexible as rills of water, and *who turneth them whithersoever he will*, and who ruleth the affairs of men without appearing to rule, simply by turning their hearts, and thus making them like Cyrus, the instrument of effecting his purposes should it please this great and good being to bestow on France

† See Hist. of the Commonwealth of England.

a constitution similar to that of this country; what joy would this benign dispensation give to all wise and good men! True liberty in the one country would support it in the other; and this liberty would promote the interests of religion and virtue, and augment national wealth and happiness. These countries would then be truly sisters; and though rivals, their rivalship would serve but to improve them. Whatever may be the event, I humbly beseech God, that both this nation and that may be ever the objects of his peculiar favour and care.

And now, Countrymen, after having, in these letters, used a privilege of the meanest Briton, permit me to bid you adieu in these well-known words of the wise man. *Fear the Lord and the King, and meddle not with those that are given to change.*

I am,

COUNTRYMEN,

Your Hearty Well-wisher,

And very humble Servant,

ROBERT THOMAS.