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**The Works Of the late Right Honorable Henry St. John,
Lord Viscount Bolingbroke**

In Five Volumes, complete.

Bolingbroke, Henry St. John

London, 1754

III.

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able to have; this very law is enacted in all the works of God, promulgated in terms the most proportionable to human conception, and writ in characters so plain that he who runs may read them.

THE great principles of moral truth are as much founded in the nature of things, as those of mathematical truth: and it is not a little less absurd to contradict the former by our words or actions, than to deny the latter. If the latter of these have an advantage in this respect, that the demonstrations of them are carried on with greater steadiness and precision, by the immediate and joint assistance of sense and intellect; the former have an advantage, for such it may be reckoned, of an other kind. We perceive the truth of both with equal evidence; but as the former are much more important to us than the latter, we may be ignorant of all mathematical, we cannot be so of all moral truth. We discover one, the other discovers itself; it obtrudes itself on the mind, and the mind perceives it with greater satisfaction. He who demonstrates that the three angles of a triangle are equal to two right angles, or that a square is double to a triangle of equal base and height, has a dry inward complacency. But he who contemplates the obvious advantages of benevolence and justice to society, and of society to mankind, will feel a pleasure much more sensible: and the same proportion will hold in all the progress the mind makes to discover mathematical, and moral truth.

III.

IF any man should advance, that we ought to proceed on the known principles of mathematics, not because there are such in nature, but because mathematicians have made an

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agreement or compact to proceed upon them as if there were such, I suspect that he would be esteemed mad. What then was HOBBS, his predecessors, and his successors, who affirmed that all distinction between moral good and evil, just and unjust, is established solely by civil institution; and that our moral obligations are derived from the laws of society, not from the law of nature? This extravagant system has been over and over refuted by many writers of our own and other countries. Some reflections, such as my first thoughts suggest to me, I too will bestow upon it. They shall not be long, and whether they are new or no, they shall not be copied from any one. It seems then to me, that civil societies could not have been formed, nor the distinction of just and unjust, nor the honestum and decorum of life have been established, if there had not been, antecedently, such a law of nature as HOBBS denies, and directly opposite to that which he supposes. Your great predecessors, AMPHION and ORPHEUS, would have strung their lyres to little purpose, if there had not been a corresponding unison in the human constitution. The letter of the fable would have proved true, as soon as the moral of it; stones would have leaped into order, and have builded themselves into walls; tygers and wolves would have grown tame and have formed peaceful societies, as soon as men, if there had not been a law of nature peculiar to man: there was therefore such a law. We may consider man, in a state of nature, as an artless, but we must consider him, in no state, as an irrational creature: and to have been such a creature as HOBBS represents him, he must have been rather irrational than artless. The proof that this philosopher brings to shew that man is made by discipline, that is, the discipline of civil or political government, and not by nature, fit for society, is a strange one indeed. He says, that "Societies are confederacies," which is true in a proper sense: "That the force of
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“ the conventions by which they are framed is unknown to
“ children and illiterate people, and the utility of them to
“ those who never experienced the evils that arise from the
“ want of society that it is manifest therefore (all men
“ being born children) that all men are born unfit for socie-
“ ty, and that many, perhaps the greatest number, remain
“ some how or other unfit for it as long as they live ;
“ that all these however, the adult as well as infants, have
“ the human nature ;” and from hence he draws the conclu-
sion I have mentioned. Now for those who never experienc-
ed the evils that men are exposed to out of society, it is
enough to say that they feel, and must feel, without the help
of this contrast, unless they are idiots, the benefits of socie-
ty ; and for the rest, his argument is no better than this
would be: All men are born infants, infants have not the use
of speech, some men are born dumb, and have it not during
their whole lives ; men are therefore by their nature inca-
pable, or unfit to speak. If men were at any time, for years
or ages, in that state of war and confusion which HOBBS
assumes to be their natural state, it would not follow that
every one had, by nature, a right to do what every one had,
by particular circumstances and contingency of events, the
power to do. It would only follow, that instinct determines
sooner, and appetite and passion more strongly, than reason.
It would only follow, that the spring of human nature exert-
ed it's force, before the balance, which is designed to con-
trol and regulate the impulses of it, was put into activity, as
it must be, according to the same nature, by time and expe-
rience. But the case assumed has no pretence to be admit-
ted ; neither is it possible to conceive, on any supposition, such
a state of mankind as the philosopher of Malmesbury had
figured to himself. However you suppose the human race to
have begun, societies, little indeed, but societies still, must
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have been co-eval with it. If there was a first man and a first woman, they and their children (for these could not nurse and educate themselves) must have constituted a first society. If numbers of men and women sprung out of the earth at once, there might be some contests among the men about these primitive ladies, and some violence might be employed, and some confusion might arise, in the immediate hurry of copulation. But after that, the same instinct, which had caused variance, would have formed societies. Families would have been soon raised, and the authority, subordination, order, and union, necessary to their well being, must have followed naturally, as we may observe that they do among the most savage people. Men never were, because they could never subsist, in a state of absolute individuality. Self-love, directed by instinct to mutual pleasure, made the union of man and woman. Self-love made that of parents and children. Self-love begat sociability; and reason, a principle of human nature, as well as instinct, improved it. Reason improved it, extended it to relations more remote, and united several families into one community, as instinct had united several individuals into one family. Reason performed this by the help of experience: and what is the effect of experience? It is not to make any thing new in nature, it is to discover what was in nature, tho' unobserved before. We might say as truly that COLUMBUS discovered a new world, in the absolute as well as relative sense of the word, as to say with HOBBS, that when men distinguished between just and unjust, and made laws and institutions on that distinction, they made that to be just or unjust which was indifferent before. The natural obligation to exercise benevolence, to administer justice, and to keep compacts, is as evident to human reason, as the desire of happiness is agreeable to human instinct. We desire by instinct, we acquire by reason. The natural desire leads us necessarily
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to the natural obligation: and we proceed, in this case, from intuitive to demonstrative knowledge, by the same sure steps, by which we proceed from the knowledge of our own, to that of God's existence. The law of nature, or of right reason, is the real original of all positive laws. Such it appeared to TULLY ^a. "Ergo est lex," says he, "justorum injus-
torumque distinctio ad illam antiquissimam et rerum omni-
um principem expressa naturam, ad quam leges hominum
diriguntur." As the civil laws derive their authority from a conformity to this original, so it is their real, or supposed tendency to the same end that induces men to submit to them. TULLY ^b shall support my opinion again. It is certain, according to him, that they who gave laws to mankind "populis ostendisse se ea scripturos atque laturus, quibus illi ad-
scriptis susceptisque honestè beatèque viverent*."

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a De Leg. Lib. ii.

b Ibid.

* Tho I would not take TULLY for my guide in matters of the first philosophy, yet his opinions are often true, and his authority is always of weight, if not to determine, yet to confirm us, on such subjects as these. It does so very reasonably in the notions that are advanced, and implied in this paragraph. They who assume that the will of a superior can alone constitute obligation, do really trifle, and mistake too grossly; since not only a moral obligation may exist without a law, but a law may be such as to create no moral obligation. When we speak of moral obligations, either we mean nothing, or we mean that we are tied, bound, and under an internal, that is, a moral necessity of conforming ourselves to those rules which are expressed in the constitution of our nature, and on the observation of which the happiness of our kind depends. Reason is in this case the obliger. A rational creature is the obliged; and he is so obliged as no law, made by mere will, can of itself oblige. The mere will of a legislator may constrain, may force, may create an outward, a physical necessity, but this necessity implies no obligation; and if king lords and commons had enacted, that when parents lived to the age of fourscore their children should put them to death, you would not have thought yourself under an obligation of putting your old mother to death. In short, human laws are in a first consideration nothing more than the dictates of will, the will of a legislator, enforced by superior power; and in a second, they may acquire, or not acquire, the
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LET it not be said, that men have been sometimes seduced, and sometimes forced to receive the will of other men for law; that this has been done without any regard to the law of nature, and might have been done just as effectually on the supposition of no such law. Reason will tell us, that it cannot, and experience that it has not been so done, whatever appearances may have struck those who do not look far enough back to the causes of things. Men are not attracted by sounds or odors, nor hived like bees; and, far from submitting to civil laws made by mere will, they have submitted to these, that they might not be governed by mere will. That fraud and force hold men in subjection, I do not deny, the first principally to ecclesiastical, and both to civil tyranny. But this I deny, that fraud and force were sufficient of themselves, and the true, sole, and original means of submitting men to such tyranny.

I SHALL not speak here of religious tyranny, the first, and with respect to the authority it prophanes, the most audacious offspring of fraud. Enough has been said on that subject in another Essay. Here I confine myself to civil institutions and civil government alone, and I rest astonished at the strange perversion of reason in those men, who make the abuse of natural law, as far as they can, pass for the original of all law. Could the fraud, or, if you will soften the

right of obliging, as they have the power of forcing. But this order is inverted in the divine law of nature. The moral necessity of acting agreeably to it, in order to secure that happiness which we are determined irresistibly to desire, is a first consideration, and is alone sufficient to create obligation. In discovering this law we are led to discover the legislator, and will is added to invest obligation with all the forms of law, the will of that Being who constituted the obligation when he made the human system, and who, by constituting the obligation, made and promulgated the law.

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terms, the art of legislators have imposed originally for laws the dictates of mere will? Certainly not. Mere will would have revolted mankind from them, if it had appeared to be such: and it would have appeared to be such, if there had not been, in the nature of things and in the reason of man, a law which sometimes gave, and always seemed to give a sanction to their laws. What therefore could fraud do, or has fraud done, in this respect? Nothing more than this. When reason and experience determined men to walk in those paths which the law of nature points out, and which lead to the happiness of their kind; fraud, like an unfaithful guide, led them insensibly into others. Nature directed them to unite in societies, and to submit to civil laws, for their common utility. Fraud betrayed them into the tyranny of mere will, and when various institutions and various customs had made them lose sight of the law of their nature, it was not hard to persuade them that the dictates of will, designed for particular not common utility, and even repugnant to this law, were deduced from it. Thus again, as to force. When absolute power is once established, it may impose arbitrary will for law. It cannot make things just or unjust, nor create natures, that existed before government itself. But as they were ill observed then, they may be ill defined now, in particular instances. The unjust may pass for what it is in some cases, and be decreed just in others: and thus, civil laws, not only may, but do very frequently, confound the distinction that nature has made, the very distinction which is so falsely ascribed to their sole authority. But whatever absolute power does when it is established, how could it be established originally, and in a state of nature like that which is supposed? Absolute power must have been acquired by superior force, and superior force by superior numbers. Still the question will return, how were these superior numbers collect-

ed in one interest, and under one direction? They could not be so originally by force; for force supposes them, and is derived from them. HERCULES might have travelled with his club in his hand, from the east to the west: his club might have destroyed here and there a monster, but would have formed a society no where. Nothing but consent can form originally collective bodies of men. Nothing but consent, therefore, to which men are determined by the sociability of their nature, by an antecedent law, could have raised an army, or created that force by which it is assumed that all laws, those we call civil and those we call natural, were alike imposed on mankind.

ON the whole, as fast as families united in larger societies, and the same plain and simple rules, the first rudiments of natural law, that had been sufficient under paternal government, were so no longer, but required greater extension and a greater variety of application. Philosophers and legislators arose, constituted governments, and made laws wisely and unwisely, agreeably and disagreeably to the nature of things, according to the general imperfection of human productions: but there would have been no societies to whom laws might be given, no pretence to give them, no disposition to receive them, if there had not been a primaeval law, a law by which the families of men were governed in that state which we commonly call a state of nature, and which laid the principles of future government in another state, to which they were advancing gradually. This primaeval law is that code wherein all the laws, to which God has subjected his human creatures, are contained. Civil laws are the glosses which sometimes explain and sometimes perplex it, which men make, and men may alter at their will; whilst the other remains immutable like that of God. HOBBS seems to admit this
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primaeval law, and to give up his own doctrine in that place of his book "de cive" where he speaks to this effect, for I quote here upon my memory, "that men were obliged to enter into compacts to preserve one another, and to seek peace wherever it could be had, in order to prevent the mischief and desolation which would attend his imaginary state of nature." Now if some things were fit to be prevented, some things were unfit to be done, in the supposed state of nature; from whence it follows, that the distinction between just and unjust was made before governments were instituted, or legislators made it, which the same Mr. HOBBS denies.

I CONCLUDE my reflections by observing, that the whole hypothesis seems to be raised on three great mistakes. It considers man, in the state of nature, under the direction of his appetites alone, and going out of that state as soon as he begins to exercise his reason; altho HOBBS says, inconsistently enough on some occasions, that right reason is the rule of human actions, even antecedently to civil laws. But to think rightly of man in this very state, we ought to consider him under the actual direction of all his natural faculties, of his reason as well as his appetites, of his reason artless indeed and untutored by experience, but therefore undebauched likewise, and in all cases sufficient to demonstrate to him the first general and obvious principles on which the happiness of his kind is builded, and to which he is plainly and strongly directed by the necessities of his nature. In the next place, this hypothesis considers each man as an individual, no more a member of the great commonwealth of mankind than of any particular commonwealth, it supposes him to have a right to every thing, and to be a rival and enemy on that account to every other man; whereas it is not more evident that we are born

to walk with our legs, and to handle things with our hands, than it is that we are born to assist, and to be assisted by one another. It is not more plain that each man cannot enjoy every thing, than it is that each man has not an unlimited right to enjoy every thing, or that the right of each man, where things are common, is limited by his real wants. It did not require more sagacity to discover these truths in a state of nature, than it did to reason and to act as unnaturally as mankind must have done in a perpetual round of jealousy, precaution, and design, according to their plan of life, such as HOBBS had imagined it. In the next and last place, this hypothesis confounds the ideas of original laws, and of laws made to explain and renew these. It does this unnecessarily too, unless we suppose this philosopher to have been so absolutely an atheist, that he was forced by his system to ascribe the obligation of all law to man and not to God: for nothing can be better founded, nor more consequential, in the reason of all those who acknowledge such a being than this opinion, that the author of all nature, having given to his different creatures different natures, according to the different purposes for which they were designed in the scheme of his providence, and every one of these natures including it's own peculiar law, whether that of instinct or that of reason, the most rational of his human creatures established from time to time rules of conduct and government conformable to it, and which are in particular instances so many republications of it. To use an obvious and familiar example; the same rights of Englishmen, which were settled by the great charter, have been enacted over again by many particular laws. Would Mr. HOBBS have dated these rights, if he had admitted them, from these later laws? He would not most certainly.

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To conclude therefore, nothing of this kind can deserve our attention more, because nothing can contribute more to keep us within the golden mean of truth, than to observe the strange extremes into which philosophers are carried, by presumption, by an affectation of singularity, and by other motives, little less inexcusable, tho in appearance more plausible. Thus they are carried, in the instance before us, some to set the principles of morality out of our sight and their own too, whilst they assume them to be derived from eternal natures, independent on the will of God; some, to lay these principles as much too low, as low as the level of human policy, whilst they assume them to be nominal natures, dependent on the will of man; some, to insist that God wills we should follow, in our moral conduct, the same eternal rule which he follows himself, in the government of the universe; and some, to affirm, that far from having any rule at all, every thing is indifferent in it's nature, and man by nature a lawless savage.

IV.

AFTER censuring these extremes, it becomes proper to inquire, a little more particularly, what the truth is which lies between them, how the laws of nature develop themselves to the human understanding, how self-love leads to sociability, and the most confined principle extends itself to be that which connects the whole race of mankind. But before I say any thing further on these subjects, I must give some answer to a query which our good friend the B. of C. makes. The query is this, "Whether there is any absurdity in supposing that man should imitate the author of nature, so far as he is able?" This is said to be "not only agreeable to
" the