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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

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IX.

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question easily answered. What ought this will to be, is a question we cannot presume to answer without absurdity and impiety both. To answer the first, we need to go no higher than the moral obligations that arise in our own system, and of which we have very adequate ideas. To answer the last, we must go up to the nature of the author of nature, and to a multitude of other natures, the assuming of which puts the Supreme Being just in the case of his creature man. The nature of the human system is independent on man; and yet he is obliged to derive the rules of his conduct from it. Just so, upon this assumption, the abstract natures and eternal essences of things are independent on God; and yet God was obliged to make, and is obliged to govern his system according to them.

By employing our reason to collect the will of God from the fund of our nature, physical and moral, and by contemplating seriously and frequently the laws that are plainly, and even necessarily, deducible from thence, we may acquire not only a particular knowledge of these laws, but a general, and in some sort an habitual, knowledge of the manner in which God is pleased to exercise his supreme power in this system, beyond which we have no concern. We do not see the divine painter, if I may employ so low a comparison on so high a subject; but we grow accustomed to his manner, and we learn to despise those who present us a sign-post dawbing, and call it impudently the work of RAPHAEL.

IX.

AS certain, as plain, as important and as consistent as the law of nature is, it has been blended with many absurd and contradictory laws, in all ages and countries, by legislators who published them, sometimes in their own name, and

and sometimes in the name of God, as well as with customs of the same kinds, which; if they arose independent on laws, obtained the force of laws. EUSEBIUS, in the first book of his evangelical preparation, gives a long catalogue of them; and he gives it for a very good purpose, to shew in several instances how such laws and customs as these had been reformed by the gospel, that is, by a law which renewed and confirmed and enforced the original law of nature. SEXTUS EMPIRICUS, an antient, and MONTAGNE, a modern sceptic, collected numerous examples of the same sort but to a very bad purpose; to shew, if they had been able, that there is no such thing as a fixed immutable law of nature, which obliges all men at all times alike. They sought it where it is not to be found, and, not finding it there, concluded it was to be found no where. This doctrine has been promoted by pyrrhonians, sceptics, and academicians, between whom it is neither obvious nor worth our while to distinguish, as well as by dogmatical atheists; for they who doubted of God's existence, or who denied it, could not fail to doubt of, or to deny, the existence of his law. Of all these, it will be sufficient to mention the admired CARNEADES, the sum of whose disputation upon this subject LACTANTIUS has preserved; and altho it be one of those trite common-place citations which abound in learned writings, yet it deserves a particular mention; because it expresses, in very few words, the full absurdity of those who deny a natural law, and points out the two principal blunders on which their whole reasoning proceeds.

CARNEADES then affirmed, * “ that laws were made by

* Jura sibi homines pro utilitate sanxissē, scilicet varia pro moribus, et apud eosdem pro temporibus saepe mutata; jus autem naturale nullum esse. Omnes et homines, et alias animantes, ad utilitates suas, natura ducente, ferri: proinde, aut nullam esse justitiam, aut si sit aliqua, summam esse stultitiam; quoniam sibi noceret alienis commodis consulens.

“ men,

“ men, for their utility; that they were therefore various, as
 “ the characters of those who made them; and, changeable
 “ among the same men, according to the various circum-
 “ stances of time: but that there was no law of nature.
 “ That all men, and all animals, were carried to their several
 “ kinds of utility by nature, so that there could be no justice,
 “ or if there was any such thing, it must be extremely foolish;
 “ because, in providing for the good of others, the just
 “ would hurt themselves.” That laws were made for utility,
 both those which we call civil and those which we call the
 laws of nations, that they are various as the characters of
 men, and changeable as the circumstances of time, no one
 will deny. But will it follow, that there is no such thing as
 a natural law, such as the wisest philosophers, and even the
 antient poets have acknowledged, altho a little confusedly
 according to their custom, yet in plain and direct opposition
 to this doctrine? a law, neither invented by men, nor enacted
 by human authority, “ neque hominum ingeniis excogita-
 “ tam, neque scitum aliquod populorum?” a law not coeval
 with the divine mind, as TULLY* would have it, when he says
 “ orta autem est simul cum mente divinâ;” but such a law,
 as he describes in the words that stand immediately before
 these, a law proceeding from the nature of things, “ ratio pro-
 “ fecta á rerum naturâ;” a law which did not begin when it
 was first reduced into writing, “ quae non tum denique inci-
 “ pit lex esse cum scripta est,” but when it first existed “ sed
 “ tum cum orta est:” and it existed first, when that system
 of nature, from which it results, “ unde profecta est,” began
 to exist? The first part therefore of this academical declamation
 proved nothing against natural law; and CARNEADES might
 as well have affirmed, that the Athenians had no laws before
 SOLON, because SOLON gave them some; or that rapes were

* TULLY de leg. l. 1.

lawful

lawful at Rome before SEXTUS TARQUINIUS ravished LUCRETTIA, because there was no written law before that time which forbid them. The second part contains two blunders, that run into one another. It is a blunder, surely to assume, that men, and all other animals, are carried indiscriminately by nature to their end, utility; without distinguishing between natural instinct common to both, and superior reason peculiar to man. It is a blunder surely to assume, in consequence, that since utility is their object, justice is a folly. Men may have pleasure, to which instinct hurries them, but they cannot have happiness, to which reason leads them, without justice, according to what has been already laid down: and it is wisdom therefore, not folly, to forego the first in some instances, in every instance where the least incompatibility is found between them, that we may secure the last. The good of individuals is so closely connected with the good of society, that the means of promoting one cannot be separated from those of promoting the other: and SOCRATES was in the right to curse the men, who first divided, in opinion, things that cohered, in nature, morality and utility; “qui primum haec naturâ cohaerentia opinione distraxissent.”* I might have quoted the latter part of what LACTANTIUS makes CARNEADES say, and which is said to shew the great hurt that justice would do, in order to shew more truly the great hurt that injustice does. If the Romans, and all those who were possessed of empire, had been obliged to restore to every people the unjust usurpations they had made upon them, these conquerors would have been obliged to return to their huts and to their antient penury, “ad casae esse redeundum, et in egestate et miseriis jacendum.” But it is almost too trifling to deserve mention; since, transferred from the law of nations to the laws of particular societies, it objects to justice the great mischief of obliging a robber to restore to the

TULL. de Off. l. 3.

owner

owner what he has stolen from him, and denies that restitution is just, altho reparation of injuries is plainly essential to justice.

If we had all the volumes that have been written concerning the laws, institutions, customs, and manners of the different societies of men, we should be rather perplexed than informed concerning the true system of natural law: and MONTAGNE might challenge his readers, pretty safely, to shew him any one of these which had the seal of universal approbation. But even this would not serve his purpose, nor afford any proof against the existence of a law which human reason collects from the human system, as he vainly imagined in his zeal for pyrrhonisme. The laws of nature are truly what my lord BACON styles his aphorisms, the laws of laws. Civil laws are always imperfect, and often false deductions from them, or applications of them; nay they stand, in many instances, in direct opposition to them. It follows from hence, not that there is no natural law, but that civil laws have been made without a sufficient and constant regard to it. Erroneous opinions of philosophers, unreasonable institutions of legislators, are often derived from the principles of nature, and may be traced up to them. The fountain from which they flowed was pure. They grew foul in their course; and no wonder they should, since the channels thro which they passed were infected with human passions, human prejudices, and human ignorance. Such laws, as cannot be traced up even under these conditions to the original of all law, are the arbitrary dictates of mere will, imposed on some men by the force or fraud of others, and confirmed by education and custom.

THIS is the law of nature hid from our sight by all these variegated clouds of civil laws and customs, as the divine author

thor of it is by those of superstition and artificial theology. Some gleams of true light may be seen thro them. But they render it a dubious light, and it can be no better to those who have the keenest sight, till these interpositions are removed. Then, indeed, the objects appear in their full and genuine lustre to every sight; for that which hid them both could affect neither.

X.

MANY hypotheses have been made to account for the beginning of civil society, for the nature of it, and for the motives to it. All of them have some degree of probability, and might have some share in framing those political congregations and unions, by which mankind has been divided into distinct nations, and the great commonwealth, as the stoicians called it not improperly, into distinct states. But no one of these must pass for universal, nor be supposed to have done the work alone. In general we may say, that the foundations of civil or political societies were laid by nature, tho they are the creatures of art. Societies were begun by instinct, and improved by experience. They were disturbed early, perhaps as soon as they were formed, both from within and from without, by the passions of men: and they have been maintained ever since, in opposition to them, very imperfectly, and under great vicissitudes, by human reason, which is exercised in particular systems of law for particular states, in leagues and covenants between state and state, and in tacit agreements that constitute what is commonly called the law of nations.