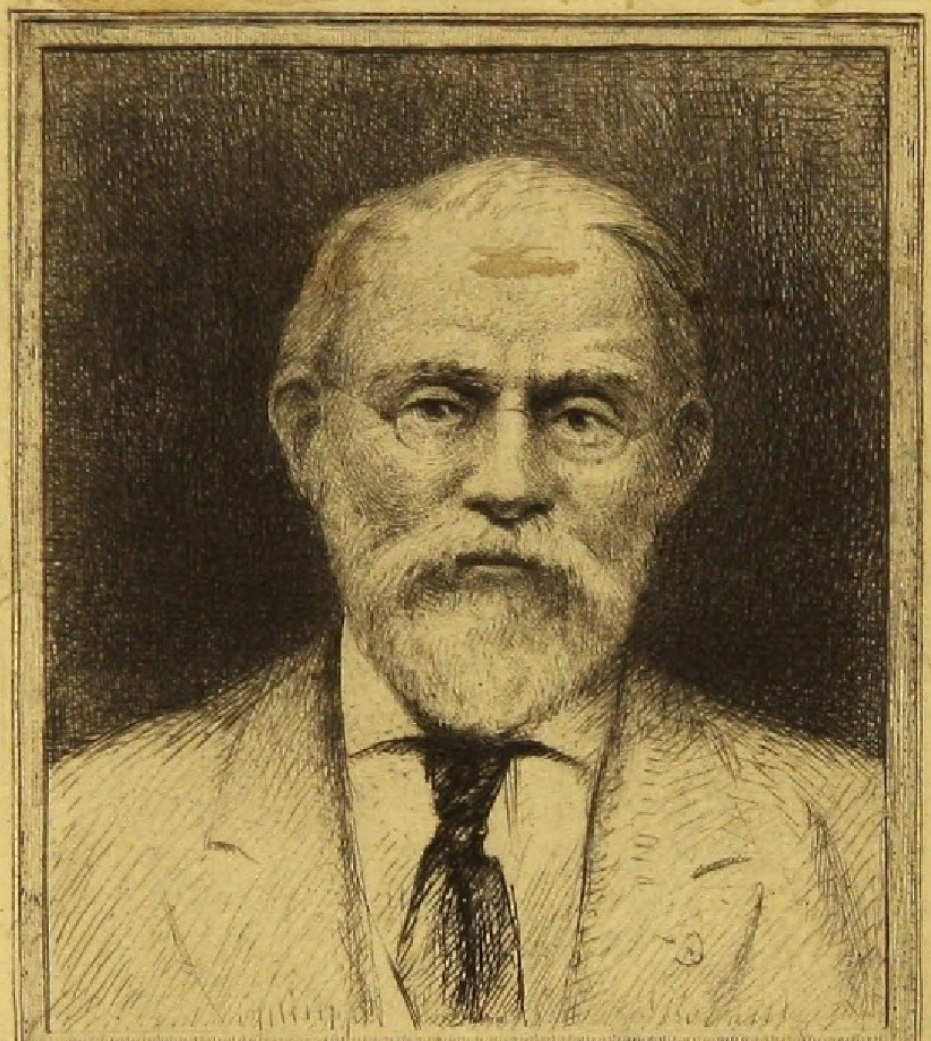
Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

HENRY SOTHERAN & CO
136
Strand
W.C.



SILAS WRIGHT DUNNING
BEQUEST
UNIVERSITY OF MICHIGAN
GENERAL LIBRARY

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

and did other
ed a man across
ented him with
n received any
cked together,
ng the summer
last crossing on
his days several
elieve, actually
from shore to
day to become
es to Canada,
forgotten.

. All London
His rope was
20 ft. from the
t his ingenuity
s refused a net,
ad an accident.
t at the Crystal
The audience
y lit, and it was
ondin wheeled
his lengthy
however, had
d. The heavy
ng. He would
of thrilling the
his feet. On
gallery. She
o save himself
arest approach

ia. After this
ssia, Germany,

28.2.94

ACT."*

a work of such a writer
The translation is often
ible. Rousseau's "Social
in the history of France
d to an Englishman as far
l been written by a half-
ensible remarks, but very
who wish to learn wisdom
éloïse," but not in a trans-
orm of the Original Com-
Whigs knew very well what
o make it appear that their
re than a kind of political
nted their Original Com-
ach of which the prince
om the land of law to the
nds of Rousseau, the con-
of which the sovereign
n in its day gave a colour
y remembered for its two
the other true in a sense
hecy was that the Eastern
rwards Europe; the semi-
island of Corsica would
ad a presentiment of this.

Rousseau, translated by Rose
Edward L. Walter. (G. P.

very who wish to learn
their Original Com ach of

semi

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

R.M.G. 28.2.94

REVIEWS.

"THE SOCIAL CONTRACT."*

IT is more of a pain than a pleasure to read a work of such a writer as Rousseau done into very slipshod English. The translation is often misleading and sometimes hardly comprehensible. Rousseau's "Social Contract" is interesting as marking a stage in the history of France and political thought, but much of it must sound to an Englishman as far removed from the realities of life as if it had been written by a half-educated Baboo. It is interspersed with sensible remarks, but very small profit is to be derived from it. Those who wish to learn wisdom from Rousseau should read the "Nouvelle Héloïse," but not in a translation. The Social Contract is the French form of the Original Compact invented by the English Whigs. These Whigs knew very well what they were about. They needed a legal fiction to make it appear that their rebellion against James II. was nothing more than a kind of political action for breach of contract. So they invented their Original Compact between prince and subjects, upon breach of which the prince might be lawfully dethroned. Translated from the land of law to the land of ideas, this theory became, in the hands of Rousseau, the contract between all members of a society, out of which the sovereign power arose. Nowadays this book, which in its day gave a colour to the mighty stream of events, is chiefly remembered for its two prophecies, one of which has proved false, the other true in a sense not expected by the author. The false prophecy was that the Eastern Tartars would subjugate Russia and afterwards Europe; the semi-true prophecy was that some day the little island of Corsica would astonish Europe. Rousseau says that he had a presentiment of this.

---

* "The Social Contract." By Jean Jacques Rousseau, translated by Rose Harrington. With Introduction and Notes by Edward L. Walter. (G. P. Putnam's Sons.)

Digitized by Google UNIVERSITY OF MICHIGAN UNIVERSITY OF MICHIGAN

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

848
R86
z
1767
v.5

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

THE

MISCELLANEOUS

WORKS

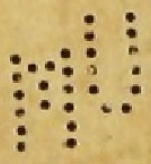
OF

Mr. J. J. ROUSSEAU.

VOLUME V.

LONDON:
Printed for T. BECKET and P. A. DE HONDT,
in the Strand. MDCCLXVII.

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN



Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

VOL. V. contains

A TREATISE on the SOCIAL COMPACT; or the Principles of Politic Law. p. 1.

ANECDOTES relative to the Perſecution of Mr. J. J. ROUSSEAU; contained in a Letter from a Gentleman at Neufchatel to his Friend.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Digitized by
UNIVERSITY OF MICHIGAN

Original from
UNIVERSITY OF MICHIGAN

A TREATISE ON THE SOCIAL COMPACT; OR The PRINCIPLES of POLITIC LAW.

———*Fœde is æquas*
Dicamus leges. Æneid. xi.

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

A

TREATISE

ON THE

SOCIAL COMPACT, &c.

BOOK I.

INTRODUCTION.

My deſign, in the preſent Treatiſe, is to inquire, Whether the nature of ſociety admits of any fixed and equitable rules of government, ſuppoſing mankind to be ſuch as they are, and their laws ſuch as they might be made. In this inveſtigation I ſhall endeavour conſtantly to join the conſiderations of natural right and public intereſt, ſo that juſtice and utility may never be diſunited.

This being premiſed, I ſhall enter on my ſubject, without explaining its importance. If it be aſked, Whether I am a prince or legiſlator, that I thus take upon me to write on politics? I anſwer, I am neither; and that it is for this reaſon I write. Were I a prince or legiſlator, I would not throw away my time in pointing

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Dunning
Macleish
1-12-46
53725

A TREATISE ON THE SOCIAL COMPACT, &c.

BOOK I.

INTRODUCTION.

MY deſign, in the preſent Treatiſe, is to inquire, Whether the nature of ſociety admits of any fixed and equitable rules of government, ſuppoſing mankind to be ſuch as they are, and their laws ſuch as they might be made. In this inveſtigation I ſhall endeavour conſtantly to join the conſiderations of natural right and public intereſt, ſo that juſtice and utility may never be diſunited.

This being premiſed, I ſhall enter on my ſubject, without expatiating on its importance. If it be aſked, Whether I am a prince or legiſlator, that I thus take upon me to write on politics? I anſwer, I am neither; and that it is for this reaſon I write. Were I a prince or legiſlator, I would not throw away my time in

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

affairs , the right of giving that
ent , to find every day new reaſons

deprived of liberty . Whence can
capable of reſolving the latter .
ey do well to be obedient ; but , as
which they loſt it , ei ther they have

pointing out what ought to be done; I would myſelf put it in practice, or be ſilent.

As the citizen of a free ſtate, and a member of the ſupreme power, by birth, however weak may be the influence of my ſingle vote in public affairs, the right of giving that vote is ſufficient to impoſe on me the duty of making thoſe affairs my ſtudy; thinking myſelf happy in diſcuſſing the various forms of government, to find every day new reaſons for admiring that of my own country *!

CHAP. I.

The ſubject of the firſt book.

MAN is born free, and yet is univerſally enſlaved. At the ſame time, an individual frequently conceives himſelf to be the lord and maſter over others, though only more eminently deprived of liberty. Whence can this change ariſe? Are there any means by which it may be rendered lawful? The former queſtion I cannot anſwer, though I imagine myſelf capable of reſolving the latter.

If I took into conſideration only the exiſtence and effects of power, I ſhould ſay, So long as a people are compelled to obey, they do well to be obedient; but, as ſoon as they are in a capacity to reſiſt, they do better to throw off the yoke of reſtraint: for, in recovering their liberty on the ſame plea by which they loſt it, either they have a juſt right to reaſſume it, or thoſe could have none who deprived them of it. But there is an inviolable right founded on the very

* Geneva.

na-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

nature of ſociety, which ſerves as the baſis of all others. Man doth not derive this right, however, immediately from nature; it is founded on mutual convention. We muſt proceed, then, to inquire, of what kind ſuch convention muſt have been. But, before we come to argue this point, I ſhould eſtabliſh what I have already advanced.

CHAP. II.

On the primitive ſtate of ſociety.

THE moſt ancient of all ſocieties, and the only natural one, is that of a family. And even in this, children are no longer connected with their father, than while they ſtand in need of his aſſiſtance. When this becomes needleſs, the natural tie is of courſe diſſolved, the children are exempted from the obedience they owe their father, and the father is equally ſo from the ſolicitude due from him to his children; both aſſume a ſtate of independence reſpecting each other. They may continue, indeed, to live together afterwards; but their connection, in ſuch a caſe, is no longer natural, but voluntary; and even the family union is then maintained by mutual convention.

This liberty, which is common to all mankind, is the neceſſary conſequence of our very nature; whoſe firſt law being that of ſelf-preſervation, our principal concerns are thoſe which relate to ourſelves; no ſooner, therefore, doth man arrive at years of diſcretion, than he becomes the only proper judge of the means of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

that preſervation, and of courſe his own maſter.

In a family, then, we may ſee the firſt model of political ſocieties: their chief is repreſented by the father, and the people by his children, while all of them being free, and equal by birth, they cannot alienate their liberty, but for their common intereſt. All the difference between a family and a ſtate, lies in this, That, in the former, the love which a father naturally bears to his children is a compenſation for his ſolicitude concerning them; and, in the latter, it is the pleaſure of command that ſupplies the place of this love, which a chief doth not entertain for his people.

Grotius denies that government is inveſted with power ſolely for the benefit of thoſe who are governed, and cites the caſe of ſlaves as an example. It is, indeed, his conſtant practice, to eſtabliſh the matter of right on the matter of fact *. He might have employed a more concluſive method, though not a more favourable one for tyrannical governments.

It is then doubtful, according to Grotius, whether the whole race of mankind, except about an hundred individuals, belong to thoſe individuals, or whether the latter belong to the whole race of mankind; and he appears, throughout his whole work, to lean to the former opinion. This is alſo the opinion of Hobbes.

* "The learned reſearches into the laws of nature and nations are often nothing more than the hiſtory of ancient abuſes; ſo that it is a ridiculous infatuation to be too fond of ſtudying them." *Manuſcript Treatiſe on the Intereſts of France, by the Marquis d'A.* This was exactly the caſe with Grotius.

Thus

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Thus they divide the human ſpecies into herds of cattle, each of which hath its keeper, who protects it from others, only that he may make a property of it himſelf.

As a ſhepherd is of a ſuperior nature to his flock, ſo the herd-keepers of men, or their chiefs, are of a ſuperior nature to the herd, over which they preſide. Such was the reaſoning, according to Philo, of the Emperor Caligula, who concluded logically enough from this analogy, that either kings were gods, or their ſubjects no better than brutes.

This argument of Caligula bears much reſemblance to thoſe of Hobbes and Grotius. Ariſtotle had ſaid, indeed, before either of them, that men were not naturally equal; but that ſome of them were born to ſlavery, and others to dominion.

Ariſtotle was right as to the fact, but miſtook the effect for the cauſe. Nothing is more certain, than that every man born in ſlavery is born to be a ſlave. In ſuch a ſtate, men loſe even the deſire of freedom, and prefer ſubjection, as the companions of Ulyſſes did their brutality *. If there are any ſlaves, therefore, by nature, it is becauſe they are ſlaves contrary to nature. Power firſt made ſlaves, and cowardice hath perpetuated them.

I have ſaid nothing of king Adam, or the emperor Noah, father of three monarchs, who, like the children of Saturn, as ſome have imagined them to be, divided the world among them. I hope my moderation alſo in this re-

* See a little tract written by Plutarch, on the rationality of brutes.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſpect will be eſteemed ſome merit; for, as I am deſcended in a right line from one of theſe princes, and probably from the eldeſt branch of the family, how do I know, that, by a regular deduction of my deſcent, I might not find myſelf the legitimate heir to univerſal monarchy? Be this, however, as it may, it cannot be denied, that Adam had as good a title to the ſovereignty of the world, when he was the only perſon in it, as Robinſon Cruſoe had to that of his iſland under the ſame circumſtances. A very great conveniency alſo attended their government, in that the monarch might reſt ſecurely on his throne, without fear of wars, conſpiracies, or rebellion.

CHAP. III.

On the right of the Strongeſt.

THE ſtrongeſt is not ſtrong enough to continue always maſter, unleſs he transforms his power into a right of command, and obedience into a duty. Hence is deduced the right of the ſtrongeſt; a right taken ironically in appearance, and laid down as an eſtabliſhed principle in reality. But will this term never be rightly explained? Force, in the ſimpleſt ſenſe, is a phyſical power; nor can I ſee what morality can reſult from its effects. To yield to ſuperior force is an act of neceſſity, not of the will; at moſt it is but an act of prudence. And in what ſenſe can this be called a duty?

Let us ſuppoſe, however, for a moment, this pretended right eſtabliſhed, and we ſhall ſee it attended with inexplicable abſurdities; for, if it be

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

be admitted, that power conſtitutes right, the effect changes with the cauſe, and every ſucceeding power, if greater than the former, ſucceeds alſo to the right; ſo that men may lawfully diſobey, as ſoon as they can do it with impunity; and, as right is always on the ſtrongeſt ſide, they have nothing more to do, than to acquire ſuperior force. Now what kind of right can that be, which vaniſhes with the power of enforcing it? If obedience be only exacted by compulſion, there is no need to make ſuch obedience a duty, as when we are no longer compelled to obey, we are no longer obliged to it. It appears, therefore, that the word *right* adds nothing in this caſe to that of force, and, in fact, is a term of no ſignification.

Be obedient to the higher powers. If by this precept is meant, *ſubject to a ſuperior force*, the advice is good, though ſuperfluous; I will anſwer for it, ſuch a rule will never be broken. All power, I own, is derived from God; but every corporeal malady is derived alſo from the ſame ſource. But are we therefore forbid to call in the phyſician? If a robber ſhould ſtop me on the highway, am I not only obliged, on compulſion, to give him my purſe, but am I alſo obliged to it in point of conſcience, though I might poſſibly conceal it from him? This will hardly be averred; and yet the piſtol he holds to my breaſt, is, in effect, a ſuperior force.

On the whole, we muſt conclude, then, that mere power doth not conſtitute right, and that men are obliged only to pay obedience to lawful authority. Thus we are conſtantly recurring to my firſt queſtion.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. IV.

On ſlavery.

AS no man hath any natural authority over the reſt of his ſpecies, and as power doth not confer right, the baſis of all lawful authority is laid in mutual convention.

If an individual, ſays Grotius, can alienate his liberty, and become the ſlave of a maſter, why may not a whole people collectively alienate theirs, and become ſubject to a king? This propoſition, however, contains ſome equivocal terms, which require explanation; but I ſhall confine myſelf to that of *alienate*. Whatever is alienated muſt be diſpoſed of, either by gift or ſale. Now a man who becomes the ſlave of another doth not give himſelf away; but ſells himſelf, at leaſt for his ſubſiſtence; but why ſhould a whole people ſell themſelves? So far is a king from furniſhing his ſubjects ſubſiſtence, that they maintain him; and, as our friend Rabelais ſays, A king doth not live on a little. Can ſubjects be ſuppoſed to give away their liberty, on condition that the receiver ſhall take their property along with it? After this, I really cannot ſee any thing they have left.

It may be ſaid, a monarch maintains among his ſubjects the public tranquillity. Be it ſo; I would be glad to know, of what they are gainers, if the wars in which his ambition engages them, if his inſatiable avarice, or the oppreſſions of his miniſters, are more deſtructive than civil diſſenſions? Of what are they gainers, if even this tranquillity be one cauſe of their miſery?

A

A priſoner may live tranquil enough in his dungeon; but will this be ſufficient to make him contented there? When the Greeks were ſhut up in the cave of the Cyclops, they lived there unmoleſted, in expectation of their turn to be devoured.

To ſay, that a man can give himſelf away, is to talk unintelligibly and abſurdly; ſuch an act muſt neceſſarily be illegal and void, were it for no other reaſon, than that it argues inſanity of mind in the agent. To ſay the ſame thing of a whole people therefore, is to ſuppoſe a whole nation can be at once out of their ſenſes; but were it ſo, ſuch madneſs could not confer right.

Were it poſſible alſo for a man to alienate himſelf, he could not, in the ſame manner, diſpoſe of his children, who, as human beings, are born free; their freedom is their own, and nobody hath any right to diſpoſe of it but themſelves. Before they arrive at years of diſcretion, indeed, their father may, for their ſecurity, and in their name, ſtipulate the conditions of their preſervation, but he cannot unconditionally and irrevocably diſpoſe of their perſons; ſuch a gift being contrary to the intention of nature, and exceeding the bounds of paternal authority. It is requiſite, therefore, in order to render an arbitrary government lawful, that every new generation ſhould be at liberty to admit or reject its authority, in which caſe it would be no longer an arbitrary government.

To renounce one's natural liberty, is to renounce one's very being as a man; it is to renounce not only the rights, but even the duties of humanity. And what poſſible indemnification

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

can be made the man who thus gives up his all? Such a renunciation is incompatible with our very nature; for to deprive us of the liberty of the will, is to take away all morality from our actions. In a word, a convention, which ſtipulates on the one part abſolute authority, and on the other implicit obedience, is, in itſelf, futile and contradictory. Is it not evident, that we can lie under no reciprocal obligation whatever to a perſon, of whom we have a right to demand every thing; and doth not this circumſtance, againſt which he has no equivalent, neceſſarily infer ſuch act of convention to be void? For what claim can my ſlave have upon me, when he himſelf, and all that belongs to him, are mine? His claims are of courſe my own, and to ſay thoſe can be ſet up againſt me, is to talk abſurdly.

Again, Grotius and others have deduced the origin of this pretended right from the ſuperiority obtained in war. The conqueror, ſay they, having a right to put the vanquiſhed to death, the latter may equitably purchaſe his life at the expence of his liberty; ſuch an agreement being the more lawful, as it conduces to the mutual advantage of both parties.

It is clear and certain, however, that this pretended right of the victor over the lives of the vanquiſhed is not, in any ſhape, the natural reſult of a ſtate of war. This is plain, were it for no other reaſon than that the reciprocal relations of mankind, while living together in their primitive independence, were not ſufficiently durable, to conſtitute a ſtate either of peace or war; ſo that men cannot be naturally enemies. It is the relation ſubſiſting between things, and not

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

not between men, that gives riſe to war; which ariſing thus, not from perſonal, but real, relations, cannot ſubſiſt between man and man, either in a ſtate of nature, in which there is no ſettled property, or in a ſtate of ſociety, in which every thing is ſecured by the laws.

The quarrels, encounters and duels of individuals are not ſufficient to conſtitute ſuch a ſtate of war; and, with regard to the particular combats authoriſed by the inſtitutions of Lewis XI. King of France; they were only ſome of the abuſes of the feudal government, a ſyſtem truly abſurd, as contrary to the principles of natural juſtice, as of good policy.

War is not, therefore, any relation between man and man, but a relation between ſtate and ſtate, in which individuals are enemies only accidentally, not as men, or even as citizens, but as ſoldiers; not as members of their particular community, but as its defenders. In ſhort, a ſtate can have for its enemy nothing but a ſtate, not men; as between things eſſentially different, there can be no common relation.

This principle is, indeed, conformable to the eſtabliſhed maxims of all ages, and the conſtant practice of every civilized people. Declarations of war are made leſs to give notice to ſovereigns, than to their ſubjects.

The foreigner, whether a ſovereign, an individual, or a people, who plunders, kills, or takes priſoner a ſubject, without declaring war againſt his prince, is not an enemy, but a robber. Even in a time of war, a juſt prince may make himſelf maſter, in an enemy's country, of whatever belongs to the public, but he will reſpect the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the perſons and private properties of individuals; he will reſpect thoſe rights on which his own are founded. The deſign of war being the deſtruction of an hoſtile ſtate, we have a right to kill its defenders, while they are in arms; but as, in laying down their arms, they ceaſe to be enemies, or inſtruments of hoſtility, they become, in that caſe, mere men, and we have not the leaſt right to murder them. It is ſometimes poſſible effectually to deſtroy a ſtate, without killing even one of its members; now war cannot confer any right or privilege, which is not neceſſary to accompliſh its end and deſign. It is true, theſe are not the principles of Grotius, nor are they founded on the authority of the poets; but they are ſuch as are deduced from the nature of things, and are founded on reaſon.

With regard to the right of conqueſt, it has no other foundation than that of force, the law of the ſtrongeſt. But, if war doth not give the victor a right to maſſacre the vanquiſhed, this pretended right, which does not exiſt, cannot be the foundation of a right to enſlave them. If we have no right to kill an enemy, unleſs we cannot by force reduce him to ſlavery, our right to make him a ſlave never can be founded on our right to kill him. It is, therefore, an iniquitous bargain, to make him purchaſe, at the expence of liberty, a life, which we have no right to take away. In eſtabliſhing thus a right of life and death over others, on that of enſlaving them; and, on the other hand, a right of enſlaving them on that of life and death, we certainly fall into the abſurdity of reaſoning in a circle.

Let

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Let us ſuppoſe, however, that this ſhocking right of general maſſacre exiſted, I ſtill affirm, that a ſlave, made ſo by the fortune of war, or a conquered people, ſo reduced to ſlavery, lie under no other obligations to their maſter, than to obey him ſo long as he hath the power to compel them to it. In accepting of an equivalent for their lives, the victor confers on them no favour; inſtead of killing them uſeleſsly, he hath only varied the mode of their deſtruction to his own advantage. So far, therefore, from his having acquired over them any additional authority, the ſtate of war ſubſiſts between them as before; their relation to each other is the evident effect of it, and his exertion of the rights of war is a proof, that no treaty of peace hath ſucceeded. Will it be ſaid, they have made a convention? be it ſo: this convention is a mere truce, and is ſo far from putting an end to the ſtate of war, that it neceſſarily implies its continuation.

Thus, in whatever light we conſider this affair, the right of making men ſlaves is null and void, not only becauſe it is unjuſt, but becauſe it is abſurd and inſignificant. The terms *ſlavery* and *juſtice* are contradictory and reciprocally excluſive of each other. Hence the following propoſal would be equally ridiculous, whether made by one individual to another, or by a private man to a whole people. *I enter into an agreement with you, altogether at your own charge, and ſolely for my profit, which I will obſerve as long as I pleaſe, and which you are to obſerve alſo, as long as I think proper.*

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

between ſubjecting a multitude ,
t caſe , nothing more than maſter
ng them neither commonwealth
arate and diſtinct from that of his
component parts remain totally

us give themſelves up to regal
the act , by which

CHAP. V.

On the neceſſity of recurring always to the primitive convention.

ON the ſuppoſition, that I ſhould grant to be true what I have hitherto diſproved, the advocate for deſpotiſm would, however, profit but little. There will be always a great difference between ſubjecting a multitude, and governing a ſociety. Let individuals, in any number whatever, become ſeverally and ſucceſſively ſubject to one man, they are all, in that caſe, nothing more than maſter and ſlaves; they are not a people governed by their chief; they are an Aggregate if you will, but do not form an aſſociation; there ſubſiſts among them neither commonwealth nor body politic. Such a ſuperior, though he ſhould become the maſter of half the world, would be ſtill a private perſon, and his intereſt, ſeparate and diſtinct from that of his people, would be ſtill no more than a private intereſt. When ſuch a perſon dies, alſo the empire over which he preſided is diſſolved, and its component parts remain totally unconnected, juſt as an oak falls into a heap of aſhes, when it is conſumed by the fire.

A people, ſays Grotius, may voluntarily beſtow themſelves on a king: according to Grotius, therefore, a people are a people before they thus give themſelves up to regal authority. Even this gift, however, is an act of ſociety, and preſuppoſes a public deliberation on the matter. Hence, before we examine into the act, by which

a

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

a people make choice of a king, it is proper to examine into that by which a people became a people, for, on this, which is neceſſarily prior to the other, reſts the true foundation of ſociety.

For, if, in fact, there be no prior convention, whence ariſes (unleſs indeed the election was unanimous) the obligation of the ſmaller number to ſubmit to the choice of the greater? and whence comes it, that an hundred perſons, for inſtance, who might deſire to have a maſter, had a right to vote for ten others who might deſire to have none? The choice by a plurality of votes is itſelf an eſtabliſhment of convention, and ſuppoſes, that unanimity muſt at leaſt for once have ſubſiſted among them.

CHAP. VI.

On the ſocial pact or covenant.

I Suppoſe mankind arrived at that term, when the obſtacles to their preſervation, in a ſtate of nature, prevail over the endeavours of individuals, to maintain themſelves in ſuch a ſtate. At ſuch a criſis this primitive ſtate therefore could no longer ſubſiſt, and the human race muſt have periſhed, if they had not changed their manner of living.

Now as men cannot create new powers, but only compound and direct thoſe which really exiſt, they have no other means of preſervation, than that of forming, by their union, an accumulation of forces, ſufficient to oppoſe the obſtacles to their ſecurity, and of putting theſe in action

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

action by a firſt mover, capable of making them act in concert with each other.

This general accumulation of power cannot ariſe but from the concurrence of many particular forces; but the force and liberty of each individual being the principal inſtruments of his own preſervation, how is he to engage them in the common intereſt, without hurting his own, and neglecting the obligations he lies under to himſelf? This difficulty, being applied to my preſent ſubject, may be expreſſed in the following terms:

"To find that form of aſſociation which ſhall protect and defend, with the whole force of the community, the perſon and property of each individual, and in which each perſon, by uniting himſelf to the reſt, ſhall nevertheleſs be obedient only to himſelf, and remain as fully at liberty as before." Such is the fundamental problem, of which the ſocial compact gives the ſolution.

The clauſes of this compact are ſo preciſely determined by the nature of the act, that the leaſt reſtriction or modification renders them void and of no effect; in ſo much, that, although they may perhaps never have been formally promulgated, they are yet univerſally the ſame, and are every where tacitly acknowledged and received. When the ſocial pact, however, is violated, individuals recover their natural liberty, and are re-inveſted with their original rights, by loſing that conventional liberty for the ſake of which they had renounced them.

Again; theſe clauſes, well underſtood, are all reducible to one, *viz.* the total alienation of every individual, with all his rights and privileges,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

leges, to the whole community. For, in the firſt place, as every one gives himſelf up entirely and without reſerve, all are in the ſame circumſtances, ſo that no one can be intereſted in making their common connection burthenſome to others.

Beſides, as the alienation is made without reſerve, the union is as perfect as poſſible, nor hath any particular aſſociate any thing to reclaim; whereas, if they ſhould ſeverally retain any peculiar privileges, there being no common umpire to determine between them and the public, each being his own judge in ſome caſes, would, in time, pretend to be ſo in all, the ſtate of nature would ſtill ſubſiſt, and their aſſociation would neceſſarily become tyrannical or void.

In fine, the individual, by giving himſelf up to all, gives himſelf to none; and, as he acquires the ſame right over every other perſon in the community, as he gives them over himſelf, he gains an equivalent for what he beſtows, and ſtill a greater power to preſerve what he retains.

If, therefore, we take from the ſocial compact every thing that is not eſſential to it, we ſhall find it reduced to the following terms: "We, the contracting parties, do jointly and ſeverally ſubmit our perſons and abilities, to the ſupreme direction of the general will of all, and, in a collective body, receive each member into that body, as an indiviſible part of the whole."

This act of aſſociation accordingly converts the ſeveral individual contracting parties into one moral collective body, compoſed of as many members as there are votes in the aſſembly, which re-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

receives alſo from the ſame act its unity and exiſtence. This public perſonage, which is thus formed by the union of all its members, uſed formerly to be denominated a CITY *, and, at preſent, takes the name of a *republic*, or *body politic*. It is alſo called, by its ſeveral members, a *ſtate*, when it is paſſive; the *ſovereign*, when it is active; and ſimply a *power*, when it is compared with other bodies of the ſame nature.

* The true ſenſe of this word is almoſt entirely perverted among the moderns; moſt people take a town for a city, and an houſe-keeper for a citizen. Such are ignorant, however, that, though houſes may form a town, it is the citizens only that conſtitute a city. This ſame errour formerly coſt the Carthaginians very dear. I do not remember, in the courſe of my reading, to have ever found the title of *Citizen* given to the ſubjects of a prince, not even formerly to the Macedonians, nor, in our times, to the Engliſh, though more nearly bordering on liberty than any other nation. The French are the only people who familiarly take on themſelves the name of *citizens*, becauſe they have no juſt idea of its meaning, as may be ſeen in their dictionaries; for, were it otherwiſe, indeed, they would be guilty of high treaſon in aſſuming it. This term is with them rather expreſſive of a virtue than a privilege. Hence, when Bodin ſpoke of the citizens and inhabitants of Geneva, he committed a wretched blunder, in miſtaking one for the other. Mr. d'Alembert indeed has avoided this miſtake in the Encyclopædia, where he has properly diſtinguiſhed the four orders of people (and even five, reckoning mere ſtrangers) that are found in our city, and of which two only compoſe the republic: No other French author that I know of hath ever comprehended the meaning of the word *citizen*.

With

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

With regard to the aſſociates themſelves, they take collectively the name of the *people*, and are ſeparately called *citizens*, as partaking of the ſovereign authority, and *ſubjects*, as ſubjected to the laws of the ſtate. Theſe terms, indeed, are frequently confounded, and miſtaken one for the other; it is ſufficient, however, to be able to diſtinguiſh them, when they are to be uſed with preciſion.

CHAP. VII.

Of the ſovereign.

IT is plain from the above formula, that the act of aſſociation includes a reciprocal engagement between particulars and the public; and that each individual, in contracting, if I may ſo ſay, with himſelf, is laid under a twofold engagement, *viz.* as a member of the ſovereignty toward particular perſons, and as a member of the ſtate toward the ſovereign. That maxim of the civil law, however, is inapplicable here, which ſays, that no one is bound by the engagements he enters into with himſelf; for there is a wide difference between entering into a perſonal obligation with one's ſelf, and with a whole, of which one may conſtitute a part.

It is farther to be obſerved, that the public determination, which is obligatory on the ſubject, with regard to the ſovereign, on account of the twofold relation by which each ſtands contracted, is not, for the contrary reaſon, obligatory on the ſupreme power towards itſelf: and that it is conſequently inconſiſtent with the nature

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

nature of the body politic, that ſuch ſupreme power ſhould impoſe a law, which it cannot break. For, as the ſovereign ſtands only in a ſingle relation, it is in the ſame caſe as that of an individual contracting with himſelf; whence it is plain, that there neither is, nor can be, any fundamental law obligatory on the whole body of a people, even the ſocial compact itſelf not being ſuch. By this, however, it is not meant, that ſuch a body cannot enter into engagements with others, in matters that do not derogate from this contract; for, with reſpect to foreign objects, it is a ſimple and individual perſon.

But, as the body politic, or the ſovereign, derives its very exiſtence from this inviolable contract, it can enter into no lawful engagement, even with any ſimilar body, derogatory from the tenour of this primitive act; ſuch as that of alienating any part of itſelf, or of ſubmitting itſelf intirely to a foreign ſovereign. To violate the act whereby it exiſts would be to annihilate itſelf, and from nothing can ariſe nothing.

No ſooner are a multitude of individuals thus united in a body, than it becomes impoſſible to act offenſively againſt any of the members, without attacking the whole, and ſtill leſs to offend the whole body, without injuring the members. Hence both duty and intereſt equally oblige the two contracting parties to aſſiſt each other, and the ſame perſons ought to endeavour to include, within this twofold relation, all the advantages which depend on it.

Now the ſovereign, being formed only by the ſeveral individuals of which the ſtate is compoſed, can have no intereſt contrary to theirs; of courſe

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

courſe the ſupreme power ſtands in no need of any guarantee toward the ſubjects, becauſe it is impoſſible, that the body ſhould be capable of hurting all its members; and we ſhall ſee hereafter, that it can as little tend to injure any of them in particular. Hence the ſovereign is neceſſarily, and for the ſame reaſon that it exiſts, always ſuch as it ought to be.

The caſe is different, however, as to the relation in which the ſubjects ſtand to the ſovereign; as, notwithſtanding their common intereſt, the latter can have no ſecurity that the former will diſcharge their engagements, unleſs means be found to engage their fidelity.

In fact, every individual may, as a man, entertain a particular will, either contradictory or diſſimilar to his general will, as a citizen. His private intereſt may influence him, in a manner diametrically oppoſite to the common intereſt of the ſociety. Reflecting on his own exiſtence as poſitive and naturally independent, he may conceive what he owes to the common cauſe, to be a free and gratuitous contribution, the want of which will be leſs hurtful to others, than the diſcharge of it will be burthenſome to himſelf; and, regarding the moral perſon of the ſtate as an imaginary being, becauſe it is not a man, he may be deſirous of enjoying all the privileges of a citizen, without fulfilling his engagement as a ſubject; an injuſtice, that, in its progreſs, muſt neceſſarily be the ruin of the body politic.

To the end, therefore, that the ſocial compact ſhould not prove an empty form, it tacitly includes this engagement, which only can enforce the reſt, *viz.* that whoſoever refuſes to pay obe-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

obedience to the general will, ſhall be liable to be compelled to it by the force of the whole body. And this is in effect nothing more, than that they may be compelled to be free; for ſuch is the condition which, in uniting every citizen to the ſtate, ſecured him from all perſonal dependence; a condition, which forms the whole artifice and play of the political machine: it is this alone that renders all ſocial engagements juſt and equitable which, without it, would be abſurd, tyrannical, and ſubject to the moſt enormous abuſes.

CHAP. VIII.

Of civil ſociety in general.

THE tranſition of man from a ſtate of nature to a ſtate of ſociety is productive of a very remarkable change in his being, by ſubſtituting juſtice inſtead of inſtinct, as the rule of his conduct, and attaching that morality to his actions, of which they were before deſtitute. It is in immediate conſequence of this change, when the voice of duty ſucceeds to phyſical impulſe and the law of appetite, that man, who hitherto regarded only his own gratification, finds himſelf obliged to act on other principles, and to conſult his reaſon, before he follows the dictates of his paſſions. Although, by entering into a ſtate of ſociety, he is deprived alſo of many advantages which depend on that of nature, he gains by it others ſo very conſiderable, his faculties exert and expand themſelves, his ideas are enlarged, his ſentiments ennobled, and his

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

his whole ſoul is elevated to ſo great a degree, that, if the abuſes of this new ſtate do not degrade him below the former, he ought inceſſantly to bleſs that happy moment in which he was reſcued from it, and converted from a ſtupid and ignorant animal into an intelligent and wiſe Being.

To ſtate the balance of what is loſt and gained by this change, we ſhall reduce it to comparative terms. By entering into the ſocial compact, man gives up his natural liberty, or unlimited right to every thing which he is deſirous of, and can attain. In return for this, he gains ſocial liberty, and an excluſive property in all thoſe things of which he is poſſeſſed. To avoid any miſtake, however, in the nature of theſe compenſations, it is neceſſary to make a juſt diſtinction between natural liberty, which is limited by nothing but the inabilities of the individual, and ſocial liberty, which is limited by the general will of the community; and alſo, between that poſſeſſion, which is only effected by force, or follows the right of prior occupancy, and that property, which is founded only on a poſitive title.

To the preceding alſo may be added, as the acquiſition of a ſocial ſtate, moral liberty, which only renders a man truly maſter of himſelf: for to be under the direction of appetite alone is to be in a ſtate of ſlavery, while to pay obedience only to thoſe laws which we preſcribe to ourſelves, is liberty. But I have ſaid too much already on this ſubject, the philoſophical meaning of the word Liberty, being, in this place, out of the queſtion.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. IX.

Of real demeſnes.

EAch member of the community, in becoming ſuch, devotes himſelf to the public from that moment, in ſuch a ſtate as he then is, with all his power and abilities, of which abilities his poſſeſſions make a part. Not that in conſequence of this act the poſſeſſion changes its nature, by changing hands, and becomes actual property in thoſe of the ſovereignty; but as the power of the community is incomparably greater than that of an individual, the public poſſeſſion is in fact more fixed and irrevocable, without being more lawful, at leaſt with regard to foreigners. For every ſtate is, with reſpect to its members, maſter of all their poſſeſſions, by virtue of the ſocial compact, which, in a ſtate, ſerves as the baſis of all other rights; but, with regard to other powers or ſtates, it is maſter of them only, by the right of prior occupancy, which it derives from individuals.

The right of prior occupancy, although more real than that of the ſtrongeſt, becomes not an equitable right, till after the eſtabliſhment of property. Every man hath naturally a right to every thing which is neceſſary for his ſubſiſtence; but the poſitive act by which he is made the proprietor of a certain poſſeſſion excludes him from the property of any other. His portion being aſſigned him, he ought to confine himſelf to that, and hath no longer any right to a community of poſſeſſion. Hence it is that the right

of

hat in conſequence of this act the
y is incomparably greater than that
For every ſtate is , with reſpect to
vith regard to other powers or

perty . Every man hath naturally a
udes him from the property

t the right

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

of prior occupancy, though but of little force in a ſtate of nature, is ſo reſpectable in that of ſociety. The point to which we are chiefly directed in the conſideration of this right, is rather what belongs to another, than what does not belong to us.

To define the right of prior occupancy in general terms, it is founded on the following conditions. It is requiſite, in the firſt place, that the lands in queſtion ſhould be unoccupied; ſecondly, that no greater quantity of it ſhould be occupied than is neceſſary for the ſubſiſtence of the occupiers; and, in the third place, that poſſeſſion ſhould be taken of it, not by a vain ceremony, but by actual cultivation, the only mark of property, which, in defect of juridical titles, ſhould be at all reſpected.

To allow the firſt occupier a right to as much territory as he may cultivate, and is neceſſary to his ſubſiſtence, is certainly carrying the matter as far as is reaſonable. Otherwiſe we know not how to ſet bounds to this right. Is it ſufficient for a man to ſet foot on an uninhabited territory, to pretend immediately an excluſive right to it? Is it ſufficient for him to have power enough at one time to drive others from the ſpot, to deprive them for ever afterwards of the right of returning to it? How can a man, or even a whole people, poſſeſs themſelves of an immenſe territory, and exclude from it the reſt of mankind, without being guilty of an illegal uſurpation; ſince, by ſo doing, they deprive the reſt of mankind of an habitation, and thoſe means of ſubſiſtence, which nature hath given in common to them all? When Nunez Balbao ſtood on the ſea-ſhore, and, in the name of the crown of

ed in the conſideration of this
led on the following con ditions .
an is neceſſary for the ſubſiſtence
f property , which , in defect of

s far as is reaſonable .
an excluſive right to it ? Is it
to it ? How can a man , or even
tion ; ſince , by ſo doing , they
bao ſtocd on the ſea - ſhore , and

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

Caſtile, took poſſeſſion of the Pacific Ocean, and of all South America, was this ſufficient to diſpoſſeſs all the inhabitants of that vaſt country, and exclude all the other ſovereigns in the world? On ſuch a ſuppoſition, the like idle ceremonies might have been ridiculouſly multiplied, and his Catholic Majeſty would have had no more to do, than to have taken poſſeſſion in his cloſet of all the countries in the world, and to have afterwards only deducted from his empire ſuch as were before poſſeſſed by other princes.

It is eaſy to conceive, how the united and contiguous eſtates of individuals become the territory of the public, and in what manner the right of ſovereignty, extending itſelf from the ſubjects to the lands they occupy, becomes at once both real and perſonal; a circumſtance which lays the poſſeſſors under a ſtate of the greateſt dependence, and makes even their own abilities a ſecurity for their fidelity. This is an advantage which does not appear to have been duly attended to, by ſovereigns among the ancients, who, by ſtiling themſelves only kings of the Perſians, the Scythians, the Macedonians, ſeemed to look on themſelves only as chief of men, rather than as maſters of a country. Modern princes more artfully ſtile themſelves the kings of England, France, Spain, &c. and thus, by claiming the territory itſelf, are ſecure of the inhabitants.

What is very ſingular in this alienation is, that the community, in accepting the poſſeſſions of individuals, is ſo far from deſpoiling them thereof, that, on the contrary, it only confirms them in ſuch poſſeſſions, by converting an uſurpation into

y, and exclude all the other
would have had no more to do,
re before poſſeſſed by other

of fovereignty, extending itſelf
the greateſt dependence, and
vereigns among the an cients, who

claiming the territory itſelf, are ſe

re of, that, on the contrary, it only

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

into an actual right, and a bare poſſeſſion into a real property. The poſſeſſors alſo being conſidered as the depoſitaries of the public wealth, while their rights are reſpected by all the members of the ſtate, and maintained by all its force againſt any foreign power, they acquire, if I may ſo ſay, by a ceſſion advantageous to the public, and ſtill more ſo to themſelves, every thing they ceded by it: a paradox which is eaſily explained by the diſtinction to be made between the rights which the ſovereign and the proprietor have in the ſame fund, as will be ſeen hereafter.

It may alſo happen, that men may form themſelves into a ſociety, before they have any poſſeſſions; and that, acquiring a territory ſufficient for all, they may poſſeſs it in common, or divide it among them, either equally, or in ſuch different proportions as may be determined by the ſovereign. Now, in whatſoever manner ſuch acquiſition may be made, the right which each individual has to his own eſtate, muſt be always ſubordinate to the right which the community hath over the poſſeſſions of all; for, without this, there would be nothing binding in the ſocial tie, nor any real force in the exerciſe of the ſupreme power.

I ſhall end this book, with a remark, that ought to ſerve as the baſis of the whole ſocial ſyſtem: and this is, that, inſtead of annihilating the natural equality among mankind, the fundamental compact ſubſtitutes, on the contrary, a moral and legal equality, to make up for that natural and phyſical difference which prevails among individuals, who, though unequal in per-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſonal ſtrength and mental abilities, become thus all equal by convention and right *.

* This equality, indeed, is under ſome governments merely apparent and deluſive, ſerving only to keep the poor ſtill in miſery, and favour the oppreſſion of the rich. And, in fact, the laws are always uſeful to perſons of fortune, and hurtful to thoſe who are deſtitute: whence it follows, that a ſtate of ſociety is advantageous to mankind in general, only when they all poſſeſs ſomething, and none of them have any thing too much.

The End of the FIRST BOOK.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

BOOK II.

CHAP. I.

That the ſovereignty is unalienable.

THE firſt and moſt important conſequence to be drawn from the principles already eſtabliſhed, is, that the general *will* only can direct the forces of the ſtate agreeable to the end of its original inſtitution, which is the common good; for, though the oppoſition of private intereſts might make the eſtabliſhment of ſocieties neceſſary, it muſt have been through the coalition of thoſe intereſts, that ſuch eſtabliſhment became poſſible. The bonds of ſociety muſt have been formed out of ſomething common to thoſe ſeveral intereſts, for, if there had been no point to which they could have been reconciled, no ſociety could poſſibly have ſubſiſted. Now it is only on theſe points that the government of ſociety ſhould be founded.

I ſay, therefore, that the ſovereignty, being only the exertion of the general will, cannot be alienated, and that the ſovereign, which is only a collective being, cannot be repreſented but by itſelf: the power of a people may be tranſmitted or delegated, but not their will.

It may not be abſolutely impoſſible, that the will of an individual ſhould agree, in ſome particular point, with the general will of a whole people; it is, however, impoſſible, that ſuch agreement ſhould be conſtant and durable, for

nal inititution , which is the
ali tion of thoſe intereſts ,
ere had been no point to
uld be founded .

lective being , cannot be

; it is , however , impoſſible

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the will of particulars always tends to make diſtinctions of preference, and the general will to a perfect equality. It is further ſtill more impoſſible, ſuppoſing ſuch agreement might always ſubſiſt, to have any ſecurity that it would do ſo, as it could never be the effect of art, but of chance. The ſovereign may ſay, My will is now agreeable to the will of ſuch an individual, or at leaſt to what he pretends to be his will; but it cannot pretend to ſay, I agree to whatever may be the will of ſuch individual to morrow; as it is abſurd for the will to lay itſelf under any reſtraint regarding the future, and as it is impoſſible for the will to conſent to any thing contrary to the intereſt of the being whoſe will it is. Should a people therefore enter into the engagement of ſimply promiſing obedience, they would loſe their quality, as a people, and be virtually diſſolved by that very act. The moment there exiſts a maſter, there can be no longer a ſovereign, the body politic being thereby deſtroyed.

I would not be underſtood to mean, that the orders of a chief may not paſs for the dictates of the general will, when the ſovereign, though at liberty to contradict, does not oppoſe it. In ſuch a caſe, it is to be preſumed, from the univerſal ſilence of the people, that they give their conſent. This will be farther explained in the end.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. II.

That the ſovereignty is indiviſible.

FOR the ſame reaſon that the ſovereignty is unalienable, it is alſo indiviſible; for the will is general *, or it is not; it is that of the body of the people, or only that of a part. In the firſt caſe, this will, when declared, is an act of ſovereignty, and becomes a law: in the ſecond, it is only a particular will, or an act of the magiſtracy, and is at moſt a decree.

But our politicians, incapable of dividing the ſovereignty in its firſt principles, divide it in its object; they diſtinguiſh it into power and will; into a legiſlative and executive power; into the prerogatives of taxation, of executing juſtice, and of making war; into departments of domeſtic and foreign adminiſtration. Sometimes they blend all theſe confuſedly together, and, at others, conſider them as diſtinct and ſeparate, making out the ſovereign to be a fantaſtic compound, juſt as if they ſhould compoſe a man out of ſeveral bodies, of which one ſhould have only eyes, another arms, a third feet, and nothing more. It is ſaid of the jugglers in Japan, that they will take a child, and cut it into pieces in the preſence of the ſpectators, then, throwing up its diſmembered limbs one after another into

* In order that this will ſhould be general, it is not always neceſſary it ſhould be unanimous: it is neceſſary, however, that every individual ſhould be permitted to vote; every formal excluſion infringing the generality.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the air, they are united, and the child deſcends alive, and well as before. The legerdemain of our modern politicians greatly reſembles this trick of the Japoneſe; for they, after having diſmembered the body politic with equal dexterity, bring all its parts together by *hocus pocus* again, and repreſent it the ſame as before.

This error ariſes from their not having formed preciſe ideas of the ſovereign authority, and from their miſtaking the ſimple emanations of this authority, for parts of its eſſence. Thus, for inſtance, the acts of declaring war and making peace are uſually regarded as acts of ſovereignty, which they are not; for neither of theſe acts are laws, but conſiſt only of the application of the law. Each is a particular act, determinate only of the meaning of the law in ſuch caſe, as will be ſeen more clearly, when the idea attached to the word *law* ſhall be preciſely ſettled.

By tracing, in like manner, their other diviſions, we ſhall find, that we are conſtantly miſtaken, whenever we think the ſovereignty divided; and that the prerogatives, which are ſuppoſed to be parts of the ſovereignty, are all ſubordinate to it, and always ſuppoſe the predetermination of a ſuperior will, which thoſe prerogatives only ſerve to put in execution.

It is impoſſible to ſay, in how much obſcurity this want of preciſion hath involved the reaſonings of authors, on the ſubject of political law, when they came to examine into the reſpective rights of kings and people, on the principles they had eſtabliſhed. By turning to the third and fourth chapters of the firſt book of Grotius, the reader may ſee, how that learned author and his

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

his tranſlator, Barbeyrac, bewildered and entangled themſelves in their own ſophiſms, thro' fear of ſaying too much or too little for their purpoſe, and of making thoſe intereſts claſh, which it was their buſineſs to reconcile. Grotius being diſſatisfied with his own countrymen, a refugee in France, and willing to pay his court to Lewis XIII. to whom his book is dedicated, ſpared no art nor pains to ſtrip the people of their privileges, and to inveſt kings with prerogative. Barbeyrac alſo wrote with a ſimilar view, dedicating his tranſlation to George I. of England. But, unluckily, the expulſion of James II. which he calls an abdication, obliged him to be much on the reſerve, to turn and wind about, as he ſaw occaſion, in order not to make William III. an uſurper. Had theſe two writers adopted true principles, all theſe difficulties would have vaniſhed, and they would have written conſiſtently; in ſuch a caſe, however, they could only, in ſober ſadneſs, have told the truth, and would have paid their court only to the people. Now, to tell the truth, is not the way to make a fortune; nor are ambaſſadors appointed, or places and penſions given away by the populace.

CHAP. III.

Whether the general Will can be in the wrong.

IT follows, from what has been ſaid, that the general Will is always in the right, and conſtantly tends to the public good; it does not follow, however, that the deliberations of the peo-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ple will always be attended with the ſame rectitude. We are ever deſirous of our own good, but we do not always diſtinguiſh in what it conſiſts. A whole people never can be corrupted, but they may be often miſtaken, and it is in ſuch a caſe only that they appear to ſeek their own diſadvantage.

There is often a conſiderable difference between the will of all the members and the general will of the whole body; the latter regards only the common intereſt, the other reſpects the private intereſt of individuals, and is the aggregated ſum of their particular wills; but, if we take from this ſum thoſe contradictory wills that mutually deſtroy each other *, the ſum of the remaining differences is the general will.

If a people, ſufficiently informed of the nature of the ſubject under their conſideration, ſhould deliberate, without having any communication with each other, the general will would always reſult from the greater number of their little differences, and their deliberation would be ſuch as it ought to be. But when they enter into cabals, and form partial aſſociations, at the expence of the general one, the will of each of theſe aſſociations becomes general, with regard

* *Each intereſt*, ſays the Marquis d'A. *has different principles. A coalition between two particular intereſts may be formed, out of oppoſition to that of a third.* He might have added, that a coalition of all is formed out of oppoſition to the intereſt of each. Were there no different and claſhing intereſts, that of the whole would be hardly diſtinguiſhable, as it would meet with no obſtacle. All things would go regularly on of their own accord, and civil policy would ceaſe to be an art.

to

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

to the particular members of each, and, in itſelf, particular, with regard to the ſtate. In ſuch a caſe, therefore, it may be ſaid, there is no longer as many voters as individuals, but only as many voices as there are aſſociations. The differences then become leſs numerous, and give a leſs general reſult. Again, ſhould one of theſe partial aſſociations be ſo great, as to influence all the reſt, the reſult would no longer be the ſum of many little differences, but that of one great one; in which caſe, a general will would no longer ſubſiſt.

It is requiſite, therefore, in order that each reſolution may be dictated by the general will, that no ſuch partial ſocieties ſhould be formed in a ſtate, and that each citizen ſhould think for himſelf *. Such was the ſublime inſtitution of the great Lycurgus. But, if ſuch partial ſocieties muſt and will exiſt, it is then expedient to multiply their number, and prevent their inequality, as was done by Solon, Numa, and Servius. Theſe are the only ſalutary precautions that can be taken, in order that the general will may be properly informed, and the people not be miſtaken as to their true intereſt.

* Vera coſa é, ſays Machiavel, che alcuni diviſioni nuocono alle republiche, e alcune giovano: quelle nuocono che ſono dalle ſette e da partigiani accompagnate: quelle giovano che ſenza ſette, ſenza partigiani ſi mantengono. Non potendo adunque provedere un fondatore d'una republica che non ſiano nimicizie in quella, hà da proveder almeno che non viſiano ſette. Hiſt. Fiorent. l. vii.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. IV.

Of the limits of the ſovereign power.

IF the ſtate, or the city, be a mere moral perſon, whoſe life depends on the union of its members, and, if the moſt important of its concerns be that of its own preſervation, it ſhould certainly be poſſeſſed of an univerſal compulſive force, to move and diſpoſe each part in ſuch a manner as is moſt conducive to the good of all. As nature hath given every man an abſolute power over his limbs, to move and direct them at pleaſure, ſo the ſocial compact gives to the body politic an abſolute power over all its members, and it is this power which, directed by the general will, bears the name, as I have already obſerved, of the ſovereignty.

But, beſides this public perſon, we are to conſider farther the private perſons of which it is compoſed, and whoſe life and liberty are naturally independent of it. We come now, therefore, to make a proper diſtinction between the reſpective privileges of the citizens and the ſovereign.*, as well as between the obligations the former lie under as ſubjects, and the natural rights they claim as men.

It is agreed, that what an individual alienates of his power, his poſſeſſion, or his liberty, by

* Be not in haſte, attentive reader, to accuſe me here of contradiction. I cannot avoid the ſeeming contradiction in terms, from the native poverty of the language. But have a little patience.

the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the ſocial compact, is only ſuch parts of them, whoſe uſe is of importance to the community; but it muſt be confeſſed alſo, that the ſovereign is the only proper judge of this importance.

A citizen is bound to perform all the ſervices he can poſſibly be of to a ſtate, whenever the ſovereign demands them; but the ſovereign, on his part, cannot require any thing of the ſubject that is uſeleſs to the community; he cannot even be deſirous of ſo doing; for, under the laws of reaſon, nothing can be produced without a cauſe, any more than under the law of nature.

The engagements, in which we are bound to the body of ſociety, are obligatory, only becauſe they are mutual; and their nature is ſuch that we cannot, in diſcharging them, labour for the good of others, without, at the ſame time, labouring for that of ourſelves. Wherefore, indeed, is it, that the general will is always in the right, and that all conſtantly deſire the good of each, unleſs it be, becauſe there is no one that does not appropriate the term *each* to himſelf, and who does not think of his own intereſt, in voting for that of all? This ſerves to prove alſo, that an equality of privilege, and the notion of juſtice it produces, are derived from that preference which each naturally gives himſelf, and of courſe from the very nature of man; that the general will, in order to be truly ſuch, ought to be ſo in its effect, as well as in its eſſence; that it ought to flow from all, in order to be applicable to all; and that it muſt loſe its natural rectitude, when it tends to any individual and determinate object; becauſe judging, in ſuch a caſe,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

caſe, of what is foreign to ourſelves, we have no real principle of equity for our guide.

In fact, no ſooner do we come to treat of a particular fact or privilege, on a point which has not been ſettled by a general and prior convention, than the affair becomes litigious. It is a proceſs, in which the particulars intereſted are one party, and the public the other; but in which I ſee no law to decide, nor judge to determine. It would be abſurd, therefore, in ſuch a caſe, to think of referring it to any expreſs deciſion of the general will, which could be no other than the deciſion of one of the very parties; and therefore muſt be, with regard to the other, foreign and partial, leaning to injuſtice, and ſubject to error. In the ſame manner, alſo, that a partial and particular will cannot repreſent the general will, ſo the latter, in its turn, changes its nature, when employed on a particular object, and cannot, in its general capacity, pronounce concerning any particular man or fact. Thus, when the people of Athens, for inſtance, took upon them to appoint or caſhier their chiefs, to decree honours to one, and inflict pains and penalties on another, and thus, by numerous decrees, exerciſed indiſcriminately all the acts of government, they had then, properly ſpeaking, no general will at all: the Athenian people, in this caſe, did not act in the capacity of ſovereign, but in that of magiſtrate. This may appear contradictory to the common notions of things, but I muſt be allowed time to explain mine.

We may learn hence, that the general will conſiſts leſs in the number of votes, than in the common

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

common intereſt that unites them; for, in this inſtitution, every one ſubjects himſelf neceſſarily to thoſe conditions which he impoſes on others: hence the admirable conformity between intereſt and juſtice, which ſtamps on public declarations that characteriſtic of equity, which we ſee vaniſh in the diſcuſſion of particular ſubjects, for want of that common intereſt which unites and makes the criterion of the judge the ſame with that of the party.

In what manner ſoever we recur to the firſt principle, we always arrive at the ſame concluſion, *viz.* that the ſocial compact eſtabliſhes ſuch an equality among the citizens, that all lay themſelves under the ſame obligations, and ought all to enjoy the ſame privileges. Thus, from the very nature of this compact, every act of ſovereignty, that is to ſay, every authentic act of the general will, is equally obligatory on, or favourable to, all the citizens, without diſtinction; in ſo much that the ſovereign knows only the whole body of the nation, but diſtinguiſhes none of the individuals who compoſe it. What then is properly an act of ſovereignty? It is not an agreement made between a ſuperior and an inferior, but a convention between a whole body with each of its members, which convention is a lawful one, becauſe founded on the ſocial contract; it is equitable, becauſe it is common to all; it is uſeful, becauſe it can have no other object than the general good; and it is ſolid and durable, becauſe ſecured by the public ſtrength and the ſupreme power.

When the ſubmiſſion of ſubjects is owing only to ſuch conventions, they pay in fact obedience

to

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

to none but their own will, and to ask how far the respective privileges of the sovereign and citizens extend, is to ask merely how far the latter may enter into engagements with themselves, *viz.* each individual with all collectively, and all collectively with each individual.

Hence we see, that the sovereign power, absolute, inviolable, and sacred as it is, neither does nor can surpass the bounds of such general conventions, and that every man hath a right to dispose, as he pleases, of that liberty and property which the terms of such conventions have left to his own disposal; so that the sovereign hath not any right to lay a greater burthen on one subject than on another, because, in such a case, it becomes a particular affair, in which the sovereign hath no power to act.

These distinctions being once admitted, it is so far from being true, that there is any real renunciation on the part of individuals, when they enter into the social compact, that their situation becomes, by means of that very compact, much better than before; as, instead of making any alienation, they only make an advantageous exchange of an uncertain and precarious mode of subsistence, for a more settled and determinate one; they exchange their natural independence for social liberty, the power of injuring others for that of securing themselves from injury; and their own natural strength, which might be overcome by that of others, for a civil power which the social union renders invincible. Their very lives, which they have by these means devoted to the state, are continually protected; and even when they are obliged to expose themselves to death, in its defence, what do they more

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

more than render back to ſociety what they have before received of it? What do they more, in riſking their lives for their country, than they would have been obliged to do more frequently, and with much greater danger in a ſtate of nature; when, ſubject to inevitable outrages, they would have been obliged to defend their means of ſubſiſtance at the hazard of their lives? That every one lies under the obligation of fighting in defence of his country, is true; but then he is relieved by the laws from the neceſſity of fighting to defend himſelf. And are not men gainers, on the whole, by running part of thoſe riſks, for their common ſecurity, which they muſt ſeverally run for themſelves, were they deprived of that ſecurity?

CHAP. V.

On capital puniſhments.

IT hath been aſked, how individuals, having no right to diſpoſe of their own lives, can tranſmit that right to the ſovereign? The difficulty of reſolving this queſtion, ariſes only from its being badly expreſſed. Every man hath an undoubted right to hazard his life for its preſervation. Was a man ever charged with ſuicide, for throwing himſelf from the top of an houſe in flames, in order to avoid being burnt? Was it ever imputed as a crime to a man, who might be caſt away at ſea, that he knew the danger of the voyage when he embarked?

The end of the ſocial compact, is the preſervation of the contracting parties. Such, there-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

therefore, as would reap the benefit of the end, muſt aſſent to the means, which are inſeparable from ſome dangers and loſſes. He that would preſerve his life at the expence of others, ought to riſk it for their ſafety when it is neceſſary. Now, the citizen is no longer a judge of the danger to which the law requires him to be expoſed: but when the prince declares that the good of the ſtate requires his life, he ought to reſign it; ſince it is only on thoſe conditions he hath hitherto lived in ſecurity, and his life is not ſolely the gift of nature, but a conditional gift of the ſtate.

The puniſhment of death inflicted on malefactors may be conſidered alſo in the ſame point of view: it is to prevent our falling by the hands of an aſſaſſin, that we conſent to die, on becoming ſuch ourſelves. We are ſo far from giving away our lives, by this treaty, that we enter into it only for our preſervation: as it is not to be preſumed that any one of the contracting parties formed therein a premeditated deſign to get himſelf hanged.

Add to this, that every malefactor, by breaking the laws of his country, becomes a rebel and traitor; ceaſing, from that time, to be a member of the community, and even declaring war againſt it. In this caſe, the preſervation of the ſtate is incompatible with his; one of the two muſt periſh: and thus when a criminal is executed, he doth not ſuffer in the quality of a citizen, but in that of an enemy. His trial and ſentence are the evidence and declaration of his having broken the ſocial compact, and that, of conſequence, he is no longer a member of the ſtate. Now, as he had profeſſed himſelf ſuch,

at

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

at leaſt by his reſidence, it is right that he ſhould be ſeparated from the ſtate, either by baniſhment as a violator of the ſocial compact, or by death as a public enemy; for ſuch an enemy is not a moral perſonage, he is a mere man, and it is in this caſe only that the right of war takes place of killing an enemy.

But, it may be ſaid, the condemnation of a criminal is a particular act. It is ſo, and for that reaſon it does not belong to the ſovereign: it is an act, for doing which the ſupreme power may confer the authority, though it cannot exerciſe ſuch authority itſelf. My ideas on this ſubject are conſiſtent, though I cannot explain them all at once.

It is to be obſerved, however, that the frequency of executions is always a ſign of the weakneſs or indolence of government. There is no malefactor who might not be made good for ſomething: nor ought any perſon to be put to death, even by way of example, unleſs ſuch as could not be preſerved without endangering the community.

With regard to the prerogative of granting pardons to criminals, condemned by the laws of their country, and ſentenced by the judges, it belongs only to that power which is ſuperior both to the judges and the laws, viz. the ſovereign authority. Not that it is very clear that even the ſupreme power is veſted with ſuch a right, or that the circumſtances in which it might be exerted are frequent or determinate. In a well-governed ſtate there are but few executions; not becauſe there are many pardoned, but becauſe there are few criminals: Whereas when a ſtate is on the decline, the multiplicity

of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

of crimes occaſions their impunity. Under the Roman republic, neither the Senate nor the Conſuls ever attempted to grant pardons; even the people never did this, although they ſometimes recalled their own ſentence. The frequency of pardons indicates that in a ſhort time crimes will not ſtand in need of them, and every one may ſee the conſequence of ſuch conduct. But my reluctant heart reſtrains my pen; let us leave the diſcuſſion of theſe queſtions to the juſt man who hath never been criminal, and who never ſtood in need of pardon.

CHAP. VI.

On the law.

HAVING given exiſtence and life to the body politic, by a ſocial compact, we come now to give it action and will, by a legiſlature. For the primitive act, by which ſuch body is formed, determines nothing as yet with reſpect to the means of its preſervation.

Whatever is right and conformable to order, is ſuch from the nature of things, independent of all human conventions. All juſtice comes from God, who is the fountain of it; but could we receive it immediately from ſo ſublime a ſource, we ſhould ſtand in no need of government or laws. There is indeed an univerſal juſtice ſpringing from reaſon alone; but, in order to admit this to take place among mankind, it ſhould be reciprocal. To conſider things as they appear, we find the maxims of juſtice among mankind, to be vain and fruitleſs, for

people never did this, although
d every one may ſee the
ever been criminal, and who

ormed, determines nothing as yet

God, who is the fountain of it;
ce ſpringing from reaſon alone;
ustice among mankind, to be vain

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

for want of a natural ſupport; they tend only to the advantage of the wicked, and the diſadvantage of the juſt, while the latter obſerves them in his behaviour to others, but no body regards them in their conduct to him. Laws and conventions, therefore, are neceſſary in order to unite duties with privileges, and confine juſtice to its proper objects. In a ſtate of nature, where every thing is common, I owe nothing to thoſe I have promiſed nothing; I acknowledge nothing to be the property of another, but what is uſeleſs to myſelf. In a ſtate of ſociety the caſe is different, where the rights of each are fixed by law.

We come at length, therefore, to conſider what is law. So long as we content ourſelves with the metaphyſical idea annexed to this term, we muſt talk unintelligibly; and though we ſhould come to a definition of natural law, we ſhould not know thence any thing more of political law. I have already ſaid there can be no general will relative to a particular object. In fact, every particular object muſt be within or without the ſtate. If without, a will that is foreign, cannot with regard to it be general; and if the object be within the ſtate, it muſt make a part of it: in which caſe there ariſes between the whole and the part, a relation that conſtitutes two ſeparate beings, one of which is the part, and the whole wanting ſuch part, is the other. But the whole wanting ſuch part, is not the whole, and ſo long as that relation ſubſiſts, there is no whole, but only two unequal parts; whence it follows that the will of the one is no longer general with regard to that of the other.

But

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

But when a whole people decree concerning a whole people, they conſider only their whole body; and, if it then forms any relation, it muſt be between the entire object conſidered in one point of view, and the entire object conſidered in another point of view, without any diviſion of the whole. In this caſe, the matter of the decree is general as the will that decrees. Such is the act which I call a law.

When I ſay that the object of the laws is always general, I mean that the law conſiders the ſubjects in a collective body, and their actions abſtractedly, but never concerns itſelf with individual perſons, nor particular actions. Thus the law may decree certain privileges, but it cannot beſtow them on particular perſons: the law may conſtitute ſeveral claſſes of citizens, and aſſign even the qualities which may entitle them to rank in theſe claſſes; but it cannot nominate ſuch or ſuch perſons to be admitted therein: it may eſtabliſh a legal government, and appoint an hereditary ſucceſſion, but it cannot make choice of a king, nor appoint the royal family; in a word, every function that relates to an individual object, doth not belong to the legiſlative power.

Taking things in this light, it is immediately ſeen how abſurd it is to aſk in whoſe power it is to make laws? as they are acts of the general will; or whether the prince be above the laws? as he is but a member of the ſtate. Hence alſo, it is plain, the law cannot be unjuſt, as nothing can be unjuſt to itſelf; as alſo what it is to be free, and at the ſame time ſubject to the laws, as the laws are only the records of our own will.

It

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

It is hence farther evident, the law re-uniting the univerſality of the will to that of its object, that whatever an individual, of what rank ſoever, may decree of his own head, cannot be a law: indeed, whatever the ſupreme power itſelf may ordain concerning a particular object is not a law, but a ſimple decree; it is not an act of the ſovereignty, but of the magiſtracy.

I call every ſtate, therefore, which is governed by laws, a Republic, whatever be the form of its adminiſtration; for in ſuch a caſe only, it is the public intereſt that governs, and whatever is public is ſomething. Thus every lawful government is republican *. I ſhall explain hereafter what I mean by a government.

The laws are, ſtrictly ſpeaking, only the conditions of civil ſociety. The people who ſubmit to them ſhould therefore be the authors of them; as it certainly belongs to the aſſociating parties, to ſettle the conditions on which they agree to form a ſociety. But how are they to be ſettled? is it to be done by common conſent or by a ſudden inſpiration? hath the body politic an organ by which to make known its will? who ſhall furniſh it with the neceſſary preſcience to form its determinations, and to publiſh them before-hand, or how ſhall it divulge them in the time of need? how ſhall an ignorant multitude, who often know not what they chuſe, becauſe

* I do not here mean, by the term republican, either an ariſtocracy or democracy; but in general every government influenced by the general will of the people, which is the law. To make a gov. r i-ment legal, it is not neceſſary that it ſhould be con-founded with the ſovereign, but that it ſhould be the miniſter: ſo that in this ſenſe even a monarchy is a republic. This will be more fully explained in the ſubſequent book.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

they ſeldom know what is for their good, execute an enterprize ſo great and ſo difficult as that of a ſyſtem of legiſlature? A people muſt neceſſarily be deſirous of their own good, but they do not always ſee in what it conſiſts. The general will is always in the right, but the judgment by which it is directed is not always ſufficiently informed. It is neceſſary it ſhould ſee objects ſuch as they are, and ſometimes ſuch as they ought to appear; it ſhould be directed to the ſalutary end it would purſue, ſhould be ſecured from the ſeduction of private intereſts, ſhould have an inſight into the circumſtances of time and place; and ſhould be enabled to ſet the preſent and perceptible advantages of things, againſt the diſtant and concealed evil that may attend them. Individuals often ſee the good which they reject; the public is deſirous of that which it is incapable to ſee. Both ſtand equally in need of a guide: the former ſhould be compelled to conform their deſires to reaſon, and the latter ſhould be inſtructed in the diſcovery of what it deſires. It is thus from the proper information of the public, that there reſults an union of the underſtanding and the will in the body of ſociety, and thence the exact concurrence of its parts, and in the end the greateſt force of the whole. Hence ariſes the neceſſity of a legiſlator.

CHAP. VII.

Of the genius and character of a legiſlator.

TO inveſtigate thoſe conditions of ſociety which may beſt anſwer the purpoſes of nations, would require the abilities of ſome ſuperior

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

perior intelligence, who ſhould be witneſs to all the paſſions of men, but be ſubject itſelf to none; who ſhould have no connection with human nature, but ſhould have a perfect knowledge of it; a being, in ſhort, whoſe happineſs ſhould be independent of us, and who would nevertheleſs employ itſelf about ours *. It is the province of Gods indeed to make laws for men.

The ſame argument which Caligula made uſe of, in point of fact, Plato himſelf employs, in point of right, when he goes about to define the civil or royal perſonage, in treating of a king. But if it be certain that a great prince is a perſonage rarely to be met with, what is that of a great legiſlator? The former hath nothing more to do than to follow the model deſigned by the latter. The one is the mechanical genius who invents the machine, the other only the workman who puts it into execution. In the commencement of ſocieties, ſays Monteſquieu, it is the principal perſons in republics which form their inſtitution; and afterwards it is the inſtitution which forms the chiefs of republics.

He who ſhould undertake to form a body politic, ought to perceive himſelf capable of working a total change in human nature; of tranſforming every individual, of himſelf a ſolitary and independent being, into a part of a greater whole, from which ſuch individual is to receive in one ſenſe his life and exiſtence; he muſt be

* Nations become famous only as their legiſlature declines. The inſtitution of Lycurgus made the Spartans happy for ages before they were famous in Greece.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

capable of altering the conſtitution of the man, in order to ſtrengthen it; and to ſubſtitute a partial and moral exiſtence in the room of that phyſical and independent exiſtence which we receive from the hands of Nature. In a word, he muſt be able to deprive man of his natural abilities, in order to inveſt him with foreign powers which he cannot make uſe of without the aſſiſtance of others. The more ſuch natural force is annihilated and extinct, the greater and more durable are thoſe which are acquired, and the more perfect and ſolid is the ſocial inſtitution. So that if each citizen be nothing, and can effect nothing but by the exiſtence and aſſiſtance of all the reſt, and that the force acquired by the whole body be equal, or ſuperior, to the ſum of the natural forces of all its individuals, the legiſlature may be ſaid to have reached the higheſt pitch of perfection it is capable to attain.

The legiſlator is in every reſpect a moſt extraordinary perſon in a ſtate. If he be undoubtedly ſo, on account of his genius, he is not leſs ſo from his function. Yet this is not that of the magiſtrate or the ſovereign. That function, which conſtitutes the republic, doth not enter into its conſtitution. It is, on the contrary, a particular and ſuperior employment that hath nothing in common with human government: for if he who hath the command over the citizens, ſhould not be entruſted with the command over the laws, he who hath the power over the laws, ought as little to have the power over the citizens: for were it otherwiſe, his laws, being made inſtrumental to his paſſions, would often ſerve to perpetuate his injuſtice, and he could

never

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

never prevent particular views from altering his ſyſtem.

When Lycurgus gave laws to his country, he began by abdicating the throne. It was the cuſtom of moſt of the Grecian cities to entruſt their eſtabliſhment with ſtrangers; a cuſtom that hath been often imitated by the modern republics of Italy: that of Geneva did the ſame, and found its account in it *. In the moſt flouriſhing age of Rome, that city ſuffered under flagitious acts of tyranny, and beheld itſelf on the brink of ruin, for having entruſted the ſovereign power and the legiſlative authority in the ſame hands.

Even the decemviri themſelves, however, never aſſumed the right of paſſing any law merely on their own authority. *Nothing that we propoſe*, ſaid they to the people, *can paſs into a law without your conſent. Be yourſelves, ye Romans, the authors of thoſe laws on which your happineſs depends.*

The legiſlator, therefore, who digeſts the laws, ſhould have no right to make them paſs for ſuch; nor indeed can the people, though inclined to do it, deprive themſelves of that incommunicable right: becauſe, according to the fundamental compact, it is the general will only that is obligatory on individuals, and it is im-

* Thoſe who conſider Calvin only as a theologiſt, know but little of his comprehenſive genius. The digeſt of our laws, in which he had a conſiderable ſhare, do him as much honour as his religious ſyſtem; and what revolution ſoever time may effect in our public worſhip, the memory of this great man will continue to be revered ſo long as patriotiſm and a ſenſe of liberty ſurvive among us.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

poſſible to be aſſured that any particular will is conformable to the general, till it be ſubmitted to on the free ſuffrage of the people. I have ſaid this before, but perhaps have not unneceſſarily repeated it.

Thus in the buſineſs of a legiſlature, we find two things apparently incompatible; a deſign ſuperior to human abilities, carried into execution by an authority which is nothing.

Another difficulty which merits attention is, that wiſe men, in talking their own language to the vulgar, ſpeak unintelligibly. And yet there are many kinds of ideas which it is impoſſible to convey in the language of the people. Views too general, and objects too diſtant, are equally beyond their comprehenſion; the individual, reliſhing no other plan of government than that which is conducive to his private intereſt, is with difficulty brought to ſee thoſe advantages which are to be deduced from the continual checks he may receive from ſalutary laws. In order to give a newly-formed people a taſte for the ſound maxims of policy, and induce them to follow the fundamental rules of ſociety, it is neceſſary that the effect ſhould in a manner become the cauſe; that the ſpirit of union which ſhould be the effect of ſocial inſtitutions ſhould preſide to form that inſtitution itſelf, and that men ſhould be ſuch before the laws are made as the laws are deſigned to make them. For this reaſon, therefore, the legiſlator being capable of employing neither force nor argument, he is of neceſſity obliged to recur to an authority of an higher order, which may compel without violence, and perſuade without conviction. Hence it is that the founders of nations

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

tions have been obliged, in all ages, to recur to the intervention of celeſtial powers, and have honoured their gods with their own wiſdom, in order that the people, by ſubmitting themſelves to the laws of the ſtate in the ſame manner as to thoſe of nature, and acknowleging the ſame power in the formation of the city as in the formation of man, might bend more freely, and bear more tractably the yoke of obedience and public felicity.

Now the determinations of that ſublime reaſon, which ſoars above the comprehenſion of vulgar minds, are thoſe which the legiſlator puts into the mouths of his immortal perſonages, in order to influence thoſe by a divine authority, which could not be led by maxims of human prudence. It does not belong to every man, however, to make the gods his oracles, nor even to be believed when he pretends to be their interpreter. The comprehenſive genius of the legiſlator, is the miracle that proves the truth of his miſſion. Any man may engrave tables of ſtone, hire an oracle, pretend to a ſecret communication with ſome deity, teach a bird to whiſper in his ear, or hit upon other devices to impoſe on a people. But he who knows nothing more, though he may be lucky enough to get together an aſſembly of fools and madmen, will never lay the foundations of an Empire; the fabrick raiſed by his extravagance preſently falling and often burying him in its ruins. A tranſitory union may be formed from ſlight and futile connections; nothing but the dictates of wiſdom, however, can render it durable. The Jewiſh law, ſtill ſubſiſting, and that of the ſon of Iſmael, which for ten centuries hath governed

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

half the world, are ſtanding proofs of the ſuperior genius of thoſe great men by whom they were dictated: and though the vanity of philoſophy, and the blind prejudice of party ſee nothing in their characters but fortunate impoſtors, the true politician admires, in their reſpective inſtitutions, that ſagacious and comprehenſive power of mind which muſt ever lay the laſting foundation of human eſtabliſhments.

It muſt not, from all this, be concluded, however, that religion and government have, in our times, as Warburton alleges, one common object; but only that in the firſt eſtabliſhment of ſocieties, the one was made inſtrumental to the other.

CHAP. VIII.

Of the people.

AS the architect, before he begins to raiſe an edifice, examines into the ground where he is to lay the foundation, that he may be able to judge whether it will bear the weight of the ſuperſtructure; ſo the prudent legiſlator does not begin by making a digeſt of ſalutary laws, but examines firſt whether the people for whom ſuch laws are deſigned, are capable of ſupporting them. It was for this reaſon Plato refuſed to give laws to the Arcadians and Cyrenians, knowing they were rich and luxurious, and could not admit of the introduction of equality among them. It was for this reaſon that Crete, though it boaſted good laws, was inhabited by ſuch bad men; Minos had only endeavoured to govern

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

govern a people already depraved by vice. Various have been the nations that have made a diſtinguiſhed figure in the world, and yet have not been capable of being governed by good laws; and even thoſe who were capable of being ſo governed, continued ſo but a ſhort time. Nations, as well as individuals, are docile only in their infancy: they become incorrigible as they grow old. When cuſtoms are once eſtabliſhed and prejudices have taken root among them, it is a dangerous and fruitleſs enterprize to attempt to reform them. A people cannot even bear to have their wounds probed, though in order to be cured; but reſemble thoſe weak and cowardly patients who ſhudder at the ſight of their phyſician. Not, but that ſometimes, as there are diſtempers which affect the brain of individuals and deprive them of the capacity of remembering what is paſt, there happen in ſtates ſuch revolutions as produce the ſame effect on a people, when the horror of the paſt ſupplies the place of oblivion, and the ſtate, inflamed and exhauſted by civil wars, riſes again, if I may ſo expreſs myſelf, out of its own aſhes, and reaſſumes the vigour of youth in forſaking the arms of death. This was the caſe with Sparta in the time of Lycurgus, and of Rome after the Tarquins; and ſuch hath been the caſe in modern times with Holland and Switzerland after the expulſion of their tyrants. But theſe events are rare; and are ſuch exceptions as have their cauſe in the particular conſtitution of the ſtate excepted. They cannot even take place twice among the ſame people: for though they may be made free when they are only barbarous and uncivilized; yet, when the reſources of ſociety

been capable of being governed
cile only in their infancy : they
fruitleſs enterprize to attempt to
ients who ſhudder at the ſight of
embering what is paſt , there
ate , inflamed and exhaufted by
s was the caſe with Sparta in the
on of their tyrants . But theſe
ce among the ſame people : for

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

are exhauſted, they cannot be renewed. In that caſe, faction may deſtroy, but revolutions cannot re-eſtabliſh their freedom; they require for ever after a maſter, and not a deliverer. Every free people, therefore, ſhould remember this maxim, that tho' nations may acquire liberty, yet if once this ineſtimable acquiſition is loſt, it is abſolutely irrecoverable.

There is in nations, as well as individuals, a term of maturity, at which they ſhould be permitted to arrive before they are ſubjected to laws. This term, however, is not always eaſy to be known; and yet if it be anticipated it may be of dangerous conſequence. Again, one people may be formed to diſcipline in their infancy; while another may not be ripened for ſubjection till after many centuries. The Ruſſians, for inſtance, will never be truly poliſhed becauſe they were diſciplined too ſoon. Peter had only an imitative turn: he had nothing of that true genius, whoſe creative power forms things out of nothing. Some of his meaſures, indeed, were proper enough, but moſt of them were ill-timed or ill-placed. He ſaw that his ſubjects were mere barbarians, but he did not ſee that they were not ripe for being made polite. He wanted to civilize them, when he ſhould only have checked their brutality. He wanted to make them, at once, Germans and Engliſhmen, whereas he ought to have begun by making them firſt Ruſſians; and thus he prevented his ſubjects from ever becoming what otherwiſe they might have been, by perſuading them they were ſuch as they were not. It is thus a French tutor forms his pupil to make a figure in his child-hood, and to make none for ever

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ever afterwards. The Empire of Ruſſia, while it is ambitious of reducing all Europe to its ſubjection, will be ſubjected itſelf. Its neighbours, the Tartars, will in time become both its maſters and ours. This event ſeems to me inevitable; all the monarchs in Europe ſeeming to act, in concert, to accelerate ſuch a revolution.

CHAP. IX.

The ſubject continued.

IN the ſame manner as nature hath limited the dimenſions of a well-formed human body, beyond which ſhe produces only giants or dwarfs, ſo in the body politic there are limits, within or beyond which a ſtate ought not to be confined or extended; to the end that it may not be too big to be well governed, nor too little to maintain its own independency. There is in every body politic a *maximum* of force which it cannot exceed, and from which it often recedes by extending its dominion. The more the ſocial knot is extended, the more lax it grows; and in general, a little ſtate is always proportionably ſtronger than a great one.

A thouſand reaſons might be given in ſupport of this maxim. In the firſt place, the adminiſtration of government becomes always more difficult as the diſtance from the ſeat of it increaſes, even as a body has the greateſt weight at the end of the longeſt lever. It becomes alſo more burthenſome in proportion as it is divided into parts; for every town hath firſt its own particular government to pay; that of each

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

diſtrict again is paid by the ſame people; next that of the province, then that of particular governments with their viceroys, all of whom are to be paid as they riſe in dignity, and always at the expence of the unhappy people; whom, laſt of all, the ſupreme adminiſtration itſelf cruſhes with the whole weight of its oppreſſion. It is impoſſible ſo many needleſs charges ſhould not tend continually to impoveriſh the people; who, ſo far from being better governed by theſe different ranks of ſuperiors, are much worſe ſo, than if they had but one order of governors in the ſtate. And yet with this multiplicity of rulers, they are far from being furniſhed with proper reſources for extraordinary occaſions; but, on the contrary, when they have occaſion to recur to them, the ſtate is always on the brink of ruin.

Nor is this all; the government not only becomes leſs vigorous and active in putting the laws in execution, removing private oppreſſion, correcting abuſes, or preventing the ſeditious enterpriſes of rebellion in diſtant provinces; but the people have leſs affection for their chiefs, whom they never have an opportunity to ſee; for their country, which to them is like the whole world; and for their fellow-ſubjects, of which the greater part are utter ſtrangers. The ſame laws cannot be convenient for ſo many various people of different manners, and climates, and who cannot be ſuppoſed to live equally happy under the ſame form of government. And yet different laws muſt occaſion much trouble and confuſion among people, who, living under the ſame adminiſtration, and carrying on a perpetual intercourſe, frequently change their

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

re . Great talents lie buried , virtue
on . The principals , overwhelmed
rd , the measures to : be taken , in
n ; there is none of it left to be
r its constitution grows debilitated
ose shocks which it will not fail to
y which they act continually
n in danger of being presently
reffion on every side equal .

their habitations, inter-marry with each other, and, being educated under different customs, hardly ever know when their property is secure. Great talents lie buried, virtue lives obscured, and vice prevails with impunity, amidst that multitude of strangers, which flock together round the chief seat of administration. The principals, overwhelmed with a multiplicity of business, can look into nothing themselves; the government of the state being left to their deputies and clerks. In a word, the measures to be taken, in order to maintain the general authority, on which so many distant officers are ever ready to encroach or impose, engross the public attention; there is none of it left to be employed about the happiness of the people, and indeed hardly any for their defence in case of need: thus it is, that a body too unwieldy for its constitution grows debilitated and sinks under its own weight.

On the other hand, a state ought to be fixed on some basis, to secure its solidity, to be able to resist those shocks which it will not fail to encounter, and to make those efforts which it will find necessary to maintain its independence. Nations have all a kind of centrifugal force by which they act continually against each other, and tend, like the vortices of Descartes, to aggrandize themselves at the expence of their neighbours. Thus the weak run in danger of being presently swallowed up by the strong; nor is there any security for them, but by keeping themselves in equilibrio with the rest, and making the compression on every side equal.

Hence we see it is prudent in some cases to extend, and in others to restrain, the limits of a state;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſtate; nor is it one of the leaſt arts in civil polity to diſtinguiſh between one and the other, and to fix on that advantageous proportion which tends moſt to the preſervation of the ſtate. It may be obſerved in general, that the reaſons for extending dominion, relating to objects external and relative, ought to be ſubordinate to thoſe for contracting it, whoſe objects are internal and abſolute. A ſound and vigorous conſtitution is the firſt thing to be conſidered, and a much greater reliance is to be made on a good government, than on the reſources which are to be drawn from an extenſive territory.

Not but that there have been inſtances of ſtates ſo conſtituted, that the neceſſity of their making conqueſts hath been eſſential to their very conſtitution. It is poſſible alſo they might felicitate themſelves on that happy neceſſity, which pointed out, nevertheleſs, with the ſummit of their grandeur, the inevitable moment of their fall.

CHAP. X.

The ſubject continued.

THE magnitude of a body politic may be taken two ways; viz. by the extent of territory, and the number of the people; a certain proportional relation between them conſtituting the real greatneſs of a ſtate. It is the people which form the ſtate, and the territory which affords ſubſiſtence to the people; this relation, therefore, exiſts when the territory is ſufficient for the ſubſiſtence of the inhabitants, and the inhabitants are as numerous as the territory

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ritory can maintain. In this proportion conſiſts the *maximum* of the force of any given number of people; for if the territory be too extenſive, the defence of it is burthenſome, the cultivation inſufficient, and the produce ſuperfluous; hence the proximate cauſes of defenſive war. If, on the other hand, the territory be too ſmall, the ſtate is under the neceſſity of being obliged for part of its ſubſiſtence to its neighbours: hence the proximate cauſes of offenſive war. Every people who, by their ſituation, have no other alternative than commerce or war, muſt be neceſſarily feeble: they muſt depend on their neighbours, on adventitious circumſtances, and can only have a ſhort and uncertain exiſtence. They muſt conquer others, and thereby change their ſituation, or be conquered themſelves, and thence be reduced to nothing. It is impoſſible ſuch a ſtate can preſerve its independency but by its inſignificancy or its greatneſs.

It is not eaſy to calculate the determinate relation between the extent of territory and number of inhabitants, ſufficient for each other; not only on account of the difference in the qualities of the ſoil, in its degrees of fertility, in the nature of its productions, and in the influence of climate, but alſo on account of the remarkable difference in the temperament and conſtitution of the inhabitants; ſome conſuming but little in a fertile country, and others a great deal on a barren ſoil. Regard muſt alſo be had to the degree of fecundity among the females, to the circumſtances favourable or deſtructive to population, and to the number of people which the legiſlator may hope to draw from other countries by the advantages attending his

defence of it is burthenſome,
ſmall, the ſtate is under the
ituation, have no other
y have a ſhort and uncertain
oſſible ſuch a ſtate can

n account of the difference in

kable difference in the
uſt alſo be had to the degree
ay hope to draw from other

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

his ſcheme of government; ſo that he ought not to found his judgment on what actually exiſts, but on what he foreſees may exiſt hereafter; not on the preſent ſtate of population, but on that which will naturally ſucceed. In fine, there are a thouſand occaſions, on which local accidents acquire, or permit, a ſtate to poſſeſs a larger ſhare of territory than may appear actually neceſſary for preſent uſe. Thus a people may ſpread themſelves over a large ſpot in a mountainous country, whoſe natural produce, of wood or paſture, requires leſs labour of cultivation; where experience teaches us that women are more fruitful than in the flat countries; and in which a large inclined ſuperficies gives but a ſmall horizontal baſe, by which only the land muſt be eſtimated in the affair of vegetation. A people, on the contrary, may inhabit a leſs ſpace on the ſea-ſhore, or even among rocks and almoſt barren ſands; becauſe the fiſhery ſupplies them with ſuſtenance, inſtead of the produce of the earth; they can eaſily diſburthen their community by ſending out colonies of its ſupernumerary inhabitants; and laſtly, becauſe it is neceſſary for them in ſuch a caſe to live near to each other, in order to repel the invaſions of pyrates.

We may add to theſe conditional precautions, reſpecting the formation of a people, one that can be ſupplied by no other, but without which all the reſt are uſeleſs: this is, that they ſhould enjoy peace and plenty. For the time in which a ſtate is forming, reſembles that in which ſoldiers are forming a battalion; it is the moment in which they are leaſt capable of reſiſtance, and the moſt eaſily defeated. They would even

hich local accidents acquire, or
over a large ſpot in a mountainous
fruitful than in the fat coun tries;
n. A people, on the contrary,
nſtead of the produce of the earth
r them in ſuch a caſe: to live near

ll the reſt are uſeleſs: this is, that
mo ment in which they are leaſt

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

even make a greater reſiſtance when put into abſolute diſorder afterwards, than during the interval of their firſt fermentation, when each is taken up more about his own particular rank than the common danger. Should a war, a famine, or a rebellion, break out at ſuch a criſis, the ſtate would be infallibly ſubverted.

Not but there have been many governments eſtabliſhed in times of diſorder and confuſion: in ſuch caſes, however, thoſe very governments ſubverted the ſtate. Uſurpers have always given riſe to, or took the advantage of, thoſe times of general confuſion, in order to procure ſuch deſtructive laws, which the people never could have been prevailed on to paſs at a more diſpaſſionate ſeaſon. The choice of the proper time for the inſtitution of laws, is one of the moſt certain tokens by which we may diſtinguiſh the deſign of a legiſlator from that of a tyrant.

If it be aſked then, what people are in a ſituation to receive a ſyſtem of laws? I anſwer, thoſe who, though connected by ſome primitive union either of intereſt or compact, are not yet truly ſubjected to regular laws; thoſe whoſe cuſtoms and prejudices are not deeply rooted; thoſe who are under no fear of being ſwallowed up by a ſudden invaſion, and who, without entering into the quarrels of their neighbours, are able to encounter ſeparately with each, or to engage the aſſiſtance of one to repel the other; a people whoſe individuals may be known to each other, and among whom it is not neceſſary to charge a man with a greater burthen than it is poſſible for him to bear; a people who can ſubſiſt without others, and without whom

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

whom all others might ſubſiſt * ; a people neither rich nor poor, but poſſeſſed of a competence within themſelves ; a people, in ſhort, who poſſeſs at once the conſiſtency of an ancient nation, and the docility of a newly-created one. The great difficulty in legiſlation, conſiſts leſs in knowing what ought to be eſtabliſhed than what ought to be eradicated ; and what renders it ſo ſeldom ſucceſsful, is the impoſſibility of finding the ſimplicity of nature in the wants of ſociety. It is true that all theſe circumſtances are very rarely united ; and it is for this reaſon that ſo few ſtates have much to boaſt of, in their conſtitution. There is ſtill one country in Europe capable of receiving laws : this is the iſland of Corſica. The valour and conſtancy, with which thoſe brave people recovered, and have defended their liberty, might deſervedly excite ſome wiſe man to teach them how to preſerve it. I cannot help ſurmiſing, that this little iſland will, one day or other, be the aſtoniſhment of Europe.

* If two neighbouring people were ſo ſituated that one could not ſubſiſt without the other, the circumſtances of the firſt would be very hard, and of the latter very dangerous. Every wiſe nation, in ſuch a caſe, would extricate itſelf as ſoon as poſſible from ſuch a ſtate of dependence. The republic of Thlaſcala, ſituated in the heart of the Mexican empire, choſe rather to be without ſalt than purchaſe it, or even receive it gratis, of the Mexicans. The prudent Thlaſcalans ſaw through the ſnare of ſuch liberality. Thus they preſerved their liberty ; this petty ſtate, included within that great empire, being, in the end, the cauſe of its ruin.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. XI.

Of the various ſyſtems of legiſlature.

IF we were to enquire, in what conſiſts preciſely the greateſt good, or what ought to be the end of every ſyſtem of legiſlature; we ſhould find it reducible to two principal objects, *liberty* and *equality*; liberty, becauſe all partial dependence deprives the whole body of the ſtate of ſo much ſtrength; equality, becauſe liberty cannot ſubſiſt without it.

I have already explained the nature of ſocial liberty; and with regard to equality, we are not to underſtand by that term, that individuals ſhould all abſolutely poſſeſs the ſame degree of wealth and power; but only that, with reſpect to the latter, it ſhould never be exerciſed contrary to good order and the laws; and with reſpect to the former, that no one citizen ſhould be rich enough to buy another, and that none ſhould be ſo poor as to be obliged to ſell himſelf*. This ſuppoſes a moderation of poſſeſſions and credit on the ſide of the great, and a moderation of deſires and covetouſneſs on the part of the little.

* Would you give a ſtate conſiſtency and ſtrength, prevent the two extremes as much as poſſible; let there be no rich perſons nor beggars. Theſe two conditions, naturally inſeparable, are equally deſtructive to the commonwealth: the one furniſhes tyrants, and the other the ſupporters of tyranny. It is by theſe the traffic of public liberty is carried on; the one buying, the other ſelling it.

This

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

This equality, they tell us, is a mere ſpeculative chimera, which cannot exiſt in practice: but though abuſes are inevitable, does it thence follow they are not to be corrected? It is for the very reaſon that things always tend to deſtroy this equality, that the laws ſhould be calculated to preſerve it.

Theſe general objects of legiſlature, however, ſhould be variouſly modified in different countries, agreeable to local ſituation, the character of the inhabitants, and thoſe other circumſtances which require that every people ſhould have a particular ſyſtem of laws, not always the beſt in itſelf, but the beſt adapted to that ſtate for which it is calculated. If, for example, the ſoil be ungrateful and barren, or the country too ſmall for its inhabitants, cheriſh induſtry and the arts, the productions of which may be exchanged for the commodities required. On the other hand, if your country abounds in fertile hills and plenteous vales; if you live on a rich ſoil in want of inhabitants; apply yourſelves to agriculture, which affords the means of population; and baniſh the deſtructive arts, which ſerve only to ruin a country, by gathering the few inhabitants of it, together in one particular ſpot or two, to the depopulation of all the reſt *. Do you occupy an extenſive and commodious ſituation by the ſea ſide? Cover the ocean with your ſhips, cultivate the arts of

* The advantage of foreign commerce, ſays the Marquis d'A. is productive only of a deluſive utility to the kingdom in general. It may enrich a few individuals, and perhaps ſome cities; but the whole nation gains nothing by it, nor are the people the better for it.

navigation.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

navigation and commerce: you will by theſe means enjoy a brilliant but ſhort exiſtence. On the contrary, do the waves only waſte their ſtrength againſt your inacceſſible rocks? Remain barbarous and illiterate; you will live but the more at eaſe, perhaps more virtuous, aſſuredly more happy. In a word, beſides the maxims common to all nations, every people are poſſeſſed in themſelves of ſome cauſe which influences them in a particular manner, and renders their own ſyſtem of laws proper only for themſelves. It is thus that in ancient times, among the Hebrews, and in modern times, among the Arabians, religion was made the principal object of national concern; among the Athenians this object was literature; at Carthage and Tyre it was commerce, at Rhodes it was navigation, at Sparta war, and at Rome public virtue. The author of the *Spirit of laws* hath ſhewn, by a number of examples, in what manner the legiſlator ſhould model his ſyſtem agreeable to each of theſe objects.

What renders the conſtitution of a ſtate truly ſolid and durable, is that agreement maintained therein between natural and ſocial relations, which occaſions the legiſlature always to act in concert with nature, while the laws ſerve only to confirm and rectify, as it were, the dictates of the former. But if the legiſlator, deceived in his object, ſhould aſſume a principle different from that which ariſes from the nature of things; ſhould the one tend to ſlavery and the other to liberty, one to riches, the other to population, one to peace, the other to war and conqueſts, the laws would inſenſibly loſe their force, the conſtitution would alter, and the ſtate

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

continue to be agitated till it ſhould be totally changed or deſtroyed, and nature have reſumed its empire.

CHAP. XII.

On the diviſion of the laws.

IN order to provide for the government of the whole, or give the beſt poſſible form to the conſtitution, various circumſtances are to be taken into conſideration. Of theſe the firſt is the action of the whole body operating on itſelf; that is, the relation of the whole to the whole, or of the ſovereign to the ſtate, which relation is compoſed of thoſe between the intermediate terms; as will be ſeen hereafter.

The laws which govern this relation bear the name of politic laws, and are alſo called fundamental laws, not without ſome reaſon when they are wiſely ordained. For if there be only one good method of government in a ſtate, the people, who have been ſo happy as to hit on that method, ought to abide by it: but, wherefore ſhould a people, whoſe laws are bad or defective, eſteem ſuch laws to be fundamental? Beſides, a nation is in any caſe at liberty to change even the beſt laws, when it pleaſes: for if a people have a mind even to do themſelves an injury, who hath any right to prevent them?

The ſecond circumſtance is the relations which the members of the community bear to each other and to the whole body; the firſt of which ſhould be as little, and the laſt as great, as poſſible: ſo that every citizen ſhould live in a ſtate of perfect independence on all the reſt, and

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and in a ſtate of the greateſt dependence on the city. Both theſe are ever effected by the ſame means: for it is the power of the ſtate only that conſtitutes the liberty of its members. On this ſecond kind of relation is laid the immediate foundation of the civil laws.

It may be proper to conſider alſo a third ſpecies of relation between the individual and the law; which gives immediate riſe to penal ſtatutes: theſe, however, are in fact leſs a diſtinct ſpecies of laws than the ſanction of all the others.

To theſe three kinds of laws, may be added a fourth, more important than all the reſt; and which are neither engraven on braſs or marble; but in the hearts of the citizens; forming the real conſtitution of the ſtate. Theſe are the laws which acquire daily freſh influence, and when others grow old and obſolete, invigorate and revive them: theſe are the laws which keep alive in the hearts of the people, the original ſpirit of their inſtitution, and ſubſtitute inſenſibly the force of habit to that of authority. The laws I here ſpeak of, are manners, cuſtoms, and above all public opinion; all unknown or diſregarded by our modern politicians, but on which depends the ſucceſs of all the reſt. Theſe are the objects on which the real legiſlator is employed in ſecret, while he appears ſolely to confine himſelf to thoſe particular regulations which compoſe only the preparatory centre of the vault, of which manners, more ſlow in their progreſs, form in the end the immoveable arch.

Of theſe claſſes, politic laws, or thoſe which conſtitute the form of government, are relative only to my preſent ſubject.

The End of the Second Book.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

BOOK III.

BEFORE we enter on a diſcuſſion of the ſeveral forms of government, it will not be improper to aſcertain the preciſe meaning of that term; which as yet hath not been well explained.

CHAP. I.

On government in general.

I MUST previouſly caution the reader to peruſe this chapter very deliberately, as it is impoſſible to render myſelf clearly intelligible to ſuch as are not attentive.

Every free action hath two cauſes, which concur to effect its production, the one moral, viz. the will which determines the act; the other phyſical, viz. the power which puts it in execution. When I walk, for inſtance, toward any particular object, it is firſt neceſſary that I ſhould will to go; and ſecondly that my feet ſhould bear me forward. A paralytic may will to run, and an active racer be unwilling; the want of power in the one hath the ſame effect as the want of will in the other; both remain in their place. The body politic hath the ſame principles of motion; which are diſtinguiſhed alſo in the ſame manner by power and will: the latter under the name of the *legiſlative* power, and the former under that of the *executive* power. Nothing is or ought to be done without the concurrence of both.

We

ſical, viz. the power which
y feet ſhould bear me forward.

motion; which are diſtinguiſhed
r. Nothing is or ought to be

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

We have already ſeen that the legiſlative power belongs to the people in general, and can belong to none elſe. On the other hand, it is eaſy to conclude, from the principles already eſtabliſhed, that the executive power cannot appertain to the generality, as legiſlator or ſovereign; becauſe this power is exerted only in particular acts which are not the province of the law, nor of courſe that of the ſovereign, whoſe acts can be no other than laws.

To the public force, therefore, ſhould be annexed a proper agent, which may re-unite and put it in action, agreeable to the directions of the general will; ſerving as a communication between the ſtate and the ſovereign, and effecting the ſame purpoſe in the body politic, as the union of the ſoul and body in man. Such is the rationale of government, ſo generally confounded with the ſovereign, of which it is only the miniſtry.

What then is government? It is an intermediate body eſtabliſhed between the ſubject and the ſovereign, for their mutual correſpondence; charged with the execution of the laws, and with the maintenance of civil and political liberty.

The members of which this body is compoſed, are called magiſtrates or *kings*, that is to ſay, *governors*, and the whole body bears the name of the *prince* *. Thoſe, therefore, who affirm that the act, by which a people profeſs ſubmiſſion to their chiefs or governors, is not a

* Thus at Venice the college of ſenators is called the moſt ſerene *prince*, even when the doge is not preſent.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

contract, are certainly right; it being in fact nothing more than the conferring a ſimple commiſſion on the ſaid chiefs; an employ, in the diſcharge of which they act as mere officers of the ſovereign, exerciſing in its name the power which it hath placed in their hands, and which it may limit, modify or reſume whenever it pleaſes; the alienation of its right ſo to do, being incompatible with the very nature and being of ſociety.

I call therefore, the legal exerciſe of the executive power, the *Government* or ſupreme adminiſtration; and the individual or body, charged with that adminiſtration, the prince or the magiſtrate.

In the government are to be found thoſe intermediate forces, whoſe relations compoſe that of the whole to the whole, or of the ſovereign to the ſtate. This laſt relation may be repreſented by that of the extremes of a conſtant proportion, the mean proportional of which is the government. The government receives from the ſovereign thoſe orders, which it gives to the people; ſo that, in order to keep the ſtate in due equilibrio, there ſhould, every thing conſidered, be the ſame equality between the momentum or force of the government taken in itſelf, and the momentum or force of the citizens, who are the ſovereign conſidered collectively on one ſide, and ſubjects conſidered ſeverally on the other.

It is, beſides, impoſſible to vary any of theſe three terms, without inſtantly deſtroying the proportions. If the ſovereign ſhould be deſirous to govern, or the magiſtrate to give laws, or the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the ſubjects refuſe to obey; diſorder muſt immediately take place; the will and the power thus no longer acting in concert, the ſtate would be diſſolved, and fall into deſpotiſm or anarchy. Add to this, that as there can be but one mean proportional between each relation, there can be but one good government for a ſtate. But as a thouſand events may change the relations ſubſiſting among a people; different governments may not only be good for different people, but even for the ſame people at different periods of time.

In order to give the reader an idea of the various relations that may exiſt between theſe two extremes, I ſhall, by way of example, make uſe of the number of people, as a relation the moſt eaſily expreſſed.

We will ſuppoſe, for inſtance, that a ſtate is compoſed of ten thouſand citizens. The ſovereign muſt be conſidered as collectively only and in a body: but every particular in quality of ſubject is conſidered as an individual: thus the ſovereign is in this caſe to the ſubject as ten thouſand to one: That is to ſay, every member of the ſtate ſhares only the ten thouſandth part of the ſovereign authority, while at the ſame time he is ſubjected to it in his whole perſon. Again, ſhould the number of people be increaſed to an hundred thouſand, the ſubmiſſion of the ſubjects would receive no alteration; each of them being totally ſubjected to the authority of the laws, while his ſhare in the ſovereignty, and vote in the enaction of theſe laws, would be reduced to the hundred-thouſandth part; a tenth leſs than before. Thus the ſubject, remaining always a ſingle integer, the proportion

ved, and fall into
a ſtate. But as a thouſand
people at different periods

number of people, as a

vereign is in this caſe to
e ſame time he is ſubjected
alteration; each of them
he hundred-thouſandth

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

between him and the ſovereign increaſes, as the number of citizens is augmented: whence it follows, that as a ſtate increaſes, the liberty of the ſubject diminiſhes.

When I ſay the proportion increaſes, I mean that it recedes farther from the point of equality. Thus the greater the proportion, in the language of the geometricians, it is reckoned the leſs according to common acceptation: agreeable to the former, the relation, conſidered in point of quantity, is eſtimated by its extent; and according to the latter, conſidered in point of identity, it is eſtimated by its proximation.

Now, the leſs proportion which particular voices bear to the general, that is to ſay, the manners to the laws, the more ought the general reſtrictive force to be augmented. Thus the government ſhould be relatively more powerful as the people are more numerous.

On the other hand, the increaſing greatneſs of a ſtate affording the guardians of the public authority greater temptations and means to abuſe their power, the more force a government is poſſeſſed of to reſtrain the people, the more ought the ſovereign to be poſſeſſed of in its turn to reſtrain the government. I am not ſpeaking here of abſolute power, but of the relative forces of the component parts of the ſtate.

It follows, from this two-fold relation, that the conſtant proportion between the ſovereign, the prince, and the people, is not a mere arbitrary idea, but a neceſſary conſequence of the very exiſtence of the body politic. It follows alſo, that one of the extremes, *viz.* the people as ſubjects, being a fixed term repreſented by unity, wherever the two-fold ratio is increaſed

or

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

or diminiſhed, that the ſimple ratio muſt increaſe or diminiſh in like manner, and of courſe the mean term will be changed. Hence it appears there is no one ſettled conſtitution of government, but that there may be as many governments different in their nature as there are ſtates differing in magnitude.

If any one ſhould affect to turn my ſyſtem into ridicule, and ſay that, in order to find this mean proportional, and form the government as it ought to be, we have no more to do than to find the ſquare root of the number of the people; I anſwer, that I here make uſe of the number of people only by way of example; that the relations of which I have been ſpeaking, are not only eſtimated by the number of individuals, but in general by the momentum or quantity of action, which ariſes from a combination of various cauſes; and though, in order to expreſs myſelf conciſely, I borrow the terms of geometry, I am not ignorant that geometrical preciſion is not to be expected in treating of moral quantities.

The government is in miniature what the body politic containing it, is at large. It is a moral perſon endued with certain faculties, active as the ſovereign, paſſive as the ſtate, and capable of being reſolved into other ſenſible relations, from which of courſe ariſes a new ſcale of proportion, and ſtill another within this, according to the order of the courts of juſtice, till we arrive at the laſt indiviſible term, that is to ſay, the ſole chief or ſupreme magiſtrate, which may be repreſented in the centre of this progreſſion, as an unity between the ſeries of fractions, and that of whole numbers.

re is no one ſettled

be, we have no more to do
ela tions of which I have
mbination of va rious cauſes;

vereign, paſſive as the ſtate,
according to the order of the
entre of this progreſſion, as

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

But, without embarraſſing the reader with a multiplicity of terms, we ſhall content ourſelves with conſidering the government as a new body in the ſtate, diſtinct from the ſubjects and the ſovereign, and exiſting between both.

There is this eſſential difference, however, between the government and the ſtate, that the latter exiſts of itſelf, and the former only by means of the ſovereign. Thus as the ruling will of the prince is, or ought to be, only the general will, or the law, the power of the prince is only that of the public centered in him; ſo that whenever he would derive from himſelf any abſolute and independent act, the combination of the whole is affected. And if, at length, the prince ſhould have a particular will of his own, more active than that of the ſovereign, and ſhould make uſe of the public power in his hands to enforce obedience to ſuch particular will, forming, as it were, two ſovereigns, the one of right and the other of fact, the ſocial union immediately vaniſhes, and the body politic is diſſolved.

In order that the body of government, nevertheleſs, may have an exiſtence, a real life to diſtinguiſh it from that of the ſtate, and that its members may act in concert to anſwer the end for which it is inſtituted, it is neceſſary that it ſhould be poſſeſſed of a particular identity, a ſenſibility common to all its members, a power and will of its own for the ſake of its preſervation. Such a particular exiſtence neceſſarily ſuppoſes that of aſſemblies and councils; of a power to deliberate and reſolve; of the rights, titles and privileges which belong excluſively to the prince, and render the ſituation of a magiſtrate

the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the more honourable in proportion as it is more laborious. The difficulty lies in the method of diſpoſing all the inferior parts of the whole body; ſo that, while it is ſtrengthening its own conſtitution, it may not injure that of the ſtate. At the ſame time alſo, it ſhould always diſtinguiſh between the peculiar force, deſtined to its own preſervation, and the public force, deſtined to the preſervation of the ſtate; in a word, it ſhould be always ready to ſacrifice the government to the people, and not the people to the government.

To this we may add, that, although the artificial body of government be the work of another artificial body, and is poſſeſſed only of a borrowed and ſubordinate exiſtence; this doth not prevent it from acting with different degrees of vigour and celerity, or from enjoying, if I may ſo expreſs myſelf, a greater or leſs ſhare of health and ſtrength. In ſhort, it may, without running diametrically oppoſite to the purpoſes of its inſtitution, deviate from them more or leſs, according to the mode in which it is conſtituted.

It is from all theſe differences that ariſe thoſe various relations and proportions, which the government ought to bear toward the ſtate, according to theſe accidental and particular relations in which the ſtate is modified. For the beſt government in itſelf may often become the worſt, if the relation of its component parts are not altered according to the defects of the body politic to which it belongs.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. II.

On the principle which conſtitutes the different forms of government.

TO explain the general cauſe of theſe differences, it is neceſſary to diſtinguiſh here between the prince and the government, in the ſame manner as I have already done between the ſovereign and the ſtate. The body of the magiſtracy may be compoſed of a greater or a leſs number of members. It hath been obſerved alſo that the relation the ſovereign bears to the ſubject increaſes in proportion to the number of people; thus, by an evident analogy, we may ſay the ſame of the relation between the government and the magiſtrates.

Now the total force of the government, being always equal to that of the ſtate, ſuffers no alteration; whence it follows that the more ſuch force is ſpent by the diſtribution of it among the members of the government, the leſs remains to be exerted on the whole body of people.

That government, therefore, which is in the hands of the greateſt number of magiſtrates, muſt be the moſt feeble. As this is a fundamental maxim, we ſhall take ſome pains to illuſtrate it.

In the perſon of the magiſtrate may be diſtinguiſhed three wills eſſentially different. In the firſt place, the particular will of the individual, which tends only to his private advantage; ſecondly, that will which is common to him as a magiſtrate, tending ſolely to the advantage of the prince; being general with reſpect to the govern-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

government, and particular with regard to the ſtate, of which the government is only a part; and in the third place, the will of the people or the ſovereign will, which is general as well with regard to the ſtate conſidered as a whole, as with regard to the government conſidered as a part of that whole.

In a compleat ſyſtem of legiſlature, the particular will or that of the individual ſhould amount to nothing; the will of the body of government ſhould be very limited, and of courſe the general or ſovereign will the ruling and ſole director of all the others.

According to the order of nature, however, theſe different wills are ranged in a contrary manner; being always more active as they are concentrated in themſelves. Thus the general will is always the moſt feeble, that of the government next, and the will of the individual the ſtrongeſt of all; ſo that each member of the adminiſtration is to be conſidered, firſt of all as an individual, ſecondly as a magiſtrate, and laſtly as a citizen: a gradation directly oppoſite to that which the order of ſociety requires.

This point being ſettled, let us ſuppoſe the adminiſtration of government committed to the hands of one man. In this caſe the will of the individual, and that of the body of the magiſtracy are perfectly united, and of conſequence the latter poſſeſſes the greateſt degree of intenſity. Now, as it is on the degree of the will that the exertion of force depends, and as the abſolute force of the government never varies, it follows that the moſt active of all adminiſtrations muſt be that of a ſingle perſon.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

On the contrary, if we unite the adminiſtration and the legiſlature; if we make the prince the ſovereign, and the citizens all ſo many magiſtrates: in this caſe, the will of the government, confounded with the general will, would poſſeſs no greater ſhare of activity, but would leave the particular will of individuals to exert its whole force. Thus the government, having always the ſame degree of abſolute force, would be at its *minimum* of relative force or activity.

Theſe relations are inconteſtible, and may be farther confirmed by other conſiderations. It is evident, for example, that the magiſtrate is more active in that capacity than the citizen in his, and that of courſe the will of the individual muſt have a more conſiderable ſhare of influence in the adminiſtration of government, than in the actions of the ſovereign; every magiſtrate being almoſt always charged with ſome function of government, whereas no citizen, conſidered as an individual, diſcharges any function of the ſovereignty. Beſide this, the real force of a ſtate increaſes, as the ſtate increaſes in magnitude, though not always in the ratio of that magnitude; but while the ſtate remains the ſame, it is in vain to increaſe the number of magiſtrates, as the government will not thereby acquire any additional ſtrength, becauſe its force, being always that of the ſtate, is conſtantly equal. And thus the relative force or activity of government is diminiſhed, without its real and abſolute force being augmented.

It is farther certain that public affairs muſt be tranſacted more or leſs expeditiouſly according

to

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

to the number of people, charged with their diſpatch; that by laying too great a ſtreſs on prudence, too little is truſted to fortune; that the opportunity of ſucceſs is thus frequently loſt, and that by the mere force of deliberation the end of it is defeated.

This may ſerve to prove that the reins of government are relaxed in proportion as the magiſtrates are multiplied; and I have before demonſtrated that the more numerous the people are, the more ſhould the reſtraining power of government be increaſed: Hence it follows that the proportion which the number of magiſtrates ſhould hold to the government ſhould be in the inverſe ratio of the ſubjects to the ſovereign; that is to ſay, the more extenſive the ſtate the more contracted ſhould be the government, the number of chiefs diminiſhing as that of the people increaſes.

I ſpeak here only of the relative force of the government, and not of the rectitude or propriety of it. For, otherwiſe, it is certain that the more numerous the magiſtracy is, the nearer doth the will of that body approach to the general will of the whole people; whereas under a ſole chief, the will of the magiſtracy is, as I have before obſerved, only that of an individual. Thus what is gained in one reſpect, is loſt on the other; and the art of the legiſlator conſiſts in tracing the fixed point, at which the force and the will of the government, always in a reciprocal proportion to each other, unite in that proportion which is moſt advantageous to the ſtate.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

fore to ſhew, in the preſent,

er of magiſtrates in ſuch caſe

ed that of magiſtrates, and

and is called a monarchy or a

conſiderable latitude in their

CHAP. III.

Of the actual diſtinctions of governments.

WE have treated in the preceding chapter of the reaſons for diſtinguiſhing the ſeveral ſpecies and forms of government, by the number of the members compoſing them; it remains therefore to ſhew, in the preſent, how theſe diſtinctions are actually made.

The ſovereign authority may, in the firſt place, commit the charge of the government to the whole people or to the greater part of them; the number of magiſtrates in ſuch caſe exceeding that of private citizens. This form of government is diſtinguiſhed by the name of a democracy.

Or, otherwiſe, the ſupreme power may commit the office of government into the hands of a few, ſo that the number of private citizens may exceed that of magiſtrates; and this form bears the name of an ariſtocracy.

Or laſtly, the government may be entruſted to one magiſtrate only, who delegates his power to all the reſt. This third form is the moſt common, and is called a monarchy or a regal government.

It is to be obſerved that all theſe forms, and particularly the two former, are ſuſceptible of different degrees of perfection, and admit indeed of conſiderable latitude in their modification: for a democracy may comprehend the whole people, or be limited to the half. An ariſtocracy alſo may comprehend any quantity from

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

from the half of the people to the ſmalleſt number indefinitely. Nay a monarchy itſelf is ſuſceptible of ſome diſtribution. Sparta, for inſtance, had conſtitutionally two kings at a time; and the Romans had even eight emperors at once, without the empire having been actually divided. Thus, we ſee, there is a certain point, at which each form of government is confounded with that to which it is neareſt related; and thus under three diſtinguiſhing denominations only, government is really ſuſceptible of as many different forms, as there are citizens in the ſtate.

To go ſtill farther; as even one and the ſame government is capable, in many reſpects, of being ſubdivided into parts, of which the adminiſtration may reſpectively differ, there may reſult from the varied combinations of theſe forms a multitude of others, every one of which may be again multiplied by all the ſimple forms.

Politicians have in all ages diſputed much about the beſt form of government, without conſidering that each different form may poſſibly be the beſt in ſome caſes, and the worſt in others.

If in different ſtates the number of ſupreme magiſtrates ſhould be in the inverſe ratio to that of the citizens, it follows that the democratical government is generally ſpeaking better ſuited to ſmall ſtates, the ariſtocratical to middling ſtates, and the monarchical to great ſtates. This rule is deduced immediately from our principles; but it is impoſſible to particularize the multiplicity of circumſtances which may furniſh exceptions againſt it.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. IV.

Of a Democracy.

THE inſtitutor of a law ſhould certainly know better than any other perſon, how it ought to be underſtood and executed. It ſhould ſeem therefore that the beſt conſtitution muſt be that in which the legiſlative and executive powers are lodged in the ſame hands. It is this very circumſtance, however, that renders ſuch a government imperfect; becauſe there doth not exiſt the neceſſary diſtinction, which ought to be made in its parts; while the prince and the ſovereign, being one and the ſame perſon, only form, if I may ſo expreſs myſelf, a government without a government.

It is not proper that the power which makes the laws ſhould execute them, or that the attention of the whole body of the people ſhould be diverted from general views to particular objects. Nothing is more dangerous than the influence of private intereſt in public affairs; the abuſe of the laws by the government, being a leſs evil than the corruption of the legiſlature; which is infallibly the conſequence of its being governed by particular views. For in that caſe, the ſtate being eſſentially altered, all reformation becomes impoſſible. A people who would not abuſe the power of government, would be no more propenſe to abuſe their independence; and a people who ſhould always govern well, would have no occaſion to be governed at all.

To

very circumſtance, however
ince and the ſovereign,

from general views to
ing a leſs evil than the
ially altered, all reformation
eople who ſhould always

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

To take the term in its ſtricteſt ſenſe, there never exiſted, and never will exiſt, a real democracy in the world. It is contrary to the natural order of things, that the majority of a people ſhould be the governors, and the minority the governed. It is not to be conceived that a whole people ſhould remain perſonally aſſembled to manage the affairs of the public; and it is evident, that no ſooner are deputies or repreſentatives appointed, than the form of the adminiſtration is changed.

It may be laid down indeed as a maxim, that when the functions of government are divided among ſeveral courts, that which is compoſed of the feweſt perſons will, ſooner or later, acquire the greateſt authority; though it were for no other reaſon than the facility with which it is calculated to expedite affairs.

Such a form of government ſuppoſes, alſo, the concurrence of a number of circumſtances rarely united. In the firſt place, it is requiſite that the ſtate itſelf ſhould be of ſmall extent, ſo that the people might be eaſily aſſembled and all perſonally known to each other. Secondly, the ſimplicity of their manners ſhould be ſuch as to prevent a multiplicity of affairs, and perplexity in diſcuſſing them: And thirdly, there ſhould ſubſiſt a great degree of equality between the rank and fortunes of individuals; without which there cannot exiſt long any equality between them in point of right and authority. Laſtly, there ſhould be little or no luxury; for luxury muſt either be the effect of wealth, or it muſt make it neceſſary; it corrupts at once both rich and poor; the one by means of the poſſeſſion of wealth, and the other by means of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the want of it. Luxury makes a ſacrifice of patriotiſm to indolence and vanity; it robs a ſtate of its citizens by ſubjecting them to each other, and by ſubjecting all to the influence of public prejudice.

It is for this reaſon that a certain celebrated author hath laid down virtue as the firſt principle of a republican government: for all theſe circumſtances cannot concur without the exiſtence of public virtue. For want, however, of making proper diſtinctions, this great genius hath been led into frequent miſtakes, as well as want of preciſion; not having obſerved that, the ſovereign authority being every where the ſame, the ſame principle muſt take place in every well conſtituted ſtate; though it is true in a greater or leſs degree, according to the form of government.

To this it may be added, that no government is ſo ſubject to civil wars and inteſtine commotions as that of the democratical or popular form; becauſe no other tends ſo ſtrongly and ſo conſtantly to alter, nor requires ſo much vigilance and fortitude to preſerve it from alteration. It is, indeed, in ſuch a conſtitution particularly that the citizen ſhould always be armed with force and conſtancy, and ſhould repeat every day, in the ſincerity of his heart, the ſaying of the virtuous Palatine*. *Malo periculoſam libertatem quam quietum ſervitium.*

Did there exiſt a nation of Gods, their government would doubtleſs be democratical; it is too perfect a form, however, for mankind.

* The Palatine of Poſnania, father of the King of Poland, Duke of Lorrain.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. V.

Of an Ariſtocracy.

IN this form of government exiſt two moral perſons, very palpably diſtinct, viz. the adminiſtration and the ſovereign; which of courſe poſſeſs two general wills, the one regarding the citizens univerſally; the other only the members of the adminiſtration. Thus, although the government may regulate the interior police of the ſtate as it pleaſes, it cannot addreſs the people but in the name of the ſovereign, that is to ſay, the people themſelves; which is a circumſtance never to be omitted. The primitive ſocieties of mankind were governed ariſtocratically. The heads of families deliberated among themſelves concerning public affairs; the young people readily ſubmitting to the authority of experience. Hence the names of *Prieſts*, the *Fathers*, the *Senate*, &c. The ſavages of North America are governed in the ſame manner to this day, and are extremely well governed.

But, in proportion as the inequality ariſing from ſocial inſtitutions prevailed over natural inequality, riches and power were preferred to age *, and the ariſtocracy became elective. At length power, tranſmitted with property from father to ſon, making whole families patrician, rendered the government hereditary, and boys of twenty became ſenators.

* It is evident that the term *optimates* among the ancients, did not mean the beſt, but moſt powerful.

Ariſtocracy

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Ariſtocracy therefore is of three kinds; natural, elective, and hereditary. The firſt, is applicable only to the moſt ſimple ſtate of ſociety, while the laſt is the worſt of all kinds of government. The ſecond is the beſt; and is what is moſt properly denominated an ariſtocracy.

Beſide the advantage of the above-mentioned diſtinction, this form hath alſo that of the choice of its members: in a popular government all the citizens are born magiſtrates; but in this the number of the latter are very limited, and they become ſuch only by election *; a method by which their probity, their talents, their experience, and all thoſe other reaſons for preference in the public eſteem, are an additional ſecurity that the people ſhall be wiſely governed.

Again, their public aſſemblies are attended with more decorum; affairs of ſtate are more regularly diſcuſſed, and buſineſs executed with greater order and expedition; while the credit of the ſtate is better ſupported, in the eyes of foreigners, by a ſelect number of venerable ſenators, than by a promiſcuous or contemptible mob.

In a word, that order would be undoubtedly the beſt and moſt natural, according to

* It is of great importance to regulate by law the method of chuſing magiſtrates; for, in leaving this to the prince, it is impoſſible to avoid falling into an hereditary ariſtocracy, as happened to the republics of Venice and Berne. Hence the firſt has been long ſince diſſolved, but the ſecond hath been ſupported by the great prudence of the Senate. This is an exception, however, as dangerous as honourable.

which

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

which the wiſe and experienced few direct the multitude, were it certain that the few would in their government conſult the intereſt of the majority governed, and not their own. It is abſurd to multiply the ſprings of action to no purpoſe, or to employ twenty thouſand men in doing that, which an hundred properly ſelected would effect much better.

With regard to the particular circumſtances requiſite to this form of government; the ſtate ſhould not be ſo ſmall, nor the manners of the people ſo ſimple or ſo virtuous as that the execution of the laws ſhould coincide with the public Will, as in a well founded democracy. On the other hand alſo, the ſtate ſhould not be ſo extenſive that the governors, diſtributed up and down its provinces, might be able to render themſelves, each in his ſeparate department, independant of the ſovereign.

But if an ariſtocracy requires fewer virtues than a popular government; there are yet ſome which are peculiar to it; ſuch as moderation in the rich and content in the poor: an exact equality of condition would in ſuch a government be quite improper: nor was it obſerved even at Sparta.

If a certain degree, however, of inequality in the fortunes of the people, be proper in ſuch a government; the reaſon of it is, that in general the adminiſtration of public affairs ought to be put into the hands of thoſe perſons who can beſt devote their time to ſuch ſervice; not, as Ariſtotle pretends, that the rich ought always to be preferred merely on account of their wealth. On the contrary, it is very neceſſary that an oppoſite choice ſhould ſometimes teach the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the people that there exiſt other motives of preference much more important than riches.

CHAP. VI.

On Monarchy.

HITHERTO we have conſidered the prince as a moral and collective perſonage, formed by the force of the laws, and as the depoſitory of the executive power of the ſtate. At preſent, it is our buſineſs to conſider this power, as lodged in the hands of a phyſical perſonage or real man; poſſeſſed of the right of exerting it agreeable to the laws. Such a perſon is denominated a monarch or king.

In other adminiſtrations it is common for a collective body to repreſent an individual being; whereas in this an individual is, on the contrary, the repreſentative of a collective body; ſo that the moral unity which conſtitutes the prince, is at the ſame time a phyſical unity, in which all the faculties which the law combines in the former are combined naturally in the latter.

Thus the will of the people and that of the prince, together with the public force of the ſtate, and the particular force of the government, all depend on the ſame principle of action: all the ſprings of the machine are in the ſame hand, are exerted to the ſame end; there are no oppoſite motions counteracting and deſtroying each other; nor is it poſſible to conceive any ſpecies of government in which the leaſt effort is productive of ſo great a quantity of action.

Archimedes,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Archimedes, ſitting at his eaſe on the ſhore, and moving about a large veſſel on the ocean at pleaſure, repreſents to my imagination an able monarch ſitting in his cabinet, and governing his diſtant provinces, by keeping every thing in motion, while he himſelf ſeems immoveable. But, if no other kind of government hath ſo much activity, there is none in which the particular will of the individual is ſo predominant. Every thing, it is true, proceeds toward the ſame end; but this end is not that of public happineſs; and hence the force of the adminiſtration operates inceſſantly to the prejudice of the ſtate.

Kings would be abſolute, and they are ſometimes told that their beſt way to become ſo, is to make themſelves beloved by the people. This maxim is doubtleſs a very fine one, and even in ſome reſpects true. But unhappily it is laughed at in courts. That power which ariſes from the love of the people is without doubt the greateſt: but it is ſo precarious and conditional, that princes have never been ſatisfied with it. Even the beſt kings are deſirous of having it in their power to do ill when they pleaſe, without loſing their prerogatives. It is to no purpoſe that a declaiming politician tells them that the ſtrength of the people being theirs, it is their greateſt intereſt to have the people flouriſhing, numerous and reſpectable: they know that this is not true. Their perſonal and private intereſt is, in the firſt place, that the people ſhould be ſo weak and miſerable as to be incapable of making any reſiſtance to government. I confeſs indeed that, ſuppoſing the people to be held in perfect ſubjection, it would be to the intereſt

of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

of the prince that they ſhould be rich and powerful, becauſe their ſtrength, being alſo his, ſerves to make him reſpectable to his neighbours; but as this intereſt is only ſecondary and ſubordinate, and that theſe ſuppoſitions are incompatible, it is natural for princes to give the preference always to that maxim which is the moſt immediately uſeful. This is what Samuel hath repreſented very forcibly to the Hebrews; and Machiavel hath made evident to a demonſtration. In affecting to give inſtructions to kings, he hath given the moſt ſtriking leſſons to the people: His book entitled the Prince, is particularly adapted to the ſervice of Republics.

We have already ſhewn from the general relations of things, that a monarchy is ſuitable only to great ſtates, and we ſhall be more particularly convinced of it, on a further examination. The more numerous the members of the public adminiſtration, the more is the relation between the prince and the ſubjects diminiſhed, and the nearer it approaches to nothing, or that point of equality which ſubſiſts in a democracy. This relation increaſes in proportion as the government is contracted; and arrives at its *maximum* when the adminiſtration is in the hands of a ſingle perſon. In this caſe, then, there is too great a diſtance between the prince and people, and the ſtate is void of connection. To ſupply its place, therefore, recourſe is had to the intermediate ranks of people. Hence the ſeveral orders of nobility. But nothing of this kind is ſuitable to a ſmall ſtate, to which theſe different ranks are very deſtructive.

If

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

If the good government of a ſtate be a matter of difficulty under any mode of adminiſtration, it is more particularly ſo in the hands of a ſingle perſon; and every body knows the conſequences when a king reigns by ſubſtitutes.

Again, there is one eſſential and unavoidable defect, which will ever render a monarchical government inferior to a republic; and this is, that in the latter, the public voice hardly ever raiſes unworthy perſons to high poſts in the adminiſtration; making choice only of men of knowlege and abilities, who diſcharge their reſpective functions with honour: whereas thoſe who generally make their way to ſuch poſts under a monarchical government, are men of little minds and mean talents, who owe their preferment to the meritricious arts of flattery and intrigue. The public are leſs apt to be deceived in their choice than the prince; and a man of real merit is as rarely to be found in the miniſtry of a king, as a blockhead at the head of a republic. Thus, when by any fortunate accident, a genius born for government, takes the lead in a monarchy, brought to the verge of ruin by ſuch petty rulers, the world is amazed at the reſources he diſcovers, and his adminiſtration ſtands as a ſingular epoch in the hiſtory of his country.

To have a monarchical ſtate well governed, it is requiſite that its magnitude or extent ſhould be proportioned to the abilities of the regent. It is more eaſy to conquer than to govern. By means of a lever ſufficiently long, it were poſſible with a ſingle finger to move the globe; but to ſupport it requires the ſhoulders of an Hercules. When a ſtate may with any propriety be denominated great, the prince is almoſt

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

moſt always too little. And when, on the contrary, it happens, which however is very ſeldom, that the ſtate is too little for its regent, it muſt be ever ill-governed; becauſe the chief, actuated by the greatneſs of his own ideas, is apt to forget the intereſt of his people, and makes them no leſs unhappy from the abuſe of his ſuperfluous talents, than would another of a more limited capacity, for want of thoſe talents which ſhould be neceſſary. It is thence requiſite, that a kingdom ſhould, if I may ſo ſay, contract and dilate itſelf, on every ſucceſſion, according to the capacity of the reigning prince: whereas the abilities of a ſenate being more fixt, the ſtate, under a republican government, may be confined or extended to any determinate limits, and the adminiſtration be equally good. The moſt palpable inconvenience in the government of a ſole magiſtrate, is the default of that continued ſucceſſion, which, in the two other kinds, forms an uninterrupted connection in the ſtate. When one king dies, it is neceſſary to have another; but when kings are elective, ſuch elections form very turbulent and dangerous intervals; and unleſs the citizens are poſſeſſed of a diſintereſtedneſs and integrity, incompatible with this mode of government, venality and corruption will neceſſarily have an influence over them. It is very rare that he, to whom the ſtate is ſold, does not ſell it again in his turn, and make the weak repay him the money extorted from him by the ſtrong. Every one becomes, ſooner or later, venal and corrupt, under ſuch an adminiſtration; while even the tranquillity, which is enjoyed under the kings, is worſe

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

worſe than the diſorder attending their *interregnum*.

To remedy theſe evils, crowns have been made hereditary, and an order of ſucceſſion hath been eſtabliſhed, which prevents any diſputes on the death of kings: that is to ſay, by ſubſtituting the inconvenience of regencies to that of elections, an apparent tranquillity is preferred to a wiſe adminiſtration; and it is thought better to run the riſk of having the throne ſupplied by children, monſters, and idiots, than to have any diſpute about the choice of good kings. It is not conſidered, that in expoſing a ſtate to the riſk of ſuch an alternative, almoſt every chance is againſt it.

Almoſt every thing conſpires to deprive a youth, educated to the command over others, of the principles of reaſon and juſtice. Great pains, it is ſaid, are taken to teach young princes the art of reigning; it does not appear however that they profit much by their education. It would be better to begin by teaching them ſubjection. The greateſt monarchs that have been celebrated in hiſtory, are thoſe who were not educated to govern. This is a ſcience of which thoſe know the leaſt who have been taught the moſt, and is better acquired by ſtudying obedience than command. *Nam utilliſſimus idemque breviſſimus bonarum malarumque rerum delectus, cogitare quid aut nolueris ſub alio principe aut volueris.*

A conſequence of this want of coherence, is the inconſtancy of regal government, which is ſometimes purſued on one plan, and ſometimes on another, according to the character of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the prince who governs, or of thoſe who hold the reins of adminiſtration for him; ſo that its conduct is as inconſiſtent as the object of its purſuit is wavering. It is this inconſtancy which keeps the ſtate ever fluctuating from maxim to maxim, and from project to project; an uncertainty which does not take place in other kinds of government, where the prince is always the ſame. Thus we ſee, in general, that if there be more cunning in a court, there is more true wiſdom in a ſenate; and that republics accompliſh their ends, by means more conſtant and better purſued: while on the contrary, every revolution in the miniſtry of a court, produces one in the ſtate: it being the conſtant maxim with all miniſters, and almoſt with all kings, to engage in meaſures directly oppoſite to thoſe of their immediate predeceſſors. Again, it is from this very incoherence that we may deduce the ſolution of a ſophiſm very common with regal politicians; and this is not only the practice of comparing the civil government of ſociety to the domeſtic government of a family, and the prince to the father of it, (an error already expoſed) but alſo that of liberally beſtowing on the reigning magiſtrate all the virtues he ſtands in need of, and of ſuppoſing the prince always ſuch as he ought to be. With the help of this ſuppoſition, indeed, the regal government is evidently preferable to all others, becauſe it is inconteſtably the ſtrongeſt; and nothing more is required to make it alſo the beſt, than that the will of the prince ſhould be conformable to the general will of the people.

But if, according to Plato, the king by nature is ſo very rare a perſonage, how ſeldom may

we

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

we ſuppoſe nature and fortune hath concurred to crown him? If a regal education alſo neceſſarily corrupts thoſe who receive it, what hopes can we have from a race of men thus educated? It is a wilful error, therefore, to confound a regal government in general with the government of a good king. But, to ſee what this ſpecies of government is in itſelf, it muſt be conſidered under the direction of weak and wicked princes: for ſuch they generally are when they come to the throne, or ſuch the throne will make them. Theſe difficulties have not eſcaped the notice of ſome writers, but they do not ſeem to have been much embarraſſed by them. The remedy, ſay they, is to obey without murmuring. God ſends us bad things in his wrath, and we ought to bear with them as chaſtiſements from on high. This way of talk is certainly very edifying; but I conceive it would come with greater propriety from the pulpit, than from the pen of a politician. What ſhould we ſay of a phyſician who might promiſe miracles, and whoſe whole art ſhould conſiſt in preaching up patience and reſignation? It is obvious enough that we muſt bear with a bad government, when we live under it; the queſtion is to find a good one.

CHAP. VII.

Of mixed Governments.

THERE is no ſuch thing, properly ſpeaking, as a ſimple government. Even a ſole chief muſt have inferior magiſtrates, and a po-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

pular government a chief. Thus in the diſtribution of the executive power there is always a gradation from the greater number to the leſs, with this difference that ſometimes the greater number depends on the leſs, and at others the leſs on the greater.

Sometimes indeed the diſtribution is equal, either when the conſtituent parts depend mutually on each other, as in the Engliſh government; or when the authority of each part is independent, though imperfect, as in Poland. This laſt form is a bad one, becauſe there is no union in ſuch a government, and the ſeveral parts of the ſtate want a due connection.

It is a queſtion much agitated by politicians; Which is beſt, a ſimple or mixt government? The ſame anſwer however might be given to it, as I have before made to the like queſtion concerning the forms of government in general.

A ſimple government is the beſt in itſelf, though for no other reaſon than that it is ſimple. But when the executive power is not ſufficiently dependent on the legiſlative, that is to ſay, when there is a greater diſproportion between the prince and the ſovereign, than between the people and the prince, this defect muſt be remedied by dividing the government; in which caſe all its parts would have no leſs authority over the ſubject, and yet their diviſion would render them collectively leſs powerful to oppoſe their ſovereign.

The ſame inconvenience is prevented alſo by eſtabliſhing a number of inferior magiſtrates, which tend to preſerve a balance between the two powers, and to maintain their reſpective prerogatives. In this caſe, however, the government

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

vernment is not properly of a mixt kind; it is only moderated.

The like means may alſo be employed to remedy an oppoſite inconvenience, as when a government is too feeble, by erecting of proper tribunals to concentrate its force. This method is practiſed in all democracies. In the firſt caſe, the adminiſtration is div ded in order to weaken it, and in the ſecond to enforce it: For a *maximum* both of ſtrength and weakneſs, is equally common to ſimple governments, while thoſe of mixt forms always give a mean proportional to both.

CHAP. VIII.

That every form of government is not equally proper for every country.

AS liberty is not the produce of all climates, ſo it is not alike attainable by all people. The more one reflects on this principle, eſtabliſhed by Monteſquieu, the more ſenſible we become of its truth. The more it is conteſted, the more we find it confirmed by new proofs.

Under every kind of government, the political perſonage, the public, conſumes much, but produces nothing. Whence then doth it derive the ſubſtance conſumed? Evidently from the labour of its members. It is from the ſuperfluity of individuals that the neceſſities of the public are provided. Hence it follows that a ſocial ſtate cannot ſubſiſt longer than the induſtry of its members continues to produce ſuch ſuperfluity.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

The quantity of this ſuperfluity, however, is not the ſame in all countries. It is in many very conſiderable, in ſome but moderate, in others null, and again in others negative. The proportion depends on the fertility of the climate, the ſpecies of labour required in the cultivation of the ſoil, the nature of its produce, the ſtrength of its inhabitants, the conſumption neceſſary to their ſubſiſtence, with many other ſimilar circumſtances.

On the other hand, all governments are not of the ſame nature; ſome devour much more than others, and their difference is founded on this principle, viz. that the farther public contributions are removed from their ſource, the more burthenſome they grow. It is not by the quantity of the impoſition that we are to eſtimate the burthen of it, but by the time or ſpace taken up in its returning back to the hands from which it is exacted. When this return is quick and eaſy, it matters little whether ſuch impoſition be ſmall or great; the people are always rich, and the finances in good condition. On the contrary, however low a people be taxed, if the money never returns, they are ſure by conſtantly paying to be ſoon exhauſted; ſuch a ſtate can never be rich, and the individuals of it muſt be always beggars.

It follows hence that the farther the people are removed from the ſeat of government, the more burthenſome are their taxes: thus in a democracy their weight is leaſt felt: in an ariſtocracy they fall more heavy; and in a monarchical ſtate they have the greateſt weight of all. Monarchy, therefore, is proper only for opulent nations; ariſtocracy for middling ſtates;

and

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and a democracy for thoſe which are mean and poor.

In fact, the more we reflect on this circumſtance, the more plainly we perceive the difference in this reſpect between a monarchical and a free ſtate. In the latter, all its force is exerted for the public utility; in the former, the public intereſt of the ſtate and the private intereſt of the prince are reciprocally oppoſed; the one increaſing by the decreaſe of the other. In a word, inſtead of governing ſubjects in ſuch a manner as to make them happy, deſpotiſm makes them miſerable, in order to be able to govern them at all.

Thus may we trace in every climate thoſe natural cauſes, which point out that particular form of government which is beſt adapted to it, as well as even the peculiar kind of people that ſhould inhabit it. Barren and ungrateful ſoils, whoſe produce will not pay for the labour of cultivation, would remain uncultivated and uninhabited, or, at beſt, would be peopled only with ſavages. Thoſe countries from which the inhabitants might draw the neceſſaries of life, and no more, would be peopled by barbarians, among whom the eſtabliſhment of civil polity would be impoſſible. Such places as might yield to their inhabitants a moderate ſuperfluity, would be beſt adapted to a free people; while the country where fertile plains and plenteous vales more bounteouſly reward the labours of the cultivator, would beſt ſuit with a monarchical form of government, in order that the luxury of the prince might conſume the ſuperfluity of the ſubjects: for it is much better that this ſuperfluity ſhould be expended by go-

. In the latter , all its
ne increaſing by the
e able to govern

n the peculiar kind of
nhabited , or , at beſt ,
y barba rians , among
ted to a free peo ple ;
rm of government , in

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

vernment than diſſipated by individuals. I am not ſenſible that ſome exceptions might be made to what is here advanced; theſe very exceptions, however, ſerve to confirm the general rule, in that they are ſooner or later conſtantly productive of revolutions, which reduce things to their natural order.

We ſhould always make a diſtinction between general laws, and thoſe particular cauſes which may diverſify their effects. For, though the ſouthern climates ſhould be actually filled with republics, and the northern with deſpotic monarchies, it would be nevertheleſs true in theory, that, ſo far as climate is concerned, deſpotiſm agrees beſt with an hot, barbariſm with a cold, and good polity with a temperate region. I am aware farther that, even granting the principle, the application of it may be diſputed. It may be ſaid, that ſome cold countries are very fertile, while others more warm and ſouthern are very barren. This objection, however, hath weight only with ſuch as do not examine the matter in every point of view. It is requiſite to take into conſideration, as I before obſerved, the labour of the people, their ſtrength, their conſumption, with every other circumſtance that affects the point in queſtion.

Let us ſuppoſe two countries of equal extent, the proportion of whoſe product ſhould be as five to ten. It is plain that, if the inhabitants of the firſt conſume four, and of the latter nine, the ſuperfluity of the one would be $\frac{1}{4}$, and that of the other $\frac{1}{9}$. Their different ſuperfluities being alſo in an inverſe ratio to that of their produce, the territory whoſe produce ſhould amount only to five, would have near double the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the ſuperfluity of that which ſhould amount to ten.

But the argument does not reſt upon a double produce; nay I doubt whether any perſon will place the actual fertility of cold countries in general, in a bare equality with that of warmer climates. We will ſuppoſe them, however, to be in this reſpect ſimply equal; ſetting England, for inſtance, on a balance with Sicily, and Poland with Egypt. Still farther to the South we have Africa and the Indies, and to the North hardly any thing. But to effect this equality in the produce, what a difference in the labour of cultivation! In Sicily they have nothing more to do than barely turn up the earth: in England agriculture is extremely toilſome and laborious. Now, where a greater number of hands is required to raiſe the ſame produce, the ſuperfluity muſt neceſſarily be leſs.

Add to this, that the ſame number of people conſume much leſs in a warm country than in a cold one. An hot climate requires men to be temperate, if they would preſerve their health. Of this the Europeans are made ſenſible, by ſeeing thoſe who do not alter their manner of living in hot countries, daily carried off by dyſenteries and indigeſtion. Chardin repreſents us, as beaſts of prey, as mere wolves in compariſon of the Aſiatics; and thinks thoſe writers miſtaken, who have attributed the temperance of the Perſians, to the uncultivated ſtate of their country. His opinion is that their country was ſo little cultivated, becauſe the inhabitants required ſo little for their ſubſiſtence. If their frugality were merely the effect of the barrenneſs of their country, he obſerves, it would be only the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

poorer ſort of them that ſhould eat little; whereas their abſtinence is general. Again, they would in ſuch caſe be more or leſs abſtemious in different provinces, as thoſe provinces differed in degrees of ſterility; whereas their ſobriety is general, and prevails equally throughout the kingdom. He tells us, alſo, that the Perſians boaſt much of their manner of living; pretending their complexions only to be a ſufficient indication, of its being preferable to that of the Chriſtians. At the ſame time, he admits that their complexions are very fine and ſmooth; that their ſkin is of a ſoft texture, and poliſhed appearance; while, on the other hand, the complexion of the Armenians, their ſubjects, who live after the European manner, is rough and pimply, and their bodies groſs and unwieldy.

The nearer we approach to the line, it is certain, the more abſtemious we find the people. They hardly ever eat meat; rice and maize are their ordinary food. There are millions of people in the Indies, whoſe ſubſiſtence does not amount to the value of a penny a day. We ſee even in Europe, a very ſenſible difference, in this reſpect, between the inhabitants of the North and South. A Spaniard will ſubſiſt a whole week, on what a German would eat up at a ſingle meal. In countries where the people are voracious, even luxury hath a tendency to conſumption. Thus in England it diſplays itſelf in the number of diſhes and quantity of ſolid meat on the table; while in Italy, a repaſt is furniſhed out with ſweetmeats and flowers.

The luxury of dreſs preſents us, alſo, with ſimilar differences. In climates, where the change of the weather is ſudden and violent, the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

people wear better and plainer clothes; while in thoſe where the inhabitants dreſs only for ornament, brilliancy is more conſulted than uſe; even clothes themſelves are an article of luxury. Thus at Naples, you will daily ſee gentlemen walking about in laced clothes without ſtockings. It is the ſame with regard to buildings: magnificence only is conſulted, where nothing is to be feared from the inclemencies of the weather. At Paris and London people are deſirous of warm and commodious apartments. At Madrid, they have ſuperb ſaloons, but no ſaſhes nor caſements; and their beds lie open to the rats that harbour in the roof.

The aliment is alſo more ſubſtantial and nouriſhing in hot countries than in cold; this is a third difference that cannot fail to have an influence over the ſecond. Wherefore is it that the Italians eat ſuch a quantity of vegetables? Becauſe they are good, and of an excellent ſavour. In France, where they are themſelves nouriſhed chiefly by water, they are leſs nutritive, and are held of little conſequence. They occupy nevertheleſs as much ground, and coſt as much pains to cultivate them. It hath been experimentally proved that the corn of Barbary, in other reſpects inferior to that of France, gives a greater quantity of meal, and that the French corn yields ſtill more than that of the North. Hence it may be inferred that a ſimilar gradation is carried on in the ſame direction from the line to the pole. Now is it not an evident diſadvantage to have, in an equal produce, a leſs quantity of aliment?

To all theſe different conſiderations, I may add another, which ariſes from, and ſerves to

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

confirm them; this is, that hot countries require fewer inhabitants than the cold, and yet afford ſubſiſtence for more; a circumſtance that cauſes a two-fold ſuperfluity, always to the advantage of deſpotiſm. The more the ſame number of people are diſtributed over the face of a large territory, the more difficult becomes a revolt; as they cannot meet together ſo readily or ſecretly, and it is always eaſy for the government to cut off their aſſociations, and ruin their projects. On the other hand, the more a numerous people are collected together, the leſs can the government aſſume over the ſovereign; the chiefs of a faction may deliberate as ſecurely at their meetings, as the prince in his council; and the mob are as readily aſſembled in the public ſquares as the troops in their quarters. It is the advantage of a tyrannical government, therefore, to act at great diſtances; its force increaſing with the diſtance like that of a lever *, by the aſſiſtance of a proper center. That of the people, on the contrary, acts only by being concentrated; it evaporates and loſes itſelf when dilated, even as gunpowder ſcattered on the ground, takes fire, particle by particle,

* This doth not contradict what is advanced in Chap. ix. Book II. concerning the inconvenience of great ſtates; the matter in queſtion there being the authority of the government over its members, and here of its influence over the ſubjects. Its members, ſcattered about in different places, ſerve as points of ſupport to enable it to act at a diſtance on the people; but it hath no ſuch props to aſſiſt its action on its members themſelves. Thus in one caſe the length of the lever is the cauſe of its ſtrength, and in the other of its weakneſs.

and

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and is productive of no effect. Countries thinly inhabited are the moſt proper places for tyrants; wild beaſts reign only in deſarts.

CHAP. IX.

Of the marks of a good Government.

WHEN it is aſked, therefore, in general terms, what is the beſt form of government? the queſtion is as indeterminate as unanſwerable; or rather it may be reaſonably anſwered as many different ways as there are poſſible combinations of the abſolute and relative circumſtances of a people.

But if it be aſked, by what ſigns it may be known whether any given people are well or ill governed? This is quite another thing, and the queſtion, as to the fact, is to be reſolved.

This queſtion, however, is never actually reſolved, becauſe every one is for doing it after his own manner. The ſubject cries up the public tranquillity, the citizen the liberty of individuals; the one prefers the ſecurity of property, the other that of his perſon; the one maintains the beſt government to be the moſt ſevere, the other affirms that to be beſt which is moſt agreeable; the latter is for puniſhing crimes, the former for preventing them: the one thinks it a fine thing to be dreaded by his neighbours; the other thinks it better to be unknown to them; the one is ſatisfied if money does but circulate, the other requires the people ſhould have bread. Were they even agreed alſo on

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

theſe and other ſimilar points, they would not be much nearer the end of the diſpute. Moral quantities are deficient in point of preciſion; ſo that, were men agreed on the ſign, they would ſtill differ about its eſtimation.

For my part, I am aſtoniſhed that a ſign ſo very ſimple ſhould be miſtaken, or that any ſhould be ſo diſingenuous as not to acknowlege it. What is the end of political ſociety? doubtleſs the preſervation and proſperity of its members. And what is the moſt certain ſign or proof of theſe? Certainly it is their number and population. Let us not look elſewhere, then, for this diſputed proof; ſince it is plain, that government muſt be the beſt, under which the citizens increaſe and multiply moſt, ſuppoſing all other circumſtances equal, and no foreigners naturalized or colonies introduced, to cauſe ſuch increaſe: and that, on the contrary, that government muſt be the worſt, under which, *cæteris paribus*, the number of people ſhould diminiſh. This being admitted, the deciſion of the queſtion becomes an affair of calculation *, and

* It is on the ſame principle that we ought to judge of the ſeveral periods of time that deſerve the preference, in being diſtinguiſhed for the proſperity of mankind. We have in general too much admired thoſe, in which literature and the fine arts have flouriſhed, without penetrating into the ſecret cauſe of their cultivation, or duly conſidering their fatal effects; *idque apud imperitos humanitas vocabatur, cum pars ſervitutis eſſet.* Shall we never be able to ſee through the maxims laid down in books, the intereſted motives of their authors?—No, let writers ſay

were men agreed on the ſign,

bers. And what is the moſt
lain, that ment muſt be the beſt
ced, to cauſe ſuch in creaſe:
admitted, the deciſion of the

ty of mankind We have in
, or duly conſidering their
n books, the inte zeited

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and as ſuch I give it up to the arithmeticians.

ſay what they will; whenever the inhabitants of a country decreaſe, it is not true that all things go well, whatever be its external proſperity and ſplendour: A poet poſſeſſed of an hundred thouſand livres a year, does not neceſſarily make the age he lives in the beſt of all others. We ſhould not ſo much regard the apparent repoſe of the world, and the tranquillity of its chiefs, as the well-being of whole nations, and particularly of the moſt populous ſtates. A ſtorm of hail may lay waſte ſome few provinces, but it ſeldom cauſes a famine. Temporary tumults and civil wars may give much diſturbance to rulers; but they do not conſtitute the real misfortunes of a people, who may even enjoy ſome reſpite, while they are diſputing who ſhall play the tyrant over them. It is from their permanent ſituation that their real proſperity or calamity muſt ariſe: when all ſubmit tamely to the yoke, then it is that all are periſhing; then it is that their chiefs, deſtroying them at their eaſe, *ubi ſolitudinem faciunt pacem appellant.* When the intrigues of the nobility agitated the kingdom of France, and the coadjutor of Paris carried a poignard in his pocket to parliament; all this did not hinder the bulk of the French nation from growing numerous and enjoying themſelves in happineſs and eaſe. Ancient Greece flouriſhed in the midſt of the moſt cruel wars; human blood was ſpilt in torrents, and yet the country ſwarmed with inhabitants. It appears, ſays Machiavel, that, in the midſt of murders, proſcriptions and civil wars, our republic became only the more powerful, the virtue of the citizens, their manners, their independence had a greater effect to ſtrengthen it, than all its diſſentions had to weaken it. A little agitation gives vigour to the mind, and liberty, not peace, is the real ſource of the proſperity of our ſpecies.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. X.

Of the abuſe of government, and its tendency to degenerate.

AS the particular will of the prince acts conſtantly againſt the general will of the people, the government neceſſarily makes a continual effort againſt the ſovereignty. The greater this effort is, the more is the conſtitution altered; and as in this caſe there is no other diſtinct Will to keep that of the prince in equilibrio, it muſt ſooner or later infallibly happen that the prince will oppreſs the ſovereign, and break the ſocial compact. This is an inherent and unavoidable defect, which, from the very birth of the political body, inceſſantly tends to its diſſolution, even as old age and death tend to the diſſolution of the natural body.

There are two general methods according to which a government degenerates; viz. when it contracts itſelf, or when the ſtate is diſſolved. The government contracts itſelf, when its members are reduced from a great number to a few; that is to ſay, from a democracy to an ariſtocracy, and from an ariſtocracy to a royalty. This is its natural tendency *. Should it make a retro-

* The ſlow formation and progreſs of the republic of Venice, preſent a notable example of this ſucceſſion; and it is very ſurpriſing that in the ſpace of 1200 years the Venetians ſhould be got no farther than to the ſecond term, which began in the year 1198. With regard to the ancient dukes, with which their conſtitution is reproached, it is certain, whatever ſome writers may ſay, that they were not ſovereigns.

The

a retrogreſſive change, by having the number of its members increaſed, it might be ſaid to relax

The Roman republic will, doubtleſs, be made an objection, as having taken a contrary route, in its progreſs from monarchy to ariſtocracy, and from ariſtocracy to democracy. I am, however, far from thinking this was the real caſe.

The firſt eſtabliſhment of Romulus was a mixt government, which degenerated preſently into deſpotiſm. From very particular cauſes the ſtate periſhed before its time, as a new-born infant, before it attained the age of manhood. The expulſion of the Tarquins, was the true era of the riſe of that republic; although it did not aſſume at firſt a determinate form; becauſe the work was but half done, in not having aboliſhed the order of patricians. For hence, an hereditary ariſtocracy, the worſt of all adminiſtrations, acting in oppoſition to the democracy, the form of government remained indeterminate; not being fixed, as Machiavel obſerves, till the eſtabliſhment of tribunes; when, and not before, it was a real government under the form of a true democracy. In fact, the people were then not only ſovereign, but alſo magiſtrate and judge; the ſenate being a tribunal of an inferior order, formed to temper and collect the government; while even the conſuls themſelves, although patricians, firſt magiſtrates, and as generals abſolute in the field, yet at Rome they were only preſidents of the aſſemblies o fthe people.

From this time it is evident the government followed its natural byaſs, and tended ſtrongly toward ariſtocracy. The patrician order dying away of itſelf, the ariſtocracy ſubſiſted no longer in the members of that body, as at Venice and Genoa, but in the body of the ſenate compoſed of Patricians and Plebeians, and even in the body of tribunes when they began to uſurp an active power. For words make no alteration in things. When the people have

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

lax or dilate itſelf; but this inverſe progreſs is impoſſible.

In fact, a government never changes its form, except its ſpring of action be too much worn to ſupport its own. Now, if it relaxes ſtill more by being extended, its force becomes abſolutely nothing, and is ſtill leſs capable of ſupporting itſelf. It is neceſſary therefore to wind up and renew ſuch ſpring in proportion as it gives way; otherwiſe the ſtate it is intended to ſupport, muſt neceſſarily fall.

The diſſolution of the ſtate indeed may happen two ways. Firſt, when the prince does not govern according to law; but arrogates the ſovereign power to himſelf: in which caſe he effects a remarkable change, whereby not the government, but the ſtate itſelf is contracted. What I mean to ſay is, that the great ſtate is thence diſſolved, and that he forms another within it, compoſed only of the members of the government, who are only the maſters and tyrants over the reſt of the people. So that when the government uſurps the ſovereignty, at that inſtant the ſocial compact is broken, and the individuals, who were citizens before, are reſtored to the rights of natural liberty, and are compelled, not legally obliged, to obedience.

have chiefs who govern in their ſtead, whatever denomination be given to thoſe chiefs, the government is always an ariſtocracy. From the abuſe of the ariſtocratical form, aroſe the civil wars and the triumvirate. Sylla, Julius Cæſar and Auguſtus indeed became real monarchs, and at length under the deſpotiſm of Tiberius the ſtate was finally diſſolved. The Roman hiſtory, therefore, doth not tend to diſprove my principle, but to confirm it.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

It is the ſame thing, when the members of government aſſume ſeparately the power they are entitled to exerciſe only collectively; which is no leſs an infringement of the laws, and is productive of ſtill worſe conſequences. For, in this caſe, there may be ſaid to be as many princes as magiſtrates; while the ſtate, no leſs divided than the government, is totally diſſolved or changes its form.

When the ſtate is diſſolved, the abuſe of government, of whatever nature it be, takes the common name of anarchy. To diſtinguiſh more nicely, *democracy* is ſaid to degenerate into *ochlocracy*; *ariſtocracy* into *oligarchy*; and I may add, *monarchy* into *tyranny*: but this laſt term is equivocal, and requires ſome explanation. In the vulgar ſenſe of the word, a tyrant is a king who governs by force and without regard to juſtice or the laws. In the more preciſe and determinate ſenſe, it means any individual who aſſumes the royal authority, without having a right to it. In this latter ſenſe the Greeks underſtood the word tyrant; and give it indiſcriminately both to good and bad princes whoſe authority was not legal *. Thus, *tyrant* and *uſurper* are two words perfectly ſynonimous.

* *Omnes enim ei habentur et dicuntur tyranni qui per ſtate utuntur perpetuâ, in eâ civitate quæ libertate uſa eſt.* CORN. NEPOS. IN MILTIADE. It is true that Ariſtotle makes a diſtinction between the tyrant and king, in that the one governs for his own good, and the other for the good of his ſubjects: but, beſides that all the Greek writers uſe the word tyrant in a different ſenſe, as appears particularly by the Hieron of Zenophon, it would follow from Ariſtotle's diſtinction that no king ever exiſted on the face of the earth.

To

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

To give different names, however, to different things, I call the uſurpation of regal authority, *tyranny*, and that of ſovereign power *deſpotiſm*. The tyrant is he, who takes upon himſelf, contrary to law, to govern according to law; and the deſpotic chief, one who places himſelf above the laws themſelves. Thus a tyrant cannot be deſpotic, though a deſpotic prince muſt always be a tyrant.

CHAP. XI.

Of the diſſolution of the body politic.

SUCH is the natural and unavoidable tendency of even the beſt conſtituted governments. If Rome and Sparta periſhed, what ſtate can hope to laſt for ever? In our endeavours to form a durable eſtabliſhment, we muſt not think, therefore, to make it eternal. If we would hope to ſucceed, we muſt not attempt impoſſibilities, nor flatter ourſelves to give that permanency to human inſtitutions, which is incompatible with their nature.

The body politic, as well as the phyſical, begins to die at its birth, and bears in itſelf the cauſes of its deſtruction. Both, however, may poſſeſs a conſtitution more or leſs robuſt, and adapted to different periods of duration. The conſtitution of man is the work of nature; that of the ſtate, is the work of art. It doth not depend on men to prolong their lives, but it depends on them to prolong that of the ſtate as much as poſſible, by giving it a conſtitution the beſt adapted to longevity. The moſt perfect

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

fect conſtitution, it is true, will have an end; but ſtill ſo much later than others, if no unforeſeen accident bring it to an untimely diſſolution.

The principle of political life, lies in the ſovereign authority. The legiſlative power is the heart of the ſtate; the executive power is the brain, which puts every part in motion. The brain may be rendered uſeleſs by the palſy, and yet the individual ſurvive. A man may become an inſenſible driveller, and yet live: but as ſoon as the heart ceaſes to beat, the animal is dead.

The ſtate doth not ſubſiſt by virtue of the laws, but by the legiſlative power. The ſtatutes of yeſterday are not in themſelves neceſſarily binding to-day, but the tacit confirmation of them is preſumed from the ſilence of the legiſlature; the ſovereign being ſuppoſed inceſſantly to confirm the laws not actually repealed. Whatever is once declared to be the will of the ſovereign, continues always ſo, unleſs it be abrogated.

Wherefore, then, is there ſo much reſpect paid to ancient laws? Even for this reaſon. It is rational to ſuppoſe, that nothing but the excellence of the ancient laws, could preſerve them ſo long in being; for that, if the ſovereign had not found them always ſalutary and uſeful, they would have been repealed.

Hence we ſee that the laws, inſtead of loſing their force, acquire additional authority by time, in every well formed ſtate; the prepoſſeſſion of their antiquity renders them every day more venerable; whereas, in every country where the laws grow obſolete and loſe their force as they

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

they grow old, this alone is a proof that the legiſlative power itſelf is decayed, and the ſtate extinct.

CHAP. XII.

By what means the ſovereign authority is maintained.

THE ſovereign, having no other force than the legiſlative power, acts only by the laws; while the laws being only the authentic acts of the general will, the ſovereign cannot act unleſs the people are aſſembled. The people aſſemble! you will ſay. What a chimera? —It is indeed chimerical at preſent; though it was not reckoned ſo two thouſand years ago. Are mankind changed in their nature ſince that time?

The bounds of poſſibility in moral affairs are leſs confined than we are apt to imagine: It is our foibles, our vices, our prejudices that contract them. Mean ſouls give no credit to the ſentiments of heroic minds; while ſlaves affect to turn the notion of liberty into ridicule.

By what hath been done, however, we may judge of what may be done again. I ſhall not ſpeak of the petty republics of ancient Greece; but the Roman republic was, undoubtedly, a great ſtate, and the city of Rome a great city. By the laſt regiſter of the citizens of Rome, their number amounted to four hundred thouſand perſons capable of bearing arms; and the laſt regiſter of the Empire amounted to more than four millions of citizens, without reckoning ſubjects, women, children or ſlaves.

How

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

How very difficult, you will ſay, muſt it have been, to aſſemble frequently the people of that capital and its environs? And yet hardly a week paſſed in which the Roman people were not aſſembled, and on ſome occaſions ſeveral times a week. This numerous body indeed not only exerciſed the functions of ſovereignty, but alſo in ſome caſes thoſe of government. They ſometimes deliberated on ſtate affairs, and at others decided in judicial cauſes; the whole people being publicly aſſembled almoſt as frequently in the capacity of magiſtrates as citizens.

By recurring to the primitive ſtate of nations, we ſhall find that moſt of the ancient governments, even the monarchical, as that of Macedon and others, had the like popular aſſemblies. Be this, however, as it may, the fact being once inconteſtibly proved, obviates all difficulties; for, to deduce the poſſibility of a thing from its having actually happened, will admit of no objection.

CHAP. XIII.

The ſubject continued.

IT is not enough, however, that the people once aſſembled ſhould fix the conſtitution of the ſtate, by giving their ſanction to a certain code or ſyſtem of laws: it is not enough that they ſhould eſtabliſh a perpetual government, or provide once for all by the election of magiſtrates. Beſides the extraordinary aſſemblies, which unforeſeen accidents may require, it is neceſſary

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

neceſſary they ſhould have certain fixed and periodical meetings, which nothing might aboliſh or prorogue: ſo that the people ſhould, on a certain day, be legally ſummoned by law, without any expreſs ſtatute being required for their formal convocation.

But, excepting theſe regular aſſemblies, rendered legal by the date, all others, unleſs convoked by the proper magiſtrate previouſly appointed to that end, agreeable to preſcribed forms, ſhould be held illegal, and all their determinations declared null and void; becauſe the very manner of the people's aſſembling ſhould be determined by law.

As to the frequency of legal aſſemblies, it depends on ſo many different conſiderations, that it is impoſſible to lay down any preciſe rules on this head. It can only be ſaid in general, that the more powerful the government, the more often ought the ſovereignty to diſplay itſelf.

All this, it may be ſaid, is very well for a ſingle town or city; but what muſt be done in a ſtate comprehending ſeveral cities? Muſt the ſovereign authority be diſtributed, or ought it to centre in one, to the total ſubjection of the reſt?

I anſwer, neither one nor the other. In the firſt place, the ſovereign authority is ſimple and uniform, ſo that it cannot be divided without deſtroying it. In the next place, one city cannot be legally ſubject to another, any more than one nation to another; becauſe the eſſence of the body politic conſiſts in the union of obedience and liberty, and in the terms *ſubject* and *ſovereign* being thoſe identical correlatives, the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the ideas of which are united in the ſingle term *citizen*.

I anſwer farther, that it is fundamentally wrong, to unite ſeveral towns to form one city; and that ſuch union being made, the natural inconveniences of it muſt enſue. The abuſes peculiar to great ſtates muſt not be made objections to the ſyſtem of one, who maintains the exclusive propriety of little ones. But how, it will be ſaid, can little ſtates be made powerful enough to reſiſt the great? — Even as the cities of ancient Greece were able to reſiſt the arms of a powerful monarch; and as, in more modern times, Switzerland and Holland have reſiſted the power of the houſe of Auſtria.

In caſes, alſo, where the ſtate cannot be reduced within proper bounds, there remains one reſource; and this is by not permitting the exiſtence of a capital, but removing the ſeat of government from one town to another, and aſſembling the ſtates of the country in each alternately.

People a country equally in every part; diffuſe the ſame privileges and advantages throughout; and the ſtate will become at once the ſtrongeſt and the beſt governed. Remember that the walls of cities are founded on the ruins of the villages, and that the ſplendid palaces in town are raiſed at the expence of miſerable cottages in the country.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. XIV.

Subject continued.

NO ſooner are the people legally aſſembled, in a ſovereign body, than the juriſdiction of government ceaſes, the executive power of the ſtate is ſuſpended, and the perſon of the meaneſt citizen becomes as ſacred and inviolable as the greateſt magiſtrate; becauſe when the body repreſented appears, it is not requiſite that the repreſentatives of it ſhould exiſt. Moſt of the tumults which happened in the *Comitia* at Rome, were owing to the general ignorance or neglect of this rule. On thoſe occaſions, the conſuls were only preſidents of the aſſembly of the people, the tribunes merely orators *, and the ſenate abſolutely nothing.

Theſe intervals of ſuſpenſion, when the prince acknowleges, or at leaſt ought to acknowlege an actual ſuperior, have been always formidable; and ſuch aſſemblies which are the ſafeguards of the body politic, and ſerve as ſo many checks to adminiſtration, have always been a terror to the rulers; ſo that they have ſpared no pains in raiſing objections and difficulties, nor ſcrupled making any fair promiſes to render the people averſe to ſuch meetings. When the latter, there-

* Nearly in the ſenſe given to thoſe who ſpeak on any queſtion in the parliament of England. The reſemblance of their employments ſet the conſuls and tribunes together by the ears; even when their juriſdiction was ſuſpended.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

fore, have been avaritious, mean, or cowardly, preferring their eaſe to liberty, they have not been able to withſtand long the repeated efforts of government: and thus it is that, this encroaching power inceſſantly augmenting, the ſovereignty becomes totally extinct, and thus moſt cities come to an untimely end.

Sometimes, however, there is introduced between ſovereign authority and arbitrary government, a mean term of power, of which it is neceſſary to treat.

CHAP. XV.

Of deputies or repreſentatives.

WHEN the ſervice of the public ceaſes to be the principal concern of the citizens, and they had rather diſcharge it by their purſes than their perſons, the ſtate is already far advanced toward ruin. When they ſhould march out to fight, they pay troops to fight for them, and ſtay at home. When they ſhould go to council, they ſend deputies, and ſtay at home. Thus, in conſequence of their indolence and wealth, they in the end employ ſoldiers to enſlave their country, and repreſentatives to betray it.

It is the buſtle of commerce and the arts; it is the ſordid love of gain, of luxury and eaſe, that thus convert perſonal into pecuniary ſervices. Men readily give up one part of their profit, to increaſe the reſt unmoleſted. But ſupply an adminiſtration with money, and they will preſently ſupply you with chains. The

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

very term of *taxes* is ſlaviſh, and unknown in a free city. In a ſtate truly free, the citizens diſcharge their duty to the public with their own hands, and not by money. So far from paying for being exempted from ſuch duty, they would pay to be permitted to diſcharge it themſelves. I am very far from adopting received opinions, and think the ſervices exacted by force a leſs infringement of liberty than taxes.

The better the conſtitution of a ſtate, the greater influence have public affairs over private, in the minds of the citizens: They will have, alſo, much fewer private affairs to concern them; becauſe the ſum total of their common happineſs, furniſhing a more conſiderable portion to each individual, there remains the leſs for each to ſeek from his own private concerns. In a city well governed, every one is ready to fly to its public aſſemblies; under a bad government they are careleſs about going thither at all; becauſe no one intereſts himſelf in what is doing there: it is known that the general will does not influence them, and hence at length domeſtic concerns engage all their attention. Good laws tend to the making better, while bad ones are introductory of worſe. No ſooner doth a citizen ſay, What are ſtate-affairs to me? than the ſtate may be given up for loſt.

It is this want of public ſpirit, the influence of private intereſt, the extent of ſtates, conqueſts and abuſes in government, that have given riſe to the method of aſſembling the people by deputies and repreſentatives. The aſſembly of theſe repreſentatives is called, in ſome countries, the third eſtate of the nation; ſo that

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

that the particular intereſts of the two orders are placed in the firſt and ſecond rank, and the public intereſt only in the third.

The ſovereignty, however, cannot be repreſented, and that for the ſame reaſon that it cannot be alienated. It conſiſts eſſentially of the general will, and the will cannot be repreſented: it is either identically the ſame, or ſome other; there can be no mean term in the caſe. The deputies of the people, therefore, neither are nor can be their repreſentatives; they are only mere commiſſioners, and can conclude definitively on nothing. Every law that is not confirmed by the people in perſon is null and void; it is not in fact a law. The Engliſh imagine they are a free people; they are however miſtaken: they are ſuch only during the election of members of parliament. When theſe are choſen, they become ſlaves again; and indeed they make ſo bad a uſe of the few tranſitory moments of liberty, that they richly deſerve to loſe it.

The notion of repreſentatives is modern; deſcending to us from the feudal ſyſtem, that moſt iniquitous and abſurd form of government, by which human nature was ſo ſhamefully degraded. In the ancient republics, and even monarchies, the people had no repreſentatives; they were ſtrangers to the term. It is even very ſingular that, at Rome, where the Tribunes were ſo much revered, it was never imagined they could uſurp the functions of the people; and as ſtrange that they never once attempted it. One may judge, however, of the embarraſſment ſometimes cauſed by the multitude, by what

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

happened in the time of the Gracchi, when part of the citizens gave their votes from their houſe-tops.

Where men value their liberty and privileges above every thing, inconveniences and difficulties are nothing. Among this wiſe people things were held in a proper eſtimation; they permitted the Lictors to do what they would not ſuffer the Tribunes to attempt; they were not afraid the Lictors would ever think of repreſenting them.

To explain, nevertheleſs, in what manner theſe Tribunes did ſometimes repreſent them, it will be ſufficient to conceive how government repreſents the ſovereign. The law being only a declaration of the general will, it is clear that the people cannot be repreſented in the legiſlative power; but they may, and ought to be, in the executive; which is only the application of power to law. And this makes it evident that, if we examine things to the bottom, we ſhall find very few nations that have any laws. But, be this as it may, it is certain that the Tribunes, having no part of the executive power, could not repreſent the Roman people, by virtue of their office, but only in uſurping thoſe of the ſenate.

Among the Greeks, whatever the people had to do, they did it in perſon; they were perpetually aſſembled in public. They inhabited a mild climate, were free from avarice, their ſlaves managed their domeſtic buſineſs, and their great concern was liberty. As you do not poſſeſs the ſame advantages, how can you expect to preſerve the ſame privileges? Your climate

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

mate being more ſevere, creates more wants *; for ſix months in the year your public ſquares are too wet or cold to be frequented; your hoarſe tongues cannot make themſelves heard in the open air; you apply yourſelves more to gain than to liberty, and are leſs afraid of ſlavery than poverty.

On this occaſion, it will probably be aſked me, if liberty cannot ſupport itſelf without the aſſiſtance of ſlavery? Perhaps not. At leaſt the two extremes approach very near. Whatever does not exiſt in nature, muſt have its inconveniences, and civil ſociety ſtill more than any thing elſe. There are ſome circumſtances ſo critically unhappy that men cannot preſerve their own liberty but at the expence of the liberty of others; and in which a citizen cannot be perfectly free without aggravating the ſubjection of his ſlaves. Such was the ſituation of Sparta. As for you, ye moderns, you have no ſlaves, but are ſlaves yourſelves, and purchaſe their liberty by your own. You may if you pleaſe boaſt of this preference; for my part, I find more meanneſs in it than humanity.

I do not intend, however, by this to inculcate that we ſhould have ſlaves, or that it is equitable to reduce men to a ſtate of ſlavery; having already proved the contrary. I am here only giving the reaſons why certain modern nations who imagine themſelves free, employ repreſentatives, and why the ancients did not.

* To adopt in cold countries the luxury and effeminacy of the Eaſt, is to appear deſirous of ſlavery, without having the ſame excuſe for ſubmitting to it.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

But let this be as it will, I affirm that when once a people make choice of repreſentatives, they are no longer free.

Every thing duly conſidered, I do not ſee a poſſibility of the ſovereign maintaining its rights, and the exerciſe of its prerogatives, for the future among us, unleſs the ſtate be indeed very ſmall. But if it be ſo very ſmall, will it not be liable to loſe its independency? No. I will make it hereafter appear in what manner the exterior power of a great people may be united with the policy and good order of a little one.

CHAP. XVI.

That the inſtitution of government is not a compact.

THE legiſlative power being once well eſtabliſhed, we proceed to ſettle the executive power in the ſame manner: for the latter, which operates only by particular acts, being eſſentially different from the other, is naturally divided from it. If it were poſſible for the ſovereign, conſidered as ſuch, to poſſeſs the executive power, the matter of right and fact would be ſo confounded, that we ſhould no longer be able to diſtinguiſh what is law and what is not; the body politic alſo being thus unnaturally ſituated, would ſoon become a prey to that violence, which it was originally inſtituted to correct.

The citizens being, by virtue of the ſocial compact, all equal, that which all may perform, all may preſcribe, whereas none can have a right

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

right to require another to do what he does not himſelf. Now it is properly this right, indiſpenſibly neceſſary to animate and put the body politic in motion, with which the ſovereign inveſts the prince in the inſtitution of government.

It has been pretended by ſome that the act forming this inſtitution, was a contract between the people and the chiefs of which they made choice: a contract in which the two parties ſtipulated the conditions on which the one obliged themſelves to command, and the other to obey. I am perſuaded every one will agree with me that this was a very ſtrange mode of contract. But let us ſee whether this opinion is in itſelf well founded.

In the firſt place, the ſupreme authority can no more modify or alter its form than it can alienate itſelf; to limit or reſtrain, would be to deſtroy it. It is abſurd and contradictory to ſay the ſovereign made choice of a ſuperior: to oblige itſelf to obey a maſter, is to diſſolve its own conſtitution, and reſtore its members to their natural liberty.

Again, it is plain that ſuch a ſuppoſed contract between the people in general and certain particular perſons would be a particular act; whence it follows that it would not be a law nor an act of ſovereignty, and of conſequence would be illegal.

It is farther evident, that the contracting parties would remain, reſpecting each other, ſimply under the laws of nature, without any ſecurity for the performance of their reciprocal engagements, a circumſtance totally repugnant to a ſtate of civil ſociety. The party only who

litic in motion, with which the

: a contract in which the two
e with me that this was a very

it. It is abſurd and contradictory
their natural liberty.

vhence it follows that it would

r the performance of their

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

might have the power, could enforce the execution of the terms; ſo that we might as well give the name of a contract, to the act of a man who ſhould ſay to another, "I give you my whole property, on condition that you will reſtore me juſt as much of it as you pleaſe."

There is but one compact in a ſtate, and that is the act of aſſociation, which alone is excluſive of every other; as it is impoſſible to imagine any ſubſequent public contract which would not be a violation of the original.

CHAP. XVII.

Of the inſtitution of government.

WHAT notion, then, are we to form of the act, by which government is inſtituted? In anſwer to this queſtion, I ſhall firſt remark that this act is complicated, or compoſed of two others, viz. the eſtabliſhment of the law and the execution of it.

By the firſt, the ſovereign enacts that a government ſhould be eſtabliſhed in ſuch or ſuch a form; and it is clear, this being a general act, that it is a law.

By the ſecond, the people name the chiefs who are to be charged with the adminiſtration of the government ſo eſtabliſhed. Now this nomination, being a particular act, is not a ſecond law, but only a conſequence of the firſt, and in reality an act of government.

The difficulty lies in being able to comprehend how an act of government can take place before the government exiſted, and how the people,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

people, who muſt be always either ſovereign or ſubjects, become prince or magiſtrate, in certain circumſtances.

We have here made a diſcovery of one of theſe aſtoniſhing properties of the body politic, by which it reconciles operations apparently contradictory to each other; this act being effected by a ſudden converſion of the ſovereignty into a democracy: ſo that, without any ſenſible change, and only by means of a new relation of all to all, the citizens, becoming magiſtrates, paſs from general acts to particular ones, and from enacting laws to the execution of them.

This change of relation is not a matter of mere ſpeculation, unexemplified in practice: it takes place very frequently in the parliament of England, where among the commons, the whole houſe is formed, on certain occaſions, into a committee, for the better enquiry into, and diſcuſſion of the matter in hand; the members become mere commiſſioners of the ſovereign court they conſtituted but a moment before. Agreeable to which, the enquiry being ended, they make a report to themſelves, as the houſe of Commons, of their proceedings as a grand committee, and deliberate anew under the former title on what they had already determined under the latter.

Such, indeed, is the peculiar advantage of a democratical government, that it is eſtabliſhed in fact by the ſimple act of the general will. After which, this proviſional government continues, if ſuch be the intended form; or eſtabliſhes, in the name of the ſovereign, the form of government adopted by law; and thus every thing proceeds according to order. It is im-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

poſſible to inſtitute a government in any other legal manner, without renouncing the principles before eſtabliſhed.

CHAP. XVIII.

Of the means of preventing the uſurpations of government.

FROM the foregoing illuſtrations reſults the confirmation of what is aſſerted in the XVIth chapter, viz. that the act which inſtitutes government is not a contract, but a law; that the depoſitories of the executive power are not the maſters, but the ſervants of the people; that the people may appoint or remove them at pleaſure; that they have no pretence to a contract with the people, but are bound to obey them; and that in accepting the offices the ſtate impoſes on them, they only diſcharge their duty as citizens, without having any ſort of right to diſpute the conditions.

When it ſo happens, therefore, that the people eſtabliſh an hereditary government, whether monarchical, and confined to one particular family, or ariſtocratical, and divided among a certain order of citizens, they do not enter thereby into any formal engagement; they only give the adminiſtration a proviſional form, which remains legal till they think proper to change it.

It is certain that ſuch changes are always dangerous, and that a government once eſtabliſhed ſhould not be meddled with, unleſs it be found incompatible with the public good; but

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

but this circumſpection is a maxim of policy, and not a matter of right. The ſtate, however, is no more bound to reſign the civil authority into the hands of its magiſtrates or chiefs, than the military authority into thoſe of its generals.

It is certain, alſo, that great care ſhould be taken to obſerve all thoſe formalities, which, in ſuch a caſe, are requiſite to diſtinguiſh a regular and legal act from a ſeditious commotion; to diſtinguiſh between the general will of a whole people and the clamours of a faction. In which latter caſe, a people are particularly obliged to give the beſt founded remonſtrances no farther countenance, than in the utmoſt ſtrictneſs of juſtice they may deſerve. Of this obligation, however, the prince may take great advantages, in order to preſerve his power in ſpite of the people, without running the riſk of being charged with uſurping it. For in appearing only to make uſe of his prerogatives, he may extend them, and under the pretence of maintaining the public peace, may prevent thoſe aſſemblies which might otherwiſe be calculated to re-eſtabliſh the good order of government: ſo that he might profit by that ſilence which he keeps from being broken, and by thoſe irregularities which he himſelf might cauſe to be committed; pleading in his favour the tacit approbation of thoſe whoſe fears keep them ſilent; and puniſhing thoſe who are bold enough to ſpeak. It was thus the *decemviri*, at firſt elected for one year only, and afterwards continued for another, attempted to perpetuate the duration of their power, by preventing the *Comitia* from aſſembling as uſual; and

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and it is by ſuch eaſy means that all the governments in the world, when once inveſted with power, uſurp ſooner or later the ſovereign authority.

Thoſe periodical aſſemblies, of which I have ſpoken above, are very proper to prevent, or protract, this misfortune, particularly when they require no formal convocation; for then the prince cannot prevent them without declaring himſelf openly a violator of the laws, and an enemy to the ſtate.

The opening of theſe aſſemblies, which have no other object than the preſervation of the ſocial contract, ought always to be made by two propoſitions, which can never be ſuppreſſed, and ſhould paſs ſeparately by vote.

FIRST; Whether it be the determination of the ſovereign to preſerve the preſent form of government.

SECOND; Whether it be the determination of the people to continue the adminiſtration in the hands of thoſe, who are at preſent charged with it.

It is to be obſerved, that I here take for granted, what I conceive has already been demonſtrated, viz. that there is no fundamental law in any ſtate, which ſuch ſtate cannot repeal, not excepting even the ſocial compact: for, ſhould all the citizens aſſemble with one accord to break this compact, it would undoubtedly be very legally diſſolved. Grotius even thinks that an individual may renounce the ſtate of which he is a member, and reſume his

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

his natural independence and property by leaving the country *. Now it would be very absurd to suppose that the whole body of citizens united, could not do that in concert, which any one of them might do separately.

* With this exception, however, that he does not fly, to elude his duty, and avoid serving his country on any emergency, when his service is required. In this case his flight would be criminal and highly deserving of punishment. It would not be a retreat but desertion.

The End of the THIRD BOOK.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

BOOK IV.

CHAP. I.

That the general will cannot be annihilated.

SO long as a number of individuals remain perfectly united and conſider themſelves as one body, they can have but one will; which relates to their common preſervation and welfare. All the reſources of the ſtate, are then ſimple and vigorous, its political maxims clear and obvious; it comprehends no intricate and oppoſite intereſts; but that of the public is demonſtrably evident to all, and requires only the gift of common-ſenſe to underſtand it. Peace, concord, and equality are enemies to political refinements. When men are honeſt, and ſimple, their very ſimplicity prevents their deception; they are not to be impoſed on by ſophiſtry, but are too artleſs even to be duped. When it is known, that, among the happieſt people in the world, a number of peaſants meet together under the ſhade of an oak, and regulate the affairs of ſtate, with the moſt prudential œconomy, is it poſſible to forbear deſpiſing the refinements of other nations, who employ ſo much artifice and myſtery to render themſelves ſplendidly miſerable?

A ſtate thus ſimply governed hath need of but few laws, while in proportion as it becomes neceſſary to promulgate new ones, that neceſſity

All the reſources of the ſtate, are
de monſtrably evident to all, and
honeſt, and ſimple, their very
among the happieſt people in the
it poſſible to forbear deſpiſing

y

"Des troupes de paysans réglent les affaires de l'état sous un chêne".

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

is univerſally apparent. The firſt perſon who propoſes them, takes on himſelf to ſpeak only what every one hath already thought; and neither eloquence nor intrigue is requiſite to make that paſs into a law, which every one had already reſolved to do, as ſoon as he ſhould be aſſured others would do the ſame.

That which deceives our reaſoners on this ſubject, is, that, ſeeing none but ſuch ſtates as were badly conſtituted at their beginning, they are ſtruck with the impoſſibility of maintaining ſuch a police in them. They ſmile to think of the abſurdities, into which a deſigning knave or inſinuating orator might lead the people of Paris and London. They are not apprized that a Cromwell, and a Beaufort, would have been treated as incendiaries at Berne and Geneva, and have underwent the diſcipline due to their demerit.

But when the bonds of ſociety begin to relax, and the ſtate to grow weak; when the private intereſts of individuals begin to appear, and that of parties to influence the ſtate, the objects of public good meet with oppoſition; unanimity no longer preſides in the aſſemblies of the people; the general will is no longer the will of all; contradictions and debates ariſe, and the moſt ſalutary counſel is not adopted without diſpute.

Again, when the ſtate is bordering on ruin, and exiſts only in empty form, when the ſocial tie no longer connects the hearts of the people, when the baſeſt motives of intereſt impudently aſſume the ſacred name of the public good; then is the general will altogether ſilent; individuals, actuated by private motives, cheriſh

no

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

no more the ſentiments of citizens, than if the ſtate had never exiſted, while the mock legiſlature paſs, under the name of laws, thoſe iniquitous decrees which have no other end than private intereſt.

Doth it follow from hence, however, that the general will is annihilated or corrupted? No. This remains ever conſtant, invariable, and pure; though it is ſubjected to that of party. There is not an individual who doth not ſee, while he detaches his own intereſt from that of the public, that he cannot ſeparate himſelf from it entirely: but his ſhare in the common evil ſeems nothing in compariſon to the good which he propoſes to ſecure excluſively to himſelf. Setting this motive aſide, he is as ready to concur in meaſures for the good of the public, and that even for his own ſake as any one. Nay, even in ſelling his vote, he doth not loſe all ſenſe of the general will; he only eludes it. The fault he is guilty of, lies in changing the ſtate of the queſtion, and making an anſwer to what is not aſked him; ſo that, inſtead of admitting by his vote, *that it is to the intereſt of the ſtate*, he ſays, *it is to the intereſt of ſuch an individual or ſuch a party, that this or that law ſhould paſs.* Thus the order which ſhould prevail in the public aſſemblies of the ſtate, ſhould not be calculated ſo much to preſerve the general will inviolate, as to cauſe it to be always interrogated, and to make it anſwer.

I might here make a variety of reflections on the ſimple right of voting in every act of the ſovereignty; a right which the citizens cannot be deprived of: as alſo on the rights of thinking, propoſing and debating on public matters;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

matters; privileges which government is ever ſolicitous enough to confine to its own members. This ſubject, however, is of importance enough to deſerve a whole treatiſe of itſelf; and it is impoſſible for me to ſay every thing in the preſent.

CHAP. II.

On Votes.

IT is evident, from what has been ſaid in the preceding chapter, that the manner in which public affairs are carried on, may afford a ſure indication of the actual ſtate of manners, and the health of the body politic. The more concord there is in public aſſemblies, that is to ſay, the nearer the members approach to unanimity in giving their votes, the more prevalent is the general will among them: but long debates, diſſentions and commotions, evince the aſcendency of particular intereſts and the decline of the ſtate.

This appears leſs evident, indeed, when two or more orders of men, enter into the conſtitution; as at Rome, where the quarrels of the Patricians and Plebeians occaſioned frequent diſturbances in the *Comitia*, even in the moſt flouriſhing times of the republic. This exception, however, is more apparent than real: as in that caſe there exiſts, by a defect inherent in the body politic, two ſtates in one; and that which is not true of both together, may nevertheleſs be true of each apart. It is alſo true in fact that, even during the moſt turbulent times of the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the republic, the decrees of the Plebeians, when the Senate did not intermeddle, were paſſed with great tranquillity agreeable to the plurality of voices. The citizens having but one common intereſt, the people could have but one will.

Unanimity returns again at the oppoſite extremity of the circle; and this is where the citizens, reduced to ſlavery, have neither liberty nor will. In ſuch a ſituation, fear and flattery pervert their votes into acclamations; they no longer deliberate among themſelves; but either adore or curſe their tyrants. Such were the debaſed principles of the Senate under the Roman emperors. Under theſe circumſtances alſo, the ſentiments of the public were frequently expreſſed, with the moſt ridiculous precaution; Tacitus obſerving that, under Otho, the Senators, while they loaded Vitellius with execrations, they affected at the ſame time to make a confuſed and clamorous noiſe, in order to prevent his knowing, ſhould he become their maſter, what any individual had ſaid.

From theſe conſiderations may be deduced the maxims, on which the manner of counting votes, and comparing different ſuffrages, ſhould be regulated, according as the general will is more or leſs eaſy to be diſcovered, and the ſtate more or leſs advanced towards its decline. There is but one law, which in its own nature, requires unanimous conſent: and this is the ſocial compact. For civil aſſociation is the moſt voluntary act in the world: every man being born free, and maſter of himſelf, no one can lay him under reſtraint, or any pretence whatever, without his own conſent. To affirm that the

ſon.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſon of a ſlave is born a ſlave, is to affirm he is not born a man.

If there be any perſons, however, who oppoſe this contract itſelf, their oppoſition does not invalidate that contract; it only hinders their being comprehended therein; and they remain aliens in the midſt of citizens. When a ſtate is formed, a conſent to its inſtitution is inferred by the reſidence of the party: to ſubmit to reſidence in any country is to ſubmit to its ſovereignty *.

If we except this primitive contract, the determination of the majority is always obligatory on the reſt: this is a neceſſary conſequence of the contract itſelf. But it may be aſked, how can a man be free, and yet be obliged to conform to the will of others. How can the members of an oppoſition be called free-men, who are compelled to ſubmit to laws which they have not conſented to? I anſwer that this queſtion is not properly ſtated. The citizen conſents to all laws paſſed by a majority, though ſome of them in particular may have paſſed contrary to his inclination; nay he conſents to thoſe by which he is puniſhable for the breach of any one. The conſtant will of all the members of a ſtate, is the general will; and it is

* This muſt always be underſtood, however, of a free ſtate, from which people have the liberty to depart with their effects at pleaſure. For in others the conſideration of their family, their property, the want of an aſylum, neceſſity or violence, may detain an inhabitant in a country contrary to his will; in which caſe, his ſimple reſidence neither implies his conſent to the contract, nor his violation of it.

this

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

this alone that makes them either citizens or freemen *. When a law is propoſed in the aſſembly of the people, they are not preciſely demanded, whether they ſeverally approve or reject the propoſition; but whether it be conformable or not to the general will, which is theirs as a collective body; each perſon, therefore, in giving his vote declares his opinion on this head, and on counting the votes, the declaration of the general will, is inferred from the majority. When a law thus paſſes contrary to my opinion, it proves nothing more than that I was miſtaken, and that I concluded the general will to be what it really was not. So that, if my particular advice had been followed, it would have been contrary to my will, which as a citizen is the ſame as the general, and in that caſe I ſhould not have been free.

This argument ſuppoſes, indeed, that all the characteriſtics of the general will, are contained in the plurality of votes: and when this ceaſes to be the caſe, take what courſe you will, there is an end of liberty.

In having ſhewn how the will of particulars and parties is ſubſtituted for the general, in public deliberations, I have already ſufficiently pointed out the practicable means of preventing

* At Genoa we ſee the word *Libertas* inſcribed on the chains of the galley ſlaves, and on the doors of the priſoners: the application of which device is beautiful and juſt; as it is in fact only the criminals of all ſtates that infringe the liberty of the citizen. A country, whoſe malefactors ſhould be all actually chained to the oar, would be a country of the moſt perfect liberty.

ſuch

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ave alſo laid down the
ity there is a variety of
eneral maxims, which may
ch to unanimity: the other is,
ermined, the majority of a
this as it may, it is from their
ral will.is

ſuch abuſes; of this, however, I ſhall ſpeak further hereafter. With regard to the proportional number of votes that indicate this general will, I have alſo laid down the principles on which it may be determined. The difference of a ſingle voice is enough to break the unanimity; but between unanimity and an equality there is a variety of proportions; to each of which the number in queſtion may be applied, according to the circumſtances of the body politic.

There are two general maxims, which may ſerve to regulate theſe proportions: the one is, that the more grave and important the deliberations, the nearer ought the determination to approach to unanimity: the other is, that the more expedition the affair requires, the leſs ſhould unanimity be inſiſted on. In deliberations where the matter ſhould be immediately determined, the majority of a ſingle vote ſhould be ſufficient. The firſt of theſe maxims ſeems moſt applicable to permanent laws, and the ſecond to matters of buſineſs. But be this as it may, it is from their judicious combination, that the beſt proportions muſt be deduced, concerning that plurality in whoſe votes ſhould be ſuppoſed to conſiſt the general will.

CHAP. III.

Of Elections.

WITH regard to the election of a prince or of magiſtrates, which, as I before obſerved, is a complicated act; there are two methods of proceeding; viz. by choice and by lot.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

lot. They have each been made uſe of in different republics; and we ſee in our own times, a very intricate mixture of both in the election of the doge of Venice.

The preference by lot, ſays Monteſquieu, *is of the nature of a democracy.* This I admit, but not for the reaſons given. *The choice by lot*, ſays he, *is a method which offends no body; by permitting each citizen to entertain the reaſonable hope of being preferred to the ſervice of his country.*

This, however, is not the true reaſon. If we reflect that the election of chiefs is a function of government and not of the ſovereignty, we ſhall ſee the reaſon why this method is of the nature of a democracy, in which the adminiſtration is ſo much the better, as its acts are fewer.

In every real democracy the office of magiſtrate is not advantageous but expenſive and burthenſome, ſo that it were unjuſt to impoſe it on one perſon rather than another. The law, therefore, impoſes that charge on him, to whoſe lot it falls. For in this caſe, all ſtanding an equal chance, the choice doth not depend on human will, nor can any particular application change the univerſality of the law.

In an ariſtocracy the prince makes choice of the prince; and, the government providing for itſelf, here it is that votes are properly applicable. The apparent exception, in the election of the doge of Venice, confirms this diſtinction, inſtead of deſtroying it: ſuch a mixt form as is uſed by the Venetians is adapted to a mixt government. For it is a miſtake to ſuppoſe the government of Venice a true ariſtocracy. If the lower order of people, indeed, have

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

have no ſhare in the government, the nobility ſtand in their place, and become the people in reſpect to the adminiſtration. What a number is there of the inferior order of nobles, who ſtand no chance of ever getting into the magiſtracy, and reap no other advantage from their rank than the empty title of Excellency, and the privilege of ſitting in the great Council. This great council being as numerous as our general council at Geneva, its illuſtrious members have no greater privileges therefore than our ordinary citizens. It is certain, that ſetting aſide the extreme diſparity of the two republics, the burghers of Geneva repreſent exactly the Patricians of Venice; our natives and ſojourners repreſent the citizens and people, and our peaſants the inhabitants of the *terra firma* belonging to that ſtate. In a word, conſider their Venetian republic in what light you will, abſtracted from its grandeur, its government is no more ariſtocratical than that of Geneva. All the difference is that we have no occaſion for this kind of election.

The choice by lot, is attended with very little inconvenience in a real democracy, when all men being nearly on an equality, as well with regard to manners and abilities, as to ſentiments and fortune, the matter of choice is indifferent. But I have already obſerved a true democracy is only imaginary.

When the election is of a mixt form, viz. by vote and by lot, the firſt ought to provide for thoſe officers which require proper talents, as in military affairs; the other being beſt adapted to thoſe which require only common ſenſe, honeſty and integrity; ſuch as the offices of judicature;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

judicature; becauſe in a well-formed ſtate, thoſe qualities are poſſeſſed by all the citizens in common.

No election either by vote or lot, hath place under a monarchical government; the monarch himſelf being the only rightful prince and legal magiſtrate, the choice of his ſubſtitute is veſted in him alone. When the Abbé de St. Pierre, therefore, propoſed to increaſe the number of the king's councils in France, and to elect their members by ballot, he was not aware that he propoſed to change the form of the French government.

It remains to ſpeak of the manner of giving and collecting votes in popular aſſemblies; but, perhaps, an hiſtorical ſketch of the Roman police relating to this point, will explain it better than all the maxims I ſhould endeavour to eſtabliſh. It is worth the pains of a judicious reader, to attend a little particularly to the manner, in which they treated affairs, both general and particular, in a council of two hundred thouſand perſons.

CHAP. IV.

Of the Roman Comitia.

WE have no authentic monuments of the earlieſt ages of Rome; there is even great reaſon to believe that moſt of the ſtories told us of them are fabulous *; and indeed, the

* The name of *Rome*, which it is pretended was taken from *R mulus*, is Greek, and ſignifies *force*; the name of Numa is Greek alſo, and ſignifies *law*.

What

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the moſt intereſting and inſtructive part of the annals of nations in general, which is that of their eſtabliſhment, is the moſt imperfect. Experience daily teaches us to what cauſes are owing the revolutions of kingdoms and empires; but as we ſee no inſtances of the original formation of ſtates, we can only proceed on conjectures in treating this ſubject.

The cuſtoms we find actually eſtabliſhed, however, ſufficiently atteſt, there muſt have been an origin of thoſe cuſtoms. Thoſe traditions, alſo, relating to ſuch origin, which appear the moſt rational, and of the beſt authority, ought to paſs for the moſt certain. Theſe are the maxims I have adopted in tracing the manner in which the moſt powerful and free people in the univerſe, exerciſed the ſovereign authority.

After the foundation of Rome, the riſing republic, that is to ſay, the army of the founder, compoſed of Albans, Sabines and foreigners, was divided into three claſſes; which, from that diviſion, took the name of tribes. Each of theſe tribes was ſubdivided into ten *Curiæ*, and each *Curia* into *decuriæ*, at the head of which were placed chiefs reſpectively denominated *curiones* and *decuriones*.

Beſide this, there were ſelected from each tribe a body of an hundred cavaliers or knights, called *centurions*; by which it is evident that theſe diviſions, not being eſſential to the good order of a city, were at firſt only military. But it ſeems as if the preſaging inſtinct of future

What probability is there that the two firſt kings of this city ſhould have been called by names ſo expreſſive of their future actions?

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

greatneſs, induced the little town of Rome to adopt at firſt a ſyſtem of police proper for the metropolis of the world.

From this primitive diviſion, however, there ſpeedily reſulted an inconvenience. This was that the tribe of Albans, and that of the Sabines always remaining the ſame, while that of the ſtrangers was perpetually encreaſing by the concourſe of foreigners, the latter ſoon ſurpaſſed the number of the two former. The remedy which Servius applied to correct this dangerous abuſe was to change the diviſion; and to ſubſtitute, in the room of diſtinction of race, which he aboliſhed, another taken from the parts of the town occupied by each tribe. Inſtead of three tribes, he conſtituted four; each of which occupied one of the hills of Rome, and bore its name. Thus by removing this inequality for the preſent, he prevented it alſo for the future; and in order that ſuch diviſion ſhould not only be local but perſonal, he prohibited the inhabitants of one quarter of the city, from removing to the other, and thereby prevented the mixture of families.

He doubled alſo the three ancient centuries of cavalry, and made an addition of twelve others, but always under their old denomination; a ſimple and judicious method, by which he compleatly diſtinguiſhed the body of knights from that of the people, without exciting the murmurs of the latter.

Again, to theſe four city tribes, Servius added fifteen others, called ruſtic tribes, becauſe they were formed of the inhabitants of the country, divided into as many cantons. In the ſequel were made an equal number of new diviſions, and

nes always remaining the ſame, while
e remedy which Servius applied to
her taken from the parts of the town
. Thus by removing this inequality for
inhabitants of one quarter of the city,
enturies of cavalry, dand made an
ed the body of knights from that of the

ntry, divided into as many cantons.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and the Roman people found themſelves divided into thirty-five tribes; the number at which their diviſions remained fixed, till the final diſſolution of the republic.

From the diſtinction between the tribes of city and country, reſulted an effect worthy of obſervation; becauſe we have no other example of it, and becauſe Rome was at once indebted to it for the preſervation of its manners and the increaſe of its empire. It might be conceived the city tribes would ſoon arrogate to themſelves the power and honours of the ſtate, and treat the ruſtics with contempt. The effect, nevertheleſs, was directly contrary. The taſte of the ancient Romans for a country life is well known. They derived this taſte from the wiſe inſtitutor, who joined to liberty the labours of the peaſant and the ſoldier, and conſigned, as it were, to the city, the cultivation of the arts, trade, intrigue, fortune and ſlavery.

Thus the moſt illuſtrious perſonages of Rome, living in the country, and employing themſelves in the buſineſs of agriculture, it was among theſe only the Romans looked for the defenders of their republic. This ſtation, being that of the moſt worthy patricians, was held in univerſal eſteem: the ſimple and laborious life of the villager was preferred to the mean and lazy life of the citizen; and a perſon who, having been a labourer in the country, became a reſpectable houſe-keeper in town, was yet held in contempt. It is with reaſon, ſays Varro, that our magnanimous anceſtors eſtabliſhed in the country the nurſery for thoſe robuſt and brave men, who defended them in time of war and cheriſhed them in peace. Again, Pliny ſays in

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

expreſs terms, the country tribes were honoured becauſe of the perſons of which they were compoſed; whereas ſuch of their individuals as were to be treated with ignominy, were removed into the tribes of the city. When the Sabine, Appius Claudius, came to ſettle in Rome, he was loaded with honours, and regiſtered in one of the ruſtic tribes, which afterwards took the name of his family. Laſtly, the freed-men were all entered in the city tribes, never in the rural; nor is there one ſingle inſtance, during the exiſtence of the republic, of any one of theſe freedmen being preferred to the magiſtracy, although become a citizen.

This was an excellent maxim, but was carried ſo far, that it effected an alteration, and undoubtedly an abuſe in the police of the ſtate.

In the firſt place, the Cenſors, after having long arrogated the right of arbitrarily removing the citizens from one tribe to another, permitted the greater part to regiſter themſelves in whatever tribe they pleaſed; a permiſſion that could ſurely anſwer no good end, and yet it deprived theſe officers of one of their ſevereſt methods of cenſure. Beſides, as the great and powerful thus got themſelves regiſtered in the rural tribes; and the freedmen, with the populace, only filled up thoſe of the city; the tribes in general had no longer a local diſtinction; but were ſo ſtrangely mixed and jumbled together, that their reſpective members could be known only by appealing to the regiſters; ſo that the idea attached to the word tribe, was changed from real to perſonal, or rather became altogether chimerical.

It happened alſo that the tribes of the city, being

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

being nearer at hand, had generally the greateſt influence in the *Comitia*, and made a property of the ſtate, by ſelling their votes to thoſe who were baſe enough to purchaſe them.

With regard to the *Curiæ*, ten having been inſtituted in each tribe, the whole Roman people, included within the walls, made up thirty *Curiæ*, each of which had their peculiar temples, their gods, officers and feaſts called *Compitalia*, reſembling the *paganalia*, afterwards inſtituted among the ruſtic tribes.

At the new diviſion made by Servius, the number thirty not being equally diviſible among the four tribes, he forbore to meddle with this mode of diſtribution; and the Curiæ, thus independent of the tribes, formed another diviſion of the inhabitants. No notice, however, was taken of the Curiæ, either among the ruſtic tribes, or the people compoſing them; becauſe the tribes becoming a mere civil eſtabliſhment, and another method having been introduced for raiſing the troops, the military diſtinctions of Romulus were dropt as ſuperfluous. Thus, though every citizen was regiſtered in ſome tribe, yet many of them were not included in any *curia*. Servius made ſtill a third diviſion, which had no relation to the two former, and became in its conſequences the moſt important of all. He divided the whole Roman people into ſix claſſes, which he diſtinguiſhed, neither by perſons nor place, but by property. Of theſe the higher claſſes were filled by the rich, the lower by the poor, and the middle claſſes by thoſe of middling fortunes. Theſe ſix claſſes were ſubdivided into one hundred ninety-three other bodies called centuries; and theſe were

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

again ſo diſtributed that the firſt claſs alone comprehended more than half the number of centuries, and the laſt claſs only one ſingle century. In this method the claſs that contained the feweſt perſons, had the greater number of centuries; and the laſt claſs was eſteemed only a ſubdiviſion, although it contained more than half the inhabitants of Rome.

In order that the people ſhould penetrate leſs into the deſign of this latter form of diſtribution, Servius affected to give it the air of a military one. In the ſecond claſs he incorporated two centuries of armourers, and annexed two inſtruments of war to the fourth. In each claſs, except the laſt, he diſtinguiſhed alſo between the young and the old, that is to ſay, thoſe who were obliged to bear arms, from thoſe who were exempted from it on account of their age; a diſtinction which gave more frequent riſe to the repetition of the *cenſus* or enumeration of them, than even the ſhifting of property: laſtly, he required their aſſembly to be made on the *Campus Martius*, where all thoſe who were of age for the ſervice were to appear under arms.

The reaſon, why he did not purſue the ſame diſtinction of age in the laſt claſs, was, that the populace, of which it was compoſed, were not permitted to have the honour of bearing arms in the ſervice of their country. It was neceſſary to be houſe-keepers, in order to attain the privilege of defending themſelves. There is not one private centinel perhaps, of all thoſe innumerable troops, that make ſo brilliant a figure in the armies of modern princes, who would not, for want of property, have been

driven

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

driven out with diſdain from a Roman Cohort, when ſoldiers were the defenders of liberty.

In the laſt claſs, however, there was a diſtinction made between what they called *proletarii* and thoſe denominated *capite cenſi*. The former, not quite reduced to nothing, ſupplied the ſtate at leaſt with citizens, and ſometimes on preſſing occaſions with ſoldiers. As to thoſe, who were totally deſtitute of ſubſtance, and could be numbered only by capitation, they were diſregarded as nothing; Marius being the firſt who deigned to enroll them.

Without taking upon me here to decide, whether this third ſpecies of diviſion be in itſelf good or ill; I may venture ſafely to affirm, that nothing leſs than that ſimplicity of manners, which prevailed among the ancient Romans, their diſintereſtedneſs, their taſte for agriculture, their contempt for trade and the thirſt of gain, could have rendered it practicable. Where is the nation among the moderns, in which voracious avarice, a turbulence of diſpoſition, a ſpirit of artifice, and the continual fluctuation of property, would permit ſuch an eſtabliſhment to continue for twenty years without overturning the ſtate? Nay it muſt be well obſerved that the purity of the Roman manners, and the force of a cenſure more efficacious than the inſtitution itſelf, ſerved to correct the defects of it at Rome, where a rich man was often removed from his own claſs and ranked among the poor, for making an improper parade of his wealth.

It is eaſy to comprehend from this, why mention is hardly ever made of more than five claſſes, though there were in reality ſix. The

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſixth, furniſhing neither the army with ſoldiers, nor the *Campus Martius* * with voters, and being of hardly any uſe in the republic, was hardly ever accounted any thing.

Such were the different diviſions of the Roman people. We will now examine into the defects, of which they were productive, in their aſſemblies. Theſe aſſemblies, when legally convoked, were denominated *Comitia*, and were held in the *Campus Martius* and other parts of Rome; being diſtinguiſhed into *curiata*, *centuriata*, and *tributa*, according to the three grand diviſions of the people into *Curiæ*, *Centuries*, and *Tribes*. The *Comitia curiata* were inſtituted by Romulus, the *Centuriata* by Servius, and the *Tributa* by the tribunes of the people. Nothing could paſs into a law, nor could any magiſtrate be choſen but in the *Comitia*; and as there was no citizen who was not enrolled in a *Curia*, *Century*, or *Tribe*, it follows that no citizen was excluded from giving his vote; ſo that the Roman people were truly ſovereign both in right and fact.

To make the aſſembly of the *Comitia* legal, and give their determinations the force of laws, three conditions were requiſite. In the firſt place, it was neceſſary that the magiſtrate or body convoking them, ſhould be inveſted with proper authority for ſo doing: Secondly, that the aſſembly ſhould occur on the days permitted

* I ſay the *Campus Martius*, becauſe it was there the *Comitia* aſſembled by centuries; in the two other forms, they aſſembled in the *forum* and other places, where the *capite cenſi* had as much influence and importance as the principal citizens.

by

by law; and thirdly, that the augurs ſhould be favourable to their meeting.

The reaſon of the firſt condition needs no explanation: The ſecond is an affair of police; thus it was not permitted the *Comitia* to aſſemble on market days, when the country people, coming to Rome on buſineſs, would be prevented from tranſacting it. By the third, the Senate kept a fierce and turbulent multitude under ſome reſtraint, and opportunely checked the ardour of the ſeditious tribunes; the latter, however, found more ways than one to elude the force of this expedient.

But the laws and the election of the chiefs were not the only matters ſubmitted to the determination of the *Comitia*: the Roman people having uſurped the moſt important functions of government, the fate of Europe might be ſaid to depend on their aſſemblies. Hence the variety of objects that came before them, gave occaſion for divers alterations in the form of theſe aſſemblies, according to the nature of thoſe objects.

To judge of theſe diverſities, it is ſufficient to compare them together. The deſign of Romulus in inſtituting the *Curiæ*, was to reſtrain the Senate by means of the people, and the people by the Senate, while he himſelf maintained his influence equally over both. By this form, therefore, he gave to the people all the authority of number to counterbalance that of power and riches, which he left in the hands of the Patricians. But, agreeable to the ſpirit of monarchy, he gave more advantage to the Patricians, by the influence of their clients to obtain the majority of votes. This admirable in-

mble on market days, multitude under ſome edient.

d the moſt important occaſion for divers

by means of the people, uthority of number to ntage to the Patricians, by

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſtitution of patrons and clients, was a maſterpiece of politics and humanity, without which the order of Patricians, ſo contrary to the ſpirit of the republic, could not have ſubſiſted. Rome alone hath the honour of giving to the world this fine example, of which no abuſe is known to have been made, and which nevertheleſs hath never been adopted by other nations.

This diviſion by *Curiæ* having ſubſiſted under the kings till the time of Servius, and the reign of the laſt *Tarquin* being accounted illegal, the regal laws came hence to be generally diſtinguiſhed by the name of *leges curiatæ*.

Under the republic, the *Curiæ*, always confined to the four city tribes, and comprehending only the populace of Rome, could not arrive either at the honour of ſitting in the Senate, which was at the head of the Patricians, or at that of being Tribunes, which, notwithſtanding they were Plebeians, were yet at the head of the citizens in eaſy circumſtances. They fell, therefore, into diſcredit, and were reduced to ſo contemptible a ſtate that their thirty Lictors aſſembled to do the whole buſineſs of the *Comitia curiata*.

The diviſion by *centuries*, was ſo favourable to ariſtocracy, that it is not at firſt eaſy to comprehend why the Senate did not always carry their point in the *Comitia centuriata*, by which the Conſuls, Cenſors, and Prætors were choſen. It is in fact certain, that out of the hundred and ninety-three centuries, forming the ſix claſſes of the whole Roman people, the firſt claſs containing ninety-eight of them, and the votes being reckoned only by centuries, this firſt claſs alone had more votes than all the others. When the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the centuries of this claſs, therefore, were found to be unanimous, they proceeded no farther in counting votes; whatever might be determined by the minority being conſidered as the opinion of the mob. So that it might be juſtly ſaid, that in the *Comitia centuriata* matters were carried rather by the greater quantity of money, than the majority of votes.

But this extreme authority was moderated by two cauſes. In the firſt place the Tribunes, generally ſpeaking, and always a conſiderable number of wealthy citizens, being in this claſs of the rich, they counterpoized the credit of the Patricians in the ſame claſs. The ſecond cauſe lay in the manner of voting, which was this; the centuries, inſtead of voting according to order, beginning with the firſt in rank, caſt lots which ſhould proceed firſt to the election. And to this the century whoſe lot it was, proceeded * alone; the other centuries being called upon another day to give their votes according to their rank, when they repeated the ſame election, and uſually confirmed the choice of the former. By this method the preference of rank was ſet aſide, in order to give it according to lot, agreeable to the principles of democracy.

There is another advantage reſulting from this cuſtom; which is that the citizens reſiding in the country had time between the two elections to inform themſelves of the merit of the candidates thus proviſionally nominated; by

* The century thus preferred by lot was called *præ rogativa*; becauſe it was the firſt whoſe ſuffrage was demanded; and hence is derived the word *prerogative*.

which

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

which means they might be better enabled to give their vote. But under the pretence of expediting affairs, this cuſtom was in time aboliſhed, and the two elections were made the ſame day.

The *Comitia by Tribes*, were properly ſpeaking the great council of the Roman people. Theſe were convoked only by the Tribunes; by theſe alſo the Tribunes were choſen, and by theſe the *plebiſcita* or laws of the people were paſſed. The Senators were not only deſtitute of rank in theſe aſſemblies; they had not even the right to be preſent at them; but, obliged to pay obedience to laws in the enacting of which they had no vote, they were in that reſpect leſs free than the loweſt citizens. This injuſtice, however, was very ill underſtood, and was in itſelf alone ſufficient to invalidate the decrees of a body, whoſe members were not all admitted to vote. Had all the Patricians aſſiſted at theſe *Comitia*, as they had a right, in quality of citizens, they could have had no undue influence where every man's vote was equal, even from the loweſt of the people to the higheſt perſonage of the ſtate.

It is evident, therefore, that, excluſive of the good order that reſulted from theſe ſeveral diviſions, in collecting the votes of ſo numerous a people, the form and method of theſe diviſions were not indifferent in themſelves; each being productive of effects, adapted to certain views in regard to which it was preferable to any other.

But without entering into a more circumſtantial account of theſe matters, it is plain from what hath been advanced, that the *Comitia tributa*

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

bunata were the moſt favourable to a popular government, and the *Comitia centuriata* to an ariſtocracy. With reſpect to the *Comitia curiata* of which the populace formed the majority, as they were good for nothing but to favour tyrannical deſigns, they remained in this contemptible ſtate, into which they were fallen; even the contrivers of ſedition themſelves not chuſing to employ means, which muſt have expoſed too openly their deſigns. It is very certain that all the majeſty of the Roman people was diſplayed only in the *Comitia centuriata*, which only were compleat; the *curiata* wanting the ruſtic Tribes, and the *tribunata* the Senate and Patricians.

With regard to the method of collecting the votes, it was, among the primitive Romans, ſimple as their manners, though ſtill leſs ſimple than that of Sparta. Every one gave his vote aloud, which the regiſter took down in writing; the plurality of votes in each tribe, determined the vote of that tribe, and the plurality of votes in the tribes determined the ſuffrage of the people. In the ſame manner alſo they proceeded with regard to the *Curiæ* and the centuries. This cuſtom was a very good one, ſo long as integrity prevailed among the citizens, and every one was aſhamed to give his public ſanction to an unworthy perſon or cauſe. But when the people grew corrupt and ſold their votes, it became neceſſary to make them give their votes more privately, in order to reſtrain the purchaſers by diſtruſt, and afford knaves an expedient to avoid being traitors.

I know that Cicero cenſures this alteration, and attributes to it in a great degree the ruin of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

of the republic. But, though I am ſenſible of all the weight of Cicero's authority in this caſe, I cannot be of his opinion. I conceive, on the contrary, that the ruin of the ſtate would have been accelerated, had the Romans neglected making this alteration. As the regimen of people in health, is not proper for the ſick, ſo it is abſurd to think of governing a corrupt people by the ſame laws as were expedient for them before they were corrupted. There cannot be a ſtronger proof of this maxim, than the duration of the republic of Venice, the ſhadow of which ſtill exiſts, ſolely becauſe its laws are adapted only to bad men.

On this change in the manner of voting, tablets were diſtributed among the citizens, by means of which they could give their ſuffrage without its being known. On this occaſion other methods were of courſe made uſe of in collecting votes, ſuch as counting the number of voices, comparing it with that of the tablets, &c. Not that theſe methods were ſo effectual as to prevent the returning officers * from being often ſuſpected of partiality: and it is plain in the ſequel, by the multiplicity of laws made to prevent bribery and corruption in elections, that they could not effect this point.

Toward the decline of the republic, recourſe was had to very extraordinary expedients, to make up for the inſufficiency of the laws. Prodigies were ſometimes played off with ſucceſs; but this ſcheme, though it impoſed on the multitude, did not impoſe on thoſe who influenced them. Sometimes aſſemblies were called ſud-

* Cuſtodes, ditibitores, rogatores ſuffragiorum.

denly,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

denly, and in great haſte, that the candidates might not have time to create an undue intereſt: at others again the whole ſeſſions was ſpent in declamation, when it was ſeen that the people were biaſſed to take a wrong ſide. At length, however, ambition eluded all theſe precautions; and it is almoſt incredible that, in the midſt of ſo many abuſes, this immenſe people ſtill continued, by virtue of their ancient laws, to elect their magiſtrates, to paſs laws, to judge cauſes, and to expedite both public and private affairs, with as much facility as could have been done in the Senate itſelf.

CHAP. V.

On a Tribunate.

WHEN it is impracticable to eſtabliſh an exact proportion between the component parts of a ſtate, or that inevitable cauſes perpetually operate to change their relations, a particular magiſtracy is inſtituted which, not incorporating with the reſt, replaces every term in its true relation, and conſtitutes in itſelf a due medium either between the prince and the people, between the prince and the ſovereign, or, in caſes of neceſſity, at once between both.

This body, which I ſhall call a *Tribunate*, is the preſerver of the laws and of the legiſlative power. It ſerves ſometimes to protect the ſovereign againſt the government, as the tribunes of the people did at Rome; ſometimes to protect the government againſt the people, as at preſent the council of the *ten* do at Venice; and

again

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

again at others to maintain an equilibrium both on the one part and the other, as did the Ephori at Sparta.

The Tribunate is not a conſtitutional part of the city, and ought not, therefore, to have any ſhare in the legiſlative or executive power: even in this, however, its own is much greater: for being able to do nothing itſelf, it may prevent any thing from being done by others. It is more ſacred and revered, as defender of the laws, than the prince who executes them, or the ſovereign who enacts them. This was very evident at Rome, when the haughty Patricians, who always deſpiſed the people collectively, were nevertheleſs obliged to give place to their common officers, without command or juriſdiction.

The Tribunate when judiciouſly moderated is the firmeſt ſupport of a good conſtitution; but if it have ever ſo little aſcendency of power, it ſubverts every thing. With regard to its weakneſs, it is not natural to it; for, provided it have any exiſtence at all, it can never have too little power.

It degenerates into tyranny when it uſurps the executive power, of which it is only the moderator, and when it would interpret the laws which it ſhould only protect. The enormous power of the Ephori, which was exerciſed without danger, while Sparta retained its purity of manners, ſerved only to increaſe the corruption of them when once begun. The blood of Agis ſpilt by thoſe tyrants was revenged by his ſucceſſor: the crime and the puniſhment of the Ephori accelerated equally the ruin of that republic; for after the time of Cleomenes

Sparta

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Sparta was nothing. The deſtruction of the Roman republic was effected in the ſame manner: the exceſſive power which the Tribunes by degrees uſurped, ſerved at length, with the help of the laws made in defence of liberty, as a ſecurity to the Emperors who deſtroyed it. As for the council of *ten* at Venice; it is a moſt ſanguinary tribunal, equally horrible to the Patricians and the people, and which is ſo far from openly protecting the laws, that it now ſerves but ſecretly to effect the breach of them.

The Tribunate is enfeebled, as well as the government, by increaſing the number of its members. When the Roman Tribunes, at firſt two, and afterwards five, had a mind to double their number, the Senate did not oppoſe it; being well aſſured they ſhould be able to make one a curb to another; which was actually the caſe.

The beſt way to prevent the uſurpations of ſo formidable a body, a way that no government hath hitherto adopted, would be to render ſuch a body not permanent, but to regulate the intervals during which it ſhould remain diſſolved. Theſe intervals, which ſhould not be ſo great as to give abuſes time to ſtrengthen into cuſtoms, might be fixed by law, in ſuch a manner that it would be eaſy to abridge them, in caſe of neceſſity, by extraordinary commiſſion.

This method appears to me to be attended with no inconvenience; becauſe, as I have already obſerved, the Tribunate making no eſſential part of the conſtitution, may be ſuppreſſed without injury: and it appears to me effectual, becauſe a magiſtrate newly re-eſtabliſhed doth not ſucceed to the power of his predeceſſor, but to that which the law confers on him.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

CHAP. VI.

Of the Dictature.

THAT inflexibility of the laws, which prevents their yielding to circumſtances, may in ſome caſes render them hurtful, and in ſome critical juncture bring on the ruin of the ſtate. The order and prolixity of forms, take up a length of time, of which the occaſion will not always admit. A thouſand accidents may happen for which the legiſlature hath not provided; and it is a very neceſſary foreſight to ſee that it is impoſſible to provide for every thing.

We ſhould not be deſirous, therefore, of eſtabliſhing the laws ſo firmly as to ſuſpend their effects. Even Sparta itſelf ſometimes permitted the laws to lie dormant.

Nothing, however, but the certainty of greater danger ſhould induce a people to make any alteration in government; nor ſhould the ſacred power of the laws be ever reſtrained unleſs the public ſafety is concerned. In ſuch uncommon caſes, when the danger is manifeſt, the public ſafety may be provided for by a particular act, which commits the charge of it to thoſe who are moſt worthy. Such a commiſſion may paſs, in two different ways, according to the nature of the danger.

If the caſe require only a greater activity in the government, it ſhould be confined to one or two members; in which caſe it would not be

the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the authority of the laws, but the form of the adminiſtration only that would be changed. But if the danger be of ſuch a nature, that the formality of the laws would prevent a remedy, then a ſupreme chief might be nominated who ſhould ſilence the laws, and ſuſpend for a moment the ſovereign authority. In ſuch a caſe, the general Will cannot be doubted, it being evident that the principal intention of the people muſt be to ſave the ſtate from perdition. By this mode of temporary ſuſpenſion the legiſlative authority is not aboliſhed; the magiſtrate who ſilences it, cannot make it ſpeak, and though he over-rules cannot repreſent it; he may do every thing indeed but make laws.

The firſt method was taken by the Roman Senate, when it charged the conſuls, in a ſacred manner, to provide for the ſafety of the common-wealth. The ſecond took place when one of the conſuls nominated a dictator *; a cuſtom which Rome adopted from the example of Alba.

In the early times of the republic, the Romans had frequent recourſe to the dictatorſhip, becauſe the ſtate had not then ſufficient ſtability to ſupport itſelf by the force of its conſtitution. The manners of the people, alſo, rendering thoſe precautions unneceſſary, which were taken in after-times, there was no fear that a dictator would abuſe his authority, or that he would be tempted to keep it in his hands, beyond the term. On the contrary, it appeared that

* This nomination was ſecretly made in the night, as if they were aſhamed of the action of placing any man ſo much above the laws.

ſo

ſo great a power was burthenſome to the perſon inveſted with it, ſo eager were they to reſign it; as if it were a difficult and dangerous poſt, to be ſuperior to the laws.

Thus it was not the danger of the abuſe, but of the debaſement of this ſupreme magiſtracy, that gave occaſion to cenſure the indiſcreet uſe of it, in ancient times. For when they came to proſtitute it in the affair of elections and other matters of mere formality, it was very juſtly to be apprehended that it would become leſs reſpectable on preſſing occaſions; and that the people would be apt to look upon an office as merely titular, which was inſtituted to aſſiſt at empty ceremonies.

Toward the end of the republic, the Romans, becoming more circumſpect, were as ſparing of the dictature, as they had before been prodigal of it. It was eaſy to ſee, however, that their fears were groundleſs, that the weakneſs of the capital was their ſecurity againſt the internal magiſtrates; that a dictator might in ſome caſes have acted in defence of public liberty, without ever making encroachments on it; and that the Roman chains were not forged in Rome itſelf, but in its armies abroad. The weak reſiſtance which Marius made to Sylla, and Pompey to Cæſar, ſhewed plainly how little the authority from within the city could do againſt the power from without.

This error led them to commit great blunders. Such, for inſtance, was their neglecting to appoint a dictator in the affair of Catiline. For, as it engaged only the city, or at moſt a province in Italy, a dictator inveſted with that unlimited authority which the laws conferred on

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

on him, might eaſily have diſſipated that conſpiracy, which was with difficulty ſuppreſſed by a numerous concurrence of fortunate circumſtances; which human prudence had no reaſon to expect. Inſtead of that, the Senate contented itſelf with committing all its power into the hands of conſuls; whence it happened that Cicero, in order to act effectually, was obliged to exceed that power in a capital circumſtance; and though the public, in their firſt tranſports, approved of his conduct, he was very juſtly called to an account afterwards for the blood he had ſpilt contrary to the laws; a reproach they could not have made to a dictator. But the eloquence of the conſul carried all before it; and preferring, though a Roman, his own glory to his country, he thought leſs of the moſt legal, and certain method of ſaving the ſtate, than the means of ſecuring all the honour of ſuch a tranſaction to himſelf*. Thus was he very juſtly honoured as the deliverer of Rome, and as juſtly puniſhed as the violator of its laws. For, however honourable was his repeal, it was certainly a matter of favour.

After all, in whatever manner this important commiſſion may be conferred, it is of conſequence to limit its duration to a ſhort term; which ſhould on no occaſion be prolonged. In thoſe conjunctures, when it is neceſſary to appoint a dictator, the ſtate is preſently ſaved or deſtroyed, which cauſes being over, the dictature becomes uſeleſs and tyrannical. At Rome,

* This is what he could not be certain of, in propoſing a dictator; not daring to nominate himſelf, and not being aſſured his colleague would do it.

the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the dictators held their office only for ſix months; and the greater part reſigned before that term expired. Had the time appointed been longer, it is to be apprehended they would have been tempted to make it longer ſtill; as did the *decemvir*, whoſe office laſted a whole year. The dictator had no more time allotted him than was neceſſary to diſpatch the buſineſs for which he was appointed; ſo that he had not leiſure to think of other projects.

CHAP. VII.

Of the Cenſorſhip.

AS the declaration of the general will is made by the laws, ſo the declaration of the public judgment is made by their cenſure. The public opinion is a kind of law, which the Cenſor puts in execution, in particular caſes, after the example of the prince.

So far, therefore, is the cenſorial tribunal from being the arbiter of popular opinions, it only declares them; and, whenever it departs from them, its deciſions are vain and ineffectual.

It is uſeleſs to diſtinguiſh the manners of a nation by the objects of its eſteem; for theſe depend on the ſame principle, and are neceſſarily confounded together. Among all people in the world, it is not nature, but opinion, which determines the choice of their pleaſures. Correct the prejudices and opinions of men, and their manners will correct themſelves. We always admire what is beautiful, or what appears ſo;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſo; but it is in our judgment we are miſtaken; it is this judgment then we are to regulate. Whoever judges of manners, takes upon him to judge of honour; and whoever judges of honour, decides from opinion.

The opinions of a people depend on the conſtitution; though the laws do not govern manners, it is the legiſlature that gives riſe to them. As the legiſlature grows feeble, manners degenerate, but the judgment of the cenſors will not then effect what the power of the laws have not before effected.

It follows hence, that the office of a cenſor may be uſeful to the preſervation of manners, but never to their re-eſtabliſhment. Eſtabliſh cenſors during the vigour of the laws; when this is paſt, all is over; no legal means can be effectual when the laws have loſt their force.

The cenſor is preſervative of manners, by preventing the corruption of opinions, by maintaining their morality and propriety by judicious applications, and even ſometimes by ſettling them when in a fluctuating ſituation. The uſe of ſeconds in duels, though carried to the greateſt exceſs in France, was aboliſhed by the following words inſerted in one of the king's edicts; *As to thoſe who have the cowardice to call themſelves ſeconds.* This judgment, anticipating that of the public, was effectual, and put an end to that cuſtom at once. But when the ſame edicts pronounced it cowardice to fight a duel; though it is certainly true, yet as it was contrary to the popular opinion, the public laughed at a determination ſo contrary to their own.

I have obſerved elſewhere * that the public opinion, being ſubjected to no conſtraint, there ſhould be no appearance of it in the tribunal

* I do but ſlightly mention here, what I have treated more at large in my Letter to M. d'Alembert.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

eſtabliſhed to repreſent it. One cannot too much admire with what art this ſpring of action, entirely neglected among the moderns, was employed by the Romans, and ſtill more effectually by the Lacedemonians.

A man of bad morals, having made an excellent propoſal in the council at Sparta, the Ephori, without taking any notice of it, cauſed the ſame propoſal to be made by a citizen of character and virtue. How honourable was this proceeding to the one, and how diſgraceful to the other; and that without directly praiſing or blaming either! Some drunkards of Samos, having behaved indecently in the tribunal of the Ephori, it was the next day permitted, by a public edict, that the Samians might become ſlaves. Would an actual puniſhment have been ſo ſevere as ſuch impunity? When the Spartans had once paſſed their judgment on the decency or propriety of any behaviour, all Greece ſubmitted to their opinion.

CHAP. VIII.

Of political Religion.

IN the firſt ages of the world, men had no other kings than gods, nor any other government than what was purely theocratical. It required a great alteration in their ſentiments and ideas, before they could prevail on themſelves, to look upon a fellow creature as a maſter, and think it went well with them.

Hence, a deity being conſtantly placed at the head of every political ſociety, it followed that there were as many different gods as people. Two communities, perſonally ſtrangers to each other, and almoſt always at variance, could not long acknowledge the ſame maſter; nor could two

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

two armies, drawn up againſt each other in battle, obey the ſame chief. Thus Polytheiſm became a natural conſequence of the diviſion of nations, and thence the want of civil and theological toleration, which are perfectly the ſame, as will be ſhewn hereafter.

The notion of the Greeks, in pretending to trace their own gods among thoſe of the Barbarian nations, took its riſe evidently from the ambition of being thought the natural ſovereigns of thoſe people. In this age, however, we think that a moſt abſurd part of erudition, which relates to the identity of the deities of different nations, and according to which it is ſuppoſed that Moloch, Saturn and Chronos were one and the ſame god; and that the Baal of the Phenicians, the Zeus of the Greeks, and the Jupiter of the Latins were the ſame deity; as if any thing could be found in common between chimerical beings bearing different names!

If it be aſked why there were no religious wars among the Pagans, when every ſtate had thus its peculiar deity and worſhip? I anſwer, it was plainly for this very reaſon, that each ſtate having its own peculiar religion as well as government, no diſtinction was made between the obedience paid to their gods and that due to their laws. Thus their political were at the ſame time theological wars; and the departments of their deities were preſcribed by the limits of their reſpective nations. The god of one people had no authority over another people; nor were theſe Pagan deities jealous of their prerogatives; but divided the adoration of mankind amicably between them. Even Moſes himſelf ſometimes ſpeaks in the ſame manner of the god of Iſrael. It is true the Hebrews deſpiſed the gods of the Canaanites, a people pro-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſcribed and devoted to deſtruction, whoſe poſſeſſions were given them for an inheritance: but they ſpeak with more reverence of the deities of the neighbouring nations whom they were forbidden to attack. *Wilt thou not poſſeſs that*, ſays Jeptha to Sihon, king of the Ammonites, *which Chemoſh thy God giveth thee to poſſeſs? So whomſoever the Lord our God ſhall drive out from before us, them will we poſſeſs.* There is in this paſſage, I think, an acknowledged ſimilitude between the rights of Chemoſh, and thoſe of the God of Iſrael.

But when the Jews, being ſubjected to the kings of Babylon, and afterwards to thoſe of Syria, perſiſted in refuſing to acknowlege any god but their own, this refuſal was eſteemed an act of rebellion againſt their conqueror, and drew upon them thoſe perſecutions we read of in their hiſtory, and of which no other example is extant previous to the eſtabliſhment of chriſtianity *.

The religion of every people being thus excluſively annexed to the laws of the ſtate, the only method of converting nations was to ſubdue them; warriors were the only miſſionaries; and the obligation of changing their religion being a law to the vanquiſhed, they were firſt to be conquered before they were ſolicited on this head. So far were men from fighting for the gods, that their gods, like thoſe of Homer, fought in behalf of mankind. Each people demanded the victory from its reſpective deity, and expreſſed their gratitude for it by the erection of new altars. The Romans before they beſieged any fortreſs ſummoned its gods to aban-

* It is evident that the war of the Phocians, called an holy war, was not a religious war. Its object was to puniſh ſacrilege, and not to ſubdue infidels.

don

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

don it; and though it be true they left the people of Tarentum in poſſeſſion of their angry deities, it is plain they looked upon thoſe gods as ſubjected and obliged to do homage to their own: They left the vanquiſhed in poſſeſſion of their religion as they ſometimes did in that of their laws; a wreathe for Jupiter of the Capitol, being often the only tribute they exacted.

At length, the Romans having extended their religion with their empire, and ſometimes even adopted the deities of the vanquiſhed, the people of this vaſt empire found themſelves in poſſeſſion of a multiplicity of gods and religions; which not differing eſſentially from each other, Paganiſm became inſenſibly one and the ſame religion throughout the world.

Things were in this ſtate, when Jeſus came to eſtabliſh his ſpiritual kingdom on earth; a deſign which neceſſarily dividing the theological from the political ſyſtem, gave riſe to thoſe inteſtine diviſions which have ever ſince continued to embroil the profeſſion of Chriſtianity. Now this new idea of a kingdom in the other world, having never entered into the head of the Pagans, they regarded the Chriſtians as actual rebels, who, under an hypocritical ſhew of humility, waited only a proper opportunity to render themſelves independent, and artfully to uſurp that authority, which in their weak and infant ſtate they pretended to reſpect: and this was undoubtedly the cauſe of their being perſecuted.

What the Pagans were apprehenſive of, alſo, did, in proceſs of time, actually come to paſs. Things put on a new face, and the meek Chriſtians, as their number increaſed, changed their tone, while their inviſible kingdom of the other world, became, under a viſible head, the moſt deſpotic and tyrannical in this.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

As in all countries, however, there were civil governors, and laws, there reſulted from this two-fold power a perpetual ſtruggle for juriſdiction, which renders a perfect ſyſtem of domeſtic policy almoſt impoſſible in Chriſtian ſtates; and prevents us from ever coming to a determination, whether it be the prince or the prieſt we are bound to obey.

Some nations indeed, even in Europe or its neighbourhood, have endeavoured to preſerve or re-eſtabliſh the ancient ſyſtem, but without ſucceſs; the ſpirit of Chriſtianity hath univerſally prevailed. Religious worſhip hath always remained, or again become independent of the ſovereign, and without any neceſſary connection with the body of the ſtate. Mahomet had very ſalutary and well-connected views in his political ſyſtem, and ſo long as his modes of government ſubſiſted under the caliphs and their ſucceſſors, that government remained perfectly uniform, and ſo far good. But the Arabians becoming wealthy, learned, polite, indolent and cowardly, were ſubdued by the Barbarians: then the diviſion between the two powers recommenced; and though it be leſs apparent among the Mahometans than among Chriſtians, it is nevertheleſs to be diſtinguiſhed, particularly in the ſect of Ali: there are ſome ſtates, alſo, as in Perſia, where this diviſion is conſtantly perceptible.

Among us, the kings of England are placed at the head of the church, as are alſo the Czars in Ruſſia; but by this title they are not ſo properly maſters as miniſters of the religion of thoſe countries: they are not poſſeſſed of the power to change it, but only to maintain its preſent form. Whenever the Clergy conſtitute a collective

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

lective body *, they will be both maſters and legiſlators in their own cauſe. There are therefore two ſovereigns in England and Ruſſia, as well as elſewhere.

Of all Chriſtian authors, Mr. Hobbes was the only one who ſaw the evil and the remedy, and that hath ventured to propoſe the re-union of the two heads of this eagle, and to reſtore that political union, without which no ſtate or government can be well conſtituted. But he ought to have ſeen that the prevailing ſpirit of Chriſtianity was incompatible with his ſyſtem, and that the intereſt of the church would be always too powerful for the ſtate. It was not ſo much that which was really falſe and ſhocking in the writings of this philoſopher, as what was really juſt and true, that rendered him odious †.

I conceive that, by a proper diſplay of hi-

* It muſt be obſerved that it is not ſo much the formal aſſemblies of the clergy, ſuch as are held in France, which unite them together in a body, as the communion of their churches. Communion and excommunication form the ſocial compact of the clergy; a compact by means of which they will always maintain their aſcendency over both kings and people. All the prieſts that communicate together are fellow-citizens, though they ſhould be perſonally as diſtant, as the extremities of the world. This invention is a maſter-piece in policy. The Pagan prieſts had nothing like it; and therefore never had any clerical body.

† In a letter of Grotius to his brother, dated the 11th of April, 1643, may be ſeen what that great Civilian approved and blamed in his book *de cive*. It is true that Grotius, being indulgent, ſeems inclined to forgive the author the faults of his book, for the ſake of its merits; the reſt of the world, however, were not ſo candid.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſtorical facts, in this point of view, it would be eaſy to refute the oppoſite ſentiments both of Bayle and Warburton; the former of which pretends that no religion whatever can be of ſervice to the body politic, and the latter that Chriſtianity is its beſt and firmeſt ſupport. It might be proved againſt the firſt, that every ſtate in the world hath been founded on the baſis of religion; and againſt the ſecond, that the precepts of Chriſtianity are at the bottom more prejudicial than conducive to the ſtrength of the ſtate.

In order to make myſelf fully underſtood, I need only give a little more preciſion to the vague ideas, generally entertained of political religion.

Religion, conſidered as it relates to ſociety, which is either general or particular, may be diſtinguiſhed into two kinds, viz. the religion of the man, and that of the citizen. The firſt, deſtitute of temples, altars, or rites, confined purely to the internal worſhip of the Supreme Being, and to the performance of the eternal duties of morality, is the pure and ſimple religion of the goſpel; this is genuine theiſm, and may be called the law of natural divinity. The other, adopted only in one country, whoſe gods and tutelary ſaints are hence peculiar to itſelf, is compoſed of certain dogmas, rites, and external modes of worſhip preſcribed by the laws of ſuch country; all foreigners being accounted Infidels, Aliens and Barbarians; this kind of religion extends the duties and privileges of men no farther than to its own altars. Such were all the religions of primitive ages, to which may be given the name of the law of civil or poſitive divinity.

There is a third kind of religion ſtill more extra-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

extraordinary, which dividing ſociety into two legiſlatures, two chiefs, and two parties, ſubjects mankind to contradictory obligations, and prevents them from being at once devotees and citizens. Such is the religion of the Lamas, of the Japaneſe, and of the Roman Catholics; which may be denominated the religion of the prieſts, and is productive of a ſort of mixed and unſociable obligation, for which we have no name.

If we examine theſe three kinds of religion in a political light, they have all their faults. The third is ſo palpably defective that it would be mere loſs of time, to point them out. Whatever contributes to diſſolve the ſocial union is good for nothing: all inſtitutions which ſet man in contradiction with himſelf are of no uſe.

The ſecond is ſo far commendable as it unites divine worſhip with a reſpect for the laws, and that, making the country the object of the people's adoration, the citizen is taught that to ſerve the ſtate is to ſerve its tutelary divinity. This is a ſpecies of theocracy, in which there ſhould be no other pontiff than the prince, no other prieſts than the magiſtrates. To die, in ſuch a ſtate, for their country, is to ſuffer martyrdom; to violate the laws is impiety; and to doom a criminal to public execration is to devote him to the anger of the gods.

It is blameable, however, in that, being founded on falſehood and deceit, it leads mankind into error; rendering them credulous and ſuperſtitious, it ſubſtitutes vain ceremonies inſtead of the true worſhip of the Deity. It is further blameable, in that, becoming excluſive and tyrannical, it makes people ſanguinary and perſecuting; ſo that a nation ſhall ſometimes

breathe

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

breathe nothing but murder and maſſacre, and think, at the ſame time, they are doing an holy action in cutting the throats of thoſe who worſhip the gods in a different manner from themſelves. This circumſtance places ſuch a people in a natural ſtate of war with all others, which is very unfavourable to their own ſafety.

There remains then only the rational and manly religion of Chriſtianity; not, however, as it is profeſſed in modern times, but as it is diſplayed in the goſpel, which is quite another thing. According to this holy, ſublime, and true religion, mankind, being all the children of the ſame God, acknowledge themſelves to be brothers, and the ſociety which unites them diſſolves only in death.

But this religion, having no particular relation to the body politic, leaves the laws in poſſeſſion only of their own force, without adding any thing to it; by which means the firmeſt bonds of ſuch particular ſociety are of no effect. Add to this, that Chriſtianity is ſo far from attaching the hearts of the citizens to the ſtate, that it detaches them from it, as well as from all worldly objects in general: than which nothing can be more contrary to the ſpirit of ſociety.

It is ſaid that a nation of true Chriſtians would form the moſt perfect ſociety imaginable. To this aſſertion, however, there is one great objection; and this is, that a ſociety of true Chriſtians would not be a ſociety of men. Nay, I will go ſo far as to affirm, that this ſuppoſed ſociety, with all its perfection, would neither be of the greateſt ſtrength nor duration. In conſequence of its being perfect, it would want the ſtrongeſt ties of connexion; and thus this very circumſtance would deſtroy it.

Individuals

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Individuals might do their duty, the people might be obedient to the laws, the chiefs might be juſt, the magiſtrate incorrupt, the ſoldiery might look upon death with contempt, and there might prevail neither vanity nor luxury, in ſuch a ſtate. So far all would go well; but let us look farther.

Chriſtianity is a ſpiritual religion, relative only to celeſtial objects: the Chriſtian's inheritance is not of this world. He performs his duty, it is true, but this he does with a profound indifference for the good or ill ſucceſs of his endeavours. Provided he hath nothing to reproach himſelf with, it is of little importance to him whether matters go well or ill here below. If the ſtate be in a flouriſhing ſituation, he can hardly venture to rejoice in the public felicity, leſt he ſhould be puffed up with the inordinate pride of his country's glory; if the ſtate decline, he bleſſes the hand of God that humbles his people to the duſt.

It is farther neceſſary to the peace and harmony of ſociety, that all the citizens ſhould be without exception equally good Chriſtians; for, if unhappily there ſhould be one of them ambitious or hypocritical, if there ſhould be found among them a Catiline or a Cromwell, it is certain he would make an eaſy prey of his pious countrymen. Chriſtian charity doth not eaſily permit the thinking evil of one's neighbour. No ſooner ſhould an individual diſcover the art of impoſing on the majority, and be inveſted with ſome portion of public authority, than he would become a dignitary. Chriſtians muſt not ſpeak evil of dignities; thus reſpected, he would thence aſſume power; Chriſtians muſt obey the ſuperior powers. Does the depoſitary

of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

of power abuſe it? he becomes the rod by which it pleaſes God to chaſtiſe his children.

And, would their conſciences permit them to drive out the uſurper, the public tranquillity muſt be broken, and violence and blood-ſhed ſucceed; all this agrees but ill with the meekneſs of true Chriſtians; and, after all, what is it to them, whether they are freemen or ſlaves in this vale of miſery? Their eſſential concern is to work out their ſalvation, and obtain happineſs in another world; to effect which, their reſignation in this, is held to be their duty.

Should ſuch a ſtate be forced into a war with any neighbouring power? The citizens might march readily to the combat without thinking of flight; they might do their duty in the field, but they would have no ardour for victory; being better inſtructed to die than to conquer. Of what conſequence is it to them, whether they are victors or vanquiſhed? Think what advantages an impetuous and ſanguine enemy might take of their ſtoiciſm! Draw them out againſt a brave and generous people, ardently inſpired with the love of glory and their country; ſuppoſe, for inſtance, your truly Chriſtian republic againſt that of Sparta or of Rome; what would be the conſequence? Your devout Chriſtians would be beaten, diſcomfited and knocked on the head, before they had time to look about them; their only ſecurity depending on the contempt which their enemy might entertain for them. It was, in my opinion, a fine oath that was taken by the ſoldiers of Fabius. They did not make a vow either to die or conquer; they ſwore they would return conquerors, and punctually performed their oath. Chriſtian troops could not have made ſuch a vow, they would have been afraid of tempting the Lord their God.

But

all this agrees but ill with
n is to work out their

ey might do their duty in the
e victors or vanquiſhed?
y inſpired with the love of
our devout Chrif tians
ich their enemy might
they ſwore they would
g the Lord their God.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

But I am all this while committing a blunder, in ſpeaking of a Chriſtian republic; one of theſe terms neceſſarily excluding the other. Chriſtianity inculcates ſervitude and dependence; the ſpirit of it is too favourable to tyrants, for them not ſometimes to profit by it. True Chriſtians are formed for ſlaves; they know it, and never trouble themſelves about conſpiracies and inſurrections; this tranſitory life is of too little value in their eſteem.

Will it be ſaid, the Chriſtians are excellent ſoldiers? I deny it. Produce me your Chriſtian troops. For my part, I know of no true Chriſtian ſoldiers. Do you name thoſe of the Cruſades? I anſwer, that, not to call in queſtion the valour of the Cruſaders, they were very far from being Chriſtian citizens: they were the ſoldiers of the prieſt, the citizens of the church; they fought for its ſpiritual country, which, ſome how or other, it had converted into a temporal one. To ſet this matter in the beſt light, it was a kind of return to Paganiſm; for as the goſpel did not eſtabliſh any national religion, an holy war could not poſſibly be carried on by true Chriſtians.

Under the Pagan emperors, the Chriſtian ſoldiers were brave; of this all the Chriſtian writers aſſure us, and I believe them; the motive of their bravery was a ſpirit of honour or emulation, excited by the Pagan troops. But when the emperors became Chriſtians, this motive of emulation no longer ſubſiſted; and when the Croſs had put the Eagle to flight, the Roman valour diſappeared.

But, laying aſide politicial conſiderations, let us return to the matter of right, and aſcertain its true principles with regard to this important point. The right which the ſocial compact con-

fers

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

fers on the ſovereign, extending no farther than to public utility *, the ſubject is not accountable to that ſovereign, on account of any opinions he may entertain, that have nothing to do with the community. Now it is of great importance to a ſtate, that every citizen ſhould be of a religion that may inſpire him with a regard for his duty: but the tenets of that religion are no farther intereſting to the community than as they relate to morals, and to the diſcharge of thoſe obligations, which the profeſſor lies under to his fellow citizens. If we except theſe, the individual may profeſs what others he pleaſes, without the ſovereign's having any right to interfere; for, having no juriſdiction in the other world, it is nothing to the ſovereign what becomes of the citizens in a future life, provided they diſcharge the duties incumbent on them in the preſent.

There is a profeſſion of Faith, therefore, purely political; the articles of which it is in the province of the ſovereign to aſcertain, not preciſely as articles of religion, but as the ſentiments due to ſociety, without which it is impoſſible to be a good citizen or faithful ſubject †.

Without

* *In a republic*, ſays the Marquis d'A. *every one is perfectly at liberty, becauſe no one may injure another.* This is the invariable limit of republican liberty, nor is it poſſible to ſtate the caſe more preciſely. I cannot deny myſelf the pleaſure of ſometimes quoting this manuſcript, though unknown to the public, in order to do honour to the memory of an illuſtrious and reſpectable perſonage, who preſerved the integrity of the citizen even in the miniſtry, and adopted the moſt upright and ſalutary views in the government of his country.

† Cæſar, in pleading for Catiline, endeavoured to eſtabliſh the doctrine of the Mortality of the Soul:

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Without compelling any one to adopt theſe ſentiments, the ſovereign may alſo equitably baniſh him the ſociety; not indeed as impious, but as unſociable, as incapable of having a ſincere regard to juſtice, and of ſacrificing his life, if required, to his duty. Again, ſhould any one, after having made a public profeſſion of ſuch ſentiments, betray his diſbelief of them by his miſconduct, he may equitably be puniſhed with death; having committed the greateſt of all crimes, that of belying his heart in the face of the laws.

The tenets of political religion ſhould be few and ſimple; they ſhould be laid down alſo with preciſion, and without explication or comment. The exiſtence of a powerful, intelligent, beneficent, preſcient and provident Deity; a future ſtate; the reward of the virtuous, and the puniſhment of the wicked; the ſacred nature of the ſocial contract, and of the laws; theſe ſhould be its poſitive tenets. As to thoſe of a negative kind I would confine myſelf ſolely to one, by forbidding perſecution.

Thoſe who affect to make a diſtinction between civil and religious toleration, are, in my opinion, miſtaken. It is impoſſible to live cordially in peace with thoſe whom we firmly believe devoted to damnation: to love them would be to hate the Deity for puniſhing them, it is therefore abſolutely neceſſary for us either to perſecute or to convert them. Wherever the

Cato and Cicero, in anſwer to him, did not enter into a philoſophical diſcuſſion of the argument, but contented themſelves with ſhewing that Cæſar had ſpoken like a bad citizen, and advanced a dogma pernicious to the ſtate. And this was in fact the point only that come before the Senate of Rome, and not a queſtion in theology.

ſpirit

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſpirit of religious perſecution ſubſiſts, it is impoſſible it ſhould not have ſome effect on the civil police; in which caſe, the ſovereign is no longer ſovereign even in a ſecular view; the prieſts become the real maſters, and kings only their officers.

In modern governments, where it is impoſſible to ſupport an excluſive national religion, it is requiſite to tolerate all ſuch as breathe the ſpirit of toleration toward others, provided their tenets are not contradictory to the duty of a good citizen. But whoſoever ſhould preſume to ſay, *There is no ſalvation out of the pale of our church*, ought to be baniſhed the ſtate; unleſs indeed the ſtate be an eccleſiaſtical one, and the prince a pontiff. Such a dogma is of uſe only in a theocratical government; in every other it is deſtructive. The reaſon which it is ſaid Henry IV. gave, for embracing the Roman Catholic religion, ought to have made an honeſt man reject it, and more particularly a prince capable of reaſoning on the ſubject.

CHAP. IX.

The Concluſion.

HAVING thus ſtated the true principles of politic law, and endeavoured to fix the ſtate on its proper baſis, it remains to ſhew in what manner it is ſupported by external relations.

Under this head would be comprehended, the laws of nations and commerce, the laws of war and conqueſt, leagues, negotiations, treaties, &c. But theſe preſent a new proſpect, too vaſt and extenſive for ſo ſhort a ſight as mine; which ſhould be confined to objects leſs diſtant and more adapted to my limited capacity.

ANECDOTES

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ANECDOTES

Relative to the

PERSECUTION

OF

Mr. J. J. ROUSSEAU;

CONTAINED IN

A LETTER from a Gentleman at *Neufchatel* to his FRIEND.

YOU require of me, Sir, a particular account of the diſturbance Mr. ROUSSEAU hath occaſioned and received, in the new aſylum he lately made choice of in this country. I am not ſurprized to find you ſo greatly intereſted in the minuteſt circumſtances, reſpecting a Writer almoſt as famous for his perſonal misfortunes, as celebrated for his literary merit.

A I know

I know not if it be in my power, however, to gratify your curioſity ſo far as it may extend; being ignorant of many of the ſteps which ROUSSEAU's enemies have taken to perſecute him, as well as of the greater part of their motives for ſuch perſecution. Indeed the few, that have come to my knowledge, have by no means encouraged me to enquire after the reſt. It would give too much pain to a candid and ingenuous mind to contemplate ſuch means and motives. I ſhall leave their recapitulation, therefore, to the ſevere and cauſtic pen of the Satiriſt, who may poſſibly take a cruel pleaſure in delineating a picture at once diſgraceful both to religion and humanity.

From me you will receive only a faithful narrative of facts, elucidated by a few annotations, and authenticated by copies of the original papers, which have appeared in the courſe of this extraordinary ſcene of inquiſitorial perſecution.

It will be neceſſary, firſt of all, to inform you, that towards the latter end of laſt year, Mr. ROUSSEAU had propoſals made to him for the publication of a compleat edition of his works, as well thoſe in manuſcript as what have been already printed. The conditions were accepted;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

cepted; and, on the firſt application to government, permiſſion was readily granted for the publication intended.

This undertaking appearing very lucrative, it excited the envy and diſguſted the avarice of many, who could not come in for a ſhare. Being, at the ſame time, advantageous to the author, who would have derived from it a little fortune, ſufficient for his wants, and equal to his deſires, it gave no little umbrage to the invidious diſpoſitions of his enemies.

Things were in this train, when his *Letters written from the Mountains* made their appearance; a work which hath ſerved as the pretended foundation for all that diſturbance of which I am going to give you an account.

I need not tell you, Sir, with what avidity thoſe letters were received by the publick, or in how many countries they were proſcribed and burnt by the common hangman. For our part, we remained peaceable ſpectators of ſuch ridiculous bonfires, till about the end of February, when the zeal of our eccleſiaſticks, which had ſo long lain ſmothering in darkneſs, had acquired ſufficient warmth and fewel to burſt into a blaze. The Reverend Aſſembly of our Clergy complained to the Government and

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

to the Magiſtrates againſt the *Letters written from the Mountains*; repreſenting that work as an impious and ſcandalous performance, and ſolliciting its proſcription, as alſo the ſuppreſſion of the projected edition of the author's works in general.

This proceeding of the Reverend Aſſembly, bore ſo ſtriking a contraſt to the ſilence they kept on the publication of *Emilius* *, when its author was admitted to the holy communion, that one would have been apt to ſuſpect ſome perſonal intereſt affected by the work in queſtion, had it not been certainly known, that thoſe members of this ſacred College, who were the moſt zealous for the proſcription of the *Letters from the Mountains*, had never once read them.

The Council of State, indeed, does not eaſily take fire at this kind of Remonſtrances, but the Civil Magiſtracy took the complaint into conſideration, and proſcribed the book. The Officer, charged with the execution of this buſineſs, acquitted himſelf alſo to a miracle; proclaiming the ſaid *Letter* to be prohi-

* As alſo his Letter to the Archbiſhop of Paris. It is true, that Letter makes no attack on the Proteſtant Clergy any more than *Emilius*.

bited,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

bited, as attacking every thing the moſt *reprehenſible** in our holy religion. What do you think, Sir, of this blunder? How egregiouſly pertinent was it to ſtumble ſo luckily on the truth!

The reverend Aſſembly adjourned, however, to the 13th of March, when they determined to proceed againſt the author; who, being adviſed of the diſturbance, which the fermentation of this venerable body might occaſion in the ſtate, thought it his duty, as a good citizen, to endeavour to prevent the ſtorm. To this end he ſent the following paper to Profeſſor de MONTMOLLIN, the Paſtor of his Church; in order to have it communicated to the reverend Aſſembly.

The Declaration of Mr. ROUSSEAU *to the Aſſembly of the Clergy; tranſmitted them by Profeſſor* de MONTMOLLIN.

"OUT of the deference I owe to Profeſſor "de MONTMOLLIN, my Paſtor, and the reſ-"pect I bear to the reverend Aſſembly of the

* Probably inſtead of *reſpectable.*

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

"Clergy, I offer *, if they will admit of it, to "engage myſelf, by a writing ſigned with my "own hand, never to publiſh any new work "relative in any ſhape to matters of religion; "nor ever to treat of religion curſorily in any "new work I may hereafter publiſh on any "other ſubject: Promiſing farther to continue "to diſplay, both in my ſentiments and con- "duct, the value I ſet upon the happineſs of "being united to the Church.

"Mr. Profeſſor is deſired to communicate "this Declaration to the venerable Aſſembly.

Motiers, March 10, 1765. J. J. ROUSSEAU."

Would you not think, Sir, you who know the extent of Chriſtian Charity, and are a lover of peace and tranquillity — Would you not readily conceive, I ſay, that the reverend Aſſembly ſhould, on the receipt of this paper, accept the offer it contained, publiſh it abroad, and have it tranſcribed in letters of gold on their Regiſters?

* This offer, which has lately been made publick, hath diſſipated much of that pre-poſſeſſion, which had irritated the people againſt Mr. ROUSSEAU. And this conſequence of its being made known, ſufficiently accounts for this Declaration's being ſo long and ſo carefully kept ſecret.

But,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

But, no — Undeceive yourſelf, and gueſs, if you can, at the motives which induced the Clergy to make no Reply to this offer of Mr. ROUSSEAU; to keep it from tranſpiring, and to proceed precipitately, the ſame day, to their final determination of this buſineſs.

You may gueſs, alſo, at the reaſon for the members, then preſent, entering into a ſolemn and inviolable engagement of ſecrecy, with regard to the queſtions determined to be propoſed to Mr. ROUSSEAU, as well as with regard to every thing that had paſſed, or ſhould paſs, in this *inquiſitorial Synod.* Their ſilence on this head was thought a matter of importance; as, by this means thoſe members of the Clergy, who were not preſent at their deliberations, could not penetrate the ſecret. Vain precaution! This impenetrable ſecret was even known long before the Aſſembly had begun to deliberate: in conſequence of which, ſome perſons, who correſpond with the Court, had time to inform the King, and that even on the ſtrength of advices received from Paris and Geneva. You may be ſurprized, Sir, at all this; and indeed ſo am I; but the fact is nevertheleſs true. For certain it is, that M. M * * *, Counſellor of State and Solicitor-

recipitately, the ſame day,

queſtions determined to be
is head was thought a matter
ecau tion! This
with the Court, had time to
n I; but the fact is

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

General, received ſoon after the following Letter:

" THE King is diſpleaſed that your " fellow-countrymen are exaſperated at a man " whom he protects, and hath declared, that he " will highly reſent any farther perſecution of " Mr. ROUSSEAU. This I have from his Ma- " jeſty's own mouth; you may report it to " whom you pleaſe."

This letter was dated the 10th of March, and came from my Lord MARSHALL; that illuſtrious Briton, who is ſo good a judge of merit, ſo firm a protector of oppreſſed innocence, and, in a word, ſo truly worthy the friendſhip and confidence of a King, who is himſelf ſo eminently ſkilled in the knowledge of mankind.

Compare the date of this letter with the diſtance of places, and you will ſee it required very early advice, to be informed, at ſuch a diſtance, of what ſhould happen in the Aſſembly of our Clergy, appointed for the 13th of March.

Notwithſtanding this circumſtance, however, a report prevailed, which every day increaſed, that Mr. ROUSSEAU had written a new

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

new tract, entitled *Des Princes*. Nobody pretended, indeed, to have ſeen it; but it was boldly affirmed, notwithſtanding, that all ariſtocratical governments, and in particular that of Berne, were very ill treated in it. So mighty officious, indeed, were ſome perſons in this affair, that they even wrote from Berne, to Mr. F * * *, Printer at Yverdon, deſiring him to procure the book of Mr. ROUSSEAU, in order to print and publiſh it; in conſideration, as they ſaid, that it was a *very good thing*.

Mr. ROUSSEAU ſaw into the deſign of this officiouſneſs, and accordingly wrote to Mr. F * * * in the manner following, deſiring him to print and publiſh his letter.

"SIR, *Motiers, March* 14, 1765.

"I did not write the work, entitled *Des* "*Princes*; I have not even ſeen it; nay, I "doubt whether any ſuch work exiſts. I can "eaſily gueſs whence ſuch a ſtory proceeds, "and for what purpoſe it is calculated. At "the ſame time, my enemies do themſelves "juſtice in attacking me with arms ſo worthy "of their cauſe. As I have never diſavowed "any work I have really written, I ought to "be believed when I ſpeak of ſuch as are not "mine. I deſire, Sir, you will publiſh this

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" Declaration, for the ſake of truth, and in
" juſtice to a man who hath no other de-
" fence.

" Your humble Servant,

" J. J. ROUSSEAU."

I obſerved, that the reverend Aſſembly proceeded precipitately to paſs ſentence on Mr. ROUSSEAU, without allowing a ſecond day for their Deliberations. In fact, Sir, during their convocation on the 12th of March, they fulminated againſt him, in direct oppoſition to the conſtitution of this country, a ſentence of Excommunication. Very prudently, however, this Aſſembly ſuppreſſed this irregular ſentence, on the receipt of the following anonymous letter, very probably addreſſed to it by one of its own Members.

LETTER *to the Aſſembly of the* CLERGY.

" I FIND you are ſolemnly met to ſit in
" judgement on Mr. ROUSSEAU, or rather on
" his *Letters from the Mountains*. I have not
" entered into your ſanctuary; permit me
" nevertheleſs to offer the advice of one of its
" beſt Friends. This advice is, that the
" Writer in queſtion, if we conſider him in
" the light of a Chriſtian, as he appears in

" the

" the firſt volume, needs rather to be ſlightly
" reprehended, than *perſecuted* by Proteſtant
" Churches: And as to his character of a
" citizen, which he diſplays in the ſecond vo-
" lume; ſo far from deſerving to be repre-
" hended, he merits almoſt to be canonized in
" every republican ſtate. The reaſon is, that
" tyranny and arbitrary power are ſubjects he
" underſtands better than either the Goſpel or
" the Reformation. He hath purſued the
" phrenzy of deſpotiſm into its inmoſt re-
" ceſſes, and expoſed its moſt refined artifices;
" without having ſuffered the enchanting
" beauty of ſtyle, in the leaſt, to enervate
" the maſculine vigour of his reaſoning. But
" as for the Scriptures and the Reformation,
" he appears to have overlooked ſeveral eſſen-
" tial points, which he ſhould have obſerved in
" the one, and to be ignorant of many uſeful
" things he might have learned from the other.
" Add to this, that it is unfortunate, or
" rather fortunate, that the more attractive
" we find his diction, the leſs ſeductive will be
" the ſcepticiſm of his arguments; becauſe the
" oftner we are induced to read them, the
" more ſhall we perceive them to be only a
" legendary farrago of chimeras, dropt from a
" fantaſtical pen, under the influence only of

and to be ignorant of many

erceive them to be only a

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" an imagination, perhaps itſelf already too
" chimerically affected.

" As to what relates to the holy commu-
" nion, or the alternative of prohibiting or
" permitting his attendance at the Lord's
" Table; I am afraid that, ſo long as it pleaſes
" our Sovereign to protect him, it would be an
" hazardous attempt to deny him ſuch privi-
" lege; as, by thus endeavouring to build
" caſtles in the air, you may come down your-
" ſelves to the ground; it would be dangerous
" alſo to infringe the judgement of the Con-
" ſiſtories in this matter; whoſe independence
" hath been too often occaſionally pretended
" and acknowledged by the reverend Aſſembly
" itſelf: It is not proper it ſhould act incon-
" ſiſtently; the matter may become intricate:
" And it is equally important both to Religion
" and to the State that the Aſſembly ſhould
" not expoſe itſelf. The only buſineſs in
" which the Aſſembly can, with propriety,
" interfere, is an examination into the works
" of the Writer; the diſperſion and propaga-
" tion of which it is its duty to oppoſe, by
" prudent admonitions addreſſed to the author,
" by means of his Paſtor; exhorting him to
" write and publiſh no more; and alſo by
" making earneſt Remonſtrances to the Go-
" vernment,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" vernment, in order that the privilege granted
" for printing the projected edition be repeal-
" ed. If the Aſſembly act prudentially they
" will inſiſt no farther than to obtain theſe
" ends; which will be two very conſide-
" rable and difficult points gained *.

" It is certain, that it is of very dangerous
" conſequence to extend the privilege of tole-
" ration to foreigners; as this would be, in a
" manner, giving an invitation to the authors
" and editors of pernicious books to ſeek an
" aſylum

* Not at all. On the contrary, nothing ſo eaſy. For, with regard to the firſt, the Aſſembly had nothing to do but to admit of Mr. ROUSSEAU's offer. And as to the ſecond, it might have been obtained on ſpeaking half a word to him. Witneſs the following extracts of letters written to one of his friends on theſe occaſions.

" I muſt confeſs to you, I ſhall look with ſome
" anxiety on the engagements I am going to form
" with the company in queſtion, ſhould we come to
" an agreement; ſo that if we break off, I ſhall not
" be much mortified." —— Again, in another letter
" to the ſame, he ſays: " You will pleaſe to proceed
" no farther with the company, till they have got the
" formal conſent of the Council of State; which I
" doubt, however, of their being able to obtain.
" And, as to the permiſſion they have ſollicited from
" the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" aſylum in this country, and riſk the making
" it a rendezvous for thoſe paultry ſcribblers of
" the preſent times, whoſe diſpoſition princi-
" pally induces them to employ their pens
" againſt the doctrines of religion and mora-
" lity.

" There is yet another reaſon why the
" Aſſembly, convened to deliberate on the pre-
" ſent affair, ſhould act with caution. It is
" ſaid that the firſt-mover of all its proceedings
" reſides in a neighbouring capital, in the
" perſon of an apoſtate eccleſiaſtic; one, who
" ſeeks only, in this buſineſs, to do himſelf

" the Court, I doubt the grant of that ſtill more.
" My Lord MARSHALL is well acquainted with my
" ſentiments on that head: he knows very well that
" I not only aſk for nothing for myſelf, but that I am
" determined never to make uſe of his intereſt at
" Court to obtain any thing whatever relative to the
" country I live in, which may be diſagreeable to the
" particular government of it. I do not mean to
" interfere in any ſhape with theſe matters, nor
" to proceed farther in our treaty till they are deter-
" mined."

The light in which Mr. ROUSSEAU then looked upon the projected edition of his Works, was well known to the ſix perſons who were deſirous to engage in it; and could not, therefore, be a ſecret to all the Members of the reverend Aſſembly of the Clergy.

" credit

" credit with a D'ALEMBERT or a VOL-
" TAIRE; the rivals or enemies of our cele-
" brated ROUSSEAU. Would it not be ſcan-
" dalous for an Aſſembly of Divines and
" Paſtors, ſo greatly diſtinguiſhed in the re-
" formed part of Europe, to permit themſelves
" thus to be actuated, in a matter of religious
" importance, by an intriguing eccleſiaſtic,
" given up wholly to worldly purſuits and
" perſonal proſpects? How can they think of
" liſtening to ſuch a perſon, when the matter
" in queſtion relates to the means of ſilencing
" or reclaiming a poor and honeſt, though
" miſtaken unbeliever? How can they think
" of being adviſed or directed by a man, who
" is known to have the ſtricteſt connection
" with an inventor of bawdy tales, defamatory
" hiſtories, and the revivers of ſyſtems of Im-
" piety and Materialiſm? by one who piques
" himſelf, as the higheſt merit, on being the
" creature, the favourite of the Ambaſſadors of
" a Crown, which is daily impriſoning or hang-
" ing up his country-men and brethren, for
" preaching the Goſpel in its purity; rendering
" himſelf by this means even an accomplice in
" all the anti-chriſtian cruelties of Popery *?

* Let not any Reader be offended at theſe expreſſions, as they are conſecrated by the Preachers of the Goſpel.

" What

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" What a contraſt! Of what influence ſhould " be the ſuggeſtions of ſuch a cabal over an " Aſſembly of Proteſtant Divines?"

This letter occaſioned a new deliberation on the 13th; when, at the requeſt of Mr. de MONTMOLLIN, Paſtor at Motiers, a written order was formally given him, to cite J. J. ROUSSEAU to appear before the Conſiſtory; and to propoſe to him the following queſtions:

First; Whether JOHN JAMES ROUSSEAU doth not believe in JESUS CHRIST, who died for our ſins, and roſe again for our juſtification?

Secondly; Whether he doth not believe in Revelation, and regard the Holy Scripture as divine.

Mr. de M*** was further commiſſioned and directed, that, in caſe Mr. ROUSSEAU did not make ſatisfactory anſwers to the above queſtions; he, the ſaid Paſtor, ſhould proceed to excommunicate him, doubtleſs *at all events*. There is good reaſon, at leaſt, to conclude as much, from the meaſures that were taken in the Church of Motiers, to bring about this concluſion; all, as it was pretended, for the greater glory of God. In the

firſt

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

firſt place, endeavours were uſed to ſtagger the conſciences, and intimidate the Elders of the Church, being Members of the Conſiſtory, by telling them, that J. J. ROUSSEAU was the Anti-Chriſt; that the ſecurity of the country depended on his excommunication; that all the different Members of the State highly intereſted themſelves in it; that the allied Cantons, and particularly that of Berne, had threatened to renounce its ancient alliance with this country, if ROUSSEAU was not excommunicated. Nay, reports were even ſpread among the women, in the town and its neighbourhood, that ROUSSEAU, in his laſt work, had affirmed that women had no ſouls, but were merely on a footing with the brutes. By theſe, and a thouſand other ſtories, calculated for the ſame purpoſe, the common people ſeemed very ripe for ſerving poor ROUSSEAU like another ORPHEUS *; or at leaſt making him to undergo the fate of a SERVETUS.

Matters

* This is by no means an exaggerated ſtate of the caſe. It is well known that we have here more than one zealot, who, for the love of God, and the ſalvation of ſouls, would willingly have furniſhed faggots on this occaſion for an Auto-da-fe. The friends of Mr. ROUSSEAU were very glad, indeed, that the ſeverity

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Matters were in this ſituation when our pretended Anti-Chriſt addreſſed the following letter to Mr. N * * *, Sollicitor General.

" *Motiers, Mar.* 23, 1765.

" I know, not, Sir, whether I ought not to " rejoice at misfortunes, which are accompa- " nied with ſo many conſolations. Thoſe I ex- " perienced from your letter were very agree- " able, though leſs ſo than what I received " from the pacquet it contained. I had com- " municated to my Lord MARSHALL the rea- " ſons which made me deſirous of quit- " ting this country, to ſeek tranquillity for " myſelf, and to leave it here behind me. I " have the ſatisfaction to find he approves of " thoſe reaſons, and is of my opinion, that I " ought to go. Thus, Sir, my reſolution is " taken; and, though I proteſt it is taken " with regret, it is irrevocable. Is it poſſible " the goodneſs of any of my friends can diſ- " approve of a deſire, in my preſent melan- " choly ſituation, to find ſome peaceful ſpot,

ſeverity of the ſeaſon confined him to his room; he might otherwiſe have been in great danger of being torn to pieces by our modern Bacchants, whoſe ter- magant ſpirits were enraged to the higheſt degree in behalf of their ſouls.

" whereon

" whereon to lay my bones? With a greater
" ſhare of health and ſtrength, I ſhould have
" conſented, for the good of the public, to
" meet my perſecutors face to face: But, de-
" bilitated by infirmities and misfortunes with-
" out example, I am very unfit to act a part,
" which, indeed, it would now be cruel to
" impoſe on me. Wearied out with diſputes
" and quarrels, I can no longer ſupport them.
" Let me go hence, therefore, and die elſe-
" where in peace; for here that would be im-
" poſſible, though leſs on account of the ill
" diſpoſition of the inhabitants, than from their
" too great vicinity to Geneva; an inconve-
" nience, which all the good-will in the world
" cannot enable them to remove.

" My reſolution, Sir, of leaving this coun-
" try, being what my enemies have ſought to
" reduce me to; it ought naturally to prevent
" any farther proceedings againſt me. I am
" not, indeed, as yet in a ſtate of health to
" undertake a journey; and it will require
" ſome little time to ſettle my affairs here be-
" fore I go. In the mean time, I hope not
" to be treated worſe than a Turk, a Jew, a
" Pagan, or an Atheiſt; but that I may be
" permitted, for a few weeks at leaſt, to enjoy
" that hoſpitality, which is not refuſed to the
" greateſt

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" greateſt ſtranger. Not that I mean, Sir,
" for the future, to conſider myſelf as ſuch:
" On the contrary, the honour of being en-
" rolled among the citizens of this country,
" will be always dear to me, as well for its
" own ſake as for that of the hand by which
" it was preſented to me. At the ſame time,
" the zeal and fidelity which I owe the King,
" as my Prince and Protector, will be num-
" bered among the firſt of my duties. Let me
" add to this, that I leave behind me ſome
" poſſeſſions truly to be regretted, but of
" which I do not mean altogether to diveſt
" myſelf; theſe are, the love and eſteem of
" thoſe friends which I have been ſo happy as
" to find even in the midſt of my diſgraces;
" and which I hope to preſerve though at a
" diſtance.

" As to the Reverend Gentlemen, the
" Clergy, if they think proper to proceed
" againſt me before a Conſiſtory, I ſhall crawl,
" as well as I can, to appear on their citation,
" ſince they will have it ſo; but they will
" find that, for any thing I ſhall have to ſay
" to them, they might have diſpenſed with all
" this formality and parade. They have the
" power, and are at liberty to excommunicate
" me, if it affords them any amuſement; and,
" indeed,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" indeed, I ſhould be greatly amuſed too, " were I only excommunicated after the man- " ner of Mr. de VOLTAIRE*.

" Permit me, Sir, to addreſs this letter in " common to the two Gentlemen, who have " had the goodneſs to write to me in ſo gene- " rous and intereſting a manner on this occa- " ſion. You will readily perceive, that in " my preſent ſtate of embarraſſment, I have " neither time nor words to expreſs how much " I am affected with your and their concern " for my welfare.

" I am, Sir,

" with greateſt reſpect, &c.

" J. J. ROUSSEAU."

On Sunday the 24th of March, twelve days after the Deliberations of the reverend Aſſembly, the Paſtor of Motiers convened the ad-

* The Reader will poſſibly be ſurprized to find the name of this celebrated writer ſo cloſely connected with that of the reverend Aſſembly of our Clergy. It was occaſioned, however, by a letter which Mr. de VOLTAIRE is ſaid to have written to Paris; and in which it is aſſured, that he piqued himſelf much on his power and intereſt to get poor ROUSSEAU expelled from his new country, in ſpite of the protection af- forded him by its Sovereign.

monitory

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

monitory Conſiſtory: Having, by the election of two new Elders, completed the number required, ſo as to ſuit with his plan of reſerving two voices to himſelf.

The Conſiſtory being met, he produced the orders, which he had brought in his pocket from the Aſſembly; and which he now diſplayed with ample reflections on the ſubject, concluding at length, as might be very naturally expected, with a charge adapted to his deſign.

This interval of twelve days had been fully employed, and that with ſo much ſucceſs, that M. de MONTMOLLIN, writing to a friend at Geneva, is ſaid to have poſitively aſſured him, the ſentence of Excommunication would paſs on Mr. ROUSSEAU.

This being reſolved on, it was to no purpoſe that the King's Officer, who is always preſent at the meetings of the Conſiſtory, reminded it of infringing the laws and conſtitution of the State. It was in vain he exclaimed againſt that ſpecies of inquiſition which the Aſſembly of the Clergy had introduced, in open defiance of that conſtitution, and in direct violation of the rights and privileges of the people. His voice was not heard; or, if heard, was neglected;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

lected; whilſt the majority determined, that Mr. ROUSSEAU ſhould be cited, on the 28th inſtant, to appear before the Conſiſtory on the 29th.

This determination was accordingly tranſmitted and received with politeneſs on the ſide of both parties. But Mr. ROUSSEAU, by the advice of his friends, which was founded on very ſufficient reaſons, very prudently declined making his perſonal appearance; ſending in writing, what he had to ſay to the Conſiſtory on this occaſion; accompanied with the Declaration he made to Mr. de MONTMOLLIN when he was received to the holy communion in 1762.

Letter from Mr. ROUSSEAU *to the Conſiſtory, conſiſting of the Paſtor and the Elders of the Church of* Motiers.

" GENTLEMEN,

" ON receiving your citation of yeſterday, " I determined, in ſpite of my ill ſtate of health, " to appear before you to-day; but find it im- " poſſible, notwithſtanding the goodneſs of my " inclination, to ſuſtain the fatigue of a tedious " audience: Having reflected alſo, that, with " regard to the matter of faith, which is the " ſingle

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" ſingle object of that citation, I may as well " explain myſelf in writing. I doubt not alſo " that the charity, which muſt ever accom- " pany your zeal for religion, will induce you " to admit of the ſame reply by letter, as I " ſhould give to the queſtions of Mr. de MONT- " MOLLIN, ſhould I have done it by word of " mouth.

" It appears to me, then, Gentlemen, that " the ſeverity, with which the reverend Aſſem- " bly have thought proper to proceed againſt " me, ſhould have been founded on ſome " poſitive law; which, I am aſſured, does not " now exiſt in *this* country *. Nothing, in- " deed, can be more novel, more irregular, " and more deſtructive to civil liberty, and, " above all, more contrary to the true ſpirit of " our holy religion, than ſuch violent proceed- " ings in a matter of pure faith †.

" For

* And which never did exiſt there, but to the terrible misfortune of the inhabitants.

† Mr. ROUSSEAU might have added, that nothing could be a greater contraſt to ſuch proceedings than even the conduct of our own Clergy; who, towards the end of the laſt century, abſolutely refuſed to adopt the *Conſenſus*; notwithſtanding it was the Profeſſion of Faith adopted by all the other Proteſtant Churches of Switzerland; becauſe they would lay no reſtraint on the

ſhould I have done it by

have been founded on ſome
ſtructive to civil liberty,

towards the end of the laſt
vitzerland; becauſe they

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" For let me beg of you to conſider, that, " having long been received into the boſom of " the Church; and, being neither Paſtor, nor " Profeſſor, nor inveſted in any manner with " the authority of public inſtruction, but only " a ſimple individual among the number of " the faithful; I ought not to be ſubjected to " any examination or inquiſition concerning " matters of belief. Such an inquiſition, un- " heard of in this country, tends, indeed, to " ſap all the foundations of the reformed reli- " gion; at once infringing both Goſpel Li- " berty

the conſcience. Nay, the ſame Clergy have even perſiſted to this day in the like refuſal; though *now* they are deſirous of impoſing on individuals, the yoke which they and their proteſtant forefathers were unable to bear. Let theſe Gentlemen begin, at leaſt, by laying down a regular and uniform Creed of their own: For till then we ſhall hardly be diſpoſed to forget a notorious and recent fact; which is, that, in the laſt edition of a little work, received into all our publick ſchools, and publiſhed under the immediate direction of our Paſtors, without any regard to the inſpection of the Civil Magiſtrate, there are a number of Texts of Scripture omitted, (doubtleſs for very good reaſons,) and among others, the following: 1 Epiſt. of St. JOHN, ch. v. ver. 7. " For there are " *three* that bear record in Heaven, the Father, the " Word, and the Holy Ghoſt, *and theſe three are* ONE." 1 Epiſt. to the CORINTHIANS, ch. xiv. ver. 40. " Let " all things be done *decently* and in *order*."

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" berty and Chriſtian Charity, as well as the " authority of the Prince and the rights of the " ſubject; whether we conſider the latter as a " member of the Church or of the State. An " account of my actions or moral conduct, is " certainly due, at all times, to the Magiſtracy " and to my fellow citizens. But theſe not " admitting of any infallible church that hath " the authority to preſcribe what their members " ſhall believe; as I have been once received " into its communion, I am reſponſible only " to God, for the articles of my future faith.

Ibid. ch. xiii. ver. 13. " And now abideth Faith, " Hope, Charity, theſe three; but *the greateſt of theſe* " *is Charity*."

See alſo the firſt Epiſt. to TIMOTHY, ch. i. ver. 5. The Goſpel according to St. JOHN, ch. v. ver. 39. and 58. Epiſt. to the ROMANS, ch. x. ver. 9 and 13. Epiſt. to TITUS, ch. iii. ver. 8. The firſt Epiſt. of St. PETER, ch. iii. ver. 13. Epiſt. of St. JUDE, ver. 20 and 21, &c. &c. &c.

It is certainly high time for the Clergy to make ſome alteration in the Doctrines commonly received. But to pretend to add an inquiſition to their inſtruction, is rather too great a ſtride, in a country, whoſe inhabitants have imbibed the love of liberty with their mother's milk. Let our Paſtors reflect on the rivers of blood, which ſuch an attempt once cauſed to be ſhed, in the Netherlands, and the *ſpirit of party* will certainly yield, either through probity or compaſſion, to the *ſpirit of patriotiſm*.

" To

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" To this let me add, that, when I was ad-
" mitted to the holy communion in this pariſh,
" about three years ago, ſoon after the publi-
" cation of *Emilius*, I gave to Mr. de MONT-
" MOLLIN himſelf, a Declaration in writing;
" with which he ſeemed fully ſatisfied, re-
" quiring no farther explanation of me, with
" regard to matters of belief, but promiſing he
" never ſhould require any other.

" I abide by his promiſe; and particularly
" by my own Declaration: how inconſiſtent,
" how abſurd, how ſcandalous will it be,
" therefore, to have been ſatisfied with it, on
" the publication of a book, in which Chri-
" ſtianity itſelf appeared to be ſo violently at-
" tacked; and yet not to be ſatisfied with it
" on the publication of another book, in which
" the author may doubtleſs be guilty of ſome
" errors, the natural attendants on human
" frailty; but in which, he certainly errs like
" a Chriſtian *, as he conſtantly refers to the

* It might be alſo added, and with one of the principal advocates for the Reformation, the celebrated THEODORE de BEZA; who, nevertheleſs, was not cited before a Conſiſtory, for having ſaid, in a Note on the 23d and 24th verſes of the ſecond chapter of the Goſpel of St. JOHN, " *Non ſatis tuta fides eorum qui* " *miraculis nituntur.*" It is true, that, in his time, the word *Reformation* was not an unmeaning term.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" authority of the Goſpel. In the former caſe, " they might indeed, with ſome propriety, " have denied me the participation of the holy " communion, but in the preſent they ought " to allow it me. If you act otherwiſe, Gen- " tlemen, at the peril of your own conſciences " be it; for my part, act as you will, mine is " at eaſe.

" I am ready, Gentlemen, to pay you all " that deference which is juſtly your due; I " therefore heartily wiſh you would not en- " tirely forget the protection with which I am " honoured by the King; leſt you compel me " to apply for that of the Government.

" Let me beg of you, Gentlemen, to re- " ceive in good part the ſtrongeſt aſſurances of " my profound reſpect.

" Annexed, you will find a copy of the De- " claration abovementioned; on which I was " admitted to the holy communion in 1762, " and which I now confirm.

" J. J. ROUSSEAU."

This Declaration hath appeared in publick long ſince; but I think it would not be improper to inſert it on this occaſion. Here, therefore, it is.

The

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

The Declaration of Mr. ROUSSEAU, *previous to his being admitted to the holy communion; after the publication of his* Emilius: *Addreſſed to the Paſtor of the Church of* Motiers.

"SIR,

"THE reſpect I owe your character and "my duty, as a pariſhioner, obliges me, be- "fore I offer to approach the communion table, "to impart to you my ſentiments reſpecting "the objects of our faith; a declaration which "is become neceſſary, from the ſtrange preju- "dices that have ariſen againſt ſome of my "writings.

"It is to be lamented, that the Miniſters of "the Goſpel ſhould, on this occaſion, re- "venge the cauſe of the Church of Rome, for "want of hearing what I have to offer, or "even of having read my book.

"You, Sir, do not ſtand, indeed, in this "predicament; I expect, therefore, at your "hands, more equitable treatment. Be this, "however, as it may; the work carries its "own explanation with it; and as I can "juſtify it only by means of itſelf, I abandon "it, ſuch as it is, either to the approbation "or cenſure of the judicious reader, without

" undertaking to defend or pretending to dif-
" avow it.

" Confining what I have to ſay, at preſent,
" therefore, to my own perſon, I declare to
" you, Sir, with all reſpect, that, ſince my
" being re-united to the Church in which I
" was born, I have always made profeſſion of
" the reformed religion; the leſs ſuſpected,
" indeed, as in the country where I reſided
" nothing farther was required of me than to
" keep ſilence; even ſome doubt of ſuch pro-
" feſſion being ſuffered to remain, in order
" that I might continue to enjoy thoſe political
" advantages, of which I ſhould otherwiſe
" have been deprived on account of my reli-
" gion. To this true and holy religion I now
" profeſs myſelf alſo ſincerely attached, and
" ſhall continue ſo to the lateſt hour of my
" life: I deſire, therefore, to be externally
" united to the Church as I am internally
" from the very bottom of my heart. And
" this I proteſt to you, Sir, I deſire not only
" from the conſolation which I promiſe myſelf
" from a participation in the communion of
" the faithful; but even as much with a view
" to their publick edification as my own private
" advantage; for it is by no means proper, that
" a ſincere and ingenuous reaſoner ſhould not

" openly

een deprived on account of my

; but even as much with a

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" openly appear a member of the Church of " CHRIST.

" I ſhall wait on you, Sir, to receive a " verbal anſwer to this letter, and to conſult " you reſpecting the manner in which I ought " to conduct myſelf on this occaſion; that I " may give no cauſe of offence to a Miniſter " whom I honour, nor of ſcandal to the con- " gregation I would wiſh to edify."

After many difficulties, which aroſe on the part of Mr. de MONTMOLLIN, reſpecting the reception of theſe papers; the King's Officer carried his point ſo far as to obtain the permiſſion of having this read: in doing which the Paſtor reverſed the order of their Miſſion, and recited the Declaration firſt. During the lecture alſo, he was obſerved to be greatly agitated; every now and then ſhrugging up his ſhoulders, and ſtopping ſhort to comment on what he had read, in a manner very expreſſive and edifying, though not a little ſingular in a Paſtor, who for two years and a half paſt had judged this very Declaration ſufficient to juſtify his admitting the author to the communion.

Nor was this the only indecency committed in this Aſſembly: the ſame Servant of GOD endeavouring conſtantly to interrupt the Ser-

point ſo far as to obtain the
alſo, he was obſerved to be
nd edifying, though not a
munion.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

vant of his Prince, when the latter made any repreſentation on the ſubject. Nay, he went ſo far as to propoſe an adjournment of the Aſſembly; when he ſaw what turn their deliberations were likely to take; and that merely on the frivolous and unprecedented pretext of one of the Elders being abſent; on whoſe voice he doubtleſs imagined he could depend.

Theſe efforts, however, being inſufficient, he tried another ſcheme; and modeſtly pretended, that he himſelf had two voices in the Chapter. Yet one would have naturally thought his delicacy ſhould have made him refrain from voting at all on this particular occaſion, as he was now become in a manner a party in the affair, by repreſenting the Aſſembly of the Clergy in exhibiting the orders they had given him; and which he now inſiſted ſhould be conformed to, in the deliberations of the Conſiſtory: but it appears he was determined to carry his point *per fas & nefas*.

At the breaking up of the Conſiſtory our Paſtor's diſſatisfaction broke forth, in the rudeſt manner, againſt thoſe of the Elders who had differed from him in opinion. He reproached them in the ſevereſt terms for not having liſtened to the voice of their ſpiritual conductor; to all which, however, they honeſtly

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

neſtly and plainly told him, "they thought it "much ſafer to liſten to the voice of their own "conſciences."

They had, in fact, had time ſufficient to reflect on the conduct of this ſpiritual guide; on the meaſures he had taken to deceive them, and the falſe ſteps he would have them take in this buſineſs. Being apprehenſive of the ill conſequences that might attend on their proceedings; therefore, four of them thought it expedient to addreſs themſelves to the Council of State, the proper Aſſembly to judge of order.

But here, I imagine, that I hear you exclaiming with ſurprize, in the words of BOILEAU:

Tant de fiel entre-t-il dans l'ame des dévots!

Whence, ſay you, can ſuch ſpleen and malice ariſe? What can afford a ſufficient cauſe for this furious animoſity? A Paſtor, of whom Mr. ROUSSEAU had ſpoken more than once with high encomiums*, muſt ſurely have very ſingular motives to falſify theſe encomiums by his

* Particularly in his Letter to the Archbiſhop of Paris, and in the firſt volume of the *Letters written from the Mountains*. In regard to theſe encomiums, a Lady of this country, who knows the world well, very

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

his own conduct! Doubtleſs, Sir! It is, indeed, whiſpered, that he was certainly touched with that powerful influence, which is uſually denominated the *Auri ſacra fames.*

I leave you to gueſs the reſt; and, paſs on to the abovementioned addreſs of the four Elders.

To the Preſident and Members of the Council of State.

" *Reſpectable* LORDS,

" THE ſubſcribing Elders, Members of " the Admonitory Conſiſtory of Motiers and " Bovereſſe, take the liberty of addreſſing " your Excellencies; being greatly ſurprized " to find themſelves required to deliberate on a " caſe which ſurpaſſes the bounds of their very " limited knowledge. For which reaſon they " entreat your Lordſhips to give them directions " for their conduct with regard to the three " following points:

pleaſantly ſaid, that ſhe had been offended, as well as others, at the Writings of Mr. ROUSSEAU, and that not leſs with his aſſertions than with his doubts; in proof of which ſhe alleged theſe paſſages reſpecting his Paſtor. All the world were of her opinion, and when it was told Mr. ROUSSEAU, he anſwered, in the bitterneſs of his heart, " True, I ought to have been " aware of the danger of commending an Eccleſiaſtic, " while he was living."

" 1. Whe-

minated the Auri facra fames .

eſſing

ited knowledge . For which
ſhe had been offended , as well
ages reſpecting his Paſtor . All
n « aware of the danger of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" 1. Whether we are obliged to engage in
" a rigorous ſcrutiny concerning matters
" of religious belief?

" With regard to this firſt article, we muſt
" ingenuouſly avow the incompetence of our
" knowledge in theology; nor can we think
" it reaſonable that ſuch knowledge ſhould be
" required of us, who have always imagined
" the duties of our charge confined to the re-
" prehenſion and ſuppreſſion of indecencies and
" irregularities of manners; without venturing
" to encroach upon the *ſovereign authority* on
" which we depend.

" 2. Whether a Paſtor has, or ought to
" have, two votes in the Conſiſtory?

" On this ſecond point, we beg leave to ob-
" ſerve, that the Conſiſtory of Motiers and
" Bovereſſe, being compoſed of ſix Elders,
" with the Paſtor as Preſident, if this maxim
" were eſtabliſhed, the members of the ſaid
" Conſiſtory would ſerve only for mere cy-
" phers in any future debate.

" 3. and laſtly, Whether the Deacon of
" Val de Travers hath a right to ſit and
" vote in the Conſiſtory of Motiers and
" Bovereſſe?

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" With regard to this laſt article, it appears " to us, that if the Deacon is deſirous to inter- " fere in matters of *correction*, he ought alſo " to labour in thoſe of *inſtruction* and *edifica-* " *tion*. Nor ſhould the Paſtors prevent his " catechizing, as he is legally bound to do, " in the chapel of Bovereſſe *.

* For the explanation of this circumſtance, it is neceſſary to obſerve, that, at the inſtance of the Paſtors, the Communities of Val de Travers, who enjoyed a foundation for a School-maſter, conſented to ſuppreſs that place, and to transfer the Penſion to a Deacon, charged to aſſiſt the Clergy in the execution of their functions. The inhabitants of Bovereſſe ſtipulated in particular, that the Deacon ſhould come every fortnight to teach and explain the Catechiſm in their Chapel, in order to prevent their children being deprived of all inſtruction. For theſe two years paſt, however, the poor people ſollicit in vain for their Catechiſm, and their abandoned Chapel.

Our modern Paſtors are, by no means, like thoſe of the primitive Churches, who would brave the Croſs and the Stake to ſpread abroad their inſtructions, and ſollicit the people to receive them *gratis*. Ours, on the contrary, find it more eaſy and commodious to confine their paſtoral ſollicitude to the emolument of the Prebend. To do juſtice to all parties, however, it muſt be owned, that theſe emoluments are but ſmall, and little proportioned to the value of that inſtruction for which they were intended as a ſalary.

" Your

" Your Lordſhips will pleaſe to take under " conſideration the *firſt* article of our moſt " humble Remonſtrances; which gives us the " more concern, as the object of it ſo far ſur- " paſſes our judgment and abilities. In re- " gard to the *two latter*, we are alſo by ſo " much the more intereſted in them, as we " are anxious for the faithful diſcharge of our " duty, and may ſubject ourſelves to cenſure, " while our intentions are perfectly innocent. " We flatter ourſelves that your Lordſhips will " pleaſe to direct our conduct by an Arret of " Council; which will be an additional mo- " tive to thoſe already ſubſiſting, for putting " up our moſt earneſt prayers to the Almighty " for your preſervation.

" Signed,

" A. H. BEZENCENET, A. FAVRE,
" L. BARRELET, A. JEANRENAUD."

This Requeſt being preſented the firſt of April, the Government judged it neceſſary to expedite the following preliminary orders.

" *April* 1.

" The Council of State, having received " the informations of M. MARTINET, Mem- " ber of the Council, and Captain-Governor " of Val de Travers, bearing date the 25th

" and

" and 30th of March laſt, with regard to what " paſſed in the Admonitory Conſiſtory, aſſem- " bled on Sunday the 24th and on Friday the " 29th of the ſame month, reſpecting the Sieur " ROUSSEAU; as alſo the joint repreſentations " of four Elders of the Church, FAVRE, BA- " ZENCENET, BARRELET and JEANRENAUD; " and deliberated thereon: it is *reſolved*; That " the conduct of the ſaid Governor hitherto is " fully approved; and that, in expectation of " receiving further orders concerning the final " determination of this affair, he do ſignify to " the ſaid Sieur ROUSSEAU, that the Council " of State will ſecure to him the full enjoy- " ment of the protection granted him by the " King, of the favour he is honoured with by " my Lord MARSHALL, and of that which is " due to him as a ſubject of the State. In " conſequence of which, the Council diſpenſe " with his paying any regard to all or any of " the citations which may be ſent him from " the Conſiſtory; whoſe whole procedure " againſt him is hereby ſuperſeded; and with " regard to which a definite order will ſpeedily " be iſſued."

The next day was publiſhed the Arret following.

" *April*

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" *April* 2.

" AT the requeſt of the four Elders of the " Conſiſtory of Motiers and Bovereſſe, FAVRE, " BEZENCENET, BARRELET, and JEANRE- " NAUD, it is *reſolved*, That the delicacy and " prudence, with which the ſaid Elders pro- " ceeded in the preſentation of their Addreſs " to the Council of State, is approved and " commended.

" *Reſolved* concerning the three articles con- " tained in their ſaid requeſt, that the Council " pronounce, in order,

" On the *firſt*, that the Admonitory Con- " ſiſtory is to take cognizance only of divi- " ſions, diſorders, and licentiouſneſs of man- " ners; having no right to interfere in any " other buſineſs whatever; but particularly " having no authority to call any one to ac- " count for matters of faith or private judg- " ment. That the Members of the Conſiſtory " have ſtill leſs right or pretenſion to proceed " rigorouſly in the proſecution of any ſuch " buſineſs; as the Conſiſtory itſelf depends on " a ſuperior power, to which its Members " ſhould refer their diſcoveries of this kind " when of importance to the State; and to " which alone it belongs to take cognizance

" and

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" and to puniſh in its own prudence, if the " caſe require, agreeable to the forms of law.

" That the ſaid four Elders are conſequent- " ly juſtifiable in refuſing to take cognizance " of ſuch ſubjects, notwithſtanding they may " be required ſo to do by their Paſtor; as they " ought not in any manner to aid or aſſiſt in " ſuch proceedings as are contrary to the con- " ſtitution of the State, whatever means may " be taken to engage them therein *.

" With regard to the *ſecond* article, *Reſolved*,

" That it is unprecedented for the Paſtor " preſiding over the Admonitory Conſiſtory, to " have more than one vote; and that who- " ſoever hath, in ſuch a caſe, aſſumed a double " vote, be properly reprehended and reſtrained " to the due diſcharge of his proper functions. " That it is not permitted ſuch preſiding Paſtor " to preſent to the Conſiſtory the Reſolutions, " or even final Determinations of the Aſſembly " of the Clergy; by which the Conſiſtory " cannot, and ought not, to be affected: that " Aſſembly having no authority over the Con- " ſiſtory. That a Paſtor may, indeed, conſult " ſuch Aſſembly for his own particular di-

* Obſerve this, ye Miniſters of the God of Peace, who commands obedience to the Powers that be.

" rection,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" rection, and even follow their advice, if he " thinks proper; but that he ought in no caſe " whatever to lay any the leaſt reſtraint on the " free votes and ſuffrages of the other Mem- " bers of the ſaid Conſiſtory. And of this the " Officer of the State, who is preſent, is re- " quired to take particular note.

" As to the *third* article of the ſaid requeſt of " the four Elders abovementioned, it is *ordered* " that Mr. MARTINET, Counſellor of State, " Captain and Governor of Val de Travers, " do make proper enquiry into the late " practices, as well as into the former cuſtoms " on which ſuch practices may have been " founded, reſpecting the pretended right of " the Deacon of Val de Travers to ſit and " vote in the Admonitory Conſiſtory of Mo- " tiers and Bovereſſe; and upon his report " deliberation will be held, and farther reſolu- " tions taken therein *."

Such, my dear Sir, is the preſent ſituation of things here: and, it is hoped, the Reve-

* This Arret, coming directly from the Council of State, and ſerving to authenticate the facts above recited, reflects no little honour alſo on our Government; and will, to every good citizen, be as valuable as the *Magna Charta* to Engliſhmen.

rend

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

rend Aſſembly of the Clergy will, on this occaſion, have the good ſenſe to apply the ancient maxim, *noli movere camarinam*, and ſo much patriotiſm at leaſt to be quiet *; eſpecially after Mr. ROUSSEAU hath ſent the following letter to Mr. N * * *, Sollicitor General: with a copy of which, I ſhall conclude mine.

Letter from Mr. ROUSSEAU *to Mr.* N * * *, *Sollicitor General.*

" *Motiers, April* 6, 1765.

" Permit me, Sir, before your departure, to " intreat you to add another favour to the " many, you have obligingly conferred on me; " that is, to preſent my ſincereſt acknowledg- " ments and profound reſpects to the Mem- " bers of the Council of State. It is greatly " conſolatory for me to enjoy, under the " auſpices of government, that protection " with which the King hath honoured me, " and the favours which my Lord MARSHALL " hath ſo kindly beſtowed. Theſe inſtances of

* We are aſſured, indeed, that our Clergy will now ſit down in tranquility; and that M. de MONTMOLLIN, in particular, comforts himſelf with the pleaſing hope, that, in *another reign*, things will go better, both with him, and with the venerable Aſſembly. This may ſerve as another encomium on that Sovereign, under whoſe government we have the happineſs to live!

" generoſity

" generoſity and goodneſs are ſo great and
" valuable, that they lay me under new obli-
" gations, which my heart will ever duly ac-
" knowledge; not only as a faithful ſubject to
" the State, but as a man particularly obliged
" to that illuſtrious body by which it is go-
" verned. I flatter myſelf, that hitherto a per-
" fect ſimplicity hath been obſerved in my con-
" duct, and as great an averſion to contro-
" verſy, as a love for peace and tranquillity.
" I will venture to ſay, no man hath endeavoured
" leſs to ſpread his opinions, or hath been leſs
" an author in his ſocial and private character:
" and, though, during the courſe of my mis-
" fortunes, the ſollicitations of my friends, my
" duty, and even my honour may have obliged
" me to take up the pen in my own defence,
" or in that of others, I can ſafely ſay I have
" always diſcharged this diſagreeable office
" with regret; regarding the cruel neceſſity of
" it as an additional misfortune *.

" At

* Mr. ROUSSEAU received, indeed, during ſeveral months together, repeated and multiplied ſollicitations, even from Geneva itſelf, to urge him to write in his juſtification. It is therefore not to be wondered at if his friendſhip, his duty, his honour, at length yielded to them. It is ſurprizing, however, that people ſhould be ſo fond of diſcovering, in the *Letters from the*

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

"At preſent, Sir, I thank Heaven, I am "quit of this duty; and am determined, for "the future, to be ſilent. For the ſake, "therefore, of my own repoſe as well as that "of the State in which I have the happineſs to "live, I voluntarily engage myſelf, ſo long as "I poſſeſs the ſame advantages, not to write "upon any ſubject which may give offence to "the people of this country, or of thoſe adja-"cent. I will even do more, and return with "pleaſure to that ſtate of obſcurity, in which "I ought always to have lived, and hope "never more to excite the attention of the "publick, in any ſhape, regarding myſelf.

the Mountains, ſentiments which are not expreſſed there. For my part, I ſincerely avow, that the prudent, reſerved, and patriotic * conduct of the Citizens of Geneva, ſince the publication of that Work, appears to tally exactly with the maxims and advice which thoſe Letters inculcate. Not but I can eaſily diſcern, that a perſon, whoſe love of liberty and averſion to deſpotiſm were leſs than mine, might not approve of the publication of that Work, or labour to inveſt its Author with the title of *a Profeſſor of Truth and Liberty*.

* Notwithſtanding all that is inſinuated to the contrary by the Author of the *Dialogues between a Citizen of Geneva and a Foreigner*: This Writer making his *Citizen* talk like a *Child*, and his *Foreigner* very foreign to the Purpoſe indeed!

"I heartily

" I heartily wiſh I could offer my new " country a tribute more worthy of it. The " ſacrifice I here make it, indeed, is of little " value, and as little to be regretted: ſince I " prefer the friendſhip of its inhabitants, and " the favour of its Governors, infinitely above " the breath of popularity and the vain applauſe " of the world.

" Let me entreat you, Sir, to accept of my " moſt humble and reſpectful acknowledg- " ments.

I have the honour to be, &c.

Neufchatel,
April 14, 1765. " J. J. ROUSSEAU."

" P. S. In taking a review of my letter, I " perceive, Sir, I have not ſtrictly kept " my promiſe, but have ſometimes loſt " ſight of my deſign, by dwelling too mi- " nutely, perhaps heavily, on particulars. " But the heart was afflicted, and it was " impoſſible to do otherwiſe. Who could " forbear expatiating on ſo copious a ſub- " ject? I do not flatter myſelf, however, " that I have told you every thing; and " am, therefore, ſatisfied that I have not " altogether broken my promiſe."

ADVER-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ADVERTISEMENT.

ON the publication of the foregoing letter, written as it afterwards appeared, by Mr. du PEYROU of Neufchâtel, the reverend Paſtor Mr. de MONTMOLLIN undertook in defence of himſelf, a refutation of the facts and reaſonings contained in it. This he publiſhed in the form of Letters, to the number of nine; the ſubſtance of which is contained in the following ſummary.

Abſtract of Profeſſor de MONTMOLLIN's *Refutation of the foregoing Libel.*

"If I had conſulted only my own peace and tranquility, I ſhould have been ſilent with regard to the anonymous libel, which hath lately appeared againſt me; and which, being only a farrago of miſrepreſentation, falſhood, calumny, and abuſe, can excite only the contempt of men of underſtanding and probity.

"A writer who is aſhamed to ſubſcribe his name to aſſertions or inſinuations, reſpecting the moral character and reputation of another, hath been in all ages held in juſt deteſtation;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

teſtation; as the moſt dangerous enemy to ſociety. Such a writer, indeed, may be truly compared to an aſſaſſin, who ſtabs a man in the dark, or deſtroys him while he ſleeps ſecurely in his bed. His word, at leaſt, ought to paſs for nothing with the public, as I have often heard Mr. ROUSSEAU himſelf acknowledge.

"For my own part, I am not afraid to ſubſcribe my own name, nor to mention thoſe of others, who may be intereſted in this affair; as I ſhall write nothing but what is exactly true, and ſhall beſides ſtrictly abide by that moderation, which is ſo conformable both to my miniſterial and perſonal character."

After this introduction, the reverend Profeſſor goes on to relate the affair of Mr. ROUSSEAU's firſt application to him, on that gentleman's arrival at Motiers, in order to be admitted to the holy communion; giving a tranſcript of his letter on that occaſion; which, being before printed *, is here omitted. In the copy of a ſecond letter, addreſſed to a brother Paſtor at Geneva, on the ſame occaſion, M. de MONTMOLLIN proceeds, after the cuſtomary preamble, as follows:

* See page 29.

"IT

deſtroys him while he ſleeps
my own part,
is exactly true, and ſhall
al at Motiers, in order to be
f a ſecond letter, addreſſed to

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" IT is now about three * months ſince Mr. " ROUSSEAU arrived at Motiers, and took up " his reſidence in the houſe wherein he now " lives. My friends and relations recommen- " ded him to me, as a perſon of merit and " probity, who ſought only a peaceful retreat " where he might end his days in tranquillity, " *without writing any more* †. A circumſtance, " which was afterwards confirmed to me by " the verbal aſſurance of Mr. ROUSSEAU, " whoſe health is very precarious, and is daily " on the decay. On his arrival, he wrote to " my Lord MARSHALL, deſiring permiſſion to " reſide in this country; which was readily " granted him. His Excellence alſo informed " the King, who was pleaſed to admit of Mr. " ROUSSEAU's petition; *ſuppoſing* he would

* This Letter is dated Sept. 25, 1762.

† The paſſages marked in Italics throughout this letter, are thoſe which Mr. ROUSSEAU either retrenched, added, or altered in the copy, ſubmitted to his peruſal by M. de MONTMOLLIN, when the latter was called upon, in his own vindication, to ſend it to ſeveral perſons of eminence, both eccleſiaſtical and civil, who thought he had extended his toleration too far with regard to Mr. ROUSSEAU. Providentially, ſays the Profeſſor, I have retained this copy with the alterations and corrections written by Mr. ROUSSEAU's own hand. The Profeſſor had written, *without troubling himſelf to write any more.*

" behave

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" behave himſelf in a proper manner. From " that day to this, Mr. ROUSSEAU, whom I " have had frequent occaſion to ſee, hath ap- " peared in a very favourable light; comport- " ing himſelf with great prudence and diſcre- " tion, and politely refuſing to ſatisfy the im- " pertinent curioſity of thoſe who came hither " to aſk him imprudent or unneceſſary que- " ſtions.

" In the mean time, he hath aſſiduouſly fre- " quented the church, with ſuch an external " appearance of religious reſpect and devotion, " that the people have entertained a very good " opinion of him. For my own part, I have " frequently converſed with him, and have " ſtarted ſeveral objections againſt a number of " propoſitions contained in his writings. On " all which occaſions he hath replied with " great moderation; complaining bitterly that " he hath been miſrepreſented, not only as an " infidel and an enemy to religion, but even " as an Atheiſt; whereas he proteſted to me, " that he was ſincerely a Chriſtian, and that of " the Reformed Religion.

" On the twenty-fourth of Auguſt, he wrote " me the letter before mentioned; and the " next day waited on me, in conſequence of

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" its contents; when I had an opportunity of
" entering into a more particular converſation
" with him, with regard to the nature and
" tendency of his writings, and principally
" that of Emilius. On that head, I obſerved
" to him, that there appeared to me a manifeſt
" contradiction between the principles eſta-
" bliſhed in his writings, and that ardent de-
" ſire he teſtified to be admitted to the com-
" munion of the faithful.

" He again proteſted, that he was at heart a
" Chriſtian and a Proteſtant; that he was de-
" ſirous of acting as ſuch; and that he looked
" upon his participation at the Lord's table as
" one of the moſt conſolatory events that could
" happen to him; expreſſing his hopes that
" my paſtoral charity would not refuſe him the
" advantage of ſuch conſolation. To all which
" he added, as a proof of his ſincerity, and of
" his requeſt's ariſing from motives purely
" conſcientious, that being under the imme-
" diate protection of the King, he might re-
" ſide at eaſe in this country, without being
" under any neceſſity of complying with any
" external modes of religion: but that he de-
" ſired from his heart to know JESUS CHRIST
" for his Saviour, whenever he ſhould be called
" to appear before his ſovereign Judge.

" With

" With regard to his *Emilius*, alſo, in parti-
" cular, he again aſſured me, that he meant
" to ſay nothing in that work againſt the Re-
" formed religion; having in view only the
" three following objects: *Firſt*, to combat
" the church of Rome, and particularly that
" doctrine which affirms that there is no ſalva-
" tion out of her pale: as there can be no
" doubt that a Pagan of probity and virtue,
" SOCRATES, for inſtance, although he never
" had heard the name of CHRIST, might be
" ſaved.

" On this occaſion he admitted, that he was
" led to exalt the idea of natural religion, as
" being the foundation of revealed; and that
" he might poſſibly have dropped ſome expreſ-
" ſions that might be miſapplied, and ſeem to
" have a tendency to depreciate the Proteſtant
" religion; but that this was never his inten-
" tion.

" In the *ſecond* place it was his deſign to op-
" poſe, though not directly, yet ſufficiently
" plain, that infernal performance *De l'Eſprit*;
" in which the author maintains the deteſtable
" principle, that to perceive and to judge is
" the ſame thing; *a principle which evidently*
" *tends to eſtabliſh Materialiſm* *.

* This was added by Mr. ROUSSEAU.

 " *Thirdly*,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" *Thirdly*, to demoliſh thoſe of our modern " Philoſophers, whoſe vanity and preſumption " have induced them to ſap the foundations of " all religion, both natural and revealed.

" In anſwer to all this, I freely repreſented " to Mr. ROUSSEAU, that, if theſe were his " intentions, his readers had indeed greatly " miſtaken them, and that they were very na- " turally led into ſuch miſtake, by the ſcepti- " cal and ludicrous manner, in which he had " treated the moſt eſſential doctrines of Chri- " ſtianity.

" Being thus preſſed, he replied, that he ad- " mitted and believed every doctrine that was " eſſential, or that any Miniſter ought to " deem eſſential, in the Chriſtian religion: " *that he was ſo far from ludicrouſly endeavouring* " *to bring religion into ridicule, he had never* " *ſpoken of it but with the moſt profound reſpect*; " *although, in oppoſing two adverſaries to each* " *other, and imitating their manner, which he* " *cenſures, he ſometimes makes one of them ſpeak of* " *it with leſs reverence* *. He ingenuouſly con- " feſſed, that he had many doubts and ſcru- " ples which he could not get over; but that " he deſired nothing more ardently than to " have theſe doubts removed, and in the mean

* Added by Mr. ROUSSEAU.

" time

" time adhered to that way of thinking which
" was generally acknowledged the ſafeſt. He
" farther declared, that, if he was ſuppoſed to
" have an indifference for all religions, it was
" a * *falſe* imputation; for that he looked upon
" the Chriſtian religion as the only one that
" was true, and capable of making us wiſe to
" ſalvation. At the end of this conference, I
" told him I would communicate the purport
" of it, as well as his letter, to the Conſiſtory,
" and that I ſhould afterwards return him my
" anſwer.

" The Conſiſtory unanimouſly determined,
" that Mr. ROUSSEAU might be admitted to
" the communion, on the ſuppoſition of his
" ſincerity, and with the proviſo that I ſhould
" again converſe with him on that head. I
" imparted this determination accordingly to
" Mr. ROUSSEAU, and in the mean time made
" farther enquiries after his character and con-
" duct, for my own ſatisfaction and juſtifi-
" cation. After all which precautions, to pre-
" vent any ſcandal ariſing from the propoſed
" admiſſion, I waited again on Mr. ROUS-
" SEAU, and told him that I was charged, on
" the part of the Conſiſtory, to repreſent to

* Added by Mr. ROUSSEAU.

an indifference for all

well as his letter , to the

waited again on Mr. Rous

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" him, " That every perſon who came to the
" holy communion, made a public profeſſion
" of believing in JESUS CHRIST, and that
" conſequently the members of the Church
" regarded him as a member of CHRIST: but
" that if in this caſe he only made an external
" and verbal profeſſion, I thought myſelf ob-
" liged to tell him, he would be the moſt vile
" and deceitful of all hypocrites: that he was
" accountable, however, only to God; and
" that if he acted ſincerely, as I was bound in
" chriſtian charity to believe, I bleſſed God
" for the happy circumſtance, and felicitated
" him thereon with all my heart." To this
I added, " that I doubted not, if he ſe-
" conded the operations of Grace which ap-
" peared to act in his favour, but he would
" find, by happy experience, that the doubts
" and ſcruples he had mentioned, would inſen-
" ſibly diſſipate; and that, having a clear head
" and a good heart, the work of grace would
" ſoon be compleated. I then ſpoke to him
" again of his Emilius, and of the public pro-
" feſſion he was going to make of Chriſtia-
" nity: to which he replied, that, in time,
" the prejudices conceived againſt him would
" vaniſh.

Mr.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" Mr. ROUSSEAU received the communion
" the Sunday following, with an humility and
" devotion that edified the whole church; and
" ſeemed to carry with them all the appear-
" ance of ſincerity. A number of very ſenſi-
" ble and pious perſons in the congregation
" were in particular highly rejoiced at the re-
" ligious deportment of Mr. ROUSSEAU, who
" hath made himſelf loved and eſteemed in
" theſe Cantons by his candour, affability, mo-
" deration, and charity. For tho' he is not
" rich, he is very charitable, and that without
" oſtentation; of which he gave ſome extra-
" ordinary proofs, on the day of his receiving
" the ſacrament."

Under theſe circumſtances, M. de MONTMOLLIN thinks he ſhould have been wanting in his duty, as a Miniſter of Chriſt, had he refuſed Mr. ROUSSEAU the privileges he was deſirous of, as a Member of his Church: It belonging only to him who ſearcheth the heart and trieth the reins, to judge whether or not the participant was actually ſincere. It is to be wiſhed, indeed, continues the Reverend Paſtor, for the ſake of my own peace and tranquillity, that my toleration, though founded both on the principles of humanity and Chriſtian charity, had been more reſerved and con-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

fined. I ſhould not in that caſe have been the dupe to the goodneſs of my own heart, nor have had ſo much reaſon to complain of having been unjuſtly traduced in the opinion of the publick. Where is there a Paſtor, who would not have been rejoiced, as I was, to ſee Mr. ROUSSEAU, whoſe celebrity was ſo general and extenſive, preſent himſelf in a light ſo deſirable to the cauſe of truth and religion. I will frankly confeſs to you, ſir, that, independent of the ſatisfaction I felt in regard to the ſalvation of Mr. ROUSSEAU, and the edification of my fellow Chriſtians, my ſelf-love was not a little flattered by this event; which I looked upon as one of the moſt honourable of my life. The conſequences, however, have taught me the propriety of adopting the remark, which the Anonymous Libeller hath put into the mouth of a certain Lady of his acquaintance, reſpecting Mr. ROUSSEAU's commending an Eccleſiaſtic in his life-time. Yes, my friend, I may well ſay, in like manner, that I have learned, to the ſorrow of my heart, the danger of commending an Author during his life-time, eſpecially when he piques himſelf ſo greatly on his reputation. To promiſe to write no more, yet ſtill to write on, and that more than ever againſt Religion, is a conduct ſo inconſiſtent

and

njuſtly traduced in the opinion
l and extenſive, preſent himſelf
o the ſalvation of Mr.
onourable of my life. The
in Lady of his acquaintance,
ed, to the ſorrow of my heart,
te no more,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and problematical, that, I confeſs frankly, I am unable to account for it. But to confine myſelf to facts, which I ſhall leave to explain themſelves. During the time, in which I imagined Mr. ROUSSEAU enjoyed at leiſure that tranquillity, which he had, by his abovementioned conduct, procured to himſelf, without thinking of writing any more on religious ſubjects, it appears that he was very differently employed: For at the latter end of the year, behold his Letters from the Mountains made their appearance; in the peruſal of which I ſaw the Author diſcovered himſelf by his writings, and that it was no longer the Savoyard Curate who ſpoke, but Mr. ROUSSEAU himſelf. A copy of this work was ſent me by the Author, with the following letter*.

* Let the Reader put himſelf in my place, and judge what I ought to think of Mr. ROUSSEAU, when I ſaw to what degree he had inſulted ſo diſtinguiſhed and reſpectable a body as the Clergy of Geneva. I confeſs, I was very little flattered with the exception this writer made of me in the Amſterdam edition of his book; as the odium he endeavoured to throw on the Miniſtry in general, muſt neceſſarily in ſome degree affect me. But it is no wonder that a writer, who could ſo indecently inſult a reſpectable body of Magiſtrates, ſhould abuſe the Miniſters of Religion, who have no other arms to defend themſelves than charity and patience.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Motiers, Dec. 23, 1764.

"WHAT a pity, Sir, that a man, who "is ſo fond of peace, ſhould be always en- "gaged in war! It was impoſſible for me to "refuſe ſtanding up in defence of my compa- "triots, as they had done in mine. This is "what I could not do, without reſenting thoſe "inſults, which, with the blackeſt ingratitude, "the Miniſters of Geneva have had the baſe- "neſs to load me in the midſt of my misfor- "tunes; and which they have carried even ſo "far as to abuſe me from their pulpits, which "they are unworthy to aſcend. But as they are "ſo fond of war, they ſhall have it; this, how- "ever, is my firſt act of hoſtility, tho' I have "ſuffered many from them who have been the "aggreſſors. In this work, I have nevertheleſs "defended one of their chief prerogatives; "which they have tamely ſubmitted to be de- "prived of; voluntarily ſtooping under the "yoke of tyranny themſelves, that they may "be ſupported in their inſolent authority over "others. As for the reſt, the quarrel is merely "perſonal between them and me; or, if I "have introduced the Proteſtant Religion, it "is as its defender againſt thoſe who would "ſubvert it. Such are my reaſons, Sir, for "having written this performance, and you "may

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" may be aſſured, that the more I am laid under
" the neceſſity of explaining myſelf, the greater
" honour will redound to you, for your con-
" duct towards me, and the juſtice you have
" already done me.

" J. J. ROUSSEAU."

The Company of Paſtors, being informed of the manner in which the *Letters from the Mountains* were received throughout Europe, and particularly by the Churches of this country, thought themſelves under an obligation to take notice of this work, as well as of the new edition projected of Mr. ROUSSEAU's other pieces.

The Libeller is pleaſed to repreſent it as an offence, that the Reverend Claſs were ſilent on this head for the ſpace of two months. But could a body of men, diſperſed throughout the country, take up leſs time to examine the work in queſtion, and to judge properly of the effects it might produce? Theſe, and theſe only, were the ſprings of their ſubſequent zeal and activity.

Will it be ſaid that the Clergy had no buſineſs to take theſe objects into their conſideration? Surely their quality of Miniſters of the Goſpel, neceſſarily called upon them to ſup-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

port the cauſe and intereſts of their Divine Maſter! The Clergy of every communion would have done the ſame; and I can take upon me to aver, that both ours and the neighbouring Churches, though of a different communion, were greatly edified by that conduct and reſolution, which are ſo conformable to the avowed principles of a company of defenders of the truth, who ought to maintain the cauſe of Chriſt.

The Anonymous Libeller was not well informed, when he intimated that the Clergy took no notice of *Emilius*, at the firſt appearance of that work; the venerable Claſs having made remonſtrances on this head to the Government, in the year 1762; in order to prevent its being circulated in this country. A proof of which fact the writer may find by recurring to the Regiſters of the Council of State. It is farther obſervable that in this remonſtrance the Claſs did not mention the Author's name; an inſtance of that moderation for which they have been ever diſtinguiſhed; notwithſtanding the Libeller's malicious inſinuations to the contrary.

The miſtake of the Cryer, who proclaimed the prohibition of Mr. ROUSSEAU's performance,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ance, was not leſs ridiculous than the Anonymous Writer's remark on it. But to proceed to facts of greater importance.

The Aſſembly of the Clergy appointed the 12th and 13th of March*, in order to deliberate on the means of removing the ſcandal, which the publication of Mr. ROUSSEAU's laſt work had occaſioned. And here, with all the deference due to the Anonymous Writer, I muſt take the liberty to obſerve, that, according to the eccleſiaſtical conſtitutions of this country, the Clergy have a right and authority to take notice of matters of faith, as well as morality, when any ſcandal ariſes from them. This is the very letter and the ſpirit of our diſcipline; of which I might cite numerous examples. The Anonymous Writer compares the proceedings of our Clergy, with thoſe of an Inquiſition. Abſurd and ridiculous! The objects of Inquiſitorial proſecution are concealed facts, that of our Aſſembly was notorious and open.

* M. de MONTMOLLIN was not preſent at the former meeting of the Clergy, being, as he ſays, confined by ſickneſs, and having no knowledge, either directly or indirectly, of what was done there; much leſs that Mr. ROUSSEAU's books were the objects of their deliberation.

Not

Not having ſeen Mr. ROUSSEAU during my illneſs, I thought my paſtoral duty required of me to pay him a viſit, before the meeting of the appointed Aſſembly. I accordingly waited on him, tho' hardly recovered, on Friday, the 8th of March, in the afternoon; in order to prevail on him, if poſſible, to take ſuch meaſures as might beſt agree with my ſentiments reſpecting him, and the diſcharge of my own duty. I ſignified to him the apprehenſions I was under on his account, and the conſequences which I foreſaw would be the reſult of the Aſſembly. I opened my heart freely to him on this occaſion, as a citizen, a Chriſtian, a Paſtor, and a friend; in doing which perhaps I did too much, but it was a proceeding which my heart dictated. I own, Sir, I was deſirous of preventing Mr. ROUSSEAU's ſuffering any chagrin on this account; becauſe I then firmly believed him to be ſincere in his error. I propoſed to him therefore ſeveral expedients which ſuggeſted themſelves; and, among others, that he would promiſe me not to receive the communion at Eaſter, as well for his own ſake as for that of general edification; hoping that, in a ſhort interval, the fermentation, which had been raiſed in the minds of the people on his account, might poſſibly ſubſide. Was this,

Sir,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Sir, the conduct of a perſecutor? Mr. ROUSSEAU heſitated ſome time, and at length gave me for anſwer, that, if I would aſſure him he ſhould participate on the enſuing feſtivals, he might be induced to acquieſce in my propoſal. I repreſented to him, that this did not depend on me; that I was only a ſingle member of a numerous body, and could anſwer only for my own vote. He perſiſted, however, in telling me, that his fortune was in my hands; and that he was determined to have all or nothing: while I continued to aſſure him, that I would do him all the ſervice in my power, conſiſtent with my duty. Mr. ROUSSEAU then ſaid, that he would enter into an engagement with me, not to write any thing more upon the ſubject of religion; in conſequence of which he hoped he ſhould not be farther diſturbed: to which he added haſtily and abruptly, "Well, Sir, "my fortune depends upon you; if you return "with good news, I ſhall be heartily glad to "ſee you; if not, we have nothing to ſay to "each other." To this I replied, being much concerned at his prepoſſeſſion, "As you pleaſe, "Sir," and returned to my own houſe heartily afflicted. As I was not to ſet out till Monday, I conceived Mr. ROUSSEAU might, in the interim,

participate on the enſuing
er of a numerous body, and

o aſſure him, that I would do
rite any thing more upon the
" my fortune depends upon you
much concerned at his
Rousseau might, in the ins

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

terim, be better adviſed, and that I ſhould hear from him; but I heard nothing of him till Sunday evening; when Mr. GUYENET, Lieutenant of Val-de-Travers, who has the honour to be in the good graces of Mr. ROUSSEAU, came to inform me, that Mr. ROUSSEAU had ſent for him to complain againſt me for the coldneſs with which I had received his declaration; and to tell him, that if I had required it in writing, he would certainly have given it me. He hath nothing more to do then, ſaid I, than to ſend it me; I am ready to receive it, and will preſent it to the Aſſembly: but I conjure you, added I, by that intereſt which you take in Mr. ROUSSEAU's affairs, as well as that which you are ſenſible I take myſelf, to let his declaration be clear and poſitive. Mr. GUYENET would have had me return to Mr. ROUSSEAU, but the weather was too ſevere to permit me to riſque my health; and, as I had nothing new to ſay to him, Mr. GUYENET went himſelf, and brought me ſoon after a written paper from Mr. ROUSSEAU, which I told him I thought inſufficient; giving him my reaſons for thinking it unſatisfactory. To theſe he told me he would bring an anſwer, and accordingly brought

of Val - de - Travers , who has the
e coldneſs with which I had
do then , ſaid I , than to ſend it me
U's af fairs , as well as that which
it the weather was too ſevere to
per from Mr. ROUSSEAU ,
nd accordingly

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

brought me a ſecond paper * on Monday morning: to which I objected, in like manner, that, inſtead of making our Clergy eaſy, it would rather irritate them the more againſt him †: deſiring that he would alter the words "*I will continue* to ſhew by my ſentiments and "conduct the value I ſet upon the happineſs "of being united to the Church," into, "*I* "*will endeavour* to ſhew, &c." ; the expreſſion *I will continue*, after ſo flagrant an inſtance of his late defection, being more than ſufficient to give offence. The Lieutenant was loath to return with this meſſage ; but ſeeing I was going to proceed on my journey, he went out haſtily, deſiring I would wait his return. I did ſo ; when he informed me, that he could

* See page 6, where the anonymous writer ſays, this Declaration was not known till within a ſhort time before his writing; whereas it was notoriouſly known in the very beginning of the affair, not only in this country, but even in Geneva. Mr. GUYENET told me he had orders to make it public, as I alſo did to every one who had a mind to ſee it.

† The terms of his former Declaration were ſtill more exceptionable; for he there made the offer of being ſilent on condition of their not moleſting him: but it is not for culpable individuals, as I then told Mr. GUYENET, thus to make conditions, and give law to their legal ſuperiors.

not

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

not prevail on Mr. ROUSSEAU to alter a ſingle letter of his Declaration. So much the worſe, ſaid I; I am really ſorry for his obſtinacy; but pleaſe to tell him, that he is himſelf the cauſe of thoſe troubles in which he will poſſibly be involved; but it is his own affair, as he is determined not to liſten to the advice of his friends. ----

Being arrived at Neufchatel, I found there the ſame fermentation as in my own and the neighbouring pariſhes. The *Letters from the Mountains*, the projected edition of Mr. ROUSSEAU's Writings, the Remonſtrances of our Company, and the Proſcription of his Works by the civil Magiſtrate, all together did not a little agitate the minds of the people. Every body had their eye on the conduct of the Clergy in this circumſtance. What will our Miniſters do? ſaid they publickly. Will they defend the Goſpel, which hath been ſo openly attacked; or will they ſuffer it to be torn in pieces by its enemies? And what will you do, Sir? ſaid they to me. Will not this laſt performance of Mr. ROUSSEAU's put an end to your Toleration? He is your pariſhioner. Will you do nothing for the ſake of religion, for the edification of the faithful, and for your own character? Had a native of the country, added they,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

they, dared to ſpeak or to write any thing like what hath been advanced by Mr. ROUSSEAU, the Clergy would have been readily inflamed againſt him. What is Mr. ROUSSEAU? a citizen of yeſterday, inveſted with greater privileges than a natural born ſubject? Is he not ſubjected, like every other citizen, to the laws of the State, and thoſe cuſtoms which have prevailed from times immemorial.

At the meeting of the Aſſembly, the Chriſtianity of Mr. ROUSSEAU was brought on the tapis for examination; when I preſented the Declaration given me by Lieutenant GUYENET on the preceding Sunday. This, being taken into conſideration, was deemed inſufficient to repair the miſchiefs which had been already effected by the publication of the *Letters from the Mountains*; and that ſomething more was required of Mr. ROUSSEAU in regard to the injured honour of religion. So that, ſo far were the Aſſembly from thinking that his Declaration ſhould be tranſcribed in letters of gold in their Regiſters, that they conceived it included its own condemnation: for, if the book in queſtion had not inſulted religion, Mr. ROUSSEAU had no need to enter into engagements to write no more againſt it.

Agree-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Agreeable to the Cuſtom of the Aſſembly, I was then called upon to give in my information; which, I appeal to all preſent, was done in the ſpirit of toleration and charity, which I have ever diſplayed toward Mr. ROUSSEAU. After this I went out of the Aſſembly, conformably alſo to the ſame cuſtoms *.

I know not where the anonymous Libeller learned, that the reverend Aſſembly fulminated a ſentence of excommunication againſt Mr. ROUSSEAU, in defiance of the laws and conſtitution of the country. They were by no means ignorant of the limits of their ſpiritual juriſdiction; but at the ſame time they knew themſelves authoriſed to give directions to the members of their own body, reſpecting their behaviour in their reſpective Conſiſtories, without pretending to lay any reſtraint on the ſuffrage of the Elders. It is falſe, it is abſolutely falſe, that the Aſſembly deliberated on the anonymous letter which the Libeller has inſerted, and which was addreſſed only to ſome few Members, of which I was one. On the contrary, it was not even publickly read, becauſe it was anonymous.

* It is the cuſtom in this Aſſembly, for the Paſtor of any pariſh to withdraw, when any matter is under deliberation reſpecting any one, or more, of his own pariſhioners.

The

rd Mr. ROUSSEAU. After this I

EAU, in defiance of the laws and
elves authoriſed to give directions
uf frage of the Elders. It is falle,
ſome few Members, of which I

re, of his own pariſhioners.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

The following is a copy of the directions given me by the Aſſembly to regulate my particular conduct towards Mr. ROUSSEAU:

Neufchatel, March 13, 1765.

"THE Aſſembly being this day met to deliberate on the meaſures it ought to take with "regard to Mr. ROUSSEAU, whoſe anti-chriſtian "ſentiments, diſplayed in his writings, and "particularly in his *Letters from the Mountains*, "lately publiſhed, have given the greateſt ſcandal to the whole Chriſtian Church, and particularly to that of our own country; it was "judged proper to begin with the examination "of Mr. de MONTMOLLIN, Paſtor of Motiers; "whoſe pariſhioner Mr. ROUSSEAU at preſent "is. The information of the ſaid Paſtor being "heard, the Aſſembly were given to underſtand, that Mr. ROUSSEAU, having been "previouſly adviſed of the object of the preſent "deliberations, had ſent him a paper, ſigned "with his own hand, to be delivered to the "Aſſembly*: Which paper being read, and "maturely conſidered, the Aſſembly is of opinion that it is inſufficient to atone for the "ſcandal which the publication of his miſchievous and impious writings have raiſed.

* See this Paper, page 5.

"They

" They think themſelves, therefore, indiſ-
" penſibly obliged to declare to M. de MONT-
" MOLLIN, that, after the publication of the
" *Letters from the Mountains*, he ought not to
" look upon Mr. ROUSSEAU as a Chriſtian or
" member of the Church. At his requiſition
" alſo the Aſſembly judge it expedient to give
" him directions for his future conduct to-
" ward Mr. ROUSSEAU, whom he ought to
" cite to appear before the Conſiſtory, in or-
" der to be properly admoniſhed, and to be
" made acquainted with their reſolution con-
" cerning his being adjudged unworthy of
" communion with the faithful, until he ſhall
" have manifeſted, in every reſpect, the ſen-
" timents of a true Chriſtian, firſt, by ſo-
" lemnly declaring in the Conſiſtory that he
" believes in *Jeſus Chriſt, who died for our*
" *tranſgreſſions, and roſe again for our juſtifica-*
" *tion*; ſecondly, by acknowledging his re-
" gret for having written any thing contrary
" to that belief, and againſt revelation; and,
" laſtly, by conſenting that ſuch declaration
" and acknowledgment ſhould be made pub-
" lick for the edification of the Church and the
" reparation of the ſcandal he hath occaſioned.

Signed, A. DE LUZE,

Paſtor of the Church at Cornaux, and
Secretary of the Venerable Aſſembly."

On

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

On the next day I quitted Neufchatel, in order to return home to my particular affairs. How then can the author of the libel raſhly advance, that ſecret practices had been uſed in the Church of Motiers? No ſecret practices were made uſe of, either on my part, or on that of the friends to religion and tranquillity. I call on all my pariſhioners to witneſs this, as alſo on the very Elders themſelves, who voted againſt me in the affair of ROUSSEAU.

The publick were curious and impatient to know the reſolution taken by the Aſſembly; that ſtrict ſilence, however, was obſerved, to which the oath taken by the members neceſſarily obliged them; a ſilence which, nevertheleſs, the anonymous letter-writer affects, I know not why, to make ſo very myſterious. For my own part, I am ſtill ignorant whether the miniſters preſent made a ſecret of the above reſolution to thoſe who were abſent: but I know very well that I made no myſtery of it to any of my abſent brethren, when I had an opportunity of ſeeing them. And why ſhould I, when it was well known that the *Letters from the Mountains* were cenſured by the Paſtors in general, who were juſtly apprehenſive of their dangerous effects on their reſpective flocks.

On

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

On Sunday, the twenty-fourth of March, the Conſiſtory met, according to the practice of all the Churches of this country, to proceed on the ſubject of Accuſations * ; at which time two new Elders were preſented and choſen ; who, if they had not been prevented by various circumſtances would have been choſen ſome time before. But, Eaſter was approaching; the Elders inſiſted on the election of colleagues, becauſe they were become too few in number to ſuſtain the burthen of the Church. Yet with what malignity doth the anonymous libeller take upon him, to charge me " with " having fixed on this opportunity to compleat " the Conſiſtory, in order that I might have " more of its members at my devotion ? " But did not the Officer of the Prince alſo vote at this election ?

On this very day, the Conſiſtory came to my houſe, according to cuſtom, before the morning ſervice, with the two new-elected

* Theſe accuſations conſiſt in the enquiry made by the Paſtor, of the Elders, whether any ſcandal hath come to their knowledge, and what he ought to do for their better edification ? The Paſtor alſo relates what he knows of ſuch things, and they all enter into ſuch meaſures as they think moſt efficacious to remove them.

Elders ;

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Elders; at which time, and not before, I informed them of the affair of M. ROUSSEAU, which was to be propoſed in the Aſſembly of the Conſiſtory after the Sermon.

In this Aſſembly I repreſented to them, that it was not without great concern and reluctance that I laid before them the affair of Mr. ROUSSEAU, with whom I had had perſonal connections; but that the honour of religion and the edification of the churches in general, and that of Motiers in particular, induced me to lay aſide all private conſiderations; and that the more eſpecially, as all the world had an eye, ſince the publication of the *Letters from the Mountains*, on the conduct we ſhould adopt with regard to M. ROUSSEAU, and more particularly the Aſſembly of the Clergy, and the neighbouring churches. I thought it would be proper, therefore, for the diſcharge of our duty, that M. ROUSSEAU ſhould be cited to appear in the Conſiſtory, and that, if they judged it expedient, I would confine myſelf to the merely aſking him two general queſtions, viz. "Whether he believed "the Scriptures to be the revealed will of God? "And whether he alſo believed that JESUS "CHRIST died for our tranſgreſſions, and roſe "again for our juſtification?" Two queſtions

iſtory after the Sermon.

, with whom I had had per
o lay aſide all private
ct we ſhould adopt with regard
for the diſcharge of our duty,
g him two general queſtions,
tranſgreſſions, and roſe "

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

very ſimple; the affirmative anſwer to which is eſſential to the faith of a Chriſtian *.

In ſupport of my opinion I made uſe of the direction which the reverend Claſs had given me, and which the Elders deſired me to read. This I did; at the ſame time expreſsly declaring that I did not pretend to lay any reſtraint on their ſuffrage; and appealing to them in the preſence of the Officer, whether I had ever ſo done. On which they all unanimouſly replied, that I always left them at perfect liberty in this reſpect, and that they were happy in having a Paſtor who behaved ſo well to them.

On giving their votes, the majority were for citing M. ROUSSEAU to appear before the Conſiſtory, to be held at the Miniſter's houſe on the 29th, after Sermon, according to cuſtom. M. ROUSSEAU was, in conſequence, properly cited, and returned the anſwer above inſerted †.

I paſs over in ſilence what the anonymous writer has falſely imputed to me, in regard to my affirming in the Conſiſtory, that M. Rous-

* *Sanctify the Lord God in your hearts, and be ready always to give an anſwer to every man that aſketh you a reaſon for the hope that is in you*, 1 Peter iii. 15.

† Page 23.

SEAU

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

SEAU was the *Antichriſt.* Never did I ſay or think of ſuch an abſurdity. I know not what it is to abuſe any one, though I can ſtand up boldly in the defence of truth, when my duty calls upon me. Now my duty called upon me to repreſent to the Conſiſtory what I thought we were bound to do in ſuch a caſe, for the edification of the whole Chriſtian Church.

Mr. MONTMOLLIN proceeds to refute ſome other paſſages contained in the anonymous letter; but as every thing is already extracted that is of moment to his juſtification; it is here judged expedient to cloſe this abſtract of the Profeſſor's letters.

A Letter from Mr. ROUSSEAU, *relative to the preceding.*

Motiers-Travers, Aug. 8, 1765.

"NO, Sir; let them ſay what they will, I "ſhall never repent the praiſe I have beſtowed "on M. de MONTMOLLIN; I thought him "worthy my greateſt acknowledgments, and "praiſed in him what I had experienced; "his truly paſtoral conduct with regard to me. "I have not extolled his character, with "which I am unacquainted.

"I praiſed neither his truth nor probity. I "will even confeſs that I received at firſt no "very agreeable impreſſions from his outward

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" appearance; which is not calculated to pre-
" judice one much in his favour. His tone of
" voice, his deportment, and unpleaſing aſ-
" pect, gave me an involuntary diſguſt; I was
" amazed to find ſuch affability, humanity,
" and ſweetneſs of temper, ſuch virtues con-
" cealed under ſo gloomy a phyſiognomy. But
" I ſoon ſmothered that unjuſt prepoſſeſſion;
" for ought we to form an opinion of a man on
" ſuch deluſive ſigns, which are ſo plainly con-
" tradicted by his conduct? Muſt one pry,
" with malignant curioſity, into the ſecret prin-
" ciple of a permiſſion ſo little expected? I have
" the ſtrongeſt averſion for that baſe artifice, of
" viewing the good actions of others only on
" the dark ſide, and never had ſufficient ſaga-
" city to find out bad motives for doing good.
" The more I perceived an indifference for
" M. de MONTMOLLIN ariſing in my mind,
" the more I ſtrove to ſubdue it, by re-
" flecting on the gratitude I owed him. Let
" us ſuppoſe the ſame caſe poſſible to happen
" again, and I ſhould juſt act in the manner I
" did.

" M. de MONTMOLLIN now unmaſks, and
" ſhews what he is in reality. His preſent
" conduct is an explanation of his former be-
" haviour. It is eaſily ſeen that his pretended
" mode-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" moderation, which he loſes at the very time
" it is moſt proper, is derived from the ſame
" ſource as that perſecuting zeal with which
" he is ſo ſuddenly inſpired. What was his
" original view? What are his preſent deſigns?
" I really know not; but I am ſure his inten-
" tion was never good. He not only admitted
" me to the communion, with an obliging
" warmth of friendſhip, but ſought me earneſtly
" and induced me to hear him, whenever
" I ſeemed to be chearful, on the ſubject of
" Chriſtianity; and when I proved that I did
" not attack it, or denied I had any ſuch in-
" tention, he would, in his turn, railly me
" ſeverely on my confidence in religion, on
" my perſon, and belief; he would have me
" excommunicated, baniſhed; he raiſed the
" whole pariſh againſt me. He purſued me
" with a remorſeleſs violence, bordering on
" madneſs.

" Are theſe extraordinary diverſities conſiſt-
" ent with his duty? No; charity is unchange-
" able, virtue never contradicts itſelf, and
" conſcience knows no equivocation.

" After ſhewing himſelf ſo little moderate
" at the beginning, he reſolved to be more ſo,
" when it was too late. That affectation did
" not ſerve him; and as every one ſaw through

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" the diſguiſe, he did well to return to his
" natural diſpoſition. By deſtroying his own
" work, in doing me more harm than good,
" he has acquitted me of all obligations. I
" owe him nothing but an acknowledgment
" of the truth; it is what I owe to myſelf,
" and ſince he obliges me to confeſs it, I ſhall
" do ſo.

" You deſire to know what paſſed between
" us, relative to that affair.--- M. de MONT-
" MOLLIN gave his account to the publick as
" a churchman, and dipping his pen in that
" poiſoned honey which proves mortal, took
" all the advantages his ſituation afforded.
" For my part, Sir, I ſhall unfold my narra-
" tive in that plain unaffected ſtyle which
" perſons of probity always uſe to each other.
" I ſhall waſte no time in proteſtation of my
" ſincerity. I leave it to your good under-
" ſtanding and love of truth to ſettle that
" affair between him and me.

" I am not, thank Heaven, one of thoſe
" whom the Church makes Bigots, and after-
" wards deſpiſes. I have the honour to be
" one who is eſteemed, and at the ſame time
" perſecuted. When I took refuge in this
" country, I brought letters of recommenda-
" tion to no perſon whatever, not even to my
" Lord

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" Lord MARSHAL. I had but one letter,
" which I carried every where, and which
" with my Lord MARSHAL would have
" been alone ſufficient. Two hours after my
" arrival, as I was writing to his Excellency
" to inform him of it, and to beg his pro-
" tection, a ſtranger, whom I had never ſeen,
" entered, and called himſelf the Miniſter of
" the place, paying his compliments with
" great familiarity; and ſeeing I wrote to my
" Lord MARSHAL, made me an offer of
" adding a few lines, by way of recommenda-
" tion, with his own hand. I did not accept
" his offer, but ſent away my letter; and met
" with ſuch a reception as oppreſſed innocence
" might hope to find wherever virtue is held in
" eſteem.

" Having no expectation of ſo much civility
" from a Paſtor, who was an entire ſtranger
" to me, I told every body the circumſtance
" the ſame day, and among others to Colonel
" ROQUIN, who teſtified the moſt affectionate
" regard for me, and would have very wil-
" lingly accompanied me hither.

" M. DE MONTMOLLIN continued his aſſi-
" duities; I thought this might be of ſome
" advantage to me, and as the September
" communion was approaching, I wrote him a

" letter, to know if, notwithſtanding the pub-
" lic report, I might preſent myſelf there. I
" choſe rather to write th n to pay him a viſit,
" which might be productive of tedious ex-
" planations, and thoſe I endeavoured to avoid.
" For if I ſhould make a declaration neither to
" diſavow nor defend my book, that would in
" effect be conſtrued as if I declined entering
" on any diſcuſſion of that point; and, indeed,
" whenever I was obliged to vindicate my
" honour and my perſon, with reſpect to that
" book, I always condemned what errors it
" might contain, ſatisfied with ſhewing that
" the author meant not to attack Chriſtianity,
" and that it was wrong to proſecute him as a
" criminal on that account.

" M. de MONTMOLLIN anſwered, that I
" might come the next morning and know his
" reſolution. I ſhould have done ſo, if he had
" not prevented me, by coming himſelf. I
" may forget theſe trifles; but I think he came,
" and I certainly remember with what demon-
" ſtration of joy, he teſtified the pleaſure he
" received from my requeſt. He told me very
" politely, that he and his congregation ſhould
" be much honoured, and that a ſtep ſo unex-
" pected, would greatly edify all the faithful.
" That moment I confeſs was the happieſt I had
" ever

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" ever known. A man muſt be ſenſible of miſ-
" fortunes like mine, and experience the diſtreſs
" of a tender heart, torn from every object of
" its affection, in order to judge what conſo-
" lation I received in belonging to a ſociety of
" brethren, who might indemnify me for the
" loſſes I had ſuſtained, and for thoſe whoſe
" eſteem I could no longer cultivate. I ima-
" gined, that by heartily joining with this ſmall
" congregation, in an affecting and rational
" worſhip, I ſhould more eaſily forget all my
" enemies. The firſt time I went to the
" church, I was affected, even to the ſhedding
" of tears. Having never lived among Pro-
" teſtants, I formed notions, that they and
" their Clergy were Angels. Their worſhip
" ſo pure, and void of oſtentation, was exactly
" what ſuited my mind; it ſeemed inſtituted on
" purpoſe to inſpire the miſerable with hope
" and reſolution. All thoſe that partook of it,
" appeared ſo many true Chriſtians, united in
" bands of the moſt perfect charity. How
" have they undeceived me, in depriving me
" of the pleaſure of enjoying an error ſo agree-
" able! My eyes were at laſt opened, and it
" was but from the effect of imagination that I
" judged of the value of being admitted
" amongſt them.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" Perceiving that M. de MONTMOLLIN " never mentioned a word with reſpect to my " ſentiments in matters of faith during his " ſhort viſit, I believed he had reſerved that " converſation for another opportunity; and " knowing how fond theſe gentlemen are of " aſſuming a right which doth not belong to " them, of judging of the faith of Chriſtians, " I declared to him, that I did not underſtand " ſubmitting to any interrogation or eclairciſſe- " ment whatever. He anſwered, that he " ſhould never require it; and has ſo well " kept his promiſe that I have always found " him very circumſpect in avoiding any diſ- " cuſſion on the ſubject of doctrine, and till " the laſt affair he never hinted any thing of " it, though I happened to ſpeak to him ſome- " times on that head.

" In this manner things went on, both " before and after the communion; ſtill the " ſame affectionate concern on the part of M. " de MONTMOLLIN, and the ſame ſilence " with reſpect to theological ſubjects. He " even carried the ſpirit of toleration ſo far, " and ſhewed it ſo openly in his ſermons, that " I was often in pain for him. As I had a " real regard for him, I concealed not the " fears I began to have on his account; and I

" remember

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" remember that preaching one day very " ſtrenuouſly againſt the want of toleration " amongſt the Proteſtants, I was very much " ſtartled to hear him maintain, with earneſt- " neſs, that the reformed Church had ſtill need " of a farther reformation, both in manners " and doctrine. I then little imagined he " would afterwards have ſhewn in himſelf ſo " convincing a proof of the neceſſity of that " reformation.

" This doctrine of toleration, and the uni- " verſal eſteem it met with, excited the jea- " louſy of many of his brethren, particularly " at Geneva. They loaded him with conti- " nual reproaches, and ſpread thoſe nets which " have at laſt caught him; I am ſorry for it, " but this was not my fault. If M. de " MONTMOLLIN had ſupported his paſtoral " character by honourable means; if he had " been ſatisfied to have only employed in his " defence, with boldneſs and freedom, the " weapons of Chriſtianity and the truth; " what an example would he have given to " the Church and to all Europe, and what a " glorious triumph would he have gained to " himſelf? He made uſe of the arms of his " profeſſion, and finding them ſoften in de- " fending himſelf, contrary to the truth, he

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" then wanted to render them offenſive by at-
" tacking me. But he was miſtaken; theſe
" ruſty weapons, ſtrong, indeed, againſt thoſe
" who fear them, but weak and uſeleſs when
" courageouſly reſiſted, are now broken: He
" took a wrong method to ſucceed.

" Some months after my admiſſion into
" this congregation, M. de MONTMOLLIN
" entered my apartment one evening, with an
" air of perturbation. He ſat down, and con-
" tinued a long time ſilent; he at laſt ſpoke,
" beginning with one of thoſe tedious pre-
" faces which cuſtom had rendered eaſy. He
" came then to the point, telling me, that his
" admitting me to the communion had very
" much chagrined his Brethren, whoſe cenſure
" he had attracted on that account; that he
" had been reduced to the neceſſity of juſtifying
" himſelf in ſuch a manner as muſt undoubtedly
" ſtop their mouths; and if his good opinion
" of my principles had ſuppreſſed the demand of
" thoſe explanations, which any other perſon in
" his ſituation would have exacted, he could
" not, however, ſuffer it to be believed with-
" out hurting his credit, that I had never yet
" given him any account of my ſentiments with
" regard to religion. Thus ſaying, he drew a
" paper from his pocket, and began to read, in

" a rough

" a rough draft of a letter to a Miniſter at Ge-
" neva, ſome parts of a converſation between
" us that never paſſed, but wherein he inſerted,
" very artfully, ſome words here and there,
" ſpoken at random, and on quite a different
" ſubject. Judge, Sir, what was my ſurprize:
" It was ſuch, that I recovered not my at-
" tention till he had read the whole letter.
" In thoſe places where fiction was moſt pre-
" valent, he interrupted himſelf, ſaying, *If you*
" *perceive the neceſſity --- my ſituation --- my pro-*
" *feſſion --- one muſt take a little care of one's*
" *ſelf.* On the whole, this letter was written
" with a good deal of addreſs, and, except in
" a few particulars, great care was taken to
" make me ſay what I might very naturally
" have ſaid. When he had done, he aſked
" me, if I approved of that letter, and if he
" ſhould ſend it juſt as it was?

" I anſwered, I was ſorry he was obliged to
" have recourſe to ſuch methods, but that as
" to myſelf I could ſay no ſuch thing: But
" that ſince he had taken upon him to ſay it,
" it was his own affair and not mine; and
" that I ſaw nothing there; neither to which
" I ſhould be obliged to give the lie. As this
" can prejudice nobody, replied he, and may
" be of uſe to you, I eaſily paſs over a ſmall
" ſcruple,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

"ſcruple, which can anſwer no end, but to
"prevent a good act.

"But tell me if, on the whole, you are ſa-
"tisfied with this letter, or if you ſee any
"thing in it, that might be altered for the
"better. I told him, I thought it very pro-
"per for the end it was intended. He urged
"me ſo much, that, to humour him, I pointed
"out ſome trifling corrections, of no conſe-
"quence. Now I muſt tell you, that in the
"ſituation we ſat, the ſtandiſh was oppoſite to
"M. de MONTMOLLIN; but whilſt we were
"talking, he puſhed it, as by chance, to me;
"and as I held his letter, to read it again,
"he reached me the pen to make the neceſſary
"amendments; which I did, with all the
"frankneſs natural to me. That done, he
"put up his letter, and retired. Excuſe my
"being ſo particular, it is abſolutely ne-
"ceſſary.

"But I ſhall not be ſo explicit with reſpect
"to my laſt interview with M. de MONT-
"MOLLIN, which is much eaſier conceived.
"You comprehend what might be ſaid to a
"perſon who coldly tells you, 'Sir, I am
"ordered to break your head; but if you
"would have your leg broke, perhaps that
"may ſatisfy them.' M. de MONTMOLLIN
"muſt

" muſt undoubtedly have been concerned in
" difficult affairs ſometimes, and yet I never
" ſaw a man more confuſed during that
" whole tranſaction. In ſuch a caſe, nothing
" can be more embarraſſing than to be at
" odds with a man of a free and open diſpo-
" ſition, who, inſtead of uſing ſubtile and
" equivocating arguments, anſwers abruptly,
" and affronts you, contrary to reaſon and
" good manners. M. de MONTMOLLIN af-
" firms, that I told him at parting, that if
" he returned with agreeable news, I ſhould
" embrace him; if not, that we ſhould turn
" our backs on each other. I might have ſaid
" ſomething of that kind, but in politer terms;
" but as to theſe laſt expreſſions, I am certain
" I never made uſe of them. M. de MONT-
" MOLLIN may recollect, that he did not
" make me turn my back ſo eaſily as he ima-
" gined.

" As to the devout pathetick he employs to
" prove the neceſſity of uſing rigour, it may
" be perceived for what kind of perſons it was
" intended; perſons, with whom neither you
" nor I have any concern. But ſetting aſide
" the jargon of this inquiſitor, I ſhall exa-
" mine his reaſons, as they relate to myſelf,
" without entering into thoſe that may have
" a reference to others.

" Quite

" Quite diſguſted with the miſerable profeſ-
" ſion of an author, to which I was ſo little
" adapted, I had long ſince reſolved to re-
" nounce it. When Emilius was publiſhed,
" I had declared to my friends at Paris, Ge-
" neva, and elſewhere, that it ſhould be my
" laſt work, and that in compleating it I had
" laid down the pen, never to reſume it. I
" received many letters to diſſuade me from
" that deſign. At my arrival here I told the
" ſame to every body; even to you and M.
" de MONTMOLLIN. He is the only perſon
" who thought of changing that propoſal into
" a promiſe, and to pretend that I had en-
" gaged myſelf to him to write no more, be-
" cauſe I ſhewed ſuch an intention. Suppoſe I
" told him, I ſhould go to-morrow to Neuf-
" châtel, muſt that be taken as an engagement,
" from my words; and if I ſhould fail in go-
" ing, muſt I be proſecuted? This is exactly the
" caſe, and I no more thought of making a
" promiſe to M. de MONTMOLLIN than I did
" to you, only from a bare intention, of which
" I equally informed both.

" Dare M. de MONTMOLLIN affirm, that
" he ever underſtood the matter in any other
" light? Dare he be poſitive, as he has had
" the boldneſs to report, that it was on that
" condition he admitted me to the commu-
" nion?

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" nion? As a proof of the contrary, when I " publiſhed my Letter to the Archbiſhop of " Paris, M. de MONTMOLLIN, far from ac- " cuſing me with breach of promiſe, was very " well pleaſed with that piece, which he ex- " tolled to me and every body, without ſaying " a word of that fabulous promiſe which he " now accuſes me of having made him. Take " notice, however, that my Letter to the " Archbiſhop is much ſtronger on the ſubject " of Myſteries, and even Miracles, than that " about which he makes ſo great a noiſe. " Beſides, obſerve, that I there ſpeak in my " own name, and no longer in the character " of the Vicar. Could they find matters of " excommunication in the one, which have " not even been ſubjects of complaint in the " other?

" If I had actually made ſuch a promiſe to " M. de MONTMOLLIN, which I really never " thought of doing, would he infer, that it " was of ſo abſolute a nature as to admit of " no exception; not even to publiſh a memo- " rial of defence in caſe I ſhould be attacked " by a proceſs at law? And what exception " would be more permiſſible than that, where, " in juſtifying myſelf, I alſo juſtified him, by " ſhewing the falſhood of his admitting a pro- " phaner of religion into his church? What

" promiſe

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" promiſe could acquit me of what I owed to
" myſelf and to others? How could I avoid
" writing in defence of my honour; the hon-
" our of my ancient countrymen; which ſo
" many extraordinary motives rendered neceſ-
" ſary, and in diſcharge of ſuch ſacred duties?
" Who will believe that I promiſed M. de
" MONTMOLLIN ſilently to endure reproach
" and ignominy? Even now that I have en-
" tered into a ſolemn engagement with a re-
" ſpectable ſociety, who can accuſe me of
" breaking my covenant, if forced by the out-
" rageous violences of M. de MONTMOLLIN,
" I have repulſed him as publickly as he dared
" to offer them? Whatever promiſe an honeſt
" man may give, it will never be required,
" much leſs preſumed, that it ſhould extend
" ſo far as to be the witneſs of his diſhonour.

" In publiſhing the Letters written from the
" Mountains, I diſcharged my duty to myſelf,
" and at the ſame time did not neglect what I
" owed to M. de MONTMOLLIN. He judged
" ſo himſelf; for when the work was printed,
" of which I ſent him a copy, he continued
" to act in the ſame manner as before. He
" read it with pleaſure; ſpoke of me with
" praiſe; not a word that ſavoured of objec-
" tion. He ſaw me often ſince, he always
" teſtified the greateſt friendſhip; no com-
" plaint

" plaint of my book. There was then a re-
" port of an intended edition of all my works.
" He not only approved that deſign, but even
" deſired he might be concerned. He was ſo
" anxious, that I did not think proper to give
" any encouragement, knowing the preſent
" company was already too numerous, and
" wanted no more aſſociates. He was diſpleaſed
" at my coldneſs, which he reſented more than
" it deſerved; and ſome time after covered his
" diſappointment by caſting a reflection, That
" the dignity of his ſtation forbad his enga-
" ging in any ſuch deſign. It was then the
" Synod began to oppoſe him, and made re-
" monſtrances to the court. In fine, our
" good underſtanding was ſtill ſo entire, and
" my laſt work ſo little affected it, that for a
" long time after that publication, M. de
" MONTMOLLIN, among other converſation,
" told me, he had a mind to ſollicit the court
" for an augmentation of his ſtipend, and re-
" queſted I would inſert a few lines in a letter
" he intended to write to my Lord MARSHAL
" for that purpoſe. That method of recom-
" mending himſelf, and making his intereſt,
" ſeeming too familiar, I aſked fifteen days,
" in order to draw up an addreſs to my Lord
" MARSHAL beforehand. He gave me no
" anſwer, and never mentioned the affair af-
" terwards.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" terwards. From that time he began to look " on the Letters from the Mountains with " another eye, though he never in the leaſt " hinted his diſapprobation in my preſence. " He only ſaid once, *For my part, I believe in* " *miracles.* I might have anſwered, *I believe* " *in them as much as you.*

" Since I am on the ſubject of my treatment " from M. de MONTMOLLIN, I ſhould ac- " quaint you, that I have more matters of " complaint to mention. Touched with a " ſenſe of gratitude, I have ſought all occa- " ſions of teſtifying it, both in publick and " private, but I never proſtituted ſo noble a " principle to the baſe purpoſes of intereſt; I " was never governed by example, and know " not how to traffick in holy things. M. de " MONTMOLLIN wanted to meddle in all my af- " fairs, to be acquainted with all my correſpon- " dents, to direct, and be the depoſitary of my " laſt will, and ſuperintend my little houſhold. " This is what I would never permit. M. de " MONTMOLLIN liked ſitting long at table; " for my part, it is a pain to me. He ſeldom " eat at my houſe, and I never at his. In ef- " fect, I repulſed all the familiar intimacy he " wanted to eſtabliſh between us, in as gentle " and polite a manner as poſſible; which al- " ways becomes improper, when it is not

" equally

might have anſwered, I believe " in

tude, I have fought all occa " ſions

fairs, to be acquainted with all my
mit. M. de 6 MONT MOLLIN liked
ar intimacy

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" equally convenient on both ſides. Theſe " are the wrongs I complain of; I confeſs " them, without repenting the handſome " things I have ſaid. My injuries are great, " but they are the only ones I received; and " I call to witneſs every perſon who knows " this country, if I have not often made my- " ſelf diſagreeable to honeſt people, by com- " mending what I thought praiſe-worthy in " M. de MONTMOLLIN.

" Notwithſtanding any ſecret animoſity he " might have had againſt me, he would never " have blazed them abroad, at ſo improper a " a time, if other motives had not preſſed him " to reſume the opportunity he had ſuffered to " eſcape. He perceived too well that his con- " duct began to be diſguſting and contradic- " tory to me. What conflicts muſt he have " had with himſelf, before he preſumed to " charge me with ſo apparent a falſhood? For " let us condemn the Letters from the Moun- " tains as much as we pleaſe, will they ſay " more againſt me in effect, than Emilius; " after the publication of which I was not re- " fuſed, but readily admitted to the holy com- " munion? Do they condemn me more than " my letter to M. de BEAUMONT, Archbiſhop " of Paris, which never ſeemed to give any " offence. Suppoſe theſe works were a com-

" plication

" plication of errors, as they would inſinuate,
" of what conſequence is that? Why; then
" let me not be juſtified by them, and let the
" author of Emilius remain inexcuſable. But
" I can never admit, that the author of the
" Letters from the Mountains deſerves the
" ſame cenſure on this account. Is it uſual,
" after pardoning a criminal, to puniſh him
" for having made a bad defence on his trial?
" Yet this is the caſe with M. de MONTMOL-
" LIN: and I defy either him, or his bre-
" thren, to produce any of thoſe ſentiments in
" my laſt writings, they ſo ſtrongly cenſure,
" which I cannot prove to be more firmly eſta-
" bliſhed in thoſe that precede them.

" But being inſtigated underhand by others,
" he ſeized the pretext they offered; certain,
" that by exclaiming, right or wrong, againſt
" an infidel, the people would be immediately
" excited to fury; he rings the alarm-bell of
" Motiers, when all was over, becauſe a poor
" man durſt defend himſelf againſt the Gene-
" vans; and finding that nothing but ſucceſs
" could ſave him from contempt, he ſpared no
" pains to make his point ſure. I ſaw it
" plainly at Motiers, and ſhall forbear trou-
" bling you with a repetition of what paſſed
" there, as you are better acquainted than I,
" with the whole procedure; every one at

" Neuf-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" Neufchâtel knows it; ſtrangers that came " to the town ſaw it, and ſighed; for my " part, I was ſilent. M. de MONTMOLLIN " excuſed himſelf on account of the orders he " had received from the Synod. But ſuppoſe " theſe orders had been legally executed? If " they had been juſt, why did he not know " of them ſooner? Why did he not prevent " them, whoſe particular province it was? " Why, after reading over and over the Let- " ters from the Mountains, could he find no- " thing in them worthy of cenſure? or why " was he ſilent on that head to me, that was " his pariſhioner, as often as he came to viſit " me? What became of all his paſtoral zeal? " Would he paſs for a blockhead, who can ſee " nothing in a book relative to his own profeſ- " ſion, but what is pointed out to him by " others? But, on the contrary, if theſe orders " were unjuſt; why did he ſubmit to them *? " Ought a miniſter of the Goſpel, a paſtor of " the church, to perſecute a man, whoſe in- " nocence he is aſſured of, in obedience to " any power whatever? Did he not know,

* " As a ſtaff in the hands of him who manages " it." See the *Conſtitutions of the Jeſuits*. M. ROUSSEAU is certainly ignorant of the extent of the obedience due to the Synod from its members. He may be informed by looking into their juſtification.

" that]

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" that to appear in judgment before the Con-
" ſiſtory, is an indignity, an affront too cruel
" for a man of my time of life, eſpecially in
" a country town, where they are ignorant of
" all conſiſtorial matters, but admonitions
" againſt pravity of manners? Ten years ago
" my appearance in the Conſiſtory at Geneva
" was excuſed on a much more lawful occa-
" ſion (and for which I almoſt blame myſelf,)
" contrary to the expreſs words of the law.
" But it is not the leaſt ſurprizing that they
" ſhould know theſe forms of decency and
" regularity at Geneva, of which they are ig-
" norant at Motiers.

" I cannot tell whence M. de MONTMOL-
" LIN took his inſtructions, when he ſaid there
" was nothing of the Inquiſition in this affair.
" He might have ſaid as juſtly that there was
" no Conſiſtory, for it is the ſame thing on
" that occaſion. He gives out, nay, he in-
" ſiſts, that no matter of temporal cognizance
" ought to be within its juriſdiction. The
" contrary is known to every one in the affair
" of the Project; and who is ignorant, that
" in impoſing on the credulity of the Council
" of State, with regard to matters of religion,
" they engaged them in meaſures which had
" well nigh deprived me of the King's protec-
" tion? The proper ſtep to be taken was, firſt

" an

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" an excommunication; after which, freſh re-
" monſtrances to the Council of State would
" have done the buſineſs; they actually tried
" thoſe methods, and their preſent uneaſineſs
" proceeds from their diſappointment, in fail-
" ing of ſucceſs. For otherwiſe, what is it to
" M. de MONTMOLLIN? Is he afraid I ſhould
" not come to receive the communion from his
" hands? Let him be ſatisfied; I am not ſo
" very anxious about communions as many
" perſons are. I admire the voracious holi-
" neſs with which they devour the conſe-
" crated bread: for my part, my ſtomach is
" not ſo ſtrong.

" He ſays he had but one plain queſtion to
" aſk me, on the part of the Conſiſtory. Why
" did he not let me know it, when I was ſerved
" with the citation? What a piece of artifice
" was it, firſt to ſurprize a man, and then ob-
" lige him to anſwer that moment, without
" giving the leaſt time for reflection. This
" was the queſtion mentioned by M. de MONT-
" MOLLIN, which he reſerved *in petto*, as the
" principal, among others he has not told us,
" and for which he was unwilling I ſhould be
" prepared. It is well known, that his deſign
" was to catch me tripping, and puzzle me with
" ſo many litigious interrogatories, as muſt,
" in the end, anſwer his purpoſe. He very

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" well knew my weakneſs, and bad ſtate of " health. I do not think he intended to ex- " hauſt my ſtrength; but at the time I was " cited I was extremely ill, and not in a con- " dition to go abroad, having kept my room " for ſix months: it was the winter ſeaſon, " and very cold weather: a ſtrange remedy, " for a poor infirm creature, to remain many " hours, ſtanding, and to be interrogated be- " fore Elders, concerning matters of Divinity, " of which the moſt learned among them de- " clared they underſtood nothing. No mat- " ter; they never enquired even if I was able " to leave my bed; if I had ſtrength enough " to walk without ſupport; they gave them- " ſelves no trouble on that account. Paſtoral " charity, entirely taken up with matters of " faith, never ſtoops to the mean and ſordid " concerns of terreſtrial affairs.

" You are no ſtranger to what paſſed in the " Conſiſtory, during my abſence; of the " reading of my letter there, and the methods " that were propoſed to hinder its effect. Your " information in that affair was well-ground- " ed. Can you imagine that, after this, M. " de MONTMOLLIN all at once changed his " condition and title, and transforming him- " ſelf into an eccleſiaſtical ſollicitor, to ma- " nage the cauſe, he reſumed his former cha- " racter,

" racter, in order to become its judge. *I acted*
" (ſays he) *as Paſtor, as Preſident of the Con-*
" *ſiſtory, and not as repreſentative of the venera-*
" *ble Synod.* It was too late to change his
" part, when he had till then played one ſo
" indifferent. We ought, Sir, to dread thoſe
" who can voluntarily act two parts in the ſame
" piece. It would be ſtrange if one good cha-
" racter could be made out of both.

" He reſts the neceſſity of being rigorous,
" on the ſcandal raiſed by my book. Here are
" new ſcruples, which he had not at the pub-
" lication of Emilius, the ſcandal of which
" was at leaſt as great; and the clergy and
" news-writers made no leſs noiſe. They burnt
" my book, railed at, and inſulted me all over
" Europe. M. de MONTMOLLIN finds now
" thoſe reaſons to excommunicate me, in the
" ſame arguments that were no impediment
" then to my admiſſion to the communion.
" His zeal, according to the precept, acts in
" all forms, agreeable to time and place. But
" pray, who raiſed the ſcandal in his pariſh,
" on account of my laſt book, of which he
" now complains? Who was it affected to
" make a frightful uproar, both by himſelf and
" by his friends? Who among all that people ſo
" full of ſanctified rage? Who could have
" known that I had committed ſo enormous a

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" crime, as to prove that the Council of Ge-
" neva had wrongfully condemned me, if
" pains had not been taken to paint ſo extra-
" ordinary an act in colours that ſtruck every
" eye? Who, amongſt thoſe people, was
" capable of reading my book, and judging of
" the matters it contained? If you pleaſe, the
" zealous follower of M. de MONTMLOLIN,
" that learned blackſmith, whom he ſo often
" cites as an evidence; that profound ſcholar,
" who is at once ſo good a judge of horſe-ſhoes
" and books of theology. I am willing to believe
" he can juſt read, and go through a whole
" line without ſpelling; and who elſe of the
" conſpiring rabble can do ſo much? If they
" ſhould glance at the words *Goſpel* and *Mi-*
" *racles* in the pages of the book, they would
" imagine they were reading a book of devo-
" tion; and knowing I was a good man, they
" might have ſaid, *God bleſs him! he edifies us*
" *greatly.* But they had been well aſſured
" that I was an impious abominable wretch,
" who ſaid there was no God, and that women
" had no ſouls; ſo that without reflecting on
" what they might read to the contrary, they
" repeated in their turn, like parrots, *He is a*
" *wicked man, a villain, he is antichriſt, he*
" *ſhould be excommunicated, and burnt.* They
" were charitably anſwered, no doubt: *Go*
" *you*

is at once ſo good a judge of

hat they might read to the

charitably anſwered, no doubt

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" *you on with your clamours, leave the buſineſs to*
" *us, and all will do well.*

" The uſual method of the Church gentry
" ſeems to me extremely well calculated to an-
" ſwer their purpoſe. After eſtabliſhing their
" competency of juriſdiction over all matters
" of ſcandal, they raiſe a ſcandal out of every
" ſubject they pleaſe; and then, on account
" of that ſcandal, take cognizance of the cauſe,
" in order to judge it. Here is a ſure way to
" render themſelves maſters of all the people,
" of all the laws, of all the kings, and of the
" whole world, without the contradiction of
" any perſon whatever. You remember the
" ſtory of the ſurgeon, whoſe ſhop was at the
" corner of two ſtreets, and who going out at
" one door, wounded the paſſengers, and ſud-
" denly retreating, came out at the other, in
" order to dreſs them. This ſtory will ſuit all
" the clergy in the univerſe, except in this
" particular, that the ſurgeon at leaſt cured
" thoſe he wounded, whereas theſe gentlemen
" deſtroy all they attack.

" Let us not enter into the hiſtory of
" their ſecret intrigues, which will not bear
" the light. But if M. de MONTMOLLIN did
" nothing but in obedience to the Synod, or
" in diſcharge of his conſcience, why has he
" ſhewn ſo much acrimony in this affair? Why

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" was all the mob of the country raiſed? Why
" his violent ſermons, flaming with remorſe-
" leſs zeal, and unrelenting bitterneſs? Why
" theſe private petty Councils? Why ſo many
" idle reports ſpread, to terrify me with the
" roarings of the populace? Is not all this
" publick and notorious? M. de MONTMOL-
" LIN denies it. Why ſhould he not, who
" denied his pretending to have two voices in
" the Conſiſtory? Yet I find three voices, if I do
" not greatly miſtake; that of his Deacon, who
" was there only as his repreſentative; then
" his own voice, which made the odd one; and,
" laſtly, that which he claimed in order to di-
" vide the ſuffrages. Three voices in himſelf
" had been a great advantage, even to abſolve
" or acquit a delinquent. But he would make
" uſe of them in order to condemn, and could
" not obtain them. Where was the harm?
" M. de MONTMOLLIN was too happy, that
" his Conſiſtory, wiſer than himſelf, had drawn
" him out of a ſcrape with the Synod, with his
" brethren, with his correſpondents, and with
" himſelf. *I have done my duty*, might he have
" ſaid, *I have vigorouſly purſued the cauſe; the*
" *Conſiſtory have not judged the affair according*
" *to my ſentiments.* ROUSSEAU *has been abſol-*
" *ved, contrary to my opinion. That is no fault*
" *of mine; I have done; I can carry matters no*
" *farther*

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

"*farther, without flying in the face of the laws,*
"*without diſobeying the Prince, and diſturbing*
"*the publick peace. I am too good a Chriſtian,*
"*too honeſt a citizen, too devout a paſtor, to at-*
"*tempt any ſuch thing.* Though he had been
"foiled, he might ſtill, with a little addreſs,
"have preſerved his dignity, and recovered his
"reputation. But vanity once irritated by
"diſappointment, is not ſo provident. We
"find it more difficult to forgive thoſe we have
"attempted to injure, than thoſe to whom we
"have done the injury in fact. Enraged to
"ſee that credit on which he ſo much piqued
"himſelf, baffled in the face of all Europe,
"he could not prevail on himſelf to give up
"the cauſe: he ſaid in the Conſiſtory, that
"he was not without hopes of renewing it;
"he tries at another Conſiſtory; but, in order
"to ſkreen himſelf, he propoſes it by his
"blackſmith, that faithful inſtrument of his
"enterprizes, whom he calls to bear teſti-
"mony, that it was not done through his
"means. Was not that a fine ſtroke? It is
"not that M. de MONTMOLLIN wants arti-
"fice; but a man, who is blinded by paſſion,
"is always committing blunders, when he
"gives himſelf up to it.

"That expedient failed him again, and
"you might imagine that his malignity ended

too honeſ a citizen , too

injure , than thoſe to whom
not prevail on himſelf to
ſkreen himſelf , Vhe

ho is blinded by paſſion , "

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

" there. Far from it; in the next meeting of " the Synod he propoſed another method, " founded on the impoſſibility of eſcaping the " diligence of the Prince's officer in his pariſh: " that was, to wait till I went into another pa- " riſh, and then begin the proſecution anew, at " freſh coſts. In conſequence of this fine ex- " pedient, the violent ſermons recommenced, " the people were again put into diſorder, and " it was expected theſe animoſities would have " forced me to quit the pariſh. This, indeed, " was too much for a man of M. de MONT- " MOLLIN's tolerating ſpirit, who did nothing " but by the orders of his ſuperiors. My letter " grows very long; but it is neceſſary it " ſhould be ſo; why ſhould I curtail it? Would " it ſhorten it to multiply ceremonies? Let " us give Mr. de MONTMOLLIN the plea- " ſure of ſaying ten times ſucceſſively, *Sif-* " *ter* DINAZARDE, *are you aſleep?*

" I have not entered upon the point of " right; I have reſolved to meddle no more " with that affair. I confined myſelf, in " the ſecond part of this letter, to prove, " that M. de MONTMOLLIN, notwithſtand- " ing his affected tone of devotion, was not " brought into this affair through zeal for the " faith, nor by a ſenſe of his duty; but, ac- " cording to cuſtom, has made the cauſe of God

" ſubſer-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

"ſubſervient to his paſſions. Now judge if "for ſuch purpoſes they uſually employ the "moſt honeſt means; and excuſe my entering "into a diſcuſſion of matters that would draw a "ſigh from Virtue herſelf.

"In the former part of my letter I mentioned "facts, in oppoſition to thoſe advanced by M. "de MONTMOLLIN. He had the artifice to "make uſe of circumſtances to which I could "anſwer nothing, but by a true recital of all "that paſſed. From the different aſſertions on "both ſides, you muſt conclude one of us to be "a liar, and I allow the propriety of that con-"cluſion.

"When I would finiſh my letter and diſ-"patch it in haſte, I am ſtill turning over new "leaves. Reflections innumerable offer them-"ſelves, and one muſt not always begin a-new. "Yet I cannot paſs over what I have this mo-"ment before me. *What ſhall our Miniſters do,* "(it is ſaid;) *ſhall they defend the Goſpel, at-"tacked ſo openly by its enemies?* It is I, there-"fore, who am this enemy to the Goſpel, be-"cauſe I reſent the manner in which they diſ-"figure and degrade it. Why do not the pre-"tended defenders imitate the method I would "eſtabliſh? Why do not they make uſe of ſuch "parts as conduce to their edification, in ren-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" dering them good and juſt, and lay aſide ſuch
" as are of ſervice to nobody, and which they
" underſtand no better than myſelf.

" *If a native of this country had dared to advance,*
" *in words or writing, any thing near to what has*
" *been done by M.* ROUSSEAU, *would not the*
" *Miniſters act with the ſame rigour?* No,
" certainly; I dare believe ſo for the honour of
" the ſtate. What would then become of your
" privileges, you that are the people of Neufchâ-
" tel, if, for ſome ſmall matter, that might give
" your Miniſters a handle for being litigious,
" they could perſecute, amongſt yourſelves, the
" author of a tranſaction, printed in another
" part of Europe, only for his defence in a
" ſtrange country? M. de MONTMOLLIN has
" picked me out as a proper ſubject, by which
" he may lay the yoke on you; but how un-
" worthy muſt I be of your protection, if I
" could ſuffer, by my example, a ſervitude to
" be eſtabliſhed which I found not amongſt you.

" *Has M.* ROUSSEAU, *our new citizen, any*
" *more privileges than all our ancient citizens?*
" I do not claim any of their privileges; I only
" demand thoſe I am intitled to as a man and
" a ſtranger. The correſpondent quoted by
" M. de MONTMOLLIN, that wonderful per-
" ſon, whom he has not named, and who praiſes
" him

" him ſo much, is a very extraordinary reaſoner.
" According to him, I would claim more pri-
" vileges than all the citizens, becauſe I op-
" poſed thoſe meaſures in which every citizen
" would have acquieſced. So that to take from
" me the right of defending my purſe againſt a
" thief that would rob me, he might as well
" ſay, *you are certainly a very ſtrange man, who*
" *will not ſuffer me to take your money! I could*
" *eaſily rob any of the natives, if they came in my*
" *way.* Obſerve here that the Profeſſor MONT-
" MOLLIN is the only ſovereign Judge who con-
" demns me, and that law, the Conſiſtory, the
" Magiſtracy, the Government, the Governor,
" and the King himſelf, who protects me, are
" ſo many rebels againſt the ſupreme authority
" of M. de MONTMOLLIN.

" The anonymous correſpondent aſks, if I
" am not obedient to the laws and cuſtoms of
" the ſtate? And from anſwering in the affirma-
" tive, he concludes, that I muſt ſubmit to a
" law that never exiſted, and to a cuſtom that
" never was known. M. de MONTMOLLIN
" replies, that there is ſuch a law at Geneva,
" and that I myſelf complained of its being
" violated to my prejudice. So that at Geneva
" they have violated a law which exiſts there,
" and doth not exiſt at Motiers, on purpoſe to

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" condemn me; and they made uſe of it at Mo-
" tiers to excommunicate me. You muſt own
" that I am in a pretty ſituation! It was cer-
" tainly in one of his gay humours, that M. de
" MONTMOLLIN reaſoned in that manner.

" He diverts himſelf in the ſame way in a
" remark on the offer I made to the Synod,
" provided they dropped their proſecution.
" He ſays, I did it in jeſt, and that we ought
" not thus to pretend to give law to our ſu-
" periors.

" Firſt, he certainly is not ſerious, in ſaying,
" that an humble and ſatisfactory offer made to
" perſons who complain againſt us, though in
" the wrong, is dictating to them, and pre-
" ſcribing them rules.

" But the beſt of all is, his calling the Gentle-
" men of the Synod my ſuperiors, as though I was
" one of their brethren. For every one knows
" that the Synod has no juriſdiction but over
" the Clergy, and beſides having no power over
" any other perſon, its members are ſuperior to
" nobody, as being ſuch. So that to treat me
" as a churchman, is, in my opinion, a very ill-
" judged pleaſantry. M. de MONTMOLLIN
" knows very well I am no churchman, and
" that I have, thank God, no very great call
" that way.

" Indulge

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

"Indulge me a few words, concerning the "letter I wrote to the Conſiſtory, and I have "done. M. de MONTMOLLIN does not pro- "miſe many remarks on that letter, I be- "lieve he is in the right, and that he would "have ſtill done better never to have meddled "with it; give me leave to run over ſuch as re- "late to myſelf; I ſhall not detain you long.

"*How can a perſon*, (ſays he, page 163,) *an- "ſwer to what he knows nothing of?* As I have "done, by proving before hand, that they had no "right to aſk me. *Such a faith as we are only to "account for to God, is not profeſſed in any part "of Europe.* And why is there any other faith, "but ſuch as makes us accountable only to God, "publiſhed in any part of Europe? Obſerve "that ſtrange pretence of hindering a man from "ſpeaking his own opinion, by imputing to "him other ſentiments.

"*He that errs as a Chriſtian, is ready to re- "nounce his errors.* A pleaſant ſophiſm! *He "that errs as a Chriſtian, knows not that he "errs.* If he ſhould reform his errors without "knowing them, he would err nevertheleſs, "and would beſides be a liar. Then he could "not err as a Chriſtian.

"*Is the rendering miracles doubtful, a reliance "on the authority of the Goſpel?* Yes: when it is

"by

6. right to aſk me . Such a

ge pretence of hindering a

tian . BAB minous dis 1.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" by the authority of the ſame Goſpel they are " rendered doubtful. *And to ridicule them.*--- " Why not? when, relying on the authority of " the Goſpel, it can be proved, that the ridicule " is no where but in the interpretations of di- " vines. I am certain that M. de MONT- " MOLLIN is very well pleaſed with his laconic " manner of expreſſion. It is always eaſy to " reply to an argument with a jeſt.

" *As to the remark of* THEODORE BEZA, " pag. 40. *he would never have ſaid otherwiſe,* " *if the Chriſtian faith had not been intirely* " *ſupported by miracles.* Take care, Mr. Pro- " feſſor; either you do not underſtand Latin, or " you are a bad man. This paſſage, *Non ſatis* " *tuta fides eorum qui miraculis nituntur,* doth " not ſignify, as you pretend, *that the Chriſtian* " *faith is not ſupported by miracles alone.* On " the contrary, the meaning is, *the faith of him* " *who relies on miracles, is not of much ſolidity.* " This ſenſe is very applicable to that paſſage " in St. JOHN, on which he comments, where it " is ſaid, *That many believed in Jeſus on account* " *of his miracles, but he did not truſt them with* " *his perſon, becauſe he knew them well.* Do " you think he would put more confidence, at " this time, in thoſe who make ſo great a " noiſe about the ſame faith.

" *Would*

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

" *Would not every one believe they heard M.*
" ROUSSEAU *ſay, in his letter to the Archbiſhop*
" *of Paris, that they ought to erect ſtatues to his*
" *memory for writing his Emilius?* Obſerve,
" he ſays this at a time that he is pinched by the
" compariſon of *Emilius* and the *Letters from*
" *the Mountains*; M. de MONTMOLLIN cannot
" tell how to eſcape, and ſo he brings himſelf
" off by cutting a caper. If we were to follow
" him through all his extravagancies, if I were
" to examine the weight of his arguments, and
" analyſe his extraordinary reaſonings, I ſhould
" never have done, and I muſt haſten to the end.
" At the concluſion of all, he values himſelf
" much on having his name made uſe of. I
" cannot ſee how that is an occaſion of boaſt-
" ing; for when a man has taken ſuch a part in
" affairs, as he has done, he may well be aſha-
" med of owning himſelf.

" As to you, Sir, who have, in regard to
" him, preſerved that anonymous character,
" with which he now reproaches you; pray
" own yourſelf, ſince he would have it ſo: re-
" ceive that praiſe of honeſt men, which is your
" due. Shew them openly the worthy advocate
" of a juſt cauſe, the hiſtorian of truth, the
" apologiſt for the rights of the oppreſſed; of
" the Prince, of the ſtate, and people, all in-

" vaded

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

"vaded by him in my perſon. My defenders, "my protectors are known; let him, in his "turn, ſhew his anonymous author, and all his "abettors in this affair: he has named already "two of them, let him name all the reſt. He "has done me much injury, he would do me a "great deal more; let all the world know his "friends and mine, and I deſire no other re-"venge.

"Accept, Sir, my beſt reſpects, &c.

"J. J. ROUSSEAU."

ADVER-

ADVERTISEMENT.

THE following piece being confeſſedly taken from a manuſcript of another Author, it was thought improper to print it unnoticed as the work of Mr. Rousseau. It ſufficiently appears, however, that he had too great a ſhare in its compoſition to juſtify a total omiſſion of it.

In the title page of the original edition, it is expreſsly called, *An Extract from a Project for a perpetual Peace, of the Abbé de* St. Pierre, *by* J. J. Rousseau, *citizen of Geneva*; our Author giving the following account of it, in a letter to Mr. de Bastide the Editor. "It is now a-
"bout ſix years ſince the Count de St. Pierre,
"having entruſted me with the manuſcripts of
"the late Abbé, his uncle, I began to make
"an abridgement of his writings, in order to
"render the peruſal of them more convenient,
"and make their utility more generally known.
"My deſign was to publiſh this abridgement
"in two volumes; one of which ſhould have
"contained extracts of his works, and the other,
"critical obſervations on each Project. After
"making ſome eſſays, however, I found the
"under-

roper to print it unnoticed as

J. Rousseau, citizen of
. PIERRE, " having

obſervations on each

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

" undertaking was not adapted to my taſte,
" and that I ſhould not ſucceed in it. I aban-
" doned the deſign, therefore, after having ex-
" ecuted part of it on the Project for a perpetual
" Peace, &c."

M. de BASTIDE obſerves, in his Preface,
" it may appear, at firſt, to the generality of
" readers, from the ſimplicity of the title, that
" Mr. ROUSSEAU lays claim to no other merit
" than to that of having made a good extract.
" But, continues he, let them not be deceived:
" the Analyſt is in many reſpects to be conſi-
" dered as the author. It was for this reaſon,
" that, foreſeeing great part of the publick
" might be deceived, I deſired Mr. ROUSSEAU
" would give it another title. " To this re-
" queſt he made the following reply:"

" With regard to the title I cannot conſent it ſhould be altered for another, which might impute to me more of a Project than belongs to me. It is true, I have taken a ſurvey of the object from a different point of view to that of the Abbé de ST. PIERRE; and that I have enforced his propoſals by different reaſons. Of this you may give an intimation, indeed, in an Advertiſement, provided the principal honour be attributed to the reſpectable writer to whom it is due."

A PRO-

Digitized by UNIVERSITY OF MICHIGAN
Original from UNIVERSITY OF MICHIGAN

A PROJECT FOR A PERPETUAL PEACE.

AS a more noble, uſeful, and delightful Project never engaged the human mind, than that of eſtabliſhing a perpetual peace among the contending nations of Europe, never did a writer lay a better claim to the attention of the publick than he who points out the means to carry ſuch a deſign into execution. It is, indeed, very difficult for a man of probity and ſenſibility, not to be fired with a kind of enthuſiaſm on ſuch a ſubject: nay, I am not clear that the very illuſions of an heart, truly humane, whoſe warmth makes every thing eaſily ſurmountable, are not in this caſe more eligible than that rigid and forbidding prudence, which finds, in its own indifference and want of public ſpirit, the chief obſtacle to every thing that tends to promote the publick good.

I doubt

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

I doubt not that many of my readers will be forearmed with incredulity, to withſtand the pleaſing temptation of being perſuaded; and indeed I ſincerely lament their dullneſs in miſtaking obſtinacy for wiſdom. But I flatter myſelf, that many an honeſt mind will ſympathize with me in that delightful emotion, with which I take up the pen to treat of a ſubject ſo greatly intereſting to the world. I am going to take a view, at leaſt in imagination, of mankind united by love and friendſhip: I am going to take a contemplative proſpect of an agreeable and peaceful ſociety of brethren, living in conſtant harmony, directed by the ſame maxims, and joint ſharers of one common felicity; while, realizing to myſelf ſo affecting a picture, the repreſentation of ſuch imaginary happineſs will give me the momentary enjoyment of a pleaſure actually preſent.

I could not reſiſt the impulſe of devoting a few lines, at the beginning of my performance, to a ſentiment with which my heart is replete. Let us now endeavour to reaſon cooly on the ſubject. Being reſolved to advance nothing which I cannot prove, I think myſelf authorized to deſire the reader to deny nothing which he cannot confute: for I am not ſo much afraid of thoſe who may argue, as of ſuch as with-hold their

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

their aſſent to arguments; to which they will nevertheleſs make no objection.

It requires no very long or cloſe attention to the means of bringing any kind of government to perfection, to perceive many obſtacles and embarraſſments, which ariſe leſs from the nature of the conſtitution than from its external relations: ſo that the care, which ought to be devoted to the domeſtick policy of a ſtate, is neceſſarily beſtowed on ſecuring its independency: more pains being taken to enable it to reſiſt other ſtates than to improve its own government. If the ſocial union were, as pretended, rather the effect of reaſon than the paſſions, how could men have been ſo long in finding out that they have always done either too much or too little for their own happineſs; that individuals, being in a ſocial ſtate with regard to their fellow countrymen, and in a ſtate of nature with reſpect to the reſt of the world, they have only prevented civil bloodſhed among particulars, to excite national wars, a thouſand times more general and deſtructive; and that by attaching ourſelves to the intereſt of particular perſons, we become enemies to our whole ſpecies.

If there be any way to remove theſe fatal contradictions, it is perhaps by a confederative form of government only; which, connecting whole

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

whole nations by the ſame ties that unite individuals, may equally ſubject both the one and the other to the authority of the laws. This mode of government appears, beſides, preferable to every other, as it comprehends at once the advantages both of great ſtates and ſmall ones: it is reſpectable abroad from its power; its laws are vigorouſly executed; and it is the only form which is adapted equally to reſtrain the ſubject, the magiſtrate, and foreign ſtates.

This form of government, indeed, although it ſeem novel in ſome reſpects, and has been well underſtood only by the moderns, was not unknown to the antients. The Greeks had their Amphictiones, the Tuſcans their Leucumoni, the Latins their Feriæ, the Gauls their Cities, and the expiring ſtate of Greece became famous for the Achean League. None of thoſe antient confederacies, however, diſplayed ſo much wiſdom as the modern ones of the German Empire, the Helvetic League, or the union of the States General. If theſe bodies politick alſo are ſtill but few, and far from being arrived at that perfection they are capable of, it is becauſe the beſt of them is not ſo eaſily put in execution as may be imagined; and that in politicks as well as in morals, the extent of our knowledge proves hardly any thing more than that of our misfortunes.

To

f government appears , beſides ,
er ; its laws are vigorouſly

own to the antients . The Greeks
famous for the Achean League .
or the union of the States General
is not ſo eaſily put in execution
ortunes .

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

To theſe publick confederacies may be added others not leſs real, though leſs apparent, which are tacitly formed by the union of intereſts, a conformity of maxims, a ſimilarity of cuſtoms, and various other circumſtances which admit certain common relations to ſubſiſt even between divided nations. Thus it is, that all the powers of Europe form a kind of ſyſtem among themſelves, which unites them by the ſame religion, by the ſame law of Nations, by morals, literature, commerce, and by a ſort of equilibrium which is the neceſſary reſult of them all; and which, though nobody ſtudies to preſerve, is not ſo eaſily deſtroyed as many people imagine.

This national ſociety has not always ſubſiſted in Europe; the particular cauſes, which firſt gave riſe to it, ſtill ſerving to preſerve and maintain it. In fact, before the Roman conqueſts the people of this part of the world were all barbarians, unknown to each other; they had nothing in common but the moſt ſimple faculties of human beings; faculties that, debaſed by ſlavery, hardly raiſed them a degree above the brutes. Hence the Greeks took upon them, out of their philoſophical vanity, to diſtinguiſh mankind, as it were, into two ſpecies; one of which, viz. their own, was formed

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

med to command; and the other, comprehending the reſt of the world, to obey. It followed from this principle, that a Gaul or an Iberian was looked upon by a Greek, as we look upon a Hottentot or a North-American Indian: while the Barbarian nations themſelves bore as little affinity to each other, as the Greeks bore to any of them.

But when this people, naturally pre-eminent, had been ſubdued by the Romans, their ſlaves, and great part of the known world had ſubmitted to the ſame yoke, a civil and political union, of courſe, formed itſelf between the ſeveral members of the ſame empire; an union that was rendered much cloſer by that very wiſe or very fooliſh maxim, of conferring on the vanquiſhed the rights and privileges of the victors; and more particularly by the famous decree of Claudius, which admitted all the ſubjects of Rome into the number of Roman citizens.

To the political chain, which thus united all the members in one body, were now added civil inſtitutions and laws, which gave new force to ſuch connections, by determining, in a clear, preciſe, and equitable manner (at leaſt as far as the extent of ſo vaſt an Empire would admit of) the reciprocal rights and duties

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

duties of the ſovereign and ſubjects, as well as thoſe of the latter among themſelves. The Theodoſian code, and after that the books of JUSTINIAN, formed new links in the chain of reaſon and juſtice, aptly ſubſtituted for thoſe of the ſovereign power, which were in a very palpable ſtate of relaxation. This ſubſtitute greatly delayed the diſſolution of the Empire, and long maintained its drooping juriſdiction over thoſe very barbarians who were working its deſolation.

A third tie, ſtill ſtronger than the preceding, was that of Religion: nor can it be denied that Europe is particularly indebted to Chriſtianity for that kind of ſocial union which is conſtantly kept up between its members: ſo that the people which have not adopted the ſentiments of the reſt, in this particular, have always remained aliens among them. Chriſtianity, the ſubject of contempt at its riſe, ſerved at length as an aſylum to its detractors: nay, the Roman Empire itſelf, after having ſo cruelly and vainly perſecuted it, found in it thoſe reſources, which it could not draw from its military power. Its miſſions were of more ſervice than its conqueſts. It ſent Biſhops to repair the blunders of its Generals, and triumphed by its Prieſts when its

TINIAN, formed new links in the
e greatly delayed the diſſolution

that kind of ſocial union which
s remained aliens among them.
cruelly and vainly perſecuted it,
ops to repair the blunders of its

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Soldiers were defeated. It was thus the Franks, the Goths, the Lombards, and a thouſand others, ſubmitted to the authority of Rome, after they themſelves had reduced her empire; and received with the law of the Goſpel, that of the Prince, who firſt cauſed it to be promulgated among them.

Such was the reſpect ſtill paid to that imperial body, that its deſtroyers prided themſelves in its titles, even it its expiring moments; while thoſe very conquerors, who had debaſed the Empire, became officers of it; and the greateſt Kings contended for patrician honours, governments, and conſulſhips: even as a lion cringing to the man he might devour, thoſe tremendous victors paid homage to that throne which they had the power to ſubvert when they pleaſed.

It was thus the Prieſthood and the Empire formed a ſocial chain between various people; who, without having any real connection of intereſts, privileges, or dependence, enjoyed a community of maxims and opinions; the influence of which has remained after the principle has been deſtroyed. The ancient ſtate of the Roman Empire hath continued to form a kind of union between the members of which it was compoſed: while Rome, poſſeſſing another

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

other ſort of dominion after the diſſolution of the Empire, there reſulted from this twofold connection a cloſer ſociety among the nations of Europe, where the centre of the two powers had exiſted, than in other parts of the world, where the inhabitants are too much diſperſed to hold correſpondence with each other, and have beſides no particular point of union.

Add to this, the peculiar ſituation of Europe, more equally populous and fertile, better connected in its ſeveral parts; the continual admixture of intereſts, which conſanguinity, commerce, arts, and navigation continually effect between ſovereigns; the multitude of rivers and diverſity of their courſe, which facilitate the communication of different parts; the inconſtancy of the inhabitants, which induces them to travel and paſs frequently from one country to another: the invention of printing, and prevailing taſte for letters, which hath formed a community of knowledge and ſtudies; and laſtly, that multiplicity and ſmall extent of many ſtates; which, added to the calls of luxury, and to the diverſity of climates, render the one always neceſſary to the other. All theſe things united form in Europe, not merely as in Aſia or

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Africa, an ideal collection of people, who have nothing but a nominal community between them, but an actual ſociety, which has its religion, morals, cuſtoms, and even its laws; from which none of the people compoſing it can ſeparate, without cauſing an immediate diſturbance.

To behold, on the other hand, the perpetual diſſentions, depredations, uſurpations, rebellions, wars, and murders, which are conſtantly ravaging this reſpectable abode of philoſophers, this brilliant aſylum of the arts and ſciences; to reflect on the ſublimity of our converſation and the meanneſs of our proceedings, on the humanity of our maxims and the cruelty of our actions, on the meekneſs of our religion and the horror of our perſecutions, on a policy ſo wiſe in theory and ſo abſurd in practiſe, on the beneficence of ſovereigns and the miſery of their people, on governments ſo mild and wars ſo deſtructive; we are at a loſs to reconcile theſe ſtrange contrarieties, while this pretended fraternity of European nations appears to be only a term of ridicule, ſerving ironically to expreſs their reciprocal animoſity.

And yet, in all this, things only take their natural courſe; every ſociety deſtitute of laws

or

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

or magiſtrates, every union formed or ſupported by chance, muſt neceſſarily degenerate into quarrels and diſſentions upon the firſt change of circumſtances. The ancient union of the European nations hath rendered their intereſts and privileges extremely complicated: they bear againſt each other in ſo many points, that the leaſt agitation of any one puts the whole in motion. Their diſſentions are alſo by ſo much the more fatal as their connections are intimate; while their frequent quarrels are almoſt as unnatural and cruel as civil wars.

It muſt be admitted, therefore, that the preſent relative ſtate of the European powers is a ſtate of war; and that the partial treaties ſubſiſting between ſome of them, are rather temporary truces than a ſtate of actual peace; whether it be owing to thoſe treaties having no other guarantees than the contracting parties, or that their reſpective rights are never duly aſcertained, and the pretenſions thence ſubſiſting among powers who acknowledge no ſuperior, infallibly prove the ſource of new wars, as ſoon as different circumſtances impower the pretenders to aſſert their claims.

To this it may be added, that the Law of nations not being univerſally concerted and eſtabliſhed, but, having no general principles,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and inceſſantly varying according to time and place, it is full of contradictory maxims, which can never be reconciled but by the right of the ſtrongeſt: ſo that the judgment being without a ſure guide, and always biaſſed in doubtful caſes by ſelf-intereſt, war becomes ſometimes inevitable, even when both parties may be deſirous of acting juſtly. All that can be done, with the beſt intentions, therefore, is to decide this kind of diſputes by force of arms, or to palliate them by temporary treaties. But no ſooner is occaſion taken to revive the cauſe of quarrel, than it takes a new form, and all is complication and confuſion: the real grounds of the affair are not to be ſeen; uſurpation paſſes for right, and weakneſs for injuſtice; while amidſt the general diſorder, every one finds himſelf inſenſibly ſo far diſplaced, that, if it were poſſible to recur to the real and primitive right, there would be few Sovereigns in Europe who ought not to refund every thing they poſſeſs.

Another ſource of war, leſs obvious though not leſs real, is, that things do not change their form in changing their nature; that ſtates which are hereditary in fact, remain elective in appearance; that there are parliaments, or national ſtates, in monarchies, and hereditary chiefs

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

chiefs in republicks; that one power really dependent on another, ſtill preſerves the appearance of liberty; that all the ſubjects of the ſame ſovereign are not governed by the ſame laws; that the order of ſucceſſion is different in different provinces of the ſame ſtate; in fine, that all governments naturally tend to a change, without there being a poſſibility of preventing it. Such are the general and particular cauſes which connect us, for our ruin, and lead us to deſcribe the charms of ſocial virtue with our hands conſtantly ſtained with human gore.

The cauſes of an evil being once known, the remedy, if any ſuch there be, is ſufficiently indicated by the ſame means. It is plain to every one, that ſociety is formed by a coalition of intereſts; that every diſſention ariſes from an oppoſition of intereſts; that, as a thouſand fortuitous events may change and modify both the one and the other, it is neceſſary that every ſociety ſhould poſſeſs a coercive force, to direct and concert the movements of its ſeveral members, in order to give their common intereſts and reciprocal engagements that ſolidity which they could not ſeparately acquire.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

It would otherwiſe be a great miſtake to ſuppoſe, that ſuch a ſtate of conſtraint could ever change, merely from the nature of things, and without the aſſiſtance of art. The preſent ſyſtem of Europe hath attained preciſely that degree of ſolidity, which may keep it in a perpetual agitation, without ever effectually ſubverting it: thus, if our misfortunes cannot be increaſed, they are ſtill leſs capable of being put an end to; becauſe no great revolution can now ever happen.

To prove this, as far as it be neceſſary, we ſhall begin with taking a general view of the preſent ſtate of Europe. The ſituation of the mountains, ſeas, and rivers, which ſerve as boundaries to the ſeveral nations inhabiting it, ſeem alſo to have determined the number and extent of thoſe nations; ſo that the political order of this part of the world may be ſaid to be, in ſome reſpects, the work of nature.

In fact, we are not to ſuppoſe that the boaſted ballance of power in Europe hath been actually eſtabliſhed; or that any body has done any thing really with a view to ſupport it. It is found, indeed, to exiſt; and thoſe who find they have not weight enough to deſtroy it, cover their own particular deſigns with the pretence of maintaining it. But whether attended

hout the affiſtance of art. ſent
rting it: thus, if our misfortunes
, as far as it be neceſſary, we ſhall
s to the ſeveral nations inhabiting it
in ſome reſpects, the work of

ng really with a view to ſupport it.
ence of maintaining it. But whether

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

tended to or not, this ba'lance certainly ſubſiſts, and needs no other ſupport than itſelf, if it were to remain uninterrupted: nay, though it ſhould occaſionally be diſturbed on one ſide, it preſently recovers itſelf on the other: ſo that if the Princes, who are accuſed of aſpiring to univerſal monarchy, were really ſo aſpiring, they diſplayed in this particular much more ambition than judgment: for how could they reflect a moment on ſuch a project, without diſcovering it to be ridiculous? How could they be inſenſible, that there is no power in Europe ſo much ſuperior to the reſt, as to be able ever to become their maſter? Thoſe conquerors, who have brought about great revolutions, have always effected it, by the ſudden march of unexpected armies; by bringing foreign troops, differently trained to war, againſt people diſarmed, divided, or undiſciplined: But where ſhall we find an European Prince whoſe forces the others are not acquainted with? Where find one to ſubdue the reſt, when the greateſt of them all forms ſo ſmall a part of the whole, and they are all ſo vigilant againſt each other's encroachments? Can any one maintain more troops than all the reſt? He could not, or, if he could, he would only be the ſooner ruined, or his troops

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

would be ſo much the worſe as they were more numerous. Could he have them better diſciplined? They would be leſs in proportion. Beſides, military diſcipline is nearly the ſame, or ſhortly will be ſo, all over Europe. Can he have more money? Pecuniary reſources are common, and money never was known to make any great conqueſts. Could he make a ſudden invaſion? Want of ſubſiſtence, or fortified towns, would every moment oppoſe his progreſs. Would he inſenſibly augment his power and dominion? He will then afford his enemies the means of uniting to reſiſt him: time, money, and men will ſoon fail him. Will he create diſſentions among other powers, in order to conquer them one after another? The maxims of European policy will render that ſcheme ineffectual; nor could the weakeſt of Princes be taken in ſuch a ſnare. In ſhort, not one of them having excluſive reſources, the reſiſtance he will meet with, muſt at length equal his efforts; and time will ſoon repair the caſualties of fortune, if not with regard to each particular Prince, at leaſt with regard to the general ſyſtem.

Will it be ſuppoſed, that two or three potentates might enter into an agreement to ſubdue the reſt? Be it ſo. Theſe three potentates,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

tentates, be who they may, will not poſſeſs half the power of all Europe. The other parts will, therefore, certainly unite againſt them; and to ſucceed they muſt be able to ſubdue a power greater than themſelves. Add to this, that the views of any three ſuch powers are too oppoſite, and their jealouſy of each other too great, ever to permit of their forming ſuch a project; and alſo, that if they had formed it, and actually begun to put it into execution with ſuccour; that very ſucceſs would ſow the ſeeds of diſſention among the allied conquerors; as it would be morally impoſſible that their conqueſts ſhould be ſo equally divided that each ſhould be ſatisfied with his acquiſition: in which caſe the diſſatisfied party would of courſe oppoſe the progreſs of the others; who, for the like reaſons alſo, would ſoon diſagree between themſelves.

I much doubt if, ſince the world exiſted, there ever were ſeen three, or even two, great potentates, that cordially united to ſubdue the reſt, without quarrelling about the contingencies of the war, or their ſhare of the conqueſt; and affording, by their miſunderſtanding, new reſources to the weaker party. Thus, ſuppoſe what we will, it is highly improbable that any Prince, or league of Princes, will here-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

after be able to effect any conſiderable and permanent change in the political ſtate of Europe.

Not that I pretend to ſay the Alps and Pyreneans, the Rhyne or the Sea, are inſurmountable obſtacles to ambition; but theſe obſtacles are ſupported by others; which ſtrengthen them, or ſerve to make ſtates recur to their former limits, whenever they have been occaſionally removed. The preſent ſyſtem of Europe has its ſupport, in a great meaſure, in the arts of political negotiations, which almoſt always ballance each other. But it hath a ſtill more ſolid ſupport in the Germanic body; ſituated almoſt in the centre of Europe, keeping the other parts in awe, and ſerving more effectually perhaps to the ſupport of its neighbours than to that of its own members; a body, that is formidable to other ſtates, on account of its extent, the number and wealth of its inhabitants; at the ſame time that it is uſeful to all by its conſtitution; which, depriving it of the means and inclination of making conqueſts, is the rock on which conquerors generally ſplit. It is certain, that, notwithſtanding the defects in the conſtitution of the Empire, the ballance of power in Europe will never be deſtroyed ſo long as that conſtitution

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

tion ſubſiſts; that no potentate need be apprehenſive of being dethroned by another; but that the treaty of Weſtphalia will be always the baſis of our political ſyſtem. Thus the law of nations, the ſtudy of which is ſo much cultivated in Germany, appears to be of much greater importance than is generally imagined; being not only the law of Germany, but, in ſome reſpects, that of all Europe.

But tho' the preſent ſyſtem is not to be removed, it is for that very reaſon the more tempeſtuous; as there ſubſiſts between the European powers a kind of continual action and re-action, which, without entirely diſplacing them, keeps them in conſtant agitation; their efforts being always ineffectual and always regenerating, like the waves of the ocean, which inceſſantly agitate its ſurface without raiſing it above the ſhore: ſo that the people are perpetually harraſſed, without any ſenſible advantage being derived from it to their Sovereign.

It would be eaſy for me to deduce the ſame truth from the particular intereſts of all the courts in Europe: for I could readily ſhew, that theſe intereſts are ſo connected as to reſtrain their forces within reciprocal reſpect. But the notions of wealth and commerce having

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ing given riſe to a ſpecies of political fanaticiſm, they occaſion ſuch ſudden changes in the apparent intereſts of Princes, that no ſtable maxim can be eſtabliſhed upon thoſe which are the true: becauſe at preſent every thing depends on œconomical, and moſt of them whimſical principles, which are taken into the heads of miniſters. Be this, however, as it may, commerce, which tends daily to an equilibrium, will, by depriving ſome potentates of their excluſive advantages, deprive them, at the ſame time, of one of the greateſt means they poſſeſſed, of giving laws to others *.

If I have inſiſted on that equal diſtribution of power, which reſults from the preſent conſtitution of Europe, it has been in order to deduce from it an important inference regarding

* There has been a change of circumſtances ſince I wrote the above; my principle, nevertheleſs, will always remain true. Thus, for example, it is eaſy to foreſee, that before twenty years are at an end, England, glorious as it now is, will be undone, and will beſides have loſt the remainder of its liberty. It is generally affirmed, that Agriculture flouriſhes in that iſland: but, for my part, I would venture to lay a wager, it is upon its decline. London is daily increaſing, the country therefore muſt be depopulating. The Engliſh are proud of being conquerors, it will not, therefore, be long before they are ſlaves.

the

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the eſtabliſhment of a general aſſociation: for to form a ſolid and durable confederacy, it is requiſite that all the members of it ſhould be under ſuch reciprocal dependence, that no one of them ſhould be in a capacity to withſtand all the reſt; and that ſuch particular aſſociations as might injure the general one, ſhould meet with obſtacles ſufficient to prevent their execution: for, without this, the confederacy would be fruitleſs, and each member, though under an apparent ſubjection, would be really independent. Now, if theſe obſtacles are ſuch as I have before deſcribed, even at preſent, when all the powers of Europe are at liberty to make with each other what treaties offenſive or defenſive, as they pleaſe: let the reader judge what would be the caſe if one grand confederacy were entered into, armed with power, and always ready to oppoſe ſuch as would attempt to diſturb or deſtroy it. This ſuffices to ſhew, that ſuch an aſſociation would not conſiſt of futile deliberations, which each party might diſregard with impunity; but that there would ariſe from it an efficient power, capable of reſtraining the ambitious within the limits of the General Treaty.

From this ſtate of the caſe may be deduced three inconteſtible truths. One is, that, if we except

Digitized by UNIVERSITY OF MICHIGAN. Original from UNIVERSITY OF MICHIGAN

except the Turk, there ſubſiſts between all the nations of Europe a ſocial connection; which, tho' but imperfect, is ſtill cloſer than the looſer ties of humanity in general. The ſecond is, that the imperfect ſtate of this ſociety makes the condition of thoſe who compoſe it worſe than it would be if they had no ſociety at all among them. The third is, that the primitive ties, which make this ſociety hurtful, render it, at the ſame time, improveable, and more eaſy to be brought to perfection: ſo that all its conſtituents might derive their happineſs from that which is at preſent the cauſe of their miſery; and convert that ſtate of war, which now ſubſiſts among them, into a perpetual peace.

Let us enquire now in what manner this great work, commenced by fortune, may be compleated by reaſon; and how that free and voluntary ſociety, which unites all the European ſtates, aſſuming the force and ſolidity of a body truly political, may be converted into a real confederacy. It is indubitable that ſuch an eſtabliſhment, giving to this aſſociation its neceſſary perfection, would remove its abuſes, extend its advantages, and compel all parties to concur to the common good. But to this end it is neceſſary that no conſi-

derable

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

derable power ſhould refuſe to enter into the aſſociation; that a judiciary tribunal ſhould be eſtabliſhed, inveſted with authority to inſtitute ſuch laws and regulations as all the members are to obey; that this tribunal be inveſted with a coercive and coactive force to compel each particular ſtate to ſubmit to the reſult, whether active or reſtrictive, of the general deliberations; in ſhort, that it be fixed and durable, to prevent the ſeveral members from withdrawing themſelves from it at pleaſure, whenever they conceive their own particular intereſts incompatible with the general. Theſe are the tokens by which it might be certainly known if the inſtitution were prudent, uſeful, and impregnable. We come now to extend this ſuppoſition, in order to find out by analyſis what effects ought to reſult from ſuch a confederacy; what means are proper to eſtabliſh it; and what reaſonable hope may be formed of its being carried into exeeution.

It is a cuſtom among us, for a kind of general diets to aſſemble, from time to time, under the appellation of a Congreſs; to which envoys are ſolemnly deputed from all the States of Europe, to return back juſt as they went: for they either meet to ſay nothing; to treat of publick affairs as if they were private; to deli-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

deliberate gravely whether the table ſhould be round or ſquare; whether there ſhall be more or fewer doors to their aſſembly room; whether a certain plenipotentiary ſhould ſit with his face or his back toward the window; whether another ſhould advance a foot more or leſs on a viſit of ceremony; or on a thouſand other points of the like importance, ineffectually debated for theſe three centuries paſt, and undoubtedly well worthy to employ the politicians of the preſent.

It is poſſible that the members of ſome one of theſe aſſemblies may be endowed with common ſenſe; it is not even impoſſible that they may be ſincerely diſpoſed to the publick good; and by the reaſons hereafter to be deduced, it may be conceived, that after having obviated many difficulties, they may have orders from their reſpective ſovereigns to ſign the general confederacy; a ſummary of which I ſuppoſe to be contained in the five following articles.

By the firſt, the contracting ſovereigns ſhould eſtabliſh between themſelves a perpetual and irrevocable alliance; appointing plenipotentiaries to hold a fixed and permanent diet, or congreſs, at a certain place; in which diet all the differences ariſing between the contracting parties

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ties ſhall be regulated and decided by way of arbitration.

By the ſecond, the number of ſovereigns ſhould be ſpecified, whoſe plenipotentiaries are to have votes in the Congreſs; with thoſe who ſhould be invited to accede to the treaty; alſo the order, time, and manner in which the office of Preſident is to paſs from one to another at equal intervals; and, laſtly, the reſpective quota of contributions, and the manner of raiſing them, to ſupply the general expences.

By the third, the confederacy ſhould guarantee to each of its members the poſſeſſion and government of all the ſtates it at preſent poſſeſſes, as well as the elective or hereditary ſucceſſion, as it may be eſtabliſhed by the fundamental laws of each country. In order alſo to cut off at once the ſource of diſputes inceſſantly recurring among them, it ſhould be agreed to make the actual poſſeſſion and the treaties laſt concluded, the baſis of the mutual rights of the contracting powers; who are to renounce for ever and reciprocally all their prior pretenſions, except future ſucceſſions liable to be conteſted, and other rights in reverſion, which are to be determined by arbitration at the diet, without the parties being ever permitted to do themſelves juſtice by force, or to take up arms a-

gainſt

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

gainſt each other, under any pretence whatever.

By the fourth, it ſhould be ſpecified that every ally, who ſhall break the treaty, ſhall be put under the ban of the empire, and proſcribed as a common enemy; that is, if he refuſes to comply with the deciſions of the diet, makes preparations for war, negotiates treaties repugnant to the confederacy, or takes up arms to reſiſt or attack any of the allies. It ſhould be farther agreed alſo, by the ſame article, that all the contracting parties ſhall arm themſelves to act offenſively, jointly and at the common expence, againſt every ſtate put under the ban of the empire, until ſuch ſtate ſhall lay down its arms and ſubmit to execute the determinations of the congreſs, repair the wrongs, reimburſe the expence, and even compenſate for making preparations for war, contrary to treaty.

And, laſtly, by the fifth article, the plenipotentiaries of the European confederacy ſhould always be impowered to form, in the diet, ſuch regulations as ſhall be judged expedient to procure all poſſible advantage to the whole of the European Republick, and its ſeveral members, in conſequence of inſtructions from their reſpective courts, and having a majority of votes

as a common enemy ; that is , if he
up arms to reſiſt or attack any of the
and at the common expence , againſt
ſs , repair the wrongs , reimburſe the

ch regulations as ſhall be judged
tions from their reſpective courts ,

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

votes for the propoſition of ſuch regulations, and three-fourths five years after, for their final determination. But that no alteration ſhall ever be made in theſe five fundamental articles without the unanimous conſent of the whole confederacy.

I know not but theſe articles, thus conciſely expreſſed and couched in general terms, may be liable to a thouſand little objections; many of which may require explanations more at large; but little difficulties eaſily yield to neceſſity, and are of no conſequence in a project of ſuch importance as the preſent. When the regulation of the Congreſs itſelf ſhould come to be minutely conſidered, no doubt a thouſand obſtacles will preſent themſelves; but there will be found ten thouſand ways of removing them. The point in queſtion now is, whether, from the nature of things, the project be or be not poſſible? A man might write volumes to no purpoſe, if every exigent were to be foreſeen, and its expedient provided. So long as one adheres to inconteſtible principles, it is not requiſite to convince every one's underſtanding, to obviate all objections, or to point out particularly how things are to be brought about. It is ſufficient to ſhew, that what is propoſed is not impracticable.

What

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

What remains, therefore, to be examined, in order to form a judgment of our ſyſtem? Only two queſtions; for I would not affront the reader's underſtanding ſo much as to offer to prove that peace is, in general, preferable to war.

The firſt of theſe queſtions is, whether the confederacy propoſed will certainly attain the propoſed end, and prove ſufficient to ſecure a ſolid and laſting peace to Europe?

The ſecond is, Whether it be the intereſt of Sovereigns to eſtabliſh ſuch a confederacy, and buy a conſtant peace at ſuch a rate?

If the general and particular utility of our project may be thus demonſtrated, there will appear no longer any cauſe, in the reaſon of things, that can prevent the effects of an eſtabliſhment, that depends altogether on the will of thoſe who are intereſted in it.

To begin with the diſcuſſion of the firſt article, let us apply what has been already advanced on the general ſyſtem of Europe, and the common effort which confines each potentate in a certain degree within his own limits, and prevents his encroaching ſo far as to prove the entire deſtruction of others. To make my arguments alſo on this head more clear, I ſhall here ſubjoin a liſt of the nineteen

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

teen potentates, which may be conceived to conſtitute our European Republick; each of which having an equal vote, there will of courſe be nineteen votes in the congreſs.

The Emperor of the Romans.
The Emperor of Ruſſia.
The King of France.
The King of Spain.
The King of England.
The States General.
The King of Denmark.
Sweden.
Poland.
The King of Portugal.
The Sovereign of Rome.
The King of Pruſſia.
The Elector of Bavaria and his Aſſociates.
The Elector Palatine and his Aſſociates.
The Swiſs and their Allies.
The Eccleſiaſtical Electors and their Aſſociates.
The Republick of Venice and her Aſſociates.
The King of Naples.
The King of Sardinia.

The many leſs conſiderable ſovereigns, ſuch as the Republick of Genoa, the Dukes of Modena and Parma, with ſeveral others omitted in this liſt, are to be joined to the leaſt powerful

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ful of thoſe mentioned, in form of aſſociation, enjoying a right to vote with them, after the manner of the *votum curiatum* of the Counts of the Empire. It were uſeleſs to give here a more particular enumeration, becauſe accidents may daily ariſe to give occaſion for reforming our project, even to the very moment of putting it in execution. Such accidents, however, make no alteration in the baſis of our ſyſtem.

One need only caſt an eye on the above liſt, to perceive very evidently, that it is impoſſible for either of the powers compoſing it, to be in a ſituation capable of oppoſing all the others united; or that any partial league can be formed among them, able to make head againſt the grand confederacy.

For how would ſuch league be formed? Would it be concerted by ſome of the moſt powerful princes? We have already ſhewn, that even in ſuch a caſe it could not be durable; and it is now eaſy to ſee farther, that it is inconſiſtent with the general ſyſtem of every great potentate, and with the intereſts inſeparable from their conſtitution. Would ſuch league be concerted between one great ſtate and ſeveral ſmall ones? The other great powers, united in one confederacy, would preſently cruſh it: it is indeed natural to ſuppoſe, that, the grand alliance being always

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

always united and armed, it would be easy for it, by virtue of the fourth article, to prevent, or instantly to suppress, every partial and seditious alliance, that should tend to disturb the publick tranquillity.

Observe what happens in the Germanic body, notwithstanding the abuse of its police, and the great inequality of its members; is there yet one, even of the most powerful, amongst them, that will venture to expose himself to the ban of Empire, by directly infringing the laws of its constitution? unless he has reason, indeed, to think that the Empire will not act in earnest against him.

I look upon it, therefore, as demonstrated, that, if the European congress were once established, there would be no danger of future rebellions; and that though some abuses would probably be introduced, they never could proceed so far as to elude the design of the institution. It remains now to enquire, whether that design will be properly effected by the institution itself.

To this end, we shall consider the motives which induce Princes to take up arms. These are either to make conquests, to defend themselves against invaders, to reduce a too powerful neighbour, to protect the injured, to

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

decide diſputes that cannot be amicably adjuſted, or, laſtly, to enforce obedience to treaties. There can be no cauſe nor pretext for war, that may not be ranged under one of theſe ſix heads: now it is evident, that not one of all the ſix can ſubſiſt in the new ſtate of things under a confederacy.

In the firſt place, all hopes of conqueſt muſt be given up, from the impoſſibility of making any; it being certain, that whoever attempts it muſt be preſently ſtopped in his career by a ſuperior force: ſo that he will riſk the loſing his all, while he is ſure he cannot gain any thing. Every ambitious Prince, deſirous to aggrandize himſelf in Europe, does two things; he begins by ſtrengthening himſelf with good alliances; after this, he endeavours to ſurprize his enemy unprovided. But particular alliances will avail nothing, againſt a general and ſtronger one always ſubſiſting: while Princes, having no longer any pretext to take up arms, they cannot take ſuch a ſtep without being perceived, prevented, and puniſhed by the confederacy, which is conſtantly in arms.

The ſame reaſon which takes from each Prince the hope of conqueſt, takes from him alſo the fear of being conquered; his dominions, guaranteed by all Europe, being as well ſecured

whoever attempts it muſt be
mbitious Prince, deſirous to
e his enemy unprovided. But
take up arms, they can not take

lomini fons, guaranteed by all

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

cured to him, as the eſtates of private ſubjects in a well-governed kingdom; nay, more ſo, even in the ſame proportion as their ſovereign, their ſole protector, is leſs powerful than the potentates of all Europe united.

There would no longer be excited a deſire to reduce a neighbouring power; from whom there would be no longer any thing to fear; nor would there even be any temptation to it when there would exiſt no hopes of ſucceſs. With regard to the maintenance of the rights of each party, it may be remarked, at firſt view, that a deal of chicanery, with many obſcure and confuſed pretenſions, will be annihilated by the third article of the confederacy; which definitively regulates all the reciprocal rights of the allied Sovereigns, on the footing of their actual poſſeſſions. Hence all poſſible pretenſions and demands will become clear for the future, and be determined by the Congreſs, as they occaſionally ariſe. Add to this, that if my rights are infringed, I ought to defend them by the ſame means. Now, as no one can encroach upon them by force of arms, without incurring the ban of the Congreſs; ſo it is no longer neceſſary that I ſhould by force of arms defend them. The ſame may be ſaid of ſlighter injuries, wrongs, and reparations; and of all

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the unforeſeen differences that may ariſe between Sovereigns. The ſame power which protects their rights, ought alſo to redreſs their grievances.

As to the laſt article, its ſolution is evident. It is plain, at firſt ſight, that, as there is no aggreſſor to be feared, there is no need of any defenſive treaty, and that, as none could be formed more ſolid and effectual than that of the grand confederacy, every other would be uſeleſs, unlawful, and, of courſe, null and void.

It is impoſſible, therefore, that the confederacy, being once eſtabliſhed, there ſhould remain any ſeeds of hoſtility among the confederates; or that the deſign of a perpetual peace ſhould not be fully accompliſhed by the execution of the ſyſtem projected.

It remains now for us to examine the other queſtion, reſpecting the intereſts of the ſeveral contracting parties: for it is eaſily diſcernible, that the publick intereſt may plead in vain againſt that of individuals. To prove that peace is, in general, preferable to war, would be ſaying nothing to one, who ſhould think he had reaſons to prefer war to peace; while to point out the means of eſtabliſhing a laſting peace, would be only to excite him to oppoſe it.

It

It may, indeed, be ſaid, that Sovereigns will, by this project, be deprived of the right of doing themſelves juſtice, or of doing injuſtice to others, when they pleaſe; they will be deprived of the power of aggrandizing themſelves; they muſt renounce that formidable pomp of power, with which they delight to terrify the world; and that glory of conqueſt, from which they now derive honour. In fine, they will be reduced to the neceſſity of being juſt and peaceable. What will be their indemnification for the loſs of all theſe?

I will not venture to reply, with the Abbé de St. Pierre, that the real glory of Princes conſiſts in their promoting the publick good and the happineſs of their ſubjects; that their true intereſt depends on their glory, and that the glory they acquire in the opinion of the wiſe, is proportioned to the ſervice they are of to mankind; that the Project of a perpetual Peace, being the greateſt that ever was formed, ought to confer immortal glory on its author; that the putting it into execution, being, in like manner, the moſt uſeful to ſubjects, would be ſtill more glorious to Sovereigns; that this enterprize would be particularly the only one unſullied with blood and rapine, with ſorrow and execration; and, in

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

ſentiments , which , broached in the
ng to do with the virtues of

re is no conſtant and common rule by
are equally indeterminable , as well
the more powerful , in the way of
s , when there is on nei ther ſide
he actual poſſeſſion is of ſuch value ,

ſine, that the moſt certain way for a Prince to diſtinguiſh himſelf among the herd of Kings, is to labour for the publick good. Such are the ſentiments, which, broached in the cabinet of Princes, have brought ridicule on the author and his projects. But let us not, like them, deſpiſe his reaſons; we have nothing to do with the virtues of Princes; let us ſpeak of their intereſts.

All the powers of Europe have real or groundleſs demands on one another, which are incapable of being clearly aſcertained, becauſe there is no conſtant and common rule by which to determine them, and alſo becauſe they are often founded on equivocal and uncertain facts. The differences hence ariſing alſo are equally indeterminable, as well from want of competent arbitrators, as becauſe each power reclaims, without ſcruple, thoſe ceſſions, which have been exacted of him by the more powerful, in the way of treaty, or after unſucceſsful wars. It is an error, therefore, to inſiſt only on our claims on others, without reflecting on their claims on us, when there is on neither ſide either more juſtice or advantage in the means of enforcing our reciprocal pretenſions. No ſooner doth any thing depend on accident, than the actual poſſeſſion is of ſuch value, that

no

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

no wiſe man will riſque it for future profit, even upon an equal chance: whilſt all the world muſt blame a man, who, in eaſy circumſtances, ſhould, in hopes to double his fortune, venture the whole on one caſt of the dice.

But it has been made clear, that, even as things now ſtand, every power ambitious of aggrandizing itſelf, muſt meet with a reſiſtance ſuperior to its utmoſt efforts: whence it follows, that the ſtrongeſt having no motive for playing, nor the weakeſt any proſpect of winning, it becomes the intereſt of both, to give up what they covet, in order to ſecure what they poſſeſs.

Let us conſider the waſte of men, of money, of powers of every kind, and in what manner every ſtate is exhauſted, even by the moſt ſucceſsful war; and compare the injuries it has received with the advantages it has derived from it; we ſhall find the imaginary winner is ſtill a loſer; and that the conqueror, always weaker than before the war commenced, has no other conſolation than to ſee the vanquiſhed more exhauſted than himſelf; while even this advantage is leſs real than apparent, becauſe the ſuperiority, which may be acquired over an adverſary, hath, in the mean time, been loſt with regard to neutral powers; which, without varying their ſituation, grow ſo much

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the ſtronger, with regard to us, as we grow weak.

If all Kings are not yet convinced of the folly of making conqueſts, it appears, at leaſt, that the wiſeſt of them begin to ſee that they coſt more than they are worth. Without entering into a thouſand diſtinctions on this head, which might lead us too far out of the way, it may be ſaid, in general, that a Prince, who, by enlarging his territories, loſes as many old ſubjects as he acquires new, becomes weaker by his acquiſition; becauſe, with more territories to defend, he hath no more ſubjects to defend it.

Now, it is well known that, as wars are carried on at preſent, the deſtruction cauſed among the ſoldiery, is one of the leaſt cauſes of the depopulation they occaſion. It is there, indeed, that the loſs is more immediately felt, but there is occaſioned, at the ſame time, a more important and irreparable loſs than that of thoſe who periſh, by the war, of ſuch as might otherwiſe be born; by the increaſe of taxes, by the interruption of commerce, by the deſertion of the country, and the decreaſe of agriculture: thus the evil, which is at firſt hardly perceptible, is cruelly felt in the end; when we are aſtoniſhed at our having been

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

so weak as to endeavour to become powerful.

But what renders conquests still less interesting, is, that means are known at present, by which Princes may increase their power two or three fold, not only without extending their territories, but sometimes by contracting them, as was very wisely done by the Emperor ADRIAN. It is now obvious, that the power of Princes depends on the number of their subjects; and it is a truth naturally arising from what has been advanced, that of two states, containing the same number of inhabitants, that which occupies the smallest territory, is actually the most powerful. It is then by means of good laws, by a prudent police, by enlarged views of œconomy, that a wise Sovereign is certain of augmenting his forces, without putting any thing to the hazard: the real conquests he makes over his neighbours, are the useful establishments he forms within his own kingdoms; while every additional new-born subject encreases his power as much as if he had destroyed an enemy.

It must not be here objected, that I prove too much, in that, if things were as I represent them, each Prince, having an interest in abstaining from war, while his particular in-

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

tereſts uniting with the general to the preſervation of peace, ſuch peace ought naturally to eſtabliſh and ſupport itſelf without a confederacy. This would be to reaſon very badly on the preſent ſtate of things: for, though it would certainly prove more advantageous to all parties to be conſtantly at peace, the general want of ſecurity in this caſe, has this effect, that each party, being uncertain of keeping out of wars, ſtrives to commence hoſtilities at leaſt with advantage, on every favourable occaſion; whence it happens, that many, and thoſe even offenſive, wars, proceed from the unjuſt precaution of ſecuring one's own poſſeſſions, rather then from the deſign of uſurping thoſe of others. However ſalutary, indeed, all publick-ſpirited maxims may be in general, it is certain, that, if we conſider them only in a political, nay, even ſometimes in a moral, view, they become hurtful to the party who perſeveres in the practice of them towards the reſt of the world, when nobody will practice them towards him.

I have nothing to ſay on the parade of arms; becauſe, being deſtitute of all ſolid foundation, whether of hope or fear, ſuch parade is mere children's play, and monarchs ought not to dandle puppets. I ſhall be as ſilent alſo on the glory of conquerors; becauſe if there be ſome monſters,

. This would be to reaſon very
neral want of ſecurity in this caſe,
vourable occaſion, whence it
he deſign of uſurping thoſe of
al, nay, even ſometimes in a
tice them towards him. moged be

hildren's play, and monarchs ought

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

monſters, who regret the want of objects to maſſacre, they ought not to be reaſoned with, but deprived of the means of gratifying their ſanguinary fury.

The guaranty of the third article ſuſperſeding all motives for making war, there can be no better reaſon for any potentates declaring it againſt others, than they will have for commencing hoſtilities againſt him: at the ſame time, it is certainly a great advantage to be ſecured from the riſk of being in the ſituation wherein one is ſingly oppoſed to all.

With regard to the dependence of each party on the common tribunal, it is very clear, that it will not diminiſh their ſeparate claims to ſovereignty; but will, on the contrary, rather confirm ſuch claims; which are rendered more certain by the third article; according to which, each power guarantees not only its own ſtates againſt all foreign invaſion, but alſo its ſovereign authority over its ſubjects. Thus Princes will not become the leſs abſolute for entering into this confederacy, but will be more immoveably fixed on their reſpective thrones; while, by ſubmitting to the judgment of the Congreſs, in their diſputes with their equals, and by diveſting themſelves of the dangerous power of ſeizing upon the property of others, they will render their

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

actual rights more ſecure, by renouncing thoſe which are falſe or doubtful. Add to this, that there is a wide difference between a dependence on others, and on a body corporate, of which each party is always a member, and in his turn the preſident: for in the latter caſe, his independency is only the more aſcertained by the guarantees afforded him. It would be alienated in the hands of a maſter, but is confirmed in thoſe of aſſociates.

This is confirmed by the example of the Germanic body; for, though the ſovereignty of its members be varied, in many reſpects, by the conſtitution of the Empire, and are, of courſe, in a leſs agreeable ſituation than they might be, as members of the European confederacy, there is nevertheleſs not one among them, how jealous ſoever he may be of his authority, who would render his independence abſolute, were it in his power, by detaching himſelf from the reſt of the Empire.

It is farther to be obſerved alſo, that the Germanic body, having a permanent chief, his authority is conſtantly tending to uſurpation; a circumſtance that could never happen in the European congreſs; where the preſidentſhip would be alternate, and no reſpect would be had to the inequality of the ſeveral potentates.

To

To all theſe conſiderations may be added another, ſtill more important, to people who are ſo fond of money as Princes always are: this is, the facility of amaſſing a great quantity, from the advantages reſulting, both to them and their people, from a perpetual peace; conſidering the vaſt expence that will be ſaved in the article of military preparations, in the keeping up fortifications, and the ſupport of numerous troops, which eat up the revenues, and become every day more burthenſome both to Prince and ſubject.

I am ſenſible it is not convenient for ſovereigns to diſband all their forces, and to have no troops ready to repel ſudden invaders and to ſuppreſs popular inſurrections *. I am ſenſible, alſo, that the ſeveral members of the confederacy will be obliged to furniſh their contingents, as well for guarding the frontiers of Europe, as for the ſupport of the confederate army, deſtined occaſionally to enforce the determinations of the congreſs. But when all thoſe charges are defrayed, and the extraordinary expences of war totally ſuppreſſed, there will ſtill be a ſaving of more than half the preſent military expences; which

* Some other objections alſo preſent themſelves, but as the author of the Project does not inſiſt on them, I ſhall paſs them over.

will

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

will leſſen the burthen laid on the ſubject, and fill the coffers of the Sovereign: ſo that the people will be ſubject to much fewer taxes, and the Prince, being much enriched, would be enabled to give encouragement to trade, agriculture, and arts; as well as to lay the foundation of uſeful eſtabliſhments that would ſtill farther increaſe his and his people's wealth. Add to this, that the independence of the ſtate would derive from ſuch means a much greater ſecurity then it could do from the maintenance of national troops, and that military pomp, which is conſtantly exhauſting it in the midſt of peace.

It will be ſaid, perhaps, that the frontier countries would be then in a more diſadvantageous ſituation, and would ſtill have as many wars to maintain againſt the Turks, the Tartars, and the Corſairs of Africa.

To this I anſwer, firſt, That thoſe countries are, as it is, in the ſame circumſtances; and that therefore our project would be of no poſitive diſadvantage to them, though leſs advantageous than it might be to others; this being an unavoidable inconvenience, to which their ſituation naturally expoſes them. Secondly, That by being freed from any apprehenſions of danger on the ſide of Europe, they would be much better able to oppoſe their other enemies. Thirdly, That the

led to give encouragement to
ealth . Add to this , that the
that military pomp , which is

o maintain againſt the Turks , the

no pofitive dif advantage to them
. Secondly , That by being freed

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

the demolition of the fortreſſes in the interior parts of Europe, and the ſaving of the expences neceſſary for their ſupport, would enable the confederacy to eſtabliſh a great number of fortreſſes on the frontiers, without expence to any particular member. Fourthly, That ſuch fortreſſes, built, garriſoned, and maintained at the common expence, would prove a ſecurity, as well as a ſaving of charges, to the potentates on the frontiers, whoſe ſtates they would more immediately protect. Fifthly, That the troops of the confederacy, ſtationed on the confines of Europe, would be always ready to repel any invader. And, ſixthly, that a body ſo powerful as the European Republick, would be too formidable to foreign Princes, for them to entertain a deſign of attacking any of its members; ſince we ſee the Germanic body, though much leſs powerful, is yet ſufficiently ſo to awe its neighbours into reſpect, and to afford an uſeful protection to the Princes compoſing it.

It may be objected farther, that, ſhould the Europeans ceaſe to make war on each other, the military art would ſoon fall into neglect and oblivion; that their troops would loſe their courage and diſcipline; that there would no longer exiſt either generals or ſoldiers; and that Europe would thus lie at the mercy of the firſt foreign invader.

To

To this I reply, that one of these two things must happen; either that our neighbours, of the other parts of the world, would make war on Europe, or that they would respect the confederacy so much as to leave it in peace.

Now, in the first case, there would be opportunities enough of cultivating military talents, in raising and forming troops. The armies of the confederacy would be, in that respect, the school of Europe; people would repair to the frontiers to learn the art of war, while the arts of peace would flourish in the interior parts, and thus the advantages of both would be united. Can it be thought necessary that we should be always cutting one another's throats, to cultivate the art of war? or are the French less brave, because the provinces of Anjou and Touraine are at peace with each other?

In the second case, it must be owned, that no opportunity would be left of cultivating the military art; but then there would remain no longer any necessity for it. For, what purpose would it serve to train people to arms, who would have no enemy to attack? And which is to be preferred, the cultivation of a destructive art, or the project that renders it useless. If a secret were existing, by means of which mankind might enjoy constant health, would it not be absurd

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

abſurd to reject it, becauſe it would deprive the Phyſicians of the opportunities of acquiring experience? It remains to be ſhewn which of the two arts, in this parallel, is moſt ſalutary, and beſt deſerves to be retained.

Let us not be terrified with a ſudden invaſion; it is well known that Europe has, on that ſcore, nothing to fear, and that this firſt invader will never appear. This is not a time for the irruptions of Barbarians, who ſeemed to drop in ſwarms from the clouds. Since we have been able to take a nearer ſurvey of the whole ſurface of the earth, nothing can approach us, that may not be ſeen at a great diſtance. There is no potentate in the world, at preſent, in a ſituation formidable againſt all Europe. And if ever there ſhould be ſuch a power, either we ſhall have time to prepare ourſelves, or ſhall be at leaſt in a better ſituation to oppoſe him, being united in one body, than when our long diſputes are to be terminated at once, in order to patch up an haſty union.

Thus we have ſhewn, that all the pretended inconveniencies of ſuch a confederacy, are, on examination, reducible to nothing. We now aſk, if any man in the world will venture to affirm as much of thoſe inconveniencies, which ariſe from the preſent manner of deciding the

diſputes

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

diſputes of ſovereigns, by the law of the ſtrongeſt? That is to ſay, from that impolitic ſtate of war, which neceſſarily reſults from the abſolute and mutual independence of ſovereigns, in the imperfect ſtate of ſociety which at preſent ſubſiſts between them in Europe?

To be better able to judge of theſe latter inconveniencies, I ſhall juſt recapitulate a ſummary of them in a few words; and leave it to the reader's examination.

1. No one's rights are ſecured but thoſe of the ſtrongeſt. 2. Continual and unavoidable changes in the relations ſubſiſting between nations, which hinder any of them from fixing in their own hands the power they actually poſſeſs. 3. No perfect ſecurity for any power till its neighbours be ſubdued or deſtroyed. 4. The general impoſſibility of deſtroying them: as even by deſtroying one, others are formed. 5. The precautions and immenſe expences attendant on being always upon one's guard. 6. The want of forces and of defence in minorities and revolts; for when the ſtate is divided, who can ſupport one party againſt the other. 7. The want of ſecurity for the performance of mutual engagements. 8. Juſtice is never to be obtained from others without great loſs and expence, nor always then; while the object

ject in diſpute ſeldom proves an indemnification. 9. The unavoidable riſk Princes run of loſing their dominions, and ſometimes their lives, in the proſecution of their rights. 10. The neceſſity of taking a part in the quarrels of neighbours, and of being drawn into a war, contrary to one's inclination. 11. The interruption of trade and publick ſupplies, at a time when they are moſt required. 12. The continual danger from a powerful neighbour, if one is weak, and from a league, if one is ſtrong. 13. The inutility of prudence with regard to what is ſubject to fortune; the perpetual deſtruction of people; the diminution of the ſtrength of the ſtate both from good and ill ſucceſs; the total impoſſibility of eſtabliſhing a good government, of accounting any thing one's own, and of rendering either ourſelves or others happy.

Let us recapitulate, in the ſame manner, the advantages which the confederate Princes of Europe will reap from arbitration.

1. Abſolute ſecurity that their preſent and future differences will be always terminated without a war; a ſecurity incomparably more uſeful to ſovereigns, than that of never being engaged in a law-ſuit would be to any of their ſubjects.

2. The

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

2. The removal of all ſubjects in diſpute, or their reduction to little or nothing, by the ceſſation of all former pretenſions; which will compenſate for what they give up, and ſecure what they poſſeſs.

3. Compleat and conſtant ſecurity for the perſon, family, and dominions of the Prince, and of the order of ſucceſſion, fixed by the laws of each country; as well againſt the ambitious views of unjuſt pretenders, as againſt the revolts of rebellious ſubjects.

4. Perfect ſecurity for the execution of all reciprocal engagements between Prince and Prince, by the guaranty of the whole European Republick.

5. Perfect and perpetual liberty and ſecurity, in regard to commerce, as well that carried on between the ſtates of the confederacy, as that carried on ſeparately by each ſtate with diſtant nations.

6. A total and perpetual ſuppreſſion of the extraordinary military expence, both by ſea and land, in times of war, and even a conſiderable diminution of the ordinary expences in time of peace.

7. The

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

7. The ſenſible progreſs of agriculture and population, with the increaſing wealth of the people and the revenue of the Prince.

8. The facilitating all eſtabliſhments, which may redound to the glory and authority of the ſovereign, increaſe the publick reſources, or promote the happineſs of the people.

I now leave the reader, as I before obſerved, to his examination of all theſe articles, and to form a compariſon between the ſtate of peace, reſulting from the propoſed confederacy, and the ſtate of war, which reſults from the preſent impolitick ſtate of Europe.

If we have reaſoned rightly in laying down this Project, it has been demonſtrated, firſt, that the eſtabliſhment of a perpetual peace depends ſolely on the conſent of the reſpective ſovereigns; and that there is no other obſtacle to it than their oppoſition. Secondly, that this eſtabliſhment would be every way uſeful, and that no compariſon is to be made, even with regard to them, between the inconveniencies and advantages reſulting from it. Thirdly, that it is reaſonable to ſuppoſe their inclination will agree with their intereſts. And, laſtly, that this eſtabliſhment, if once formed on the plan propoſed, would be ſolid and laſting, and

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

and perfectly anſwer the end deſigned. We cannot, indeed, take upon us to ſay, that the ſovereigns of Europe will actually adopt our project, (who can anſwer for the judgment of others?) but we can ſafely ſay, they would adopt it, if they knew their true intereſts: for it ſhould be obſerved, that we have not ſuppoſed men to be ſuch as they ought to be, good, generous, diſintereſted, and publick-ſpirited from motives of humanity; but, on the contrary, ſuch as they really are, unjuſt, avaricious, and more ſolicitous for their private intereſt than that of the publick. The only ſuppoſition we have made, is, that mankind have ſenſe enough in general to know what is uſeful to them, and fortitude enough to embrace the means of their own happineſs. Should our project, nevertheleſs, fail of being put into execution, it will not be neglected becauſe it is chimerical; but becauſe the world is abſurd, and there is a kind of abſurdity in being wiſe among fools.

THE END.

Digitized by UNIVERSITY OF MICHIGAN Original from UNIVERSITY OF MICHIGAN

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

THE UNIVERSITY OF MICHIGAN
GRADUATE LIBRARY

DATE DUE

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

Digitized by
UNIVERSITY OF MICHIGAN
Original from
UNIVERSITY OF MICHIGAN

Digitized by
UNIVERSITY OF MICHIGAN

Original from
UNIVERSITY OF MICHIGAN