

## READINGS: ABSOLUTISM

**Bossuet: *On the Nature and the Properties of Royal Authority***

**Hobbes: *The Leviathan***

### Jacques Benigne Bossuet: *On the Nature and the Properties of Royal Authority*

Jacques Benigne Bossuet (1627-1704), bishop of Meaux, was one of the great orators and polemicists of the reign of Louis XIV. Appointed tutor to the dauphin (the king's heir), Bossuet wrote for his edification a series of works expounding the divine rights and God-appointed duties of kings. The following passages are taken from one of these, the *Treatise on Politics, Based on the Very Words of Holy Writ*, most of which was composed in 1678.

In the great orderly pattern of seventeenth-century thought, one thing still remained to be settled: the nature and justification of political authority. In the Middle Ages this had rested with God and had been shared equally between God's representatives on earth—the pope and the prince. With the Reformation, this ideal equilibrium had been broken: where once only one pope had reigned, now there were several, each claiming ultimate religious authority for his version of God's will and revelation. The result was a growth in the power of princes at the expense of the Church. Where, once upon a time, religious authority had provided the sanction of political power, under the new dispensation political authority guaranteed and reinforced this or that form of religion. By a natural evolution, it came to be argued that ultimately the prince was the significant representative of God on earth, ruling his country by divine right and dispensation. This was the thesis of Bossuet, but it was challenged by a rival theory based on a justification more immediate and worldly than the will of God: the contract.

The contract theory of government, which appealed to the common sense of an increasingly businesslike public, presented society as the result of an agreement between its members, and the political form of society—its system of government—as arising out of a similar agreement. The contract theory was not necessarily more liberal than that of divine right: the king of Hobbes is a less restrained and probably harsher ruler than Bossuet's. But, in the hands of Locke, the logical implications of contractual relationships were carried to revolutionary conclusions: a contract was seen for what it had always been: an undertaking with mutual obligations binding on both parties and with sanctions for failure to carry out its terms. This new view severely shook the firm, unquestioned basis of monarchical power.

#### On the Nature and the Properties of Royal Authority

Firstly, royal authority is sacred; secondly, it is paternal; thirdly, it is absolute; fourthly, it is subject to reason ....

God establishes kings as his ministers, and reigns through them over the peoples. We have already seen that all power comes from God. The prince, adds Saint Paul, "is a minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain: for he is a minister of God, an avenger for wrath to him that doeth evil." So princes act as ministers of God and his lieutenants on earth. It is through them that He rules His empire. This is why we have seen that the royal throne is not the throne of a man, but the throne of God Himself. Nor is it peculiar to the Jews alone to have kings appointed by God.... He governs all peoples, and gives kings to all ....

It appears from all this that the person of the king is sacred, and that it is a sacrilege to attack him. God has His prophets anoint them with a sacred unction, as He has His pontiffs and His altars anointed. But, even without the external application of this unction, their charge renders them sacred, as being the representatives of the divine majesty, delegated by His providence to the execution of His designs. It is thus that God Himself speaks of Cyrus as His anointed—"his right hand I have holden to subdue nations before him." The title of Christ is given to kings; and everywhere we see them called the Christ, or the anointed of the Lord.

Kings must be guarded as being sacred; and he who neglects to guard them deserves to die. He who guards the life of the prince, places his own in the safe-keeping of God ....

Saint Paul, after having said that the prince is the minister of God, concludes thus: "Wherefore Ye must needs be in subjection, not only because of the wrath, but also for conscience's sake." . . . And again, "servants, obey in all things your temporal masters and whatsoever Ye do, do it heartily as to the Lord, and not as unto men." If the apostle speaks thus of servitude, which is an unnatural condition; what should we think of legitimate subjection to princes and to the magistrates who are the protectors of public liberty? This is why Saint Peter says, "submit yourselves to every ordinance of man for the Lord's sake: whether it be to the king as supreme, or unto governors, as

unto them that are sent by him for the punishment of evil-doers and for the praise of them that do well." And, even if they did not carry out their duty, we must respect in them their charge and their ministry. "Servants, be subject to your master! with ail fear; not only to the good and gentle, but also to the froward and unjust." There is thus a religious character about the respect we show to the prince. The service of God and the respect for kings are one; and Saint Peter puts these two duties together, "Fear God; honor the king." . . . Indeed, God has infused something of divinity into princes: "I have said Ye are Gods; and all of you are children of the Most High."

The kings must respect their own power and use it only to the public good. Their power coming from above, as we have said, they must not believe that it belongs to them to be used as they please; but they must use it with fear and restraint, as a thing which comet from God and for which God will call them to account. Kings should therefore tremble when using the power that God has given them, and think how horrible is the sacrilege of misusing a power which comes from God.

#### THE ROYAL AUTHORITY IS PATERNAL, AND ITS INHERENT CHARACTER IS GOODNESS

We have seen that kings take the place of God, who is the true father of all mankind. We have also seen that the first idea of power arrived at by men is that of paternal power; and that kings have been made on the model of fathers. Also, everybody agrees that the obedience which is due to the public power is to be found, in the Ten Commandments, in the commandment which obliges men to honor their parents. From all this, it follows that the title of king is the title of a father, and that goodness is the most natural characteristic of kings ....

Because God is great and sufficient unto Himself, He turns, so to speak, entirely towards doing good to men, according to the word: "As is His greatness, so is His compassion." He places an image of His greatness in kings in order to force them to imitate His goodness. He raises them to a level where they have nothing more to desire for themselves. We have heard David saying: "What can Your servant add to all the greatness with which You have clothed him?"

#### THE ROYAL AUTHORITY IS ABSOLUTE

In order to render this idea odious and unbearable, many pretend to confuse absolute government with arbitrary government. But there are no two more dissimilar things .... The prince need render no account to anyone for the orders he gives. "I counsel thee to keep the king's commandment and that in regard to the oath of God. Be not hasty to go out of his sight: stand not in an evil thing; for he does whatsoever pleases him. Where the word of a king is, there is power; and who may say unto him, What dost thou?" Without this absolute authority the king can do no good, nor punish evil; his power must be such that no one can hope to escape it ....

Men must therefore obey princes as they obey justice itself, without which there can be no order or purpose in things. They are Gods, and share in a fashion the divine independence: "I have said Ye are Gods . . . ." There is only God who can judge their judgements and their persons. "God standeth in the congregation of the mighty; He judgeth among the Gods."

#### THE ROYAL AUTHORITY MUST BE INVINCIBLE

If there is in a State any authority which can stand in the path of public power and embarrass it in its exercise, no one is safe ....

If the prince himself, who is the judge of judges, fears powerful men, what stability could there be in the State? It is therefore necessary that authority should be invincible, and that nothing should be able to breach the rampart behind which the public peace and private weal are safe.

#### OF MAJESTY

Majesty is the reflection of the greatness of God in the prince. God is infinite, God is all. The prince, as a prince, is not regarded as a private individual: he is a public figure, the whole State rests in him; the will of the whole people is comprehended in his. Just as all perfection and all virtue are concentrated in God, so all the power of private individuals is concentrated in the person of the prince. What greatness, that one man should carry so much! The power of God makes itself felt in an instant from one end of the world to the other: the royal power acts in the same way throughout the whole kingdom. It keeps the whole kingdom in being, as God keeps the whole world. If God were to withdraw His hand, the world would fall back into nothingness: if authority ceased in the kingdom, everything would be confusion ....

Now, put together all the great and august things that we have said on the subject of royal authority. See a great people united in one person: see this sacred, paternal, and absolute power: see the secret purpose which governs the whole body of the State comprehended in one head: you see the image of God in the kings; and you get an idea of royal majesty .... God is holiness itself, goodness itself, power itself, reason itself. The majesty of God is in these things. The majesty of the prince is in the image of these things. This majesty is so great that its source cannot be in the prince; it is borrowed from God who gives it to him for the good of the peoples, for whom it is salutary that they should be held in by a superior power . . . .

There is something divine about a prince, which inspires the peoples with fear ....

Therefore, use your power boldly, oh, kings! For it is divine and salutary to mankind; but use it with humility. You are endowed with it from outside. Fundamentally, it leaves you weak; it leaves you mortal; it leaves you sinners; and burdens you with greater responsibility towards God.

#### ON THE OBEDIENCE DUE TO THE PRINCE

The subjects owe unlimited obedience to the prince. If the prince is not punctually obeyed, the public order is overthrown and there is no more unity, and consequently no more cooperation or peace in a State ....

Open godlessness, and even persecution, do not absolve the subjects from the obedience they owe to princes. The character of royalty is holy and sacred, even in infidel princes; and we have seen that Isaiah calls Cyrus "the anointed of the Lord." Nebuchadnezzar was godless, and proud to the point of wanting to equal God and put to death those who refused him a sacrilegious worship; and nevertheless Daniel addresses him thus: "You are the king of kings: and the God of Heavens has given you the kingdom and the power and the empire and the glory." . . .

The subjects may oppose to the violence of princes only respectful remonstrances, without murmurs or rebellion, and prayers for their conversion.

If God does not hearken to the prayers of His faithful; if in order to try and chasten His children He permits their persecution to grow worse, they must then remember that Jesus Christ has "sent them as lambs in the midst of wolves." Here is a truly holy doctrine, truly worthy of Jesus Christ and of His disciples.

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### Thomas Hobbes: *The Leviathan*

*Thomas Hobbes (1588-1679) was born and brought up an Elizabethan and died at the age of ninety-one under the Restoration. As tutor to the noble Cavendish family and as a scholar in his own right, he traveled widely, meeting many of the greatest minds of his time. Friend of Ben Jonson, Francis Bacon, and Galileo, he also knew, and argued with, Descartes. The troubles of the English civil war drove him to Paris, where he lived from 1641 to 1652. In 1647 he was appointed tutor to the prince of Wales, but the future Charles II had to break off the relationship when the publication of Hobbes's *Leviathan* in 1651 shocked too many people. It nevertheless remains one of the most thorough- and perhaps, therefore, thoroughly depressing- analyses of the motives and patterns of political behavior.*

*The extreme authoritarianism of Hobbes has been attributed to the natural timidity of a man whose mother may have been frightened by the Spanish Armada and whom the civil war had persuaded that anything was better than disorder.*

#### From *The Leviathan*

##### OF THE NATURAL CONDITION OF MANKIND AS CONCERNING THEIR FELICITY AND MISERY

Nature has made men so equal, in the faculties of the body and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another, yet when all is reckoned together, the difference between man and man, is not so considerable, as that one man can thereupon claim to himself any benefit, to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself. . . .

From this equality of ability, arises equality of hope in the attaining of our ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end, which is principally their own conservation, and

sometimes their delectation only, endeavour to destroy or subdue one another. And from hence it comes to pass, that where an invader has no more to fear than another man's single power; if one plant, sow, build, or possess a convenient seat, others may probably be expected to come prepared with forces united, to dispossess and deprive him, not only of the fruit of his labour, but also of his life or liberty. And the invader again is in the like danger of another.

And from this diffidence of one another, there is no way for any man to secure himself, so reasonable, as anticipation; that is, by force, or wiles, to master the persons of all men he can, so long, till he see no other power great enough to endanger him: and this is no more than his own conservation requires, and is generally allowed. Also because there be some, that taking pleasure in contemplating their own power in the acts of conquest, which they pursue farther than their security requires; if others, that otherwise would be glad to be at least within modest bounds, should not by invasion increase their power, they would not be able, long time, by standing only on their defence, to subsist. And by consequence, such augmentation of dominion over men being necessary to a man's conservation, it ought to be allowed him.

Again, men have no pleasure, but on the contrary, a great deal of grief, in keeping company, where there is no power able to overawe them all. For every man looks for his companion to value him, at the same rate he sets upon himself and upon all signs of contempt, or undervaluing, naturally endeavours, as far as he dares (which among them that have no common power to keep them in quiet, is far enough to make them destroy each other), to extort a greater value from his contemners, by damage; and from others, by the example.

So that in the nature of man we find three principal causes of quarrel. First, competition; second, diffidence; thirdly, glory.

The first makes men invade for gain; the second, for safety; and the third, for reputation. The first use violence, to make themselves masters of other men's persons, wives, children, and cattle; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their persons, or by reflection in their kindred, their friends, their nation, their profession, or their name.

Hereby it is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man. For "war" consists not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known; and therefore the notion of "time" is to be considered in the nature of war, as it is in the nature of weather. For as the nature of foul weather lies not in a shower or two of rain, but in an inclination thereto of many days together; so the nature of war consists not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. All other time is "peace."

Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same is consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them. In such condition there is no place for industry, because the fruit thereof is uncertain, and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and, which is worst of all, continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

It may seem strange to some man, that has not well weighed these things, that Nature should thus dissociate, and render men apt to invade, and destroy one another; and he may therefore, not trusting to this inference made from the passions, desire perhaps to have the same confirmed by experience. Let him therefore consider with himself, when taking a journey, he arms himself, and seeks to go well accompanied; when going to sleep, he locks his doors; when even in his house, he locks his chests; and this when he knows there be laws, and public officers, armed, to revenge all injuries shall be done him; what opinion he has of his fellow-subjects, when he rides armed; of his fellow citizens, when he locks his doors; and of his children and servants, when he locks his chests. Does he not there as much accuse man's nature in it? The desires and other passions of man are in themselves no sin. No more are the actions that proceed from those passions, till they know a law that forbids them; which till laws be made they cannot know, nor can any law be made till they have agreed upon the person that shall make it.

It may peradventure be thought there was never such a time nor condition of war as this; and I believe it was never generally so, over all the world, but there are many places where they live so

now. For the savage people in many places of America, except the government of small families, the concord whereof depends on natural lust, have no government at all, and live at this day in that brutish manner, as I said before. Howsoever, it may be perceived where there were no common power to fear, by the manner of life which men that have formerly lived under a peaceful government, use to degenerate into a civil war.

But though there had never been any time, wherein particular men were in a condition of war one against another; yet in all times, kings, and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their forts, garrisons, and guns upon the frontiers of their kingdoms; and continual spies upon their neighbours; which is a posture of war. But because they uphold thereby the industry of their subjects; there does not follow from it that misery which accompanies the liberty of particular men.

To this war of every man, against every man, this also is consequent; that nothing can be unjust. The notions of right and wrong, justice and injustice, have there no place. **Where there is no common power, there is no law: where no law, no injustice.** Force and fraud are in war the two cardinal virtues. justice and injustice are none of the faculties neither of the body nor mind. If they were, they might be in a man that were alone in the world, as well as his senses, and passions. They are qualities that relate to men in society, not in solitude. It is consequent also to the same condition, that there be no propriety, no dominion, no "mine" and "thine" distinct; but only that to be every man's, that he can get; and for so long, as he can keep it. And thus much for the ill condition, which man by mere nature is actually placed in; though with a possibility to come out of it, consisting partly in the passions, partly in his reason.....

#### OF THE CAUSES, GENERATION AND DEFINITION OF A COMMONWEALTH

... It is true that certain living creatures, as bees and ants, live sociably one with another, which are therefore by Aristotle numbered amongst political creatures; and yet have no other direction than their particular judgments and appetites; nor speech, whereby one of them can signify to another, what he thinks expedient for the common benefit: and therefore some man may perhaps desire to know, why mankind cannot do the same. To which I answer,

First, that men are continually in competition for honour and dignity, which these creatures are not; and consequently among men there arises on that ground, envy and hatred, and finally war; but among these not so.

Secondly, that among these creatures, the common good differs not from the private, and being by nature inclined to their private, they procure thereby the common benefit. But man, whose joy consists in comparing himself with other men, can relish nothing but what is eminent.

Thirdly, that these creatures, having not, as man, the use of reason, do not see, nor think they see any fault in the administration of their common business; whereas among men, there are very many that think themselves wiser, and abler to govern the public, better than the rest; and these strive to reform and innovate, one this way, another that way; and thereby bring it into distraction and civil war.

Fourthly, that these creatures, though they have some use of voice, in making known to one another their desires and other affections; yet they want that art of words, by which some men can represent to others that which is good in the likeness of evil; and evil in the likeness of good; and augment or diminish the apparent greatness of good and evil; discontenting men, and troubling their peace at their pleasure.

Fifthly, irrational creatures cannot distinguish between "injury" and "damage"; and therefore as long as they be at ease, they are not offended with their fellows, whereas man is then most troublesome, when he is most at ease; for then it is that he loves to show his wisdom, and control the actions of them that govern the commonwealth.

Lastly, the agreement of these creatures is natural; that of men is by covenant only, which is artificial: and therefore **it is no wonder if there be somewhat else required, besides covenant, to make their agreement constant and lasting; which is a common power, to keep them in awe, and to direct their actions to the common benefit.**

**The only way to erect such a common power,** as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort, as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly, **is, to confer all their power and strength upon one man, or upon one assembly of men,**

that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own, and acknowledge himself to be author of whatever he that bears their person, shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, very one to his will, and their judgments, to his judgment. This is more than consent, or concord; it is a real unity of them all, in one and the same person, made by covenant of every man, in such manner, as if every man should say to every man, "I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner." This done, the multitude so united in one person is called a "commonwealth," in Latin civitas. This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that "mortal god," to which we owe under the "immortal God," our peace and defence. For by this authority, given him by every particular man in the commonwealth, he has the use of so much power and strength conferred on him, that by terror thereof, he is enabled to perform the wills of them all, to peace at home, and mutual aid against their enemies abroad. And in him consists the essence of the commonwealth; which, to define it, is one person of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence.

And he that carries this person is called "sovereign," and is said to have "sovereign power"; and every one besides, his "subject."

The attaining to this sovereign power is by two ways. One, by natural force; as when a man makes his children to submit themselves and their children to his government, as being able to destroy them if they refuse; or by war subdues his enemies to his will, giving them their lives on that condition. The other is, when men agree among themselves to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter may be called a political commonwealth, or commonwealth by "institution"; and the former, a commonwealth by "acquisition."

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## Sir Robert Filmer, Patriarcha (1680), A Defense Of The Natural Power Of Kings Against The Unnatural Liberty Of The People

*Sir Robert Filmer (1588-1653), together with the French theorist Bossuet, provided a very articulate defense of absolutist rule. In doing so, Filmer addressed the subject of political obligation and the historical origin and ethical basis of political power. He predicated his work on a literal interpretation of the Bible — as the unique and complete revelation of God's will in all things — and applied this assumption to the origin of human society and to the nature of the relationship between the people who make up human society. All men were born, and always remain, unfree and unequal. Similarly, no other sort of property but private property exists. Society is not based on consent. Political society has always existed, so Filmer denied the concept of a "state of nature" antedating society. Patriarcha (1680) provides an account of the descent of patriarchal power from Adam to the crowned heads of Europe, thereby constituting a defense of absolute monarchy and the divine right of kings. The value of Patriarcha as a historical document consists primarily in its revelation of the strength and persistence in European culture of the patriarchal family form and the patriarchal attitude toward political problems.*

### Book I. The Natural Freedom of Mankind, a New, Plausible and Dangerous Opinion

Within the last hundred year many of the Schoolmen and other Divines have published and maintained an opinion that: 'Mankind is naturally endowed and born with freedom from all subjection, and at liberty to choose what form of government it please, and that the power which any one man hath over others was at the first by human right bestowed according to the discretion of the multitude.'

This tenet was first hatched in the Schools for good Divinity, and hath been fostered by succeeding Papists. The Divines of the Reformed Churches have entertained it, and the common people everywhere tenderly embrace it as being most plausible to flesh and blood, for that it prodigally distributes a portion of liberty to the meanest of the multitude, who magnify liberty as if the height of human felicity were only to be found in it, never remembering that the desire of liberty was the cause of the fall of Adam.

But howsoever this opinion hath of late obtained great reputation, yet it is not to be found in the ancient fathers and doctors of the primitive Church. It contradicts the doctrine and history of the Holy Scriptures, the constant practice of all ancient monarchies, and the very principles of the law of nature. It is hard to say whether it be more erroneous in Divinity or dangerous in policy.

Upon the grounds of this doctrine, both Jesuits and some zealous favourers of the Geneva discipline have built a perilous conclusion, which is, 'that the people or multitude have power to punish or deprive the Prince if he transgress the laws of the kingdom'. Witness Parsons and Buchanan. The first, under the name of Dolman, in the third chapter of his first book, labours to prove that Kings have been lawfully chastised by their commonwealths. The latter, in his book *De Jure Regni apud Scotos*, maintained a liberty of the people to depose their Prince. Cardinal Bellarmine and Mr. Calvin both look askint this way. [1]

This desperate assertion whereby Kings are made subject to the censures and deprivations of their subjects follows (as the authors of it conceive) as a necessary consequence of that former position of the supposed natural equality and freedom of mankind, and liberty to choose what form of government it please. [2]

And though Sir John Heywood, Adam Blackwood, John Barclay and some others have learnedly confuted both Buchanan and Parsons, and vindicated the right of Kings in most points, yet all of them, when they come to the argument drawn from the natural liberty and equality of mankind, they do with one consent admit it for a principle unquestionable, not so much as once denying or opposing it. Whereas if they did but confute this first erroneous principle, the main foundation of popular sedition would be taken away.

The rebellious consequence which follows this prime article of the natural freedom of mankind may be my sufficient warrant for a modest examination of the original truth of it; much hath been said, and by many, for the affirmative; equity requires that an ear be reserved a little for the negative.

In this discourse I shall give myself these cautions:

First, I have nothing to do to meddle with mysteries of the present state. Such arcana imperii, or cabinet councils, the vulgar may not pry into. An implicit faith is given to the meanest

artificer in his own craft; how much more is it, then, due to a Prince in the profound secrets of government: the causes and ends of the greatest politic actions and motions of state dazzle the eyes and exceed the capacities of all men, save only those that are hourly versed in managing public affairs: yet since the rule for each man to know in what to obey his Prince cannot be learnt without a relative knowledge of those points wherein a sovereign may command, it is necessary when the commands and pleasures of superiors come abroad and call for an obedience that every man inform himself bow to regulate his actions or his sufferings, for according to the quality of the thing commanded an active or passive obedience is to be yielded, and this is not to limit the Prince's power, but the extent of the subject's obedience, by giving to Caesar the things that arc Caesar's, etc. 🍌

Secondly, I am not to question or quarrel at the rights or liberties of this or any other nation; my task is chiefly to inquire from whom these came, not to dispute what or how many they are, but whether they are derived from the laws of natural liberty or from the grace and bounty of Princes. My desire and hope is that the people of England may and do enjoy as ample privileges as any nation under heaven; the greatest liberty in the world (if it be duly considered) is for a people to live under a monarch. It is the Magna Charta of this kingdom; all other shows or pretexts of liberty are but several degrees of slavery, and a liberty only to destroy liberty. 🍌

If such as maintain the natural liberty of mankind take offense at the liberty I take to examine it, they must take heed that they do not deny by retail that liberty which they affirm by wholesale; for if their thesis be true, the hypothesis will fellow, that all men may examine their own charters, deeds, or evidences by which they claim and hold the inheritance or freehold of their liberties. 🍌

Thirdly, I detract not from the worth of all those learned men who are of a contrary opinion in the point of natural liberty. The profoundest scholar that ever was known hath not been able to search out every truth that is discoverable; neither Aristotle in natural philosophy, nor Mr. Hooker in Divinity. They were but men, yet I reverence their judgments in most points, and confess myself beholding even to their errors in this; something that I found amiss in their opinions guided me in the discovery of that truth which (I persuade myself) they missed. A dwarf sometimes may see that which a giant looks over: for whilst one truth is curiously searched after, another must necessarily be neglected. Late writers have taken up too much upon trust from the subtle Schoolmen, who to be sure to thrust down the King below the Pope, thought it the safest course to advance the people above the King; that so the papal power may more easily take place of the regal. Many an ignorant subject hath been fooled into this faith, that a man may become a martyr for his country by being a traitor to his Prince; whereas the new coined distinction into Royalists and Patriots is most unnatural, since the relation between King and people is so great that their well-being is reciprocal. 🍌

Book V. Kings are either Fathers of their People, or Heirs of such Fathers, or the Usurpers of the Rights of such Fathers

It may seem absurd to maintain that Kings now arc the fathers of their people, since experience shows the contrary. It is true, all Kings be not the natural parents of their subjects, yet they all either are, or are to be reputed, as the next heirs of those progenitors who were at first the natural parents of the whole people, and in their right succeed to the exercise of supreme jurisdiction. And such heirs are not only lords of their own children, but also of their brethren, and all others that were subject to their Fathers. 🍌

And therefore we find that God told Cain of his brother Abel: 'His desires shall be subject unto thee, and thou shalt rule over him.' Accordingly, when Jacob had bought his brother's birthright, Isaac blessed him thus: 'Be lord over thy brethren, and let the sons of thy mother bow before thee.' So we find that at the offering of Princes at the dedication of the tabernacle the Princes of Israel are said to be heads of the houses of their Fathers, as Eliab the son of Helon was Prince of the children of his Father Zebulun. Numbers vii, 2 and 24. 🍌

As long as the first Fathers of families lived, the name of Patriarchs did aptly belong unto them. But after a few descents, when the true fatherhood itself was extinct, and only the right of the Father descended to the true heir, then the title of Prince or King was more significant to express the power of him who succeeds only to the right of that fatherhood which his ancestors did naturally enjoy. By this means it comes to pass, that many a child, by succeeding a King, hath the right of a Father over many a grey-headed multitude, [and hath the title of Pater Patriae.] 🍌

Book VII. Of the Agreement of Paternal and Regal Power

If we compare the natural duties, of a Father with those of a King, we find them to be all one, without any difference at all but only in the latitude or extent of them. As the Father over one family, so the King, as Father over many families, extends his care to preserve, feed, clothe, instruct and defend the whole commonwealth. His wars, his peace, his courts of justice, and all his acts of sovereignty, tend only to preserve and distribute to every subordinate and inferior Father, and to their children, their rights and privileges, so that all the duties of a King are summed up in an universal fatherly care of his people. By conferring these proofs and reasons drawn from the authority of Scripture, it appears little less than a paradox which Bellarmine and others affirm of the freedom of the multitude to choose what rulers they please. 🍌

Had the Patriarchs their power given them by their own children? Bellarmine dares not say it, but the contrary. If then, the fatherhood enjoyed this authority for so many ages by the law of nature, when was it lost, or when forfeited, or how is it devolved to the liberty of the multitude? 🍌

Book XII. Aristotle Agrees with the Scripture, Deducing Royal Authority from the Fatherhood

Because the Scripture is not favourable to the liberty of the people, therefore many fly to natural reason and to the authority of Aristotle. I must crave liberty to examine or explain the opinion of this great philosopher. 🍌

I find this sentence in the third of his Politics, c. 16: 'it seems to some not to be natural for one man to be lord of all the citizens, since a city consists of equals.' Lambin, in his Latin interpretation of this text, hath omitted the translation of this word *tisin*. By that means he maketh that to be the opinion of Aristotle which Aristotle allegeth to be the opinion but of some. This negligent, or willful, escape of Lambin, in not translating a word so material, hath been an occasion to deceive many, who, looking no further than to the Latin translation, have concluded, and made the world now of late believe, that Aristotle here maintains a natural equality of men. And not only our English translator of Aristotle's Politics is, in this place, misled by following Lambin, but even the learned Monsieur Duvall in his analytical 'Synopsis' bears them company. And yet this version of Lambin's is esteemed the best, and printed at Paris, with Casaubon's corrected Greek copy, though in the rendering of this place the other translations have been more faithful. And he that shall compare the Greek text with the Latin will find that Casaubon had just cause in his preface to Aristotle's works to complain that the best translation of Aristotle did need correction. To prove that in these words, which seem to favour the equality of mankind, Aristotle doth not speak according to his own judgment, but recites only the opinion of others, we find him clearly deliver his own opinion that the power of government did originally arise from the right of fatherhood, which cannot possibly consist with that natural equality which men dream of. For in the first of his Politics he agrees exactly with the Scripture, and lays this foundation of government: 'The first society made of many houses is a village, which seems most naturally to be a colony of families or foster brethren of children and children's children. And therefore, at the beginning, cities were under the government of Kings, for the eldest in every house is King. And so for kindred sake it is in colonies.' And in the fourth of his Politics, c. 2, he gives the title of the first and divinest sort of government to the institution of Kings, by defining tyranny to be a digression from the first and divinest. 🍌

Whosoever weighs advisedly these passages will find little hope of natural reason in Aristotle to prove the natural liberty of the multitude. Also before him the divine Plato concludes 'a commonweal to be nothing else but a large family'. I know that for this position Aristotle quarrels with his master, but most unjustly. For therein he contradicts his own principles, for they both agree to fetch the original of civil government from the prime government of families. No doubt but Moses' history of the creation guided these two philosophers in finding out of this lineal subjection deduced from the loins of the first parents according to that rule of St. Chrysostom: 'God made all mankind of one man, that he might teach the world to be governed by a King, and not by a multitude.' 🍌

The ignorance of the Creation occasioned several errors amongst the heathen philosophers. Polybius, though otherwise a most profound philosopher and judicious historian, yet here he stumbles. For in searching out the original of civil societies he conceited that: 'Multitudes of men after a deluge, a famine or a pestilence, met together like herds of cattle without any dependency, until the strongest bodies and boldest minds got the mastery of their fellows,'[3] even as it is (saith he) among bulls, boars and cocks. 🍌

And Aristotle himself, forgetting his first doctrine, tells us `the first heroic Kings were chosen by the people for their deserving well of the multitude, either by reaching them some arts, or by warring for them, or for gathering them together, or for dividing land amongst them.'[4] Also Aristotle had another fancy, that those men `which prove wise of mind, were by nature intended to be lords and govern, and those which were strong of body were ordained to obey and be servants'.[5] I But this is a dangerous and uncertain rule, and not without some folly. For if a man prove both wise and strong, what will Aristotle have done with him? As he was wise, he could be no servant, and as he had strength, he could not be master. Besides, to speak like a philosophers nature intends all men to be perfect both in wit and strength. The folly or imbecility proceeds from some error in generation or education, for nature aims at perfection in all her works. 🍌

XXII. Regal Authority not Subject to Human Laws. Kings Before Laws. The Kings of Judah and Israel not Tied to Laws

Hitherto I have endeavoured to show the natural institution of regal authority, and to free it from subjection to an arbitrary election of the people. It is necessary also to inquire whether human laws have a superiority over Princes, because those that maintain the acquisition of royal jurisdiction from the people do subject the exercise of it to human positive laws. But in this also they err. For as Kingly power is by the law of God, so it hath no interior law to limit it. The Father of a family governs by no other law than by his own will, not by the laws or wills of his sons or servants. There is no nation that allows children any action or remedy for being unjustly governed. And yet for all this every Father is bound by the law of nature to do his best for the preservation of his family. But much more is a King always tied by the same law of nature to keep this general ground, that the safety of his kingdom be his chief law. He must remember that the profit of every man in particular, and of all together in general, is not always one and the same, that the public is to be preferred before the private and that the force of laws must not be so great as natural equity itself. Which cannot fully be comprised in any laws, but is to be left to the religious arbitrament of those who know how to manage the affairs of state, and wisely to balance the particular profit with the counterpoise of the public, according to the infinite variety of times, places, persons. 🍌

A proof unanswerable for the superiority of Princes above laws is this, that there were Kings long before there were any laws. For a long time the word of the King was the only law. `And if practice' (as saith Sir Walter Raleigh) `declare the greatness of authority, even the best Kings of Judah and Israel were not tied to any law, but they did whatsoever they pleased in the greatest matters.' 🍌

XXVII. The King is Author, Interpreter and Corrector of the Common Law

If the nature of laws be advisedly weighed, the necessity of the Prince's being above them may the more manifest itself. We all know that a law in general is the command of a superior power. Laws are divided (as Bellarmine divides the word of God) into written and unwritten. *twm nomwn, oi men eggrafoi, oi de agrafoi* saith Ulpian in the Civil Law, `The Common Law unwritten, the statute law written.' The Common Law is called unwritten, not for that it is not written at all, but because it was not written by the first devisers or makers of it. The Common Law (as the Lord Chancellor Egerton teacheth us) is the common custom of the realm. Now concerning customs, this must be considered, that for every custom there was a time when it was no custom, and the first precedent we now have had no precedent when it began. When every custom began, there was something else than custom that made it lawful, or else the beginning of all customs were unlawful. Customs at first became lawful only by some superior power which did either command or consent unto their beginning. And the first power which we find (as is confessed by all men) is Kingly power, which was both in this and in all other nations of the world long before any laws or any other kind of government was thought of. From whence we must necessarily infer that the Common Law itself, or common customs of this land, were originally the laws and commands of Kings at first unwritten. 🍌

Nor must we think that the Common customs (which are the principles of the Common Law, and are but few) to be such or so many as are able to give special rules to determine every particular cause. Diversity of cases are infinite, and impossible to be regulated by any law. And therefore we find even in the divine laws which were delivered by Moses, there be only certain principal laws which did not determine but only direct the high priest or magistrate, whose judgment in special cases did determine what the general law intended. It is so with the Common Law, for when there is no perfect rule judges do resort to those principle or Common Law axioms whereupon

former judgments in cases somewhat like have been delivered by former judges, who all receive authority from the King in his right and name to give sentence according to the rules and precedents of ancient times. And where precedents have failed the judges have resorted to the general law of reason, and accordingly given judgment without any Common Law to direct them. Nay, many times where there have been precedents to direct, they upon better reason only have changed the law both in causes criminal and civil, and have not insisted so much on the examples of former judges as examined and corrected their reasons. Hence it is that some laws are now obsolete and out of use, and the practice quite to what it was in former times, as the Lord Chancellor Egerton proves by several instances. 🌻

Nor is this spoken to derogate from the Common Law, for the case standeth so with laws of all nations, although some of them have their laws and principles written and established. For witness in this we have Aristotle his testimony in his Ethics, and in several places in his Politics. I will cite some of them.[2] 'Every law' (saith he) 'is in the general, but of some things there can be no general law ... When therefore the law speaks in general, and some things fall out after besides the general rule, then it is fit that what the lawmaker hath omitted, or where he hath erred by speaking generally, it should be corrected or supplied, as if the lawmaker himself were present to ordain it. The governor, whether it be one man or more, ought to be lord over all those things whereof it was impossible the law should exactly speak, because it is not easy to comprehend all things under general rules. Whatsoever the law cannot determine, it leaves to the governors to give judgment therein, and permits them to rectify whatsoever upon trial they find to be better than the written laws.[3]' 🌻

And the Civil Law agrees with Aristotle, for it saith: 'Jura constitui oportet (ut dixit Theophrastus) in his quae epi to pleioton accidunt, non quae ek paralogou': they are the words of Pomponius. Again: 'Ex his quae forte uno aliquo casu accidere possunt jura non constituuntur ... nam ad ea potius debet aptari jus quae et frequenter et facile,.... quam quae perraro eveniunt,' saith Celsus. 'quae semel aut bis accidunt praetereunt legislatores. Neque leges ita scribi possunt, ut omnes casus qui quandoque inciderint comprehendantur, sed sufficit et ea quae plerumque accidunt contineri,' saith Julianus. 'Cum in aliqua causa sententia eorum est manifesta, is qui jurisdictione praeest, ad similia procedere atque ita jus dicere debet.' 🌻

Besides, all laws are of themselves dumb, and some or others must be trusted with the application of them to particulars, who, by examining all circumstances, are to pronounce when they are broken or by whom. This work of right application of laws is not a thing easy or obvious for ordinary capacities, but requires profound abilities of nature for the beating out of the truth. Witness the diversity and sometimes the contrariety of opinions of the learned judges in some difficult points. 🌻

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