

DE JURE REGNI APUD
SCOTOS;

A DIALOGUE

CONCERNING

THE RIGHTS OF THE CROWN IN SCOTLAND.

BY GEORGE BUCHANAN.

TRANSLATED INTO ENGLISH
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GEORGE BUCHANAN

WISHES MUCH GOOD HEALTH TO

JAMES THE SIXTH, KING OF THE SCOTS.

SEVERAL years ago, when public affairs were in the greatest confusion, I wrote on the prerogative of the Scottish crown a Dialogue, in which I endeavoured to explain from their very cradle, if I may use the expression, the mutual rights of our kings and of their subjects. Though that book seemed to have been serviceable at the time, by shutting the mouths of certain persons, who with importunate clamours rather inveighed against the existing state of things than weighed what was right in the scale of reason, yet influenced by the return of a little tranquillity, I also laid down my arms with pleasure on the altar of public concord. But having lately by accident lighted on this composition among my papers, and thought it interspersed with many remarks necessary to a person raised like you to an eminence so interesting to mankind, I have judged its publication expedient, that it might both testify my zeal for your service and also remind you of your duty to the community. Many circumstances also assure me that my endeavour on this occasion will not be fruitless; especially your age not yet corrupted by wrong opinions, and a genius above your years spontaneously urging you to everything noble; and an easy flexibility in obeying not only your preceptors, but also all wise monitors; and that judgment and sagacity in disquisition, which prevent you from allowing great weight to authority, when it is not supported by solid arguments. I see also that, by a kind of natural instinct, you so abhor flattery, the vile nurse of tyranny and the very pest of legal sovereignty, that you hate the solecisms and barbarisms of courtiers no less than they are relished and affected by those who in their own eyes appear connoisseurs in every species

of elegance, and, as if they were delicate seasonings to conversation, interlard every sentence with majesties, lordships, excellencies, and, if it be possible, with other expressions of a still more offensive savour. Though you be at present secured from this error, both by the goodness of your natural disposition and by the instructions of your governors, yet I cannot help being somewhat afraid that the blandishments of that pander of vice, evil communication, should give a wrong bias to a mind that is yet so pliant and tender; especially as I am not ignorant with what facility our other senses yield to seduction. This treatise, therefore, I have sent you not only as a monitor, but also as an importunate and even impudent dun; that in this critical turn of life it may guide you beyond the rocks of flattery, and not only give you advice, but also keep you in the road which you so happily entered, and, in case of any deviation, replace you in the line of your duty. If you obey its directions, you will insure to yourself and to your family in the present life temporal tranquillity, and in the future, eternal glory. Farewell.

AT STIRLING
ON THE 10TH OF JANUARY
IN THE YEAR OF THE CHRISTIAN ERA 1579.

DE JURE REGNI APUD SCOTOS;

A DIALOGUE

CONCERNING

THE RIGHTS OF THE CROWN IN SCOTLAND.

WHEN, upon Thomas Maitland's return lately from the continent, I had questioned him minutely about the state of affairs in France, I began, out of my attachment to his person, to recommend to him a perseverance in that career to glory which he had so happily begun, and to inspire him with the best hopes of the progress and result of his studies. For, if I, with moderate talents, with hardly any fortune, and in an illiterate age, had still maintained such a conflict with the iniquity of the times, as to be thought to have achieved something, assuredly those who were born in happier days, and possess time, wealth and genius in abundance, ought not to be deterred from so honourable a purpose by its labour; and, when aided by so many resources, cannot reasonably yield to despair. They should therefore proceed to use every effort in communicating splendour to literature, and in recommending themselves and their countrymen to the notice of posterity. If they continued for a little their joint exertions, the consequence would be, that they would eradicate from the minds of men an opinion, that in the frigid regions of the globe the learning, politeness and ingenuity of the inhabitants diminish in proportion to their distance from the sun; for, though nature may have favoured the Africans, Egyptians, and most other nations with quicker conceptions and greater keenness of intellect,

yet she has been so unkind to no tribe as to have entirely precluded it from all access to virtue and glory.

Here, when, according to his usual modesty, he had spoken of himself with diffidence, but of me with more affection than truth, the course of conversation at last led us so far, that, when he had questioned me concerning the convulsed state of our country, and I had made him such an answer as I thought calculated for the time, I began, in my turn, to ask him what sentiments either the French, or any strangers that he met in France, entertained concerning Scottish affairs; for I had no doubt that the novelty of the events would, as is usual, have furnished occasion and matter for political discussions.

“Why,” says he, “do you address to me such a question? For, since you know the whole train of events, and are not unacquainted with what most people say, and almost all think, you may easily conjecture, from the internal conviction of your own mind, what is, or at least what ought to be, the opinion of all mankind.”

B.—But the more distant foreign nations are, and the fewer causes they have from that distance for anger, for hatred, for love, and for other passions likely to make the mind swerve from truth, the more ingenuous and open they commonly are in judging, and the more freely they speak what they think; and this very freedom of speech and mutual interchange of thought removes much obscurity, disentangles many knotty points, converts doubts into certainties, and may shut the mouths of the dishonest and designing, and instruct the weak and unenlightened.

M.—Would you have me be ingenuous in my answer?

B.—Why not?

M.—Though I was strongly actuated by a desire of revisiting, after a long absence, my country, my parents, my relations and friends, yet nothing inflamed this passion so much as the language of the untutored multitude. For, however firm I had thought the temper of my mind, rendered either by the effects of habit or by the precepts of philosophy, yet, when the event now under consideration occurred, I could not, by some fatality, conceal its softness and effeminacy. For, as the shocking enormity here lately exhibited was unanimously detested by all orders of men, and the perpetrator still uncertain, the vulgar, always swayed rather by momentary impulse than by sound discretion, imputed a fault of a few to the many; and the common hatred to the misdeed of private individuals so overwhelmed the whole nation, that even those who stood most remote from suspicion laboured under the infamy of other men’s crimes. Therefore, till this storm

of calumny should subside into a calm, I readily took shelter in this port, where, however, I fear that I have struck against a rock.

B.—For what reason, I beseech you?

M.—Because the minds of all men, being already heated, seem to me likely to be so much inflamed by the atrocity of the late crime as to leave no room for defence. For how can I resist the attack not only of the uninformed multitude, but even of those who assume the character of politicians, while both will exclaim that our ferocious rage was not satiated by murdering, with unparalleled cruelty, an innocent youth, but exhibited a new example of barbarity in the persecution of women, a sex that is spared even by hostile armies at the capture of cities? From what horror, indeed, will any dignity or any majesty deter men who are guilty of such outrage to their princes? After these enormities, whom will justice, morality, law, respect for sovereignty or reverence for legal magistracy, restrain through shame or check through fear? When the exercise of the supreme executive power is become the ridicule of the lowest rabble, when trampling upon every distinction between right and wrong, between honour and dishonour, men degenerate, almost by common consent, into savage barbarity. To these and still more atrocious charges I know that I shall be forced, upon my return to France, to listen, as the ears of all have in the meantime been so thoroughly shut as to be susceptible of no apology, nor even of a satisfactory defence.

B.—But I will easily relieve you from this apprehension, and clear our nation from so false an imputation. For, if foreigners so heartily execrate the heinousness of the antecedent crime, where is the propriety of reprobating the severity of the subsequent punishment? Or, if they are vexed at the degradation of the queen, the former must necessarily meet with their approbation. Do you, therefore, choose to which of the two cases you wish to attach guilt; for neither they nor you, if you mean to be consistent, can either praise or dispraise both.

M.—The murder of the king I certainly detest and abominate, and am glad that the odium of conscious guilt does not fall upon the public, but is attributable to the villany of a few desperadoes; but the latter act I cannot either wholly approve or disapprove. The detection by sagacity and industry of the most nefarious deed mentioned in any history, and the vengeance awaiting the wicked perpetrators from open hostilities, appear to me glorious and memorable achievements. But with the degradation of the chief magistrate, and with the contempt brought upon the royal name, which has been among all nations constantly held sacred and invi-

olable, I know not how all the nations of Europe will be effected, especially those that live under a regal government. As for myself, though not ignorant of the adverse pretences and allegations, I feel violent emotions either from the magnitude or novelty of the event; and the more so that some of its authors are connected with me by the closest intimacy.

B.—Now, methinks, I can nearly discern what it is that affects you, but not perhaps so much as it touches those iniquitous estimators of other men's merit, to whom you think satisfaction is due. Of those who will violently condemn the forcible seizure of the queen, I reckon three principal divisions. One is peculiarly pernicious, as it comprehends the panders to the lusts of tyrants, wretches who think no act unjust or dishonourable by which they conceive that kings may be gratified, and who measure every thing not by its intrinsic value, but by the passions of their masters. These are such venal devotees to the desires of another that they have retained freedom neither of speech nor of action. From this band proceeded the banditti, who, without any cause of enmity, and merely with the hopes of preferment and power at court, sacrificed, in the most cruel manner, an innocent youth to another's lust. While these hypocrites pretend to lament the fate of the queen, and to sigh and groan over her miseries, they mean only to provide for their own security, and really grieve at seeing the enormous reward for their execrable villany, which they had devoured in imagination, snatched out of their jaws. This sort of people ought, therefore, in my opinion, to be chastised not so much by words as by the severity of the laws and by the force of arms. Others look totally to their own affairs. These, though in other respects by no means bad men, are not vexed, as they would wish us to think, at the injury done to the public, but at their own domestic losses; and therefore seem to me to need consolation rather than any remedy derivable from reason or from law. The remainder consist of the rude and undistinguishing multitude, who wonder and gape at every novelty, who censure almost every occurrence, and think hardly anything right but what is either their own act or what is done under their own eye. For every departure from the practice of their ancestors they think a proportionate deviation from justice and equity. These being swayed neither by malice nor by envy, nor by any regard to self-interest, are generally susceptible of instruction and of being reclaimed from error, and commonly yield to the force of reasoning and conviction; a truth of which we now have, and formerly often had, experience in the case of religion; for

Where's the savage we to tame should fear,
If he to culture lend a patient ear?

M.—That remark we have more than once found to be perfectly just.

B.—What if, in order to silence this multitude, you should ask the most clamorous and importunate their opinion concerning the fate of Caligula, of Nero and of Domitian; I presume that none of them would be so servilely attached to the regal name as not to acknowledge that they were justly punished?

M.—Possibly what you say may be true. But the same persons will immediately exclaim that they do not complain of the punishment of tyrants, but feel indignant at the undeserved calamities of legal sovereigns.

B.—Do not you then see how easily the multitude may be pacified?

M.—Not yet. The matter seems to require more elucidation.

B.—I will, by a few words, make it intelligible. The vulgar, according to you, approve the murder of tyrants, but compassionate the sufferings of kings. Do not you think, then, that if they should clearly understand the difference between a tyrant and a king, it will be possible, in most particulars, to alter their opinion?

M.—Were all to acknowledge the justice of killing tyrants, it would open a wide inlet for the diffusion of light upon the subject. But some men there are, and those of no contemptible authority, who, though they subject legal sovereigns to penal laws, contend for the sacredness of tyrants; and, though their decision is certainly in my opinion absurd, yet they are ready to fight for their government, however extravagant and intolerable, as for their own altars and hearths.

B.—I also have more than once met with various individuals who obstinately maintained the same doctrine; but whether they were right or wrong we shall elsewhere more commodiously examine. In the meantime, if you will, let this point be taken for granted, upon condition that, if you do not afterwards find it sufficiently demonstrated, you may at pleasure resume the subject for discussion.

M.—Upon these terms I have no objection.

B.—We shall then establish it as an axiom that a king and a tyrant are contraries.

M.—Be it so.

B.—He then who has explained the origin and the causes of creating kings, and the duties of kings to their subjects, and of subjects to their kings, must be allowed to have, by the contrast, nearly explained whatever relates to the nature of a tyrant.

M.—I think so.

B.—And when the picture of each is exhibited, do not you think that the people will also understand what is their duty to each?

M.—Nothing is more likely.

B.—But in things extremely dissimilar, and withal of the same general class, there may be certain dissimilarities very apt to lead the inadvertent into error.

M.—That may indisputably be the case, and particularly when an inferior character finds it easy to assume the appearance of a superior, and studies nothing so much as to impose upon ignorance.

B.—Have you in your mind any distinct picture of a king and a tyrant, for, if you have, you will ease me of much labour?

M.—The figure of both, which I have in my mind, I could certainly delineate with ease; but it would appear to your eyes, I fear, rude and misshapen. Therefore, lest, by forcing you to rectify my errors, the conversation should exceed the due bounds, I choose rather to hear the sentiments adopted by you, who have the advantage of me both in age and experience, and not only know the opinions of others, but have also visited in person many states, and noted their manners and customs.

B.—That I shall do, and with pleasure; nor shall I expound so much my own as the opinion of the ancients, that more weight and authority may accompany my words, as not being framed for the present occasion, but extracted from the doctrines of those who were entirely unconnected with this controversy, and delivered their sentiments with no less eloquence than brevity, without hatred, without favour or envy, for which they could not have the most distant motive; and I shall adopt principally the opinions not of those who grew old in the shades of inactivity, but of men who were in well-regulated states distinguished at home and abroad for wisdom and virtue. But, before I produce their testimony, I wish to ask you a few questions, that, when we have agreed upon some points of no small importance, I may not be compelled to deviate from my intended course, and to dwell either upon the explanation or confirmation of matters that are evident, and almost acknowledged truths.

M.—Your plan I approve; and, therefore, if you have any question to ask, proceed?

B.—Is it your opinion that there was a time when men lived in huts and even in caves, and strolled at random, without laws, without settled habitations, like mere vagrants, uniting in herds as they were led by fancy and caprice, or invited by some convenience and common advantage?

M.—That is certainly my firm belief; for it is not only consonant to the order of nature, but also sanctioned by almost all the histories of all nations. Of that rude and uncultivated life we have, from Homer's pen, a picturesque description soon after the Trojan war among the Sicilians:—

By them no statute and no right was known,
 No council held, no monarch fills the throne;
 But high on hills or airy cliffs they dwell,
 Or deep in caverns or some rocky cell;
 Each rules his race, his neighbor not his care,
 Heedless of others, to his own severe.

At the same period, too, Italy is said to have been equally uncultivated; so that, from the state of the most fertile regions of the globe, it is easy to form a conjecture that the rest were nothing but wild and desolate wastes.

B.—But which of the two do you think most conformable to nature; that vagrant and solitary life, or the social and unanimous assemblage of men?

M.—Undoubtedly the unanimous assemblage of men, whom

Utility herself, from whom, on earth,
 Justice and equity derive their birth,

first collected into masses and taught,

Fenc'd by one wall, and by one key and bar,
 From open'd gates to pour the tide of war.

B.—What! do you imagine that utility was the first and principal cause of human union?

M.—Why not? since the lesson inculcated by the greatest sages is, that men were made by nature for men.

B.—To certain individuals, indeed, utility seems to have great influence, both in the formation and in the maintenance of society. But, if I am not mistaken, their assemblage claims a much higher origin, and the bond of their union is of a much earlier and more venerable date. For, if every individual were to pay attention only to his own interest, there is ground for suspecting, I fear, that this very utility would rather dissolve than unite society.

M.—That observation may, perhaps, be true. But I should be glad to hear what is your other source of human association.

B.—It is a certain innate propensity, not only in men, but also in other animals of the gentler tribes, to associate readily, even without the allure-

ments of utility, with beings of their own species. But of the brute creation it is not our present business to treat. Men we certainly find so deeply impressed, and so forcibly swayed by this natural principle, that, if any of them were to enjoy, in abundance, everything that is calculated either for the preservation and health of the body, or for the pleasure and amusement of the mind, he must, without human intercourse, experience life to be a burden. This is such a notorious truth that even the persons who, from a love of science and a desire of investigating truth, have retired from the bustle of the world and lived recluse in sequestered retreats, have neither been able, for a length of time, to bear a perpetual exertion of mind, nor, upon discovering the necessity of relaxation, to remain immured in solitude, but readily produced the very result of their studies; and, as if they had laboured for the common good, added the fruit of their labours to the common stock. Hence it is my opinion, that if any person be so attached to solitude as to shun and fly the society of men, he is actuated rather by a disease of the mind than a principle of nature. Such, according to report, was Timon of Athens, and Bellerophon of Corinth,

A wretch, who, preying in corrosive pain
On his own vitals, roam'd the Aleian plain
With comfortless and solitary pace,
Shunning the commerce of the human race.

M.—Here our sentiments are not far from coincidence. But the term *nature*, adopted by you, is an expression, which, from habit, I often use rather than understand; and it is applied by others so variously, and to such a multitude of objects, that I am generally at a loss about the idea which it conveys.

B.—At present I certainly wish nothing else to be understood by it but the light infused into our minds by the divinity; for, since God created this dignified animal

Erect, of deeper reach of thought possess'd,
And fit to be the lord of all the rest,

he not only bestowed upon his body eyes, by whose guidance he might shun what is adverse, and pursue what is adapted to his condition, but also presented to his mind a kind of light, by which he might distinguish vice and infamy from virtue and honour. This power some call nature, some

the law of nature: I certainly hold it to be divine, and am thoroughly persuaded that

Nature and wisdom's voices are the same.

Of this law, too, we have from God a kind of abridgement, comprehending the whole in a few words, when he commands us to love him with all our heart, and our neighbours as ourselves. The sacred volumes, in all the books which relate to the formation of mortals, contain hardly anything else but an explanation of this law.

M.—Do you then conceive that human society derives its origin not from any orator or lawyer that collected the dispersed tribes of men, but from God himself?

B.—That is positively my opinion; and, in the words of Cicero, I think that nothing done upon earth is more acceptable to the sovereign Deity, that rules this world, than assemblages of men called states, and united upon principles of justice. The different members of these states politicians wish to have connected by ties similar to the coherence subsisting between all the limbs of our body, to be cemented by mutual good offices, to labour for the general interest, to repel dangers and secure advantages in common, and, by a reciprocation of benefits, to conciliate the affections of the whole community.

M.—You do not then assign utility as the cause of men's union in society, but the law implanted in our minds by God at our birth, which you hold to be a much higher and more divine origin?

B.—I admit of utility as one cause, but not as the absolute mother of justice and equity, as some would have her; but rather as her handmaid, and one of the guardians of a well-regulated community.

M.—Here also I have no difficulty in expressing my concurrence and assent.

B.—Now as our bodies, which consist of repugnant principles, are liable to diseases, that is, to passions and certain internal commotions; so in like manner must those larger bodies called states, as they are composed of different, and in some measure, of incompatible ranks, conditions, and dispositions of men, and of men, too,

Who cannot, with a fixed and steady view,
Even for an hour a single plan pursue.

Hence, the latter must certainly, like the former, come to a speedy dissolution, unless their tumults are calmed by a kind of physician, who, adopting

an equable and salutary temperament, braces the weaker parts by fomentations, checks the redundant humours, and provides for the several members, so that neither the feebler parts may waste through want, nor the stronger grow too luxuriant through excess.

M.—These would be the consequences that must inevitably ensue.

B.—By what name shall we qualify him who shall perform the part of physician to the body politic?

M.—About the name I am not very anxious; but such a personage, whatever his name may be, I hold to be of the first excellence, and to have the strongest resemblance to the divinity. In this respect much forecast seems discovered in the wisdom of our ancestors, who distinguished an office so honourable in its own nature by a very splendid name. For you mean, I suppose, a king, a term, of which the import is such, that it renders a thing of the most excellent and transcendent nature almost visible to our eyes.

B.—You judge rightly, for by that appellation we address the Deity; since we have not a more magnificent title to express the pre-eminence of his excellent nature, nor one better adapted for expressing his paternal care and affection. Why should I collect other words that are metaphorically used to signify the office of a king, such as father, shepherd of the people, guide, prince, and governor? The latest intention of all these expressions is to show that kings were made not for themselves but for the people. And, now that we seem agreed about the name, let us, if you please, discuss the office, still treading the path which we have hitherto pursued.

M.—What path I beseech you?

B.—You recollect what has been just said, that states have a great resemblance to the human body, civil commotions to diseases, and kings to physicians. If therefore we understand the business of a physician, we shall not be far, I presume, from comprehending the duty of a king.

M.—It may be so; for, by the comparative view which you have exhibited, they appear to have not only a great resemblance, but even a strong affinity.

B.—Do not expect that I should here discuss every minute particular; for it is what is neither allowed by the limits of our time, nor required by the nature of the subject. But, if I show you that there is a striking similarity in the most prominent features, your own imagination will readily suggest what is omitted, and complete the picture.

M.—Proceed, as you have begun.

B.—Each seems also to have the same object in view.

M.—What object?

B.—The preservation of the body committed to his care.

M.—I understand. For the one ought, as far as the nature of the case will admit, to maintain the human body, and the other the body politic, in a sound state; and, when they happen to be affected with a disease, to restore them to good health.

B.—Your conception of the matter is just; for the office of each is twofold,—the maintenance of a sound, and the recovery of a distempered constitution.

M.—Such is my idea.

B.—For in both cases the diseases are similar.

M.—So they seem.

B.—For both are injured by a certain redundancy of what is noxious, and by a deficiency of what is salutary; and they are both cured nearly by a similar process, either by nursing, or gently cherishing the body when emaciated, or relieving it when full and overburdened by the discharge of superfluities, and by moderate exercise and labour.

M.—Such is the fact. But there seems to be this difference, that in the one the humours, in the other the morals, must be duly tempered.

B.—You are perfect master of the subject; for the body politic, like the natural, has its peculiar kind of temperament, which I think we may, with the greatest propriety, denominate justice; since it is she that provides for its distinct members, and makes them perform their duties with uniformity. Sometimes by the operation of bleeding, sometimes by the discharge of noxious matter, she, by a kind of evacuation, expels redundancies; sometimes she rouses despondence and pusillanimity, and administers consolation to diffidence, and reduces the whole body to the temper mentioned above, and exercises it, when thus reduced, by suitable labours; so that, by a regular and due intermixture of labour and rest, she preserves, as far as the thing is possible, the renovated constitution.

M.—To all your positions I would readily assent, had you not made justice the temperament of the body politic; for, by its very name and profession, temperance seems rightfully entitled to that office.

B.—I think it of no great moment on which of the two you confer this honour. For, as all the virtues, of which the energy is visible in action, consist in the observation of a due and uniform medium, they are so mutually interwoven and connected, that they seem all to have but one object, the moderation of the passions. Under whatever general head it may be classed, it is of little importance which of the two names you adopt; and

yet that moderation, which is exerted in common affairs and in the ordinary commerce of life, may, in my opinion, be with the greatest propriety denominated justice.

M.—Here I have no difficulty in yielding my assent.

B.—Now, I imagine that the intention of the ancients in creating a king was, according to what we are told of bees in their hives, spontaneously to bestow the sovereignty on him who was most distinguished among his countrymen for singular merit, and who seemed to surpass all his fellows in wisdom and equity.

M.—That is probably the fact.

B.—But what must be done, if no such person can be found in the community?

M.—By the law of nature mentioned before, an equal has neither the power nor right of assuming authority over his equals; for I think it but justice that among persons in other respect equal, the returns of command and obedience should also be equal.

B.—But, if the people, from a dislike to an ambitious canvass every year, should choose to elect as king an individual not possessed indeed of every regal virtue, but still eminent for nobility, for wealth or military glory, might not he, with the greatest justice, be deemed a king?

M.—Undoubtedly; for the people have a right of investing whom they please with the sovereign power.

B.—Suppose that we should employ, for the cure of diseases, a man of considerable acuteness, but still not possessed of extraordinary skill in the medical art, must we directly, upon his election by the generality, consider him as a physician?

M.—By no means. For learning and experience in many arts, and not votes, constitute a physician.

B.—What do you think of the artists in the other professions?

M.—I think that the same reasoning is applicable to them all.

B.—Do you believe that it requires any art to discharge the functions of a king?

M.—Why should I not?

B.—Can you give any reason for your belief?

M.—I think I can; and it is that which is peculiar to all the arts.

B.—What reason do you mean?

M.—All the arts certainly originated in experience. For, while most people proceeded at random and without method in the performance of many actions, which others completed with superior skill and address,

men of discernment, having remarked the results on both sides, and weighed the causes of these results, arranged several classes of precepts, and called each class an art.

B.—By the means, therefore, of similar remarks, the art of sovereignty may be described as well as that of medicine?

M.—That I think possible.

B.—On what precepts then must it be founded?

M.—I am not prepared to give you a satisfactory answer.

B.—Perhaps its comparison with other arts may lead to its comprehension.

M.—In what manner?

B.—Thus. There are certain precepts peculiar to grammar, to medicine, and to agriculture.

M.—I comprehend.

B.—May we not call these precepts of grammar and medicine also arts and laws, and so on in other cases?

M.—So I certainly think.

B.—What do you think of the civil law? Is it not a system of precepts calculated for sovereigns?

M.—So it seems.

B.—Ought it not then to be understood by him who would be created a king?

M.—The inference appears to be unavoidable.

B.—What shall we then say of him who does not understand it? Do you conceive that, even after his nomination by the people, he shall not be called king?

M.—Here you reduce me to a dilemma; for, to make my answer compatible with the preceding concessions, I must affirm that the suffrages of the people can no more make a king than any other artist.

B.—What, then, do you think ought to be done in this case? For, if the person elected by common suffrage is not a king, I fear that we are not likely to have any legal sovereign.

M.—I also am not without the same fear.

B.—Is it your pleasure, then, that the position just laid down in comparing the arts should be discussed with greater minuteness?

M.—Be it so, if you think it necessary.

B.—Did we not, in the several arts, call the precepts of the several artists laws?

M.—We did.

B.—But I fear that we did not then use sufficient circumspection.

M.—Why so?

B.—Because it seems an absurdity to suppose that he who understands any art should not be an artist.

M.—It is an absurdity.

B.—Ought we not therefore to consider him, who can perform what belongs to art, an artist, whether it proceeds from the spontaneous impulse of nature, or from an habitual facility acquired by a constant repetition of similar acts?

M.—I think so.

B.—Him, then, who possesses either the method or the skill to do anything rightly, we may term an artist, if he has by practice acquired the requisite power?

M.—With more propriety, undoubtedly, than the other who understands only the bare precepts, without practice and experience.

B.—The precepts, then, are not to be considered as the art?

M.—By no means; but rather the semblance of art, or, more nearly still, its shadow.

B.—What then is that directing power in states that we are to call either the art or science of politics.

M.—I suppose that you mean the providential wisdom, from which, as a fountain, all laws calculated for the benefit of human society must flow.

B.—You have hit the mark. Therefore, if any man should possess this wisdom in the highest degree of perfection, we might call him a king by nature, not by suffrage, and invest him with unlimited power. But, if no such person can be found, we must be satisfied with the nearest approach to this excellency of nature, and, in its possessor grasping a certain resemblance of the desired reality, call him king.

M.—Let us honour him with that title, if you please.

B.—And, because there is reason to fear that he may not have sufficient firmness of mind to resist those affections which may, and often do, cause deviations from rectitude, we shall give him the additional assistance of law, as a colleague, or rather as a regulator of his passions.

M.—It is not, then, your opinion, that a king should in all matters be invested with arbitrary power?

B.—By no means; for I recollect that he is not only a king, but also a man erring much through ignorance, offending much through inclination, and much almost against his will; as he is an animal readily yielding to

every breath of favour or hatred. This imperfection of nature too is generally increased by the possession of office; so that here, if anywhere, I recognize the force of the sentiment in the comedy, when it says, that "by unrestrained authority we all become worse." For this reason legislative sages supplied their king with law, either to instruct his ignorance or to rectify his mistakes. From these remarks you may, I presume, conceive, as in a typical representation, what my idea is of a genuine king's duty.

M.—In whatever regards the creation of kings, their name and their office, you have given me entire satisfaction; and yet, if you wish to make any additions, I am ready to listen. But, though my imagination hurries on with eagerness to the remainder of your discussion, one circumstance, which through your whole discourse gave me some offence, must not pass in silence; and it is this, that you seemed to be a little too hard upon kings; an act of injustice of which I have before frequently suspected you, when I heard the ancient republics and the modern state of Venice become in your mouth the subjects of extravagant encomiums.

B.—In this case you did not form a just idea of my sentiments; for, among the Romans, the Massilians, the Venetians, and others who held the directions of the laws to be more sacred than the commands of their kings, it is not so much the diversity as the equity of their civil administration that I admire; nor do I think it of much consequence whether the supreme magistrate be called king, duke, emperor, or consul, if it be observed as an invariable maxim, that it was for the express purpose of maintaining justice and equity that he was invested with the magistracy. For, if the plan of government be founded on law, there is no just reason for disputing about its name. The person whom we call the Doge of Venice is nothing else but a legal sovereign; and the first Roman consuls retained not only the ensigns but also the powers of the ancient kings. The only difference was that, as, to your knowledge, was the case with the perpetual kings of the Lacedæmonians, the presiding magistrates were two, and established not for a perpetuity, but for a single year. Hence, we must still adhere steadily to what was asserted at the commencement, that kings were at first constituted for the maintenance of justice and equity. Had they been able to abide inviolably by this rule, they might have secured perpetual possession of the sovereignty, such as they had received it, that is, free and unshackled by laws. But, as the state of human affairs has, according to the usual progress of every created existence, a constant tendency to deterioration, regal government, which was originally instituted for the purposes of public utility, degenerated gradually into impotent tyranny.

For, when kings observed no laws but their capricious passions, and finding their power uncircumscribed and immoderate, set no bounds to their lusts, and were swayed much by favour, much by hatred, and much by private interest, their domineering insolence excited an universal desire for laws. On this account, statutes were enacted by the people, and kings were, in their judicial decisions, obliged to adopt, not what their own licentious fancies dictated, but what the laws, sanctioned by the people, ordained. For they had been taught, by many experiments, that it was much safer to trust their liberties to laws than to kings; since many causes might induce the latter to deviate from rectitude; and the former, being equally deaf to prayers and to threats, always maintained an even and invariable tenor. Kings being accordingly left, in other respects, free, found their power confined to prescribed limits only by the necessity of squaring their words and actions by the directions of law, and by inflicting punishments and bestowing rewards, the two strongest ties of human society, according to its ordinances; so that, in conformity to the expressions of a distinguished adept in political science, a king became a speaking law, and law a dumb king.

M.—At the first outset of your discourse, you were so lavish in praise of kings, that the veneration due to their august majesty seemed to render them almost sacred and inviolable. But now, as if actuated by repentance, you confine them to narrow bounds, and thrust them, as it were, into the cells of law, so as not to leave them even the common freedoms of speech. Me you have egregiously disappointed; for I was in great hopes that, in the progress of your discourse, you would, either of your own accord or at my suggestion, restore what an illustrious historian calls the most glorious spectacle in the eyes of gods and men to its original splendour; but, by spoiling of every ornament, and circumscribing within a close prison the magistracy first known in the world, you have so debased it, that to any person in his sober senses it must be an object of contempt rather than of desire. For can there be a man, whose brain is not deranged, that would not choose rather to rest satisfied with a moderate fortune in a private station, than, while he is intent upon other men's business and inattentive to his own, to be obliged, in the midst of perpetual vexations, to regulate the whole course of his life by the caprice of the multitude? Hence, if it be proposed that this should everywhere be the condition of royalty, I fear that there will soon be a greater scarcity of kings than in the first infancy of our religion there was of bishops. Indeed, if this be the criterion by which we are to estimate kings, I am not surprised that the persons who

formerly accepted of such an illustrious dignity, were found only among shepherds and ploughmen.

B.—Mark, I beseech you, the egregious mistake which you commit, in supposing that nations created kings not for the maintenance of justice, but for the enjoyment of pleasure. Consider how much, by this plan, you retrench and narrow their greatness. And, that you may the more easily comprehend what I mean, compare any of the kings whom you have seen, and whose resemblance you wish to find in the king that I describe, when he appears at his levee dressed, for idle show, like a girl's doll, in all the colours of the rainbow, and surrounded with vast parade by an immense crowd; compare, I say, any of these with the renowned princes of antiquity, whose memory still lives and flourishes, and will be celebrated among the latest posterity, and you will perceive that they were the originals of the picture that I have just sketched. Have you never heard in conversation, that Philip of Macedon, upon answering an old woman that begged of him to inquire into a grievance of which she complained, "That he was not at leisure," and upon receiving this reply, "Cease, then, to be a king;"—have you heard, I say, that this king, the conqueror of so many states, and the lord of so many nations, when reminded of his functions by a poor old woman, complied and recognised the official duty of a king? Compare this Philip, then, not only with the greatest kings that now exist in Europe, but also with the most renowned in ancient story, and you will find none his match in prudence, fortitude, and patience of labour, and few his equals in extent of dominion. Leonidas, Agesilaus, and other Spartan kings, all great men, I forbear to mention, lest I should be thought to produce obsolete examples. One saying, however, of Gorgo, a Spartan maid, and the daughter of king Cleomedes, I cannot pass unnoticed. Seeing his slave pulling off the slippers of an Asiatic guest, she exclaimed, in running up to her father, "Father, your guest has no hands." From these expressions, you may easily form an estimate of the whole discipline of Sparta, and of the domestic economy of its kings. Yet, to this rustic, but manly, discipline, we owe our present acquisitions, such as they are; while the Asiatic school has only furnished sluggards, by whom the fairest inheritance, the fruit of ancestral virtue, has been lost through luxury and effeminacy. And, without mentioning the ancients, such not long ago among the Gallicians was Pelagius, who gave the first shock to the power of the Saracens in Spain. Though

Beneath one humble roof, their common shade,
His sheep, his shepherds, and his gods were laid;

yet the Spanish kings are so far from being ashamed of him, that they reckon it their greatest glory to find their branch of the genealogic tree terminate in his trunk. But, as this topic requires a more ample discussion, let us return to the point at which the digression began. For I wish, with all possible speed, to evince what I first promised, that this representation of royalty is not a fiction of my brain, but its express image, as conceived by the most illustrious statesmen in all ages; and, therefore, I shall briefly enumerate the originals from which it has been copied. Marcus Tullius Cicero's volume concerning moral duties is in universal esteem, and in the second book of it you will find these expressions:—"In my opinion, not only the Medes, as Herodotus says, but also our ancestors, selected men of good morals as kings, for the purpose of enjoying the benefit of justice. For, when the needy multitude happened to be oppressed by the wealthy, they had recourse to some person of eminent merit, who might secure the weak from injury, and, with a steady arm, hold the balance of law even between the high and low. And the same cause, which rendered kings necessary, occasioned the institution of laws. For the constant object of pursuit was uniform justice, since otherwise it would not be justice. When this advantage could be derived from one just and good man, they were satisfied; but, when that was not the case, they enacted laws that should at all times, and to all persons, speak the same language. Hence the deduction is evident, that those were usually selected for supreme magistrates of whose justice the multitude entertained a high opinion; and, if besides they had the additional recommendation of wisdom, there was nothing which they thought themselves incapable of acquiring under their auspices." From these words you understand, I presume, what, in Cicero's opinion, induced nations to wish both for kings and for laws. Here I might recommend to your perusal the works of Xenophon, who was no less distinguished for military achievements than for attachment to philosophy, did I not know your familiarity with him to be such that you can repeat almost all his sentences. Of Plato, however, and Aristotle, though I know how much you prize their opinions, I say nothing at present; because I choose rather to have men illustrious for real action, than for their name in the shades of academies, for my auxiliaries. The stoical king, such as he is described by Seneca in his *Thyestes*, I am still less disposed to offer to your consideration, not so much because he is not a perfect image of a good king, as because that pattern of a good prince is solely an ideal conception of the mind, calculated for admiration rather than a well-grounded hope ever likely to be gratified. Besides, that there might be no room for

malevolent insinuations against the examples which I have produced, I have not travelled into the desert of the Scythians for men who either curried their own horses, or performed any other servile work incompatible with our manners, but into the heart of Greece, and for those men who, at the very time when the Greeks were most distinguished for the liberal and polite arts, presided over the greatest nations and the best-regulated communities, and presided over them in such a manner, that, when alive, they acquired the highest veneration among their countrymen, and left, when dead, their memory glorious to posterity.

M.—Here, if you should insist upon a declaration of my sentiments, I must say that I dare hardly confess either my inconsistency, or timidity, or other anonymous mental infirmity. For, whenever I read in the most excellent historians, the passages which you have either quoted or indicated, or hear their doctrines commended by sages whose authority I have not the confidence to question, and praised by all good men, they appear to me not only true, just, and sound, but even noble and splendid. Again, when I direct my eye to the elegancies and niceties of our times, the sanctity and sobriety of the ancients seem rather uncouth and destitute of the requisite polish. But this subject we may, perhaps, discuss some other time at our leisure. Now proceed, if you please, to finish the plan which you have begun.

B.—Will you allow me, then, to make a brief abstract of what has been said? Thus we shall best gain a simultaneous view of what has passed, and have it in our power to retract any inconsiderate or rash concession.

M.—By all means.

B.—First of all, then, we ascertained that the human species was, by nature, made for society, and for living in a community?

M.—We did so.

B.—We also agreed that a king, for being a man of consummate virtue, was chosen as a guardian to the society.

M.—That is true.

B.—And, as the mutual quarrels of the people had introduced the necessity of creating kings, so the injuries done by kings to their subjects occasioned the desire of laws.

M.—I own it.

B.—Laws, therefore, we judged a specimen of the regal art, as the precepts of medicine are of the medical art.

M.—We did so.

B.—As we could not allow to either a singular and exact knowledge of his art, we judged it safer that each should, in his method of cure, follow the prescribed rules of his art, than act at random.

M.—It is safer undoubtedly.

B.—But the precepts of the medical art seemed not of one single kind.

M.—How?

B.—Some we found calculated for preserving, and others for restoring health.

M.—The division is just.

B.—How is it with the regal art?

M.—It contains, I think, as many species.

B.—The next point to be considered is, what answer ought to be given to the following question—“Can you think that physicians are so thoroughly acquainted with all diseases and their remedies that nothing farther can be desired for their cure?”

M.—By no means. For many new kinds of diseases start up almost every age; and likewise new remedies for each are, almost every year, either discovered by the industry of men or imported from distant regions.

B.—What do you think of the civil laws of society?

M.—They seem, in their nature, to be similar, if not the same.

B.—The written precepts of their arts then will not enable either physicians or kings to prevent or to cure all the diseases of individuals or of communities.

M.—I deem the thing impossible.

B.—Why, then, should we not investigate as well the articles which can, as those which cannot, come within the purview of laws?

M.—Our labour will not be fruitless.

B.—The matters which it is impossible to comprehend within laws seem to me numerous and important; and first of all comes whatever admits of deliberation concerning the future.

M.—That is certainly one head of exception.

B.—The next is a multitude of past events; such as those where truth is investigated by conjectures, or confirmed by witnesses, or wrung from criminals by tortures.

M.—Nothing can be clearer.

B.—In elucidating these questions, then, what will be the duty of a king?

M.—Here I think that there is no great occasion for long discussion, since, in what regards provision for the future, kings are so far from arrog-

ating supreme power, that they readily invite to their assistance counsel learned in the law.

B.—What do you think of matters which are collected from conjectures, or cleared up by witnesses, such as are the crimes of murder, of adultery, and impoisonment?

M.—These points, after they have been discussed by the ingenuity, and cleared up by the address of lawyers, I see generally left to the determination of judges.

B.—And, perhaps, with propriety; for if the king should take it into his head to hear the causes of individuals, when will he have leisure to think of war, of peace, and of those important affairs which involve the safety and existence of the community? When, in a word, will he have time to recruit nature by doing nothing?

M.—The cognisance of every question I do not wish to see devolved upon the king alone; because, if it were devolved, he, a single man, would never be equal to the task of canvassing all the causes of all his subjects. I therefore highly approve the advice no less wise than necessary given to Moses, by his father-in-law, “To divide among numbers the burden of judicature;” upon which I forbear to enlarge, because the story is universally known.

B.—But even these judges, I suppose, are to administer justice according to the directions of the laws?

M.—They are, undoubtedly. But, from what you have said, I see that there are but few things for which the laws can, in comparison of those for which they cannot, provide.

B.—There is another additional difficulty of no less magnitude, that all the cases, for which laws may be enacted, cannot be comprised within any prescribed and determinate form of words.

M.—How so?

B.—The lawyers, who greatly magnify their art, and would be thought the high-priests of justice, allege, That the multitude of cases is so great, that they may be deemed almost infinite, and that every day there arise in states new crimes, like new kind of ulcers. What is to be done here by the legislator, who must adapt his laws to what is present and past?

M.—Not much, if he should not be some divinity dropped from heaven.

B.—To these inconveniences add another, and that not a small difficulty, that, from the great mutability of human affairs, hardly any art can

furnish precepts that ought to be universally permanent and invariably applicable.

M.—Nothing can be truer.

B.—The safest plan then seems to be, to entrust a skilful physician with the health of his patient, and a king with the preservation of his people: for the physician, by venturing beyond the rules of his art, will often cure the diseased, either with their consent, or sometimes against their will; and the king will impose a new but still a salutary law upon his subjects, by persuasion, or even by compulsion.

M.—I can see no obstacle to prevent him.

B.—When both are engaged in these acts, do they not seem each to exert a vigour beyond his own law?

M.—To me each appears to adhere to his art. For it was one of our preliminary positions, that it is not precepts that constitute art, but the mental powers employed by the artist in treating the subject-matter of art. At one thing, however, if you really speak from your heart, I am in raptures—that, compelled by a kind of injunction from truth, you restored kings to the dignified rank from which they had been violently degraded.

B.—Come not so hastily to a conclusion, for you have not yet heard all. The empire of law is attended with another inconvenience. For the law, like an obstinate and unskilful task-master, thinks nothing right but what itself commands; while a king may perhaps excuse weakness and temerity, and find reason to pardon even detected error. Law is deaf, unfeeling, and inexorable. A youth may allege the slippery ground which he treads, as the cause of his fall, and a woman the infirmity of her sex; one may plead poverty, a second drunkenness, and a third friendship. To all these subterfuges what does the law say? Go, executioner, chain his hands, cover his head, and hang him, when scourged, upon the accursed tree. Now, you cannot be ignorant how dangerous it is, in the midst of so much human frailty, to depend for safety on innocence alone.

M.—What you mention is undoubtedly pregnant with danger.

B.—I observe, that, on recollecting these circumstances, certain persons are somewhat alarmed.

M.—Somewhat, do you say!

B.—Hence, when I carefully revolve in my own mind the preceding positions, I fear that my comparison of a physician and a king may, in this particular, appear to have been improperly introduced.

M.—In what particular?

B.—In releasing both from all bondage to precepts, and in leaving them the power of curing at their will.

M.—What do you find here most offensive?

B.—When you have heard me, I shall leave yourself to judge. For the inexpedience of exempting kings from the shackles of laws we assigned two causes, love and hatred, which, in judging, lead the minds of men astray. In the case of a physician, there is no reason to fear that he should act amiss through love, as from restoring the health of his patient he may even expect a reward. And again, if a sick person should suspect that his physician is solicited by prayers, promises, and bribes, to aim at his life, he will be at liberty to call in another; or, if another be not within his reach, he will naturally have recourse for a remedy to dumb books, rather than to a bribed member of the faculty. As to our complaint concerning the inflexible nature of laws, we ought to consider whether it is not chargeable with inconsistency.

M.—In what manner?

B.—A king of superior excellence, such as is visible rather to the mind than to the eye, we thought proper to subject to no law.

M.—To none.

B.—For what reason?

M.—Because, I suppose, he would, according to the words of Paul, be a law to himself and to others; as his life would be a just expression of what the law ordains.

B.—Your judgment is correct; and, what may perhaps surprise you, some ages before Paul, the same discovery had been made by Aristotle, through the mere light of nature. This remark I make solely for the purpose of showing the more clearly that the voice of God and of nature is the same. But, that we may complete the plan which has been sketched, will you tell me what object the original founders of laws had principally in view?

M.—Equity, I presume, as was before observed.

B.—What I now inquire is not what end, but rather what pattern, they kept before their eyes.

M.—Though, perhaps, I understand your meaning, yet I wish to hear it explained, that, if I am right, you may corroborate my opinion; and, if not, that you may correct my error.

B.—You know, I apprehend, the nature of the mind's power over the body.

M.—Some conception of it I can certainly form.

B.—You must also know, that of whatever is not thoughtlessly done by men they have previously a certain picture in their mind, and that it is far more perfect than the works which even the greatest artists fashion and express by that model.

M.—Of the truth of that observation I have myself, both in speaking and writing, frequently an experimental proof; for I am sensible that my words are no less inadequate to my thoughts than my thoughts to their objects. For neither can our mind, when confined in this dark and turbid prison of the body, clearly discern the subtile essence of all things; nor can we, by language, convey to others our ideas, however preconceived, so as not to be greatly inferior to those formed by our own intellects.

B.—What then shall we say was the object of legislators in their institutions?

M.—Your meaning, I think myself not far from comprehending; and, if I mistake not, it is that they called to their aid the picture of a perfect king; and by it expressed the figure, not of his person but of his thoughts, and ordered that to be law which he should deem good and equitable.

B.—Your conception of the matter is just; for that is the very sentiment which I meant to communicate. Now, I wish that you would consider what were the qualities which we originally gave to our ideal king. Did we not suppose him unmoved by love, by hatred, by anger, by envy, and by the other passions?

M.—Such we certainly made his effigy, or even believed him to have actually been in the days of ancient virtue.

B.—But do not the laws seem to have been, in some measure, framed according to his image.

M.—Nothing is more likely.

B.—A good king then will be no less unfeeling and inexorable than a good law.

M.—He will be equally relentless; and yet, though I neither can effect, nor ought to desire, a change in either, I may still wish, if it be possible, to render both a little flexible.

B.—But in judicial proceedings God does not desire us to pity even the poor, but commands us to look solely to what is right and equitable, and according to that rule alone to pronounce sentence.

M.—I acknowledge the soundness of the doctrine, and submit to the force of truth. Since then we must not exempt the king from a dependence on law, who is to be the legislator that we are to give him as an instructor?

B.—Whom do you think most fit for the superintendence of this office?

M.—If you ask my opinion, I answer, the king himself. For in most other arts the artists themselves deliver the precepts, which serve as memorandums to aid their own recollection, and to remind others of their duty.

B.—I, on the contrary, can see no difference between leaving a king free and at large, and granting him the power of enacting laws: as no man will spontaneously put on shackles. Indeed, I know not whether it is not better to leave him quite loose, than to vex him with unavailing chains which he may shake off at pleasure.

B.—But, since you trust the helm of state to laws rather than to kings, take care, I beseech you, that you do not subject the person, whom you verbally term king, to a tyrant

With chains and jails his actions to control,
And thwart each liberal purpose of his soul;

and that you do not expose him, when loaded with fetters, to the indignity of toiling with slaves in the field, or with malefactors in the house of correction.

B.—Forbear harsh words, I pray; for I subject him to no master, but desire that the people, from whom he derived his power, should have the liberty of prescribing its bounds; and I require that he should exercise over the people only those rights which he has received from their hands. Nor do I wish, as you conceive, to impose these laws upon him by force; but declare it as my opinion, that, after an interchange of counsels with the king, the community should make that a general statute which is conducive to the general good.

M.—Would you then assign this province to the people?

B.—To the people, undoubtedly, if you should not chance to alter my opinion.

M.—Nothing, in my conception, can be more improper.

B.—For what reason?

M.—You know the proverb, “the people is a monster of many heads.” You are sensible, undoubtedly, of their great rashness and great inconstancy.

B.—It was never my idea that this business should be left to the sole decision of all the people; but that, nearly in conformity to our practice, representatives selected from all orders should assemble as council to the king, and that, when they had previously discussed and passed a conditional act, it should be ultimately referred to the people for their sanction.

M.—Your plan I perfectly understand; but I think that you gain nothing by your circumspective caution. You do not choose to leave a king above the laws. And, for what? Because there are in human nature two savage monsters, cupidity and irascibility, that wage perpetual war with reason. Laws, therefore, become an object of desire, that they might check their licentiousness, and reclaim their excessive extravagance to a due respect for legal authority. What purpose does it answer to assign him these counsellors selected from the people? Are they not equally the victims of the same intestine war? Do they not suffer as much as kings from the same evils? Therefore, the more assessors you attach to a king, the greater will be the number of fools; and what is to be expected from them is obvious.

B.—What you imagine is totally different from the result which I expect; and, why I expect it, I will now unfold. First of all, it is not absolutely true, as you suppose, that there is no advantage in a multitude of counsellors, though none of them, perhaps, should be a man of eminent wisdom. For numbers of men not only see farther, and with more discriminating eyes than any one of them separately, but also than any man that surpasses any single individual among them in understanding and sagacity; for individuals possess certain portions of the virtues, which, being accumulated into one mass, constitute one transcendent virtue. In medical preparations, and particularly in the antidote called mithridatic, this truth is evident; for though most of its ingredients are separately noxious, they afford, when mixed, a sovereign remedy against poisons. After a similar manner, slowness and hesitation prove injurious in some men, as precipitate rashness does in others; but diffused among a multitude, they yield a certain temperament or that golden mean, for which we look in every species of virtue.

M.—Well, since you press the matter, let the people have the right of proposing and of enacting laws, and let kings be in some measure only keepers of the records. Yet when these laws shall happen to be contradictory, or to contain clauses indistinctly or obscurely worded, is the king to act no part, especially since, if you insist upon the strict interpretation of them according to the written letter, many absurdities must inevitably ensue? And here, if I produce as an example the hackneyed law of the schools, "If a stranger mount the wall, let him forfeit his head," what can be more absurd than that a country's saviour, the man who overturned the enemies on their scaling-ladders, should himself be dragged as a criminal to execution?

M.—You approve then of the old saying, "The extremity of law is the extremity of injustice."

B.—I certainly do.

M.—If any question of this kind should come into a court of justice, a necessity arises for a merciful interpreter to mitigate the severity of the law, and to prevent what was intended for the general good from proving ruinous to worthy and innocent men.

B.—Your sentiments are just; and, if you had been sufficiently attentive, you would have perceived that in the whole of this disquisition I have aimed at nothing else but at preserving sacred and inviolate Cicero's maxim—"Let the safety of the people be the supreme law." Therefore, if any case should occur in a court of justice of such a complexion, that there can be no question about what is good and equitable, it will be part of the king's prospective duty to see the law squared by the fore-mentioned rule. But you seem to me, in the name of kings, to demand more than what the most imperious of them ever arrogate. For you know that, when the law seems to dictate one thing, and its author to have meant another, such questions, as well as controversies grounded upon ambiguous or contradictory laws, are generally referred to the judges. Hence arise the numerous cases solemnly argued by grave counsellors at the bar, and the minute precepts applicable to them in the works of ingenuous rhetoricians.

M.—I know what you assert to be fact. But I think that, in this point, no less injury is done to the laws than to kings. For I judge it better, by the immediate decision of one good man, to end a suit, than to allow ingenious, and sometimes knavish, casuists, the power of obscuring, rather than of explaining the law. For, while the barristers contend not only for the cause of their clients, but also for the glory of ingenuity, discord is in the meantime cherished, religion and irreligion, right and wrong, are confounded; and what we deny to a king, we grant to persons of inferior rank, less studious, in general, of truth than of litigation.

B.—You have forgotten, I suspect, a point which we just now ascertained.

M.—What may that be?

B.—That to the perfect king, whom we at first delineated, such unlimited power ought to be granted, that he can have no occasion for any laws; but that, when this honour is conferred on one of the multitude, not greatly superior, and perhaps even inferior to others, it is dangerous to leave him at large and unfettered by laws.

M.—But what is all this to the interpretation of the laws?

B.—A great deal; you would find, had you not overlooked a material circumstance, that now we restore in other words to the king, what we

had before denied him, the undefined and immoderate power of acting at pleasure, and of unhinging and deranging every thing.

M.—If I am guilty of any such thing, it is the guilt of inadvertence.

B.—I shall, therefore, endeavour to express my ideas more perspicuously, that there be no misconception. When you grant to the king the interpretation of the law, you allow him the power of making the law speak, not what the legislator intends, or what is for the general good of the community, but what is for the advantage of the interpreter, and, for his own interest, of squaring all proceedings by it, as by an unerring rule. Appius Claudius had, in his decemvirate, enacted a very equitable law, “That in a litigation concerning freedom, the claim of freedom should be favoured.” What language could be clearer? But the very author of this law, by his interpretation, made it useless. You see, I presume, how much you contribute, in one line, to the licentiousness of your king, by enabling him to make the law utter what he wishes, and not utter what he does not wish. If this doctrine be once admitted, it will avail nothing to pass good laws to remind a good king of his duty, and to confine a bad one within due bounds. Nay, (for I will speak my sentiments openly and without disguise,) it would be better to have no laws at all, than, under the cloak of law, to tolerate unrestrained and even honourable robbery.

M.—Do you imagine that any king will be so impudent as to pay no regard to his reputation and character among the people, or so forgetful of himself and of his family, as to degenerate into the depravity of those whom he overawes and coerces by ignominy, by prison, by confiscation of goods, and by the heaviest punishments?

B.—Let us not believe such events possible, if they are not already historical facts, known by the unspeakable mischiefs which they have occasioned to the whole world.

M.—Where, I beseech you, are these facts to be traced?

B.—Where! do you ask? As if all the European nations had not only seen, but also felt, the incalculable mischief done to humanity by, I will not say, the immoderate power, but by the unbridled licentiousness of the Roman pontiff. From what moderate, and apparently honourable, motives it first arose, with what little ground for apprehension it furnished the improvident, none can be ignorant. The laws originally proposed for our direction had not only been derived from the inmost recesses of nature, but also ordained by God, explained by his inspired prophets, confirmed by the Son of God, himself also God, recommended in the writings, and expressed in the lives, and sealed by the blood, of the most approved and

sanctified personages. Nor was there, in the whole law, a chapter more carefully penned, more clearly explained, or more strongly enforced, than that which describes the duty of bishops. Hence, as it is an impiety to add, to retrench, to repeal, or alter, a single article in those laws, nothing remained for episcopal ingenuity but the interpretation. The bishop of Rome having assumed this privilege, not only oppressed the other churches, but exercised the most enormous tyranny that ever was seen in the world; for having the audacity to assume authority not only over men, but even over angels, he absolutely degraded Christ; except it be not degradation, that in heaven, on earth and in hell, the Pope's will should be law; and that Christ's will should be law only if the Pope pleases. For, if the law should appear rather adverse to his interest, he might, by his interpretation, mould it so as to compel Christ to speak, not only through his mouth, but also according to his mind. Hence, when Christ spoke by the mouth of the Roman pontiff, Pepin seized the crown of Chilperic, and Ferdinand of Arragon dethroned Joan of Navarre; sons took up impious arms against their father, and subjects against their king; and Christ being himself poisoned, was obliged afterwards to become a poisoner, that he might, by poison, destroy Henry of Luxemburg.

M.—This is the first time that I ever heard of these enormities. I wish, however, to see what you have advanced concerning the interpretation of laws a little more elucidated.

B.—I will produce one single example, from which you may conceive the whole force and tendency of this general argument. "There is a law, that a bishop should be the husband of one wife;" and what can be more plain or less perplexed? But "this one wife the Pope interprets to be one church," as if the law was ordained for not repressing the lust, but the avarice of bishops. This explanation, however, though nothing at all to the purpose, bearing on its face the specious appearance of piety and decorum, might pass muster, had he not vitiated the whole by a second interpretation. What then does this pontiff contrive? "The interpretation," says he, "must vary with persons, causes, places, and times." Such is the distinguished nobility of some men, that no number of churches can be sufficient for their pride. Some churches, again, are so miserably poor, that they cannot afford even to a monk, lately a beggar, now a mitred prelate, an adequate livelihood, if he would maintain the character and dignity of a bishop. By this knavish interpretation of the law there was devised a form, by which those who were called the bishops of single churches held others in commendam, and enjoyed the spoils of all. The day would fail me should I

attempt to enumerate the frauds which are daily contrived to evade this single ordinance. But, though these practices are disgraceful to the pontifical name and to the Christian character, the tyranny of the popes did not stop at this limit. For such is the nature of all things, that, when they once begin to slide down the precipice, they never stop till they reach the bottom. Do you wish to have this point elucidated by a splendid example? Do you recollect, among the emperors of Roman blood, any that was either more cruel or more abandoned than Caius Caligula?

M.—None that I can remember.

B.—Among his enormities which do you think the most infamous action? I do not mean those actions which clerical casuists class among reserved cases, but such as occur in the rest of his life.

M.—I cannot recollect.

B.—What do you think of his conduct in inviting his horse, called *Incitatus*, to supper, of laying before him barley of gold, and in naming him *consul elect*?

M.—It was certainly the act of an abandoned wretch.

B.—What then is your opinion of his conduct, when he chose him as his colleague in the pontificate?

M.—Are you serious in these stories?

B.—Serious, undoubtedly; and yet I do not wonder that these facts seem to you fictitious. But our modern Roman Jupiter has acted in such a manner as to justify posterity in deeming these events no longer incredibilities but realities. Here I speak of the pontiff, Julius the third, who seems to me to have entered into a contest for superiority in infamy with that infamous monster, Caius Caligula.

M.—What enormity of this kind did he commit?

B.—He chose for his colleague in the priesthood his ape's keeper, a fellow more detestable than that vile beast.

M.—There was, perhaps, another reason for his choice.

B.—Another is assigned; but I have selected the least dishonourable. Therefore, since not only so great a contempt for the priesthood, but so total a forgetfulness of human dignity, arose from the licentiousness of interpreting the law, I hope that you will no longer reckon that power inconsiderable.

M.—But the ancients do not seem to me to have thought this office of interpretation so very important as you wish to make it appear. The truth of this observation may be collected from a single circumstance, that the Roman emperors granted the privilege to counsellors; a fact which

overturns the whole of your verbose dissertation, and refutes not only what you asserted concerning the magnitude of that power, but, in opposition to your earnest wish, clearly demonstrates that the liberty of answering legal questions, which they granted to others, was not denied to themselves, if their inclination prompted, or their occupation permitted its exercise.

B.—The Roman emperors, whom the soldiers placed at their head, without any discrimination, or the least regard to the public good, do not stand in the predicament of the kings that we have been describing; as they were generally chosen by the most abandoned class of men for their abandoned character, or forced their way to the purple by open violence. Their conduct in granting to counsellors the power of answering legal questions, I find not at all reprehensible; for, though it is of very great importance, it is, with some degree of safety, entrusted to men to whom it cannot be an instrument of tyranny. Besides, as it was entrusted to numbers, they were kept to their duty by mutual reverence; since, if any of them deviated from rectitude, he was refuted by the answer of another. Nay, if a knot of counsellors entered into a knavish conspiracy, recourse might be had for relief to the judge, who was not under the necessity of holding their answers law. Recourse might also be had to the emperor, who had the power of inflicting punishment on every violator of the laws. Since these men were thus bound by so many chains, and more in dread of penalties for malversation than in expectation of rewards for fraud, you see, I apprehend, that the danger from them could not be very formidable.

M.—Have you any further remarks to make about your king?

B.—First of all, if you please, let us collect in a few words what has been said; for thus we shall most easily discover whether we have been guilty of any omission.

M.—Your plan has my approbation.

B.—We seemed to be pretty well agreed about the origin and cause of creating kings, and of establishing laws, but to differ a little about the author of the law. Compelled, however, at last by the evidence of truth, you appeared, though with some reluctance, to yield your assent.

M.—Though, as an advocate, I made the most strenuous exertions, you certainly wrestled from the king not only the power of ordaining, but even of interpreting the laws; and here I fear that, if the matter should become public, I may be charged with prevarication; since I allowed a cause, which, at the outset, I thought so good, to be so easily wrested out of my hands.

B.—Be not alarmed; for, if any one should, in this case, charge you with prevarication, I promise you my counsel gratis.

M.—Of that promise, perhaps, we shall soon have a trial.

B.—We discovered also many sorts of business, that seemed incapable of being included in any laws; and of these we referred, with the king's consent, part to the ordinary judges, and part to his council.

M.—That we did so, I recollect. And, in the interim, what do you think came into my head?

B.—How can I, unless you tell me?

M.—I thought you carved out kings in some degree similar to those figures of stone that seem generally to lean upon the heads of columns, as if they supported the whole structure, while, in reality, they bear no more of the weight than any other stone.

B.—What an excellent advocate for kings! You complain that I impose upon them too light a burden, while their sole business, night and day, is hardly any thing else but to discover associates, with whom they may either divide the burden of government, or upon whom they may lay its whole weight! And yet you seem, at the same time, to be enraged that I administer some relief to their distress.

M.—These auxiliaries I also embrace with cordiality; but wish them, as servants, not as masters; as guides to point out the way, not to lead where they please, or rather to drag and impel a king as a machine, and leave him nothing else but the mere power of giving his assent. I have, therefore, been for some time in expectation of seeing you, after closing your discourse upon royalty, make a digression to tyranny or to any other subject. For so narrow are the limits to which you have confined your king, that, I fear, if we should dwell longer upon that topic, you will, in addition to the loss of his high estate and sovereign power, banish him to some desert island, where, shorn of all his honours, he may drag a comfortless old age in penury and wretchedness.

B.—You dread, as you allege, the charge of prevarication. Now I, on the other hand, fear that the king, whom you attempt to defend, will be injured by your chicanery. For, in the first place, why do you wish to see him idle, if you would not encourage idleness in architects; and in the next, to rob him of the good ministers and faithful counsellors that I gave him, not as guardians to superintend his conduct, but as associates to relieve him from part of his labour? By their removal you leave him surrounded by a legion of knaves, who render him a terror to his subjects; and you do not think his power sufficiently formidable, unless we leave him at liberty

to do much harm. I wish to see him beloved by his subjects; and guarded, not by terror, but by affection; the only armour that can render kings perfectly secure. And, if you do not act with obstinacy, this is what, I trust, I shall soon effect. For I shall bring him out of what you call a narrow dungeon into broad daylight, and, by one law, invest him with such additional power and majesty, that, if he should wish for more, you will not hesitate yourself to charge him with effrontery.

M.—That is a topic which I long to see elucidated.

B.—That I may, therefore, satisfy your eagerness with all possible speed, I shall proceed directly to the essential point. One of our late and uncontroverted deductions was, that no law can be so clearly and explicitly worded as to leave no room for fraud by a knavish interpretation. This matter you will best understand by the production of an example. It was provided by law, that an illegitimate son should not succeed his father in an ecclesiastical benefice. Even in this affair, which one would imagine could admit of no fraud, an evasion was found practicable; for the father substituted another in his son's place, and that other resigned the benefice to the bastard. When, after this subterfuge, it was expressly provided, by an additional clause, that the benefice which the father had at any time held should never be held by the son, nothing was gained even by this provision; for, to render it ineffectual, the priests agreed mutually to substitute one another's sons. When this practice also was forbidden, the law was eluded by a fresh kind of fraud. There starts up against the father a suppositious claimant, who pretends a right to the benefice; and, while the father is engaged in a sham fight with the suppositions sycophant, the son requests the benefice, by petition, of the Roman pontiff, if the right of neither litigant should be found valid. Thus both parties are, by their voluntary and spontaneous cession, worsted, and the son possesses the benefice of the father by the father's prevarication. In one law, then, you see what various kinds of frauds are practised.

M.—I do.

B.—Do not legislators, in this case, appear to you to act entirely like the medical practitioners, who, in attempting by the application of plasters, to check the eruptions of the scurvy, or of any other distemper, force the repelled humours to burst out at once through various channels, and, for one head amputated to exhibit numbers sprouting up like the hydra's?

M.—There cannot be a more apt comparison.

B.—As the physician of the body ought at first to have expelled entirely all noxious humours, ought not the physician of the state to imitate him, and to exterminate universally all corrupt morals?

M.—That, though I think it difficult, I hold to be the only genuine method of cure.

B.—And, if this object can be attained, I think there will be occasion but for few laws.

M.—That is certainly matter of fact.

B.—Does it not appear likely to you, that the person who can make a proper application of this medicine, will contribute more to the public good than all the assemblies of all the orders collected for the enactment of laws?

M.—Infinitely more, without doubt. But let me ask, in the words of the comic poet, “Where is the person mighty enough to confer so great a favour?”

B.—What do you think of entrusting the king with this charge?

M.—An admirable contrivance truly! What was a pleasant and a smooth down-hill path you have left the people in a mass to tread; but the laborious, rugged, and arduous departments you make the sole province of the king, as if it were not enough to confine him chained within a close prison, unless you also imposed upon him so heavy a burden that he must sink.

B.—You mistake the case. I ask nothing of him that is unreasonable or difficult. I do not insist, but request, that he would listen to entreaty.

M.—To what do you allude?

B.—To the natural behaviour of a good father to his children, judging that a king should, through his whole life, behave in the same manner to his subjects, whom he ought to consider as his children.

M.—What is that remark to the present purpose?

B.—This is certainly the only, at least a very powerful, antidote against the poison of corrupt morals; and, that you may not think it a fiction of my brain, listen to Claudian’s advice to a king:

Of citizen and father you should act the part,
 The general interest wearing next your heart.
 O'er one great body, you, as head, preside,
 And from its good can ne'er your own divide.
 To your own laws, if you should think them fit,
 Others to bind, be foremost to submit.
 To laws the people willing homage pay,
 Whene'er their author can himself obey.

The king's example as a model serves,
 As in a hive none from the sov'reign swerves.
 An ear to edicts when no man will lend,
 The prince's life the human mind can bend.
 The vulgar herd, a changeful servile race,
 Still ape their betters, even in clothes and face.

Do not imagine that a poet possessed of such distinguished genius and learning was mistaken in thinking that this circumstance had so mighty an influence; for the populace is so much inclined to follow, and so eager to imitate the manners of those who are eminently conspicuous for probity and worth, that they attempt in their conversation, dress, and gait, to copy even some of their imperfections. In their exertions, however, to resemble kings in habit, manner, and language, they are not actuated solely by the love of imitation, but also by the hopes of insinuating themselves into the favour of the great, and of acquiring, by wheedling arts, fortune, preferment, and power; as they know that man is by nature formed not only for loving himself and his connexions, but also for embracing, with cordiality, in others, his own likeness, however imperfect and vicious. This homage, though not demanded with pride and effrontery, but courted as a precarious favour, has a far greater effect than what the threats of the laws, the engines of punishment, and files of musketeers can produce. This propensity recalls the people without violence to moderation, procures to the king the affection of his subjects, gives permanence to the tranquillity of the public, and solidity to the property of individuals. Let a king, therefore, constantly revolve in his own mind, that, as he stands in a public theatre, exhibited as a spectacle to every beholder, all his words and actions must be noted and subject to comments; and that

To regal vice no secrecy is known,
 Expos'd aloft upon a splendid throne:
 Whatever shape it takes, or new disguise,
 All is explor'd by fame's quick prying eyes.

With what great caution, then, ought princes, in both cases, to act; since neither their virtues nor their vices can remain concealed, nor come to light, without effecting numberless changes. If you should still doubt the great influence of the king's life upon the public discipline, take a retrospective view of infant Rome in its nascent state, and in its first cradle. When this rude and uncivilised people, composed (for I will use no harsher terms) of shepherds and strangers, ferocious itself by nature, with a most ferocious king at its head, had formed a kind of camp, to disturb

the peace, and to provoke the arms of the surrounding nations, how great must have been the hatred, how violent the alarm of its neighbours! That very people, having chosen for its head a pious and upright king, was thought so suddenly changed, that any violence offered to it, in the service of the gods, and in the exercise of justice, was reckoned almost impiety by those very neighbours whose lands it had ravaged, whose cities it had burnt, and whose relations and children it had dragged into slavery. Now, if in the midst of such brutal manners and uncultivated times, Numa Pompilius, a king lately fetched from a hostile nation, could effect such a mighty alteration, what may we expect, or rather, what may we not expect, from those princes who have been born and bred to the hopes of royalty, and who receive an empire supported by relations, by dependents, and by ancient connexions? How much ought their minds to be inflamed with the love of virtue, by considering that they may not only hope for the praise of a single day, like actors who have performed their part well, but also presume that they secure the love and admiration of their own age, and perpetual renown, and honours nearly divine among posterity. The picture of this honour, which I have conceived in my mind, I wish I could express to you in words. But that I may, in some measure, delineate to you a faint sketch, figure to yourself the brazen serpent erected by Moses in the desert of Arabia, and curing solely by its presence the wounds inflicted by other serpents; conceive some of the numerous host stung by the serpents, and crowding to the infallible remedy; others looking astonished at the novelty of the unprecedented miracle; and all with every species of praise celebrating the unbounded and incredible beneficence of God in removing the pains of a deadly wound,—not by medicines, with torture to the patient, with labour to the physician, and constant anxiety to friends, but restoring the part to a sound state, not by the slow operation of time, but in a single moment. Now compare to this serpent a king; but so compare him, as to reckon a good king among the greatest blessings of God, since he alone, without expense, without trouble to you, relieves all the distresses, and quiets all the commotions of the realm, and soon happily cures, by conciliatory address, even ancient animosities, and proves salutary, not only to those who behold him personally, but also to those who are so far distant as not to have the least hope of ever seeing him; and has, by his very effigy, when presented to the mind, such power as easily to effect what neither the learning of lawyers, nor the knowledge of philosophers, nor the experience of so many ages employed in the formation of the arts, was ever able to attain. In fact, what honour, what dignity, what greatness or majesty

can be expressed or conceived superior to that of the man, who, by his language, his conversation, his look, his name, and even by the presence of his image in the mind, can bring back dissolute profligates to moderate expenses, violent oppressors to equitable practices, and furious madmen to their sober senses? This, if I mistake not, is the true picture of a king, not indeed of a king hedged round with arms, always in fear, or causing fear, and, from his hatred of the people, measuring their hatred to himself. This portrait, which I have just exhibited, has been expressed in the most beautiful colours by Seneca, in his Thyestes; and, as it is a very elegant piece of poetry, it must undoubtedly occur to your recollection. Now do you think that I still entertain mean and contemptible notions of a king, and that, as you lately said, I thrust him, with a load of fetters, into a legal dungeon? Have I not rather brought him forward into day-light, into the communities of men, and into the public theatre of the human race, thronged, indeed, not by a haughty circle of spearmen and swordsmen, and silk-clad profligates, but guarded by his own innocence, and protected, not by the terror of arms, but by the love of the people; and not only free and erect, but honoured, venerable, sacred, and august, hailed by every species of good omens and felicitating acclamations, and attracting in his whole progress the looks, the eyes, and souls of all spectators? What ovation, what triumph, can be compared to such a daily procession? Were a God in human shape to drop down upon earth, what greater honour could be shown him than what would be paid to a genuine king, that is, to the living image of God? A greater honour than this neither love could bestow, nor fear extort, nor flattery invent. What think you of this picture of a king?

M.—It is truly splendid, and so magnificent, that it seems impossible to conceive anything more noble. But during the corrupt morals of our times, it is difficult to conceive the existence of such magnanimity, unless a happy liberality of mind and natural goodness of disposition be aided by the diligence of education. For the mind, if once formed by good instructions and arts, will, when confirmed by age and experience, pursue true glory through the paths of virtue, be in vain tempted by the allurements of pleasure, and remain unshaken by the assaults of adverse fortune. For so much

To native power does discipline impart,
And proper culture steel the human heart,

that in the very avocations of pleasure, it meets with opportunities for the exercise of virtue, and considers the difficulties, which usually terrify weak minds, as casual materials for the acquisition of just renown. Hence, as a liberal education is in every point of view so momentous, what prospective care and anxious precaution ought to be used, that the tender minds of kings may be properly seasoned from their very cradle! For, as the blessings conferred by good kings on their subjects are so numerous, and the calamities originating with bad princes are, on the others hand, equally numerous, nothing appears to me to have, in every respect, a greater weight than the moral characters and political dispositions of kings themselves, and of those who enjoy with them a share of the supreme power. For the good or bad conduct of individuals generally escapes the notice of the multitude, or the obscurity of its author allows the example to reach but a few; but all the words and deeds of those who direct the helm of state being written, as Horace says, in a kind of votive tablet, cannot remain concealed, but lie open to general imitation. Nor is it merely by a fondness for pleasing, but by the inviting blandishments of interest, that ministers attach the minds of courtiers, and make the public discipline veer with the veering inclinations of kings. I fear, however, that we shall not be able to prevail upon our princes to discharge those functions, of which you have just given a detail. For they are so corrupted by the allurements of pleasure, and so much deceived by a false idea of honour, that I think them likely to experience nearly the same misfortune which, as we are told by some poets, befel the Trojans in their voyage under Paris. Having left the real Helen in Egypt with Proteus, a man of uncommon sanctity, and indeed of a godlike character, they sought, during ten years, for her image with such obstinacy, that the same moment proved the end of the most destructive of wars, and of the most opulent kingdom then in existence. This false idol of royalty, when once possessed by right or by wrong, impotent tyrants embrace with fondness, and can neither retain without a crime, nor relinquish without ruin. If any man were to hint that the true Helen, for whom they believe themselves contending, is concealed in some remote and sequestered region, they would declare him insane.

B.—It is with much pleasure I find, that if you have not really seen the daughter of Jove, you have, from my description, at least formed some idea of her beauty. For, if those who, to their own great detriment, are in love with the representation of the imaginary Helen, were to see a perfect likeness of the real one, painted by some Protogenes or Apelles, I doubt not but they would feel for it the greatest admiration, and the most violent

passion; and that, if they did not immediately bid adieu to the other, they would justly incur the cruel punishment denounced against tyrants in the imprecation of the satirist Persius—

Great Father of the gods, when, for our crimes,
 Thou send'st some heavy judgment on the times,
 Some barbarous king, the terror of the age,
 The type and true vicegerent of thy rage,
 Thus punish him;—set virtue in his sight,
 Grac'd with each charm that can the eye invite:
 But set her distant, that he thus may see
 His gains outweigh'd by lost felicity.

And, since tyrants have been incidentally mentioned, what do you think of proceeding directly to the consideration of them?

M.—I have no objection, if you think that no other subject claims a preference.

B.—In my opinion we shall not be in the least danger of going astray, if, in the investigation of a tyrant, we follow the steps which we trod in our search after a king.

M.—That is likewise my opinion. For we shall most easily comprehend their difference, if we survey them contrasted.

B.—And first, if we begin with the name tyrant, we shall find it uncertain to what language it belongs. Accordingly, to inquire whether its etymology be Greek or Latin will be superfluous. But what the ancients called tyranny can, I think, be no mystery to any person who is a little familiar with polite literature. For both the Greeks and Latins called those tyrants whose power was in every respect unlimited, restrained by no legal ties, and subject to the cognizance of no judicature. And therefore, in both languages, as you well know, not only heroes and the most excellent men, but also the greatest of the gods, and even Jupiter himself, are styled tyrants, and that by those who both thought and spoke of the gods with the greatest reverence and honour.

M.—Of that I am by no means ignorant; and, therefore, I am the more surprised that the name should be, for so many ages, held odious and even highly reproachful.

B.—This term has certainly met with the fate of most others; for words, if duly considered, will be found in their own nature totally innocent. Though they strike the ear, some with a smooth, some with a harsh sound, yet they have no intrinsic power of exciting in the mind anger, hatred, or mirth, or in any way of creating pleasure or pain. If ever we experience any such thing, it generally proceeds, not from the word, but from human

custom, and from the idea conceived in the mind. Hence, a word, that to some is a mark of respect, cannot be uttered before others without a pre-fatory apology.

M.—I recollect that something of a similar nature has happened in the case of Nero and Judas; for the former of these names among the Romans, and the latter among the Jews, was reckoned by the highest families eminently splendid and honourable. Afterwards, however, through no defect in the names, but from the fault of two individuals, it happened that the most abandoned would not give them to their children; into so much obscurity had they fallen through infamy.

B.—That tyrant stands in the same predicament is evident. For, that the first magistrates who received that name were good men, is probable from this circumstance that the name was for some time so honourable, that men applied it even to the gods. Their successors, by their crimes, rendered it so detestable, that all shunned it as contagious and pestilential, and deemed it a lighter reproach to be called hangman than tyrant.

M.—Here the same thing happened as to the kings at Rome after the expulsion of the Tarquins, and to the name of dictator after the consulship of Antony and Dolabella.

B.—You perfectly comprehend the matter. On the other hand, again, humble and plebeian names became, through the merit of the persons to whom they belonged, illustrious, as among the Romans, Camillus, Metellus, Scropha; and, among the Germans, Henry, Geneserick, and Charles. This observation you will the more easily understand, if you consider that, after the name of tyrant became extinct, the substance of the thing remained, and this species of magistracy still retained its pristine dignity among a variety of illustrious nations as the *Æsymnetæ* among the Greeks and dictators among the Romans. For both were legal tyrants; tyrants indeed, because they were superior to the laws,—and legal, because elected by the consent of the people.

M.—What do I hear! that there are even legal tyrants? From you, at least, I expected to have heard a quite different doctrine. For now you seem to confound every distinction between kings and tyrants.

B.—Among the ancients, kings and tyrants seem undoubtedly to have conveyed the same idea, but, I conceive, at different periods of time. For the name of tyrants was, I presume, the more ancient; and, when nations became tired of them, kings succeeded in their place under a more soothing title, and with a milder sway. When these also degenerated, men had recourse to the moderating power of laws, that might limit the extent of

their authority, and set bounds to their boundless desires. But, as the variations of times and manners required new remedies, and old governments became odious, new forms were invented. The subjects, however, which we have at present undertaken to discuss, are the two species of government; that in which the power of the laws is superior to the king's, and, what is the worst species of tyranny, that in which everything is diametrically opposite to royalty; and to compare them one with the other.

M.—It is so; and I long much to hear you upon that topic.

B.—The first point, then, which we ascertained was, that kings were created for the maintenance of civil society; and we established it as an axiom, that it was their duty to administer justice to every man according to the directions of the law.

M.—I recollect it.

B.—First, then, by what name shall he, who does not receive that office by the people's voluntary consent, but seizes it by violence, or intercepts it by fraud, be qualified?

M.—By that of tyrant, I conceive.

B.—There are, besides, many other distinctions, which, as they may be easily collected from Aristotle, I shall lightly skim. Regal government is conformable, and tyranny contrary, to nature; a king rules over a willing, a tyrant over a reluctant people; royalty is a freeman's authority over freemen—tyranny a master's over his slaves; citizens act as sentinels to a king, for the security of his person; foreigners to a tyrant for the oppression of the citizens. For the one exercises his power for the benefit of the people, and the other for his own.

M.—What, then, shall we say of those who, by violence and without the people's consent, obtained supreme power, and governed their respective states for many years in such a manner as to leave the public no reason to be dissatisfied with their administration? For, except a legal election, how little was there wanted in Hiero of Syracuse, and in the Medicean Cosmo of Florence, to constitute a just and accomplished king?

B.—These we can by no means help inserting in the catalogue of tyrants. For, as an excellent historian has finely remarked, "By force to rule your country or parents, though you should have the power, and should rectify their errors, is still offensive and vexatious." In the next place, such men seem to me to act like robbers, who, by artfully dividing their ill-gotten booty, expect from iniquity the reputation of justice, and from rapine the praise of liberality, and yet never attain the object of their desire. For, by the hatred arising from one misdeed, they lose all gratitude for

their ostentatious beneficence, and gain the less credit for moderation among their fellow-citizens, that their view is not the public good, but their own private power, that they may the more securely enjoy their pleasures, and, by mollifying a little the general hatred, transmit their authority the more easily to their descendants. When this has been once effected, they resume their natural character; for what fruit is likely to be collected in harvest may be easily conceived from the seed that has been sown in spring. For to make everything bend to your own nod, and to centre in your own person the whole force of the laws, has the same effect as if you should abrogate all the laws. But this kind of tyrants ought, perhaps, to be tolerated, if they cannot be removed without general ruin; as we choose to submit to certain bodily distempers rather than to expose our life to the hazardous experiment of a doubtful cure. But those who openly exercise their power, not for their country, but for themselves, and pay no regard to the public interest, but to their own gratification; who reckon the weakness of their fellow-citizens the establishment of their own authority, and who imagine royalty to be, not a charge entrusted to them by God, but a prey offered to their rapacity, are not connected with us by any civil or human tie, but ought to be put under an interdict, as open enemies to God and man. For all the actions of kings ought to keep in view, not their own private emolument, but the general safety of the state; and the more they are exalted above the most eminent citizens, the more they ought to imitate those celestial bodies that, without any act of conciliation on our side, pour upon mankind the vital and beneficent streams of their light and heat. Even the very titles with which we decorated kings (and perhaps they are within your recollection,) might remind them of this munificence.

M.—I think I recollect that, towards their subjects, they were to practise the indulgence of fathers to their children, to use the diligence of shepherds in promoting their interest, to behave as generals for the security of their persons, as chief-justices in displaying a pre-eminence of virtue, and as emperors in issuing salutary edicts.

B.—Can he, then, be called a father, who treats his subjects as slaves? or he a shepherd, who does not feed but slay his flock? or he a pilot, whose constant study it is to throw the goods overboard; and who, according to the nautical adage, scuttles the vessel in which he sails?

M.—By no means.

B.—What do you think of the king who governs, not for the benefit of the people, but for the gratification of his own appetites and passions, and is manifestly engaged in an insidious conspiracy against his subjects?

M.—I shall certainly deem him neither a general, an emperor, nor a supreme judge.

B.—Should you, then, observe a man usurping the name of king who excels none of the multitude in any species of virtue, and is even inferior to many, who discovers no paternal affection for his subjects, but crushes them under his proud sway; who considers them as a flock entrusted to him, not for their preservation but for his own emolument; will you reckon him truly a king, though he should stalk along, crowded by a numerous train of guards, and make an ostentatious display of a magnificent dress, and dazzle the eye by exhibiting the sword of the law, and conciliate the favour and applause of the vulgar by prizes, games, processions, mad piles of buildings, and other popular signs of grandeur? Will you, I say, deem him a king?

M.—Not at all, if I mean to be consistent; I must consider him as an outcast from human society.

B.—By what bounds do you circumscribe this human society?

M.—By the very same to which you seemed to me, in your preceding dissertation, to wish it confined to the fences of law; for I see that robbers, thieves, and adulterers, who transgress them, are punished by the public, and that their transgression of the limits prescribed by human society is thought a just cause for their punishment.

B.—What will you say of those who never would come within the pale of human society?

M.—I should consider them as enemies to God and man, and entitled to the treatment, not of men, but of wolves and other noxious animals, which, if bred by any person, are bred to the destruction of himself and of others, and, if killed, are killed to the advantage, not only of the individual, but of the public. Nay, were I empowered to enact a law, I would adopt the Roman method of treating monsters, and order such a race of men to be exposed on some desolate island, or to be sunk in the deep at a distance from the sight of land, lest they should, even when dead, injure the living by their contagion; and publish a decree, that whoever despatched them should be rewarded, not only by the whole people, but by private persons, as is generally done to those who have killed wolves or bears, or seized their cubs. For, if any such monster were to arise, and to utter human accents, and to have the appearance of a man's face, and his likeness in every

other part, I could never think myself connected with him by any social tie. Or, if any one, divesting himself of humanity, should degenerate into savage barbarity, and refuse to unite with other men, but for men's destruction, I do not think him entitled to the appellation of man any more than satyrs, apes, or bears, though in his look, gesture, and language, he should counterfeit man.

B.—Now you comprehend, if I mistake not, what notion the wisest of the ancients entertained of a king's, as well as of a tyrant's, character. Is it your pleasure then, that the rule adopted by us, in forming an idea of a king, should be followed in exhibiting the portrait of a tyrant?

M.—Certainly; and, if it is not too troublesome, I am eager to hear you proceed.

B.—You have not forgotten, I imagine, what is said by the poets of the furies, and by the populace of devils, that they are spirits hostile to the human race, and, in the midst of their own eternal torments, delighting in the torture of men. This is certainly a true picture of tyranny. But, since this picture is discernible only to the mind, and without sensation, I shall offer you another, which will impress not only your mind, but your senses, and rush upon your eyes almost palpably visible. Imagine yourself viewing a ship at sea, tossed by storms, and all the shores around not only destitute of harbours, but full of inveterate enemies. Imagine also the master of that ship engaged in a mutual contest of hatred with the passengers, and yet having no hopes of safety but in the fidelity of the sailors, and even those not certain, as he cannot be ignorant that his life is in the hands of a barbarous class of men, strangers to all humanity, retained in their duty solely by proffers of money, and easily tempted to his destruction by the prospect of greater hire. Such, positively, is the life embraced by tyrants as a state of beatitude. Abroad they dread open enemies, at home their subjects; and not only their subjects, but their domestics, their relations, their brothers, their wives, their children, and their parents. Accordingly, they always either wage or dread an external war with foreigners, a civil war with their subjects, or a domestic war with their relations, and never expect any assistance but from hirelings, and dare not hire the good nor trust the bad. What enjoyment then can life be to such men? Dionysius, dreading the application of a razor to his throat, would not permit his daughters, ladies of adult age, to supply the place of a barber. His brother was murdered by Timoleon, the Pheræan Alexander by his wife, and Spurius Cassius by his father. What racks must the man, who has these examples constantly before his eyes, carry in his breast, when he considers himself erected as a mark

at which all mankind are to shoot their arrows? when he is tormented by the stings of conscience, not only when awake, but is roused even in his sleep by the terrific images of the living and the dead, and pursued by the furies shaking their torches? For the time assigned by nature to all animals for repose, and to men as a relief from cares, becomes to him all horror and despair?

M.—These topics you have unfolded with no inconsiderable art, and, perhaps, with equal truth; but, if I am not mistaken, with little subserviency to our plan. For nations, who have the power of electing kings, have also the power of binding them, when elected, by laws. But you know that ours are not kings by election but by birth; and I have always been of opinion that the crown was not more an hereditary right than the power of making their will the law. Nor have I lightly adopted this opinion, but deliberately, and under the sanction of great statesmen, with whom, if I have erred, I need not be ashamed of my error. For, without mentioning others, the lawyers affirm that, by the imperial law enacted concerning their authority, the whole power of the people was transferred to them, so that their pleasure should stand as law. Hence arose a certain emperor's threats, that he would, by one edict, wrest from all the lawyers, all the power in which they so much gloried.

B.—While you were quoting the very worst authority in so important a case, you acted with prudence in suppressing all names, as it would be the name of Caius Caligula, who, for the gratification of his savage cruelty, wished that the Roman people had but one neck, and possessed nothing that belongs, I will not say to a king, but to a man, but the form. You cannot, therefore, be ignorant what little credit is due to his words. As to the imperial law, lawyers themselves can neither explain its nature, nor ascertain when, by whom, or in what words, it was passed. For the Roman kings never professed that power, as an appeal lay from them to the people. The act by which Lucius Flaccus, after the extinction of Roman liberty, established, through the silence of the other laws, the tyranny of Lucius Sylla, no man ever recognised as a law; for the purport of that act was, that whatever Lucius Sylla did, should be valid in law. Of such a power over itself, no free people was ever so mad as to make a voluntary grant; or, if there was, it certainly deserved to live in perpetual slavery to tyrants, and to suffer the punishment due to its folly. However, if any such law really existed, we ought to consider it as an example for caution, not for imitation.

M.—Your admonition, though well founded, is applicable only to those who have the power of creating kings of specific qualities; but not

at all to us, who, by our suffrages, do not elect the best, but accept the gift of chance. This remark, made by our lawyers, peculiarly affects us, who bestowed upon the ancestors of our kings such a right to bind us and our posterity, that they and their descendants hold perpetual sovereignty over us. I wish, therefore, that this advice had been suggested to them, I mean to our ancestors, as they were entirely at liberty to adopt what kings they pleased. Your counsel coming now too late, has certainly no other tendency, but to make us deplore the folly of our ancestors, and feel the misery of our condition. For, sold into bondage as we are, what remains for us but to suffer punishment for the folly of others, and to alleviate its weight by the meekness of our patience; and not to exasperate, by unseasonable manners, the rage of those whose yoke we cannot shake off, whose power we cannot diminish, and whose violence and tyranny we cannot escape? The imperial law, however, to which you are such a determined foe, was not, as you wish to insinuate, invented in favour of tyrants; for it was sanctioned by the justest of princes, by Justinian, with whom such open flattery could never have prevailed; for Horace's maxim is applicable even to a foolish prince:

Whom does false honour please, or lying fame affright?
None but the wretches who in vice and lies delight.

B.—However cruelly ungrateful to Belifarius some historians paint Justinian, he is certainly allowed to have been, in general, a great prince. Let him, therefore, be such as you wish him to appear; you ought still to recollect, that most of his contemporaries have characterised Scribonian, the principal compiler of the laws in question, as a most abandoned man, who might have easily been induced to go any lengths for the gratification of the worst of sovereigns. For,

All wish the dire prerogative to kill;
Even they would have the pow'r who want the will,

And,

Nothing so monstrous can be said or feigned,
But with belief and joy is entertained,
When to his face the worthless wretch is praised,
Whom venal courtiers to a god have raised.

But let us return to our own princes, to whom you say that the crown belongs by inheritance, not by suffrage. Now I here speak only of our own;

for, were I to make a digression to foreign princes, I fear that the discussion would embrace too wide a field.

M.—That is, in my opinion, the best mode of proceeding; as foreign transactions are not very intimately connected with the present subject.

B.—If then we trace the history of our nation from its first origin, it will be found a settled point, that the princes invested with sovereign power owed their election to the opinion generally entertained of their merit.

M.—Such is the account contained in our historical records.

B.—Nor is it a less settled point, that many princes, who made a cruel or flagitious use of their office, were called to an account by their subjects; that some were, in certain cases, banished, and in others executed; and that though either their sons or relations were chosen in their place, yet no inquiry was ever instituted against the authors of their punishment; but that violence offered to good kings has, in no part of the world, been punished with more exemplary severity. And, since it would be tedious to enumerate individuals, a few only of a late date, and still fresh in the nation's memory, shall be here mentioned. The murder of James I., who left behind him a male heir, six years of age, was so inexorably revenged by the nobility, that persons sprung from the most illustrious families, and of the first distinction for riches and connexions, were destroyed by a new and exquisite kind of punishment. But, on the other hand, who lamented, for I will not say revenged, the death of James III., a man noted for flagitiousness and cruelty? On the death, however, of his son, James IV., even the suspicion of murder could not escape the severest destiny. Nor did our ancestors discover a pious affection only to good kings, but also treated bad princes with lenity and mercy. For Cullen being, as he was coming to plead his cause, murdered on the road by an enemy, was revenged in an extraordinary manner by a decree of the states; and Ewen, who had been condemned to perpetual imprisonment, having been similarly killed in confinement by an enemy, was similarly revenged; and the violent death of the man, whose nefarious life all detested, was punished as parricide.

M.—The present subject of our inquiry is, not so much what has been sometimes done, as what are the legal rights of our sovereigns.

B.—Returning then to that question, and considering the state of our kings down to Kenneth III., who first established his race permanently upon the throne, we shall find it a clear case, that as the people, till that period, exercised the right of creating and correcting their kings, he must have procured this right to his family either by force or by persuasion.

M.—The inference is undeniably just.

B.—Besides, if he extorted obedience from the people by force, the people, upon the first prospect of superiority in the contest, may shake off so grievous a yoke; since the received laws and the imperative voice of nature proclaim, both to kings and to nations, that every system upheld by violence may, by the like violence, be overturned.

M.—But what will follow, if the people, either circumvented by fraud, or compelled by fear, should submit to slavery? What reason can be alleged why they should not for ever adhere to a convention once solemnly ratified?

B.—If you talk to me of a convention, what reason is there that I should not, in opposition, produce those causes which may effect the dissolution of compacts and conventions? And first, with regard to agreements founded on violence and fear, there is in all communities an established law, derived from the pure fountains of nature. Even to such as have been overreached by fraud, the laws grant an entire restitution to their former state, and order this rule to be scrupulously observed in the case of minors, and other persons, whose interest they wish particularly to consult. Who then can have a juster claim to restitution than the whole body of the people, since an injury offered to it affects not only a single part of the community, but is widely diffused through all the members of the body politic.

M.—I know that in the causes of private persons this law is adopted, and that it is in no case iniquitous. But upon this topic we need not enter into any violent contest; since, as we are informed by our historians, it is extremely probable that the right in question was bestowed upon our kings by the people's consent.

B.—It is likewise probable, that so important a right was not granted without some important cause.

M.—That position I readily admit.

B.—What then, do you think, was the principal cause?

M.—What other causes can I assign but those recorded in history? The people's impatience, under the pressure of ambition, of anarchy, of murder, and of intestine war, frequently terminating in the utter ruin of one of the parties, and always with infinite mischief to both. For those who obtained the sovereign power, endeavoured to leave their children in undisturbed possession, by the total extinction of their brothers and nearest relations; a species of policy, which, we hear, is adopted among the Turks, and which, we see, is practised by the chieftains in our own isles, as well as in Ireland.

B.—To which of the two, then, do you think the contest proved more dangerous, to the people or to the princes?

M.—To the princes indisputably; for the people, though ultimately doomed to become the prey of the victors, may, during the contest, live in perfect security.

B.—Princes then, it seems, have wished, rather on their own account than for the public benefit, to make the crown permanent and hereditary in their family.

M.—The supposition appears probable.

B.—Now, in order to gain a point so essential to the lasting honour, to the wealth and security of their family, it is reasonable to suppose that, in return, they relinquished some part of their right, and that to retain the good-will and affection of the people, and to procure their consent, they granted, on their side, some equivalent boon.

M.—I believe so.

B.—You will certainly allow it to be an incredible supposition, that, in return for so important a concession to their kings, they should suffer their condition to be altered for the worse?

M.—Absolutely incredible.

B.—Nor would kings, had they known this to be an injurious institution, disadvantageous both to their children and to the people, have solicited its adoption with such ambitious zeal.

M.—By no means.

B.—Suppose then any individual, in the mixed throng of a free people, freely to ask the king, "What is to be done, if any of our kings should have a son that is an idiot; or, what is worse still, a son that is insane? Will you grant the power of regulating our conduct, to a man who cannot regulate his own?"

M.—There was no occasion, I think, for suggesting this exception, since, whenever this class of men occurs, there is sufficient provision made by the laws.

B.—An honest, as well as sound opinion. Let us, therefore, inquire, whether, if kings had obtained from the people unlimited power over the laws, it would not have been injurious, especially to those who wished to provide for the welfare of their posterity?

M.—Why, I beseech you, should we think that it would prove injurious?

B.—Because nothing contributes so much to the perpetuity of sovereign authority as a due temperament, no less honourable to kings than equitable

and salutary to the people. For nature has implanted in the human mind an elevated and generous principle, which makes it unwilling to obey unjust mandates; and there is nothing so efficacious in consolidating societies of men, as a reciprocity of benefits. The answer, therefore, of Theopompus to his wife, who upbraided him with having, by the introduction of the Ephori into power, impaired the energy of regal government, and with transmitting to his children the crown less than he had received it, seems not to have been unwise, when he said, "I have left it so much the firmer round their head."

M.—What you say concerning the perpetuity of the sovereign power, I see to be perfectly true. For the kingdoms of the Scots and Danes are, I think, by far the most ancient in Europe; and this distinction they seem to me to have secured by nothing so much as by the moderate use of the supreme power; while, at the same time, the crowns of France, of England, and of Spain, have passed from family to family. Yet I know not whether our kings were as wise as Theopompus.

B.—Though they should not have been so provident, do you think that the people were so foolish as to neglect an opportunity so seasonably offered, or so struck with fear, or so seduced by flattery, as to submit spontaneously to slavery?

M.—They were not, perhaps. But let them, as the thing is possible, have been so blind as not to see what was for their own benefit; or let them have been, with their eyes open, so regardless of their own interest as to have despised it, will they not be justly punished for their folly?

B.—It is not likely that any of these suppositions was ever realised, since in our times their conduct has been constantly the reverse. For beside the constant punishment of bad kings, whenever they became tyrants to their subjects, there still remain, even in old families, some vestiges of the ancient practice. For the ancient Scots or Highlanders continue, down to our days, to elect their own chieftains, and to assign them a council of elders; and those who do not obey this council are deprived of the honourable office. Could then what is still partially observed with the greatest scrupulousness in certain districts be neglected in providing for the general good? or would those become voluntary slaves to the man, who would deem the grant of royalty, under legal restraints, a favour? Can it be supposed that the liberty, which they had secured by valour, defended by arms, and enjoyed uninterruptedly for ages, should, without violence, and without war, be resigned to him as an unexpected prey? That such power was never possessed by our kings is, without mentioning the punishments so

often inflicted on them for mal-administration, sufficiently evident from the misfortune of John Baliol, who was, about 269 years ago, rejected by the nobility, because he had subjected himself and his kingdom to Edward I. of England; and Robert I. was substituted in his place. The same truth is evinced also by that uninterrupted practice, which has descended from the earliest times to ours.

M.—What practice do you mean?

B.—Our kings, at their public inauguration, solemnly promise to the whole people to observe the statutes, customs, and institutions of our ancestors, and to adhere strictly to that system of jurisprudence handed down by antiquity. This fact is proved by the whole tenor of the ceremonies at their coronation, and by their first arrival in our cities. From all these circumstances it may be easily conceived what sort of power they received from our ancestors, and that it was clearly such as magistrates, elected by suffrage, are bound by oath not to exceed. Upon such terms God offered the crown to David and to his posterity, promising that they should be kings as long as they obeyed the laws which he had ordained. All this evidence makes it probable that the authority conferred by our ancestors on their kings was not unbounded and immense, but circumscribed and confined to fixed limits. In favour of this right in the people add, besides, immemorial prescription and long use, never contravened by any public decree.

M.—But I fear that kings will not be easily persuaded, by the consideration of these probabilities, to submit to such laws, however much sanctioned by royal oaths, or justified by popular prescription.

B.—In like manner, it is my belief that the people will not be easily prevailed upon to relinquish a right received from their ancestors, approved by the concurring voice of all, and practised for an uninterrupted series of ages; nor do I think it necessary to form conjectures about what they will do, when I see what they have done. But, if from the obstinate perverseness of both parties, recourse should be had to arms, the conqueror will certainly impose what laws he pleases on the conquered: but he will impose them only till he, that has had the worst of the contest, can resume his arms with recollected strength. These struggles end always with mischief to the people, but generally with utter ruin to their kings; and in these causes all the disasters of all kingdoms originate.

M.—Such must necessarily be the result.

B.—Here, perhaps, I have entered into a minuter investigation than the subject required; but my design was to elucidate, more completely, the

limits of regal power among us in ancient times. For, if I had insisted upon the full extent of my legal claims, I might have taken a much shorter road to the object of my pursuit.

M.—Though you have nearly satisfied me already, yet I shall be glad to hear you explain the nature of this compendious road.

B.—First, then, I wish you to answer, whether you approve of the definition of a law given by lawyers, when they say that a law is a decree made by the people, at the instance of the legal magistrate.

M.—Undoubtedly it has my approbation.

B.—It was also ascertained that, when laws were found to be defective, they might, by the same legislators, be either amended or repealed.

M.—It was so.

B.—You see besides, I suppose, that the persons, who become our kings by birth, become so both by the laws and by the suffrages of the people, no less than those constituted such originally by election; and that the people, who made the laws, will not be in want of remedies, not only against violence and fraud, but also against neglect in acknowledging the acceptance of them.

M.—I see it clearly.

B.—There is only this difference, that the law relative to our kings was passed some ages ago; and that, when a new reign commences, it is not usual to make a new law, but to approve the old. But among nations who hold assemblies for the election of their several kings successively, the same time usually serves for passing the law, for making and approving the king, and for the commencement of the reign.

M.—It is so.

B.—Now, if you please, let us briefly collect the substance of what has been ascertained; that, if we have anywhere been too rash in our conclusions, there may be room for recantation.

M.—With all my heart.

B.—First of all, it was our opinion that a king is created for the benefit of the people, and that nothing derived from heaven can be a greater blessing than a good, or a greater curse than a bad king.

M.—Right.

B.—We also said that a bad king is called a tyrant.

M.—We did so.

B.—And because the crop of good men is not so abundant as to supply us constantly with a succession of worthy persons for our selection, or hereditary right so fortunate in its line of succession as to furnish us always,

by accident, with a series of good princes, we accept, as kings, not such as we could wish, but such as either public consent has sanctioned, or chance offered. The hazard, however, incurred either in electing new dynasties, or in approving the casual claimants by hereditary right, occasioned a general wish for laws that should limit the extent of regal power. Now, these laws ought to be nothing else but the express image, as far as it can be attained, of a good king.

M.—That deduction also we acknowledged to be legitimate.

B.—What now remains to be discussed is the punishment due to tyrants.

M.—That seems the only topic not yet thoroughly examined.

B.—If a king then should break through every restraint of law, and behave absolutely as a public enemy, what conduct ought, in your opinion, to be adopted?

M.—Here I own myself at a nonplus. For, though the arguments advanced by you seem to evince that we cannot have any natural connexion with such a king, yet the power of long habit is so great, that with me it has the force of law; and, indeed, it takes such deep and firm root in the minds of men, that, if it should ever be productive of error, it is better to bear it, than, by endeavouring to cure the disease, to endanger the constitution of the whole body. For such is the nature of some remedies, that it is more eligible to bear the pain which they occasion, than to search for doubtful remedies, in the trial of which, though everything should ultimately succeed, the pains resulting from their application are so acute, that the disease itself is less pernicious than its cure. In the next place, what has still more weight with me is, that I see what you call tyranny sanctioned by the oracle of God; and what you execrate as the ruin of law, called, by the Deity, the law of the realm. My judgment is more decisively swayed by that single passage, than by all the arguments of all the philosophers. If you do not extricate me from this dilemma, no human reasoning can, with all its subtilty, prevent me from deserting at once to the enemy.

B.—You are involved, I see, in a common, but enormous cloud of error, by endeavouring to sanction tyranny by tyranny. For how great the tyranny of custom is, when it has once got thorough hold of the human mind, we have too often experienced in the present age, and learned sufficiently from ancient examples in the father of history, Herodotus. But ancient examples I need not produce, since the authors are open for your inspection. Consider in your own mind what multitudes of things, and those not unimportant, there are, in which the suggestions of reason have made you deviate from

customs that ages had rendered inveterate; and you will be soon taught by domestic examples, that, of all others, the highway, which is here so much recommended, is the most dangerous to follow. Examine it, therefore, with cautious circumspection; and you will see it strewn with carnage, and choked with ruins. But, if this truth be, according to the usual phrase, clearer than the light itself, I need not dwell longer either on the proof or on the illustration of so evident a proposition. As to the passage, however, quoted by you from the book of Kings, and which you rather notice than explain, beware, I beseech you, of imagining that what God execrates in the life of tyrants he should approve in the conduct of kings. That you may draw no such inference, I desire you to consider first, what the people requested of God; next, what their reasons were for a new request; and, lastly, what was God's answer? First, they request a king. And of what sort? A king circumscribed by laws. Such they had; for Samuel had been appointed by God to preside over them; and he had for many years administered justice in a legal manner, according to the directions of the divine law. But his sons, who sat as judges during his old age, were guilty of many flagitious acts, and in their decisions violated the laws. Hitherto I cannot see that they had any just reason for desiring a change, but rather a reform of the government, which they might certainly have expected from the beneficence of that God, who had not long before, and for a reason nearly similar, extirpated the whole family of Heli. What then do they request? A king, who might, as among the neighbouring nations, be their judge at home and their general abroad. Now, these were, in reality, tyrants. For, as the nations of Asia discover greater servility of mind than the Europeans, so they will submit with greater facility to the commands of tyrants; and, hence there is not, as far as I know, mention any where made in historians of a king subject to laws in Asia. Besides, that a tyrant, and not a king, is here described, is readily deducible even from this circumstance, that in Deuteronomy God had beforehand prescribed to them a form of government, not only different, but perfectly the reverse. According to this form, Samuel, and the rest of the judges, had, for a series of years, administered justice; and, when they rejected it, God complained that they had rejected him.

M.—Yet God everywhere styles him king, and not tyrant.

B.—He does, indeed, style him king; for it is peculiar to God, in addressing a popular assembly, to adopt popular language. Accordingly, in speaking to the commonalty, he uses a common word; but that none might

be deceived by its ambiguity, he explains here distinctly, in what sense it was taken among the neighbouring nations.

M.—Though we should admit the justness of your reasonings upon that ancient example, we are still more closely pressed by a more modern instance in Paul, who commands us to pray for the life of sovereigns, and is far from allowing us to renounce their authority, much less to dethrone, and, when dethroned, to murder them. And what princes does he thus recommend to our prayers? Of all that ever existed the most cruel, Tiberius, Caligula, Claudius, and Nero; for these were co-eval with the epistles of Paul.

B.—In comparing the writings of all the philosophers and lawyers with Paul's, you seem to me to act rightly, in allowing to his authority so much preponderance in the balance. But you should consider whether you have sufficiently weighed his opinions; for you ought to examine, not only his words, but also at what times, to what persons, and for what purposes, he wrote. First, then, let us see what Paul wrote. In the third chapter of his letter to Titus, he writes, "Put subjects in mind to be obedient to principalities and powers, and to be ready for every good work." Here you see, I presume, what end he assigns to obedience. In the second chapter of his epistle to Timothy, the same apostle writes, "That we should pray for all men, even for kings and other magistrates, that we may lead a peaceable life, in all godliness and purity." Here, also, you see that he proposes, as the end of prayer, not the security of kings, but the tranquillity of the church; and, hence, it will be no difficult matter to comprehend his form of prayer. In his epistle to the Romans, his definition of a king is accurate, even to logical subtilty; for he says that "a king is God's minister, wielding the sword of the law for the punishment of the bad, and for the support and aid of the good." "For these passages of Paul's," says Chrysostom, "relate not to a tyrant, but to a real and legitimate sovereign, who personates a genuine god upon earth, and to whom resistance is certainly resistance to the ordinance of God." Yet, though we should pray for bad princes, we ought not, therefore, to infer directly that their vices should not be punished like the crimes of robbers, for whom also we are ordered to pray; nor, if we are bound to obey a good, does it follow that we should not resist a bad prince? Besides, if you attend to the cause which induced Paul to commit these ideas to writing, you will find, I fear, that this passage is greatly against you; since he wrote them to chastise the temerity of certain persons, who maintained that Christians ought not to be under the control of magistrates. For, since the magistrates were invested with authority on

purpose to restrain wicked men, to enable us all to live under equal laws, and to exhibit a living example of divine justice, they contended that he was of no use among persons so uncontaminated by the contagion of vice as to be a law to themselves. Paul, therefore, does not here treat of the magistrate, but of the magistracy—that is, of the function and duty of the person who presides over others, nor of this nor of that species of magistracy, but of every possible form of government. Nor does he contend against those who maintained that bad magistrates ought not to be punished, but against persons who renounced every kind of authority; who, by an absurd interpretation of Christian liberty, affirmed that it was an indignity to men emancipated by the Son of God, and directed by God's Spirit, to be controlled by any human power. To refute this erroneous opinion, Paul shows that magistracy is not only a good, but a sacred and divine ordinance, and instituted expressly for connecting assemblages and communities of men, and to enable them, conjointly, to acknowledge God's blessings, and to abstain from mutual injuries. Persons raised to the rank of magistrates God has ordered to be the conservators of his laws; and, therefore, if we acknowledge laws to be, as they certainly are, good things, we must also acknowledge that their conservators are entitled to honour, and that their office is a good and useful institution. But the magistrate is terrible. To whom, I beseech you? To the good, or to the bad? To the good he cannot be a terror, as he secures them from injury; but, if he is a terror to the bad, it is nothing to you, who are directed by the Spirit of God. What occasion, then, is there, you will say, for subjecting me to the magistrate, since I am God's freeman? Much. To prove yourself God's freeman, obey his laws; for the Spirit of God, of whose direction you boast, framed the laws, approves of magistracy and authorises obedience to the magistrate. On this head, therefore, we shall easily come to an agreement, that a magistrate is necessary in the best-constituted societies, and that he ought to be treated with every kind of respect. Hence, if any person entertains contrary sentiments, we deem him insane, intestable, and worthy of the severest punishment; since he openly resists God's will communicated to us in the Scriptures. For, supposing that no punishment for the violation of all laws, human and divine, should be inflicted on a Caligula, a Nero, a Domitian, and other tyrants of that sort, you have here no countenance from Paul, who is discoursing of the power of magistrates and of bad men by whom it is badly exercised. Indeed, if you examine that kind of tyrants by Paul's rule, they will not at all be magistrates. Again, if you should contend that even bad princes are ordained by God, take care

lest your language should be charged with captiousness. For God, to counteract poison by poison, as an antidote, sometimes sets a bad man over bad men for their punishment; and yet, that God is the author of human wickedness, no man in his senses will dare to affirm, as none can be ignorant that the same God is the author of the punishments inflicted on the wicked. Even a good magistrate generally chooses a bad man to be the executioner in punishing the guilty. This executioner, though thus appointed by the magistrate to that office, is not, in consequence, indulged with impunity for every crime, nor raised so high as not to be amenable to the laws. On this comparison I shall dwell no longer, lest the sycophants of the court should cry out that I speak with too little reverence of the supreme magistrate. But, let their outcries be ever so loud, certainly they will never be able to deny that the function of the executioner is a part of public, and perhaps also of kingly duty, even by the confession of kings themselves; since, when violence is offered to any public minister, they complain that their own person and majesty are violated. Now, if any thing can, certainly the punishment of the wicked must constitute a part of the king's executive duty. In what predicament stand the governors of cities, the commandants of camps, the mayors of corporations, and other superior officers? Does Paul order us to be obedient also to them? or does he hold them private persons? But not only all inferior magistrates, but even those who are upon an equality with kings, it is customary to call to an account for mal-administration. I could wish, therefore, that those who dream of this mighty power conferred on kings by Paul's words would either show, from the same Paul, that kings alone are to be understood in the name *powers*, and, therefore, to be alone exempted from legal animadversion; or, if the word *powers* mean also other magistrates appointed by the authority of the same God for the same purpose, that they would also show where all magistrates are pronounced to be independent of law, and released from the fear of punishment; or, where that immunity has been granted only to kings, and denied to others invested with public authority.

M.—But to the higher powers he commands all to be obedient.

B.—He does so; but under the name of powers he must necessarily comprehend other magistrates also, unless you should, perhaps, imagine that he thought states not under a regal government to be without powers, and therefore mere anarchies.

M.—That is not my belief, nor is the thing likely; and I am the more steadfastly of this opinion, that your interpretation of this passage is confirmed by the agreement of all the more learned commentators, who think

Paul's dissertation here intended against those that contended for a total exemption from the control of all laws and magistrates.

B.—What then do you think of what I lately said? Is it your belief that the most cruel of all tyrants are not included in Paul's form of words?

M.—Yes. For what do you allege to alter my belief? especially as Jeremiah earnestly admonishes the Jews, and that by divine command, to obey the king of the Assyrians, and by no means to contravene his authority. And hence the inference is, by a similar mode of reasoning, drawn, that other tyrants also, however barbarous, ought to be obeyed.

B.—Meaning to answer first what you advanced last, I must desire you to remark that the prophet does not command the Jews to obey all tyrants, but only the king of the Assyrians. Therefore if, from a single and particular command, you should be inclined to collect the form of a general law, you cannot be ignorant, in the first place, as logic has taught you better, of what an absurdity you will be guilty; and that you will, in the next place, be in danger of an attack, with similar arms, from the enemies of tyranny. For you must either show in what the singularity of this instance consists, that you offer it as a fit object of imitation to all men on all occasions; or, if that should be impossible, you must acknowledge that, among all the special commands of God, whatever is ordered in the case of any single individual, extends to all mankind. If you once admit this inference, and admit it you must, it will be directly objected, that by God's order also Ahab was slain, and that a reward was both promised and paid by divine command to his murderer. Therefore, when you take refuge under the shelter of the obedience supposed to be due to all tyrants, because God, by his prophet, commanded his own people to obey a single tyrant, your ears will immediately ring with an opposite cant, that all tyrants ought to be slain by their own subjects, because Ahab was, by divine command, murdered by the general of his own forces. Therefore I advise you either to provide from Scripture some stronger bulwark for your tyrants, or to set it aside for the present, and to return to the schools of philosophers.

M.—That hint I shall certainly take into consideration. But, in the meantime, let us return to the point from which we digressed, and examine where the Scripture grants us a licence to murder princes with impunity.

B.—My first argument is, that, as there is in Holy Writ, an express command for the extirpation of crimes and criminals, without any exception of degree or rank, there is nowhere any peculiar privilege granted, in that respect, to tyrants, more than to private persons; and my next is, that the definition of powers furnished by Paul does not, in the least, refer to tyrants;

as they accommodate the whole plan of their government, not to the utility of the people, but to the gratification of their own lusts. Besides, you must note, with particular attention, of what vast consequence Paul has made bishops, bestowing upon their office the highest encomiums, and making them, in the opposite scale of comparison, correspond, in some measure, to kings, at least as far as the nature of their respective functions will admit. For the former are physicians for internal, and the latter for external maladies; and yet he has not directed that the one class should be free and loose from the other's jurisdiction; but that, as bishops are, in the exercise of the common duties of civil life, subject to kings, so kings also should obey the spiritual admonitions of bishops. Now these bishops, though exalted to such a height of majesty and grandeur, are not exempted by any law, human or divine, from punishment for their crimes. And, without mentioning others, the Pope himself, who is in some measure deemed a bishop of bishops, and who rises so far above the eminence of all kings, that he would be reckoned a kind of god among mortals, is not even, by his own friends, the canonists, the class of men most devoted to his will, exempted from legal punishment. For judging it absurd for a god, a name which they do not hesitate to give him, to be subject to human animadversion, and thinking it unjust that the greatest crimes, and most flagitious enormities, should remain unpunished, they devised a method by which both the crimes might be punished, and the Pope be still held sacred and inviolable. For they declared the right of the Pope to be one thing, and the right of the person who should be Pope, another; and, while they exempt the Pope, whom they invest with the attribute of infallibility, from the cognizance of the laws, they still acknowledge the person, who is Pope, to be liable to vices, and punishable for his vices; and to this doctrine they have given their unequivocal sanction, not more by the subtilty of their reasonings, than by the severity of their punishments. It would be tedious to enumerate the pontiffs, or, in their language, the men who bore the character of pontiffs, and were during their lives not only forced to forswear the office, but, even after their death, dug from their tombs and cast into the Tiber. Without recurring to ancient examples, we need only refer to the late instance of Paul IV., whose fate is still fresh in our memories, and against whom his favourite Rome expressed the common hatred by a new kind of decree. For the vengeance from which he had escaped was wreaked upon his relations, upon his statues, and upon his portraits. Nor ought you to imagine that excessive subtilty is couched under this interpretation, by which we separate the person from the power; since it is acknowledged

even by philosophy, and approved by the ancient commentators, and it is not unknown to the untutored vulgar, however little accustomed to the refinements of disputation. Mechanics do not consider it as a disgrace to their trade, that either a carpenter or baker is punished for an act of robbery; but rejoice rather that their company is purged from the stain of such infamous malefactors. If any of them should entertain a contrary sentiment, there is, I think, reason to fear that he grieves more at the punishment of men with whom he is connected by a consciousness of guilt, than at the infamy of his company. Indeed, if kings did not form their councils of miscreants and flatterers, and measure their own importance by the gratitude due to their virtues rather than by the impunity of their crimes, they would, in my opinion, not be vexed at the punishment of tyrants, or think that their fate, however grievous, was any diminution of regal dignity; but rather be pleased to see its honour cleared from a stain of so foul a nature, especially since they use to be violently angry, and with great justice, with those who cloak their own misdeeds under the regal name.

M.—And not without reason, assuredly. But I wish that you would quit this topic, and proceed to the other subjects, which you proposed to handle.

B.—What subjects, pray, do you mean?

M.—The periods in which Paul composed his writings, and the persons to whom he addressed them; for I am eager to know of what advantage the knowledge of these circumstances can be to your argument.

B.—Here, too, you shall be humoured. And first, in treating of the time, let me observe that Paul wrote these passages when the infant church was still in her cradle; a time that made it necessary for her not only to be free from guilt, but also not to afford even an unjust cause of accusation to persons in active search of a handle for calumny; and, in the next place, that he wrote to men collected from various nations, and indeed from the whole extent of the Roman empire, into one blended mass. Among these there were but few distinguished for opulence; hardly any that were, or had been, magistrates; not many that held the rank of citizens, and these mostly lodgers, or even mere freed-men; and the rest almost all mechanics and slaves. Among these, however, there were not wanted men who extended Christian liberty farther than the simplicity of the gospel would admit. Accordingly, this multitude, composed of a promiscuous crowd of plebeians, that, with great labour, gained a scanty livelihood, had not so much reason to be anxious about the form of the government, the majesty of the empire, and the life and duty of kings, as about public tranquillity and

domestic repose, and could hardly claim any other blessing but the happiness of being any how sheltered under the shade of the empire. If such men attempted to grasp any part of the public administration, they deserved to be considered not only as foolish, but absolutely insane; and they would deserve it still more, if they issued from their cells, and proved troublesome to the ministers who managed the helm of government. There was a necessity, too, for checking premature luxury, that ill-omened interpreter of Christian liberty. What then did Paul write? No new precepts, certainly, but those common maxims, that subjects should be obedient to the magistrates, servants to their masters, wives to their husbands, and not imagine that the yoke of the Lord, though light, releases us from the ties of morality; but ought rather to make us more conscientious in the observance of them, so that, in all the gradations of duty, we might omit nothing that could help us to conciliate the good will of all men by honest practices. The ultimate consequence would thus be, that the name of God would, to all nations, sound more pleasing, and the glory of the gospel would be more widely diffused. To effect these purposes, there was a necessity for public peace, of which princes and magistrates, though, perhaps, bad men, were the conservators. Do you wish to have this matter set before your eyes in a lively picture? Figure to yourself any of our doctors to be writing to the Christians now living under the Turks; to men, I say, of slender fortune, of humble mind, without arms, few in number, and exposed to every injury from every man; what other advice, I pray, could he give, but the advice of Paul to the church at Rome, and of Jeremiah to the exiles in Assyria? Now, a most conclusive argument, that Paul's attention was here directed solely to those persons to whom he was then writing, and not to the whole body of the citizens, is, that though he minutely explains the mutual duties of husbands to their wives, of wives to their husbands, of parents to their children, of children to their parents, of masters to their slaves, and of slaves to their masters, he does not, in describing the duty of a magistrate, address, as in the preceding parts, them expressly by name. For what reason then must we suppose that Paul gave no directions to kings and to other magistrates, especially as their passions required much more than those of private persons the coercive restraints of law? What other reason can we imagine, but that, at the time in question, there were neither kings nor other magistrates to whom he could write. Conceive Paul to be living in our times, when not only the people, but the sovereigns adopt the name of Christians. At the same period, let there be a prince, who thinks that not only human, but also divine laws, ought to be subservient to his capri-

icious lusts; who would have not only his decrees, but even his nods, held as laws; who, as Paul says in the gospel, "neither fears God nor reverences men;" who, not to say anything worse, squanders the revenues of the church upon parasites and buffoons; who derides the sincere observers of religion, and deems them fools and madmen; what, do you think, would Paul write concerning such a man? If he should wish to be thought consistent, he will declare him unworthy of being reckoned a magistrate; he will put all Christians under an interdict to abstain from all familiarity, all conversation, and all communion with him; his punishment by the civil laws he will leave to the citizens, and will not think them stepping beyond their duty, when they announce that the man, with whom the divine law will allow them no commerce, can no longer be their king. But the servile herd of courtiers, finding every honourable resource fail, will have the impudence to say, that God, in his wrath, lets tyrants loose upon nations, as public executioners, to wreak their vengeance. Now, though I should acknowledge the truth of this assertion, yet it is equally true, that God generally excites some poor and almost unknown individuals of the lowest vulgar to check the extravagant pride and lawless career of tyrants. For God, as was said before, commands the wicked to be exterminated, and excepts neither rank, nor sex, nor condition, nor even person; since to him kings are not more acceptable than beggars. It may, therefore, be truly affirmed, that God, who is equally the father of all, from whose eye nothing can be hid, and whose power nothing can resist, will leave no crime unpunished. Besides, another parasite may perhaps start up, and ask me to produce, from Holy Writ, an example of a king punished by his subjects; and yet, if no such instance should immediately occur, it will not directly follow that what we do not there read should be held wicked and nefarious. I can enumerate, from the codes of many nations, numerous and most wholesome laws, of which there is not the least trace in the sacred Scriptures. For, as it has been established by the unanimous consent of all men, that what the law commands should be deemed just, and what it forbids, unjust, so we find no human records which forbid us ever to do what is not contained in the law. For such servility has never been recognised; nor will the nature of human affairs, so fruitful in new examples, allow it to be recognised to such a degree, that whatever is not ordained by some law, or evidenced by some illustrious record, should be instantly reckoned wicked and nefarious. Therefore, if any man should require of me to show him, in the books of the sacred volumes, an instance in which the punishment of kings is approved, I shall reciprocally ask where it is disapproved. Indeed, if it should

be a rule that nothing ought to be done without a precedent, only a small remnant of our civil constitutions, and even of our laws, will continue standing; for the greatest part of them is founded, not upon ancient precedents, but established in opposition to new and unprecedented encroachments. But now we have given a fuller answer than the case required to the sticklers for precedents. For, though the kings of the Jews should not have been punished by their subjects, it does not greatly affect our reasoning; as they were not originally created by the people, but assigned to them by Gcd. With very good reason, therefore, he who conferred the honour also exacted the punishment. But we contend that the people, from whom our kings derive whatever power they claim, is paramount to our kings; and that the commonalty has the same jurisdiction over them which they have over any individual of the commonalty. The usages of all nations, that live under legal kings, are in our favour; and all states, that obey kings of their own election, in common adopt the opinion that whatever right the people may have granted to an individual, it may, for just reasons, also re-demand. For this is an inalienable privilege which all communities must have always retained. Accordingly, Lentulus, for having conspired with Cataline to overturn the republic, was forced to resign the prætorship; and the decemvirs, the founders of the laws, though invested with supreme magistracy, were degraded; and some Venetian doges, and Chilperic, king of the Franks, after being stripped of every imperial badge, grew old, as private persons, in monasteries; and, not long ago, Christian, king of the Danes, ended his life in prison twenty years after he had been dethroned. Nay, even the dictatorship, which was a species of despotism, was still subordinate to the power of the people. And it has been everywhere an invariable usage, that public favours, improperly bestowed, might be reclaimed; and that even liberty, the favourite object of law, might be taken from ungrateful freed-men. These observations, which, I hope, will be sufficient, I have made, that we may not seem to be the only people who have adopted what is called a new practice towards our kings. Everything, that properly relates to us, might have been despatched in few words.

M.—In what manner? This is an argument which I should be much pleased to hear discussed.

B.—I could enumerate twelve or more of our kings, who, for their villany of flagitiousness, were either condemned to perpetual imprisonment, or escaped the punishment due to their crimes, by exile or by death. But, that none may allege that I produce antique and obsolete precedents, if I should mention the Calens, Ewens, and Ferchars, I shall go back for a few

examples no farther than the memory of our fathers. James III. was, in a public assembly of all the orders, declared to have been justly slain for his extreme cruelty to his relations, and for the enormous turpitude of his life; and in the act there was inserted a clause, providing that those who had projected the conspiracy, or aided by their person or their purse, should never, on that account, be injured or molested.

What they declared, after the event, to have been a just and regular act, they undoubtedly meant to propose as an example to posterity, and that certainly with no less propriety than Quinctius acted, when he delivered, from the tribunal, a panegyric on Servilius Ahala, for having, in the forum, slain Spurius Mælius, who hesitated and refused to plead his cause in a court of law; and gave it as his opinion, that he was not polluted with the blood of a citizen, but ennobled by the death of a tyrant, and found his opinion confirmed by the applauding voice of succeeding generations. When he thus approved the assassination of a man who only aimed at tyranny, what do you think he would do to a tyrant, who, upon the goods of his fellow-citizens, practises robbery, and upon their persons the trade of a butcher? What was the conduct of our countrymen? In granting, by a public decree, impunity to a perpetrated deed, they certainly enacted a law including any similar event that might occur in future. For, in the result, it makes no difference whether you pass sentence upon what is past, or enact a statute for what is to come; for in either way you give judgment concerning the nature of the fact, and concerning the punishment or reward of its author.

M.—These arguments, perhaps, will, among our people, be deemed valid; but abroad, among other nations, I know not how they will be relished. You see that I must satisfy them, not as in a court of justice, agitating a criminal question, but, before the public eye, a question of reputation, affecting, indeed, not myself, as I am far beyond the reach of suspicion, but my countrymen. For I am afraid that the decrees, by which you think yourself sufficiently justified, will be blamed by foreign nations more than the deed itself, however pregnant with odium and atrocity. With respect to the precedents which you have produced, you know, if I mistake not, what is usually said by every man according to his particular disposition and discernment. Therefore, since you seemed to me to have derived your explanation of other topics, not so much from the decrees of men, as from the fountains of nature, I wish that you would, in a few words, unfold what you have to say for the equity of that law.

B.—Though to plead in a foreign court, in defense of a law adopted from the first origin of the Scottish monarchy, justified by the experience of so many ages, necessary to the people, neither severe nor dishonourable to their kings, and not till now accused of inconsistency with natural law, may seem unreasonable; yet, on your account, I shall make the trial. And, as if I were arguing with the very persons who may be disposed to give you trouble, first I ask, What is it that you find here worthy of censure? Is it the cause which gave rise to the law, or the law itself? The cause was a desire to restrain the unbridled passions of kings; and he who condemns this purpose must condemn all the laws of all nations, as they were all enacted for the same reason. Is it the law itself that you censure, and do you think it reasonable that kings should be freed from every restraint of law? Let us also examine whether such a plan is expedient. To prove that it cannot be expedient for the people, we need not waste many words. For if, in the preceding part of our conversation, we were right in comparing a king to a physician, it is evident that, as it was there proved not to be expedient for the people that a physician should be allowed to kill any man at pleasure, so it cannot be advantageous to the public to grant to a king a license to commit promiscuous havoc among the whole community. With the people, therefore, who possess the sovereign power in making the law, we ought not to be angry, if, as they wish to be governed by a good king, they should also wish that a king, who is not the very best of men, should be governed by the law. Now, if this law be not advantageous to the king, let us see whether he ought to propose to the people to relinquish some part of their right, and let us appoint the meeting of parliament for the consideration of its repeal, not at the third market, but, according to our custom, on the fortieth day. In the meantime, in order to discuss here between ourselves the propriety of the measure, allow me to ask you, Whether you think that he, who releases a man in a state of insanity from a strait-waistcoat, consults the true interest of the insane person?

M.—By no means.

B.—What do you say of him, who, at his constant request, gives to a man, labouring under each a paroxysm of fever as not to be far from insanity, cold water? Do you conceive him to deserve well of his patient?

M.—But I speak of kings in their sound senses; and deny that men in full health have any occasion for medicines, or kings, in their sound senses, for laws. But you would have all kings be thought bad, for upon all you impose laws.

B.—Not all bad, by any means; but neither do I look upon the whole people as bad; and yet the law addresses the whole with one voice. That voice the bad dread, and the good, being not concerned, hear at their ease. Thus neither good kings have any reason for feeling indignant at this law; nor would bad kings, if they had wisdom, fail to return thanks to the legislator for ordaining that which he conceived likely to be in the event prejudicial, should in the act be illegal. If ever they recover a sound state of mind, they will certainly come to this resolution, like persons relieved from distemper, and expressing their gratitude to the physician whom they hated for not gratifying the calls of their sickly appetites. But, if they should continue in their state of insanity, he who humours them most should be deemed most their enemy. In this class we must rank flatterers, who, by cherishing their vices with blandishments, exasperate their disease, and generally fall headlong at last in one common ruin with their kings.

M.—Certainly I cannot deny that such princes deserved, and still deserve, to be fettered by laws; for no monster is more outrageous, or more pernicious than man, when, as in the fables of the poets, he has once degenerated into a brute.

B.—On this assertion you would insist still more if you had remarked what a complicated animal man is, and of what various monsters he is composed. This truth the ancient poets discerned with great acuteness, and expressed with no less elegance, when they record that, in the formation of man, Prometheus borrowed from the several animals certain particles with which he constituted his mingled frame. To recount the natures of all separately would be endless; but, undoubtedly, there appear evidently in man two abominable monsters, anger and lust. And what else is the effect, or the object of laws, but to render these monsters obedient to reason, and to coerce them, while not obedient, by the power of their mandates. He, therefore, who releases either a king, or any other man, from the shackles of law, releases not only a single man, but sets loose against reason two of the most cruel monsters, and arms them for breaking through the barriers of order; so that truth and rectitude seem to have guided the tongue of Aristotle, when he said that “He who obeys the laws, obeys God and the law; and that he who obeys man, obeys man and a wild beast.”

M.—Though these doctrines seem to be expressed with much neatness and elegance, yet I think that we have fallen into a double error; first, because our last inferences do not seem to be perfectly correspondent to the premises; and next, because, though we should, in other respects, be found

consistent, yet we have not, in my opinion, made any considerable progress towards the end of our investigation. In the preceding part, we agreed that the voice of the king and of the law should be the law; but here we have made it dependent on the law. Now, though we should grant all this reasoning to be ever so just, what great advantage do we derive from the concession? Who will call a king that has become a tyrant to an account? For I fear that justice, unsupported by physical strength, will not, of itself, be sufficiently powerful to coerce a king that has forgotten his duty, or to drag him by violence to plead his cause.

B.—I suspect that you have not sufficiently considered the conclusions founded on our preceding debate about the regal power. For, if you had sufficiently considered them, you would have easily seen that the observations which you have just advanced are not in the least repugnant. That you may the more readily comprehend my meaning, first give me an answer to this question:—"When a magistrate or secretary, puts words into the mouth of the public crier, is not the voice of both the same;—the voice, I mean, of the crier and of the secretary?"

M.—The same entirely.

B.—Which of the two appears to you to be the superior?

M.—He that dictates the words.

B.—What do you think of the king, the author of the edict?

M.—That he is greater than either.

B.—According to this representation, then, let us compare the king, the law, and the people. Hence we shall find the voice of the king and of the law to be the same. But whence is their authority derived? The king's from the law or the law's from the king?

M.—The king's from the law.

B.—How do you come at that conclusion?

M.—By considering that a king is not intended for restraining the law, but the law for restraining the king; and it is from the law that a king derives his quality of royalty; since without it he would be a tyrant.

B.—The law then is paramount to the king, and serves to direct and moderate his passions and actions.

M.—That is a concession already made.

B.—Is not then the voice of the people and of the law the same?

M.—The same.

B.—Which is the more powerful, the people or the law?

M.—The whole people, I imagine.

B.—Why do you entertain that idea?

M.—Because the people is the parent, or at least the author of the law, and has the power of its enactment or repeal at pleasure.

B.—Since the people, then, is more powerful than the king, let us see whether it is not before the people that he must be called to account. And here let us inquire, whether what has been instituted for the sake of another is not of less value than the object of its institution.

M.—That proposition I wish to hear more distinctly explained.

B.—Attend to the following line of argument.—Is not the bridle made for the horse?

M.—For the horse undoubtedly.

B.—What do you say of the saddle, the harness and spurs?

M.—That they were intended for the same purpose.

B.—Therefore, if there was no horse, they would be of no use?

M.—Of none.

B.—A horse then takes the lead of them all?

M.—Certainly.

B.—What do you think of the horse? For what use is he so much in request?

M.—For many; and particularly for gaining victory in war.

B.—Victory then we value more than horses, arms, and other preparatory instruments of war.

M.—Much more, indisputably.

B.—In the creation of a king, what had men principally in view?

M.—The interest of the people, I believe.

B.—Therefore, if there were no society of men, there would be no occasion for kings.

M.—None at all.

B.—The people, therefore, take the lead of the king.

M.—The conclusion is unavoidable.

B.—If the people take the lead, they are entitled to the superiority. Hence, when the king is called before the tribunal of the people, an inferior is summoned to appear before a superior.

M.—But when can we hope for the felicity of seeing the whole people unanimously agree to what is right?

B.—That is indeed a blessing, of which we can scarcely have any hope, and of which we need not certainly wait in expectation; since, otherwise, no law could be passed, nor magistrate created. For there is hardly any law so equitable to all, or any man so much in possession of popular favour, as not to be somewhere the object either of enmity, or of envy, or of detrac-

tion. The only question is, whether the law is advantageous to the majority, and whether the majority has a good opinion of the candidate? Therefore, if the people can ordain a law, and create a magistrate, what hinders it to pass sentence upon him, and to appoint judges for his trial? Or, if the tribunes of the people at Rome, or the Ephori at Sparta, were appointed to mitigate the rigour of kingly government, why should any man think it iniquitous, in a free people, to adopt in a similar, or even a different manner, prospective remedies for checking the enormities of tyranny?

M.—Here, I think, I nearly see how far the power of the people extends; but what its will may be, what laws it may pass, it is difficult to judge. For the majority is commonly attached to ancient usages, and abhors novelty; a circumstance the more surprising, that its inconstancy in food, raiment, building, and every species of furniture, is notorious.

B.—Do not imagine that I have made these remarks, because I wish here to introduce any novelty. No; my sole object was to show that it was an ancient practice to make kings plead their cause before a court of justice: a thing which you conceived to be not only a novelty, but almost an incredibility. For, without mentioning the numerous instances of it among our forefathers, as we have before observed, and as you may yourself easily learn from history, have you never heard that candidates for the crown referred their dispute to arbitrators!

M.—That such a mode of decision was adopted once by the Persians, I have certainly heard.

B.—Our historians record, that our Grøeme, and our Malcolm II., followed the same plan. But, that you may not allege that it is not by their own consent that the litigants submit to this kind of arbitrators, let us come to the ordinary judges.

M.—Hear I fear that you will be reduced to the same dilemma with those who should spread a net in the ocean to catch whales.

B.—How so?

M.—Because arrest, coercion, and animadversion, must always descend from the superior to the inferior. Now, before what judges will you order the king to appear? Before those on whom he is invested with supreme power to pass sentence, and whose proceedings he is empowered to quash by a mere prohibition?

B.—But what will you say, were we able to discover a superior power that has the same claim of jurisdiction over kings, that kings have over others?

M.—That topic I wish to hear argued.

B.—This very jurisdiction, if you recollect, we found to be vested in the people.

M.—In the whole people, I own, or in the greater part. Nay, I grant you still more, that it is vested in those to whom the people, or a majority, may have transferred that power.

B.—You are obliging in relieving me from that labour.

M.—But you are not ignorant that the greater part of the people is, either through fear or rewards, or from the hope of bribes, or of impunity, so corrupt as to prefer their own interests or pleasures to the public utility, and even to personal safety. Besides, those who are not influenced by these considerations are not very many; for

The good are rare, and can in numbers scarce pretend.
With Nile in mouths, or Thebes in portals, to contend.

All the remaining dregs of the sink, those that are fattened with blood and slaughter, envy other men's liberty, and sell their own. But, forbearing to mention persons to whom the very name even of bad kings is sacred, I omit also those, who, though not ignorant of the extent of law and equity, still prefer peaceable sloth to honourable danger, and, in suspense of mind, adapt all their schemes to their expectations of the event, or follow the fortune, not the cause of the parties. How numerous this class of people is likely to be cannot escape your notice.

B.—Numerous, undoubtedly, they will be; but not the most numerous class. For the injuries of tyrants extend to multitudes, and their favours but to few. For the desires of the vulgar are insatiable, and, like fires, require a constant supply of fresh fuel; for what is forcibly extorted from multitude, supports a few in a starving condition, in stead of satisfying their hunger. Besides, the attachment of such men is variable,—

And still with fortune's smiles both stands and falls.

But, if they were ever so consistent in their plan of politics, yet they do not deserve to be ranked among citizens; for they infringe, or rather betray, the rights of human society; a vice, which, if intolerable in a king, is much more so in a private individual. Who then are to be reckoned citizens? Those who obey the laws and uphold the social compact, who choose rather to undergo all labours and all dangers for the common safety than, dishonourably, to grow old in ease and sloth, who always keep before their eyes, not the enjoyments of the present hour, but the meed of eternal fame among posterity. Hence, if any persons should be deterred from incurring

danger through fear or regard to their property, yet still the splendour of a glorious action, and the beauty of virtue, will rouse desponding minds; and those who will not have the courage to be the original authors or leading actors will not refuse to be companions. Therefore, if citizens be estimated, not by their number, but by their worth, not only the better, but also the greater part will take their stand in the ranks of liberty, of honour, and of national defence. For that reason, if the whole body of the populace should be of a different sentiment, it cannot in the least affect the present argument; because the question is not what is likely to happen, but what may be legally done. But now let us come to the ordinary judges.

M.—Of that discussion I have been long in expectation.

B.—If a private person should urge that the king, in violation of all equity, keeps possession of the whole, or any part of his landed estate, how do you think this person is to act? Shall he resign his land, because he cannot appoint a person to sit in judgment on the king?

M.—By no means. But he will call not upon the king, but upon his attorney to appear in court.

B.—Now mark the force and tendency of the subterfuge which you use. For it makes no difference to me, whether the king shall appear, or his attorney; since, either way, the litigation must proceed at the risk of the king, and the loss or gain from the issue of the suit will be his, and not his attorney's. In a word, he is himself the culprit, or the person whose interest is in dispute. Now, I wish that you would consider, not only how absurd, but also how iniquitous it is to permit a suit to be commenced against a king for a paltry piece of land, for a skylight or for a gutter, and to refuse all justice in a case of parricide, empoisonment, or murder; in small matters to use the utmost severity of law, and on the commission of the most flagitious crimes to allow every license and impunity, so as to make the old saying appear an absolute truth, "that the laws are mere cobwebs, which entangle flies, and leave a free passage to large insects." Nor is there any justice in the complaint and indignation of those who say that it is neither decent nor equitable that a man of an inferior order should pass sentence upon a king, since it is a known and received practice in a question of money or land, and the most elevated persons after the king generally plead their cause before judges, that are neither in riches, nor in nobility, nor in merit, their equals, nor indeed much superior in eminence to the vulgar, and are much farther below the defendants in the scale of citizenship than men of the highest rank are below kings. And yet kings and men of the first quality think this circumstance no degradation from

their dignity. Indeed, if we should once acknowledge it as a received maxim that the judge must always be, in every respect, superior to the defendant, the poor must wait in patient expectation till the king has either inclination or leisure to enquire into any charge of injustice preferred against a noble culprit. Besides, their complaint is not only unjust, but false; for none that comes before a judge comes before an inferior; especially as God himself honours the tribe of judges so far as to call them, not only kings, but even gods, and thus to communicate to them, as far as the thing is possible, his own dignity. Accordingly, the popes of Rome, who graciously indulged kings with leave to kiss their toes, who, on their approach, sent their own mules to meet them, as a mark of honour, who trod upon the necks of emperors, were all obedience when summoned into a court of justice; and, when ordered by their judges, resigned the pontifical office. John the Twenty-Second having, after his flight, been dragged back in chains, and released at last, with difficulty, for money, prostrated himself before another that was substituted in his place, and by that prostration sanctioned the decree of his judges. What was the conduct of the synod of Bâle? Did it not, by the common consent of all the elders, determine and ordain that the Pope is subject to a council of priests? By what means those fathers were persuaded to come to this resolution you may learn from the acts of the councils. I know not, then, how kings, who allow the majesty of the popes to exceed theirs so much in eminence as to overshadow them all with the height of its exaltation, can think it any diminution of their dignity to stand in that place to which a pope, who sat upon a much higher throne, thought it no indignity to descend; namely, to plead his cause before a council of cardinals. Why should I mention the falsehood chargeable upon the complaint of those who express indignation at seeing kings summoned before the tribunal of an inferior? For he that condemns or acquits in judicial questions is not a Titius, or a Sempronius, or a Stichus, but the law itself; to which obedience in kings is declared to be honourable by two illustrious emperors, Theodosius and Valentinian. Their very words, as they richly deserve to be remembered in every age, I shall here quote:—"It is an expression," say they, "worthy of the sovereign's majesty, to confess that the prince is bound by the laws. And, in reality, the imperial dignity is exalted by subjecting the prince's power to the laws; and that we announce, by the oracle of the present edict, which specifies what license we do not allow to another." These sentiments were sanctioned by the best of princes, and cannot but be obvious to the worst. For Nero, when dressed like a musical performer, is said to have been observant, not only

of their motions and gesture, but also to have, at the trial of skill, stood suspended between hope and fear, in anxiety for victory; for, though he knew that he should be declared victorious, yet he thought the victory would be more honourable, if he obtained it, not from courtly adulation, but by a regular contest; and he imagined that the observation of its rules tended not to the diminution of his authority, but to the splendour of his victory.

M.—Your language, I see, is not so extravagant as I first had thought, when you wished to subject kings to the laws; for it is founded, not so much upon the authority of philosophers, as of kings, and emperors, and ecclesiastical councils. But I do not thoroughly comprehend what you mean by saying that, in this case, the judge is not the man, but the law.

B.—Refresh your memory a little with a review of our former deductions. Did we not say that the voice of the king and of the law was the same?

M.—We did.

B.—What is the voice of the secretary and of the crier when the law is proclaimed?

M.—The same.

B.—What is that of the judge when he grounds his decisions on the law?

M.—The same.

B.—But whence is their authority derived,—the judge's from the law, or the law's from the judge?

M.—The judge's from the law.

B.—The efficacy of the sentence then arises from the law, and the pronouncement of the words only from the judge?

M.—So it seems.

B.—Nay, what can be more certain, since the sentence of a judge, if conformable to law, is valid; and, if otherwise, is null?

M.—Nothing can be more true.

B.—You see, then, that the judge derives his authority from the law, and not the law from the judge.

M.—I do.

B.—Nor does the humble condition of the publisher impair the dignity of the law; but its dignity, whether it be published by a king, or by a judge, or by a crier, is always the same?

M.—Completely so.

B.—The law, therefore, when once ordained, is first the voice of the king, and next of others.

M.—It is so.

B.—A king, therefore, when condemned by a judge, seems to be condemned by the law.

M.—Clearly.

B.—If he is condemned by the law, he is condemned by his own voice; since the voice of the law and of the king is the same.

M.—By his own voice it should seem, as much as if he were convicted by letters written with his own hand.

B.—Why then should we be so much puzzled by scruples about the judge, when we have the king's own confession, that is, the law, in our possession? Nay, let us also examine an idea that has just come into my head, whether a king, when he sits as judge in a cause, ought not to divest himself of every character,—of a brother's, a father's, a relation's, a friend's, and an enemy's, and to consider only his function as a judge?

M.—He ought.

B.—And to attend solely to that character which is peculiarly adapted to the cause?

M.—I wish that you would here speak with more perspicuity.

B.—Attend then.—When any man clandestinely seizes another's property, what name do we give to the deed?

M.—We call it theft.

B.—And by what appellation do we qualify the actor?

M.—By the appellation of thief.

B.—What do we say of him who uses another man's wife as his own?

M.—That he commits adultery.

B.—What do we call him?

M.—An adulterer.

B.—How do we denominate him who sits to judge?

M.—We style him judge.

B.—In the same manner, also, names may be given to others from the actions in which they are employed.

M.—They may.

B.—A king, therefore, in administering justice, ought to divest himself of every character but a judge's.

M. He certainly ought, and particularly of every character that can, in his judicial capacity, be prejudicial to either of the litigants.

B.—What do you say of him who is the subject of the judicial inquiry? What name shall we give him from the legal action?

M.—We may call him culprit.

B.—And is it not reasonable that he should lay aside every character likely to impede the legal course of justice?

M.—If he should stand in any other predicament but a culprit's, it is certainly nothing to the judge; since in a judicial question, God orders no respect to be paid even to the poor.

B.—Therefore, if any man, who is both a painter and a grammarian, should be engaged in a law-suit about painting with another who is a painter but no grammarian, ought he, in this case, to derive any advantage from his skill in grammar?

M.—None.

B.—Nor from his skill in painting, if he should be contending for superiority in grammar?

M.—Just as little.

B.—In a judicial trial, therefore, the judge will recognise only one name; to wit, that of the crime, of which the plaintiff accuses the defendant.

M.—One only.

B.—Therefore, if the king be accused of parricide, is the name of king of any consequence to the judge?

M.—Of none; for the controversy hinges, not upon royalty, but upon parricide.

B.—What do you say, if two parricides should be summoned before a court of justice, the one a king and the other a beggar? Ought not the judge to observe the same rule in taking cognizance of both?

M.—The same, undoubtedly; and here Lucan seems to me to have spoken with no less truth than elegance, when he says,

Cæsar, my captain on the German plains,
Is here my mate.—Guilt equals whom it stains.

B.—With truth, certainly. Sentence, therefore, is here to be pronounced, not upon a king and a pauper, but upon parricides. For the sentence would then concern a king, if the question were, which of two persons ought to be a king? or if it were inquired, whether Hiero be a king or a tyrant? or if the controversy were about anything else belonging properly to the office of king, as a painter becomes the subject of judicial disquisition, when the question is, whether he knows the art of painting?

M.—What is to be the result, if the king should refuse, of his own accord, and cannot be dragged by force, to appear in a court of justice?

B.—Here he stands in the same predicament with all malefactors; for no robber or murderer will spontaneously submit to justice. But you know, I presume, the extent of the law, and that it allows a thief in the night to be killed any how, and a thief in the day to be killed if he uses a weapon in his defense. If nothing but force can drag him before a court of judicature, you recollect what then is the usual practice. For robbers, too powerful to be reduced to order by the regular course of law, we master by war and arms. And there are hardly any other pretexts for any war between nations, between kings and their subjects, but injuries, which, being incapable of a legal decision, are decided by the sword.

M.—Against open enemies, indeed, these are usually the causes of waging war; but we must observe a different process with kings, whom we are, by the pledge of a most solemn oath, bound to obey.

B.—Bound, indeed, we are; but, on the other hand, they were the first to promise that they would administer justice with equity and benevolence.

M.—Such is the fact.

B.—A mutual compact then subsists between a king and his subjects?

M.—So it should appear.

B.—Does not he then, who deviates from conventions, and acts in opposition to compacts, dissolve those compacts and conventions.

M.—He does.

B.—Upon the dissolution then of the tie which connected the king with his people, whatever right belonged by agreement to him who dissolves the compact, is, I presume, forfeited?

M.—It is.

B.—He also, with whom the agreement was made, becomes as free as he was before the stipulation.

M.—He clearly enjoys the same right and the same liberty.

B.—If a king be guilty of acts tending to the dissolution of that society, for the preservation of which he was created, what do you call him?

M.—A tyrant, I suppose.

B.—But a tyrant is so far from being entitled to any just authority over a people, that he is the people's open enemy.

M.—Their open enemy, undoubtedly.

B.—Grievous and intolerable injuries render a war with an open enemy just and necessary.

M.—Undeniably just.

B.—What do you call a war undertaken against the public enemy of all mankind,—a tyrant?

M.—The justest of all wars.

B.—But when war is, for a just cause, once proclaimed against an open enemy, not only the whole people, but also each individual, has a right to kill that enemy.

M.—I own it.

B.—What say you of a tyrant, that public enemy, with whom all good men are perpetually at war,—Have not all the individuals of the whole mass of mankind, indiscriminately, a right to exercise upon him all the severities of war?

M.—I see that almost all nations entertained that opinion. For even her husband's death is generally applauded in Thebe, his brother's in Timoleon, and his son's in Cassius. Fulvius too is praised for killing his son, as he was on his way to Cataline; and Brutus for condemning his sons and relations to the gallows, when he learned their plan to restore the tyrants. Nay, many states of Greece voted public rewards and honours to tyrannicides; so much did they think, as was before observed, that with tyrants every tie of humanity is dissolved. But why do I collect the assent of single persons or states, when I can produce the testimony of almost all the world? For who does not severely censure Domitius Corbulo for having so far neglected the interest of the human race, as not have hurled, when the deed was easy, Nero from his throne? Nor was he censured only by the Romans, but even by Tiridates, king of the Persians, who feared nothing less than that the contagion of the example should eventually reach his own person. The minds even of the worst men, who have become savage through acts of cruelty, are not so totally divested of this public hatred to tyranny, that it does not, on some occasions, burst forth involuntarily, and reduce them, by the contemplation of truth and honour, to a state of torpor and stupefaction. When, upon the assassination of that cruel tyrant Caius Caligula, his ministers, who were no less cruel, tumultuously insisted upon the punishment of the assassins, vociferating occasionally, "Who had killed the Emperor?" Valerius Asiaticus, a man of consular distinction, exclaimed from a conspicuous place, whence he might be heard and seen, "I wish that I had killed him." At this expression, these men, who were destitute of almost all humanity, forbore, as if thunder-struck, all riotous tumult. For so great is the power of virtue, that, when its picture, however imperfectly sketched, is presented to the mind, its most impetuous ebullitions subside; the violence of its fury languishes; and

madness, in spite of all resistance, acknowledges the empire of reason. Nor do those who now move heaven and earth with their clamours, harbour other sentiments. The truth of this observation may be evinced even by this consideration, that, though they censure the late events, the same, or similar transactions, and even of a more atrocious nature, when quoted from ancient history, receive their approbation and applause, and, by that circumstance, demonstrate that they are more swayed by private affections than by public injuries. But why should we look for surer witness of what tyrants deserve than their own conscience? Hence springs their perpetual fear of all, and particularly of good men; and, hence, they behold the sword, which they keep always drawn for others, constantly hangings over their own necks; and, by their own hatred to others, measure the attachment of others to themselves. But good men, on the other hand, reversing this order, and fearing nothing, frequently incur danger by estimating the benevolent disposition of mankind, not by its vicious nature, but by their own meritorious conduct.

B.—You are, then, of opinion, that tyrants ought to be ranked among the most ferocious beasts, and that tyrannic violence is more against nature than poverty, than disease, than death, and every other evil that the decrees of nature have entailed upon mankind?

M.—Truly, when I estimate within myself the weights of different arguments, I cannot deny the truth of these positions; but, when I reflect on the dangers and inconveniences which attend this opinion, my mind, as if checked at once with a bridle, fails somehow in mettle, and, bending towards utility from the excessive rectitude of stoical severity, falls almost into a swoon. For, if any one be at liberty to kill a tyrant, mark what a wide field you open to the villany of the wicked, to what danger you expose the good, what license you allow to the bad, and what disorder you introduce into every department. For who, after killing a good, or at least not the worst king, may not palliate his crime under the specious appearance of virtue? Or, if even a good man should unsuccessfully attempt the assassination of a detestable prince, or successfully execute the intended deed, what great confusion must necessarily ensue in every quarter! While the bad tumultuously express their indignation at the loss of a leader, the good will not all approve of the deed; and even those who approve will not all defend the author against a wicked faction; and the generality will cloak their own sloth under the honourable pretext of peace, and rather calumniate the valour of others than confess their own cowardice. Assuredly, though this recollective attention to private interest, though this mean

excuse for deserting the public cause, and this fear of incurring danger, should not entirely break, they undoubtedly weaken the spirits of most men, and cause a preference of tranquillity, though not very certain, to the expectation of uncertain liberty.

B.—If you attend to the antecedent reasonings, your present apprehensions will be easily removed. For we remarked that some nations have, by their free suffrages, sanctioned tyrants, whom, for the lenity of their administration, we dignify with regal names. None will, by my advice, offer violence to any of these, or even of those who have by force or fraud become sovereigns, if their government be but tempered by a civic disposition of mind. Such, among the Romans, were Vespasian, Titus, and Pertinax, Alexander among the Greeks, and Hiero at Syracuse; for, though they obtained the imperial power by violence and arms, yet they deserved, by their justice and equity, to be numbered among legitimate kings. Besides, I here explain, under this head, how far our power and duty extend by law, but do not advise the enforcement of either. Of the former, a distinct knowledge and clear explanation are sufficient; of the latter, the plan requires wisdom, the attempt prudence, and the execution valour. Though these preparatives may, in the case of a rash attempt, be aided or frustrated by times, persons, places, and other instruments of action, I shall merit blame for any errors no more than the physician who properly describes the various remedies for diseases, ought to be censured for the folly of another, who administers them at an improper time.

M.—One thing seems still wanted to complete this disquisition, and, if you make that addition, I must acknowledge that your favours have reached their utmost possible limit. What I mean to ask is, whether tyrants ought to be liable to ecclesiastical censures?

B.—Whenever you please, you may see that kind of censure justified in the first epistle of Paul to the Corinthians, where the apostle forbids us to have any convivial or familiar converse with persons notoriously wicked or flagitious. Were this precept observed among Christians, the wicked must either repent or perish with hunger, cold, and nakedness.

M.—That opinion has certainly great weight; but yet I know not whether the people that uses everywhere to pay so much respect to magistrates, will believe that this rule comprehends kings.

B.—The ancient ecclesiastical writers, to a man, certainly understood, in this manner, Paul's expressions. For, even the emperor Theodosius was excluded by Ambrose from the congregation of Christians, and Theodosius obeyed the bishop. Nor, as far as I know, is any bishop's con-

duct more highly extolled by antiquity, nor any emperor's modesty more loudly applauded. But, as to the main point, what great difference does it make, whether you be expelled from the communion of Christians or be forbid fire and water? For, against those who refuse to obey their orders, all magistrates use, for their most formidable engine, the latter decree, and all ecclesiastics the former. Now, the punishment inflicted by both, for a contempt of their authority, is death; but the one denounces the destruction of the body, and the other the destruction of the whole man. Will not the church, then, which considers much lighter crimes punishable with death, think death justly due to him whom alive it excommunicates from the congregation of the godly, and whom dead it dooms to the company of devils?—For the justice of my country's cause, I think that I have said enough; and if still some foreigners should not be satisfied, I beg that they would consider how iniquitously they treat us. For, as there are in Europe numbers of great and opulent nations, having each its own distinct laws, it is arrogance in them to prescribe to all their own peculiar form of government. The Swiss live in a republic; the Germans, under the name of empire, enjoy a legitimate monarchy; some states in Germany, indeed, are, I hear, subject to a nobility; the Venetians have a government that is a due mixture of all these forms; and Muscovy is attached to a despotism. We possess a kingdom that is, indeed, small, but that has now for above two thousand years remained free from a foreign yoke. Originally, we created kings limited by laws, just to ourselves and to others. These laws, length of time has proved to be advantageous; as it is by the observance of them, more than by the force of arms, that the kingdom still remains unshaken. What injustice, then, it is to desire that we should either repeal or disregard laws, of which we have, for so many ages, experienced the utility! Or, rather, what impudence it is in men, who can scarcely maintain their own government, to attempt an alteration in the policy of another country? Why should I mention that our institutions are beneficial, not only to ourselves, but also to our neighbours? For what can contribute more to the maintenance of peace with neighbours than moderation in kings? For, in general, it is through the effervescence of their unruly passions that unjust wars are rashly undertaken, wickedly waged, and dishonourably concluded. Besides, what can be more prejudicial to any state than bad laws among its neighbours, as their contagion uses frequently to spread wide? Or why do they molest us alone, when different laws and institutions are used by so many surrounding nations, and the same, entirely, by none? Or why do they now at last molest us, when we do not hazard any novelty,

but adhere to our old system; when we are not the only, nor the first people that adopted this practice, and do not now adopt it for the first time? But some are not pleased with our laws; perhaps, also, not with their own. We do not inquire curiously, into other men's institutions; and, therefore, they should leave us ours, that have been for so many years experimentally approved. Do we disturb their councils? or do we, in any respect, molest them? But, say they, you are seditious. To this charge I could freely answer, What is that to them? If we are disorderly, it is at our own risk, and to our own loss. Yet I could enumerate not a few seditions, that both commonwealths and monarchies found not prejudicial. But that species of defense I shall not use. I deny that any nation was less seditious; I deny that any was ever in its seditions more temperate. Many contests have occurred concerning the laws, concerning the right to the crown, concerning the administration of the government, but still without danger to the general weal; nor was the conflict, as among nations in general, continued to the ruin of the populace,—nor from hatred to our princes, but from a patriotic zeal and a steady attachment to the laws. How often, in our memory, have large armies stood opposed in battle array, and parted, not only without a wound, but without a fray—without a reproach? How often have private quarrels been quashed by public utility? How often has the report of a public enemy's approach extinguished domestic broils? Nor have our seditions been quieted with more temperance than good fortune; since the party that had justice on its side generally commanded success; and, as our civil disputes were conducted with moderation, they were amicably adjusted on the basis of utility.—These are the arguments which occur to me at present; and they seem calculated for checking the loquacity of the malevolent, for refuting the dogmatism of the obstinate, and for satisfying the doubts of the equitable. The right to the crown among other nations I did not think of much consequence to us. Our own practice I have explained in a few words; but yet in more than I intended, or than the subject required; because this was a labour which I undertook on your account only; and, if I have your approbation, I am satisfied.

M.—As far as I am concerned, the satisfaction which you have given is complete; and, if I shall be able to give others the same satisfaction, I shall think myself not only much benefited by your discourse, but relieved from a great deal of trouble.

THE END.