

Kirkpatrick Signature Series

Book 1

Readings for Weeks 1-3



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Week 1

American Values

Common Sense

by Thomas Paine

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INTRODUCTION

Perhaps the sentiments contained in the following pages, are not YET sufficiently fashionable to procure them general favour; a long habit of not thinking a thing WRONG, gives it a superficial appearance of being RIGHT, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason.

As a long and violent abuse of power, is generally the Means of calling the right of it in question (and in Matters too which might never have been thought of, had not the Sufferers been aggravated into the inquiry) and as the King of England hath undertaken in his OWN RIGHT, to support the Parliament in what he calls THEIRS, and as the good people of this country are grievously oppressed by the combination, they have an undoubted privilege to inquire into the pretensions of both, and equally to reject the usurpation of either.

In the following sheets, the author hath studiously avoided every thing which is personal among ourselves. Compliments as well as censure to individuals make no part thereof. The wise, and the worthy, need not the triumph of a pamphlet; and those whose sentiments are injudicious, or unfriendly, will cease of themselves unless too much pains are bestowed upon their conversion.

The cause of America is in a great measure the cause of all mankind. Many circumstances hath, and will arise, which are not local, but universal, and through which the principles of all Lovers of Mankind are affected, and in the Event of which, their Affections are interested. The laying a Country desolate with Fire and Sword, declaring War against the natural rights of all Mankind,

and extirpating the Defenders thereof from the Face of the Earth, is the Concern of every Man to whom Nature hath given the Power of feeling; of which Class, regardless of Party Censure, is the AUTHOR.

P.S. The Publication of this new Edition hath been delayed, with a View of taking notice (had it been necessary) of any Attempt to refute the Doctrine of Independance: As no Answer hath yet appeared, it is now presumed that none will, the Time needful for getting such a Performance ready for the Public being considerably past.

Who the Author of this Production is, is wholly unnecessary to the Public, as the Object for Attention is the DOCTRINE ITSELF, not the MAN. Yet it may not be unnecessary to say, That he is unconnected with any Party, and under no sort of Influence public or private, but the influence of reason and principle.

Philadelphia, February 14, 1776

OF THE ORIGIN AND DESIGN OF GOVERNMENT IN GENERAL, WITH CONCISE REMARKS ON THE ENGLISH CONSTITUTION

Some writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants, and government by our wickedness; the former promotes our POSITIVELY by uniting our affections, the latter NEGATIVELY by restraining our vices. The one encourages intercourse, the other creates distinctions. The first a patron, the last a punisher.

Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one; for when we suffer, or are exposed to the same miseries BY A GOVERNMENT, which we might expect in a country WITHOUT GOVERNMENT, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built on the ruins of the bowers of paradise. For were the impulses of conscience clear, uniform, and irresistibly obeyed, man would need no other lawgiver; but that not being the case, he finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; and this he is induced to do by the same prudence which in every other case advises him out of two evils to choose the least. WHEREFORE, security being the true design and end of government, it unanswerably follows, that whatever FORM thereof appears most likely to ensure it to us, with the least expense and greatest benefit, is preferable to all others.

In order to gain a clear and just idea of the design and end of government, let us suppose a small number of persons settled in some sequestered part of the earth, unconnected with the rest, they will then represent the first peopling of any country, or of the world. In this state of natural liberty, society will be their first thought. A thousand motives will excite them thereto, the strength of one man is so unequal to his wants, and his mind so unfitted for perpetual solitude, that he is soon obliged to seek assistance and relief of another, who in his turn requires the same. Four or five united would be able to raise a tolerable dwelling in the midst of a wilderness, but one man might labour out of the common period of life without accomplishing any thing; when he had felled his timber he could not remove it, nor erect it after it was removed; hunger in the mean time would urge him from his work, and every different want call him a different way. Disease, nay even misfortune would be death, for though neither might be mortal, yet either would disable him from living, and reduce him to a state in which he might rather be said to perish than to die.

Thus necessity, like a gravitating power, would soon form our newly arrived emigrants into society, the reciprocal blessings of which, would supersede, and render the obligations of law and government unnecessary while they remained perfectly just to each other; but as nothing but heaven is impregnable to vice, it will unavoidably happen, that in proportion as they surmount the first difficulties of emigration, which bound them together in a common cause, they will begin to relax in their duty and attachment to each other; and this remissness will point out the necessity of establishing some form of government to supply the defect of moral virtue.

Some convenient tree will afford them a State-House, under the branches of which, the whole colony may assemble to deliberate on public matters. It is more than probable that their first laws will have the title only of REGULATIONS, and be enforced by no other penalty than public disesteem. In this first parliament every man, by natural right, will have a seat.

But as the colony increases, the public concerns will increase likewise, and the distance at which the members may be separated, will render it too inconvenient for all of them to meet on every occasion as at first, when their number was small, their habitations near, and the public concerns few and trifling. This will point out the convenience of their consenting to leave the legislative part to be managed by a select number chosen from the whole body, who are supposed to have the same concerns at stake which those who appointed them, and who will act in the same manner as the whole body would act, were they present. If the colony continues increasing, it will become necessary to augment the number of the representatives, and that the interest of every part of the colony may be attended to, it will be found best to divide the whole into convenient parts, each part sending its proper number; and that the ELECTED might never form to themselves an interest separate from the ELECTORS, prudence will point out the propriety of having elections often; because as the ELECTED might by that means return and mix again with the general body of the ELECTORS in a few months, their fidelity to the public will be secured

by the prudent reflection of not making a rod for themselves. And as this frequent interchange will establish a common interest with every part of the community, they will mutually and naturally support each other, and on this (not on the unmeaning name of king) depends the STRENGTH OF GOVERNMENT, AND THE HAPPINESS OF THE GOVERNED.

Here then is the origin and rise of government; namely, a mode rendered necessary by the inability of moral virtue to govern the world; here too is the design and end of government, viz. freedom and security. And however our eyes may be dazzled with show, or our ears deceived by sound; however prejudice may warp our wills, or interest darken our understanding, the simple voice of nature and of reason will say, it is right.

I draw my idea of the form of government from a principle in nature, which no art can overturn, viz. that the more simple any thing is, the less liable it is to be disordered; and the easier repaired when disordered; and with this maxim in view, I offer a few remarks on the so much boasted constitution of England. That it was noble for the dark and slavish times in which it was erected, is granted. When the world was overrun with tyranny the least remove therefrom was a glorious rescue. But that it is imperfect, subject to convulsions, and incapable of producing what it seems to promise, is easily demonstrated.

Absolute governments (tho' the disgrace of human nature) have this advantage with them, that they are simple; if the people suffer, they know the head from which their suffering springs, know likewise the remedy, and are not bewildered by a variety of causes and cures. But the constitution of England is so exceedingly complex, that the nation may suffer for years together without being able to discover in which part the fault lies; some will say in one and some in another, and every political physician will advise a different medicine.

I know it is difficult to get over local or long standing prejudices, yet if we will suffer ourselves to examine the component parts of the English constitution, we shall find them to be the base remains of two ancient tyrannies, compounded with some new republican materials.

FIRST - The remains of monarchial tyranny in the person of the king.

SECONDLY - The remains of aristocratical tyranny in the persons of the peers.

THIRDLY - The new republican materials in the persons of the commons, on whose virtue depends the freedom of England.

The two first, by being hereditary, are independent of the people; wherefore in a

CONSTITUTIONAL SENSE they contribute nothing towards the freedom of the state.

To say that the constitution of England is a UNION of three powers reciprocally CHECKING each other, is farcical, either the words have no meaning, or they are flat contradictions.

To say that the commons is a check upon the king, presupposes two things:

FIRST - That the king is not to be trusted without being looked after, or in other words, that a thirst for absolute power is the natural disease of monarchy.

SECONDLY - That the commons, by being appointed for that purpose, are either wiser or more worthy of confidence than the crown.

But as the same constitution which gives the commons a power to check the king by withholding the supplies, gives afterwards the king a power to check the commons, by empowering him to reject their other bills; it again supposes that the king is wiser than those whom it has already supposed to be wiser than him. A mere absurdity!

There is something exceedingly ridiculous in the composition of monarchy; it first excludes a man from the means of information, yet empowers him to act in cases where the highest judgment is required. The state of a king shuts him from the world, yet the business of a king requires him to know it thoroughly; wherefore the different parts, by unnaturally opposing and destroying each other, prove the whole character to be absurd and useless.

Some writers have explained the English constitution thus: The king, say they, is one, the people another; the peers are a house in behalf of the king, the commons in behalf of the people; but this hath all the distinctions of a house divided against itself; and though the expressions be pleasantly arranged, yet when examined, they appear idle and ambiguous; and it will always happen, that the nicest construction that words are capable of, when applied to the description of some thing which either cannot exist, or is too incomprehensible to be within the compass of description, will be words of sound only, and though they may amuse the ear, they cannot inform the mind, for this explanation includes a previous question, viz. HOW CAME THE KING BY A POWER WHICH THE PEOPLE ARE AFRAID TO TRUST, AND ALWAYS OBLIGED TO CHECK? Such a power could not be the gift of a wise people, neither can any power, WHICH NEEDS CHECKING, be from God; yet the provision, which the constitution makes, supposes such a power to exist.

But the provision is unequal to the task; the means either cannot or will not accomplish the end, and the whole affair is a *felo de se*; for as the greater weight will always carry up the less, and as all the wheels of a machine are put in motion by one, it only remains to know which power in the

constitution has the most weight, for that will govern; and though the others, or a part of them, may clog, or, as the phrase is, check the rapidity of its motion, yet so long as they cannot stop it, their endeavours will be ineffectual; the first moving power will at last have its way, and what it wants in speed, is supplied by time.

That the crown is this overbearing part in the English constitution, needs not be mentioned, and that it derives its whole consequence merely from being the giver of places and pensions, is self-evident, wherefore, though we have been wise enough to shut and lock a door against absolute monarchy, we at the same time have been foolish enough to put the crown in possession of the key.

The prejudice of Englishmen in favour of their own government by king, lords, and commons, arises as much or more from national pride than reason. Individuals are undoubtedly safer in England than in some other countries, but the WILL of the king is as much the LAW of the land in Britain as in France, with this difference, that instead of proceeding directly from his mouth, it is handed to the people under the more formidable shape of an act of parliament. For the fate of Charles the First hath only made kings more subtle—not more just.

Wherefore, laying aside all national pride and prejudice in favour of modes and forms, the plain truth is, that IT IS WHOLLY OWING TO THE CONSTITUTION OF THE PEOPLE, AND NOT TO THE CONSTITUTION OF THE GOVERNMENT, that the crown is not as oppressive in England as in Turkey.

An inquiry into the CONSTITUTIONAL ERRORS in the English form of government is at this time highly necessary; for as we are never in a proper condition of doing justice to others, while we continue under the influence of some leading partiality, so neither are we capable of doing it to ourselves while we remain fettered by any obstinate prejudice. And as a man, who is attached to a prostitute, is unfitted to choose or judge a wife, so any prepossession in favour of a rotten constitution of government will disable us from discerning a good one.

OF MONARCHY AND HEREDITARY SUCCESSION

Mankind being originally equals in the order of creation, the equality could only be destroyed by some subsequent circumstance; the distinctions of rich, and poor, may in a great measure be accounted for, and that without having recourse to the harsh, ill-sounding names of oppression and avarice. Oppression is often the CONSEQUENCE, but seldom or never the MEANS of riches; and though avarice will preserve a man from being necessitously poor, it generally makes him too timorous to be wealthy.

But there is another and greater distinction, for which no truly natural or religious reason can be assigned, and that is, the distinction of men into **KINGS** and **SUBJECTS**. Male and female are the distinctions of nature, good and bad the distinctions of heaven; but how a race of men came into the world so exalted above the rest, and distinguished like some new species, is worth inquiring into, and whether they are the means of happiness or of misery to mankind.

In the early ages of the world, according to the scripture chronology, there were no kings; the consequence of which was, there were no wars; it is the pride of kings which throw mankind into confusion. Holland without a king hath enjoyed more peace for this last century than any of the monarchical governments in Europe. Antiquity favours the same remark; for the quiet and rural lives of the first patriarchs hath a happy something in them, which vanishes away when we come to the history of Jewish royalty.

Government by kings was first introduced into the world by the Heathens, from whom the children of Israel copied the custom. It was the most prosperous invention the Devil ever set on foot for the promotion of idolatry. The Heathens paid divine honours to their deceased kings, and the Christian world hath improved on the plan, by doing the same to their living ones. How impious is the title of sacred majesty applied to a worm, who in the midst of his splendor is crumbling into dust!

As the exalting one man so greatly above the rest cannot be justified on the equal rights of nature, so neither can it be defended on the authority of scripture; for the will of the Almighty, as declared by Gideon and the prophet Samuel, expressly disapproves of government by kings. All anti-monarchical parts of scripture have been very smoothly glossed over in monarchical governments, but they undoubtedly merit the attention of countries which have their governments yet to form. **RENDER UNTO CAESAR THE THINGS WHICH ARE CAESAR'S** is the scripture doctrine of courts, yet it is no support of monarchical government, for the Jews at that time were without a king, and in a state of vassalage to the Romans.

Now three thousand years passed away from the Mosaic account of the creation, till the Jews under a national delusion requested a king. Till then their form of government (except in extraordinary cases, where the Almighty interposed) was a kind of republic administered by a judge and the elders of the tribes. Kings they had none, and it was held sinful to acknowledge any being under that title but the Lord of Hosts. And when a man seriously reflects on the idolatrous homage which is paid to the persons of kings, he need not wonder that the Almighty, ever jealous of his honour, should disapprove of a form of government which so impiously invades the prerogative of heaven.

Monarchy is ranked in scripture as one of the sins of the Jews, for which a curse in reserve is denounced against them. The history of that transaction is worth attending to.

The children of Israel being oppressed by the Midianites, Gideon marched against them with a small army, and victory, through the divine interposition, decided in his favour. The Jews, elate with success, and attributing it to the generalship of Gideon, proposed making him a king, saying, RULE THOU OVER US, THOU AND THY SON AND THY SON'S SON. Here was temptation in its fullest extent; not a kingdom only, but an hereditary one, but Gideon in the piety of his soul replied, I WILL NOT RULE OVER YOU, NEITHER SHALL MY SON RULE OVER YOU THE LORD SHALL RULE OVER YOU. Words need not be more explicit; Gideon doth not decline the honour, but denieth their right to give it; neither doth he compliment them with invented declarations of his thanks, but in the positive style of a prophet charges them with disaffection to their proper Sovereign, the King of heaven.

About one hundred and thirty years after this, they fell again into the same error. The hankering which the Jews had for the idolatrous customs of the Heathens, is something exceedingly unaccountable; but so it was, that laying hold of the misconduct of Samuel's two sons, who were entrusted with some secular concerns, they came in an abrupt and clamorous manner to Samuel, saying, BEHOLD THOU ART OLD, AND THY SONS WALK NOT IN THY WAYS, NOW MAKE US A KING TO JUDGE US, LIKE ALL OTHER NATIONS. And here we cannot but observe that their motives were bad, viz. that they might be LIKE unto other nations, i.e. the Heathens, whereas their true glory laid in being as much UNLIKE them as possible. BUT THE THING DISPLEASED SAMUEL WHEN THEY SAID, GIVE US A KING TO JUDGE US; AND SAMUEL PRAYED UNTO THE LORD, AND THE LORD SAID UNTO SAMUEL, HEarken UNTO THE VOICE OF THE PEOPLE IN ALL THAT THEY SAY UNTO THEE, FOR THEY HAVE NOT REJECTED THEE, BUT THEY HAVE REJECTED ME, THAT I SHOULD NOT REIGN OVER THEM. ACCORDING TO ALL THE WORKS WHICH THEY HAVE SINCE THE DAY THAT I BROUGHT THEM UP OUT OF EGYPT, EVEN UNTO THIS DAY; WHEREWITH THEY HAVE FORSAKEN ME AND SERVED OTHER GODS; SO DO THEY ALSO UNTO THEE. NOW THEREFORE HEarken UNTO THEIR VOICE, HOWBEIT, PROTEST SOLEMNLY UNTO THEM AND SHEW THEM THE MANNER OF THE KING THAT SHALL REIGN OVER THEM, I.E. not of any particular king, but the general manner of the kings of the earth, whom Israel was so eagerly copying after. And notwithstanding the great distance of time and difference of manners, the character is still in fashion. AND SAMUEL TOLD ALL THE WORDS OF THE LORD UNTO THE PEOPLE, THAT ASKED OF HIM A KING. AND HE SAID, THIS SHALL BE THE MANNER OF THE KING THAT SHALL REIGN OVER YOU; HE WILL TAKE YOUR SONS AND APPOINT THEM FOR HIMSELF, FOR HIS CHARIOTS, AND TO BE HIS HORSEMAN, AND SOME SHALL RUN BEFORE HIS CHARIOTS (this description agrees with the present mode of impressing men) AND HE WILL APPOINT HIM CAPTAINS OVER THOUSANDS AND CAPTAINS OVER FIFTIES, AND WILL SET THEM TO EAR HIS GROUND AND REAP HIS HARVEST, AND TO MAKE HIS INSTRUMENTS OF WAR, AND INSTRUMENTS OF HIS CHARIOTS; AND

HE WILL TAKE YOUR DAUGHTERS TO BE CONFECTIONARIES, AND TO BE COOKS AND TO BE BAKERS (this describes the expense and luxury as well as the oppression of kings) AND HE WILL TAKE YOUR FIELDS AND YOUR OLIVE YARDS, EVEN THE BEST OF THEM, AND GIVE THEM TO HIS SERVANTS; AND HE WILL TAKE THE TENTH OF YOUR SEED, AND OF YOUR VINEYARDS, AND GIVE THEM TO HIS OFFICERS AND TO HIS SERVANTS (by which we see that bribery, corruption, and favouritism are the standing vices of kings) AND HE WILL TAKE THE TENTH OF YOUR MEN SERVANTS, AND YOUR MAID SERVANTS, AND YOUR GOODLIEST YOUNG MEN AND YOUR ASSES, AND PUT THEM TO HIS WORK; AND HE WILL TAKE THE TENTH OF YOUR SHEEP, AND YE SHALL BE HIS SERVANTS, AND YE SHALL CRY OUT IN THAT DAY BECAUSE OF YOUR KING WHICH YE SHALL HAVE CHOSEN, AND THE LORD WILL NOT HEAR YOU IN THAT DAY. This accounts for the continuation of monarchy; neither do the characters of the few good kings which have lived since, either sanctify the title, or blot out the sinfulness of the origin; the high encomium given of David takes no notice of him OFFICIALLY AS A KING, but only as a MAN after God's own heart. NEVERTHELESS THE PEOPLE REFUSED TO OBEY THE VOICE OF SAMUEL, AND THEY SAID, NAY, BUT WE WILL HAVE A KING OVER US, THAT WE MAY BE LIKE ALL THE NATIONS, AND THAT OUR KING MAY JUDGE US, AND GO OUT BEFORE US, AND FIGHT OUR BATTLES. Samuel continued to reason with them, but to no purpose; he set before them their ingratitude, but all would not avail; and seeing them fully bent on their folly, he cried out, I WILL CALL UNTO THE LORD, AND HE SHALL SEND THUNDER AND RAIN (which then was a punishment, being in the time of wheat harvest) THAT YE MAY PERCEIVE AND SEE THAT YOUR WICKEDNESS IS GREAT WHICH YE HAVE DONE IN THE SIGHT OF THE LORD, AND THE LORD SENT THUNDER AND RAIN THAT DAY, AND ALL THE PEOPLE GREATLY FEARED THE LORD AND SAMUEL. AND ALL THE PEOPLE SAID UNTO SAMUEL, PRAY FOR THY SERVANTS UNTO THE LORD THY GOD THAT WE DIE NOT, FOR WE HAVE ADDED UNTO OUR SINS THIS EVIL, TO ASK A KING. These portions of scripture are direct and positive. They admit of no equivocal construction. That the Almighty hath here entered his protest against monarchical government, is true, or the scripture is false. And a man hath good reason to believe that there is as much of kingcraft, as priestcraft, in withholding the scripture from the public in Popish countries. For monarchy in every instance is the Popery of government.

To the evil of monarchy we have added that of hereditary succession; and as the first is a degradation and lessening of ourselves, so the second, claimed as a matter of right, is an insult and an imposition on posterity. For all men being originally equals, no ONE by BIRTH could have a right to set up his own family in perpetual preference to all others for ever, and though himself might deserve SOME decent degree of honours of his contemporaries, yet his descendants might be far too unworthy to inherit them. One of the strongest NATURAL proofs of the folly of hereditary right in kings, is, that nature disapproves it, otherwise she would not so

frequently turn it into ridicule by giving mankind an ASS FOR A LION.

Secondly, as no man at first could possess any other public honours than were bestowed upon him, so the givers of those honours could have no power to give away the right of posterity. And though they might say, "We choose you for OUR head," they could not, without manifest injustice to their children, say, "that your children and your children's children shall reign over OURS for ever." Because such an unwise, unjust, unnatural compact might (perhaps) in the next succession put them under the government of a rogue or a fool. Most wise men, in their private sentiments, have ever treated hereditary right with contempt; yet it is one of those evils, which when once established is not easily removed; many submit from fear, others from superstition, and the more powerful part shares with the king the plunder of the rest.

This is supposing the present race of kings in the world to have had an honourable origin; whereas it is more than probable, that could we take off the dark covering of antiquities, and trace them to their first rise, that we should find the first of them nothing better than the principal ruffian of some restless gang, whose savage manners or preeminence in subtlety obtained the title of chief among plunderers; and who by increasing in power, and extending his depredations, overawed the quiet and defenseless to purchase their safety by frequent contributions. Yet his electors could have no idea of giving hereditary right to his descendants, because such a perpetual exclusion of themselves was incompatible with the free and unrestrained principles they professed to live by. Wherefore, hereditary succession in the early ages of monarchy could not take place as a matter of claim, but as something casual or complementary; but as few or no records were extant in those days, and traditional history stuffed with fables, it was very easy, after the lapse of a few generations, to trump up some superstitious tale, conveniently timed, Mahomet like, to cram hereditary right down the throats of the vulgar. Perhaps the disorders which threatened, or seemed to threaten, on the decease of a leader and the choice of a new one (for elections among ruffians could not be very orderly) induced many at first to favour hereditary pretensions; by which means it happened, as it hath happened since, that what at first was submitted to as a convenience, was afterwards claimed as a right.

England, since the conquest, hath known some few good monarchs, but groaned beneath a much larger number of bad ones; yet no man in his senses can say that their claim under William the Conqueror is a very honourable one. A French bastard landing with an armed banditti, and establishing himself king of England against the consent of the natives, is in plain terms a very paltry rascally original. It certainly hath no divinity in it. However, it is needless to spend much time in exposing the folly of hereditary right; if there are any so weak as to believe it, let them promiscuously worship the ass and lion, and welcome. I shall neither copy their humility, nor disturb their devotion.

Yet I should be glad to ask how they suppose kings came at first? The question admits but of

three answers, viz. either by lot, by election, or by usurpation. If the first king was taken by lot, it establishes a precedent for the next, which excludes hereditary succession. Saul was by lot, yet the succession was not hereditary, neither does it appear from that transaction there was any intention it ever should be. If the first king of any country was by election, that likewise establishes a precedent for the next; for to say, that the RIGHT of all future generations is taken away, by the act of the first electors, in their choice not only of a king, but of a family of kings for ever, hath no parallel in or out of scripture but the doctrine of original sin, which supposes the free will of all men lost in Adam; and from such comparison, and it will admit of no other, hereditary succession can derive no glory. For as in Adam all sinned, and as in the first electors all men obeyed; as in the one all mankind were subjected to Satan, and in the other to Sovereignty; as our innocence was lost in the first, and our authority in the last; and as both disable us from reassuming some former state and privilege, it unanswerably follows that original sin and hereditary succession are parallels. Dishonourable rank! Inglorious connection! Yet the most subtle sophist cannot produce a juster simile.

As to usurpation, no man will be so hardy as to defend it; and that William the Conqueror was an usurper is a fact not to be contradicted. The plain truth is, that the antiquity of English monarchy will not bear looking into.

But it is not so much the absurdity as the evil of hereditary succession which concerns mankind. Did it ensure a race of good and wise men it would have the seal of divine authority, but as it opens a door to the FOOLISH, the WICKED, and the IMPROPER, it hath in it the nature of oppression. Men who look upon themselves born to reign, and others to obey, soon grow insolent; selected from the rest of mankind their minds are early poisoned by importance; and the world they act in differs so materially from the world at large, that they have but little opportunity of knowing its true interests, and when they succeed to the government are frequently the most ignorant and unfit of any throughout the dominions.

Another evil which attends hereditary succession is, that the throne is subject to be possessed by a minor at any age; all which time the regency, acting under the cover of a king, have every opportunity and inducement to betray their trust. The same national misfortune happens, when a king, worn out with age and infirmity, enters the last stage of human weakness. In both these cases the public becomes a prey to every miscreant, who can tamper successfully with the follies either of age or infancy.

The most plausible plea, which hath ever been offered in favour of hereditary succession, is, that it preserves a nation from civil wars; and were this true, it would be weighty; whereas, it is the most barefaced falsity ever imposed upon mankind. The whole history of England disowns the fact. Thirty kings and two minors have reigned in that distracted kingdom since the conquest, in which time there have been (including the Revolution) no less than eight civil wars and nineteen

rebellions. Wherefore instead of making for peace, it makes against it, and destroys the very foundation it seems to stand on.

The contest for monarchy and succession, between the houses of York and Lancaster, laid England in a scene of blood for many years. Twelve pitched battles, besides skirmishes and sieges, were fought between Henry and Edward. Twice was Henry prisoner to Edward, who in his turn was prisoner to Henry. And so uncertain is the fate of war and the temper of a nation, when nothing but personal matters are the ground of a quarrel, that Henry was taken in triumph from a prison to a palace, and Edward obliged to fly from a palace to a foreign land; yet, as sudden transitions of temper are seldom lasting, Henry in his turn was driven from the throne, and Edward recalled to succeed him. The parliament always following the strongest side.

This contest began in the reign of Henry the Sixth, and was not entirely extinguished till Henry the Seventh, in whom the families were united. Including a period of 67 years, viz. from 1422 to 1489.

In short, monarchy and succession have laid (not this or that kingdom only) but the world in blood and ashes. 'Tis a form of government which the word of God bears testimony against, and blood will attend it.

If we inquire into the business of a king, we shall find that in some countries they have none; and after sauntering away their lives without pleasure to themselves or advantage to the nation, withdraw from the scene, and leave their successors to tread the same idle ground. In absolute monarchies the whole weight of business, civil and military, lies on the king; the children of Israel in their request for a king, urged this plea "that he may judge us, and go out before us and fight our battles." But in countries where he is neither a judge nor a general, as in England, a man would be puzzled to know what IS his business.

The nearer any government approaches to a republic the less business there is for a king. It is somewhat difficult to find a proper name for the government of England. Sir William Meredith calls it a republic; but in its present state it is unworthy of the name, because the corrupt influence of the crown, by having all the places in its disposal, hath so effectually swallowed up the power, and eaten out the virtue of the house of commons (the republican part in the constitution) that the government of England is nearly as monarchical as that of France or Spain. Men fall out with names without understanding them. For it is the republican and not the monarchical part of the constitution of England which Englishmen glory in, viz. the liberty of choosing an house of commons from out of their own body—and it is easy to see that when republican virtue fails, slavery ensues. Why is the constitution of England sickly, but because monarchy hath poisoned the republic, the crown hath engrossed the commons?

In England a king hath little more to do than to make war and give away places; which in plain terms, is to impoverish the nation and set it together by the ears. A pretty business indeed for a man to be allowed eight hundred thousand sterling a year for, and worshipped into the bargain! Of more worth is one honest man to society and in the sight of God, than all the crowned ruffians that ever lived.

THOUGHTS ON THE PRESENT STATE OF AMERICAN AFFAIRS

In the following pages I offer nothing more than simple facts, plain arguments, and common sense; and have no other Preliminaries to settle with the reader, than that he will divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for themselves; that he will put ON, or rather that he will not put OFF the true character of a man, and generously enlarge his views beyond the present day.

Volumes have been written on the subject of the struggle between England and America. Men of all ranks have embarked in the controversy, from different motives, and with various designs; but all have been ineffectual, and the period of debate is closed. Arms, as the last resource, decide this contest; the appeal was the choice of the king, and the continent hath accepted the challenge.

It hath been reported of the late Mr. Pelham (who tho' an able minister was not without his faults) that on his being attacked in the house of commons, on the score, that his measures were only of a temporary kind, replied "THEY WILL LAST MY TIME." Should a thought so fatal and unmanly possess the colonies in the present contest, the name of ancestors will be remembered by future generations with detestation.

The sun never shined on a cause of greater worth. 'Tis not the affair of a city, a county, a province, or a kingdom, but of a continent—of at least one eighth part of the habitable globe. 'Tis not the concern of a day, a year, or an age; posterity are virtually involved in the contest, and will be more or less affected, even to the end of time, by the proceedings now. Now is the seed-time of continental union, faith and honour. The least fracture now will be like a name engraved with the point of a pin on the tender rind of a young oak; the wound will enlarge with the tree, and posterity read it in full grown characters.

By referring the matter from argument to arms, a new aera for politics is struck; a new method of thinking hath arisen. All plans, proposals, &c. prior to the nineteenth of April, i. e. to the

commencement of hostilities, are like the almanacs of the last year; which, though proper then are superseded and useless now. Whatever was advanced by the advocates on either side of the question then, terminated in one and the same point. viz. a union with Great-Britain: the only difference between the parties was the method of effecting it; the one proposing force, the other friendship; but it hath so far happened that the first hath failed, and the second hath withdrawn her influence.

As much hath been said of the advantages of reconciliation which, like an agreeable dream, hath passed away and left us as we were, it is but right, that we should examine the contrary side of the argument, and inquire into some of the many material injuries which these colonies sustain, and always will sustain, by being connected with, and dependent on Great Britain: To examine that connection and dependence, on the principles of nature and common sense, to see what we have to trust to, if separated, and what we are to expect, if dependant.

I have heard it asserted by some, that as America hath flourished under her former connection with Great Britain that the same connection is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument. We may as well assert that because a child has thrived upon milk that it is never to have meat, or that the first twenty years of our lives is to become a precedent for the next twenty. But even this is admitting more than is true, for I answer roundly, that America would have flourished as much, and probably much more, had no European power had any thing to do with her. The commerce, by which she hath enriched herself, are the necessaries of life, and will always have a market while eating is the custom of Europe.

But she has protected us, say some. That she has engrossed us is true, and defended the continent at our expense as well as her own is admitted, and she would have defended Turkey from the same motive, viz. the sake of trade and dominion.

Alas, we have been long led away by ancient prejudices, and made large sacrifices to superstition. We have boasted the protection of Great Britain, without considering, that her motive was INTEREST not ATTACHMENT; that she did not protect us from OUR ENEMIES on OUR ACCOUNT, but from HER ENEMIES on HER OWN ACCOUNT, from those who had no quarrel with us on any OTHER ACCOUNT, and who will always be our enemies on the SAME ACCOUNT. Let Britain wave her pretensions to the continent, or the continent throw off the dependence, and we should be at peace with France and Spain were they at war with Britain. The miseries of Hanover last war ought to warn us against connections.

It has lately been asserted in parliament, that the colonies have no relation to each other but through the parent country, i. e. that Pennsylvania and the Jerseys, and so on for the rest, are sister colonies by the way of England; this is certainly a very round-about way of proving

relationship, but it is the nearest and only true way of proving enemyship, if I may so call it. France and Spain never were, nor perhaps ever will be our enemies as AMERICANS, but as our being the subjects of GREAT BRITAIN.

But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families; wherefore the assertion, if true, turns to her reproach; but it happens not to be true, or only partly so and the phrase PARENT or MOTHER COUNTRY hath been jesuitically adopted by the king and his parasites, with a low papistical design of gaining an unfair bias on the credulous weakness of our minds. Europe, and not England, is the parent country of America. This new world hath been the asylum for the persecuted lovers of civil and religious liberty from EVERY PART of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster; and it is so far true of England, that the same tyranny which drove the first emigrants from home, pursues their descendants still.

In this extensive quarter of the globe, we forget the narrow limits of three hundred and sixty miles (the extent of England) and carry our friendship on a larger scale; we claim brotherhood with every European Christian, and triumph in the generosity of the sentiment.

It is pleasant to observe by what regular gradations we surmount the force of local prejudice, as we enlarge our acquaintance with the world. A man born in any town in England divided into parishes, will naturally associate most with his fellow-parishioners (because their interests in many cases will be common) and distinguish him by the name of NEIGHBOUR; if he meet him but a few miles from home, he drops the narrow idea of a street, and salutes him by the name of TOWNSMAN; if he travel out of the county, and meet him in any other, he forgets the minor divisions of street and town, and calls him COUNTRYMAN, i. e. COUNTRYMAN; but if in their foreign excursions they should associate in France or any other part of EUROPE, their local remembrance would be enlarged into that of ENGLISHMEN. And by a just parity of reasoning, all Europeans meeting in America, or any other quarter of the globe, are COUNTRYMEN; for England, Holland, Germany, or Sweden, when compared with the whole, stand in the same places on the larger scale, which the divisions of street, town, and county do on the smaller ones; distinctions too limited for continental minds. Not one third of the inhabitants, even of this province, are of English descent. Wherefore I reprobate the phrase of parent or mother country applied to England only, as being false, selfish, narrow and ungenerous.

But admitting, that we were all of English descent, what does it amount to? Nothing. Britain, being now an open enemy, extinguishes every other name and title: And to say that reconciliation is our duty, is truly farcical. The first king of England, of the present line (William the Conqueror) was a Frenchman, and half the Peers of England are descendants from the same country; therefore, by the same method of reasoning, England ought to be governed by France.

Much hath been said of the united strength of Britain and the colonies, that in conjunction they might bid defiance to the world. But this is mere presumption; the fate of war is uncertain, neither do the expressions mean any thing; for this continent would never suffer itself to be drained of inhabitants, to support the British arms in either Asia, Africa, or Europe.

Besides what have we to do with setting the world at defiance? Our plan is commerce, and that, well attended to, will secure us the peace and friendship of all Europe; because, it is the interest of all Europe to have America a FREE PORT. Her trade will always be a protection, and her barrenness of gold and silver secure her from invaders.

I challenge the warmest advocate for reconciliation, to shew, a single advantage that this continent can reap, by being connected with Great Britain. I repeat the challenge, not a single advantage is derived. Our corn will fetch its price in any market in Europe, and our imported goods must be paid for, buy them where we will.

But the injuries and disadvantages we sustain by that connection, are without number; and our duty to mankind at large, as well as to ourselves, instruct us to renounce the alliance: Because, any submission to, or dependence on Great Britain, tends directly to involve this continent in European wars and quarrels; and sets us at variance with nations, who would otherwise seek our friendship, and against whom, we have neither anger nor complaint. As Europe is our market for trade, we ought to form no partial connection with any part of it. It is the true interest of America to steer clear of European contentions, which she never can do, while by her dependence on Britain, she is made the make-weight in the scale of British politics.

Europe is too thickly planted with kingdoms to be long at peace, and whenever a war breaks out between England and any foreign power, the trade of America goes to ruin, BECAUSE OF HER CONNECTION WITH ENGLAND. The next war may not turn out like the last, and should it not, the advocates for reconciliation now, will be wishing for separation then, because, neutrality in that case, would be a safer convoy than a man of war. Every thing that is right or natural pleads for separation. The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART. Even the distance at which the Almighty hath placed England and America, is a strong and natural proof, that the authority of the one, over the other, was never the design of Heaven. The time likewise at which the continent was discovered, adds weight to the argument, and the manner in which it was peopled increases the force of it. The reformation was preceded by the discovery of America, as if the Almighty graciously meant to open a sanctuary to the Persecuted in future years, when home should afford neither friendship nor safety.

The authority of Great Britain over this continent, is a form of government, which sooner or later must have an end: And a serious mind can draw no true pleasure by looking forward under the

painful and positive conviction, that what he calls “the present constitution” is merely temporary. As parents, we can have no joy, knowing that THIS GOVERNMENT is not sufficiently lasting to ensure any thing which we may bequeath to posterity: And by a plain method of argument, as we are running the next generation into debt, we ought to do the work of it, otherwise we use them meanly and pitifully. In order to discover the line of our duty rightly, we should take our children in our hand, and fix our station a few years farther into life; that eminence will present a prospect, which a few present fears and prejudices conceal from our sight.

Though I would carefully avoid giving unnecessary offense, yet I am inclined to believe, that all those who espouse the doctrine of reconciliation, may be included within the following descriptions. Interested men, who are not to be trusted; weak men, who CANNOT see; prejudiced men, who WILL NOT see; and a certain set of moderate men, who think better of the European world than it deserves; and this last class, by an ill-judged deliberation, will be the cause of more calamities to this continent, than all the other three.

It is the good fortune of many to live distant from the scene of sorrow; the evil is not sufficient brought to their doors to make THEM feel the precariousness with which all American property is possessed. But let our imaginations transport us for a few moments to Boston, that seat of wretchedness will teach us wisdom, and instruct us for ever to renounce a power in whom we can have no trust. The inhabitants of that unfortunate city, who but a few months ago were in ease and affluence, have now, no other alternative than to stay and starve, or turn and beg. Endangered by the fire of their friends if they continue within the city, and plundered by the soldiery if they leave it. In their present condition they are prisoners without the hope of redemption, and in a general attack for their relief, they would be exposed to the fury of both armies.

Men of passive tempers look somewhat lightly over the offenses of Britain, and, still hoping for the best, are apt to call out, “COME, COME, WE SHALL BE FRIENDS AGAIN, FOR ALL THIS.” But examine the passions and feelings of mankind, Bring the doctrine of reconciliation to the touchstone of nature, and then tell me, whether you can hereafter love, honor, and faithfully serve the power that hath carried fire and sword into your land? If you cannot do all these, then are you only deceiving yourselves, and by your delay bringing ruin upon posterity. Your future connection with Britain, whom you can neither love nor honor will be forced and unnatural, and being formed only on the plan of present convenience, will in a little time fall into a relapse more wretched than the first. But if you say, you can still pass the violations over, then I ask, Hath your house been burnt? Hath your property been destroyed before your face! Are your wife and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor! If you have not, then are you not a judge of those who have. But if you have, and still can shake hands with the murderers, then are you unworthy of the name of husband, father, friend, or lover, and whatever may be your rank or title in life, you have the heart of a coward, and the spirit of a sycophant.

This is not inflaming or exaggerating matters, but trying them by those feelings and affections which nature justifies, and without which, we should be incapable of discharging the social duties of life, or enjoying the felicities of it. I mean not to exhibit horror for the purpose of provoking revenge, but to awaken us from fatal and unmanly slumbers, that we may pursue determinately some fixed object. It is not in the power of Britain or of Europe to conquer America, if she do not conquer herself by DELAY and TIMIDITY. The present winter is worth an age if rightly employed, but if lost or neglected, the whole continent will partake of the misfortune; and there is no punishment which that man will not deserve, be he who, or what, or where he will, that may be the means of sacrificing a season so precious and useful.

It is repugnant to reason, to the universal order of things, to all examples from former ages, to suppose, that this continent can longer remain subject to any external power. The most sanguine in Britain does not think so. The utmost stretch of human wisdom cannot, at this time, compass a plan short of separation, which can promise the continent even a year's security. Reconciliation is NOW a fallacious dream. Nature hath deserted the connection, and Art cannot supply her place. For, as Milton wisely expresses, "never can true reconcilment grow, where wounds of deadly hate have pierced so deep."

Every quiet method for peace hath been ineffectual. Our prayers have been rejected with disdain; and only tended to convince us, that nothing flatters vanity, or confirms obstinacy in Kings more than repeated petitioning—and nothing hath contributed more than that very measure to make the Kings of Europe absolute: Witness Denmark and Sweden. Wherefore, since nothing but blows will do, for God's sake, let us come to a final separation, and not leave the next generation to be cutting throats, under the violated unmeaning names of parent and child.

To say, they will never attempt it again is idle and visionary, we thought so at the repeal of the stamp-act, yet a year or two undeceived us; as well may we suppose that nations, which have been once defeated, will never renew the quarrel.

As to government matters, it is not in the power of Britain to do this continent justice: The business of it will soon be too weighty, and intricate, to be managed with any tolerable degree of convenience, by a power so distant from us, and so very ignorant of us; for if they cannot conquer us, they cannot govern us. To be always running three or four thousand miles with a tale or a petition, waiting four or five months for an answer, which when obtained requires five or six more to explain it in, will in a few years be looked upon as folly and childishness—There was a time when it was proper, and there is a proper time for it to cease.

Small islands not capable of protecting themselves, are the proper objects for kingdoms to take under their care; but there is something very absurd, in supposing a continent to be perpetually

governed by an island. In no instance hath nature made the satellite larger than its primary planet, and as England and America, with respect to each other, reverses the common order of nature, it is evident they belong to different systems; England to Europe, America to itself.

I am not induced by motives of pride, party, or resentment to espouse the doctrine of separation and independance; I am clearly, positively, and conscientiously persuaded that it is the true interest of this continent to be so; that every thing short of THAT is mere patchwork, that it can afford no lasting felicity, —that it is leaving the sword to our children, and shrinking back at a time, when, a little more, a little farther, would have rendered this continent the glory of the earth.

As Britain hath not manifested the least inclination towards a compromise, we may be assured that no terms can be obtained worthy the acceptance of the continent, or any ways equal to the expense of blood and treasure we have been already put to.

The object, contended for, ought always to bear some just proportion to the expense. The removal of North, or the whole detestable junto, is a matter unworthy the millions we have expended. A temporary stoppage of trade, was an inconvenience, which would have sufficiently balanced the repeal of all the acts complained of, had such repeals been obtained; but if the whole continent must take up arms, if every man must be a soldier, it is scarcely worth our while to fight against a contemptible ministry only. Dearly, dearly, do we pay for the repeal of the acts, if that is all we fight for; for in a just estimation, it is as great a folly to pay a Bunker-hill price for law, as for land. As I have always considered the independancy of this continent, as an event, which sooner or later must arrive, so from the late rapid progress of the continent to maturity, the event could not be far off. Wherefore, on the breaking out of hostilities, it was not worth while to have disputed a matter, which time would have finally redressed, unless we meant to be in earnest; otherwise, it is like wasting an estate on a suit at law, to regulate the trespasses of a tenant, whose lease is just expiring. No man was a warmer wisher for reconciliation than myself, before the fatal nineteenth of April 1775, but the moment the event of that day was made known, I rejected the hardened, sullen tempered Pharaoh of England for ever; and disdain the wretch, that with the pretended title of FATHER OF HIS PEOPLE can unfeelingly hear of their slaughter, and composedly sleep with their blood upon his soul.

But admitting that matters were now made up, what would be the event? I answer, the ruin of the continent. And that for several reasons.

FIRST. The powers of governing still remaining in the hands of the king, he will have a negative over the whole legislation of this continent. And as he hath shewn himself such an inveterate enemy to liberty, and discovered such a thirst for arbitrary power; is he, or is he not, a proper man to say to these colonies, “YOU SHALL MAKE NO LAWS BUT WHAT I PLEASE.” And

is there any inhabitant in America so ignorant as not to know, that according to what is called the PRESENT CONSTITUTION, that this continent can make no laws but what the king gives leave to; and is there any man so unwise, as not to see, that (considering what has happened) he will suffer no law to be made here, but such as suit HIS purpose. We may be as effectually enslaved by the want of laws in America, as by submitting to laws made for us in England. After matters are made up (as it is called) can there be any doubt, but the whole power of the crown will be exerted, to keep this continent as low and humble as possible? Instead of going forward we shall go backward, or be perpetually quarrelling or ridiculously petitioning. —WE are already greater than the king wishes us to be, and will he not hereafter endeavour to make us less? To bring the matter to one point. Is the power who is jealous of our prosperity, a proper power to govern us? Whoever says No to this question, is an INDEPENDANT, for independancy means no more, than, whether we shall make our own laws, or whether the king, the greatest enemy this continent hath, or can have, shall tell us “THERE SHALL BE NO LAWS BUT SUCH AS I LIKE.”

But the king you will say has a negative in England; the people there can make no laws without his consent. In point of right and good order, there is something very ridiculous, that a youth of twenty-one (which hath often happened) shall say to several millions of people, older and wiser than himself, I forbid this or that act of yours to be law. But in this place I decline this sort of reply, though I will never cease to expose the absurdity of it, and only answer, that England being the King’s residence, and America not so, makes quite another case. The king’s negative HERE is ten times more dangerous and fatal than it can be in England, for THERE he will scarcely refuse his consent to a bill for putting England into as strong a state of defense as possible, and in America he would never suffer such a bill to be passed.

America is only a secondary object in the system of British politics, England consults the good of THIS country, no farther than it answers her OWN purpose. Wherefore, her own interest leads her to suppress the growth of OURS in every case which doth not promote her advantage, or in the least interferes with it. A pretty state we should soon be in under such a secondhand government, considering what has happened! Men do not change from enemies to friends by the alteration of a name: And in order to shew that reconciliation now is a dangerous doctrine, I affirm, THAT IT WOULD BE POLICY IN THE KING AT THIS TIME, TO REPEAL THE ACTS FOR THE SAKE OF REINSTATING HIMSELF IN THE GOVERNMENT OF THE PROVINCES; in order, that HE MAY ACCOMPLISH BY CRAFT AND SUBTLETY, IN THE LONG RUN, WHAT HE CANNOT DO BY FORCE AND VIOLENCE IN THE SHORT ONE. Reconciliation and ruin are nearly related.

SECONDLY. That as even the best terms, which we can expect to obtain, can amount to no more than a temporary expedient, or a kind of government by guardianship, which can last no longer than till the colonies come of age, so the general face and state of things, in the interim, will be unsettled and unpromising. Emigrants of property will not choose to come to a country

whose form of government hangs but by a thread, and who is every day tottering on the brink of commotion and disturbance; and numbers of the present inhabitants would lay hold of the interval, to dispense of their effects, and quit the continent.

But the most powerful of all arguments, is, that nothing but independence, i.e. a continental form of government, can keep the peace of the continent and preserve it inviolate from civil wars. I dread the event of a reconciliation with Britain now, as it is more than probable, that it will be followed by a revolt somewhere or other, the consequences of which may be far more fatal than all the malice of Britain.

Thousands are already ruined by British barbarity; (thousands more will probably suffer the same fate.) Those men have other feelings than us who have nothing suffered. All they NOW possess is liberty, what they before enjoyed is sacrificed to its service, and having nothing more to lose, they disdain submission. Besides, the general temper of the colonies, towards a British government, will be like that of a youth, who is nearly out of his time; they will care very little about her. And a government which cannot preserve the peace, is no government at all, and in that case we pay our money for nothing; and pray what is it that Britain can do, whose power will be wholly on paper, should a civil tumult break out the very day after reconciliation! I have heard some men say, many of whom I believe spoke without thinking, that they dreaded an independence, fearing that it would produce civil wars. It is but seldom that our first thoughts are truly correct, and that is the case here; for there are ten times more to dread from a patched up connection than from independence. I make the sufferers case my own, and I protest, that were I driven from house and home, my property destroyed, and my circumstances ruined, that as man, sensible of injuries, I could never relish the doctrine of reconciliation, or consider myself bound thereby.

The colonies have manifested such a spirit of good order and obedience to continental government, as is sufficient to make every reasonable person easy and happy on that head. No man can assign the least pretence for his fears, on any other grounds, than such as are truly childish and ridiculous, viz. that one colony will be striving for superiority over another.

Where there are no distinctions there can be no superiority, perfect equality affords no temptation. The republics of Europe are all (and we may say always) in peace. Holland and Switzerland are without wars, foreign or domestic: Monarchical governments, it is true, are never long at rest; the crown itself is a temptation to enterprising ruffians at HOME; and that degree of pride and insolence ever attendant on regal authority, swells into a rupture with foreign powers, in instances, where a republican government, by being formed on more natural principles, would negotiate the mistake.

If there is any true cause of fear respecting independence, it is because no plan is yet laid down.

Men do not see their way out— Wherefore, as an opening into that business, I offer the following hints; at the same time modestly affirming, that I have no other opinion of them myself, than that they may be the means of giving rise to something better. Could the straggling thoughts of individuals be collected, they would frequently form materials for wise and able men to improve into useful matter.

LET the assemblies be annual, with a President only. The representation more equal. Their business wholly domestic, and subject to the authority of a Continental Congress.

Let each colony be divided into six, eight, or ten, convenient districts, each district to send a proper number of delegates to Congress, so that each colony send at least thirty. The whole number in Congress will be at least 390. Each Congress to sit and to choose a president by the following method. When the delegates are met, let a colony be taken from the whole thirteen colonies by lot, after which, let the whole Congress choose (by ballot) a president from out of the delegates of that province. In the next Congress, let a colony be taken by lot from twelve only, omitting that colony from which the president was taken in the former Congress, and so proceeding on till the whole thirteen shall have had their proper rotation. And in order that nothing may pass into a law but what is satisfactorily just not less than three fifths of the Congress to be called a majority— He that will promote discord, under a government so equally formed as this, would have joined Lucifer in his revolt.

But as there is a peculiar delicacy, from whom, or in what manner, this business must first arise, and as it seems most agreeable and consistent, that it should come from some intermediate body between the governed and the governors, that is, between the Congress and the people. Let a CONTINENTAL CONFERENCE be held, in the following manner, and for the following purpose.

A committee of twenty-six members of Congress, viz. two for each colony. Two Members from each House of Assembly, or Provincial Convention; and five representatives of the people at large, to be chosen in the capital city or town of each province, for and in behalf of the whole province, by as many qualified voters as shall think proper to attend from all parts of the province for that purpose; or, if more convenient, the representatives may be chosen in two or three of the most populous parts thereof. In this conference, thus assembled, will be united, the two grand principles of business KNOWLEDGE and POWER. The members of Congress, Assemblies, or Conventions, by having had experience in national concerns, will be able and useful counsellors, and the whole, being empowered by the people, will have a truly legal authority.

The conferring members being met, let their business be to frame a CONTINENTAL CHARTER, or Charter of the United Colonies; (answering to what is called the Magna Carta of England) fixing the number and manner of choosing members of Congress, members of

Assembly, with their date of sitting, and drawing the line of business and jurisdiction between them: (Always remembering, that our strength is continental, not provincial:) Securing freedom and property to all men, and above all things, the free exercise of religion, according to the dictates of conscience; with such other matter as is necessary for a charter to contain. Immediately after which, the said Conference to dissolve, and the bodies which shall be chosen conformable to the said charter, to be the legislators and governors of this continent for the time being: Whose peace and happiness may God preserve, Amen.

Should any body of men be hereafter delegated for this or some similar purpose, I offer them the following extracts from that wise observer on governments DRAGONETTI. "The science" says he "of the politician consists in fixing the true point of happiness and freedom. Those men would deserve the gratitude of ages, who should discover a mode of government that contained the greatest sum of individual happiness, with the least national expense."[]

But where, says some, is the King of America? I'll tell you. Friend, he reigns above, and doth not make havoc of mankind like the Royal Brute of Britain. Yet that we may not appear to be defective even in earthly honors, let a day be solemnly set apart for proclaiming the charter; let it be brought forth placed on the divine law, the word of God; let a crown be placed thereon, by which the world may know, that so far as we approve of monarchy, that in America THE LAW IS KING. For as in absolute governments the King is law, so in free countries the law OUGHT to be King; and there ought to be no other. But lest any ill use should afterwards arise, let the crown at the conclusion of the ceremony, be demolished, and scattered among the people whose right it is.

A government of our own is our natural right: And when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance. If we omit it now, some[2] Massanello may hereafter arise, who laying hold of popular disquietudes, may collect together the desperate and the discontented, and by assuming to themselves the powers of government, may sweep away the liberties of the continent like a deluge. Should the government of America return again into the hands of Britain, the tottering situation of things will be a temptation for some desperate adventurer to try his fortune; and in such a case, that relief can Britain give? Ere she could hear the news, the fatal business might be done; and ourselves suffering like the wretched Britons under the oppression of the Conqueror. Ye that oppose independence now, ye know not what ye do; ye are opening a door to eternal tyranny, by keeping vacant the seat of government. There are thousands, and tens of thousands, who would think it glorious to expel from the continent that barbarous and hellish power, which hath stirred up the Indians and Negroes to destroy us; the cruelty hath a double guilt, it is dealing brutally by us, and treacherously by them.

To talk of friendship with those in whom our reason forbids us to have faith, and our affections wounded through a thousand pores instruct us to detest, is madness and folly. Every day wears out the little remains of kindred between us and them, and can there be any reason to hope, that as the relationship expires, the affection will increase, or that we shall agree better, when we have ten times more and greater concerns to quarrel over than ever?

Ye that tell us of harmony and reconciliation, can ye restore to us the time that is past? Can ye give to prostitution its former innocence? Neither can ye reconcile Britain and America. The last cord now is broken, the people of England are presenting addresses against us. There are injuries which nature cannot forgive; she would cease to be nature if she did. As well can the lover forgive the ravisher of his mistress, as the continent forgive the murders of Britain. The Almighty hath implanted in us these unextinguishable feelings for good and wise purposes. They are the guardians of his image in our hearts. They distinguish us from the herd of common animals. The social compact would dissolve, and justice be extirpated the earth, or have only a casual existence were we callous to the touches of affection. The robber, and the murderer, would often escape unpunished, did not the injuries which our tempers sustain, provoke us into justice.

O ye that love mankind! Ye that dare oppose, not only the tyranny, but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the globe. Asia, and Africa, have long expelled her—Europe regards her like a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.

APPENDIX

Since the publication of the first edition of this pamphlet, or rather, on the same day on which it came out, the King's Speech made its appearance in this city. Had the spirit of prophecy directed the birth of this production, it could not have brought it forth, at a more seasonable juncture, or a more necessary time. The bloody mindedness of the one, shew the necessity of pursuing the doctrine of the other. Men read by way of revenge. And the Speech, instead of terrifying, prepared a way for the manly principles of Independance.

Ceremony, and even, silence, from whatever motive they may arise, have a hurtful tendency, when they give the least degree of countenance to base and wicked performances; wherefore, if this maxim be admitted, it naturally follows, that the King's Speech, as being a piece of finished villany, deserved, and still deserves, a general execration both by the Congress and the people. Yet, as the domestic tranquillity of a nation, depends greatly, on the CHASTITY of what may properly be called NATIONAL MANNERS, it is often better, to pass some things over in silent disdain, than to make use of such new methods of dislike, as might introduce the

least innovation, on that guardian of our peace and safety. And, perhaps, it is chiefly owing to this prudent delicacy, that the King's Speech, hath not, before now, suffered a public execution. The Speech if it may be called one, is nothing better than a wilful audacious libel against the truth, the common good, and the existence of mankind; and is a formal and pompous method of offering up human sacrifices to the pride of tyrants. But this general massacre of mankind is one of the privileges, and the certain consequence of Kings; for as nature knows them NOT, they know NOT HER, and although they are beings of our OWN creating, they know not US, and are become the gods of their creators. The Speech hath one good quality, which is, that it is not calculated to deceive, neither can we, even if we would, be deceived by it. Brutality and tyranny appear on the face of it. It leaves us at no loss: And every line convinces, even in the moment of reading, that He, who hunts the woods for prey, the naked and untutored Indian, is less a Savage than the King of Britain.

Sir John Dalrymple, the putative father of a whining jesuitical piece, fallaciously called, "THE ADDRESS OF THE PEOPLE OF ENGLAND TO THE INHABITANTS OF AMERICA," hath, perhaps, from a vain supposition, that the people here were to be frightened at the pomp and description of a king, given, (though very unwisely on his part) the real character of the present one: "But" says this writer, "if you are inclined to pay compliments to an administration, which we do not complain of," (meaning the Marquis of Rockingham's at the repeal of the Stamp Act) "it is very unfair in you to withhold them from that prince by WHOSE NOD ALONE THEY WERE PERMITTED TO DO ANY THING." This is toryism with a witness! Here is idolatry even without a mask: And he who can calmly hear, and digest such doctrine, hath forfeited his claim to rationality an apostate from the order of manhood; and ought to be considered as one, who hath not only given up the proper dignity of man, but sunk himself beneath the rank of animals, and contemptibly crawl through the world like a worm.

However, it matters very little now, what the king of England either says or does; he hath wickedly broken through every moral and human obligation, trampled nature and conscience beneath his feet; and by a steady and constitutional spirit of insolence and cruelty, procured for himself an universal hatred. It is NOW the interest of America to provide for herself. She hath already a large and young family, whom it is more her duty to take care of, than to be granting away her property, to support a power who is become a reproach to the names of men and christians—YE, whose office it is to watch over the morals of a nation, of whatsoever sect or denomination ye are of, as well as ye, who, are more immediately the guardians of the public liberty, if ye wish to preserve your native country uncontaminated by European corruption, ye must in secret wish a separation—But leaving the moral part to private reflection, I shall chiefly confine my farther remarks to the following heads.

First. That it is the interest of America to be separated from Britain.

Secondly. Which is the easiest and most practicable plan, RECONCILIATION OR INDEPENDANCE? With some occasional remarks.

In support of the first, I could, if I judged it proper, produce the opinion of some of the ablest and most experienced men on this continent; and whose sentiments, on that head, are not yet publicly known. It is in reality a self-evident position: For no nation in a state of foreign dependance, limited in its commerce, and cramped and fettered in its legislative powers, can ever arrive at any material eminence. America doth not yet know what opulence is; and although the progress which she hath made stands unparalleled in the history of other nations, it is but childhood, compared with what she would be capable of arriving at, had she, as she ought to have, the legislative powers in her own hands. England is, at this time, proudly coveting what would do her no good, were she to accomplish it; and the Continent hesitating on a matter, which will be her final ruin if neglected. It is the commerce and not the conquest of America, by which England is to be benefited, and that would in a great measure continue, were the countries as independant of each other as France and Spain; because in many articles, neither can go to a better market. But it is the independance of this country of Britain or any other, which is now the main and only object worthy of contention, and which, like all other truths discovered by necessity, will appear clearer and stronger every day.

First. Because it will come to that one time or other.

Secondly. Because, the longer it is delayed the harder it will be to accomplish.

I have frequently amused myself both in public and private companies, with silently remarking, the specious errors of those who speak without reflecting. And among the many which I have heard, the following seems the most general, viz. that had this rupture happened forty or fifty years hence, instead of NOW, the Continent would have been more able to have shaken off the dependance. To which I reply, that our military ability, AT THIS TIME, arises from the experience gained in the last war, and which in forty or fifty years time, would have been totally extinct. The Continent, would not, by that time, have had a General, or even a military officer left; and we, or those who may succeed us, would have been as ignorant of martial matters as the ancient Indians: And this single position, closely attended to, will unanswerably prove, that the present time is preferable to all others. The argument turns thus—at the conclusion of the last war, we had experience, but wanted numbers; and forty or fifty years hence, we should have numbers, without experience; wherefore, the proper point of time, must be some particular point between the two extremes, in which a sufficiency of the former remains, and a proper increase of the latter is obtained: And that point of time is the present time.

The reader will pardon this digression, as it does not properly come under the head I first set out with, and to which I again return by the following position, viz.

Should affairs be patched up with Britain, and she to remain the governing and sovereign power of America, (which, as matters are now circumstanced, is giving up the point entirely) we shall deprive ourselves of the very means of sinking the debt we have, or may contract. The value of the back lands which some of the provinces are clandestinely deprived of, by the unjust extension of the limits of Canada, valued only at five pounds sterling per hundred acres, amount to upwards of twenty-five millions, Pennsylvania currency; and the quit-rents at one penny sterling per acre, to two millions yearly.

It is by the sale of those lands that the debt may be sunk, without burthen to any, and the quit-rent reserved thereon, will always lessen, and in time, will wholly support the yearly expence of government. It matters not how long the debt is in paying, so that the lands when sold be applied to the discharge of it, and for the execution of which, the Congress for the time being, will be the continental trustees.

I proceed now to the second head, viz. Which is the easiest and most practicable plan, RECONCILIATION or INDEPENDANCE; With some occasional remarks.

He who takes nature for his guide is not easily beaten out of his argument, and on that ground, I answer GENERALLY—THAT INDEPENDANCE BEING A SINGLE SIMPLE LINE, CONTAINED WITHIN OURSELVES; AND RECONCILIATION, A MATTER EXCEEDINGLY PERPLEXED AND COMPLICATED, AND IN WHICH, A TREACHEROUS CAPRICIOUS COURT IS TO INTERFERE, GIVES THE ANSWER WITHOUT A DOUBT.

The present state of America is truly alarming to every man who is capable of reflexion. Without law, without government, without any other mode of power than what is founded on, and granted by courtesy. Held together by an unexampled concurrence of sentiment, which, is nevertheless subject to change, and which, every secret enemy is endeavouring to dissolve. Our present condition, is, Legislation without law; wisdom without a plan; a constitution without a name; and, what is strangely astonishing, perfect Independance contending for dependance. The instance is without a precedent; the case never existed before; and who can tell what may be the event? The property of no man is secure in the present unbraced system of things. The mind of the multitude is left at random, and seeing no fixed object before them, they pursue such as fancy or opinion starts. Nothing is criminal; there is no such thing as treason; wherefore, every one thinks himself at liberty to act as he pleases. The Tories dared not have assembled offensively, had they known that their lives, by that act, were forfeited to the laws of the state. A line of distinction should be drawn, between, English soldiers taken in battle, and inhabitants of America taken in arms. The first are prisoners, but the latter traitors. The one forfeits his liberty, the other his head.

Notwithstanding our wisdom, there is a visible feebleness in some of our proceedings which gives encouragement to dissensions. The Continental Belt is too loosely buckled. And if something is not done in time, it will be too late to do any thing, and we shall fall into a state, in which, neither RECONCILIATION nor INDEPENDANCE will be practicable. The king and his worthless adherents are got at their old game of dividing the Continent, and there are not wanting among us, Printers, who will be busy in spreading specious falsehoods. The artful and hypocritical letter which appeared a few months ago in two of the New York papers, and likewise in two others, is an evidence that there are men who want either judgment or honesty.

It is easy getting into holes and corners and talking of reconciliation: But do such men seriously consider, how difficult the task is, and how dangerous it may prove, should the Continent divide thereon. Do they take within their view, all the various orders of men whose situation and circumstances, as well as their own, are to be considered therein. Do they put themselves in the place of the sufferer whose ALL is ALREADY gone, and of the soldier, who hath quitted ALL for the defence of his country. If their ill judged moderation be suited to their own private situations only, regardless of others, the event will convince them, that “they are reckoning without their Host.”

Put us, says some, on the footing we were on in sixty-three: To which I answer, the request is not now in the power of Britain to comply with, neither will she propose it; but if it were, and even should be granted, I ask, as a reasonable question, By what means is such a corrupt and faithless court to be kept to its engagements? Another parliament, nay, even the present, may hereafter repeal the obligation, on the pretense, of its being violently obtained, or unwisely granted; and in that case, Where is our redress?—No going to law with nations; cannon are the barristers of Crowns; and the sword, not of justice, but of war, decides the suit. To be on the footing of sixty-three, it is not sufficient, that the laws only be put on the same state, but, that our circumstances, likewise, be put on the same state; Our burnt and destroyed towns repaired or built up, our private losses made good, our public debts (contracted for defence) discharged; otherwise, we shall be millions worse than we were at that enviable period. Such a request, had it been complied with a year ago, would have won the heart and soul of the Continent—but now it is too late, “The Rubicon is passed.”

Besides, the taking up arms, merely to enforce the repeal of a pecuniary law, seems as unwarrantable by the divine law, and as repugnant to human feelings, as the taking up arms to enforce obedience thereto. The object, on either side, doth not justify the means; for the lives of men are too valuable to be cast away on such trifles. It is the violence which is done and threatened to our persons; the destruction of our property by an armed force; the invasion of our country by fire and sword, which conscientiously qualifies the use of arms: And the instant, in which such a mode of defence became necessary, all subjection to Britain ought to have ceased; and the independancy of America, should have been considered, as dating its aera from, and

published by, THE FIRST MUSKET THAT WAS FIRED AGAINST HER. This line is a line of consistency; neither drawn by caprice, nor extended by ambition; but produced by a chain of events, of which the colonies were not the authors.

I shall conclude these remarks with the following timely and well intended hints. We ought to reflect, that there are three different ways by which an independancy may hereafter be effected; and that ONE of those THREE, will one day or other, be the fate of America, viz. By the legal voice of the people in Congress; by a military power; or by a mob—It may not always happen that OUR soldiers are citizens, and the multitude a body of reasonable men; virtue, as I have already remarked, is not hereditary, neither is it perpetual. Should an independancy be brought about by the first of those means, we have every opportunity and every encouragement before us, to form the noblest purest constitution on the face of the earth. We have it in our power to begin the world over again. A situation, similar to the present, hath not happened since the days of Noah until now. The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom from the event of a few months. The Reflexion is awful—and in this point of view, How trifling, how ridiculous, do the little, paltry cavillings, of a few weak or interested men appear, when weighed against the business of a world.

Should we neglect the present favourable and inviting period, and an Independance be hereafter effected by any other means, we must charge the consequence to ourselves, or to those rather, whose narrow and prejudiced souls, are habitually opposing the measure, without either inquiring or reflecting. There are reasons to be given in support of Independance, which men should rather privately think of, than be publicly told of. We ought not now to be debating whether we shall be independant or not, but, anxious to accomplish it on a firm, secure, and honorable basis, and uneasy rather that it is not yet began upon. Every day convinces us of its necessity. Even the Tories (if such beings yet remain among us) should, of all men, be the most solicitous to promote it; for, as the appointment of committees at first, protected them from popular rage, so, a wise and well established form of government, will be the only certain means of continuing it securely to them. WHEREFORE, if they have not virtue enough to be WHIGS, they ought to have prudence enough to wish for Independance.

In short, Independance is the only BOND that can tye and keep us together. We shall then see our object, and our ears will be legally shut against the schemes of an intriguing, as well, as a cruel enemy. We shall then too, be on a proper footing, to treat with Britain; for there is reason to conclude, that the pride of that court, will be less hurt by treating with the American states for terms of peace, than with those, whom she denominates, “rebellious subjects,” for terms of accommodation. It is our delaying it that encourages her to hope for conquest, and our backwardness tends only to prolong the war. As we have, without any good effect therefrom, withheld our trade to obtain a redress of our grievances, let us now try the alternative, by

independantly redressing them ourselves, and then offering to open the trade. The mercantile and reasonable part in England, will be still with us; because, peace with trade, is preferable to war without it. And if this offer be not accepted, other courts may be applied to.

On these grounds I rest the matter. And as no offer hath yet been made to refute the doctrine contained in the former editions of this pamphlet, it is a negative proof, that either the doctrine cannot be refuted, or, that the party in favour of it are too numerous to be opposed. WHEREFORE, instead of gazing at each other with suspicious or doubtful curiosity; let each of us, hold out to his neighbour the hearty hand of friendship, and unite in drawing a line, which, like an act of oblivion shall bury in forgetfulness every former dissension. Let the names of Whig and Tory be extinct; and let none other be heard among us, than those of A GOOD CITIZEN, AN OPEN AND RESOLUTE FRIEND, AND A VIRTUOUS SUPPORTER OF THE RIGHTS OF MANKIND AND OF THE FREE AND INDEPENDANT STATES OF AMERICA.

To the Representatives of the Religious Society of the People called Quakers, or to so many of them as were concerned in publishing the late piece, entitled “THE ANCIENT TESTIMONY and PRINCIPLES of the People called QUAKERS renewed, with Respect to the KING and GOVERNMENT, and touching the COMMOTIONS now prevailing in these and other parts of AMERICA addressed to the PEOPLE IN GENERAL.”

The Writer of this, is one of those few, who never dishonours religion either by ridiculing, or cavilling at any denomination whatsoever. To God, and not to man, are all men accountable on the score of religion. Wherefore, this epistle is not so properly addressed to you as a religious, but as a political body, dabbling in matters, which the professed Quietude of your Principles instruct you not to meddle with. As you have, without a proper authority for so doing, put yourselves in the place of the whole body of the Quakers, so, the writer of this, in order to be on an equal rank with yourselves, is under the necessity, of putting himself in the place of all those, who, approve the very writings and principles, against which, your testimony is directed: And he hath chosen this singular situation, in order, that you might discover in him that presumption of character which you cannot see in yourselves. For neither he nor you can have any claim or title to POLITICAL REPRESENTATION.

When men have departed from the right way, it is no wonder that they stumble and fall. And it is evident from the manner in which ye have managed your testimony, that politics, (as a religious body of men) is not your proper Walk; for however well adapted it might appear to you, it is, nevertheless, a jumble of good and bad put unwisely together, and the conclusion drawn therefrom, both unnatural and unjust.

The two first pages, (and the whole doth not make four) we give you credit for, and expect the same civility from you, because the love and desire of peace is not confined to Quakerism, it

is the natural, as well the religious wish of all denominations of men. And on this ground, as men labouring to establish an Independant Constitution of our own, do we exceed all others in our hope, end, and aim. OUR PLAN IS PEACE FOR EVER. We are tired of contention with Britain, and can see no real end to it but in a final separation. We act consistently, because for the sake of introducing an endless and uninterrupted peace, do we bear the evils and burthens of the present day. We are endeavoring, and will steadily continue to endeavour, to separate and dissolve a connexion which hath already filled our land with blood; and which, while the name of it remains, will be the fatal cause of future mischiefs to both countries.

We fight neither for revenge nor conquest; neither from pride nor passion; we are not insulting the world with our fleets and armies, nor ravaging the globe for plunder. Beneath the shade of our own vines are we attacked; in our own houses, and on our own lands, is the violence committed against us. We view our enemies in the character of Highwaymen and Housebreakers, and having no defence for ourselves in the civil law, are obliged to punish them by the military one, and apply the sword, in the very case, where you have before now, applied the halter— Perhaps we feel for the ruined and insulted sufferers in all and every part of the continent, with a degree of tenderness which hath not yet made its way into some of your bosoms. But be ye sure that ye mistake not the cause and ground of your Testimony. Call not coldness of soul, religion; nor put the BIGOT in the place of the CHRISTIAN.

O ye partial ministers of your own acknowledged principles. If the bearing arms be sinful, the first going to war must be more so, by all the difference between wilful attack, and unavoidable defence. Wherefore, if ye really preach from conscience, and mean not to make a political hobbyhorse of your religion convince the world thereof, by proclaiming your doctrine to our enemies, FOR THEY LIKEWISE BEAR ARMS. Give us proof of your sincerity by publishing it at St. James's, to the commanders in chief at Boston, to the Admirals and Captains who are piratically ravaging our coasts, and to all the murdering miscreants who are acting in authority under HIM whom ye profess to serve. Had ye the honest soul of BARCLAY ye would preach repentance to YOUR king; Ye would tell the Royal Wretch his sins, and warn him of eternal ruin. [5] Ye would not spend your partial invectives against the injured and the insulted only, but, like faithful ministers, would cry aloud and SPARE NONE. Say not that ye are persecuted, neither endeavour to make us the authors of that reproach, which, ye are bringing upon yourselves; for we testify unto all men, that we do not complain against you because ye are Quakers, but because ye pretend to be and are NOT Quakers.

Alas! it seems by the particular tendency of some part of your testimony, and other parts of your conduct, as if, all sin was reduced to, and comprehended in, THE ACT OF BEARING ARMS, and that by the people only. Ye appear to us, to have mistaken party for conscience; because, the general tenor of your actions wants uniformity—And it is exceedingly difficult to us to give credit to many of your pretended scruples; because, we see them made by the same men, who,

in the very instant that they are exclaiming against the mammon of this world, are nevertheless, hunting after it with a step as steady as Time, and an appetite as keen as Death.

The quotation which ye have made from Proverbs, in the third page of your testimony, that, “when a man’s ways please the Lord, he maketh even his enemies to be at peace with him”; is very unwisely chosen on your part; because, it amounts to a proof, that the king’s ways (whom ye are desirous of supporting) do NOT please the Lord, otherwise, his reign would be in peace.

I now proceed to the latter part of your testimony, and that, for which all the foregoing seems only an introduction viz.

“It hath ever been our judgment and principle, since we were called to profess the light of Christ Jesus, manifested in our consciences unto this day, that the setting up and putting down kings and governments, is God’s peculiar prerogative; for causes best known to himself: And that it is not our business to have any hand or contrivance therein; nor to be busy bodies above our station, much less to plot and contrive the ruin, or overturn of any of them, but to pray for the king, and safety of our nation, and good of all men—That we may live a peaceable and quiet life, in all godliness and honesty; UNDER THE GOVERNMENT WHICH GOD IS PLEASED TO SET OVER US”—If these are REALLY your principles why do ye not abide by them? Why do ye not leave that, which ye call God’s Work, to be managed by himself? These very principles instruct you to wait with patience and humility, for the event of all public measures, and to receive that event as the divine will towards you. Wherefore, what occasion is there for your POLITICAL TESTIMONY if you fully believe what it contains? And the very publishing it proves, that either, ye do not believe what ye profess, or have not virtue enough to practise what ye believe.

The principles of Quakerism have a direct tendency to make a man the quiet and inoffensive subject of any, and every government WHICH IS SET OVER HIM. And if the setting up and putting down of kings and governments is God’s peculiar prerogative, he most certainly will not be robbed thereof by us: wherefore, the principle itself leads you to approve of every thing, which ever happened, or may happen to kings as being his work. OLIVER CROMWELL thanks you. CHARLES, then, died not by the hands of man; and should the present Proud Imitator of him, come to the same untimely end, the writers and publishers of the Testimony, are bound, by the doctrine it contains, to applaud the fact. Kings are not taken away by miracles, neither are changes in governments brought about by any other means than such as are common and human; and such as we are now using. Even the dispersion of the Jews, though foretold by our Saviour, was effected by arms. Wherefore, as ye refuse to be the means on one side, ye ought not to be meddlers on the other; but to wait the issue in silence; and unless ye can produce divine authority, to prove, that the Almighty who hath created and placed this new world, at the greatest distance it could possibly stand, east and west, from every part of the old, doth, nevertheless, disapprove of its being independent of the corrupt and abandoned court of Britain, unless I say,

ye can shew this, how can ye on the ground of your principles, justify the exciting and stirring up the people “firmly to unite in the abhorrence of all such writings, and measures, as evidence a desire and design to break off the happy connexion we have hitherto enjoyed, with the kingdom of Great-Britain, and our just and necessary subordination to the king, and those who are lawfully placed in authority under him.” What a slap of the face is here! the men, who in the very paragraph before, have quietly and passively resigned up the ordering, altering, and disposal of kings and governments, into the hands of God, are now, recalling their principles, and putting in for a share of the business. Is it possible, that the conclusion, which is here justly quoted, can any ways follow from the doctrine laid down? The inconsistency is too glaring not to be seen; the absurdity too great not to be laughed at; and such as could only have been made by those, whose understandings were darkened by the narrow and crabby spirit of a despairing political party; for ye are not to be considered as the whole body of the Quakers but only as a factional and fractional part thereof.

Here ends the examination of your testimony; (which I call upon no man to abhor, as ye have done, but only to read and judge of fairly;) to which I subjoin the following remark; “That the setting up and putting down of kings,” most certainly mean, the making him a king, who is yet not so, and the making him no king who is already one. And pray what hath this to do in the present case? We neither mean to set up nor to pull down, neither to make nor to unmake, but to have nothing to do with them. Wherefore, your testimony in whatever light it is viewed serves only to dishonor your judgement, and for many other reasons had better have been let alone than published.

First, Because it tends to the decrease and reproach of all religion whatever, and is of the utmost danger to society to make it a party in political disputes.

Secondly, Because it exhibits a body of men, numbers of whom disavow the publishing political testimonies, as being concerned therein and approvers thereof.

Thirdly, because it hath a tendency to undo that continental harmony and friendship which yourselves by your late liberal and charitable donations hath lent a hand to establish; and the preservation of which, is of the utmost consequence to us all.

And here without anger or resentment I bid you farewell. Sincerely wishing, that as men and christians, ye may always fully and uninterruptedly enjoy every civil and religious right; and be, in your turn, the means of securing it to others; but that the example which ye have unwisely set, of mingling religion with politics, **MAY BE DISAVOWED AND REPROBATED BY EVERY INHABITANT OF AMERICA.**

[1] Dragonetti on virtue and rewards.

[2] Thomas Anello otherwise Massanello a fisherman of Naples, who after spiriting up his countrymen in the public marketplace, against the oppressions of the Spaniards, to whom the place was then subject prompted them to revolt, and in the space of a day became king.

[3] See Entic's naval history, intro. page 56.

[4] Those who would fully understand of what great consequence a large and equal representation is to a state, should read Burgh's political disquisitions.

[5] "Thou hast tasted of prosperity and adversity; thou knowest what it is to be banished thy native country, to be over-ruled as well as to rule, and set upon the throne; and being oppressed thou hast reason to know how hateful the oppressor is both to God and man: If after all these warnings and advertisements, thou dost not turn unto the Lord with all thy heart, but forget him who remembered thee in thy distress, and give up thyself to fallow lust and vanity, surely great will be thy condemnation.— Against which snare, as well as the temptation of those who may or do feed thee, and prompt thee to evil, the most excellent and prevalent remedy will be, to apply thyself to that light of Christ which shineth in thy conscience, and which neither can, nor will flatter thee, nor suffer thee to be at ease in thy sins."—Barclay's address to Charles II.

I Have a Dream

by Dr. Martin Luther King, Jr.

Please read “I Have a Dream” at this link:

<http://www.americanrhetoric.com/speeches/mlkhaveadream.htm>

If you are unable to view link, please contact your faculty member.

What is an American

by Hector St. Jean de Crevecoeur

LETTER III

WHAT IS AN AMERICAN

I wish I could be acquainted with the feelings and thoughts which must agitate the heart and present themselves to the mind of an enlightened Englishman, when he first lands on this continent. He must greatly rejoice that he lived at a time to see this fair country discovered and settled; he must necessarily feel a share of national pride, when he views the chain of settlements which embellishes these extended shores. When he says to himself, this is the work of my countrymen, who, when convulsed by factions, afflicted by a variety of miseries and wants, restless and impatient, took refuge here. They brought along with them their national genius, to which they principally owe what liberty they enjoy, and what substance they possess. Here he sees the industry of his native country displayed in a new manner, and traces in their works the embryos of all the arts, sciences, and ingenuity which flourish in Europe. Here he beholds fair cities, substantial villages, extensive fields, an immense country filled with decent houses, good roads, orchards, meadows, and bridges, where an hundred years ago all was wild, woody, and uncultivated! What a train of pleasing ideas this fair spectacle must suggest; it is a prospect which must inspire a good citizen with the most heartfelt pleasure. The difficulty consists in the manner of viewing so extensive a scene. He is arrived on a new continent; a modern society offers itself to his contemplation, different from what he had hitherto seen. It is not composed, as in Europe, of great lords who possess everything, and of a herd of people who have nothing. Here are no aristocratical families, no courts, no kings, no bishops, no ecclesiastical dominion, no invisible power giving to a few a very visible one; no great manufacturers employing thousands, no great refinements of luxury. The rich and the poor are not so far removed from each other as they are in Europe. Some few towns excepted, we are all tillers of the earth, from Nova Scotia to West Florida. We are a people of cultivators, scattered over an immense territory, communicating with each other by means of good roads and navigable rivers, united by the silken bands of mild government, all respecting the laws, without dreading their power, because they are equitable. We are all animated with the spirit of an industry which is unfettered and unrestrained, because each person works for himself. If he travels through our rural districts he views not the hostile castle, and the haughty mansion, contrasted with the clay- built hut and miserable cabin, where cattle and men help to keep each other warm, and dwell in meanness, smoke, and indigence. A pleasing uniformity of decent competence appears throughout our habitations. The meanest of our log-houses is a dry and comfortable habitation. Lawyer or merchant are the fairest titles our towns afford; that of a farmer is the only appellation of the rural inhabitants of our country. It must take some time ere he can reconcile himself to our dictionary, which is but short in words of dignity, and names of honour. There, on a Sunday, he sees a congregation of respectable farmers and their wives, all clad in neat homespun, well mounted, or riding in their own humble waggons. There is not among them an esquire, saving the unlettered magistrate. There he sees a parson as simple as his flock, a farmer who does not riot on the labour of others. We have no

princes, for whom we toil, starve, and bleed: we are the most perfect society now existing in the world. Here man is free as he ought to be; nor is this pleasing equality so transitory as many others are. Many ages will not see the shores of our great lakes replenished with inland nations, nor the unknown bounds of North America entirely peopled. Who can tell how far it extends? Who can tell the millions of men whom it will feed and contain? for no European foot has as yet travelled half the extent of this mighty continent!

The next wish of this traveller will be to know whence came all these people? they are a mixture of English, Scotch, Irish, French, Dutch, Germans, and Swedes. From this promiscuous breed, that race now called Americans have arisen. The eastern provinces must indeed be excepted, as being the unmixed descendants of Englishmen. I have heard many wish that they had been more intermixed also: for my part, I am no wisher, and think it much better as it has happened. They exhibit a most conspicuous figure in this great and variegated picture; they too enter for a great share in the pleasing perspective displayed in these thirteen provinces. I know it is fashionable to reflect on them, but I respect them for what they have done; for the accuracy and wisdom with which they have settled their territory; for the decency of their manners; for their early love of letters; their ancient college, the first in this hemisphere; for their industry; which to me who am but a farmer, is the criterion of everything. There never was a people, situated as they are, who with so ungrateful a soil have done more in so short a time. Do you think that the monarchical ingredients which are more prevalent in other governments, have purged them from all foul stains? Their histories assert the contrary.

In this great American asylum, the poor of Europe have by some means met together, and in consequence of various causes; to what purpose should they ask one another what countrymen they are? Alas, two thirds of them had no country. Can a wretch who wanders about, who works and starves, whose life is a continual scene of sore affliction or pinching penury; can that man call England or any other kingdom his country? A country that had no bread for him, whose fields procured him no harvest, who met with nothing but the frowns of the rich, the severity of the laws, with jails and punishments; who owned not a single foot of the extensive surface of this planet? No! urged by a variety of motives, here they came. Every thing has tended to regenerate them; new laws, a new mode of living, a new social system; here they are become men: in Europe they were as so many useless plants, wanting vegetative mould, and refreshing showers; they withered, and were mowed down by want, hunger, and war; but now by the power of transplantation, like all other plants they have taken root and flourished! Formerly they were not numbered in any civil lists of their country, except in those of the poor; here they rank as citizens. By what invisible power has this surprising metamorphosis been performed? By that of the laws and that of their industry. The laws, the indulgent laws, protect them as they arrive, stamping on them the symbol of adoption; they receive ample rewards for their labours; these accumulated rewards procure them lands; those lands confer on them the title of freemen, and to that title every benefit is affixed which men can possibly require. This is the great operation

daily performed by our laws. From whence proceed these laws? From our government. Whence the government? It is derived from the original genius and strong desire of the people ratified and confirmed by the crown. This is the great chain which links us all, this is the picture which every province exhibits, Nova Scotia excepted.

There the crown has done all; either there were no people who had genius, or it was not much attended to: the consequence is, that the province is very thinly inhabited indeed; the power of the crown in conjunction with the musketos has prevented men from settling there. Yet some parts of it flourished once, and it contained a mild harmless set of people. But for the fault of a few leaders, the whole were banished. The greatest political error the crown ever committed in America, was to cut off men from a country which wanted nothing but men!

What attachment can a poor European emigrant have for a country where he had nothing? The knowledge of the language, the love of a few kindred as poor as himself, were the only cords that tied him: his country is now that which gives him land, bread, protection, and consequence: *Ubi panis ibi patria*, is the motto of all emigrants. What then is the American, this new man? He is either an European, or the descendant of an European, hence that strange mixture of blood, which you will find in no other country. I could point out to you a family whose grandfather was an Englishman, whose wife was Dutch, whose son married a French woman, and whose present four sons have now four wives of different nations. He is an American, who, leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced, the new government he obeys, and the new rank he holds. He becomes an American by being received in the broad lap of our great *Alma Mater*. Here individuals of all nations are melted into a new race of men, whose labours and posterity will one day cause great changes in the world. Americans are the western pilgrims, who are carrying along with them that great mass of arts, sciences, vigour, and industry which began long since in the east; they will finish the great circle. The Americans were once scattered all over Europe; here they are incorporated into one of the finest systems of population which has ever appeared, and which will hereafter become distinct by the power of the different climates they inhabit. The American ought therefore to love this country much better than that wherein either he or his forefathers were born. Here the rewards of his industry follow with equal steps the progress of his labour; his labour is founded on the basis of nature, *SELF-INTEREST*: can it want a stronger allurements? Wives and children, who before in vain demanded of him a morsel of bread, now, fat and frolicsome, gladly help their father to clear those fields whence exuberant crops are to arise to feed and to clothe them all; without any part being claimed, either by a despotic prince, a rich abbot, or a mighty lord. Here religion demands but little of him; a small voluntary salary to the minister, and gratitude to God; can he refuse these? The American is a new man, who acts upon new principles; he must therefore entertain new ideas, and form new opinions. From involuntary idleness, servile dependence, penury, and useless labour, he has passed to toils of a very different nature, rewarded by ample subsistence.—This is an American.

British America is divided into many provinces, forming a large association, scattered along a coast 1500 miles extent and about 200 wide. This society I would fain examine, at least such as it appears in the middle provinces; if it does not afford that variety of tinges and gradations which may be observed in Europe, we have colours peculiar to ourselves. For instance, it is natural to conceive that those who live near the sea, must be very different from those who live in the woods; the intermediate space will afford a separate and distinct class.

Men are like plants; the goodness and flavour of the fruit proceeds from the peculiar soil and exposition in which they grow. We are nothing but what we derive from the air we breathe, the climate we inhabit, the government we obey, the system of religion we profess, and the nature of our employment. Here you will find but few crimes; these have acquired as yet no root among us. I wish I was able to trace all my ideas; if my ignorance prevents me from describing them properly, I hope I shall be able to delineate a few of the outlines, which are all I propose.

Those who live near the sea, feed more on fish than on flesh, and often encounter that boisterous element. This renders them more bold and enterprising; this leads them to neglect the confined occupations of the land. They see and converse with a variety of people, their intercourse with mankind becomes extensive. The sea inspires them with a love of traffic, a desire of transporting produce from one place to another; and leads them to a variety of resources which supply the place of labour. Those who inhabit the middle settlements, by far the most numerous, must be very different; the simple cultivation of the earth purifies them, but the indulgences of the government, the soft remonstrances of religion, the rank of independent freeholders, must necessarily inspire them with sentiments, very little known in Europe among people of the same class. What do I say? Europe has no such class of men; the early knowledge they acquire, the early bargains they make, give them a great degree of sagacity. As freemen they will be litigious; pride and obstinacy are often the cause of law suits; the nature of our laws and governments may be another. As citizens it is easy to imagine, that they will carefully read the newspapers, enter into every political disquisition, freely blame or censure governors and others. As farmers they will be careful and anxious to get as much as they can, because what they get is their own. As northern men they will love the cheerful cup. As Christians, religion curbs them not in their opinions; the general indulgence leaves every one to think for themselves in spiritual matters; the laws inspect our actions, our thoughts are left to God. Industry, good living, selfishness, litigiousness, country politics, the pride of freemen, religious indifference, are their characteristics. If you recede still farther from the sea, you will come into more modern settlements; they exhibit the same strong lineaments, in a ruder appearance. Religion seems to have still less influence, and their manners are less improved.

Now we arrive near the great woods, near the last inhabited districts; there men seem to be placed still farther beyond the reach of government, which in some measure leaves them to

themselves. How can it pervade every corner; as they were driven there by misfortunes, necessity of beginnings, desire of acquiring large tracts of land, idleness, frequent want of economy, ancient debts; the re-union of such people does not afford a very pleasing spectacle. When discord, want of unity and friendship; when either drunkenness or idleness prevail in such remote districts; contention, inactivity, and wretchedness must ensue. There are not the same remedies to these evils as in a long established community. The few magistrates they have, are in general little better than the rest; they are often in a perfect state of war; that of man against man, sometimes decided by blows, sometimes by means of the law; that of man against every wild inhabitant of these venerable woods, of which they are come to dispossess them. There men appear to be no better than carnivorous animals of a superior rank, living on the flesh of wild animals when they can catch them, and when they are not able, they subsist on grain. He who would wish to see America in its proper light, and have a true idea of its feeble beginnings and barbarous rudiments, must visit our extended line of frontiers where the last settlers dwell, and where he may see the first labours of settlement, the mode of clearing the earth, in all their different appearances; where men are wholly left dependent on their native tempers, and on the spur of uncertain industry, which often fails when not sanctified by the efficacy of a few moral rules. There, remote from the power of example and check of shame, many families exhibit the most hideous parts of our society. They are a kind of forlorn hope, preceding by ten or twelve years the most respectable army of veterans which come after them. In that space, prosperity will polish some, vice and the law will drive off the rest, who uniting again with others like themselves will recede still farther; making room for more industrious people, who will finish their improvements, convert the loghouse into a convenient habitation, and rejoicing that the first heavy labours are finished, will change in a few years that hitherto barbarous country into a fine fertile, well regulated district. Such is our progress, such is the march of the Europeans toward the interior parts of this continent. In all societies there are off-casts; this impure part serves as our precursors or pioneers; my father himself was one of that class, but he came upon honest principles, and was therefore one of the few who held fast; by good conduct and temperance, he transmitted to me his fair inheritance, when not above one in fourteen of his contemporaries had the same good fortune.

Forty years ago this smiling country was thus inhabited; it is now purged, a general decency of manners prevails throughout, and such has been the fate of our best countries.

Exclusive of those general characteristics, each province has its own, founded on the government, climate, mode of husbandry, customs, and peculiarity of circumstances. Europeans submit insensibly to these great powers, and become, in the course of a few generations, not only Americans in general, but either Pennsylvanians, Virginians, or provincials under some other name. Whoever traverses the continent must easily observe those strong differences, which will grow more evident in time. The inhabitants of Canada, Massachusetts, the middle provinces, the southern ones will be as different as their climates; their only points of unity will be those of

religion and language.

As I have endeavoured to show you how Europeans become Americans; it may not be disagreeable to show you likewise how the various Christian sects introduced, wear out, and how religious indifference becomes prevalent. When any considerable number of a particular sect happen to dwell contiguous to each other, they immediately erect a temple, and there worship the Divinity agreeably to their own peculiar ideas. Nobody disturbs them. If any new sect springs up in Europe it may happen that many of its professors will come and settle in America. As they bring their zeal with them, they are at liberty to make proselytes if they can, and to build a meeting and to follow the dictates of their consciences; for neither the government nor any other power interferes. If they are peaceable subjects, and are industrious, what is it to their neighbours how and in what manner they think fit to address their prayers to the Supreme Being? But if the sectaries are not settled close together, if they are mixed with other denominations, their zeal will cool for want of fuel, and will be extinguished in a little time. Then the Americans become as to religion, what they are as to country, allied to all. In them the name of Englishman, Frenchman, and European is lost, and in like manner, the strict modes of Christianity as practised in Europe are lost also. This effect will extend itself still farther hereafter, and though this may appear to you as a strange idea, yet it is a very true one. I shall be able perhaps hereafter to explain myself better; in the meanwhile, let the following example serve as my first justification.

Let us suppose you and I to be travelling; we observe that in this house, to the right, lives a Catholic, who prays to God as he has been taught, and believes in transubstantiation; he works and raises wheat, he has a large family of children, all hale and robust; his belief, his prayers offend nobody. About one mile farther on the same road, his next neighbour may be a good honest plodding German Lutheran, who addresses himself to the same God, the God of all, agreeably to the modes he has been educated in, and believes in consubstantiation; by so doing he scandalises nobody; he also works in his fields, embellishes the earth, clears swamps, etc. What has the world to do with his Lutheran principles? He persecutes nobody, and nobody persecutes him, he visits his neighbours, and his neighbours visit him. Next to him lives a seceder, the most enthusiastic of all sectaries; his zeal is hot and fiery, but separated as he is from others of the same complexion, he has no congregation of his own to resort to, where he might cabal and mingle religious pride with worldly obstinacy. He likewise raises good crops, his house is handsomely painted, his orchard is one of the fairest in the neighbourhood. How does it concern the welfare of the country, or of the province at large, what this man's religious sentiments are, or really whether he has any at all? He is a good farmer, he is a sober, peaceable, good citizen: William Penn himself would not wish for more. This is the visible character, the invisible one is only guessed at, and is nobody's business. Next again lives a Low Dutchman, who implicitly believes the rules laid down by the synod of Dort. He conceives no other idea of a clergyman than that of an hired man; if he does his work well he will pay him the stipulated sum; if not he will dismiss him, and do without his sermons, and let his church be shut up for

years. But notwithstanding this coarse idea, you will find his house and farm to be the neatest in all the country; and you will judge by his waggon and fat horses, that he thinks more of the affairs of this world than of those of the next. He is sober and laborious, therefore he is all he ought to be as to the affairs of this life; as for those of the next, he must trust to the great Creator. Each of these people instruct their children as well as they can, but these instructions are feeble compared to those which are given to the youth of the poorest class in Europe. Their children will therefore grow up less zealous and more indifferent in matters of religion than their parents. The foolish vanity, or rather the fury of making Proselytes, is unknown here; they have no time, the seasons call for all their attention, and thus in a few years, this mixed neighbourhood will exhibit a strange religious medley, that will be neither pure Catholicism nor pure Calvinism. A very perceptible indifference even in the first generation, will become apparent; and it may happen that the daughter of the Catholic will marry the son of the seceder, and settle by themselves at a distance from their parents. What religious education will they give their children? A very imperfect one. If there happens to be in the neighbourhood any place of worship, we will suppose a Quaker's meeting; rather than not show their fine clothes, they will go to it, and some of them may perhaps attach themselves to that society. Others will remain in a perfect state of indifference; the children of these zealous parents will not be able to tell what their religious principles are, and their grandchildren still less. The neighbourhood of a place of worship generally leads them to it, and the action of going thither, is the strongest evidence they can give of their attachment to any sect. The Quakers are the only people who retain a fondness for their own mode of worship; for be they ever so far separated from each other, they hold a sort of communion with the society, and seldom depart from its rules, at least in this country. Thus all sects are mixed as well as all nations; thus religious indifference is imperceptibly disseminated from one end of the continent to the other; which is at present one of the strongest characteristics of the Americans. Where this will reach no one can tell, perhaps it may leave a vacuum fit to receive other systems. Persecution, religious pride, the love of contradiction, are the food of what the world commonly calls religion. These motives have ceased here; zeal in Europe is confined; here it evaporates in the great distance it has to travel; there it is a grain of powder inclosed, here it burns away in the open air, and consumes without effect.

But to return to our back settlers. I must tell you, that there is something in the proximity of the woods, which is very singular. It is with men as it is with the plants and animals that grow and live in the forests; they are entirely different from those that live in the plains. I will candidly tell you all my thoughts but you are not to expect that I shall advance any reasons. By living in or near the woods, their actions are regulated by the wildness of the neighbourhood. The deer often come to eat their grain, the wolves to destroy their sheep, the bears to kill their hogs, the foxes to catch their poultry. This surrounding hostility immediately puts the gun into their hands; they watch these animals, they kill some; and thus by defending their property, they soon become professed hunters; this is the progress; once hunters, farewell to the plough. The chase renders them ferocious, gloomy, and unsociable; a hunter wants no neighbour, he rather

hates them, because he dreads the competition. In a little time their success in the woods makes them neglect their tillage. They trust to the natural fecundity of the earth, and therefore do little; carelessness in fencing often exposes what little they sow to destruction; they are not at home to watch; in order therefore to make up the deficiency, they go oftener to the woods. That new mode of life brings along with it a new set of manners, which I cannot easily describe. These new manners being grafted on the old stock, produce a strange sort of lawless profligacy, the impressions of which are indelible. The manners of the Indian natives are respectable, compared with this European medley. Their wives and children live in sloth and inactivity; and having no proper pursuits, you may judge what education the latter receive. Their tender minds have nothing else to contemplate but the example of their parents; like them they grow up a mongrel breed, half civilised, half savage, except nature stamps on them some constitutional propensities. That rich, that voluptuous sentiment is gone that struck them so forcibly; the possession of their freeholds no longer conveys to their minds the same pleasure and pride. To all these reasons you must add, their lonely situation, and you cannot imagine what an effect on manners the great distances they live from each other has! Consider one of the last settlements in its first view: of what is it composed? Europeans who have not that sufficient share of knowledge they ought to have, in order to prosper; people who have suddenly passed from oppression, dread of government, and fear of laws, into the unlimited freedom of the woods. This sudden change must have a very great effect on most men, and on that class particularly. Eating of wild meat, whatever you may think, tends to alter their temper: though all the proof I can adduce, is, that I have seen it: and having no place of worship to resort to, what little society this might afford is denied them. The Sunday meetings, exclusive of religious benefits, were the only social bonds that might have inspired them with some degree of emulation in neatness. Is it then surprising to see men thus situated, immersed in great and heavy labours, degenerate a little? It is rather a wonder the effect is not more diffusive. The Moravians and the Quakers are the only instances in exception to what I have advanced. The first never settle singly, it is a colony of the society which emigrates; they carry with them their forms, worship, rules, and decency: the others never begin so hard, they are always able to buy improvements, in which there is a great advantage, for by that time the country is recovered from its first barbarity. Thus our bad people are those who are half cultivators and half hunters; and the worst of them are those who have degenerated altogether into the hunting state. As old ploughmen and new men of the woods, as Europeans and new made Indians, they contract the vices of both; they adopt the moroseness and ferocity of a native, without his mildness, or even his industry at home. If manners are not refined, at least they are rendered simple and inoffensive by tilling the earth; all our wants are supplied by it, our time is divided between labour and rest, and leaves none for the commission of great misdeeds. As hunters it is divided between the toil of the chase, the idleness of repose, or the indulgence of inebriation. Hunting is but a licentious idle life, and if it does not always pervert good dispositions; yet, when it is united with bad luck, it leads to want: want stimulates that propensity to rapacity and injustice, too natural to needy men, which is the fatal gradation. After this explanation of the effects which follow by living in the woods, shall we yet vainly flatter

ourselves with the hope of converting the Indians? We should rather begin with converting our back-settlers; and now if I dare mention the name of religion, its sweet accents would be lost in the immensity of these woods. Men thus placed are not fit either to receive or remember its mild instructions; they want temples and ministers, but as soon as men cease to remain at home, and begin to lead an erratic life, let them be either tawny or white, they cease to be its disciples.

Thus have I faintly and imperfectly endeavoured to trace our society from the sea to our woods! yet you must not imagine that every person who moves back, acts upon the same principles, or falls into the same degeneracy. Many families carry with them all their decency of conduct, purity of morals, and respect of religion; but these are scarce, the power of example is sometimes irresistible. Even among these back-settlers, their depravity is greater or less, according to what nation or province they belong. Were I to adduce proofs of this, I might be accused of partiality. If there happens to be some rich intervals, some fertile bottoms, in those remote districts, the people will there prefer tilling the land to hunting, and will attach themselves to it; but even on these fertile spots you may plainly perceive the inhabitants to acquire a great degree of rusticity and selfishness.

It is in consequence of this straggling situation, and the astonishing power it has on manners, that the back-settlers of both the Carolinas, Virginia, and many other parts, have been long a set of lawless people; it has been even dangerous to travel among them. Government can do nothing in so extensive a country, better it should wink at these irregularities, than that it should use means inconsistent with its usual mildness. Time will efface those stains: in proportion as the great body of population approaches them they will reform, and become polished and subordinate. Whatever has been said of the four New England provinces, no such degeneracy of manners has ever tarnished their annals; their back-settlers have been kept within the bounds of decency, and government, by means of wise laws, and by the influence of religion. What a detestable idea such people must have given to the natives of the Europeans! They trade with them, the worst of people are permitted to do that which none but persons of the best characters should be employed in. They get drunk with them, and often defraud the Indians. Their avarice, removed from the eyes of their superiors, knows no bounds; and aided by the little superiority of knowledge, these traders deceive them, and even sometimes shed blood. Hence those shocking violations, those sudden devastations which have so often stained our frontiers, when hundreds of innocent people have been sacrificed for the crimes of a few. It was in consequence of such behaviour, that the Indians took the hatchet against the Virginians in 1774. Thus are our first steps trod, thus are our first trees felled, in general, by the most vicious of our people; and thus the path is opened for the arrival of a second and better class, the true American freeholders; the most respectable set of people in this part of the world: respectable for their industry, their happy independence, the great share of freedom they possess, the good regulation of their families, and for extending the trade and the dominion of our mother country.

Europe contains hardly any other distinctions but lords and tenants; this fair country alone is settled by freeholders, the possessors of the soil they cultivate, members of the government they obey, and the framers of their own laws, by means of their representatives. This is a thought which you have taught me to cherish; our difference from Europe, far from diminishing, rather adds to our usefulness and consequence as men and subjects. Had our forefathers remained there, they would only have crowded it, and perhaps prolonged those convulsions which had shook it so long. Every industrious European who transports himself here, may be compared to a sprout growing at the foot of a great tree; it enjoys and draws but a little portion of sap; wrench it from the parent roots, transplant it, and it will become a tree bearing fruit also. Colonists are therefore entitled to the consideration due to the most useful subjects; a hundred families barely existing in some parts of Scotland, will here in six years, cause an annual exportation of 10,000 bushels of wheat: 100 bushels being but a common quantity for an industrious family to sell, if they cultivate good land. It is here then that the idle may be employed, the useless become useful, and the poor become rich; but by riches I do not mean gold and silver, we have but little of those metals; I mean a better sort of wealth, cleared lands, cattle, good houses, good clothes, and an increase of people to enjoy them.

There is no wonder that this country has so many charms, and presents to Europeans so many temptations to remain in it. A traveller in Europe becomes a stranger as soon as he quits his own kingdom; but it is otherwise here. We know, properly speaking, no strangers; this is every person's country; the variety of our soils, situations, climates, governments, and produce, hath something which must please everybody. No sooner does an European arrive, no matter of what condition, than his eyes are opened upon the fair prospect; he hears his language spoke, he retraces many of his own country manners, he perpetually hears the names of families and towns with which he is acquainted; he sees happiness and prosperity in all places disseminated; he meets with hospitality, kindness, and plenty everywhere; he beholds hardly any poor, he seldom hears of punishments and executions; and he wonders at the elegance of our towns, those miracles of industry and freedom. He cannot admire enough our rural districts, our convenient roads, good taverns, and our many accommodations; he involuntarily loves a country where everything is so lovely. When in England, he was a mere Englishman; here he stands on a larger portion of the globe, not less than its fourth part, and may see the productions of the north, in iron and naval stores; the provisions of Ireland, the grain of Egypt, the indigo, the rice of China. He does not find, as in Europe, a crowded society, where every place is over-stocked; he does not feel that perpetual collision of parties, that difficulty of beginning, that contention which oversets so many. There is room for everybody in America; has he any particular talent, or industry? he exerts it in order to procure a livelihood, and it succeeds. Is he a merchant? the avenues of trade are infinite; is he eminent in any respect? he will be employed and respected. Does he love a country life? pleasant farms present themselves; he may purchase what he wants, and thereby become an American farmer. Is he a labourer, sober and industrious? he need not go many miles, nor receive many informations before he will be hired, well fed at the table of his employer,

and paid four or five times more than he can get in Europe. Does he want uncultivated lands? thousands of acres present themselves, which he may purchase cheap. Whatever be his talents or inclinations, if they are moderate, he may satisfy them. I do not mean that every one who comes will grow rich in a little time; no, but he may procure an easy, decent maintenance, by his industry. Instead of starving he will be fed, instead of being idle he will have employment; and these are riches enough for such men as come over here. The rich stay in Europe, it is only the middling and the poor that emigrate. Would you wish to travel in independent idleness, from north to south, you will find easy access, and the most cheerful reception at every house; society without ostentation, good cheer without pride, and every decent diversion which the country affords, with little expense. It is no wonder that the European who has lived here a few years, is desirous to remain; Europe with all its pomp, is not to be compared to this continent, for men of middle stations, or labourers.

An European, when he first arrives, seems limited in his intentions, as well as in his views; but he very suddenly alters his scale; two hundred miles formerly appeared a very great distance, it is now but a trifle; he no sooner breathes our air than he forms schemes, and embarks in designs he never would have thought of in his own country. There the plenitude of society confines many useful ideas, and often extinguishes the most laudable schemes which here ripen into maturity. Thus Europeans become Americans.

But how is this accomplished in that crowd of low, indigent people, who flock here every year from all parts of Europe? I will tell you; they no sooner arrive than they immediately feel the good effects of that plenty of provisions we possess: they fare on our best food, and they are kindly entertained; their talents, character, and peculiar industry are immediately inquired into; they find countrymen everywhere disseminated, let them come from whatever part of Europe. Let me select one as an epitome of the rest; he is hired, he goes to work, and works moderately; instead of being employed by a haughty person, he finds himself with his equal, placed at the substantial table of the farmer, or else at an inferior one as good; his wages are high, his bed is not like that bed of sorrow on which he used to lie: if he behaves with propriety, and is faithful, he is caressed, and becomes as it were a member of the family. He begins to feel the effects of a sort of resurrection; hitherto he had not lived, but simply vegetated; he now feels himself a man, because he is treated as such; the laws of his own country had overlooked him in his insignificance; the laws of this cover him with their mantle. Judge what an alteration there must arise in the mind and thoughts of this man; he begins to forget his former servitude and dependence, his heart involuntarily swells and glows; this first swell inspires him with those new thoughts which constitute an American. What love can he entertain for a country where his existence was a burthen to him; if he is a generous good man, the love of this new adoptive parent will sink deep into his heart. He looks around, and sees many a prosperous person, who but a few years before was as poor as himself. This encourages him much, he begins to form some little scheme, the first, alas, he ever formed in his life. If he is wise he thus spends two

or three years, in which time he acquires knowledge, the use of tools, the modes of working the lands, felling trees, etc. This prepares the foundation of a good name, the most useful acquisition he can make. He is encouraged, he has gained friends; he is advised and directed, he feels bold, he purchases some land; he gives all the money he has brought over, as well as what he has earned, and trusts to the God of harvests for the discharge of the rest. His good name procures him credit. He is now possessed of the deed, conveying to him and his posterity the fee simple and absolute property of two hundred acres of land, situated on such a river. What an epocha in this man's life! He is become a freeholder, from perhaps a German boor—he is now an American, a Pennsylvanian, an English subject. He is naturalised, his name is enrolled with those of the other citizens of the province. Instead of being a vagrant, he has a place of residence; he is called the inhabitant of such a county, or of such a district, and for the first time in his life counts for something; for hitherto he has been a cypher. I only repeat what I have heard many say, and no wonder their hearts should glow, and be agitated with a multitude of feelings, not easy to describe. From nothing to start into being; from a servant to the rank of a master; from being the slave of some despotic prince, to become a free man, invested with lands, to which every municipal blessing is annexed! What a change indeed! It is in consequence of that change that he becomes an American. This great metamorphosis has a double effect, it extinguishes all his European prejudices, he forgets that mechanism of subordination, that servility of disposition which poverty had taught him; and sometimes he is apt to forget too much, often passing from one extreme to the other. If he is a good man, he forms schemes of future prosperity, he proposes to educate his children better than he has been educated himself; he thinks of future modes of conduct, feels an ardour to labour he never felt before. Pride steps in and leads him to everything that the laws do not forbid: he respects them; with a heart-felt gratitude he looks toward the east, toward that insular government from whose wisdom all his new felicity is derived, and under whose wings and protection he now lives. These reflections constitute him the good man and the good subject. Ye poor Europeans, ye, who sweat, and work for the great— ye, who are obliged to give so many sheaves to the church, so many to your lords, so many to your government, and have hardly any left for yourselves—ye, who are held in less estimation than favourite hunters or useless lap-dogs—ye, who only breathe the air of nature, because it cannot be withheld from you; it is here that ye can conceive the possibility of those feelings I have been describing; it is here the laws of naturalisation invite every one to partake of our great labours and felicity, to till unrented, untaxed lands! Many, corrupted beyond the power of amendment, have brought with them all their vices, and disregarding the advantages held to them, have gone on in their former career of iniquity, until they have been overtaken and punished by our laws. It is not every emigrant who succeeds; no, it is only the sober, the honest, and industrious: happy those to whom this transition has served as a powerful spur to labour, to prosperity, and to the good establishment of children, born in the days of their poverty; and who had no other portion to expect but the rags of their parents, had it not been for their happy emigration. Others again, have been led astray by this enchanting scene; their new pride, instead of leading them to the fields, has kept them in idleness; the idea of possessing lands is

all that satisfies them—though surrounded with fertility, they have mouldered away their time in inactivity, misinformed husbandry, and ineffectual endeavours. How much wiser, in general, the honest Germans than almost all other Europeans; they hire themselves to some of their wealthy landmen, and in that apprenticeship learn everything that is necessary. They attentively consider the prosperous industry of others, which imprints in their minds a strong desire of possessing the same advantages. This forcible idea never quits them, they launch forth, and by dint of sobriety, rigid parsimony, and the most persevering industry, they commonly succeed. Their astonishment at their first arrival from Germany is very great—it is to them a dream; the contrast must be powerful indeed; they observe their countrymen flourishing in every place; they travel through whole counties where not a word of English is spoken; and in the names and the language of the people, they retrace Germany. They have been an useful acquisition to this continent, and to Pennsylvania in particular; to them it owes some share of its prosperity: to their mechanical knowledge and patience it owes the finest mills in all America, the best teams of horses, and many other advantages. The recollection of their former poverty and slavery never quits them as long as they live.

The Scotch and the Irish might have lived in their own country perhaps as poor, but enjoying more civil advantages, the effects of their new situation do not strike them so forcibly, nor has it so lasting an effect. From whence the difference arises I know not, but out of twelve families of emigrants of each country, generally seven Scotch will succeed, nine German, and four Irish. The Scotch are frugal and laborious, but their wives cannot work so hard as German women, who on the contrary vie with their husbands, and often share with them the most severe toils of the field, which they understand better. They have therefore nothing to struggle against, but the common casualties of nature. The Irish do not prosper so well; they love to drink and to quarrel; they are litigious, and soon take to the gun, which is the ruin of everything; they seem beside to labour under a greater degree of ignorance in husbandry than the others; perhaps it is that their industry had less scope, and was less exercised at home. I have heard many relate, how the land was parcelled out in that kingdom; their ancient conquest has been a great detriment to them, by over-setting their landed property. The lands possessed by a few, are leased down ad infinitum, and the occupiers often pay five guineas an acre. The poor are worse lodged there than anywhere else in Europe; their potatoes, which are easily raised, are perhaps an inducement to laziness: their wages are too low, and their whisky too cheap.

There is no tracing observations of this kind, without making at the same time very great allowances, as there are everywhere to be found, a great many exceptions. The Irish themselves, from different parts of that kingdom, are very different. It is difficult to account for this surprising locality, one would think on so small an island an Irishman must be an Irishman: yet it is not so, they are different in their aptitude to, and in their love of labour.

The Scotch on the contrary are all industrious and saving; they want nothing more than a field to

exert themselves in, and they are commonly sure of succeeding. The only difficulty they labour under is, that technical American knowledge which requires some time to obtain; it is not easy for those who seldom saw a tree, to conceive how it is to be felled, cut up, and split into rails and posts.

As I am fond of seeing and talking of prosperous families, I intend to finish this letter by relating to you the history of an honest Scotch Hebridean, who came here in 1774, which will show you in epitome what the Scotch can do, wherever they have room for the exertion of their industry. Whenever I hear of any new settlement, I pay it a visit once or twice a year, on purpose to observe the different steps each settler takes, the gradual improvements, the different tempers of each family, on which their prosperity in a great nature depends; their different modifications of industry, their ingenuity, and contrivance; for being all poor, their life requires sagacity and prudence. In the evening I love to hear them tell their stories, they furnish me with new ideas; I sit still and listen to their ancient misfortunes, observing in many of them a strong degree of gratitude to God, and the government. Many a well meant sermon have I preached to some of them. When I found laziness and inattention to prevail, who could refrain from wishing well to these new countrymen, after having undergone so many fatigues. Who could withhold good advice? What a happy change it must be, to descend from the high, sterile, bleak lands of Scotland, where everything is barren and cold, to rest on some fertile farms in these middle provinces! Such a transition must have afforded the most pleasing satisfaction.

The following dialogue passed at an out-settlement, where I lately paid a visit:

Well, friend, how do you do now; I am come fifty odd miles on purpose to see you; how do you go on with your new cutting and slashing? Very well, good Sir, we learn the use of the axe bravely, we shall make it out; we have a belly full of victuals every day, our cows run about, and come home full of milk, our hogs get fat of themselves in the woods: Oh, this is a good country! God bless the king, and William Penn; we shall do very well by and by, if we keep our healths. Your loghouse looks neat and light, where did you get these shingles? One of our neighbours is a New-England man, and he showed us how to split them out of chestnut-trees. Now for a barn, but all in good time, here are fine trees to build with. Who is to frame it, sure you don't understand that work yet? A countryman of ours who has been in America these ten years, offers to wait for his money until the second crop is lodged in it. What did you give for your land? Thirty-five shillings per acre, payable in seven years. How many acres have you got? An hundred and fifty. That is enough to begin with; is not your land pretty hard to clear? Yes, Sir, hard enough, but it would be harder still if it were ready cleared, for then we should have no timber, and I love the woods much; the land is nothing without them. Have not you found out any bees yet? No, Sir; and if we had we should not know what to do with them. I will tell you by and by. You are very kind. Farewell, honest man, God prosper you; whenever you travel toward—, inquire for J.S. He will entertain you kindly, provided you bring him good tidings

from your family and farm. In this manner I often visit them, and carefully examine their houses, their modes of ingenuity, their different ways; and make them all relate all they know, and describe all they feel. These are scenes which I believe you would willingly share with me. I well remember your philanthropic turn of mind. Is it not better to contemplate under these humble roofs, the rudiments of future wealth and population, than to behold the accumulated bundles of litigious papers in the office of a lawyer? To examine how the world is gradually settled, how the howling swamp is converted into a pleasing meadow, the rough ridge into a fine field; and to hear the cheerful whistling, the rural song, where there was no sound heard before, save the yell of the savage, the screech of the owl or the hissing of the snake? Here an European, fatigued with luxury, riches, and pleasures, may find a sweet relaxation in a series of interesting scenes, as affecting as they are new. England, which now contains so many domes, so many castles, was once like this; a place woody and marshy; its inhabitants, now the favourite nation for arts and commerce, were once painted like our neighbours. The country will nourish in its turn, and the same observations will be made which I have just delineated. Posterity will look back with avidity and pleasure, to trace, if possible, the era of this or that particular settlement.

Pray, what is the reason that the Scots are in general more religious, more faithful, more honest, and industrious than the Irish? I do not mean to insinuate national reflections, God forbid! It ill becomes any man, and much less an American; but as I know men are nothing of themselves, and that they owe all their different modifications either to government or other local circumstances, there must be some powerful causes which constitute this great national difference.

Agreeable to the account which several Scotchmen have given me of the north of Britain, of the Orkneys, and the Hebride Islands, they seem, on many accounts, to be unfit for the habitation of men; they appear to be calculated only for great sheep pastures. Who then can blame the inhabitants of these countries for transporting themselves hither? This great continent must in time absorb the poorest part of Europe; and this will happen in proportion as it becomes better known; and as war, taxation, oppression, and misery increase there. The Hebrides appear to be fit only for the residence of malefactors, and it would be much better to send felons there than either to Virginia or Maryland. What a strange compliment has our mother country paid to two of the finest provinces in America! England has entertained in that respect very mistaken ideas; what was intended as a punishment, is become the good fortune of several; many of those who have been transported as felons, are now rich, and strangers to the stings of those wants that urged them to violations of the law: they are become industrious, exemplary, and useful citizens. The English government should purchase the most northern and barren of those islands; it should send over to us the honest, primitive Hebrideans, settle them here on good lands, as a reward for their virtue and ancient poverty; and replace them with a colony of her wicked sons. The severity of the climate, the inclemency of the seasons, the sterility of the soil, the tempestuousness of the sea, would afflict and punish enough. Could there be found a spot better

adapted to retaliate the injury it had received by their crimes? Some of those islands might be considered as the hell of Great Britain, where all evil spirits should be sent. Two essential ends would be answered by this simple operation. The good people, by emigration, would be rendered happier; the bad ones would be placed where they ought to be. In a few years the dread of being sent to that wintry region would have a much stronger effect than that of transportation.—This is no place of punishment; were I a poor hopeless, breadless Englishman, and not restrained by the power of shame, I should be very thankful for the passage. It is of very little importance how, and in what manner an indigent man arrives; for if he is but sober, honest, and industrious, he has nothing more to ask of heaven. Let him go to work, he will have opportunities enough to earn a comfortable support, and even the means of procuring some land; which ought to be the utmost wish of every person who has health and hands to work. I knew a man who came to this country, in the literal sense of the expression, stark naked; I think he was a Frenchman, and a sailor on board an English man-of-war. Being discontented, he had stripped himself and swam ashore; where, finding clothes and friends, he settled afterwards at Maranock, in the county of Chester, in the province of New York: he married and left a good farm to each of his sons. I knew another person who was but twelve years old when he was taken on the frontiers of Canada, by the Indians; at his arrival at Albany he was purchased by a gentleman, who generously bound him apprentice to a tailor. He lived to the age of ninety, and left behind him a fine estate and a numerous family, all well settled; many of them I am acquainted with.—Where is then the industrious European who ought to despair?

After a foreigner from any part of Europe is arrived, and become a citizen; let him devoutly listen to the voice of our great parent, which says to him, “Welcome to my shores, distressed European; bless the hour in which thou didst see my verdant fields, my fair navigable rivers, and my green mountains!—If thou wilt work, I have bread for thee; if thou wilt be honest, sober, and industrious, I have greater rewards to confer on thee—ease and independence. I will give thee fields to feed and clothe thee; a comfortable fireside to sit by, and tell thy children by what means thou hast prospered; and a decent bed to repose on. I shall endow thee beside with the immunities of a freeman. If thou wilt carefully educate thy children, teach them gratitude to God, and reverence to that government, that philanthropic government, which has collected here so many men and made them happy. I will also provide for thy progeny; and to every good man this ought to be the most holy, the most powerful, the most earnest wish he can possibly form, as well as the most consolatory prospect when he dies. Go thou and work and till; thou shalt prosper, provided thou be just, grateful, and industrious.”

HISTORY OF ANDREW, THE HEBRIDEAN

Let historians give the detail of our charters, the succession of our several governors, and of their administrations; of our political struggles, and of the foundation of our towns: let annalists amuse themselves with collecting anecdotes of the establishment of our modern provinces: eagles soar

high—I, a feebler bird, cheerfully content myself with skipping from bush to bush, and living on insignificant insects. I am so habituated to draw all my food and pleasure from the surface of the earth which I till, that I cannot, nor indeed am I able to quit it—I therefore present you with the short history of a simple Scotchman; though it contain not a single remarkable event to amaze the reader; no tragical scene to convulse the heart, or pathetic narrative to draw tears from sympathetic eyes. All I wish to delineate is, the progressive steps of a poor man, advancing from indigence to ease; from oppression to freedom; from obscurity and contumely to some degree of consequence—not by virtue of any freaks of fortune, but by the gradual operation of sobriety, honesty, and emigration. These are the limited fields, through which I love to wander; sure to find in some parts, the smile of new-born happiness, the glad heart, inspiring the cheerful song, the glow of manly pride excited by vivid hopes and rising independence. I always return from my neighbourly excursions extremely happy, because there I see good living almost under every roof, and prosperous endeavours almost in every field. But you may say, why don't you describe some of the more ancient, opulent settlements of our country, where even the eye of an European has something to admire? It is true, our American fields are in general pleasing to behold, adorned and intermixed as they are with so many substantial houses, flourishing orchards, and copses of woodlands; the pride of our farms, the source of every good we possess. But what I might observe there is but natural and common; for to draw comfortable subsistence from well fenced cultivated fields, is easy to conceive. A father dies and leaves a decent house and rich farm to his son; the son modernises the one, and carefully tills the other; marries the daughter of a friend and neighbour: this is the common prospect; but though it is rich and pleasant, yet it is far from being so entertaining and instructive as the one now in my view.

I had rather attend on the shore to welcome the poor European when he arrives, I observe him in his first moments of embarrassment, trace him throughout his primary difficulties, follow him step by step, until he pitches his tent on some piece of land, and realises that energetic wish which has made him quit his native land, his kindred, and induced him to traverse a boisterous ocean. It is there I want to observe his first thoughts and feelings, the first essays of an industry, which hitherto has been suppressed. I wish to see men cut down the first trees, erect their new buildings, till their first fields, reap their first crops, and say for the first time in their lives, “This is our own grain, raised from American soil—on it we shall feed and grow fat, and convert the rest into gold and silver.” I want to see how the happy effects of their sobriety, honesty, and industry are first displayed: and who would not take a pleasure in seeing these strangers settling as new countrymen, struggling with arduous difficulties, overcoming them, and becoming happy.

Landing on this great continent is like going to sea, they must have a compass, some friendly directing needle; or else they will uselessly err and wander for a long time, even with a fair wind: yet these are the struggles through which our forefathers have waded; and they have left us no other records of them, but the possession of our farms. The reflections I make on these new settlers recall to my mind what my grandfather did in his days; they fill me with gratitude

to his memory as well as to that government, which invited him to come, and helped him when he arrived, as well as many others. Can I pass over these reflections without remembering thy name, O Penn! thou best of legislators; who by the wisdom of thy laws hast endowed human nature, within the bounds of thy province, with every dignity it can possibly enjoy in a civilised state; and showed by thy singular establishment, what all men might be if they would follow thy example!

In the year 1770, I purchased some lands in the county of——, which I intended for one of my sons; and was obliged to go there in order to see them properly surveyed and marked out: the soil is good, but the country has a very wild aspect. However I observed with pleasure, that land sells very fast; and I am in hopes when the lad gets a wife, it will be a well-settled decent country. Agreeable to our customs, which indeed are those of nature, it is our duty to provide for our eldest children while we live, in order that our homesteads may be left to the youngest, who are the most helpless. Some people are apt to regard the portions given to daughters as so much lost to the family; but this is selfish, and is not agreeable to my way of thinking; they cannot work as men do; they marry young: I have given an honest European a farm to till for himself, rent free, provided he clears an acre of swamp every year, and that he quits it whenever my daughter shall marry. It will procure her a substantial husband, a good farmer—and that is all my ambition.

Whilst I was in the woods I met with a party of Indians; I shook hands with them, and I perceived they had killed a cub; I had a little Peach brandy, they perceived it also, we therefore joined company, kindled a large fire, and ate an hearty supper. I made their hearts glad, and we all reposed on good beds of leaves. Soon after dark, I was surprised to hear a prodigious hooting through the woods; the Indians laughed heartily. One of them, more skilful than the rest, mimicked the owls so exactly, that a very large one perched on a high tree over our fire. We soon brought him down; he measured five feet seven inches from one extremity of the wings to the other. By Captain——I have sent you the talons, on which I have had the heads of small candlesticks fixed. Pray keep them on the table of your study for my sake.

Contrary to my expectation, I found myself under the necessity of going to Philadelphia, in order to pay the purchase money, and to have the deeds properly recorded. I thought little of the journey, though it was above two hundred miles, because I was well acquainted with many friends, at whose houses I intended to stop. The third night after I left the woods, I put up at Mr.——'s, the most worthy citizen I know; he happened to lodge at my house when you was there.—He kindly inquired after your welfare, and desired I would make a friendly mention of him to you. The neatness of these good people is no phenomenon, yet I think this excellent family surpasses everything I know. No sooner did I lie down to rest than I thought myself in a most odoriferous arbour, so sweet and fragrant were the sheets. Next morning I found my host in the orchard destroying caterpillars. I think, friend B., said I, that thee art greatly departed from the good rules of the society; thee seemeth to have quitted that happy simplicity for which it hath

hitherto been so remarkable. Thy rebuke, friend James, is a pretty heavy one; what motive canst thee have for thus accusing us? Thy kind wife made a mistake last evening, I said; she put me on a bed of roses, instead of a common one; I am not used to such delicacies. And is that all, friend James, that thee hast to reproach us with?—Thee wilt not call it luxury I hope? thee canst but know that it is the produce of our garden; and friend Pope sayeth, that “to enjoy is to obey.” This is a most learned excuse indeed, friend B., and must be valued because it is founded upon truth. James, my wife hath done nothing more to thy bed than what is done all the year round to all the beds in the family; she sprinkles her linen with rose-water before she puts it under the press; it is her fancy, and I have nought to say. But thee shalt not escape so, verily I will send for her; thee and she must settle the matter, whilst I proceed on my work, before the sun gets too high.—Tom, go thou and call thy mistress Philadelphia. What. said I, is thy wife called by that name? I did not know that before. I’ll tell thee, James, how it came to pass: her grandmother was the first female child born after William Penn landed with the rest of our brethren; and in compliment to the city he intended to build, she was called after the name he intended to give it; and so there is always one of the daughters of her family known by the name of Philadelphia. She soon came, and after a most friendly altercation, I gave up the point; breakfasted, departed, and in four days reached the city.

A week after news came that a vessel was arrived with Scotch emigrants. Mr. C. and I went to the dock to see them disembark. It was a scene which inspired me with a variety of thoughts; here are, said I to my friend, a number of people, driven by poverty, and other adverse causes, to a foreign land, in which they know nobody. The name of a stranger, instead of implying relief, assistance, and kindness, on the contrary, conveys very different ideas. They are now distressed; their minds are racked by a variety of apprehensions, fears, and hopes. It was this last powerful sentiment which has brought them here. If they are good people, I pray that heaven may realise them. Whoever were to see them thus gathered again in five or six years, would behold a more pleasing sight, to which this would serve as a very powerful contrast. By their honesty, the vigour of their arms, and the benignity of government, their condition will be greatly improved; they will be well clad, fat, possessed of that manly confidence which property confers; they will become useful citizens. Some of the posterity may act conspicuous parts in our future American transactions. Most of them appeared pale and emaciated, from the length of the passage, and the indifferent provision on which they had lived. The number of children seemed as great as that of the people; they had all paid for being conveyed here. The captain told us they were a quiet, peaceable, and harmless people, who had never dwelt in cities. This was a valuable cargo; they seemed, a few excepted, to be in the full vigour of their lives. Several citizens, impelled either by spontaneous attachments, or motives of humanity, took many of them to their houses; the city, agreeable to its usual wisdom and humanity, ordered them all to be lodged in the barracks, and plenty of provisions to be given them. My friend pitched upon one also and led him to his house, with his wife, and a son about fourteen years of age. The majority of them had contracted for land the year before, by means of an agent; the rest depended entirely upon

chance; and the one who followed us was of this last class. Poor man, he smiled on receiving the invitation, and gladly accepted it, bidding his wife and son do the same, in a language which I did not understand. He gazed with uninterrupted attention on everything he saw; the houses, the inhabitants, the negroes, and carriages: everything appeared equally new to him; and we went slow, in order to give him time to feed on this pleasing variety. Good God! said he, is this Philadelphia, that blessed city of bread and provisions, of which we have heard so much? I am told it was founded the same year in which my father was born; why, it is finer than Greenock and Glasgow, which are ten times as old. It is so, said my friend to him, and when thee hast been here a month, thee will soon see that it is the capital of a fine province, of which thee art going to be a citizen: Greenock enjoys neither such a climate nor such a soil. Thus we slowly proceeded along, when we met several large Lancaster six-horse waggons, just arrived from the country. At this stupendous sight he stopped short, and with great diffidence asked us what was the use of these great moving houses, and where those big horses came from? Have you none such at home, I asked him? Oh, no; these huge animals would eat all the grass of our island! We at last reached my friend's house, who in the glow of well-meant hospitality, made them all three sit down to a good dinner, and gave them as much cider as they could drink. God bless this country, and the good people it contains, said he; this is the best meal's victuals I have made a long time.—I thank you kindly.

What part of Scotland dost thee come from, friend Andrew, said Mr. C.? Some of us come from the main, some from the island of Barra, he answered—I myself am a Barra man. I looked on the map, and by its latitude, easily guessed that it must be an inhospitable climate. What sort of land have you got there, I asked him? Bad enough, said he; we have no such trees as I see here, no wheat, no kine, no apples. Then, I observed, that it must be hard for the poor to live. We have no poor, he answered, we are all alike, except our laird; but he cannot help everybody. Pray what is the name of your laird? Mr. Neiel, said Andrew; the like of him is not to be found in any of the isles; his forefathers have lived there thirty generations ago, as we are told. Now, gentlemen, you may judge what an ancient family estate it must be. But it is cold, the land is thin, and there were too many of us, which are the reasons that some are come to seek their fortunes here. Well, Andrew, what step do you intend to take in order to become rich? I do not know, Sir; I am but an ignorant man, a stranger besides—I must rely on the advice of good Christians, they would not deceive me, I am sure. I have brought with me a character from our Barra minister, can it do me any good here? Oh, yes; but your future success will depend entirely on your own conduct; if you are a sober man, as the certificate says, laborious, and honest, there is no fear but that you will do well. Have you brought any money with you, Andrew? Yes, Sir, eleven guineas and an half. Upon my word it is a considerable sum for a Barra man; how came you by so much money? Why seven years ago I received a legacy of thirty-seven pounds from an uncle, who loved me much; my wife brought me two guineas, when the laird gave her to me for a wife, which I have saved ever since. I have sold all I had; I worked in Glasgow for some time. I am glad to hear you are so saving and prudent; be so still; you must go and hire yourself with some good people;

what can you do? I can thresh a little, and handle the spade. Can you plough? Yes, Sir, with the little breast plough I have brought with me. These won't do here, Andrew; you are an able man; if you are willing you will soon learn. I'll tell you what I intend to do; I'll send you to my house, where you shall stay two or three weeks, there you must exercise yourself with the axe, that is the principal tool the Americans want, and particularly the back-settlers. Can your wife spin? Yes, she can. Well then as soon as you are able to handle the axe, you shall go and live with Mr. P. R., a particular friend of mine, who will give you four dollars per month, for the first six, and the usual price of five as long as you remain with him. I shall place your wife in another house, where she shall receive half a dollar a week for spinning; and your son a dollar a month to drive the team. You shall have besides good victuals to eat, and good beds to lie on; will all this satisfy you, Andrew? He hardly understood what I said; the honest tears of gratitude fell from his eyes as he looked at me, and its expressions seemed to quiver on his lips.—Though silent, this was saying a great deal; there was besides something extremely moving to see a man six feet high thus shed tears; and they did not lessen the good opinion I had entertained of him. At last he told me, that my offers were more than he deserved, and that he would first begin to work for his victuals. No, no, said I, if you are careful and sober, and do what you can, you shall receive what I told you, after you have served a short apprenticeship at my house. May God repay you for all your kindnesses, said Andrew; as long as I live I shall thank you, and do what I can for you. A few days after I sent them all three to——, by the return of some waggons, that he might have an opportunity of viewing, and convincing himself of the utility of those machines which he had at first so much admired.

The further descriptions he gave us of the Hebrides in general, and of his native island in particular; of the customs and modes of living of the inhabitants; greatly entertained me. Pray is the sterility of the soil the cause that there are no trees, or is it because there are none planted? What are the modern families of all the kings of the earth, compared to the date of that of Mr. Neiel? Admitting that each generation should last but forty years, this makes a period of 1200; an extraordinary duration for the uninterrupted descent of any family! Agreeably to the description he gave us of those countries, they seem to live according to the rules of nature, which gives them but bare subsistence; their constitutions are uncontaminated by any excess or effeminacy, which their soil refuses. If their allowance of food is not too scanty, they must all be healthy by perpetual temperance and exercise; if so, they are amply rewarded for their poverty. Could they have obtained but necessary food, they would not have left it; for it was not in consequence of oppression, either from their patriarch or the government, that they had emigrated. I wish we had a colony of these honest people settled in some parts of this province; their morals, their religion, seem to be as simple as their manners. This society would present an interesting spectacle could they be transported on a richer soil. But perhaps that soil would soon alter everything; for our opinions, vices, and virtues, are altogether local: we are machines fashioned by every circumstance around us.

Andrew arrived at my house a week before I did, and I found my wife, agreeable to my instructions, had placed the axe in his hands, as his first task. For some time he was very awkward, but he was so docile, so willing, and grateful, as well as his wife, that I foresaw he would succeed. Agreeably to my promise, I put them all with different families, where they were well liked, and all parties were pleased. Andrew worked hard, lived well, grew fat, and every Sunday came to pay me a visit on a good horse, which Mr. P. R. lent him. Poor man, it took him a long time ere he could sit on the saddle and hold the bridle properly. I believe he had never before mounted such a beast, though I did not choose to ask him that question, for fear it might suggest some mortifying ideas. After having been twelve months at Mr. P. R.'s, and having received his own and his family's wages, which amounted to eighty-four dollars; he came to see me on a week-day, and told me, that he was a man of middle age, and would willingly have land of his own, in order to procure him a home, as a shelter against old age: that whenever this period should come, his son, to whom he would give his land, would then maintain him, and thus live altogether; he therefore required my advice and assistance. I thought his desire very natural and praiseworthy, and told him that I should think of it, but that he must remain one month longer with Mr. P. R., who had 3000 rails to split. He immediately consented. The spring was not far advanced enough yet for Andrew to begin clearing any land even supposing that he had made a purchase; as it is always necessary that the leaves should be out, in order that this additional combustible may serve to burn the heaps of brush more readily.

A few days after, it happened that the whole family of Mr. P. R. went to meeting, and left Andrew to take care of the house. While he was at the door, attentively reading the Bible, nine Indians just come from the mountains, suddenly made their appearance, and unloaded their packs of furs on the floor of the piazza. Conceive, if you can, what was Andrew's consternation at this extraordinary sight! From the singular appearance of these people, the honest Hebridean took them for a lawless band come to rob his master's house. He therefore, like a faithful guardian, precipitately withdrew and shut the doors, but as most of our houses are without locks, he was reduced to the necessity of fixing his knife over the latch, and then flew upstairs in quest of a broadsword he had brought from Scotland. The Indians, who were Mr. P. R.'s particular friends, guessed at his suspicions and fears; they forcibly lifted the door, and suddenly took possession of the house, got all the bread and meat they wanted, and sat themselves down by the fire. At this instant Andrew, with his broadsword in his hand, entered the room; the Indians earnestly looking at him, and attentively watching his motions. After a very few reflections, Andrew found that his weapon was useless, when opposed to nine tomahawks; but this did not diminish his anger, on the contrary; it grew greater on observing the calm impudence with which they were devouring the family provisions. Unable to resist, he called them names in broad Scotch, and ordered them to desist and be gone; to which the Indians (as they told me afterwards) replied in their equally broad idiom. It must have been a most unintelligible altercation between this honest Barra man, and nine Indians who did not much care for anything he could say. At last he ventured to lay his hands on one of them, in order to turn him out of the house. Here Andrew's fidelity got the

better of his prudence; for the Indian, by his motions, threatened to scalp him, while the rest gave the war hoop. This horrid noise so effectually frightened poor Andrew, that, unmindful of his courage, of his broadsword, and his intentions, he rushed out, left them masters of the house, and disappeared. I have heard one of the Indians say since, that he never laughed so heartily in his life. Andrew at a distance, soon recovered from the fears which had been inspired by this infernal yell, and thought of no other remedy than to go to the meeting-house, which was about two miles distant. In the eagerness of his honest intentions, with looks of affright still marked on his countenance, he called Mr. P. R. out, and told him with great vehemence of style, that nine monsters were come to his house—some blue, some red, and some black; that they had little axes in their hands out of which they smoked; and that like highlanders, they had no breeches; that they were devouring all his victuals, and that God only knew what they would do more. Pacify yourself, said Mr. P. R., my house is as safe with these people, as if I was there myself; as for the victuals, they are heartily welcome, honest Andrew; they are not people of much ceremony; they help themselves thus whenever they are among their friends; I do so too in their wigwams, whenever I go to their village: you had better therefore step in and hear the remainder of the sermon, and when the meeting is over we will all go back in the waggon together.

At their return, Mr. P. R., who speaks the Indian language very well, explained the whole matter; the Indians renewed their laugh, and shook hands with honest Andrew, whom they made to smoke out of their pipes; and thus peace was made, and ratified according to the Indian custom, by the calumet.

Soon after this adventure, the time approached when I had promised Andrew my best assistance to settle him; for that purpose I went to Mr. A. V. in the county of——, who, I was informed, had purchased a tract of land, contiguous to——settlement. I gave him a faithful detail of the progress Andrew had made in the rural arts; of his honesty, sobriety, and gratitude, and pressed him to sell him an hundred acres. This I cannot comply with, said Mr. A. V., but at the same time I will do better; I love to encourage honest Europeans as much as you do, and to see them prosper: you tell me he has but one son; I will lease them an hundred acres for any term of years you please, and make it more valuable to your Scotchman than if he was possessed of the fee simple. By that means he may, with what little money he has, buy a plough, a team, and some stock; he will not be incumbered with debts and mortgages; what he raises will be his own; had he two or three sons as able as himself, then I should think it more eligible for him to purchase the fee simple. I join with you in opinion, and will bring Andrew along with me in a few days.

Well, honest Andrew, said Mr. A. V., in consideration of your good name, I will let you have an hundred acres of good arable land, that shall be laid out along a new road; there is a bridge already erected on the creek that passes through the land, and a fine swamp of about twenty acres. These are my terms, I cannot sell, but I will lease you the quantity that Mr. James, your friend, has asked; the first seven years you shall pay no rent, whatever you sow and reap, and

plant and gather, shall be entirely your own; neither the king, government, nor church, will have any claim on your future property: the remaining part of the time you must give me twelve dollars and an half a year; and that is all you will have to pay me. Within the three first years you must plant fifty apple trees, and clear seven acres of swamp within the first part of the lease; it will be your own advantage: whatever you do more within that time, I will pay you for it, at the common rate of the country. The term of the lease shall be thirty years; how do you like it, Andrew? Oh, Sir, it is very good, but I am afraid, that the king or his ministers, or the governor, or some of our great men, will come and take the land from me; your son may say to me, by and by, this is my father's land, Andrew, you must quit it. No, no, said Mr. A. V., there is no such danger; the king and his ministers are too just to take the labour of a poor settler; here we have no great men, but what are subordinate to our laws; but to calm all your fears, I will give you a lease, so that none can make you afraid. If ever you are dissatisfied with the land, a jury of your own neighbourhood shall value all your improvements, and you shall be paid agreeably to their verdict. You may sell the lease, or if you die, you may previously dispose of it, as if the land was your own. Expressive, yet inarticulate joy, was mixed in his countenance, which seemed impressed with astonishment and confusion. Do you understand me well, said Mr. A. V.? No, Sir, replied Andrew, I know nothing of what you mean about lease, improvement, will, jury, etc. That is honest, we will explain these things to you by and by. It must be confessed that those were hard words, which he had never heard in his life; for by his own account, the ideas they convey would be totally useless in the island of Barra. No wonder, therefore, that he was embarrassed; for how could the man who had hardly a will of his own since he was born, imagine he could have one after his death? How could the person who never possessed anything, conceive that he could extend his new dominion over this land, even after he should be laid in his grave? For my part, I think Andrew's amazement did not imply any extraordinary degree of ignorance; he was an actor introduced upon a new scene, it required some time ere he could reconcile himself to the part he was to perform. However he was soon enlightened, and introduced into those mysteries with which we native Americans are but too well acquainted.

Here then is honest Andrew, invested with every municipal advantage they confer; become a freeholder, possessed of a vote, of a place of residence, a citizen of the province of Pennsylvania. Andrew's original hopes and the distant prospects he had formed in the island of Barra, were at the eve of being realised; we therefore can easily forgive him a few spontaneous ejaculations, which would be useless to repeat. This short tale is easily told; few words are sufficient to describe this sudden change of situation; but in his mind it was gradual, and took him above a week before he could be sure, that without disturbing any money he could possess lands. Soon after he prepared himself; I lent him a barrel of pork, and 200 lb. weight of meal, and made him purchase what was necessary besides.

He set out, and hired a room in the house of a settler who lived the most contiguous to his own land. His first work was to clear some acres of swamp, that he might have a supply of

hay the following year for his two horses and cows. From the first day he began to work, he was indefatigable; his honesty procured him friends, and his industry the esteem of his new neighbours. One of them offered him two acres of cleared land, whereon he might plant corn, pumpkins, squashes, and a few potatoes, that very season. It is astonishing how quick men will learn when they work for themselves. I saw with pleasure two months after, Andrew holding a two-horse plough and tracing his furrows quite straight; thus the spade man of the island of Barra was become the tiller of American soil. Well done, said I, Andrew, well done; I see that God speeds and directs your works; I see prosperity delineated in all your furrows and head lands. Raise this crop of corn with attention and care, and then you will be master of the art.

As he had neither mowing nor reaping to do that year, I told him that the time was come to build his house; and that for the purpose I would myself invite the neighbourhood to a frolic; that thus he would have a large dwelling erected, and some upland cleared in one day. Mr. P. R., his old friend, came at the time appointed, with all his hands, and brought victuals in plenty: I did the same. About forty people repaired to the spot; the songs, and merry stories, went round the woods from cluster to cluster, as the people had gathered to their different works; trees fell on all sides, bushes were cut up and heaped; and while many were thus employed, others with their teams hauled the big logs to the spot which Andrew had pitched upon for the erection of his new dwelling. We all dined in the woods; in the afternoon the logs were placed with skids, and the usual contrivances: thus the rude house was raised, and above two acres of land cut up, cleared, and heaped.

Whilst all these different operations were performing, Andrew was absolutely incapable of working; it was to him the most solemn holiday he had ever seen; it would have been sacrilegious in him to have denied it with menial labour. Poor man, he sanctified it with joy and thanksgiving, and honest libations—he went from one to the other with the bottle in his hand, pressing everybody to drink, and drinking himself to show the example. He spent the whole day in smiling, laughing, and uttering monosyllables: his wife and son were there also, but as they could not understand the language, their pleasure must have been altogether that of the imagination. The powerful lord, the wealthy merchant, on seeing the superb mansion finished, never can feel half the joy and real happiness which was felt and enjoyed on that day by this honest Hebridean: though this new dwelling, erected in the midst of the woods, was nothing more than a square inclosure, composed of twenty-four large clumsy logs, let in at the ends. When the work was finished, the company made the woods resound with the noise of their three cheers, and the honest wishes they formed for Andrew's prosperity. He could say nothing, but with thankful tears he shook hands with them all. Thus from the first day he had landed, Andrew marched towards this important event: this memorable day made the sun shine on that land on which he was to sow wheat and other grain. What swamp he had cleared lay before his door; the essence of future bread, milk, and meat, were scattered all round him. Soon after he hired a carpenter, who put on a roof and laid the floors; in a week more the house was properly plastered,

and the chimney finished. He moved into it, and purchased two cows, which found plenty of food in the woods—his hogs had the same advantage. That very year, he and his son sowed three bushels of wheat, from which he reaped ninety-one and a half; for I had ordered him to keep an exact account of all he should raise. His first crop of other corn would have been as good, had it not been for the squirrels, which were enemies not to be dispersed by the broadsword. The fourth year I took an inventory of the wheat this man possessed, which I send you. Soon after, further settlements were made on that road, and Andrew, instead of being the last man towards the wilderness, found himself in a few years in the middle of a numerous society. He helped others as generously as others had helped him; and I have dined many times at his table with several of his neighbours. The second year he was made overseer of the road, and served on two petty juries, performing as a citizen all the duties required of him. The historiographer of some great prince or general, does not bring his hero victorious to the end of a successful campaign, with one half of the heart-felt pleasure with which I have conducted Andrew to the situation he now enjoys: he is independent and easy. Triumph and military honours do not always imply those two blessings. He is unencumbered with debts, services, rents, or any other dues; the successes of a campaign, the laurels of war, must be purchased at the dearest rate, which makes every cool reflecting citizen to tremble and shudder. By the literal account hereunto annexed, you will easily be made acquainted with the happy effects which constantly flow, in this country, from sobriety and industry, when united with good land and freedom.

The account of the property he acquired with his own hands and those of his son, in four years, is under:

Dollars

The value of his improvements and lease 225
Six cows, at 13 dollars 78
Two breeding mares 50
The rest of the stock 100
Seventy-three bushels of wheat 66
Money due to him on notes 43
Pork and beef in his cellar 28
Wool and flax 19
Ploughs and other utensils of husbandry 31
—
240 pounds Pennsylvania currency—dollars 640

Civil Disobedience

by Henry David Thoreau

I heartily accept the motto, "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe—"That government is best which governs not at all"; and when men are prepared for it, that will be the kind of government which they will have. Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient. The objections which have been brought against a standing army, and they are many and weighty, and deserve to prevail, may also at last be brought against a standing government. The standing army is only an arm of the standing government. The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. Witness the present Mexican war, the work of comparatively a few individuals using the standing government as their tool; for in the outset, the people would not have consented to this measure.

This American government—what is it but a tradition, though a recent one, endeavoring to transmit itself unimpaired to posterity, but each instant losing some of its integrity? It has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have. Governments show thus how successfully men can be imposed upon, even impose on themselves, for their own advantage. It is excellent, we must all allow. Yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the West. It does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way. For government is an expedient, by which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient, the governed are most let alone by it. Trade and commerce, if they were not made of india-rubber, would never manage to bounce over obstacles which legislators are continually putting in their way; and if one were to judge these men wholly by the effects of their actions and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases can not be based on justice, even as far as men understand it. Can there not be a government in which the majorities do not virtually decide right and wrong, but conscience?—in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in

the least degree, resign his conscience to the legislator? Why has every man a conscience then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right. It is truly enough said that a corporation has no conscience; but a corporation of conscientious men is a corporation with a conscience. Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents on injustice. A common and natural result of an undue respect for the law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys, and all, marching in admirable order over hill and dale to the wars, against their wills, ay, against their common sense and consciences, which makes it very steep marching indeed, and produces a palpitation of the heart. They have no doubt that it is a damnable business in which they are concerned; they are all peaceably inclined. Now, what are they? Men at all? or small movable forts and magazines, at the service of some unscrupulous man in power? Visit the Navy Yard, and behold a marine, such a man as an American government can make, or such as it can make a man with its black arts—a mere shadow and reminiscence of humanity, a man laid out alive and standing, and already, as one may say, buried under arms with funeral accompaniment, though it may be,

“Not a drum was heard, not a funeral note,

As his corse to the rampart we hurried;

Not a soldier discharged his farewell shot

O’er the grave where our hero was buried.”

The mass of men serve the state thus, not as men mainly, but as machines, with their bodies. They are the standing army, and the militia, jailers, constables, posse comitatus, etc. In most cases there is no free exercise whatever of the judgement or of the moral sense; but they put themselves on a level with wood and earth and stones; and wooden men can perhaps be manufactured that will serve the purpose as well. Such command no more respect than men of straw or a lump of dirt. They have the same sort of worth only as horses and dogs. Yet such as these even are commonly esteemed good citizens. Others—as most legislators, politicians, lawyers, ministers, and office-holders—serve the state chiefly with their heads; and, as they rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God. A very few—as heroes, patriots, martyrs, reformers in the great sense, and men—serve the state with their consciences also, and so necessarily resist it for the most part; and they are commonly treated as enemies by it. A wise man will only be useful as a man, and will not submit to be “clay,” and “stop a hole to keep the wind away,” but leave that office to his dust at least:

“I am too high born to be propertied,

To be a second at control,

Or useful serving-man and instrument

To any sovereign state throughout the world.”

He who gives himself entirely to his fellow men appears to them useless and selfish; but he who gives himself partially to them is pronounced a benefactor and philanthropist.

How does it become a man to behave toward the American government today? I answer, that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as my government which is the slave's government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable. But almost all say that such is not the case now. But such was the case, they think, in the Revolution of '75. If one were to tell me that this was a bad government because it taxed certain foreign commodities brought to its ports, it is most probable that I should not make an ado about it, for I can do without them. All machines have their friction; and possibly this does enough good to counter-balance the evil. At any rate, it is a great evil to make a stir about it. But when the friction comes to have its machine, and oppression and robbery are organized, I say, let us not have such a machine any longer. In other words, when a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize. What makes this duty the more urgent is that fact that the country so overrun is not our own, but ours is the invading army.

Paley, a common authority with many on moral questions, in his chapter on the “Duty of Submission to Civil Government,” resolves all civil obligation into expediency; and he proceeds to say that “so long as the interest of the whole society requires it, that is, so long as the established government cannot be resisted or changed without public inconvenience, it is the will of God . . . that the established government be obeyed—and no longer. This principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and of the probability and expense of redressing it on the other.” Of this, he says, every man shall judge for himself. But Paley appears never to have contemplated those cases to which the rule of expediency does not apply, in which a people, as well as an individual, must do justice, cost what it may. If I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself. This, according to Paley, would be inconvenient. But he that would save his life, in such a case, shall lose it. This people must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people.

In their practice, nations agree with Paley; but does anyone think that Massachusetts does exactly what is right at the present crisis?

“A drab of stat,
a cloth-o’-silver slut,
To have her train borne up,
and her soul trail in the dirt.”

Practically speaking, the opponents to a reform in Massachusetts are not a hundred thousand politicians at the South, but a hundred thousand merchants and farmers here, who are more interested in commerce and agriculture than they are in humanity, and are not prepared to do justice to the slave and to Mexico, cost what it may. I quarrel not with far-off foes, but with those who, near at home, co-operate with, and do the bidding of, those far away, and without whom the latter would be harmless. We are accustomed to say, that the mass of men are unprepared; but improvement is slow, because the few are not as materially wiser or better than the many. It is not so important that many should be good as you, as that there be some absolute goodness somewhere; for that will leaven the whole lump. There are thousands who are in opinion opposed to slavery and to the war, who yet in effect do nothing to put an end to them; who, esteeming themselves children of Washington and Franklin, sit down with their hands in their pockets, and say that they know not what to do, and do nothing; who even postpone the question of freedom to the question of free trade, and quietly read the prices-current along with the latest advices from Mexico, after dinner, and, it may be, fall asleep over them both. What is the price-current of an honest man and patriot today? They hesitate, and they regret, and sometimes they petition; but they do nothing in earnest and with effect. They will wait, well disposed, for other to remedy the evil, that they may no longer have it to regret. At most, they give up only a cheap vote, and a feeble countenance and Godspeed, to the right, as it goes by them. There are nine hundred and ninety-nine patrons of virtue to one virtuous man. But it is easier to deal with the real possessor of a thing than with the temporary guardian of it.

All voting is a sort of gaming, like checkers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance, as I think right; but I am not vitally concerned that that right should prevail. I am willing to leave it to the majority. Its obligation, therefore, never exceeds that of expediency. Even voting for the right is doing nothing for it. It is only expressing to men feebly your desire that it should prevail. A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the action of masses of men. When the majority shall at length vote for the abolition of slavery, it will be because they are indifferent to slavery, or because there is but little slavery left to be abolished by their vote. They will then be the only slaves. Only his vote can hasten the abolition of slavery who asserts his own freedom by his vote.

I hear of a convention to be held at Baltimore, or elsewhere, for the selection of a candidate

for the Presidency, made up chiefly of editors, and men who are politicians by profession; but I think, what is it to any independent, intelligent, and respectable man what decision they may come to? Shall we not have the advantage of this wisdom and honesty, nevertheless? Can we not count upon some independent votes? Are there not many individuals in the country who do not attend conventions? But no: I find that the respectable man, so called, has immediately drifted from his position, and despairs of his country, when his country has more reasons to despair of him. He forthwith adopts one of the candidates thus selected as the only available one, thus proving that he is himself available for any purposes of the demagogue. His vote is of no more worth than that of any unprincipled foreigner or hireling native, who may have been bought. O for a man who is a man, and, as my neighbor says, has a bone in his back which you cannot pass your hand through! Our statistics are at fault: the population has been returned too large. How many men are there to a square thousand miles in the country? Hardly one. Does not America offer any inducement for men to settle here? The American has dwindled into an Odd Fellow—one who may be known by the development of his organ of gregariousness, and a manifest lack of intellect and cheerful self-reliance; whose first and chief concern, on coming into the world, is to see that the almshouses are in good repair; and, before yet he has lawfully donned the virile garb, to collect a fund to the support of the widows and orphans that may be; who, in short, ventures to live only by the aid of the Mutual Insurance company, which has promised to bury him decently.

It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even to most enormous wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too. See what gross inconsistency is tolerated. I have heard some of my townsmen say, "I should like to have them order me out to help put down an insurrection of the slaves, or to march to Mexico—see if I would go"; and yet these very men have each, directly by their allegiance, and so indirectly, at least, by their money, furnished a substitute. The soldier is applauded who refuses to serve in an unjust war by those who do not refuse to sustain the unjust government which makes the war; is applauded by those whose own act and authority he disregards and sets at naught; as if the state were penitent to that degree that it hired one to scourge it while it sinned, but not to that degree that it left off sinning for a moment. Thus, under the name of Order and Civil Government, we are all made at last to pay homage to and support our own meanness. After the first blush of sin comes its indifference; and from immoral it becomes, as it were, unmoral, and not quite unnecessary to that life which we have made.

The broadest and most prevalent error requires the most disinterested virtue to sustain it. The slight reproach to which the virtue of patriotism is commonly liable, the noble are most likely to incur. Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support are undoubtedly its most conscientious supporters, and so

frequently the most serious obstacles to reform. Some are petitioning the State to dissolve the Union, to disregard the requisitions of the President. Why do they not dissolve it themselves—the union between themselves and the State—and refuse to pay their quota into its treasury? Do not they stand in same relation to the State that the State does to the Union? And have not the same reasons prevented the State from resisting the Union which have prevented them from resisting the State?

How can a man be satisfied to entertain an opinion merely, and enjoy it? Is there any enjoyment in it, if his opinion is that he is aggrieved? If you are cheated out of a single dollar by your neighbor, you do not rest satisfied with knowing you are cheated, or with saying that you are cheated, or even with petitioning him to pay you your due; but you take effectual steps at once to obtain the full amount, and see to it that you are never cheated again. Action from principle, the perception and the performance of right, changes things and relations; it is essentially revolutionary, and does not consist wholly with anything which was. It not only divided States and churches, it divides families; ay, it divides the individual, separating the diabolical in him from the divine.

Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men, generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to put out its faults, and do better than it would have them? Why does it always crucify Christ and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels?

One would think, that a deliberate and practical denial of its authority was the only offense never contemplated by its government; else, why has it not assigned its definite, its suitable and proportionate, penalty? If a man who has no property refuses but once to earn nine shillings for the State, he is put in prison for a period unlimited by any law that I know, and determined only by the discretion of those who put him there; but if he should steal ninety times nine shillings from the State, he is soon permitted to go at large again.

If the injustice is part of the necessary friction of the machine of government, let it go, let it go: perchance it will wear smooth—certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

As for adopting the ways of the State has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good

or bad. A man has not everything to do, but something; and because he cannot do everything, it is not necessary that he should be doing something wrong. It is not my business to be petitioning the Governor or the Legislature any more than it is theirs to petition me; and if they should not hear my petition, what should I do then? But in this case the State has provided no way: its very Constitution is the evil. This may seem to be harsh and stubborn and unconciliatory; but it is to treat with the utmost kindness and consideration the only spirit that can appreciate or deserves it. So is all change for the better, like birth and death, which convulse the body.

I do not hesitate to say, that those who call themselves Abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbors constitutes a majority of one already.

I meet this American government, or its representative, the State government, directly, and face to face, once a year—no more—in the person of its tax-gatherer; this is the only mode in which a man situated as I am necessarily meets it; and it then says distinctly, Recognize me; and the simplest, the most effectual, and, in the present posture of affairs, the indispensablest mode of treating with it on this head, of expressing your little satisfaction with and love for it, is to deny it then. My civil neighbor, the tax-gatherer, is the very man I have to deal with—for it is, after all, with men and not with parchment that I quarrel—and he has voluntarily chosen to be an agent of the government. How shall he ever know well that he is and does as an officer of the government, or as a man, until he is obliged to consider whether he will treat me, his neighbor, for whom he has respect, as a neighbor and well-disposed man, or as a maniac and disturber of the peace, and see if he can get over this obstruction to his neighborliness without a ruder and more impetuous thought or speech corresponding with his action. I know this well, that if one thousand, if one hundred, if ten men whom I could name—if ten honest men only—ay, if one HONEST man, in this State of Massachusetts, ceasing to hold slaves, were actually to withdraw from this co-partnership, and be locked up in the county jail therefor, it would be the abolition of slavery in America. For it matters not how small the beginning may seem to be: what is once well done is done forever. But we love better to talk about it: that we say is our mission. Reform keeps many scores of newspapers in its service, but not one man. If my esteemed neighbor, the State's ambassador, who will devote his days to the settlement of the question of human rights in the Council Chamber, instead of being threatened with the prisons of Carolina, were to sit down the prisoner of Massachusetts, that State which is so anxious to foist the sin of slavery upon her sister—though at present she can discover only an act of inhospitality to be the ground of a quarrel with her—the Legislature would not wholly waive the subject of the following winter. Under a government which imprisons unjustly, the true place for a just man is also a prison. The proper place today, the only place which Massachusetts has provided for her freer and less despondent spirits, is in her prisons, to be put out and locked out of the State by her own act, as they have already put themselves out by their principles. It is there that the fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the wrongs of his race should find

them; on that separate but more free and honorable ground, where the State places those who are not with her, but against her—the only house in a slave State in which a free man can abide with honor. If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be as an enemy within its walls, they do not know by how much truth is stronger than error, nor how much more eloquently and effectively he can combat injustice who has experienced a little in his own person. Cast your whole vote, not a strip of paper merely, but your whole influence. A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. If a thousand men were not to pay their tax bills this year, that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution, if any such is possible. If the tax-gatherer, or any other public officer, asks me, as one has done, “But what shall I do?” my answer is, “If you really wish to do anything, resign your office.” When the subject has refused allegiance, and the officer has resigned from office, then the revolution is accomplished. But even suppose blood should flow. Is there not a sort of blood shed when the conscience is wounded? Through this wound a man’s real manhood and immortality flow out, and he bleeds to an everlasting death. I see this blood flowing now.

I have contemplated the imprisonment of the offender, rather than the seizure of his goods—though both will serve the same purpose—because they who assert the purest right, and consequently are most dangerous to a corrupt State, commonly have not spent much time in accumulating property. To such the State renders comparatively small service, and a slight tax is wont to appear exorbitant, particularly if they are obliged to earn it by special labor with their hands. If there were one who lived wholly without the use of money, the State itself would hesitate to demand it of him. But the rich man—not to make any invidious comparison—is always sold to the institution which makes him rich. Absolutely speaking, the more money, the less virtue; for money comes between a man and his objects, and obtains them for him; it was certainly no great virtue to obtain it. It puts to rest many questions which he would otherwise be taxed to answer; while the only new question which it puts is the hard but superfluous one, how to spend it. Thus his moral ground is taken from under his feet. The opportunities of living are diminished in proportion as that are called the “means” are increased. The best thing a man can do for his culture when he is rich is to endeavor to carry out those schemes which he entertained when he was poor. Christ answered the Herodians according to their condition. “Show me the tribute-money,” said he—and one took a penny out of his pocket—if you use money which has the image of Caesar on it, and which he has made current and valuable, that is, if you are men of the State, and gladly enjoy the advantages of Caesar’s government, then pay him back some of his own when he demands it. “Render therefore to Caesar that which is Caesar’s and to God those things which are God’s”—leaving them no wiser than before as to which was which; for they did not wish to know.

When I converse with the freest of my neighbors, I perceive that, whatever they may say about

the magnitude and seriousness of the question, and their regard for the public tranquillity, the long and the short of the matter is, that they cannot spare the protection of the existing government, and they dread the consequences to their property and families of disobedience to it. For my own part, I should not like to think that I ever rely on the protection of the State. But, if I deny the authority of the State when it presents its tax bill, it will soon take and waste all my property, and so harass me and my children without end. This is hard. This makes it impossible for a man to live honestly, and at the same time comfortably, in outward respects. It will not be worth the while to accumulate property; that would be sure to go again. You must hire or squat somewhere, and raise but a small crop, and eat that soon. You must live within yourself, and depend upon yourself always tucked up and ready for a start, and not have many affairs. A man may grow rich in Turkey even, if he will be in all respects a good subject of the Turkish government. Confucius said: "If a state is governed by the principles of reason, poverty and misery are subjects of shame; if a state is not governed by the principles of reason, riches and honors are subjects of shame." No: until I want the protection of Massachusetts to be extended to me in some distant Southern port, where my liberty is endangered, or until I am bent solely on building up an estate at home by peaceful enterprise, I can afford to refuse allegiance to Massachusetts, and her right to my property and life. It costs me less in every sense to incur the penalty of disobedience to the State than it would to obey. I should feel as if I were worth less in that case.

Some years ago, the State met me in behalf of the Church, and commanded me to pay a certain sum toward the support of a clergyman whose preaching my father attended, but never I myself. "Pay," it said, "or be locked up in the jail." I declined to pay. But, unfortunately, another man saw fit to pay it. I did not see why the schoolmaster should be taxed to support the priest, and not the priest the schoolmaster; for I was not the State's schoolmaster, but I supported myself by voluntary subscription. I did not see why the lyceum should not present its tax bill, and have the State to back its demand, as well as the Church. However, at the request of the selectmen, I condescended to make some such statement as this in writing: "Know all men by these presents, that I, Henry Thoreau, do not wish to be regarded as a member of any incorporated society which I have not joined." This I gave to the town clerk; and he has it. The State, having thus learned that I did not wish to be regarded as a member of that church, has never made a like demand on me since; though it said that it must adhere to its original presumption that time. If I had known how to name them, I should then have signed off in detail from all the societies which I never signed on to; but I did not know where to find such a complete list.

I have paid no poll tax for six years. I was put into a jail once on this account, for one night; and, as I stood considering the walls of solid stone, two or three feet thick, the door of wood and iron, a foot thick, and the iron grating which strained the light, I could not help being struck with the foolishness of that institution which treated me as if I were mere flesh and blood and bones, to be locked up. I wondered that it should have concluded at length that this was the best use it could put me to, and had never thought to avail itself of my services in some way. I saw that, if there was a wall of stone between me and my townsmen, there was a still more difficult one

to climb or break through before they could get to be as free as I was. I did not for a moment feel confined, and the walls seemed a great waste of stone and mortar. I felt as if I alone of all my townsmen had paid my tax. They plainly did not know how to treat me, but behaved like persons who are underbred. In every threat and in every compliment there was a blunder; for they thought that my chief desire was to stand the other side of that stone wall. I could not but smile to see how industriously they locked the door on my meditations, which followed them out again without let or hindrance, and they were really all that was dangerous. As they could not reach me, they had resolved to punish my body; just as boys, if they cannot come at some person against whom they have a spite, will abuse his dog. I saw that the State was half-witted, that it was timid as a lone woman with her silver spoons, and that it did not know its friends from its foes, and I lost all my remaining respect for it, and pitied it.

Thus the state never intentionally confronts a man's sense, intellectual or moral, but only his body, his senses. It is not armed with superior wit or honesty, but with superior physical strength. I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest. What force has a multitude? They only can force me who obey a higher law than I. They force me to become like themselves. I do not hear of men being forced to live this way or that by masses of men. What sort of life were that to live? When I meet a government which says to me, "Your money or your life," why should I be in haste to give it my money? It may be in a great strait, and not know what to do: I cannot help that. It must help itself; do as I do. It is not worth the while to snivel about it. I am not responsible for the successful working of the machinery of society. I am not the son of the engineer. I perceive that, when an acorn and a chestnut fall side by side, the one does not remain inert to make way for the other, but both obey their own laws, and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to nature, it dies; and so a man.

The night in prison was novel and interesting enough. The prisoners in their shirtsleeves were enjoying a chat and the evening air in the doorway, when I entered. But the jailer said, "Come, boys, it is time to lock up"; and so they dispersed, and I heard the sound of their steps returning into the hollow apartments. My room-mate was introduced to me by the jailer as "a first-rate fellow and clever man." When the door was locked, he showed me where to hang my hat, and how he managed matters there. The rooms were whitewashed once a month; and this one, at least, was the whitest, most simply furnished, and probably neatest apartment in town. He naturally wanted to know where I came from, and what brought me there; and, when I had told him, I asked him in my turn how he came there, presuming him to be an honest man, of course; and as the world goes, I believe he was. "Why," said he, "they accuse me of burning a barn; but I never did it." As near as I could discover, he had probably gone to bed in a barn when drunk, and smoked his pipe there; and so a barn was burnt. He had the reputation of being a clever man, had been there some three months waiting for his trial to come on, and would have to wait as much longer; but he was quite domesticated and contented, since he got his board for nothing, and thought that he was well treated.

He occupied one window, and I the other; and I saw that if one stayed there long, his principal

business would be to look out the window. I had soon read all the tracts that were left there, and examined where former prisoners had broken out, and where a grate had been sawed off, and heard the history of the various occupants of that room; for I found that even there there was a history and a gossip which never circulated beyond the walls of the jail. Probably this is the only house in the town where verses are composed, which are afterward printed in a circular form, but not published. I was shown quite a long list of young men who had been detected in an attempt to escape, who avenged themselves by singing them.

I pumped my fellow-prisoner as dry as I could, for fear I should never see him again; but at length he showed me which was my bed, and left me to blow out the lamp.

It was like travelling into a far country, such as I had never expected to behold, to lie there for one night. It seemed to me that I never had heard the town clock strike before, not the evening sounds of the village; for we slept with the windows open, which were inside the grating. It was to see my native village in the light of the Middle Ages, and our Concord was turned into a Rhine stream, and visions of knights and castles passed before me. They were the voices of old burghers that I heard in the streets. I was an involuntary spectator and auditor of whatever was done and said in the kitchen of the adjacent village inn—a wholly new and rare experience to me. It was a closer view of my native town. I was fairly inside of it. I never had seen its institutions before. This is one of its peculiar institutions; for it is a shire town. I began to comprehend what its inhabitants were about.

In the morning, our breakfasts were put through the hole in the door, in small oblong-square tin pans, made to fit, and holding a pint of chocolate, with brown bread, and an iron spoon. When they called for the vessels again, I was green enough to return what bread I had left, but my comrade seized it, and said that I should lay that up for lunch or dinner. Soon after he was let out to work at haying in a neighboring field, whither he went every day, and would not be back till noon; so he bade me good day, saying that he doubted if he should see me again.

When I came out of prison—for some one interfered, and paid that tax—I did not perceive that great changes had taken place on the common, such as he observed who went in a youth and emerged a gray-headed man; and yet a change had come to my eyes come over the scene—the town, and State, and country, greater than any that mere time could effect. I saw yet more distinctly the State in which I lived. I saw to what extent the people among whom I lived could be trusted as good neighbors and friends; that their friendship was for summer weather only; that they did not greatly propose to do right; that they were a distinct race from me by their prejudices and superstitions, as the Chinamen and Malays are; that in their sacrifices to humanity they ran no risks, not even to their property; that after all they were not so noble but they treated the thief as he had treated them, and hoped, by a certain outward observance and a few prayers, and by walking in a particular straight though useless path from time to time, to save their souls. This may be to judge my neighbors harshly; for I believe that many of them are not aware that they have such an institution as the jail in their village.

It was formerly the custom in our village, when a poor debtor came out of jail, for his acquaintances to salute him, looking through their fingers, which were crossed to represent the

jail window, “How do ye do?” My neighbors did not thus salute me, but first looked at me, and then at one another, as if I had returned from a long journey. I was put into jail as I was going to the shoemaker’s to get a shoe which was mended. When I was let out the next morning, I proceeded to finish my errand, and, having put on my mended shoe, joined a huckleberry party, who were impatient to put themselves under my conduct; and in half an hour—for the horse was soon tackled—was in the midst of a huckleberry field, on one of our highest hills, two miles off, and then the State was nowhere to be seen.

This is the whole history of “My Prisons.”

I have never declined paying the highway tax, because I am as desirous of being a good neighbor as I am of being a bad subject; and as for supporting schools, I am doing my part to educate my fellow countrymen now. It is for no particular item in the tax bill that I refuse to pay it. I simply wish to refuse allegiance to the State, to withdraw and stand aloof from it effectually. I do not care to trace the course of my dollar, if I could, till it buys a man or a musket to shoot one with—the dollar is innocent—but I am concerned to trace the effects of my allegiance. In fact, I quietly declare war with the State, after my fashion, though I will still make use and get what advantages of her I can, as is usual in such cases.

If others pay the tax which is demanded of me, from a sympathy with the State, they do but what they have already done in their own case, or rather they abet injustice to a greater extent than the State requires. If they pay the tax from a mistaken interest in the individual taxed, to save his property, or prevent his going to jail, it is because they have not considered wisely how far they let their private feelings interfere with the public good.

This, then, is my position at present. But one cannot be too much on his guard in such a case, lest his actions be biased by obstinacy or an undue regard for the opinions of men. Let him see that he does only what belongs to himself and to the hour.

I think sometimes, Why, this people mean well, they are only ignorant; they would do better if they knew how: why give your neighbors this pain to treat you as they are not inclined to? But I think again, This is no reason why I should do as they do, or permit others to suffer much greater pain of a different kind. Again, I sometimes say to myself, When many millions of men, without heat, without ill will, without personal feelings of any kind, demand of you a few shillings only, without the possibility, such is their constitution, of retracting or altering their present demand, and without the possibility, on your side, of appeal to any other millions, why expose yourself to this overwhelming brute force? You do not resist cold and hunger, the winds and the waves, thus obstinately; you quietly submit to a thousand similar necessities. You do not put your head into the fire. But just in proportion as I regard this as not wholly a brute force, but partly a human force, and consider that I have relations to those millions as to so many millions of men, and not of mere brute or inanimate things, I see that appeal is possible, first and instantaneously, from them to the Maker of them, and, secondly, from them to themselves. But if I put my head deliberately into the fire, there is no appeal to fire or to the Maker of fire, and I have only myself to blame. If I could convince myself that I have any right to be satisfied with men as they are, and to treat them accordingly, and not according, in some respects, to my requisitions and

expectations of what they and I ought to be, then, like a good Mussulman and fatalist, I should endeavor to be satisfied with things as they are, and say it is the will of God. And, above all, there is this difference between resisting this and a purely brute or natural force, that I can resist this with some effect; but I cannot expect, like Orpheus, to change the nature of the rocks and trees and beasts.

I do not wish to quarrel with any man or nation. I do not wish to split hairs, to make fine distinctions, or set myself up as better than my neighbors. I seek rather, I may say, even an excuse for conforming to the laws of the land. I am but too ready to conform to them. Indeed, I have reason to suspect myself on this head; and each year, as the tax-gatherer comes round, I find myself disposed to review the acts and position of the general and State governments, and the spirit of the people to discover a pretext for conformity.

“We must affect our country as our parents,

And if at any time we alienate

Out love or industry from doing it honor,

We must respect effects and teach the soul

Matter of conscience and religion,

And not desire of rule or benefit.”

I believe that the State will soon be able to take all my work of this sort out of my hands, and then I shall be no better patriot than my fellow-countrymen. Seen from a lower point of view, the Constitution, with all its faults, is very good; the law and the courts are very respectable; even this State and this American government are, in many respects, very admirable, and rare things, to be thankful for, such as a great many have described them; seen from a higher still, and the highest, who shall say what they are, or that they are worth looking at or thinking of at all? However, the government does not concern me much, and I shall bestow the fewest possible thoughts on it. It is not many moments that I live under a government, even in this world. If a man is thought-free, fancy-free, imagination-free, that which is not never for a long time appearing to be to him, unwise rulers or reformers cannot fatally interrupt him.

I know that most men think differently from myself; but those whose lives are by profession devoted to the study of these or kindred subjects content me as little as any. Statesmen and legislators, standing so completely within the institution, never distinctly and nakedly behold it. They speak of moving society, but have no resting-place without it. They may be men of a certain experience and discrimination, and have no doubt invented ingenious and even useful systems, for which we sincerely thank them; but all their wit and usefulness lie within certain

not very wide limits. They are wont to forget that the world is not governed by policy and expediency. Webster never goes behind government, and so cannot speak with authority about it. His words are wisdom to those legislators who contemplate no essential reform in the existing government; but for thinkers, and those who legislate for all time, he never once glances at the subject. I know of those whose serene and wise speculations on this theme would soon reveal the limits of his mind's range and hospitality. Yet, compared with the cheap professions of most reformers, and the still cheaper wisdom and eloquence of politicians in general, his are almost the only sensible and valuable words, and we thank Heaven for him. Comparatively, he is always strong, original, and, above all, practical. Still, his quality is not wisdom, but prudence. The lawyer's truth is not Truth, but consistency or a consistent expediency. Truth is always in harmony with herself, and is not concerned chiefly to reveal the justice that may consist with wrong-doing. He well deserves to be called, as he has been called, the Defender of the Constitution. There are really no blows to be given him but defensive ones. He is not a leader, but a follower. His leaders are the men of '87. "I have never made an effort," he says, "and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangement as originally made, by which various States came into the Union." Still thinking of the sanction which the Constitution gives to slavery, he says, "Because it was part of the original compact—let it stand." Notwithstanding his special acuteness and ability, he is unable to take a fact out of its merely political relations, and behold it as it lies absolutely to be disposed of by the intellect—what, for instance, it behooves a man to do here in America today with regard to slavery—but ventures, or is driven, to make some such desperate answer to the following, while professing to speak absolutely, and as a private man—from which what new and singular of social duties might be inferred? "The manner," says he, "in which the governments of the States where slavery exists are to regulate it is for their own consideration, under the responsibility to their constituents, to the general laws of propriety, humanity, and justice, and to God. Associations formed elsewhere, springing from a feeling of humanity, or any other cause, have nothing whatever to do with it. They have never received any encouragement from me and they never will." [These extracts have been inserted since the lecture was read -HDT]

They who know of no purer sources of truth, who have traced up its stream no higher, stand, and wisely stand, by the Bible and the Constitution, and drink at it there with reverence and humanity; but they who behold where it comes trickling into this lake or that pool, gird up their loins once more, and continue their pilgrimage toward its fountainhead.

No man with a genius for legislation has appeared in America. They are rare in the history of the world. There are orators, politicians, and eloquent men, by the thousand; but the speaker has not yet opened his mouth to speak who is capable of settling the much-vexed questions of the day. We love eloquence for its own sake, and not for any truth which it may utter, or any heroism it may inspire. Our legislators have not yet learned the comparative value of free trade and of freedom, of union, and of rectitude, to a nation. They have no genius or talent for comparatively humble questions of taxation and finance, commerce and manufactures and agriculture. If we

were left solely to the wordy wit of legislators in Congress for our guidance, uncorrected by the seasonable experience and the effectual complaints of the people, America would not long retain her rank among the nations. For eighteen hundred years, though perchance I have no right to say it, the New Testament has been written; yet where is the legislator who has wisdom and practical talent enough to avail himself of the light which it sheds on the science of legislation.

The authority of government, even such as I am willing to submit to—for I will cheerfully obey those who know and can do better than I, and in many things even those who neither know nor can do so well—is still an impure one: to be strictly just, it must have the sanction and consent of the governed. It can have no pure right over my person and property but what I concede to it. The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress toward a true respect for the individual. Even the Chinese philosopher was wise enough to regard the individual as the basis of the empire. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step further towards recognizing and organizing the rights of man? There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please myself with imagining a State at last which can afford to be just to all men, and to treat the individual with respect as a neighbor; which even would not think it inconsistent with its own repose if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbors and fellow men. A State which bore this kind of fruit, and suffered it to drop off as fast as it ripened, would prepare the way for a still more perfect and glorious State, which I have also imagined, but not yet anywhere seen.

Self-Reliance

by Ralph Waldo Emerson

“Ne te quæsiveris extra.”

“Man is his own star; and the soul that can

Render an honest and a perfect man,

Commands all light, all influence, all fate;

Nothing to him falls early or too late.

Our acts our angels are, or good or ill,

Our fatal shadows that walk by us still.”

Cast the bantling on the rocks,

Suckle him with the she-wolf’s teat;

Wintered with the hawk and fox,

Power and speed be hands and feet.

I read the other day some verses written by an eminent painter which were original and not conventional. The soul always hears an admonition in such lines, let the subject be what it may. The sentiment they instill is of more value than any thought they may contain. To believe your own thought, to believe that what is true for you in your private heart is true for all men,—that is genius. Speak your latent conviction, and it shall be the universal sense; for the inmost in due time becomes the outmost,—and our first thought is rendered back to us by the trumpets of the Last Judgment. Familiar as the voice of the mind is to each, the highest merit we ascribe to Moses, Plato, and Milton is, that they set at naught books and traditions, and spoke not what men, but what they thought. A man should learn to detect and watch that gleam of light which

flashes across his mind from within, more than the luster of the firmament of bards and sages. Yet he dismisses without notice his thought, because it is his. In every work of genius we recognize our own rejected thoughts: they come back to us with a certain alienated majesty. Great works of art have no more affecting lesson for us than this. They teach us to abide by our spontaneous impression with good-humored inflexibility then most when the whole cry of voices is on the other side. Else, to-morrow a stranger will say with masterly good sense precisely what we have thought and felt all the time, and we shall be forced to take with shame our own opinion from another.

There is a time in every man's education when he arrives at the conviction that envy is ignorance; that imitation is suicide; that he must take himself for better, for worse, as his portion; that though the wide universe is full of good, no kernel of nourishing corn can come to him but through his toil bestowed on that plot of ground which is given to him to till. The power which resides in him is new in nature, and none but he knows what that is which he can do, nor does he know until he has tried. Not for nothing one face, one character, one fact, makes much impression on him, and another none. This sculpture in the memory is not without preëstablished harmony. The eye was placed where one ray should fall, that it might testify of that particular ray. We but half express ourselves, and are ashamed of that divine idea which each of us represents. It may be safely trusted as proportionate and of good issues, so it be faithfully imparted, but God will not have his work made manifest by cowards. A man is relieved and gay when he has put his heart into his work and done his best; but what he has said or done otherwise shall give him no peace. It is a deliverance which does not deliver. In the attempt his genius deserts him; no muse befriends; no invention, no hope.

Trust thyself: every heart vibrates to that iron string. Accept the place the divine providence has found for you, the society of your contemporaries, the connection of events. Great men have always done so, and confided themselves childlike to the genius of their age, betraying their perception that the absolutely trustworthy was seated at their heart, working through their hands, predominating in all their being. And we are now men, and must accept in the highest mind the same transcendent destiny; and not minors and invalids in a protected corner, not cowards fleeing before a revolution, but guides, redeemers, and benefactors, obeying the Almighty effort, and advancing on Chaos and the Dark.

What pretty oracles nature yields us on this text, in the face and behavior of children, babes, and even brutes! That divided and rebel mind, that distrust of a sentiment because our arithmetic has computed the strength and means opposed to our purpose, these have not. Their mind being whole, their eye is as yet unconquered, and when we look in their faces we are disconcerted. Infancy conforms to nobody: all conform to it, so that one babe commonly makes four or five out of the adults who prattle and play to it. So God has armed youth and puberty and manhood no less with its own piquancy and charm, and made it enviable and gracious and its claims not to be put by, if it will stand by itself. Do not think the youth has no force, because he cannot speak

to you and me. Hark! in the next room his voice is sufficiently clear and emphatic. It seems he knows how to speak to his contemporaries. Bashful or bold, then, he will know how to make us seniors very unnecessary.

The nonchalance of boys who are sure of a dinner, and would disdain as much as a lord to do or say aught to conciliate one, is the healthy attitude of human nature. A boy is in the parlor what the pit is in the playhouse; independent, irresponsible, looking out from his corner on such people and facts as pass by, he tries and sentences them on their merits, in the swift, summary way of boys, as good, bad, interesting, silly, eloquent, troublesome. He cumber himself never about consequences about interests; he gives an independent, genuine verdict. You must court him: he does not court you. But the man is, as it were, clapped into jail by his consciousness. As soon as he has once acted or spoken with éclat he is a committed person, watched by the sympathy or the hatred of hundreds, whose affections must now enter into his account. There is no Lethe for this. Ah, that he could pass again into his neutrality! Who can thus avoid all pledges, and having observed, observe again from the same unaffected, unbiased, unbribable, unaffrighted innocence, must always be formidable. He would utter opinions on all passing affairs, which being seen to be not private, but necessary, would sink like darts into the ear of men, and put them in fear.

These are the voices which we hear in solitude, but they grow faint and inaudible as we enter into the world. Society everywhere is in conspiracy against the manhood of everyone of its members. Society is a joint-stock company, in which the members agree, for the better securing of his bread to each shareholder, to surrender the liberty and culture of the eater. The virtue in most request is conformity. Self-reliance is its aversion. It loves not realities and creators, but names and customs.

Whoso would be a man must be a nonconformist. He who would gather immortal palms must not be hindered by the name of goodness, but must explore if it be goodness. Nothing is at last sacred but the integrity of your own mind. Absolve you to yourself, and you shall have the suffrage of the world. I remember an answer which when quite young I was prompted to make to a valued adviser, who was wont to importune me with the dear old doctrines of the church. On my saying, What have I to do with the sacredness of traditions, if I live wholly from within? my friend suggested: "But these impulses may be from below, not from above." I replied: "They do not seem to me to be such; but if I am the Devil's child, I will live then from the Devil." No law can be sacred to me but that of my nature. Good and bad are but names very readily transferable to that or this; the only right is what is after my constitution, the only wrong what is against it. A man is to carry himself in the presence of all opposition, as if everything were titular and ephemeral but he. I am ashamed to think how easily we capitulate to badges and names, to large societies and dead institutions. Every decent and well-spoken individual affects and sways me more than is right. I ought to go upright and vital, and speak the rude truth in all ways. If malice and vanity wear the coat of philanthropy, shall that pass? If an angry bigot assumes this

bountiful cause of Abolition, and comes to me with his last news from Barbadoes, why should I not say to him: "Go love thy infant; love thy wood-chopper: be good-natured and modest: have that grace; and never varnish your hard, uncharitable ambition with this incredible tenderness for black folk a thousand miles off. Thy love afar is spite at home." Rough and graceless would be such greeting, but truth is handsomer than the affectation of love. Your goodness must have some edge to it,—else it is none. The doctrine of hatred must be preached as the counteraction of the doctrine of love when that pules and whines. I shun father and mother and wife and brother, when my genius calls me. I would write on the lintels of the door-post, Whim. I hope it is somewhat better than whim at last, but we cannot spend the day in explanation. Expect me not to show cause why I seek or why I exclude company. Then, again, do not tell me, as a good man did to-day, of my obligation to put all poor men in good situations. Are they my poor? I tell thee, thou foolish philanthropist, that I grudge the dollar, the dime, the cent, I give to such men as do not belong to me and to whom I do not belong. There is a class of persons to whom by all spiritual affinity I am bought and sold; for them I will go to prison, if need be; but your miscellaneous popular charities; the education at college of fools; the building of meeting-houses to the vain end to which many now stand; alms to sots; and the thousand-fold Relief Societies;—though I confess with shame I sometimes succumb and give the dollar, it is a wicked dollar which by and by I shall have the manhood to withhold.

Virtues are, in the popular estimate, rather the exception than the rule. There is the man and his virtues. Men do what is called a good action, as some piece of courage or charity, much as they would pay a fine in expiation of daily non-appearance on parade. Their works are done as an apology or extenuation of their living in the world,—as invalids and the insane pay a high board. Their virtues are penances. I do not wish to expiate, but to live. My life is for itself and not for a spectacle. I much prefer that it should be of a lower strain, so it be genuine and equal, than that it should be glittering and unsteady. I wish it to be sound and sweet, and not to need diet and bleeding. I ask primary evidence that you are a man, and refuse this appeal from the man to his actions. I know that for myself it makes no difference whether I do or forbear those actions which are reckoned excellent. I cannot consent to pay for a privilege where I have intrinsic right. Few and mean as my gifts may be, I actually am, and do not need for my own assurance or the assurance of my fellows any secondary testimony.

What I must do is all that concerns me, not what the people think. This rule, equally arduous in actual and in intellectual life, may serve for the whole distinction between greatness and meanness. It is the harder, because you will always find those who think they know what is your duty better than you know it. It is easy in the world to live after the world's opinion; it is easy in solitude to live after our own; but the great man is he who in the midst of the crowd keeps with perfect sweetness the independence of solitude.

The objection to conforming to usages that have become dead to you is, that it scatters your

force. It loses your time and blurs the impression of your character. If you maintain a dead church, contribute to a dead Bible-society, vote with a great party either for the government or against it, spread your table like base housekeepers,—under all these screens I have difficulty to detect the precise man you are. And, of course, so much force is withdrawn from your proper life. But do your work, and I shall know you. Do your work, and you shall reinforce yourself. A man must consider what a blindman's-buff is this game of conformity. If I know your sect, I anticipate your argument. I hear a preacher announce for his text and topic the expediency of one of the institutions of his church. Do I not know beforehand that not possibly can he say a new and spontaneous word? Do I not know that, with all this ostentation of examining the grounds of the institution, he will do no such thing? Do I not know that he is pledged to himself not to look but at one side,—the permitted side, not as a man, but as a parish minister? He is a retained attorney, and these airs of the bench are the emptiest affectation. Well, most men have bound their eyes with one or another handkerchief, and attached themselves to some one of these communities of opinion. This conformity makes them not false in a few particulars, authors of a few lies, but false in all particulars. Their every truth is not quite true. Their two is not the real two, their four not the real four; so that every word they say chagrins us, and we know not where to begin to set them right. Meantime nature is not slow to equip us in the prison-uniform of the party to which we adhere. We come to wear one cut of face and figure, and acquire by degrees the gentlest asinine expression. There is a mortifying experience in particular which does not fail to wreak itself also in the general history; I mean “the foolish face of praise,” the forced smile which we put on in company where we do not feel at ease in answer to conversation which does not interest us. The muscles, not spontaneously moved, but moved by a low usurping willfulness, grow tight about the outline of the face with the most disagreeable sensation.

For nonconformity the world whips you with its displeasure. And therefore a man must know how to estimate a sour face. The bystanders look askance on him in the public street or in the friend's parlor. If this aversation had its origin in contempt and resistance like his own, he might well go home with a sad countenance; but the sour faces of the multitude, like their sweet faces, have no deep cause, but are put on and off as the wind blows and a newspaper directs. Yet is the discontent of the multitude more formidable than that of the senate and the college. It is easy enough for a firm man who knows the world to brook the rage of the cultivated classes. Their rage is decorous and prudent, for they are timid as being very vulnerable themselves. But when to their feminine rage the indignation of the people is added, when the ignorant and the poor are aroused, when the unintelligent brute force that lies at the bottom of society is made to growl and mow, it needs the habit of magnanimity and religion to treat it godlike as a trifle of no concernment.

The other terror that scares us from self-trust is our consistency; a reverence for our past act or word, because the eyes of others have no other data for computing our orbit than our past acts, and we are loth to disappoint them.

But why should you keep your head over your shoulder? Why drag about this corpse of your memory, lest you contradict somewhat you have stated in this or that public place? Suppose you should contradict yourself; what then? It seems to be a rule of wisdom never to rely on your memory alone, scarcely even in acts of pure memory, but to bring the past for judgment into the thousand-eyed present, and live ever in a new day. In your metaphysics you have denied personality to the Deity; yet when the devout motions of the soul come, yield to them heart and life, though they should clothe God with shape and color. Leave your theory, as Joseph his coat in the hand of the harlot, and flee.

A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines. With consistency a great soul has simply nothing to do. He may as well concern himself with the shadow on the wall. Speak what you think now in hard words, and to-morrow speak what to-morrow thinks in hard words again, though it contradict everything you said to-day.—”Ah, so you shall be sure to be misunderstood.”—Is it so bad, then, to be misunderstood? Pythagoras was misunderstood, and Socrates, and Jesus, and Luther, and Copernicus, and Galileo, and Newton, and every pure and wise spirit that ever took flesh. To be great is to be misunderstood.

I suppose no man can violate his nature. All the sallies of his will are rounded in by the law of his being, as the inequalities of Andes and Himmaleh are insignificant in the curve of the sphere. Nor does it matter how you gauge and try him. A character is like an acrostic or Alexandrian stanza; —read it forward, backward, or across, it still spells the same thing. In this pleasing, contrite wood-life which God allows me, let me record day by day my honest thought without prospect or retrospect, and, I cannot doubt, it will be found symmetrical, though I mean it not, and see it not. My book should smell of pines and resound with the hum of insects. The swallow over my window should interweave that thread or straw he carries in his bill into my web also. We pass for what we are. Character teaches above our wills. Men imagine that they communicate their virtue or vice only by overt actions, and do not see that virtue or vice emit a breath every moment.

There will be an agreement in whatever variety of actions, so they be each honest and natural in their hour. For of one will, the actions will be harmonious, however unlike they seem. These varieties are lost sight of at a little distance, at a little height of thought. One tendency unites them all. The voyage of the best ship is a zigzag line of a hundred tacks. See the line from a sufficient distance, and it straightens itself to the average tendency. Your genuine action will explain itself, and will explain your other genuine actions. Your conformity explains nothing. Act singly, and what you have already done singly will justify you now. Greatness appeals to the future. If I can be firm enough to-day to do right, and scorn eyes, I must have done so much right before as to defend me now. Be it how it will, do right now. Always scorn appearances, and you always may. The force of character is cumulative. All the foregone days of virtue work their health into this. What makes the majesty of the heroes of the senate and the field, which so

fills the imagination? The consciousness of a train of great days and victories behind. They shed an united light on the advancing actor. He is attended as by a visible escort of angels. That is it which throws thunder into Chatham's voice, and dignity into Washington's port, and America into Adams's eye. Honor is venerable to us because it is no ephemeris. It is always ancient virtue. We worship it to-day because it is not of to-day. We love it and pay it homage, because it is not a trap for our love and homage, but is self-dependent, self-derived, and therefore of an old immaculate pedigree, even if shown in a young person.

I hope in these days we have heard the last of conformity and consistency. Let the words be gazetted and ridiculous henceforward. Instead of the gong for dinner, let us hear a whistle from the Spartan fife. Let us never bow and apologize more. A great man is coming to eat at my house. I do not wish to please him; I wish that he should wish to please me. I will stand here for humanity, and though I would make it kind, I would make it true. Let us affront and reprimand the smooth mediocrity and squalid contentment of the times, and hurl in the face of custom, and trade, and office, the fact which is the upshot of all history, that there is a great responsible Thinker and Actor working wherever a man works; that a true man belongs to no other time or place, but is the center of things. Where he is, there is nature. He measures you, and all men, and all events. Ordinarily, everybody in society reminds us of somewhat else, or of some other person. Character, reality, reminds you of nothing else; it takes place of the whole creation. The man must be so much, that he must make all circumstances indifferent. Every true man is a cause, a country, and an age; requires infinite spaces and numbers and time fully to accomplish his design;—and posterity seem to follow his steps as a train of clients. A man Caesar is born, and for ages after we have a Roman Empire. Christ is born, and millions of minds so grow and cleave to his genius, that he is confounded with virtue and the possible of man. An institution is the lengthened shadow of one man; as Monachism, of the hermit Antony; the Reformation, of Luther; Quakerism, of Fox; Methodism, of Wesley; Abolition, of Clarkson. Scipio, Milton called “the height of Rome”; and all history resolves itself very easily into the biography of a few stout and earnest persons.

Let a man then know his worth, and keep things under his feet. Let him not peep or steal, or skulk up and down with the air of a charity-boy, a bastard, or an interloper, in the world which exists for him. But the man in the street, finding no worth in himself which corresponds to the force which built a tower or sculptured a marble god, feels poor when he looks on these. To him a palace, a statue, a costly book, have an alien and forbidding air, much like a gay equipage, and seem to say like that, “Who are you, Sir?” Yet they all are his, suitors for his notice, petitioners to his faculties that they will come out and take possession. The picture waits for my verdict: it is not to command me, but I am to settle its claims to praise. That popular fable of the sot who was picked up dead drunk in the street, carried to the duke's house, washed and dressed and laid in the duke's bed, and, on his waking, treated with all obsequious ceremony like the duke, and assured that he had been insane, owes its popularity to the fact that it symbolizes so well the state of man, who is in the world a sort of sot, but now and then wakes up, exercises his reason, and

finds himself a true prince.

Our reading is mendicant and sycophantic. In history, our imagination plays us false. Kingdom and lordship, power and estate, are a gaudier vocabulary than private John and Edward in a small house and common day's work; but the things of life are the same to both; the sum total of both is the same. Why all this deference to Alfred, and Scanderbeg, and Gustavus? Suppose they were virtuous; did they wear out virtue? As great a stake depends on your private act to-day, as followed their public and renowned steps. When private men shall act with original views, the luster will be transferred from the actions of kings to those of gentlemen.

The world has been instructed by its kings, who have so magnetized the eyes of nations. It has been taught by this colossal symbol the mutual reverence that is due from man to man. The joyful loyalty with which men have everywhere suffered the king, the noble, or the great proprietor to walk among them by a law of his own, make his own scale of men and things, and reverse theirs, pay for benefits not with money but with honor, and represent the law in his person, was the hieroglyphic by which they obscurely signified their consciousness of their own right and comeliness, the right of every man.

The magnetism which all original action exerts is explained when we inquire the reason of self-trust. Who is the Trustee? What is the aboriginal Self, on which a universal reliance may be grounded? What is the nature and power of that science-baffling star, without parallax, without calculable elements, which shoots a ray of beauty even into trivial and impure actions, if the least mark of independence appear? The inquiry leads us to that source, at once the essence of genius, of virtue, and of life, which we call Spontaneity or Instinct. We denote this primary wisdom as Intuition, whilst all later teachings are tuitions. In that deep force, the last fact behind which analysis cannot go, all things find their common origin. For the sense of being which in calm hours rises, we know not how, in the soul, is not diverse from things, from space, from light, from time, from man, but one with them, and proceeds obviously from the same source whence their life and being also proceed. We first share the life by which things exist, and afterwards see them as appearances in nature, and forget that we have shared their cause. Here is the fountain of action and of thought. Here are the lungs of that inspiration which giveth man wisdom, and which cannot be denied without impiety and atheism. We lie in the lap of immense intelligence, which makes us receivers of its truth and organs of its activity. When we discern justice, when we discern truth, we do nothing of ourselves, but allow a passage to its beams. If we ask whence this comes, if we seek to pry into the soul that causes, all philosophy is at fault. Its presence or its absence is all we can affirm. Every man discriminates between the voluntary acts of his mind, and his involuntary perceptions, and knows that to his involuntary perceptions a perfect faith is due. He may err in the expression of them, but he knows that these things are so, like day and night, not to be disputed. My willful actions and acquisitions are but roving;—the idlest reverie, the faintest native emotion, command my curiosity and respect. Thoughtless people contradict as readily the statement of perceptions as of opinions, or rather much more readily; for, they do

not distinguish between perception and notion. They fancy that I choose to see this or that thing. But perception is not whimsical, it is fatal. If I see a trait, my children will see it after me, and in course of time, all mankind,—although it may chance that no one has seen it before me. For my perception of it is as much a fact as the sun.

The relations of the soul to the divine spirit are so pure, that it is profane to seek to interpose helps. It must be that when God speaketh he should communicate, not one thing, but all things; should fill the world with his voice; should scatter forth light, nature, time, souls, from the center of the present thought; and new date and new create the whole. Whenever a mind is simple, and receives a divine wisdom, old things pass away,—means, teachers, texts, temples, fall; it lives now, and absorbs past and future into the present hour. All things are made sacred by relation to it,—one as much as another. All things are dissolved to their center by their cause, and, in the universal miracle, petty and particular miracles disappear. If, therefore, a man claims to know and speak of God, and carries you backward to the phraseology of some old moldered nation in another country, in another world, believe him not. Is the acorn better than the oak which is its fullness and completion? Is the parent better than the child into whom he has cast his ripened being? Whence, then, this worship of the past? The centuries are conspirators against the sanity and authority of the soul. Time and space are but physiological colors which the eye makes, but the soul is light; where it is, is day; where it was, is night; and history is an impertinence and an injury, if it be anything more than a cheerful apologue or parable of my being and becoming.

Man is timid and apologetic; he is no longer upright; he dares not say “I think,” “I am,” but quotes some saint or sage. He is ashamed before the blade of grass or the blowing rose. These roses under my window make no reference to former roses or to better ones; they are for what they are; they exist with God to-day. There is no time to them. There is simply the rose; it is perfect in every moment of its existence. Before a leaf-bud has burst, its whole life acts; in the full-blown flower there is no more; in the leafless root there is no less. Its nature is satisfied, and it satisfies nature, in all moments alike. But man postpones, or remembers; he does not live in the present, but with a reverted eye laments the past, or, heedless of the riches that surround him, stands on tiptoe to foresee the future. He cannot be happy and strong until he too lives with nature in the present, above time.

This should be plain enough. Yet see what strong intellects dare not yet hear God himself, unless he speak the phraseology of I know not what David, or Jeremiah, or Paul. We shall not always set so great a price on a few texts, on a few lives. We are like children who repeat by rote the sentences of grandames and tutors, and, as they grow older, of the men and talents and characters they chance to see,—painfully recollecting the exact words they spoke; afterwards, when they come into the point of view which those had who uttered those saying, they understand them, and are willing to let the words go; for, at any time, they can use words as good when occasion comes. If we live truly, we shall see truly. It is as easy for the strong man to be strong, as it is for the weak to be weak. When we have new perception, we shall gladly disburden the memory of

its hoarded treasures as old rubbish. When a man lives with God, his voice shall be as sweet as the murmur of the brook and the rustle of the corn.

And now at last the highest truth on this subject remains unsaid; probably cannot be said; for all that we say is the far-off remembering of the intuition. That thought, by what I can now nearest approach to say it, is this. When good is near you, when you have life in yourself, it is not by any known or accustomed way; you shall not discern the footprints of any other; you shall not see the face of man; you shall not hear any name;—the way, the thought, the good, shall be wholly strange and new. It shall exclude example and experience. You take the way from man, not to man. All persons that ever existed are its forgotten ministers. Fear and hope are alike beneath it. There is somewhat low even in hope. In the hour of vision, there is nothing that can be called gratitude, nor properly joy. The soul raised over passion beholds identity and eternal causation, perceives the self-existence of Truth and Right, and calms itself with knowing that all things go well. Vast spaces of nature, the Atlantic Ocean, the South Sea,—long intervals of time, years, centuries,—are of no account. This which I think and feel underlay every former state of life and circumstances, as it does underlie my present, and what is called life, and what is called death.

Life only avails, not the having lived. Power ceases in the instant of repose; it resides in the moment of transition from a past to a new state, in the shooting of the gulf, in the darting to an aim. This one fact the world hates, that the soul becomes; for that forever degrades the past, turns all riches to poverty, all reputation to shame, confounds the saint with the rogue, shoves Jesus and Judas equally aside. Why, then, do we prate of self-reliance? Inasmuch as the soul is present, there will be power not confident but agent. To talk of reliance is a poor external way of speaking. Speak rather of that which relies, because it works and is. Who has more obedience than I masters me, though he should not raise his finger. Round him I must revolve by the gravitation of spirits. We fancy it rhetoric, when we speak of eminent virtue. We do not yet see that virtue is Height, and that a man or a company of men, plastic and permeable to principles, by the law of nature must overpower and ride all cities, nations, kings, rich men, poets, who are not.

This is the ultimate fact which we so quickly reach on this, as on every topic, the resolution of all into the ever-blessed One. Self-existence is the attribute of the Supreme Cause, and it constitutes the measure of good by the degree in which it enters into all lower forms. All things real are so by so much virtue as they contain. Commerce, husbandry, hunting, whaling, war eloquence, personal weight, are somewhat, and engage my respect as examples of its presence and impure action. I see the same law working in nature for conservation and growth. Power is in nature the essential measure of right. Nature suffers nothing to remain in her kingdoms which cannot help itself. The genesis and maturation of a planet, its poise and orbit, the bended tree recovering itself from the strong wind, the vital resources of every animal and vegetable, are demonstrations of the self-sufficing, and therefore self-relying soul.

Thus all concentrates: let us not rove; let us sit at home with the cause. Let us stun and astonish

the intruding rabble of men and books and institutions, by a simple declaration of the divine fact. Bid the invaders take the shoes from off their feet, for God is here within. Let our simplicity judge them, and our docility to our own law demonstrate the poverty of nature and fortune beside our native riches.

But now we are a mob. Man does not stand in awe of man, nor is his genius admonished to stay at home to put itself in communication with the internal ocean, but it goes abroad to beg a cup of water of the urns of other men. We must go alone. I like the silent church before the service begins, better than any preaching. How far off, how cool, how chaste the persons look, begirt each one with a precinct or sanctuary! So let us always sit. Why should we assume the faults of our friend, or wife, or father, or child, because they sit around our hearth, or are said to have the same blood? All men have my blood, and I have all men's. Not for that will I adopt their petulance or folly, even to the extent of being ashamed of it. But your isolation must not be mechanical, but spiritual, that is, must be elevation. At times the whole world seems to be in conspiracy to importune you with emphatic trifles. Friend, client, child, sickness, fear, want, charity, all knock at once at thy closet door, and say, "Come out unto us." But keep thy state; come not into their confusion. The power men possess to annoy men, I give them by a weak curiosity. No man can come near me but through my act. "What we love that we have, but by desire we bereave ourselves of the love."

If we cannot at once rise to the sanctities of obedience and faith, let us at least resist our temptations; let us enter into the state of war, and wake Thor and Woden, courage and constancy, in our Saxon breasts. This is to be done in our smooth times by speaking the truth. Check this lying hospitality and lying affection. Live no longer to the expectation of these deceived and deceiving people with whom we converse. Say to them, O father, O mother, O wife, O brother, O friend, I have lived with you after appearances hitherto. Henceforward I am the truth's. Be it known unto you that henceforward I obey no law less than the eternal law. I will have no covenants but proximities. I shall endeavor to nourish my parents, to support my family, to be the chaste husband of one wife,—but these relations I must fill after a new and unprecedented way. I appeal from your customs. I must be myself. I cannot break myself any longer for you, or you. If you can love me for what I am, we shall be the happier. If you cannot, I will still seek to deserve that you should. I will not hide my tastes or aversions. I will so trust that what is deep is holy, that I will do strongly before the sun and moon whatever inly rejoices me, and the heart appoints. If you are noble, I will love you; if you are not, I will not hurt you and myself by hypocritical attentions. If you are true, but not in the same truth with me, cleave to your companions; I will seek my own. I do this not selfishly, but humbly and truly. It is alike your interest, and mine, and all men's however long we have dwelt in lies, to live in truth. Does this sound harsh to-day? You will soon love what is dictated by your nature as well as mine, and, if we follow the truth, it will bring us out safe at last. But so may you give these friends pain. Yes, but I cannot sell my liberty and my power, to save their sensibility. Besides, all persons have their moments of reason, when they look out into the region of absolute truth; then will they justify me, and do the same thing.

The populace think that your rejection of popular standards is a rejection of all standard, and mere antinomianism; and the bold sensualist will use the name of philosophy to gild his crimes. But the law of consciousness abides. There are two confessionals, in one or the other of which we must be shriven. You may fulfill your round of duties by clearing yourself in the direct, or in the reflex way. Consider whether you have satisfied your relations to father, mother, cousin, neighbor, town, cat, and dog; whether any of these can upbraid you. But I may also neglect this reflex standard, and absolve me to myself. I have my own stern claims and perfect circle. It denies the name of duty to many offices that are called duties. But if I can discharge its debts, it enables me to dispense with the popular code. If any one imagines that this law is lax, let him keep its commandment one day.

And truly it demands something godlike in him who has cast off the common motives of humanity, and has ventured to trust himself for a taskmaster. High be his heart, faithful his will, clear his sight, that he may in good earnest be doctrine, society, law, to himself, that a simple purpose may be to him as strong as iron necessity is to others!

If any man consider the present aspects of what is called by distinction society, he will see the need of these ethics. The sinew and heart of man seem to be drawn out, and we are become timorous, desponding whimperers. We are afraid of truth, afraid of fortune, afraid of death, and afraid of each other. Our age yields no great and perfect persons. We want men and women who shall renovate life and our social state, but we see that most natures are insolvent, cannot satisfy their own wants, have an ambition out of all proportion to their practical force, and do lean and beg day and night continually. Our housekeeping is mendicant, our arts, our occupations, our marriages, our religion, we have not chosen, but society has chosen for us. We are parlor soldiers. We shun the rugged battle of fate, where strength is born.

If our young men miscarry in their first enterprises, they lose all heart. If the young merchant fails, men say he is ruined. If the finest genius studies at one of our colleges, and is not installed in an office within one year afterwards in the cities or suburbs of Boston or New York, it seems to his friends and to himself that he is right in being disheartened, and in complaining the rest of his life. A sturdy lad from New Hampshire or Vermont, who in turn tries all the professions, who teams it, farms it, peddles, keeps a school, preaches, edits a newspaper, goes to Congress, buys a township, and so forth, in successive years, and always, like a cat, falls on his feet, is worth a hundred of these city dolls. He walks abreast with his days, and feels no shame in not "studying a profession," for he does not postpone his life, but lives already. He has not one chance, but a hundred chances. Let a Stoic open the resources of man, and tell men they are not leaning willows, but can and must detach themselves; that with the exercise of self-trust, new powers shall appear; that a man is the word made flesh, born to shed healing to the nations, that he should be ashamed of our compassion, and that the moment he acts from himself, tossing the laws, the books, idolatries and customs out of the window, we pity him no more, but thank and

revere him,—and that teacher shall restore the life of man to splendor, and make his name dear to all history.

It is easy to see that a greater self-reliance must work a revolution in all the offices and relations of men; in their religion; in their education; in their pursuits; their modes of living; their association; in their property; in their speculative views.

1. In what prayers do men allow themselves! That which they call a holy office is not so much as brave and manly. Prayer looks abroad and asks for some foreign addition to come through some foreign virtue, and loses itself in endless mazes of natural and supernatural, and mediatorial and miraculous. Prayer that craves a particular commodity,—anything less than all good,—is vicious. Prayer is the contemplation of the facts of life from the highest point of view. It is the soliloquy of a beholding and jubilant soul. It is the spirit of God pronouncing his works good. But prayer as a means to effect a private end is meanness and theft. It supposes dualism and not unity in nature and consciousness. As soon as the man is at one with God, he will not beg. He will then see prayer in all action. The prayer of the farmer kneeling in his field to weed it, the prayer of the rower kneeling with the stroke of his oar, are true prayers heard throughout nature, though for cheap ends. Caratach, in Fletcher's *Bonduca*, when admonished to inquire the mind of the god Audate, replies,—

“His hidden meaning lies in our endeavors;
Our valors are our best gods.”

Another sort of false prayers are our regrets. Discontent is the want of self-reliance; it is infirmity of will. Regret calamities, if you can thereby help the sufferer; if not, attend your own work, and already the evil begins to be repaired. Our sympathy is just as base. We come to them who weep foolishly, and sit down and cry for company, instead of imparting to them truth and health in rough electric shocks, putting them once more in communication with their own reason. The secret of fortune is joy in our hands. Welcome evermore to gods and men is the self-helping man. For him all doors are flung wide: him all tongues greet, all honors crown, all eyes follow with desire. Our love goes out to him and embraces him, because he did not need it. We solicitously and apologetically caress and celebrate him, because he held on his way and scorned our disapprobation. The gods love him because men hated him. “To the persevering mortal,” said Zoroaster, “the blessed Immortals are swift.”

As men's prayers are a disease of the will, so are their creeds a disease of the intellect. They say with those foolish Israelites, “Let not God speak to us, lest we die. Speak thou, speak any man with us, and we will obey.” Everywhere I am hindered of meeting God in my brother, because he has shut his own temple doors, and recites fables merely of his brother's, or his brother's brother's God. Every new mind is a new classification. If it prove a mind of uncommon activity and power, a Locke, a Lavoisier, a Hutton, a Betham, a Fourier, it imposes its classification on other men, and lo! a new system. In proportion to the depth of the thought, and so to the number

of the objects it touches and brings within reach of the pupil, is his complacency. But chiefly is this apparent in creeds and churches, which are also classifications of some powerful mind acting on the elemental thought of duty, and man's relation to the Highest. Such is Calvinism, Quakerism, Swedenborgism. The pupil takes the same delight in subordinating everything to the new terminology, as a girl who has just learned botany in seeing a new earth and new seasons thereby. It will happen for a time, that the pupil will find his intellectual power has grown by the study of his master's mind. But in all unbalanced minds, the classification is idolized, passes for the end, and not for a speedily exhaustible means, so that the walls of the system blend to their eye in the remote horizon with the walls of the universe; the luminaries of heaven seem to them hung on the arch their master built. They cannot imagine how you aliens have any right to see,—how you can see; "It must be somehow that you stole the light from us." They do not yet perceive that light, unsystematic, indomitable, will break into any cabin, even into theirs. Let them chirp awhile and call it their own. If they are honest and do well, presently their neat new pinfold will be too strait and low, will crack, will lean, will rot and vanish, and the immortal light, all young and joyful, million-orbed, million-colored, will beam over the universe as on the first morning.

2. It is for want of self-culture that the superstition of Traveling, whose idols are Italy, England, Egypt, retains its fascination for all educated Americans. They who made England, Italy, or Greece venerable in the imagination did so by sticking fast where they were, like an axis of the earth. In manly hours, we feel that duty is our place. The soul is no traveler; the wise man stays at home, and when his necessities, his duties, on any occasion call him from his house, or into foreign lands, he is at home still; and shall make men sensible by the expression of his countenance, that he goes the missionary of wisdom and virtue, and visits cities and men like a sovereign, and not like an interloper or a valet.

I have no churlish objection to the circumnavigation of the globe, for the purposes of art, of study, and benevolence, so that the man is first domesticated, or does not go abroad with the hope of finding somewhat greater than he knows. He who travels to be amused, or to get somewhat which he does not carry, travels away from himself, and grows old even in youth among old things. In Thebes, in Palmyra, his will and mind have become old and dilapidated as they. He carries ruins to ruins.

Traveling is a fool's paradise. Our first journeys discover to us the indifference of places. At home I dream that at Naples, at Rome, I can be intoxicated with beauty, and lose my sadness. I pack my trunk, embrace my friends, embark on the sea, and at last wake up in Naples, and there beside me is the stern fact, the sad self, unrelenting, identical, that I fled from. I seek the Vatican, and the palaces. I affect to be intoxicated with sights and suggestions, but I am not intoxicated. My giant goes with me wherever I go.

3. But the rage of traveling is a symptom of a deeper unsoundness affecting the whole

intellectual action. The intellect is vagabond, and our system of education fosters restlessness. Our minds travel when our bodies are forced to stay at home. We imitate; and what is imitation but the traveling of the mind? Our houses are built with foreign taste; our shelves are garnished with foreign ornaments; our opinions, our tastes, our faculties, lean, and follow the Past and the Distant. The soul created the arts wherever they have flourished. It was in his own mind that the artist sought his model. It was an application of his own thought to the thing to be done and the conditions to be observed. And why need we copy the Doric or the Gothic model? Beauty, convenience, grandeur of thought, and quaint expression are as near to us as to any, and if the American artist will study with hope and love the precise thing to be done by him considering the climate, the soil, the length of the day, the wants of the people, the habit and form of the government, he will create a house in which all these will find themselves fitted, and taste and sentiment will be satisfied also.

Insist on yourself; never imitate. Your own gift you can present every moment with the cumulative force of a whole life's cultivation; but of the adopted talent of another, you have only an extemporaneous, half possession. That which each can do best, none but his Maker can teach him. No man yet knows what it is, nor can, till that person has exhibited it. Where is the master who could have taught Shakespeare? Where is the master who could have instructed Franklin, or Washington, or Bacon, or Newton? Every great man is a unique. The Scipionism of Scipio is precisely that part he could not borrow. Shakespeare will never be made by the study of Shakespeare. Do that which is assigned to you, and you cannot hope too much or dare too much. There is at this moment for you an utterance brave and grand as that of the colossal chisel of Phidias, or trowel of the Egyptians, or the pen of Moses, or Dante, but different from all these. Not possibly will the soul all rich, all eloquent, with thousand-cloven tongue, deign to repeat itself; but if you can hear what these patriarchs say, surely you can reply to them in the same pitch of voice; for the ear and the tongue are two organs of one nature. Abide in the simple and noble regions of thy life, obey thy heart, and thou shalt reproduce the Foreworld again.

4. As our Religion, our Education, our Art look abroad, so does our spirit of society. All men plume themselves on the improvement of society, and no man improves.

Society never advances. It recedes as fast on one side as it gains on the other. It undergoes continual changes; it is barbarous, it is civilized, it is Christianized, it is rich, it is scientific; but this change is not amelioration. For everything that is given, something is taken. Society acquires new arts, and loses old instincts. What a contrast between the well-clad, reading, writing, thinking American, with a watch, a pencil, and a bill of exchange in his pocket, and the naked New Zealander, whose property is a club, a spear, a mat, and an undivided twentieth of a shed to sleep under! But compare the health of the two men, and you shall see that the white man has lost his aboriginal strength. If the traveler tell us truly, strike the savage with a broad ax, and in a day or two the flesh shall unite and heal as if you struck the blow into soft pitch, and the same blow shall send the white to his grave.

The civilized man has built a coach, but has lost the use of his feet. He is supported on crutches, but lacks so much support of muscle. He has a fine Geneva watch, but he fails of the skill to tell the hour by the sun. A Greenwich nautical almanac he has, and so being sure of the information when he wants it, the man in the street does not know a star in the sky. The solstice he does not observe; the equinox he knows as little; and the whole bright calendar of the year is without a dial in his mind. His notebooks impair his memory; his libraries overload his wit; the insurance office increases the number of accidents; and it may be a question whether machinery does not encumber; whether we have not lost by refinement some energy, by a Christianity entrenched in establishments and forms, some vigor of wild virtue. For every Stoic was a Stoic; but in Christendom where is the Christian?

There is no more deviation in the moral standard than in the standard of height or bulk. No greater men are now than ever were. A singular equality may be observed between great men of the first and of the last ages; nor can all the science, art, religion, and philosophy of the nineteenth century avail to educate greater men than Plutarch's heroes, three or four and twenty centuries ago. Not in time is the race progressive. Phocion, Socrates, Anaxagoras, Diogenes, are great men, but they leave no class. He who is really of their class will not be called by their name, but will be his own man, and, in his turn, the founder of a sect. The arts and inventions of each period are only its costume, and do not invigorate men. The harm of the improved machinery may compensate its good. Hudson and Bering accomplished so much in their fishing boats, as to astonish Parry and Franklin, whose equipment exhausted the resources of science and art. Galileo, with an opera-glass, discovered a more splendid series of celestial phenomena than any one since. Columbus found the New World in an undecked boat. It is curious to see the periodical disuse and perishing of means and machinery, which were introduced with loud laudation a few years or centuries before. The great genius returns to essential man. We reckoned the improvements of the art of war among the triumphs of science, and yet Napoleon conquered Europe by the bivouac, which consisted of falling back on naked valor, and disencumbering it of all aids. The Emperor held it impossible to make a perfect army, says Las Casas, "without abolishing our arms, magazines, commissaries, and carriages, until, in imitation of the Roman custom, the soldier should receive his supply of corn, grind it in his handmill, and bake his bread himself."

Society is a wave. The wave moves onward, but the water of which it is composed does not. The same particle does not rise from the valley to the ridge. Its unity is only phenomenal. The persons who make up a nation to-day, next year die, and their experience with them.

And so the reliance on Property, including the reliance on governments which protect it, is the want of self-reliance. Men have looked away from themselves and at things so long, that they have come to esteem the religious, learned, and civil institutions as guards of property, and they deprecate assaults on these, because they feel them to be assaults on property. They measure their

esteem of each other by what each has, and not by what each is. But a cultivated man becomes ashamed of his property, out of new respect for his nature. Especially he hates what he has, if he see that it is accidental,—came to him by inheritance, or gift, or crime; then he feels that it is not having; it does not belong to him, has no root in him, and merely lies there, because no revolution or no robber takes it away. But that which a man is, does always by necessity acquire, and what the man acquires is living property, which does not wait the beck of rulers, or mobs, or revolutions, or fire, or storm, or bankruptcies, but perpetually renews itself wherever the man breathes. “Thy lot or portion of life,” said the Caliph Ali, “is seeking after thee; therefore be at rest from seeking after it.” Our dependence on these foreign goods leads us to our slavish respect for numbers. The political parties meet in numerous conventions; the greater the concourse, and with each new uproar of announcement, The delegation from Essex! The Democrats from New Hampshire! The Whigs of Maine! the young patriot feels himself stronger than before by a new thousand of eyes and arms. In like manner the reformers summon conventions, and vote and resolve in multitude. Not so, O friends! will the god deign to enter and inhabit you, but by a method precisely the reverse. It is only as a man puts off all foreign support, and stands alone, that I see him to be strong and to prevail. He is weaker by every recruit to his banner. Is not a man better than a town? Ask nothing of men, and in the endless mutation, thou only firm column must presently appear the upholder of all that surrounds thee. He who knows that power is inborn, that he is weak because he has looked for good out of him and elsewhere, and so perceiving, throws himself unhesitatingly on his thought, instantly rights himself, stands in the erect position, commands his limbs, works miracles; just as a man who stands on his feet is stronger than a man who stands on his head.

So use all that is called Fortune. Most men gamble with her, and gain all, and lose all, as her wheel rolls. But do thou leave as unlawful these winnings, and deal with Cause and Effect, the chancellors of God. In the Will work and acquire, and thou hast chained the wheel of Chance, and shalt sit hereafter out of fear from her rotations. A political victory, a rise of rents, the recovery of your sick, or the return of your absent friend, or some other favorable event, raises your spirits, and you think good days are preparing for you. Do not believe it. Nothing can bring you peace but yourself. Nothing can bring you peace but the triumph of principles.

The Pursuit of Truth

by Mortimer Adler

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Week 2

**The Origins of
American Democracy**

The Republic, Book VII

by Plato

THE INTRODUCTION

THE Republic of Plato is the longest of his works with the exception of the Laws, and is certainly the greatest of them. There are nearer approaches to modern metaphysics in the Philebus and in the Sophist; the Politicus or Statesman is more ideal; the form and institutions of the State are more clearly drawn out in the Laws; as works of art, the Symposium and the Protagoras are of higher excellence. But no other Dialogue of Plato has the same largeness of view and the same perfection of style; no other shows an equal knowledge of the world, or contains more of those thoughts which are new as well as old, and not of one age only but of all. Nowhere in Plato is there a deeper irony or a greater wealth of humor or imagery, or more dramatic power. Nor in any other of his writings is the attempt made to interweave life and speculation, or to connect politics with philosophy. The Republic is the centre around which the other Dialogues may be grouped; here philosophy reaches the highest point to which ancient thinkers ever attained. Plato among the Greeks, like Bacon among the moderns, was the first who conceived a method of knowledge, although neither of them always distinguished the bare outline or form from the substance of truth; and both of them had to be content with an abstraction of science which was not yet realized. He was the greatest metaphysical genius whom the world has seen; and in him, more than in any other ancient thinker, the germs of future knowledge are contained. The sciences of logic and psychology, which have supplied so many instruments of thought to after-ages, are based upon the analyses of Socrates and Plato. The principles of definition, the law of contradiction, the fallacy of arguing in a circle, the distinction between the essence and accidents of a thing or notion, between means and ends, between causes and conditions; also the division of the mind into the rational, concupiscent, and irascible elements, or of pleasures and desires into necessary and unnecessary—these and other great forms of thought are all of them to be found in the Republic, and were probably first invented by Plato. The greatest of all logical truths, and the one of which writers on philosophy are most apt to lose sight, the difference between words and things, has been most strenuously insisted on by him, although he has not always avoided the confusion of them in his own writings. But he does not bind up truth in logical formulae,—logic is still veiled in metaphysics; and the science which he imagines to “contemplate all truth and all existence” is very unlike the doctrine of the syllogism which Aristotle claims to have discovered.

Neither must we forget that the Republic is but the third part of a still larger design which was to have included an ideal history of Athens, as well as a political and physical philosophy. The fragment of the Critias has given birth to a world-famous fiction, second only in importance to the tale of Troy and the legend of Arthur; and is said as a fact to have inspired some of the early navigators of the sixteenth century. This mythical tale, of which the subject was a history of the wars of the Athenians against the Island of Atlantis, is supposed to be founded upon an unfinished poem of Solon, to which it would have stood in the same relation as the writings of the logographers to the poems of Homer. It would have told of a struggle for Liberty, intended to represent the conflict of Persia and Hellas. We may judge from the noble commencement

of the *Timaeus*, from the fragment of the *Critias* itself, and from the third book of the *Laws*, in what manner Plato would have treated this high argument. We can only guess why the great design was abandoned; perhaps because Plato became sensible of some incongruity in a fictitious history, or because he had lost his interest in it, or because advancing years forbade the completion of it; and we may please ourselves with the fancy that had this imaginary narrative ever been finished, we should have found Plato himself sympathizing with the struggle for Hellenic independence, singing a hymn of triumph over Marathon and Salamis, perhaps making the reflection of Herodotus where he contemplates the growth of the Athenian empire—"How brave a thing is freedom of speech, which has made the Athenians so far exceed every other state of Hellas in greatness!" or, more probably, attributing the victory to the ancient good order of Athens and to the favor of Apollo and Athene.

Again, Plato may be regarded as the "captain" ('archegoz') or leader of a goodly band of followers; for in the *Republic* is to be found the original of Cicero's *De Republica*, of St. Augustine's *City of God*, of the *Utopia* of Sir Thomas More, and of the numerous other imaginary States which are framed upon the same model. The extent to which Aristotle or the Aristotelian school were indebted to him in the *Politics* has been little recognized, and the recognition is the more necessary because it is not made by Aristotle himself. The two philosophers had more in common than they were conscious of; and probably some elements of Plato remain still undetected in Aristotle. In English philosophy too, many affinities may be traced, not only in the works of the Cambridge Platonists, but in great original writers like Berkeley or Coleridge, to Plato and his ideas. That there is a truth higher than experience, of which the mind bears witness to herself, is a conviction which in our own generation has been enthusiastically asserted, and is perhaps gaining ground. Of the Greek authors who at the Renaissance brought a new life into the world Plato has had the greatest influence. The *Republic* of Plato is also the first treatise upon education, of which the writings of Milton and Locke, Rousseau, Jean Paul, and Goethe are the legitimate descendants. Like Dante or Bunyan, he has a revelation of another life; like Bacon, he is profoundly impressed with the unity of knowledge; in the early Church he exercised a real influence on theology, and at the Revival of Literature on politics. Even the fragments of his words when "repeated at second-hand" have in all ages ravished the hearts of men, who have seen reflected in them their own higher nature. He is the father of idealism in philosophy, in politics, in literature. And many of the latest conceptions of modern thinkers and statesmen, such as the unity of knowledge, the reign of law, and the equality of the sexes, have been anticipated in a dream by him.

ARGUMENT

The argument of the *Republic* is the search after Justice, the nature of which is first hinted at by Cephalus, the just and blameless old man—then discussed on the basis of proverbial morality by Socrates and Polemarchus—then caricatured by Thrasymachus and partially explained by Socrates—reduced to an abstraction by Glaucon and Adeimantus, and having become invisible in the individual reappears at length in the ideal State which is constructed by Socrates. The first care of the rulers is to be education, of which an outline is drawn after the old Hellenic

model, providing only for an improved religion and morality, and more simplicity in music and gymnastic, a manlier strain of poetry, and greater harmony of the individual and the State. We are thus led on to the conception of a higher State, in which “no man calls anything his own,” and in which there is neither “marrying nor giving in marriage,” and “kings are philosophers” and “philosophers are kings;” and there is another and higher education, intellectual as well as moral and religious, of science as well as of art, and not of youth only but of the whole of life. Such a State is hardly to be realized in this world and would quickly degenerate. To the perfect ideal succeeds the government of the soldier and the lover of honor, this again declining into democracy, and democracy into tyranny, in an imaginary but regular order having not much resemblance to the actual facts. When “the wheel has come full circle” we do not begin again with a new period of human life; but we have passed from the best to the worst, and there we end. The subject is then changed and the old quarrel of poetry and philosophy which had been more lightly treated in the earlier books of the Republic is now resumed and fought out to a conclusion. Poetry is discovered to be an imitation thrice removed from the truth, and Homer, as well as the dramatic poets, having been condemned as an imitator, is sent into banishment along with them. And the idea of the State is supplemented by the revelation of a future life.

The division into books, like all similar divisions, is probably later than the age of Plato. The natural divisions are five in number;—(1) Book I and the first half of Book II down to the paragraph beginning, “I had always admired the genius of Glaucon and Adeimantus,” which is introductory; the first book containing a refutation of the popular and sophistical notions of justice, and concluding, like some of the earlier Dialogues, without arriving at any definite result. To this is appended a restatement of the nature of justice according to common opinion, and an answer is demanded to the question—What is justice, stripped of appearances? The second division (2) includes the remainder of the second and the whole of the third and fourth books, which are mainly occupied with the construction of the first State and the first education. The third division (3) consists of the fifth, sixth, and seventh books, in which philosophy rather than justice is the subject of inquiry, and the second State is constructed on principles of communism and ruled by philosophers, and the contemplation of the idea of good takes the place of the social and political virtues. In the eighth and ninth books (4) the perversions of States and of the individuals who correspond to them are reviewed in succession; and the nature of pleasure and the principle of tyranny are further analyzed in the individual man. The tenth book (5) is the conclusion of the whole, in which the relations of philosophy to poetry are finally determined, and the happiness of the citizens in this life, which has now been assured, is crowned by the vision of another.

Or a more general division into two parts may be adopted; the first (Books I-IV) containing the description of a State framed generally in accordance with Hellenic notions of religion and morality, while in the second (Books V-X) the Hellenic State is transformed into an ideal kingdom of philosophy, of which all other governments are the perversions. These two points of view are really opposed, and the opposition is only veiled by the genius of Plato. The Republic, like the Phaedrus, is an imperfect whole; the higher light of philosophy breaks

through the regularity of the Hellenic temple, which at last fades away into the heavens. Whether this imperfection of structure arises from an enlargement of the plan; or from the imperfect reconciliation in the writer's own mind of the struggling elements of thought which are now first brought together by him; or, perhaps, from the composition of the work at different times—are questions, like the similar question about the Iliad and the Odyssey, which are worth asking, but which cannot have a distinct answer. In the age of Plato there was no regular mode of publication, and an author would have the less scruple in altering or adding to a work which was known only to a few of his friends. There is no absurdity in supposing that he may have laid his labors aside for a time, or turned from one work to another; and such interruptions would be more likely to occur in the case of a long than of a short writing. In all attempts to determine the chronological order of the Platonic writings on internal evidence, this uncertainty about any single Dialogue being composed at one time is a disturbing element, which must be admitted to affect longer works, such as the Republic and the Laws, more than shorter ones. But, on the other hand, the seeming discrepancies of the Republic may only arise out of the discordant elements which the philosopher has attempted to unite in a single whole, perhaps without being himself able to recognize the inconsistency which is obvious to us. For there is a judgment of after ages which few great writers have ever been able to anticipate for themselves. They do not perceive the want of connection in their own writings, or the gaps in their systems which are visible enough to those who come after them. In the beginnings of literature and philosophy, amid the first efforts of thought and language, more inconsistencies occur than now, when the paths of speculation are well worn and the meaning of words precisely defined. For consistency, too, is the growth of time; and some of the greatest creations of the human mind have been wanting in unity. Tried by this test, several of the Platonic Dialogues, according to our modern ideas, appear to be defective, but the deficiency is no proof that they were composed at different times or by different hands. And the supposition that the Republic was written uninterruptedly and by a continuous effort is in some degree confirmed by the numerous references from one part of the work to another.

The second title, "Concerning Justice," is not the one by which the Republic is quoted, either by Aristotle or generally in antiquity, and, like the other second titles of the Platonic Dialogues, may therefore be assumed to be of later date. Morgenstern and others have asked whether the definition of justice, which is the professed aim, or the construction of the State is the principal argument of the work. The answer is, that the two blend in one, and are two faces of the same truth; for justice is the order of the State, and the State is the visible embodiment of justice under the conditions of human society. The one is the soul and the other is the body, and the Greek ideal of the State, as of the individual, is a fair mind in a fair body. In Hegelian phraseology the State is the reality of which justice is the ideal. Or, described in Christian language, the kingdom of God is within, and yet develops into a Church or external kingdom; "the house not made with hands, eternal in the heavens," is reduced to the proportions of an earthly building. Or, to use a Platonic image, justice and the State are the warp and the woof which run through the whole texture. And when the constitution of the State is completed, the conception of justice

is not dismissed, but reappears under the same or different names throughout the work, both as the inner law of the individual soul, and finally as the principle of rewards and punishments in another life. The virtues are based on justice, of which common honesty in buying and selling is the shadow, and justice is based on the idea of good, which is the harmony of the world, and is reflected both in the institutions of States and in motions of the heavenly bodies. The *Timaeus*, which takes up the political rather than the ethical side of the Republic, and is chiefly occupied with hypotheses concerning the outward world, yet contains many indications that the same law is supposed to reign over the State, over nature, and over man.

Too much, however, has been made of this question both in ancient and in modern times. There is a stage of criticism in which all works, whether of nature or of art, are referred to design. Now in ancient writings, and indeed in literature generally, there remains often a large element which was not comprehended in the original design. For the plan grows under the author's hand; new thoughts occur to him in the act of writing; he has not worked out the argument to the end before he begins. The reader who seeks to find some one idea under which the whole may be conceived, must necessarily seize on the vaguest and most general. Thus Stallbaum, who is dissatisfied with the ordinary explanations of the argument of the Republic, imagines himself to have found the true argument "in the representation of human life in a State perfected by justice and governed according to the idea of good." There may be some use in such general descriptions, but they can hardly be said to express the design of the writer. The truth is, that we may as well speak of many designs as of one; nor need anything be excluded from the plan of a great work to which the mind is naturally led by the association of ideas, and which does not interfere with the general purpose. What kind or degree of unity is to be sought after in a building, in the plastic arts, in poetry, in prose, is a problem which has to be determined relatively to the subject-matter. To Plato himself, the inquiry "what was the intention of the writer," or "what was the principal argument of the Republic" would have been hardly intelligible, and therefore had better be at once dismissed.

Is not the Republic the vehicle of three or four great truths which, to Plato's own mind, are most naturally represented in the form of the State? Just as in the Jewish prophets the reign of Messiah, or "the day of the Lord," or the suffering Servant or people of God, or the "Sun of righteousness with healing in his wings" only convey, to us at least, their great spiritual ideals, so through the Greek State Plato reveals to us his own thoughts about divine perfection, which is the idea of good—like the sun in the visible world;—about human perfection, which is justice—about education beginning in youth and continuing in later years—about poets and sophists and tyrants who are the false teachers and evil rulers of mankind—about "the world" which is the embodiment of them—about a kingdom which exists nowhere upon earth but is laid up in heaven to be the pattern and rule of human life. No such inspired creation is at unity with itself, any more than the clouds of heaven when the sun pierces through them. Every shade of light and dark, of truth, and of fiction which is the veil of truth, is allowable in a work of philosophical imagination. It is not all on the same plane; it easily passes from ideas to myths and fancies, from facts to figures of speech. It is not prose but poetry, at least a great part of it, and ought not to be

judged by the rules of logic or the probabilities of history. The writer is not fashioning his ideas into an artistic whole; they take possession of him and are too much for him. We have no need therefore to discuss whether a State such as Plato has conceived is practicable or not, or whether the outward form or the inward life came first into the mind of the writer. For the practicability of his ideas has nothing to do with their truth; and the highest thoughts to which he attains may be truly said to bear the greatest "marks of design"—justice more than the external framework of the State, the idea of good more than justice. The great science of dialectic or the organization of ideas has no real content; but is only a type of the method or spirit in which the higher knowledge is to be pursued by the spectator of all time and all existence. It is in the fifth, sixth, and seventh books that Plato reaches the "summit of speculation," and these, although they fail to satisfy the requirements of a modern thinker, may therefore be regarded as the most important, as they are also the most original, portions of the work.

It is not necessary to discuss at length a minor question which has been raised by Boeckh, respecting the imaginary date at which the conversation was held (the year 411 B. C. which is proposed by him will do as well as any other); for a writer of fiction, and especially a writer who, like Plato, is notoriously careless of chronology, only aims at general probability. Whether all the persons mentioned in the Republic could ever have met at any one time is not a difficulty which would have occurred to an Athenian reading the work forty years later, or to Plato himself at the time of writing (any more than to Shakespeare respecting one of his own dramas); and need not greatly trouble us now. Yet this may be a question having no answer "which is still worth asking," because the investigation shows that we can not argue historically from the dates in Plato; it would be useless therefore to waste time in inventing far-fetched reconcilements of them in order avoid chronological difficulties, such, for example, as the conjecture of C. F. Hermann, that Glaucon and Adeimantus are not the brothers but the uncles of Plato, or the fancy of Stallbaum that Plato intentionally left anachronisms indicating the dates at which some of his Dialogues were written.

CHARACTERS

The principal characters in the Republic are Cephalus, Polemarchus, Thrasymachus, Socrates, Glaucon, and Adeimantus. Cephalus appears in the introduction only, Polemarchus drops at the end of the first argument, and Thrasymachus is reduced to silence at the close of the first book. The main discussion is carried on by Socrates, Glaucon, and Adeimantus. Among the company are Lysias (the orator) and Euthydemus, the sons of Cephalus and brothers of Polemarchus, an unknown Charmantides—these are mute auditors; also there is Cleitophon, who once interrupts, where, as in the Dialogue which bears his name, he appears as the friend and ally of Thrasymachus.

Cephalus, the patriarch of house, has been appropriately engaged in offering a sacrifice. He is the pattern of an old man who has almost done with life, and is at peace with himself and with all mankind. He feels that he is drawing nearer to the world below, and seems to linger around the memory of the past. He is eager that Socrates should come to visit him, fond of the poetry of the last generation, happy in the consciousness of a well-spent life, glad at having escaped from

the tyranny of youthful lusts. His love of conversation, his affection, his indifference to riches, even his garrulity, are interesting traits of character. He is not one of those who have nothing to say, because their whole mind has been absorbed in making money. Yet he acknowledges that riches have the advantage of placing men above the temptation to dishonesty or falsehood. The respectful attention shown to him by Socrates, whose love of conversation, no less than the mission imposed upon him by the Oracle, leads him to ask questions of all men, young and old alike, should also be noted. Who better suited to raise the question of justice than Cephalus, whose life might seem to be the expression of it? The moderation with which old age is pictured by Cephalus as a very tolerable portion of existence is characteristic, not only of him, but of Greek feeling generally, and contrasts with the exaggeration of Cicero in the *De Senectute*. The evening of life is described by Plato in the most expressive manner, yet with the fewest possible touches. As Cicero remarks (*Ep. ad Attic. iv. 16*), the aged Cephalus would have been out of place in the discussion which follows, and which he could neither have understood nor taken part in without a violation of dramatic propriety.

His "son and heir" Polemarchus has the frankness and impetuosity of youth; he is for detaining Socrates by force in the opening scene, and will not "let him off" on the subject of women and children. Like Cephalus, he is limited in his point of view, and represents the proverbial stage of morality which has rules of life rather than principles; and he quotes Simonides as his father had quoted Pindar. But after this he has no more to say; the answers which he makes are only elicited from him by the dialectic of Socrates. He has not yet experienced the influence of the Sophists like Glaucon and Adeimantus, nor is he sensible of the necessity of refuting them; he belongs to the pre-Socratic or pre-dialectical age. He is incapable of arguing, and is bewildered by Socrates to such a degree that he does not know what he is saying. He is made to admit that justice is a thief, and that the virtues follow the analogy of the arts. From his brother Lysias we learn that he fell a victim to the Thirty Tyrants, but no allusion is here made to his fate, nor to the circumstance that Cephalus and his family were of Syracusan origin, and had migrated from Thurii to Athens.

The "Chalcedonian giant," Thrasymachus, of whom we have already heard in the *Phaedrus*, is the personification of the Sophists, according to Plato's conception of them, in some of their worst characteristics. He is vain and blustering, refusing to discourse unless he is paid, fond of making an oration, and hoping thereby to escape the inevitable Socrates; but a mere child in argument, and unable to foresee that the next "move" (to use a Platonic expression) will "shut him up." He has reached the stage of framing general notions, and in this respect is in advance of Cephalus and Polemarchus. But he is incapable of defending them in a discussion, and vainly tries to cover his confusion in banter and insolence. Whether such doctrines as are attributed to him by Plato were really held either by him or by any other Sophist is uncertain; in the infancy of philosophy serious errors about morality might easily grow up—they are certainly put into the mouths of speakers in Thucydides; but we are concerned at present with Plato's description of him, and not with the historical reality. The inequality of the contest adds greatly to the humor of the scene. The pompous and empty Sophist is utterly helpless in the hands of the great master of

dialectic, who knows how to touch all the springs of vanity and weakness in him. He is greatly irritated by the irony of Socrates, but his noisy and imbecile rage only lays him more and more open to the thrusts of his assailant. His determination to cram down their throats, or put "bodily into their souls" his own words, elicits a cry of horror from Socrates. The state of his temper is quite as worthy of remark as the process of the argument. Nothing is more amusing than his complete submission when he has been once thoroughly beaten. At first he seems to continue the discussion with reluctance, but soon with apparent good-will, and he even testifies his interest at a later stage by one or two occasional remarks. When attacked by Glaucon he is humorously protected by Socrates "as one who has never been his enemy and is now his friend." From Cicero and Quintilian and from Aristotle's Rhetoric we learn that the Sophist whom Plato has made so ridiculous was a man of note whose writings were preserved in later ages. The play on his name which was made by his contemporary Herodicus, "thou wast ever bold in battle," seems to show that the description of him is not devoid of verisimilitude.

When Thrasymachus has been silenced, the two principal respondents, Glaucon and Adeimantus, appear on the scene: here, as in Greek tragedy, three actors are introduced. At first sight the two sons of Ariston may seem to wear a family likeness, like the two friends Simmias and Cebes in the Phaedo. But on a nearer examination of them the similarity vanishes, and they are seen to be distinct characters. Glaucon is the impetuous youth who can "just never have enough of fechtng" (cf. the character of him in Xen. Mem. iii. 6); the man of pleasure who is acquainted with the mysteries of love; the "juvenis qui gaudet canibus," and who improves the breed of animals; the lover of art and music who has all the experiences of youthful life. He is full of quickness and penetration, piercing easily below the clumsy platitudes of Thrasymachus to the real difficulty; he turns out to the light the seamy side of human life, and yet does not lose faith in the just and true. It is Glaucon who seizes what may be termed the ludicrous relation of the philosopher to the world, to whom a state of simplicity is "a city of pigs," who is always prepared with a jest when the argument offers him an opportunity, and who is ever ready to second the humor of Socrates and to appreciate the ridiculous, whether in the connoisseurs of music, or in the lovers of theatricals, or in the fantastic behavior of the citizens of democracy. His weaknesses are several times alluded to by Socrates, who, however, will not allow him to be attacked by his brother Adeimantus. He is a soldier, and, like Adeimantus, has been distinguished at the battle of Megara.

The character of Adeimantus is deeper and graver, and the profounder objections are commonly put into his mouth. Glaucon is more demonstrative, and generally opens the game. Adeimantus pursues the argument further. Glaucon has more of the liveliness and quick sympathy of youth; Adeimantus has the maturer judgment of a grown-up man of the world. In the second book, when Glaucon insists that justice and injustice shall be considered without regard to their consequences, Adeimantus remarks that they are regarded by mankind in general only for the sake of their consequences; and in a similar vein of reflection he urges at the beginning of the fourth book that Socrates falls in making his citizens happy, and is answered that happiness is not the first but the second thing, not the direct aim but the indirect consequence of the good

government of a State. In the discussion about religion and mythology, Adeimantus is the respondent, but Glaucon breaks in with a slight jest, and carries on the conversation in a lighter tone about music and gymnastic to the end of the book. It is Adeimantus again who volunteers the criticism of common sense on the Socratic method of argument, and who refuses to let Socrates pass lightly over the question of women and children. It is Adeimantus who is the respondent in the more argumentative, as Glaucon in the lighter and more imaginative portions of the Dialogue. For example, throughout the greater part of the sixth book, the causes of the corruption of philosophy and the conception of the idea of good are discussed with Adeimantus. Then Glaucon resumes his place of principal respondent; but he has a difficulty in apprehending the higher education of Socrates, and makes some false hits in the course of the discussion. Once more Adeimantus returns with the allusion to his brother Glaucon whom he compares to the contentious State; in the next book he is again superseded, and Glaucon continues to the end. Thus in a succession of characters Plato represents the successive stages of morality, beginning with the Athenian gentleman of the olden time, who is followed by the practical man of that day regulating his life by proverbs and saws; to him succeeds the wild generalization of the Sophists, and lastly come the young disciples of the great teacher, who know the sophistical arguments but will not be convinced by them, and desire to go deeper into the nature of things. These too, like Cephalus, Polemarchus, Thrasymachus, are clearly distinguished from one another. Neither in the Republic, nor in any other Dialogue of Plato, is a single character repeated.

The delineation of Socrates in the Republic is not wholly consistent. In the first book we have more of the real Socrates, such as he is depicted in the Memorabilia of Xenophon, in the earliest Dialogues of Plato, and in the Apology. He is ironical, provoking, questioning, the old enemy of the Sophists, ready to put on the mask of Silenus as well as to argue seriously. But in the sixth book his enmity towards the Sophists abates; he acknowledges that they are the representatives rather than the corrupters of the world. He also becomes more dogmatic and constructive, passing beyond the range either of the political or the speculative ideas of the real Socrates. In one passage Plato himself seems to intimate that the time had now come for Socrates, who had passed his whole life in philosophy, to give his own opinion and not to be always repeating the notions of other men. There is no evidence that either the idea of good or the conception of a perfect State were comprehended in the Socratic teaching, though he certainly dwelt on the nature of the universal and of final causes (cp. Xen. Mem. i. 4; Phaedo 97); and a deep thinker like him in his thirty or forty years of public teaching, could hardly have failed to touch on the nature of family relations, for which there is also some positive evidence in the Memorabilia (Mem. i. 2, 51 foll.) The Socratic method is nominally retained; and every inference is either put into the mouth of the respondent or represented as the common discovery of him and Socrates. But any one can see that this is a mere form, of which the affectation grows wearisome as the work advances. The method of inquiry has passed into a method of teaching in which by the help of interlocutors the same thesis is looked at from various points of view.

The nature of the process is truly characterized by Glaucon, when he describes himself as a companion who is not good for much in an investigation, but can see what he is shown, and may,

perhaps, give the answer to a question more fluently than another.

Neither can we be absolutely certain that, Socrates himself taught the immortality of the soul, which is unknown to his disciple Glaucon in the Republic; nor is there any reason to suppose that he used myths or revelations of another world as a vehicle of instruction, or that he would have banished poetry or have denounced the Greek mythology. His favorite oath is retained, and a slight mention is made of the daemonium, or internal sign, which is alluded to by Socrates as a phenomenon peculiar to himself. A real element of Socratic teaching, which is more prominent in the Republic than in any of the other Dialogues of Plato, is the use of example and illustration ('taphorhtika auto prhospherhontez'): "Let us apply the test of common instances." "You," says Adeimantus, ironically, in the sixth book, "are so unaccustomed to speak in images." And this use of examples or images, though truly Socratic in origin, is enlarged by the genius of Plato into the form of an allegory or parable, which embodies in the concrete what has been already described, or is about to be described, in the abstract. Thus the figure of the cave in Book VII is a recapitulation of the divisions of knowledge in Book VI. The composite animal in Book IX is an allegory of the parts of the soul. The noble captain and the ship and the true pilot in Book VI are a figure of the relation of the people to the philosophers in the State which has been described. Other figures, such as the dog in the second, third, and fourth books, or the marriage of the portionless maiden in the sixth book, or the drones and wasps in the eighth and ninth books, also form links of connection in long passages, or are used to recall previous discussions.

Plato is most true to the character of his master when he describes him as "not of this world." And with this representation of him the ideal State and the other paradoxes of the Republic are quite in accordance, though they can not be shown to have been speculations of Socrates. To him, as to other great teachers both philosophical and religious, when they looked upward, the world seemed to be the embodiment of error and evil. The common sense of mankind has revolted against this view, or has only partially admitted it. And even in Socrates himself the sterner judgment of the multitude at times passes into a sort of ironical pity or love. Men in general are incapable of philosophy, and are therefore at enmity with the philosopher; but their misunderstanding of him is unavoidable: for they have never seen him as he truly is in his own image; they are only acquainted with artificial systems possessing no native force of truth—words which admit of many applications. Their leaders have nothing to measure with, and are therefore ignorant of their own stature. But they are to be pitied or laughed at, not to be quarrelled with; they mean well with their nostrums, if they could only learn that they are cutting off a Hydra's head. This moderation towards those who are in error is one of the most characteristic features of Socrates in the Republic. In all the different representations of Socrates, whether of Xenophon or Plato, and the differences of the earlier or later Dialogues, he always retains the character of the unwearied and disinterested seeker after truth, without which he would have ceased to be Socrates.

Leaving the characters we may now analyze the contents of the Republic, and then proceed to consider (1) The general aspects of this Hellenic ideal of the State, (2) The modern lights in which the thoughts of Plato may be read.

BOOK VII

The Allegory of the Cave

[Socrates is speaking with Glaucon]

[Socrates:] And now, I said, let me show in a figure how far our nature is enlightened or unenlightened: --Behold! human beings living in a underground den, which has a mouth open towards the light and reaching all along the den; here they have been from their childhood, and have their legs and necks chained so that they cannot move, and can only see before them, being prevented by the chains from turning round their heads. Above and behind them a fire is blazing at a distance, and between the fire and the prisoners there is a raised way; and you will see, if you look, a low wall built along the way, like the screen which marionette players have in front of them, over which they show the puppets.

[Glaucon:] I see.

And do you see, I said, men passing along the wall carrying all sorts of vessels, and statues and figures of animals made of wood and stone and various materials, which appear over the wall? Some of them are talking, others silent.

You have shown me a strange image, and they are strange prisoners.

Like ourselves, I replied; and they see only their own shadows, or the shadows of one another, which the fire throws on the opposite wall of the cave?

True, he said; how could they see anything but the shadows if they were never allowed to move their heads?

And of the objects which are being carried in like manner they would only see the shadows?

Yes, he said.

And if they were able to converse with one another, would they not suppose that they were naming what was actually before them?

Very true.

And suppose further that the prison had an echo which came from the other side, would they not be sure to fancy when one of the passers-by spoke that the voice which they heard came from the passing shadow?

No question, he replied.

To them, I said, the truth would be literally nothing but the shadows of the images.

That is certain.

And now look again, and see what will naturally follow if the prisoners are released and disabused of their error. At first, when any of them is liberated and compelled suddenly to stand up and turn his neck round and walk and look towards the light, he will suffer sharp pains; the glare will distress him, and he will be unable to see the realities of which in his former state he had seen the shadows; and then conceive some one saying to him, that what he saw before was an illusion, but that now, when he is approaching nearer to being and his eye is turned towards more real existence, he has a clearer vision, -what will be his reply? And you may further imagine that his instructor is pointing to the objects as they pass and requiring him to name them, -- will he not be perplexed? Will he not fancy that the shadows which he formerly saw are truer

than the objects which are now shown to him?

Far truer.

And if he is compelled to look straight at the light, will he not have a pain in his eyes which will make him turn away to take and take in the objects of vision which he can see, and which he will conceive to be in reality clearer than the things which are now being shown to him?

True, he said.

And suppose once more, that he is reluctantly dragged up a steep and rugged ascent, and held fast until he 's forced into the presence of the sun himself, is he not likely to be pained and irritated? When he approaches the light his eyes will be dazzled, and he will not be able to see anything at all of what are now called realities.

Not all in a moment, he said.

He will require to grow accustomed to the sight of the upper world. And first he will see the shadows best, next the reflections of men and other objects in the water, and then the objects themselves; then he will gaze upon the light of the moon and the stars and the spangled heaven; and he will see the sky and the stars by night better than the sun or the light of the sun by day?

Certainly.

Last of he will be able to see the sun, and not mere reflections of him in the water, but he will see him in his own proper place, and not in another; and he will contemplate him as he is.

Certainly.

He will then proceed to argue that this is he who gives the season and the years, and is the guardian of all that is in the visible world, and in a certain way the cause of all things which he and his fellows have been accustomed to behold?

Clearly, he said, he would first see the sun and then reason about him.

And when he remembered his old habitation, and the wisdom of the den and his fellow-prisoners, do you not suppose that he would felicitate himself on the change, and pity them?

Certainly, he would.

And if they were in the habit of conferring honours among themselves on those who were quickest to observe the passing shadows and to remark which of them went before, and which followed after, and which were together; and who were therefore best able to draw conclusions as to the future, do you think that he would care for such honours and glories, or envy the possessors of them? Would he not say with Homer,

Better to be the poor servant of a poor master, and to endure anything, rather than think as they do and live after their manner?

Yes, he said, I think that he would rather suffer anything than entertain these false notions and live in this miserable manner.

Imagine once more, I said, such an one coming suddenly out of the sun to be replaced in his old situation; would he not be certain to have his eyes full of darkness?

To be sure, he said.

And if there were a contest, and he had to compete in measuring the shadows with the prisoners who had never moved out of the den, while his sight was still weak, and before his eyes had

become steady (and the time which would be needed to acquire this new habit of sight might be very considerable) would he not be ridiculous? Men would say of him that up he went and down he came without his eyes; and that it was better not even to think of ascending; and if any one tried to loose another and lead him up to the light, let them only catch the offender, and they would put him to death.

No question, he said.

This entire allegory, I said, you may now append, dear Glaucon, to the previous argument; the prison-house is the world of sight, the light of the fire is the sun, and you will not misapprehend me if you interpret the journey upwards to be the ascent of the soul into the intellectual world according to my poor belief, which, at your desire, I have expressed whether rightly or wrongly God knows. But, whether true or false, my opinion is that in the world of knowledge the idea of good appears last of all, and is seen only with an effort; and, when seen, is also inferred to be the universal author of all things beautiful and right, parent of light and of the lord of light in this visible world, and the immediate source of reason and truth in the intellectual; and that this is the power upon which he who would act rationally, either in public or private life must have his eye fixed.

Crito

by Plato

INTRODUCTION

The Crito seems intended to exhibit the character of Socrates in one light only, not as the philosopher, fulfilling a divine mission and trusting in the will of heaven, but simply as the good citizen, who having been unjustly condemned is willing to give up his life in obedience to the laws of the state . . .

The days of Socrates are drawing to a close; the fatal ship has been seen off Sunium, as he is informed by his aged friend and contemporary Crito, who visits him before the dawn has broken; he himself has been warned in a dream that on the third day he must depart. Time is precious, and Crito has come early in order to gain his consent to a plan of escape. This can be easily accomplished by his friends, who will incur no danger in making the attempt to save him, but will be disgraced for ever if they allow him to perish. He should think of his duty to his children, and not play into the hands of his enemies. Money is already provided by Crito as well as by Simmias and others, and he will have no difficulty in finding friends in Thessaly and other places.

Socrates is afraid that Crito is but pressing upon him the opinions of the many; whereas, all his life long he has followed the dictates of reason only and the opinion of the one wise or skilled man. There was a time when Crito himself had allowed the propriety of this. And although someone will say ‘the many can kill us,’ that makes no difference; but a good life, in other words, a just and honourable life, is alone to be valued. All considerations of loss of reputation or injury to his children should be dismissed: the only question is whether he would be right in attempting to escape. Crito, who is a disinterested person not having the fear of death before his eyes, shall answer this for him. Before he was condemned they had often held discussions, in which they agreed that no man should either do evil, or return evil for evil, or betray the right. Are these principles to be altered because the circumstances of Socrates are altered? Crito admits that they remain the same. Then is his escape consistent with the maintenance of them? To this Crito is unable or unwilling to reply.

Socrates proceeds:—Suppose the Laws of Athens to come and remonstrate with him: they will ask, ‘Why does he seek to overturn them?’ and if he replies, ‘They have injured him,’ will not the Laws answer, ‘Yes, but was that the agreement? Has he any objection to make to them which would justify him in overturning them? Was he not brought into the world and educated by their help, and are they not his parents? He might have left Athens and gone where he pleased, but he has lived there for seventy years more constantly than any other citizen.’ Thus he has clearly shown that he acknowledged the agreement, which he cannot now break without dishonour to himself and danger to his friends. Even in the course of the trial he might have proposed exile as the penalty, but then he declared that he preferred death to exile. And whither will he direct his footsteps? In any well-ordered state the Laws will consider him as an enemy. Possibly in a land of misrule like Thessaly he may be welcomed at first, and the unseemly narrative of his escape

will be regarded by the inhabitants as an amusing tale. But if he offends them he will have to learn another sort of lesson. Will he continue to give lectures in virtue? That would hardly be decent. And how will his children be the gainers if he takes them into Thessaly, and deprives them of Athenian citizenship? Or if he leaves them behind, does he expect that they will be better taken care of by his friends because he is in Thessaly? Will not true friends care for them equally whether he is alive or dead?

Finally, they exhort him to think of justice first, and of life and children afterwards. He may now depart in peace and innocence, a sufferer and not a doer of evil. But if he breaks agreements, and returns evil for evil, they will be angry with him while he lives; and their brethren the Laws of the world below will receive him as an enemy. Such is the mystic voice which is always murmuring in his ears.

That Socrates was not a good citizen was a charge made against him during his lifetime, which has been often repeated in later ages. The crimes of Alcibiades, Critias, and Charmides, who had been his pupils, were still recent in the memory of the now restored democracy. The fact that he had been neutral in the death-struggle of Athens was not likely to conciliate popular good-will. Plato, writing probably in the next generation, undertakes the defence of his friend and master in this particular, not to the Athenians of his day, but to posterity and the world at large.

Whether such an incident ever really occurred as the visit of Crito and the proposal of escape is uncertain; Plato could easily have invented far more than that; 1 and in the selection of Crito, the aged friend, as the fittest person to make the proposal to Socrates, we seem to recognize the hand of the artist. Whether anyone who has been subjected by the laws of his country to an unjust judgment is right in attempting to escape, is a thesis about which casuists might disagree. Shelley 2 is of opinion that Socrates 'did well to die,' but not for the 'sophistical' reasons which Plato has put into his mouth. And there would be no difficulty in arguing that Socrates should have lived and preferred to a glorious death the good which he might still be able to perform. 'A rhetorician would have had much to say upon that point.' It may be observed however that Plato never intended to answer the question of casuistry, but only to exhibit the ideal of patient virtue which refuses to do the least evil in order to avoid the greatest, and to show his master maintaining in death the opinions which he had professed in his life. Not 'the world,' but the 'one wise man,' is still the paradox of Socrates in his last hours. He must be guided by reason, although her conclusions may be fatal to him. The remarkable sentiment that the wicked can do neither good nor evil is true, if taken in the sense, which he means, of moral evil; in his own words, 'they cannot make a man wise or foolish.'

This little dialogue is a perfect piece of dialectic, in which granting the 'common principle,' there is no escaping from the conclusion. It is anticipated at the beginning by the dream of Socrates and the parody of Homer. The personification of the Laws, and of their brethren the Laws in the

world below, is one of the noblest and boldest figures of speech which occur in Plato.

CRITO

PERSONS OF THE DIALOGUE:

Socrates, Crito.

SCENE: The Prison of Socrates.

SOCRATES: Why have you come at this hour, Crito? it must be quite early?

CRITO: Yes, certainly.

SOCRATES: What is the exact time?

CRITO: The dawn is breaking.

SOCRATES: I wonder that the keeper of the prison would let you in.

CRITO: He knows me, because I often come, Socrates; moreover, I have done him a kindness.

SOCRATES: And are you only just arrived?

CRITO: No, I came some time ago.

SOCRATES: Then why did you sit and say nothing, instead of at once awakening me?

CRITO: I should not have liked myself, Socrates, to be in such great trouble and unrest as you are—indeed I should not: I have been watching with amazement your peaceful slumbers; and for that reason I did not awake you, because I wished to minimize the pain. I have always thought you to be of a happy disposition; but never did I see anything like the easy, tranquil manner in which you bear this calamity.

SOCRATES: Why, Crito, when a man has reached my age he ought not to be repining at the approach of death.

CRITO: And yet other old men find themselves in similar misfortunes, and age does not prevent

them from repining.

SOCRATES: That is true. But you have not told me why you come at this early hour.

CRITO: I come to bring you a message which is sad and painful; not, as I believe, to yourself, but to all of us who are your friends, and saddest of all to me.

SOCRATES: What? Has the ship come from Delos, on the arrival of which I am to die?

CRITO: No, the ship has not actually arrived, but she will probably be here to-day, as persons who have come from Sunium tell me that they have left her there; and therefore to-morrow, Socrates, will be the last day of your life.

SOCRATES: Very well, Crito; if such is the will of God, I am willing; but my belief is that there will be a delay of a day.

CRITO: Why do you think so?

SOCRATES: I will tell you. I am to die on the day after the arrival of the ship?

CRITO: Yes; that is what the authorities say.

SOCRATES: But I do not think that the ship will be here until to-morrow; this I infer from a vision which I had last night, or rather only just now, when you fortunately allowed me to sleep.

CRITO: And what was the nature of the vision?

SOCRATES: There appeared to me the likeness of a woman, fair and comely, clothed in bright raiment, who called to me and said: O Socrates,

‘The third day hence to fertile Phthia shalt thou go.’³

CRITO: What a singular dream, Socrates!

SOCRATES: There can be no doubt about the meaning, Crito, I think.

CRITO: Yes; the meaning is only too clear. But, oh! my beloved Socrates, let me entreat you once more to take my advice and escape. For if you die I shall not only lose a friend who can never be replaced, but there is another evil: people who do not know you and me will believe that I might have saved you if I had been willing to give money, but that I did not care. Now, can

there be a worse disgrace than this—that I should be thought to value money more than the life of a friend? For the many will not be persuaded that I wanted you to escape, and that you refused.

SOCRATES: But why, my dear Crito, should we care about the opinion of the many? Good men, and they are the only persons who are worth considering, will think of these things truly as they occurred.

CRITO: But you see, Socrates, that the opinion of the many must be regarded, for what is now happening shows that they can do the greatest evil to anyone who has lost their good opinion.

SOCRATES: I only wish it were so, Crito; and that the many could do the greatest evil; for then they would also be able to do the greatest good—and what a fine thing this would be! But in reality they can do neither; for they cannot make a man either wise or foolish; and whatever they do is the result of chance.

CRITO: Well, I will not dispute with you; but please to tell me, Socrates, whether you are not acting out of regard to me and your other friends: are you not afraid that if you escape from prison we may get into trouble with the informers for having stolen you away, and lose either the whole or a great part of our property; or that even a worse evil may happen to us? Now, if you fear on our account, be at ease; for in order to save you, we ought surely to run this, or even a greater risk; be persuaded, then, and do as I say.

SOCRATES: Yes, Crito, that is one fear which you mention, but by no means the only one.

CRITO: Fear not—there are persons who are willing to get you out of prison at no great cost; and as for the informers, they are far from being exorbitant in their demands—a little money will satisfy them. My means, which are certainly ample, are at your service, and if you have a scruple about spending all mine, here are strangers who will give you the use of theirs; and one of them, Simmias the Theban, has brought a large sum of money for this very purpose; and Cebes and many others are prepared to spend their money in helping you to escape. I say, therefore, do not hesitate on our account, and do not say, as you did in the court ⁴ that you will have a difficulty in knowing what to do with yourself anywhere else. For men will love you in other places to which you may go, and not in Athens only; there are friends of mine in Thessaly, if you like to go to them, who will value and protect you, and no Thessalian will give you any trouble. Nor can I think that you are at all justified, Socrates, in betraying your own life when you might be saved; in acting thus you are playing into the hands of your enemies, who are hurrying on your destruction. And further I should say that you are deserting your own children; for you might bring them up and educate them; instead of which you go away and leave them, and they will have to take their chance; and if they do not meet with the usual fate of orphans, there will be small thanks to you. No man should bring children into the world who is unwilling to persevere

to the end in their nurture and education. But you appear to be choosing the easier part, not the better and manlier, which would have been more becoming in one who professes to care for virtue in all his actions, like yourself. And indeed, I am ashamed not only of you, but of us who are your friends, when I reflect that the whole business will be attributed entirely to our want of courage. The trial need never have come on, or might have been managed differently; and this last act, or crowning folly, will seem to have occurred through our negligence and cowardice, who might have saved you, if we had been good for anything; and you might have saved yourself, for there was no difficulty at all. See now, Socrates, how sad and discreditable are the consequences, both to us and you. Make up your mind then, or rather have your mind already made up, for the time of deliberation is over, and there is only one thing to be done, which must be done this very night, and, if we delay at all, will be no longer practicable or possible; I beseech you therefore, Socrates, be persuaded by me, and do as I say.

SOCRATES: Dear Crito, your zeal is invaluable, if a right one; but if wrong, the greater the zeal the greater the danger; and therefore we ought to consider whether I shall or shall not do as you say. For I am and always have been one of those natures who must be guided by reason, whatever the reason may be which upon reflection appears to me to be the best; and now that this chance has befallen me, I cannot repudiate my own words: the principles which I have hitherto honoured and revered I still honour, and unless we can at once find other and better principles, I am certain not to agree with you; no, not even if the power of the multitude could inflict many more imprisonments, confiscations, deaths, frightening us like children with hobgoblin terrors. 5 What will be the fairest way of considering the question? Shall I return to your old argument about the opinions of men?—we were saying that some of them are to be regarded, and others not. Now were we right in maintaining this before I was condemned? And has the argument which was once good now proved to be talk for the sake of talking—mere childish nonsense? That is what I want to consider with your help, Crito:—whether, under my present circumstances, the argument appears to be in any way different or not; and is to be allowed by me or disallowed. That argument, which, as I believe, is maintained by many persons of authority, was to the effect, as I was saying, that the opinions of some men are to be regarded, and of other men not to be regarded. Now you, Crito, are not going to die to-morrow—at least, there is no human probability of this—and therefore you are disinterested and not liable to be deceived by the circumstances in which you are placed. Tell me then, whether I am right in saying that some opinions, and the opinions of some men only, are to be valued, and that other opinions, and the opinions of other men, are not to be valued. I ask you whether I was right in maintaining this?

CRITO: Certainly.

SOCRATES: The good are to be regarded, and not the bad?

CRITO: Yes.

SOCRATES: And the opinions of the wise are good, and the opinions of the unwise are evil?

CRITO: Certainly.

SOCRATES: And what was said about another matter? Is the pupil who devotes himself to the practice of gymnastics supposed to attend to the praise and blame and opinion of every man, or of one man only—his physician or trainer, whoever he may be?

CRITO: Of one man only.

SOCRATES: And he ought to fear the censure and welcome the praise of that one only, and not of the many?

CRITO: Clearly so.

SOCRATES: And he ought to act and train, and eat and drink in the way which seems good to his single master who has understanding, rather than according to the opinion of all other men put together?

CRITO: True.

SOCRATES: And if he disobeys and disregards the opinion and approval of the one, and regards the opinion of the many who have no understanding, will he not suffer evil?

CRITO: Certainly he will.

SOCRATES: And what will the evil be, whither tending and what affecting, in the disobedient person?

CRITO: Clearly, affecting the body; that is what is destroyed by the evil.

SOCRATES: Very good; and is not this true, Crito, of other things which we need not separately enumerate? In questions of just and unjust, fair and foul, good and evil, which are the subjects of our present consultation, ought we to follow the opinion of the many and to fear them; or the opinion of the one man who has understanding? ought we not to fear and reverence him more than all the rest of the world: and if we desert him shall we not destroy and injure that principle in us which may be assumed to be improved by justice and deteriorated by injustice—there is such a principle?

CRITO: Certainly there is, Socrates.

SOCRATES: Take a parallel instance:—if, acting under the advice of those who have no understanding, we destroy that which is improved by health and is deteriorated by disease, would life be worth having? And that which has been destroyed is—the body?

CRITO: Yes.

SOCRATES: Could we live, having an evil and corrupted body?

CRITO: Certainly not.

SOCRATES: And will life be worth having, if that higher part of man be destroyed, which is improved by justice and depraved by injustice? Do we suppose that principle, whatever it may be in man, which has to do with justice and injustice, to be inferior to the body?

CRITO: Certainly not.

SOCRATES: More honourable than the body?

CRITO: Far more.

SOCRATES: Then, my friend, we must not regard what the many say of us; but what he, the one man who has understanding of just and unjust, will say, and what the truth will say. And therefore you begin in error when you advise that we should regard the opinion of the many about just and unjust, good and evil, honourable and dishonourable.—‘Well,’ someone will say, ‘but the many can kill us.’

CRITO: Yes, Socrates; that will clearly be the answer.

SOCRATES: And it is true; but still I find with surprise that the old argument is unshaken as ever. And I should like to know whether I may say the same of another proposition—that not life, but a good life, is to be chiefly valued?

CRITO: Yes, that also remains unshaken.

SOCRATES: And a good life is equivalent to a just and honourable one—that holds also?

CRITO: Yes, it does.

SOCRATES: From these premises I proceed to argue the question whether I ought or ought not to try and escape without the consent of the Athenians: and if I am clearly right in escaping, then I will make the attempt; but if not, I will abstain. The other considerations which you mention, of money and loss of character and the duty of educating one's children, are, I fear, only the doctrines of the multitude, who would be as ready to restore people to life, if they were able, as they are to put them to death—and with as little reason. But now, since the argument has thus far prevailed, the only question which remains to be considered is whether we shall do rightly either in escaping or in suffering others to aid in our escape and paying them in money and thanks, or whether in reality we shall not do rightly; and if the latter, then death or any other calamity which may ensue on my remaining here must not be allowed to enter into the calculation.

CRITO: I think that you are right, Socrates; how then shall we proceed?

SOCRATES: Let us consider the matter together, and do you either refute me if you can, and I will be convinced; or else cease, my dear friend, from repeating to me that I ought to escape against the wishes of the Athenians: for I highly value your attempts to persuade me to do so, but I may not be persuaded against my own better judgment. And now please to consider my first position, and try how you can best answer me.

CRITO: I will.

SOCRATES: Are we to say that we are never intentionally to do wrong, or that in one way we ought and in another way we ought not to do wrong, or is doing wrong always evil and dishonourable, as I was just now saying, and as has been already acknowledged by us? Are all our former admissions which were made within a few days to be thrown away? And have we, at our age, been earnestly discoursing with one another all our life long only to discover that we are no better than children? Or, in spite of the opinion of the many, and in spite of consequences whether better or worse, shall we insist on the truth of what was then said, that injustice is always an evil and dishonour to him who acts unjustly? Shall we say so or not?

CRITO: Yes.

SOCRATES: Then we must do no wrong?

CRITO: Certainly not.

SOCRATES: Nor, when injured, injure in return, as the many imagine; for we must injure no one at all? 6

CRITO: Clearly not.

SOCRATES: Again, Crito, may we do evil?

CRITO: Surely not, Socrates.

SOCRATES: And what of doing evil in return for evil, which is the morality of the many—is that just or not?

CRITO: Not just.

SOCRATES: For doing evil to another is the same as injuring him?

CRITO: Very true.

SOCRATES: Then we ought not to retaliate or render evil for evil to anyone, whatever evil we may have suffered from him. But I would have you consider, Crito, whether you really mean what you are saying. For this opinion has never been held, and never will be held, by any considerable number of persons; and those who are agreed and those who are not agreed upon this point have no common ground, and can only despise one another when they see how widely they differ. Tell me, then, whether you agree with and assent to my first principle, that neither injury nor retaliation nor warding off evil by evil is ever right. And shall that be the premise of our argument? Or do you decline and dissent from this? For so I have ever thought, and continue to think; but, if you are of another opinion, let me hear what you have to say. If, however, you remain of the same mind as formerly, I will proceed to the next step.

CRITO: You may proceed, for I have not changed my mind.

SOCRATES: Then I will go on to the next point, which may be put in the form of a question:—Ought a man to do what he admits to be right, or ought he to betray the right?

CRITO: He ought to do what he thinks right.

SOCRATES: But if this is true, what is the application? In leaving the prison against the will of the Athenians, do I wrong any? or rather do I not wrong those whom I ought least to wrong? Do I not desert the principles which were acknowledged by us to be just—what do you say?

CRITO: I cannot tell, Socrates; for I do not know.

SOCRATES: Then consider the matter in this way:—Imagine that I am about to play truant (you may call the proceeding by any name which you like), and the laws and the government come

and interrogate me: ‘Tell us, Socrates,’ they say; ‘what are you about? are you not going by an act of yours to overturn us—the laws, and the whole state, as far as in you lies? Do you imagine that a state can subsist and not be overthrown, in which the decisions of law have no power, but are set aside and trampled upon by individuals?’ What will be our answer, Crito, to these and the like words? Anyone, and especially a rhetorician, will have a good deal to say on behalf of the law which requires a sentence to be carried out. He will argue that this law should not be set aside; and shall we reply, ‘Yes; but the state has injured us and given an unjust sentence.’ Suppose I say that?

CRITO: Very good, Socrates.

SOCRATES: ‘And was that our agreement with you?’ the law would answer; ‘or were you to abide by the sentence of the state?’ And if I were to express my astonishment at their words, the law would probably add: ‘Answer, Socrates, instead of opening your eyes—you are in the habit of asking and answering questions. Tell us,—What complaint have you to make against us which justifies you in attempting to destroy us and the state? In the first place did we not bring you into existence? Your father married your mother by our aid and begat you. Say whether you have any objection to urge against those of us who regulate marriage?’ None, I should reply. ‘Or against those of us who after birth regulate the nurture and education of children, in which you also were trained? Were not the laws, which have the charge of education, right in commanding your father to train you in music and gymnastic?’ Right, I should reply. ‘Well then, since you were brought into the world and nurtured and educated by us, can you deny in the first place that you are our child and slave, as your fathers were before you? And if this is true you are not on equal terms with us; nor can you think that you have a right to do to us what we are doing to you. Would you have any right to strike or revile or do any other evil to your father or your master, if you had one, because you have been struck or reviled by him, or received some other evil at his hands? You would not say this. And because we think right to destroy you, do you think that you have any right to destroy us in return, and your country as far as in you lies? Will you, O professor of true virtue, pretend that you are justified in this? Has a philosopher like you failed to discover that our country is more to be valued and higher and holier far than mother or father or any ancestor, and more to be regarded in the eyes of the gods and of men of understanding? also to be soothed, and gently and reverently entreated when angry, even more than a father, and either to be persuaded, or if not persuaded, to be obeyed? And when we are punished by her, whether with imprisonment or stripes, the punishment is to be endured in silence; and if she lead us to wounds or death in battle, thither we follow as is right; neither may anyone yield or retreat or leave his rank, but whether in battle or in a court of law, or in any other place, he must do what his city and his country order him; or he must change their view of what is just: and if he may do no violence to his father or mother, much less may he do violence to his country.’ What answer shall we make to this, Crito? Do the laws speak truly, or do they not?

CRITO: I think that they do.

SOCRATES: Then the laws will say: ‘Consider, Socrates, if we are speaking truly that in your present attempt you are going to do us an injury. For, having brought you into the world, and nurtured and educated you, and given you and every other citizen a share in every good which we had to give, we further proclaim to any Athenian by the liberty which we allow him, that if he does not like us when he has become of age and has seen the ways of the city, and made our acquaintance, he may go where he pleases and take his goods with him. None of us laws will forbid him or interfere with him. Anyone who does not like us and the city, and who wants to emigrate to a colony or to any other city, may go where he likes, retaining his property. But he who has experience of the manner in which we order justice and administer the state, and still remains, has entered into an implied contract that he will do as we command him. And he who disobeys us is, as we maintain, thrice wrong; first, because in disobeying us he is disobeying his parents; secondly, because we are the authors of his education; thirdly, because he has made an agreement with us that he will duly obey our commands; and he neither obeys them nor convinces us that our commands are unjust; and we do not rudely impose them, but give him the alternative of obeying or convincing us;—that is what we offer, and he does neither. These are the sort of accusations to which, as we were saying, you, Socrates, will be exposed if you accomplish your intentions; you, above all other Athenians.’

Suppose now I ask, why I rather than anybody else? they will justly retort upon me that I above all other men have acknowledged the agreement. ‘There is clear proof,’ they will say, ‘Socrates, that we and the city were not displeasing to you. Of all Athenians you have been the most constant resident in the city, which, as you never leave, you may be supposed to love. 7 For you never went out of the city either to see the games, except once when you went to the Isthmus, or to any other place unless when you were on military service; nor did you travel as other men do. Nor had you any curiosity to know other states or their laws: your affections did not go beyond us and our state; we were your especial favourites, and you acquiesced in our government of you; and here in this city you begat your children, which is a proof of your satisfaction. Moreover, you might in the course of the trial, if you had liked, have fixed the penalty at banishment; the state which refuses to let you go now would have let you go then. But you pretended that you preferred death to exile, 8 and that you were not unwilling to die. And now you have forgotten these fine sentiments, and pay no respect to us the laws, of whom you are the destroyer; and are doing what only a miserable slave would do, running away and turning your back upon the compacts and agreements which you made as a citizen. And first of all answer this very question: Are we right in saying that you agreed to be governed according to us in deed, and not in word only? Is that true or not?’ How shall we answer, Crito? Must we not assent?

CRITO: We cannot help it, Socrates.

SOCRATES: Then will they not say: ‘You, Socrates, are breaking the covenants and agreements which you made with us at your leisure, not in any haste or under any compulsion or deception, but after you have had seventy years to think of them, during which time you were at liberty to leave the city, if we were not to your mind, or if our covenants appeared to you to be unfair. You had your choice, and might have gone either to Lacedaemon or Crete, both which states are often praised by you for their good government, or to some other Hellenic or foreign state. Whereas you, above all other Athenians, seemed to be so fond of the state, or, in other words, of us, her laws (and who would care about a state which has no laws?), that you never stirred out of her; the halt, the blind, the maimed were not more stationary in her than you were. And now you run away and forsake your agreements. Not so, Socrates, if you will take our advice; do not make yourself ridiculous by escaping out of the city.

‘For just consider, if you transgress and err in this sort of way, what good will you do either to yourself or to your friends? That your friends will be driven into exile and deprived of citizenship, or will lose their property, is tolerably certain; and you yourself, if you fly to one of the neighbouring cities, as, for example, Thebes or Megara, both of which are well governed, will come to them as an enemy, Socrates, and their government will be against you, and all patriotic citizens will cast an evil eye upon you as a subverter of the laws, and you will confirm in the minds of the judges the justice of their own condemnation of you. For he who is a corrupter of the laws is more than likely to be a corrupter of the young and foolish portion of mankind. Will you then flee from well-ordered cities and virtuous men? and is existence worth having on these terms? Or will you go to them without shame, and talk to them, Socrates? And what will you say to them? What you say here about virtue and justice and institutions and laws being the best things among men? Would that be decent of you? Surely not. But if you go away from well-governed states to Crito’s friends in Thessaly, where there is great disorder and licence, they will be charmed to hear the tale of your escape from prison, set off with ludicrous particulars of the manner in which you were wrapped in a goatskin or some other disguise, and metamorphosed as the manner is of runaways; but will there be no one to remind you that in your old age you were not ashamed to violate the most sacred laws from a miserable desire of a little more life? Perhaps not, if you keep them in a good temper; but if they are out of temper you will hear many degrading things; you will live, but how?—as the flatterer of all men, and the servant of all men; and doing what?—eating and drinking in Thessaly, having gone abroad in order that you may get a dinner. And where will be your fine sentiments about justice and virtue? Say that you wish to live for the sake of your children—you want to bring them up and educate them—will you take them into Thessaly and deprive them of Athenian citizenship? Is this the benefit which you will confer upon them? Or are you under the impression that they will be better cared for and educated here if you are still alive, although absent from them; for your friends will take care of them? Do you fancy that if you are an inhabitant of Thessaly they will take care of them, and if you are an inhabitant of the other world that they will not take care of them? Nay; but if they who call themselves friends are good for anything, they will—to be sure they will.

‘Listen, then, Socrates, to us who have brought you up. Think not of life and children first, and of justice afterwards, but of justice first, that you may be justified before the princes of the world below. For neither will you nor any that belong to you be happier or holier or juster in this life, or happier in another, if you do as Crito bids. Now you depart in innocence, a sufferer and not a doer of evil; a victim, not of the laws, but of men. But if you go forth, returning evil for evil, and injury for injury, breaking the covenants and agreements which you have made with us, and wronging those whom you ought least of all to wrong, that is to say, yourself, your friends, your country, and us, we shall be angry with you while you live, and our brethren, the laws in the world below, will receive you as an enemy; for they will know that you have done your best to destroy us. Listen, then, to us and not to Crito.’

This, dear Crito, is the voice which I seem to hear murmuring in my ears, like the sound of the flute in the ears of the mystic; that voice, I say, is humming in my ears, and prevents me from hearing any other. And I know that anything more which you may say will be vain. Yet speak, if you have anything to say.

CRITO: I have nothing to say, Socrates.

SOCRATES: Leave me then, Crito, to fulfil the will of God, and to follow whither he leads.

1. See Phaedrus
2. See Prose Works
3. Homer, Iliad, IX
4. Cp. Apology
5. Cp. Apology
6. Cp. Republic
7. Cp. Phaedrus
8. Cp. Apology

Politics: Book IV

by Aristotle

BOOK IV

CHAPTER I

In every art and science which is not conversant in parts but in some one genus in which it is complete, it is the business of that art alone to determine what is fitted to its particular genus; as what particular exercise is fitted to a certain particular body, and suits it best: for that body which is formed by nature the most perfect and superior to others necessarily requires the best exercise- and also of what one kind that must be which will suit the generality; and this is the business of the gymnastic arts: and although any one should not desire to acquire an exact knowledge and skill in these exercises, yet it is not, on that account, the less necessary that he who professes to be a master and instruct the youth in them should be perfect therein: and we see that this is what equally befalls the healing, shipbuilding, cloth-making, and indeed all other arts; so that it evidently belongs to the same art to find out what kind of government is best, and would of all others be most correspondent to our wish, while it received no molestation from without: and what particular species of it is adapted to particular persons; for there are many who probably are incapable of enjoying the best form: so that the legislator, and he who is truly a politician, ought to be acquainted not only with that which is most perfect imaginable, but also that which is the best suited to any given circumstances. There is, moreover, a third sort, an imaginary one, and he ought, if such a one should be presented to his consideration, to be able to discern what sort of one it would be at the beginning; and, when once established, what would be the proper means to preserve it a long time. I mean, for instance, if a state should happen not to have the best form of government, or be deficient in what was necessary, or not receive every advantage possible, but something less. And, besides all this, it is necessary to know what sort of government is best fitting for all cities: for most of those writers who have treated this subject, however speciously they may handle other parts of it, have failed in describing the practical parts: for it is not enough to be able to perceive what is best without it is what can be put in practice. It should also be simple, and easy for all to attain to. But some seek only the most subtile forms of government. Others again, choosing [1289a] rather to treat of what is common, censure those under which they live, and extol the excellence of a particular state, as the Lacedaemonian, or some other: but every legislator ought to establish such a form of government as from the present state and disposition of the people who are to receive it they will most readily submit to and persuade the community to partake of: for it is not a business of less trouble to correct the mistakes of an established government than to form a new one; as it is as difficult to recover what we have forgot as to learn anything afresh. He, therefore, who aspires to the character of a legislator, ought, besides all we have already said, to be able to correct the mistakes of a government already established, as we have before mentioned. But this is impossible to be done by him who does not know how many different forms of government there are: some persons think that there is only one species both of democracy and oligarchy; but this is not true: so that every one should be acquainted with the difference of these governments, how great they are, and whence they arise; and should have equal knowledge to perceive what laws are best, and what are most

suitable to each particular government: for all laws are, and ought to be, framed agreeable to the state that is to be governed by them, and not the state to the laws: for government is a certain ordering in a state which particularly respects the magistrates in what manner they shall be regulated, and where the supreme power shall be placed; and what shall be the final object which each community shall have in view; but the laws are something different from what regulates and expresses the form of the constitution-it is their office to direct the conduct of the magistrate in the execution of his office and the punishment of offenders. From whence it is evident, that the founders of laws should attend both to the number and the different sorts of government; for it is impossible that the same laws should be calculated for all sorts of oligarchies and all sorts of democracies, for of both these governments there are many species, not one only.

CHAPTER II

Since, then, according to our first method in treating of the different forms of government, we have divided those which are regular into three sorts, the kingly, the aristocratical, the free states, and shown the three excesses which these are liable to: the kingly, of becoming tyrannical; the aristocratical, oligarchical; and the free state, democratical: and as we have already treated of the aristocratical and kingly; for to enter into an inquiry what sort of government is best is the same thing as to treat of these two expressly; for each of them desires to be established upon the principles of virtue: and as, moreover, we have already determined wherein a kingly power and an aristocracy differ from each other, and when a state may be said to be governed by a king, it now remains that we examine into a free state, and also these other governments, an oligarchy, a democracy, and a [1289b] tyranny; and it is evident of these three excesses which must be the worst of all, and which next to it; for, of course, the excesses of the best and most holy must be the worst; for it must necessarily happen either that the name of king only will remain, or else that the king will assume more power than belongs to him, from whence tyranny will arise, the worst excess imaginable, a government the most contrary possible to a free state. The excess next hurtful is an oligarchy; for an aristocracy differs much from this sort of government: that which is least so is a democracy. This subject has been already treated of by one of those writers who have gone before me, though his sentiments are not the same as mine: for he thought, that of all excellent constitutions, as a good oligarchy or the like, a democracy was the worst, but of all bad ones, the best.

Now I affirm, that all these states have, without exception, fallen into excess; and also that he should not have said that one oligarchy was better than another, but that it was not quite so bad. But this question we shall not enter into at present. We shall first inquire how many different sorts of free states there are; since there are many species of democracies and oligarchies; and which of them is the most comprehensive, and most desirable after the best form of government; or if there is any other like an aristocracy, well established; and also which of these is best adapted to most cities, and which of them is preferable for particular persons: for, probably, some may suit better with an oligarchy than a democracy, and others better with a democracy than an oligarchy; and afterwards in what manner any one ought to proceed who desires to establish

either of these states, I mean every species of democracy, and also of oligarchy. And to conclude, when we shall have briefly gone through everything that is necessary, we will endeavour to point out the sources of corruption, and stability, in government, as well those which are common to all as those which are peculiar to each state, and from what causes they chiefly arise.

CHAPTER III

The reason for there being many different sorts of governments is this, that each state consists of a great number of parts; for, in the first place, we see that all cities are made up of families: and again, of the multitude of these some must be rich, some poor, and others in the middle station; and that, both of the rich and poor, some will be used to arms, others not. We see also, that some of the common people are husbandmen, others attend the market, and others are artificers. There is also a difference between the nobles in their wealth, and the dignity in which they live: for instance, in the number of horses they breed; for this cannot be supported without a large fortune: for which reason, in former times, those cities whose strength consisted in horse became by that means oligarchies; and they used horse in their expeditions against the neighbouring cities; as the Eretrians the Chalcidians, the Magnetians, who lived near the river Meander, and many others in Asia. Moreover, besides the difference of fortune, there is that which arises from family and merit; or, if there are any other distinctions [1290a] which make part of the city, they have been already mentioned in treating of an aristocracy, for there we considered how many parts each city must necessarily be composed of; and sometimes each of these have a share in the government, sometimes a few, sometimes more.

It is evident then, that there must be many forms of government, differing from each other in their particular constitution: for the parts of which they are composed each differ from the other. For government is the ordering of the magistracies of the state; and these the community share between themselves, either as they can attain them by force, or according to some common equality which there is amongst them, as poverty, wealth, or something which they both partake of. There must therefore necessarily be as many different forms of governments as there are different ranks in the society, arising from the superiority of some over others, and their different situations. And these seem chiefly to be two, as they say, of the winds: namely, the north and the south; and all the others are declinations from these. And thus in politics, there is the government of the many and the government of the few; or a democracy and an oligarchy: for an aristocracy may be considered as a species of oligarchy, as being also a government of the few; and what we call a free state may be considered as a democracy: as in the winds they consider the west as part of the north, and the east as part of the south: and thus it is in music, according to some, who say there are only two species of it, the Doric and the Phrygian, and all other species of composition they call after one of these names; and many people are accustomed to consider the nature of government in the same light; but it is both more convenient and more correspondent to truth to distinguish governments as I have done, into two species: one, of those which are established upon proper principles; of which there may be one or two sorts: the other, which includes all the different excesses of these; so that we may compare the best form of government to the

most harmonious piece of music; the oligarchic and despotic to the more violent tunes; and the democratic to the soft and gentle airs.

CHAPTER IV

We ought not to define a democracy as some do, who say simply, that it is a government where the supreme power is lodged in the people; for even in oligarchies the supreme power is in the majority. Nor should they define an oligarchy a government where the supreme power is in the hands of a few: for let us suppose the number of a people to be thirteen hundred, and that of these one thousand were rich, who would not permit the three hundred poor to have any share in the government, although they were free, and their equal in everything else; no one would say, that this government was a democracy. In like manner, if the poor, when few in number, should acquire the power over the rich, though more than themselves, no one would say, that this was an oligarchy; nor this, when the rest who are rich have no share in the administration. We should rather say, that a democracy is when the supreme power is in the [1290b] hands of the freemen; an oligarchy, when it is in the hands of the rich: it happens indeed that in the one case the many will possess it, in the other the few; because there are many poor and few rich. And if the power of the state was to be distributed according to the size of the citizens, as they say it is in Ethiopia, or according to their beauty, it would be an oligarchy: for the number of those who are large and beautiful is small.

Nor are those things which we have already mentioned alone sufficient to describe these states; for since there are many species both of a democracy and an oligarchy, the matter requires further consideration; as we cannot admit, that if a few persons who are free possess the supreme power over the many who are not free, that this government is a democracy: as in Apollonia, in Ionia, and in Thera: for in each of these cities the honours of the state belong to some few particular families, who first founded the colonies. Nor would the rich, because they are superior in numbers, form a democracy, as formerly at Colophon; for there the majority had large possessions before the Lydian war: but a democracy is a state where the freemen and the poor, being the majority, are invested with the power of the state. An oligarchy is a state where the rich and those of noble families, being few, possess it.

We have now proved that there are various forms of government and have assigned a reason for it; and shall proceed to show that there are even more than these, and what they are, and why; setting out with the principle we have already laid down. We admit that every city consists not of one, but many parts: thus, if we should endeavour to comprehend the different species of animals we should first of all note those parts which every animal must have, as a certain sensorium, and also what is necessary to acquire and retain food, as a mouth and a belly; besides certain parts to enable it to move from place to place. If, then, these are the only parts of an animal and there are differences between them; namely, in their various sorts of stomachs, bellies, and sensoriums: to which we must add their motive powers; the number of the combinations of all these must necessarily make up the different species of animals. For it is not possible that the same kind

of animal should have any very great difference in its mouth or ears; so that when all these are collected, who happen to have these things similar in all, they make up a species of animals of which there are as many as there are of these general combinations of necessary parts.

The same thing is true of what are called states; for a city is not made of one but many parts, as has already been often said; one of which is those who supply it with provisions, called husbandmen, another called mechanics, [1291a] whose employment is in the manual arts, without which the city could not be inhabited; of these some are busied about what is absolutely necessary, others in what contribute to the elegancies and pleasures of life; the third sort are your exchange-men, I mean by these your buyers, sellers, merchants, and victuallers; the fourth are your hired labourers or workmen; the fifth are the men-at-arms, a rank not less useful than the other, without you would have the community slaves to every invader; but what cannot defend itself is unworthy of the name of a city; for a city is self-sufficient, a slave not. So that when Socrates, in Plato's Republic, says that a city is necessarily composed of four sorts of people, he speaks elegantly but not correctly, and these are, according to him, weavers, husbandmen, shoe-makers, and builders; he then adds, as if these were not sufficient, smiths, herdsmen for what cattle are necessary, and also merchants and victuallers, and these are by way of appendix to his first list; as if a city was established for necessity, and not happiness, or as if a shoe-maker and a husbandman were equally useful. He reckons not the military a part before the increase of territory and joining to the borders of the neighbouring powers will make war necessary: and even amongst them who compose his four divisions, or whoever have any connection with each other, it will be necessary to have some one to distribute justice, and determine between man and man. If, then, the mind is a more valuable part of man than the body, every one would wish to have those things more regarded in his city which tend to the advantage of these than common matters, such are war and justice; to which may be added council, which is the business of civil wisdom (nor is it of any consequence whether these different employments are filled by different persons or one, as the same man is oftentimes both a soldier and a husbandman): so that if both the judge and the senator are parts of the city, it necessarily follows that the soldier must be so also. The seventh sort are those who serve the public in expensive employments at their own charge: these are called the rich. The eighth are those who execute the different offices of the state, and without these it could not possibly subsist: it is therefore necessary that there should be some persons capable of governing and filling the places in the city; and this either for life or in rotation: the office of senator, and judge, of which we have already sufficiently treated, are the only ones remaining. If, then, these things are necessary for a state, that it may be happy and just, it follows that the citizens who engage in public affairs should be men of abilities therein. [1291b] Several persons think, that different employments may be allotted to the same person; as a soldier's, a husbandman's, and an artificer's; as also that others may be both senators and judges.

Besides, every one supposes himself a man of political abilities, and that he is qualified for almost every department in the state. But the same person cannot at once be poor and rich: for which reason the most obvious division of the city is into two parts, the poor and rich; moreover,

since for the generality the one are few, the other many, they seem of all the parts of a city most contrary to each other; so that as the one or the other prevail they form different states; and these are the democracy and the oligarchy.

But that there are many different states, and from what causes they arise, has been already mentioned: and that there are also different species both of democracies and oligarchies we will now show. Though this indeed is evident from what we have already said: there are also many different sorts of common people, and also of those who are called gentlemen. Of the different sorts of the first are husbandmen, artificers, exchange-men, who are employed in buying and selling, seamen, of which some are engaged in war, some in traffic, some in carrying goods and passengers from place to place, others in fishing, and of each of these there are often many, as fishermen at Tarentum and Byzantium, masters of galleys at Athens, merchants at Aegina and Chios, those who let ships on freight at Tenedos; we may add to these those who live by their manual labour and have but little property; so that they cannot live without some employ: and also those who are not free-born on both sides, and whatever other sort of common people there may be. As for gentlemen, they are such as are distinguished either by their fortune, their birth, their abilities, or their education, or any such-like excellence which is attributed to them.

The most pure democracy is that which is so called principally from that equality which prevails in it: for this is what the law in that state directs; that the poor shall be in no greater subjection than the rich; nor that the supreme power shall be lodged with either of these, but that both shall share it. For if liberty and equality, as some persons suppose, are chiefly to be found in a democracy, it must be most so by every department of government being alike open to all; but as the people are the majority, and what they vote is law, it follows that such a state must be a democracy. This, then, is one species thereof. Another is, when the magistrates are elected by a certain census; but this should be but small, and every one who was included in it should be eligible, but as soon as he was below it should lose that right. [1292a] Another sort is, in which every citizen who is not infamous has a share in the government, but where the government is in the laws. Another, where every citizen without exception has this right. Another is like these in other particulars, but there the people govern, and not the law: and this takes place when everything is determined by a majority of votes, and not by a law; which happens when the people are influenced by the demagogues: for where a democracy is governed by stated laws there is no room for them, but men of worth fill the first offices in the state: but where the power is not vested in the laws, there demagogues abound: for there the people rule with kingly power: the whole composing one body; for they are supreme, not as individuals but in their collective capacity.

Homer also discommends the government of many; but whether he means this we are speaking of, or where each person exercises his power separately, is uncertain. When the people possess this power they desire to be altogether absolute, that they may not be under the control of the law, and this is the time when flatterers are held in repute. Nor is there any difference between such a people and monarchs in a tyranny: for their manners are the same, and they both hold a despotic power over better persons than themselves. For their decrees are like the others' edicts;

their demagogues like the others' flatterers: but their greatest resemblance consists in the mutual support they give to each other, the flatterer to the tyrant, the demagogue to the people: and to them it is owing that the supreme power is lodged in the votes of the people, and not in the laws; for they bring everything before them, as their influence is owing to their being supreme whose opinions they entirely direct; for these are they whom the multitude obey. Besides, those who accuse the magistrates insist upon it, that the right of determining on their conduct lies in the people, who gladly receive their complaints as the means of destroying all their offices.

Any one, therefore, may with great justice blame such a government as being a democracy, and not a free state; for where the government is not in the laws, then there is no free state, for the law ought to be supreme over all things; and particular incidents which arise should be determined by the magistrates or the state. If, therefore, a democracy is to be reckoned a free state, it is evident that any such establishment which centres all power in the votes of the people cannot, properly speaking, be a democracy: for their decrees cannot be general in their extent. Thus, then, we may describe the several species of democracies.

CHAPTER V

Of the different species of oligarchies one is, when the right to the offices is regulated by a certain census; so that the poor, although the majority, have no share in it; while all those who are included therein take part in the management of public affairs. Another sort is, when [1292b] the magistrates are men of very small fortune, who upon any vacancy do themselves fill it up: and if they do this out of the community at large, the state approaches to an aristocracy; if out of any particular class of people, it will be an oligarchy. Another sort of oligarchy is, when the power is an hereditary nobility. The fourth is, when the power is in the same hands as the other, but not under the control of law; and this sort of oligarchy exactly corresponds to a tyranny in monarchies, and to that particular species of democracies which I last mentioned in treating of that state: this has the particular name of a dynasty. These are the different sorts of oligarchies and democracies.

It should also be known, that it often happens that a free state, where the supreme power is in the laws, may not be democratic, and yet in consequence of the established manners and customs of the people, may be governed as if it was; so, on the other hand, where the laws may countenance a more democratic form of government, these may make the state inclining to an oligarchy; and this chiefly happens when there has been any alteration in the government; for the people do not easily change, but love their own ancient customs; and it is by small degrees only that one thing takes place of another; so that the ancient laws will remain, while the power will be in the hands of those who have brought about a revolution in the state.

CHAPTER VI

It is evident from what has been said, that there are as many different sorts of democracies and oligarchies as I have reckoned up: for, of necessity, either all ranks of the people which I have enumerated must have a share in the government, or some only, and others not; for when the

husbandmen, and those only who possess moderate fortunes, have the supreme power, they will govern according to law; for as they must get their livings by their employments, they have but little leisure for public business: they will therefore establish proper laws, and never call public assemblies but when there is a necessity for them; and they will readily let every one partake with them in the administration of public affairs as soon as they possess that fortune which the law requires for their qualification: every one, therefore, who is qualified will have his share in the government: for to exclude any would be to make the government an oligarchy, and for all to have leisure to attend without they had a subsistence would be impossible: for these reasons, therefore, this government is a species of democracy. Another species is distinguished by the mode of electing their magistrates, in which every one is eligible, to whose birth there are no objections, provided he is supposed to have leisure to attend: for which reason in such a democracy the supreme power will be vested in the laws, as there will be nothing paid to those who go to the public assemblies. A third species is where every freeman has a right to a share in the government, which he will not accept for the cause already assigned; for which reason here also the supreme power will be in the law. The fourth species [1293a] of democracy, the last which was established in order of time, arose when cities were greatly enlarged to what they were at first, and when the public revenue became something considerable; for then the populace, on account of their numbers, were admitted to share in the management of public affairs, for then even the poorest people were at leisure to attend to them, as they received wages for so doing; nay, they were more so than others, as they were not hindered by having anything of their own to mind, as the rich had; for which reason these last very often did not frequent the public assemblies and the courts of justice: thus the supreme power was lodged in the poor, and not in the laws. These are the different sorts of democracies, and such are the causes which necessarily gave birth to them.

The first species of oligarchy is, when the generality of the state are men of moderate and not too large property; for this gives them leisure for the management of public affairs: and, as they are a numerous body, it necessarily follows that the supreme power must be in the laws, and not in men; for as they are far removed from a monarchical government, and have not sufficient fortune to neglect their private affairs, while they are too many to be supported by the public, they will of course determine to be governed by the laws, and not by each other. But if the men of property in the state are but few, and their property is large, then an oligarchy of the second sort will take place; for those who have most power will think that they have a right to lord it over the others; and, to accomplish this, they will associate to themselves some who have an inclination for public affairs, and as they are not powerful enough to govern without law, they will make a law for that purpose. And if those few who have large fortunes should acquire still greater power, the oligarchy will then alter into one of the third sort; for they will get all the offices of the state into their own hands by a law which directs the son to succeed upon the death of his father; and, after that, when, by means of their increasing wealth and powerful connections, they extend still further their oppression, a monarchical dynasty will directly succeed wherein men will be supreme, and not the law; and this is the fourth species of an oligarchy correspondent to the last-

mentioned class of democracies.

CHAPTER VII

There are besides two other states, a democracy and an oligarchy, one of which all speak of, and it is always esteemed a species of the four sorts; and thus they reckon them up; a monarchy, an oligarchy, a democracy, and this fourth which they call an aristocracy. There is also a fifth, which bears a name that is also common to the other four, namely, a state: but as this is seldom to be met with, it has escaped those who have endeavoured to enumerate the different sorts of governments, which [1293b] they fix at four only, as does Plato in his Republic.

An aristocracy, of which I have already treated in the first book, is rightly called so; for a state governed by the best men, upon the most virtuous principles, and not upon any hypothesis, which even good men may propose, has alone a right to be called an aristocracy, for it is there only that a man is at once a good man and a good citizen; while in other states men are good only relative to those states. Moreover, there are some other states which are called by the same name, that differ both from oligarchies and free states, wherein not only the rich but also the virtuous have a share in the administration; and have therefore acquired the name of aristocracies; for in those governments wherein virtue is not their common care, there are still men of worth and approved goodness. Whatever state, then, like the Carthaginians, favours the rich, the virtuous, and the citizens at large, is a sort of aristocracy: when only the two latter are held in esteem, as at Lacedaemon, and the state is jointly composed of these, it is a virtuous democracy. These are the two species of aristocracies after the first, which is the best of all governments. There is also a third, which is, whenever a free state inclines to the dominion of a few.

CHAPTER VIII

It now remains for us to treat of that government which is particularly called a free state, and also of a tyranny; and the reason for my choosing to place that free state here is, because this, as well as those aristocracies already mentioned, although they do not seem excesses, yet, to speak true, they have all departed from what a perfect government is. Nay, they are deviations both of them equally from other forms, as I said at the beginning. It is proper to mention a tyranny the last of all governments, for it is of all others the least like one: but as my intention is to treat of all governments in general, for this reason that also, as I have said, will be taken into consideration in its proper place.

I shall now inquire into a free state and show what it is; and we shall the better understand its positive nature as we have already described an oligarchy and a democracy; for a free state is indeed nothing more than a mixture of them, and it has been usual to call those which incline most to a democracy, a free state; those which incline most to an oligarchy, an aristocracy, because those who are rich are generally men of family and education; besides, they enjoy those things which others are often guilty of crimes to procure: for which reason they are regarded as men of worth and honour and note.

Since, then, it is the genius of an aristocracy to allot the larger part of the government to the

best citizens, they therefore say, that an oligarchy is chiefly composed of those men who are worthy and honourable: now it [1294a] seems impossible that where the government is in the hands of the good, there the laws should not be good, but bad; or, on the contrary, that where the government is in the hands of the bad, there the laws should be good; nor is a government well constituted because the laws are, without at the same time care is taken that they are observed; for to enforce obedience to the laws which it makes is one proof of a good constitution in the state-another is, to have laws well calculated for those who are to abide by them; for if they are improper they must be obeyed: and this may be done two ways, either by their being the best relative to the particular state, or the best absolutely. An aristocracy seems most likely to confer the honours of the state on the virtuous; for virtue is the object of an aristocracy, riches of an oligarchy, and liberty of a democracy; for what is approved of by the majority will prevail in all or in each of these three different states; and that which seems good to most of those who compose the community will prevail: for what is called a state prevails in many communities, which aim at a mixture of rich and poor, riches and liberty: as for the rich, they are usually supposed to take the place of the worthy and honourable. As there are three things which claim an equal rank in the state, freedom, riches, and virtue (for as for the fourth, rank, it is an attendant on two of the others, for virtue and riches are the origin of family), it is evident, that the conjuncture of the rich and the poor make up a free state; but that all three tend to an aristocracy more than any other, except that which is truly so, which holds the first rank.

We have already seen that there are governments different from a monarchy, a democracy, and an oligarchy; and what they are, and wherein they differ from each other; and also aristocracies and states properly so called, which are derived from them; and it is evident that these are not much unlike each other.

CHAPTER IX

We shall next proceed to show how that government which is peculiarly called a state arises alongside of democracy and oligarchy, and how it ought to be established; and this will at the same time show what are the proper boundaries of both these governments, for we must mark out wherein they differ from one another, and then from both these compose a state of such parts of each of them as will show from whence they were taken.

There are three different ways in which two states may be blended and joined together; for, in the first place, all those rules may be adopted which the laws of each of them have ordered; as for instance in the judicial department, for in an oligarchy the rich are fined if they do not come to the court as jurymen, but the poor are not paid for their attendance; but in democracies they are, while the rich are not fined for their neglect. Now these things, as being common to both, are fit to be observed in a free [1294b] state which is composed of both. This, then, is one way in which they may be joined together. In the second place, a medium may be taken between the different methods which each state observes; for instance, in a democracy the right to vote in the public assembly is either confined by no census at all, or limited by a very small one; in an oligarchy none enjoy it but those whose census is high: therefore, as these two practices are contrary to

each other, a census between each may be established in such a state. In the third place, different laws of each community may be adopted; as, for instance, as it seems correspondent to the nature of a democracy, that the magistrates should be chosen by lot, but an aristocracy by vote, and in the one state according to a census, but not in the other: let, then, an aristocracy and a free state copy something from each of them; let them follow an oligarchy in choosing their magistrates by vote, but a democracy in not admitting of any census, and thus blend together the different customs of the two governments. But the best proof of a happy mixture of a democracy and an oligarchy is this, when a person may properly call the same state a democracy and an oligarchy. It is evident that those who speak of it in this manner are induced to it because both these governments are there well blended together: and indeed this is common to all mediums, that the extremes of each side should be discerned therein, as at Lacedaemon; for many affirm that it is a democracy from the many particulars in which it follows that form of government; as for instance, in the first place, in the bringing up of their children, for the rich and poor are brought up in the same manner; and their education is such that the children of the poor may partake of it; and the same rules are observed when they are youths and men, there is no distinction between a rich person and a poor one; and in their public tables the same provision is served to all. The rich also wear only such clothes as the poorest man is able to purchase. Moreover, with respect to two magistracies of the highest rank, one they have a right to elect to, the other to fill; namely, the senate and the ephori. Others consider it as an oligarchy, the principles of which it follows in many things, as in choosing all their officers by vote, and not by lot; in there being but a few who have a right to sit in judgment on capital causes and the like. Indeed, a state which is well composed of two others ought to resemble them both, and neither, Such a state ought to have its means of preservation in itself, and not without; and when I say in itself, I do not mean that it should owe this to the forbearance of their neighbours, for this may happen to a bad government, but to every member of the community's not being willing that there should be the least alteration in their constitution. Such is the method in which a free state or aristocracy ought to be established.

CHAPTER X

It now remains to treat of a tyranny; not that there is [1295a] much to be said on that subject, but as it makes part of our plan, since we enumerated it amongst our different sorts of governments. In the beginning of this work we inquired into the nature of kingly government, and entered into a particular examination of what was most properly called so, and whether it was advantageous to a state or not, and what it should be, and how established; and we divided a tyranny into two pieces when we were upon this subject, because there is something analogous between this and a kingly government, for they are both of them established by law; for among some of the barbarians they elect a monarch with absolute power, and formerly among the Greeks there were some such, whom they called sesumnetes. Now these differ from each other; for some possess only kingly power regulated by law, and rule those who voluntarily submit to their government; others rule despotically according to their own will. There is a third species of tyranny, most

properly so called, which is the very opposite to kingly power; for this is the government of one who rules over his equals and superiors without being accountable for his conduct, and whose object is his own advantage, and not the advantage of those he governs; for which reason he rules by compulsion, for no freemen will ever willingly submit to such a government. These are the different species of tyrannies, their principles, and their causes.

CHAPTER XI

We proceed now to inquire what form of government and what manner of life is best for communities in general, not adapting it to that superior virtue which is above the reach of the vulgar, or that education which every advantage of nature and fortune only can furnish, nor to those imaginary plans which may be formed at pleasure; but to that mode of life which the greater part of mankind can attain to, and that government which most cities may establish: for as to those aristocracies which we have now mentioned, they are either too perfect for a state to support, or one so nearly alike to that state we now going to inquire into, that we shall treat of them both as one.

The opinions which we form upon these subjects must depend upon one common principle: for if what I have said in my treatise on Morals is true, a happy life must arise from an uninterrupted course of virtue; and if virtue consists in a certain medium, the middle life must certainly be the happiest; which medium is attainable [1295b] by every one. The boundaries of virtue and vice in the state must also necessarily be the same as in a private person; for the form of government is the life of the city. In every city the people are divided into three sorts; the very rich, the very poor, and those who are between them. If this is universally admitted, that the mean is best, it is evident that even in point of fortune mediocrity is to be preferred; for that state is most submissive to reason; for those who are very handsome, or very strong, or very noble, or very rich; or, on the contrary; those who are very poor, or very weak, or very mean, with difficulty obey it; for the one are capricious and greatly flagitious, the other rascally and mean, the crimes of each arising from their different excesses: nor will they go through the different offices of the state; which is detrimental to it: besides, those who excel in strength, in riches, or friends, or the like, neither know how nor are willing to submit to command: and this begins at home when they are boys; for there they are brought up too delicately to be accustomed to obey their preceptors: as for the very poor, their general and excessive want of what the rich enjoy reduces them to a state too mean: so that the one know not how to command, but to be commanded as slaves, the others know not how to submit to any command, nor to command themselves but with despotic power.

A city composed of such men must therefore consist of slaves and masters, not freemen; where one party must hate, and the other despise, where there could be no possibility of friendship or political community: for community supposes affection; for we do not even on the road associate with our enemies. It is also the genius of a city to be composed as much as possible of equals; which will be most so when the inhabitants are in the middle state: from whence it follows, that that city must be best framed which is composed of those whom we say are naturally its proper

members. It is men of this station also who will be best assured of safety and protection; for they will neither covet what belongs to others, as the poor do; nor will others covet what is theirs, as the poor do what belongs to the rich; and thus, without plotting against any one, or having any one plot against them, they will live free from danger: for which reason Phocylides wisely wishes for the middle state, as being most productive of happiness. It is plain, then, that the most perfect political community must be amongst those who are in the middle rank, and those states are best instituted wherein these are a larger and more respectable part, if possible, than both the other; or, if that cannot be, at least than either of them separate; so that being thrown into the balance it may prevent either scale from preponderating.

It is therefore the greatest happiness which the citizens can enjoy to possess a moderate and convenient fortune; for when some possess too much, and others nothing at [1296a] all, the government must either be in the hands of the meanest rabble or else a pure oligarchy; or, from the excesses of both, a tyranny; for this arises from a headstrong democracy or an oligarchy, but very seldom when the members of the community are nearly on an equality with each other. We will assign a reason for this when we come to treat of the alterations which different states are likely to undergo. The middle state is therefore best, as being least liable to those seditions and insurrections which disturb the community; and for the same reason extensive governments are least liable to these inconveniences; for there those in a middle state are very numerous, whereas in small ones it is easy to pass to the two extremes, so as hardly to have any in a medium remaining, but the one half rich, the other poor: and from the same principle it is that democracies are more firmly established and of longer continuance than oligarchies; but even in those when there is a want of a proper number of men of middling fortune, the poor extend their power too far, abuses arise, and the government is soon at an end.

We ought to consider as a proof of what I now advance, that the best lawgivers themselves were those in the middle rank of life, amongst whom was Solon, as is evident from his poems, and Lycurgus, for he was not a king, and Charondas, and indeed most others. What has been said will show us why of so many free states some have changed to democracies, others to oligarchies: for whenever the number of those in the middle state has been too small, those who were the more numerous, whether the rich or the poor, always overpowered them and assumed to themselves the administration of public affairs; from hence arose either a democracy or an oligarchy. Moreover, when in consequence of their disputes and quarrels with each other, either the rich get the better of the poor, or the poor of the rich, neither of them will establish a free state; but, as the record of their victory, one which inclines to their own principles, and form either a democracy or an oligarchy.

Those who made conquests in Greece, having all of them an eye to the respective forms of government in their own cities, established either democracies or oligarchies, not considering what was serviceable to the state, but what was similar to their own; for which reason a government has never been established where the supreme power has been placed amongst those of the middling rank, or very seldom; and, amongst a few, one man only of those who have yet been conquerors has been persuaded to give the preference to this order of [1296b] men: it is

indeed an established custom with the inhabitants of most cities not to desire an equality, but either to aspire to govern, or when they are conquered, to submit.

Thus we have shown what the best state is, and why. It will not be difficult to perceive of the many states which there are, for we have seen that there are various forms both of democracies and oligarchies, to which we should give the first place, to which the second, and in the same manner the next also; and to observe what are the particular excellences and defects of each, after we have first described the best possible; for that must be the best which is nearest to this, that worst which is most distant from the medium, without any one has a particular plan of his own which he judges by. I mean by this, that it may happen, that although one form of government may be better than another, yet there is no reason to prevent another from being preferable thereunto in particular circumstances and for particular purposes.

CHAPTER XII

After what has been said, it follows that we should now show what particular form of government is most suitable for particular persons; first laying this down as a general maxim, that that party which desires to support the actual administration of the state ought always to be superior to that which would alter it. Every city is made up of quality and quantity: by quality I mean liberty, riches, education, and family, and by quantity its relative populousness: now it may happen that quality may exist in one of those parts of which the city is composed, and quantity in another; thus the number of the ignoble may be greater than the number of those of family, the number of the poor than that of the rich; but not so that the quantity of the one shall overbalance the quality of the other; those must be properly adjusted to each other; for where the number of the poor exceeds the proportion we have mentioned, there a democracy will rise up, and if the husbandry should have more power than others, it will be a democracy of husbandmen; and the democracy will be a particular species according to that class of men which may happen to be most numerous: thus, should these be the husbandmen, it will be of these, and the best; if of mechanics and those who hire themselves out, the worst possible: in the same manner it may be of any other set between these two. But when the rich and the noble prevail more by their quality than they are deficient in quantity, there an oligarchy ensues; and this oligarchy may be of different species, according to the nature of the prevailing party. Every legislator in framing his constitution ought to have a particular regard to those in the middle rank of life; and if he intends an oligarchy, these should be the object of his laws; if a democracy, to these they should be entrusted; and whenever their number exceeds that of the two others, or at least one of them, they give [1297a] stability to the constitution; for there is no fear that the rich and the poor should agree to conspire together against them, for neither of these will choose to serve the other. If any one would choose to fix the administration on the widest basis, he will find none preferable to this; for to rule by turns is what the rich and the poor will not submit to, on account of their hatred to each other. It is, moreover, allowed that an arbitrator is the most proper person for both parties to trust to; now this arbitrator is the middle rank.

Those who would establish aristocratical governments are mistaken not only in giving too much

power to the rich, but also in deceiving the common people; for at last, instead of an imaginary good, they must feel a real evil, for the encroachments of the rich are more destructive to the state than those of the poor.

CHAPTER XIII

There are five particulars in which, under fair pretences, the rich craftily endeavour to undermine the rights of the people, these are their public assemblies, their offices of state, their courts of justice, their military power, and their gymnastic exercises. With respect to their public assemblies, in having them open to all, but in fining the rich only, or others very little, for not attending; with respect to offices, in permitting the poor to swear off, but not granting this indulgence to those who are within the census; with respect to their courts of justice, in fining the rich for non-attendance, but the poor not at all, or those a great deal, and these very little, as was done by the laws of Charondas. In some places every citizen who was enrolled had a right to attend the public assemblies and to try causes; which if they did not do, a very heavy fine was laid upon them; that through fear of the fine they might avoid being enrolled, as they were then obliged to do neither the one nor the other. The same spirit of legislation prevailed with respect to their bearing arms and their gymnastic exercises; for the poor are excused if they have no arms, but the rich are fined; the same method takes place if they do not attend their gymnastic exercises, there is no penalty on one, but there is on the other: the consequence of which is, that the fear of this penalty induces the rich to keep the one and attend the other, while the poor do neither. These are the deceitful contrivances of oligarchical legislators.

The contrary prevails in a democracy; for there they make the poor a proper allowance for attending the assemblies and the courts, but give the rich nothing for doing it: whence it is evident, that if any one would properly blend these customs together, they must extend both the pay and the fine to every member of the community, and then every one would share in it, whereas part only now do. The citizens of a free state ought to [1297b] consist of those only who bear arms: with respect to their census it is not easy to determine exactly what it ought to be, but the rule that should direct upon this subject should be to make it as extensive as possible, so that those who are enrolled in it make up a greater part of the people than those who are not; for those who are poor, although they partake not of the offices of the state, are willing to live quiet, provided that no one disturbs them in their property: but this is not an easy matter; for it may not always happen, that those who are at the head of public affairs are of a humane behaviour. In time of war the poor are accustomed to show no alacrity without they have provisions found them; when they have, then indeed they are willing to fight.

In some governments the power is vested not only in those who bear arms, but also in those who have borne them. Among the Malienses the state was composed of these latter only, for all the officers were soldiers who had served their time. And the first states in Greece which succeeded those where kingly power was established, were governed by the military. First of all the horse, for at that time the strength and excellence of the army depended on the horse, for as

to the heavy-armed foot they were useless without proper discipline; but the art of tactics was not known to the ancients, for which reason their strength lay in their horse: but when cities grew larger, and they depended more on their foot, greater numbers partook of the freedom of the city; for which reason what we call republics were formerly called democracies. The ancient governments were properly oligarchies or kingdoms; for on account of the few persons in each state, it would have been impossible to have found a sufficient number of the middle rank; so these being but few, and those used to subordination, they more easily submitted to be governed. We have now shown why there are many sorts of governments, and others different from those we have treated of: for there are more species of democracies than one, and the like is true of other forms, and what are their differences, and whence they arise; and also of all others which is the best, at least in general; and which is best suited for particular people.

CHAPTER XIV

We will now proceed to make some general reflections upon the governments next in order, and also to consider each of them in particular; beginning with those principles which appertain to each: now there are three things in all states which a careful legislator ought well to consider, which are of great consequence to all, and which properly attended to the state must necessarily be happy; and according to the variation of which the one will differ from the other. The first of these is the [1298a] public assembly; the second the officers of the state, that is, who they ought to be, and with what power they should be entrusted, and in what manner they should be appointed; the third, the judicial department.

Now it is the proper business of the public assembly to determine concerning war and peace, making or breaking off alliances, to enact laws, to sentence to death, banishment, or confiscation of goods, and to call the magistrates to account for their behaviour when in office. Now these powers must necessarily be entrusted to the citizens in general, or all of them to some; either to one magistrate or more; or some to one, and some to another, or some to all, but others to some: to entrust all to all is in the spirit of a democracy, for the people aim at equality. There are many methods of delegating these powers to the citizens at large, one of which is to let them execute them by turn, and not altogether, as was done by Tellecles, the Milesian, in his state. In others the supreme council is composed of the different magistrates, and they succeed to the offices of the community by proper divisions of tribes, wards, and other very small proportions, till every one in his turn goes through them: nor does the whole community ever meet together, without it is when new laws are enacted, or some national affair is debated, or to hear what the magistrates have to propose to them. Another method is for the people to meet in a collective body, but only for the purpose of holding the comitia, making laws, determining concerning war or peace, and inquiring into the conduct of their magistrates, while the remaining part of the public business is conducted by the magistrates, who have their separate departments, and are chosen out of the whole community either by vote or ballot. Another method is for the people in general to meet for the choice of the magistrates, and to examine into their conduct; and also to deliberate concerning war and alliances, and to leave other things to the magistrates, whoever happen to

be chosen, whose particular employments are such as necessarily require persons well skilled therein. A fourth method is for every person to deliberate upon every subject in public assembly, where the magistrates can determine nothing of themselves, and have only the privilege of giving their opinions first; and this is the method of the most pure democracy, which is analogous to the proceedings in a dynastic oligarchy and a tyrannic monarchy.

These, then, are the methods in which public business is conducted in a democracy. When the power is in the hands of part of the community only, it is an oligarchy and this also admits of different customs; for whenever the officers of the state are chosen out of those who have a moderate fortune, and these from that circumstance are many, and when they depart not from that line which the law has laid down, but carefully follow it, and when all within the census are eligible, certainly it is then an oligarchy, but founded on true principles of government [1298b] from its moderation. When the people in general do not partake of the deliberative power, but certain persons chosen for that purpose, who govern according to law; this also, like the first, is an oligarchy. When those who have the deliberative power elect each other, and the son succeeds to the father, and when they can supersede the laws, such a government is of necessity a strict oligarchy. When some persons determine on one thing, and others on another, as war and peace, and when all inquire into the conduct of their magistrates, and other things are left to different officers, elected either by vote or lot, then the government is an aristocracy or a free state.

When some are chosen by vote and others by lot, and these either from the people in general, or from a certain number elected for that purpose, or if both the votes and the lots are open to all, such a state is partly an aristocracy, partly a free government itself. These are the different methods in which the deliberative power is vested in different states, all of whom follow some regulation here laid down. It is advantageous to a democracy, in the present sense of the word, by which I mean a state wherein the people at large have a supreme power, even over the laws, to hold frequent public assemblies; and it will be best in this particular to imitate the example of oligarchies in their courts of justice; for they fine those who are appointed to try causes if they do not attend, so should they reward the poor for coming to the public assemblies: and their counsels will be best when all advise with each other, the citizens with the nobles, the nobles with the citizens. It is also advisable when the council is to be composed of part of the citizens, to elect, either by vote or lot, an equal number of both ranks. It is also proper, if the common people in the state are very numerous, either not to pay every one for his attendance, but such a number only as will make them equal to the nobles, or to reject many of them by lot.

In an oligarchy they should either call up some of the common people to the council, or else establish a court, as is done in some other states, whom they call pre-advisers or guardians of the laws, whose business should be to propose first what they should afterwards enact. By this means the people would have a place in the administration of public affairs, without having it in their power to occasion any disorder in the government. Moreover, the people may be allowed to have a vote in whatever bill is proposed, but may not themselves propose anything contrary thereto; or they may give their advice, while the power of determining may be with the magistrates only. It is also necessary to follow a contrary practice to what is established in democracies, for the

people should be allowed the power of pardoning, but not of condemning, for the cause should be referred back again to the magistrates: whereas the contrary takes place in republics; for the power of pardoning is with the few, but not of condemning, which is always referred [1299a] to the people at large. And thus we determine concerning the deliberative power in any state, and in whose hands it shall be.

CHAPTER XV

We now proceed to consider the choice of magistrates; for this branch of public business contains many different Parts, as how many there shall be, what shall be their particular office, and with respect to time how long each of them shall continue in place; for some make it six months, others shorter, others for a year, others for a much longer time; or whether they should be perpetual or for a long time, or neither; for the same person may fill the same office several times, or he may not be allowed to enjoy it even twice, but only once: and also with respect to the appointment of magistrates, who are to be eligible, who is to choose them, and in what manner; for in all these particulars we ought properly to distinguish the different ways which may be followed; and then to show which of these is best suited to such and such governments. Now it is not easy to determine to whom we ought properly to give the name of magistrate, for a government requires many persons in office; but every one of those who is either chosen by vote or lot is not to be reckoned a magistrate. The priests, for instance, in the first place; for these are to be considered as very different from civil magistrates: to these we may add the choregi and heralds; nay, even ambassadors are elected: there are some civil employments which belong to the citizens; and these are either when they are all engaged in one thing, as when as soldiers they obey their general, or when part of them only are, as in governing the women or educating the youth; and also some economic, for they often elect corn-meters: others are servile, and in which, if they are rich, they employ slaves. But indeed they are most properly called magistrates, who are members of the deliberative council, or decide causes, or are in some command, the last more especially, for to command is peculiar to magistrates. But to speak truth, this question is of no great consequence, nor is it the province of the judges to decide between those who dispute about words; it may indeed be an object of speculative inquiry; but to inquire what officers are necessary in a state, and how many, and what, though not most necessary, may yet be advantageous in a well-established government, is a much more useful employment, and this with respect to all states in general, as well as to small cities.

In extensive governments it is proper to allot one employment to one person, as there are many to serve the public in so numerous a society, where some may be passed over for a long time, and others never be in office but once; and indeed everything is better done which has the whole attention of one person, than when that [1299b] attention is divided amongst many; but in small states it is necessary that a few of the citizens should execute many employments; for their numbers are so small it will not be convenient to have many of them in office at the same time; for where shall we find others to succeed them in turn? Small states will sometimes want the same magistrates and the same laws as large ones; but the one will not want to employ them

so often as the other; so that different charges may be intrusted to the same person without any inconvenience, for they will not interfere with each other, and for want of sufficient members in the community it will be necessary. If we could tell how many magistrates are necessary in every city, and how many, though not necessary, it is yet proper to have, we could then the better know how many different offices one might assign to one magistrate. It is also necessary to know what tribunals in different places should have different things under their jurisdiction, and also what things should always come under the cognisance of the same magistrate; as, for instance, decency of manners, shall the clerk of the market take cognisance of that if the cause arises in the market, and another magistrate in another place, or the same magistrate everywhere: or shall there be a distinction made of the fact, or the parties? as, for instance, in decency of manners, shall it be one cause when it relates to a man, another when it relates to a woman?

In different states shall the magistrates be different or the same? I mean, whether in a democracy, an oligarchy, an aristocracy, and a monarchy, the same persons shall have the same power? or shall it vary according to the different formation of the government? as in an aristocracy the offices of the state are allotted to those who are well educated; in an oligarchy to those who are rich; in a democracy to the freemen? Or shall the magistrates differ as the communities differ? For it may happen that the very same may be sometimes proper, sometimes otherwise: in this state it may be necessary that the magistrate have great powers, in that but small. There are also certain magistrates peculiar to certain states—as the pre-advisers are not proper in a democracy, but a senate is; for one such order is necessary, whose business shall be to consider beforehand and prepare those bills which shall be brought before the people that they may have leisure to attend to their own affairs; and when these are few in number the state inclines to an oligarchy. The pre-advisers indeed must always be few for they are peculiar to an oligarchy: and where there are both these offices in the same state, the pre-adviser's is superior to the senator's, the one having only a democratical power, the other an oligarchical: and indeed the [1300a] power of the senate is lost in those democracies, in which the people, meeting in one public assembly, take all the business into their own hands; and this is likely to happen either when the community in general are in easy circumstances, or when they are paid for their attendance; for they are then at leisure often to meet together and determine everything for themselves. A magistrate whose business is to control the manners of the boys, or women, or who takes any department similar to this, is to be found in an aristocracy, not in a democracy; for who can forbid the wives of the poor from appearing in public? neither is such a one to be met with in an oligarchy; for the women there are too delicate to bear control. And thus much for this subject. Let us endeavour to treat at large of the establishment of magistrates, beginning from first principles. Now, they differ from each other in three ways, from which, blended together, all the varieties which can be imagined arise. The first of these differences is in those who appoint the magistrates, the second consists in those who are appointed, the third in the mode of appointment; and each of these three differ in three manners; for either all the citizens may appoint collectively, or some out of their whole body, or some out of a particular order in it, according to fortune, family, or virtue, or some other rule (as at Megara, where the right of election was amongst those who had returned together

to their country, and had reinstated themselves by force of arms) and this either by vote or lot. Again, these several modes may be differently formed together, as some magistrates may be chosen by part of the community, others by the whole; some out of part, others out of the whole; some by vote, others by lot: and each of these different modes admit of a four-fold subdivision; for either all may elect all by vote or by lot; and when all elect, they may either proceed without any distinction, or they may elect by a certain division of tribes, wards, or companies, till they have gone through the whole community: and some magistrates may be elected one way, and others another. Again, if some magistrates are elected either by vote or lot of all the citizens, or by the vote of some and the lot of some, or some one way and some another; that is to say, some by the vote of all, others by the lot of all, there will then be twelve different methods of electing the magistrates, without blending the two together. Of these there are two adapted to a democracy; namely, to have all the magistrates chosen out of all the people, either by vote or lot, or both; that is to say, some of them by lot, some by vote. In a free state the whole community should not elect at the same time, but some out of the whole, or out of some particular rank; and this either by lot, or vote, or both: and they should elect either out of the whole community, or out of some particular persons in it, and this both by lot and vote. In an oligarchy it is proper to choose some magistrates out of the whole body of the citizens, some by vote, some by lot, others by both: by lot is most correspondent to that form of government. In a free aristocracy, some magistrates [1300b] should be chosen out of the community in general, others out of a particular rank, or these by choice, those by lot. In a pure oligarchy, the magistrates should be chosen out of certain ranks, and by certain persons, and some of those by lot, others by both methods; but to choose them out of the whole community is not correspondent to the nature of this government. It is proper in an aristocracy for the whole community to elect their magistrates out of particular persons, and this by vote. These then are all the different ways of electing of magistrates; and they have been allotted according to the nature of the different communities; but what mode of proceeding is proper for different communities, or how the offices ought to be established, or with what powers shall be particularly explained. I mean by the powers of a magistrate, what should be his particular province, as the management of the finances or the laws of the state; for different magistrates have different powers, as that of the general of the army differs from the clerk of the market.

CHAPTER XVI

Of the three parts of which a government is formed, we now come to consider the judicial; and this also we shall divide in the same manner as we did the magisterial, into three parts. Of whom the judges shall consist, and for what causes, and how. When I say of whom, I mean whether they shall be the whole people, or some particulars; by for what causes I mean, how many different courts shall be appointed; by how, whether they shall be elected by vote or lot. Let us first determine how many different courts there ought to be. Now these are eight. The first of these is the court of inspection over the behaviour of the magistrates when they have quitted their office; the second is to punish those who have injured the public; the third is to take cognisance

of those causes in which the state is a party; the fourth is to decide between magistrates and private persons, who appeal from a fine laid upon them; the fifth is to determine disputes which may arise concerning contracts of great value; the sixth is to judge between foreigners, and of murders, of which there are different species; and these may all be tried by the same judges or by different ones; for there are murders of malice prepense and of chance-medley; there is also justifiable homicide, where the fact is admitted, and the legality of it disputed.

There is also another court called at Athens the Court of Phreattae, which determines points relating to a murder committed by one who has run away, to decide whether he shall return; though such an affair happens but seldom, and in very large cities; the seventh, to determine causes wherein strangers are concerned, and this whether they are between stranger and stranger or between a stranger and a citizen. The eighth and last is for small actions, from one to five drachma's, or a little more; for these ought also to be legally determined, but not to be brought before the whole body of the judges. But without entering into any particulars concerning actions for murder, and those wherein strangers are the parties, let us particularly treat of those courts which have the jurisdiction of those matters which more particularly relate to the affairs of the community and which if not well conducted occasion seditions and commotions in the state.

Now, of necessity, either all persons must have a right to judge of all these different causes, appointed for that purpose, either by vote or lot, or all of all, some of them by vote, and others by lot, or in some causes by vote, in others by lot. Thus there will be four sorts of judges. There [1301a] will be just the same number also if they are chosen out of part of the people only; for either all the judges must be chosen out of that part either by vote or lot, or some by lot and some by vote, or the judges in particular causes must be chosen some by vote, others by lot; by which means there will be the same number of them also as was mentioned. Besides, different judges may be joined together; I mean those who are chosen out of the whole people or part of them or both; so that all three may sit together in the same court, and this either by vote, lot, or both. And thus much for the different sorts of judges. Of these appointments that which admits all the community to be judges in all causes is most suitable to a democracy; the second, which appoints that certain persons shall judge all causes, to an oligarchy; the third, which appoints the whole community to be judges in some causes, but particular persons in others, to an aristocracy or free state.

Two Treatises of Government

Selections from
The Second Treatise on Government

by John Locke

PREFACE

Reader, thou hast here the beginning and end of a discourse concerning government; what fate has otherwise disposed of the papers that should have filled up the middle, and were more than all the rest, it is not worth while to tell thee. These, which remain, I hope are sufficient to establish the throne of our great restorer, our present King William; to make good his title, in the consent of the people, which being the only one of all lawful governments, he has more fully and clearly, than any prince in Christendom; and to justify to the world the people of England, whose love of their just and natural rights, with their resolution to preserve them, saved the nation when it was on the very brink of slavery and ruin. If these papers have that evidence, I flatter myself is to be found in them, there will be no great miss of those which are lost, and my reader may be satisfied without them: for I imagine, I shall have neither the time, nor inclination to repeat my pains, and fill up the wanting part of my answer, by tracing Sir Robert again, through all the windings and obscurities, which are to be met with in the several branches of his wonderful system. The king, and body of the nation, have since so thoroughly confuted his Hypothesis, that I suppose no body hereafter will have either the confidence to appear against our common safety, and be again an advocate for slavery; or the weakness to be deceived with contradictions dressed up in a popular stile, and well-turned periods: for if any one will be at the pains, himself, in those parts, which are here untouched, to strip Sir Robert's discourses of the flourish of doubtful expressions, and endeavour to reduce his words to direct, positive, intelligible propositions, and then compare them one with another, he will quickly be satisfied, there was never so much glib nonsense put together in well-sounding English. If he think it not worth while to examine his works all thro', let him make an experiment in that part, where he treats of usurpation; and let him try, whether he can, with all his skill, make Sir Robert intelligible, and consistent with himself, or common sense. I should not speak so plainly of a gentleman, long since past answering, had not the pulpit, of late years, publicly owned his doctrine, and made it the current divinity of the times. It is necessary those men, who taking on them to be teachers, have so dangerously misled others, should be openly shewed of what authority this their Patriarch is, whom they have so blindly followed, that

so they may either retract what upon so ill grounds they have vented, and cannot be maintained; or else justify those principles which they preached up for gospel; though they had no better an author than an English courtier: for I should not have writ against Sir Robert, or taken the pains to shew his mistakes, inconsistencies, and want of (what he so much boasts of, and pretends wholly to build on) scripture-proofs, were there not men amongst us, who, by crying up his books, and espousing his doctrine, save me from the reproach of writing against a dead adversary. They have been so zealous in this point, that, if I have done him any wrong, I cannot hope they should spare me. I wish, where they have done the truth and the public wrong, they would be as ready to redress it, and allow its just weight to this reflection, viz. that there cannot be done a greater mischief to prince and people, than the propagating wrong notions concerning government; that so at last all times might not have reason to complain of the Drum Ecclesiastic. If any one, concerned really for truth, undertake the confutation of my Hypothesis, I promise him either to recant my mistake, upon fair conviction; or to answer his difficulties. But he must remember two things.

First, That cavilling here and there, at some expression, or little incident of my discourse, is not an answer to my book.

Secondly, That I shall not take railing for arguments, nor think either of these worth my notice, though I shall always look on myself as bound to give satisfaction to any one, who shall appear to be conscientiously scrupulous in the point, and shall shew any just grounds for his scruples.

I have nothing more, but to advertise the reader, that Observations stands for Observations on Hobbs, Milton, &c. and that a bare quotation of pages always means pages of his Patriarcha, Edition 1680.

Book II

CHAPTER. I.

AN ESSAY CONCERNING THE TRUE ORIGINAL, EXTENT AND END OF CIVIL GOVERNMENT

Sect. 1. It having been shewn in the foregoing discourse,

(1). That Adam had not, either by natural right of fatherhood, or by positive donation from God, any such authority over his children, or dominion over the world, as is pretended:

(2). That if he had, his heirs, yet, had no right to it:

(3). That if his heirs had, there being no law of nature nor positive law of God that determines which is the right heir in all cases that may arise, the right of succession, and consequently of bearing rule, could not have been certainly determined:

(4). That if even that had been determined, yet the knowledge of which is the eldest line of Adam's posterity, being so long since utterly lost, that in the races of mankind and families of the world, there remains not to one above another, the least pretence to be the eldest house, and to have the right of inheritance:

All these premises having, as I think, been clearly made out, it is impossible that the rulers now on earth should make any benefit, or derive any the least shadow of authority from that, which is held to be the fountain of all power, Adam's private dominion and paternal jurisdiction; so that he that will not give just occasion to think that all government in the world is the product only of force and violence, and that men live together by no other rules but that of beasts, where the strongest carries it, and so lay a foundation for perpetual disorder and mischief, tumult, sedition and rebellion, (things that the followers of that hypothesis so loudly cry out against) must of necessity find out another rise of government, another original of political power, and another way of designing and knowing the persons that have it, than what Sir Robert Filmer hath taught us.

Sect. 2. To this purpose, I think it may not be amiss, to set down what I take to be political power; that the power of a MAGISTRATE over a subject may be distinguished from that of a FATHER over his children, a MASTER over his servant, a HUSBAND over his wife, and a LORD over his slave. All which distinct powers happening sometimes together in the same man, if he be considered under these different relations, it may help us to distinguish these powers one from another, as a father of a family, and a captain of a galley.

Sect. 3. POLITICAL POWER, then, I take to be a RIGHT of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defence of the commonwealth from foreign injury; and all this only for the public good.

CHAPTER. II. OF THE STATE OF NATURE.

Sect. 4. TO understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another; there being nothing more evident, than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.

Sect. 5. This equality of men by nature, the judicious Hooker looks upon as so evident in itself, and beyond all question, that he makes it the foundation of that obligation to mutual love amongst men, on which he builds the duties they owe one another, and from whence he derives the great maxims of justice and charity. His words are,

The like natural inducement hath brought men to know that it is no less their duty, to love others than themselves; for seeing those things which are equal, must needs all have one measure; if I cannot but wish to receive good, even as much at every man's hands, as any man can wish unto his own soul, how should I look to have any part of my desire herein satisfied, unless myself be careful to satisfy the like desire, which is undoubtedly in other men, being of one and the same nature? To have any thing offered them repugnant to this desire, must needs in all respects grieve them as much as me; so that if I do harm, I must look to suffer, there being no reason that others should shew greater measure of love to me, than they have by me shewed unto them: my desire therefore to be loved of my equals in nature as much as possible may be, imposeth upon me a natural duty of bearing to them-ward fully the like affection; from which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural reason hath drawn, for direction of life, no man is ignorant, Eccl. Pol. Lib. 1.

Sect. 6. But though this be a state of liberty, yet it is not a state of licence: though man in that state have an uncontroulable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions: for men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another's pleasure: and being furnished with like faculties, sharing all in one community of nature, there cannot be

supposed any such subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for our's. Every one, as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice on an offender, take away, or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.

Sect. 7. And that all men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and preservation of all mankind, the execution of the law of nature is, in that state, put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree, as may hinder its violation: for the law of nature would, as all other laws that concern men in this world 'be in vain, if there were no body that in the state of nature had a power to execute that law, and thereby preserve the innocent and restrain offenders. And if any one in the state of nature may punish another for any evil he has done, every one may do so: for in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must needs have a right to do.

Sect. 8. And thus, in the state of nature, one man comes by a power over another; but yet no absolute or arbitrary power, to use a criminal, when he has got him in his hands, according to the passionate heats, or boundless extravagancy of his own will; but only to retribute to him, so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restraint: for these two are the only reasons, why one man may lawfully do harm to another, which is that we call punishment. In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men, for their mutual security; and so he becomes dangerous to mankind, the tye, which is to secure them from injury and violence, being slighted and broken by

him. Which being a trespass against the whole species, and the peace and safety of it, provided for by the law of nature, every man upon this score, by the right he hath to preserve mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on any one, who hath transgressed that law, as may make him repent the doing of it, and thereby deter him, and by his example others, from doing the like mischief. And in the case, and upon this ground, EVERY MAN HATH A RIGHT TO PUNISH THE OFFENDER, AND BE EXECUTIONER OF THE LAW OF NATURE.

Sect. 9. I doubt not but this will seem a very strange doctrine to some men: but before they condemn it, I desire them to resolve me, by what right any prince or state can put to death, or punish an alien, for any crime he commits in their country. It is certain their laws, by virtue of any sanction they receive from the promulgated will of the legislative, reach not a stranger: they speak not to him, nor, if they did, is he bound to hearken to them. The legislative authority, by which they are in force over the subjects of that commonwealth, hath no power over him. Those who have the supreme power of making laws in England, France or Holland, are to an Indian, but like the rest of the world, men without authority: and therefore, if by the law of nature every man hath not a power to punish offences against it, as he soberly judges the case to require, I see not how the magistrates of any community can punish an alien of another country; since, in reference to him, they can have no more power than what every man naturally may have over another.

Sect, 10. Besides the crime which consists in violating the law, and varying from the right rule of reason, whereby a man so far becomes degenerate, and declares himself to quit the principles of human nature, and to be a noxious creature, there is commonly injury done to some person or other, and some other man receives damage by his transgression: in which case he who hath received any damage, has, besides the right of punishment common to him with other men, a particular right to seek reparation from him that has done it: and any other person, who finds it just, may also join with him that is injured, and assist him in recovering from the offender so much as may make satisfaction for the harm he has suffered.

Sect. 11. From these two distinct rights, the one of punishing the crime for restraint, and preventing the like offence, which right of punishing is in every body; the other of taking reparation, which belongs only to the injured party, comes it to pass that the magistrate, who by being magistrate hath the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, remit the punishment of criminal offences by his own authority, but yet cannot remit the satisfaction due to any private man for the damage he has received. That, he who has suffered the damage has a right to demand in his own name, and he alone can remit: the damnified person has this power of appropriating to himself the goods or service of the offender, by right of self-preservation, as every man has a power to punish the crime, to prevent its being committed again, by the right he has of preserving all mankind, and doing all reasonable things he can in order to that end: and thus it is, that every man, in the state of nature, has a power to kill a murderer, both to deter others from doing the like injury, which no reparation can compensate, by the example of the punishment that attends it from every body, and also to secure men from the attempts of a criminal, who having renounced reason, the common rule and measure God hath given to mankind, hath, by the unjust violence and slaughter he hath committed upon one, declared war against all mankind, and therefore may be destroyed as a lion or a tyger, one of those wild savage beasts, with whom men can have no society nor security: and upon this is grounded that great law of nature, Whoso sheddeth man's blood, by man shall his blood be shed. And Cain was so fully convinced, that every one had a right to destroy such a criminal, that after the murder of his brother, he cries out, Every one that findeth me, shall slay me; so plain was it writ in the hearts of all mankind.

Sect. 12. By the same reason may a man in the state of nature punish the lesser breaches of that law. It will perhaps be demanded, with death? I answer, each transgression may be punished to that degree, and with so much severity, as will suffice to make it an ill bargain to the offender, give him cause to repent, and terrify others from doing the like. Every offence, that can be committed in the state of nature, may in the state of nature be also punished equally, and as far forth as it may, in a commonwealth: for though it would be besides my present purpose, to

enter here into the particulars of the law of nature, or its measures of punishment; yet, it is certain there is such a law, and that too, as intelligible and plain to a rational creature, and a studier of that law, as the positive laws of commonwealths; nay, possibly plainer; as much as reason is easier to be understood, than the fancies and intricate contrivances of men, following contrary and hidden interests put into words; for so truly are a great part of the municipal laws of countries, which are only so far right, as they are founded on the law of nature, by which they are to be regulated and interpreted.

Sect. 13. To this strange doctrine, viz. That in the state of nature every one has the executive power of the law of nature, I doubt not but it will be objected, that it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends: and on the other side, that ill nature, passion and revenge will carry them too far in punishing others; and hence nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men. I easily grant, that civil government is the proper remedy for the inconveniencies of the state of nature, which must certainly be great, where men may be judges in their own case, since it is easy to be imagined, that he who was so unjust as to do his brother an injury, will scarce be so just as to condemn himself for it: but I shall desire those who make this objection, to remember, that absolute monarchs are but men; and if government is to be the remedy of those evils, which necessarily follow from men's being judges in their own cases, and the state of nature is therefore not to be endured, I desire to know what kind of government that is, and how much better it is than the state of nature, where one man, commanding a multitude, has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases, without the least liberty to any one to question or controul those who execute his pleasure? and in whatsoever he doth, whether led by reason, mistake or passion, must be submitted to? much better it is in the state of nature, wherein men are not bound to submit to the unjust will of another: and if he that judges, judges amiss in his own, or any other case, he is answerable for it to the rest of mankind.

Sect. 14. It is often asked as a mighty objection, where are, or ever were there any

men in such a state of nature? To which it may suffice as an answer at present, that since all princes and rulers of independent governments all through the world, are in a state of nature, it is plain the world never was, nor ever will be, without numbers of men in that state. I have named all governors of independent communities, whether they are, or are not, in league with others: for it is not every compact that puts an end to the state of nature between men, but only this one of agreeing together mutually to enter into one community, and make one body politic; other promises, and compacts, men may make one with another, and yet still be in the state of nature. The promises and bargains for truck, &c. between the two men in the desert island, mentioned by Garcilasso de la Vega, in his history of Peru; or between a Swiss and an Indian, in the woods of America, are binding to them, though they are perfectly in a state of nature, in reference to one another: for truth and keeping of faith belongs to men, as men, and not as members of society.

Sect. 15. To those that say, there were never any men in the state of nature, I will not only oppose the authority of the judicious Hooker, Eccl. Pol. lib. i. sect. 10, where he says,

The laws which have been hitherto mentioned, i.e. the laws of nature, do bind men absolutely, even as they are men, although they have never any settled fellowship, never any solemn agreement amongst themselves what to do, or not to do: but forasmuch as we are not by ourselves sufficient to furnish ourselves with competent store of things, needful for such a life as our nature doth desire, a life fit for the dignity of man; therefore to supply those defects and imperfections which are in us, as living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others: this was the cause of men's uniting themselves at first in politic societies.

But I moreover affirm, that all men are naturally in that state, and remain so, till by their own consents they make themselves members of some politic society; and I doubt not in the sequel of this discourse, to make it very clear.

CHAPTER. III. OF THE STATE OF WAR.

Sect. 16. THE state of war is a state of enmity and destruction: and therefore declaring by word or action, not a passionate and hasty, but a sedate settled design upon another man's life, puts him in a state of war with him against whom he has declared such an intention, and so has exposed his life to the other's power to be taken away by him, or any one that joins with him in his defence, and espouses his quarrel; it being reasonable and just, I should have a right to destroy that which threatens me with destruction: for, by the fundamental law of nature, man being to be preserved as much as possible, when all cannot be preserved, the safety of the innocent is to be preferred: and one may destroy a man who makes war upon him, or has discovered an enmity to his being, for the same reason that he may kill a wolf or a lion; because such men are not under the ties of the commonlaw of reason, have no other rule, but that of force and violence, and so may be treated as beasts of prey, those dangerous and noxious creatures, that will be sure to destroy him whenever he falls into their power.

Sect. 17. And hence it is, that he who attempts to get another man into his absolute power, does thereby put himself into a state of war with him; it being to be understood as a declaration of a design upon his life: for I have reason to conclude, that he who would get me into his power without my consent, would use me as he pleased when he had got me there, and destroy me too when he had a fancy to it; for no body can desire to have me in his absolute power, unless it be to compel me by force to that which is against the right of my freedom, i.e. make me a slave. To be free from such force is the only security of my preservation; and reason bids me look on him, as an enemy to my preservation, who would take away that freedom which is the fence to it; so that he who makes an attempt to enslave me, thereby puts himself into a state of war with me. He that, in the state of nature, would take away the freedom that belongs to any one in that state, must necessarily be supposed to have a design to take away every thing else, that freedom being the

foundation of all the rest; as he that, in the state of society, would take away the freedom belonging to those of that society or commonwealth, must be supposed to design to take away from them every thing else, and so be looked on as in a state of war.

Sect. 18. This makes it lawful for a man to kill a thief, who has not in the least hurt him, nor declared any design upon his life, any farther than, by the use of force, so to get him in his power, as to take away his money, or what he pleases, from him; because using force, where he has no right, to get me into his power, let his pretence be what it will, I have no reason to suppose, that he, who would take away my liberty, would not, when he had me in his power, take away every thing else. And therefore it is lawful for me to treat him as one who has put himself into a state of war with me, i.e. kill him if I can; for to that hazard does he justly expose himself, whoever introduces a state of war, and is aggressor in it.

Sect. 19. And here we have the plain difference between the state of nature and the state of war, which however some men have confounded, are as far distant, as a state of peace, good will, mutual assistance and preservation, and a state of enmity, malice, violence and mutual destruction, are one from another. Men living together according to reason, without a common superior on earth, with authority to judge between them, is properly the state of nature. But force, or a declared design of force, upon the person of another, where there is no common superior on earth to appeal to for relief, is the state of war: and it is the want of such an appeal gives a man the right of war even against an aggressor, tho' he be in society and a fellow subject. Thus a thief, whom I cannot harm, but by appeal to the law, for having stolen all that I am worth, I may kill, when he sets on me to rob me but of my horse or coat; because the law, which was made for my preservation, where it cannot interpose to secure my life from present force, which, if lost, is capable of no reparation, permits me my own defence, and the right of war, a liberty to kill the aggressor, because the aggressor allows not time to appeal to our common judge, nor the decision of the law, for remedy in a case where the mischief may be irreparable. Want of a common judge with authority, puts all men in a state of nature: force without right, upon a man's person, makes a state of war, both where

there is, and is not, a common judge.

Sect. 20. But when the actual force is over, the state of war ceases between those that are in society, and are equally on both sides subjected to the fair determination of the law; because then there lies open the remedy of appeal for the past injury, and to prevent future harm: but where no such appeal is, as in the state of nature, for want of positive laws, and judges with authority to appeal to, the state of war once begun, continues, with a right to the innocent party to destroy the other whenever he can, until the aggressor offers peace, and desires reconciliation on such terms as may repair any wrongs he has already done, and secure the innocent for the future; nay, where an appeal to the law, and constituted judges, lies open, but the remedy is denied by a manifest perverting of justice, and a barefaced wresting of the laws to protect or indemnify the violence or injuries of some men, or party of men, there it is hard to imagine any thing but a state of war: for wherever violence is used, and injury done, though by hands appointed to administer justice, it is still violence and injury, however coloured with the name, pretences, or forms of law, the end whereof being to protect and redress the innocent, by an unbiassed application of it, to all who are under it; wherever that is not bona fide done, war is made upon the sufferers, who having no appeal on earth to right them, they are left to the only remedy in such cases, an appeal to heaven.

Sect. 21. To avoid this state of war (wherein there is no appeal but to heaven, and wherein every the least difference is apt to end, where there is no authority to decide between the contenders) is one great reason of men's putting themselves into society, and quitting the state of nature: for where there is an authority, a power on earth, from which relief can be had by appeal, there the continuance of the state of war is excluded, and the controversy is decided by that power. Had there been any such court, any superior jurisdiction on earth, to determine the right between Jephtha and the Ammonites, they had never come to a state of war: but we see he was forced to appeal to heaven. The Lord the Judge (says he) be judge this day between the children of Israel and the children of Ammon, Judg. xi. 27. and then prosecuting, and relying on his appeal, he leads out his army to battle: and therefore in such controversies, where the question is put, who shall be judge? It

cannot be meant, who shall decide the controversy; every one knows what Jephtha here tells us, that the Lord the Judge shall judge. Where there is no judge on earth, the appeal lies to God in heaven. That question then cannot mean, who shall judge, whether another hath put himself in a state of war with me, and whether I may, as Jephtha did, appeal to heaven in it? of that I myself can only be judge in my own conscience, as I will answer it, at the great day, to the supreme judge of all men.

CHAPTER. IV. OF SLAVERY.

Sect. 22. THE natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of nature for his rule. The liberty of man, in society, is to be under no other legislative power, but that established, by consent, in the commonwealth; nor under the dominion of any will, or restraint of any law, but what that legislative shall enact, according to the trust put in it. Freedom then is not what Sir Robert Filmer tells us, Observations, A. 55. a liberty for every one to do what he lists, to live as he pleases, and not to be tied by any laws: but freedom of men under government is, to have a standing rule to live by, common to every one of that society, and made by the legislative power erected in it; a liberty to follow my own will in all things, where the rule prescribes not; and not to be subject to the inconstant, uncertain, unknown, arbitrary will of another man: as freedom of nature is, to be under no other restraint but the law of nature.

Sect. 23. This freedom from absolute, arbitrary power, is so necessary to, and closely joined with a man's preservation, that he cannot part with it, but by what forfeits his preservation and life together: for a man, not having the power of his own life, cannot, by compact, or his own consent, enslave himself to any one, nor put himself under the absolute, arbitrary power of another, to take away his life, when he pleases. No body can give more power than he has himself; and he that cannot take away his own life, cannot give another power over it. Indeed, having by his fault forfeited his own life, by some act that deserves death; he, to whom

he has forfeited it, may (when he has him in his power) delay to take it, and make use of him to his own service, and he does him no injury by it: for, whenever he finds the hardship of his slavery outweigh the value of his life, it is in his power, by resisting the will of his master, to draw on himself the death he desires.

Sect. 24. This is the perfect condition of slavery, which is nothing else, but the state of war continued, between a lawful conqueror and a captive: for, if once compact enter between them, and make an agreement for a limited power on the one side, and obedience on the other, the state of war and slavery ceases, as long as the compact endures: for, as has been said, no man can, by agreement, pass over to another that which he hath not in himself, a power over his own life.

I confess, we find among the Jews, as well as other nations, that men did sell themselves; but, it is plain, this was only to drudgery, not to slavery: for, it is evident, the person sold was not under an absolute, arbitrary, despotical power: for the master could not have power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his service; and the master of such a servant was so far from having an arbitrary power over his life, that he could not, at pleasure, so much as maim him, but the loss of an eye, or tooth, set him free, Exod. xxi.

CHAPTER. V. OF PROPERTY.

Sect. 25. Whether we consider natural reason, which tells us, that men, being once born, have a right to their preservation, and consequently to meat and drink, and such other things as nature affords for their subsistence: or revelation, which gives us an account of those grants God made of the world to Adam, and to Noah, and his sons, it is very clear, that God, as king David says, Psal. cxv. 16. has given the earth to the children of men; given it to mankind in common. But this being supposed, it seems to some a very great difficulty, how any one should ever

come to have a property in any thing: I will not content myself to answer, that if it be difficult to make out property, upon a supposition that God gave the world to Adam, and his posterity in common, it is impossible that any man, but one universal monarch, should have any property upon a supposition, that God gave the world to Adam, and his heirs in succession, exclusive of all the rest of his posterity. But I shall endeavour to shew, how men might come to have a property in several parts of that which God gave to mankind in common, and that without any express compact of all the commoners.

Sect. 26. God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life, and convenience. The earth, and all that is therein, is given to men for the support and comfort of their being. And tho' all the fruits it naturally produces, and beasts it feeds, belong to mankind in common, as they are produced by the spontaneous hand of nature; and no body has originally a private dominion, exclusive of the rest of mankind, in any of them, as they are thus in their natural state: yet being given for the use of men, there must of necessity be a means to appropriate them some way or other, before they can be of any use, or at all beneficial to any particular man. The fruit, or venison, which nourishes the wild Indian, who knows no enclosure, and is still a tenant in common, must be his, and so his, i.e. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his life.

Sect. 27. Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.

Sect. 28. He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. No body can deny but the nourishment is his. I ask then, when did they begin to be his? when he digested? or when he eat? or when he boiled? or when he brought them home? or when he picked them up? and it is plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common: that added something to them more than nature, the common mother of all, had done; and so they became his private right. And will any one say, he had no right to those acorns or apples, he thus appropriated, because he had not the consent of all mankind to make them his? Was it a robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him. We see in commons, which remain so by compact, that it is the taking any part of what is common, and removing it out of the state nature leaves it in, which begins the property; without which the common is of no use. And the taking of this or that part, does not depend on the express consent of all the commoners. Thus the grass my horse has bit; the turfs my servant has cut; and the ore I have digged in any place, where I have a right to them in common with others, become my property, without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my property in them.

Sect. 29. By making an explicit consent of every commoner, necessary to any one's appropriating to himself any part of what is given in common, children or servants could not cut the meat, which their father or master had provided for them in common, without assigning to every one his peculiar part. Though the water running in the fountain be every one's, yet who can doubt, but that in the pitcher is his only who drew it out? His labour hath taken it out of the hands of nature, where it was common, and belonged equally to all her children, and hath thereby appropriated it to himself.

Sect. 30. Thus this law of reason makes the deer that Indian's who hath killed it; it is allowed to be his goods, who hath bestowed his labour upon it, though

before it was the common right of every one. And amongst those who are counted the civilized part of mankind, who have made and multiplied positive laws to determine property, this original law of nature, for the beginning of property, in what was before common, still takes place; and by virtue thereof, what fish any one catches in the ocean, that great and still remaining common of mankind; or what ambergrise any one takes up here, is by the labour that removes it out of that common state nature left it in, made his property, who takes that pains about it. And even amongst us, the hare that any one is hunting, is thought his who pursues her during the chase: for being a beast that is still looked upon as common, and no man's private possession; whoever has employed so much labour about any of that kind, as to find and pursue her, has thereby removed her from the state of nature, wherein she was common, and hath begun a property.

Sect. 31. It will perhaps be objected to this, that if gathering the acorns, or other fruits of the earth, &c. makes a right to them, then any one may ingross as much as he will. To which I answer, Not so. The same law of nature, that does by this means give us property, does also bound that property too. God has given us all things richly, 1 Tim. vi. 12. is the voice of reason confirmed by inspiration. But how far has he given it us? To enjoy. As much as any one can make use of to any advantage of life before it spoils, so much he may by his Labour fix a property in: whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for man to spoil or destroy. And thus, considering the plenty of natural provisions there was a long time in the world, and the few spenders; and to how small a part of that provision the industry of one man could extend itself, and ingross it to the prejudice of others; especially keeping within the bounds, set by reason, of what might serve for his use; there could be then little room for quarrels or contentions about property so established.

Sect. 32. But the chief matter of property being now not the fruits of the earth, and the beasts that subsist on it, but the earth itself; as that which takes in and carries with it all the rest; I think it is plain, that property in that too is acquired as the former. As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He by his labour does, as it were, inclose it

from the common. Nor will it invalidate his right, to say every body else has an equal title to it; and therefore he cannot appropriate, he cannot inclose, without the consent of all his fellow-commoners, all mankind. God, when he gave the world in common to all mankind, commanded man also to labour, and the penury of his condition required it of him. God and his reason commanded him to subdue the earth, i.e. improve it for the benefit of life, and therein lay out something upon it that was his own, his labour. He that in obedience to this command of God, subdued, tilled and sowed any part of it, thereby annexed to it something that was his property, which another had no title to, nor could without injury take from him.

Sect. 33. Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use. So that, in effect, there was never the less left for others because of his enclosure for himself: for he that leaves as much as another can make use of, does as good as take nothing at all. No body could think himself injured by the drinking of another man, though he took a good draught, who had a whole river of the same water left him to quench his thirst: and the case of land and water, where there is enough of both, is perfectly the same.

CHAPTER. VII. OF POLITICAL OR CIVIL SOCIETY.

Sect. 77. GOD having made man such a creature, that in his own judgment, it was not good for him to be alone, put him under strong obligations of necessity, convenience, and inclination to drive him into society, as well as fitted him with understanding and language to continue and enjoy it. The first society was between man and wife, which gave beginning to that between parents and children; to which, in time, that between master and servant came to be added: and though all these might, and commonly did meet together, and make up but one family, wherein the master or mistress of it had some sort of rule proper to a family; each

of these, or all together, came short of political society, as we shall see, if we consider the different ends, ties, and bounds of each of these.

Sect. 86. Let us therefore consider a master of a family with all these subordinate relations of wife, children, servants, and slaves, united under the domestic rule of a family; which, what resemblance soever it may have in its order, offices, and number too, with a little commonwealth, yet is very far from it, both in its constitution, power and end: or if it must be thought a monarchy, and the paterfamilias the absolute monarch in it, absolute monarchy will have but a very shattered and short power, when it is plain, by what has been said before, that the master of the family has a very distinct and differently limited power, both as to time and extent, over those several persons that are in it; for excepting the slave (and the family is as much a family, and his power as paterfamilias as great, whether there be any slaves in his family or no) he has no legislative power of life and death over any of them, and none too but what a mistress of a family may have as well as he. And he certainly can have no absolute power over the whole family, who has but a very limited one over every individual in it. But how a family, or any other society of men, differ from that which is properly political society, we shall best see, by considering wherein political society itself consists.

Sect. 87. Man being born, as has been proved, with a title to perfect freedom, and an uncontrouled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty and estate, against the injuries and attempts of other men; but to judge of, and punish the breaches of that law in others, as he is persuaded the offence deserves, even with death itself, in crimes where the heinousness of the fact, in his opinion, requires it. But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto, punish the offences of all those of that society; there, and there only is political society, where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it. And thus all private judgment of every particular member being excluded, the

community comes to be umpire, by settled standing rules, indifferent, and the same to all parties; and by men having authority from the community, for the execution of those rules, decides all the differences that may happen between any members of that society concerning any matter of right; and punishes those offences which any member hath committed against the society, with such penalties as the law has established: whereby it is easy to discern, who are, and who are not, in political society together. Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in civil society one with another: but those who have no such common appeal, I mean on earth, are still in the state of nature, each being, where there is no other, judge for himself, and executioner; which is, as I have before shewed it, the perfect state of nature.

Sect. 88. And thus the commonwealth comes by a power to set down what punishment shall belong to the several transgressions which they think worthy of it, committed amongst the members of that society, (which is the power of making laws) as well as it has the power to punish any injury done unto any of its members, by any one that is not of it, (which is the power of war and peace;) and all this for the preservation of the property of all the members of that society, as far as is possible. But though every man who has entered into civil society, and is become a member of any commonwealth, has thereby quitted his power to punish offences, against the law of nature, in prosecution of his own private judgment, yet with the judgment of offences, which he has given up to the legislative in all cases, where he can appeal to the magistrate, he has given a right to the commonwealth to employ his force, for the execution of the judgments of the commonwealth, whenever he shall be called to it; which indeed are his own judgments, they being made by himself, or his representative. And herein we have the original of the legislative and executive power of civil society, which is to judge by standing laws, how far offences are to be punished, when committed within the commonwealth; and also to determine, by occasional judgments founded on the present circumstances of the fact, how far injuries from without are to be vindicated; and in both these to employ all the force of all the members, when there shall be need.

Sect. 89. Where-ever therefore any number of men are so united into one society, as to quit every one his executive power of the law of nature, and to resign it to the public, there and there only is a political, or civil society. And this is done, where-ever any number of men, in the state of nature, enter into society to make one people, one body politic, under one supreme government; or else when any one joins himself to, and incorporates with any government already made: for hereby he authorizes the society, or which is all one, the legislative thereof, to make laws for him, as the public good of the society shall require; to the execution whereof, his own assistance (as to his own decrees) is due. And this puts men out of a state of nature into that of a commonwealth, by setting up a judge on earth, with authority to determine all the controversies, and redress the injuries that may happen to any member of the commonwealth; which judge is the legislative, or magistrates appointed by it. And where-ever there are any number of men, however associated, that have no such decisive power to appeal to, there they are still in the state of nature.

Sect. 90. Hence it is evident, that absolute monarchy, which by some men is counted the only government in the world, is indeed inconsistent with civil society, and so can be no form of civil-government at all: for the end of civil society, being to avoid, and remedy those inconveniencies of the state of nature, which necessarily follow from every man's being judge in his own case, by setting up a known authority, to which every one of that society may appeal upon any injury received, or controversy that may arise, and which every one of the society ought to obey;* where-ever any persons are, who have not such an authority to appeal to, for the decision of any difference between them, there those persons are still in the state of nature; and so is every absolute prince, in respect of those who are under his dominion.

(*The public power of all society is above every soul contained in the same society; and the principal use of that power is, to give laws unto all that are under it, which laws in such cases we must obey, unless there be reason shewed which may necessarily enforce, that the law of reason, or of God, doth enjoin the contrary, Hook. Eccl. Pol. l. i. sect. 16.)

Sect. 94. But whatever flatterers may talk to amuse people's understandings, it hinders not men from feeling; and when they perceive, that any man, in what station soever, is out of the bounds of the civil society which they are of, and that they have no appeal on earth against any harm, they may receive from him, they are apt to think themselves in the state of nature, in respect of him whom they find to be so; and to take care, as soon as they can, to have that safety and security in civil society, for which it was first instituted, and for which only they entered into it. And therefore, though perhaps at first, (as shall be shewed more at large hereafter in the following part of this discourse) some one good and excellent man having got a pre-eminency amongst the rest, had this deference paid to his goodness and virtue, as to a kind of natural authority, that the chief rule, with arbitration of their differences, by a tacit consent devolved into his hands, without any other caution, but the assurance they had of his uprightness and wisdom; yet when time, giving authority, and (as some men would persuade us) sacredness of customs, which the negligent, and unforeseeing innocence of the first ages began, had brought in successors of another stamp, the people finding their properties not secure under the government, as then it was, (whereas government has no other end but the preservation of* property) could never be safe nor at rest, nor think themselves in civil society, till the legislature was placed in collective bodies of men, call them senate, parliament, or what you please. By which means every single person became subject, equally with other the meanest men, to those laws, which he himself, as part of the legislative, had established; nor could any one, by his own authority; avoid the force of the law, when once made; nor by any pretence of superiority plead exemption, thereby to license his own, or the miscarriages of any of his dependents.** No man in civil society can be exempted from the laws of it: for if any man may do what he thinks fit, and there be no appeal on earth, for redress or security against any harm he shall do; I ask, whether he be not perfectly still in the state of nature, and so can be no part or member of that civil society; unless any one will say, the state of nature and civil society are one and the same thing, which I have never yet found any one so great a patron of anarchy as to affirm.

(*At the first, when some certain kind of regiment was once appointed, it may be

that nothing was then farther thought upon for the manner of governing, but all permitted unto their wisdom and discretion, which were to rule, till by experience they found this for all parts very inconvenient, so as the thing which they had devised for a remedy, did indeed but increase the sore, which it should have cured. They saw, that to live by one man's will, became the cause of all men's misery. This constrained them to come unto laws, wherein all men might see their duty beforehand, and know the penalties of transgressing them. Hooker's Eccl. Pol. l. i. sect. 10.)

(**Civil law being the act of the whole body politic, doth therefore over-rule each several part of the same body. Hooker, *ibid.*)

CHAPTER. VIII. OF THE BEGINNING OF POLITICAL SOCIETIES.

Sect. 95. MEN being, as has been said, by nature, all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. The only way whereby any one divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest.

Sect. 96. For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the

majority: for that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority: or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the majority. And therefore we see, that in assemblies, impowered to act by positive laws, where no number is set by that positive law which impowers them, the act of the majority passes for the act of the whole, and of course determines, as having, by the law of nature and reason, the power of the whole.

Sect. 97. And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation, to every one of that society, to submit to the determination of the majority, and to be concluded by it; or else this original compact, whereby he with others incorporates into one society, would signify nothing, and be no compact, if he be left free, and under no other ties than he was in before in the state of nature. For what appearance would there be of any compact? what new engagement if he were no farther tied by any decrees of the society, than he himself thought fit, and did actually consent to? This would be still as great a liberty, as he himself had before his compact, or any one else in the state of nature hath, who may submit himself, and consent to any acts of it if he thinks fit.

Sect. 98. For if the consent of the majority shall not, in reason, be received as the act of the whole, and conclude every individual; nothing but the consent of every individual can make any thing to be the act of the whole: but such a consent is next to impossible ever to be had, if we consider the infirmities of health, and avocations of business, which in a number, though much less than that of a commonwealth, will necessarily keep many away from the public assembly. To which if we add the variety of opinions, and contrariety of interests, which unavoidably happen in all collections of men, the coming into society upon such terms would be only like Cato's coming into the theatre, only to go out again. Such a constitution as this would make the mighty Leviathan of a shorter duration, than

the feeblest creatures, and not let it outlast the day it was born in: which cannot be supposed, till we can think, that rational creatures should desire and constitute societies only to be dissolved: for where the majority cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again.

Sect. 99. Whosoever therefore out of a state of nature unite into a community, must be understood to give up all the power, necessary to the ends for which they unite into society, to the majority of the community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing to unite into one political society, which is all the compact that is, or needs be, between the individuals, that enter into, or make up a commonwealth. And thus that, which begins and actually constitutes any political society, is nothing but the consent of any number of freemen capable of a majority to unite and incorporate into such a society. And this is that, and that only, which did, or could give beginning to any lawful government in the world.

CHAPTER. IX. OF THE ENDS OF POLITICAL SOCIETY AND GOVERNMENT.

Sect. 123. IF man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom? why will he give up this empire, and subject himself to the dominion and controul of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others: for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very unsecure. This makes him willing to quit a condition, which,

however free, is full of fears and continual dangers: and it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual preservation of their lives, liberties and estates, which I call by the general name, property.

Sect. 124. The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property. To which in the state of nature there are many things wanting.

First, There wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them: for though the law of nature be plain and intelligible to all rational creatures; yet men being biassed by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.

Sect. 125. Secondly, In the state of nature there wants a known and indifferent judge, with authority to determine all differences according to the established law: for every one in that state being both judge and executioner of the law of nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat, in their own cases; as well as negligence, and unconcernedness, to make them too remiss in other men's.

Sect. 126. Thirdly, In the state of nature there often wants power to back and support the sentence when right, and to give it due execution, They who by any injustice offended, will seldom fail, where they are able, by force to make good their injustice; such resistance many times makes the punishment dangerous, and frequently destructive, to those who attempt it.

Sect. 127. Thus mankind, notwithstanding all the privileges of the state of nature, being but in an ill condition, while they remain in it, are quickly driven into society. Hence it comes to pass, that we seldom find any number of men live any time together in this state. The inconveniencies that they are therein exposed to,

by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property. It is this makes them so willingly give up every one his single power of punishing, to be exercised by such alone, as shall be appointed to it amongst them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power, as well as of the governments and societies themselves.

Sect. 128. For in the state of nature, to omit the liberty he has of innocent delights, a man has two powers.

The first is to do whatsoever he thinks fit for the preservation of himself, and others within the permission of the law of nature: by which law, common to them all, he and all the rest of mankind are one community, make up one society, distinct from all other creatures. And were it not for the corruption and viciousness of degenerate men, there would be no need of any other; no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations.

The other power a man has in the state of nature, is the power to punish the crimes committed against that law. Both these he gives up, when he joins in a private, if I may so call it, or particular politic society, and incorporates into any commonwealth, separate from the rest of mankind.

Sect. 129. The first power, viz. of doing whatsoever he thought for the preservation of himself, and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself, and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature.

Sect. 130. Secondly, The power of punishing he wholly gives up, and engages his natural force, (which he might before employ in the execution of the law of nature,

by his own single authority, as he thought fit) to assist the executive power of the society, as the law thereof shall require: for being now in a new state, wherein he is to enjoy many conveniencies, from the labour, assistance, and society of others in the same community, as well as protection from its whole strength; he is to part also with as much of his natural liberty, in providing for himself, as the good, prosperity, and safety of the society shall require; which is not only necessary, but just, since the other members of the society do the like.

Sect. 131. But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society, to be so far disposed of by the legislative, as the good of the society shall require; yet it being only with an intention in every one the better to preserve himself, his liberty and property; (for no rational creature can be supposed to change his condition with an intention to be worse) the power of the society, or legislative constituted by them, can never be supposed to extend farther, than the common good; but is obliged to secure every one's property, by providing against those three defects above mentioned, that made the state of nature so unsafe and uneasy. And so whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees; by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home, only in the execution of such laws, or abroad to prevent or redress foreign injuries, and secure the community from inroads and invasion. And all this to be directed to no other end, but the peace, safety, and public good of the people.

Sect. 142. These are the bounds which the trust, that is put in them by the society, and the law of God and nature, have set to the legislative power of every commonwealth, in all forms of government.

First, They are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favourite at court, and the country man at plough.

Secondly, These laws also ought to be designed for no other end ultimately, but the good of the people.

Thirdly, They must not raise taxes on the property of the people, without the consent of the people, given by themselves, or their deputies. And this properly concerns only such governments where the legislative is always in being, or at least where the people have not reserved any part of the legislative to deputies, to be from time to time chosen by themselves.

Fourthly, The legislative neither must nor can transfer the power of making laws to any body else, or place it any where, but where the people have.

CHAPTER. XIII. OF THE SUBORDINATION OF THE POWERS OF THE COMMON-WEALTH.

Sect. 155. It may be demanded here, What if the executive power, being possessed of the force of the commonwealth, shall make use of that force to hinder the meeting and acting of the legislative, when the original constitution, or the public exigencies require it? I say, using force upon the people without authority, and contrary to the trust put in him that does so, is a state of war with the people, who have a right to reinstate their legislative in the exercise of their power: for having erected a legislative, with an intent they should exercise the power of making laws, either at certain set times, or when there is need of it, when they are hindered by any force from what is so necessary to the society, and wherein the safety and preservation of the people consists, the people have a right to remove it by force. In all states and conditions, the true remedy of force without authority, is to oppose force to it. The use of force without authority, always puts him that uses it into a state of war, as the aggressor, and renders him liable to be treated accordingly.

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<http://www.gutenberg.org/files/7370/7370-h/7370-h.htm>

Declaration of Independence

by Thomas Jefferson

The Declaration of Independence of The United States of America

IN CONGRESS, July 4, 1776

The unanimous Declaration of the thirteen united States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the

establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws of Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us, in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy of the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our

emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Button Gwinnett
Lyman Hall
George Walton
William Hooper
Joseph Hewes
John Penn
Edward Rutledge
Thomas Heyward, Jr.
Thomas Lunch, Jr.
Arthur Middleton
John Hancock
Samuel Chase
William Paca
Thomas Stone

Charles Carroll of Carrollton
George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton
Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer
James Smith
George Taylor
James Wilson
George Ross
Caesar Rodney
George Read
Thomas McKean
William Floyd
Philip Livingston
Francis Lewis
Lewis Morris
Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark
Josiah Bartlett
William Whipple
Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry
Stephen Hopkins
William Ellery
Roger Sherman
Samuel Huntington
William Williams

Oliver Wolcott
Matthew Thornton

Week 3

The Constitution

The Bill of Rights

by James Madison

The Preamble to The Bill of Rights

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XI

Passed by Congress March 4, 1794. Ratified February 7, 1795.

Note: Article III, section 2, of the Constitution was modified by amendment 11.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any

Foreign State.

Amendment XII

Passed by Congress December 9, 1803. Ratified June 15, 1804.

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; -- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*Superseded by section 3 of the 20th amendment.

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

*Changed by section 1 of the 26th amendment.

Amendment XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude--

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

Amendment XVI

Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII

Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors

within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

Section 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President

or Vice President shall have qualified.

Section 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1.

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

Section 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

The Constitution

by James Madison

Note: *The following text is a transcription of the Constitution in its original form.*

Items that are italicized have since been amended or superseded. To view the amended versions please go to this website: http://www.archives.gov/exhibits/charters/constitution_transcript.html

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3.

The Senate of the United States shall be composed of two Senators from each State, *chosen by the Legislature* thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; *and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.*

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall *be on the first Monday in December*; unless they shall by Law appoint a different Day.

Section. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or

the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress,

become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, *unless in Proportion to the Census or enumeration herein before directed to be taken.*

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President.

But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Section. 1.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this

Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;-- *between a State and Citizens of another State*,--between Citizens of different States,--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the

several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State,

without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word, “the,” being interlined between the seventh and eighth Lines of the first Page, the Word “Thirty” being partly written on an Erasure in the fifteenth Line of the first Page, The Words “is tried” being interlined between the thirty second and thirty third Lines of the first Page and the Word “the” being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

G°. Washington

Presidt and deputy from Virginia

Delaware

Geo: Read

Gunning Bedford jun

John Dickinson

Richard Bassett

Jaco: Broom

Maryland

James McHenry

Dan of St Thos. Jenifer

Danl. Carroll

Virginia

John Blair

James Madison Jr.

North Carolina

Wm. Blount

Richd. Dobbs Spaight

Hu Williamson

South Carolina

J. Rutledge

Charles Cotesworth Pinckney

Charles Pinckney

Pierce Butler

Georgia

William Few

Abr Baldwin

New Hampshire

John Langdon

Nicholas Gilman

Massachusetts

Nathaniel Gorham

Rufus King

Connecticut

Wm. Saml. Johnson

Roger Sherman

New York

Alexander Hamilton

New Jersey

Wil: Livingston

David Brearley

Wm. Paterson

Jona: Dayton

Pennsylvania

B Franklin

Thomas Mifflin

Robt. Morris

Geo. Clymer

Thos. FitzSimons

Jared Ingersoll

James Wilson

Gouv Morris

Speech in the Convention

by Benjamin Franklin

At the Conclusion of its Deliberations

[September 17, 1787]

Mr. President,

I confess, that I do not entirely approve of this Constitution at present; but, Sir, I am not sure I shall never approve it; for, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change my opinions even on important subjects, which I once thought right, but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment of others. Most men, indeed, as well as most sects in religion, think themselves in possession of all truth, and that wherever others differ from them, it is so far error. Steele, a Protestant, in a dedication, tells the Pope, that the only difference between our two churches in their opinions of the certainty of their doctrine, is, the Romish Church is infallible, and the Church of England is never in the wrong. But, though many private Persons think almost as highly of their own infallibility as of that of their Sect, few express it so naturally as a certain French Lady, who, in a little dispute with her sister, said, “But I meet with nobody but myself that is always in the right.” “*Je ne trouve que moi qui aie toujours raison.*” In these sentiments, Sir, I agree to this Constitution, with all its faults,—if they are such; because I think a general Government necessary for us, and there is no form of government but what may be a blessing to the people, if well administered; and I believe, farther, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government, being incapable of any other. I doubt, too, whether any other Convention we can obtain, may be able to make a better constitution; for, when you assemble a number of men, to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear, that our councils are confounded like those of the builders of Babel, and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another’s throats. Thus I consent, Sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die. If every one of us, in returning to our Constituents, were to report the objections he has had to it, and endeavour to gain Partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favour among foreign nations, as well as among ourselves, from our real or apparent unanimity. Much of the strength and efficiency of any government, in procuring and securing happiness to the people, depends on opinion, on the general opinion of the goodness of that government, as well as of the wisdom and integrity of its governors. I hope, therefore, for our own sakes, as a part of the people, and for the sake of our posterity, that we shall act heartily and unanimously in recommending this Constitution, wherever our Influence may extend, and

turn our future thoughts and endeavours to the means of having it well administered. On the whole, Sir, I cannot help expressing a wish, that every member of the Convention who may still have objections to it, would with me on this occasion doubt a little of his own infallibility, and, to make manifest our unanimity, put his name to this Instrument.

Letter to James Madison

by Thomas Jefferson

TO JAMES MADISON.

Paris, December 20, 1787.

Dear Sir,—My last to you was of October the 8th, by the Count de Moustier. Yours of July the 18th, September the 6th and October the 24th, were successively received, yesterday, the day before, and three or four days before that. I have only had time to read the letters; the printed papers communicated with them, however interesting, being obliged to lie over till I finish my despatches for the packet, which despatches must go from hence the day after to-morrow. I have much to thank you for; first and most for the cyphered paragraph respecting myself. These little informations are very material towards forming my own decisions. I would be glad even to know, when any individual member thinks I have gone wrong in any instance. If I know myself, it would not excite ill blood in me, while it would assist to guide my conduct, perhaps to justify it, and to keep me to my duty, alert. I must thank you, too, for the information in Thomas Burke's case; though you will have found by a subsequent letter, that I have asked of you a further investigation of that matter. It is to gratify the lady who is at the head of the convent wherein my daughters are, and who, by her attachment and attention to them, lays me under great obligations. I shall hope, therefore, still to receive from you the result of all the further inquiries my second letter had asked. The parcel of rice which you informed me had miscarried, accompanied my letter to the Delegates of South Carolina. Mr. Bourgoin was to be the bearer of both, and both were delivered together into the hands of his relation here, who introduced him to me, and who, at a subsequent moment, undertook to convey them to Mr. Bourgoin. This person was an engraver, particularly recommended to Dr. Franklin and Mr. Hopkinson. Perhaps he may have mislaid the little parcel of rice among his baggage. I am much pleased that the sale of western lands is so successful. I hope they will absorb all the certificates of our domestic debt speedily, in the first place, and that then, offered for cash, they will do the same by our foreign ones. The season admitting only of operations in the cabinet, and these being in a great measure secret, I have little to fill a letter. I will, therefore, make up the deficiency, by adding a few words on the Constitution proposed by our convention.

I like much the general idea of framing a government, which should go on of itself, peaceably, without needing continual recurrence to the State legislatures. I like the organization of the government into legislative, judiciary and executive. I like the power given the legislature to levy taxes, and for that reason solely, I approve of the greater House being chosen by the people directly. For though I think a House so chosen, will be very far inferior to the present Congress, will be very illy qualified to legislate for the Union, for foreign nations, etc., yet this evil does not weigh against the good, of preserving inviolate the fundamental principle, that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little States, of the latter to equal, and the former to proportional influence. I am much pleased, too, with the substitution of the method of voting by person, instead of that of voting by States; and I like the negative given to the Executive, conjointly with a third of either House; though I should have liked it better, had the judiciary been associated for that purpose, or invested separately with a similar power. There are

other good things of less moment. I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations. To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is reserved in the case of the general government which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to which it was addressed; but it is surely a gratis dictum, the reverse of which might just as well be said; and it is opposed by strong inferences from the body of the instrument, as well as from the omission of the cause of our present Confederation, which had made the reservation in express terms. It was hard to conclude, because there has been a want of uniformity among the States as to the cases triable by jury, because some have been so incautious as to dispense with this mode of trial in certain cases, therefore, the more prudent States shall be reduced to the same level of calamity. It would have been much more just and wise to have concluded the other way, that as most of the States had preserved with jealousy this sacred palladium of liberty, those who had wandered, should be brought back to it; and to have established general right rather than general wrong. For I consider all the ill as established, which may be established. I have a right to nothing, which another has a right to take away; and Congress will have a right to take away trials by jury in all civil cases. Let me add, that a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inference.

The second feature I dislike, and strongly dislike, is the abandonment, in every instance, of the principle of rotation in office, and most particularly in the case of the President. Reason and experience tell us, that the first magistrate will always be reelected if he may be re-elected. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations, to have a friend or a foe at the head of our affairs, that they will interfere with money and with arms. A Galloman, or an Angloman, will be supported by the nation he befriends. If once elected, and at a second or third election outvoted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the States voting for him, especially if they be the central ones, lying in a compact body themselves, and separating their opponents; and they will be aided by one nation in Europe, while the majority are aided by another. The election of a President of America, some years hence, will be much more interesting to certain nations of Europe, than ever the election of a King of Poland was. Reflect on all the instances in history, ancient and modern, of elective monarchies, and say if they do not give foundation for my fears; the Roman Emperors, the Popes while they were of any importance, the German Emperors till they became hereditary in practice, the Kings of Poland, the Deys of the Ottoman dependencies. It may be said, that if elections are to be attended with these disorders, the less frequently they are repeated the better. But experience says, that to free them from disorder, they must be rendered less interesting by a necessity of change. No foreign power, nor domestic party, will waste their blood and money to elect a person, who must go out at the

end of a short period. The power of removing every fourth year by the vote of the people, is a power which they will not exercise, and if they were disposed to exercise it, they would not be permitted. The King of Poland is removable every day by the diet. But they never remove him. Nor would Russia, the Emperor, etc., permit them to do it. Smaller objections are, the appeals on matters of fact as well as laws; and the binding all persons, legislative, executive, and judiciary by oath, to maintain that constitution. I do not pretend to decide, what would be the best method of procuring the establishment of the manifold good things in this constitution, and of getting rid of the bad. Whether by adopting it, in hopes of future amendment; or after it shall have been duly weighed and canvassed by the people, after seeing the parts they generally dislike, and those they generally approve, to say to them, "We see now what you wish. You are willing to give to your federal government such and such powers; but you wish, at the same time, to have such and such fundamental rights secured to you, and certain sources of convulsion taken away. Be it so. Send together deputies again. Let them establish your fundamental rights by a sacrosanct declaration, and let them pass the parts of the Constitution you have approved. These will give powers to your federal government sufficient for your happiness."

This is what might be said, and would probably produce a speedy, more perfect and more permanent form of government. At all events, I hope you will not be discouraged from making other trials, if the present one should fail. We are never permitted to despair of the commonwealth. I have thus told you freely what I like, and what I dislike, merely as a matter of curiosity; for I know it is not in my power to offer matter of information to your judgment, which has been formed after hearing and weighing everything which the wisdom of man could offer on these subjects. I own, I am not a friend to a very energetic government. It is always oppressive. It places the governors indeed more at their ease, at the expense of the people. The late rebellion in Massachusetts has given more alarm, than I think it should have done. Calculate that one rebellion in thirteen States in the course of eleven years, is but one for each State in a century and a half. No country should be so long without one. Nor will any degree of power in the hands of government, prevent insurrections. In England, where the hand of power is heavier than with us, there are seldom half a dozen years without an insurrection. In France, where it is still heavier, but less despotic, as Montesquieu supposes, than in some other countries, and where there are always two or three hundred thousand men ready to crush insurrections, there have been three in the course of the three years I have been here, in every one of which greater numbers were engaged than in Massachusetts, and a great deal more blood was spilt. In Turkey, where the sole nod of the despot is death, insurrections are the events of every day. Compare again the ferocious depredations of their insurgents, with the order, the moderation and the almost self-extinguishment of ours. And say, finally, whether peace is best preserved by giving energy to the government, or information to the people. This last is the most certain, and the most legitimate engine of government. Educate and inform the whole mass of the people. Enable them to see that it is their interest to preserve peace and order, and they will preserve them. And it requires no very high degree of education to convince them of this. They are the only sure reliance for the preservation of our liberty. After all, it is my principle that the will of the majority should prevail.

If they approve the proposed constitution in all its parts, I shall concur in it cheerfully, in hopes they will amend it, whenever they shall find it works wrong. This reliance cannot deceive us, as long as we remain virtuous; and I think we shall be so, as long as agriculture is our principal object, which will be the case, while there remains vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe, we shall become corrupt as in Europe, and go to eating one another as they do there. I have tired you by this time with disquisitions which you have already heard repeated by others a thousand and a thousand times; and therefore, shall only add assurances of the esteem and attachment with which I have the honor to be, dear Sir, your affectionate friend and servant.

P. S. The instability of our laws is really an immense evil. I think it would be well to provide in our constitutions, that there shall always be a twelvemonth between the engrossing a bill and passing it; that it should then be offered to its passage without changing a word; and that if circumstances should be thought to require a speedier passage, it should take two-thirds of both Houses, instead of a bare majority.

The Federalist Papers

by James Madison

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FEDERALIST No. 10. The Same Subject Continued (The Union as a Safeguard Against Domestic Faction and Insurrection)

From the Daily Advertiser. Thursday, November 22, 1787.

MADISON

To the People of the State of New York:

AMONG the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the

community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is, that the CAUSES of faction cannot be removed, and that relief is only to be sought in the means of controlling its EFFECTS.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals,

and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needful.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended. The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greater in the small republic, it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice. In the next place, as each representative will be chosen by a greater number of citizens in the

large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive and established characters.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representatives too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic,—is enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union, increase this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage. The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A

rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.

PUBLIUS

FEDERALIST No. 47. The Particular Structure of the New Government and the Distribution of Power Among Its Different Parts.

For the Independent Journal. Wednesday, January 30, 1788.

MADISON

To the People of the State of New York:

HAVING reviewed the general form of the proposed government and the general mass of power allotted to it, I proceed to examine the particular structure of this government, and the distribution of this mass of power among its constituent parts.

One of the principal objections inculcated by the more respectable adversaries to the Constitution, is its supposed violation of the political maxim, that the legislative, executive, and judiciary departments ought to be separate and distinct. In the structure of the federal government, no regard, it is said, seems to have been paid to this essential precaution in favor of liberty. The several departments of power are distributed and blended in such a manner as at once to destroy all symmetry and beauty of form, and to expose some of the essential parts of the edifice to the danger of being crushed by the disproportionate weight of other parts.

No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with the accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself, however, that it will be made apparent to every one, that the charge cannot be supported, and that the maxim on which it relies has been totally misconceived and misapplied. In order to form correct ideas on this important subject, it will be proper to investigate the sense in which the preservation of liberty requires that the three great departments of power should be separate and distinct.

The oracle who is always consulted and cited on this subject is the celebrated Montesquieu. If he

be not the author of this invaluable precept in the science of politics, he has the merit at least of displaying and recommending it most effectually to the attention of mankind. Let us endeavor, in the first place, to ascertain his meaning on this point.

The British Constitution was to Montesquieu what Homer has been to the didactic writers on epic poetry. As the latter have considered the work of the immortal bard as the perfect model from which the principles and rules of the epic art were to be drawn, and by which all similar works were to be judged, so this great political critic appears to have viewed the Constitution of England as the standard, or to use his own expression, as the mirror of political liberty; and to have delivered, in the form of elementary truths, the several characteristic principles of that particular system. That we may be sure, then, not to mistake his meaning in this case, let us recur to the source from which the maxim was drawn.

On the slightest view of the British Constitution, we must perceive that the legislative, executive, and judiciary departments are by no means totally separate and distinct from each other. The executive magistrate forms an integral part of the legislative authority. He alone has the prerogative of making treaties with foreign sovereigns, which, when made, have, under certain limitations, the force of legislative acts. All the members of the judiciary department are appointed by him, can be removed by him on the address of the two Houses of Parliament, and form, when he pleases to consult them, one of his constitutional councils. One branch of the legislative department forms also a great constitutional council to the executive chief, as, on another hand, it is the sole depositary of judicial power in cases of impeachment, and is invested with the supreme appellate jurisdiction in all other cases. The judges, again, are so far connected with the legislative department as often to attend and participate in its deliberations, though not admitted to a legislative vote.

From these facts, by which Montesquieu was guided, it may clearly be inferred that, in saying "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates," or, "if the power of judging be not separated from the legislative and executive powers," he did not mean that these departments ought to have no PARTIAL AGENCY in, or no CONTROL over, the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the WHOLE power of one department is exercised by the same hands which possess the WHOLE power of another department, the fundamental principles of a free constitution are subverted. This would have been the case in the constitution examined by him, if the king, who is the sole executive magistrate, had possessed also the complete legislative power, or the supreme administration of justice; or if the entire legislative body had possessed the supreme judiciary, or the supreme executive authority. This, however, is not among the vices of that constitution. The magistrate in whom the whole executive power resides cannot of himself make a law, though he can put a negative on every law; nor administer justice in person, though he has the appointment of those who do administer it. The judges can exercise no executive prerogative, though they are shoots from the executive stock; nor any legislative function, though they may be advised with by the legislative councils. The entire legislature can perform

no judiciary act, though by the joint act of two of its branches the judges may be removed from their offices, and though one of its branches is possessed of the judicial power in the last resort. The entire legislature, again, can exercise no executive prerogative, though one of its branches constitutes the supreme executive magistracy, and another, on the impeachment of a third, can try and condemn all the subordinate officers in the executive department.

The reasons on which Montesquieu grounds his maxim are a further demonstration of his meaning. "When the legislative and executive powers are united in the same person or body," says he, "there can be no liberty, because apprehensions may arise lest THE SAME monarch or senate should ENACT tyrannical laws to EXECUTE them in a tyrannical manner." Again: "Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for THE JUDGE would then be THE LEGISLATOR. Were it joined to the executive power, THE JUDGE might behave with all the violence of AN OPPRESSOR." Some of these reasons are more fully explained in other passages; but briefly stated as they are here, they sufficiently establish the meaning which we have put on this celebrated maxim of this celebrated author.

If we look into the constitutions of the several States, we find that, notwithstanding the emphatical and, in some instances, the unqualified terms in which this axiom has been laid down, there is not a single instance in which the several departments of power have been kept absolutely separate and distinct. New Hampshire, whose constitution was the last formed, seems to have been fully aware of the impossibility and inexpediency of avoiding any mixture whatever of these departments, and has qualified the doctrine by declaring "that the legislative, executive, and judiciary powers ought to be kept as separate from, and independent of, each other AS THE NATURE OF A FREE GOVERNMENT WILL ADMIT; OR AS IS CONSISTENT WITH THAT CHAIN OF CONNECTION THAT BINDS THE WHOLE FABRIC OF THE CONSTITUTION IN ONE INDISSOLUBLE BOND OF UNITY AND AMITY." Her constitution accordingly mixes these departments in several respects. The Senate, which is a branch of the legislative department, is also a judicial tribunal for the trial of impeachments. The President, who is the head of the executive department, is the presiding member also of the Senate; and, besides an equal vote in all cases, has a casting vote in case of a tie. The executive head is himself eventually elective every year by the legislative department, and his council is every year chosen by and from the members of the same department. Several of the officers of state are also appointed by the legislature. And the members of the judiciary department are appointed by the executive department.

The constitution of Massachusetts has observed a sufficient though less pointed caution, in expressing this fundamental article of liberty. It declares "that the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them." This declaration corresponds precisely with the doctrine of Montesquieu, as it has been explained, and is not in a single point violated by the plan of the convention. It goes no farther than to prohibit any one of the entire departments

from exercising the powers of another department. In the very Constitution to which it is prefixed, a partial mixture of powers has been admitted. The executive magistrate has a qualified negative on the legislative body, and the Senate, which is a part of the legislature, is a court of impeachment for members both of the executive and judiciary departments. The members of the judiciary department, again, are appointable by the executive department, and removable by the same authority on the address of the two legislative branches. Lastly, a number of the officers of government are annually appointed by the legislative department. As the appointment to offices, particularly executive offices, is in its nature an executive function, the compilers of the Constitution have, in this last point at least, violated the rule established by themselves.

I pass over the constitutions of Rhode Island and Connecticut, because they were formed prior to the Revolution, and even before the principle under examination had become an object of political attention.

The constitution of New York contains no declaration on this subject; but appears very clearly to have been framed with an eye to the danger of improperly blending the different departments. It gives, nevertheless, to the executive magistrate, a partial control over the legislative department; and, what is more, gives a like control to the judiciary department; and even blends the executive and judiciary departments in the exercise of this control. In its council of appointment members of the legislative are associated with the executive authority, in the appointment of officers, both executive and judiciary. And its court for the trial of impeachments and correction of errors is to consist of one branch of the legislature and the principal members of the judiciary department.

The constitution of New Jersey has blended the different powers of government more than any of the preceding. The governor, who is the executive magistrate, is appointed by the legislature; is chancellor and ordinary, or surrogate of the State; is a member of the Supreme Court of Appeals, and president, with a casting vote, of one of the legislative branches. The same legislative branch acts again as executive council of the governor, and with him constitutes the Court of Appeals.

The members of the judiciary department are appointed by the legislative department and removable by one branch of it, on the impeachment of the other.

According to the constitution of Pennsylvania, the president, who is the head of the executive department, is annually elected by a vote in which the legislative department predominates. In conjunction with an executive council, he appoints the members of the judiciary department, and forms a court of impeachment for trial of all officers, judiciary as well as executive. The judges of the Supreme Court and justices of the peace seem also to be removable by the legislature; and the executive power of pardoning in certain cases, to be referred to the same department. The members of the executive council are made EX-OFFICIO justices of peace throughout the State. In Delaware, the chief executive magistrate is annually elected by the legislative department.

The speakers of the two legislative branches are vice-presidents in the executive department. The executive chief, with six others, appointed, three by each of the legislative branches constitutes the Supreme Court of Appeals; he is joined with the legislative department in the appointment of the other judges. Throughout the States, it appears that the members of the legislature may at the same time be justices of the peace; in this State, the members of one branch of it are EX-

OFFICIO justices of the peace; as are also the members of the executive council. The principal officers of the executive department are appointed by the legislative; and one branch of the latter forms a court of impeachments. All officers may be removed on address of the legislature.

Maryland has adopted the maxim in the most unqualified terms; declaring that the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other. Her constitution, notwithstanding, makes the executive magistrate appointable by the legislative department; and the members of the judiciary by the executive department.

The language of Virginia is still more pointed on this subject. Her constitution declares, "that the legislative, executive, and judiciary departments shall be separate and distinct; so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of county courts shall be eligible to either House of Assembly." Yet we find not only this express exception, with respect to the members of the inferior courts, but that the chief magistrate, with his executive council, are appointable by the legislature; that two members of the latter are triennially displaced at the pleasure of the legislature; and that all the principal offices, both executive and judiciary, are filled by the same department. The executive prerogative of pardon, also, is in one case vested in the legislative department.

The constitution of North Carolina, which declares "that the legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other," refers, at the same time, to the legislative department, the appointment not only of the executive chief, but all the principal officers within both that and the judiciary department.

In South Carolina, the constitution makes the executive magistracy eligible by the legislative department. It gives to the latter, also, the appointment of the members of the judiciary department, including even justices of the peace and sheriffs; and the appointment of officers in the executive department, down to captains in the army and navy of the State.

In the constitution of Georgia, where it is declared "that the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other," we find that the executive department is to be filled by appointments of the legislature; and the executive prerogative of pardon to be finally exercised by the same authority. Even justices of the peace are to be appointed by the legislature.

In citing these cases, in which the legislative, executive, and judiciary departments have not been kept totally separate and distinct, I wish not to be regarded as an advocate for the particular organizations of the several State governments. I am fully aware that among the many excellent principles which they exemplify, they carry strong marks of the haste, and still stronger of the inexperience, under which they were framed. It is but too obvious that in some instances the fundamental principle under consideration has been violated by too great a mixture, and even an actual consolidation, of the different powers; and that in no instance has a competent provision been made for maintaining in practice the separation delineated on paper. What I have wished to evince is, that the charge brought against the proposed Constitution, of violating the sacred maxim of free government, is warranted neither by the real meaning annexed to that maxim by

its author, nor by the sense in which it has hitherto been understood in America. This interesting subject will be resumed in the ensuing paper.

PUBLIUS

FEDERALIST No. 51. The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments.

For the Independent Journal. Wednesday, February 6, 1788.

MADISON

To the People of the State of New York:

TO WHAT expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other—that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America,

which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority—that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States oppressive combinations of a majority will be facilitated: the best security, under the republican forms, for the rights of every class of citizens, will be diminished: and consequently the stability and independence of some member of the government, the only other security, must be proportionately increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be

gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government. And happily for the REPUBLICAN CAUSE, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the FEDERAL PRINCIPLE.

PUBLIUS

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by Keith E. Whittington

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