

CHAPTER 1
**In What the Law of Nature Consists, and That There
Is Such a Thing. First Considerations, Drawn from
the Existence of God and His Authority over Us.**

I. AFTER having settled the general principles of law, our business is now to apply them to natural law in particular. The questions, we have to examine in this second part, are of no less importance, than to know whether man, by his nature and constitution, is really subject to laws properly so called? What are these laws? Who is the superior, that imposes them? By what method or means is it possible to know them? Whence results the obligation of observing them? What consequence may follow from our negligence in this respect? And, in fine, what advantage on the contrary may arise from the observance of these laws?

II. Let us begin with a proper definition of the terms. By natural law we understand a law, that God imposes on all men, and which they are able to discover and know by the sole light of reason, and by attentively considering their state and nature.

Natural law is likewise taken for the system, assemblage, or body of the laws of nature.

Natural Jurisprudence is the art of attaining to the knowledge of the laws of nature, of explaining and applying them to human actions.

III. But whether there be really any natural laws is the first question, that presents itself here to our inquiry. In order to make a proper answer, we must ascend to the principles of natural theology, as being the first and true foundation of the law of nature. For, when we are asked whether there are any natural laws, this question cannot be resolved, but by examining the three following articles. 1. Whether there is a God? 2. If there is a God, whether he has a right to impose laws on man? 3. Whether God actually exercises his right in this respect, by really giving us laws, and requiring we should square thereby our actions? These three points will furnish the subject of this and the following chapters.

IV. The existence of God, that is of a first, intelligent, and self-existent being, on whom all things depend, as on their first cause, and who depends himself on no One; the existence, I say, of such a being is one of those truths, that show themselves to us at the first glance. We have only to attend to the evident and sensible proofs, that present themselves to us, as it were, from all parts.

The chain and subordination of causes among themselves, which necessarily requires we should fix on a first cause, the necessity of acknowledging a first mover, the admirable structure and order of the universe, are all so many demonstrations of the existence of God, within the reach of every capacity. Let us unfold them in a few words.

V. 1. We behold an infinite number of objects, which, being united, form the assemblage, we call the universe. Something therefore must have always existed. For, were we to suppose a time, in which there was absolutely nothing, it is evident that nothing could have ever existed; because, whatsoever has a beginning must have a cause of its existence; since nothing can produce nothing. It must be therefore acknowledged, that there is some eternal being, who exists necessarily and of

himself; for he can be indebted to no one else for his origin; and it implies a contradiction, that such a being does not exist.

Moreover this eternal being, who necessarily and of himself subsists, is endued with reason and understanding. For, to pursue the same manner of arguing, were we to suppose a time, in which there was nothing but inanimate beings, it would have been impossible for intelligent beings, such as we now behold, ever to exist. Intellection can no more proceed from a blind and unintelligent cause, than a being, of any kind whatsoever, can come from nothing. There must therefore have always existed a father of spiritual beings, an eternal mind, the source, whence all others derive their existence. Let what system soever be adopted concerning the nature and origin of the soul, our proof subsists still in its full force. Were it even to be supposed, that the cogitative part of man is no more, than the effect of a certain motion or modification of matter, yet we should still want to know how matter acquired this activity, which is not essential to it, and this particular and so much admired organization, which it cannot impart to itself. We should inquire, who is it, that has modified the body in such a manner proper to produce such wonderful operations, as those of intellection, which reflects, which acts on the very body itself with command, which surveys the earth, and measures the heavens, recollects past transactions, and extends its views to futurity. Such a masterpiece must come from the hands of an intelligent cause; wherefore it is absolutely necessary to acknowledge a first, eternal, and intelligent Being.

VI. An eternal Spirit, who has within himself the principle of his own existence, and of all his faculties, can be neither changed nor destroyed; neither dependant nor limited; he should even be invested with Infinite perfection, sufficient to render him the sole and first cause of all, so that we may have no occasion to seek for any other.

But does not (some will ask) this quality of an eternal and intelligent being belong to matter itself, to the visible world, or to some of the parts thereof?

I answer that this supposition is absolutely contrary to all our ideas. Matter is not essentially and of itself intelligent; nor can it be supposed to acquire intellection but by a particular modification, received from a cause supremely intelligent. Now this first cause cannot have such a modification from any other being; for he thinks essentially and of himself; wherefore he cannot be a material being. Besides, as all the parts of the universe are variable and dependant, how is it possible to reconcile this with the idea of an infinite and all perfect being?

As for what relates to man, his dependance and weakness are much more sensible, than those of other creatures. Since he has no life of himself, he cannot be the efficient cause of the existence of others. He is unacquainted with the structure of his own body, and with the principle of life; incapable of discovering in what manner motions are connected with ideas, and which is the proper spring of the empire of the will. We must therefore look out for an efficient, primitive, and original cause of mankind, beyond the human chain, be it supposed ever so long; we must trace the cause of each part of the world beyond this material and visible world.

VII. 2. After this first proof, drawn from the necessity of a first, eternal, and intelligent being, distinct from matter; we proceed to a second, which shows us the Deity in a more sensible manner; and more within the reach of common capacities. The proof I mean is the contemplation of this

visible world, wherein we perceive a motion and order, which matter has not of itself, and must therefore receive from some other being.

Motion or active force is not an essential quality of body. Extension is of itself rather a passive being; it is easily conceived at rest; and, if it has any motion, we may well conceive it may loose it without being stripped of its existence; it is a quality or state, that passes and is accidentally communicated from one body to another. The first impression must therefore proceed from an intrinsic cause; and, as Aristotle has well expressed it,¹ *The first mover of bodies must not be movable himself, must not be a body*. This has been also agreed to by Hobbes.² *But the acknowledging, says he, of one God eternal, infinite, and omnipotent, may more easily be derived from the desire men have to know the causes of natural bodies, and their several virtues and operations, than from the fear of what was to befall them in time to come. For he, who, from any effect he sees come to pass, should reason to the next and immediate cause thereof, and thence to the cause of that cause, and plunge himself profoundly in the pursuit of causes, shall at last come to this, that there must be (as even the heathen philosophers confessed) one first mover; that is, a first and eternal cause of all things; which is that, which men mean by the name of God.*

VIII. 3. But, if matter has not been able to move of itself, much less was it able to move to the exact degree, and with all the determinations necessary to form such a world, as we behold, rather than a confused chaos.

In fact, let us only cast our eyes on this universe, and we shall every where discover, even at the first glance, an admirable beauty, regularity, and order; and this admiration will increase in proportion as, in searching more closely into nature, we enter into the particulars of the structure, proportion, and use of each part. For then we shall clearly see, that every thing is relative to a certain end, and that these particular ends, though infinitely varied among themselves, are so dexterously managed and combined, as to conspire all to a general design. Notwithstanding this amazing diversity of creatures, there is no confusion; we behold several thousand different species, which preserve their distinct form and qualities. The parts of the universe are proportioned and balanced, in order to preserve a general harmony; and each of those parts has exactly its proper figure, proportions, situation, and motion, either to produce its particular effect, or to form a beautiful whole.

It is evident therefore, that there is a design, a choice, a visible reason in all the works of nature; and consequently there are marks of wisdom and understanding, obvious, as it were, even to our very senses.

IX. Though there have been some philosophers, who have attributed all these phenomena to chance, yet this is so ridiculous a thought, that I question whether a more extravagant chimera ever entered into the mind of man. Is it possible for any one to persuade himself seriously, that the different parts of matter, having been set in some unaccountable manner in motion, produced of themselves the heavens, the stars, the earth, the plants, and even animals and men, and whatever is most regular in the organization? A man, that would pass the like judgment on the least edifice, on a book or picture, would be looked upon, as a mad, extravagant person. How much more shocking is it to common sense to attribute to chance so vast a work, and so wonderful a composition, as this universe?

X. It would be equally frivolous to allege the eternity of the world, in order to exclude a first

intelligent cause. For, besides the marks of novelty, we meet with in the history of mankind, as the origin of nations and empires, and the invention of arts and sciences, etc. besides the assurance we have from the most general and most ancient tradition, that the world has had a beginning (a tradition, which is of great weight in regard to a matter of fact, like this,) besides I say all this, the very nature of the thing does not allow us to admit of this hypothesis any more than that of chance. For the question is still, whence comes this beautiful order, this regular structure and design, in a word, whence proceed those marks of reason and wisdom, that are so visibly displayed in all parts of the universe? To say that it has been always so, without the intervention of an intelligent cause, does not explain the thing, but leaves us in the same embarrassment, and advances the same absurdity, as those, who awhile ago were speaking to us of chance. For this is in reality telling us, that whatever we behold throughout the universe is blindly ranged, without design, choice, cause, reason, or understanding. Hence the principal absurdity of the hypothesis of chance occurs likewise in this system; with this difference only, that, by establishing the eternity of the world, they suppose a chance, that from all eternity hit upon order; whereas those, who attribute the formation of the world to the fortuitous junction of its parts, suppose that chance did not succeed till a certain time, when it fell in at length with order, after an infinite number of trials and fruitless combinations. Both acknowledge therefore no other cause than chance, or properly speaking they acknowledge none at all; for chance is no real cause; it is a word, that cannot account for a real effect, such as the arrangement of the universe.

It would not be a difficult matter to carry these proofs to a much greater length, and even to increase them with an additional number. But this may suffice for a work of this kind; and the little we have said entitles us methinks to establish the existence of a *First Cause*, or of a *Creator*, as an incontestable truth, that may serve henceforward for the basis of all our reasonings.

XI. As soon as we have acknowledged a Creator, it is evident, that he has a supreme right to lay his commands on man, to prescribe rules of conduct to him, and to subject him to laws; and it is no less evident, that man on his side finds himself, by his natural constitution, under an obligation of subjecting his actions to the will of this supreme Being.

We have already shown,³ that the true foundation of sovereignty, in the person of the sovereign, is power united with wisdom and goodness; and that, on the other hand, weakness and wants in the subjects are the natural cause of dependence. We have only therefore to see, whether all these qualities of sovereign are to be found in God; and whether men, on their side, are in a state of infirmity and wants, so as to depend necessarily on him for their happiness.

XII. It is beyond doubt, that he, who exists necessarily and on himself, and has created the universe, must be invested with infinite power. As he has given existence to all things by his own will, he may likewise preserve, annihilate, or change them, as he pleases.

But his wisdom is equal to his power. Having made every thing, he must know every thing, as well the causes, as the effects thence resulting. We see besides in all his works the most excellent ends, and a choice of the most proper means to attain them; in short, they all bear, as it were, the stamp of wisdom.

XIII. Reason informs us, that God is a being essentially good; a perfection, which seems to flow

naturally from his wisdom and power. For how is it possible for a being, who of his nature is infinitely wise and powerful, to have any inclination to hurt? Surely no sort of reason can ever determine him to it. Malice, cruelty, and injustice, are always a consequence of ignorance or weakness. Let man therefore consider but never so little the things, which surround him, and reflect on his own constitution, he will discover, both within and without himself, the benevolent hand of his Creator, who treats him like a father. It is from God we hold our life and reason; it is he, that supplies most abundantly our wants, adding the useful to the necessary, and the agreeable to the useful. Philosophers observe, that whatever contributes to our preservation, has been arrayed with some agreeable quality.⁴ Nourishment, repose, action, heat, cold, in short whatever is useful to us, pleases us in its turn, and so long as it is useful. Should it cease to be so, because things are carried to a dangerous excess, we have notice therefore by an opposite sensation. The allurements of pleasure invites us to use them, when they are necessary for our wants; disrelish and lassitude induce us to abstain from them, when they are likely to hurt us. Such is the happy and sweet economy of nature, which annexes a pleasure to the moderate exercise of our senses and faculties, insomuch that whatever surrounds us becomes a source of satisfaction, when we know how to use it with discretion. What can be more magnificent, for example, than this great theater of the world, in which we live, and this glittering decoration of heaven and earth, exhibiting a thousand agreeable objects to our view? What satisfaction does not the mind receive from the sciences, by which it is exercised, enlarged, and improved?

What conveniences do not we draw from human industry? What advantage do not we derive from an intercourse with our equals; what charms in their conversation! what sweetness in friendship, and the other connections of the heart! When we avoid the excess and abuse of things, the greatest part of life abounds with agreeable sensations. And if to this we add, that the laws, which God gives us, tend, as hereafter we shall see, to perfect our nature, to prevent all kind of abuse, and to confine us to a moderate use of the good things of life, on which the preservation, excellence, and happiness, as well public as private, of man depend, what more is there wanting to convince us, that the goodness of God is not inferior either to his wisdom or power?

We have therefore a superior undoubtedly invested with all the qualities necessary to found the most legitimate and most extensive authority. And since on our side experience shows us, that we are weak and subject to diverse wants; and since every thing we have, we have from him, and he is able either to augment or diminish our enjoyments; it is evident, that nothing is wanting here to establish on the one side the absolute sovereignty of God, and on the other hand our unlimited dependance.

FOOTNOTES

1. *Aristot. Metaphys.*
2. *Leviathan*, chap. vii. p. 53. edit. 1651.
3. See part I. chap. ix.
4. See an excellent treatise lately published at Geneva, for Barillot and Son, in 12 mo, 1747, entitled, *The Theory of agreeable Sensations*; where, after pointing out the rules that nature follows in the distribution of pleasure, the principles of natural theology and ethics are established.

CHAPTER 2

That God, in Consequence of His Authority over Us, Has Actually Thought Proper to Prescribe to Us Laws or Rules of Conduct

I. TO prove the existence of God, and our dependance in respect to him, is establishing the right he has of prescribing laws to man. But this is not sufficient; the question is, whether he has actually thought proper to exercise this right? He can undoubtedly impose laws on us; but has he really done it? And though we depend on him for our life, and for our physical faculties, has he not left us in a state of independence in respect to the moral use, to which we are to apply them? This is a third and capital point, we have still left to examine.

II. 1. We have made some progress already in this research, by discovering all the circumstances, necessary to establish an actual legislature. On the one side we find a superior, who by his nature is possessed in the very highest degree of all the conditions requisite to establish a legitimate authority; and on the other we behold man, who is God's creature, endowed with understanding and liberty, capable of acting with knowledge and choice, sensible of pleasure and pain, susceptible of good and evil, of rewards and punishments. Such an aptitude of giving and receiving laws cannot be useless. This concurrence of relations and circumstances undoubtedly denotes an end, and must have some effect, just as the particular organization of the eye shows we are destined to see the light. Why should God have made us exactly fit to receive laws, if he intended none for us? This would be creating so many idle and useless faculties. It is therefore not only possible, but very probable, that our destination in general is such, unless the contrary should appear from much stronger reasons. Now instead of there being any reason to destroy this first presumption, we shall see, that every thing tends to confirm it.

III. 2. When we consider the beautiful order, which the supreme wisdom has established in the physical world, it is impossible to persuade ourselves, that he has abandoned the spiritual or moral world to chance and disorder. Reason, on the contrary, tells us, that a wise being proposes to himself a reasonable end in every thing he does, and that he uses all the necessary means to attain it. The end, which God had in view with regard to his creatures, and particularly with respect to man, cannot be any other, on the one side, than his glory; and on the other, the perfection and happiness of his creatures, so far as their nature or constitution will admit. These two views, so worthy of the Creator, are perfectly combined. For the glory of God consists in manifesting his perfections, his power, his goodness, wisdom, and justice; and these virtues are nothing else but the love of order and of the good of the whole. Thus a being absolutely perfect and supremely happy, willing to conduct man to that state of order and happiness, which suits his nature, cannot but be willing at the same time to employ whatever is necessary for such an end; and consequently he must approve of those means, that are proper, and disapprove of such, as are improper for attaining it. Had the constitution of man been merely physical or mechanical, God himself would have done whatever is expedient for his work; but man being a free and intelligent creature, capable of discernment and choice, the means, which the Deity uses to conduct him to his end, ought to be proportioned to his nature, that is, such as man may engage in, and concur with, by his own actions.

Now, as all means are not equally fit to conduct us to a certain end, all human actions cannot therefore be indifferent. Plain it is, that every action, contrary to the ends, which God has proposed, is not agreeable to the divine Majesty; and that he approves, on the contrary, those, which of

themselves are proper to promote his ends. Since there is a choice to be made, who can question but our Creator is willing we should take the right road; and that, instead of acting fortuitously and rashly, we should behave like rational creatures, by exercising our liberty and the other faculties he has given us, in the manner most agreeable to our state and destination, in order to promote his views, and to advance our own happiness, together with that of our fellow creatures?

IV. These considerations assume a new force, when we attend to the natural consequences of the opposite system. What would become of man and society, were every one to be so far master of his actions, as to do every thing he listed, without having any other principle of conduct than caprice or passion? Let us suppose, that God, abandoning us to ourselves, had not actually prescribed any rules of life, or subjected us to laws; most of our talents and faculties would be of no manner of use to us. To what purpose would it be for man to have the light of reason, were he to follow only the impulse of instinct, without watching over his conduct? What would it avail him to have the power of suspending his judgment, were he to yield stupidly to the first impressions? And of what service would reflection be, were he neither to choose nor deliberate; and were he, instead of listening to the counsels of prudence, to be hurried away by blind inclinations? These faculties, which form the excellence and dignity of our nature, would not only be rendered hereby entirely frivolous, but moreover would become prejudicial even by their excellence; for the higher and nobler the faculty is, the more the abuse of it proves dangerous.

This would not only be a great misfortune for man, considered alone, and in respect to himself; but would still prove a greater evil to him, when viewed in the state of society. For this more than any other state requires laws, to the end, that each person may set limits to his pretensions, without invading another man's right.

Were it otherwise, licentiousness must be the consequence of independence. To leave men abandoned to themselves is leaving an open field to the passions, and paving the way for injustice, violence, perfidy, and cruelty. Take away natural laws, and that moral tie, which supports justice and honesty in a whole nation, and establishes also particular duties either in families, or in the other relations of life; man would be then the most savage and ferocious of all animals. The more dexterous and artful he is, the more dangerous he would prove to his equals; his dexterity would degenerate into craft, and his art into malice. Then we should be divested of all the advantages and sweets of society; and thrown into a state of war and libertinism.

V. 3. Were any one to say, that man himself would not fail to remedy these disorders, by establishing laws in society; (beside that human laws would have very little force were they not founded on the principles of conscience;) this remark shows there is a necessity for laws in general, whereby we gain our cause. For, if it be agreeable to the order of reason, that men should establish a rule of life among themselves, in order to be screened from the evils, they might apprehend from one another, and to procure those advantages, that are capable of forming their private and public happiness; this alone ought to convince us, that the Creator, infinitely wiser and better than ourselves, must have undoubtedly pursued the same method. A good parent, who takes care to direct his children by his authority and counsels, is able to preserve peace and order in his family. Is it then to be imagined, that the common father of mankind should neglect to give us the like assistance? And if a wise sovereign has nothing so much at heart, as to prevent licentiousness by salutary regulations; how can any one believe, that God, who is a much greater friend to man, than man is to his equals, has left

all mankind without direction and guide, even on the most important matters, on which our whole happiness depends? Such a system would be no less contrary to the goodness, than to the wisdom of God. We must therefore have recourse to other ideas, and conclude, that the Creator having, through a pure effect of his bounty, created man for happiness, and having implanted in him an insuperable inclination to felicity, subjecting him at the same time to live in society, he must have given him also such principles, as are capable of inspiring him with a love of order, and rules to point out the means of procuring and attaining it.

VI. 4. But let us enter into ourselves, and we shall actually find, that what we ought to expect in this respect from the divine wisdom and goodness, is dictated by right reason, and by the principles engraved in our hearts.

If there be any speculative truths, that are evident, or if there be any certain axioms, that serve as a basis to the sciences; there is no less certainty in some principles, that are laid down in order to direct our conduct, and to serve as the foundation of morality. For example; *that the all-wise and all-bountiful Creator merits the respects of the creature; that man ought to seek his own happiness; that we should prefer the greater to the less evil; that a benefit deserves a grateful acknowledgment; that the state of order excels that of disorder*, etc. Those maxims, and others of the same sort, differ very little in evidence from these, *The whole is greater than its part; or the cause precedes the effect*, etc. Both are dictated by pure reason; and hence we feel ourselves forced, as it were, to give our assent to them. These general principles are seldom contested; if there be any dispute, it relates only to their application and consequences. But so soon as the truth of these principles is discovered, their consequences, whether immediate or remote, are entirely as certain provided they be well connected; the whole business being to deduce them by a train of close and conclusive argumentations.

VII. In order to be sensible of the influence, which such principles, with their legitimate consequences, ought to have over our conduct, we have only to recollect what has been already said, in the first part of this work,¹ concerning the obligation we are under of following the dictates of reason. As it would be absurd in speculative matters to speak and judge otherwise, than according to that light, which makes us discern truth from falsehood; so it would be no less preposterous to deviate in our conduct from those certain maxims, which enable us to distinguish good from evil. When once it is manifest, that a particular manner of acting is suitable to our nature, and to the great end we have in view; and that another, on the contrary, does not suit our constitution or happiness; it follows, that man, as a free and rational creature, ought to be very attentive to this difference, and to take his resolutions accordingly. He is obliged to it by the very nature of the thing; because it is absolutely necessary, when a person is desirous of the end, to be desirous also of the means; and he is obliged for it moreover because he cannot mistake the intention and will of his superior in this respect.

VIII. In fact God being the author of the nature of things and of our constitution, if, in consequence of this nature and constitution, we are reasonably determined to judge after a certain manner, and to act according to our judgment, the Creator sufficiently manifests his intention, so that we can no longer be ignorant of his will. The language therefore of reason is that of God himself. When our reason tells so clearly, *that we must not return evil for good*, it is God himself, who by this internal oracle gives us to understand what is good and just, what is agreeable to him and suitable to

ourselves. We said that it is not at all probable, that the good and wise Creator should have abandoned man to himself, without a guide and direction for his conduct. We have here a direction, that comes from him; and since he is invested in the very highest degree, as we have already observed, with the perfections, on which a legitimate superiority is founded, who can pretend to question, that the will of such a superior is law to us? The reader I suppose has not forgot the conditions requisite to constitute a law; conditions, that are all to be met with in the present case. 1. There is a rule. 2. This rule is just and useful. 3. It comes from a superior, on whom we entirely depend. 4. In fine, it is sufficiently made known to us by principles, engraved in our hearts, and even by our own reason. It is therefore a law properly so called, which we are really obliged to observe. But let us inquire a little further, by what means this natural law is discovered, or, which amounts to the same thing, from what source we must derive it. What we have hitherto proved only in a general manner will be further illustrated and confirmed by the particulars, on which we are now going to enlarge. For nothing can be a stronger proof of our having hit upon the true principles, than, when unfolding and considering them in their different branches, we find they are always conformable to the nature of things.

FOOTNOTES

1. Chap. vi.