

Chap. I.

§. 1.

Slavery is so vile and miserable an estate of man, and so directly opposite to the generous temper and courage of our nation; that it is hardly to be conceived, that an *Englishman*, much less a gentleman, should plead for it. And truly I should have taken Sir *Robert Filmer's Patriarcha*, as any other treatise, which would persuade all men, that they are slaves, and ought to be so, for such another exercise of wit, as was his who writ the encomium of *Nero*; rather than for a serious discourse meant in earnest, had not the gravity of the title and epistle, the picture in the front of the book, and the applause that followed it, required me to believe, that the author and publisher were both in earnest. I therefore took it into my hands with all the expectation, and read it through with all the attention due to a treatise that made such a noise at its coming abroad, and cannot but confess my self mightily surprised, that in a book, which was to provide chains for all mankind, I should find nothing but a rope of sand, useful perhaps to such, whose skill and business it is to raise a dust, and would blind the people, the better to mislead them; but in truth not of any force to draw those into bondage, who have their eyes open, and so much sense about them, as to consider, that chains are but an ill wearing, how much care soever hath been taken to file and polish them.

§. 2.

If any one think I take too much liberty in speaking so freely of a man, who is the great champion of absolute power, and the idol of those who worship it; I beseech him to make this small allowance for once, to one, who, even after the reading of Sir *Robert's* book, cannot but think himself, as the laws allow him, a freeman: and I know no fault it is to do so, unless any one better skilled in the fate of it, than I, should have it revealed to him, that this treatise, which has lain dormant so long, was, when it appeared in the world, to carry, by strength of its arguments, all liberty out of it; and that from thenceforth our author's short model was to be the pattern in the mount, and the perfect standard of politics for the future. His system lies in a little compass, it is no more but this,

- That all government is absolute monarchy.
- And the ground he builds on, is this,
- That no man is born free.

§. 3.

In this last age a generation of men has sprung up amongst us, that would flatter princes with an opin-

ion, that they have a divine right to absolute power, let the laws by which they are constituted, and are to govern, and the conditions under which they enter upon their authority, be what they will, and their engagements to observe them never so well ratified by solemn oaths and promises. To make way for this doctrine, they have denied mankind a right to natural freedom; whereby they have not only, as much as in them lies, exposed all subjects to the utmost misery of tyranny and oppression, but have also unsettled the titles, and shaken the thrones of princes: (for they too, by these mens system, except only one, are all born slaves, and by divine right are subjects to *Adam's* right heir;) as if they had designed to make war upon all government, and subvert the very foundations of human society, to serve their present turn.

§. 4.

However we must believe them upon their own bare words, when they tell us, we are all born slaves, and we must continue so, there is no remedy for it; life and thralldom we enter'd into together, and can never be quit of the one, till we part with the other. Scripture or reason I am sure do not any where say so, notwithstanding the noise of divine right, as if divine authority hath subjected us to the unlimited will of another. An admirable state of mankind, and that which they have not had wit enough to find out till this latter age. For, however Sir *Robert Filmer* seems to condemn the novelty of the contrary opinion, *Patr.* p. 3. yet I believe it will be hard for him to find any other age, or country of the world, but this, which has asserted monarchy to be *jure divino*. And he confesses, *Patr.* p. 4. That *Heyward, Blackwood, Barclay, and others, that have bravely vindicated the right of kings in most points, never thought of this, but with one consent admitted the natural liberty and equality of mankind.*

§. 5.

By whom this doctrine came at first to be broached, and brought in fashion amongst us, and what sad effects it gave rise to, I leave to historians to relate, or to the memory of those, who were contemporaries with *Sibthorp* and *Manwering*, to recollect. My business at present is only to consider what Sir *Robert Filmer*, who is allowed to have carried this argument farthest, and is supposed to have brought it to perfection, has said in it; for from him every one, who would be as fashionable as *French* was at court, has learned, and runs away with this short system of politics, *viz. Men are not born free, and therefore could never have the liberty to choose either governors, or forms of government.* Princes have their power absolute, and by divine right; for slaves could never have a right to compact or consent. *Adam* was an absolute monarch, and so are all princes ever since.

CHAP. II. Of Paternal and Regal Power.

§. 6.

SIR Robert Filmer's great position is, that *men are not naturally free*. This is the foundation on which his absolute monarchy stands, and from which it erects itself to an height, that its power is above every power, *caput inter nubila*, so high above all earthly and human things, that thought can scarce reach it; that promises and oaths, which tye the infinite Deity, cannot confine it. But if this foundation fails, all his fabric falls with it, and governments must be left again to the old way of being made by contrivance, and the consent of men (?????p??? ?t?s??) making use of their reason to unite together into society. To prove this grand position of his, he tells us, p. 12. *Men are born in subjection to their parents*, and therefore cannot be free. And this authority of parents, he calls *royal authority*, p. 12, 14. *Fatherly authority, right of fatherhood*, p. 12, 20. One would have thought he would, in the beginning of such a work as this, on which was to depend the authority of princes, and the obedience of subjects, have told us expressly, what that fatherly authority is, have defined it, though not limited it, because in some other treatises of his he tells us, it is unlimited, and unlimitable; he should at least have given us such an account of it, that we might have had an entire notion of this *fatherhood*, or *fatherly authority*, whenever it came in our way in his writings: this I expected to have found in the first chapter of his *Patriarcha*. But instead thereof, having, 1. *en passant*, made his obeysance to the *arcana imperii*, p. 5. 2. made his compliment to the *rights and liberties of this, or any other nation*, p. 6. which he is going presently to null and destroy; and, 3. made his leg to those learned men, who did not see so far into the matter as himself, p. 7. he comes to fall on *Bellarmino*, p. 8. and, by a victory over him, establishes his *fatherly authority* beyond any question. *Bellarmino* being routed by his own confession, p. 11. the day is clear got, and there is no more need of any forces: for having done that, I observe not that he states the question, or rallies up any arguments to make good his opinion, but rather tells us the story, as he thinks fit, of this strange kind of domineering phantom, called the *fatherhood*, which whoever could catch, presently got empire, and unlimited absolute power. He assures us how this *fatherhood* began in *Adam*, continued its course, and kept the world in order all the time of the *patriarchs* till the flood, got out of the ark with *Noah* and his sons, made and supported all the kings of the earth till the captivity of the *Israelites* in *Egypt*, and then the poor *fatherhood* was under hatches, till *God*, by giving the *Israelites* kings, re-established the ancient and prime right of the lineal succession in paternal government. This is his business from p. 12. to 19. And then obviating an objection, and clearing a difficulty or two with one half reason, p. 23. to confirm the natural right of regal power, he ends the first chapter. I hope it is no injury to call an half quotation an half reason; for *God* says, *Honour thy father and mother*; but our author contents himself with half, leaves out *thymother* quite, as little serviceable to his purpose. But of that more in another place.

§. 7.

I do not think our author so little skilled in the way of writing discourses of this nature, nor so careless

of the point in hand, that he by over-sight commits the fault, that he himself, in his *Anarchy of a mixed Monarchy*, p. 239. objects to Mr. Hunton in these words: *Where first I charge the author, that he hath not given us any definition, or description of monarchy in general; for by the rules of method he should have first defined.* And by the like rule of method Sir Robert should have told us, what his *fatherhood* or *fatherly authority* is, before he had told us, in whom it was to be found, and talked so much of it. But perhaps Sir Robert found, that this *fatherly authority*, this power of fathers, and of kings, for he makes them both the same, p. 24. would make a very odd and frightful figure, and very disagreeing with what either children imagine of their parents, or subjects of their kings, if he should have given us the whole draught together in that gigantic form, he had painted it in his own fancy; and therefore, like a wary physician, when he would have his patient swallow some harsh or *corrosive liquor*, he mingles it with a large quantity of that which may dilute it; that the scattered parts may go down with less feeling, and cause less aversion.

§. 8.

Let us then endeavour to find what account he gives us of this fatherly authority, as it lies scattered in the several parts of his writings. And first, as it was vested in Adam, he says, Not only Adam, but the succeeding patriarchs, had, by right of fatherhood, royal authority over their children, p. 12. This lordship which Adam by command had over the whole world, and by right descending from him the patriarchs did enjoy, was as large and ample as the absolute dominion of any monarch, which hath been since the creation, p. 13. Dominion of life and death, making war, and concluding peace, p. 13. Adam and the patriarchs had absolute power of life and death, p. 35. Kings, in the right of parents, succeed to the exercise of supreme jurisdiction, p. 19. As kingly power is by the law of God, so it hath no inferior law to limit it; Adam was lord of all, p. 40. The father of a family governs by no other law, than by his own will, p. 78. The superiority of princes is above laws, p. 79. The unlimited jurisdiction of kings is so amply described by Samuel, p. 80. Kings are above the laws, p. 93. And to this purpose see a great deal more which our author delivers in Bodin's words: It is certain, that all laws, privileges, and grants of princes, have no force, but during their life; if they be not ratified by the express consent, or by sufferance of the prince following, especially privileges, Observations, p. 279. The reason why laws have been also made by kings, was this; when kings were either busied with wars, or distracted with public cares, so that every private man could not have access to their persons, to learn their wills and pleasure, then were laws of necessity invented, that so every particular subject might find his prince's pleasure decyphered unto him in the tables of his laws, p. 92. In a monarchy, the king must by necessity be above the laws, p. 100. A perfect kingdom is that, wherein the king rules all things according to his own will, p. 100. Neither common nor statute laws are, or can be, any diminution of that general power, which kings have over their people by right of fatherhood, p. 115. Adam was the father, king, and lord over his family; a son, a subject, and a servant or slave, were one and the same thing at first. The father had power to dispose or sell his children or servants; whence we find, that the first reckoning up of goods in scripture, the man-servant and the maid-servant, are numbred among the possessions and substance of the owner, as other goods were, Ob-

servations, *Pref.* God also hath given to the father a right or liberty, to alien his power over his children to any other; whence we find the sale and gift of children to have much been in use in the beginning of the world, when men had their servants for a possession and an inheritance, as well as other goods; whereupon we find the power of castrating and making eunuchs much in use in old times, *Observations*, p. 155. Law is nothing else but the will of him that hath the power of the supreme father, *Observations*, p. 223. It was God's ordinance that the supremacy should be unlimited in Adam, and as large as all the acts of his will; and as in him so in all others that have supreme power, *Observations*, p. 245.

§. 9.

I have been fain to trouble my reader with these several quotations in our author's own words, that in them might be seen his own description of his *fatherly authority*, as it lies scattered up and down in his writings, which he supposes was first vested in *Adam*, and by right belongs to all princes ever since. This *fatherly authority* then, or *right of fatherhood*, in our author's sense, is a divine unalterable right of sovereignty, whereby a father or a prince hath an absolute, arbitrary, unlimited, and unlimitable power over the lives, liberties, and estates of his children and subjects; so that he may take or alienate their estates, sell, castrate, or use their persons as he pleases, they being all his slaves, and he lord or proprietor of every thing, and his unbounded will their law.

§. 10.

Our author having placed such a mighty power in *Adam*, and upon that supposition sounded all government, and all power of princes, it is reasonable to expect, that he should have proved this with arguments clear and evident, suitable to the weightiness of the cause; that since men had nothing else left them, they might in slavery have such undeniable proofs of its necessity, that their consciences might be convinced, and oblige them to submit peaceably to that absolute dominion, which their governors had a right to exercise over them. Without this, what good could our author do, or pretend to do, by erecting such an unlimited power, but flatter the natural vanity and ambition of men, too apt of itself to grow and encrease with the possession of any power? and by persuading those, who, by the consent of their fellowmen, are advanced to great, but limited, degrees of it, that by that part which is given them, they have a right to all, that was not so; and therefore may do what they please, because they have authority to do more than others, and so tempt them to do what is neither for their own, nor the good of those under their care; whereby great mischiefs cannot but follow.

§. 11.

The sovereignty of *Adam*, being that on which, as a sure basis, our author builds his mighty absolute monarchy, I expected, that in his *Patriarcha*, this his main supposition would have been proved, and

established with all that evidence of arguments, that such a fundamental tenet required; and that this, on which the great stress of the business depends, would have been made out with reasons sufficient to justify the confidence with which it was assumed. But in all that treatise, I could find very little tending that way; the thing is there so taken for granted, without proof, that I could scarce believe myself, when, upon attentive reading that treatise, I found there so mighty a structure raised upon the bare supposition of this foundation: for it is scarce credible, that in a discourse, where he pretends to confute the *erroneous principle* of man's *natural freedom*, he should do it by a bare supposition of *Adam's authority*, without offering any proof for that authority. Indeed he confidently says, that *Adam had royal authority*, p. 12, and 13. *Absolute lordship and dominion of life and death*, p. 13. *An universal monarchy*, p. 33. *Absolute power of life and death*, p. 35. He is very frequent in such assertions; but, what is strange, in all his whole *Patriarcha* I find not one pretence of a reason to establish this his great foundation of government; not any thing that looks like an argument, but these words: *To confirm this natural right of regal power, we find in the Decalogue, that the law which enjoyns obedience to kings, is delivered in the terms, Honour thy father, as if all power were originally in the father.* And why may I not add as well, that in the *Decalogue*, the law that enjoyns obedience to queens, is delivered in the terms of *Honour thy mother*, as if all power were originally in the mother? The argument, as Sir Robert puts it, will hold as well for one as the other: but of this, more in its due place.

§. 12.

All that I take notice of here, is, that this is all our author says in this first, or any of the following chapters, to prove the *absolute power of Adam*, which is his great principle: and yet, as if he had there settled it upon sure demonstration, he begins his second chapter with these words, *By conferring these proofs and reasons, drawn from the authority of the scripture.* Where those proofs and reasons for *Adam's* sovereignty are, bating that of *Honour thy father*, above mentioned, I confess, I cannot find; unless what he says, p. 11. *In these words we have an evident confession, viz. of Bellarmine, that creation made man prince of his posterity*, must be taken for proofs and reasons drawn from scripture, or for any sort of proof at all: though from thence by a new way of inference, in the words immediately following, he concludes, *the royal authority of Adam* sufficiently settled in him.

§. 13.

If he has in that chapter, or any where in the whole treatise, given any other proofs of *Adam's royal authority*, other than by often repeating it, which, among some men, goes for argument, I desire any body for him to shew me the place and page, that I may be convinced of my mistake, and acknowledge my oversight. If no such arguments are to be found, I beseech those men, who have so much cried up this book, to consider, whether they do not give the world cause to suspect, that it is not the force of reason and argument, that makes them for absolute monarchy, but some other by interest, and there-

fore are resolved to applaud any author, that writes in favour of this doctrine, whether he support it with reason or no. But I hope they do not expect, that rational and indifferent men should be brought over to their opinion, because this their great doctor of it, in a discourse made on purpose, to set up the *absolute monarchical power of Adam*, in opposition to the *natural freedom* of mankind, has said so little to prove it, from whence it is rather naturally to be concluded, that there is little to be said.

§. 14.

But that I might omit no care to inform myself in our author's full sense, I consulted his *Observations on Aristotle, Hobbes, &c.* to see whether in disputing with others he made use of any arguments for this his darling tenet of *Adam's sovereignty*; since in his treatise of the *Natural Power of Kings*, he hath been so sparing of them. In his *Observations on Mr. Hobbes's Leviathan*, I think he has put, in short, all those arguments for it together, which in his writings I find him any where to make use of: his words are these: *If God created only Adam, and of a piece of him made the woman, and if by generation from them two, as parts of them, all mankind be propagated: if also God gave to Adam not only the dominion over the woman and the children that should issue from them, but also over all the earth to subdue it, and over all the creatures on it, so that as long as Adam lived, no man could claim or enjoy any thing but by donation, assignation or permission from him, I wonder, &c.* *Observations*, 165. Here we have the sum of all his arguments, for *Adam's sovereignty* and against *natural freedom*, which I find up and down in his other treatises: and they are these following; *God's creation of Adam*, the *dominion* he gave him over *Eve*, and the *dominion* he had as *father over his children*: all which I shall particularly consider.

CHAP. III. Of Adam's Title to Sovereignty by Creation.

§. 15.

SIR Robert, in his preface to his *Observations on Aristotle's politics*, tells us, *A natural freedom of mankind cannot be supposed without the denial of the creation of Adam*: but how *Adam's* being created, which was nothing but his receiving a being immediately from omnipotence and the hand of God, gave *Adam* a *sovereignty* over any thing, I cannot see, nor consequently understand, how a *supposition of natural freedom* is a *denial of Adam's creation*, and would be glad any body else (since our author did not vouchsafe us the favour) would make it out for him: for I find no difficulty to suppose the *freedom of mankind*, though I have always believed the *creation of Adam*. He was created, or began to exist, by God's immediate power, without the intervention of parents or the pre-existence of any of the same species to beget him, when it pleased God he should; and so did the lion, the king of beasts, before him, by the same creating power of God: and if bare existence by that power, and in that way, will give dominion, without any more ado, our author, by this argument, will make the lion have as good a title

CHAP. IX. Of Monarchy, by Inheritance from Adam.

§. 81.

Though it be never so plain, that there ought to be government in the world, nay, should all men be of our author's mind, that divine appointment had ordained it to be *monarchical*; yet, since men cannot obey any thing, that cannot command; and ideas of government in the fancy, though never so perfect, though never so right, cannot give laws, nor prescribe rules to the actions of men; it would be of no behoof for the settling of order, and establishment of government in its exercise and use amongst men, unless there were a way also taught how to know the person, to whom it belonged to have this power, and exercise this dominion over others. It is in vain then to talk of subjection and obedience without telling us whom we are to obey: for were I never so fully persuaded that there ought to be magistracy and rule in the world; yet I am never the less at liberty still, till it appears who is the person that hath right to my obedience; since, if there be no marks to know him by, and distinguish him that hath right to rule from other men, it may be myself, as well as any other. And therefore, though submission to government be every one's duty, yet since that signifies nothing but submitting to the direction and laws of such men as have authority to command, it is not enough to make a man a subject, to convince him that there is *regal power* in the world; but there must be ways of designing, and knowing the person to whom this *regal power* of right belongs: and a man can never be obliged in conscience to submit to any power, unless he can be satisfied who is the person who has a right to exercise that power over him. If this were not so, there would be no distinction between pirates and lawful princes; he that has force is without any more ado to be obeyed, and crowns and scepters would become the inheritance only of violence and rapine. Men too might as often and as innocently change their governors, as they do their physicians, if the person cannot be known who has a right to direct me, and whose prescriptions I am bound to follow. To settle therefore men's consciences, under an obligation to obedience, it is necessary that they know not only, that there is a power somewhere in the world, but the person who by right is vested with this power over them.

§. 82.

How successful our author has been in his attempts, to set up a *monarchical absolute power* in *Adam*, the reader may judge by what has been already said; but were that *absolute monarchy* as clear as our author would desire it, as I presume it is the contrary, yet it could be of no use to the government of mankind now in the world, unless he also make out these two things.

First, That this *power of Adam* was not to end with him, but was upon his decease conveyed intire to some other person, and so on to posterity.

Secondly, That the princes and rulers now on earth are possessed of this *power of Adam*, by a right way of conveyance derived to them.

§. 83.

If the first of these fail, the *power of Adam*, were it never so great, never so certain, will signify nothing to the present government and societies in the world; but we must seek out some other original of power for the government of politys than this of *Adam*, or else there will be none at all in the world. If the latter fail, it will destroy the authority of the present governors, and absolve the people from subjection to them, since they, having no better a claim than others to that power, which is alone the fountain of all authority, can have no title to rule over them.

§. 84.

Our author, having fancied an absolute sovereignty in *Adam*, mentions several ways of its conveyance to princes, that were to be his successors; but that which he chiefly insists on, is that of *inheritance*, which occurs so often in his several discourses; and I having in the foregoing chapter quoted several of these passages, I shall not need here again to repeat them. This sovereignty he erects, as has been said, upon a double foundation, *viz.* that of *property*, and that of *fatherhood*. One was the right he was supposed to have in all creatures, a right to possess the earth with the beasts, and other inferior ranks of things in it, for his private use, exclusive of all other men. The other was the right he was supposed to have, to rule and govern men, all the rest of mankind.

§. 85.

In both these rights, there being supposed an exclusion of all other men, it must be upon some reason peculiar to *Adam*, that they must both be founded.

That of his *property* our author supposes to arise from God's immediate *donation*, *Gen. i. 28.* and that of *fatherhood* from the act of *begetting*: now in all inheritance, if the heir succeed not to the reason upon which his father's right was founded, he cannot succeed to the right which followeth from it. For example, *Adam* had a right of property in the creatures upon the *donation* and *grant* of God almighty, who was lord and proprietor of them all: let this be so as our author tells us, yet upon his death his heir can have no title to them, no such right of property in them, unless the same reason, *viz.* God's *donation*, vested a right in the *heir* too: for if *Adam* could have had no property in, nor use of the creatures, without this positive *donation* from God, and this *donation* were only personally to *Adam*, his *heir* could have no right by it; but upon his death it must revert to God, the lord and owner again; for positive grants give no title farther than the express words convey it, and by which only it is held. And

thus, if as our author himself contends, that *donation*, *Gen. i. 28.* were made only to *Adam* personally, his heir could not succeed to his property in the creatures; and if it were a donation to any but *Adam*, let it be shewn, that it was to his heir in our author's sense, *i. e.* to one of his children, exclusive of all the rest.

§. 86.

But not to follow our author too far out of the way, the plain of the case is this. God having made man, and planted in him, as in all other animals, a strong desire of self-preservation; and furnished the world with things fit for food and raiment, and other necessaries of life, subservient to his design, that man should live and abide for some time upon the face of the earth, and not that so curious and wonderful a piece of workmanship, by his own negligence, or want of necessaries, should perish again, presently after a few moments continuance; God, I say, having made man and the world thus, spoke to him, (that is) directed him by his senses and reason, as he did the inferior animals by their sense and instinct, which were serviceable for his subsistence, and given him as the means of his *preservation*. And therefore I doubt not, but before these words were pronounced, *i. Gen. 28, 29.* (if they must be understood literally to have been spoken) and without any such verbal *donation*, man had a right to an use of the creatures, by the will and grant of God: for the desire, strong desire of preserving his life and being, having been planted in him as a principle of action by God himself, reason, *which was the voice of God in him*, could not but teach him and assure him, that pursuing that natural inclination he had to preserve his being, he followed the will of his maker, and therefore had a right to make use of those creatures, which by his reason or senses he could discover would be serviceable thereunto. And thus man's *property* in the creatures was founded upon the right he had to make use of those things that were necessary or useful to his being.

§. 87.

This being the reason and foundation of *Adam's property*, gave the same title, on the same ground, to all his children, not only after his death, but in his life-time: so that here was no privilege of his *heir* above his other children, which could exclude them from an equal right to the use of the inferior creatures, for the comfortable preservation of their beings, which is all the *property* man hath in them; and so *Adam's* sovereignty built on *property*, or, as our author calls it, *private dominion*, comes to nothing. Every man had a right to the creatures, by the same title *Adam* had, *viz.* by the right every one had to take care of, and provide for their subsistence: and thus men had a right in common, *Adam's* children in common with him. But if any one had began, and made himself a property in any particular thing, (which how he, or any one else, could do, shall be shewn in another place) that thing, that possession, if he disposed not otherwise of it by his positive grant, descended naturally to his children, and they had a right to succeed to it, and possess it.

§. 88.

It might reasonably be asked here, how come children by this right of possessing, before any other, the properties of their parents upon their decease? for it being personally the parents, when they die, without actually transferring their right to another, why does it not return again to the common stock of mankind? It will perhaps be answered, that common consent hath disposed of it to their children. Common practice, we see indeed, does so dispose of it; but we cannot say, that it is the common consent of mankind; for that hath never been asked, nor actually given; and if common tacit consent hath established it, it would make but a positive, and not a natural right of children to inherit the goods of their parents: but where the practice is universal, it is reasonable to think the cause is natural. The ground then I think to be this. The first and strongest desire God planted in men, and wrought into the very principles of their nature, being that of self-preservation, that is the foundation of a right to the creatures for the particular support and use of each individual person himself. But, next to this, God planted in men a strong desire also of propagating their kind, and continuing themselves in their posterity; and this gives children a title to share in the *property* of their parents, and a right to inherit their possessions. Men are not proprietors of what they have, meerly for themselves; their children have a title to part of it, and have their kind of right joined with their parents, in the possession which comes to be wholly their's, when death, having put an end to their parents use of it, hath taken them from their possessions; and this we call inheritance: men being by a like obligation bound to preserve what they have begotten, as to preserve themselves, their issue come to have a right in the goods they are possessed of. That children have such a right, is plain from the laws of God; and that men are convinced that children have such a right, is evident from the law of the land; both which laws require parents to provide for their children.

§. 89.

For children being by the course of nature, born weak, and unable to provide for themselves, they have by the appointment of God himself, who hath thus ordered the course of nature, a right to be nourished and maintained by their parents; nay, a right not only to a bare subsistence, but to the conveniencies and comforts of life, as far as the conditions of their parents can afford it. Hence it comes, that when their parents leave the world, and so the care due to their children ceases, the effects of it are to extend as far as possibly they can, and the provisions they have made in their life-time, are understood to be intended, as nature requires they should, for their children, whom, after themselves, they are bound to provide for: though the dying parents, by express words, declare nothing about them, nature appoints the descent of their property to their children, who thus come to have a title, and natural right of inheritance to their fathers goods, which the rest of mankind cannot pretend to.

§. 90.

Were it not for this right of being nourished and maintained by their parents, which God and nature has given to children, and obliged parents to as a duty, it would be reasonable, that the father should inherit the estate of his son, and be preferred in the inheritance before his grand-child: for to the grand-father there is due a long score of care and expences laid out upon the breeding and education of his son, which one would think in justice ought to be paid. But that having been done in obedience to the same law, whereby he received nourishment and education from his own parents; this score of education, received from a man's father, is paid by taking care, and providing for his own children; is paid, I say, as much as is required of payment by alteration of property, unless present necessity of the parents require a return of goods for their necessary support and subsistence: for we are not now speaking of that reverence, acknowledgment, respect and honour, that is always due from children to their parents; but of possessions and commodities of life valuable by money. But though it be incumbent on parents to bring up and provide for their children, yet this debt to their children does not quite cancel the score due to their parents; but only is made by nature preferable to it: for the debt a man owes his father takes place, and gives the father a right to inherit the son's goods, where, for want of issue, the right of children doth not exclude that title. And therefore a man having a right to be maintained by his children, where he needs it; and to enjoy also the comforts of life from them, when the necessary provision due to them and their children will afford it; if his son die without issue, the father has a right in nature to possess his goods, and inherit his estate, (whatever the municipal laws of some countries may absurdly direct otherwise;) and so again his children and their issue from him; or, for want of such, his father and his issue. But where no such are to be found, *i. e.* no kindred, there we see the possessions of a private man revert to the community, and so in politic societies come into the hands of the public magistrate; but in the state of nature become again perfectly common, no body having a right to inherit them: nor can any one have a property in them, otherwise than in other things common by nature; of which I shall speak in its due place.

§. 91.

I have been the larger, in shewing upon what ground children have a right to succeed to the possession of their fathers properties, not only because by it, it will appear, that if *Adam* had a property (a titular, insignificant, useless property; for it could be no better, for he was bound to nourish and maintain his children and posterity out of it) in the whole earth and its product, yet all his children coming to have, by the law of nature, and right of inheritance, a joint title, and right of property in it after his death, it could convey no right of sovereignty to any one of his posterity over the rest: since every one having a right of inheritance to his portion, they might enjoy their inheritance, or any part of it in common, or share it, or some parts of it, by division, as it best liked them. But no one could pretend to the whole inheritance, or any sovereignty supposed to accompany it; since a right of inheritance gave every one of the rest, as well as any one, a title to share in the goods of his father. Not only upon this account, I say, have I been so particular in examining the reason of children's inheriting the property

of their fathers, but also because it will give us farther light in the inheritance of *rule* and *power*, which in countries where their particular municipal laws give the whole possession of land entirely to the first-born, and descent of power has gone so to men by this custom, some have been apt to be deceived into an opinion, that there was a natural or divine right of primogeniture, to both *estate* and *power*; and that the inheritance of both *rule* over men, and *property* in things, sprang from the same original, and were to descend by the same rules.

§. 92.

Property, whose original is from the right a man has to use any of the inferior creatures, for the subsistence and comfort of his life, is for the benefit and sole advantage of the proprietor, so that he may even destroy the thing, that he has property in by his use of it, where need requires: but government being for the preservation of every man's right and property, by preserving him from the violence or injury of others, is for the good of the governed: for the magistrate's sword being for a *terror to evil doers*, and by that terror to enforce men to observe the positive laws of the society, made conformable to the laws of nature, for the public good, *i. e.* the good of every particular member of that society, as far as by common rules it can be provided for; the sword is not given the magistrate for his own good alone.

§. 93.

Children therefore, as has been shewed, by the dependance they have on their parents for subsistence, have a right of inheritance to their fathers property, as that which belongs to them for their proper good and behoof, and therefore are fitly termed goods, wherein the first-born has not a sole or peculiar right by any law of God and nature, the younger children having an equal title with him, founded on that right they all have to maintenance, support, and comfort from their parents, and on nothing else. But government being for the benefit of the governed, and not the sole advantage of the governors, (but only for their's with the rest, as they make a part of that politic body, each of whose parts and members are taken care of, and directed in its peculiar functions for the good of the whole, by the laws of society) cannot be inherited by the same title, that children have to the goods of their father. The right a son has to be maintained and provided with the necessaries and conveniences of life out of his father's stock, gives him a right to succeed to his father's *property* for his own good; but this can give him no right to succeed also to the *rule*, which his father had over other men. All that a child has right to claim from his father is nourishment and education, and the things nature furnishes for the support of life: but he has no right to demand *rule* or *dominion* from him: he can subsist and receive from him the portion of good things, and advantages of education naturally due to him, without *empire* and *dominion*. That (if his father hath any) was vested in him, for the good and behoof of others: and therefore the son cannot claim or inherit it by a title, which is founded wholly on his own pri-

vate good and advantage.

§. 94.

We must know how the first ruler, from whom any one claims, came by his authority, upon what ground any one has *empire*, what his title is to it, before we can know who has a right to succeed him in it, and inherit it from him: if the agreement and consent of men first gave a scepter into any one's hand, or put a crown on his head, that also must direct its descent and conveyance; for the same authority, that made the first a lawful *ruler*, must make the second too, and so give right of succession: in this case inheritance, or primogeniture, can in its self have no right, no pretence to it, any farther than that consent, which established the form of the government, hath so settled the succession. And thus we see, the succession of crowns, in several countries, places it on different heads, and he comes by right of succession to be a prince in one place, who would be a subject in another.

§. 95.

If God, by his positive grant and revealed declaration, first gave *rule* and *dominion* to any man, he that will claim by that title, must have the same positive grant of God for his succession: for if that has not directed the course of its descent and conveyance down to others, no body can succeed to this title of the first ruler. Children have no right of inheritance to this; and primogeniture can lay no claim to it, unless God, the author of this constitution, hath so ordained it. Thus we see, the pretensions of *Saul's* family, who received his crown from the immediate appointment of God, ended with his reign; and *David*, by the same title that *Saul* reigned, viz. God's appointment, succeeded in his throne, to the exclusion of *Jonathan*, and all pretensions of paternal inheritance: and if *Solomon* had a right to succeed his father, it must be by some other title, than that of primogeniture. A *cadet*, or sister's son, must have the preference in succession, if he has the same title the first lawful prince had: and in dominion that has its foundation only in the positive appointment of God himself, *Benjamin*, the youngest, must have the inheritance of the crown, if God so direct, as well as one of that tribe had the first possession.

§. 96.

If *paternal right*, the act of *begetting*, give a man *rule* and *dominion*, inheritance or primogeniture can give no title: for he that cannot succeed to his father's title, which was *begetting*, cannot succeed to that power over his brethren, which his father had by paternal right over them. But of this I shall have occasion to say more in another place. This is plain in the mean time, that any government, whether supposed to be at first founded in *paternal right*, *consent of the people*, or the *positive appointment of God himself*, which can supersede either of the other, and so begin a new government upon a new