

unto any of the common sort sharp and grievous, that so the evil may be prevented whereby the rich are most likely to bring themselves into hatred with the people, who are not wont to take so great offence when they are excluded from honours and offices, as when their persons are contumeliously trodden upon. In other kinds of regiment the like is observed concerning the difference of positive laws, which to be every where the same is impossible and against their nature.

[10.] Now as the learned in the laws<sup>1</sup> of this land observe, that our statutes sometimes are only the affirmation or ratification of that which by common law was held before; so here it is not to be omitted that generally all laws human, which are made for the ordering of politic societies, be either such as establish some duty whereunto all men by the law of reason did before stand bound; or else such as make that a duty now which before was none. The one sort we may for distinction's sake call "mixedly," and the other "merely" human. That which plain or necessary reason bindeth men unto may be in sundry considerations expedient to be ratified by human law. For example, if confusion of blood in marriage, the liberty of having many wives at once, or any other the like corrupt and unreasonable custom doth happen to have prevailed far, and to have gotten the upper hand of right reason with the greatest part; so that no way is left to rectify such foul disorder without prescribing by law the same things which reason necessarily *doth* enforce but is not *perceived* that so it doth; or if many be grown unto that which the Apostle did lament in some, concerning whom he writeth, saying, that "even what things they naturally know, "in those very things as beasts void of reason they corrupted "themselves<sup>2</sup>;" or if there be no such special accident, yet forasmuch as the common sort are led by the sway of their

<sup>1</sup> Staundf. Preface to the Pleas of the Crown. ["Citavi non pauca e "Bractono et Britono, vetustis legum scriptoribus, hoc nimirum consilio: ut cum leges coronæ magna ex parte jure statuario constant, ponatur ante legentis oculos commune jus, quod fuit ante ea statuta condita. Nam ea "res maxime conducit recte inter-

"pretandis statutis. Id enim intelligenti statim occurrunt mala quæ commune jus contraxit. Pervidet autem ille quotæ illorum malorum parti medetur, et quotæ non; et sitne hujusmodi statutum novatum jus per se, an nihil aliud quam communis juris affirmatio." Ed. 1574.]

<sup>2</sup> Jude 10.

sensual desires, and therefore do more shun sin for the sensible evils which follow it amongst men, than for any kind of sentence which reason doth pronounce against it<sup>1</sup>: this very thing is cause sufficient why duties belonging unto each kind of virtue, albeit the Law of Reason teach them, should notwithstanding be prescribed even by human law. Which law in this case we term *mixed*, because the matter whereunto it bindeth is the same which reason necessarily doth require at our hands, and from the Law of Reason it differeth in the manner of binding only. For whereas men before stood bound in conscience to do as the Law of Reason teacheth, they are now by virtue of human law become constrainable, and if they outwardly transgress, punishable. As for laws which are *merely* human, the matter of them is any thing which reason doth but probably teach to be fit and convenient; so that till such time as law hath passed amongst men about it, of itself it bindeth no man. One example whereof may be this. Lands are by human law in some places after the owner's decease divided unto all his children, in some all descendeth to the eldest son. If the Law of Reason did necessarily require but the one of these two to be done, they which by law have received the other should be subject to that heavy sentence, which denounceth against all that decree wicked, unjust, and unreasonable things, *woe*<sup>2</sup>. Whereas now whichsoever be received there is no Law of Reason transgressed; because there is probable reason why either of them may be expedient, and for either of them more than probable reason there is not to be found.

[11.] Laws whether mixedly or merely human are made by politic societies: some, only as those societies are civilly united; some, as they are spiritually joined and make such a body as we call the Church. Of laws human in this latter kind we are to speak in the third book following. Let it therefore suffice thus far to have touched the force where-with Almighty God hath graciously endued our nature, and thereby enabled the same to find out both those laws which all men generally are for ever bound to observe, and also such

<sup>1</sup> [Arist. Eth. Nic. X. 10: Οἱ πολλοὶ ἀνάγκη μᾶλλον ἢ λόγῳ πειθαρχοῦσι, καὶ ζημίαις ἢ τῷ καλῷ.]

<sup>2</sup> Isaiah x. 1.

as are most fit for their behoof, who lead their lives in any ordered state of government.

[12.] Now besides that law which simply concerneth men as men, and that which belongeth unto them as they are men linked with others in some form of politic society, there is a third kind of law which toucheth all such several bodies politic, so far forth as one of them hath public commerce with another. And this third is the Law of Nations. Between men and beasts there is no possibility of sociable communion, because the well-spring of that communion is a natural delight which man hath to transfuse from himself into others, and to receive from others into himself especially those things wherein the excellency of his kind doth most consist. The chiefest instrument of human communion therefore is speech, because thereby we impart mutually one to another the conceits of our reasonable understanding<sup>1</sup>. And for that cause seeing beasts are not hereof capable, forasmuch as with them we can use no such conference, they being in degree, although above other creatures on earth to whom nature hath denied sense, yet lower than to be sociable companions of man to whom nature hath given reason; it is of Adam said that amongst the beasts "he found not for "himself any meet companion<sup>2</sup>." Civil society doth more content the nature of man than any private kind of solitary living, because in society this good of mutual participation is so much larger than otherwise. Herewith notwithstanding we are not satisfied, but we covet (if it might be) to have a kind of society and fellowship even with all mankind. Which thing Socrates intending to signify professed himself a citizen, not of this or that commonwealth, but of the world<sup>3</sup>. And an effect of that very natural desire in us (a manifest token that we wish after a sort an universal fellowship with all men) appeareth by the wonderful delight men have, some to visit foreign countries, some to discover nations not heard of in former ages, we all to know the affairs and dealings of other people, yea to be in league of amity with them: and this not only for traffick's sake, or to the end that when many are confederated each may make other the more strong, but

<sup>1</sup> Arist. Polit. i. cap. 2.

<sup>2</sup> Gen. ii. 20.

<sup>3</sup> Cic. Tusc. v. [c. 37.] et i. de Legib. [c. 12.]

for such cause also as moved the Queen of Saba to visit Salomon<sup>1</sup>; and in a word, because nature doth presume that how many men there are in the world, so many gods as it were there are, or at leastwise such they should be towards men<sup>2</sup>.

[13.] Touching laws which are to serve men in this behalf; even as those Laws of Reason, which (man retaining his original integrity) had been sufficient to direct each particular person in all his affairs and duties, are not sufficient but require the access of other laws, now that man and his offspring are grown thus corrupt and sinful; again, as those laws of polity and regiment, which would have served men living in public society together with that harmless disposition which then they should have had, are not able now to serve, when men's iniquity is so hardly restrained within any tolerable bounds: in like manner, the national laws of mutual<sup>3</sup> commerce between societies of that former and better quality might have been other than now, when nations are so prone to offer violence, injury, and wrong. Hereupon hath grown in every of these three kinds that distinction between Primary and Secondary laws; the one grounded upon sincere, the other built upon depraved nature. Primary laws of nations are such as concern embassage, such as belong to the courteous entertainment of foreigners and strangers, such as serve for commodious traffick, and the like. Secondary laws in the same kind are such as this present unquiet world is most familiarly acquainted with; I mean laws of arms, which yet are much better known than kept. But what matter the Law of Nations doth contain I omit to search.

The strength and virtue of that law is such that no particular nation can lawfully prejudice the same by any their several laws and ordinances, more than a man by his private resolutions the law of the whole commonwealth or state wherein he liveth. For as civil law, being the act of a whole body politic, doth therefore overrule each several part of the same body; so there is no reason that any one commonwealth of itself should to the prejudice of another

<sup>1</sup> 1 Kings x. 1; 2 Chron. ix. 1; Chil. i. cent. i. 69. Cf. Bacon, N. Matt. xii. 42; Luke xi. 31. Org. i. 129.] 1886.

<sup>2</sup> [ἄνθρωπος ἀνθρώπῳ δαιμόνιον—<sup>3</sup> [So 1st and 2nd edd. 'natural, Homo homini deus': Erasm. Adag. 4th ed. 1617, and so K.] 1886.

annihilate that whereupon the whole world hath agreed. For which cause, the Lacedæmonians forbidding all access of strangers into their coasts, are in that respect both by Josephus and Theodoret deservedly blamed<sup>1</sup>, as being enemies to that hospitality which for common humanity's sake all the nations on earth should embrace.

[14.] Now as there is great cause of communion, and consequently of laws for the maintenance of communion, amongst nations; so amongst nations Christian the like in regard even of Christianity hath been always judged needful.

And in this kind of correspondence amongst nations the force of general councils doth stand. For as one and the same law divine, whereof in the next place we are to speak, is unto all Christian churches a rule for the chiefest things; by means whereof they all in that respect make one church, as having all but "one Lord, one faith, and one baptism"<sup>2</sup>." so the urgent necessity of mutual communion for preservation of our unity in these things, as also for order in some other things convenient to be every where uniformly kept, maketh it requisite that the Church of God here on earth have her laws of spiritual commerce between Christian nations; laws by virtue whereof all churches may enjoy freely the use of those reverend, religious, and sacred consultations, which are termed Councils General. A thing whereof God's own blessed Spirit was the author<sup>3</sup>; a thing practised by the holy Apostles themselves; a thing always afterwards kept and observed throughout the world; a thing never otherwise than most highly esteemed of, till pride, ambition, and tyranny began by factious and vile endeavours to abuse that divine invention unto the furtherance of wicked purposes. But as the just authority of civil courts and parliaments is not therefore to be abolished, because sometime there is cunning used to frame them according to the private intents of men over potent in the commonwealth; so the grievous abuse which hath been of councils should rather cause men to study how so gracious a thing may again be reduced to that first perfection, than in regard of stains and blemishes sithence growing be held for ever in extreme disgrace.

<sup>1</sup> Joseph. lib. ii. contra Apion. Græc. Aff. [p. 611. t. iv. ed. Par. 1642.] [c. 36.] Theod. lib. ix. de sanand. <sup>2</sup> Ephes. iv. 5. <sup>3</sup> Acts xv. 28.

To speak of this matter as the cause requireth would require very long discourse. All I will presently say is this: whether it be for the finding out of any thing whereunto divine law bindeth us, but yet in such sort that men are not thereof on all sides resolved; or for the setting down of some uniform judgment to stand touching such things, as being neither way matters of necessity, are notwithstanding offensive and scandalous when there is open opposition about them; be it for the ending of strifes, touching matters of Christian belief, wherein the one part may seem to have probable cause of dissenting from the other; or be it concerning matters of polity, order, and regiment in the church; I nothing doubt but that Christian men should much better frame themselves to those heavenly precepts, which our Lord and Saviour with so great instancy gave<sup>1</sup> as concerning peace and unity, if we did all concur in desire to have the use of ancient councils again renewed, rather than these proceedings continued, which either make all contentions endless, or bring them to one only determination, and that of all other the worst<sup>2</sup>, which is by sword.

[15.] It followeth therefore that a new foundation being laid, we now adjoin hereunto that which cometh in the next place to be spoken of; namely, wherefore God hath himself by Scripture made known such laws as serve for direction of men.

XI. All things, (God only excepted,) besides the nature which they have in themselves, receive externally some perfection from other things, as hath been shewed. Insomuch as there is in the whole world no one thing great or small, but either in respect of knowledge or of use it may unto our perfection add somewhat. And whatsoever such perfection there is which our nature may acquire, the same we properly term our Good; our Sovereign Good or Blessedness, wherein the highest degree of all our perfection consisteth, that which being once attained unto there can rest nothing further to be desired; and therefore with it our souls are fully content and satisfied, in that they have they rejoice, and thirst for no more. Wherefore of good things desired some are such that for themselves we covet them not, but only because they serve as instruments unto that for which we are

<sup>1</sup> John xiv. 27.

<sup>2</sup> So B.; 'worse,' A.] 1886.

Wherefore God hath by Scripture further made known such supernatural laws, as do serve for men's direction.

to seek : of this sort are riches. Another kind there is, which although we desire for itself, as health, and virtue, and knowledge, nevertheless they are not the last mark whereat we aim, but have their further end whereunto they are referred, so as in them we are not satisfied as having attained the utmost we may, but our desires do still proceed. These things are linked and as it were chained one to another ; we labour to eat, and we eat to live, and we live to do good, and the good which we do is as seed sown with reference to a future harvest<sup>1</sup>. But we must come at length to some pause. For, if every thing were to be desired for some other without any stint, there could be no certain end proposed unto our actions, we should go on we know not whither ; yea, whatsoever we do were in vain, or rather nothing at all were possible to be done. For as to take away the first efficient of our being were to annihilate utterly our persons, so we cannot remove the last final cause of our working, but we shall cause whatsoever we work to cease. Therefore something there must be desired for itself simply and for no other. That is simply for itself desirable, unto the nature whereof it is opposite and repugnant to be desired with relation unto any other. The ox and the ass desire their food, neither propose they unto themselves any end wherefore ; so that of them this is desired for itself ; but why ? By reason of their imperfection which cannot otherwise desire it ; whereas that which is desired simply for itself, the excellency thereof is such as permitteth it not in any sort to be referred to a further end.

[2.] Now that which man doth desire with reference to a further end, the same he desireth in such measure as is unto that end convenient ; but what he coveteth as good in itself, towards that his desire is ever infinite. So that unless the last good of all, which is desired altogether for itself, be also infinite, we do evil in making it our end ; even as they who placed their felicity in wealth or honour or pleasure or any thing here attained ; because in desiring any thing as our final perfection which is not so, we do amiss<sup>2</sup>. Nothing

<sup>1</sup> "He that soweth to the Spirit shall of the Spirit reap life everlasting." Gal. vi. 8.  
<sup>2</sup> Vide Arist. Ethic. lib. x. c. 10. [c. 7.] et Metaph. l. xii. c. 6. ["Est aliquid, quod non motum movet ; quod æternum, et substantia, et actus est."] et c. 4, ["Præter hæc item [est] cuncta movens, tanquam omnium primum."] et c. 30.

may be infinitely desired but that good which indeed is infinite ; for the better the more desirable ; that therefore most desirable wherein there is infinity of goodness : so that if any thing desirable may be infinite, that must needs be the highest of all things that are desired. No good is infinite but only God ; therefore he our felicity and bliss. Moreover, desire tendeth unto union with that it desireth. If then in Him we be blessed, it is by force of participation and conjunction with Him. Again, it is not the possession of any good thing can make them happy which have it, unless they enjoy the thing wherewith they are possessed. Then are we happy therefore when fully we enjoy God, as an object wherein the powers of our souls are satisfied even with everlasting delight ; so that although we be men, yet by being unto God united we live as it were the life of God.

[3.] Happiness therefore is that estate whereby we attain, so far as possibly may be attained, the full possession of that which simply for itself is to be desired, and containeth in it after an eminent sort the contentation of our desires, the highest degree of all our perfection. Of such perfection capable we are not in this life. For while we are in the world, subject we are unto sundry imperfections<sup>1</sup>, griefs of body, defects of mind ; yea the best things we do are painful, and the exercise of them grievous, being continued without intermission ; so as in those very actions whereby we are especially perfected in this life we are not able to persist ; forced we are with very weariness, and that often, to interrupt them : which tediousness cannot fall into those operations that are in the state of bliss, when our union with God is complete. Complete union with him must be according unto every power and faculty of our minds apt to receive so glorious an object. Capable we are of God both by understanding and will : by understanding, as He is that sovereign Truth which comprehendeth the rich treasures of all wisdom ; by will, as He is that sea of Goodness whereof whoso tasteth

<sup>1</sup> Μόνον, ὃ Ἀσκήσις, τὸ ὄνομα ἔχω τῷ Θεῷ τῷ εἰς νοῦν μοι βαλόντι τοῦ ἀγαθοῦ ἐν ἀνθρώποις, τὸ δὲ ἔργον περὶ τῆς γνώσεως τοῦ ἀγαθοῦ, ὅτι οὐδαμοῦ. . . . Τὸ μὴ λίαν κακὸν, ἐνθάδε ἀδύνατόν ἐστιν αὐτὸ ἐν τῷ κόσμῳ εἶναι ὁ γὰρ κόσμος πλήρωμά ἐστι τῆς κακίας, ὁ δὲ Θεὸς τοῦ ἀγαθοῦ, ἢ τὸ ἀδύνατον οὖν τὸ ἀγαθὸν ἐνθάδε καταρεῖν τῆς κακίας. . . . Καὶ γὰρ δὲ χάριν ἴδωμεν. Merc. Tris. [lib. vi. f. 14.]

shall thirst no more. As the will doth now work upon that object by desire, which is as it were a motion towards the end as yet unobtained ; so likewise upon the same hereafter received it shall work also by love. "Appetitus inhiantis fit "amor fruentis," saith St. Augustine : "The longing disposition of them that thirst is changed into the sweet affection of them that taste and are replenished<sup>1</sup>." Whereas we now love the thing that is good, but good especially in respect of benefit unto us ; we shall then love the thing that is good, only or principally for the goodness of beauty in itself. The soul being in this sort, as it is active, perfected by love of that infinite good, shall, as it is receptive, be also perfected with those supernatural passions of joy, peace, and delight. All this endless and everlasting<sup>2</sup>. Which perpetuity, in regard whereof our blessedness is termed "a crown which "withereth not<sup>3</sup>," doth neither depend upon the nature of the thing itself, nor proceed from any natural necessity that our souls should so exercise themselves for ever in beholding and loving God, but from the will of God, which doth both freely perfect our nature in so high a degree, and continue it so perfected. Under Man, no creature in the world is capable of felicity and bliss. First, because their chiefest perfection consisteth in that which is best for them, but not in that which is simply best, as ours doth. Secondly, because whatsoever external perfection they tend unto, it is not better than themselves, as ours is. How just occasion have we therefore even in this respect with the Prophet to admire the goodness of God ! "Lord, what is man, that thou shouldst "exalt him above the works of thy hands<sup>4</sup>," so far as to make thyself the inheritance of his rest and the substance of his felicity ?

[4.] Now if men had not naturally this desire to be happy, how were it possible that all men should have it ? All men have. Therefore this desire in man is natural. It is not in our power not to do the same ; how should it then be in our power to do it coldly or remissly ? So that our desire being

<sup>1</sup> Aug. de Trin. lib. ix. c. ult. [Verbatim, "Appetitus, quo inhiatur rei "cognoscendæ, fit amor cognitæ." Matt. xxii. [30.]

"lasting." Matt. xxv. [46.] "They "shall be as the angels of God."

<sup>2</sup> 2 Tim. iv. 8 ; 1 Pet. v. 4.

<sup>3</sup> "The just shall go into life ever-

<sup>4</sup> Psalm viii. 4.

natural is also in that degree of earnestness whereunto nothing can be added. And is it probable that God should frame the hearts of all men so desirous of that which no man may obtain ? It is an axiom of nature that natural desire cannot utterly be frustrate<sup>1</sup>. This desire of ours being natural should be frustrate, if that which may satisfy the same were a thing impossible for man to aspire unto. Man doth seek a triple perfection<sup>2</sup> : first a sensual, consisting in those things which very life itself requireth either as necessary supplements, or as beauties and ornaments thereof ; then an intellectual, consisting in those things which none underneath man is either capable of or acquainted with ; lastly a spiritual and divine, consisting in those things whereunto we tend by supernatural means here, but cannot here attain unto them. They that make the first of these three the scope of their whole life, are said by the Apostle<sup>3</sup> to have no god but only their belly, to be earthly-minded men. Unto the second they bend themselves, who seek especially to excel in all such knowledge and virtue as doth most commend men. To this branch belongeth the law of moral and civil perfection. That there is somewhat higher than either of these two, no other proof doth need than the very process of man's desire, which being natural should be frustrate, if there were not some farther thing wherein it might rest at the length contented, which in the former it cannot do. For man doth not seem to rest satisfied, either with fruition of that wherewith his life is preserved, or with performance of such actions as advance him most deservedly in estimation ; but doth further covet, yea oftentimes manifestly pursue with great sedulity and earnestness, that which cannot stand him in any stead for vital use ; that which exceedeth the reach of sense ; yea somewhat above capacity of reason, somewhat divine and heavenly, which with hidden exultation it rather surmiseth than conceiveth ; somewhat it seeketh, and what that is directly it knoweth not, yet very intentive desire thereof doth so incite it, that all other known delights and pleasures are

<sup>1</sup> [Thom. A. j.] Comment. in Proem. "fundamento naturæ et creaturæ." ii. Metaph. i. "Si comprehensio esset t. viii. p. 14, ed. Venet. 1552.]

"impossibilis, tunc desiderium esset "otiosum : et concessum est ab omnibus, quod nulla res est otiosa in

<sup>2</sup> [Arist. Eth. Nic. I. v. 2.]

<sup>3</sup> Phil. iii. 19.