

Please note: there are two items here -- please read both. One is excerpts from the article below, “What is Sovereignty,” which reviews some of what we covered in the last class, within the context of an earlier Frenchman. The second, below the first, is two excerpts from John Locke’s Treatises on Government.

What is Sovereignty?

Translated by Julia Kostova from “Qu’est-ce que la souveraineté? in *Éléments*, No. 96 (November 1999), pp. 24-35.

by Alain de Benoist

The concept of sovereignty is one of the most complex in political science, with many definitions, some totally contradictory.¹ Usually, sovereignty is defined in one of two ways. The first definition applies to supreme public power, which has the right and, in theory, the capacity to impose its authority in the last instance. The second definition refers to the holder of legitimate power, who is recognized to have authority. When national sovereignty is discussed, the first definition applies, and it refers in particular to independence, understood as the freedom of a collective entity to act. When popular sovereignty is discussed, the second definition applies, and sovereignty is associated with power and legitimacy.

Sovereignty and Political Authority

On the international level, sovereignty means independence, i.e., non-interference by external powers in the internal affairs of another state. International norms are based on the principle of the sovereign equality of independent states; international law excludes interference and establishes universally-accepted rules. Thus, sovereignty is eminently rational, if not dialectical, since the sovereignty of a state depends not only on the autonomous will of its sovereign, but also on its standing vis-a-vis other sovereign states. From this perspective, one can say that the sovereignty of any single state is the logical consequence of the existence of several sovereign states.

... Even though a concept of sovereignty did not exist before the 16th century, it does not follow that the phenomenon did not exist in political reality, and that it could not have been conceptualized differently. For example, Aristotle does not mention sovereignty, but the fact that he insists on the necessity for a supreme power shows that he was familiar with the idea, since any supreme power — *kuphian aphen* with the Greeks; *summum imperium* with the Romans — is sovereign by definition. Sovereignty is not related to any particular form of government or to any particular political organization; on the contrary, it is inherent in any form of political authority.

The problem with sovereignty appeared at the end of the Middle Ages, when the question posed was no longer only about the best form of government or the limits of political authority, but about the relation between the government and the people, i.e., the relation between ruler and ruled in a political community. This is the question that Jean Bodin (1520-1596) attempted to answer in *La République*, published in 1576. Bodin did not invent sovereignty, but he was the first to make a conceptual analysis of it and to propose a systematic formulation. He did not initiate this project by observing a real state, but by attempting to restore public order, which had been damaged by the religious wars, and by legitimating the emancipation of French kings from the Pope and the emperor. This is why Bodin's doctrine naturally constituted the ideology of territorial realms seeking to gain independence from the empire, and to transform the power that had obtained in royal dominance over feudal lords.

Jean Bodin: Ideologist of Territorial Realms

In *La République*, Bodin ... asserts that a government is strong only when it is legitimate, and he emphasizes the fact that a government's actions always should be in accord with certain norms, which are determined by justice and reason. Nevertheless, he understands that such considerations do not suffice to clarify the idea of sovereign power. Thus, he asserts that the source of power lies in the law, and that the capacity to make and break laws belongs only to the sovereign: the power to legislate and to rule are identical. The conclusion Bodin reaches is radical: since the [king][king] is not subject to his own decisions or decrees, he is above the law.

... Bodin writes: "Those who are sovereign must not be subject to the authority of anyone else. . . . This is why the law says that the [king] must be excluded from the power of law. . . . The law of the [king] depends exclusively upon his pure and sincere will." In this case, it is sovereign power that allows the [king] to impose laws that do not apply to him, because the exercise of power does not oblige him to have the consent of his subjects — sovereignty is totally independent of the subjects on whom laws are imposed. Richelieu later would say that "the [king] is the master of the formalities of law."

Because of this legislative power, supreme authority had to be unique and absolute, which is why Bodin's definition of sovereignty is the "absolute and perpetual power of a republic," i.e., this power is unlimited in the sphere of human affairs. Sovereignty is absolute in the sense that the sovereign is not subject to law; on the contrary, he may decree and annul laws at will. ...

Thus, Bodin's sovereignty is totally exclusive: by giving the king the role of unique legislator, it grants the state an unlimited and original authority. ...The state is a monad, while the [king] is "separated from the people," i.e., placed in an isolation bordering on solipsism.

Obviously, this new theory of sovereignty was crucial. On the one hand, it dissociated civil from political society, a theme which became crucial at the start of the 18th century; on the other, it laid the foundation for the modern nation-state, which is characterized by the indivisibility and absoluteness of its power. With Bodin, political theory became modern.

...

Divine Absolutism Becomes Royal Absolutism

It is not difficult to detect the religious foundations of Bodin's doctrine. Bodin's understanding of political power is merely a profane transposition of the absolute way God and the Pope exercise power over Christians, even though he denounces the medieval concept of power as merely a delegation of God's authority. For Bodin, the [king] no longer is satisfied to hold power by "divine right." By granting himself the power to decree and annul laws, he acts like God. He forms a distinct entity, ruling the social body in the same way that God governs the cosmos. Thus, the sovereign's absolute rectitude is nothing more than the transposition into the political sphere of the Cartesian God, who can do everything except desire evil. Surreptitiously, sovereignty became infallible. In other words, Bodin makes sovereignty profane by taking it away from God, and then makes it again sacred in a profane form: he takes leave of God's monopolistic and absolute sovereignty and ends up with the monopolistic and absolute sovereignty of the state. All of modernity resides in this ambiguity: on the one hand, political power is secularized; on the other, the sovereign ... becomes a person granted quasi-divine political power. This confirms Carl Schmitt's theory, according to which: "All significant concepts of the modern theory of the state are secularized theological concepts."

It is important to note that Bodin's theory of sovereignty does not imply any particular type of regime. Bodin prefers monarchy, since power is naturally more concentrated, but he emphasizes that the exercise of sovereignty is equally compatible with aristocracy and democracy, although the danger of division of power is much greater.

The problem with sovereignty is differently posed with Thomas Hobbes (1588-1679). While, in Bodin's theory, the idea of absolute sovereignty is oriented explicitly against feudal power, which implies granting the [king] authority independent of his subjects' consent, for Hobbes, it results from a meditation on the destructive character of the "state of nature." As is well-known, Hobbes was the first to invoke a social contract based on the rationality of individuals. He says that individuals have decided to enter society and to place themselves under the authority of a [king] in order to end the "war of all against all," which is characteristic of the "state of nature." Thus, Hobbes introduced **the concept of the consent of the governed**, but the conclusions he drew from this went even further than Bodin. While Bodin maintains a certain duality between the sovereign and the people, Hobbes erases it completely. By entering society, individuals agree to give up entirely their sovereignty in favor of the [king], which is the opposite of Rousseau's social contract. With Hobbes, the price of security is obedience; the people are fused within the sovereign, whose authority is assimilated with the individual wills. Thus, it could be said that the state "swallows" the people (unlike in Rousseau, where, through the general will, the people "swallow" the state).

Thomas Hobbes: Sovereignty Reinforced

Not only unbound by the reciprocity of contract, since he did not sign it, but, also, since his power is derived from the rational will of all, the sovereign has the right to require total obedience from everyone. Since his legitimacy stems from the fact that the members of society have forfeited their sovereignty voluntarily, he depends neither on persons nor situations, but stands on right and law. The people cannot oppose him since, indivisible and absolute. As with Bodin, sovereignty for Hobbes is completely unitary and identified with the state; any division or fragmentation of power is considered to be the cause of instability and political separation.

Fair enough, there is something paradoxical in this modern formulation of sovereignty. In fact, both Bodin and Hobbes distinguish between tyranny and sovereignty, but they are able to do so only because they specify the objective limits of sovereignty, even while defining it as indivisible and absolute. This limitation might reside in the [king]'s obligation to respect certain natural or divine laws, or in the finality of power (serving the common good without infringing on the rights of the members of society), or in the criteria of the legitimate exercise of power: for Bodin, it is the law; for Hobbes, it results from individual consent. ...

...

The French Revolution: Continuity and No Rupture

The French Revolution preserved the very content of the concept of sovereignty embodied in the absolute monarchy, and took credit for giving it back to the "nation." ...

...

As Mona Ozouf writes: "Certainly, the people of the Revolution appear to have separated themselves from the Old World by inventing a society of free and equal individuals. But, in reality, they inherited from absolutism an idea much more ancient and more constraining: the idea of national sovereignty, i.e., a mythic, transcendent order of individuals."

...

Liberals Invent "Ethical" and Juridical Sovereignty

In principle, such an attempt is problematic from the very beginning, since law and politics are not one and the same. Thus, the concept of sovereignty can never be expressed entirely in juridical terms. On the one hand, and contrary to what is accepted today, what is morally right is not synonymous with what is politically desirable. On the other hand, the capacity to judge without appeal is useless without the capacity to decide without appeal and to apply what is decided, which law by itself cannot guarantee. As Julien Freund observes: "Law has a specific sphere and so does politics, and they do not coincide, which is why conflicts between them ensue. . . . No judicial system is able to abolish the ruler's original and arbitrary political will. This reasoning is sufficient in itself to answer definitively the question of the juridical character of sovereignty. . . . The juridical reason stems from procedure, not from power, i.e., the 'sovereignty of the law' exists to legitimate power, not to constitute it."

...

Johannes Althusius: Divided Sovereignty

Bodin's concept of sovereignty successively inspired absolute monarchy, revolutionary Jacobinism, state nationalism, republican ideology, fascism and totalitarian regimes. This explains why today this view of sovereignty can be found within totally opposite political groups: "nationalistic" republicans and xenophobic nationalists, revolutionaries and counter-revolutionaries, and among both leftists and rightists. All these groups have in common an

attachment to the notion of sovereignty and, above all, to the belief that sovereignty cannot be conceived of other than in the [Bodin-Hobbesian] sense. However, the idea of sovereignty expressed by Johannes Althusius in his major work, *Politica methodice digesta* (1603), is completely different.

An adversary of Bodin, Althusius (1557-1638) bases his argument on Aristotle when describing man as a social animal naturally inclined to mutual solidarity and reciprocity — what he calls communication of goods, services, and rights. For Althusius, political science is a methodical description of the conditions of social life; he uses the word “symbiosis” to describe how it functions. Denouncing the idea of a self-sufficient individual, he argues that society is first, a relation among its members (or “symbiots”), and second, based on a series of political and social pacts concluded successively from the bottom up by a multitude of autonomous, natural, and institutional associations (or “consociations”), both public and private: families and households, guilds and corporations, civil communities and secular bodies, towns and provinces, etc. These “consociations” coalesce in an order from the most simple to the most complex. On each level, individuals interact, not as isolated units, but as members of an already existing community, which never abandons the totality of its rights in favor of a larger society. In this context, Althusius examines the notion of representation in a sense completely different from that of liberal thought: for Althusius, the social contract is not a unique act resulting from free individual wills, but, rather, an integrating alliance (*foedus*) — a continuing process of “symbiotic” communication of individuals defined, above all, by their mutual belonging.

... [this piece continues for some pages with Althusius' vision, but you can stop here]

CHAP. IX.

Of the Ends of Political Society and Government.

§. 123.

IF man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom? why will he give up this empire, and subject himself to the dominion and controul of any other power? To which it is obvious to answer, that though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others: for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit a condition, which, however free, is full of fears and continual dangers: and it is not without reason, that he seeks out, and is willing to join in society with others, who are already united, or have a mind to unite, for the mutual *preservation* of their lives, liberties and estates, which I call by the general name, *property*.

§. 124.

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

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

§. 125.

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

§. 126.

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

§. 127.

Thus mankind, notwithstanding all the privileges of the state of nature, being but in an ill condition, while they remain in it, are quickly driven into society. Hence it comes to pass, that we seldom find any number of men live any time together in this state. The inconveniencies that they are therein exposed to, by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek *the preservation of their property*. It is this makes them so willingly give up every one his single power of punishing, to be exercised by such alone, as shall be appointed to it amongst them; and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original *right and rise of both the legislative and executive power*, as well as of the governments and societies themselves.

§. 128.

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

The first is to do whatsoever he thinks fit for the preservation of himself, and others within the permission of the *law of nature*: by which law, common to them all, he and all the rest of *mankind are one community*, make up one society, distinct from all other creatures. And were it not for the corruption and vitiousness of degenerate men, there would be no need of any other;

no necessity that men should separate from this great and natural community, and by positive agreements combine into smaller and divided associations.

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

§. 129.

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

§. 130.

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

§. 131.

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

CHAP. VIII.

Of the Beginning of Political Societies.

§. 95.

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

§. 96.

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

§. 97.

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

§. 98.

For if *the consent of the majority* shall not, in reason, be received as *the act of the whole*, and conclude every individual; nothing but the consent of every individual can make any thing to be the act of the whole: but such a consent is next to impossible ever to be had, if we consider the infirmities of health, and avocations of business, which in a number, though much less than that of a common-wealth, will necessarily keep many away from the public assembly. To which if we

add the variety of opinions, and contrariety of interests, which unavoidably happen in all collections of men, the coming into society upon such terms would be only like *Cato's* coming into the theatre, only to go out again. Such a constitution as this would make the mighty *Leviathan* of a shorter duration, than the feeblest creatures, and not let it outlast the day it was born in: which cannot be supposed, till we can think, that rational creatures should desire and constitute societies only to be dissolved: for where the *majority* cannot conclude the rest, there they cannot act as one body, and consequently will be immediately dissolved again.

§. 99.

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

§. 100.

To this I find two objections made.

First, That there are no instances to be found in story, of a company of men independent, and equal one amongst another, that met together, and in this way began and set up a government.

Secondly, It is impossible of right, that men should do so, because all men being born under government, they are to submit to that, and are not at liberty to begin a new one.

§. 101.

To the first there is this to answer, That it is not at all to be wondered, that *history* gives us but a very little account of *men, that lived together in the state of nature*. The inconveniences of that condition, and the love and want of society, no sooner brought any number of them together, but they presently united and incorporated, if they designed to continue together. And if we may not suppose *men* ever to have been *in the state of nature*, because we hear not much of them in such a state, we may as well suppose the armies of *Salmanasser* or *Xerxes* were never children, because we hear little of them, till they were men, and imbodyed in armies. Government is every where antecedent to records, and letters seldom come in amongst a people till a long continuation of civil society has, by other more necessary arts, provided for their safety, ease, and plenty: and then they begin to look after the history of their founders, and search into their *original*, when they have outlived the memory of it: for it is with *common-wealths* as with particular persons, they are commonly *ignorant of their own births and infancies*: and if they know any thing of their *original*, they are beholden for it, to the accidental records that others have kept of it. And those that we have, of the beginning of any polities in the world, excepting that of the *Jews*, where God himself immediately interposed, and which favours not at all paternal dominion, are

all either plain instances of such a beginning as I have mentioned, or at least have manifest footsteps of it.

§. 102.

He must shew a strange inclination to deny evident matter of fact, when it agrees not with his hypothesis, who will not allow, that the *beginning* of *Rome* and *Venice* were by the uniting together of several men free and independent one of another, amongst whom there was no natural superiority or subjection. And if *Josephus Acosta's* word may be taken, he tells us, that in many parts of *America* there was no government at all. *There are great and apparent conjectures*, says he, *that these men*, speaking of those of Peru, *for a long time had neither kings nor common-wealths, but lived in troops, as they do this day in Florida, the Cheriquanas, those of Brasil, and many other nations, which have no certain kings, but as occasion is offered, in peace or war, they choose their captains as they please*, l. i. c. 25. If it be said, that every man there was born subject to his father, or the head of his family; that the subjection due from a child to a father took not away his freedom of uniting into what political society he thought fit, has been already proved. But be that as it will, these men, it is evident, were actually *free*; and whatever superiority some politicians now would place in any of them, they themselves claimed it not, but by consent were all *equal*, till by the same consent they set rulers over themselves. So that their *politic societies* all *began* from a voluntary union, and the mutual agreement of men freely acting in the choice of their governors, and forms of government.

§. 103.

And I hope those who went away from *Sparta* with *Palantus*, mentioned by *Justin*, l. iii. c. 4. will be allowed to have been *freemen independent* one of another, and to have set up a government over themselves, by their own consent. Thus I have given several examples, out of history, of *people free and in the state of nature*, that being met together incorporated and *began a common-wealth*. And if the want of such instances be an argument to prove that *government* were not, nor could not be so *begun*, I suppose the contenders for paternal empire were better let it alone, than urge it against natural liberty: for if they can give so many instances, out of history, of *governments begun* upon paternal right, I think (though at best an argument from what has been, to what should of right be, has no great force) one might, without any great danger, yield them the cause. But if I might advise them in the case, they would do well not to search too much into the *original of governments*, as they have begun *de facto*, lest they should find, at the foundation of most of them, something very little favourable to the design they promote, and such a power as they contend for.

§. 104.

But to conclude, reason being plain on our side, that men are naturally free, and the examples of history shewing, that the *governments* of the world, that were begun in peace, had their beginning laid on that foundation, and were *made by the consent of the people*; there can be little room for doubt, either where the right is, or what has been the opinion, or practice of mankind, about the *first erecting of governments*.

§. 105.

I will not deny, that if we look back as far as history will direct us, towards the *original of common-wealths*, we shall generally find them under the government and administration of one man. And I am also apt to believe, that where a family was numerous enough to subsist by itself, and continued entire together, without mixing with others, as it often happens, where there is much land, and few people, the government commonly began in the father: for the father having, by the law of nature, the same power with every man else to punish, as he thought fit, any offences against that law, might thereby punish his transgressing children, even when they were men, and out of their pupilage; and they were very likely to submit to his punishment, and all join with him against the offender, in their turns, giving him thereby power to execute his sentence against any transgression, and so in effect make him the law-maker, and governor over all that remained in conjunction with his family. He was fittest to be trusted; paternal affection secured their property and interest under his care; and the custom of obeying him, in their childhood, made it easier to submit to him, rather than to any other. If therefore they must have one to rule them, as government is hardly to be avoided amongst men that live together; who so likely to be the man as he that was their common father; unless negligence, cruelty, or any other defect of mind or body made him unfit for it? But when either the father died, and left his next heir, for want of age, wisdom, courage, or any other qualities, less fit for rule; or where several families met, and consented to continue together; there, it is not to be doubted, but they used their natural freedom, to set up him, whom they judged the ablest, and most likely, to rule well over them. Conformable hereunto we find the people of *America*, who (living out of the reach of the conquering swords, and spreading domination of the two great empires of *Peru* and *Mexico*) enjoyed their own natural freedom, though, *cæteris paribus*, they commonly prefer the heir of their deceased king; yet if they find him any way weak, or uncapable, they pass him by, and set up the stoutest and bravest man for their ruler.

§. 106.

Thus, though looking back as far as records give us any account of peopling the world, and the history of nations, we commonly find the *government* to be in one hand; yet it destroys not that which I affirm, *viz.* that the *beginning of politic society* depends upon the consent of the individuals, to join into, and make one society; who, when they are thus incorporated, might set up what form of government they thought fit. But this having given occasion to men to mistake, and think, that by nature government was monarchical, and belonged to the father, it may not be amiss here to consider, why people in the beginning generally pitched upon this form, which though perhaps the father's pre-eminency might, in the first institution of some common-wealths, give a rise to, and place in the beginning, the power in one hand; yet it is plain that the reason, that continued the form of *government in a single person*, was not any regard, or respect to paternal authority; since all petty *monarchies*, that is, almost all monarchies, near their original, have been commonly, at least upon occasion, *elective*.

§. 107.

First then, in the beginning of things, the father's government of the childhood of those sprung from him, having accustomed them to the *rule of one man*, and taught them that where it was

exercised with care and skill, with affection and love to those under it, it was sufficient to procure and preserve to men all the political happiness they sought for in society. It was no wonder that they should pitch upon, and naturally run into that form of government, which from their infancy they had been all accustomed to; and which, by experience, they had found both easy and safe. To which, if we add, that *monarchy* being simple, and most obvious to men, whom neither experience had instructed in forms of government, nor the ambition or insolence of empire had taught to beware of the encroachments of prerogative, or the inconveniencies of absolute power, which monarchy in succession was apt to lay claim to, and bring upon them; it was not at all strange, that they should not much trouble themselves to think of methods of restraining any exorbitances of those to whom they had given the authority over them, and of balancing the power of government, by placing several parts of it in different hands. They had neither felt the oppression of tyrannical dominion, nor did the fashion of the age, nor their possessions, or way of living, (which afforded little matter for covetousness or ambition) give them any reason to apprehend or provide against it; and therefore it is no wonder they put themselves into such a *frame of government*, as was not only, as I said, most obvious and simple, but also best suited to their present state and condition; which stood more in need of defence against foreign invasions and injuries, than of multiplicity of laws. The equality of a simple poor way of living, confining their desires within the narrow bounds of each man's small property, made few controversies, and so no need of many laws to decide them, or variety of officers to superintend the process, or look after the execution of justice, where there were but few trespasses, and few offenders. Since then those, who liked one another so well as to join into society, cannot but be supposed to have some acquaintance and friendship together, and some trust one in another; they could not but have greater apprehensions of others, than of one another: and therefore their first care and thought cannot but be supposed to be, how to secure themselves against foreign force. It was natural for them to put themselves under a *frame of government* which might best serve to that end, and chuse the wisest and bravest man to conduct them in their wars, and lead them out against their enemies, and in this chiefly be their *ruler*.

§. 108.

Thus we see, that the *kings* of the *Indians* in *America*, which is still a pattern of the first ages in *Asia* and *Europe*, whilst the inhabitants were too few for the country, and want of people and money gave men no temptation to enlarge their possessions of land, or contest for wider extent of ground, are little more than *generals of their armies*; and though they command absolutely in war, yet at home and in time of peace they exercise very little dominion, and have but a very moderate sovereignty, the resolutions of peace and war being ordinarily either in the people, or in a council. Tho' the war itself, which admits not of plurality of governors, naturally devolves the command into the *king's sole authority*.