SECTION II.: OF THE NATURE OF LAWS IN GENERAL.

Law, in its most general and comprehensive sense, signifies a rule of action; and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational. Thus we say, the laws of motion, of gravitation, of optics, or mechanics, as well as the laws of nature and of nations. And it is that rule of action which is prescribed by some superior, and which the inferior is bound to obey.

Thus, when the Supreme Being formed the universe, and created matter out of nothing, he impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be. When he put that matter into motion, he established certain laws of motion, to which all movable bodies must conform. And, to descend from the greatest operations to the smallest, when a workman forms a clock, or other piece of mechanism, he establishes, at his own pleasure, certain arbitrary laws for its direction,—as that the hand shall describe a given space in a given time, to which law as long as the work conforms, so long it continues in perfection, and answers the end of its formation.

If we farther advance, from mere inactive matter to vegetable and animal life, we shall find them still governed by laws, more numerous indeed, but equally fixed and invariable. The whole progress of plants, from the seed to the root, and from thence to the seed again; the method of animal nutrition, digestion, secretion, and all other branches of vital economy; are not left to chance, or the will of the creature itself, but are performed in a wondrous involuntary manner, and guided by unerring rules laid down by the great Creator.

This, then, is the general signification of law, a rule of action dictated by some superior being; and, in those creatures that have neither the power to think, nor to will, such laws must be invariably obeyed, so long as the creature itself subsists, for its existence depends on that obedience. But laws, in their more confined sense, and in which it is our present business to consider them, denote the rules, not of action in general, but of human action or conduct; that is, the precepts by which man, the noblest of all sublunary beings, a creature endowed with both reason and free-will, is commanded to make use of those faculties in the general regulation of his behaviour.

Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being. A being, independent of any other, has no rule to pursue, but such as he prescribes to himself; but a state of dependence will inevitably
oblige the inferior to take the will of him on whom he depends as the rule of his conduct; not, indeed, in every particular, but in all those points wherein his dependence consists. This principle, therefore, has [39] more or less extent and effect, in proportion as the superiority of the one and the dependence of the other is greater or less, absolute or limited. And consequently, as man depends absolutely upon his Maker for every thing, it is necessary that he should, in all points, conform to his Maker’s will.

This will of his Maker is called the law of nature. For as God, when he created matter, and endued it with a principle of mobility, established certain rules for the perpetual direction of that motion, so, when he created man, and endued him with free-will to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that free-will is in some degree regulated and restrained, and gave him also the faculty of reason to discover the purport of those laws.2

Considering the Creator only as a being of infinite power, he was able unquestionably to have prescribed whatever laws he pleased to his creature, man, however unjust or severe. But, as he is also a being of infinite wisdom, he has laid down only such laws as were founded in those relations of justice that existed in the nature of things antecedent to any positive precept. These are the eternal immutable laws of good and evil, to which the Creator himself, in all his dispensations, conforms; and which he has enabled human reason to discover, so far as they are necessary for the conduct of human actions. Such, among others, are these principles: that we should live honestly, should hurt nobody, and should render to every one his due; to which three general precepts Justinian[a] has reduced the whole doctrine of law.3

But if the discovery of these first principles of the law of nature depended only upon the due exertion of right reason, and could not otherwise be obtained than by a chain of metaphysical disquisitions, mankind would have wanted some inducement to have quickened their inquiries, and the greater part of the world would have rested content in mental indolence, and ignorance its inseparable companion. As, therefore, the Creator is a being not only of infinite power, and wisdom, but also of infinite goodness, he has been pleased so to contrive the constitution and frame of humanity, that we should want no other prompter to inquire after and pursue the rule of right, but only our own self-love, that universal principle of action. For he has so intimately connected, so inseparably interwoven the laws of eternal justice with the happiness of each individual, that the latter cannot be attained but by observing the former; and, if the former be punctually obeyed, it cannot but induce the latter. In consequence of which mutual connection of justice and human felicity, he *has not perplexed the law of nature with a multitude of abstracted rules and precepts, referring merely to the fitness or unfitness of things, as some have vainly surmised, but has graciously reduced the rule of obedience to this one paternal precept, “that man should pursue his own true and substantial happiness.” This is the foundation of what we call ethics, or natural law; for the several articles into which it is branched in our systems, amount to no more than demonstrating that this or that action tends to man’s real happiness, and therefore very justly concluding that the performance of it is a part of the law of nature; or, on the other
hand, that this or that action is destructive of man’s real happiness, and therefore that
the law of nature forbids it.

This law of nature, being coeval with mankind, and dictated by God himself, is of course
superior in obligation to any other. It is binding over all the globe in all countries, and at
all times: no human laws are of any validity, if contrary to this; and such of them as are
valid derive all their force and all their authority, mediately or immediately, from this
original.

But, in order to apply this to the particular exigencies of each individual, it is still
necessary to have recourse to reason, whose office it is to discover, as was before
observed, what the law of nature directs in every circumstance of life, by considering
what method will tend the most effectually to our own substantial happiness. And if our
reason were always, as in our first ancestor before his transgression, clear and perfect,
unruffled by passions, unclouded by prejudice, unimpaired by disease or intemperance,
the task would be pleasant and easy; we should need no other guide but this. But every
man now finds the contrary in his own experience; that his reason is corrupt, and his
understanding full of ignorance and error.

This has given manifold occasion for the benign interposition of divine Providence,
which, in compassion to the frailty, the imperfection, and the blindness of human
reason, hath been pleased, at sundry times and in divers manners, to discover and
enforce its laws by an immediate and direct revelation. The doctrines thus delivered we
call the revealed or divine law, and they are to be found only in the holy scriptu

These precepts, when revealed, are found upon comparison to be really a part of the
original law of nature, as they tend in all their consequences to man’s felicity. But we are
not from thence to conclude that the knowledge of these truths was attainable by reason,
in its present corrupted state; since we find that, until they were revealed, they were hid
from the wisdom of ages. As then the moral precepts of this law are indeed of the same
original with those of the law of nature, so their intrinsic obligation is of equal strength
and perpetuity. Yet undoubtedly the revealed law is of infinitely more authenticity than
that moral system which is framed by ethical writers, and denominated the natural
law; because one is the law of nature, expressly declared so to be by God himself; the
other is only what, by the assistance of human reason, we imagine to be that law. If we
could be as certain of the latter as we are of the former, both would have an equal
authority; but, till then, they can never be put in any competition together.

Upon these two foundations, the law of nature and the law of revelation, depend all
human laws; that is to say, no human laws should be suffered to contradict these. There
are, it is true, a great number of indifferent points in which both the divine law and the
natural leave a man at his own liberty, but which are found necessary, for the benefit of
society, to be restrained within certain limits. And herein it is that human laws have
their greatest force and efficacy; for, with regard to such points as are not indifferent,
human laws are only declaratory of, and act in subordination to, the former.