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The social and political thought of William Paley

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THE SOCIAL AND POLITICAL THOUGHT OF WILLIAM PALEY

by

Robert Thompson Zuch

A THESIS

Presented to the Graduate Faculty

of Lehigh University

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Master of Arts

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of the requirements for the degree of Master of Arts.

May 20, 1964
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INTRODUCTION

The temper in England in the latter half of the eighteenth century was one of political unrest. There was revolution in the American colonies, a scientific awakening that was spawning a new industrial age, and a religious revivalism created by Methodism that gradually influenced the general apathy in the established church. This age produced a man who became a foremost moralist, philosopher and theologian.

William Paley was born in 1743. His life span of sixty-two years reached into the first five years of the next century, and included two of the modern world's most significant political revolutions, the American and the French. Educated at the University of Cambridge, he distinguished himself as an able young tutor and lecturer upon his return there several years after his graduation. William Paley became famous in his own day and to later generations, not as a university teacher or churchman, but as a writer of social science and theology. Although his theological and biblical works were not without their influence, his chief claim to fame lies in his Moral and Political Philosophy, published in 1785. Running through many editions, this work of Paley's was used as a textbook at Cambridge University and in abridged form at various private schools in England and America. In intellectual circles it became the subject of discussion and debate for many years.

Paley approached morals and politics as a utilitarian. In this he was a follower of David Hume, but unlike Hume, Paley was a theological utilitarian, in fact, the last one of any note. Bentham, his contemporary, was much closer to Hume in his general philosophical viewpoint, and as such became the leader of the secular utilitarian

school which was dominant in the nineteenth century. The temper of the age was changing, and theological utilitarianism's heaven and hell were too far from men's minds and the authority of scripture too weak to be effective.

There was a theological laxity in the eighteenth century that allowed rationalism to overshadow biblical doctrine. Paley as a theologian sought to bring the two together in a single system that neither spurned God's revelation in the scriptures nor man's rational mind. Utilitarianism was the first substitute for the contract theory of government. This theory taught that in a state of nature men gathered together and decided to give up certain individual liberties in exchange for governmental protection. A compact was made between society and state that was perpetually binding, but which made order and happiness possible. Thomas Hobbes and John Locke were the chief exponents of this theory, and only shorter variations were made by other theorists before Hume cast it aside. Hume propounded a utilitarian theory which held that government came into being because men found it useful in promoting the happiness of society. Government exists because of its utility, Hume declared, and for no other reason. Paley concurred in this reasoning. But as a Christian, he believed that God was necessary to any political or ethical theory, and here he parted from Hume. This is manifest in his Moral and Political Philosophy, which is a combination of rational philosophy and belief in divine revelation. In this he closely followed Abraham Tucker, to whom he was greatly indebted.

Paley was not a deist. In fact, deism had run its course as a vital theology before the end of the century. His two works on natural and revealed religion, the Natural Theology and the Evidences of Christianity, were major contributions to an orthodox Christian

repudiation of deism. He saw in nature many wonderful contrivances, serving many useful tasks. The only answer to the existence of such contrivances was a benevolent God, who had a personal interest in human welfare. In Christianity he saw a religion revealed by God, who had willed that his creatures should be happy and should be punished only when they disobeyed his will. The Christian conception of heaven and hell were very real, Paley thought, and the necessary rewards of good and evil. That which is useful is right. But this utility must be examined in its general effects, which if true will be the will of God. This rules out egoistic hedonism as a way of life, and makes utility subservient to the will of a benevolent God. Paley criticized the theory of the moral sense, which says that man recognizes right from wrong because of an inborn "instinct." He could not trust man with his selfish nature, fearing "that a system of morality, founded on instinct, will find reasons and excuses for established opinions and practices."

Although professing to favor change and improvement, Paley was basically a conservative whose system contained within it an almost complete justification of established institutions, judicial no less than religious and political. He used utilitarian principles as major premises to prove that the parliamentary system before the reforms of 1832 was good and fair, that judicial precedent was necessary in interpreting the law, that English penal laws were good in spite of their severity, that inequality of wealth was conducive to the general happiness, and that a religious establishment was necessary for public morality and a stable society. He stood strongly behind the British

Constitution as it was and for the colonial system of the Empire. Also, he thought that distinctive classes performed a useful function in society. Yet Paley was more liberal in reference to industry, approving of more automation to improve production, and strongly opposing slavery and the slave trade. Throughout his whole system there is a strong feeling and advocacy for what is right, with an equally pronounced reliance on utilitarian principles.

In this paper the aim has been to select those topics that relate primarily to society and the workings of government. Of course, the individual and society cannot be divorced, their influences are reciprocal, but the main thrust of the discussion concerns Paley's teachings that have social and political importance. These are found chiefly in his Moral and Political Philosophy. His other works are also reviewed and the various editions enumerated.

CHAPTER ONE
LIFE AND WRITINGS

William Paley was born at Peterborough, Huntingdonshire, England, in July, 1743. He was descended from an old and respected family that had resided in the West Riding of Yorkshire. His father was the Anglican vicar of the parish of Helpstone in Northamptonshire and a minor canon of the cathedral in Peterborough. During William's infancy his father was appointed the headmaster of the school in Giggleswick, and so the family moved back to Yorkshire. ^{1/}

Young Paley was therefore educated under the supervision of his father. At school he excelled over his fellow students, becoming a fairly accomplished classical scholar. His interests ranged over a wide field, especially to things mechanical. We are told that he had an active and contemplative mind, with little interest or ability in active sports. Nevertheless, his cheerfulness and droll humor made him a favorite among the students.

In November, 1758, Paley began his education at Christ's College, Cambridge. He was only moderately studious, but his mind was keen and he had the ability to pick out and retain that which was essential. He received his Bachelor of Arts degree in January 1763, and was the senior wrangler of the year.

After receiving his degree, Paley became a second assistant in an academy in Greenwich, where he taught Latin. This situation enabled him to spend much of his leisure time in London, both in the

1 The material for the facts of Paley's life is taken from George E. Meadley, Memoirs of William Paley (Sunderland, 1809), and from "Life of the Author" in William Paley, Works (Edinburgh, 1830), pp. xi-xxiii.

pursuit of knowledge and recreation. In 1765 he received one of the Cambridge prizes for the two best dissertations in Latin prose. His subject was, "A Comparison Between the Stoic and Epicurean Philosophy With Respect to the Influence of Each on the Morals of the People." Later he read it before the University, when it was reported that his delivery did not do justice to the merit of the work. That year he was ordained a deacon in the Church of England, and became the curate in the Parish of Greenwich. He left the school after a disagreement with the headmaster over the distribution of some gift money, but continued his duties at the church.

In June 1766, Paley was elected a fellow of Christ's College, Cambridge. He returned to residence at the college, took his degree of Master of Arts and began private tuition. Together with John Law, the son of the master of Peterhouse, he also became a tutor of the college, and these two young scholars soon raised the fame of their school to new heights. At the general ordination for the diocese of London on December 21, 1767 Paley was ordained a priest by Bishop Terrick. His friendship with John Law promoted his interest with the latter's father, Edmund Law, who made him his chaplain when he was appointed the Bishop of Carlisle in 1769.

As a tutor of Christ's College, Paley lectured on metaphysics, morals, the Greek New Testament and later on theology. He was an able lecturer and was popular with the students. He usually avoided sectarian and controversial matters in theology. The Thirty Nine Articles of

Religion he considered as mere articles of peace, not believing that the framers desired everyone to assent to the whole, since it contained about two hundred and forty propositions, many of them inconsistent with one another. In spite of this liberal view, Paley refused to sign a petition to the House of Commons in 1772 for relief from subscription to these articles of religion. He certainly must have approved of the substance of the petition, but for reasons of his own he withheld his name, saying that he "could not afford to have a conscience" in the matter. Later he took a more decided stand and in 1774 had a pamphlet published in defense of an earlier pamphlet by Bishop Law. It was called, A Defence of the Considerations of the Propriety of Requiring a Subscription to Articles of Faith. In it Paley took the position that subscription to articles of religion was neither necessary nor advantageous.

Paley's friendship with Bishop Law brought tangible results, for in 1775 Law appointed him to the church in Musgrove in Westmoreland, where the income was £ 80 a year. The following April he preached his last sermon at Whitehall, in May his work at the university ended, and in June he was married to a Miss Hewitt in St. Mary's Church in Carlisle by his friend John Law. Shortly after this he became the vicar at Dalston in Cumberland, and when he was appointed to the benefice of Appleby in 1777 he resigned his position at Musgrove. While holding the position at Appleby, Paley published a small work entitled, The Clergyman's Companion in Visiting the Sick. In 1780 Bishop Law appointed him to a prebendal stall in the cathedral at Carlisle, with an income of £ 400 a year. Two years later he became the Archdeacon of Carlisle, a sinecure that carried a certain dignity of office and an

increased income.

In 1785 Paley reached a new high point in his career. Up to this time he had published only an occasional pamphlet and a few sermons. In this year, however, he published his first major work, the Principles of Moral and Political Philosophy. This work soon received some degree of success, and in time proved to be Paley's chief claim to fame. The many editions indicate that it was widely read and that its author had achieved national recognition.

In the preface to Moral and Political Philosophy Paley stated that other treatises on morals generally had three imperfections: "either that the principle was erroneous, or that it was indistinctly explained, or that the rules deduced from it were not sufficiently adapted to real life and to actual situations."^{2/} His purpose was to avoid these errors. From his experience as a tutor in a university he felt that it was important to relate moral principles to situations of that day, and in doing so to be complete and direct without being too lengthy.

Paley explained the method of his work in the following:

My method of writing has constantly been this: to extract what I could from my own stores and my own reflections in the first place; to put down that, and afterwards to consult upon each subject such readings as fell in my way: which order, I am convinced, is the only one whereby any person can keep his thoughts from sliding into other men's trains. The effect of such a plan upon the production itself will be, that, whilst some parts in matter or manner may be new, others will be little else when a repetition of the old. I make no pretensions to perfect originality: I claim to be something more than a mere compiler.^{3/}

² Works, p. xxix.

³ Works, p. xxxi.

One work on which he claimed heavy reliance was that of Abraham Tucker, whom he thought had more original thinking and observations on the various moral subjects than all other writers combined. Paley explained his reasons for joining together in one work both moral and political philosophy in this way. Political thought is but an extension of moral thought. The part that a person takes as a member of the commonwealth, his vote and support of various measures and policies, is as much a personal duty as the concerns of his conscience in matters of a private nature. The method Paley followed was to lay down as basic the principle of general rules, without which, he is certain, no system of morals can be laid. From there, he says, the discussion of political subjects is clear and easy, for general rules can be applied to them more easily than to any other subject. He observed that political thought and action as lately expressed in various parts of the British Empire had so much depended on the ideas of John Locke, and therefore it was wise and practical to have these ideas rightly explained and fully understood.

Moral and Political Philosophy is divided into six books. In Book I Paley explains the basic considerations on which he builds his system. He says that moral philosophy is that science which teaches men what their duties in life are and the reasons for those duties. Men need the guidance of this science because they are often misled by what he calls the rules of life, rules which are set out in the customs of society, or in the law of the land, or in the

Christian Scriptures. Paley then goes on to argue against any innate moral sense in man, stating that social approval of virtue has been built up in time, continuing by authority, imitation and habit. The laws of custom are very apt to be mistaken for an order of nature, and so any system built upon instincts will soon find reasons and excuses for opinions and practices well established.

Paley continues his presentation of basic considerations by stating that happiness is a relative term which defines a person's condition in comparison with others or in comparison with his own former condition. Any condition can be called happy in which the total amount of pleasure exceeds that of pain, and the degree of this happiness depends on the quantity of this excess. It is not a matter of enjoying sensual pleasures, or of escaping from the cares and problems of life, or of attaining a prominent station in society. It does consist in affection within the family circle, of sharing what one has with others and of leading a useful and well-ordered life. Jeremy Bentham's thinking about happiness was similar. Pain and pleasure determine what we ought to do as well as what we shall do, Bentham says. Standards of right and wrong are dependent upon whether actions give pleasure or pain. The principle of utility recognizes this dependence and assumes that its system rests upon such a foundation, whose purpose is to bring happiness by means of reason and law. ^{4/} Paley concludes that happiness is pretty equally distributed among the various classes of society, and that, as a whole, evil has no advantage over goodness.

⁴ Elie Halevy, The Growth of Philosophic Radicalism (New York, 1928), p.28.

Book II of Moral and Political Philosophy deals with moral obligations. Paley asks why one is obliged to keep his word, and answers that it is because he seeks happiness in this life and in the life to come. A man keeps his word in order to avoid the pain which brings unhappiness in this life, and something far worse after death in hell. In Book III Paley discusses relative duties and divides them into three categories: determinate, indeterminate and the relations between the two sexes. Determinate duties are those dealing with property, promises, contracts, lies, oaths and wills. Indeterminate duties are those dealing with charity, slavery, resentment, anger, revenge, duelling, litigation, gratitude and slander. The relations between the sexes are discussed under the topics of marriage, divorce, adultery, polygamy and the family. Book IV is concerned with duties to ourselves, such as the right of self defense, drunkenness and suicide.

Duties toward God is the subject matter of Book V. "In one sense, every duty is a duty towards God, since it is his will which makes it a duty: but there are some duties of which God is the object, as well as the author: and these are peculiarly, and in a more appropriated sense, called duties towards God." ^{5/} Paley discusses the duty and efficacy of prayer, private prayer, family worship and public worship. He also devotes three chapters to what he calls the Christian sabbath, and then completes the section discussing reverence to God. Book VI is entitled "Elements of Political Knowledge." It is composed of sixteen chapters that cover the field of government and the individual's

5 Works, p. 82.

relationship to it.

Moral and Political Philosophy became the classical manual on morals at Cambridge University, where Paley had lectured for seven years. Locke's philosophy was by no means new here, but now it became 'Locke and Paley.' For half a century Paley remained the acknowledged representative of the utilitarian morality, and 'Paleyans' came to be denounced long before the 'Benthamites.'^{6/}

In 1789, when there was much expectation that the House of Commons was going to debate the issue of the slave trade, Paley wrote a short treatise entitled, Against the Unjust Pretensions of Slave Dealers and Holders, and sent it to the committee of the House that was studying the matter. It was published in the newspapers, but not in its entirety. Later it became lost, together with the rest of Paley's correspondence. That same year the mastership of Jesus College, Cambridge, was offered to him by the Bishop of Ely. Though urged by his friends to accept this post, he refused it, never giving his motive or reasons.

The Horae Paulinae was published in 1790, and dedicated to his friend John Law, who had become Bishop of Clonfert and Kilmacduagh in North Ireland eight years before. According to Paley's first biographer, this book proved to be the least popular of all his major writings. It was written on what seems to be an original plan. This plan was to show the genuineness of the Acts of the Apostles and the epistles of St. Paul in the New Testament by bringing out the many undesigned coincidences that occur in the history and in the letters.

⁶ Halevy, op. cit., p. 23.

Such internal evidence would not only confirm the genuineness of the writings discussed, but also, by inference, the truth of the events recorded here and elsewhere about Jesus Christ. Paley set forth the design of his work in the following statement:

The volume of Christian Scriptures contains thirteen letters purporting to be written by S. Paul: it contains also a book which, amongst other things, professes to deliver the history, . . . of this same person. By assuming the genuineness of the letters, we may prove the substantial truth of the history: or, by assuming the truth of the history, we may argue strongly in support of the genuineness of the letters. But I assume neither one nor the other. ⁷

After the exposition of the argument, Paley in each chapter takes one of Paul's epistles, from Romans to Philemon, and discusses certain verses in comparison with other verses in Acts and in other letters. Obvious similarities are not taken, but, rather, minor ones which come out in casual remarks by St. Paul, or incidental coincidences. The key to the whole work, he says, is undesignedness, and the validity of the argument depends on this. A forger would seek to line up certain events or sayings that could easily be seen by the reader, making it appear that since this or that verse agrees with one or more others in another or several other letters or in the history, the authenticity of these New Testament writings would be obvious. But incidental, minor agreements are another matter, so the argument runs, and when agreement comes here where a forger would not likely bother, then there is a strong probability that there is no forgery. In the conclusion Paley also brings out certain external evidences to bolster his argument, such as the general acceptance in the early Church of these writings, and

⁷ Works, p. 169.

references to them both by Christian and pagan authors. He explains as well the soundness of St. Paul as a man and his complete dedication as a Christian through his sufferings and miracles. The obvious conclusion to any reasonable person, Paley says, must be that the Acts of the Apostles and the epistles of St. Paul are genuine and truthful writings by sound and dedicated men of God, and worthy of anyone's consideration for study and inspiration.

In February, 1792 Paley presided at a public meeting in Carlisle which was called to petition Parliament for the abolition of the slave trade. He delivered a speech denouncing this trade as cruel and inhuman, and introduced a series of resolutions which called for its abolition. A petition was drawn up based on these resolutions, signed by a number of the citizens present and presented to the House of Commons on February 27. In exercising this leadership Paley was carrying into practice the teachings against slavery which he had written about in his Moral and Political Philosophy. There is no way of measuring the influence of Paley on his contemporaries in respect to the abolition of the slave trade. There were other leaders such as William Wilberforce who were more active in arousing the conscience of the British people against the practice, but in view of the wide circulation of his Moral and Political Philosophy and his national reputation Paley's influence must have been considerable.

There was another event which was stirring up Europe even more than the problem of slavery at this time. The French Revolution was in full progress, and its ideas were being widely disseminated.

There was considerable alarm among the people who owned property in Great Britain that revolution would spread across the English Channel and wreck havoc there as it had in France. Paley shared the fear of a general uprising of the common people and in an effort to help prevent such an occurrence he published in 1792 a pamphlet called, Reasons For Contentment Addressed to the Labouring Part of the British Public. Paley took the position that the poor need not envy the rich, especially to such a degree as to want to seize their possessions by force. Such action would not only be wrong but foolish. It is an illusion to think that the rich are happier than the poor and have a better way of life. It is work, an orderly life and the blessings of the family that bring contentment and the pleasure of rest. These things the poor man has. On the other hand, the rich in their idleness seek pleasure in vain amusements and find none; their familiarity with abundance only dulls their sense of them. To upset society in an effort to level it will only take away from both whatever measure of happiness each has, and no one can predict what the final outcome will be. Paley advocated that each one be content with his own lot, and let gradual improvement bring happiness to all.

One can appreciate Paley's influence in helping to maintain a stable society when there was much unrest among the common people. No doubt such an influence was highly necessary and desirable in Britain in order to avoid the excesses that came to France during the revolution there. But Paley was no reformer or champion of the common man — he was too much of a conservative. He had a concern for the poor, but

not enough to work vigorously for his economic betterment. He failed to see through the limitations of his own society, and instead upheld the structure of society of his time as being the very best possible. For this reason he could advocate gradual improvement of the common man's lot, but he himself failed to bring out any new ideas or methods that would help the poor man raise his standard of life above the bare subsistence level that was taken for granted by the upper classes. It remained for Bentham to become the leader of the utilitarian school that would work for reforms in society, culminating in the Reform Bill of 1832.

In 1794 Paley published A View of the Evidences of Christianity, a work which became the most popular of his writings and the most profitable in financial returns. Evidences of Christianity was a work of apologetics for the truth of the Christian religion. In this work Paley does not insist on the minute agreement of the various scripture writers, nor on the infallible judgement of the apostles, nor on the absolute accuracy of every passage of the Bible. But he argues for the substantial truth of the scriptural revelation, which, by teaching the resurrection of the dead and a future state of rewards and punishments, supplies motives for high moral conduct that natural religion could never do.

Evidences of Christianity begins with certain preparatory considerations. The author takes Christianity as a given, necessary revelation, and that in judging it the question is whether it is credible in itself, not over against any other religion. Suppose that

there is a Creator, he says, that he has provided all the things that we know in the world, that he has made man as a moral being capable of obedience to his will, and that he has provided a second state of existence for man dependent on his behavior in the first. Suppose that it is highly important for man to know what is intended for him for the sake of his own happiness, but that due to some cause and his own imperfection this knowledge has been lost, is it improbable that God should step in and grant him a revelation to acquaint him with this knowledge? And in what other way can a revelation be made except by miracles? Therefore the improbability of miracles stated as happening in conjunction with the revelation are no less improbable than the revelation itself. The author goes on then to refute Hume who wrote in his Essay that miracles could not have happened because they are "contrary to experience". The probability of miracles is not certain only if they are universally experienced, as a law of nature, and repeatedly under certain conditions, Paley says. To expect this would make it cease to be a miracle and destroy its usefulness and purpose.

The work is then divided into three parts. Part I is concerned with the direct historical evidence of Christianity, and in what way it is distinguished from the evidence alleged for other miracles. The first proposition is stated thus:

"That there is satisfactory evidence that many professing to be original witnesses of the Christian miracles, passed their lives in labours, dangers, and sufferings, voluntarily undergone in attestation of the accounts which they delivered, and solely in consequence of their belief of those accounts; and that they also submitted, from the same motives, to new rules of conduct." 8/

8 Works, p. 300 .

This proposition is then developed in nine chapters. To support this, two points are stated as necessary: that Jesus Christ, the founder of Christianity, and his followers lived the lives described in the New Testament and elsewhere, and that they did so as firm believers in the truth of the historical narratives in the scriptures. To develop these points the author goes on to show that the Christian religion does actually exist, that it worked against many of the practices of the Jewish religion, and therefore aroused opposition on the part of many, which caused difficulty and danger to its adherents. There were non-Christians who witnessed in their writings to the existence of Jesus Christ and his Church, such as Tacitus, Juvenal, Pliny and others. The sacred writings themselves give a much closer and therefore clearer view of the trials and sufferings of Jesus and the early Christians, and of the exhortations to patience. "What could all these texts mean, if there was nothing in the circumstances of the times which required patience, which called for the exercise of constancy and resolution?"⁹ When we take all these recorded events into consideration, there cannot remain much doubt in our minds that the people spoken of did appear at that time in history and did propagate their gospel and suffer many times in consequence of it. The author feels, too, that it is clear that there is a very high degree of probability that the story, for which these persons worked and suffered, was a miraculous one, that they pretended to some kind of miraculous evidence. They had nothing else on which to stand. The designation of Jesus of Nazareth as the

9 Works, p. 307.

Messiah rather than any other person could only be founded upon supernatural tokens attributed to him.

Paley then goes on to answer the question whether, once having proved that the first Christians did what they were alleged to have done, the account given in the scriptures is the same, and that therefore the Christian religion today is the same religion of the early Church. He discusses various reasons for believing in the affirmative and goes on to devote much space to proving the authenticity of the scriptures. He proceeds in this task by stating that the historical books of the New Testament were quoted or alluded to by many early Christian writers, including some who were contemporary with the apostles. The fact that these books were held in high respect and eventually gathered into one volume is of great significance, he says, as is the fact that they were publicly read in the services of worship of the early Church. Also, they were used by catholics and heretics alike, both of whom defended them against the attacks of the enemies of Christianity.

Paley then gives a second proposition in Part I as an opposite allegation:

That there is not satisfactory evidence, that persons pretending to be original witnesses of any other similar miracles, have acted in the same manner, in attestation of the accounts which they delivered, and solely in consequence of their belief of the truth of those accounts. 10/

He then goes on to relate accounts of miracles attributed to various men,

10 Works, p. 353.

pagans and Christians, of later history, and to show that their cases do not have the substantial evidence of the scripture miracles. The second chapter deals with three specific "miracles" mentioned by Hume as being only supposed ones, and tries to convince the reader that the disproving of these in no way disproves those upon which Christianity is founded.

Part II of Evidences describes "the auxiliary evidences of Christianity." Such evidences include the fulfillment of various prophecies, the exceptional candor of the biblical writers in respect to both moral and immoral acts and the agreement of the various Gospels in their description of the character and personality of Christ. Paley brings out the fact that the New Testament writers exhibited the kind of local knowledge that only native inhabitants living in that age could possess, and that there are many undesigned coincidences related in the books of the New Testament.

In the last part Paley defends the New Testament against its attackers. He explains why certain discrepancies between the four Gospels are no cause for proof that these writings are not true. The Gospel writers thought and wrote as men of their age, and they should not be judged adversely in the light of modern knowledge. Just because they accepted the Old Testament uncritically is no reason to make Christianity answerable with its life for the circumstantial truth of every passage of the Old Testament. Paley refutes those who raise objections to Christianity because it was rejected by so many Jews and non-Jews alike by describing the nature of the Jewish religion and the Jewish

concept of what a Messiah ought to be, and by describing the general attitude of scorn which the educated Greeks and Romans had toward all religions. In spite of such opposition, Paley says, it is remarkable that Christianity made the progress it did, and this progress speaks well for its truth and power. Men are free to accept religion or to reject it, just as they are free to accept or reject many other things. For this reason it is incorrect to say that the Christian religion could be true only if it were universally given and accepted, for this is expecting more than it claims or could be hoped for in men as God has created them. All that is necessary for man's eternal salvation has been revealed in the person of Jesus Christ and the scripture accounts, and men are free to accept it.

In his conclusion Paley has this to say: A man who approaches religion with the idea that every part must be true, approaches it at a great disadvantage. Yet it is impossible for men not to come to it in this way, at least to some degree. Everyone is prejudiced by early teachings in his life and by the habits of mind and speaking of the society in which he lives. As a result, the doctrines of religion come to him before the proofs. The effect of such a presentation is that when an article of religion contradicts the understanding of a person, he often hastily and indiscriminately rejects the whole religion. This is unfortunate, for the reasonable way is to inquire into the general truth of its principles, and then, when the foundation is secure, go on into the interpretation of its records and the doctrines that have been derived from them. The discovery that these conclusions have

varying degrees of probability and importance should not endanger a man's faith. Rather, such an approach will uphold personal Christianity and guard against prejudices which are very apt to arise in one's mind.

This method of reasoning agrees with that given in Moral and Political Philosophy, Book II, chapters seven and eight, where Paley discusses the necessity of general rules. This concept is basic to his whole philosophy. A thing or act is right or good according to its utility, but its utility must be judged as to whether it is general in its effect. If not, it is not good or it leads to false conclusions.

A View of the Evidences of Christianity was a more popular work than Horae Paulinae. It came out just when the writings of Hume, whose argument against miracles this treatise was designed to meet, and Edward Gibbon, were influencing the upper classes, and the writings of Thomas Paine were having great effect upon the lower classes. ^{11/}

Paley was placed in a number of pastorates and accepted certain sinecures during the last decade of his life which together made him a fairly rich man. After being installed as sub-dean of the Lincoln cathedral in July of 1795, he went to Cambridge to receive his degree of Doctor of Divinity. At the commencement he preached his doctoral sermon entitled, "Dangers Incidental to the Clerical Character," which was later published.

Paley now divided his time between Lincoln and his church at

¹¹ John H. Overton and Frederic Ralton, The English Church (London, 1906), p. 258.

Bishop Wearmouth. For a time he acted as the local magistrate, and was accused by some as being rather hasty and prone to anger. He felt that there were too many taverns and public houses in the county, which were inducements to intemperance and public disturbances. He attempted to attack the problem in his neighborhood by limiting the number of licenses granted, and by bringing the matter to the attention of the judges at the quarter sessions. Local support for this crusade of Paley's was feeble, and so there were no results.

Ill health began to bother Paley in 1800, and from that time on he was limited in the amount of work that he could do. In spite of his physical decline, however, Paley's intellectual powers remained unimpaired, for it was during this period of his life that he wrote his last major work, Natural Theology, which was published in 1802. This work was meant to make the total of his writings into a comprehensive system of religion and morality.

Paley's Natural Theology is a work in which the author's chief aim is to show that it is a reasonable conclusion from the design of nature to believe that there is a God. There is a lot of detail about the structure of man, animals and plants. This detail describes the various organs of some bodily structures in order to show the ingeniousness of the design of certain parts as contrivances made for a specific purpose or purposes. When one considers seriously such design, Paley thought, one must reasonably answer that there must be a designer, a rational being capable of creating the wonders of nature, whom we call God.

The state of the argument is laid out in the opening chapters. Paley uses the example of a watch to illustrate the argument from design, and although other illustrations are used and described in great detail, the gist of the argument still lies in the reasoning behind this illustration. Paley uses the illustration in this way: Suppose I should stumble over a stone in the road and were asked how the stone happened to be there, I might possibly answer that it had always lain there. But if I found a watch on the ground and were asked the same question, I would hardly give the same answer, and for only one reason - that when I inspect the watch I find that the several parts of it were designed and made for a purpose, to keep time. Having observed this, what is the inference? Inevitably it must be that this machine must have had a maker, who had conceived its purpose, designed its structure and put it together. It does not matter that I did not see the thing made, that I do not understand its workings, that it sometimes goes wrong, nor that some other design might have been possible. The facts that I do know justify my conclusion, and my ignorance and doubts on other points do not affect the certainty of my reasoning.

Suppose, also, that I should discover that the watch is capable of reproducing itself. The first watch is in a certain sense the maker of the second one, yet in a different way from that in which a carpenter makes a chair. The first watch did not cause

the second, but only shared in its formation. Therefore, although I now realize that the watch I originally found probably did not come from the hand of the designer, this does not change the inference first made, that a watchmaker had originally conceived and manufactured the first watch to come into existence. No matter how far back I go, there must have been at some time a contriver, a designing mind, who can truly be said to be the author of all the watches that have been reproduced since the first one. The inevitable conclusion, Paley says, is that there is a supreme designer, who is God. The only alternative is atheism, and atheism is a denial of what nature reveals, for in nature there are contrivances that exceed in wonder and complexity the contrivances which man has made.

The bulk of Natural Theology is an effort to expound this basic reasoning by using illustrations from nature, especially the human eye. In quite lengthy detail Paley goes through this description, pointing out the wonderful and delicate structure of the eye and how it works to admit light for the purpose of giving sight. The author goes on to refute certain arguments sometimes put forth in support of atheism, and to explain why lack of knowledge concerning many things in nature is no cause for discarding a belief that nature speaks of God. Contrivance, to Paley, once established, proves everything that is necessary. Among other things it proves the personality of the Deity as distinguished from

nature, or a principle. Our reasoning leads to an intelligent Author, but this Author is not the same as the universe which he has created. It is he who supplies the power for everything to work and live. Even philosophy, after all its schemes and struggles, necessarily resorts reluctantly to a Deity. The appearance of design is too strong. God must be.

Paley concludes that the existence and character of God is the most interesting of all human speculations. No aspect of it is more interesting than that it facilitates the belief in the fundamental articles of Revelation. It is a step to know that there is a God concerned with the production, order and support of nature. Further than this foundation it is well to leave to Revelation the disclosure of knowledge which cannot be discovered otherwise. "The theist will be the first to listen to any credible communication of divine knowledge. Nothing which he has learned from natural theology, will diminish his desire of farther instruction. . . He wishes for light: he rejoices in light." ^{12/}

The mass of detail in Natural Theology displays a very considerable knowledge of the morphology and physiology of plants and animals on the part of the author. His main intention was to show that a belief in God is reasonable, while atheism is not. The doctrine of atheism had been disseminated through the French Revolution, and the appearance of this work of Paley's was a timely refutation intended to support the orthodox Christian concept of God as a personal Being and Creator of the universe.

12 Works. p. 552.

William Paley died in 1805, and was buried in the cathedral in Carlisle. In his lifetime he had attained great prominence as a writer of philosophy and theology. His four major works, Moral and Political Philosophy, Horae Paulinae, Evidences of Christianity and Natural Theology, formed a rather complete system of thought and were widely read during his lifetime. But Paley's influence continued strong for over a generation after his death, both in Great Britain and in America.

CHAPTER TWO
SOCIAL THOUGHT

In this discussion of William Paley's thought, let us look first into some of the basic considerations which he takes into account in developing his ethical system. It begins with the individual and why he should be obliged to keep his word. Other moralists, he says, give such answers as: because it is right, or fit, or reasonable, or truthful, or best for the public good, or because the will of God demands it. However, all of these answers ultimately coincide, no matter what set of principles they use and develop, and they all fall short. The proper way to conduct the inquiry is first to ask what we mean by being obliged, and then to show why one is obliged, for example, to "keep his word." ^{1/}

A man can be said to be obliged "When he is urged by a violent motive resulting from the command of another." ^{2/} Simply to do something for someone in return for a small favor can hardly be classified as an obligation. But if that person depends upon the service that I can render to him, then we can say that there was a real obligation. Furthermore, the service must be given as a result of a command, as, for example, from a superior. It follows, then, from this explanation, that we are obliged to do only those things by which we stand to gain or lose something by, for nothing else can be a "violent motive." As we would not be obliged to obey the law or the civil magistrate except there be some reward or punishment, pleasure or pain, so, for the same reason, we would not be obliged to obey the will of God, to do what

1 William Paley, "Moral and Political Philosophy," in Works (Edinburgh, 1830), pp. 12-13.

2 Works, p. 13.

is right and virtuous. Paley feels it necessary to take for granted that there is a future state of rewards and punishments in a life to come after death, and to go on from there to discuss what actions will be rewarded and which will be punished. This latter is the area of morality and the subject of his work, Moral and Political Philosophy.

DUTY and RIGHTS

To inquire into what is our duty, or what we are obliged to do according to Paley, is simply to ask what the will of God is. This is the substance of morality or ethics. There are two ways to discover the will of God. One is to examine the Scriptures where God has made a declaration about a certain point or act; the other method is to look into the designs of nature and see what light is given there. It makes no sense to divide the two; for both natural and revealed religion come from God and speak of his will. Paley criticizes David Hume, who, he says, in his Principles of Morals builds a system of morals without Christianity. Such a system provided no proper motivation for the prevention of greed, revenge, envy and hate, and the lack of additional sanctions leaves ethics cold and heartless. But Paley, having accepted as established a system of rewards and punishments in the Gospel, feels that it is absurd to reject the Christian religion as part of the foundation of an ethical system and expect something to come of it. When looking into the will of God concerning any action by the light of nature, it is necessary to ask whether this act tends to promote or detract from the general happiness. In establishing this rule the

presumption is made that God wishes the creatures which he has created to be happy, and as a corollary it follows that those actions which promote this happiness are agreeable to the divine benevolence, and those which promote the opposite are not agreeable. This is the foundation of Paley's whole system.

Paley then goes on to develop his discussion of man's duties and rights by stating that when God created man he either wished him to be happy, or to be miserable, or else he was indifferent as to how man felt at all. If misery was the aim then our senses would continually cause us to feel pain. But this is not so. Paley rules out God's indifference because there is so much in the world that can give pleasures and man does enjoy these pleasures. The inevitable conclusion must be that God wanted man to find happiness when he created him, and he provided means to that end. This provision can be seen in nature. Simply stated it is this: contrivance clearly shows design, and the tendency of the contrivance shows the purpose of the designer. The world is full of contrivances, and upon examination all can be seen to have beneficial ends. Evil does exist, yes, but this is never the purpose of the contrivance. A tooth can ache, but this is an incidental matter. The tooth was created to chew food for the enjoyment of eating and the pleasure of good health. The examples could be multiplied. Man has made instruments of torture, but nothing of this sort can ever be found in nature. The conclusion is inescapable. "God wills and wishes the happiness of his creatures." From this premise we can go on to the next, "That the method of coming at the will of God, concerning any action, by the light of nature, is to inquire into the tendency of that action to

promote or diminish the general happiness." 3/

It is the tendency of an action by which it is to be judged. "Whatever is expedient, is right. It is the utility of any moral rule alone, which constitutes the obligation of it." 4/ Some might object and say that certain actions might seem to be useful which no sane man would say were right. The assassination of some objectionable character is an example, or the obtaining of a seat in Parliament by fraud and bribery because one's talent could better be used there for the public good than in private life. The true answer is that such actions are not useful when examined fully as to their implications and results, and therefore are not right. To see this clearly we have to make the distinction between particular and general consequences which are bad. The former are consequences which come immediately as a result of the action, and in the case of the assassination would be the fright, pain and death which would come to the victim. The latter are consequences which come because of the violation of some necessary or useful general rule: in this case, that no man be put to death for a crime unless by public authority. The action is therefore not useful, because the general consequence is so evil. Such reasoning must then conclude that moral government in the world must proceed on the basis of general rules. If allowance is made for one to kill another because he thought him better out of the way, then others should be allowed the same freedom. Such a state of affairs could only lead to fear and confusion among all members of society. It is apparent that a general rule must be

3 Works, p. 15.

4 Works, p. 16.

laid down that forbids such indiscriminate killing and leaves the taking of life to the public authority under law. The general consequence of any action to society may be judged by asking what would be the result if the same type of action were generally permitted. On the basis of this judgement, prohibition and punishment will always be determined. "Whatever is expedient is right." ^{5/} But it must be expedient on the whole and in the long run, both in the direct and collateral results.

Paley then continues with the admonition that right and obligation are reciprocal. If a man has a right to a certain thing, then there is an obligation on the part of others in society to respect this right. Because obligation depends, as stated above, on the will of God, then right, as a corollary, depends upon the same. "Right therefore signifies, consistency with the will of God." ^{6/} There is a division of rights when applied to persons. Natural rights belong to a man when there is no civil government. Such rights are the right to life, limb and liberty, the right to whatever one produces, the right to the common things of life such as air, water and light. Adventitious rights, on the other hand, stem from civil government. Examples are the right of a king over his subjects, of an army officer over his men, a judge over the life and freedom of a prisoner. Where do such adventitious rights come from? According to Paley, we must go back to the general rule that God wills the happiness of his creatures, and the creation of a civil society is necessary to bring that

5 Works, p. 17.

6 Works, p. 18.

happiness. It follows, then, that there are many things which are useful for the stability and well being of society in general, and these things can rightly be said to be consistent with the will of God or right. Rights are alienable or unalienable, depending upon the method of acquiring the right. If the right originated from a contract and is limited to the person by the terms of the contract, then it is unalienable. The right of a prince over his people, a husband over his wife, a master over his servant are examples; others are alienable (money, property, lands, etc.). Rights are also perfect or imperfect. The former may be asserted by force or through the law, while the latter may not. Examples of perfect rights are a man's right to his life, person, house, personal property, and the like, and he may defend himself and his own by force or through the courts. Imperfect rights are ones such as the right for the best man to win in an election or for a poor man to relief, but in neither case can he resort to force if he does not receive his due.

Paley also discusses what he calls the "General rights of Mankind," by which he means the rights which belong to men collectively.⁷ These are the right to the fruits and vegetables of the earth, and the right to the flesh of animals. His concern over their use is whether there is pain or injury. There is none in the case of the produce of the plant world, and so there can be no argument

7 Works, p. 20.

against their use for man's benefit. This is not so in the case of animals. He can see little support in nature for the right to use, restrain and slaughter animals, and so depends upon the ninth chapter of the Book of Genesis, where God delivered into Noah's hands all the creatures of the earth for his use and satisfaction. Why Paley did not resort to his usual utilitarian argument does seem somewhat strange, It would not seem difficult to show how useful the eating of the flesh of animals is and how it adds to the general happiness.

Paley strongly condemns waste. From reason and revelation it appears to be God's intention that what the earth produces should be for the use of mankind. Consequently all waste and misuse of what has been given is contrary to the divine will and therefore wrong. The wise use of land, not for selfish purposes but for the general good is right. But there can be no condoning of letting land lie barren when it could be productive, or destroying provisions to raise the price on the market, or indiscriminately consuming the young of animals so that they diminish the species in numbers. It is the duty of man to add to his store of provisions so that there might be plenty for all.

Paley also draws this conclusion: that nothing ought to become the exclusive property of one, if it can conveniently be enjoyed by all. The Creator intended the produce of the earth to be used by man, and so one man has the same right as another to what has been generally given. No one can claim the whole flock of sheep or all the fruit of the tree and exclude anyone, unless he can show that it was

God's intention that this be done. However, there is one argument which can justify the exclusive use by one person; namely, that the thing cannot be enjoyed at all, or to the same degree if it is left for common use. This is true when there is not enough for all or when labor and care has gone into the production and preservation of the article in question. Otherwise it is a usurpation of the rights of mankind to confine its use to anyone. Within this definition Paley would include a medicinal spring even though on private property, fishing grounds in the open seas and the free right of navigation on the high seas.

There is another general right - that which arises from extreme necessity. This is the right to use or destroy another's property when it is a matter of preservation of one's life to do so. Included in this would be the taking of food belonging to another if this food meant the difference between life and death, throwing goods overboard to save a ship, or destroying a house to stop the progress of a fire. The basis of this right lies in the fact that property was not intended to operate for the destruction of anyone, and when it does, all regard for it is disallowed. These are cases where the particular consequences overbalance the general good, and the minor wrongs are beneficial enough to justify the breaking of the general rule.

PROPERTY

Paley begins his discussion of the institution of property with the telling of a parable.

If you should see a flock of pigeons in a field of corn; and if (instead of each picking where and what it liked, taking just as much as it wanted, and no more) you should see ninety-nine of them gathering all they got, into a heap; reserving nothing for themselves, but the chaff and the refuse; keeping this heap for one, and that the weakest, perhaps worst, pigeon of the flock; sitting round, and looking on, all the winter, whilst this one was devouring, throwing about, and wasting it; and if a pigeon more hardy or hungry than the rest, touched a grain of the hoard, all the others flying upon, and tearing it to pieces; if you should see this, you would see nothing more than what is every day practised and established among men. Among men, you see the ninety-and nine toiling and scraping together a heap of superfluities for one. . . ; getting nothing for themselves all the while, but a little of the coarsest of the provision, which their own industry produces; looking quietly on, while they see the fruits of all their labour spent or spoiled; and if one of the number take or touch a particle of the hoard, the others joining against him and hanging him for the theft. ⁸/

Paley sees this as a strange and paradoxical situation. Surely there must be very important advantages, he thinks, to such a system which appears to be so unnatural. There are advantages, the first being the increase of the produce of the earth. In such a climate as Britain's, little would be produced if the earth were left in its natural state without cultivation, and few would be willing to cultivate the ground if others could claim an equal share of what was produced. The same is true of flocks and herds. Men would have to live on wild things like

⁸ Works, p. 22.

savages, and great populations could not be supported. Another advantage is the holding of produce until it matures. Things left growing in their natural state are often taken and used, or wasted by people who will not wait until they are ripe. Man's selfish nature reasons that if he does not take his share as early as possible, someone else will take it and he will be left wanting. A third advantage is the prevention of contests. Wars and strife would be unavoidable where there is not enough for all, and where there are no rules set for the distribution of whatever is produced. There is a fourth advantage in the improvement in the conveniency of living. Mankind can divide himself into separate professions and then exchange what he makes or grows for whatever he lacks. Such exchange implies property, and herein lies much of the advantage of civilized society over primitive forms. People become skilled in various arts and many wonderful things result, whereas if everyone had to be a jack-of-all-trades he could be master of none. Property also encourages those arts which supply human wants by allowing the artist to keep for himself the benefit of his discoveries and improvements. Without this incentive, men would little tax their ingenuity to make life better for all. With few exceptions we can then say that even the poorest are better provided for in a society that recognizes the right to hold property, than where most things are held in common. Inequality of property to the degree that it exists in some of the countries of Europe, considered in the abstract, is an evil. But it is an evil, Paley says, that comes from those rules that govern

the acquisition and disposal of property and which incite men to strive and work and which guarantees the security and worth of what they produce. If inequality does not come from this origin, then it should be corrected.

Regarding the history of property, Paley follows Locke in saying that the first things considered as such were the fruits a man gathered, the wild animals he caught, the tools he made and the shelters he built. Then came weapons of war. Many savages have not advanced beyond this stage. Flocks and herds of tame animals soon became property, as did wells of water. Land probably did not become so until much later, when areas became quite populous and the tillage of soil a common thing. Even then, at first, a man possessed land only so long as he remained there with his other possessions, and when he moved on it was left to whoever else wanted to move in. More permanent property probably came only after civil government and laws became established. In his rather sketchy account, Paley relies mostly on the early biblical accounts and adds to them what seems generally reasonable to him.

Paley recognizes the difficulty in explaining the origin of property in land, consistent with the law of nature. No doubt at first land was all held in common; but just how any part of it was first taken from the common lot and used exclusively by one owner, as to give him a just title to it more than any other person, and to have the right to exclude all others, is not easy to answer. Moralists

have given different explanations. One says that when mankind allowed a certain person to occupy a piece of ground they gave tacit consent to his ownership and the relinquishing of their claim. Paley objects to this on the grounds that consent by silence cannot be presumed when the person who must give consent knows nothing about the matter, which must have been the case originally except for the few people who were neighbors. Locke's solution lay in the labor expended in occupying and working the land. A man's labor is his own, and when this labor is applied to land it becomes inseparably mixed with it. To take away the land would then be taking away something which is indisputably his own. Paley goes along with this theory with reservation. He can agree that a fish that is caught or a deer killed when wild in the woods instantly becomes the property of the one who expended the labor in the fishing or hunting. But this will hardly hold in the matter of land, when an explorer ceremoniously takes possession of previously unknown areas, or if cattle are turned into a piece of ground, landmarks set up, a ditch dug around it or a hedge planted. Nor would it be satisfactory to go in and manure and plow a field to claim possession in perpetuity and then let it lie idle.

Paley proposes what he thinks is a better explanation. Since God has provided these things for the use of all, he has given the right for each one to take what he needs. A man may take for himself anything that he stands in need of, without asking anyone for permission,

in the same manner as when an entertainment is provided for the freeholders of a county, each one goes and eats and drinks whatever pleases him, with no questions asked. But this explanation justifies property only as far as necessity goes, or proper provision for the exigencies of life. The freeholder at an entertainment freely accepts what is provided, but no one would think it proper for him to fill his pockets or his bag and take quantities home to hoard for himself, or waste, or use in superfluous luxury.

None of these accounts can very well vindicate the present claims to property, says Paley, unless it were more probable than it actually is, that land was given over to individuals in exactly the manner prescribed, and that a due regard to justice has been meticulously observed in every successive transfer of them ever since. If one link in the chain of events fails of this, then every title falls to the ground. The real foundation of the right to hold title to land is the law of the land. It is the intention of God that the products of the earth be used by man. This cannot be done without the institution of property, and therefore, it is consistent with the will of God that property be established. Land cannot be divided into separate properties without some laws to govern this procedure, so it is consistent with the same will that laws be used to regulate the division. It follows, then, that it is consistent with the will of God or right that one should possess the piece of land that the law assigns to him. Whatever route is taken to justify the right of property, it must eventually end in the will of God; hence, Paley argues, the shortest

route is the best.

The resulting conclusion of such reasoning is that it does not matter at the present time how the property which I hold was acquired, nor whether the various transitions from one hand to another were in accord with justice. My right is not diminished because a stronger tribe of Britons took it from a weaker, or because the Romans turned out the Britons, the Saxons the Romans, and the Normans the Saxons. My right is not lessened because the land was seized by force of arms by someone at a later time, and went through various transactions that might have been fraudulent and unfair, until at length it came to me. Nor does the expediency of the law matter. On one side of a stream the law of inheritance gives the land to the eldest son, on the other side it goes to all the children equally. In each case, the ownership is secure under whatever law governs, even though the expediency of the laws in each case must be different. It is the law that gives the right.

It might be said that such a dependence upon the law of the land could lead to bad uses. So long as a man kept within the letter of the law, it would seem to follow that he has a right to take everything that the law will allow, which in many cases would cover the most flagrant trickery. The distinction is this: although the law governs the disposal of property, transactions must be within the intention of the law. When we convert to one purpose a rule or law which was intended for another purpose, then we plead in our justification not the spirit or intention of it, but only the words. We

plead a dead letter, and such pleading of words without meaning has no force or effect in justice.

In dealing with property Paley observed that wills had a very close relationship to property. He asks the question whether wills are of a natural right, grounded in the law of nature, or whether the right comes from the law of the land. As noted before, the immediate produce of a man's labor is unquestionably his own property, and he may give them away in any way he sees fit. But every other kind of property, especially land, rests upon the rule of civil law. In a state of nature, a man's right to a certain tract of land comes from his desire for it and his use of it, so that at his death it passes back to the community, no matter what other disposition he might have desired. It should go to his family only if they happened to be the first possessors following his death. A natural right does not, as does a right created by an act of a legislature, cease after a specified number of years. It goes on ad infinitum. If a man by natural right could will his land one moment after his death, he could also will it according to his desire for a million ages to come, and such a will would be absurd. History shows that ancient countries as well as modern ones disposed of landed property according to the laws of the body politic.

Without doubt, there are benefits to society in allowing the disposition of one's property beyond his life, and beyond his natural right. It encourages industriousness, promotes marriage, and gains the dutifulness and dependency of children. But a limit of duration must be set. In England it is twenty-one years beyond the lives of those who

were living at the time of the death of the testator.

The question of the legitimacy of a will arises, if for some reason the will on some small point does not conform to the law, as, for example, if only two witnesses signed it and not three. If the property were willed to the sister's son, should he give up claim to it to the brother's son, the heir at law, if such a discrepancy were found? The intention of the testator is clear; should it be violated because of a technical error? Or should the heir at law, realizing this intention, relinquish his claim? Generally speaking, the heir at law is not bound by the intention of the testator. The person intending does not have the right to govern the descent of the property. This right can only come from the law of the land, and this right was conferred only under certain conditions. The conditions were not met in full, and therefore the testator can lay no claim to the right which he has wished to exercise, and by which right alone he can will the property to his sister's son. This devisee, if he tries to keep possession by concealing the flaw in the will, is in the same position as anyone else who tries to make use of another's ignorance to keep his property from him. Such an interpretation is not a misunderstanding of the law, for it is clear to Paley that it was in the mind of the legislators who passed the law that no will should take effect unless it should be authenticated in the exact manner prescribed in the statute.

44.

We see, then, that Paley turns away from Locke's theory of private property, which allows a man to possess that property on which hee has expended his labor, and bases his theory on the law of the land. He does admit that the first right of ownership goes to all men equally, so that a man may take what he needs out of the bounty of nature which God has provided. But this justifies property only to the point of the necessities of life, Paley says, and does not at all account for the claims to property that exist at the present time. The correct answer must be found in the law, which has developed through the years by trial and error, and which now regulates the division of property. Even Locke deviates from his basic theory of property when he talks about money in relation to property. He says it is clear that since the invention of money men have agreed to the unequal possession of the earth, and by a tacit and voluntary consent have found out how a man can fairly possess more land than he can use for his immediate necessities. In this way Locke rests the natural right to property on a tacit consent, shown by the use of money, and shows no awareness of the inconsistency between his ideas of labor and consent as applied to the ownership of property.^{9/}

In his justification of property, Paley closely follows Hume, who says that a justification can only rest on the principle of utility. Hume admits that equality of ownership is useful and not wholly impracticable, but perfect equality cannot be attained. If possessions could be made equal, men's different degrees of energy and skill would immediately break that equality. And if energy and skill are held in

⁹ Frederic W. Maitland, Collected Papers (ed. by H.A.C. Fisher; Cambridge, Eng., 1911) p. 145.

check, then society will be reduced to a state of poverty. Both Paley and Bentham stand behind this line of reasoning. However, Paley brings into relief the weak side of the utilitarian argument. He thinks that the institution of property is "paradoxical and unnatural." Inequalities do exist and cannot be overlooked, but if they are evil they are nevertheless necessary, because they flow from rules by which men are incited to work.¹⁰ / Paley cannot find his way out of the difficulty, but neither do Hume and Bentham. All three try to justify the right of private property and the resulting inequalities, because they value a stable society and the supreme importance of security more than they value equality.

SLAVERY

One type of property was slavery. Paley was not a great leader in the movement to abolish slavery and the slave trade, but he was in great sympathy with it and provided able leadership when occasion arose. His Moral and Political Philosophy briefly went into the subject of slavery and the slave trade, and he must therefore be considered as one of the most important writers who influenced the thinking of the British public on the matter. Early in 1788 he addressed a letter to the committee in London established to promote the abolition of the trade. In this letter he offered a plan to obtain this object; also a plan for the freeing of the slaves in the West Indies, and the offer of his services. He became a vigorous

10 Ibid.

advocate in this cause, and besides corresponding with the committee, he held occasional conferences with Thomas Clarkson, one of the leaders of the movement. In 1789, when the first great debates in the House of Commons occurred, there was much fear among the abolitionists that the great amounts of money invested in the business might sway the members of Parliament against the proposed abolition. To strengthen the case for abolition, Paley wrote a short treatise entitled "Arguments Against the Unjust Pretensions of Slave dealers and Holders, to be Indemnified by Pecuniary Allowances, at the Public Expense, in Case the Slave Trade Should be Abolished." This was sent to the above mentioned committee and published in the newspapers.¹¹/

Paley occasionally participated in other campaigns to abolish the slave trade. In 1792 he presided at a meeting in Carlisle held for the purpose of petitioning Parliament in favor of such abolition. The proceedings of the meeting were recorded and the substance of Paley's speech afterward published. In this speech he described the conditions of the African tribes and how the trade was carried on. He said that Africa was a rich continent and much valuable trade could be carried on, but the lucrative slave trade tended to prevent it, feeding the wealth of the greedy traders and debasing the morals of all persons involved in it. He deprecated the gross cruelties and inhumane sufferings that the slaves had to undergo, both in transit and while in bondage in America. So many died that they did not increase in numbers; this was especially true in the West Indies, where the owners had to be constantly supplied with new slaves from Africa. As long as the trade

¹¹ The entire treatise was never published, and when Clarkson sought it many years later, it could not be found. It had either been lost or mislaid, as was the rest of Paley's correspondence.

continues, he said, and lost numbers can easily and cheaply be replenished, the cruelties will continue. He appealed to the British moral conscience to halt this traffic in human lives and outlined a series of proposals to be adopted and sent to Parliament, based on the facts set forth in his speech. The resolution containing the proposals was adopted by the meeting, signed by a number of the inhabitants, and presented to the House of Commons on February 27.^{12/}

From the proceedings of this meeting one can see Paley's hatred of slavery and the trade in African slaves. The same feeling is shown in his earlier discussion of the subject in his Moral and Political Philosophy, although approached in a more objective manner. Certain prohibitions in the treatment of servants are extended to slaves, such as unnecessary labor or confinement in order to dominate them, insulting them by harsh, scornful and objectionable language, refusal of simple and harmless pleasures, and the use of baseless and immoderate anger, peevishness and suspicion. Paley then defines slavery as "an obligation to labour for the benefit of the master, without the contract or consent of the servant."^{13/} This obligation to labor may arise from three causes, which are consistent with the law of nature: (1) crimes, (2) captivity and (3) debt. In the first case the length of time of the slavery ought to be proportioned to the severity of the crime. In the cases of the other two the slavery ought to cease as soon as the demand of the injured nation or party is satisfied.

But these principles on which slavery in certain cases is based and which Paley apparently approves, do not excuse the slave

12 "Proceedings at a Meeting of the Inhabitants of Carlisle. . . to Petition Parliament for the Abolition of the Slave Trade." For this tract see George E. Meadley, Memoirs of William Paley (Sunderland, 1809), Appendix, p. 139.

13 Works, p. 48.

trade carried on from the west coast of Africa. It is certain that the reasons for the seizure and forcible sale of the Africans never rested on the above principles, and that no questions are asked. Such oversight is the least of the crimes involved. Tribes engage in war and bloodshed in order to gain slaves for the market, families are broken up and taken away from their homes, possessions and friends, they are transported across the ocean under the most miserable conditions, forced to work for life in subjection to a system of tyrannical and merciless laws and brutally treated by their masters. There is no necessity in such a system as is claimed by its advocates. What proof has been offered that the land in America cannot be worked by hired servants as cheaply and conveniently? Certainly, he says, it is time for reflection following the revolution in America, time that Parliament consider means for stopping the slave trade and the institution itself, and prove that it is a worthy legislature to rule over a world empire.

Paley then advocates what he calls a Christian approach to the matter. Slavery existed when Christianity came into the world and was a part of the civil constitutions of most countries. Yet the Scriptures neither prohibit nor condemn it. There was a purpose in this, Paley says, that of allowing Christianity to proceed unimpeded by a frontal assault on an institution so imbedded in the civil and economic structure of society. But the silence of the Scriptures does not mean that slavery was right, Paley asserts, or any of the other

civil institutions that are not mentioned. It was a matter of expediency that withheld the advocacy of immediate freedom for those in such bondage, for it "would have had no better effect than to let loose one half of mankind upon the other." Slaves would have been tempted to embrace a religion that taught that they should be set free, masters could hardly have consented to such advocacy, and the chances of slave uprisings and terrible bloodshed would have been very great. Had this happened Christianity would certainly have been set back, if not altogether exterminated. Gradual emancipation took place in the Roman Empire, and gradual emancipation should take place now, under the provisions and protection of the law. Christianity can only act as a leaven, spreading its light and influence into the minds of men who can then be ready to understand and accept the reasons for the elimination of "what remains of this odious institution."¹⁴/

There can be no doubt that Paley took a strong position against slavery and anything that fostered it. The moral issue, aggravated by cruel and inhuman treatment of the slaves, was very clear to those who could stand aside and take an objective look. Paley justified property, and even slavery under certain conditions which he felt were consistent with the law of nature, but the wholesale slavery of negroes which was prevalent when he lived he could not justify. Actually, the slavery which Paley approved can better be described as imprisonment.

¹⁴ Works, p. 49.

Prison conditions were very bad in the eighteenth century, and the condition of the prisoners akin to that of slavery. Punishments were severe and were meted out for all kinds of petty offences. Paley was short-sighted as a moral leader in failing to see the injustices and cruelties of the penal system as did Bentham, and for this he can justly be criticized. If he saw imprisonment as a kind of slavery, then he should have attacked both it as well as negro slavery, rather than justify contemporary punishments on the grounds of public order.

POPULATION

From the subjects of property and slavery let us turn to another subject which held great interest for Paley, that of population. Paley approached the discussion of population from the point of view of the happiness of those people who made up the population. The strength of a government rested in the happiness of its people, and so it behooved government to adopt and pursue such policies as would contribute to this end. He stated his view in this way:

The final view of all rational politics is, to produce the greatest quantity of happiness in a given tract of country. The riches, strength, and glory of nations; the topics which history celebrates, and which alone almost engage the praises and possess the admiration of mankind; have no value farther than as they contribute to this end. When they interfere with it, they are evils, and not the less real for the splendour that surrounds them. 15/

15 Works, p. 147.

When we speak of happiness, he goes on to say, we must remember that it is only the happiness of individuals that exists. We may speak of groups and communities almost as persons, but happiness can only be measured in terms of individuals. It follows then, that the general happiness can be increased only by increasing the number of individuals, or by increasing the amount of pleasure that they experience in life. In spite of the fact that varying conditions of plenty, freedom and security cause differences in the quantity of happiness in people, notably in the countries of Europe, Paley believes that the happiness produced in any given district depends mostly on the number of inhabitants in that district. Compare two consecutive periods of time in a country, he says, and you will find that the collective amount of happiness will be in almost exact proportion to the number of inhabitants. That is, twice the number of people will produce twice the quantity of happiness. Not only is this true, he says, but it is also true that more happiness is enjoyed by ten persons who have a healthy means of subsistence, than by five persons who have an overabundance of power and ~~this~~ world's goods. A government should keep these facts in mind and pass laws that will assist more people to have a healthy standard of living and to increase in numbers.

Helvetius had said, "a nation is only the collection of the citizens which compose it."¹⁶ Paley applies this teaching to a utilitarian conception of national happiness. From this principle

¹⁶ Elie Halévy, The Growth of Philosophic Radicalism (New York, 1928), p. 500.

various men drew different conclusions. Paley concludes that in order to increase happiness the numbers of individuals capable of happiness must be increased. This is not at all the conclusion of Malthus. He thinks that population must be controlled, or else it will increase so much that there will not be enough food produced from the land to feed the people. The result of a too rapid increase in population will bring unhappiness, not happiness. Bentham concluded that the state ought to watch over the interests of the greatest possible number of individuals. The idea which logically follows is equalitarianism, and it can be stated that all utilitarians had a tendency toward equalitarianism. This tendency was not very pronounced, however, in Paley who was always thoroughly conservative, accepting the status quo when it came to classes in society. He not only accepted such class distinctions but also defended them as morally right, saying that happiness did not depend on whether one were rich or poor, great or small. This hardly makes him an equalitarian.

Paley's reasoning brought him to advocate an increase in population. Although he conceded that it was possible that the happiness of a district could be increased if the population remained the same, the chief and most natural way was to build up the number of inhabitants. It follows, also, that a decrease in population is one of the greatest evils that a country could suffer, and it is to prevent this that governments should work in preference to all other considerations. Too often, Paley thinks, national pride and false estimates of national grandeur lead governments to neglect population.

Legislators and officials need to be informed and educated in the importance of population to the national strength and well being. Seldom does any conflict arise between an advancement in population and measures which are wise and utilitarian, for under ordinary circumstances whatever contributes toward the general happiness of a people tends to cause them to increase in numbers.

It is natural for the human species to increase in numbers. Under favorable conditions some countries have doubled their population over a period of twenty years, according to Paley. What checks then operate to hold down the number of people? One answer lies in the ability of a country to sustain its inhabitants. The population must stop when the soil can no longer produce enough to feed any more. Although an insuperable bar, this condition will seldom be the one which actually hinders population growth, for in almost no country has the population reached such a limit, or even approached it. The potential of the land to produce food is unknown, and in England alone, he says, if more land were reclaimed and better methods of agriculture were used, the increase could be five-fold. "The two principles, therefore, upon which population seems primarily to depend, the fecundity of the species and the capacity of the soil, would in most, perhaps all countries, enable it to proceed much farther than it has yet advanced."¹⁷/

Paley gives a proposition from which he develops his discussion about marriage and population. This proposition says that whenever relations between the sexes is regulated by marriage, and

17 Works, p. 148.

a standard of living is provided to which each class in society is accustomed, the number of people will increase in direct proportion to the degree in which these causes exist. We note from this that sexual relations between the sexes must be confined to marriage. It is only here that it is sufficiently prolific. Moreover, the children of a marriage are most likely to be properly cared for, and in their turn, provide and care for their children in generations to come. Nature has provided the stimulus of attraction between the sexes which results inevitably in marriage and children. This stimulus will overcome almost every impediment to marriage in proportion to the difficulty, expense and sense of guilt that comes with sexual gratification outside of marriage. In countries where the means of subsistence is scarce, the temptation to avoid the responsibilities of marriage will be greater, and it is incumbent upon the state then to watch over the morals of its people more closely. Malthus takes issue with Paley on this point. He agrees that government should be concerned about vice and licentiousness and use every means legitimately to promote virtue. But the end is what he criticizes as "absolutely criminal." "We wish to force people into marrying when from the acknowledged scarcity of subsistence they will have little chance of being able to support their children. We might as well force people into the water who are unable to swim."¹⁸/

In addition, Paley's proposition states that population increase depends upon the ease and certainty with which people can procure

¹⁸ Robert Malthus, Essay on Population (ed. by Ernest Rhys; London and New York, n.d.), II, 171.

their daily bread and in the amounts to which they are accustomed. This will vary according to the class of society to which different individuals belong. It means more than just supplying their natural wants; luxuries tend to become necessities when they can be obtained habitually, opinions and fashions change superfluities into wants. Men cannot be expected to marry into a lower station of life. Instead, they will postpone marriage, and this is true not only of those in the higher ranks of society, but also of those of lesser means. The increase of population depends, then, upon how easy it is to maintain a standard of living at least equal to that which people are accustomed.

Paley saw three checks on population. The first is the mode of living which actually exists in a country. In China, for example, the population is very great not because of superior government, but most likely because the food to which the people have become accustomed is abundant and easy to prepare. From this can be seen the evil and danger of luxury. Luxury assists population when it supplies employment and promotes industry. But when it makes life so expensive and elaborate that men shrink from marriage for fear that they cannot maintain the proper standard of living, then it is wrong. There are two sides to the coin. There is a point up to which luxury is beneficial to the community, and after that gradually to diminish. Paley concludes that of the different kinds of luxury, those are beneficial which bring employment to the greatest number of artisans and manufacturers. He also concludes that the greatest danger of luxury is not its existence among

the comparatively few rich, but its spread among the general population. The impediments to marriage which luxury causes would not be alarming when it affects only a few, but when people in general demand luxuries to the extent that marriages are affected among them with the consequent impediment to population, then there is genuine cause for alarm. Hence,

That condition most favourable to population is that of a laborious, frugal people, ministering to the demands of an opulent, luxurious nation; because this situation, whilst it leaves them every advantage of luxury, exempts them from the evils which naturally accompany its admission into any country. ^{19/}

Malthus did not think that such a form of society was a very inviting prospect. In his Essay on Population he quoted this passage from Paley, and said that only absolute necessity would reconcile him "to the idea of ten millions of people condemned to incessant toil and to the privation of everything but absolute necessaries, in order to minister to the excessive luxuries of the other million." ^{20/} Actually, however, no such society is necessary, Malthus goes on to say. An excessively rich class is not needful to provide demand for manufacturing, nor must the poor be deprived of all luxuries in order to make them sufficient in quantity. Those manufactures which are the best for society are those which are consumed by the mass of people. Those which are confined exclusively to the rich are superfluous, and cause much misery to those employed in their making because of frequent

19 Works, p. 150.

20 Malthus, op. cit., II, 253.

change of fashions. It would seem, then, that the diffusion of luxury among the mass is the most advantageous, both to the national wealth and to the general happiness, "and what Paley considers as the true evil and proper danger of luxury, I should be disposed to consider as its true good and peculiar advantage."²¹ / Malthus also thought that Paley had probably altered his views on population in later years. He states that in a passage in his Natural Theology Paley justly holds that mankind will breed up to a certain point of distress. If this is true, then that population in a country will be the happiest where the point of distress is the least severe. Consequently, if the diffusion of luxuries tends to bring on the check sooner and thereby lower the degree of distress, this is certainly a desirable thing.

The second cause, after the mode of living, which Paley discusses, is the quantity of provision that either is raised in a country or is imported into it. He maintains that it is best to have the land in tillage rather than in pasturage, for the former provides much more food in the forms of roots and grain than the latter does in the flesh of animals. The result would be the ability of a country to sustain a larger population. England, he says, has increased its land productivity but not its population in recent years. The reason that the population has lagged is because it is consuming greater amounts of meat which requires that some of the richest land be held for pasturage and is not cultivated. The total amount of food is therefore

21 Ibid.

not greater than before, and as a consequence a larger number of people cannot be fed. In addition, tillage provides more employment, and is a mark of a higher civilization than pasturage, which goes hand in hand with more backward countries, such as in central Asia, or of declining countries, such as Spain, where there is too much luxury and inactivity.

The third cause for maintaining or improving the level of living to which the people are accustomed is distribution. It does not matter what or how much is produced in a country, if it is not distributed among those who need and want it, it is produced in vain. Production only advances population in proportion to its distribution, and distribution has but one principle that is universal, and that is the principle of exchange. Everyone must have something to give in exchange for what he wants. Bounty can never become that principle, however much it may soften the hardships of life, for men will not work to give the produce of their labor away. Paley says also that the only equivalents that can be offered in exchange for provision are power and labor. Property is power and money is the representative of power, since it can be used to buy power over things and persons. But power that arises from fortune or property can of necessity reside in a few, whereas the capacity to labor is the natural possession of every man, constant and renewable. The produce of personal labor, then, is what must be brought to the market by the bulk of those in the community in exchange for the means of subsistence. In other words,

employment must be the means of distribution and the source of supply to individuals. We must remember, though, that even if we speak of production and distribution as separate things, this is contrary to reality. They have a very definite reciprocal relationship, for even though a thing must be produced before it can be distributed, its production depends a very great deal upon whether it can be taken to those who want it, and whether those who want it can afford to buy it. The connection between population and employment then becomes apparent.

Paley goes on to say that the public utility of trade, as it relates to population, rests on this basis. When trade aids all the various arts and industries that contribute to human welfare in the forms of food and clothing, then without a doubt it assists population growth. But perhaps not half of the occupations in Europe fall into such a classification, and in England it could be said that two-thirds of the manufacturers are engaged in supplying luxuries, most of which have little or no basic value. He asks how the production of silks, lace and tobacco contribute to the increase of the number of people. What about foreign trade? It is certainly valuable if foodstuffs and other necessities must be brought into a country, but this is not true in England where so little is brought in that it could safely be said that this country is practically self sustaining. How does trade in other than the basic things necessary for life promote the multiplication of people? Paley answers in this way. The soil gives employment

to many people, perhaps half those in the country. The other half would remain idle and dependent upon the good will and charity of those who were working. This could not continue, for it would cause much unrest and trouble. The only way to answer the problem is to give employment to those who cannot work on the land through the manufacture of articles that will supply the wants of the other half. Thus a balance is achieved. Those working in agriculture can supply food and raw materials to those working in industry in exchange for articles that they need or have a desire for. Each group stimulates the other and keeps it at work. It means nothing, so far as the purpose of trade is concerned, whether the articles exchanged are superfluous or necessary; it is enough that they are wanted and sought for. People are supplied with employment, towns flourish, and even tobacco contributes to the raising of and trade in corn.

But what if the worker in agriculture finds that he has enough of the articles that the manufacturer supplies? He has enough cloth, but he would gladly exchange grain for tea or wine. The weaver must then turn and trade abroad for these items which he can then exchange for grain from the farmer. Circulation can then continue and all are benefited. This is the principle of foreign trade. The whole transaction may become large and complex and the basic principle lost or obscured, but it remains the same in essence. Observation shows that where manufacturing and commerce are lively, it supports a thriving agriculture.

Let it be remembered then, that agriculture is the immediate source of human provision; that trade conduces to the production of provision only as it promotes agriculture; that the whole system of commerce, vast and various as it is, hath no other public importance than its subserviency to this end. 22/

Returning to the proposition "that employment universally promotes population," it follows that the utility of the different branches of trade depends upon the number of people each employs. Paley draws up a scale, and gives first place to the exchange of manufactured goods for raw materials, for example, broadcloth for raw silk, watches for iron, flax for furs, etc. Its importance lies in the fact that such commerce provides a market for labor already expended, and at the same time provides needed materials for new industry. Where such trade occurs population always flourishes. The second place belongs to that traffic which exchanges manufactured goods for other manufactured goods, such as leather for paper, or manufactured goods for things that require no other preparation, as for tea, wine, or oil. This kind of trade assists employment, but is inferior to the former since it promotes only one side, that of manufacturing. The last and least advantageous branch of trade is the exportation of raw materials for manufactured goods, as when wool is traded for velvet, or hides and furs for shoes or hats. Such commerce is unfavorable to population because it creates no demand for employment. By its exports it takes away the very materials that could be used to employ people; by its imports it

discourages various industries to the degree that foreign products on the domestic market represent foreign labor. The produce of the ground is never the best article for foreign commerce. Paley summarizes the three types of trade with these words:

Under a perfect state of public economy, the soil of the country should be applied solely to the raising of provisions for the inhabitants, and its trade be supplied by their industry. A nation will never reach its proper extent of population, so long as its principle commerce consists in the exportation of corn or cattle, or even of wine, oil, tobacco, madder, indigo, timber; because these last articles take up that surface which ought to be covered with the materials of human subsistence. ^{23/}

Paley, as he says, has confined his discussion to a country where it is considered that the inhabitants are maintained by the produce of its land, and, strictly speaking, his reasoning can be applied only there. But the reasoning can be adapted to a different case where the provision is not grown but imported, and what has been said about provision will be to a great extent true of whatever article, whether it be money, labor or produce, is exchanged for provision. Thus, when the Dutch raise madder and exchange it for grain, or when the Americans raise tobacco and exchange it for cloth from Europe, the cultivation of madder and tobacco become as necessary to the subsistence of the inhabitants of those countries, and consequently affect the state of population, as would the cultivation of foodstuffs or the manufacture of clothing. Likewise, the increase or decline of shipping, by means of which the people of a country earn money to buy provisions which cannot be supplied adequately at home, will

influence the growth rate of population as surely as the fluctuations of agricultural production.

In the concluding portion of his treatment on population, Paley discusses five factors that are related to population.^{24/} They are emigration, colonization, money, taxation and industrialization. He does not lay great stress on emigration as seriously affecting the rise or fall of population in a country. Since the increase of people can be indefinite, and the means to support them limited, it is evident that great numbers of people may leave a country and the population remain constant. There is nothing here to indicate any political decay, or to cause any decline in population, and so emigration ought not to be discouraged. If people leave because of insecurity or oppression, they ought not be stopped. Rather, the evils that occasion such feeling should be remedied, for these tend to discourage population, and if people were forced to remain there would still be no advantage so far as numbers are concerned. Other people may emigrate to improve their way of life, seeking wealth and luxury. This is the only class which can be controlled to advantage by law, but, Paley thinks, there never will be many of this kind. Most people are too attached to their homes and country.

Colonization is advantageous to a country when the colony tends to augment the population of the parent state. This is done when the colony has rich land which is cultivated, and exchanges its excess of agricultural products for the manufactured goods of the mother

²⁴ Works, pp. 154 ff.

country. As long as this continues there is an increase of provision and employment, and the two chief requisites which facilitate provision and therefore population are met, viz., production and distribution. No more advantageous a situation could be thought of than that of a country which makes goods for others, who in turn cultivate new lands to supply food and raw materials in exchange. Whatever criticisms might be raised against such a system, it is clear that the system itself is founded in national utility, and on principles favorable to the colonies, for there seems to be no other way to develop and protect newly discovered and sparsely populated lands. In Paley's view the chief error to be lamented is not the original formation of colonies, but the subsequent mismanagement, tied to too strong restrictions and failing to adapt to changing situations.

Where money abounds the people are generally numerous. But the effect of money on population is not explained without some difficulty. In his explanation, Paley goes back to his former proposition "that population is chiefly promoted by employment." Money is partly the indication and partly the cause of employment. The only way that money flows into a country is in return for goods which are sent out or for labor performed in it, and the only way that money is retained in a country is by that country supplying its own consumption of manufactured goods. As a consequence, the quantity of money in a country indicates the amount of labor and employment. Yet employment and not money is the cause of population, the accumulation of money

being just a side effect which shows the cause and measures the operation of the cause. This is true of money only while it is acquired by the industry of a people. The treasures gained by a state from its mines or from tribute from foreign dependencies are no indication of its population, for the income from such sources may be immense, and still the country remain poor and sparsely populated. In the second place, money may be a real cause of population by acting as a stimulus to industry and facilitating the means of subsistence. But these depend neither upon the price of labor, nor upon the price of provision, but upon their relation to each other. When money comes into a country it raises first the price of labor, and then the price of provision. Whoever receives it first does not spend it to buy provisions, but applies it to the payment of labor. Its effect, therefore, upon the price of labor will precede its effect upon the price of provision, and during the interval the means of subsistence will be increased and industry stimulated. When this increased amount of money has also brought about a corresponding rise in the price of provision, its effect ceases. The worker no longer has any advantage through his increased wages. We can see, then, that it is not the amount of money in a country which brings advantages, but the continual increase of that amount. And the increase of that amount comes only by a continued influx of specie from abroad. It may also be said that when money flows out of a country, an opposite and detrimental effect takes place. Hence the importance of maintaining a favorable balance of trade.

Taxes take nothing and give nothing away from a country, and therefore affect only the distribution of public wealth. As such, taxation is not necessarily harmful to population. If taxes take away money from certain members of society, they are afterward dispensed to the benefit of other members, with the result that the common fund is not altered in amount. But if it is true that the amount of money taken by a government must always be equal to the amount that it dispenses, yet the gain and loss to the means of subsistence may be very unequal. The balance will be on the right or wrong side of the account according as the money from taxation passes from the industrious to the idle, from the many to the few, from those in need to those living in luxury, or vice versa. The effect, therefore, of taxation upon the means of subsistence depends not so much upon the amount as upon the uses to which it is put. Taxes may also be used to provide restraint upon luxury and correction upon vice; also for the encouragement of industry, trade, agriculture and marriage. Such taxes become instruments of police as well as a means of revenue. Taxes should also be levied in proportion as people are able to pay them. A man earning one thousand pounds a year could more afford to part with one hundred pounds than a man earning one hundred pounds could part with ten. But whatever proportion should be agreed upon as being the most expedient for the public welfare, there never should be a single tax. Taxation should be diversified, so that there is a balancing and counter-balancing

effect that does not lay undue hardship upon any person or group.

Paley then examines the question of whether industrial improvement by the invention and use of labor-saving machines is detrimental or not to population. His answer stems from his previous ideas on employment: do such machines raise or lower the number of those employed? Experience shows that in general, over the long run, employment is increased. There often is a temporary loss of jobs for some, but the improvement both in amount and quality of the goods produced, soon make up for the loss by creating more demand which gives more employment. This being true, there are three things to be observed. One is that when a mechanical invention succeeds in one place, it must be imitated in other similar industries, or else the advantage gained will enable the first industry to undersell the others and so lessen competition. It is also true, secondly, that whoever first adopts a mechanical improvement will for a while draw an increase in employment, perhaps even after the improvement has become general. Thirdly, even after every advantage that derives from the holding of a secret has ceased, it is doubtful whether there is any loss of employment. The article will be an improved one, which will need additional skills applied to it, or it will be cheaper in price and therefore more easily afforded by more people, with the result that more workers will be hired to meet the increased demand.

From all this Paley concludes with a judgement on how far "regulations of law are in their nature capable of contributing to

the support and advancement of population." ²⁵/ More is often expected from laws than laws can do. Laws can only imperfectly regulate morality in respect to marriage; laws cannot regulate the desires of men for certain things; laws cannot force men to marry when they feel they cannot afford it. Laws can protect and encourage those who labor, but they cannot provide subsistence or employment when there is no industry. The natural basis of trade is competition, and every law which attempts to force trade, that is, to compel people to buy at certain markets when there are others that have better and cheaper goods, will be circumvented or frustrated by retaliation. Next to laws which contribute to international peace and stability, the chief advantage to population which the interference of law can provide is in the encouragement of agriculture. This is the direct means of advancing population; all others help as they contribute to this. The principal way to promote agriculture is to adjust the laws of property as nearly as possible to two rules: (1) "to give to the occupier all the power over the soil, which is necessary for its perfect cultivation," and (2) "to assign the whole profit of every improvement to the persons by whose activity it is carried on." ²⁶ It does not really matter who owns the land, or how much land one person owns. What does matter is how the land is used and how many people are employed in the working of the land. Wise use would exclude lands held in common and the interference of manorial claims where one owner holds title to the surface and another the soil. Short term leases are also unwise. In such cases the owner does not have suf-

25 Works, p. 159.

26 Ibid.

ficient power over his own land to perfect its cultivation. This power ought to be given to him through some easy and general law of "enfranchisement, partition, and enclosure." Regarding the second rule, agriculture is discouraged when fines are imposed on proprietors for improvements when the lord or tenant dies. But nothing, Paley says, hinders cultivation and improvement as much as the tithe. The husbandman must share his harvest with a stranger when he should be enjoying the fruits of his improvements. This is a tax upon a basic industry that feeds a nation, and falls hardest upon tillage, which should be most encouraged, and only to a lesser extent upon pasturage, which does not contribute at all to the increase of population.

In his social philosophy Paley shows a great interest in population, stemming from his utilitarian application of happiness. This application is made from a strictly individualistic approach. Individuals have a certain amount of happiness; therefore, it is very simple to increase the total amount of happiness in a given area by increasing the number of individuals. This is a very limited concept, logical perhaps, but based on a false premise. Certainly there is more to happiness than the breeding of numbers of people. In fact, Paley does recognize that other factors are relevant when he advocates a basic standard of living for the poor which is at least a step above misery and an economy which will provide work for all men. But his main thrust is from the wrong direction, and rather than work for happiness from the angle of numbers of people he should have sought happiness first for them in their living conditions and working

conditions. In other words, a qualitative approach rather than a quantitative one would be more logical and humane. For this reason Paley did not measure up to Godwin, for example, who also believed that the total amount of happiness was increased by a larger number of people, but who nevertheless had a strong desire to lift the general populace out of its misery. Indeed, Godwin's ideas were definitely utopian, and it is to Paley's credit that at least he did not dream impossible dreams.

Paley was no disciple of Adam Smith and his teaching of free trade. Paley was a mercantilist who did see the value of competition within his own country, but who upheld the monopolies of the mercantile system in foreign trade, especially in the colonies. Paley never ceased to stress the importance of agriculture, believing it to be basic to any economic system. Manufacturing is to be encouraged by laws which regulate and help its progress. Together, agriculture and manufacturing are mutually beneficial and provide the proper setting for the increase of population.

Paley was not an original thinker about population, but summarized well the generally accepted thought about it in his day and fitted this thought into the mercantile economic doctrines. He did not try to see beyond his contemporary social system to a more equitable distribution of land and goods. He was more concerned to justify English society rather than to reform it, and as a result his influence, though considerable for many years, did not take a

lasting place in history as making an original contribution.

POVERTY

The problem of the poor was a very important one in Paley's day, just as it was in the centuries previous. As was seen in the discussion about population, Paley's approach to this problem was chiefly an economic one, in which he advocated that there must be employment for all men for the benefit of population. It would follow that if people are employed, either in agriculture or manufacturing, they would be able to support themselves and their families, and not be the objects of charity. But the ideal of such full employment was not attainable in Paley's day any more than it is today, and so there were many who were in need of public assistance. It was his nature to look upon the working class people as his inferiors, and "promoting the happiness of our inferiors" was what he called charity. "Charity, in this sense, I take to be the principal province of virtue and religion: for, whilst worldly prudence will direct our behaviour towards our superiors, and politeness towards our equals, there is little beside the consideration of duty, or an habitual humanity which comes into the place of consideration, to produce a proper conduct towards those who are beneath us, and dependant upon us." 27/

It therefore falls to those in the professions to exercise this duty of benevolence. Paley goes so far as to say that the care of the poor ought to be the chief object of all the laws, for the rich are well able to take care of themselves. There are abuses and

imperfections in the poor-laws, and the man who studies these and makes strong efforts to have these remedied, either through his own actions in Parliament or by making his wishes known to those who are in Parliament, will be performing acts of the greatest charity. The justices of the peace have charge of local relief to the poor, and these men can do much good in the manner in which they perform this duty. A country gentleman, though perhaps only modestly educated and without much wealth, can learn much about the poor-laws and the prices of goods and labor, and in this way perform a community service highly beneficial to the welfare of all. Of all the professional men, it is perhaps the physician who can do the most good for those in need. Health is valued by everyone, and by no one more than by the poor. Medicine and advice given to them costs little or nothing and the rewards are great. The legal profession can render great service to those who cannot afford the high costs of going to law. Out of court he can handle and help to settle many problems, and if he has the confidence of people he can act as an arbitrator of disputes. And when it comes to the directing of peoples thoughts and the regulation of their conduct, it is the clergy who can do the most good. This is especially true of the regular parish ministers, who, being on much the same level as their parishoners, can better understand them and gain their confidence through closer contact than can their superiors.

Paley accepts as fact that there will always be those who are poor and in need of assistance from those more fortunate. Those who put pity as a basic impulse rightly contend that when this extends

to the relief of those in misery, this is God's intention and our duty. It is one way of compensating for the inequalities and distresses which God foresaw would come to many under the general rules for the distribution of property. In addition, the poor have a claim from the law of nature. At first, all things were held in common; no one had any more claim than any one else to anything. But when distribution was agreed upon, it was also agreed that everyone should have enough of this world's goods, and especially property, so that he would be able to subsist. Since no property laws could be so contrived as to provide for the relief of all cases of distress when their right and share of the common stock was given up or taken away from them it was supposed to be left to the good will of those who were acquainted with the situation to administer help. To withhold such assistance is therefore wrong, because it flouts the intention of God and the law of nature. Paley reenforces his argument with a number of quotations from the New Testament, which urge men to be merciful to those in need and to share what they have in a spirit of humility.^{28/}

Paley lists three kinds of charity. The best method is that of giving a pension or annuity to a particular person or family. This should be done so that the amount received is considerable, i.e., enough so that it can buy helpful quantities of necessary things, rather than bits that hardly seem worthwhile and could easily be wasted on odd pleasures. Giving in this way adequate relief to several families.

28 Matthew 25:31 ff; Acts 4:32; Matthew 6:3-4; James 2:15-16.

is far better, and gives greater happiness, than thinning out the amount of relief among many families. This is also an excellent method because a certain amount of money can be regularly expected, and as a result eliminates the dread of poverty. This first kind of charity presupposes knowledge of individual cases. But since this is not always possible, the next best kind is the support of public charities. Money given in this way goes farther than any other method in providing food, lodging and medical attention to many in need. The third kind of charity is that given to beggars. There are abuses, but nevertheless one should not indiscriminately neglect such poor. Men sometimes are really in distress and have no other recourse than to beg, at least for a while. To refuse altogether to help such cases would violate that natural humane impulse within us which responds to human need, and in time might stifle it altogether, certainly a serious consideration.

The proprietors of large estates have additional means to provide for and encourage families. They can build cottages, split farms, establish factories, cultivate wasteland, drain marshes, and do whatever else might seem expedient for the promotion of agriculture and manufacturing. Such work can only benefit the community by providing more food and employment for a growing population, and where the profits do not meet the expenses, let them charge it up to charity. The public good is still enhanced. Works of charity of whatever kind should not be done ostentatiously, for the praise of men. Scripture

speaks out strongly against this. (Matthew 6:3,4). But the light of good works is also to shine out to the glory of God, and so, when done in the right spirit, benevolence should be made known as an example for others to follow suit. (Matthew 5:14-16). Pride and selfishness cause men to offer many excuses for not helping those who are poverty-stricken. Natural sympathy and the Christian scriptures both refute such excuses and tell those who have the means to share it with those in need.

In his acceptance of poverty Paley does not believe that it leads to vice and unhappiness, even though idleness does. According to Plamenatz, Paley does not carry this way of thinking to its logical conclusion. "He justifies inequality; but he does not say, what on his own premises he should say, that the greater the inequality the better for mankind."²⁹ Paley showed a genuine concern for the poor and went to great lengths to explain how they could and should be helped by those who had more of this world's goods. But his concern did not question the general economic system, nor did he seem to comprehend very deeply the effects of the industrial revolution which was progressing at a rapid pace. Again we see that his basic conservatism was not able to break through to new ground. That was left for the utilitarians of the next century who would follow in the footsteps of Bentham.

29 John Plamenatz, The English Utilitarians (Oxford, 1949), p. 55.

CHAPTER THREE

POLITICAL THOUGHT

From Paley's social thought let us turn to some of the ideas which he expounded in his political thought. In this chapter we shall examine civil government, civil liberty, religious liberty, the British Constitution and the administration of justice. These subjects are treated in Book VI of his Moral and Political Philosophy.

CIVIL GOVERNMENT

On the origin of civil government, Paley did not follow John Locke's theory of a compact between the people and society, and between society and the state. This theory presupposes a state of nature in which every person was equal, no one having any more right than another to the things found in nature. Locke did not envision this condition as a state of war where every man struggled against his neighbor for what he wanted, as did Thomas Hobbes. It was a peaceful condition, and yet one which did not last because human nature being what it is, some men disobeyed nature's laws and harmed or cheated their neighbors. Since the right of retaliation resided in each individual, the result could only lead to general disorder and fear. Order and security had to be provided, and the answer lay in a compact to form a society.

Locke was not clear as to whether this social compact in-

cluded only the formation of government to rule society, or also society itself. Samuel Pufendorf made a clear distinction between the social compact and a subsequent political compact which created the state and formed a government. Locke assumed a similar position, but nowhere explicitly stated it. The essence of the theory lay in the fact that each individual surrendered a certain amount of his freedom which he had in the state of nature to the state in return for protection. This theory of Locke's also stated that the will of the majority constituted the will of the whole community, and all decisions by the majority were to be obeyed by everyone. Further, there is the implied compact, by all the succeeding members of the state, that they will consent to abide by the laws enacted by the government, as did their predecessors.^{1/}

Such a two-fold compact Paley finds dangerous and not based on the facts. Here he follows Hume, who argued that a body of conventions or rough general rules grew up by experience and have served human needs. For the sake of stability men have to know that there are reliable rules that can be enforced. Paley goes on to say that no such arrangement was ever entered to in reality. To believe so is to say that unlettered savages were capable of civilized political deliberation. Some imitation of a social compact may have taken place following a revolution, as in the United States of America, but this was all based on inherited institutions and prior knowledge. Some say that such a theory is proposed as a fiction, not a fact, and so offers a rational explanation of government. But this is not cen-

1 George H. Sabine, A History of Political Theory, 3rd. ed. (New York, 1961), p. 603.

vincing to Paley, for unless it is a fact, it is nothing. Appeals may be made to the original convention and the duty to abide by what was there transacted, but the ordinary subject today is not conscious of any agreements made with the sovereign, nor of any election in which he gave his consent to abide by the acts of the legislature. He is not aware of any liberty of assent or refusal. Modern states are not either, as shown by their refusal to allow their citizens to move freely outside the country except by permission. And when it is asserted that the gaining and holding of land is an acknowledgement of the sovereign and a promise to obey his laws, it is necessary to prove that the first ones who made the compact collectively possessed a right to the land. Does a vote to that effect confer the right? Does enclosure, or any other method? Paley thinks not.^{2/}

But in spite of its weaknesses, Paley would not object to the theory of the social compact, if to him it did not lead to conclusions unfavorable to the improvement and peace of society. A blind adherence to the status quo is one. If it is assumed that a government was formed by and derives its authority from an original convention, then it can be presumed that many points were settled then and should not be changed by any subsequent legislature. Such reasoning led many to doubt whether an act of Parliament could alter the succession of the Crown at the times of Charles II. Another objection is that no matter how absurd a form of government may be, a citizen

² William Paley, "Moral and Political Philosophy," in Works (Edinburgh, 1830), P. 102.

may reason that he still owes obedience because of the original compact. He must keep the bargain. And so he may resist encroachments on the part of the sovereign, but he could never take up arms to secure a change in the constitution. No matter how despotic a government might be, the theory of the compact would allow it to remain, and there would seem to be no way out of the impasse. Finally, every violation of the compact on the part of the ruler, releases the subject from his allegiance and dissolves the government. This conclusion cannot be avoided, Paley says, so long as the social compact is considered to be like other contracts, where the non-performance of the conditions of the contract on the part of one of the contractors releases the obligation of the other party. With all the rights and duties that a sovereign has, and these not always clearly defined, it is easy to see how some might feel that he has overstepped the boundaries of his office and so lead the people to believe that they can break their allegiance to him. Such belief endangers the stability of government and often has fed the minds of the seditious.

Where, then, did civil government originate? Paley states it very simply: "Government, at first, was either patriarchal or military: that of a parent over his family, or of a commander over his fellow-warriors."³ Paternal authority has laid the foundation of civil government. If men were born mature and independent, it would perhaps be impossible to exercise authority over them. But they are not

3 Works, p. 98.

so born. Instead, they are brought into the world as helpless infants and must grow and mature under the authority and guidance of parents. The family, therefore, contains the "rudiments of an empire." "The authority of one over many, and the disposition to govern and to be governed, are in this way incidental to the very nature, and coeval no doubt with the existence, of the human species."⁴ But not only is the disposition to govern and be governed planted in this way, but the first steps in the formation of governments and states are taken. Families grow into clans, into tribes, into nations, and dominion exercised by the various heads, from father to chieftan to king. Habits of rule and obedience are formed and passed on from generation to generation. Those who come to positions of leadership come to recognize one chief authority as head of the nation, because it is necessary for peace and order and strength. Succession is passed on to a newly elected ruler, or to one of the ruling families, through conquest or through treaty, and so great nations are welded into states with the authority of government resting in a sovereign. In this way Paley follows a utilitarian theory which says that government arose more or less spontaneously because of practical necessity and developed along the pattern previously existing in the family with its paternal head.

Another source of personal authority which often extends from or supercedes the patriarchal is that which comes through

4 Ibid.

military means. In times of warfare leaders must be chosen, and it is easy to see how such leaders could extend their authority beyond the times of crisis. And if military prowess is combined with the patriarchal position or family distinction, it is certain that such a man could become the absolute director of a community or nation. How did such rule become hereditary, passing on this authority even to those who never displayed the qualities which raised their ancestors to positions of rule? Paley explains it this way. The influence of association gives to the son something of the respect which his father had; the mutual jealousy of others who aspire to the throne; the greater reluctance to raise an equal than to continue an acknowledged superior; a reigning prince leaving behind many adherents who can preserve their own importance by supporting the son of the prince; all of these foster hereditary rule. In addition, elections of rulers have given rise to so many serious rivalries which rock the ship of state, that many states, wishing to avoid such repetitions, take refuge in a rule of succession, and no type of succession is more "obvious, certain and intelligible, as consanguinity of birth."⁵ Paley adds that the kind of society found in most ancient countries bears out his theory.

Although one generally thinks of physical strength as being dominant, this is not true in civil government. The physical strength lies in the masses of the governed, yet they willingly submit to the rule of a few. Paley discusses three reasons why this occurs, explaining

⁵ Works, p. 99.

the functioning of government. The first is prejudice, and those who obey for this reason do so because they believe that those who rule have the right to do so. Such an opinion is based on prescription, and this prescription operates differently in different countries. In monarchies it favors particular families; in republics it favors a certain form or constitution. Plamenatz observes that Hume says the same in his Treatise of Human Nature where he writes that most men, if asked, whether they had ever promised to obey their ruler, would think the question strange and say they were born to obey.⁶ / The second is reason, and the minority in this category obey because they have thought through the matter and conclude that government is necessary and that it must remain stable. The third group are those who obey from self-interest; that is, they are too busy with their private pleasures, cares and engagements, they are contented and are enjoying the ease, plenty and safety which are theirs, or they are afraid to offer any resistance. Paley then offers some cautions. Civil governors should learn to respect their subjects, for in them resides the physical power that can rise up in rebellion. Since people generally follow what is customary, innovations tend to diminish the stability of government. Therefore great care should be exercised in respect to changes. On the other hand, governments can become too secure. Tyrants thrive in this security, and when the following of the custom becomes intolerable, then it should be broken. In this way Paley justifies the Revolution of 1688 which broke the custom of succession and moderated

⁶ John Plamenatz, The English Utilitarians (Oxford, 1949), p. 54.

its lofty notions of hereditary right. In another caution Paley supports laws against associations and combinations, holding that they only contribute toward civil disobedience by allowing men to communicate with one another. ^{7/}

With the rejection, then, of any social compact as the basis of civil government or of the subjects' obligation to obey that government, Paley claims only one ground for obedience, "The will of God as collected from expediency." ^{8/} His argument proceeds this way: It is God's will that men should be happy; civil society is a means to that end; civil society cannot be maintained unless the interest of the whole society be binding upon each member of it; therefore, as long as the general well being of society demands it, as long as the established government cannot be resisted or changed without "public inconveniency", it is the will of God that each citizen be subject to that government - "and no longer."

This principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and of the probability and expense of redressing it on the other. ^{9/}

Who shall be the judge? Paley says that every man must answer for himself. Where there is disagreement between sovereign and subject, no human arbitrator can be acknowledged. The danger of error and abuse is present, to be sure, but no more so than in other rules which apply to the subject and likewise depend on private judgement.

⁷ Paley was no democrat. He feared and distrusted the common man's ability to be politically responsible, as did the others of the ruling class in the eighteenth century. We can see here prior approval of Pitt's Combination Acts. of 1799-1800, the result largely of anti-Jacobin sentiment in England by the ruling class which feared the excesses of the French Revolution.

⁸ Works, p. 104.

⁹ Ibid.

Paley then goes on to point out some inferences to be drawn from this rule of public expediency. One is that at a certain time it may be as much the duty of one to resist government as at another time to obey it, whenever more advantage comes to the community than harm by such action. Another is that the lawfulness of resistance does not depend alone upon the grievance but also upon the probable expense and upheaval to the country. A third is that resistance is not justified once a government has become peaceably settled, no matter what irregular, fraudulent or violent means had been used to gain control. A fourth states that not every abuse or violation of a citizen's rights justifies resistance, but only when these become so large an evil as to outweigh the evil of social upheaval. An additional one says that no law, custom or authority should be continued if a change will be for the betterment of the community.

Paley discusses the teaching of scripture on the duty of civil obedience; quoting Romans 13:1-7 and 1 Peter 2:13-18, he sees no support there for a blind obedience to state authority. His view may be summed up in this: "They inculcate the duty, they do not describe the extent of it."^{10/} This distinction in itself is enough to discredit any interpretation which would favor an unlimited passive obedience.

Paley's utilitarianism would not let him accept a compact theory of the origin of government. He took a pragmatic, historical approach which found that government grew out of the needs and

¹⁰ Works, p. 107.

experiences of human society. The authority vested in the head of the family became the seed of government, and this authority came to rest on one person to whom others looked for leadership. Men submit to government by habit, reason and self-interest. It is the will of God that men obey government because a stable government brings general happiness.

CIVIL LIBERTY

Of primary importance in political theory is the subject of civil liberty. Paley describes civil liberty in his usual utilitarian way. "Civil liberty is the not being restrained by any law, but what conduces in a greater degree to the public welfare."¹¹ Natural liberty is to do what one pleases; civil liberty is to do what one pleases so long as it is consistent with the best interests of the whole community. Only the latter is desirable. I might like to be allowed to follow only my own will, but when I reflect on this I realize that all others would be allowed the same. The result could only be chaos, and I would meet so many obstacles to my own will that the result would certainly be less happiness and freedom than under a system of restrained freedom under law. Only in solitude could there be the liberty of a state of nature. Yet it is possible that in social intercourse one can have his liberty increased by the very laws which restrain him, because he often stands to gain more by the limitation of other men's freedom than he himself loses. "Natural liberty is

¹¹ Works, p. 109.

the right of common upon a waste; civil liberty is the safe, exclusive, unmolested enjoyment of a cultivated enclosure." ^{12/}

Liberty so defined, Paley goes on to say, imposes on a free people only restraints which do not advance the general happiness of all. Whatever evil there is in restraint, it should be overbalanced by the good that comes to the general public, and the burden of proof of this good lies with the legislature. It follows then that laws which are not advantageous to the public ought to be revised or repealed, as being infringements on the rights of free citizens, even if no bad effects can be demonstrated. On this basis, Paley contends that many of the laws of England should be revised, numbering among them the game laws, the poor laws, and laws against Roman Catholics and Dissenters.

Since the degree of liberty varies inversely as the laws impose restrictions which are either useless or whose utility does not outweigh the evil of restraint, it follows that no country possesses perfect liberty, but all possess some. It follows also that this liberty can be enjoyed under any form of government. Freedom can be increased or lessened, but it cannot be taken away by any single regulation, change or event. Therefore, absolute phrases, such as "a free people", or "a nation of slaves" or which speak of a revolution as "the era of liberty" or the opposite, are understandable and true only in a relative sense.

12 Ibid.

Paley explains the distinction between personal and civil liberty. A person may live in a country where civil liberty is enjoyed to a very high degree, and yet have his personal freedom taken from him because of some act which has broken the law. If his freedom is restrained in full compliance with the law, then his confinement is in the public interest, and his civil liberty has not been infringed upon. The same would be true if a person were put in quarantine upon his return to his home country after a visit abroad, for this temporary invasion of personal liberty would be in the public interest, as determined by the national legislature. And if such instances of the extreme invasion of personal liberty are consonant with the highest degree of civil liberty, then smaller and less serious invasions are even more justified if they are beneficial to the welfare of the community, to its peace and happiness. "It is not the rigour, but the inexpediency of laws and acts of authority, which makes them tyrannical."¹³

There is another idea of liberty which Paley discusses, that which has to do with security. In this sense, civil liberty has not only to do with the absence of obnoxious and harmful restraints, but also with being free from the threat of such laws in the future. He gives the example of Sweden in his own day, where there had been a revolution. The claim was made by those in power that the people were governed by the same laws as before, and by others wiser and more equitable. What then has been lost? A great deal, says Paley; they have lost their liberty. In the loss of their legislature, and in

¹³ Works, p. 110.

the loss of deliberation upon public issues, the people have lost the security that they formerly had to restrain any attempts of the crown to harass and oppress them. The loss of such security is the loss of liberty, "and this we pronounce a change from the condition of freemen to that of slaves." ¹⁴/ The same was true in the time of Henry VIII in England, when the Parliament gave the king's proclamation the force of law. This has properly been called "a complete and formal surrender of the liberty of the nation; and would have been so, although no proclamation were issued in pursuance of these new powers, or none but what was recommended by the highest wisdom and utility. The security was gone." ¹⁵/ If it could be expected that the welfare of the people would be as studiously considered in the edicts of an absolute prince as in the laws passed by a popular legislature, then one could say that an absolute government guaranteed as much freedom as any democratic one. The implication, of course, is that a legislature, being closer to the people, has a higher degree of interest in the public welfare than does a despot, and therefore offers a greater security in respect to civil liberty.

Paley rejects lesser definitions of liberty as not describing liberty itself, but only certain safeguards. Among these are the following: that the essence of a person's freedom lies in being governed only by those laws to which he has given his consent, or his virtual consent; the separation of the legislative and the executive departments

¹⁴ Ibid.

¹⁵ Ibid.

of government; in being governed only by law; in being taxed only by one's own representatives; in free and honest election of representatives; and in democratic control over the military forces. These definitions really agree and do not contradict one another. Liberty may be fenced in and protected by many different forms, each consistent with the truth and with each other. But too often definitions are framed which make essential to freedom that which is unattainable in actual experience, and only serve to inflame the expectations of the people, expectations which cannot be fulfilled. It is to be expected that a subject like liberty, with its many and varied meanings, cannot be embraced in a single definition that will be in accord with social life as it exists. Paley concludes with this statement: "That people, government, and constitution, is the freest, which makes the best provision for the enacting of expedient and salutary laws." 16/

Paley shows a high regard for the liberty of the individual, but it must be a liberty under law. Man in this world can experience greater freedom by virtue of the restraints of the law. He also demonstrates the value of the security of man's personal liberty, a security guaranteed to him through a representative legislature. He still holds to the right of revolution taught by John Locke, but only when the advantages of such an upheaval outweigh the disadvantages. This will happen very seldom and only when the final plea for justice must be made to a power beyond this world, i.e., to heaven. Paley in his discussion of civil liberty shows an insight into the laws of

16 Works, p. 111.

his day, many of which he termed useless and obnoxious. He advocated reform so that greater liberty could be given to the Roman Catholics and Dissenters. Paley sometimes seems liberal and advanced in certain matters that definitely needed reform, and yet in others he lacked vision and foresight. For example, in regards to parliamentary elections or any tampering with class privileges, he was thoroughly conservative.

RELIGIOUS LIBERTY

Paley's teaching concerning religious liberty must be approached with an understanding of the society in which he lived in England. Since the days of the Protestant Reformation the particular form of Christianity taught by the Church of England had been the religion of the state. Others were suppressed or merely tolerated. There had been persecution, torture and warfare. The toleration of Dissenters and Roman Catholics had grown, but full religious freedom was unknown in England in the eighteenth century.

Paley favored the establishment of the Church of England, not on any distinctive merits of that particular church body, but on the ground of utility.¹⁷ He says that when we compare the merits of the various religious establishments, we should consider them with only one view in mind; whether they preserve and communicate religious knowledge. Any other ideas which would make the Church an instrument or ally of the state, for its own benefit and prestige or for the support of a particular form or policy of government, only debases it

¹⁷ Works, p. 139.

and leads to corruptions and abuses.

This distinction of the Church from the secular state stems from the nature of Christianity itself, he goes on to say. An establishment is not part of Christianity, but "only the means of inculcating it." In ancient Israel a theocracy was established, but there is nothing in the Christian scriptures to justify such a claim for the Christian religion. No form of church government was laid down by Jesus or the early apostles. Rather the offices of bishop, presbyter and deacon were begun to meet the needs of the time and for good order, with no thought that in the future they would necessarily be the same. Who could know what the constitution of the Church should be when Christianity moved from its primitive state to that of a national religion? And further, to give sole authority to the ministers of a new religion might have so interfered with civil policy that in some countries its spread might have been severely hampered. Therefore, the authority of a church established lies in nothing else but its utility.

Such an establishment includes three things: a clergy that is separate from other professions so that it can attend to matters religious; a legal provision for maintaining the clergy; and the limiting of that provision to a particular sect of Christianity. If any one of these is lacking, then there is no establishment in the normal sense. The defence of such an establishment rests on showing the utility of each of the three parts.

Can Christianity be maintained in a country when there is no

clergy set apart by public authority to study and teach this religion and to conduct its public worship? And for this purpose must they be allowed to perform their ministry as a full-time profession to the exclusion of other employment? Paley gives an affirmative answer and for the following reasons. Christianity is a historical religion, founded upon certain facts that occurred a long time ago in a distant country. Much of its authority rests upon its sacred writings collected into the Bible, originally written in Hebrew, Aramaic and Greek. These languages must be learned. The many books and commentaries about Christianity must be studied; the Bible, its theology, the history of the Church must all be studied. All this presupposes a specially educated clergy. Not all, of course, will have the leisure and ability to pursue the scholarship necessary to maintain and augment the great body of learning that is a part of Christianity. Opportunity must be given to many so that some can qualify for such study, and their conclusions can then safely be accepted by the Christian community. If there is no such clergy, educated for their profession and allowed the leisure to study, it is to be questioned whether the learning itself would not have been lost, by which the records and writings of the faith are interpreted. In addition, the public teaching of religion and the conduct of public worship call for qualifications other than those suitable for other vocations in society.

Paley is a stout defender of the church polity existent in England. The division of the country into districts or parishes with

a priest stationed there to teach religion and lead the people in worship is a substantial part of every establishment. The other varieties found in other churches are inferior in comparison. He upholds the distinction of orders found in the Church of England as over against those churches which have all ministers on the same level. He gives these reasons; that it keeps peace and brings subordination among the clergy themselves; that it corresponds with the existing gradations in society, and brings among the different ranks a person of their own "class and quality;" and, in the last place, such a system attracts more men of talent and offers inducements to those serving in the ministry, because there are higher positions to be attained. In a sermon preached in Dublin at the consecration of his friend, John Law, as the bishop of Clonfert and Kilmacduagh, Paley defended this distinction of orders into bishops, priests and deacons on the same basis of utility. When considering the Christian faith as a whole, he said, one must distinguish between the personal relationship which each Christian has with God and which acknowledges no subjection to any human authority, and the society of believers, the Church, which requires the cooperation of many persons and so must have rules for its order and well being. Paley is concerned here primarily with the latter. In the former, the precepts of Christian morality and the basic articles of faith are, for the most part, precise and absolute, and are of perpetual, universal and unalterable obligation. On the other hand, the laws governing the discipline, instruction

and government of the community of believers are so general and indefinite that they allow adaptation to the situations in which the Church finds itself from time to time. Episcopal order is not decreed by the apostles in the New Testament as necessary, but rather, the apostles seem to allow for any kind of constitution which the Church should find expedient to adopt. He concedes to other churches the legality of their systems as long as Christianity is truly taught, but on the grounds of public utility maintains the advantage of the English system.

If an order of clergy is necessary, and if they must be allowed the freedom necessary to pursue their profession, it follows, then, that they ought to be provided with a living from their profession. Their maintenance can come only from two sources; voluntary contributions from the faithful, or revenue raised by the provision of law. Paley cannot see any value or benefit from the former. If left on their own hardly any people would give any money to the Church. Even the zeal of a new sect would eventually die down so that few would contribute anything, and so such a method could not be relied upon. Other interests would encroach upon the duty of religion, or reasons of conscience would be found as excuses to be relieved of a public burden. If staying away from church would relieve their pocket-books, or dissenting from the national religion would relieve them of their share in its support, surely many would take advantage of such an option, and this liberty eventually would result in the decline of morality and the forgetfulness of religion. Only with difficulty

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could Christian congregations be established, and these, no doubt, would be far apart. Preaching, in time, would become a type of begging, with a subsequent loss of sincerity and dignity on the part of the clergy, who all too often would become the victims of the whims of their people or the tyranny of lay directors. Paley can see little or no good in such a system, and so it is axiomatic for him that ministers of religion should be supported from the public treasury.

If such a course is expedient, the next question to be considered is whether one sect or division of Christianity should be established as the religion of the state and supported by it. This question, of course, would not arise if all were of the same religious persuasion, and it ought not arise if a religion broad enough to embrace the various disagreements could be agreed upon. When this is true, the comprehensive religion should be made that of the state. When this is impossible because agreement cannot be reached concerning doctrine, discipline, forms of worship, etc., then what to do becomes a matter of great importance. The answer to the question is related to and really dependent upon how another question is answered: "In what way, or by whom, ought the ministers of religion to be appointed?"¹⁸ If the method of patronage appointments common in England is to be continued, whereby private individuals nominate ministers to districts and congregations where they are entirely unknown, some test must be given to such candidates, or else congregation and pastor might well hold discordant

18 Works, p. 140.

opinions and beliefs. Paley provides this quotation of the law:

Of those whom we have previously pronounced to be fitly qualified to teach religion, we allow you to select one; but we do not allow you to decide what religion shall be established in a particular district of the country; for which decision you are no wise fitted by any qualifications which, as a private patron, you may happen to possess. If it be necessary that the point be determined for the inhabitants by any other will than their own, it is surely better that it should be determined by a deliberate resolution of the legislature, than by the casual inclination of an individual, by whom the right is purchased, or to whom it devolves as a mere secular inheritance. ^{19/}

Wherever such a system of patronage is adopted, Paley states, a national religion, or the legal preference for one sect over all others, must almost of necessity go along with it.

If the matter of the selection of a pastor were left to the people of the congregation, the results would be no better, according to Paley. The varying opinions of the majorities would only bring in a succession of men of divergent persuasions - Baptists, Moravians, Presbyterians, Catholics, Methodists would likely follow one another in a heterogenous parade that would arouse animosities and cause conflicts to the detriment of the people's Christian faith and the good of the Church. On the other hand, if the appointment of ministers is left to the state, this differs very little from the establishment of a national religion, for the state will appoint only those men whose religious persuasion is the same as its own. And so, by this logical

19 Works, p. 141.

reasoning, Paley inevitably concludes that a country must have a state religion. A clergy is necessary, it cannot be supported properly except by legal provision, and such legal provision cannot be constituted unless one Christian sect is preferred above all others.

If such a national religion is to be established in preference to all others, then some test, by which the teachers of that religion can be distinguished from the others, would seem to be the logical consequence. Earlier in his Moral and Political Philosophy,²⁰ Paley has a brief article on subscription to articles of religion, in which he states that the Thirty-nine Articles of the Church of England are not really articles of faith, but articles of peace. The bishop who receives the subscription is not the imposer, nor are the composers of the Thirty-nine Articles. The imposer is the legislature of the 13th Elizabeth, and it is this body's intention that the subscriber must satisfy. The articles are diverse and open to interpretation, and there was no intention that thousands of men in perpetual succession should agree on each and every separate proposition. The intention of the authors was to exclude from offices in the Church (1) Roman Catholics, (2) Anabaptists, then powerful on the continent, and (3) the Puritans, who were hostile to the episcopal constitution of the Church, and other sects which threatened the English establishment. Whoever fits into these categories should not subscribe, nor anyone else who is not first convinced that he is satisfying the intention of the framers of the Articles.

²⁰ Works, p. 45.

But even if such a test is a necessary part of a state religion, it is also true that it has furnished such churches a pretense to extend, multiply and continue tests beyond the bounds of justification. Creeds and confessions may serve to bring peace and order, but they always are accompanied with serious inconveniencies: "they check inquiry; they violate liberty; they insnare the consciences of the clergy, by holding out temptations to prevarication."²¹ It does not matter how needed they were at the time of their formulation, as time changes the opinions of men on religious subjects, they become outdated and come to contradict the actual opinions of the church whose doctrine they profess to elaborate. Often they proscribe sects and doctrines which have long ceased to be dangerous. Such objections are not cause for the elimination of tests and subscriptions, but from them it follows that such tests and subscriptions ought to be made as simple and easy as possible, that they should be modified from time to time, and that they should go no farther than necessity requires.

Paley's approach to the controversial test of conformity to the Church of England was much more conservative and irenic in his Moral and Political Philosophy than his earlier one in "A Defence of the Considerations on the Propriety of Requiring a Subscription to Articles of Faith." This writing was in reply to Thomas Randolph's pamphlet criticising Bishop Law's critique on the necessity of having any subscription. In this polemical work, Paley comes out very directly in

²¹ Works, p. 142.

opposition to subscription as oppressive to religious liberty, the Thirty-nine Articles containing many "obscure and dubious propositions" composed by several men over two centuries ago. The Articles are not taken seriously by most, he says, and do not serve to prevent heretical teaching anyway. He takes a liberal view of the whole matter, feeling that truth will win out over falsehood if left to have free course within the Church.

But let the church pare down her excrescencies till she comes to this question; let her discharge from her liturgy controversies unconnected with devotion; let her try what may be done for all sides by worshipping God in that generality of expression in which he himself has left some points; let her dismiss many of her articles, and convert those which she retains into terms of peace; let her recall the terrors she has suspended over freedom of enquiry; let the toleration she allows to dissenters be made absolute; let her invite men to search the scriptures; let her governors encourage the studious and learned of all persuasions: - let her do this - and she will be secure of the thanks of her own clergy, and what is more, of their sincerity. A greater consent may grow out of enquiry than many at present are aware of, and the few who, after all, shall think it necessary to recede from our communion, will acknowledge the necessity to be inevitable; will respect the equity and moderation of the established church, and live in peace with all its members. ²²/

Once a state has established a national religion, how to treat those who dissent from it becomes an important question. To answer this, Paley first brings up another question, whether the magistrate has any right at all to interfere in matters of religion. The right to provide

²² Paley, "A Defence of the Considerations on the Propriety of Requiring a Subscription to Articles of Faith," in William Meadley, Memoirs of William Paley (Sunderland, 1809), Appendix, pp. 40-41.

public instruction may not be questioned, but the right to inflict penalties and restrain individuals on account of religious differences most likely will be. Those who derive civil government from the social compact are free to say that religion was excepted when the compact was made, which leaves these matters to one's relation to God and his own conscience, since no commission or authority was ever handed over to the government or its magistrates. Paley does not accept the theory of the social compact and this accompanying distinction of obligations. For him civil authority is derived from the will of God, and that will collected into actions of general expediency for the public good. From this he concludes that the jurisdiction of the magistrate is limited only by the considerations of public utility. In other words, he may interfere in any matter which is conducive to the common interest. There is nothing in the nature of religion which exempts it from governmental interference when the safety and welfare of the community are at stake. To those who argue that since religion is concerned with the life to come and so lies beyond civil jurisdiction, Paley says that such jurisdiction only pertains to temporal affairs. Legislative action and judicial sentences cannot affect one's salvation. They can deprive one of liberty, of property, or even of life itself because of his religion, but in so doing one still cannot say that they have acted outside their proper jurisdiction, because what has been done has been done in the best interests of the common welfare according to the judgement of the legislature in passing the laws. Since the precepts of religion may enter all the walks of life, exemption from the law on

the basis of religious conviction could break down all civil authority over the conduct of the people. "Religious liberty is, like civil liberty, not an immunity from restraint, but the being restrained by no law, but what in a greater degree conduces to the public welfare." ²³/

This still does not set aside the biblical injunction "to obey God rather than man." The right of the government to enact laws, and the duty of the citizen to obey, in matters of religion, might be very different, and will be so whenever they come from different understandings of what is the divine will. In civil matters this difference seldom occurs. But when human laws regulate religious matters, such as the method of worship or the prohibition of certain articles of faith, they are liable to clash with what some believe has already been set forth by God in his revelation. In such cases, a person cannot excuse himself from obedience to God, no matter on which side a mistake has been made. And this applies no less to matters of a temporal nature than of a spiritual, where there is found to be an inconsistency between the commands of the magistrate and what is felt clearly to be the will of God. Paley admits that one might deduce from his maxim that the magistrate has the right to interfere in religious matters whenever it appears to him to promote the general happiness, that it would be the duty of the highest magistrate, i.e. the prince, to enforce his own religion upon his subjects. But this is not so.

23 Works, p. 143.

The magistrate must reflect whether what he does promotes happiness generally and generally tends to that end. If he exercises his right to enforce his religion on his subjects, he must not only consider whether this religion best promotes their eternal welfare, not only whether his methods will lead to state establishment of that religion, but also whether what he does will set a general pattern which will induce other princes to follow suit. Will such policies on the whole and in the mass of instances further human salvation? If the magistrate feels that under him the exercise of this right leads to the general salvation and happiness of his subjects, and yet feels that under another ruler the exercise of this right might lead to opposite results, then he would be bound by the rule to refrain from exercising his authority. What might in his hands be an instrument for promoting the general happiness, might, if accepted as a general practice, become dangerous and harmful. It is the submission of one general rule to one which is more general.

To what degree should the secular laws interfere with matters of religion, and what form should they take if the results are to be beneficial? Paley enunciates two maxims. The first is that any form of Christianity is better than none at all, and secondly, that that system is best which is the truest. As to the first, he feels that there can be no dispute, for all types of Christianity teach that there is a life after death which rewards and punishes according to the faith and life lived here on earth, and that de-

definitions of virtue vary little. A person who lives according to such teachings, even though combined with many errors and superstitions, will better be able to advance his own happiness and that of society than by any other way. As to the second, the important thing is whether a religion will lead to salvation in a future life, and only a religion coming from God can do that. Other religions can be framed, but where will they lead? No matter what other qualities a religion may possess, it must have authority, and that can come only from God. The true religion has the truth, which is of God.

The inference from the first maxim is that when the state enables its people to learn some form of Christianity, provides teachers for that purpose and pays the cost, i.e., when the state establishes a national religion, it exercises a power and an interference which, in its general tendency, will promote the best interests of its citizens. Even if the particular brand of Christianity which the state espouses is erroneous and corrupt, this state of affairs is better than the other alternative, no religion at all. And Paley goes on to express his opinion that the ruling magistrate should not impose his religion upon the people, but allow the religion of the people to remain established, since this will bring better results in the long run, other factors being equal.

Paley determines the case for dissenters by the above principles. Toleration, he says, is of two kinds, allowing them to practice their religion unmolested but excluding them from offices in the

government of the state, and complete toleration which allows them to hold office. The allowance of each man to practice the religion which he feels in conscience bound to do is deducted from the second proposition which speaks of truth in religion. All religion ought to seek and teach the truth. Intolerance and suppression only seek to subvert the truth, since they try to standardize that which has been decided by a few men. Greater success most likely would be attained if free enquiry were left to separate individuals.

Truth results from discussion and from controversy; is investigated by the labours and researches of private persons. Whatever, therefore, prohibits these, obstructs that industry and that liberty, which it is the common interest of mankind to promote. In religion, as in other subjects, truth, if left to itself, will almost always obtain the ascendancy. ^{24/}

Paley goes on to say that in a country where there are different religions, if there is full freedom, that which is the most reasonable and credible will gain over the others. Not that men will renounce their beliefs, but that gradually they will adopt into it the more rational doctrines, the improvements and discoveries of the neighboring sect, and so bit by bit the worse religion will die away.

In the admission of dissenters to public office, Paley holds to certain limitations. If religious opinion are held which are utterly incompatible with the proper functioning of the government, then the government has no choice but to exclude them. There have been certain Christian enthusiasts, he says, which have denied the right of private

24 Works, p. 145.

property. How could such a one hold the office of magistrate, where decision must be made concerning this right? Or one who is a pacifist, how could he be entrusted with a military command and be effective? Because such things are possible, it cannot be laid down as a general rule that religion, by its nature, should have no bearing upon whether a man holds a public trust or not.

Paley asserts that there are two cases where test laws can be justified. One is where two or more religions are contending for the supremacy, and there seems to be no way to settle the matter, except by giving the one a decided superiority in the legislature and government. He admits that he assents to this with many scruples. If the dissenters should become a majority of the people, then the establishment ought to be changed in their favor. If the various sects continue equally strong and no settlement is possible, then perhaps some plan could be worked out in which the state favored and assisted all groups on an equal basis. This method, he admits, has enormous difficulties. (In mentioning such an alternative, Paley seems to be backing away inconsistently from his position that there must by all means be a state establishment.) In all other cases, the established religion will be able to maintain itself. But if a test be applied for this reason, it ought first of all to be applied to the ruler, the chief magistrate, himself.

The second case, and more easily vindicated, is that in which a desire to overthrow the government is connected with a certain

religion. The state has every right to exclude from its government those who desire its destruction. And if there is no other way to know its enemies than by their religion, then the exclusion of those who profess that religion is perfectly justified. But it must be remembered that it is not against the religion itself that such a test is directed, but against the political principles that happen to coincide with the religious ones. If another means becomes possible to determine who the enemies of the state are, then a new test should be applied and the religious one dropped. Paley here is thinking primarily of Roman Catholicism and jacobitism. It is not against "popery" that the law is directed, but against that religion as a mark of jacobitism; "an equivocal indeed and fallacious mark, but the best and perhaps the only one, that can be devised."^{25/} This connection was accidental in origin, and so will be temporary, Paley thinks. When this connection no longer is real and the danger no longer visible, the test should be abolished immediately.

Paley summarizes governmental interference in matters of religion thus:

That a comprehensive national religion, guarded by a few articles of peace and conformity, together with a legal provision for the clergy of that religion; and with a complete toleration of all dissenters from the established church, without any other limitation or exception, than what arises from the conjunction of dangerous political dispositions with certain religious tenets; appears to be, not only the most just and liberal, but the wisest and safest system, which a state can adopt; inasmuch as it unites

²⁵ Works, p. 147.

the several perfections which a religious constitution ought to aim at: - liberty of conscience, with means of instruction; the progress of truth, with the peace of society; the right of private judgement, with the care of the public safety. ^{26/}

Paley shows himself to be rather liberal in his religious views.

He holds to the orthodox Christian doctrines, but his interpretation of them is rationalist and utilitarian. He is very broad in his interpretation of the Thirty-Nine Articles of the Church of England, regarding them as articles of peace rather than as a confession of faith. Paley's latitudinarianism finds room for those who hold a different view from his own, and so in the matter of toleration he does advocate reform. However, he holds that the state should support an established religion for the general welfare of the public. In fact, he saw little to criticize in the established Church of his day, defending it as it was as one of the chief bulwarks of English society. This uncritical acceptance of the Church was one of the primary weaknesses of Paley's thought.

THE BRITISH CONSTITUTION

Of primary interest to any British writer of political theories is the British constitution. This constitution is one of marvels of modern government and has served as a model for the constitutions of many other countries. Paley discusses the gradual growth of the British Constitution, and then turns to the subject of reform,

a highly controversial matter in his day. He discusses the purpose of a constitution, and why he thinks the British one of his day so admirably suits the needs of its subjects and is worth preserving. Finally, he outlines the places which the crown and the two houses of Parliament hold in the framework of the constitution.

Paley begins this discussion by defining what a constitution is. He says it is that part of the law of a country which designates the form of the legislature, the rights and functions of the legislature and the form, work and jurisdiction of the courts of justice. The constitution is the one, major section of the whole body of law, distinguished from the rest only by the greater importance of the subjects that it covers. "Therefore the terms constitutional and un-constitutional mean legal and illegal."

In England, the system of public jurisprudence is made up of acts of parliament, of decisions of courts of law, and of immemorial usages; consequently, these are the principles of which the English constitution itself consists, the sources from which all our knowledge of its nature and limitations is to be deduced, and the authorities to which all appeal ought to be made, and by which every constitutional doubt and question can alone be decided. ^{27/}

Some writers confuse what is constitutional with what is expedient, saying a certain measure is unconstitutional if it is, in their opinion, dangerous or harmful. On the other hand, others hold the constitution to be a transcendent, mystical authority that came into being in some manner other than that of ordinary laws. In England an act of Parliament, strictly speaking, can never be unconstitutional. But in a "lower sense" an act may be when it works against, contradicts or

27 Works, p. 114.

tends to defeat the provisions of other laws which regulate the form of government. Even when the Parliament of Henry VIII misused its trust and gave to the king's proclamation the force of law, this act was unconstitutional only in this latter sense.

According to Paley most writers on the subject of the British constitution treat it as a scheme of government that in previous years was planned and set up formally according to that plan. This results in phrases such as "first principles" and "original purity." But such is not the case. Never in the history of England was its constitution framed by any man or assembly and adopted as the binding law of the land for posterity to obey. Between the reigns of Charles I and Charles II projects of this sort were attempted but never executed. The Great Charter and the Bill of Rights were efforts to secure individual rights against abuses by the crown, but were only modifications of the existing constitution. The constitution of England grew out of the needs of the country at various times, from national policy and from the interests, successes, failures and struggles of the different classes and parties of society. It resembles an old mansion that has been altered and added to from time to time according to the tastes and fortunes of the various owners. Here we look in vain for elegance and proportion, but instead see a structure which perhaps amuses the onlooker more than it accomodates the one who lives within.

When it comes to matters of reform, Paley has this to say. We should not look to ideal forms that cannot be attained, but to the present constitution with the idea in mind that perhaps a better

one can be obtained. When this is done there is a greater likelihood that a conservative person will be more willing to change existing institutions. Also the person of impatient mind will not rush to hasty and false conclusions. Political innovations commonly bring after effects that were never intended. In fact, these consequences often turn out to be the most important and far-reaching, whether for good or ill, even though they had never even been thought of. It is from such silent and unobserved operations progressing in subtle ways that the greatest revolutions rise. For example, when Queen Elizabeth encouraged and regulated trade by many wise laws, she did not realize that along with wealth and industry she was building up an inner strength and independent spirit in the people that would not long tolerate, within the form of a mixed government, an arbitrary and despotic prince. The same is true in regards to a standing army. Little else occurred to the minds of those who advocated an annual bill to maintain and govern a standing army than the fact that temporary laws would effectively maintain a control over the most dangerous prerogative which the crown possessed. In effect, however, this single measure has altered the whole frame and quality of the British constitution. In a world in which both internal contingencies and foreign relations make the existence of a standing army imperative, Parliament, by withdrawing such support, can enforce its will on any other subject, because it now becomes too dangerous and impracticable for the king not to give his assent to any bill that has received the approval of both houses. A head-on clash between the crown and Parliament can only result in the

dissolution of the government. Another example is the granting to the crown the privilege of appointing people to public service. No doubt those who gave this constitutional grant had no more in mind than allowing the master the choice of his servants. They did not realize that with the growth and increased responsibility of government this grant would add great influence to the regal office to the extent of changing the character of the constitution. The modern world realizes to an extent not dreamed of by our ancestors that patronage is power, and that he who has a sufficient amount to give to those seeking wealth and influence, will direct the management of public affairs, in spite of various limitations to his authority. The most important and permanent effects in politics, Paley concludes, are those which are incidental and unforeseen. He states this in order to teach that changes ought not to be entered into "Without a comprehensive discernment of the consequences," both immediate and remote.

Paley goes on to say that a good constitution has one end, the happiness of its subjects. But there is another end that either a good or bad constitution has, and that is its own preservation. Any form of government would be defective if it did not provide for its own preservation. Any form of government would be defective if it did not provide for its own permanency, and such provision to Paley is expedient, and he accepts any law which is necessary or is conducive to the preservation of the constitution. But this remains true only so long as the constitution is worth preserving, that is, until a better one can be substituted. There are many things in the British

constitution, as in all others, that can be accounted for and vindicated solely because they tend to keep the government in its present state and provide certain powers for its various divisions. Such a consideration, however, must be kept subordinated to another - "the value and usefulness of the constitution itself." 29/

Paley then enumerates a number of things which, under the British constitution, he thinks provide for the best interests of its subjects. As was his habit, Paley idealizes the constitutional frame of his time. Every citizen is capable of being elected to the Parliament and there discuss the issues before it; every district can elect representatives to bring to the attention of the legislature the desires and problems of that district; by setting up different qualifications in different places in order to vote for the members of the House of Commons, each order and profession in society becomes virtually represented; the elections are so connected with the influence of landed property, that it is a certainty that men with great wealth and estates will in considerable numbers be returned to Parliament; the number, interests, quality and variety of such men, and their temporary tenure, are a security to the public of good government; such representatives are so dependent upon public favor that they can only rise to prominence if they work for laws that are in the public interest; their own interests are so intertwined with those of their constituents that laws that favor the one do the same for the other. In addition, to provide for a stable and peaceful society, the executive branch of the government has been entrusted to a hereditary

29 Ibid.

king with limited power. In the promotion of the best interests of the country and the empire, Paley says, the inclinations of the people and the king usually coincide, and as a result, the constitution entrusts the regal office with a great deal of power. There are two chief dangers, taxation and punishment. To safeguard the former, the constitution provides that tax laws must originate in the House of Commons, the assumption being that this popular assembly will not tax themselves nor their constituents unnecessarily. To safeguard the latter, the power of the crown and the appointed magistrates is restricted by definite limitations. Among these are the right of trial by jury where the crime was committed, the existence of impersonal laws which define the limits of punishment, the writ of habeas corpus to protect against unjust confinement, and the special protection of the accused in cases of treason.

Looking then, secondly, at the manner in which the constitution has provided for its own preservation, we find this set up in two things, a balance of power and a balance of interest. By a balance of power is meant that there is no power granted to one part of the government that cannot be checked by the action of another part if there is excess or abuse. Thus the power of the two houses of Parliament to frame laws is balance by the veto power of the king. On the other hand, this negative power is checked by Parliament's privilege of refusing to supply money for the king's administration. The maxim, "the king can do no wrong," is balanced by the maxim that the king's ministers are liable to punishment according to law when

they carry out illegal acts of the crown, and also by a subsidiary rule which states that the acts of the crown have no legal force until they are authenticated by certain of the highest officials. The balance of interest, which goes along with and gives efficacy to the balance of power, lies among the three estates of society, any two uniting to resist any encroachment on the part of one. If the king should try to extend his own authority by lessening the power and privileges of the House of Commons, the House of Lords would recognize the danger inherent in such an action so far as the independency of Parliament were concerned. Arbitrary power is no less destructive to the prestige and position of the aristocracy than to the liberty of the general populace, and in order to prevent their becoming merely part of the court pageantry the nobles would resist the crown if it sought to unbalance the constitution in this way. On the other hand, if the House of Commons should move against the crown to take from it its distinct prerogatives, the House of Lords would resist such undue exercise of popular power. There is a natural affinity between the nobility and the monarchy, from which they receive their own distinction. For noblemen there is the allure of court life and a common hatred of equality and all levelling processes. Last of all, if the nobility sought to raise itself to the ancient, feudal superiorities, both the king and the people would recall how the former had been insulted and the latter enslaved, and would unite to suppress such a movement.

Paley looks further, now, into the use of the House of Lords, as part of the constitution. He gives three: the giving of peerages as rewards for public service, to secure the stability of regal

government by perpetuating a class that is naturally allied to its interests, and to hold back popular feeling when it becomes too advanced. Opinions and passions are easily circulated and aroused among the masses of the people, and to control them they must be divided. A means to this end is a hereditary nobility, the members of which are not so subject to popular prejudices and who will resist the claims and desires of their "inferiors in rank." If the voice of the people were always the result of reasonable reflection on the part of even a small percentage, or if they would hold fast to their judgements once formed, then a superior order would not only be unnecessary but wrong. But such is not the case. The general populace has too easily been aroused by crafty leaders, and wise counsel has too often been repudiated. The time might come, Paley thinks, when the commonwealth will be saved by the reluctance of the nobility to yield to the caprices and tumult of the common people. This is not to say that the nobility does not have prejudices of its own. It only says that their prejudices are different from, and tend to counteract, those of others.

The need for reform in the manner of sending representatives to the House of Commons was well recognized in the latter part of the eighteenth century. Paley was no exception. He called it a "flagrant incongruity in the constitution."

The House of Commons consists of five hundred and fifty-eight members, of whom two hundred are elected by seven thousand constituents; so that a majority of these seven thousand, without any reasonable title to superior weight or influence in the state, may, under certain circumstances, decide a question against the opinion of as many millions. 30/

But he had reservations about reform when he looked further. Is the evil so great as to justify the danger of experimental changes? First of all he makes it plain that in speaking of reform, he is not dealing with those who want to change the form of government, but only with those who wish to alter the form of representation and still retain the present form of the constitution. Those who advocate a republic have a very strong case to support their claim for more equitable representation, for if the monarchy and House of Lords were done away with, "the present disproportionate representation would produce nothing but a confused and ill-digested oligarchy."³¹ In addition, Paley opposes those who insist that representation is a natural right. It is, he says, only in so far as it contributes to public utility, leading to the passing of good laws and their just administration. Therefore, if men are returned to the legislature, who by their qualifications are the most likely to produce such laws, what does it matter who sent them there? Will better representatives be sent to Parliament if the system is changed? No, says Paley, and therefore we should examine well what we have and the results that are being produced, before we hasten to make reforms that may be unwise and unnecessary. Whatever the present defects may be, it secures seats without fail to men of great wealth. From the boroughs mixed types of men with conspicuous abilities from the professions and other walks of life are returned. This is to be expected, for when boroughs are sold they are most likely to be bought by men who can make the best of the bargain; or when the seat is given rather than sold, the proprietor will find that he is

31 Ibid.

consulted about his own interests. If the nobility make certain appointments to seats in the House of Commons, this only serves to build up an alliance between the two houses, yet keeping the governing power in the Commons where it might not long stay if so powerful and wealthy a group as the peerage were denied means of making their influence felt. A few boroughs that lie at the disposal of the crown can be tolerated without any danger. When examined in this way, parliamentary representation, in spite of its faults and confusion, is still to a large degree popular. "The representatives are so connected with the mass of the community by a society of interests and passions, that the will of the people, when it is determined, permanent, and general, almost always at length prevails." ³²/

The desire of those who want to reform the British constitution center chiefly in ways to lessen the influence of the crown. Paley thinks that the best and quietest method would be to reduce directly the patronage of the crown. By law the number and value of the offices left to the disposal of the king could be held within certain limits. But even here caution must be exercised. Men elected to popular assemblies can become subject to many desires which tend to obstruct the conduct of public affairs, including the love of power, envy, faction, impatience of control and the secret pleasure of mortifying great men or of dispossessing them. In government there must be some means of counterbalancing this. No one, not even the friends of regal government, want to see a return to the times when the king ruled by force and intimidation, but neither do we want to see unlimited parliamentary control that could rather easily swing the country over to

radical reforms. Paley gives as an example of this the attitude and actions of the colonial assemblies in North America, which possessed much of the same kind of powers as the House of Commons. However, there was no corresponding patronage of the king and government in the colonies which could build up attachment to the mother country and counterbalance the restless and separatist spirit of these assemblies. As the result of certain provocations, the tide of this spirit could not be stemmed, and so the colonies declared their independence and were lost. Such an example will have great weight with those who are satisfied with the present frame of the British constitution and who count stability as a cardinal virtue of any government.

Paley brings out clearly the fact that the British Constitution grew gradually out of the needs of the country and was not formally written and adopted at a definite time in history. He shows a strong interest in preserving the basic institutions of government as set up by the constitution in his day, believing that the checks each one has upon the other are good and preserve the liberties of the people. But in his eagerness to uphold the British constitution Paley slips into the error of believing that reforms which even he admits are desirable will not help make better government. He leans over backward to applaud the political sagacity of the landowners who wield the power and justifies their election from the rotten boroughs. In this he is at one with Edmund Burke, who also had little regard for representation on a numerical basis. The important thing to Burke was that the class of property owners be represented, and this public-spirited minority could conduct parliamentary government, which the people were generally willing

to follow, with parliament mainly a place where the leaders of this minority could be criticized and held to account by their party in the interest of the country as a whole. Burke and Paley both were apostles of political conservatism. Such conservatism did not always rule out change, but it did make change extremely difficult when it disrupted the comfortable position of the vested interests. Fortunately there were others who believed differently and who eventually brought about the needed parliamentary reforms.

THE ADMINISTRATION OF JUSTICE

We now look to Paley's teachings about the dispensing of justice under British law. The discussion centers upon the separation of the legislative and judicial functions of government, the independence of the judges, the number of judges on a court panel and the matter of publicity. Finally, he takes up the matter of concurrent courts and a supreme court, trial by jury, circuit courts and legal precedents.

"The first maxim of a free state is, that the laws be made by one set of men, and administered by another; in other words, that the legislative and judicial characters be kept separate."³³ If this is not done, Paley explains, and these offices are united in either one man or one assembly, particular laws are made for particular cases, often with partial knowledge and for the benefit of private interests. As a result, justice is not served. But if the two branches are kept separate, general laws are made, with no particular person or case in mind. Impartial application of justice is then possible. In England,

³³ Works, p. 123.

he says, the separation of the legislative and judicial functions is effectively provided for. Parliament does not know the individuals upon whom the laws it enacts will operate, and therefore it is able to consider the general effects of its actions. The result is impartial and commonly advantageous laws. Once laws are passed, the courts must abide by them, for the legislative branch is by necessity the supreme power in the state, and will jealously see that its laws are carried out. This fundamental rule of jurisprudence is violated when there is an act of attainder or confiscation, a bill of pains and penalties and in all ex post facto laws. Here Parliament acts as both legislature and judge. When reviewed and the results seen, Paley is convinced that it would have been wiser never to have deviated from the maxim. At least nothing but a clear and immediate danger to the state could justify a repetition. It is far better to let a man go unpunished if the law does not provide for his punishment, than to break a fundamental rule that helps to guarantee the purity of public justice and the continuance of civil liberty.

Another fundamental rule of justice, especially where the government is a party, is the independence of the judges. Since the courts are a protection for the subject against any illegal attack by the servants of the government upon his constitutional rights, the judges often become the arbiters between the king and the people, and therefore ought to be independent of either or, what amounts to the same thing, equally dependent upon both. If appointed by the one, they should be removable only by the other. This was the policy which made

possible the improvement in the British constitution, by which the judges, who before the Revolution served at the pleasure of the king, can now be removed only by the concurrence of both houses of Parliament. To complete this independency of the judges, their salaries ought to be fixed and certain, and, in addition, so liberal in amount that they are above bribes. Such salaries will also help to give their office and person a high degree of integrity and will provide an attraction for men of eminence in the profession of the law.

A third precaution which Paley discusses is the number of judges. It must be small, he says, because a large group cannot deliberate with patience and attention. In addition, outside influences and prejudices can work to a larger degree upon a larger group. And if there happens to be an unjust verdict given, each one in a large panel can divide the shame and shelter himself in the midst of the others. For this reason the judges ought always to be so few that they are conspicuous to the public view and plainly accountable for their decisions. Paley prefers an even number to an odd number of judges, and four as the best. Not only does this allow for separate responsibility, but all cases must be decided by a majority of three to one. When it is remembered that each decision establishes a perpetual precedent, it can be understood why there should be such a strong majority.

A fourth important rule, and one which is equal to many other checks upon the judges, is that courts of justice be conducted in public, not only before the people in general but also in the eyes of the whole profession of the law. The opinion of the bar will be impartial and will act as a guide to the public. The most corrupt judge will fear the

censure of his peers together with the dissatisfaction and criticism of the people.

It is better if there are two or three courts of concurrent jurisdiction, Paley feels, for then a suitor can make a choice. This could be especially valuable when it is suspected that certain judges are ignorant or corrupt. But when there are several coordinate and independent courts, there should also be one supreme one to which all appeals can be made and whose decisions cannot be superseded. This is necessary for two reasons: to keep a uniformity in the decisions of inferior courts, and to maintain to each a necessary limit to its jurisdiction. If there were no supreme authority, different courts might make contradictory decisions which would be final and impossible to remedy. Such confusion is eliminated with a common appellate court. In addition, the inferior courts from which the appeals are made will tend toward greater consistency with one another as they rely upon the decisions of the highest tribunal. Moreover, if two independent courts cannot agree upon the extent and boundaries of their jurisdiction, only an authority which they both acknowledge can settle the matter.

Paley likes very much the system of trial by jury in English law. In this system are combined two kinds of judicatures, one where the office of the judge is permanent in the same person and so known to all before the trial, and the other where the judge is chosen at the time of the trial and for then only. The former is learned in the law and chosen because of his qualifications. But because he is known beforehand

and accessible to both parties, there is the possibility of undue influence or bribery, and also the possibility that in cases between the crown and a subject he might be suspected of partiality toward the side which appointed him. The latter has the advantage of being indifferent as to the outcome of the trial, but the disadvantage of being unlearned in the law. The English courts combine the two judicatures by forming a jury to try cases, assisted and presided over by a judge. "This admirable contrivance unites the wisdom of a fixed with the integrity of a casual judicature; and avoids, in a great measure, the inconveniencies of both." ³⁴ / By this method justice is most likely to be had, to the best interests of the individual and society.

Because of the excellence of this method of trial, any deviation from it ought to be watched over carefully and sanctioned with caution and reluctance by the legislature.

Summary convictions before justices of the peace, especially for offences against the game laws; courts of conscience; extending the jurisdiction of courts of equity; urging too far the distinction between questions of law and matters of fact; - are all so many infringements upon this great charter of public safety. ³⁵ /

However this may be, trial by jury is sometimes found to be inadequate in the administration of impartial justice. This happens chiefly in cases where some popular desire or prejudice is likely to interfere, as where a certain order or group advances claims against the rest of the community (the clergy contending for tithes, for example); or where a certain group of men is disliked because of their profession (tax collectors and bailiffs); or where one of the parties has an interest in

³⁴ Works, p. 125.

³⁵ Ibid.

common with that of the jurors and the other an interest opposed to it (contests between landlords and tenants, or between lords of manors and holders of their estates); or where the minds of men are inflamed by political dissention and religious hatred. Such feelings are most easily aroused among the common people, and it is from them that juries are chosen. There is further danger in having the trial in the county where the crime was committed, for it is easy for the people to have a prejudgement about the case. More adequate justice could no doubt be obtained if the verdict were left up to the judges in such instances, if they could be depended upon to handle such enlarged powers with the same restraint as they have been accustomed to in the mixed courts. But this, Paley feels, is too great a danger to be risked. The effects of local prejudice could be prevented, however, if the trial were allowed to be moved to a distant county upon application.

There is a distinct advantage in the use of circuit courts. Having one or two central courts for the whole country makes the whole business of dispensing justice expensive and far too time consuming. On the other hand, local courts are cheaper to run and speedier, but subject to ignorance and partiality. The circuit courts help to keep justice impartial and yet inexpensive and quick by moving at regular intervals into the various parts of the country, and having preside over them judges from the major courts who are unconnected with local feelings and prejudices. Such judges will naturally conduct themselves as they do in the highest tribunals, and help to maintain a most important principle of civil government, one law of the land in every part.

Following this discussion of the make-up of the courts, Paley continues with his thoughts on the rules that ought to govern their proceedings. The main thing in this is whether or not former judicial decisions should be a factor in making current decisions, or whether such precedents should have no place in jurisprudence, the court making its decision purely on the basis of the facts of the case before it. Paley admits that to allow precedents once established to stand gives to the courts an authority that is equal to the acts of the legislature. But this is necessary for the protection of private rights, especially if such precedents have been confirmed by repeated adjudications, and should be set aside only if there was a clear error or an act of dishonesty on the part of the court where the case was first decided. He gives two reasons for this allowance of precedents. The first is that judges will be bound by positive rules; the second is that a person may know beforehand how to act and what to expect when his legal interest is involved. If judges were so free that they did not have to conform in any way with the decisions that their fellow jurors had made, it would allow them a latitude of judgement that would be highly dangerous. Everyone has concealed partialities and prejudices that need to be circumscribed. There is no use in saying that Parliament can always oversee and correct abuses. How can Parliament proceed when it has no acknowledged standard by which to judge what is right or wrong?

But adhering to precedents so as to reduce the danger of partiality, important as it is, is not the main thing. Even more important is the fact that under any system of law a citizen must expect that

decision in his case which others have received in theirs when the cases are similar. There is no other way by which he can have some idea of how the court will decide his case. To remove the authority of precedents and so remove the ~~grounds~~ of this expectation "is to entail upon the subject the worst property of slavery, - to have no assurance of his right, or knowledge of his duty." ^{36/} The peace of the country as well as the confidence of each individual requires uniformity in court procedures.

Nothing quells a spirit of litigation, like despair of success: therefore nothing so completely puts an end to law-suits, as a rigid adherence to known rules of adjudication. Whilst the event is uncertain, which it ever must be whilst it is uncertain whether former determinations upon the same subject will be followed or not, law-suits will be endless and innumerable. . . . When justice is rendered to the parties, only half the business of a court of justice is done: the more important part of its office remains; - to put an end, for the future, to every fear, and quarrel, and expense, upon the same point; and so to regulate its proceedings, that not only a doubt once decided may be stirred no more, but that the whole train of law-suits, which issue from one uncertainty, may die with the parent question. ^{37/}

In concluding his discussion of judicial precedents, Paley mentions two consequences that some often think regrettable. One is that in certain cases severe hardships result. In answer to this Paley sticks to his belief that the general good must be upheld, saying that uniformity in the courts is more important than occasional unfairness, in the same proportion as general uncertainty as to court procedures is a greater evil than certain injustices. The second regret is the intricacy of the law as a science. To this Paley answers that the solution

³⁶ Works, p. 126.

³⁷ Works, p. 127.

lies in making the practice of law a separate profession. If precedents must be used then they must be known, and this is possible only after long and laborious study.

Paley shows his concern for individual rights under the law in condemning acts of attainder and ex post facto laws, and he upholds the wisdom of an independent judiciary with trained judges and trial by jury. The justification of judicial precedents forms a large and important part of his thought on justice. In all, Paley shows a careful analysis of the judicial patterns of his day, recognizing its merits but offering no criticisms.

CONCLUSION

In this thesis we have looked at the life of William Paley, his writings, and some of his principle thoughts about society and politics. We have seen a man who was a teacher, scholar and author who wielded considerable influence in his own day and for a generation or more thereafter. He lived in a time of social and political ferment that brought forth revolutions of warfare and industry. Where did Paley fit in and what did he really accomplish? We might say that he was one of the last leaders of an age that was fading and giving way to a new age of industry and politics. This is not to say that he was not aware of the changes that were taking place, but he did not fit into them very well. His conservatism would not let go of those things that were holdovers from the past and let his mind grasp the spirit of the new age. Paley did break through to some extent and work for reform, for example in the matter of slavery, and he did speak in his writings of the need to be open to change and so not allow the institutions of society and government to be so rigid that men are deprived of their freedom to the extent that open revolution is the only answer. Nevertheless, Paley still remained a man of his age and his thought for the most part sought to justify existing conditions. Paley's thought was greatly influenced by Locke and Tucker, and to some extent by Hume. He was a rational utilitarian who upheld the Christian concept of God against deism and atheism and who used this utilitarianism to develop his system of ethics and political science. But he was shortsighted in his approach to the problems of his day and so did not bring out any fresh ideas that could be picked up by his contemporaries and applied to the problems. Rewarded with valuable

livings and sinecures in the Church, he possibly lived too comfortably to let his genuine concern for the poor bother him enough to see the failures and injustices in the economic system and speak out against them. He was content with the Church as it was, and so it remained for others to try to stir up the religious fervor of the people. A new group of radical utilitarians under the tutelage of Bentham was rising, and it would be they who would spur on the country to reform.

But if we admit that Paley lacked the vision and zeal to become a part of the new age that began to develop as the nineteenth century opened, we should also admit that he had much to offer that was of great value. This was recognized by his contemporaries who bought his books and read his pamphlets and sermons. Paley was a serious churchman who sought to communicate the love of God as he saw it to his listeners and readers. He helped to uphold high moral standards, stable government and justice for the people. Paley has been described as a systematizer rather than as an original thinker. This is largely true. But if Paley falls short in this respect, he does help to make up for it in the clear exposition and well ordered presentation of his writings. He was a great man who influenced other great men. His weaknesses and inconsistencies are not hard to see, but he had strengths that proved to be of great value to the society in which he lived. We are all prone to be unduly harsh in our criticisms because hindsight gives us an advantage. William Paley served his Church and country well, but it remained for others to provide the kind of leadership that would strengthen and revitalize the British nation.

APPENDIX

VARIOUS EDITIONS OF PALEY'S WRITINGS

The Principles of Moral and Political Philosophy was first published in 1785. A second edition appeared the following year, a fifth in 1788, a seventh in 1790. The fifth edition corrected was published in Dublin, Ireland, in 1793. By 1799 twelve editions had been published in London, and during Paley's lifetime fifteen editions in all had come from the press. Several editions were published after his death, a seventeenth in 1809, others in 1817, 1822, and 1824. In 1852 there was a new publication, with an additional dissertation and notes by Alexander Bain. There was another edition in 1859 with annotations by Richard Whately, Archbishop of Dublin. The Moral and Political Philosophy was used as a textbook in many private schools, and for this purpose was usually condensed. One such shortened edition was edited by A. J. Valpy in 1831. Another came out in New York the following year, edited by B. Judd.

Publications of the Moral and Political Philosophy were issued not only in England and Ireland, but also in the United States. By 1801 there was a fourth American edition, published in Boston from the Twelfth British edition. The tenth American edition came out in 1822. Following that there were editions in 1824, 1825, and 1827. In 1832 an edition adapted for female seminaries, with questions, was published. The condensation by A. J. Valpy appeared in 1835, published in Philadelphia. This edition by Richard W. Green was intended for schools for boys or girls, and for this purpose contained notes from "popular authors" and questions. There was another edition in 1845. Some indication of

the widespread use of this and other editions of Moral and Political Philosophy can be gathered from a notation in the frontpiece: "For sale by the principal booksellers throughout the United States." The same type of book was again published in 1860. As late as 1888, in Philadelphia, a republication of the seventh American edition was issued.

Paley's work was known also on the continent. A French translation appeared in 1817, translated from the nineteenth English edition. This is the only one listed in the Livres Impremes de la Bibliotheque Nationale. Also listed here is an 1841 edition in English, published in London. In 1788 a German translation was published in Frankfurt and Leipzig, entitled Grundsätze der moral und politik.

Moral and Political Philosophy was widely read and brought about studies and comments on various subjects by others. A French translation from the fourth edition was made on the subject of the British Constitution, and published in Paris in 1789. It was called Des Differentes Formes de Gouvernement et de Leurs Avantages ou Desavantages Respectifs, de la Constitution Anglaise et de al Liberte Civile. The same year another translation was entitled Reflexions sur l'Establissement des Jures et sur l'Administration de la Justice Civile et Criminelle, from the same edition. In English R. G. Arrowsmith wrote Doubts Upon the Reasoning of Dr. Paley Relative to the Criminal Law (n.d.).

In 1796 was published Letters to Paley, which was about his objections to a reform in the representation of the House of Commons and on his apology for the influence of the Crown in Parliament. Paley's

arguments were in the chapter on the British Constitution. An Analysis of Paley's Moral and Political Philosophy came out in a third edition in 1799, and subsequently went through six more editions in the next twenty-five years. A work entitled Remarks on the Theory of Morals appeared in 1800, which was an examination of the theoretical parts of Moral and Political Philosophy. The following year E. Pearson wrote Annotations on the Practical Part of Paley's Moral and Political Philosophy. In 1810 Basil Montagu published a work called An Examination of Some Observations (made in the House of Commons). This was concerning a passage in Moral and Political Philosophy on the punishment of death. The same year a letter in reply was published under a pseudonym. In 1813 and 1816 the Pamphleteer published an article on the Insolvent Debtor's Bill, with the opinions of Paley on imprisonment for debt. Paley's teachings about the Sabbath were used in several works. W. Cooper, in 1814, wrote An Inquiry Into the Antiquity of the Sabbath, using as his reference Paley's opinions on the subject. A Brief Exposition of the Origin, Design and Fulfillment of the Jewish Sabbath was an abridgement from Paley's writings, published by P. Heylyn in 1832. William Thorpe purports to show the fallacy of Paley's theory of the Sabbath in his 1856 work called An Argument on Behalf of the Christian Sabbath. In 1827 there was a small work with the title A Consideration of Dr. Paley's Remarks Respecting Forms of Prayer. L. Wainwright published A Vindication of Dr. Paley's Theory of Morals in 1830. A view of the British Constitution was published in 1831, which was simply an extraction from Moral and Political Philosophy. There

were two publications in 1841. One was a Series of Examination Questions on Moral and Political Philosophy, the other, Lectures on Paley or the Principle of Morality. In 1855 H. Christmas had published his Christian Politics, an essay on the text of Paley.

Paley's next major work was called Horae Paulinae or The Truth of the Scripture History of St. Paul Evinced, which appeared in 1790. Another edition came out in Dublin the same year, followed by the third in London in 1796. Interest was shown in this work in Germany, for in 1797 a German translation was published in Helmstadt, with remarks by Dr. Conrad Henke. By 1809 a sixth edition had appeared in England, and in 1822 and 1823 there were two more. Evidently there must have been ten editions by 1821, for in that year a French translation was published in Paris translated from the tenth English edition. There were further editions in 1840, 1846, 1850, 1855 and 1877. About this time the Horae Paulinae appeared as part of Ward and Locke's Christian Knowledge Series. An edition by Thomas R. Birks was published in 1850, with notes and a treatise. In 1887 it again appeared in the Ancient and Modern Library of Theological Literature. Earlier in New York two editions had appeared, one in 1824 together with the Clergyman's Companion, and the other in 1856. Several analyses of the Horae Paulinae were published. One came out in 1837 by C. Woodward, with a second edition in 1850. J. Gorle published one with questions in 1867. A Synopsis of Paley's Horae Paulinae came out in London in 1872 with portions prescribed for the Cambridge Middle Class examinations. There was another edition in 1879. The third major work to

come from the pen of Paley was entitled, A View of the Evidences of Christianity. It was published early in 1794 in three volumes, and again the same year in two volumes. Five editions had come out by 1796, nine by 1803. Six years after Dr. Paley's death in 1805 a fifteenth edition had been published in London and Edinburgh. A new edition appeared in 1817, one in 1820, another in 1822. By 1831 another new edition was published in Cambridge with examination questions and a full analysis. A new edition came out in 1848 with notes and a supplement by T. R. Birks. Two years later Evidences, together with Horae Paulinae, appeared in the same volume with notes, an analysis and a selection of questions from the Senate-House and College Examination Papers. There was an edition in 1851. In 1859 an edition with annotations by R. Whately, Archbishop of Dublin, was published. Another new edition with notes, appendix and preface by E. A. Sitton came out in 1872. An edited edition with a Life of Paley, notes and introduction by F. A. Malleon was published in London in 1878 as part of Ward and Locke's Christian Knowledge Series. In 1890 there was a republication of the ninth edition, with examination questions.

A number of analyses of Evidences of Christianity came out from time to time. The first was in 1795 in Cambridge, which went through six editions by 1823. In 1824 there was An Analysis by Way of Questions and Answers. Two years later a new edition appeared. In 1830 an analysis of Evidences by John Bainbridge came out as part of A Manual of the Rudiments of Theology by J. B. Smith, for students. A fourth edition of this work was published in 1846. 1830 also saw a publication with questions on Evidences, with a collection of Senate-

House examination papers. Other editions were published in 1834, 1836, 1855, 1870, 1879, 1887 and 1892, several with Senate-House examination papers.

There were also some condensations made. The first we have record of was published in 1824, called An Epitome of Paley's Evidences of Christianity, and contained the substance of the arguments from that work in catechetical form. A second edition came out four years later. Under the direction of A. J. Valpy in London there was published in 1831 a three volume edition entitled Epitome of English Literature, a concentration of the matter of standard English authors. Included in this work was Paley's Evidences. A second edition came out in 1846. An Outline of Evidences of Christianity appeared in 1881, a work prepared for the use of students for examinations.

Evidences was published in the United States, too. The first American edition came off the press in Philadelphia in 1795. There was another in New York in 1817, and another in 1824 with a life of the author. There were editions in Philadelphia and Pittsburgh in 1844 and 1845. There was an edition arranged as a textbook, published in 1847 in Boston and Brunswick, Maine, with a reissue in 1860. A new edition appeared in 1852 in Philadelphia, and in 1860 and 1872 in New York. Evidencias del Cristianismo, a Spanish translation was published in 1893 in Nashville, Tennessee. Some revival of interest in Evidences of Christianity in certain circles is shown by the republication of the 1859 edition by Whately as recently as 1952, with a preface by James Bales of Harding College, Searcy, Arkansas.

There were other miscellaneous works. In 1812 J. Hollis, a "Skeptic", wrote a book entitled Free Thoughts, which contained remarks

occasioned by Paley's reply (in View of the Evidences of Christianity) to David Hume. L. Atthill wrote an abstract of part of Paley's first proposition on the truth of Christianity in Evidences, in 1820. The same year F. Wrangham wrote The Internal Evidence of Christianity, an abridgement from Dr. Paley and Mr. S. Jenyns. Published in 1839 was a course of lectures by T. Chalmers on Paley's Evidences of Christianity, given at the University of Edinburgh. Rhymes for all the Authors Quoted by Paley in the First Eight Chapters of Evidences of Christianity was published in 1872. Remarks on Paley's Evidences by an Old Graduate was published the following year. This was "a letter to the younger members of the University of Cambridge". In 1898 John P. Taylor wrote a work called A Consideration of Some Recent Strictures of Paley's Evidences of Christianity.

The last major work of William Paley was that entitled Natural Theology. It was published in 1802, just several years before his death. By 1804 there were seven editions in England. Editions kept appearing year by year until by 1822 there were twenty-two. In 1826 a two volume edition came out in Oxford with notes by James Paxton. This one appeared again in 1830. An edition with notes by Henry Lord Brougham and Sir C. Bell was published in 1836-39. One with a supplementary dissertation and a treatise on animal mechanics by Sir C. Bell was published in 1845. There were other editions in 1846 and 1848. Natural Theology, revised to harmonize with modern science, by F. Le G. Clark, was published by the Christian Knowledge Society in 1875. The Christian Knowledge Series contained Natural Theology, edited by F. Young, and published in 1879.

In America an early edition appeared in 1803 in Albany, New York. There were editions in 1824 and 1826, while in 1829 the edition with notes by James Paxton was published in Boston. This was reissued in 1831 and 1838. The following year one came out edited by Elisha Bartlett, with a life of the author, in Boston. There were two others in 1840 and 1842. Three editions with a selection of the notes of James Paxton plus additional notes were published from 1848 to 1854. In 1859 an edition for the blind was published, printed in embossed type, by the Perkins Institute for the Blind in Boston.

In France there were two editions of Natural Theology in French, one in 1804, the other a few years later. Teologia Naturale appeared in Rome in 1808; Teologia Natural in Londres, Spain in 1825.

There were other works. An analysis by J. Joyce went through two editions, 1804 and 1807. G. Clark wrote Further Evidence of the Existence of the Deity which was intended as a supplement to Paley's Natural Theology. This was published in 1806. An abridgement by L. A. appeared in 1820. In 1835 A.C.G. Jobert wrote Two Words on Lord Brougham's and Dr. Paley's Natural Theology. The next year T. Martin had published, with illustrations, Remarks Occasioned by Lord Brougham's and Paley's Natural Theology. A refutation came out a few years later, written by G. J. Holyoake, and called Paley (i.e. his Natural Theology) Refuted in His Own Words (1847). This was published again in 1851 and in 1866. A work in French was written by Chastel de Boinville, of the University of France, in 1857 entitled De la Theologie Naturelle au Point de Vue de Paley. Paley's quite thorough knowledge and description of animal and plant forms was used by some in the medical field. In 1803 a work by Alexander Hunter, M.D., F.R.S., was published on insects

and on the elements, with parts extracted from Natural Theology. That same year Hunter also wrote On Natural History as Applied to the Proof of an Intelligent Creator - On Prospective Contrivances - On Instinct (extracted from Natural Theology). At Oxford in 1824 a lecture by John Kidd, F.R.S. was published entitled, An Introductory Lecture to a Course in Comparative Anatomy, illustrative of Paley's Natural Theology.

A number of the sermons of William Paley received public notice and were published, both separately and as parts of collections of his works. The first was entitled, Caution Recommended in the Use and Application of Scripture Language. It was published in 1777, and again in 1782. It was a sermon which sought to show that when interpreting Scripture, one must take into account the times in which it was written, and not apply "to the personal condition of Christians at this day, those titles, phrases, propositions and arguments which belong solely to the situation of Christianity at its first institution." Another sermon with the title, Advice Addressed to the Young Clergy of the Diocese of Carlisle, was published in 1781, and went through five editions in about twenty years. In this sermon Paley informed his young hearers that they should be satisfied with their early station in life because they are freer to exercise their ministry on behalf of their people than are those in higher stations. They can get closer to their parishioners because they are on about the same level. They must be on their guard against vanity, and the seeking of fame by affectation and hypocrisy. Qualities which would seem to be best in attaining the true stature of a priest are frugality, sobriety, chastity, retirement, i.e., learning to live alone, and lastly, seriousness of manner. In 1782 the sermon, A Distinction of

Orders in the Church Defended Upon Principles of Public Utility, was published. Paley's point is that the fundamental precepts of Christianity are precise and absolute for the most part, but that the laws which regulate the discipline, instruction and government of the Christian community are given in general and indefinite terms so that they can be altered according to the needs and circumstances of the Church. In 1790 a charge was delivered to the clergy of the diocese of Carlisle called, The Use and Propriety of Local and Occasional Preaching, and published the same year. In this sermon Paley makes a plea for what he calls local preaching, preaching adapted to the state of thought and opinion that prevails in the congregation to which it is addressed. The preaching and teaching of Jesus were of this kind. Care must be used to hold the attention of the listeners, and to this end sermons should be related to the Prayer Book of the Church, with which the people are familiar. In addition, preaching which makes use of the seasons of the Church Year, which enlarge upon the bounties of Providence, and which are directed to the uncertainties, the ebb and flow, of life, are bound to be timely and to make their impression upon the Christian people.

Paley preached a sermon before the University of Cambridge on Sunday, July 5, 1795, a Commencement Sunday. This was given in connection with his reception of the degree of Doctor of Divinity. Titled, Dangers Incidental to the Clerical Character, it was published the same year. Here the author echoes Saint Paul in admonishing his hearers to purity of personal character. The clerical profession has its own temptations,

These are an insensibility to religious impression, caused by the necessary and repeated use of religious subjects and pastoral acts. Repetition has its values in many areas of life, but in matters where things are to be done, the will convinced or the understanding enlightened, the danger of triteness and familiarity are ever present. A clergyman in the habit of directing arguments to others, must make a second and separate effort to direct the same thought to himself. We are often apt to overstate our case, he says, and this is self defeating. Furthermore, theological knowledge and critical studies of the Bible can easily make a man self satisfied with his present status and dull him to the deeper spiritual realities of God's Word. The most important result of religious study and reflection is certainly obedience to what the Bible teaches.

Another published sermon was preached in 1795 at the Assizes in Durham, before the bishop and the judges of the northern circuit. Titled, On Our Duty to God and Man, it called to remembrance the great Christian maxims of loving our neighbor as ourselves, and of doing to others as we would have them do to us. Once these are laid down, the detail of conduct and laws pertaining thereto can be left to itself. We ought to regard our lives, not as mere instruments for personal gratification, but as means for the service of God, to do his will so that our fellowmen may be benefited and find happiness. This obligation rests especially upon those who hold high offices in society. "Civil government is constituted for the happiness of the governed, and not for the gratification of those who administer it." Gradations of rank are not for the advantage of those who hold high places, but for the common good. Each member of society must do his own appropriate work, and not ask whether it be great or little, but whether it be the most which he can

do according to his God-given ability.

Before his death, Dr. Paley had planned to publish a number of his sermons, to be given free to his parishoners as a compensation for his inability to serve them during his illness. Unable to do this before he died, he provided for it in his will, and subsequently in 1806 the printing was finished and about 500 copies distributed. But the general public desired to have them, also, and so further publications were arranged. By 1815 there were seven editions in England and one in the United States. There was another in New York in 1824. The following year there was an edition edited by E. Paley in London. Several editions appeared in combination with those on public occasions, as part of Dove's English Classics, in 1817, 1823 and 1825. Two editions of Sermons and Tracts were printed in 1808 and 1815. In addition, use was made of individual sermons. In 1819 a book called Sermons and Extracts, which had selections "from the works of the most eminent divines", contained one of Paley's sermons entitled, "The Knowledge of One Another in a Future State" (Sermon XXXIV). Tracts printed by the Society For the Promotion of Christian Knowledge used "On the Neglect of Warnings" (Sermon XXX) in 1833 and 1836, and "The Terrors of the Lord" (Sermon XXXI) in 1836. No doubt use was made of other sermon material of which there is no record.

Space does not allow a full discussion of Sermons On Several Subjects, but there are thirty-five in all, ranging over a wide area of the Christian life. Most of them were preached in the course of the author's parish ministry, and display a pastoral concern for the spiritual lives under his care, as well as clearness and brevity. As a preacher, Paley emphasized seriousness in religion and the necessity of keeping near to God through worship, prayer and meditation. He was

a strong moralist, but his moralism was not divorced from the spiritual need of God's guidance and forgiveness of sins. He exhorted his hearers to lives of humility, "to think less of our virtues and more of our sins." He preached upon the efficacy of the death of Christ upon the Cross for the salvation of sinners, and upon the necessity of conversion from evil ways to the path of goodness. The role of the Holy Spirit was the subject of a number of sermons, and the concluding ones emphasized God's punishment to unrepentent sinners, of resurrection and the life to come. The style is somewhat stiff, in the manner of most sermons of that day and in contrast to the freedom and fervor of the Methodists and Evangelicals, but, nevertheless, there is warmth combined with a basic evangelical and catholic spirit.

A Defence of the Considerations of the Propriety of Requiring a Subscription to Articles of Faith came out in 1774 while Paley was still at Cambridge. The position taken is that subscription to articles of religion is neither necessary nor advantageous. The tract was written in answer to another tract by Thomas Randolph, president of Corpus Christi at Oxford University, who had attacked the pamphlet, Considerations on the Propriety of Requiring a Subscription to Articles of Faith, written by the bishop of Carlisle. Though published as written by an anonymous author, A Defense has been universally ascribed to the pen of William Paley. The tract is a polemic, and attacks its opponent with language that is rather sarcastic in tone. Paley says that it is a narrow view that sets up a subscription to articles of faith on the ground that this is necessary so that ordained teachers will be sound in the faith

and by this method can show to their superiors this soundness. Even the pope's church can do that, call her creed correct and declare that it must be adhered to. Scripture can back them up as well as ourselves. The imposition, however, of articles of faith by fallible men cannot be found to originate with the apostles. In the history of the Church such imposition has only succeeded in causing its many divisions.

While the vicar at Appleby (sometime following the year 1777) Paley compiled a manual for the use of clergymen in visiting the sick. It contained selected writings from the Book of Common Prayer and from several eminent churchmen. The title was The Clergyman's Companion in Visiting the Sick. It no doubt found a useful place, for up to 1809 it went through at least nine editions. A new edition came out in 1817. The first part of the work is made up of instructions to the clergyman on the manner of visiting the sick, on methods to awaken repentance on the part of the sick or hardened, on the application of spiritual remedies for those who are unreasonably fearful and dejected because of illness and on the exhortation to faith on the part of those who are presumptuous of God's grace. The second part contains orders of devotion and Holy Communion to be used with the sick and many kinds of prayers for different situations. Some psalms are included. The last section includes two orders for Holy Baptism, one for public use, the other for use in private.

The third work of a minor nature to note is Reasons For Contentment Addressed to the Labouring Part of the British Public. It was first published as a tract in 1792. Other editions came out in 1793, 1798 and 1819. (See p. 15)

The publications listed so far have taken into account those of each work of Paley printed and issued separately. After his death there were many editions of his collected works. They usually contained most or all of the writings discussed here, with a biographical sketch. The first of record was a five volume edition published in London in 1819, with a life of the author by Alexander Chalmers. The following year there was a four volume edition with a life by (J.). The Chalmers edition came out again in 1821. In 1823 a five volume edition came off the press with a life of the author by Robert Lynam. A new edition in two volumes was published in 1825, with a biographical sketch by D. S. Wayland. 1825 also saw the Lynam edition come out again in four volumes, then again in five volumes two times, all the same year. Another edition of his works was published in 1825 in seven volumes. Other editions appeared in 1829, 1830, 1831, 1834, 1838, 1845, and 1877. American editions included a five volume one in 1810-12, and others in 1831, 1836 and 1841.

The writings of William Paley occasioned such other publications as the following: The Young Christian Instructed in Reading and in the Principles of Religion (1790); Recollection of a Speech Upon the Slave Trade, sold by F. Jollie (1792); A Letter to William Paley from a Poor Labourer, in answer to his "Reasons For Contentment" (1793); Authenticity of the Books of the New Testament, extracted from his Evidences (1797); The True Churchman Ascertained, occasioned by the writings of Dr. Paley, by John Overton (1802); Hints For Revision of the Book of Common Prayer, after a plan recommended by Bishop Porteus and Archdeacon Paley (1828); The Beauties of Paley, (selections from his works) by Alfred Howard (1833); A Lecture on Dr. Paley's Works by R. Whately (1859); and A Lecture on the Character and Writings of William Paley by Charles Neaves (1873).

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VITA

Robert Thompson Zuch, the son of Harry Adam Zuch and Lucy Elizabeth Thompson Zuch, was born in Marietta, Pennsylvania on July 28, 1921. He was educated in the Marietta Public School, graduating from high school in 1939. That year he entered the General Electric Company Apprentice School in Lynn, Massachusetts, graduating in 1943 as a journeyman ironworker. From 1943 to 1946, during World War II, he served in the United States Army. He did his undergraduate work at Franklin and Marshall College, Lancaster, Pennsylvania, and received his Bachelor of Arts degree, cum laude, in 1950. In 1953 he received his Bachelor of Divinity degree from the Lutheran Theological Seminary at Philadelphia, Pennsylvania. That same year he was ordained to the holy ministry by The Lutheran Ministerium of Pennsylvania and the Adjacent States, a synod of the United Lutheran Church in America. He was called to service by the Board of Foreign Missions of that Church, and was sent to Japan. He returned in 1956, and that year was called as the pastor of the Hamilton Lutheran Parish in Monroe County, Pennsylvania, where he is presently serving. He is married to the former Muriel Gwendolene Brunt of Gloucestershire, England, and is the father of one son and four daughters.