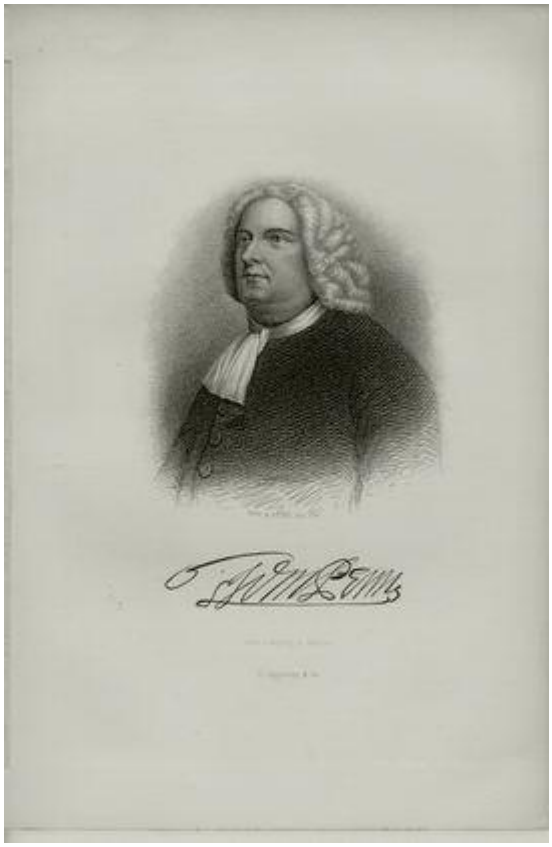
WILLIAM PENN
AND THE IDEA OF
INSTITUTIONAL PEACEKEEPING



by Dr. Marc Thommen, Trinity Hall

ACKNOWLEDGMENTS

I am very grateful to HEATHER ROWLAND, librarian at the Friends House Library in London for the help provided in finding the unique first and second edition of Penn's essay.

I am equally indebted to CHRIS SMYTH, historian at Trinity Hall, Cambridge for his critical review of this essay and the numerous valuable suggestions he made.

Cambridge, April 2005
Marc Thommen

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I. INTRODUCTION

When William Penn died on 30 July 1718 he had lived 73 eventful years. At the age of seventeen he was expelled from Christ Church College in Oxford for religious nonconformism. A year later on his Grand Tour through Europe the son of Admiral Sir William Penn was received at Court by King Louis XIV of France[1]. After having converted to Quakerism he was imprisoned at least four times for public preaching. His famous defence of his beliefs *'No Cross No Crown'* was written during his imprisonment in the London Tower in 1669. After his father died he was granted land in the New World by the Crown in exchange for a debt owed to his father. On this land Penn founded the state of Pennsylvania which was named after his late father and the state's vast forests[2]. During all his life he was closely acquainted with the political and intellectual elite of 17th century England. He personally attended the coronation of King Charles II in 1661 and he was later known as an influential friend of King James II. When drawing up the Constitution for Pennsylvania he consulted John Locke whom he knew from his studies in Oxford.

[1] ELISABETH JANET GRAY, Penn, first published 1938, Philadelphia (Yearly Meeting of the Religious Society of Friends) 1986, pp. 46 passim; LOUIS K., William Penn, in Appletons Encyclopedia (2001), (http://virtualology.com/williampenn.net/ [visited 4 April 2005])

[2] 'Silva' is latin for forest. see TUOMI J. FORREST, William Penn – Visionary Proprietor, (http://xroads.virginia.edu/~CAP/PENN/pnintro.html [visited 4 April 2005]).

William Penn published over 40 books and pamphlets in a tireless advocacy for religious tolerance and freedom. In this thesis however, the main focus will be on William Penn's political writings and especially on his *"Essay towards the Present and Future Peace of Europe by the Establishment of an European Dyet, Parliament, or Estates"* which he published anonymously in 1693. This thesis will be dedicated to the question of whether SIR JOHN A. R. MARRIOTT is right in claiming that Penn's Essay on Peace is *"the most significant contribution ... ever made by any Englishman, to the literature of the subject"*[3]. In his Essay on Peace Penn describes his view of handling international conflicts. According to him *"the means of peace [...] is Justice*" and therefore a European Government must be established. Summing up Penn's position very briefly: rule of law is the instrument, an international Government the institution guaranteeing peace. This is at first sight a surprisingly modern concept of dealing with international conflicts. It seems therefore worthwhile giving Penn's plan a close examination.

At first an introduction to the general historical background as well as to William Penn's personal background will be given (II.). The introductory part will be followed by a summary of the Essay's ten Sections outlining the key proposals of Penn's peace plan (III.). In the thrid part of the thesis the different instrumental and institutional aspects of the proposal will be discussed and critiqued in detail (IV.).

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3 SIR JOHN A.R MARRIOTT, Commonwealth or Anarchy? A survey of projects of peace freom the 16th to the 20th century, London 1937, p. 69.

II. HISTORICAL BACKGROUND & PENN'S LIFE

1. Introduction

William Penn's later political writings cannot be fully understood and appreciated without a thorough examination of his social background and above all his fundamental religious beliefs. In the following chapters some crucial moments and events in the course of William Penn's life will be displayed to lay foundations for the later discussion of his political and legal essays.

2. Early Life and Education (1644 – 1667)

William Penn was born on 14 October 1644 in London, the son of Margaret van der Schuren Penn from Holland and the Englishman Admiral William Penn. William Penn senior had served at sea all his life. Although he fought for Parliament in the English Civil War (1642 – 1649), he later offered to deliver the fleet to King Charles II who was exiled at the time. 'His father was an energetic warrior, and a man who was capable of changing sides in the Civil War'[4]. Upon the Restoration of the

[4] MARY MAPLES DUNN, The Personality of William Penn, in Richard S. Dunn/Mary Maples Dunn (ed.), The World of William Penn, Philadelphia 1986, p. 4.

Crown in 1660 William Penn senior was therefore knighted and appointed Vice Admiral of England by King Charles II.[5]

At the age of nine William Penn junior began his classical studies of Greek and Latin at the Chigwell Grammar School in Essex[6]. This classical education would have great influence on his later thoughts and writings. Young William Penn never saw much of his father who spent most of his time at sea. So up to the age of eleven William was mainly brought up by his mother and his older sister.[7] After Sir William Penn's retirement in 1655 the family lived together for a couple of years on their estate in Ireland. At the age of sixteen he began his studies at Christ Church College in Oxford, where John Locke was among his companions. 'The knight's son was sent to mingle with the sons of dukes and earls and get an education that would fit him to be an ambassador or statesman'.[8] In Oxford he met other students of puritan persuasions and together they objected to the prayer book and what they viewed as the 'popish rituals' of the Church. Penn consequently refused to attend the services and was therefore expelled from college for religious noncon-

5 SANDERSON BECK, Quakers: Fox and Penn's Holy Experiment, in: Guides To Peace And Justice - Great Peacemakers, Philosophers of Peace and World Peace Advocates (http://www.san.beck.org/GPJ14-Quakers.html#2 [visited 4 April 2005]).

6 See chronology of Penn's life in EDWIN B. BRONNER, William Penn – The Peace of Europe, the Fruit of Solitude and other writings, Everyman, London 1993

7 MARY MAPLES DUNN, The Personality of William Penn, 1986 (above FN. 4), pp. 4-5:

8 ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), pp. 32

formity.[9] His father, outraged at his son's misbehaviour, sent him to France 'where he was presented to Louis XIV, and became a frequent and welcome guest at court. He mingled with the fashionable world, and bid fair to forget his Quaker fancies'.[10] His father then made him enter 'Moses Amyraunt's Protestant Academy' at Saumur (France) for further studies. Upon his studies at the Huguenot Academy in Saumur he was tutored by the head of the college Dr. Moses Amyraut himself. Penn greatly admired his teacher for his liberal ideas and open-mindedness. His studies at the Academy would have a lasting influence on Penn's strive towards religious tolerance. Unlike in Oxford there were no religious controversies at Saumur; 'Protestants studied side by side with Roman Catholics'.[11] Although Penn was meant to be trained for a future public office in Saumur he instead devoted most of his two-year stay to the study of theology. His father was nevertheless pleased to see Penn junior return as a well educated French scholar. Upon his father's advice he then enrolled at Lincoln's Inn in London in 1665 to study law, only to see his legal education being interrupted shortly afterwards when the Great Plague hit London.[12] In the subsequent year Penn accompanied his father on a war vessel against the Dutch and acted 'enthusiastically as his

9 MARY MAPLES DUNN, The Personality of William Penn, 1986 (above FN. 4), p. 5; ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), pp. 43

10 LOUIS K., Appletons Encyclopedia (above FN. 1)

11 ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), pp. 49-50.

12 ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), pp. 53-62

father's envoy to Charles II.[13] In the same year Penn junior, endowed only with very basic legal skills, began to manage the family's estates in Ireland.

In spring 1667 Penn accompanied his friend Lord Arran to quell a rebellion at Carrickfergus. He reportedly shows coolness and courage in battle and as a memory of this experience has his picture painted in armour.[14]

13 MARY MAPLES DUNN, The Personality of William Penn, 1986 (above FN. 4), p. 5.

14 LOUIS K., Appletons Encyclopedia (above FN. 1)

3. Quakerism (from 1667)

At a meeting in Cork (Ireland) in the late summer of 1667 William Penn heard Thomas Loe preaching and instantly turned to Quakerism.[15] The Quakers or the *"Society of Friends of the Truth"* as they preferred to call themselves, is a Christian group that arose in the mid 17th century and that was founded by George Fox. The *Friends* were dedicated to a life in accordance with their direct apprehension of God. Early Quakers therefore rejected any kind of liturgy, had no appointed clergy, no creeds or any other ecclesiastical form.[16] With their strong tendency towards social reform, tolerance and pacifism[17] they represented the extreme radical end of the 17th century English Puritan movement. Thus not surprisingly they met severe persecution wherever they went.[18]

William Penn's conversion to Quakerism was not only the consequence of very personal spiritual experiences[19] but also a form of social rebellion addressed directly to his father who - as a knighted Vice Admiral of England - was a very well established member of the traditionally con-

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15 ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), pp. 73-80.

16 SIR JOHN A.R MARRIOTT, London 1937 (above FN.3), pp. 70-71.

17 For a history of the doctrinal origins of Quaker pacifism cf. JACQUES TUAL, Peace in Europe in the 17th Century: Quaker Projects for a European Parliament, in Christiane d'Haussy, Les Artisans de Paix, Presses Universitaires de Reims, 1996, pp. 79-92.

18 WILLIAM WISTAR, William Penn's Religious Background, in Pennsylvania Magazine of History and Biography, October 1944, pp. 341-358.

19 SANDERSON BECK, Quakers: Fox and Penn's Holy Experiment (above FN. 5).

servative English upper-class society.[20] The Quakers' social nonconformism was for example shown by their refusal to take off their hat in the presence of superior members of society. According to an amusing anecdote, William Penn once left his hat on when invited to the court of King Charles II which led the King to take off his own hat and to proclaim that, *"Only one person wears a hat here!"*[21] Hence turning to Quakerism was unacceptable for a young man with the social status of William Penn junior and thus his relationship with his father remained tense for the rest of his father's life.

In 1669 the young controversialist Penn had written a tract against the Trinity and was therefore arrested and imprisoned for the first time.[22] It was during this seven month of imprisonment in the Tower of London when his life-long struggle for religious tolerance and freedom of conscience began.[23] This traumatic deprivation of liberty led to some of his most influential and popular writings. The first versions of *'No Cross, No Crown'* as well as '*Innocency with her Open Face'* were drafted during his imprisonment in the London Tower. In a letter to the Earl of Orrery also written in the Tower, Penn held *"Religion, which is at once my*

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20 HUGH BARBOUR, The Young Controversialist, in Richard S. Dunn/Mary Maples Dunn (ed.), The World of William Penn, Philadelphia 1986, p. 15:

21 After MARY MAPLES DUNN, The Personality of William Penn, 1986 (above FN. 4), p. 6.

22 HUGH BARBOUR, The Young Controversialist, 1986 (above FN. 20), p. 15:

23 MARY MAPLES DUNN, The Personality of William Penn, 1986 (above FN. 4), pp. 7-8.

crime and mine innocence, makes me a prisoner to a mayor's malice, but mine own free man."[24]

In 1670 the *'Conventicle Article'* was passed and the persecution of Quakers became more and more severe. In the course of these persecutions the Quaker meetinghouse on Gracechurch Street in London was shut down by the authorities. Shortly afterwards in August 1670 Penn was arrested; this time together with his fellow Quaker William Mead. The two had been preaching publicly in front of the Gracechurch Street meetinghouse and were arrested and accused of 'creating an unlawful assembly and disturbing the peace'.[25] The following trial was held at the Old Bailey and stands as a landmark in English legal history. Penn with the help of Thomas Rudyard, his lawyer and former companion in his travels through Holland and Germany,[26] challenged the indictment and managed to convince the jury of both his and Mead's innocence and the need for religious toleration and freedom of speech. Subsequently Penn and Mead were acquitted by the jury. The judges who were determined to find the two Quakers guilty refused to accept the verdict of the jury and had the twelve men locked away to think over their decision. The magistrates had the jury imprisoned *'without meat, drink, fire, and to-*

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24 Quoted after SANDERSON BECK, Quakers: Fox and Penn's Holy Experiment (above FN. 5).

25 cf. EDWIN B. BRONNER, William Penn – The Peace of Europe, the Fruit of Solitude and other writings, Everyman, London 1993, Introduction p. XXIX

26 MARY MAPLES DUNN, The Personality of William Penn, 1986 (above FN. 4), pp. 8-9.

bacco waiting for a verdict such as the Court will accept."[27] Upon appeal they succeeded and the King's Bench held that their imprisonment was illegal and that no jury could be punished for a verdict disapproved of by the judges. Penn's essay *"The People's Ancient and Just Liberties Asserted, in the Trial of William Penn and William Mead (1670)"* gives an eloquent insight to what Penn himself called *"the most arbitrary Procedure of that Court."*[28] Upon his release from detention he immediately returned home to his dying father. Despite the enduring struggles and tensions between them and the father's disapproval of his son's religious beliefs and political ideas they became reconciled and Admiral Sir William Penn gave his son his blessings before he died on 16 September 1670.[29] In the following year Penn was imprisoned again for public preaching. This time they accused him of not having taken an oath (even though this was only mandatory for priests of holy orders). Between 1673 and 1678 he was imprisoned three more times. As in former detentions he spent his time writing and making his cause against religious intolerance.[30]

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27 Quoted after SANDERSON BECK, Quakers: Fox and Penn's Holy Experiment (above FN. 5).

28 The essay was first published in 1670 and can be found in EDWIN B. BRONNER, William Penn – The Peace of Europe, the Fruit of Solitude and other writings, Everyman, London 1993, pp. 135-152.

29 MARY MAPLES DUNN, The Personality of William Penn, 1986 (above FN. 4), pp. 6-7. and SANDERSON BECK, Quakers: Fox and Penn's Holy Experiment (above FN. 5).

30 LOUIS K., Appletons Encyclopedia (above FN. 1); SANDERSON BECK, Quakers: Fox and Penn's Holy Experiment (above FN. 5).

On 4 April 1672 William Penn married his first wife Gulielma Springet, an heiress of the rich puritan familiy of Sir William Springett. They settled at Rickmansworth in Hertfordshire.[31] Even though Gulielma, like her husband, had a very wealthy economic background and came from a socially established family, she is said to have been equally radical as Penn. The twenty-seven year old Penn obviously married this young and intelligent lady for love rather than political or social concerns. This experience of a profound bond of love between him and Gulielma would be of great influence on his later political views against purely policy driven marriages between princes of different sovereignties.[32] His first wife Guilelma Springett Penn died in 1694[33] and William Penn got married again one and half years later in March 1696 to Hannah Callowhill who was half the 52 year-old Penn's age at the time. She would look after Penn up to his very last days when he remained severely incapacitated after several strokes he suffered in 1712.

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31 See chronology of Penn's life in EDWIN B. BRONNER, 1993 (above FN. 6).

32 Cf. WILLIAM PENN, An essay towards the present and future peace of Europe: by the establishment of an European dyet, parliament, or estates; first published in 1693, Section X. See also CAROLINE ROBBINS, William Penn, 1689-1702: Eclipse, Frustration, and Achievement, in Richard S. Dunn/Mary Maples Dunn (ed.), The World of William Penn, Philadelphia 1986, p. 78

33 See Penn's obituary: WILLIAM PENN, An Account of the Blessed End of my Dear Wife, Gulielma Maria Penn, 1694; further CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, pp. 331-332.

4. 'The Holy Experiment'

The most influential and long lasting achievement of William Penn was certainly the founding of the American Colony of Pennsylvania. King Charles II owed the Penn family a dept of £ 16,000 — due to a loan granted to the King by William Penn senior. In 1680 instead of requesting refund of the loan William Penn asked Charles II for land in America in lieu of the repayment. In March 1681 Penn received the charter for a large piece of land northwest of Delaware which gave him full proprietorship as well as the right to levy taxes. King Charles II nominated him supreme governor of the colony. Penn originally wanted to name this new province 'Sylvania' for its vast forests,[34] but King Charles II insisted that the new colony be named after Penn's late father Admiral Sir William Penn. Henceforth the colony was named 'Pennsylvania'.

Penn did not claim all the privileges that were granted to him by the King. In what he once called 'a holy experiment',[35] Penn instead took the opportunity to institutionalize his view of political liberalism and religious tolerance in this newly founded colony.[36] The idea was to afford an overseas shelter for the persecuted Quakers and other oppressed people

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34 'Silva' is latin for forest.

35 See TUOMI J. FORREST, William Penn -Visionary Proprietor (above FN. 2).

36 PETER VAN DEN DUNGEN, Introduction to William Penn, An Essay towards the Present and Future Peace of Europe by the Establishment of an European Dyet, Parliament or Estates, first published in 1693; Edition with preface by Heinz Waldner, Georg Olms Verlag, Hildesheim/Zürich/New York 1983, p. VII; see also WILLIAM WISTAR, 1944 (above FN. 18), pp. 354-55.

of the old World.[37] With the aid of Algeron Sydney whom he met on his tour through Europe[38], and the help of his student contemporary John Locke he drafted a constitution for Pennsylvania which was published in 1682 as the 'Frame of Government for Pennsylvania'.[39] In the same year Penn travelled to Pennsylvania for the first time.

In the following paragraphs different provisions of the constitution for Pennsylvania will be displayed in detail. For they yield a comprehensive insight to Penn's views on democratic procedures and the rule of law which were later encompassed in his proposal for a European peace institution. The Frame itself regulates the strictly democratic organisation of the province: *"[t]he government of this province shall, according to the powers of the patent, consist of the Governor and freemen of the said province, in form of a provincial Council and General Assembly, by whom all laws shall be made, officers chosen, and public affairs transacted."*[40] In the charter amended to the Frame the inhabitants of Pennsylvania were granted extensive rights and liberties and it contained procedural guarantees that were far ahead of their time. Under the title 'Laws agreed upon in England' the charter held for example:

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37 SIR JOHN A.R MARRIOTT, London 1937 (above FN.3), p. 74.

38 ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), pp. 50-51; LOUIS K., Appletons Encyclopedia, 2001 (above FN. 1).

39 KURT VON RAUMER, Ewiger Friede – Friedensrufe und Friedenspläne seit der Renaissance, Verlag Karl Alber, Freiburg/München 1953, p. 105.

40 See WILLIAM PENN (Governor), Frame of Government of Pennsylvania, April 25, 1682 for a full version of the Frame see http://www.lonang.com/exlibris/organic/1682-fgp.htm [visited April 4, 2005]. Exerpts of the Frame can be found: http://www.constitution.org/bcp/frampenn.htm [visited April 4, 2005].

"V. That all courts shall be open, and justice shall neither be sold, denied nor delayed.

VI. That, in all courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves; or, if unable, by their friends: and the first process shall be the exhibition of the complaint in court, fourteen days before the trial; and that the party, complained against, may be fitted for the same, he or she shall be summoned, no less than ten days before, and a copy of the complaint delivered him or her, at his or her dwelling house.

VII. That all pleadings, processes and records in courts, shall be short, and in English, and in an ordinary and plain character, that they may be understood, and justice speedily administered."[41]

Penn's frame and charter not only reflect his extremely liberal political views but they are without any doubt influenced by his very personal experiences of arbitrary judicial decisions and the procedural injustices he suffered for example in the Penn/Mead trial.[42] A further interesting

41 WILLIAM PENN (Governor), Frame of Government of Pennsylvania, April 25, 1682 [above FN. 40].

42 See WILLIAM PENN, *The People's Ancient and Just Liberties Asserted, in the Trial of William Penn and William Mead (1670)*, in EDWIN B. BRONNER, William Penn – The Peace of Europe, the Fruit of Solitude and other writings, Everyman, London 1993, pp. 135-152.

detail in this context which gives proof of Penn's liberalism is the gender neutral formulation he uses in the charter (e.g. *"copy of the complaint shall be delivered him or her"*[43]*).* Furthermore his belief in a strict rule of law also found its way into the granted rights of the charter.

"IV. That no money or goods shall be raised upon, or paid by, any of the people of this province by way of public tax, custom or contribution, but by a law, for that purpose made.

IX. That all fees in all cases shall be moderate, and settled by the provincial Council, and General Assembly, and be hung up in a table in every respective court"[44]*.*

The first provision regarding restrictions on the levy of taxes reflects one of the major contentions between Parliament and the King Charles II before the Civil war. Thus both components of a comprehensive understanding of the rule of law were already encompassed by Penn's charter. Firstly the requirement that all state action interfering with personal freedom and property rights be grounded on statutes and secondly the requirement that such statutes be democratically legitimated and published prior to enactment. Penn's efforts to advance the case of liberalism and tolerance was very widely received and admired. In the words of the French philosopher Voltaire, *"William Penn might, with reason,*

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43 JIM POWELL, William Penn, America's First Great Champion for Liberty and Peace, (www.quaker.org/wmpenn.html [visited April 4, 2005]): *"He insisted that women deserved equal rights with men"*.

44 WILLIAM PENN (Governor), Frame of Government of Pennsylvania, April 25, 1682 [above FN. 40].

boast of having brought down upon earth the Golden Age, which in all probability, never had any real existence but in his dominions."[45] As will be shown in greater detail, the liberal principals and institutional provisions first displayed in the Frame of Government for Pennsylvania were later embodied in Penn's plan for a European Peace.[46]

5. The Courtier (1685 - 1688)

In 1685 King Charles II died and his younger brother, the Duke of York, was crowned as King James II. He was an overt Roman Catholic and began to widen the absolutist tendencies of his older brother. Penn was personally acquainted with James II. Despite or maybe because of the fact that James II was a Catholic and Penn was a Quaker they got along well. Under the reign of Charles II both James II and Penn had suffered for their deviation from the 'official' Church of England.[47] Penn was therefore persuaded by James II's willingness to foster religious tolerance and became known as an influential friend of the King. From July 1685 onwards Penn was regularly at court as an advisor of the King. In 1687 Penn was personally involved in the drafting of the *Declaration of Indulgence*, a royal decree on religious tolerance and freedom of con-

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45 Quoted after JIM POWELL, William Penn (above FN. 43).

46 See below Section III and IV. Further SIR JOHN A.R MARRIOTT, London 1937 (above FN.3), pp. 75.

47 VICTORIA ADAMSON, William Penn and James II: A Discussion of their Alliance, 1686-88, in Leeds History First, Volume I Number I - University of Leeds e-Journal: http://www.leeds.ac.uk/history/e-journal/Adamson.pdf [visited April 4, 2005].

science.[48] Penn's personal advocacy further led to the release of 1,200 imprisoned Quakers in spring 1686. He also offered to obtain a pardon from James II for the exiled John Locke,[49] an offer however that was turned down by Locke.

6. Seclusion (1688 - 1692)

With the birth of the Prince of Wales in June 1688 as a potential Catholic successor to the throne tension mounted and consequently led to the intervention of William of Orange and to the Glorious Revolution. The establishment of parliamentary supremacy and the crowning of William of Orange and Mary II as joint rulers brought about trouble for Penn who had just returned from a short visit to Pennsylvania.[50] In the course of the next three years he was persecuted and accused three times of treason for his former relations to the Crown. In each one of these trials Penn openly admitted his friendship to the former King but denied having conspired against the present rulers. He was thus acquitted of the charge of treason and released on all three occasions.[51] In 1691 George Fox, the founder of

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48 VICTORIA ADAMSON, (above FN. 47) pp. 3-4; For a full version of the Declaration of Indulgence see: www.jacobite.ca/documents/16870404.htm (visited April 4, 2005).

49 LOUIS K., Appletons Encyclopedia, 2001 (above FN. 1).

50 PETER BROCK, Pacifism in Europe to 1914, Princeton (Princeton University Press) 1972, p. 274; KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 106

51 ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), pp. 46 236-240. See also CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, pp. 309-311.

the Quaker movement, died. After having spoken at his funeral Penn had to go into hiding. He went to London and took his secret lodgings in a little street off the Strand.[52] This time it was John Locke who offered to intervene in favour of Penn and get the pardon from the King[53]. Like Locke some years before, Penn turned down this offer arguing that 'being innocent, he could not be pardoned'.[54] This period of seclusion lasted from the beginning of 1691 to the end of 1693.[55] In 1693 upon the intervention of his old travel companion Henry Sidney, who was now Lord Romney and other friends at court he was finally exonerated.[56] From 1692 to 1694 he temporarily lost the governorship of Pennsylvania,[57] which was however restored two years later when he was cleared of disloyalty. Although this secret retirement was frowned upon by his fellow

52 CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, pp. 316-318; LOUIS K., Appletons Encyclopedia, 2001 (above FN. 1).

53 See ROLF FELBINGER, Quellenautopsie "William Penn (1693)" in Europabegriffe und Europavorstellungen im 17. Jahrhundert (www.univie.ac.at/igl.geschichte/europaquellen/quellen17/penn1693.htm [visited April 4, 2004]).

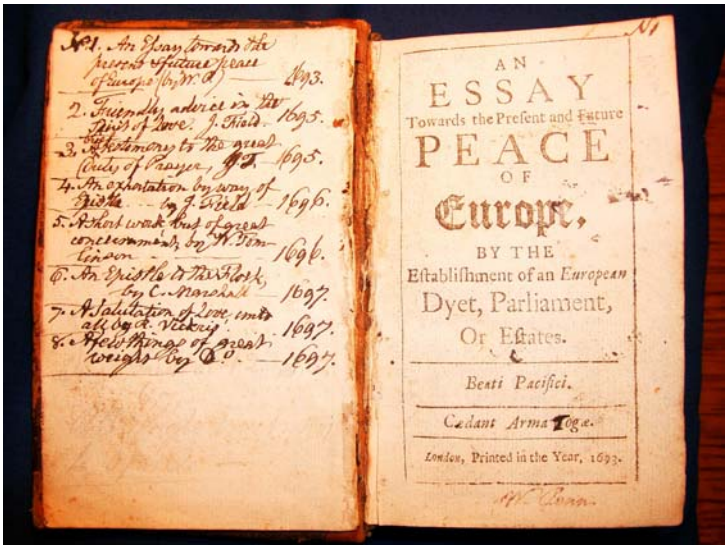
54 ELISABETH JANET GRAY, Penn, Philadelphia 1986 (above FN. 1), p. 241.

55 PETER VAN DEN DUNGEN, 1983 (above FN. 36) pp. VII-VIII.

56 CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, pp. 329-330.

57 CAROLINE ROBBINS, William Penn, 1689-1702: Eclipse, Frustration, and Achievement, (above FN. 32), p. 71.

Quakers[58] it gave Penn time for 'withdrawal, mediation and introspection'[59] and led to some of his most influential political writings.



AN
ESSAY
Towards the Present and Future
PEACE
OF
Europe,
BY THE
Eſtabliſhment of an *European*
Dyet, Parliament,
Or Eſtates.

Beati Pacifici.

Cedant Arma Togæ.

London, Printed in the Year, 1693.

The anonymously published first edition, 1693[60]

It was in this time of political persecution that Penn wrote his "*Essay towards the Present and Future Peace in Europe (1693)"* and *"Some Fruits of Solitude"*. Penn had to suffer the political and social consequences of his close relationship to the former King. This explains why

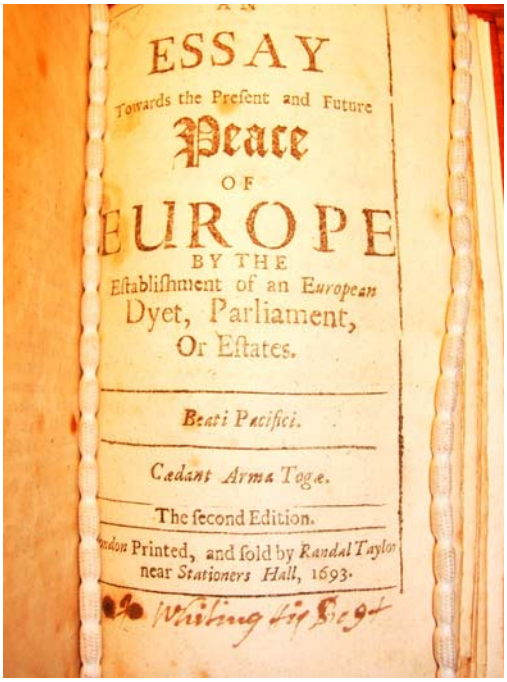
58 LOUIS K., Appletons Encyclopedia, 2001 (above FN. 1); CAROLINE ROBBINS, William Penn, 1689-1702: Eclipse, Frustration, and Achievement, (above FN. 32), p. 71.

59 CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, p. 326; see also SIR JOHN A.R MARRIOTT, London 1937 (above FN.3), pp. 75-76.

60 Published with the permission of the Friends House Library, London. I am very grateful to ***Heather Rowland*** from the Friends House Library in London for the help provided in finding these unique copies of Penn's essay.

both, the first edition of the Essay on Peace in Europe in 1693 (see picture above) and 'Some Fruits of Solitude'[61] his other masterpiece from this period were published anonymously.[62]

Even though Penn's authorship still remained unmentioned the second edition of the Essay on Peace no longer had to be *published* anonymously. Randal Taylor is mentioned as the publisher of this 1693 reprint (See picture on the right). Having been reprinted in the same year, Penn's essay must have hit a nerve in those days of unsettlement in war-torn Europe.[63]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ESSAY
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Cedant Arma Togæ.
The ſecond Edition.
London Printed, and ſold by *Randal Taylor*
near *Stationers Hall*, 1693.

Only copy remaining worldwide of the second edition 1693; published by Randal Taylor, 1693[64,65]

61 See CAROLINE ROBBINS, William Penn, 1689-1702: Eclipse, Frustration, and Achievement, (above FN. 32), pp. 76 ff.

62 As CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, p. 328 pointed out, Penn had to publish his political writings incognito 'for safety's sake'.

63 PETER VAN DEN DUNGEN, 1983 (above FN. 36) p. X.

After having displayed Penn's private, political and religious background at some length in the present chapter and after having described the circumstances that led to Penn's remarkable tract on peace, the following section will focus on the details of Penn's Essay (III.) before a general critique of the Essay will be given in the final section (IV.).

64 Reprinted with the permission of the Friends House Library, London. Acknoledgments to ***Heather Rowland*** from the Friends House Library in London for the help provided in finding these unique copies of Penn's essay.

65 For a detailed history of the publishing see PETER VAN DEN DUNGEN, 1983 (above FN. 36).

III. ESSAY TOWARDS THE PRESENT AND FUTURE PEACE IN EUROPE

In this Chapter an overview to Penn's Essay towards the Present and Future Peace in Europe will be given by summing up the content of each section and highlighting important statements. A thorough critique of the Essay will be given in the final Chapter (IV.). As will become clearer hereafter, Penn's Essay is more of a loose sequence of ideas and arguments than a structured disposition of a peace plan. It therefore proved to be unworkable to review every Section separately, for many proposals are displayed repeatedly throughout the Essay. Furthermore a number of obvious and alleged contradictions between different Sections will occur in the course of the examination. In order to be able to give a comprehensive overall critique in the concluding section this Chapter remains focused on a mere account of Penn's proposals.[66]

The full title of the tract is *"Essay towards the Present and Future Peace of Europe by the Establishment of an European Dyet, Parliament, or Estates"* followed by two quotes in the subtitle: *"Beati pacifici. Cedant Arma Togae"*. Beati pacifici ("Blessed are the Peacemakers") is a quote form the Sermon on the Mount (Matthew 5:9). "Cedant Arma Togae"

66 Author's note: all the subsequent citations are unaltered adoptions from the ammended version of WILLIAM PENN'S, An essay towards the present and future peace of Europe: by the establishment of an European dyet, parliament, or estates; first published in 1693.

("Let arms yield to the toga") stems from Cicero and refers to the Roman custom of generals laying down their swords and taking up the toga upon entering Rome. The toga was the traditional garment worn by officials in the Roman Senate. These two quotes in the subtitle are a very clear reference to Penn's Quaker pacifism. Moreover they reflect the classical education he had been given in his early youth.[67]

1. Introduction and Section I - 'Of Peace and it's Advantages'

In the Introduction Penn laments *"the groaning State of Europe"* which in his opinion calls for an elaborate peace plan.[68] As the title already indicates, Section I deals with the advantages of peace. Some recent European conflicts such as the wars in Germany, Flanders and Ireland are recalled. With the 'war in Ireland' Penn is referring to the conflict between the deposed KING JAMES II and his son-in-law and successor, WILLIAM III, for the English, Scottish and Irish throne and the restoration of the Catholic Stuart dynasty.[69] Penn stresses the tragedies war brings upon men. *"The Mortality of sickly and languishing Camps and Navies, and the mighty Prey the Devouring Winds and Waves have made upon Ships and Men since 1688"*. At this point Penn is referring to the 'War of the Grand Alliance'. This was the major war fought from 1688

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67 See ROLF FELBINGER, Quellenautopsie "William Penn (1693)" (above FN. 53).

68 Cf. JACQUES TUAL, 1996 (above FN. 17), p. 83.

69 James II suffered the decisive defeat in the *Battle of the Boyne* on 1 July, 1690 and fled back to his French exile.

to 1697 between a European coalition, consisting among others of Austria, England, the Holy Roman Empire, the Netherlands, Spain, and Sweden on one side and France under Louis XIV on the other side. The war was fought to resist French expansionism along the Rhine, as well as on the part of England to safeguard the outcome of the Glorious Revolution from a possible retaking of the English throne by James II.

Having mentioned the bloodshed every war entails, Penn immediately turns to the detrimental economic aspects of war. *"The Expence cannot be less, and the Hazard is as great as before"*. Despite the obvious economic irrationalities of war, men only seem to be able to recognize the advantages of peace when at war. Referring to the nature of man – which at the time was a rather fashionable argument – he holds that man cannot *"know the Comfort of Peace but by the Smart and Penance of the Vices of War"*. He then proceeds to list further advantages of a state of peace such as the preservation of possessions, the general absence of anxiety and fear from invasion, the safety and freedom of trade. He thus concludes that enduring peace leads to a flourishing economy and general welfare.

2. Section II - 'Of the Means of Peace...'

In the eminent Section II of his peace proposal Penn speaks of *"of the Means of Peace, which is Justice rather than War."* The idea of justice-bound power is brought up for the first time and will be displayed in great detail throughout the essay. *"The Advantage that Justice has upon War is seen by the Success of Embassies, that so often prevent War by*

hearing the Pleas and Memorials of Justice in the Hands and Mouths of the Wronged Party". Furthermore he states that as in interior conflicts within a nation only justice can guarantee peace. Where Justice is withheld conflicts inevitably arise. In Penn's eyes justice prevents conflicts as much as it resolves them. His argument reflects Hugo Grotius' claim that there was 'a need for a morality in the relationship between nations'.[70] He ends this Section on the means of peace with the perhaps most famous passage of his essay. *"Thus Peace is maintain'd by Justice which is a Fruit of Government, as Government, is from Society, and Society from Consent."*

3. Section III – 'Government'

Having introduced Justice to be the means of peace in the preceding section, Penn in Section III focuses on the establishment of justice by government. *"Government is an Expedient against Confusion"*. As in the previous section Penn's argument is doubtlessly influenced by John Locke's contractual justification of state power, *"For out of Society every Man is his own King [...] but when he comes to incorporate himself, he submits that Royalty to the Conveniency of the Whole, from whom he receives the Returns of Protection"*. As already insinuated in the quote at the end of Section II, society and ultimately government

[70] CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, p. 327.

have their origins in the consent of the governed[71]. The rules to be obeyed are therefore rules of their 'own making'. It is in this section where Penn first introduces the concept of a State governing people by rule of law. *"Government then is the Prevention or Cure of Disorder, and the Means of Justice [...] For this Cause they have Sessions, Terms, Assizes and Parliaments, to over-rule Men's Passions and Resentments"*. Penn foresees though that given the 'depraved' nature of men, they will not be willing to follow the rules approved by themselves. The government will have to enforce the rules compulsively. Penn's conviction of the necessity to implement certain rules with state force has frequently been seen as a proof that his Essay on Peace was in fact not one of his Quaker writings. For its lack of consequent pacifism - as to be shown Penn also favoured the enforcement of his proposal by an international military force – the essay was unacceptable to firm Quakers and therefore not published by a Quaker printer.[72]

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71 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section II on the Means of Peace: '*Thus Peace is maintain'd by Justice which is a Fruit of Government, as Government, is from Society, and Society from Consent.*' Compare the contractual foudations in JOHN LOCKE'S, the Second Treatise on Government, 1690, Chapter IV, § 22: *"[T]he liberty of man, in society, is to be under no legislative power, but that established by consent..."*

72 PETER VAN DEN DUNGEN, 1983 (above FN. 36), p. XIII.

4. Section IV – 'Of a General Peace, or the Peace of Europe...'

From the general findings in the preceding sections Penn in this section moves to the concrete display of his peace plan. *"Now if the Soveraign Princes of Europe [...] agree to meet by their Stated Deputies in a General Dyet, Estates, or Parliament, and there Establish Rules of Justice..."*. Ambassadorial arbitration having failed, every conflict between European Nations had to be brought before the Assembly whose decisions would be binding. Penn is also concerned about the enforcement of the Assembly's sentences: *"If any of the Soveraignties that Constitute these Imperial States, shall refuse to submit their Claim or Pretensions to them, or to abide and perform the Judgment thereof, and seek their Remedy by Arms [...] all the other Soveraignties, United as One Strength, shall compel the Submission and Performance of the Sentence, with Damages to the Suffering Party, and Charges to the Soveraignties that obliged their Submission"*. It is thus by joint threat or use of force that a refractory party would be compelled by all the other sovereignties to comply with the decision taken by the Assembly. Here the problem of peace enforcement is first addressed by Penn which is remarkable in two respects: First of all the use of force to establish or maintain peace had not been addressed in earlier peace plans[73] and secondly considering Penn's religious background one would have expected a total abdication of enforcement measures. The Quakers were and still remain renowned

[73] See F. H. HINSLEY, Power and the pursuit of peace; theory and practice in the history of relations between states, Cambridge University Press 1963, pp. 37-40.

for their pacifism.[74] In Penn's optimistic view the sheer establishment of such a system of enforcement would inevitably lead to the '*so much desired and needed Peace'* in Europe.[75] In other words Penn was convinced that the very threat of military force would suffice and that the united sovereignties would not have to resort to actual violence.

5. Section V – 'Of the Causes of Difference..."'

The fifth section deals with the legitimate use of military force by a state. *"There appears to me but Three Things upon which Peace is broken, viz. To Keep, to Recover, or to Add."* According to Penn a state is not merely entitled to military defence against illegitimate invasions (i.e. 'to keep') but it can also engage in offensive military action insofar as formerly lost territory is being recovered. Never can a state though legitimately expand its historically confined territory (i.e. 'to add'). Aggressive warfare will not stand before the Assembly: *"To increase my Dominion by the Acquisition of my Neighbour's Countries, as I find them Weak, and my self Strong. [...] This Last will find no Room in the Imperial States: They are an unpassable Limit to that Ambition."* Thus Penn lays down his view of an 'ius ad bellum' to be applied by the Parliament.

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74 In fact the British Friends Service Council and the American Friends Service were awarded the Nobel Peace Price in 1947 on behalf of Quakers worldwide. The prize recognized 300 years of Quaker efforts to heal rifts and oppose war. See http://nobelprize.org/peace/laureates/1947/press.html (visited: April 4, 2005).

75 For further criticism see below FN. 141 passim.

6. Section VI – 'Of Titles, upon which Differences may arise'

Having outlined the legitimate military actions in the former section, Penn in this section must deal with the historical confinement of a state's territory upon which his entire 'ius ad bellum' relies. He therefore has to name the titles that lead to legitimate possession of a territory. "*I say that Title is either by a long and undoubted Succession, as the Crowns of Spain, France and England; or by Election, as the Crown of Poland, and the Empire; or by Marriage, as the Family of the Stewarts came by England [...] or by Purchase, as hath been frequently done in Italy and Germany*". He then addresses conquest as a title of possession, which he deems 'morally questionable'. Conquest can nevertheless become a valid title when confirmed by a contractual conclusion of peace. At last Penn raises the crucial question of how far to look back when judging the legitimacy of the titles that constituted the status quo at that time[76]. As BENJAMIN SACKS accurately points out, Penn '*sought stability through a registration of dynastic titles*'.[77] Penn suggests the Peace of 'Nimeguen' as a possible treaty determining the binding registration of dynastic titles. The Treaty of Nijmegen was signed in 1678, and ended the Dutch War which was fought between France and an alliance consisting of Brandenburg, the Holy Roman Empire, Spain, and the (Dutch) United Provinces. With the very choice of the peace treaty of Nijmegen, Penn

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76 *"[F]rom what Time Titles shall take theirBeginning, or how far back we may look to confirm or dispute them?"*

77 See BENJAMIN SACKS, Peace Plans of the Seventeenth and Eighteenth Centuries, Corondao Press, Sandoval 1962, p. 15; cf. further F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), p. 36.

pays tribute to its author, Sir William Temple, whose account on the United Provinces Penn explicitly acknowledges later in the Essay.[78] The treaty of Nijmegen as the determining event however, would have been very controversial at the time and so the question of the appropriateness of this rather arbitrary historical confinement was ultimately left unanswered.

7. Section VII – 'Of the Composition of these Imperial States'

This section is devoted to the repartition of the votes in the Assembly. Every sovereign state is to be awarded a certain number of votes which is determined by the estimated *"Value of the Territory"*. On a rough guess he esteems the following repartition of votes to be adequate: *"Empire of Germany to send Twelve; France, Ten; Spain, Ten; Italy, which comes to France, Eight; England, Six; Portugal, Three; Sweedland, Four; Denmark, Three; Poland, Four; Venice, Three; the Seven Provinces, Four; The Thirteen Cantons, and little Neighbouring Soveraignties*[79]*, Two; Dukedoms of Holstein and Courland, One: And if the Turks and Muscovites are taken in, as seems but fit and just, they will make*

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78 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, The Conclusion; see also below FN. 97.

79 By *'the Thirteen Cantons"* Penn is referring to the Ancient Swiss Confederation which was foundet in 1291 by the three cantons of Uri, Schwyz and Unterwalden. By 1513 the Federation had reached a number of 13 Cantons which were federated with neighbouring Soveraingties of minor influence (http://history-switzerland.geschichte-schweiz.ch/old-swiss-confederacy-1291.html [visited April 4, 2005])

Ten a Piece more. The Whole makes Ninety."[80] The presence of all deputies being desirable, all votes of a particular state can nevertheless be cast by 'one Man of any Soveraignty'.

At this stage it has to be pointed out that Penn considered involving Russia and most notably Turkey in the European Parliament. In this respect his proposal goes further than any preceding peace plan and many that would follow.[81] The inclusion of Turkey is not only remarkable for the obvious religious disparities but also when keeping in mind that in 1683, only ten years before Penn had written his proposal, the Turks were standing before the walls of Vienna.

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80 JACQUES TUAL, 1996 (above FN. 17), pp. 87; for a critique of this rather arbitrary allocation of votes see KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 113.

81 PETER BROCK, Pacifism in Europe to 1914, Princeton (Princeton University Press) 1972, p. 276. Some historian however contest Penn's willingness to include Turkey; see F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), pp. 33-34; for further arguments see below FN. 117 passim.

The Battle of Vienna by Juliusz Kossak

The battle of Vienna on September 12, 1683 ended a 250-year period of constant attempts of the Islamic Ottoman Empire to conquer large parts of Christian Europe. The fear from these 'Eastern Infidels' was therefore still present throughout Europe, when Penn considered their inclusion in the European Dyet.[82] Penn was nevertheless convinced that an enduring peace in Europe was only attainable when integrating the Turks. Looking at today's controversy over Turkey joining the European Union Penn's view can only be called visionary.

82 JACQUES TUAL, 1996 (above FN. 17), pp. 87

8. Section VIII – 'Of the Regulation of Imperial States in Session'

This section regulates some quaint procedural details of the parliamentary sessions.[83] Being concerned about *"Quarrals for Presidency"* Penn suggests that the session be held in a *"Room that may be Round, and have divers Doors to come in and go out at, to prevent Exceptions."*[84] This effort to avoid any privileges for specific nations can only be understood when recalling the importance attached to diplomatic protocol at the Seventeenth century's courts in the era of Louis XIV. Penn is further insisting that *"every Soveraignty should be present under great Penalties, [...] and that Neutralities in Debates should by no Means be endured"*. In a modern understanding it is inconceivable why presence at the Assembly should be compulsory and neutrality impermissible, but in Penn's view these measures would guarantee a fair procedure. On the other hand it is taken for granted nowadays that certain ballots, especially in elections, can be cast secretly. In England secret voting was only introduced by the *Ballot Act* in 1872 passed in the course of parliamentary reform under Prime Minister William Gladstone. In parliamentary elections before 1872 the vote was cast on a platform and people had to announce their choice of candidate to the officer who then recorded it in the poll book.

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83 KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 111.

84 For further comments on Penn's concern for 'emblematic' details of his plan see JACQUES TUAL, 1996 (above FN. 17), pp. 87.

William Hogarth, An Election: The Polling 1754

Penn lobbied for free and anonymous voting in order to prevent conflict of interest and forestall corruption of deputies. In Penn's view secret balloting was an indispensable provision for uninfluenced decision-making; today a fundamental and uncontested principle of democratic decision-making,[85] but revolutionary at the time. The procedural rulings in Section VIII of the Essay further hold that two thirds of all votes or a majority of at least seven shall be required. The parliamentary by-laws further proscribe that *"all Complaints should be delivered in Writing, in the Nature of Memorials; and Journals kept [...] And each Soveraignty if*

85 See for example Art. 34 par. 2 of the Federal Constitution of Switzerland: *"The guarantee of political rights protects the free formation of opinion by the citizens and the unaltered expression of their will."; (*http://www.admin.ch/ch/itl/rs/1/c101ENG.pdf [visited April 4, 2005]).

they please [...] may have an Exemplification, or Copy of the said Memorials, and the Journals of Proceedings upon them." Disagreements among deputies of one sovereignty were to be settled by the majority rule and a unanimous vote had to be given by a speaker of this sovereignty. Finally Penn suggests that Latin or preferably French be the official languages for the sessions.

9. Section IX – 'Of the Objections that may be advanced...'

In the ninth Section Penn is dealing with potential objections to his proposal. At first he turns down the argument that the strongest and richest sovereignties would not be prepared to join the Confederacy with the simple counter argument that these states would no longer be more powerful when facing a European League of sovereign states.[86] As a second challenge to his proposal he comes back to the problem of corruption. Penn points out that not only will the deputies check each another but they will also have to report eminent issues to their 'Principals' for instructions before a final decision. Having advocated free vote by all deputies in the preceding section Penn in this section holds that in important matters the deputies are bound by the instructions of the represented government. He ultimately remains undecided in the question of freedom of vote. As will be shown later, these ambiguities in

[86] For a critique of this circular argumentation see below FN.114 passim.

of vote. As will be shown later, these ambiguities in questions of detail display some of the conceptual problems of Penn's proposal.[87]

Another objection which Penn considers is the then widespread neo-roman belief that enduring peace will lead to effeminacy among soldiers.[88] Penn replies that *"each Soveraignty may introduce as temperate or Severe a Discipline in the Education of Youth, as they please"*, Penn himself instead proposes to provide general rather than military Education in subjects such as politics, constitutional law and natural sciences.[89] High quality training would also forestall future unemployment of young men. In addition all states of the League would only be allowed to keep a small number of permanent troops. In these pacifist arguments Penn's Quaker background becomes evident. At last the loss of a state's sovereignty is brought up as a possible counter argument against a federated Europe. Penn rejects the argument as a *"[M]istake, for they remain as Soveraign at Home as ever they were. Neither their Power over their People, nor the usual Revenue they pay them, is diminished"*. Penn clearly failed to foresee the political implications and the loss of national independence that would accompany his Pan-European Union.[90]

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87 See below FN. 116 passim, and for an overall critique KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 112

88 For this argument see ANDREW FLETCHER, A Discourse of Government – With relation to Militia's, in Andrew Fletcher - Political works, edited by John Robertson, Cambridge University Press, 1997, pp. 1-31.

89 Cf. CAROLINE ROBBINS, William Penn, 1689-1702: Eclipse, Frustration, and Achievement, (above FN. 32), p. 73.

90 These questions will be examined in detail in Chapter IV, 2. Lost Sovereignty.

10. Section X – 'Of the real Benefits that flow from this Proposal'

This penultimate section recapitulates some of the major advantages of a state of peace. Apart from rather obvious benefits such as the decrease of casualties, the preservation of cities or the positive impact on the economy, an overarching peace in Europe according to Penn would also yield save travelling and free trafficking; a privilege lost since the "*Roman Empire has been broken into so many Soveraignties".*[91] Having undergone the frequent and inconvenient 'stops and examinations' himself when travelling the Continent, Penn spoke from experience.[92] Penn also placed emphasis on some advantages of a state of peace that can only be explained in the historical context: In the face of the then eminent threat by the Turks[93] he thus held that unified European peace efforts would deter them from further attempts of invasion; an argument of course which stands at odds with the projected involvement of Turkey in Section VII.[94] Another historically founded argument is that the establishment of permanent peace in Europe would recover the immensely damaged 'Reputation of Christianity'. The clergy ought to take advantage of their wide influence on citizens and Governments to "*recommend and labour this pacifick Means I offer, which will end Blood, if not Strife; and then Reason, upon free Debate, will be Judge, and not the Sword. So*

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91 For these aspects of Penn's peace plan see at length J. DUNCAN WOOD, Building the Institutions of Peace, London 1962, pp. 6 – 14.

92 KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 538, annotation 6.

93 See above FN. 82 passim.

94 For further critique see below FN. 117.

that both Right and Peace, [...] seem to succeed the Establishment of this Proposal". Enduring peace would also facilitate friendly encounters and the establishment of trusting relationships between the rulers of different nations. At last the purely interest-driven marriages among princes of the different European nations would vanish: "*What Hatred, Feuds, Wars, and Desolations have, in divers Ages, flown from Unkindness between Princes and their Wives? What Unnatural Divisions among their Children, and Ruin to their Families, if not Loss of their Countries by it?*" Not only did Penn envisage that peace would be brought about Europe but he was convinced that in a state of lasting peace there would be no more obligation to marry for dynastic reasons. 'Love would be introduced into European courts'.[95] The sentimental value attached to the marital bounds of love among European Royals can be partly explained with reference to Penn's own experience of a happy marriage to his then terminally ill wife Gulielma.[96] On the other hand it displays his great naivety when it came to judging the impact of his peace plan.

11. The Conclusion

At the end of his essay Penn once more makes a passionate case for the importance of justice and rule of law as a means of peace. "*That by the same Rules of Justice and Prudence, by which Parents and Masters*

95 JACQUES TUAL, 1996 (above FN. 17), pp. 88.

96 CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, pp. 331-332.

Govern their Families, and [...] Kings their Principalities and Kingdoms, Europe may Obtain and Preserve Peace among Her Soveraignties. And as Government in Kingdoms and States, Prevents Men being Judges and Executioners for themselves, over-rules Private Passions as to Injuries or Revenge, and subjects the Great as well as the Small to the Rule of Justice, that Power might not vanquish or oppress Right, nor one Neighbour act an Independency and Soveraignty upon another...".

He then pays tribute to SIR WILLIAM TEMPLE'S 'Account of the United Provinces':[97] *"For the better understanding and perfecting of the Idea, [...] I must recommend to their Perusals, Sir William Temple's Account of the United Provinces; which is an Instance and Answer, upon Practice, to all the Objections that can be advanced against the Practicability of my Proposal"*. Sir William Temple was an English diplomat and advisor to King Charles II. Not only did he negotiate the marriage of William of Orange to Princess Mary of England in 1677 but he was also involved in the drafting of the treaty of Nijmegen which ended the Dutch War.[98] As the English ambassador to the Netherlands he wrote an account of its government. His 'observations' describe in great detail the efficient political institutions and the balance of power between the Prince (William of Orange) and the federal assembly of the States-General. According to Temple's descriptions '*the power of making peace and war, and all foreign alliances'* remained with the States-General of the United Provinces, while *'in the Prince was the command of all land and sea forces,*

97 ID. London, 1676.
98 See above FN. 77 passim.

as Captain-general and Admiral, and thereby the disposition of all military commands'.[99] The delegation of provincial representatives to the Dutch General assembly described in Temple's 'Account of the United Provinces' was undoubtedly of great influence to the institutional provisions of Penn's peace proposal.[100]

The essay ends in an homage to King Henry IV of France which Penn calls *'One of the Greatest Princes that ever Reigned'*. Penn's great admiration of Henry IV can certainly be ascribed to the latter's' endeavours in favour of religious tolerance in the 'Edict of Nantes (1598)' which granted the French Protestants substantial rights in Catholic France. Penn also explicitly acknowledges Henry's peace plan.[101] In the so called 'Grand Dessin', the composition of which is accredited to Henry's chief adviser Maximilien de Béthume, Duke of Sully, the ideas of an equilibrium between the predominant European Nations and of overarching religious tolerance are promoted.[102] We can therefore conclude that Penn was familiar with some earlier plans in search of a Pan-European peace.[103]

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99 Quoted after SIR WILLIAM TEMPLE, excerpts from Observations upon the United Provinces of the Netherlands (http://www.fordham.edu/halsall/mod/17dutch.html [visited April 4, 2005])

100 JACQUES TUAL, 1996 (above FN. 17), pp. 84-86.

101 CAROLINE ROBBINS, 1986 (above FN. 58), p. 74.

102 See BENJAMIN SACKS, Peace Plans of the Seventeenth and Eighteenth Centuries, Sandoval 1962, pp. 14-15

103 Cf. KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 98; JACQUES TUAL, 1996 (above FN. 17), p. 85.

IV. CRITIQUE

In this third part of the Essay a general critique of Penn's Essay will be given. As the title of the thesis indicates ('William Penn and the idea of Institutional Peacekeeping'), the major focus will be on Penn's advocacy for a Pan-European Institution for the establishment of peace. In order to make his case Penn not only argued at different levels and introduced some crucial new ideas to peace literature, he also introduced a completely new genre of writing on peace. These innovations shall be pointed out in the concluding section. To get an overall grasp of the essay, its flaws and shortcomings will also have to be displayed.

In the first section Penn's novel style of peace-writing will be discussed (1.). Then the focus will be on Penn's failure to view the proposed Parliament as an institution between independent states (2.). Thirdly Penn's most important contribution as regards content - his vision of an international rule of law - will be given a close examination (3.). Furthermore the use of force to ensure peace will be addressed, an eminent dilemma for a pacifist Quaker like Penn (4.). In the final section the influence of Penn's essay on later works will have to be examined and some reasons for continuing reception of the essay will have to be given (5.).

1. Style and Arguments

Unlike his predecessors Erasmus,[104] Sebastian Franck,[105] or Eméric Crucé,[106] Penn makes his case for peace without repeated reference to the Bible and he does not wrap up his arguments in quotes from the fathers of the church.[107] He thus displays a completely new style of writing, much less formal and mainly trusting in the convincing power of strong arguments. According to a French commentator the essay was 'written in a remarkably concise and lucid style'.[108] The clear structuring of the essay in ten sections gives the impression that the whole proposal is not merely an utopia but rather a practicable plan awaiting implementation. CATHERINE OWENS, one of Penn's biographers held that, 'Penn was not the first to suggest an international government; he simply made

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104 See ERASMUS OF ROTTERDAM, Querela Pacis ['the Complaint of Peace'], first published by Froben, Basle, 1517; see further KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), pp. 1-22.

105 SEBASTIAN FRANCK, Kriegsbüchlein des Friedens, first published 1539; see further KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), pp. 23-60.

106 EMERIC CRUCÉ, Le Nouveau Cynée [The New Cyneas] first published in Paris in 1623. *Le Nouveau Cynée* was published in the same year as HUGO GROTIUS' ‚de iure bello ac pacis' and paid tribute to Cyneas a deputy to King Pyrrus and tried to convice the Roman Senat of a peaceful dispute settlement. See further KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), pp. 61-88; and BENJAMIN SACKS, Peace Plans of the Seventeenth and Eighteenth Centuries, 1962 (above FN. 77), p. 10.

107 Cf. KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), pp. 97-98.

108 DANIEL SABBAGH, William Penn and the Abbe de Saint-Pierre: The Missing Link; Essay from the Friends House Library, London, s.d.

once more a practical application of legal, social and moral theories'.[109] Not only was Penn's proposal well structured it was also of unparalleled briefness. The Duke of Sully's 'Grand Dessin' to which Penn refers with great admiration[110] was such an extended oeuvre that very few had actually read it at the time. The peace plan of Abbé de Saint Pierre[111] twenty years later consisted of three volumes and was therefore too comprehensive to reach a broad audience. 'Saint-Pierre was seldom read: in truth he is not very readable as he indulges in repetitions, digressions'.[112] The appealing shortness of Penn's Essay was thus a major factor for its success and wide reception. In the later peace literature it was compact Essays like Penn's treatise on peace that prevailed over extensive works on the subject. The most prominent example being IMMANUEL KANT'S concise tract 'Zum Ewigen Frieden (1795)'.[113] With his clear and short essay Penn thus initiated a genre of peace writing that was ahead of its time.

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109 CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, pp. 328.

110 See above FN. 103.

111 CHARLES-IRENEE CASTEL ABBE DE SAINT-PIERRE (1658-1743), Projet pour rendre la Paix perpétuelle en Europe ,first published in 1713. Abbé de Saint Pierre was educated at a Jesuit college. His *paix perpetuelle* is arguably the most comprehensive of all 18th Century philosophers' peace plans. See KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), pp. 128-150

112 DANIEL SABBAGH, William Penn and the Abbe de Saint-Pierre: The Missing Link, London, s.d (see above FN. 108), p. 2.

113 IMMANUEL KANT, Zum Ewigen Frieden, ein philosophischer Entwurf, bey Friedrich Nicolovius, Königsberg 1795; for an online version see: http://philosophiebuch.de/ewfried.htm

As appealing as it is, Penn's essay also contains a number of shortcomings. One major weakness of the peace proposal is the logical inconsistencies of parts of the argumentation. In Section X for example Penn supports his peace plan with the argument that the European Princes will no longer have to marry for political and dynastic reasons and thus friendly relationships between European nations will be established. Here Penn advocates his peace plan designed to bring about peace for Europe with an argument that presupposes peace. Policy-driven marriages would not have disappeared unless peace had been permanently established. In other words Penn begs the question in this argument. For the achievement of peace is exactly the matter under consideration. The same is true for his argument in Section IX that sovereignties reluctant to join the Assembly would be compelled into the Confederacy by the other European states.[114] In this circular argument Penn again relies on a Union that has yet to be established. Whenever Penn speaks about the advantages of his proposal he argues as if all hostilities among European nations had already been settled. The lines between the envisioned and the actual state of Europe remain blurred throughout the Essay. On the one hand the quotes at the beginning of the Essay give prove of Penn's classical education.[115] The logical inconsistencies of the essay on the

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114 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section IX, *"The first of them is this, that the strongest and richest Soveraignty will never agree to it [...] I answer, he is not stronger than all the rest, and for that reason you should [...]compel him into it."*

115 Cf. the full title of the proposal: WILLIAM PENN, *Essay towards the Present and Future Peace of Europe by the Establishment of an European Dyet, Parliament, or Estates (1693) Beati pacifici* ("Blessed are the Peacemak-

other hand make it clear that despite his studies in Oxford and Saumur he always was more of an eloquent spokesman for peace and tolerance than a stern scholar.

Further deficiencies of Penn's proposal can be seen in the numerous contradictions within the Essay itself. One example regards the question of whether or not the deputies are bound by instructions when voting. In Section VIII on the regulation of the Parliament in session a system of secret balloting is introduced to secure freedom of voting. In the very same section Penn holds that when differences arise between the deputies of one nation the disagreement will have to be solved and the vote cast unanimously. According to Section IX the deputies would have to await instructions from their Principals upon important matters or before a final resolve. Penn is thus clearly undecided to the question of freedom of vote. This is not just a secondary detail as KURT VON RAUMER rightly points out. Whether or not deputies are bound by instruction is decisive for the parliamentary character of the Assembly Penn envisioned[116]. Another contradiction regards the inclusion of Turkey in the peace institution. In Section VII on the composition of the Imperial States, Penn awards Turkey a representation of ten votes in the Assembly. The same representation that France at the height of Louis XIV's regime is given. In Section X on the benefits of the proposal Penn however holds that *"Another Advantage is, The Great Security it will be to Christians*

ers"; Matthew 5:9); *Cedant Arma Togae* ("Let arms yield to the toga"; Cicero); see above FN. 67.

116 KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 112.

against the Inroads of the Turk", and that *"The Reputation of Christianity will in some Degree be recovered in the Sight of Infidels"*. F. H. HINSLEY therefore concluded that Penn was 'still inclined to the exclusion of the Turks'.[117] Although the contradiction is undeniable, there still remain doubts whether a man like William Penn, who spent his entire life in advocacy for religious toleration and peaceful cohabitation among people of different religious beliefs, was really inclined towards Turkey's exclusion. It seems much more plausible that with the deterrent effect of the plan on a potential Turkish aggression Penn just picked up a popular contemporary argument in favour of a unified Europe.

With his essay on peace Penn initiated a new era of peace writing. Liberated from the former imperative to ground all political statements in biblical authority, he engages in a novel and appealing style of writing to make his case for peace. *"He must not be a Man, but a Statue of Brass or Stone, whose Bowels do not melt when he beholds the bloody Tragedies of this War."*[118] Reading his eloquent advocacy for peace one must inevitably think of an enthusiastic and devoted statesman convincing his audience of a great idea. His informal writing and loose arguing however comes at the price of several conceptual inconsistencies. Referring to

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117 F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), p. 34

118 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section I, opening adress to the reader.

Penn's classical education one might conclude that the Essay is more of an exercise in the art of rhetoric than in the art of logics.[119]

2. Lost Sovereignty

A problem which Penn underestimates, is the inevitable loss of sovereignty that every state would have to undergo when joining the peace institutions he is suggesting. He acknowledges the problem in Section X, *"I am come now to the last Objection, That Soveraign Princes and States will hereby become not Soveraign; a Thing they will never endure."* Although he addresses the problem he fails to seize its dimensions, when he goes on, "*But this ... is a Mistake, for they remain as Soveraign at Home as ever they were*". It did not occur to Penn that by committing themselves to the resolutions of an international Assembly the states could no longer autonomously determine their foreign affairs. A constraint of power – to use Penn's words – the sovereign states would indeed not have endured. When dealing with potential counter-arguments that might be raised against his peace proposal, Penn discards the objection "*That the strongest and Richest Soveraignty will never agree to it"* with the simplistic argument that this sovereignty "*is not stronger than*

[119] Cf. JOHN LOCKE, Some Thoughts Concerning Education, 1692, Section 188; for an online edition see: http://www.fordham.edu/halsall/mod/1692locke-education.html [visited April 4, 2005].

all the rest."[120] At this point Penn again falls into circular argumentation. When holding that the most powerful nation would not be able to oppose the joint powers of the other nations, Penn presupposed a military union which yet remained to be established.

Penn undervalued the problem of curtailed national sovereignty in yet another respect. According to him a further advantage of his envisioned European Peace is that it would lead to freedom of movement and trade among the different nations partaking in the Parliament. *"The fifth Benefit of this Peace, is the Ease and Security of Travel and Traffick: We may easily conceive the Comfort and Advantage of travelling through the Governments of Europe, by a Pass from any of the Soveraignties of it, which this League and State of Peace will naturally make Authentick"*.[121] At this point Penn misjudges the states' willingness to forego one of the most important aspects of their territorial sovereignty. As J. DUNCAN WOOD put it in 1962, 'Penn seems to have been over-optimistic. He intended the princes of Europe to retain their internal sovereignty, after they became members of the European Diet, but forgot that of all the manifestations of sovereignty, the most persistent is the desire to check travellers and levy customs duties at the frontier'.[122] Looking at the great difficulties the European Union had to overcome until free movement and trade were established, Penn was not only over-optimistic but rather

120 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section IX on Objections against the Design.

121 See WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section X on the Benefits of the Proposal about Peace..

122 J. DUNCAN WOOD, Building the Institutions of Peace, London 1962, p. 10.

mistaken when claiming that a 'State of Peace' will naturally lead to free 'Travel and Traffick'. The European state's reluctance to renounce comprehensive control over their borders lasted until the late 20th century. Although his 'European Confederacy' was an early form of a European Union, Penn failed to see it as an institution between separate and independent states. As has been rightly stressed the main concern was to 'institutionalise a notion of Europe'[123] rather than to deal with the effects that international collaboration would have on a member's national sovereignty. Having the vision of a unified and peaceful Europe in mind, concerns for reduced national sovereignty must have been secondary in Penn's esteem, not worthwhile of more thorough elaboration. Or as F. H. Hinsley sums it up, 'Like Penn and Bellers,[124] he [the *Abbé de Saint Pierre*] never contemplated closely the political nature of the resulting union, and the inconsistency of their language on this point reveals that this was not yet a problem they could envisage'.[125] Penn frequently referred to the Assembly as 'European Government' or even 'Empire' whilst reassuring the 'Princes of Europe' that they would lose none of their sovereignty. Penn's failure to acknowledge the constraints on national sovereignty is undoubtedly a major shortcoming of his proposal. It displays a clear lack of sensitivity for both political and constitutional im-

123 DENYS HAY, Europe; the emergence of an idea, Edinburgh 1957, p. 119.

124 JOHN BELLERS was another Quaker writer and a friend of William Penn who published '*Some Reasons for an European State*' in 1710. Bellers tract on a European Peace Congress was largely influenced by Penn and took the latter's peace ideas further ahead. See SIR JOHN A.R MARRIOTT, London 1937 (above FN.3), pp. 80-84.

125 F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), p. 43

plications of his project. His disregard of constitutional issues makes it once more clear that Penn's focus was not on legal and political details but rather on the greater project of a peaceful and united Europe. A deficiency that is closely linked to the problem of curtailed sovereignty must at last be addressed. Given his firm advocacy for a Pan-European Peace Union it seems troubling that Penn does not further elaborate the social and political basis on which the envisioned Union would have to be grounded. When recalling that Penn considered the inclusion of Turkey it can scarcely be a union based on common religious convictions. Penn entirely neglects this aspect. His views on the a common background which would enable a politically unified Europe can only be a matter of speculation. Perhaps Penn assumed that the mere establishment of the Union would also provide the necessary unifying features, or he hoped that the strive for peace would by itself suffice as a trigger for political unification. The values underlying the process of unification however remain undiscussed by Penn which presents another grave flaw in his proposal for peace.

3. Rule of Law

Penn was not the first writer to suggest an international government for the maintenance of peace[126] but he was the first one to insist on a strict rule of law in international relations. Section II is entitled '*Of the means of Peace which is Justice rather War'*. This short title resumes the crucial points Penn is trying to make. No power should be exercised unless governed by law. The most human government according to Penn is one *"of Consent, for that binds freely (as I may say) when Men hold their Liberty by true Obedience to Rules of their own making."*[127] On one hand it was certainly Penn's own experiences of arbitrary use of state power which he suffered upon the numerous detentions in his life that led to his insistence that all power had to limited by binding rules. But it was also the eminent breach of law in the English Revolution and the subsequent struggles for constitutional regulation which purported the case of a general rule of law in England.[128]

Penn argued in favour of the rule of law on two different levels. First he in insisted that *"No Man is Judge in his own Cause."*[129] By his disap-

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126 According to CATHERINE OWENS PEARE, William Penn, A Biography, Philadelphia 1957, pp. 328, the efforts for an international government go back as far as the sixth century.

127 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section III on Government.

128 KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 100; see further SIR JOHN A.R MARRIOTT, London 1937 (above FN.3), pp. 76/79.

129 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, loc. cit.

proval of judging 'one's own cause' Penn did not refer to what under modern constitutional law is known as the problem of a judge's potential conflict of interest when assessing a case which regards him- or herself. What Penn meant when he stated *"that they may not be Judges in their own Cause, nor Punishers of their own Wrongs"*[130] is that a wrong received may never be pursued in self administered justice. This becomes more evident when looking at the second level of his argument in favour of the rule of law, *"as Government in Kingdoms and States, Prevents Men being Judges and Executioners for themselves, over-rules Private Passions as to Injuries or Revenge, and subjects the Great as well as the Small to the Rule of Justice."*[131] As it is unacceptable in a private conflict to seek one's right in self-administered justice it is equally unacceptable for 'sovereign princes' to judge their own cause in international conflicts, i.e. to seek their alleged right on their own (through war). Instead a proscribed procedure of mediation and conflict resolution through the European Parliament had to be followed.[132] Penn's simple but striking second level of argument was thus to extrapolate the idea of law-bound conflict resolution by national courts to international relations between all European sovereignties. *"By the same Rules of Justice, by which Kings govern their Principalities and Kingdoms, Europe may Obtain*

130 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section III on Government.

131 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, The Conclusion.

132 Cf. KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 110

and Preserve Peace among Her Soveraignties."[133] This very idea of applying the same legal rules to private as well as to international conflicts was in fact brought up by THOMAS HOBBES in Leviathan some forty years earlier, *'The Law of Nations, and the Law of Nature, is the same thing. And every Soveraign hath the same Right, in procuring the safety of his People, that any particular man can have, in procuring his own safety.'*[134] Unlike Penn, Hobbes however did not develop the idea any further. Thus according to Penn as conflicts between citizens are mediated and settled in a rule of law procedure, so can international hostilities be handled trough a Pan-European procedure of Justice. *"War cannot in any Sense be justified, ... This is better seen and understood at Home; for that which prevents a Civil War in a Nation, is that which may prevent it Abroad, viz. Justice."*[135] Penn makes a very passionate case for the rule of law and procedural justice. It is his insistence on a strict legal procedure to be followed in the resolving of international conflicts that constitutes his most genuine contribution to peace literature. Hence the title of the thesis, *'William Penn and the idea of Institutional Peacekeeping'*.

As other parts of his proposal his theory of legal procedure in international relations is not flawless. First of all the exact status of his Pan-European institution is unclear. Penn refers to it with no less than 11

133 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, The Conclusion.

134 THOMAS HOBBES, Leviathan (first published London 1651); edited by Richard Tuck, Cambridge University Press, 1996, Chap. XXX. Of the Office of the Sovereign Representative [185-186].

135 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section II on the Means of Peace.

different denominations: Parliament, Imperial Estates, European or General Dyet, European Government, Assembly, Imperial States, Sovereign Part, European League or Confederacy, Empire. On one hand Penn makes it very clear that his institutions should have legislative powers, *"Now if the Soveraign Princes of Europe, [...] agree to meet in a General Dyet, Estates, or Parliament, and there Establish Rules of Justice for Soveraign Princes to observe one to another."*[136] On the other hand the envisioned Parliament was to have judicial as well as executive powers for it was entitled to impose damages on a party and to compel a state's submission to its sentence.[137] Unlike John Locke who had published his 'Second Treatise on Government'[138] three years before, Penn in his Essay had no concept of separation of powers. Whilst Locke's emphasis was on the separation of executive and legislative power, later commentators also emphasized Penn's failure in separating judicial from legislative power. In a laudatio on the occasion of Penn's 300th anniversary THOMAS RAEBURN WHITE pointed out that 'One criticism which

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136 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section IV on the means of a General Peace.

137 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section IV: *'The Soveraignties, United as One Strength, shall compel the Submission and Performance of the Sentence, with Damages to the Suffering Party, and Charges to the Soveraignties that obliged their Submission.'*

138 See the famous passage in JOHN LOCKE'S, the Second Treatise on Government, 1690, Chapter VII, § 143: *"[I]t may be too great a temptation to humane frailty apt to grasp at Power, for the same Persons who have the Power of making Laws, to have also in their hands the power to execute them, whereby they may exempt themselves from Obedience to the Laws they make [...]"* online: http://www.constitution.org/jl/2ndtreat.htm (visited 4 April 2005).

has been made of Penn's plan is that he proposed that the same parliament should act both as a legislative body to establish rules of international law and also as a judicial body to decide disputes arising between the states. Subsequent proposals have rightly suggested that the two functions should be exercised by separate bodies.'[139] It is already surprising that Penn was not familiar with the concept of separated powers in general but it is all the more surprising that Penn had not adopted John Locke's idea of separated legislative and executive power displayed in the 'second treatise on Government'. After all Penn and Locke were fellow students at Christ Church, Oxford and remained acquainted throughout their lives. Penn's failure to adopt Locke's ideas is even more incomprehensible when recalling that John Locke offered to get King William III's pardon while Penn was in seclusion writing his Essay on Peace. So the two men were in mutual contact in that period. In Penn's favour it could however be argued that the ambivalent status of his Parliament make sense in the historic context of the proposal's publication.[140] When looking at the predominant position of the English Parliament after the Glorious Revolution one must not be surprised when Penn's European Dyet somewhat appears to be an internationalized version of the 'House of Commons'. Despite the theoretical flaws of the proposal it should have become evident in this section that with his ad-

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139 THOMAS RAEBURN WHITE, Influence of William Penn on International Relations, in: Pennsylvania Magazine of History and Biography, Vol. LXVIII, October 1944, p.390.

140 See also KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39), p. 111.

vocacy for a strict rule of law, Penn made a significant and enduring contribution to international law theory.

4. Peace Enforcement.

As mentioned earlier, Penn, along with Sully, was one of the first writers who perceived the necessity of enforcement measures to be provided for nations that refused to comply with the decisions taken by the Assembly.[141] According to F. H. HINSLEY Penn and Sully 'were not only more specific and detailed than all their predecessors as to the procedure to be observed. They were also brought nearer to the dilemma involved in the need to base peace on the ultimate sanction of force.'[142] In Section IV on the Means of Peace Penn holds that after efforts of peaceful mediation had failed[143] any nation refusing to bring their pretensions before the Assembly or unwilling to perform a judgment made by the Assembly would be compelled forcibly to submit to the sentence by *"all the other Soveraignties, United as One Strength"*. In its core the procedure suggested by Penn over three hundred years ago still corresponds with the

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141 SIR JOHN A.R MARRIOTT, London 1937 (above FN.3), pp. 79-80 critcises that Penn doesn't deploy the idea of enforcement in greater detail.

142 F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), p. 37

143 WILLIAM PENN, An essay towards the present and future peace of Europe, 1693, Section IV, *"[...] before which Soveraign Assembly, should be brought all Differences depending between one Soveraign and another, that cannot be made up by private Embassies."*

contemporary principles in international law on the use of force.[144] Penn for example insisted on the strict subsidiarity of enforcement measures. As today military interventions of joint forces were only acceptable to Penn as an ultima ratio means of ensuring a recalcitrant states' compliance with the decisions of the Assembly. In fact though providing enforcement procedures Penn did not expect that the Assembly would ever have to resort to military force. In his admittedly rather optimistic view the sheer threat of force 'would ensure that it remained hypothetical.'[145]

Penn's assumption that the mere implementation of his proposal would lead to peace has been widely criticised as ingenuous.[146] Penn's utopian description of the potential effects of his proposal is indeed one of the major shortcomings of the Essay. His undue optimism becomes evident in Section X where he lists some of the 'Benefits that flow from this Proposal about Peace' such as decreases of casualties, the preservation of cities or save travelling and free trafficking. Penn praises the advantages of his proposal as if peace had already been established throughout Europe. Once more the lines between actual procedures and institutions to be established and their merely potential effects on peace in Europe are blurred. It is yet another question how Penn's provisions of peace

144 See Chapter VII of the United Nations' Charter: http://www.un.org/ aboutun/charter/ (visited: 4 April 2005); see further J. DUNCAN WOOD, Building the Institutions of Peace, London 1962 (above FN. 91), p. 19.

145 F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), pp. 39

146 See for example J. DUNCAN WOOD, Building the Institutions of Peace, London 1962 (above FN. 91), p. 10; KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39) pp. 114-115.

enforcement can be reconciled with his Quakerism. As mentioned above Penn's conviction of the necessity to implement certain rules with state force was unacceptable to the strictly pacifist Quakers.[147] The Essay on Peace in Europe was thus not accounted to Penn's Quaker writings.[148] On first sight the use force can indeed not be reconciled with the fundamental pacifism put forward by the Quakers. On a closer look though Penn himself never assumed the sanction of force to be necessary. As displayed in the preceding paragraph in Penn's eyes the *threat* of the force would be the utmost. 'For Penn [...] the dilemma could be solved only by assuming that force, though provided for, would not have to be used.'[149] As ingenuous as this view may be Penn's provisions on the use of force cannot be quoted to discredit his firm Quaker beliefs. In his favour it must be accentuated that Penn was one of the first writers to address the delicate issue of peace enforcement despite the dilemma sanctions of military force posed to an overt Quaker.

147 PETER VAN DEN DUNGEN, 1983 (above FN. 36), p. XIII; BENJAMIN SACKS, Peace Plans of the Seventeenth and Eighteenth Centuries, Corondao Press, Sandoval 1962, p. 19. In general see WILLIAM WISTAR, William Penn's Religious Background, in Pennsylvania Magazine of History and Biography, October 1944, pp. 341-358 and above FN. 72 passim.

148 PETER BROCK, Pacifism in Europe to 1914, Princeton (Princeton University Press) 1972, p. 276.

149 F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), p. 37.

5. Conclusion

Many scholars have attempted to prove the direct influence of the early-modern peace literature on contemporary international peace keeping institutions. F.S. MARVIN'S for example in his 'The Evolution of World-Peace'[150] goes from Alexander and Hellenism over Grotius to the Congress of Vienna in his comprehensive examination of peace concepts. Other authors like KURT VON RAUMER[151] or SIR JOHN A. R. MARRIOTT[152] try to draw direct lines from ERASMUS' 'Querela pacis' to famous peace writings of the 17th and 18th century such as EMÉRIC CRUCÉ'S, Le Nouveau Cynée, the DUKE OF SULLY'S, Grand Dessin, PENN'S and BELLERS' Quaker writings on peace and finally IMMANUEL KANT'S seminal tract 'Zum ewigen Frieden'. D. SABBAGH suggests an alleged practical influence for Penn's Essay in the aftermath of World War I. *"The Essay was rediscovered by the end of the last century and had a large number of editions in various languages after the Paris Peace Conference which followed the First World War."*[153] J. DUNCAN

150 Edited by F.S. MARVIN, The evolution of world-peace, 2nd edition, Oxford University Press, London 1933.

151 See KURT VON RAUMER, Ewiger Friede, Freiburg/München 1953 (above FN. 39);

152 SIR JOHN A.R MARRIOTT, Commonwealth or Anarchy? A survey of projects of peace freom the 16th to the 20th century, London 1937 (above FN. 3.

153 DANIEL SABBAGH, William Penn and the Abbe de Saint-Pierre: The Missing Link, London, s.d (see above FN. 108); SABBAGH makes a great effort to prove that Charles Irénée Castel de Staint Pierre's 'Projet pour rendre la paix perpétuelle en Europe (1713)' was hugely influenced by Penn's essay on peace.

WOOD[154] takes the enterprise of proving the influence of peace proposals yet a step further in his 1962 book 'Building the Institutions of Peace'. In chapter II which is entitled 'From Penn to U.N.'[155] he describes the direct implementation of Penn's proposal for peace in the institutional structure of the United Nations, *"[E]ventually, Penn's tour of modern international organizations would take him to New York to examine the embodiment of his own proposals. He would not take long to discover that United Nations has adopted some of his suggestions almost in their original form."* One must however be very careful in attributing that great an influence to an Essay that has been written over three hundred years ago. Commentators such as J. DUNCAN WOOD presumably overestimate the impact past writing can actually have. F. H. HINSLEY is certainly right when claiming that, *'People often study history less for what they might learn than for what they want to prove.'*[156] Of course, numerous provisions of past peace proposals can be found in the statutes and charters of contemporary international organisations. It is nevertheless ambitious to ascribe these institutional implementations to the work of a few 17th century writers. The institutional provisions of modern peace

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154 Cf. J. DUNCAN WOOD, Building the Institutions of Peace, London 1962 (above FN. 91),

155 J. DUNCAN WOOD, Building the Institutions of Peace, London 1962 (above FN. 91), pp. 6-22.

156 F. H. HINSLEY, Power and the pursuit of peace; Cambridge 1963 (above FN. 73), p. 13; for this methodological insight to historical studies see Q. SKINNER, Meaning and Understanding in the History of Ideas, in History and Theory, Vol 8, No. 1 (1969), p. 50: *"There is in consequence simply no hope of seeking the point of studying the history of ideas in the attempt to learn directly from the classic authors by focussing on their attempted answers to supposedly timeless questions."*

keeping organisations are more accurately ascribed to the gradual implementation of ideas over time. It would be misleading to try and judge the value of Penn's essay by the alleged influence it had on the development of international peace institutions. But what is the value of Penn's Essay? In the following closing paragraphs I will try to elucidate three features of Penn's Essay that were of enduring impact.

First of all Penn managed to give the war-torn 17th century Europe a vision of peaceful unity. Although he failed to see the political implications of a Parliament composed of independent sovereignties, he nevertheless succeeded in establishing a notion of Europe. Perhaps it was exactly because he ignored legal details and political hindrances that he was able to maintain the overall vision of a peaceful Europe. The same is true for his failure to acknowledge the separation of powers as a crucial constitutional provision. Once more he was less concerned with the detailed elaboration of a European constitution but all the more focussed on the overall goal of integrating a divided Europe. Having this great European vision in mind, Penn deemed such legal details secondary. One way leading to peace was to spread a general consciousness of a European identity based on allegedly shared political views and institutionalized in a common Parliament. The disregard of details yielded the necessary space to develop his plan for Europe. So one might say that Penn's naivety served a purpose; had he foreseen the state's reluctance to forego important aspects of their sovereignty he could not have promoted his 'European idea' with the same conviction.

Secondly the essay was of enduring impact because of Penn's insistence on the strict rule of law. His advocacy for legal procedures can certainly be credited to a large extent to his own experiences with the arbitrary use of state power. He was one of the first and foremost promoters of the rule of law and fair legal procedures. The extensive rights and liberties granted in the 'Frame of Government for Pennsylvania'[157] give an eloquent proof of Penn's endeavours to a universal rule of law. The great merit of Penn's 'Essay towards the Present and Future Peace of Europe' was to elevate the concept of rule of law to *international relations.* As mentioned above he extrapolated the idea of legal procedures from private to international conflicts. As the title of the thesis '*William Penn and the idea of Institutional Peacekeeping'* indicates, international conflicts should no longer be left up to discretionary resolution by the affected nations but to institutionalized procedures. In Penn's view rule of law was the instrument, an international Government the institution guaranteeing peace.

A third and last reason for the enduring success of Penn's essay is the very style it is written in. Despite all contradictions and inconsistencies one remains deeply impressed by the honesty and firm conviction with which Penn advocated his ideas. On one hand there was Penn's unshakable commitment to his Quaker beliefs. In a time of severe persecution he repeatedly stood up in public for religious tolerance and freedom of thought. Numerous detentions and imprisonments wouldn't lead him

[157] See above FN. 40 ff.

astray. With the same unorthodox stubbornness, Penn also promoted radical political ideas like the emancipation of women and due process of law[158] or the very idea of a united and peaceful Europe. Penn was often ridiculed for his naive belief in the possibility of improving the status quo of the society he lived in. But it is exactly this idealism which makes his writing so appealing and explains the reception his essay still enjoys nowadays. So it was not only its content but also its form which ensured Penn's Essay a permanent place in the literature on peace. To come back to the introductory question[159] whether SIR JOHN A. R. MARRIOTT'S was right in claiming that Penn's Essay on Peace was *"the most significant contribution ... ever made by any Englishman, to the literature of the subject"*[160] we may conclude that Penn's essay is certainly one of the most original contributions to peace literature ever written by an Englishmen.

158 See WILLIAM PENN (Governor), Frame of Government of Pennsylvania, April 25, 1682 (above FN. 40 passim),

159 See above FN. 3.

160 SIR JOHN A.R MARRIOTT, Commonwealth or Anarchy? A survey of projects of peace freom the 16th to the 20th century, London 1937, p. 69.

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APPENDIX

An ESSAY towards the *Present* and *Future*
Peace of *Europe*
by the Establishment of an *European* DYET,
PARLIAMENT, or ESTATES (1693)

Beati Pacifici. Cedant Arma Togæ[1]

To the READER.

An ESSAY towards the *Present* and *Future* Peace of *Europe*

by the Establishment of an *European* Dyet, Parliament, or Estates (1693)

Beati Pacifici. Cedant Arma Togae[1]

To the READER.

Reader,

I *HAVE undertaken a Subject that I am very sensible requires one of more sufficiency than I am Master of to treat it, as, in Truth, it deserves, and the groaning State of* Europe calls for; *but since Bunglers may stumble upon the Game, as well as Masters, though it belongs to the Skilful to hunt and catch it, I hope this Essay will not be charged upon me for a Fault, if it appear to be neither Chimerical nor Injurious, and may provoke abler Pens to improve and perform the Design with better Judgment and Success. I will say no more in Excuse of my self, for this Undertaking, but that it is the Fruit of my solicitous Thoughts, for the Peace of* Europe, *and they must want Charity as much as the World needs Quiet, to be offended with me for so* Pacifick *a Proposal. Let them censure my Management so they prosecute the Advantage of the Design; for 'till the* Millenary *Doctrine be accomplished, there is nothing appears to me so beneficial an Expedient to the Peace and Happiness of this Quarter of the World.*

1. Blessed are the peacemakers (Matthew 5:9); Let arms yield to the toga (refers to the Roman custom of generals laying down their swords and taking up the toga upon entering Rome, as a symbol of setting aside their military command and entering into their civic role).

An ESSAY *towards the Present and Future* PEACE of EUROPE, *&c.*

Sect. I. *Of PEACE, and it's Advantages.*

HE MUST not be a Man, but a Statue of Brass or Stone, whose Bowels do not melt when he beholds the bloody *Tragedies* of this War, in *Hungary, Germany, Flanders, Ireland,* and at Sea. The Mortality of sickly and languishing Camps and Navies, and the mighty Prey the Devouring Winds and Waves have made upon Ships and Men since 88.[2] And as this with Reason ought to affect human Nature, and deeply Kindred, so there is something very moving that becomes prudent Men to consider, and that is the vast Charge that has accompanied that Blood, and which makes no mean Part of these *Tragedies;* Especially if they deliberate upon the uncertainty of the War, that they know not how or when it will end, and that the Expence cannot be less, and the Hazard is as great as before. So that in the Contraries of Peace we see the Beauties and Benefits of it; which under it, such is the Unhappiness of Mankind, we are too apt to nauseate, as the full Stomach loaths the Honey-Comb; and like that unfortunate Gentleman, that having a fine and a good Woman to his Wife, and searching his Pleasure in forbidden and less agreeable Company, said, when reproach'd with his Neglect of better Enjoyments, *That he could love his Wife of all Women, if she were not his Wife,* tho' that increased his Obligation to prefer her. It is a great Mark of the Corruption of our Natures, and what ought to humble us extremely, and excite the Exercise of our Reason to a nobler and juster Sense, that we cannot see the Use and Pleasure of our Comforts but by the Want of them. As if we could not taste the Benefit of Health, but by the Help of Sickness; nor understand the Satisfaction of Fulness without the Instruction of Want; nor, finally, know the Comfort of Peace but by the Smart and Penance of the Vices of War: And without Dispute that is not the least Reason that God is pleased to Chastise us so frequently with it. What can we desire better than *Peace,* but the *Grace* to use it? *Peace* preserves our Possessions; We are in no Danger of Invasions: Our Trade is free and safe, and

2. England under William III was at war almost constantly in opposing James II's attempts to retake the throne and in heading a Grand Alliance against France.

we rise and lye down without Anxiety. The Rich bring out their Hoards, and employ the poor Manufacturers: Buildings and divers Projections, for Profit and Pleasure, go on: It excites Industry, which brings Wealth, as that gives the Means of Charity and Hospitality, not the lowest Ornaments of a Kingdom or Commonwealth. But War, like the Frost of 83, seizes all these Comforts at once, and stops the civil Channel of Society. The Rich draw in their Stock, the Poor turn Soldiers, or Thieves, or Starve: No Industry, no Building, no Manufactury, little Hospitality or Charity; but what the Peace gave, the War devours. I need say no more upon this Head, when the Advantages of Peace, and Mischiefs of War are so many and sensible to every Capacity under all Governments, as either of them prevails. I shall proceed to the next Point. *What is the best Means of Peace,* which will conduce much to open my Way to what I have to propose.

Sect. II. *Of the Means of Peace, which is* Justice *rather than War.*

AS *JUSTICE* is a Preserver, so it is a better Procurer of *Peace* than War. Tho' *Pax quaeritur bello,* be an usual Saying, *Peace is the End of War,* and as such it was taken up by *O. C.* for his Motto:[3] Yet the Use generally made of that expression shews us, that properly and truly speaking, Men seek their Wills by *War* rather than Peace, and that as they will violate it to obtain them, so they will hardly be brought to think of Peace, unless their Appetites be some Way gratified. If we look over the Stories of all Times, we shall find the Aggressors generally moved by Ambition; the Pride of Conquest and Greatness of Dominion more than Right. But as those *Leviathans* appear rarely in the World, so I shall anon endeavour to make it evident they had never been able to devour the Peace of the World, and ingross whole Countries as they have done, if the *Proposal* I have to make for the Benefit of our present Age had been then in Practice. The Advantage that Justice has upon War is seen by the Success of *Embassies,* that so often prevent War by hearing the *Pleas* and *Memorials* of *Justice* in the Hands and Mouths of the *Wronged Party.* Perhaps

3. Oliver Cromwell.

it may be in a good Degree owing to *Reputation* or *Poverty,* or some particular *Interest* or *Conveniency* of *Princes* and *States,* as much as *Justice;* but it is certain, that as War cannot in any Sense be justified, but upon Wrongs received, and Right, upon Complaint, refused; so the Generality of Wars have their Rise from some such Pretension. This is better seen and understood at Home; for that which prevents a Civil War in a Nation, is that which may prevent it Abroad, *viz. Justice;* and we see where that is notably obstructed, War is Kindled between the *Magistrates* and *People* in particular Kingdoms and States; which, however it may be unlawful on the Side of the *People,* we see never fails to follow, and ought to give the same Caution to *Princes* as if it were the Right of the People to do it: Tho' I must needs say, *the Remedy is almost ever worse than the Disease:* The Aggressors seldom getting what they seek, or performing, if they prevail, what they promised. And the *Blood and Poverty* that usually attend the Enterprize, weigh more on Earth, as well as in Heaven, than what they lost or suffered, or what they get by endeavouring to mend their *Condition,* comes to: Which *Disappointment* seems to be the Voice of Heaven, and Judgment of God against those violent Attempts. But to return, I say, *Justice is the Means of Peace,* betwixt the *Government* and the *People,* and one *Man* and *Company* and another. It prevents *Strife,* and at last ends it: For besides *Shame* or *Fear,* to contend longer, he or they being under *Government,* are constrained to bound their *Desires* and *Resentment* with the *Satisfaction* the Law gives. Thus *Peace* is maintain'd by *Justice,* which is a Fruit of *Government,* as *Government,* is from *Society,* and *Society* from *Consent.*

Sect. III. *GOVERNMENT, it's Rise and End under all Models.*

GOVERNMENT is an Expedient against *Confusion;* a Restraint upon all *Disorder;* Just Weights and an even Ballance: That one may not injure another, nor himself, by *Intemperance.*

This was at first without *Controversie, Patrimonial,* and upon the Death of the Father or Head of the Family, the eldest Son, or Male of Kin succeeded. But Time breaking in upon this Way of Governing, as the World multiply'd, it fell under other *Claims* and *Forms;* and is as hard to trace to it's Original, as are the Copies we have of the first Writings of *Sacred* or *Civil* Matters. It is

certain the most Natural and Human is that of *Consent,* for that binds freely (as I may say) when Men hold their *Liberty* by true *Obedience* to Rules of their own making. No Man is Judge in his own Cause, which ends the *Confusion* and *Blood* of so many *Judges* and *Executioners.* For out of *Society* every Man is his own *King,* does what he lists, at his own Peril: But when he comes to incorporate himself, he submits that *Royalty* to the *Conveniency* of the *Whole,* from whom he receives the Returns of *Protection.* So that he is not now his own Judge nor Avenger, neither is his *Antagonist,* but the *Law,* in indifferent Hands between both. And if he be Servant to others that before was free, he is also served of others that formerly owed him no *Obligation.* Thus while we are not our own, every Body is ours, and we get more than we lose, the Safety of the *Society* being the Safety of the *Particulars* that constitute it. So that while we seem to submit to, and hold all we have from *Society,* it is by *Society* that we keep what we have.

Government then is the *Prevention* or *Cure* of *Disorder,* and the Means of *Justice,* as that is of *Peace:* For this Cause they have *Sessions, Terms, Assizes* and *Parliaments,* to over-rule Men's *Passions* and *Resentments,* that they may not be *Judges* in their own *Cause,* nor *Punishers* of their own *Wrongs,* which as it is very incident to Men in their *Corrupt State,* so, for that Reason, they would observe no Measure; nor on the other Hand would any be easily reduced to their Duty. Not that Men know not what is right, their Excesses, and wherein they are to blame: by no Means; nothing is plainer to them: But so depraved is Human Nature, that without Compulsion, some Way or other, too many would not readily be brought to do what they know is right and fit, or avoid what they are satisfy'd they should not do: Which brings me near to the Point I have undertaken; and for the better Understanding of which, I have thus briefly treated of *Peace, Justice* and *Government,* as a necessary *Introduction,* because the Ways and Methods by which *Peace* is preserved in particular *Governments,* will help those *Readers,* most concerned in my Proposal, to conceive with what Ease as well as Advantage the Peace of *Europe* might be procured and kept; which is the End designed by me, with all Submission to those Interested in this little *Treatise.*

Sect. IV. *Of a General Peace, or the Peace of* Europe, *and the Means of it.*

IN MY first Section, I shewed the *Desirableness of Peace;* in my next, the Truest Means of it; to wit, *Justice, Not War.* And in my last, that this Justice was the Fruit of *Government,* as Government it self was the Result of *Society;* which first came from a Reasonable Design in Men of Peace. Now if the *Soveraign Princes of Europe,* who represent that Society, or Independent State of Men that was previous to the Obligations of Society, would, for the same Reason that engaged Men first into Society, *viz. Love of Peace and Order,* agree to meet by their Stated Deputies in a *General Dyet, Estates,* or *Parliament,* and there Establish Rules of Justice for Soveraign Princes to observe one to another; and thus to meet Yearly, or once in Two or Three Years at farthest, or as they shall see Cause, and to be Stiled, *The Soveraign or Imperial Dyet, Parliament, or State of Europe;* before which Soveraign Assembly, should be brought all Differences depending between one Soveraign and another, that cannot be made up by private Embassies, before the Sessions begins; and that if any of the Soveraignties that Constitute these Imperial States, shall refuse to submit their Claim or Pretensions to them, or to abide and perform the Judgment thereof, and seek their Remedy by Arms, or delay their Compliance beyond the Time prefixt in their Resolutions, all the other Soveraignties, United as One Strength, shall compel the Submission and Performance of the Sentence, with Damages to the Suffering Party, and Charges to the Soveraignties that obliged their Submission: To be sure *Europe* would quietly obtain the so much desired and needed Peace, to *Her harrassed Inhabitants;* no Soveraignty in *Europe,* having the Power, and therefore cannot show the Will to dispute the Conclusion; and, consequently, *Peace* would be procured, and continued in *Europe.*

Sect. V. *Of the Causes of Difference, and Motives to Violate Peace.*

THERE appears to me but Three Things upon which Peace is broken, viz. To *Keep,* to *Recover,* or to *Add. First,* To Keep what is One's Right, from the Invasion of an Enemy; in which I am purely *Defensive. Secondly,* To Re-

cover, when I think my self Strong enough, that which by Violence, I, or my Ancestors have lost, by the Arms of a Stronger Power; in which I am Offensive: Or, *Lastly,* To increase my Dominion by the Acquisition of my Neighbour's Countries, as I find them Weak, and my self Strong. To gratify which Passion, there will never want some Accident or other for a Pretence: And knowing my own Strength, I will be my own *Judge and Carver.* This *Last* will find no Room in the *Imperial States:* They are an unpassable Limit to that Ambition. But the other *Two* may come as soon as they please, and find the Justice of that Soveraign Court. And considering how few there are of those *Sons of Prey,* and how early they show themselves, it may be not once in an Age or Two, this Expedition being Established, the Ballance cannot well be broken.

Sect. VI. *Of Titles, upon which those Differences may arise.*

BUT I easily foresee a Question that may be answered in our Way, and that is this; *What is Right? Or else we can never know what is Wrong: It is very fit that this should be Established.* But that is fitter for the Soveraign States to resolve than me. And yet that I may lead a Way to the Matter, I say that Title is either by a long and *undoubted Succession,* as the Crowns of *Spain, France* and *England;* or by *Election,* as the Crown of *Poland,* and the *Empire;* or by *Marriage,* as the Family of the *Stewarts* came by *England;* the *Elector of Brandenburgh,* to the Dutchy of *Cleve;* and we, in Ancient Time, to divers Places abroad; or by *Purchase,* as hath been frequently done in *Italy* and *Germany;* or by Conquest, as the *Turk* in *Christendom,* the *Spaniards* in *Flanders,* formerly mostly in the *French* Hands; and the *French* in *Burgundy, Normandy, Lorrain, French-County,* &c. This last, Title is, Morally Speaking, only Questionable. It has indeed obtained a Place among the Rolls of Titles, but it was engross'd and recorded by the Point of the Sword, and in Bloody Characters. What cannot be controuled or resisted, must be submitted to; but all the World knows the Date of the length of such Empires, and that they expire with the Power of the Possessor to defend them. And yet there is a little allowed to Conquest to, when it has the Sanction of Articles of Peace to confirm it: Tho' that hath not always extinguished the Fire, but it lies, like Embers under Ashes, ready to kindle so soon as there is a fit Matter prepared for it. Nevertheless, when Conquest has been confirmed by a Treaty, and Conclusion of

Peace, I must confess it is an Adopted Title; and if not so Genuine and Natural, yet being engrafted, it is fed by that which is the Security of *Better Titles, Consent.* There is but one Thing more to be mentioned in this Section, and that is from what Time Titles shall take their Beginning, or how far back we may look to confirm or dispute them. It would be very bold and inexcusable in me, to determine so tender a Point, but be it more or less Time, as to the last General Peace at *Nimeguen,*[4] or to the commencing of this War, or to the Time of the Beginning of the Treaty of Peace, I must submit it to the Great Pretenders and Masters in that Affair. But something every Body must be willing to give or quit, that he may keep the rest, and by this Establishment, be for ever freed of the Necessity of losing more.

Sect. VII. *Of the Composition of these Imperial States.*

THE Composition and Proportion of this *Soveraign Part,* or *Imperial State,* does, at the first Look, seem to carry with it no small Difficulty what Votes to allow for the Inequality of the Princes and States. But with Submission to better Judgments, I cannot think it invincible: For if it be possible to have an Estimate of the Yearly Value of the several Soveraign Countries, whose Delegates are to make up this August Assembly, the Determination of the Number of Persons or Votes in the States for every Soveraignty, will not be impracticable. Now that *England, France, Spain,* the *Empire,* &c. may be pretty exactly estimated, is so plain a Case, by considering the Revenue of Lands, the Exports and Entries at the Custom-Houses, the Books of Rates, and Surveys that are in all Governments, to proportion Taxes for the Support of them, that the least Inclination to the *Peace of Europe,* will not stand or halt at this Objection. I will, with Pardon on all Sides, give an Instance far from Exact; nor do I pretend to it, or offer it for an Estimate; for I do it at Random: Only this, as wide as it is from the Just Proportion, will give some Aim to my *Judicious Reader,* what I would be at: Remembring, I design not by any Computation, an Estimate from the Revenue of the Prince, but the Value of the Territory, the Whole being concerned as well as the Prince. And a Juster Measure it is to

4. The Treaty of Nimeguen terminated the continental war in 1679.

go by, since one Prince may have more Revenue than another, who has much a Richer Country: Tho' in the Instance I am now about to make, the Caution is not so Necessary, because, as I said before, I pretend to no Manner of Exactness, but go wholly by Guess, being but for Example's Sake. I suppose the *Empire of Germany* to send Twelve; *France,* Ten; *Spain,* Ten; *Italy,* which comes to *France,* Eight; *England,* Six; *Portugal,* Three; *Sweedland,* Four; *Denmark,* Three; *Poland,* Four; *Venice,* Three; the *Seven Provinces,* Four; *The Thirteen Cantons,* and little *Neighbouring Soveraignties,* Two; Dukedoms of *Holstein* and *Courland,* One: And if the *Turks* and *Muscovites* are taken in, as seems but fit and just, they will make *Ten a Piece more.* The *Whole makes Ninety.* A great Presence when they represent the *Fourth; and now the Best and Wealthiest Part of the Known World; where Religion and Learning, Civility and Arts have their Seat and Empire.* But it is not absolutely necessary there should be always so many Persons, to represent the larger Soveraignties; for the Votes may be given by one Man of any Soveraignty, as well as by Ten or Twelve: Tho' the fuller the Assembly of States is, the more Solemn, Effectual, and Free the Debates will be, and the Resolutions must needs come with greater Authority. The Place of their First Session should be Central, as much as is possible, afterwards as they agree.

Sect. VIII. *Of the Regulation of the Imperial States in Session.*

TO AVOID Quarrel for Precedency, the Room may be Round, and have divers Doors to come in and go out at, to prevent Exceptions. If the whole Number be cast into Tens, each chusing One, they may preside by Turns, to whom all Speeches should be addressed, and who should collect the Sense of the Debates, and state the Question for a Vote, which, in my Opinion, should be by the *Ballot,* after the Prudent and Commendable Method of the *Venetians:*[5] Which in a great Degree, prevents the ill Effects of Corruption; because if any of the Delegates of that High and Mighty Estates could be so Vile, False, and Dishonourable, as to be influenced by Money, they have the Advantage

5. The Venetian balloting system, designed to make corruption impossible, consisted of a series of votes involving drawn lots and colored balls. See George B. McClellan, *The Oligarchy of Venice* (Boston, 1904), pp. 159–60.

of taking their Money that will give it them, and of Voting undiscovered to the Interest of their Principals, and their own Inclinations; as they that do understand the *Balloting Box* do very well know. A Shrewd Stratagem, and an Experimental Remedy against *Corruption,* at least Corrupting: For who will give their Money where they may so easily be Cozened, and where it is Two to One they will be so; for they that will take Money in such Cases, will not stick to Lye heartily to them that give it, rather than wrong their Country, when they know their Lye cannot be detected.

It seems to me, that nothing in this *Imperial Parliament* should pass, but by Three Quarters of the Whole, at least Seven above the Ballance. I am sure it helps to prevent Treachery, because if Money could ever be a Temptation in such a Court, it would cost a great Deal of Money to weigh down the wrong Scale. All Complaints should be delivered in Writing, in the Nature of *Memorials;* and *Journals* kept by a proper Person, in a *Trunk or Chest,* which should have as many differing Locks, *as there are Tens in the States.* And if there were a *Clerk for each Ten,* and a *Pew or Table for those Clerks in the Assembly;* and at the End of every Session, *One out of each Ten,* were appointed to Examine and Compare the *Journal of those Clerks,* and then lock them up as I have before expressed, it would be clear and Satisfactory. And each Soveraignty if they please, as is but very fit, may have an *Exemplification,* or *Copy of the said Memorials,* and the *Journals of Proceedings upon them.* The *Liberty and Rules of Speech,* to be sure, they cannot fail in, who will be the *Wisest* and *Noblest* of each Soveraignty, for it's own Honour and Safety. If any Difference can arise between those that come from the same Soveraignty, that then One of the Major Number do give the Balls of that Soveraignty. I should think it extreamly necessary, that every Soveraignty should be present under great Penalties, and that none leave the Session without Leave, till *All* be finished; and that Neutralities in Debates should by no Means be endured: For any such Latitude will quickly open a Way to unfair Proceedings, and be followed by a Train, both of seen, and unseen Inconveniencies. I will say little of the *Language* in which the *Session of the Soveraign Estates should be held,* but to be sure it must be in *Latin* or *French;* The first would be very well for *Civilians,* but the last most easie for Men of Quality.

Sect. IX. *Of the Objections that may be advanced against the Design.*

I WILL first give an Answer to the Objections that may be offered against my *Proposal:* And in my next and last Section, I shall endeavour to shew some of the manifold Conveniences that would follow this *European League,* or *Confederacy.*

The first of them is this, *That the strongest and Richest Soveraignty will never agree to it, and if it should, there would be Danger of Corruption more than of Force one Time or other.* I answer to the first Part, he is not stronger than all the rest, and for that Reason you should promote this, and compel him into it; especially before he be so, for then, it will be too late to deal with such an one. To the last Part of the Objection, I say the Way is as open now as then; and it may be the Number fewer, and as easily come at. However, if Men of Sense and Honour, and Substance, are chosen, they will either scorn the Baseness, or have wherewith to pay for the Knavery: At least they may be watch't so, that one may be a check upon the other, and all prudently limited by the Soveraignty they Represent. In all great Points, especially before a final Resolve, they may be obliged to transmit to their Principals, the Merits of such important Cases depending, and receive their last Instructions: which may be done in four and Twenty Days at the most, as the Place of their Session may be appointed.

The Second is, *That it will endanger an Effeminacy by such a Disuse of the Trade of Soldiery: That if there should be any Need for it, upon any Occasion, we should be at a Loss as they were in* Holland in 72.

There can be no Danger of Effeminacy, because each Soveraignty may introduce as temperate or Severe a Discipline in the Education of Youth, as they please, by low Living, and due Labour. Instruct them in Mechanical Knowledge, and in natural Philosophy, by Operation, which is the Honour of the *German* Nobility: This would make them Men: Niether *Women* nor *Lyons:* For *Soldiers* are t'other Extream to Effeminacy. But the Knowledge of Nature, and the useful as well as agreeable Operations of Art, give Men an Understanding of themselves, of the World they are born into, how to be useful and serviceable, both to themselves and others; and how to save and help, not injure or destroy. The Knowledge of Government in General; the particular Constitutions of *Europe;* and above all, of his own Country, are very recom-

mending Accomplishments. This fits him for the *Parliament,* and *Council at Home,* and the *Courts of Princes and Services* in the *Imperial States abroad.* At least, he is a good Common-Wealths-Man, and can be useful to the Publick, or retire, as there may be Occasion.

To the other Part of the Objection, *Of being at a loss for Soldiery as they were in* Holland *in 72*. The Proposal answers for it self. One has War no more than the other; and will be as much to seek upon Occasion. Nor is it to be thought that any one will keep up such an Army after such an *Empire* is on Foot, which may hazard the Safety of the rest. However, if it be seen requisit, the Question may be askt, by Order of the Soveraign States, why such an one either raises or keeps up a formidable Body of Troops, and he obliged forthwith to reform or Reduce them; lest any one, by keeping up a great Body of Troops, should surprize a Neighbour. But a small Force in every other Soveraignty, as it is capable or accustomed to maintain, will certainly prevent that Danger and Vanquish any such Fear.

The Third Objection is, *That there will be great Want of Employment for younger Brothers of Families; and that the Poor must either turn Soldiers or Thieves.* I have answer'd that in my Return to the Second Objection. We shall have the more *Merchants and Husbandmen,* or *Ingenious Naturalists,* if the Government be but any Thing Solicitous of the *Education of their Youth:* Which, next to the present and immediate Happiness of any Country, ought of all Things, to be the *Care* and *Skill* of the Government. For such as the Youth of any Country is bred, such is the next Generation, and the Government in good or bad Hands.

I am come now to the last Objection, *That Soveraign Princes and States will hereby become not Soveraign; a Thing they will never endure.* But this also, under Correction, is a Mistake, for they remain as Soveraign at Home as ever they were. Neither their Power over their People, nor the usual Revenue they pay them, is diminished: It may be the War Establishment may be reduced, which will indeed of Course follow, or be better employed to the Advantage of the Publick. So that the *Soveraignties* are as they were, for none of them have now any Soveraignty over one another: And if this be called a lessening of their Power, it must be only because the great Fish can no longer eat up the little ones, and that each Soveraignty is *equally defended* from Injuries, and disabled from committing them: *Cedant Arma Togae* is a Glorious Sentence; the *Voice of the Dove; the Olive Branch of Peace.* A Blessing so great, that when it pleases God to chastise us severely for our Sins, it is with the *Rod of*

War, that, for the most Part, he whips us: And Experience tells us none leaves deeper Marks behind it.

Sect. X. *Of the real Benefits that flow from this Proposal about Peace.*

I AM come to my last Section, in which I shall enumerate some of those many *real Benefits* that flow from this Proposal, for the Present and Future *Peace* of *Europe.*

Let it not, I pray, be the least, that it prevents the Spilling of so much *Humane and Christian Blood:* For a Thing so offensive to God, and terrible and afflicting to Men, as that has ever been, must recommend our Expedient beyond all Objections. For what can a Man give in Exchange for his Life, as well as Soul? And tho' the chiefest in Government are seldom personally exposed, yet it is a Duty incumbent upon them to be tender of the Lives of their People; since without all Doubt, they are accountable to God for the Blood that is spilt in their Service. So that besides the Loss of so many Lives, of importance to any Government, both for Labour and Propagation, the Cries of so many Widows, Parents and Fatherless are prevented, that cannot be very pleasant in the Ears of any Government, and is the *Natural Consequence* of *War in all Government.*

There is another *manifest Benefit* which redounds to *Christendom,* by this *Peaceable* Expedient, *The Reputation of Christianity will in some Degree be recovered in the Sight of Infidels;* which, by the many Bloody and unjust *Wars* of *Christians,* not only with them, but *one* with *another,* hath been greatly impaired. For, to the Scandal of that Holy Profession, *Christians,* that glory in their *Saviour's Name,* have long devoted the Credit and Dignity of it, to their worldly Passions, as often as they have been excited by the Impulses of Ambition or Revenge. They have not always been in the Right: Nor has Right been the Reason of *War:* And not only *Christians* against *Christians,* but the same Sort of *Christians* have embrewed *their Hands in one another's Blood:* Invoking and Interesting, all they could, the *Good* and *Merciful God to prosper their Arms to their Brethren's Destruction:* Yet their *Saviour* has told them, *that he came to save, and not to destroy the Lives of Men:* To give and plant *Peace* among Men: And if in any Sense he may be said to send *War,* it is the *Holy War* indeed; for it is against the *Devil,* and not the *Persons of Men.* Of

all his Titles this seems the most Glorious as well as comfortable for us, that he is the *Prince of Peace.* It is his *Nature,* his *Office,* his *Work* and the *End* and excellent Blessing of his Coming, who is both the Maker and Preserver of our *Peace* with God. And it is very remarkable, that in all the *New Testament* he is but once called *Lyon,* but frequently the *Lamb of God;* to denote to us his *Gentle, Meek and Harmless Nature;* and that those, who desire to be the *Disciples* of his *Cross and Kingdom,* for they are *inseparable,* must be like him, as St. *Paul,* St. *Peter* and St. *John* tell us.[6] Nor is it said the *Lamb* shall lye down with the *Lyon,* but the *Lyon* shall lye down with the *Lamb.* That is, *War* shall yield to *Peace,* and the Soldier turn Hermite. To be sure, *Christians* should not be apt to strive, nor *swift* to Anger against any Body, and less with one another, and least of all for the uncertain and fading Enjoyments of this lower World: And no Quality is exempted from this Doctrine. Here is a wide Field for the Reverend Clergy of *Europe* to act their Part in, who have so much the Possession of Princes and People too. May they recommend and labour this pacifick Means I offer, which will end Blood, if not Strife; and then *Reason,* upon free Debate, will be *Judge,* and not the *Sword.* So that both *Right* and *Peace,* which are the Desire and Fruit of wise Governments, and the choice Blessings of any Country, seem to succeed the Establishment of this Proposal.

The third Benefit is, that it saves *Money,* both to the Prince and People; and thereby prevents those Grudgings and Misunderstandings between them that are wont to follow the devouring Expences of *War;* and enables both to perform Publick Acts for *Learning, Charity, Manufacturies,* &c. The Virtues of Government and Ornaments of Countries. Nor is this all the *Advantage* that follows to *Soveraignties,* upon this *Head* of Money and good *Husbandry,* to whose Service and Happiness this short Discourse is dedicated; for it saves the great Expence that frequent and splendid Embassies require, and all their Appendages of *Spies and Intelligence,* which in the most prudent Governments, have devoured mighty Sums of Money; and that not without some *immoral Practices also:* Such as *Corrupting* of *Servants* to betray their *Masters,* by revealing their Secrets; not to be defended by *Christian* or *Old Roman Virtue.* But here, where there is nothing to fear, there is little to know, and therefore the *Purchase* is either *cheap,* or may be wholly *spared.* I might mention *Pen-*

6. For Jesus as the lion of Judah, see Revelation 5:5; as lamb, see John 1:29, 36; Acts 8:32; and 1 Peter 1:19.

sions to the *Widows* and *Orphans* of such as dye in *Wars,* and of those that have been *disabled* in them; which rise high in the Revenue of some Countries.

Our fourth Advantage is, that the *Towns, Cities and Countries, that might be laid waste by the Rage of War, are thereby preserved:* A Blessing that would be very well understood in *Flanders* and *Hungary,* and indeed upon all the *Borders* of *Soveraignties,* which are almost ever the *Stages* of Spoil and Misery; of which the Stories of *England and Scotland* do sufficiently inform us without looking over the *Water.*

The fifth Benefit of this Peace, is the *Ease and Security of Travel and Traffick:* An Happiness never understood since the *Roman Empire* has been broken into so many *Soveraignties.* But we may easily conceive the Comfort and *Advantage* of travelling through the Governments of *Europe,* by a *Pass* from any of the *Soveraignties* of it, which this League and State of *Peace* will *naturally make Authentick:* They that have travel'd *Germany,* where is so great a Number of *Soveraignties,* know the Want and Value of this Priviledge, by the many *Stops and Examinations* they meet with by the Way: But especially such as have made the *great Tour of Europe.* This leads to the Benefit of an *Universal Monarchy,* without the Inconveniencies that attend it: For when the whole was one *Empire,* tho' these Advantages were enjoyed, yet the several Provinces, that now make the *Kingdoms and States of Europe,* were under some Hardship from the great Sums of *Money* remitted to the Imperial Seat, and the Ambition and Avarice of their several Pro*consuls* and *Governours,* and the great *Taxes* they paid to the *Numerous Legions of Soldiers,* that they maintained for their own Subjection, who were not wont to entertain that Concern for them (being uncertainly there, and having their Fortunes to make) which their respective and proper *Soveraigns* have always shown for them. So that to be *Ruled by Native Princes or States,* with the Advantage of that Peace and Security that can only render an *Universal Monarchy desirable,* is peculiar to our Proposal, and for that Reason it is to be preferred.

Another Advantage is, *The Great Security it will be to* Christians *against the Inroads of the* Turk, *in their most Prosperous Fortune.* For it had been impossible for the *Port,* to have prevailed so often, and so far upon *Christendom,* but by the Carelessness, or Wilful Connivence, if not Aid, of some *Christian Princes.* And for the same Reason, why no *Christian Monarch* will adventure to oppose, or break such an Union, the *Grand Seignior* will find himself obliged to concur, for the Security of what he holds in *Europe:* Where, with all his Strength, he would feel it an Over-Match for him. *The Prayers, Tears, Treason,*

Blood and Devastation, that War has cost in Christendom, *for these Two last Ages especially, must add to the Credit of our Proposal, and the Blessing of the* Peace *thereby humbly recommended.*

The Seventh Advantage, of an *European, Imperial Dyet, Parliament,* or *Estates,* is, *That it will beget and increase Personal Friendship between Princes and States,* which tends to the Rooting up of Wars, and Planting Peace in a Deep and Fruitful Soil. For Princes have the Curiosity of seeing the Courts and Cities of other Countries, as well as Private Men, if they could as securely and familiarly gratify their Inclinations. It were a great Motive to the Tranquility of the World, *That they could freely Converse Face to Face, and Personally and Reciprocally Give and Receive Marks of Civility and Kindness.* An *Hospitality* that leaves these Impressions behind it, will hardly let Ordinary Matters prevail, to Mistake or Quarrel one another. Their *Emulation would be in the Instances of Goodness, Laws, Customs, Learning, Arts, Buildings;* and in particular those that relate to *Charity,* the True Glory of some Governments, where Beggars are as much a Rarity, as in other Places it would be to see none.

Nor is this all the Benefit that would come by this *Freedom* and *Interview of Princes:* For *Natural Affection* would hereby be preserved, which we see little better than lost, *from the Time their Children,* or *Sisters, are Married into other Courts.* For the present State and Insincerity of Princes forbid them the Enjoyment of that Natural Comfort which is possest by Private Families: Insomuch, that from the Time a Daughter, or Sister, is Married to another Crown, Nature is submitted to Interest, and that, for the most Part, grounded not upon Solid or Commendable Foundations, but *Ambition,* or *Unjust Avarice.* I say, this Freedom, that is the Effect of our Pacifick Proposal, restores *Nature* to Her Just Right and Dignity in the Families of Princes, and them to the Comfort She brings, wherever She is preserved in Her proper Station. Here *Daughters* may Personally intreat their *Parents,* and *Sisters* their *Brothers,* for a Good Understanding between them and their *Husbands,* where Nature, not crush'd by Absence, and Sinister Interests, but acting by the Sight and Lively Entreaties of such near Relations, is almost sure to prevail. They cannot easily resist the most affectionate Addresses of such powerful Solicitors, *as their Children, and Grand-Children,* and their *Sisters, Nephews,* and *Neices:* And so backward from *Children to Parents,* and *Sisters to Brothers,* to keep up and preserve their own Families, by a good Understanding between their Husbands and them.

To conclude this Section, there is yet another Manifest Privilege that follows this *Intercourse* and Good Understanding, which methinks should be

very moving with Princes, *viz. That hereby they may chuse Wives for themselves,* such as they Love, and not by *Proxy,* meerly to gratify Interest; an ignoble Motive; and that rarely begets, or continues that *Kindness* which ought to be between Men and their Wives. A Satisfaction very few Princes ever knew, and to which all other Pleasures ought to resign. Which has often obliged me to think, *That the Advantage of Private Men upon Princes, by Family Comforts, is a sufficient Ballance against their Greater Power and Glory: The One being more in* Imagination, *than* Real; *and often* Unlawful; *but the other,* Natural, Solid, *and* Commendable. Besides, it is certain, Parents Loving Well before they are Married, which very rarely happens to Princes, *has Kind and Generous Influences upon their Offspring: Which, with their Example, makes them better Husbands, and Wives, in their Turn.* This, in great Measure, prevents Unlawful Love, and the Mischiefs of those Intriegues that are wont to follow them: What *Hatred, Feuds, Wars, and Desolations have, in divers Ages, flown from Unkindness between Princes and their Wives?* What *Unnatural Divisions among their Children, and Ruin to their Families, if not Loss of their Countries by it?* Behold an Expedient to prevent it, a Natural and Efficacious One: Happy to Princes, and Happy to their People also. For Nature being renewed and strengthened by these Mutual Pledges and Endearments, I have mentioned, will leave those soft and kind Impressions behind in the Minds of Princes, that *Court and Country* will very easily discern and feel the Good Effects of: Especially if they have the Wisdom to show that they Interest themselves in the Prosperity of the Children and Relations of their Princes. For it does not only incline them to be Good, but engage those Relations to become Powerful Suitors to their Princes for them, if any Misunderstanding should unhappily arise between them and their *Soveraigns:* Thus ends this *Section.* It now rests to conclude the Discourse, in which, if I have not pleased my *Reader,* or answered his Expectation, it is some Comfort to me I meant well, and have cost him but little Money and Time; and Brevity is an Excuse, if not a Virtue, where the Subject is not agreeable, or is but ill prosecuted.

The Conclusion.

I WILL conclude this *My Proposal of an European, Soveraign,* or *Imperial Dyet, Parliament,* or *Estates,* with that which I have touch'd upon before, and which falls under the Notice of every One concerned, by coming Home

to their Particular and Respective Experience within their own *Soveraignties.* That by the same *Rules of Justice and Prudence,* by which Parents and Masters Govern their Families, and Magistrates their Cities, and Estates their Republicks, and Princes and Kings their Principalities and Kingdoms, *Europe* may Obtain and Preserve *Peace among Her Soveraignties.* For Wars are the *Duels of Princes;* and as Government in Kingdoms and States, *Prevents Men being Judges and Executioners for themselves,* over-rules Private Passions as to Injuries or Revenge, and subjects the Great as well as the Small to the *Rule of Justice,* that Power might not vanquish or oppress Right, nor one Neighbour act an *Independency and Soveraignty upon another,* while they have resigned that Original Claim to the Benefit and Comfort of Society; so this being soberly weighed in the Whole, and Parts of it, it will not be hard to conceive or frame, nor yet to execute the Design I have here proposed.

And for the better understanding and perfecting of the *Idea,* I here present to the *Soveraign Princes and Estates of Europe,* for the Safety and Tranquility of it, I must recommend to their Perusals, Sir *William Temple*'s *Account of the United Provinces;*[7] which is an Instance and Answer, upon *Practice,* to all the Objections that can be advanced against the Practicability of my Proposal: Nay, it is an Experiment that not only comes to our Case, but exceeds the Difficulties that can render it's Accomplishment disputable. For there we shall find *Three Degrees of Soveraignties to make up every Soveraignty in the General States.* I will reckon them backwards: First, *The States General themselves;* Then the *Immediate Soveraignties* that Constitute them, which are those of the *Provinces,* answerable to the *Soveraignties of Europe,* that by their *Deputies* are to compose the *European Dyet, Parliament,* or *Estates,* in our Proposal: And then there are the several Cities of each *Province,* that are so many *Independent* or *Distinct Soveraignties,* which compose those of the *Provinces,* as those of the *Provinces* do compose the *States General* at the *Hague.*

But I confess I have the Passion to wish heartily, that the Honour of Proposing and Effecting so Great and Good a Design, might be owing to *England,* of all the Countries in *Europe,* as something of the Nature of our Expedient was, in Design and Preparation, to the Wisdom, Justice, and Valour, *Of Henry the Fourth of France,* whose Superior Qualities raising His Character above those of His Ancestors, or Contemporaries, deservedly gave Him the Stile of

7. Sir William Temple, *Observations upon the United Provinces of the Netherlands* (London, 1676).

Henry the Great. For *He was upon obliging the Princes and Estates of* Europe *to a Politick Ballance,* when the *Spanish Faction,* for that Reason, contrived, and accomplished *His Murder,* by the Hands of *Ravilliac.* I will not then fear to be censured, for proposing an *Expedient* for the Present and Future *Peace of Europe,* when it was not only the *Design, but Glory of One of the Greatest Princes that ever Reigned in it;* and is found Practicable in the Constitution of One of the Wisest and Powerfullest States of it. So that to conclude, I have very Little to answer for in all this Affair; because, if it succeed, I have so Little to deserve: For this *Great King's Example tells us it is fit to be done;* and Sir *William Temple*'s *History* shews us, by a Surpassing Instance, *That it may be done;* and *Europe,* by Her incomparable Miseries, makes it now *Necessary to be done:* That my Share is only thinking of it at this Juncture, and putting it into the Common Light for the Peace and Prosperity of *Europe.*