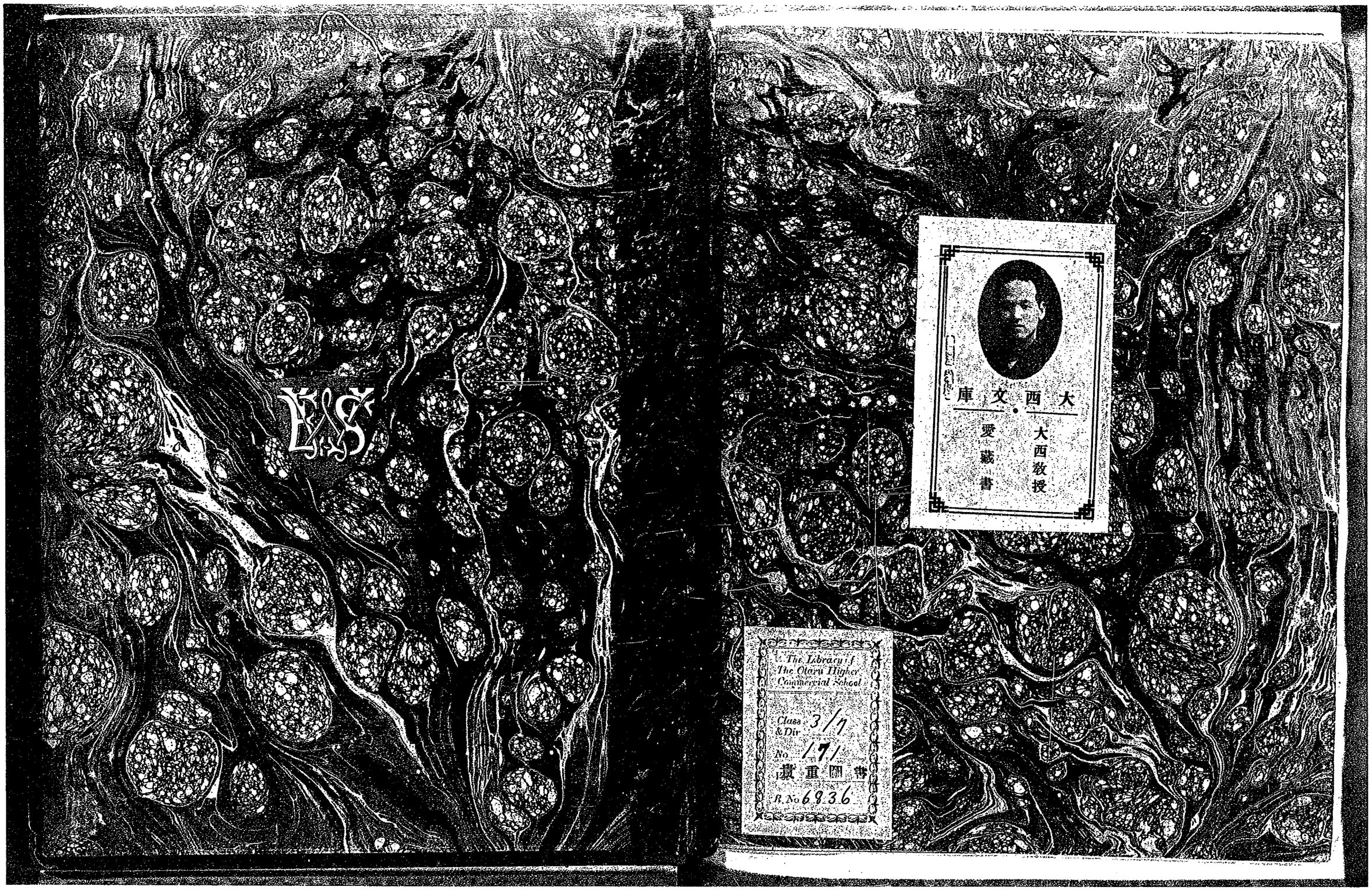
大西文庫
大西教授愛藏書
The Library of
The Otaru Higher
Commercial School
Class
& Dir 3/7
No. 171
R. No 6936
貴重図書

Lit 3 Hoten Day 4/4

AN

ENQUIRY

CONCERNING

POLITICAL JUSTICE.

AN

ENQUIRY

CONCERNING

POLITICAL JUSTICE,

AND

ITS INFLUENCE

ON

GENERAL VIRTUE AND HAPPINESS.

BY

WILLIAM GODWIN.

IN TWO VOLUMES.

VOL. I.

LONDON:

PRINTED FOR G. G. J. AND J. ROBINSON, PATERNOSTER-ROW.

M.DCC.XCIII.

PREFACE.

FEW works of literature are held in greater eſtimation, than thoſe which treat in a methodical and elementary way of the principles of ſcience. But the human mind in every enlightened age is progreſſive; and the beſt elementary treatiſes after a certain time are reduced in their value by the operation of ſubſequent diſcoveries. Hence it has always been deſired by candid enquirers, that preceding works of this kind ſhould from time to time be ſuperſeded, and that other productions including the larger views that have ſince offered themſelves, ſhould be ſubſtituted in their place.

It would be ſtrange if ſomething of this kind were not deſirable in politics, after the great change that has been produced in men's minds upon this ſubject, and the light that has been

thrown upon it by the recent diſcuſſions of America and France. A ſenſe of the value of ſuch a work, if properly executed, was the motive which gave birth to theſe volumes. Of their execution the reader muſt judge.

Authors who have formed the deſign of ſuperſeding the works of their predeceſſors, will be found, if they were in any degree equal to the deſign, not merely to have collected the ſcattered information that had been produced upon the ſubject, but to have increaſed the ſcience with the fruit of their own meditations. In the following work principles will occaſionally be found, which it will not be juſt to reject without examination, merely becauſe they are new. It was impoſſible perſeveringly to reflect upon ſo prolific a ſcience, and a ſcience which may be ſaid to be yet in its infancy, without being led into ways of thinking that were in ſome degree uncommon.

Another

Another argument in favour of the utility of ſuch a work was frequently in the author's mind, and therefore ought to be mentioned. He conceived politics to be the proper vehicle of a liberal morality. That deſcription of ethics deſerves to be held in ſlight eſtimation, which ſeeks only to regulate our conduct in articles of particular and perſonal concern, inſtead of exciting our attention to the general good of the ſpecies. It appeared ſufficiently practicable to make of ſuch a treatiſe, excluſively of its direct political uſe, an advantageous vehicle of moral improvement. He was accordingly deſirous of producing a work, from the peruſal of which no man ſhould riſe without being ſtrengthened in habits of ſincerity, fortitude and juſtice.

Having ſtated the conſiderations in which the work originated, it is proper to mention a few circumſtances of the outline of its hiſtory. The ſentiments it contains are by no means the ſuggeſtions of a ſudden effervеſcence of fancy. Political en-

quiry had long held a foremoſt place in the writer's attention. It is now twelve years ſince he became ſatisfied, that monarchy was a ſpecies of government unavoidably corrupt. He owed this conviction to the political writings of Swift and to a peruſal of the Latin hiſtorians. Nearly at the ſame time he derived great additional inſtruction from reading the moſt conſiderable French writers upon the nature of man in the following order, *Syſtême de la Nature*, Rouſſeau and Helvetius. Long before he thought of the preſent work, he had familiariſed to his mind the arguments it contains on juſtice, gratitude, rights of man, promiſes, oaths and the omnipotence of truth. Political complexity is one of the errors that take ſtrongeſt hold on the underſtanding; and it was only by ideas ſuggeſted by the French revolution, that he was reconciled to the deſirableneſs of a government of the ſimpleſt conſtruction. To the ſame event he owes the determination of mind which gave exiſtence to this work.

Such

Such was the preparation which encouraged him to undertake the preſent treatiſe. The direct execution may be diſmiſſed in a few words. It was projected in the month of May 1791: the compoſition was begun in the following September, and has therefore occupied a ſpace of ſixteen months. This period was devoted to the purpoſe with unremitted ardour. It were to be wiſhed it had been longer; but it ſeemed as if no contemptible part of the utility of the work depended upon its early appearance.

The printing of the following treatiſe, as well as the compoſition, was influenced by the ſame principle, a deſire to reconcile a certain degree of diſpatch with the neceſſary deliberation. The printing was for that reaſon commenced, long before the compoſition was finiſhed. Some diſadvantages have ariſen from this circumſtance. The ideas of the author became more perſpicuous and digeſted, as his enquiries advanced. The longer he conſidered the ſubject, the more accu-

rately he ſeemed to underſtand it. This circumſtance has led him into a few contradictions. The principal of theſe conſiſts in an occaſional inaccuracy of language, particularly in the firſt book, reſpecting the word government. He did not enter upon the work, without being aware that government by its very nature counteracts the improvement of individual mind; but he underſtood the full meaning of this propoſition more completely as he proceeded, and ſaw more diſtinctly into the nature of the remedy. This, and a few other defects, under a different mode of preparation would have been avoided. The candid reader will make a ſuitable allowance. The author judges upon a review, that theſe defects are ſuch as not materially to injure the object of the work, and that more has been gained than loſt by the conduct he has purſued.

The period in which the work makes its appearance is ſingular. The people of England have aſſiduouſly been excited to declare their loy-

alty, and to mark every man as obnoxious who is not ready to ſign the Shibboleth of the conſtitution. Money is raiſed by voluntary ſubſcription to defray the expence of proſecuting men who ſhall dare to promulgate heretical opinions, and thus to oppreſs them at once with the enmity of government and of individuals. This was an accident wholly unforeſeen when the work was undertaken; and it will ſcarcely be ſuppoſed that ſuch an accident could produce any alteration in the writer's deſigns. Every man, if we may believe the voice of rumour, is to be proſecuted who ſhall appeal to the people by the publication of any unconſtitutional paper or pamphlet; and it is added, that men are to be proſecuted for any unguarded words that may be dropped in the warmth of converſation and debate. It is now to be tried whether, in addition to theſe alarming encroachments upon our liberty, a book is to fall under the arm of the civil power, which, beſide the advantage of having for one of its expreſs objects the diſſuading from all tumult and violence,

is by its very nature an appeal to men of ſtudy and reflexion. It is to be tried whether a project is formed for ſuppreſſing the activity of mind, and putting an end to the diſquiſitions of ſcience. Reſpecting the event in a perſonal view the author has formed his reſolution. Whatever conduct his countrymen may purſue, they will not be able to ſhake his tranquillity. The duty he is moſt bound to diſcharge is the aſſiſting the progreſs of truth; and if he ſuffer in any reſpect for ſuch a proceeding, there is certainly no viciſſitude that can befal him, that can ever bring along with it a more ſatisfactory conſolation.

But, excluſively of this precarious and unimportant conſideration, it is the fortune of the preſent work to appear before a public that is panic ſtruck, and impreſſed with the moſt dreadful apprehenſions of ſuch doctrines as are here delivered. All the prejudices of the human mind are in arms againſt it. This circumſtance may appear to be of greater importance than the other.

But

But it is the property of truth to be fearleſs, and to prove victorious over every adverſary. It requires no great degree of fortitude, to look with indifference upon the falſe fire of the moment, and to foreſee the calm period of reaſon which will ſucceed.

JANUARY 7, 1793.

CONTENTS

OF THE

FIRST VOLUME.

CONTENTS

OF THE

FIRST BOOK.

OF THE IMPORTANCE OF POLITICAL INSTITUTIONS.

CHAP. I.

INTRODUCTION.

CHAP. II.

HISTORY OF POLITICAL SOCIETY.

CONTENTS.

CONTENTS.

CONTENTS.

CONTENTS.

CONTENTS.

CONTENTS.

CONTENTS.

BOOK IV.

MISCELLANEOUS PRINCIPLES.

CHAP. I.

OF RESISTANCE.

CHAP.

CONTENTS.

CHAP. II.

OF REVOLUTIONS.

SECTION I.

DUTIES OF A CITIZEN.

SECTION II.

MODE OF EFFECTING REVOLUTIONS.

SECTION III.

OF POLITICAL ASSOCIATIONS.

CONTENTS.

CONTENTS.

APPENDIX,

CONTENTS.

CONTENTS.

AN

ENQUIRY

CONCERNING

POLITICAL JUSTICE.

BOOK I.

OF THE IMPORTANCE OF POLITICAL INSTITUTIONS.

CHAP. I.

INTRODUCTION.

THE SUBJECT PROPOSED.—SYSTEM OF INDIFFERENCE—OF PASSIVE OBEDIENCE—OF LIBERTY.—SYSTEM OF LIBERTY EXTENDED.

BOOK I. CHAP. I. The ſubject propoſed.

THE queſtion which firſt preſents itſelf in an enquiry concerning political inſtitution, relates to the importance of the topic which is made the ſubject of enquiry. All men will grant that the happineſs of the human ſpecies is the moſt deſirable object for human ſcience to promote; and that intellectual and moral happineſs or pleaſure is extremely to be preferred

BOOK I. CHAP. I.

to thoſe which are precarious and tranſitory. The methods which may be propoſed for the attainment of this object, are various. If it could be proved that a ſound political inſtitution was of all others the moſt powerful engine for promoting individual good, or on the other hand that an erroneous and corrupt government was the moſt formidable adverſary to the improvement of the ſpecies, it would follow that politics was the firſt and moſt important ſubject of human inveſtigation.

Syſtem of indifference:

The opinions of mankind in this reſpect have been divided. By one ſet of men it is affirmed, that the different degrees of excellence aſcribed to different forms of government are rather imaginary than real; that in the great objects of ſuperintendance no government will eminently fail; and that it is neither the duty nor the wiſdom of an honeſt and induſtrious individual to buſy himſelf with concerns ſo foreign to the ſphere of his induſtry.

of paſſive obedience:

A ſecond claſs, in adopting the ſame principles, have given to them a different turn. Believing that all governments are nearly equal in their merit, they have regarded anarchy as the only political miſchief that deſerved to excite alarm, and have been the zealous and undiſtinguiſhing adverſaries of all innovation. Neither of theſe claſſes has of courſe been inclined to aſcribe to the ſcience and practice of politics a pre-eminence over every other.

of liberty.

But the advocates of what is termed political liberty have always

BOOK I. CHAP. I.

ways been numerous. They have placed this liberty principally in two articles; the ſecurity of our perſons, and the ſecurity of our property. They have perceived that theſe objects could not be effected but by the impartial adminiſtration of general laws, and the inveſting in the people at large a certain power ſufficient to give permanence to this adminiſtration. They have pleaded, ſome for a leſs and ſome for a greater degree of equality among the members of the community; and they have conſidered this equality as infringed or endangered by enormous taxation, and the prerogatives and privileges of monarchs and ariſtocratical bodies.

But, while they have been thus extenſive in the object of their demand, they ſeem to have agreed with the two former claſſes in regarding politics as an object of ſubordinate importance, and only in a remote degree connected with moral improvement. They have been prompted in their exertions rather by a quick ſenſe of juſtice and diſdain of oppreſſion, than by a conſciouſneſs of the intimate connection of the different parts of the ſocial ſyſtem, whether as it relates to the intercourſe of individuals, or to the maxims and inſtitutes of ſtates and nations *.

Syſtem of liberty extended.

It may however be reaſonable to conſider whether the ſcience of politics be not of ſomewhat greater value than any of theſe

* Theſe remarks will apply to the Engliſh writers upon politics in general, from Sydney and Locke to the author of the Rights of Man. The more comprehenſive view has been perſpicuouſly treated by Rouſſeau and Helvetius.

BOOK I. CHAP. I.

reaſoners have been inclined to ſuſpect. It may fairly be queſtioned, whether government be not ſtill more conſiderable in its incidental effects, than in thoſe intended to be produced. Vice, for example, depends for its exiſtence upon the exiſtence of temptation. May not a good government ſtrongly tend to extirpate, and a bad one to increaſe the maſs of temptation? Again, vice depends for its exiſtence upon the exiſtence of error. May not a good government by taking away all reſtraints upon the enquiring mind haſten, and a bad one by its patronage of error procraſtinate the diſcovery and eſtabliſhment of truth? Let us conſider the ſubject in this point of view. If it can be proved that the ſcience of politics is thus unlimited in its importance, the advocates of liberty will have gained an additional recommendation, and its admirers will be incited with the greater eagerneſs to the inveſtigation of its principles.

CHAP. II.

HISTORY OF POLITICAL SOCIETY.

FREQUENCY OF WAR—AMONG THE ANCIENTS—AMONG THE MODERNS—THE FRENCH—THE ENGLISH.—CAUSES OF WAR.—PENAL LAWS.—DESPOTISM.—DEDUCTION.—ENUMERATION OF ARGUMENTS.

BOOK I. CHAP. II.

Frequency of war:

WHILE we enquire whether government is capable of improvement, we ſhall do well to conſider its preſent effects. It is an old obſervation, that the hiſtory of mankind is little elſe than the hiſtory of crimes. War has hitherto been conſidered as the inſeparable ally of political inſtitution. The

among the ancients:

earlieſt records of time are the annals of conquerors and heroes, a Bacchus, a Seſoſtris, a Semiramis and a Cyrus. Theſe princes led millions of men under their ſtandard, and ravaged innumerable provinces. A ſmall number only of their forces ever returned to their native homes, the reſt having periſhed of diſeaſes, hardſhips and miſery. The evils they inflicted, and the mortality introduced in the countries againſt which their expeditions were directed, were certainly not leſs ſevere than thoſe which their countrymen ſuffered. No ſooner does hiſtory become more preciſe, than we are preſented with the four great monarchies, that is, with four ſucceſsful projects, by means of

BOOK I. CHAP. II.

bloodſhed, violence and murder, of enſlaving mankind. The expeditions of Cambyſes againſt Egypt, of Darius againſt the Scythians, and of Xerxes againſt the Greeks, ſeem almoſt to ſet credibility at defiance by the fatal conſequences with which they were attended. The conqueſts of Alexander coſt innumerable lives, and the immortality of Cæſar is computed to have been purchaſed by the death of one million two hundred thouſand men. Indeed the Romans, by the long duration of their wars, and their inflexible adherence to their purpoſe, are to be ranked among the foremoſt deſtroyers of the human ſpecies. Their wars in Italy endured for more than four hundred years, and their conteſt for ſupremacy with the Carthaginians two hundred. The Mithridatic war began with a maſſacre of one hundred and fifty thouſand Romans, and in three ſingle actions of the war five hundred thouſand men were loſt by the eaſtern monarch. Sylla, his ferocious conqueror, next turned his arms againſt his country, and the ſtruggle between him and Marius was attended with proſcriptions, butcheries and murders that knew no reſtraint from mercy and humanity. The Romans, at length, ſuffered the penalty of their iniquitous deeds; and the world was vexed for three hundred years by the irruptions of Goths, Vandals, Oſtrogoths, Huns, and innumerable hordes of barbarians.

among the moderns:

I forbear to detail the victorious progreſs of Mahomet and the pious expeditions of Charlemagne. I will not enumerate the cruſades againſt the infidels, the exploits of Aurungzebe, Gengiſkan and Tamerlane, or the extenſive murders of the Spaniards in the new world. Let us examine the civilized and favoured quarter of Europe, or even thoſe countries of Europe which are thought moſt enlightened.

BOOK I. CHAP. II.

the French:

France was waſted by ſucceſſive battles during a whole century, for the queſtion of the Salic law, and the claim of the Plantagenets. Scarcely was this conteſt terminated, before the religious wars broke out, ſome idea of which we may form from the ſiege of Rochelle, where of fifteen thouſand perſons ſhut up eleven thouſand periſhed of hunger and miſery; and from the maſſacre of Saint Bartholomew, in which the numbers aſſaſſinated were forty thouſand. This quarrel was appeaſed by Henry the fourth, and ſucceeded by the thirty years war in Germany for ſuperiority with the houſe of Auſtria, and afterwards by the military tranſactions of Louis the fourteenth.

the Engliſh.

In England the war of Creſſy and Agincourt only gave place to the civil war of York and Lancaſter, and again after an interval to the war of Charles the firſt and his parliament. No ſooner was the conſtitution ſettled by the revolution, than we were engaged in a wide field of continental warfare by king William, the duke of Marlborough, Maria Thereſa and the king of Pruſſia.

Cauſes of war.

And what are in moſt caſes the pretexts upon which war is under-

BOOK I. CHAP. II.

undertaken? What rational man could poſſibly have given himſelf the leaſt diſturbance for the ſake of chooſing whether Henry the ſixth or Edward the fourth ſhould have the ſtyle of king of England? What Engliſhman could reaſonably have drawn his ſword for the purpoſe of rendering his country an inferior dependency of France, as it muſt neceſſarily have been if the ambition of the Plantagenets had ſucceeded? What can be more deplorable than to ſee us firſt engage eight years in war rather than ſuffer the haughty Maria Thereſa to live with a diminiſhed ſovereignty or in a private ſtation; and then eight years more to ſupport the free-booter who had taken advantage of her helpleſs condition?

The uſual cauſes of war are excellently deſcribed by Swift. "Sometimes the quarrel between two princes is to decide which of them ſhall diſpoſſeſs a third of his dominions, where neither of them pretends to any right. Sometimes one prince quarrels with another, for fear the other ſhould quarrel with him. Sometimes a war is entered upon becauſe the enemy is too ſtrong; and ſometimes becauſe he is too weak. Sometimes our neighbours want the things which we have, or have the things which we want; and we both fight, till they take ours, or give us theirs. It is a very juſtifiable cauſe of war to invade a country after the people have been waſted by famine, deſtroyed by peſtilence, or embroiled by factions among themſelves. It is juſtifiable to enter into a war againſt our neareſt ally, when one of his towns lies convenient for us, or a territory of land, that would

BOOK I. CHAP. II.

would render our dominions round and compact. If a prince ſends forces into a nation where the people are poor and ignorant, he may lawfully put the half of them to death, and make ſlaves of the reſt, in order to civilize and reduce them from their barbarous way of living. It is a very kingly, honourable and frequent practice, when one prince deſires the aſſiſtance of another to ſecure him againſt an invaſion, that the aſſiſtant, when he has driven out the invader, ſhould ſeize on the dominions himſelf, and kill, impriſon or baniſh the prince he came to relieve *."

Penal laws.

If we turn from the foreign tranſactions of ſtates with each other, to the principles of their domeſtic policy, we ſhall not find much greater reaſon to be ſatisfied. A numerous claſs of mankind are held down in a ſtate of abject penury, and are continually prompted by diſappointment and diſtreſs to commit violence upon their more fortunate neighbours. The only mode which is employed to repreſs this violence, and to maintain the order and peace of ſociety, is puniſhment. Whips, axes and gibbets, dungeons, chains and racks are the moſt approved and eſtabliſhed methods of perſuading men to obedience, and impreſſing upon their minds the leſſons of reaſon. Hundreds of victims are annually ſacrificed at the ſhrine of poſitive law and political inſtitution.

* Gulliver's Travels, Part IV. Ch. v.

BOOK I. CHAP. II. Deſpotiſm.

Add to this the ſpecies of government which prevails over nine tenths of the globe, which is deſpotiſm: a government, as Mr. Locke juſtly obſerves, altogether "vile and miſerable," and "more to be deprecated than anarchy itſelf*."

Deduction.

This account of the hiſtory and ſtate of man is not a declamation, but an appeal to facts. He that conſiders it cannot poſſibly regard political diſquiſition as a trifle, and government as a neutral and unimportant concern. I by no means call upon the reader implicitly to admit that theſe evils are capable of remedy, and that wars, executions and deſpotiſm can be extirpated out of the world. But I call upon him to conſider whether they may be remedied. I would have him feel that civil policy is a topic upon which the ſevereſt inveſtigation may laudably be employed.

If government be a ſubject, which, like mathematics, natural philoſophy

* Locke on Government, Book I. Ch. i. §. 1; and Book II. Ch. vii. §. 91. The words in the laſt place are: "Wherever any two men are, who have no ſtanding rule and common judge to appeal to on earth for the determination of controverſies of right betwixt them, there they are ſtill in *the ſtate of nature*, and under all the inconveniences of it, with only this woeful difference to the ſubject, &c."

Moſt of the above arguments may be found much more at large in Burke's Vindication of Natural Society; a treatiſe, in which the evils of the exiſting political inſtitutions are diſplayed with incomparable force of reaſoning and luſtre of eloquence, while the intention of the author was to ſhew that theſe evils were to be conſidered as trivial.

BOOK I. CHAP. II.

philoſophy and morals, admits of argument and demonſtration, then may we reaſonably hope that men ſhall ſome time or other agree reſpecting it. If it comprehend every thing that is moſt important and intereſting to man, it is probable that, when the theory is greatly advanced, the practice will not be wholly neglected. Men may one day feel that they are partakers of a common nature, and that true freedom and perfect equity, like food and air, are pregnant with benefit to every conſtitution. If there be the faineſt hope that this ſhall be the final reſult, then certainly no ſubject can inſpire to a ſound mind ſuch generous enthuſiaſm, ſuch enlightened ardour and ſuch invincible perſeverance.

Enumeration of arguments.

The probability of this improvement will be ſufficiently eſtabliſhed, if we conſider, FIRST, that the moral characters of men are the reſult of their perceptions: and, SECONDLY, that of all the modes of operating upon mind government is the moſt conſiderable. In addition to theſe arguments it will be found, THIRDLY, that the good and ill effects of political inſtitution are not leſs conſpicuous in detail than in principle; and, FOURTHLY, that perfectibility is one of the moſt unequivocal characteriſtics of the human ſpecies, ſo that the political, as well as the intellectual ſtate of man, may be preſumed to be in a courſe of progreſſive improvement.

CHAP. III.

THE MORAL CHARACTERS OF MEN ORIGINATE IN THEIR PERCEPTIONS.

NO INNATE PRINCIPLES.—OBJECTIONS TO THIS ASSERTION —FROM THE EARLY ACTIONS OF INFANTS—FROM THE DESIRE OF SELF-PRESERVATION—FROM SELF-LOVE—FROM PITY—FROM THE VICES OF CHILDREN—TYRANNY —SULLENNESS.—CONCLUSION.

BOOK I. CHAP. III. No innate principles.

WE bring into the world with us no innate principles: conſequently we are neither virtuous nor vicious as we firſt come into exiſtence. No truth can be more evident than this, to any man who will yield the ſubject an impartial conſideration. Every principle is a propoſition. Every propoſition conſiſts in the connection of at leaſt two diſtinct ideas, which are affirmed to agree or diſagree with each other. If therefore the principles be innate, the ideas muſt be ſo too. But nothing can be more incontrovertible, than that we do not bring pre-eſtabliſhed ideas into the world with us.

Let the innate principle be, that virtue is a rule to which we are obliged to conform. Here are three great and leading ideas, not to mention ſubordinate ones, which it is neceſſary to form, before we can ſo much as underſtand the propoſition.

The

BOOK I. CHAP. III.

What is virtue? Previouſly to our forming an idea correſponding to this general term, it ſeems neceſſary that we ſhould have obſerved the ſeveral features by which virtue is diſtinguiſhed, and the ſeveral ſubordinate articles of right conduct, that taken together, conſtitute that maſs of practical judgments to which we give the denomination of virtue. Virtue may perhaps be defined, that ſpecies of operations of an intelligent being, which conduces to the benefit of intelligent beings in general, and is produced by a deſire of that benefit. But taking for granted the univerſal admiſſion of this definition, and this is no very defenſible aſſumption, how widely have people of different ages and countries diſagreed in the application of this general conception to particulars? a diſagreement by no means compatible with the ſuppoſition that the ſentiment is itſelf innate.

The next innate idea included in the above propoſition, is that of a rule or ſtandard, a generical meaſure with which individuals are to be compared, and their conformity or diſagreement with which is to determine their value.

Laſtly, there is the idea of obligation, its nature and ſource, the obliger and the ſanction, the penalty and the reward.

Who is there in the preſent ſtate of ſcientifical improvement, that will believe that this vaſt chain of perceptions and notions is ſomething

BOOK I. CHAP. III.

ſomething that we bring into the world with us, a myſtical magazine, ſhut up in the human embryo, whoſe treaſures are to be gradually unfolded as circumſtances ſhall require? Who does not perceive that they are regularly generated in the mind by a ſeries of impreſſions, and digeſted and arranged by aſſociation and reflexion?

Objections to this aſſertion: from the early actions of infants:

Experience has by many been ſuppoſed adverſe to theſe reaſonings: but it will upon examination be found to be perfectly in harmony with them. The child at the moment of his birth is totally unprovided with ideas, except ſuch as his mode of exiſtence in the womb may have ſupplied. His firſt impreſſions are thoſe of pleaſure and pain. But he has no foreſight of the tendency of any action to obtain either the one or the other, previouſly to experience.

A certain irritation of the palm of the hand will produce that contraction of the fingers, which accompanies the action of graſping. This contraction will at firſt be unaccompanied with deſign, the object will be graſped without any intention to retain it, and let go again without thought or obſervation. After a certain number of repetitions, the nature of the action will be perceived; it will be performed with a conſciouſneſs of its tendency; and even the hand ſtretched out upon the approach of any object that is deſired. Preſent to the child, thus far inſtructed, a lighted candle, The ſight of it will produce a pleaſurable ſtate of the organs of perception.

BOOK I. CHAP. III.

perception. He will ſtretch out his hand to the flame, and will have no apprehenſion of the pain of burning till he has felt the ſenſation.

At the age of maturity, the eyelids inſtantaneouſly cloſe, when any ſubſtance, from which danger is apprehended, is advanced towards them; and this action is ſo ſpontaneous, as to be with great difficulty prevented by a grown perſon, though he ſhould explicitly deſire it. In infants there is no ſuch propenſity; and an object may be approached to their organs, however near and however ſuddenly, without producing this effect. Frowns will be totally indifferent to a child, who has never found them aſſociated with the effects of anger. Fear itſelf is a ſpecies of foreſight; and in no caſe exiſts till introduced by experience.

from the deſire of ſelf-preſervation:

It has been ſaid, that the deſire of ſelf-preſervation is innate. I demand what is meant by this deſire? Muſt we not underſtand by it, a preference of exiſtence to non-exiſtence? Do we prefer any thing but becauſe it is apprehended to be good? It follows, that we cannot prefer exiſtence, previouſly to our experience of the motives for preference it poſſeſſes. Indeed the ideas of life and death are exceedingly complicated, and very tardy in their formation. A child deſires pleaſure and loathes pain, long before he can have any imagination reſpecting the ceaſing to exiſt.

from ſelf-love:

Again, it has been ſaid, that ſelf-love is innate. But there cannot be an error more eaſy of detection. By the love of

ſelf

BOOK I. CHAP. III.

ſelf we underſtand the approbation of pleaſure, and diſlike of pain: but this is only the faculty of perception under another name. Who ever denied that man was a percipient being? Who ever dreamed that there was a particular inſtinct neceſſary to render him percipient?

from pity:

Pity has ſometimes been ſuppoſed an inſtance of innate principle; particularly as it ſeems to ariſe more inſtantaneouſly in young perſons, and perſons of little refinement, than in others. But it was reaſonable to expect, that threats and anger, circumſtances that have been aſſociated with our own ſufferings, ſhould excite painful feelings in us in the caſe of others, independently of any laboured analyſis. The cries of diſtreſs, the appearance of agony or corporal infliction, irreſiſtibly revive the memory of the pains accompanied by thoſe ſymptoms in ourſelves. Longer experience and obſervation enable us to ſeparate the calamities of others and our own ſafety, the exiſtence of pain in one ſubject and of pleaſure or benefit in others, or in the ſame at a future period, more accurately than we could be expected to do previouſly to that experience.

from the vices of children:

Such then is univerſally the ſubject of human inſtitution and education. We bring neither virtue nor vice with us at our entrance into the world. But the ſeeds of error are ordinarily ſown ſo early as to paſs with ſuperficial obſervers for innate.

Our

BOOK I. CHAP. III.

tyranny:

Our conſtitution prompts us to utter a cry at the unexpected ſenſation of pain. Infants early perceive the aſſiſtance they obtain from the volition of others; and they have at firſt no means of inviting that aſſiſtance but by an inarticulate cry. In this neutral and innocent circumſtance, combined with the folly and imbecility of parents and nurſes, we are preſented with the firſt occaſion of vice. Aſſiſtance is neceſſary, conducive to the exiſtence, the health and the mental ſanity of the infant. Empire in the infant over thoſe who protect him is unneceſſary. If we do not withhold our aſſiſtance preciſely at the moment when it ceaſes to be requiſite, if our compliance or our refuſal be not in every caſe irrevocable, if we grant any thing to impatience, importunity or obſtinacy, from that moment we become parties in the intellectual murder of our offspring.

fullenneſs.

In this caſe we inſtil into them the vices of a tyrant; but we are in equal danger of teaching them the vices of a ſlave. It is not till very late that mankind acquire the ideas of juſtice, retribution and morality, and theſe notions are far from exiſting in the minds of infants. Of conſequence, when we ſtrike, or when we rebuke them, we riſk at leaſt the exciting in them a ſenſe of injury, and a feeling of reſentment. Above all, ſentiments of this ſort cannot fail to be awakened, if our action be accompanied with ſymptoms of anger, cruelty, harſhneſs or caprice. The ſame imbecility, that led us to inſpire them with a ſpirit of tyranny by yielding to their importunities, afterwards dictates to

BOOK I. CHAP. III.

us an inconſiſtent and capricious conduct, at one time denying them as abſurdly, as at another we gratified them unreaſonably. Who, that has obſerved the conſequences of this treatment, how generally theſe miſtakes are committed, how inſeparable they are in ſome degree from the wiſeſt and the beſt, will be ſurpriſed at the early indications of depravity in children * ?.

Concluſion.

From theſe reaſonings it ſufficiently appears, that the moral qualities of men are the produce of the impreſſions made upon them, and that there is no inſtance of an original propenſity to evil. Our virtues and vices may be traced to the incidents which make the hiſtory of our lives; and if theſe incidents could be diveſted of every improper tendency, vice would be extirpated from the world. The taſk may be difficult, may be of ſlow progreſs, and of hope undefined and uncertain. But hope will never deſert it; and the man who is anxious for the benefit of his ſpecies, will willingly devote a portion of his activity to an enquiry into the mode of effecting this extirpation in whole or in part, an enquiry which promiſes much, if it do not in reality promiſe every thing.

* The arguments of this chapter are for the moſt part an abſtract, the direct ones from Locke on the Human Underſtanding, thoſe which relate to experience from Hartley's Obſervations on Man, and thoſe reſpecting education from the Emile of J. J. Rouſſeau.

CHAP.

CHAP. IV.

THREE PRINCIPAL CAUSES OF MORAL IMPROVEMENT CONSIDERED.

I. *LITERATURE.*

BENEFITS OF LITERATURE.—EXAMPLES.—ESSENTIAL PROPERTIES OF LITERATURE.—ITS DEFECTS.

II. *EDUCATION.*

BENEFITS OF EDUCATION.—CAUSES OF ITS IMBECILITY.

III. *POLITICAL JUSTICE.*

BENEFITS OF POLITICAL INSTITUTION.—UNIVERSALITY OF ITS INFLUENCE—PROVED BY THE MISTAKES OF SOCIETY.—ORIGIN OF EVIL.

BOOK I. CHAP IV.

THERE are three principal cauſes by which the human mind is advanced towards a ſtate of perfection; literature, or the diffuſion of knowledge through the medium of diſcuſſion, whether written or oral; education, or a ſcheme for the early impreſſion of right principles upon the hitherto unprejudiced mind; and political juſtice, or the adoption of any principle of morality and truth into the practice of a community. Let us take a momentary review of each of theſe.

 I. *LITERA-*

I. *LITERATURE.*

BOOK I. CHAP. IV. Benefits of literature.

Few engines can be more powerful, and at the ſame time more ſalutary in their tendency, than literature. Without enquiring for the preſent into the cauſe of this phenomenon, it is ſufficiently evident in fact, that the human mind is ſtrongly infected with prejudice and miſtake. The various opinions prevailing in different countries and among different claſſes of men upon the ſame ſubject, are almoſt innumerable; and yet of all theſe opinions only one can be true. Now the effectual way for extirpating theſe prejudices and miſtakes ſeems to be literature.

Examples.

Literature has reconciled the whole thinking world reſpecting the great principles of the ſyſtem of the univerſe, and extirpated upon this ſubject the dreams of romance and the dogmas of ſuperſtition. Literature has unfolded the nature of the human mind, and Locke and others have eſtabliſhed certain maxims reſpecting man, as Newton has done reſpecting matter, that are generally admitted for unqueſtionable. Diſcuſſion has aſcertained with tolerable perſpicuity the preference of liberty over ſlavery; and the Mainwarings, the Sibthorpes, and the Filmers, the race of ſpeculative reaſoners in favour of deſpotiſm, are almoſt extinct. Local prejudice had introduced innumerable privileges and prohibitions upon the ſubject of trade; ſpeculation has nearly aſcertained that perfect freedom is moſt favourable

able to her proſperity. If in many inſtances the collation of evidence have failed to produce univerſal conviction, it muſt however be conſidered, that it has not failed to produce irrefragable argument, and that falſhood would have been much ſhorter in duration, if it had not been protected and inforced by the authority of political government. BOOK I. CHAP. IV.

Eſſential properties of literature.

Indeed, if there be ſuch a thing as truth, it muſt infallibly be ſtruck out by the colliſion of mind with mind. The reſtleſs activity of intellect will for a time be fertile in paradox and error; but theſe will be only diurnals, while the truths that occaſionally ſpring up, like ſturdy plants, will defy the rigour of ſeaſon and climate. In proportion as one reaſoner compares his deductions with thoſe of another, the weak places of his argument will be detected, the principles he too haſtily adopted will be overthrown, and the judgments, in which his mind was expoſed to no ſiniſter influence, will be confirmed. All that is requiſite in theſe diſcuſſions is unlimited ſpeculation, and a ſufficient variety of ſyſtems and opinions. While we only diſpute about the beſt way of doing a thing in itſelf wrong, we ſhall indeed make but a trifling progreſs; but, when we are once perſuaded that nothing is too ſacred to be brought to the touchſtone of examination, ſcience will advance with rapid ſtrides. Men, who turn their attention to the boundleſs field of enquiry, and ſtill more who recollect the innumerable errors and caprices of mind, are apt to imagine that the labour is without benefit and

BOOK I. CHAP. IV.

and endleſs. But this cannot be the caſe, if truth at laſt have any real exiſtence. Errors will, during the whole period of their reign, combat each other; prejudices that have paſſed unſuſpected for ages, will have their era of detection; but, if in any ſcience we diſcover one ſolitary truth, it cannot be overthrown.

Its defects.

Such are the arguments that may be adduced in favour of literature. But, even ſhould we admit them in their full force, and at the ſame time ſuppoſe that truth is the omnipotent artificer by which mind can infallibly be regulated, it would yet by no means ſufficiently follow that literature is alone adequate to all the purpoſes of human improvement. Literature, and particularly that literature by which prejudice is ſuperſeded, and the mind is ſtrung to a firmer tone, exiſts only as the portion of a few. The multitude, at leaſt in the preſent ſtate of human ſociety, cannot partake of its illuminations. For that purpoſe it would be neceſſary, that the general ſyſtem of policy ſhould become favourable, that every individual ſhould have leiſure for reaſoning and reflection, and that there ſhould be no ſpecies of public inſtitution, which, having falſhood for its baſis, ſhould counteract their progreſs. This ſtate of ſociety, if it did not precede the general diſſemination of truth, would at leaſt be the immediate reſult of it.

But in repreſenting this ſtate of ſociety as the ultimate reſult,

BOOK I. CHAP. IV.

we ſhould incur an obvious fallacy. The diſcovery of truth is a purſuit of ſuch vaſt extent, that it is ſcarcely poſſible to preſcribe bounds to it. Thoſe great lines, which ſeem at preſent to mark the limits of human underſtanding, will, like the miſts that riſe from a lake, retire farther and farther the more cloſely we approach them. A certain quantity of truth will be ſufficient for the ſubverſion of tyranny and uſurpation; and this ſubverſion, by a reflected force, will aſſiſt our underſtandings in the diſcovery of truth. In the mean time, it is not eaſy to define the exact portion of diſcovery that muſt neceſſarily precede political melioration. The period of partiality and injuſtice will be ſhortened, in proportion as political rectitude occupies a principal ſhare in our diſquiſition. When the moſt conſiderable part of a nation, either for numbers or influence, becomes convinced of the flagrant abſurdity of its inſtitutions, the whole will ſoon be prepared tranquilly and by a ſort of common conſent to ſuperſede them.

II. *EDUCATION.*

Benefis of education.

But, if it appear that literature, unaided by the regularity of inſtitution and diſcipline, is inadequate to the reformation of the ſpecies, it may perhaps be imagined, that education, commonly ſo called, is the beſt of all ſubſidiaries for making up its defects. Education may have the advantage of taking mind in its original ſtate, a ſoil prepared for culture, and as yet uninfeſted

BOOK I. CHAP. IV.

fested with weeds; and it is a common and a reasonable opinion, that the task is much easier to plant right and virtuous dispositions in an unprejudiced understanding, than to root up the errors that have already become as it were a part of ourselves. If an erroneous and vicious education be, as it has been shewn to be, the source of all our depravity, an education, deprived of these errors, seems to present itself as the most natural exchange, and must necessarily render its subject virtuous and pure.

I will imagine the pupil never to have been made the victim of tyranny or the slave of caprice. He has never been permitted to triumph in the success of importunity, and cannot therefore well have become restless, inconstant, fantastical or unjust. He has been inured to ideas of equality and independence, and therefore is not passionate, haughty and overbearing. The perpetual witness of a temperate conduct and reasonable sentiments, he is not blinded with prejudice, is not liable to make a false estimate of things, and of consequence has no immoderate desires after wealth, and splendour, and the gratifications of luxury. Virtue has always been presented to him under the most attractive form, as the surest medium of success in every honourable pursuit, the never-failing consolation of disappointment, and infinitely superior in value to every other acquisition.

It

BOOK I. CHAP. IV.

Causes of its imbecility.

It cannot be doubted that such an education is calculated to produce very considerable effects. In the world indeed the pupil will become the spectator of scenes very different from what his preconceived ideas of virtue might have taught him to expect. Let us however admit it to be possible so to temper the mind, as to render it proof against the influence of example and the allurements of luxury. Still it may be reasonable to doubt of the sufficiency of education. How many instances may we expect to find, in which a plan has been carried into execution, so enlightened, unremitted and ardent, as to produce these extraordinary effects? Where must the preceptor himself have been educated, who shall thus elevate his pupil above all the errors of mankind? If the world teach an implicit deference to birth and riches and accidental distinctions, he will scarcely be exempt from this deference. If the world be full of intrigue and rivalship and selfishness, he will not be wholly disinterested. If falshood be with mankind at large reduced to a system, recommended by the prudent, commanded by the magistrate, inforced by the moralist *, and practised under a thousand forms, the

* The following passage is extracted from Lord Kaimes, late one of the judges of the kingdom of Scotland.

"Custom-house oaths now-a-days go for nothing. Not that the world grows more wicked, but because nobody lays any stress upon them. The duty on French wine is the same in Scotland and in England. But as we cannot afford to pay this high duty, the permission underhand to pay Spanish duty for

BOOK I. CHAP. IV.

the individual will not always have the ſimplicity to be ſincere, or the courage to be true. If prejudice have uſurped the ſeat of knowledge, if law and religion and metaphyſics and government be ſurrounded with myſtery and artifice, he will not know the truth, and therefore cannot teach it; he will not poſſeſs the criterion, and therefore cannot furniſh it to another. Again; if a man thus mighty, thus accompliſhed, thus ſuperior to rivalſhip and compariſon, can be found, who will conſent to the profanation of employing him in cultivating the mind of a boy, when he ſhould be inſtructing the world?

Education, in the ſenſe in which it has commonly been underſtood, though in one view an engine of unlimited power, is

French wine, is found more beneficial to the revenue than the rigour of the law. The oath however muſt be taken that the wine we import is Spaniſh, to entitle us to the eaſe of the Spaniſh duty. Such oaths at firſt were highly criminal, becauſe directly a fraud againſt the public; but now that the oath is only exacted for form's ſake, without any faith intended to be given or received, it becomes very little different from ſaying in the way of civility, 'I am, ſir, your friend, or your obedient ſervant."—Looſe Hints upon Education, Appendix, p. 362. Edinburgh, 1781.

Archdeacon Paley in a work, the ſeventh edition of which lies before me, and which is uſed as a text book in the univerſity of Cambridge, ſpeaks thus:

"There are falſhoods which are not lies; that is, which are not criminal; as—a ſervant's denying his maſter, a priſoner's pleading not guilty, an advocate aſſerting the juſtice, or his belief of the juſtice of his client's cauſe. In ſuch inſtances no confidence is deſtroyed, becauſe none was repoſed." Principles of Moral and Political Philoſophy, Book III. Part I. Chap. xv. London, 1790.

exceed-

BOOK I. CHAP. IV.

exceedingly incompetent to the great buſineſs of reforming mankind. It performs its taſk weakly and in detail. The grand principles that the inventor ſeeks in his machines, and the philoſopher in inveſtigating the ſyſtem of the univerſe, are ſuch, as from a few ſimple data are ſufficient to the production of a thouſand events. But the education I have been deſcribing is the reverſe of this. It employs an immenſe combination of powers, and an endleſs chain of cauſes for the production of a ſingle ſpecimen. No taſk, which is not in its own nature impracticable, can eaſily be ſuppoſed more difficult, than that of counteracting univerſal error, and arming the youthful mind againſt the contagion of general example. The ſtrongeſt mind that propoſed this as its object, would ſcarcely undertake the forming more than one, or at moſt a very ſmall number, of pupils. Where can a remedy be found for this fundamental diſadvantage? where but in political juſtice, that all comprehenſive ſcheme, that immediately applies to the removal of counteraction and contagion, that embraces millions in its graſp, and that educates in one ſchool the preceptor and the pupil?

III. *POLITICAL JUSTICE.*

Benefits of political juſtice.

The benefits of political juſtice will beſt be underſtood, if we conſider ſociety in the moſt comprehenſive view, taking into our eſtimate the erroneous inſtitutions by which the human mind has been too often checked in its career, as well as thoſe

BOOK I. CHAP. IV.

well founded opinions of public and individual intereſt, which perhaps need only to be clearly explained, in order to their being generally received.

Univerſality of its influence:

Now in whatever light it be conſidered, we cannot avoid perceiving, firſt, that political inſtitution is peculiarly ſtrong in that very point in which the efficacy of education was deficient, the extent of its operation. That it in ſome way influences our conduct will hardly be diſputed. It is ſufficiently obvious that a deſpotic government is calculated to render men pliant, and a free one reſolute and independent. All the effects that any principle adopted into the practice of a community may produce, it produces upon a comprehenſive ſcale. It creates a ſimilar bias in the whole, or a conſiderable part of the ſociety. The motive it exhibits, the ſtimulus it begets, are operative, becauſe they are fitted to produce effect upon mind. They will therefore inevitably influence all to whom they are equally addreſſed. Virtue, where virtue is the reſult, will ceaſe to be a taſk of perpetual watchfulneſs and contention. It will neither be, nor appear to be, a ſacrifice of our perſonal advantage to diſintereſted conſiderations. It will render thoſe the confederates, ſupport and ſecurity of our rectitude, who were before its moſt formidable enemies.

proved by the miſtakes of ſociety.

Again, an additional argument in favour of the efficacy of political inſtitutions, ariſes from the extenſive influence which certain

BOOK I. CHAP. IV.

certain falſe principles, engendered by an imperfect ſyſtem of ſociety, have been found to exert. Superſtition, an immoderate fear of ſhame, a falſe calculation of intereſt, are errors that have been always attended with the moſt extenſive conſequences. How incredible at the preſent day do the effects of ſuperſtition exhibited in the middle ages, the horrors of excommunication and interdict, and the humiliation of the greateſt monarchs at the feet of the pope, appear? What can be more contrary to European modes than that dread of diſgrace, which induces the Bramin widows of Indoſtan to deſtroy themſelves upon the funeral pile of their huſbands? What more horribly immoral than the miſtaken idea which leads multitudes in commercial countries to regard fraud, falſhood and circumvention as the trueſt policy? But, however powerful theſe errors may be, the empire of truth, if once eſtabliſhed, would be incomparably greater. The man, who is enſlaved by ſhame, ſuperſtition or deceit, will be perpetually expoſed to an internal war of opinions, diſapproving by an involuntary cenſure the conduct he has been moſt perſuaded to adopt. No mind can be ſo far alienated from truth, as not in the midſt of its degeneracy to have inceſſant returns of a better principle. No ſyſtem of ſociety can be ſo thoroughly pervaded with miſtake, as not frequently to ſuggeſt to us ſentiments of virtue, liberty and juſtice. But truth is in all its branches harmonious and conſiſtent.

The

BOOK I. CHAP. IV.

The recollection of this circumſtance induces me to add as a concluding obſervation, that it may reaſonably be doubted whether error could ever be formidable or long-lived, if government did not lend it ſupport. The nature of mind is adapted to the perception of ideas, their correſpondence and difference. In the right diſcernment of theſe is its true element and moſt congenial purſuit. Error would indeed for a time have been the reſult of our partial perceptions; but, as our perceptions are continually changing, and continually becoming more definite and correct, our errors would have been momentary, and our judgments have hourly approached nearer to the truth. The doctrine of tranſubſtantiation, the belief that men were really eating fleſh when they ſeemed to be eating bread, and drinking human blood when they ſeemed to be drinking wine, could never have maintained its empire ſo long, if it had not been reinforced by civil authority. Men would not have ſo long perſuaded themſelves that an old man elected by the intrigues of a conclave of cardinals, from the moment of that election became immaculate and infallible, if the perſuaſion had not been maintained by revenues, endowments and palaces. A ſyſtem of government, that ſhould lend no ſanction to ideas of fanaticiſm and hypocriſy, would preſently accuſtom its ſubjects to think juſtly upon topics of moral worth and importance. A ſtate, that ſhould abſtain from impoſing contradictory and impracticable oaths, and thus perpetually ſtimulating its members

BOOK I. CHAP. IV.

to concealment and perjury, would ſoon become diſtinguiſhed for plain dealing and veracity. A country, in which places of dignity and confidence ſhould ceaſe to be at the diſpoſal of faction, favour and intereſt, would not long be the reſidence of ſervility and deceit.

Origin of evil.

Theſe remarks ſuggeſt to us the true anſwer to an obvious objection, that might otherwiſe preſent itſelf, to the concluſion to which theſe principles appear to lead. It might be ſaid, that an erroneous government can never afford an adequate ſolution for the exiſtence of moral evil, ſince government was itſelf the production of human intelligence, and therefore, if ill, muſt have been indebted for its ill qualities to ſome wrong which had previous exiſtence.

The propoſition aſſerted in this objection is undoubtedly true. All vice is nothing more than error and miſtake reduced into practice, and adopted as the principle of our conduct. But error is perpetually haſtening to its own detection. Vicious conduct is ſoon diſcovered to involve injurious conſequences. Injuſtice therefore by its own nature is little fitted for a durable exiſtence. But government "lays its hand upon the ſpring there is in ſociety, and puts a ſtop to its motion *." It gives ſubſtance and permanence to our errors. It reverſes the genuine propenſities

* Logan, Philoſophy of Hiſtory, p. 69.

BOOK I. CHAP. IV.

of mind, and, inſtead of ſuffering us to look forward, teaches us to look backward for perfection. It prompts us to ſeek the public welfare, not in innovation and improvement, but in a timid reverence for the deciſions of our anceſtors, as if it were the nature of mind always to degenerate, and never to advance.

CHAP.

CHAP. V.

INFLUENCE OF POLITICAL INSTITUTIONS EXEMPLIFIED.

ROBBERY AND FRAUD, TWO GREAT VICES IN SOCIETY—ORIGINATE, I. IN EXTREME POVERTY—2. IN THE OSTENTATION OF THE RICH—3. IN THEIR TYRANNY—RENDERED PERMANENT—1. BY LEGISLATION—2. BY THE ADMINISTRATION OF LAW—3. BY THE INEQUALITY OF CONDITION.

BOOK I. CHAP. V.

THE efficacy of political inſtitutions will be rendered ſtill more evident, if we enquire into the hiſtory of the moſt conſiderable vices at preſent exiſting in ſociety; and if it can be ſhewn that they derive their inveteracy from political inſtitution.

Robbery and fraud, two great vices in ſociety:

Two of the greateſt abuſes relative to the interior policy of nations, which at this time prevail in the world, will be allowed to conſiſt in the irregular transfer of property, either firſt by violence, or ſecondly by fraud. If among the inhabitants of any country there exiſted no deſire in one individual to poſſeſs himſelf of the ſubſtance of another, or no deſire ſo vehement and reſtleſs, as to prompt him to acquire it by means inconſiſtent with order and juſtice; undoubtedly in that country guilt could

BOOK I. CHAP. V.

hardly be known but by report. If every man could with perfect facility obtain the neceſſaries of life, and, obtaining them, feel no uneaſy craving after its ſuperfluities, temptation would loſe its power. Private intereſt would viſibly accord with public good; and civil ſociety become all that poetry has feigned of the golden age. Let us enquire into the principles to which theſe evils owe their exiſtence, and the treatment by which they may be alleviated or remedied.

originate, 1. in extreme poverty.

Firſt then it is to be obſerved, that, in the moſt refined ſtates of Europe, the inequality of property has ariſen to an alarming height. Vaſt numbers of their inhabitants are deprived of almoſt every accommodation that can render life tolerable or ſecure. Their utmoſt induſtry ſcarcely ſuffices for their ſupport. The women and children lean with an inſupportable weight upon the efforts of the man, ſo that a large family has in the lower order of life become a proverbial expreſſion for an uncommon degree of poverty and wretchedneſs. If ſickneſs or ſome of thoſe caſualties which are perpetually incident to an active and laborious life, be ſuperadded to theſe burthens, the diſtreſs is yet greater.

It ſeems to be agreed that in England there is leſs wretchedneſs and diſtreſs than in moſt of the kingdoms of the continent. In England the poors' rates amount to the ſum of two millions ſterling per annum. It has been calculated that one perſon in ſeven

BOOK I. CHAP. V.

ſeven of the inhabitants of this country derives at ſome period of his life aſſiſtance from this fund. If to this we add the perſons, who, from pride, a ſpirit of independence, or the want of a legal ſettlement, though in equal diſtreſs, receive no ſuch aſſiſtance, the proportion will be conſiderably increaſed.

I lay no ſtreſs upon the accuracy of this calculation; the general fact is ſufficient to give us an idea of the greatneſs of the abuſe. The conſequences that reſult are placed beyond the reach of contradiction. A perpetual ſtruggle with the evils of poverty, if frequently ineffectual, muſt neceſſarily render many of the ſufferers deſperate. A painful feeling of their oppreſſed ſituation will itſelf deprive them of the power of ſurmounting it. The ſuperiority of the rich, being thus unmercifully exerciſed, muſt inevitably expoſe them to repriſals; and the poor man will be induced to regard the ſtate of ſociety as a ſtate of war, an unjuſt combination, not for protecting every man in his rights and ſecuring to him the means of exiſtence, but for engroſſing all its advantages to a few favoured individuals, and reſerving for the portion of the reſt want, dependence and miſery.

2. in the oſtentation of the rich:

A ſecond ſource of thoſe deſtructive paſſions by which the peace of ſociety is interrupted, is to be found in the luxury, the pageantry and magnificence with which enormous wealth is uſually accompanied. Human beings are capable of encoun-

BOOK I. CHAP. V.

tering with chearfulneſs conſiderable hardſhips, when thoſe hardſhips are impartially ſhared with the reſt of the ſociety, and they are not inſulted with the ſpectacle of indolence and eaſe in others, no way deſerving of greater advantages than themſelves. But it is a bitter aggravation of their own calamity, to have the privileges of others forced on their obſervation, and, while they are perpetually and vainly endeavouring to ſecure for themſelves and their families the pooreſt conveniences, to find others revelling in the fruits of their labours. This aggravation is aſſiduouſly adminiſtered to them under moſt of the political eſtabliſhments at preſent in exiſtence. There is a numerous claſs of individuals, who, though rich, have neither brilliant talents nor ſublime virtues; and, however highly they may prize their education, their affability, their ſuperior poliſh and the elegance of their manners, have a ſecret conſciouſneſs that they poſſeſs nothing by which they can ſo ſecurely aſſert their pre-eminence and keep their inferiors at a diſtance, as the ſplendour of their equipage, the magnificence of their retinue and the ſumptuouſneſs of their entertainments. The poor man is ſtruck with this exhibition; he feels his own miſeries; he knows how unwearied are his efforts to obtain a ſlender pittance of this prodigal waſte; and he miſtakes opulence for felicity. He cannot perſuade himſelf that an embroidered garment may frequently cover an aching heart.

3. in their tyranny:

A third diſadvantage that is apt to connect poverty with diſcontent

BOOK I. CHAP. V.

diſcontent conſiſts in the inſolence and uſurpation of the rich. If the poor man would in other reſpects compoſe himſelf in philoſophic indifference, and, conſcious that he poſſeſſes every thing that is truly honourable to man as fully as his rich neighbour, would look upon the reſt as beneath his envy, his neighbour will not permit him to do ſo. He ſeems as if he could never be ſatisfied with his poſſeſſions unleſs he can make the ſpectacle of them grating to others; and that honeſt ſelf-eſteem, by which his inferior might otherwiſe arrive at apathy, is rendered the inſtrument of galling him with oppreſſion and injuſtice. In many countries juſtice is avowedly made a ſubject of ſolicitation, and the man of the higheſt rank and moſt ſplendid connections almoſt infallibly carries his cauſe againſt the unprotected and friendleſs. In countries where this ſhameleſs practice is not eſtabliſhed, juſtice is frequently a matter of expenſive purchaſe, and the man with the longeſt purſe is proverbially victorious. A conſciouſneſs of theſe facts muſt be expected to render the rich little cautious of offence in his dealings with the poor, and to inſpire him with a temper overbearing, dictatorial and tyrannical. Nor does this indirect oppreſſion ſatisfy his deſpotiſm. The rich are in all ſuch countries directly or indirectly the legiſlators of the ſtate; and of conſequence are perpetually reducing oppreſſion into a ſyſtem, and depriving the poor of that little commonage of nature as it were, which might otherwiſe ſtill have remained to them.

The

BOOK I. CHAP. V.

The opinions of individuals, and of conſequence their deſires, for deſire is nothing but opinion maturing for action, will always be in a great degree regulated by the opinions of the community. But the manners prevailing in many countries are accurately calculated to impreſs a conviction, that integrity, virtue, underſtanding and induſtry are nothing, and that opulence is every thing. Does a man, whoſe exterior denotes indigence, expect to be well received in ſociety, and eſpecially by thoſe who would be underſtood to dictate to the reſt? Does he find or imagine himſelf in want of their aſſiſtance and favour? He is preſently taught that no merits can atone for a mean appearance. The leſſon that is read to him is, Go home, enrich yourſelf by whatever means, obtain thoſe ſuperfluities which are alone regarded as eſtimable, and you may then be ſecure of an amicable reception. Accordingly poverty in ſuch countries is viewed as the greateſt of demerits. It is eſcaped from with an eagerneſs that has no leiſure for the ſcruples of honeſty. It is concealed as the moſt indelible diſgrace. While one man chooſes the path of undiſtinguiſhing accumulation, another plunges into expences which are to impoſe him upon the world as more opulent than he is. He haſtens to the reality of that penury, the appearance of which he dreads; and, together with his property, ſacrifices the integrity, veracity and character which might have conſoled him in his adverſity.

rendered permanent:

Such are the cauſes, that, in different degrees under the different governments of the world, prompt mankind openly or ſecretly to encroach upon the property of each other. Let us conſider how far they admit either of remedy or aggravation from political inſtitution. Whatever tends to decreaſe the injuries attendant upon poverty, decreaſes at the ſame time the inordinate deſire and the enormous accumulation of wealth. Wealth is not purſued for its own ſake, and ſeldom for the ſenſual gratifications it can purchaſe, but for the ſame reaſons that ordinarily prompt men to the acquiſition of learning, eloquence and ſkill, for the love of diſtinction and fear of contempt. How few would prize the poſſeſſion of riches, if they were condemned to enjoy their equipage, their palaces and their entertainments in ſolitude, with no eye to wonder at their magnificence, and no ſordid obſerver ready to convert that wonder into an adulation of the owner? If admiration were not generally deemed the excluſive property of the rich, and contempt the conſtant lacquey of poverty, the love of gain would ceaſe to be an univerſal paſſion. Let us conſider in what reſpects political inſtitution is rendered ſubſervient to this paſſion.

BOOK I. CHAP. V.

1. by legiſlation:

Firſt then, legiſlation is in almoſt every country groſsly the favourer of the rich againſt the poor. Such is the character of the game laws, by which the induſtrious ruſtic is forbidden to deſtroy the animal that preys upon the hopes of his future ſubſiſtence, or to ſupply himſelf with the food that unſought thruſts itſelf in his path. Such was the ſpirit of the late revenue laws of

BOOK I. CHAP. V.

of France, which in ſeveral of their proviſions fell excluſively upon the humble and induſtrious, and exempted from their operation thoſe who were beſt able to ſupport it. Thus in England the land tax at this moment produces half a million leſs than it did a century ago, while the taxes on conſumption have experienced an addition of thirteen millions per annum during the ſame period. This is an attempt, whether effectual or no, to throw the burthen from the rich upon the poor, and as ſuch is an exhibition of the ſpirit of legiſlation. Upon the ſame principle robbery and other offences, which the wealthier part of the community have no temptation to commit, are treated as capital crimes, and attended with the moſt rigorous, often the moſt inhuman puniſhments. The rich are encouraged to aſſociate for the execution of the moſt partial and oppreſſive poſitive laws. Monopolies and patents are laviſhly diſpenſed to ſuch as are able to purchaſe them. While the moſt vigilant policy is employed to prevent combinations of the poor to fix the price of labour, and they are deprived of the benefit of that prudence and judgment which would ſelect the ſcene of their induſtry.

2. by the adminiſtration of law:

Secondly, the adminiſtration of law is not leſs iniquitous than the ſpirit in which it is framed. Under the late government of France the office of judge was a matter of purchaſe, partly by an open price advanced to the crown, and partly by a ſecret douceur paid to the miniſter. He, who knew beſt how to manage his market in the retail trade of juſtice, could afford to purchaſe the good

BOOK I. CHAP. V.

good will of its functions at the higheſt price. To the client juſtice was avowedly made an object of perſonal ſolicitation, and a powerful friend, a handſome woman, or a proper preſent, were articles of much greater value than a good cauſe. In England the criminal law is adminiſtered with tolerable impartiality ſo far as regards the trial itſelf; but the number of capital offences, and of conſequence the frequency of pardons, open even here a wide door to favour and abuſe. In cauſes relating to property the practice of law is arrived at ſuch a pitch as to render all juſtice ineffectual. The length of our chancery ſuits, the multiplied appeals from court to court, the enormous fees of counſel, attornies, ſecretaries, clerks, the drawing of briefs, bills, replications and rejoinders, and what has ſometimes been called the glorious uncertainty of the law, render it often more adviſable to reſign a property than to conteſt it, and particularly exclude the impoveriſhed claimant from the fainteſt hope of redreſs. Nothing certainly is more practicable than to ſecure to all queſtions of controverſy a cheap and ſpeedy deciſion, which, combined with the independence of the judges and a few obvious improvements in the conſtruction of juries, would inſure the equitable application of general rules to all characters and ſtations.

3. by the inequality of conditions.

Thirdly, the inequality of conditions uſually maintained by political inſtitution, is calculated greatly to enhance the imagined excellence of wealth. In the ancient monarchies of the eaſt, and in Turkey at the preſent day, an eminent ſtation could

BOOK I. CHAP. V.

ſcarcely fail to excite implicit deference. The timid inhabitant trembled before his ſuperior; and would have thought it little leſs than blaſphemy, to touch the veil drawn by the proud ſatrap over his inglorious origin. The ſame principles were extenſively prevalent under the feudal ſyſtem. The vaſſal, who was regarded as a ſort of live ſtock upon the eſtate, and knew of no appeal from the arbitrary fiat of his lord, would ſcarcely venture to ſuſpect that he was of the ſame ſpecies. This however conſtituted an unnatural and violent ſituation. There is a propenſity in man to look farther than the outſide; and to come with a writ of enquiry into the title of the upſtart and the ſucceſsful. In England at the preſent day there are few poor men who do not conſole themſelves, by the freedom of their animadverſions upon their ſuperiors. The new-fangled gentleman is by no means ſecure againſt having his tranquillity diſturbed by their ſurly and pointed ſarcaſms. This propenſity might eaſily be encouraged, and made conducive to the moſt ſalutary purpoſes. Every man might, as was the caſe in certain countries upon record, be inſpired with the conſciouſneſs of citizenſhip, and be made to feel himſelf an active and efficient member of the great whole. The poor man would then perceive, that, if eclipſed, he could not be trampled upon; and he would no longer be ſtung with the furies of envy, reſentment and deſpair.

CHAP.

CHAP. VI.

HUMAN INVENTIONS CAPABLE OF PERPETUAL IMPROVEMENT.

PERFECTIBILITY OF MAN—INSTANCED, FIRST, IN LANGUAGE.—ITS BEGINNINGS.—ABSTRACTION.—COMPLEXITY OF LANGUAGE.—SECOND INSTANCE: ALPHABETICAL WRITING.—HIEROGLYPHICS AT FIRST UNIVERSAL.—PROGRESSIVE DEVIATIONS.—APPLICATION.

BOOK I. CHAP. VI. Perfectibility of man:

IF we would form to ourſelves a ſolid eſtimate of political, or indeed of any other ſcience, we ought not to confine our ſurvey to that narrow portion of things which paſſes under our own immediate inſpection, and raſhly pronounce every thing that we have not ourſelves ſeen, to be impoſſible. There is no characteriſtic of man, which ſeems at preſent at leaſt ſo eminently to diſtinguiſh him, or to be of ſo much importance in every branch of moral ſcience, as his perfectibility. Let us carry back our minds to man in his original ſtate, a being capable of impreſſions and knowledge to an unbounded extent, but not having as yet received the one or cultivated the other; and let us contraſt this being with all that ſcience and genius have effected: and from hence we may form ſome idea what it is of which hu-

BOOK I. CHAP. VI.

man nature is capable. It is to be remembered, that this being did not as now derive aſſiſtance from the communications of his fellows, nor had his feeble and crude conceptions aſſiſted by the experience of ſucceſſive centuries; but that in the ſtate we are figuring all men were equally ignorant. The field of improvement was before them, but for every ſtep in advance they were to be indebted to their untutored efforts. Nor is it of any conſequence whether ſuch was actually the progreſs of mind, or whether, as others teach, the progreſs was abridged, and man was immediately advanced half way to the end of his career by the interpoſition of the author of his nature. In any caſe it is an allowable and no unimproving ſpeculation, to conſider mind as it is in itſelf, and to enquire what would have been its hiſtory, if, immediately upon its production, it had been left to be acted upon by thoſe ordinary laws of the univerſe with whoſe operation we are acquainted.

inſtanced, 1. in language.

One of the acquiſitions moſt evidently requiſite as a preliminary to our preſent improvements is that of language. But it is impoſſible to conceive of an acquiſition, that muſt have been in its origin more different from what at preſent it is found, or that leſs promiſed that copiouſneſs and refinement it has ſince exhibited.

Its beginning.

Its beginning was probably from thoſe involuntary cries, which infants for example are found to utter in the earlieſt ſtages

BOOK I. CHAP. VI.

ſtages of their exiſtence, and which, previouſly to the idea of exciting pity or procuring aſſiſtance, ſpontaneouſly ariſe from the operation of pain upon our animal frame. Theſe cries, when actually uttered, become a ſubject of perception to him by whom they are uttered; and, being obſerved to be conſtantly aſſociated with certain preliminary impreſſions and to excite the idea of thoſe impreſſions in the hearer, may afterwards be repeated from reflection and the deſire of relief. Eager deſire to communicate any information to another, will alſo prompt us to utter ſome ſimple ſound for the purpoſe of exciting attention: this ſound will probably frequently recur to organs unpractiſed to variety, and will at length ſtand as it were by convention for the information intended to be conveyed. But the diſtance is extreme from theſe ſimple modes of communication, which we poſſeſs in common with ſome of the inferior animals, to all the analyſis and abſtraction which languages require.

Abſtraction.

Abſtraction indeed, though as it is commonly underſtood it be one of the ſublimeſt operations of mind, is in ſome ſort coeval with and inſeparable from the exiſtence of mind. The next ſtep to ſimple perception is that of compariſon, or the coupling together of two ideas and the perception of their reſemblances and differences. Without compariſon there can be no preference, and without preference no action: though it muſt be acknowledged, that this compariſon is an operation that may be performed by the mind without adverting to its nature, and that neither

neither the brute nor the ſavage has any conſciouſneſs of the ſeveral ſteps of the intellectual progreſs. Compariſon immediately leads to imperfect abſtraction. The ſenſation of to-day is claſſed, if ſimilar, with the ſenſation of yeſterday, and an inference is made reſpecting the conduct to be adopted. Without this degree of abſtraction the faint dawnings of language already deſcribed could never have exiſted. Abſtraction, which was neceſſary to the firſt exiſtence of language, is again aſſiſted in its operations by language. That generaliſation, which is implied in the very notion of thought, being thus embodied and rendered palpable, makes the mind acquainted with its own powers and creates a reſtleſs deſire after farther progreſs.

Complexity of language.

But, though it be by no means impoſſible, to trace the cauſes that concurred to the production of language, and to prove them adequate to their effect, it does not the leſs appear that this is an acquiſition of ſlow growth and ineſtimable value. The very ſteps, were we to purſue them, would appear like an endleſs labyrinth. The diſtance is immeaſurable between the three or four vague and inarticulate ſounds uttered by animals, and the copiouſneſs of lexicography or the regularity of grammar. The general and ſpecial names by which things are at firſt complicated and afterwards divided, the names by which properties are ſeparated from their ſubſtances and powers from both, the comprehenſive diſtribution of parts of ſpeech, verbs, adjectives and particles, the inflexions of words by which the change of

of their terminations changes their meaning through a variety of ſhadings, their concords and their governments, all of them preſent us with ſuch a boundleſs catalogue of ſcience, that he, who on the one hand did not know that the boundleſs taſk had been actually performed, or who on the other was not intimately acquainted with the progreſſive nature of mind, would pronounce the accompliſhment of them impoſſible.

Second inſtance: alphabetical writing. Hieroglyphics at firſt univerſal.

A ſecond invention, well calculated to impreſs us with a ſenſe of the progreſſive nature of man, is that of alphabetical writing. Hieroglyphical or picture writing appears at ſome time to have been univerſal, and the difficulty of conceiving the gradation from this to alphabetical is ſo great, as to have induced Hartley, one of the moſt acute of all philoſophical writers, to have recourſe to miraculous interpoſition as the only adequate ſolution. In reality no problem can be imagined more operoſe, than that of decompoſing the ſounds of words into four and twenty ſimple elements or letters, and again finding theſe elements in all other words. When we have examined the ſubject a little more cloſely, and perceived the ſteps by which this labour was accompliſhed, perhaps the immenſity of the labour will rather gain upon us, as he that ſhall have counted a million of units, will have a vaſter idea upon the ſubject, than he that only conſiders them in the groſs.

Progreſſive deviations.

In China hieroglyphical writing has never been ſuperſeded by alpha-

BOOK I. CHAP. VI.

alphabetical, and this from the very nature of their language, which is conſiderably monoſyllabic, the ſame ſound being made to ſignify a great variety of objects, by means of certain ſhadings of tone too delicate for any alphabet to be able to repreſent. They have however two kinds of writing, one for the learned, and another for the vulgar. The learned adhere cloſely to their hieroglyphical writing, repreſenting every word by its correſponding picture; but the vulgar are frequent in their deviations from it.

Hieroglyphical writing and ſpeech may indeed be conſidered in the firſt inſtance as two languages, running parallel to each other, but with no neceſſary connection. The picture and the word each of them repreſent the idea, one as immediately as the other. But, though independent, they will become accidentally aſſociated; the picture at firſt imperfectly, and afterwards more conſtantly ſuggeſting the idea of its correſpondent ſound. It is in this manner that the mercantile claſſes of China began to corrupt, as it is ſtyled, their hieroglyphical writing. They had a word ſuppoſe of two ſyllables to write. The character appropriate to that word they were not acquainted with, or it failed to ſuggeſt itſelf to their memory. Each of the ſyllables however was a diſtinct word in the language, and the characters belonging to them perfectly familiar. The expedient that ſuggeſted itſelf was to write theſe two characters with a mark ſignifying their union, though in reality the characters had hitherto been appropriated to ideas

BOOK I. CHAP. VI.

of a different ſort, wholly unconnected with that now intended to be conveyed. Thus a ſort of rebus or chararde was produced. In other caſes the word, though monoſyllabic, was capable of being divided into two ſounds, and the ſame proceſs was employed. This is a firſt ſtep towards alphabetical analyſis. Some word, ſuch as the interjection *O!* or the particle *A* is already a ſound perfectly ſimple, and thus furniſhes a firſt ſtone to the edifice. But, though theſe ideas may perhaps preſent us with a faint view of the manner in which an alphabet was produced, yet the actual production of a complete alphabet is perhaps of all human diſcoveries, that which required the moſt perſevering reflection, the luckieſt concurrence of circumſtances, and the moſt patient and gradual progreſs.

Application.

Let us however ſuppoſe man to have gained the two firſt elements of knowledge, ſpeaking and writing; let us trace him through all his ſubſequent improvements, through whatever conſtitutes the inequality between Newton and the ploughman, and indeed much more than this, ſince the moſt ignorant ploughman in civiliſed ſociety is infinitely different from what he would have been, when ſtripped of all the benefits he has derived from literature and the arts. Let us ſurvey the earth covered with the labours of man, houſes, incloſures, harveſts, manufactures, inſtruments, machines, together with all the wonders of painting, poetry, eloquence and philoſophy.

BOOK I. CHAP. VI.

Such was man in his original ſtate, and ſuch is man as we at preſent behold him. Is it poſſible for us to contemplate what he has already done, without being impreſſed with a ſtrong preſentiment of the improvements he has yet to accompliſh? There is no ſcience that is not capable of additions; there is no art that may not be carried to a ſtill higher perfection. If this be true of all other ſciences, why not of morals? If this be true of all other arts, why not of ſocial inſtitution? The very conception of this as poſſible, is in the higheſt degree encouraging. If we can ſtill farther demonſtrate it to be a part of the natural and regular progreſs of mind, our confidence and our hopes will then be complete. This is the temper with which we ought to engage in the ſtudy of political truth. Let us look back, that we may profit by the experience of mankind; but let us not look back, as if the wiſdom of our anceſtors was ſuch as to leave no room for future improvement.

CHAP.

CHAP. VII.

OF THE OBJECTION TO THESE PRINCIPLES FROM THE INFLUENCE OF CLIMATE.

PART I.

OF MORAL AND PHYSICAL CAUSES.

THE QUESTION STATED.—PROVINCES OF SENSATION AND REFLECTION.—MORAL CAUSES FREQUENTLY MISTAKEN FOR PHYSICAL.—SUPERIORITY OF THE FORMER EVIDENT FROM THE VARIETIES OF HUMAN CHARACTER.—OPERATION OF PHYSICAL CAUSES RARE.—FERTILITY OF REFLECTION.—PHYSICAL CAUSES IN THE FIRST INSTANCE SUPERIOR, AFTERWARDS MORAL.—OBJECTION FROM THE EFFECT OF BREED IN ANIMALS.—CONCLUSION.

BOOK I. CHAP. VII.

THERE are certain propoſitions which may be conſidered indifferently, either as corollaries flowing from the principles already eſtabliſhed, or as a ſource of new arguments againſt the validity of thoſe principles. In the firſt view they are entitled to a clear and perſpicuous ſtatement, and in the ſecond to a mature examination. For example:

BOOK I. CHAP. VII.

The queſtion ſtated.

The cauſes which appear to operate upon the human mind may be divided into two claſſes; perceptions, which are rendered directly a ſubject of reaſoning, and regarded by the intellect as inducements to action; and perceptions, which act indirectly upon the mind, by rendering the animal frame gay, vigorous and elaſtic, or on the contrary ſluggiſh, morbid and inactive. According to the ſyſtem already eſtabliſhed, the former of theſe are to be regarded as the whole, the latter being ſo comparatively inefficient and ſubordinate as to ſtand in the eſtimate as almoſt nothing. To many reaſoners however they have by no means appeared of ſo trivial importance, and it may not be uſeleſs to examine for a moment the ideas they have formed, and the reaſons which have induced them to aſcribe ſo much to the meaneſt branch of the human conſtitution.

Impreſſions upon our ſenſes may act either as phyſical or moral cauſes. Indiſpoſition of the body operates upon the mind principally in the firſt of theſe ways, ſeeming without any formal deliberation of the underſtanding to incline us to diſſatisfaction and indolence. Corporal puniſhment affects us principally in the latter mode, ſince, though it directly introduces a painful ſtate of the mind, it influences our conduct, only as it is reflected upon by the underſtanding, and converted into a motive of action.

Provinces of ſenſation and reflection.

It may be a curious ſpeculation to examine how far theſe claſſes

BOOK I. CHAP. VII.

claſſes are diſtinct from each other. It cannot be denied but that ſenſation is of ſome moment in the affair. It poſſeſſes the initiative. It is that from which all the intellects with which we are acquainted date their operations. Its firſt effect upon mind does in the majority of caſes precede reflection and choice. In ſome caſes the impreſſions upon our ſenſes are foreſeen by us, and may conſequently be reſiſted in the outſet. But it would be a contradiction to affirm that they can always be foreſeen. Foreſight is itſelf the offſpring of experience.

Moral cauſes frequently miſtaken for phyſical.

Meanwhile, though they can only in particular inſtances be foreſeen, and of conſequence completely foreſtalled, yet much of their effect is in all caſes to be aſcribed to deliberation and choice. "I feel a painful ſenſation, and I perſuade myſelf that it is wiſer to ſubmit, and thus cheriſh and ſecond its influence, than to reſiſt. I conceive myſelf unfortunate, oppreſſed by a combination of unfavourable accidents, and am rendered by this conception gloomy, diſcontented and wretched. I ſatisfy myſelf that my ſituation is ſuch as to render exertion unreaſonable, and believe that the attempt would produce nothing but abortive and fruitleſs torture. I remain liſtleſs, ſluggiſh and inactive."

How different would be the ſum of my ſituation, if I were animated by ſentiments of chearfulneſs, induſtry and courage? It has been ſaid "that a rainy day has been known to convert a

man

man of valour into a coward." How eaſily would this external diſadvantage have been ſurmounted, if his mind had been more full of the benefits to ariſe from his valour, if the rainy day had been put in the balance with his wife and children, the moſt illuſtrious rewards to be beſtowed upon himſelf, and freedom and felicity to be ſecured to his country? "Indigeſtion," we are told, "perhaps a fit of the tooth-ach, renders a man incapable of ſtrong thinking and ſpirited exertion." How long would theſe be able to hold out againſt a ſudden and unexpected piece of intelligence of the moſt delightful nature?

When operations of an injurious nature are inflicted on the body, and are encountered by the mind with unalterable firmneſs, what is the degree of pain which in ſuch inſtances is ſuffered? Was the language of Anaxarchus merely a philoſophical rant, "Beat on, tyrant! Thou mayeſt deſtroy the ſhell of Anaxarchus, but thou canſt not touch Anaxarchus himſelf?" How much pain was really endured by Mutius Scævola and archbiſhop Cranmer, when each ſteadily held his hand to be devoured by the flames? How much is endured by the ſavage Indians, who ſing in the midſt of tortures, and ſarcaſtically provoke their tormentors to more ingenious barbarity?

The truth that ſeems to reſult from theſe conſiderations is, that indiſpoſition only becomes formidable in proportion as it is ſeconded by the conſent of the mind; that our communication

cation with the material univerſe is at the mercy of our choice; and that the inability of the underſtanding for intellectual exertion is principally an affair of moral conſideration, exiſting only in the degree in which it is deliberately preferred.

Superiority of the former evident from the varieties of human character.

"The hero of to-day," we are told, "ſhall by an indigeſtion or a rainy atmoſphere be converted into a coward to-morrow." Waving the conſideration of how far this fact where it exiſts is in reality of a moral and intellectual nature, let us examine to what degree a principle of this ſort is the true index of human actions. We have already eſtabliſhed it as a fundamental, that there are no innate ideas. Of conſequence, if men were principally governed by external circumſtances ſuch as that of atmoſphere, their characters and actions would be much alike. The ſame weather, that made you a coward, would make me ſo too, and an army would be defeated by a fog. Perhaps indeed this cataſtrophe would be prevented by the impartiality of the moiſture, in proportion as the enemy advanced, which he neceſſarily muſt do, into the ſame atmoſphere.

Every thing that checks the uniformity of this effect, and permanently diſtinguiſhes the character of one man from that of another, is to be traced to the aſſociation of ideas. But aſſociation is of the nature of reaſoning. The principal, the moſt numerous and laſting of our aſſociations, are intellectual, not accidental, built upon the reſemblances and differences of things,

not

BOOK I. CHAP. VII.

not upon the contingency of their occurring in any given time or place. It is thus that one man appears courageous and another cowardly, one man vigorous and another dull, under the ſame or nearly the ſame external circumſtances.

Operation of phyſical cauſes rare.

In reality the atmoſphere, inſtead of conſiderably affecting the maſs of mankind, affects in an eminent degree only a ſmall part of that maſs. The majority are either above or below it; are either too groſs to feel ſtrongly theſe minute variations, or too buſy to be at leiſure to attend to them. It is only a few, whoſe treatment has been tender enough to imbue them with extreme delicacy, and whoſe faculties are not rouſed by ſtrong and unintermitted incitements, who can be thus blindly directed. If it ſhould be ſaid "that the weather indeed is too great a trifle to produce theſe conſequences, but that there are pains and interruptions which ſcarcely any man can withſtand;" it may be anſwered, that theſe occur too ſeldom to be miſtaken for the efficient principles of human character, that the ſyſtem which determines our proceedings riſes from a different ſource, and ordinarily returns when the pain or interruption has ſubſided.

There can be no queſtion more intereſting than that which we are now conſidering. Upon our deciſion in this caſe it depends, whether thoſe perſons act wiſely who preſcribe to themſelves a certain diſcipline and are anxious to enrich their minds with ſcience, or whether on the contrary it be better to truſt

truſt every thing to the mercy of events. Is it poſſible that we ſhould not perceive from the very nature of the thing the advantages which the wiſe man poſſeſſes over the fooliſh one, and that the points in which they reſemble will be as nothing compared to thoſe in which they differ? In thoſe particulars in which our conduct is directed merely by external impreſſions we reſemble the inferior animals; we differ from them in the greater facility with which we arrange our ſenſations, and compare, prefer and judge.

BOOK I. CHAP. VII.

Fertility of reflection.

Out of a ſingle ſenſation a great variety of reflections may be generated. Let the thing perceived be a material ſubſtance of certain regular dimenſions. I perceive that it has an upper and a lower ſurface, I can therefore conceive of it as divided. I can conceive of the parts into which it is formed as moving towards and from each other, and hence I acquire the ideas of diſtance and ſpace. I can conceive of them as ſtriking againſt each other, and hence I derive the notion of impenetrability, gravity and momentum, the ſlowneſs, rapidity and direction of motion. Let the ſenſation be a pain in the head. I am led to reflect upon its cauſes, its ſeat, the ſtructure of the parts in which it reſides, the inconvenience it impoſes, the conſequences with which it may be attended, the remedies that may be applied and their effects, whether external or internal, material or intellectual.

Phyſical cauſes in the firſt inſtance

It is true that the infant and inexperienced mind cannot thus analyſe and conjure up diſſertations of philoſophy out of its moſt

BOOK I. CHAP. VII.

superior, afterwards moral.

trivial ſenſations. Such a capacity infers a long ſeries of preceding impreſſions. Mind is in its infancy nearly what theſe philoſophers deſcribe, the creature of contingencies. But the farther it advances, the more it individualiſes. Each man has habits and prejudices that are properly his own. He lives in a little univerſe of his own creating, or he communicates with the omnipreſent and eternal volume of truth. With theſe he compares the ſucceſſive perceptions of his mind, and upon theſe depend the concluſions he draws and the conduct he obſerves. Hence it inevitably follows, that phyſical cauſes, though of ſome conſequence in the hiſtory of man, ſink into nothing, when compared with the great and inexpreſſible operations of reflection. They are the prejudices we conceive or the judgments we form, our apprehenſions of truth and falſhood, that conſtitute the true baſis of diſtinction between man and man. The difference between ſavage and ſavage indeed, in the firſt generation of the human ſpecies and in perfect ſolitude, can only be aſcribed to the different impreſſions made upon their ſenſes. But this difference would be almoſt imperceptible. The ideas of wiſdom and folly would never have entered the human mind, if men, like beaſts, derived neither good nor evil from the reflections and diſcoveries of their companions and anceſtors.

Objection from the effect of breed in animals.

Hence we are furniſhed with an anſwer to the analogical argument from the conſiderable effects that phyſical cauſes appear to produce upon brutes. "Breed for example appears to be of unqueſtionable importance to the character and qualifications of horſes

BOOK I. CHAP. VII.

horſes and dogs; why ſhould we not ſuppoſe this or certain other brute and occult cauſes to be equally efficacious in the caſe of men? How comes it that the races of animals perhaps never degenerate, if carefully cultivated; at the ſame time that we have no ſecurity againſt the wiſeſt philoſopher's begetting a dunce?"

I anſwer, that the exiſtence of phyſical cauſes cannot be controverted. In the caſe of man their efficacy is ſwallowed up in the ſuperior importance of reflection and ſcience. In animals on the contrary they are left almoſt alone. If a race of negroes were taken, and maintained each man from his infancy, except ſo far as was neceſſary for the propagation of the ſpecies, in ſolitude; or even if they were excluded from an acquaintance with the improvements and imaginations of their anceſtors, though permitted the ſociety of each other, the operation of breed might perhaps be rendered as conſpicuous among them, as in the different claſſes of horſes and dogs. But the ideas they would otherwiſe receive from their parents and civiliſed or half-civiliſed neighbours would be innumerable: and, if the precautions above mentioned were unobſerved, all parallel between the two caſes would ceaſe.

Concluſion.

Such is the character of man conſidered as an individual. He is operated upon by exterior cauſes immediately, producing certain effects upon him independently of the exerciſe of reaſon; and he is operated upon by exterior cauſes mediately, their impreſſions furniſhing him with materials for reflection, and aſ-

BOOK I. CHAP. VII.

suming the form of motives to act or to refrain from acting. But the latter of these, at least so far as relates to man in a civilised state, may stand for the whole. He that would change the character of the individual, would miserably misapply his efforts, if he principally sought to effect this purpose by the operations of heat and cold, dryness and moisture upon the animal frame. The true instruments of moral influence, are desire and aversion, punishment and reward, the exhibition of general truth, and the development of those punishments and rewards, which wisdom and error by the very nature of the thing constantly bring along with them.

PART II.

OF NATIONAL CHARACTERS.

CHARACTER OF THE PRIESTHOOD.—ALL NATIONS CAPABLE OF LIBERTY.—THE ASSERTION ILLUSTRATED.—EXPERIENCE FAVOURS THESE REASONINGS.—MEANS OF INTRODUCING LIBERTY.

As is the character of the individual, so may we expect to find it with nations and great bodies of men. The operations of law and political institution will be important and interesting, the operations of climate trifling and unworthy of notice. Thus there are particular professions, such as that of the priesthood, which must always operate to the production of a particular character. Priests

BOOK I. CHAP. VII. Character of the priesthood.

Priests are upon all occasions accustomed to have their opinions listened to with implicit deference; they will therefore be imperious, dogmatical and impatient of opposition. Their success with mankind depends upon the opinion of their superior innocence; they will therefore be particularly anxious about appearances, their deportment will be grave and their manners formal. The frank and ingenuous sallies of mind they will be obliged to suppress; the errors and irregularities into which they may be drawn they will be studious to conceal. They are obliged at set intervals to assume the exterior of an ardent devotion; but it is impossible that this should at all times be free from occasional coldness and distraction. Their importance is connected with their real or supposed mental superiority over the rest of mankind; they must therefore be patrons of prejudice and implicit faith. Their prosperity depends upon the reception of particular opinions in the world; they must therefore be enemies to freedom of enquiry; they must have a bias upon their minds impressed by something different from the force of evidence. Particular moral causes may in some instances limit, perhaps supersede the influence of general ones, and render some men superior to the character of their profession; but, exclusively of such exceptions, priests of all religions, of all climates and of all ages will have a striking similarity of manners and disposition. In the same manner we may rest assured that free men in whatever country will be firm, vigorous and spirited in proportion to their freedom, and that vassals and slaves will be ignorant, servile and unprincipled.

The

BOOK I. CHAP. VII.

All nations capable of liberty.

The truth of this axiom has indeed been pretty univerſally admitted; but it has been affirmed to be "impoſſible to eſtabliſh a free government in certain warm and effeminate climates." To enable us to judge of the reaſonableneſs of this affirmation, let us conſider what proceſs would be neceſſary in order to introduce a free government into any country.

The anſwer to this queſtion is to be found in the anſwer to that other, whether freedom have any real and ſolid advantages over ſlavery? If it have, then our mode of proceeding reſpecting it ought to be exactly parallel to that we ſhould employ in recommending any other benefit. If I would perſuade a man to accept a great eſtate, ſuppoſing that poſſeſſion to be a real advantage; if I would induce him to ſelect for his companion a beautiful and accompliſhed woman, or for his friend a wife, a brave and diſintereſted man; if I would perſuade him to prefer eaſe to pain, and gratification to torture, what more is neceſſary, than that I ſhould inform his underſtanding, and make him ſee theſe things in their true and genuine colours? Should I find it neceſſary to enquire firſt of what climate he was a native, and whether that were favourable to the poſſeſſion of a great eſtate, a fine woman, or a generous friend?

The advantages of liberty over ſlavery are not leſs real, though unfortunately they are leſs palpable, than in the caſes juſt enumerated. Every man has a confuſed ſenſe of theſe advantages, but he has been taught to believe that men would tear each other to pieces, if they had not prieſts to direct their conſciences,

ſciences, and lords to conſult for their ſubſiſtence, and kings to ſteer them in ſafety through the inexplicable dangers of the political ocean. But whether they be miſled by theſe or other prejudices, whatever be the fancied terror that induces them quietly to ſubmit to have their hands bound behind them, and the ſcourge vibrated over their heads, all theſe are queſtions of reaſon. Truth may be preſented to them in ſuch irreſiſtible evidence, perhaps by ſuch juſt degrees familiariſed to their apprehenſion, as ultimately to conquer the moſt obſtinate prepoſſeſſions. Let the preſs find its way into Perſia or Indoſtan, let the political truths diſcovered by the beſt of the European ſages be transfuſed into their language, and it is impoſſible that a few ſolitary converts ſhould not be made. It is the property of truth to ſpread; and, excluſively of great national convulſions, its advocates in each ſucceeding age will be ſomewhat more numerous than in that which went before. The cauſes, which ſuſpend its progreſs, ariſe, not from climate, but from the watchful and intolerant jealouſy of deſpotic ſovereigns.

BOOK I. CHAP. VII.

The aſſertion illuſtrated.

Let us ſuppoſe then that the majority of a nation by however ſlow a progreſs are convinced of the deſirableneſs, or, which amounts to the ſame, the practicability of freedom. The ſuppoſition would be parallel, if we were to imagine ten thouſand men of ſound intellect, ſhut up in a madhouſe, and ſuperintended by a ſet of three or four keepers. Hitherto they have been perſuaded, for what abſurdity has been too great for human intellect

to

BOOK I. CHAP. VII.

to entertain? that they were deſtitute of reaſon, and that the ſuperintendence under which they were placed was neceſſary for their preſervation. They have therefore ſubmitted to whips and ſtraw and bread and water, and perhaps imagined this tyranny to be a bleſſing. But a ſuſpicion is at length by ſome means propagated among them, that all they have hitherto endured has been an impoſition. The ſuſpicion ſpreads, they reflect, they reaſon, the idea is communicated from one to another through the chinks of their cells, and at certain times when the vigilance of their keepers has not precluded them from the pleaſures of mutual ſociety. It becomes the clear perception, the ſettled perſuaſion of the majority of the perſons confined.

What will be the conſequence of this opinion? Will the influence of climate prevent them from embracing the obvious means of their happineſs? Is there any human underſtanding that will not perceive a truth like this, when forcibly and repeatedly preſented? Is there a mind that will conceive no indignation at ſo horrible a tyranny? In reality the chains fall off of themſelves, when the magic of opinion is diſſolved. When a great majority of any ſociety are perſuaded to ſecure any benefit to themſelves, there is no need of tumult or violence to effect it. The effort would be to reſiſt reaſon, not to obey it. The priſoners are collected in their common hall, and the keepers inform them that it is time to return to their cells. They have no longer the power to obey. They look at the impotence of their

BOOK. I. CHAP. VII.

their late maſters, and ſmile at their preſumption. They quietly leave the manſion where they were hitherto immured, and partake of the bleſſings of light and air like other men.

Experience favours theſe reaſonings.

Let us compare this theory with the hiſtory of mankind. If the theory be true, we may expect to find the inhabitants of neighbouring provinces in different ſtates, widely diſcriminated by the influence of government, and little aſſimilated by reſemblance of climate. Thus the Gaſcons are the gayeſt people in all France; but the moment we paſs the Pyrenees, we find the ſerious and ſaturnine character of the Spaniard. Thus the Athenians were lively, penetrating and ingenious, but the Thebans unpoliſhed, phlegmatic and dull.—It would be reaſonable to expect that different races of men, intermixed with each other, but differently governed, would afford a ſtrong and viſible contraſt. Thus the Turks are brave, open and ſincere, but the modern Greeks mean, cowardly and deceitful.—Wandering tribes cloſely connected among themſelves, and having little ſympathy with the people with whom they reſide, may be expected to have great ſimilarity of manners. Their ſituation renders them conſpicuous, the faults of individuals reflect diſhonour upon the whole, and their manners will be particularly ſober and reputable, unleſs they ſhould happen to labour under ſo peculiar an odium as to render all endeavour after reputation fruitleſs. Thus the Armenians in the Eaſt are as univerſally diſtinguiſhed among the nations with whom they reſide, as the Jews in Europe; but the Armenians

nians are as much noted for probity, as the Jews for extortion.—What reſemblance is there between the ancient and the modern Greeks, between the old Romans and the preſent inhabitants of Italy, between the Gauls and the French? Diodorus Siculus deſcribes the Gauls as particularly given to taciturnity, and Ariſtotle affirms that they are the only warlike nation who are negligent of women.

If on the contrary climate were principally concerned in forming the characters of nations, we might expect to find heat and cold producing an extraordinary effect upon men, as they do upon plants and inferior animals. But the reverſe of this appears to be the fact. Is it ſuppoſed that the neighbourhood of the ſun renders men gay, fantaſtic and ingenious? While the French, the Greeks and the Perſians have been remarkable for their gaiety, the Spaniards, the Turks and the Chineſe are not leſs diſtinguiſhed by the ſerioufneſs of their deportment. It was the opinion of the ancients that the northern nations were incapable of civiliſation and improvement; but the moderns have found that the Engliſh are not inferior in literary eminence to any nation in the world. Is it aſſerted, that the northern nations are more hardy and courageous, and that conqueſt has uſually travelled from that to the oppoſite quarter? It would have been truer to ſay that conqueſt is uſually made by poverty upon plenty. The Turks, who from the deſerts of Tartary invaded the fertile provinces of the Roman empire, met the Saracens

cens half way, who were advancing with ſimilar views from the no leſs dreary deſerts of Arabia. In their extreme perhaps heat and cold may determine the characters of nations, of the negroes for example on one ſide and the Laplanders on the other. Not but that in this very inſtance much may be aſcribed to the wretchedneſs of a ſterile climate on the one hand, and to the indolence conſequent upon a ſpontaneous fertility on the other. As to what is more than this, the remedy has not yet been diſcovered. Phyſical cauſes have already appeared to be powerful, till moral ones can be brought into operation.

Has it been alledged that carnivorous nations are endowed with the greateſt courage? The Swedes, whoſe nutriment is meagre and ſparing, have ranked with the moſt diſtinguiſhed modern nations in the operations of war.

It is uſually ſaid, that northern nations are moſt addicted to wine, and ſouthern to women. Admitting this obſervation in its full force, it would only prove that climate may operate upon the groſſer particles of our frame, not that it influences thoſe finer organs upon which the operations of intellect depend. But the truth of the firſt of theſe remarks may well be doubted. The Greeks appear to have been ſufficiently addicted to the pleaſures of the bottle. Among the Perſians no character was more coveted than that of a hard drinker. It is eaſy to obtain any thing

BOOK I. CHAP. VII.

of the negroes, even their wives and children, in exchange for liquor.

As to women the circumſtance may be accounted for from moral cauſes. The heat of the climate obliges both ſexes to go half naked. The animal arrives ſooner at maturity in hot countries. And both theſe circumſtances produce vigilance and jealouſy, cauſes which inevitably tend to inflame the paſſions *.

Means of introducing liberty.

The reſult of theſe reaſonings is of the utmoſt importance to him who ſpeculates upon principles of government. It is of little conſequence what diſcoveries may be made in moral and political ſcience, if, when we have aſcertained moſt accurately what are the intellectual requiſites that lead to wiſdom and virtue, a blind and capricious principle is to intrude itſelf, and taint all our concluſions. Accordingly there have been writers on the ſubject of government, who, admitting, and even occaſionally declaiming with enthuſiaſm upon the advantages of liberty and the equal claims of mankind to every ſocial benefit, have yet concluded that the corruptions of deſpotiſm and the uſurpations of ariſtocracy were congenial to certain ages and diviſions of the world, and under proper limitations entitled to our approbation.

* The majority of inſtances in the three preceding pages are taken from Hume's Eſſay on National Characters, where this ſubject is treated with much ability. Eſſays, Vol. I, Part I, Eſſay xxi.

But

BOOK I. CHAP. VII.

But this hypotheſis will be found incapable of holding out againſt a moment's ſerious reflection. Can there be any ſtate of mankind that renders them incapable of the exerciſe of reaſon? Can there be a period in which it is neceſſary to hold the human ſpecies in a condition of pupillage? If there be, it ſeems but reaſonable that their ſuperintendents and guardians, as in the caſe of infants of another ſort, ſhould provide for the means of their ſubſiſtence without calling upon them for the exertions of manual induſtry. Wherever men are competent to look the firſt duties of humanity in the face, and to provide for their defence againſt the invaſions of hunger and the inclemencies of the ſky, there they will out of all doubt be found equally capable of every other exertion that may be neceſſary to their ſecurity and welfare. Preſent to them a conſtitution which ſhall put them into a ſimple and intelligible method of directing their own affairs, adjudging their conteſts among themſelves, and cheriſhing in their boſoms a manly ſenſe of dignity, equality and independence, and you need not doubt that proſperity and virtue will be the reſult.

The real enemies of liberty in any country are not the people, but thoſe higher orders who profit by a contrary ſyſtem. Infuſe juſt views of ſociety into a certain number of the liberally educated and reflecting members; give to the people guides and inſtructors; and the buſineſs is done. This however is not to be accompliſhed but in a gradual manner, as will more fully

appear

BOOK I. CHAP. VII.

appear in the ſequel. The error lies, not in tolerating the worſt forms of government for a time, but in ſuppoſing a change impracticable, and not inceſſantly looking forward to its accompliſhment.

CHAP.

CHAP. VIII.

OF THE OBJECTION TO THESE PRINCIPLES FROM THE INFLUENCE OF LUXURY.

THE OBJECTION STATED.—SOURCE OF THIS OBJECTION.—REFUTED FROM MUTABILITY—FROM MORTALITY—FROM SYMPATHY—FROM THE NATURE OF TRUTH.—THE PROBABILITY OF PERSEVERANCE CONSIDERED.

BOOK I. CHAP. VIII. The objection ſtated.

THERE is another propoſition relative to the ſubject, which is leſs to be conſidered as an aſſertion diſtinct in itſelf, than as a particular branch of that which has juſt been diſcuſſed; I mean the propoſition which affirms, "that nations like individuals are ſubject to the phenomena of youth and old age, and that, when a people by luxury and depravation of manners have ſunk into decrepitude, it is not in the power of legiſlation to reſtore them to vigour and innocence."

Source of this objection.

This idea has partly been founded upon the romantic notions of paſtoral life and the golden age. Innocence is not virtue. Virtue demands the active employment of an ardent mind in the promotion of the general good. No man can be eminently virtuous, who is not accuſtomed to an extenſive range of reflection. He muſt ſee all the benefits to ariſe from a diſintereſted proceed-

proceeding, and muſt underſtand the proper method of producing thoſe benefits. Ignorance, the ſlothful habits and limited views of uncultivated life have not in them more of true virtue, though they may be more harmleſs, than luxury, vanity and extravagance. Individuals of exquiſite feeling, whoſe diſguſt has been excited by the hardened ſelfiſhneſs or the unbluſhing corruption which have prevailed in their own times, have recurred in imagination to the foreſts of Norway or the bleak and uncomfortable Highlands of Scotland in ſearch of a purer race of mankind. This imagination has been the offſpring of diſappointment, not the dictate of reaſon and philoſophy.

It may be true, that ignorance is nearer than prejudice to the reception of wiſdom, and that the abſence of virtue is a condition more hopeful than the preſence of its oppoſite. In this caſe it would have been juſter to compare a nation ſunk in luxury, to an individual with confirmed habits of wrong, than to an individual whom a debilitated conſtitution was bringing faſt to the grave. But neither would that compariſon have been fair and equitable.

Refuted from mutability:

The condition of nations is more fluctuating, and will be found leſs obſtinate in its reſiſtance to a conſiſtent endeavour for their improvement, than that of individuals. In nations ſome of their members will be leſs confirmed in error than others. A certain number will be only in a very ſmall degree indiſpoſed to

to liſten to the voice of truth. This number will perpetually increaſe. Every new convert will be the means of converting others. In proportion as the body of diſciples is augmented, the modes of attack upon the prejudices of others will be varied, and ſuited to the variety of men's tempers and prepoſſeſſions.

from mortality:

Add to this that generations of men are perpetually going off the ſtage, while other generations ſucceed. The next generation will not have ſo many prejudices to ſubdue. Suppoſe a deſpotic nation by ſome revolution in its affairs to become poſſeſſed of a free conſtitution. The children of the preſent race will be bred in more firm and independent habits of thinking; the ſuppleneſs, the timidity and the vicious dexterity of their fathers will give place to an erect mien, and a clear and deciſive judgment. The partial and imperfect change of character which was introduced at firſt, will in the ſucceeding age become more unalloyed and complete.

from ſympathy:

Laſtly, the power of ſocial inſtitutions changing the character of nations is very different from and infinitely greater than any power which can ordinarily be brought to bear upon a ſolitary individual. Large bodies of men, when once they have been enlightened and perſuaded, act with more vigour than ſolitary individuals. They animate the mutual exertions of each other, and the united forces of example and ſhame urge them to perſeverance. The caſe is not of that cuſtomary ſort where the

power of reaſon only is tried in curing any perſon of his errors; but is as if he ſhould be placed in an entirely new ſituation. His habits are broken through, and his motives of action changed. Inſtead of being perpetually recalled to vicious practices by the recurrence of his former connections, the whole ſociety receives an impulſe from the ſame cauſe that acts upon any individual. New ideas are ſuggeſted, and the ſurpriſe of novelty conſpires with the approbation of truth to prevent men from falling back into imbecility and languor.

from the nature of truth.

The queſtion may in reality be reduced to an enquiry, whether the human underſtanding can be made the recipient of truth, whether it be poſſible for an effort ſo ſtrenuous to exiſt as to make men aware of their true intereſts. For let this be granted, and the conſequence is inevitable. It has already ſufficiently appeared, that whatever is politically right or politically wrong, muſt be in all caſes of no trivial conſequence to the welfare of mankind. Monarchy for example will by all men be acknowledged to be attended with many diſadvantages. It acts upon inſufficient and partial information, it generates intrigue, corruption, adulation and ſervility. If it could be proved, that it produced no advantages in equal proportion, and that its abolition would not lead to miſchief, anarchy and diſorder, is there a nation upon the face of the earth to whom theſe propoſitions were rendered palpable, that would endure to ſubmit to it? Is there a nation upon the face of the earth, that would ſubmit

to the impoſitions of its adminiſtration, the wars it occaſions, and the laviſh revenues by which it is maintained, if they knew it to be merely an excreſcence and a diſeaſe in the order of ſociety?

The probability of perſeverance conſidered.

But it has been farther alledged, that, even ſhould a luxurious nation be prompted by intolerable grievances and notorious uſurpation to aſſert the juſt principles of human ſociety, they would be unable to perpetuate them, and would ſoon be led back by their evil habits to their former vices and corruption: that is, they would be capable of the heroic energy that ſhould expel the uſurper, but not of the moderate reſolution that ſhould prevent his return. They would rouſe themſelves ſo far from their lethargy as to aſſume a new character and enter into different views; but, after having for ſome time acted upon their convictions, they would ſuddenly become incapable of underſtanding the truth of their principles and feeling their influence.

Men always act upon their apprehenſions of preferableneſs. There are few errors of which they are guilty, which may not be reſolved into a narrow and inadequate view of the alternative preſented for their choice. Preſent pleaſure may appear more certain and eligible than diſtant good. But they never chooſe evil as apprehended to be evil. Wherever a clear and unanſwerable notion of any ſubject is preſented to their view, a correſpondent action or courſe of actions inevitably follows. Having thus gained

BOOK I. CHAP. VIII.

one ſtep in the acquiſition of truth, it cannot eaſily be conceived of as loſt. A body of men, having detected the injurious conſequences of an evil under which they have long laboured, and having ſhaken it off, will ſcarcely voluntarily reſtore the miſchief they have annihilated. Nothing can reconcile them to the revival of falſhood, which does not obliterate their preſent conviction of truth.

AN

AN

ENQUIRY

CONCERNING

POLITICAL JUSTICE.

BOOK II.

PRINCIPLES OF SOCIETY.

CHAP. I.

INTRODUCTION.

NATURE OF THE ENQUIRY—MODE OF PURSUING IT.—DISTINCTION BETWEEN SOCIETY AND GOVERNMENT.

BOOK II. CHAP. I. Nature of the enquiry.

MR. Locke begins his celebrated Treatiſe of Government with a refutation of the patriarchal ſcheme of ſir Robert Filmer; and, having thus cleared his ground, proceeds to obſerve, that "he, that will not give juſt occaſion to think that all government in the world is the product only of force and violence, and that men live together by no other rules but that of beaſts, muſt

BOOK II. CHAP. I.

must of neceſſity find out another riſe of government, and another original of political power *." Accordingly he proceeds through the greater part of his treatiſe to reaſon abſtractedly upon the probable hiſtory of the early ages of mankind, and concludes that no legitimate government could be built upon any other foundation than that of an original contract.

It is to be ſuſpected that this great man, friend as he was to the liberty and the intereſts of mankind, intrepid and ſagacious in his ſearch after truth, has been guilty of an overſight in the firſt ſtep of the inveſtigation.

Mode of purſuing it.

There are two modes, according to which we may enquire into the origin of ſociety and government. We may either examine them hiſtorically, that is, conſider in what manner they have or ought to have begun, as Mr. Locke has done; or we may examine them philoſophically, that is, conſider the moral principles upon which they depend. The firſt of theſe ſubjects is not without its uſe; but the ſecond is of a higher order and more eſſential importance. The firſt is a queſtion of form; the ſecond of ſubſtance. It would be of trivial conſequence practically conſidered, from what ſource any form of ſociety flowed, and by what mode its principles were ſanctioned, could we be always ſecure of their conformity to the dictates of truth and juſtice.

* Book II. Chap. i. § 1.

It

BOOK II. CHAP. I.

It is farther neceſſary before we enter upon the ſubject carefully to diſtinguiſh between ſociety and government. Men aſſociated at firſt for the ſake of mutual aſſiſtance. They did not foreſee that any reſtraint would be neceſſary, to regulate the conduct of individual members of the ſociety, towards each other, or towards the whole. The neceſſity of reſtraint grew out of the errors and perverſeneſs of a few. An acute writer has expreſſed this idea with peculiar felicity. "Society and government," ſays he, "are different in themſelves, and have different origins. Society is produced by our wants, and government by our wickedneſs. Society is in every ſtate a bleſſing; government even in its beſt ſtate but a neceſſary evil *."

* Common Senſe, p. 1.

CHAP.

CHAP. II.

OF JUSTICE.

CONNECTION OF POLITICS AND MORALS.—EXTENT AND MEANING OF JUSTICE.—SUBJECT OF JUSTICE: MANKIND.—ITS DISTRIBUTION MEASURED BY THE CAPACITY OF ITS SUBJECT—BY HIS USEFULNESS.—FAMILY AFFECTION CONSIDERED.—GRATITUDE CONSIDERED.—OBJECTIONS: FROM IGNORANCE—FROM UTILITY.—AN EXCEPTION STATED.—DEGREES OF JUSTICE.—APPLICATION.—IDEA OF POLITICAL JUSTICE.

BOOK II. CHAP. II.

Connection of politics and morals.

FROM what has been said it appears, that the subject of the present enquiry is strictly speaking a department of the science of morals. Morality is the source from which its fundamental axioms must be drawn, and they will be made somewhat clearer in the present instance, if we assume the term justice as a general appellation for all moral duty.

Extent and meaning of justice.

That this appellation is sufficiently expressive of the subject will appear, if we consider for a moment mercy, gratitude, temperance, or any of those duties which in looser speaking are contradistinguished from justice. Why should I pardon this criminal,

remunerate

remunerate this favour, abstain from this indulgence? If it partake of the nature of morality, it must be either right or wrong, just or unjust. It must tend to the benefit of the individual, either without intrenching upon, or with actual advantage to the mass of individuals. Either way it benefits the whole, because individuals are parts of the whole. Therefore to do it is just, and to forbear it is unjust. If justice have any meaning, it is just that I should contribute every thing in my power to the benefit of the whole.

Subject of justice: mankind.

Considerable light will probably be thrown upon our investigation, if, quitting for the present the political view, we examine justice merely as it exists among individuals. Justice is a rule of conduct originating in the connection of one percipient being with another. A comprehensive maxim which has been laid down upon the subject is, "that we should love our neighbour as ourselves." But this maxim, though possessing considerable merit as a popular principle, is not modelled with the strictness of philosophical accuracy.

Its distribution measured by the capacity of its subject:

In a loose and general view I and my neighbour are both of us men; and of consequence entitled to equal attention. But in reality it is probable that one of us is a being of more worth and importance than the other. A man is of more worth than a beast; because, being possessed of higher faculties, he is capable of a more refined and genuine happiness. In the same manner

the

BOOK II. CHAP. II.

the illuſtrious archbiſhop of Cambray was of more worth than his chambermaid, and there are few of us that would heſitate to pronounce, if his palace were in flames, and the life of only one of them could be preſerved, which of the two ought to be preferred.

by his uſefulneſs.

But there is another ground of preference, beſide the private conſideration of one of them being farther removed from the ſtate of a mere animal. We are not connected with one or two percipient beings, but with a ſociety, a nation, and in ſome ſenſe with the whole family of mankind. Of conſequence that life ought to be preferred which will be moſt conducive to the general good. In ſaving the life of Fenelon, ſuppoſe at the moment when he was conceiving the project of his immortal Telemachus, I ſhould be promoting the benefit of thouſands, who have been cured by the peruſal of it of ſome error, vice and conſequent unhappineſs. Nay, my benefit would extend farther than this, for every individual thus cured has become a better member of ſociety, and has contributed in his turn to the happineſs, the information and improvement of others.

Suppoſing I had been myſelf the chambermaid, I ought to have choſen to die, rather than that Fenelon ſhould have died. The life of Fenelon was really preferable to that of the chambermaid. But underſtanding is the faculty that perceives the truth of this and ſimilar propoſitions; and juſtice is the principle that regulates

regulates my conduct accordingly. It would have been juſt in the chambermaid to have preferred the archbiſhop to herſelf. To have done otherwiſe would have been a breach of juſtice. BOOK II. CHAP. II.

Family affection conſidered.

Suppoſing the chambermaid had been my wife, my mother or my benefactor. This would not alter the truth of the propoſition. The life of Fenelon would ſtill be more valuable than that of the chambermaid; and juſtice, pure, unadulterated juſtice, would ſtill have preferred that which was moſt valuable. Juſtice would have taught me to ſave the life of Fenelon at the expence of the other. What magic is there in the pronoun "my," to overturn the deciſions of everlaſting truth? My wife or my mother may be a fool or a proſtitute, malicious, lying or diſhoneſt. If they be, of what conſequence is it that they are mine?

Gratitude conſidered.

"But my mother endured for me the pains of child bearing, and nouriſhed me in the helpleſſneſs of infancy." When ſhe firſt ſubjected herſelf to the neceſſity of theſe cares, ſhe was probably influenced by no particular motives of benevolence to her future offſpring. Every voluntary benefit however entitles the beſtower to ſome kindneſs and retribution. But why ſo? Becauſe a voluntary benefit is an evidence of benevolent intention, that is, of virtue. It is the diſpoſition of the mind, not the external action, that entitles to reſpect. But the merit of this diſpoſition is equal, whether the benefit was conferred upon me or upon another. I and another man cannot both be right in preferring

BOOK II. CHAP. II.

our own individual benefactor, for no man can be at the same time both better and worse than his neighbour. My benefactor ought to be esteemed, not because he bestowed a benefit upon me, but because he bestowed it upon a human being. His desert will be in exact proportion to the degree, in which that human being was worthy of the distinction conferred. Thus every view of the subject brings us back to the consideration of my neighbour's moral worth and his importance to the general weal, as the only standard to determine the treatment to which he is entitled. Gratitude therefore, a principle which has so often been the theme of the moralist and the poet, is no part either of justice or virtue. By gratitude I understand a sentiment, which would lead me to prefer one man to another, from some other consideration than that of his superior usefulness or worth: that is, which would make something true to me (for example this preferableness), which cannot be true to another man, and is not true in itself *.

Objections: from ignorance:

It may be objected, "that my relation, my companion, or my benefactor will of course in many instances obtain an uncommon portion of my regard: for, not being universally capable of discriminating the comparative worth of different men, I shall inevitably judge most favourably of him, of whose virtues I have received the most unquestionable proofs; and thus shall be compelled

* This argument respecting gratitude is stated with great clearness in an Essay on the Nature of True Virtue, by the Rev. Jonathan Edwards. 12mo. Dilly.

BOOK II. CHAP. II.

pelled to prefer the man of moral worth whom I know, to another who may possess, unknown to me, an essential superiority."

This compulsion however is founded only in the present imperfection of human nature. It may serve as an apology for my error, but can never turn error into truth. It will always remain contrary to the strict and inflexible decisions of justice. The difficulty of conceiving this is owing merely to our confounding the disposition from which an action is chosen, with the action itself. The disposition, that would prefer virtue to vice and a greater degree of virtue to a less, is undoubtedly a subject of approbation; the erroneous exercise of this disposition by which a wrong object is selected, if unavoidable, is to be deplored, but can by no colouring and under no denomination be converted into right *.

from utility.

It may in the second place be objected, "that a mutual commerce of benefits tends to increase the mass of benevolent action, and that to increase the mass of benevolent action is to contribute to the general good." Indeed! Is the general good promoted by falsehood, by treating a man of one degree of worth, as if he had ten times that worth? or as if he were in any degree different from what he really is? Would not the most beneficial consequences result from a different plan; from my

* See this subject more copiously treated in the following chapter.

constantly

BOOK II. CHAP. II.

constantly and carefully enquiring into the deserts of all those with whom I am connected, and from their being sure, after a certain allowance for the fallibility of human judgment, of being treated by me exactly as they deserved? Who can tell what would be the effects of such a plan of conduct universally adopted?

An exception stated.

There seems to be more truth in the argument, derived chiefly from the unequal distribution of property, in favour of my providing in ordinary cases for my wife and children, my brothers and relations, before I provide for strangers. As long as providing for individuals belongs to individuals, it seems as if there must be a certain distribution of the class needing superintendence and supply among the class affording it, that each man may have his claim and resource. But this argument, if admitted at all, is to be admitted with great caution. It belongs only to ordinary cases; and cases of a higher order or a more urgent necessity will perpetually occur, in competition with which these will be altogether impotent. We must be severely scrupulous in measuring out the quantity of supply; and, with respect to money in particular, must remember how little is yet understood of the true mode of employing it for the public benefit.

Degrees of justice.

Having considered the persons with whom justice is conversant, let us next enquire into the degree in which we are obliged to consult the good of others. And here I say, that it is just that

BOOK II. CHAP. II.

that I should do all the good in my power. Does any person in distress apply to me for relief? It is my duty to grant it, and I commit a breach of duty in refusing. If this principle be not of universal application, it is because, in conferring a benefit upon an individual, I may in some instances inflict an injury of superior magnitude upon myself or society. Now the same justice, that binds me to any individual of my fellow men, binds me to the whole. If, while I confer a benefit upon one man, it appear, in striking an equitable balance, that I am injuring the whole, my action ceases to be right and becomes absolutely wrong. But how much am I bound to do for the general weal, that is, for the benefit of the individuals of whom the whole is composed? Every thing in my power. What to the neglect of the means of my own existence? No; for I am myself a part of the whole. Beside, it will rarely happen but that the project of doing for others every thing in my power, will demand for its execution the preservation of my own existence; or in other words, it will rarely happen but that I can do more good in twenty years than in one. If the extraordinary case should occur in which I can promote the general good by my death, more than by my life, justice requires that I should be content to die. In all other cases, it is just that I should be careful to maintain my body and my mind in the utmost vigour, and in the best condition for service *.

* Vide Appendix to this chapter, No. I.

I will

I will ſuppoſe for example that it is right for one man to poſſeſs a greater portion of property than another, either as the fruit of his induſtry, or the inheritance of his anceſtors. Juſtice obliges him to regard this property as a truſt, and calls upon him maturely to conſider in what manner it may beſt be employed for the increaſe of liberty, knowledge and virtue. He has no right to diſpoſe of a ſhilling of it at the will of his caprice. So far from being entitled to well earned applauſe for having employed ſome ſcanty pittance in the ſervice of philanthropy, he is in the eye of juſtice a delinquent if he withhold any portion from that ſervice. Nothing can be more incontrovertible. Could that portion have been better or more worthily employed? That it could is implied in the very terms of the propoſition. Then it was juſt it ſhould have been ſo employed.—In the ſame manner as my property, I hold my perſon as a truſt in behalf of mankind. I am bound to employ my talents, my underſtanding, my ſtrength and my time for the production of the greateſt quantity of general good. Such are the declarations of juſtice, ſo great is the extent of my duty.

But juſtice is reciprocal. If it be juſt that I ſhould confer a benefit, it is juſt that another man ſhould receive it, and, if I withhold from him that to which he is entitled, he may juſtly complain. My neighbour is in want of ten pounds that I can ſpare. There is no law of political inſtitution that has been made to reach this caſe, and to transfer this property from me to him. But

But in the eye of ſimple juſtice, unleſs it can be ſhewn that the money can be more beneficently employed, his claim is as complete, as if he had my bond in his poſſeſſion, or had ſupplied me with goods to the amount *.

To this it has ſometimes been anſwered, "that there is more than one perſon, that ſtands in need of the money I have to ſpare, and of conſequence I muſt be at liberty to beſtow it as I pleaſe." I anſwer, if only one perſon offer himſelf to my knowledge or ſearch, to me there is but one. Thoſe others that I cannot find belong to other rich men to aſſiſt (rich men, I ſay, for every man is rich, who has more money than his juſt occaſions demand), and not to me. If more than one perſon offer, I am obliged to balance their fitneſs, and conduct myſelf accordingly. It is ſcarcely poſſible to happen that two men ſhall be of exactly equal fitneſs, or that I ſhall be equally certain of the fitneſs of the one as of the other.

It is therefore impoſſible for me to confer upon any man a favour, I can only do him a right. Whatever deviates from the law of juſtice, even I will ſuppoſe in the too much done in favour of ſome individual or ſome part of the general whole, is ſo much ſubtracted from the general ſtock, is ſo much of abſolute injuſtice.

* A ſpirited outline of theſe principles is ſketched in Swift's Sermon on Mutual Subjection.

BOOK II. CHAP. II.

Application.

The inference moſt clearly afforded by the preceding reaſonings, is the competence of juſtice as a principle of deduction in all caſes of moral enquiry. The reaſonings themſelves are rather of the nature of illuſtration and example, and any error that may be imputed to them in particulars, will not invalidate the general concluſion, the propriety of applying moral juſtice as a criterion in the inveſtigation of political truth.

Idea of political juſtice.

Society is nothing more than an aggregation of individuals. Its claims and its duties muſt be the aggregate of their claims and duties, the one no more precarious and arbitrary than the other. What has the ſociety a right to require from me? The queſtion is already anſwered: every thing that it is my duty to do. Any thing more? Certainly not. Can they change eternal truth, or ſubvert the nature of men and their actions? Can they make it my duty to commit intemperance, to maltreat or aſſaſſinate my neighbour?—Again. What is it that the ſociety is bound to do for its members? Every thing that can contribute to their welfare. But the nature of their welfare is defined by the nature of mind. That will moſt contribute to it, which enlarges the underſtanding, ſupplies incitements to virtue, fills us with a generous conſciouſneſs of our independence, and carefully removes whatever can impede our exertions.

Should it be affirmed, "that it is not in the power of any political ſyſtem to ſecure to us theſe advantages," the concluſion I am

BOOK II. CHAP. II.

am drawing will ſtill be incontrovertible. It is bound to contribute every thing it is able to theſe purpoſes, and no man was ever yet found hardy enough to affirm that it could do nothing. Suppoſe its influence in the utmoſt degree limited, there muſt be one method approaching nearer than any other to the deſired object, and that method ought to be univerſally adopted. There is one thing that political inſtitutions can aſſuredly do, they can avoid poſitively counteracting the true intereſts of their ſubjects. But all capricious rules and arbitrary diſtinctions do poſitively counteract them. There is ſcarcely any modification of ſociety but has in it ſome degree of moral tendency. So far as it produces neither miſchief nor benefit, it is good for nothing. So far as it tends to the improvement of the community, it ought to be univerſally adopted.

APPENDIX, No. I. p. 87.

OF SUICIDE.

MOTIVES OF SUICIDE: 1. ESCAPE FROM PAIN.—2. BENEVOLENCE.—MARTYRDOM CONSIDERED.

BOOK II. CHAP. II. APPENDIX. Motives of ſuicide. 1. Eſcape from pain.

THIS reaſoning will explain to us the long diſputed caſe of ſuicide. "Have I a right under any circumſtances to deſtroy myſelf in order to eſcape from pain or diſgrace?" Probably not. It is perhaps impoſſible to imagine a ſituation, that ſhall exclude the poſſibility of future life, vigour and uſefulneſs. The motive aſſigned for eſcape is eminently trivial, to avoid pain, which is a ſmall inconvenience; or diſgrace, which is an imaginary evil. The example of fortitude in enduring them, if there were no other conſideration, would probably afford a better motive for continuing to live.

2. Benevolence.

"Is there then no caſe in which ſuicide is a virtue?" What ſhall we think of the reaſoning of Lycurgus, who, when he determined upon a voluntary death, remarked, "that all the faculties a rational being poſſeſſed were capable of a moral uſe, and that, after having ſpent his life in the ſervice of his country, a man ought, if poſſible, to render his death a ſource of additional benefit?" This was the motive of the ſuicide of Codrus, Leonidas and Deciùs. If the ſame motive prevailed in the much admired

ſuicide of Cato, if he were inſtigated by reaſons purely benevolent, it is impoſſible not to applaud his intention, even if he were miſtaken in the application.

BOOK II. CHAP. II. APPENDIX.

The difficulty is to decide in any inſtance whether the recourſe to a voluntary death can overbalance the uſefulneſs I may exert in twenty or thirty years of additional life. But ſurely it would be precipitate to decide that there is no ſuch inſtance. There is a proverb which affirms, "that the blood of the martyrs is the ſeed of the church." It is commonly ſuppoſed that Junius Brutus did right in putting his ſons to death in the firſt year of the Roman republic, and that this action contributed more than any other cauſe, to generate that energy and virtue for which his country was afterwards ſo eminently diſtinguiſhed. The death of Cato produced an effect ſomewhat ſimilar to this. It was dwelt on with admiration by all the lovers of virtue under the ſubſequent tyrants of Rome. It ſeemed to be the lamp from which they caught the ſacred flame. Who can tell how much it has contributed to revive that flame in after ages, when it ſeemed to have been ſo long extinct?

Martyrdom conſidered.

Let it be obſerved that all martyrs [μαρτυρες] are ſuicides by the very ſignification of the term. They die for a teſtimony [μαρτυριο]; that is, they have a motive for dying. But motives reſpect only our own voluntary acts, not the violence put upon us by another.

APPENDIX, No. II.

OF DUELLING.

MOTIVES OF DUELLING: 1. REVENGE.—2. REPUTATION FOR COURAGE.—FALLACY OF THIS MOTIVE.—OBJECTION ANSWERED.—ILLUSTRATION.

BOOK II. CHAP. II. APPENDIX. Motives of duelling.

IT may be proper in this place to beſtow a moment's conſideration upon the trite, but very important caſe of duelling. A very ſhort reflection will ſuffice to ſet it in its true light.

1. Revenge.

This deteſtable practice was originally invented by barbarians for the gratification of revenge. It was probably at that time thought a very happy project for reconciling the odiouſneſs of malignity with the gallantry of courage.

2. Reputation for courage.

But in this light it is now generally given up. Men of the beſt underſtanding who lend it their ſanction, are unwillingly induced to do ſo, and engage in ſingle combat merely that their reputation may ſuſtain no ſlander.

Fallacy of this motive.

Which of theſe two actions is the trueſt teſt of courage: the engaging in a practice which our judgment diſapproves, becauſe we cannot ſubmit to the conſequences of following that judgment; or the doing what we believe to be right, and chearfully encoun-

encountering all the conſequences that may be annexed to the practice of virtue? With what patience can a man of virtue think of cutting off the life of a fellow mortal, or of putting an abrupt cloſe to all the generous projects he may himſelf conceive for the benefit of others, merely becauſe he has not firmneſs enough to awe impertinence and falſhood into ſilence? BOOK II. CHAP. II. APPENDIX.

"But the refuſing a duel is an ambiguous action. Cowards may pretend principle to ſhelter themſelves from a danger they dare not meet." Objection.

This is partly true and partly falſe. There are few actions indeed that are not ambiguous, or that with the ſame general outline may not proceed from different motives. But the manner of doing them will ſufficiently ſhew the principle from which they ſpring. Anſwered.

He, that would break through an univerſally received cuſtom becauſe he believes it to be wrong, muſt no doubt arm himſelf with fortitude. The point in which we chiefly fail, is in not accurately underſtanding our own intentions, and taking care beforehand to free ourſelves from any alloy of weakneſs and error. He, who comes forward with no other idea in his mind but that of rectitude, and who expreſſes, with the ſimplicity and firmneſs which full conviction never fails to inſpire, the views with which he is impreſſed, is in no danger of being miſtaken for a Illuſtration.

BOOK II. CHAP. II. APPENDIX.

coward. If he hesitate, it is because he has not an idea perfectly clear of the sentiment he intends to convey. If he be in any degree embarrassed, it is because he has not a feeling sufficiently generous and intrepid of the guilt of the action in which he is pressed to engage.

If there be any meaning in courage, its first ingredient must be the daring to speak the truth at all times, to all persons, and in every possible situation. What is it but the want of courage that should prevent me from saying, "Sir, I ought to refuse your challenge. What I ought to do, that I dare do. Have I injured you? I will readily and without compulsion repair my injustice to the uttermost mite. Have you misconstrued me? State to me the particulars, and doubt not that what is true I will make appear to be true. Thus far I will go. But, though I should be branded for a coward by all mankind, I will not repair to a scene of deliberate murder. I will not do an act that I know to be flagitious. I will exercise my judgment upon every proposition that comes before me; the dictates of that judgment I will speak; and upon them I will form my conduct." He that holds this language with a countenance in unison with his words, will never be suspected of acting from the impulse of fear.

CHAP.

CHAP. III.

OF DUTY.

A DIFFICULTY STATED.—OF ABSOLUTE AND PRACTICAL VIRTUE.—IMPROPRIETY OF THIS DISTINCTION.—UNIVERSALITY OF WHAT IS CALLED PRACTICAL VIRTUE—INSTANCED IN ROBBERY—IN RELIGIOUS FANATICISM.—THE QUALITY OF AN ACTION DISTINCT FROM THE DISPOSITION WITH WHICH IT IS PERFORMED—FARTHER DIFFICULTY.—MEANING OF THE TERM, DUTY.—APPLICATION.—INFERENCES.

BOOK II. CHAP. III. A difficulty stated.

THERE is a difficulty of considerable magnitude as to the subject of the preceding chapter, founded upon the difference which may exist between abstract justice and my apprehensions of justice. When I do an act, wrong in itself, but which as to all the materials of judging extant to my understanding appears to be right, is my conduct virtuous or vicious?

Of absolute and practical virtue.

Certain moralists have introduced a distinction upon this head between absolute and practical virtue. "There is one species of virtue," they say, "which rises out of the nature of things and is immutable, and another which rises out of the views extant to my understanding. Thus for example suppose, I ought to

BOOK II. CHAP. III.

worſhip Jeſus Chriſt; but, having been bred in the religion of Mahomet, I ought to adhere to that religion, as long as its evidences ſhall appear to me concluſive. I am impannelled upon a jury to try a man arraigned for murder, and who is really innocent. Abſtractedly conſidered, I ought to acquit him. But I am unacquainted with his innocence, and evidence is adduced ſuch as to form the ſtrongeſt preſumption of his guilt. Demonſtration in ſuch caſes is not to be attained; I am obliged in every concern of human life to act upon preſumption; I ought therefore to convict him."

Impropriety of this diſtinction.

It may be doubted however whether any good purpoſe is likely to be anſwered by employing the terms of abſtract ſcience in this verſatile and uncertain manner. Morality is, if any thing can be, fixed and immutable; and there muſt ſurely be ſome ſtrange deception that ſhould induce us to give to an action eternally and unchangeably wrong, the epithets of rectitude, duty and virtue.

Univerſality of what is called practical virtue:

Nor have theſe moraliſts been thoroughly aware to what extent this admiſſion would carry them. The human mind is incredibly ſubtle in inventing an apology for that to which its inclination leads. Nothing is ſo rare as pure and unmingled hypocriſy. There is no action of our lives which we were not ready at the time of adopting it to juſtify, unleſs ſo far as we were prevented by mere indolence and unconcern. There is ſcarcely

ſcarcely any juſtification which we endeavour to paſs upon others, which we do not with tolerable ſucceſs paſs upon ourſelves. The diſtinction therefore which is here ſet up would go near to prove that every action of every human being is entitled to the appellation of virtuous.

BOOK II. CHAP. III.

inſtanced in robbery:

There is perhaps no man that cannot recollect the time when he ſecretly called in queſtion the arbitrary diviſion of property eſtabliſhed in human ſociety, and felt inclined to appropriate to his uſe any thing the poſſeſſion of which appeared to him deſirable. It is probably in ſome ſuch way that men are uſually influenced in the perpetration of robbery. They perſuade themſelves of the comparative inutility of the property to its preſent poſſeſſor, and the ineſtimable advantage that would attend it in their hands. They believe that the transfer ought to be made. It is of no conſequence that they are not conſiſtent in theſe views, that the impreſſions of education ſpeedily recur to their minds, and that in a ſeaſon of adverſity they readily confeſs the wickedneſs of their proceeding. It is not leſs true that they did what at the moment they thought to be right.

in religious fanaticiſm.

But there is another conſideration that ſeems ſtill more deciſive of the ſubject before us. The worſt actions, the moſt contrary to abſtract juſtice and utility, have frequently been done from the moſt conſcientious motives. Clement, Ravaillac, Damiens and Gerard had their minds deeply penetrated with anxiety for the

BOOK II. CHAP. III.

eternal welfare of mankind. For theſe objects they ſacrificed their eaſe, and chearfully expoſed themſelves to tortures and death. It was benevolence probably that contributed to light the fires of Smithfield, and point the daggers of Saint Bartholomew. The inventors of the Gunpowder Treaſon were in general men remarkable for the ſanctity of their lives and the ſeverity of their manners. It is probable indeed, that ſome ambitious views, and ſome ſentiments of hatred and abhorrence mixed with the benevolence and integrity of theſe perſons. It is probable that no wrong action was ever committed from views entirely pure. But the deception they put upon themſelves might nevertheleſs be complete. At all events their opinions upon the ſubject could not alter the real nature of the action.

The quality of an action diſtinct from the diſpoſition with which it is performed.

The true ſolution of the queſtion lies in obſerving, that the diſpoſition with which an action is adopted is one thing, and the action itſelf another. A right action may be done from a wrong diſpoſition; in that caſe we approve the action, but condemn the actor. A wrong action may be done from a right diſpoſition; in that caſe we condemn the action, but approve the actor. If the diſpoſition by which a man is governed have a ſyſtematical tendency to the benefit of his ſpecies, he cannot fail to obtain our eſteem, however miſtaken he may be in his conduct.

Farther difficulty.

But what ſhall we ſay to the duty of a man under theſe circumſtances? Calvin, we will ſuppoſe, was clearly and conſcientiouſly

BOOK II. CHAP. III.

tiouſly perſuaded that he ought to burn Servetus. Ought he to have burned him or not? "If he burned him, he did an action deteſtable in its own nature; if he refrained, he acted in oppoſition to the beſt judgment of his own underſtanding as to a point of moral obligation." It is abſurd however to ſay, that it was in any ſenſe his duty to burn him. The moſt that can be admitted is, that his diſpoſition was virtuous, and that in the circumſtances in which he was placed an action greatly to be deplored flowed from that diſpoſition by invincible neceſſity.

Shall we ſay then that it was the duty of Calvin, who did not underſtand the principles of toleration, to act upon a truth of which he was ignorant? Suppoſe that a perſon is to be tried at York next week for murder, and that my evidence would acquit him. Shall we ſay that it was my duty to go to York, though I knew nothing of the matter? Upon the ſame principles we might affirm that it is my duty to go from London to York in half an hour, as the trial will come on within that time; the impoſſibility not being more real in one caſe than in the other. Upon the ſame principles we might affirm, that it is my duty to be impeccable, omniſcient and almighty.

Meaning of the term, duty.

Duty is a term the uſe of which ſeems to be to deſcribe the mode in which any being may beſt be employed for the general good. It is limited in its extent by the extent of the capacity of that being. Now capacity varies in its idea in proportion as we vary

BOOK II. CHAP. III.

vary our view of the ſubject to which it belongs. What I am capable of, if you conſider me merely as a man, is one thing; what I am capable of as a man of a deformed figure, of weak underſtanding, of ſuperſtitious prejudices, or as the caſe may happen, is another. So much cannot be expected of me under theſe diſadvantages, as if they were abſent. But, if this be the true definition of duty, it is abſurd to ſuppoſe in any caſe that an action injurious to the general welfare can be claſſed in the rank of duties.

Application.

To apply theſe obſervations to the caſes that have been ſtated. Ignorance, ſo far as it goes, completely annihilates capacity. As I was uninformed of the trial at York, I could not be influenced by any conſideration reſpecting it. But it is abſurd to ſay that it was my duty to neglect a motive with which I was unacquainted. If you alledge, "that Calvin was ignorant of the principles of toleration, and had no proper opportunity to learn them," it follows that in burning Servetus he did not violate his duty, but it does not follow that it was his duty to burn him. Upon the ſuppoſition here ſtated duty is ſilent. Calvin was unacquainted with the principles of juſtice, and therefore could not practiſe them. The duty of no man can exceed his capacity; but then neither can in any caſe an act of injuſtice be of the nature of duty.

Inferences.

There are certain inferences that flow from this view of the ſubject, which it may be proper to mention. Nothing is more

BOOK II. CHAP. III.

common than for individuals and ſocieties of men to alledge that they have acted to the beſt of their judgment, that they have done their duty, and therefore that their conduct, even ſhould it prove to be miſtaken, is nevertheleſs virtuous. This appears to be an error. An action, though done with the beſt intention in the world, may have nothing in it of the nature of virtue. In reality the moſt eſſential part of virtue conſiſts in the inceſſantly ſeeking to inform ourſelves more accurately upon the ſubject of utility and right. Whoever is greatly miſinformed reſpecting them, is indebted for his error to a defect in his philanthropy and zeal.

Secondly, ſince abſolute virtue may be out of the power of a human being, it becomes us in the mean time to lay the greateſt ſtreſs upon a virtuous diſpoſition, which is not attended with the ſame ambiguity. A virtuous diſpoſition is of the utmoſt conſequence, ſince it will in the majority of inſtances be productive of virtuous actions; ſince it tends, in exact proportion to the quantity of virtue, to increaſe our diſcernment and improve our underſtanding; and ſince, if it were univerſally propagated, it would immediately lead to the great end of virtuous actions, the pureſt and moſt exquiſite happineſs of intelligent beings. But a virtuous diſpoſition is principally generated by the uncontrolled exerciſe of private judgment, and the rigid conformity of every man to the dictates of his conſcience.

CHAP. IV.

OF THE EQUALITY OF MANKIND.

PHYSICAL EQUALITY.—OBJECTION.—ANSWERS.—MORAL EQUALITY.—HOW LIMITED.—PROVINCE OF POLITICAL JUSTICE.

BOOK II. CHAP. IV. Physical equality.

THE equality of mankind is either physical or moral. Their physical equality may be considered either as it relates to the strength of the body or the faculties of the mind.

Objection.

This part of the subject has been exposed to cavil and objection. It has been said, "that the reverse of this equality is the result of our experience. Among the individuals of our species we actually find that there are not two alike. One man is strong and another weak. One man is wise and another foolish. All that exists in the world of the inequality of conditions is to be traced to this as their source. The strong man possesses power to subdue, and the weak stands in need of an ally to protect. The consequence is inevitable: the equality of conditions is a chimerical assumption, neither possible to be reduced into practice, nor desirable if it could be so reduced."

BOOK II. CHAP. IV. Answers.

Upon this statement two observations are to be made. First, this inequality was in its origin infinitely less than it is at present. In the uncultivated state of man diseases, effeminacy and luxury were little known, and of consequence the strength of every one much more nearly approached to the strength of his neighbour. In the uncultivated state of man the understandings of all were limited, their wants, their ideas and their views nearly upon a level. It was to be expected that in their first departure from this state great irregularities would introduce themselves; and it is the object of subsequent wisdom and improvement to mitigate these irregularities.

Secondly, notwithstanding the incroachments that have been made upon the equality of mankind, a great and substantial equality remains. There is no such disparity among the human race as to enable one man to hold several other men in subjection, except so far as they are willing to be subject. All government is founded in opinion. Men at present live under any particular form, because they conceive it their interest to do so. One part indeed of a community or empire may be held in subjection by force; but this cannot be the personal force of their despot; it must be the force of another part of the community, who are of opinion that it is their interest to support his authority. Destroy this opinion, and the fabric which is built upon it falls to the ground. It follows therefore that all men are essentially independent.—So much for the physical-equality.

BOOK II. CHAP. IV. Moral equality.

The moral equality is ſtill leſs open to reaſonable exception. By moral equality I underſtand the propriety of applying one unalterable rule of juſtice to every caſe that may ariſe. This cannot be queſtioned but upon arguments that would ſubvert the very nature of virtue. "Equality," it has been affirmed, "will always be an unintelligible fiction, ſo long as the capacities of men ſhall be unequal, and their pretended claims have neither guarantee nor ſanction by which they can be inforced *." But ſurely juſtice is ſufficiently intelligible in its own nature, abſtracted from the conſideration whether it be or be not reduced into practice. Juſtice has relation to beings endowed with perception, and capable of pleaſure and pain. Now it immediately reſults from the nature of ſuch beings, independently of any arbitrary conſtitution, that pleaſure is agreeable and pain odious, pleaſure to be deſired and pain to be obviated. It is therefore juſt and reaſonable that ſuch beings ſhould contribute, ſo far as it lies in their power, to the pleaſure and benefit of each other. Among pleaſures ſome are more exquiſite, more unalloyed and leſs precarious than others. It is juſt that theſe ſhould be preferred.

From theſe ſimple principles we may deduce the moral equality of mankind. We are partakers of a common nature,

* "*On a dit—que nous avions tous les mêmes droits. J'ignore ce que c'eſt que les mêmes droits, où il y a inégalité de talens ou de force, & nulle garantie, nulle ſanction.*" *Raynal, Revolution d'Amerique*, p. 34.

BOOK II. CHAP. IV.

and the ſame cauſes that contribute to the benefit of one contribute to the benefit of another. Our ſenſes and faculties are of the ſame denomination. Our pleaſures and pains will therefore be the ſame. We are all of us endowed with reaſon, able to compare, to judge and to infer. The improvement therefore which is to be deſired for the one is to be deſired for the other. We ſhall be provident for ourſelves and uſeful to each other, in proportion as we riſe above the atmoſphere of prejudice. The ſame independence, the ſame freedom from any ſuch reſtraint, as ſhould prevent us from giving the reins to our own underſtanding, or from uttering upon all occaſions whatever we think to be true, will conduce to the improvement of all. There are certain opportunities and a certain ſituation moſt advantageous to every human being, and it is juſt that theſe ſhould be communicated to all, as nearly at leaſt as the general economy will permit.

How limited.

There is indeed one ſpecies of moral inequality parallel to the phyſical inequality that has been already deſcribed. The treatment to which men are entitled is to be meaſured by their merits and their virtues. That country would not be the ſeat of wiſdom and reaſon, where the benefactor of his ſpecies was conſidered in the ſame point of view as their enemy. But in reality this diſtinction, ſo far from being adverſe to equality in any tenable ſenſe, is friendly to it, and is accordingly known by the appellation of equity, a term derived from the ſame origin. Though in ſome ſenſe an exception, it tends to the ſame

BOOK II. CHAP. IV.

Province of political juſtice.

purpoſe to which the principle itſelf is indebted for its value. It is calculated to infuſe into every boſom an emulation of excellence. The thing really to be deſired is the removing as much as poſſible arbitrary diſtinctions, and leaving to talents and virtue the field of exertion unimpaired. We ſhould endeavour to afford to all the ſame opportunities and the ſame encouragement, and to render juſtice the common intereſt and choice.

CHAP.

CHAP. V.

RIGHTS OF MAN.

THE QUESTION STATED.—FOUNDATION OF SOCIETY.—OPPOSITE RIGHTS IMPOSSIBLE.—CONCLUSION FROM THESE PREMISES. — DISCRETION CONSIDERED. — RIGHTS OF KINGS.—IMMORAL CONSEQUENCES OF THE DOCTRINE OF RIGHTS.—RIGHTS OF COMMUNITIES.—OBJECTIONS: I. THE RIGHT OF MUTUAL AID.—EXPLANATION.—ORIGIN OF THE TERM, RIGHT.—2. RIGHTS OF PRIVATE JUDGMENT AND OF THE PRESS.—EXPLANATION.—REASONS OF THIS LIMITATION UPON THE FUNCTIONS OF THE COMMUNITY: I. THE INUTILITY OF ATTEMPTING RESTRAINT.—2. ITS PERNICIOUS TENDENCY.—CONCLUSION.

BOOK II. CHAP. V.

The queſtion ſtated.

THERE is no ſubject that has been diſcuſſed with more eagerneſs and pertinacity than the rights of man. Has he any rights, or has he none? Much may plauſibly be alledged on both ſides of this queſtion; and in the concluſion thoſe reaſoners appear to expreſs themſelves with the greateſt accuracy who embrace the negative. There is nothing that has been of greater diſſervice to the cauſe of truth, than the haſty and unguarded manner in which its advocates have ſometimes defended it: and it

BOOK II. CHAP. V.

it will be admitted to be peculiarly unfortunate, if the advocates on one ſide of this queſtion ſhould be found to have the greateſt quantity of truth, while their adverſaries have expreſſed themſelves in a manner more conſonant to reaſon and the nature of things. Where the queſtion has been ſo extremely darkened by an ambiguous uſe of terms, it may at any rate be deſirable to try, whether, by a patient and ſevere inveſtigation of the firſt principles of political ſociety, it may be placed in a light conſiderably different from the views of both parties.

Foundation of ſociety.

Political ſociety, as has already been obſerved, is founded in the principles of morality and juſtice. It is impoſſible for intellectual beings to be brought into coalition and intercourſe, without a certain mode of conduct, adapted to their nature and connection, immediately becoming a duty incumbent on the parties concerned. Men would never have aſſociated, if they had not imagined that in conſequence of that aſſociation they would mutually conduce to the advantage and happineſs of each other. This is the real purpoſe, the genuine baſis of their intercourſe; and, as far as this purpoſe is anſwered, ſo far does ſociety anſwer the end of its inſtitution.

Oppoſite rights impoſſible.

There is only one poſtulate more, that is neceſſary to bring us to a concluſive mode of reaſoning upon this ſubject. Whatever is meant by the term right, for it will preſently appear that the ſenſe of the term itſelf has never been clearly underſtood, there

BOOK II. CHAP. V.

there can neither be oppoſite rights, nor rights and duties hoſtile to each other. The rights of one man cannot claſh with or be deſtructive of the rights of another; for this, inſtead of rendering the ſubject an important branch of truth and morality, as the advocates of the rights of man certainly underſtand it to be, would be to reduce it to a heap of unintelligible jargon and inconſiſtency. If one man have a right to be free, another man cannot have a right to make him a ſlave; if one man have a right to inflict chaſtiſement upon me, I cannot have a right to withdraw myſelf from chaſtiſement; if my neighbour have a right to a ſum of money in my poſſeſſion, I cannot have a right to retain it in my pocket.—It cannot be leſs incontrovertible, that I have no right to omit what my duty preſcribes.

Concluſion from theſe premiſes.

From hence it inevitably follows that men have no rights. By right, as the word is employed in this ſubject, has always been underſtood diſcretion, that is, a full and complete power of either doing a thing or omitting it, without the perſon's becoming liable to animadverſion or cenſure from another, that is, in other words, without his incurring any degree of turpitude or guilt. Now in this ſenſe I affirm that man has no rights, no diſcretionary power whatever.

Diſcretion conſidered.

It is commonly ſaid, "that a man has a right to the diſpoſal of his fortune, a right to the employment of his time, a right to the uncontrolled choice of his profeſſion or purſuits." But this

can

BOOK II. CHAP. V.

can never be conſiſtently affirmed till it can be ſhewn that he has no duties, preſcribing and limiting his mode of proceeding in all theſe reſpects. My neighbour has juſt as much right to put an end to my exiſtence with dagger or poiſon, as to deny me that pecuniary aſſiſtance without which I muſt ſtarve, or as to deny me that aſſiſtance without which my intellectual attainments or my moral exertions will be materially injured. He has juſt as much right to amuſe himſelf with burning my houſe or torturing my children upon the rack, as to ſhut himſelf up in a cell careleſs about his fellow men, and to hide "his talent in a napkin."

If men have any rights, any diſcretionary powers, they muſt be in things of total indifference, as whether I ſit on the right or on the left ſide of my fire, or dine on beef to day or to-morrow. Even theſe rights are much fewer than we are apt to imagine, ſince before they can be completely eſtabliſhed, it muſt be proved that my choice on one ſide or the other can in no poſſible way contribute to the benefit or injury of myſelf or of any other perſon in the world. Thoſe muſt indeed be rights well worth the contending for, the very eſſence of which conſiſts in their abſolute nugatorineſs and inutility.

In reality nothing can appear more wonderful to a careful enquirer, than that two ideas ſo incompatible as man and rights ſhould ever have been aſſociated together. Certain it is, that one

BOOK II. CHAP. V.

of them muſt be utterly excluſive and annihilatory of the other. Before we aſcribe rights to man, we muſt conceive of him as a being endowed with intellect, and capable of diſcerning the differences and tendencies of things. But a being endowed with intellect, and capable of diſcerning the differences and tendencies of things, inſtantly becomes a moral being, and has duties incumbent on him to diſcharge: and duties and rights, as has already been ſhewn, are abſolutely excluſive of each other.

Rights of kings.

It has been affirmed by the zealous advocates of liberty, "that princes and magiſtrates have no rights;" and no poſition can be more incontrovertible. There is no ſituation of their lives that has not its correſpondent duties. There is no power intruſted to them that they are not bound to exerciſe excluſively for the public good. It is ſtrange that perſons adopting this principle did not go a ſtep farther, and perceive that the ſame reſtrictions were applicable to ſubjects and citizens.

Immoral conſequences of the doctrine of rights.

Nor is the fallacy of this language more conſpicuous than its immoral tendency. To this inaccurate and unjuſt uſe of the term right we owe it, that the miſer, who accumulates to no end that which diffuſed would have conduced to the welfare of thouſands, that the luxurious man, who wallows in indulgence and ſees numerous families around him pining in beggary, never fail to tell us of their rights, and to ſilence animadverſion and quiet the cenſure of their own mind by reminding us, "that they

BOOK II. CHAP. V.

came fairly into poſſeſſion of their wealth, that they owe no debts, and that of conſequence no man has authority to enquire into their private manner of diſpoſing of that which is their own." A great majority of mankind are conſcious that they ſtand in need of this ſort of defence, and are therefore very ready to combine againſt the inſolent intruder, who ventures to enquire into "things that do not concern him." They forget, that the wiſe man and the honeſt man, the friend of his country and his kind, is concerned for every thing by which they may be affected, and carries about with him a diploma, conſtituting him inquiſitor general of the moral conduct of his neighbours, with a duty annexed to recal them to virtue, by every leſſon that truth can enable him to read, and every puniſhment that plain ſpeaking is competent to inflict.

Rights of communities.

It is ſcarcely neceſſary to add, that, if individuals have no rights, neither has ſociety, which poſſeſſes nothing but what individuals have brought into a common ſtock. The abſurdity of the common opinion, as applied to this ſubject, is ſtill more glaring, if poſſible, than in the view in which we have already conſidered it. According to the uſual ſentiment every club aſſembling for any civil purpoſe, every congregation of religioniſts aſſembling for the worſhip of God, has a right to eſtabliſh any proviſions or ceremonies, no matter how ridiculous or deteſtable, provided they do not interfere with the freedom of others. Reaſon lies proſtrate under their feet. They have a right to trample upon

BOOK II. CHAP. V.

upon and inſult her as they pleaſe. It is in the ſame ſpirit we have been told that every nation has a right to chooſe its form of government. A moſt acute, original and ineſtimable author was probably miſled by the vulgar phraſeology on this ſubject, when he aſſerted, that, "at a time when neither the people of France nor the national aſſembly were troubling themſelves about the affairs of England or the Engliſh parliament, Mr. Burke's conduct was unpardonable in commencing an unprovoked attack upon them *."

Objections.

There are various objections that ſuggeſt themſelves to the theory which ſubverts the rights of men; and if the theory be true, they will probably appear in the reſult to be ſo far from really hoſtile to it, as to be found more fairly deducible from and conſiſtent with its principles, than with any of thoſe with which they have inadvertently been connected.

1. The rights of mutual aid.

In the firſt place it has ſometimes been alledged, and ſeems to reſult from the reaſonings already adduced under the head of juſtice, that "men have a right to the aſſiſtance and co-operation of their fellows in every honeſt purſuit." But, when we aſſert this propoſition, we mean ſomething by the word right exceedingly different from what is commonly underſtood by the term. We do not underſtand ſomething diſcretionary, which, if not voluntarily fulfilled, cannot be conſidered as a matter of claim.

Explanation.

* Rights of Man, page 1.

BOOK II. CHAP. V.

On the contrary every thing adduced upon that occaſion was calculated to ſhew that it was a matter of ſtrict claim; and perhaps ſomething would be gained with reſpect to perſpicuity, if we rather choſe to diſtinguiſh it by that appellation, than by a name ſo much abuſed, and ſo ambiguous in its application, as the term right.

Origin of the term, right.

The true origin of this latter term is relative to the preſent ſtate of political government, in which many of thoſe actions which moral duty moſt ſtrictly enjoins us are in no degree brought within the ſphere of legiſlative ſanction. Men uninfluenced by comprehenſive principles of juſtice, commit every ſpecies of intemperance, are ſelfiſh, hard-hearted, licentious and cruel, and maintain their right to all theſe caprices, becauſe the laws of their country are ſilent with regard to them. Philoſophers and political enquirers have too frequently adopted the ſame principles with a certain degree of accommodation; though in fact men have no more right to theſe erroneous propenſities in their moſt qualified ſenſe, than they had to them originally in all their extravagance. It is true, that, under the forms of ſociety now exiſting in the world, intemperance and the caprices of perſonal intercourſe too frequently eſcape without animadverſion. But in a more perfect form, though they may not fall under the cogniſance of law, the offender will probably be ſo unequivocally reminded by the ſincerity of his neighbours of the error he has com-

committed, as to be in no danger of running away with the opinion that he had a right to commit it.

BOOK II. CHAP. V.

2. Rights of private judgment and of the preſs.

A ſecond and more important objection to the doctrine I am maintaining is derived from the rights as they are called of private judgment, and the liberty of the preſs. But it may eaſily be ſhewn, that theſe, no more than the articles already mentioned, are rights of diſcretion. If they were, they would prove, that a man was ſtrictly juſtifiable in publiſhing what he believed to be pernicious or falſe, and that it was a matter of perfect moral indifference whether he conformed to the religious rites of Confucius, of Mahomet, or of Chriſt. The political freedom of conſcience and of the preſs, ſo far from being as it is commonly ſuppoſed an extenſion, is a new caſe of the limitation of rights and diſcretion. Conſcience and the preſs ought to be unreſtrained, not becauſe men have a right to deviate from the exact line that duty preſcribes, but becauſe ſociety, the aggregate of individuals, has no right to aſſume the prerogative of an infallible judge, and to undertake authoritatively to preſcribe to its members in matters of pure ſpeculation.

Explanation.

Reaſons of this limitation upon the functions of the community.

1. The inutility of attempting reſtraint.

One obvious reaſon againſt this aſſumption on the part of the ſociety is the impoſſibility by any compulſatory method of bringing men to uniformity of opinion. The judgment we form upon topics of general truth, is or is imagined to be founded upon evidence: and, however it may be ſoothed by gentle applications to

BOOK II. CHAP. V.

to the betraying its impartiality, it is apt to repel with no little pertinacity whatever comes under the form of compulſion. Perſecution cannot perſuade the underſtanding, even when it ſubdues our reſolution. It may make us hypocrites; but cannot make us converts. The government therefore, which is anxious above all things to imbue its ſubjects with integrity and virtue, will be the fartheſt in the world from diſcouraging them in the explicit avowal of their ſentiments.

2. Its pernicious tendency.

But there is another reaſon of a higher order. Man is not, as has been already ſhewn, a perfect being, but perfectible. No government, that has yet exiſted, or is likely preſently to exiſt upon the face of the earth, is faultleſs. No government ought therefore pertinaciouſly to reſiſt the change of its own inſtitutions; and ſtill leſs ought it to ſet up a ſtandard upon the various topics of human ſpeculation, to reſtrain the excurſions of an inventive mind. It is only by giving a free ſcope to theſe excurſions, that ſcience, philoſophy and morals have arrived at their preſent degree of perfection, or are capable of going on to that ſtill greater perfection, in compariſon of which all that has been already done will perhaps appear childiſh. But a proceeding, abſolutely neceſſary for the purpoſe of exciting the mind to theſe ſalutary excurſions, and ſtill more neceſſary in order to give them their proper operation, conſiſts in the unreſtrained communication of men's thoughts and diſcoveries to each other. If every man have to begin again at the point from which his neighbour ſet out, the labour will be endleſs, and the progreſs in an unvarying circle. There is nothing that more eminently contributes to intellectual energy, than for every man to be habituated to follow without alarm the train of his ſpeculations, and to utter without fear the concluſions that have ſuggeſted themſelves to him.—But does all this imply that men have a right to act any thing but virtue, and to utter any thing but truth? Certainly not. It implies indeed that there are points with which ſociety has no right to interfere, not that diſcretion and caprice are more free, or duty leſs ſtrict upon theſe points, than upon any others with which human action is converſant.

BOOK II. CHAP. V.

Concluſion.

CHAP.

CHAP. VI.

OF THE EXERCISE OF PRIVATE JUDGMENT.

FOUNDATION OF VIRTUE.—HUMAN ACTIONS REGULATED: I. BY THE NATURE OF THINGS.—2. BY POSITIVE INSTITUTION.—TENDENCY OF THE LATTER; I. TO EXCITE VIRTUE.—ITS EQUIVOCAL CHARACTER IN THIS RESPECT. —2. TO INFORM THE JUDGMENT.—ITS INAPTITUDE FOR THAT PURPOSE.—PROVINCE OF CONSCIENCE CONSIDERED. TENDENCY OF AN INTERFERENCE WITH THAT PROVINCE. —RECAPITULATION.—ARGUMENTS IN FAVOUR OF POSITIVE INSTITUTION: I. THE NECESSITY OF REPELLING PRIVATE INJUSTICE.—OBJECTIONS: THE UNCERTAINTY OF EVIDENCE.—THE DIVERSITY OF MOTIVES.—THE UNSUITABLENESS OF THE MEANS OF CORRECTION—EITHER TO IMPRESS NEW SENTIMENTS—OR TO STRENGTHEN OLD ONES.—PUNISHMENT FOR THE SAKE OF EXAMPLE CONSIDERED.—URGENCY OF THE CASE.—2. REBELLION.—3. WAR.—OBJECTIONS.—REPLY.

BOOK II. CHAP. VI. Foundation of virtue.

TO a rational being there can be but one rule of conduct, juſtice, and one mode of aſcertaining that rule, the exerciſe of his underſtanding. If in any inſtance I be made the mechanical inſtrument of abſolute violence, in that inſtance I fall under

BOOK II. CHAP. VI.

under no deſcription of moral conduct either good or bad. But, if, not being operated upon by abſolute compulſion, I be wholly prompted by ſomething that is frequently called by that name, and act from the hope of reward or the fear of puniſhment, my conduct is poſitively wrong.

Here however a diſtinction is to be made. Juſtice, as it was defined in a preceding chapter, is coincident with utility. I am myſelf a part of the great whole, and my happineſs is a part of that complex view of things by which juſtice is regulated. The hope of reward therefore and the fear of puniſhment, confined within certain ſtrict limits, are motives that ought to have influence with my mind.

Human actions are regulated, 1. by the nature of things:

There are two deſcriptions of tendency that may belong to any action, the tendency which it poſſeſſes by the neceſſary and univerſal laws of exiſtence, and the tendency which reſults from the poſitive interference of ſome intelligent being. The nature of happineſs and miſery, pleaſure and pain, is independent of all poſitive inſtitution: that is, it is immutably true that whatever tends to procure a balance of the former is to be deſired, and whatever tends to procure a balance of the latter is to be rejected. In like manner the promulgation of virtue, truth and political juſtice muſt always be right. There is perhaps no action of a rational being that has not ſome tendency to promote theſe objects, and conſequently that has not a moral character founded in the abſtract nature of things.

2. By positive institution.

Tendency of the latter.

The tendency of positive institution is of two sorts, to furnish me with an additional motive to the practice of virtue or right, and to inform my understanding as to what actions are right and what actions are wrong. Much cannot be said in commendation of either of these tendencies.

1. To excite virtue.

Its equivocal character in this respect.

First, positive institution may furnish me with an additional motive to the practice of virtue. I have an opportunity of contributing very essentially to the advantage of twenty individuals; they will be benefited, and no other persons will sustain a material injury. I ought to embrace this opportunity. Here let us suppose positive institution to interfere, and to annex some great personal reward to myself to the performance of my duty. This immediately changes the nature of the action. Before I preferred it for its intrinsic excellence. Now, so far as the positive institution operates, I prefer it, because some person has arbitrarily annexed to it a great weight of self-interest. But virtue, considered as the quality of an intelligent being, depends upon the disposition with which the action is accompanied. Under a positive institution then this very action, which is intrinsically virtuous, may, so far as relates to the agent, become vicious. The vicious man would before have neglected the advantage of these twenty individuals, because he would not bring a certain inconvenience or trouble upon himself. The same man with the same disposition will now promote their advantage, because his own welfare is concerned in it. Twenty, other things equal,

equal, is twenty times better than one. He that is not governed by the moral arithmetic of the case, or who acts from a disposition directly at war with that arithmetic, is unjust. In other words, morality requires that we should be attentive only to the tendency which belongs to any action by the necessary and universal laws of existence. This is what is meant by the principle, "that we should do good, regardless of the consequences;" and by that other, "that we may not do evil, from the prospect of good to result from it." The case would have been rendered still more glaring, if, instead of the welfare of twenty, we had supposed the welfare of millions to have been concerned. In reality, whether the disparity be great or small, the inference ought to be the same.

2. To inform the judgment.

Its inaptitude for that purpose.

Secondly, positive institution may inform my understanding as to what actions are right and what actions are wrong. Here it is proper for us to reflect upon the terms understanding and information. Understanding, particularly as it is concerned with moral subjects, is the percipient of truth. This is its proper sphere. Information, so far as it is genuine, is a portion detached from the great body of truth. You inform me, "that Euclid asserts the three angles of a plane triangle to be equal to two right angles." Still I am unacquainted with the truth of this proposition. "But Euclid has demonstrated it. His demonstration has existed for two thousand years, and during that term has proved satisfactory to every man by whom it has been understood."

BOOK II. CHAP. VI.

I am nevertheleſs uninformed. The knowledge of truth lies in the perceived agreement or diſagreement of the terms of a propoſition. So long as I am unacquainted with the middle term by means of which they may be compared, ſo long as they are incommenſurate to my underſtanding, you may have furniſhed me with a principle from which I may reaſon truly to farther conſequences, but as to the principle itſelf I may ſtrictly be ſaid to know nothing about it.

Every propoſition has an intrinſic evidence of its own. Every conſequence has premiſes from which it flows; and upon them, and not upon any thing elſe, its validity depends. If you could work a miracle to prove, "that the three angles of a triangle were equal to two right angles," I ſhould ſtill know, that the propoſition was either true or falſe previouſly to the exhibition of that miracle; and that there was no neceſſary connection between any one of its terms and the miracle exhibited. The miracle would take off my attention from the true queſtion to a queſtion altogether different, that of authority. By the authority adduced I might be prevailed on to yield an irregular aſſent to the propoſition; but I could not properly be ſaid to perceive its truth.

But this is not all. If it were, it might perhaps be regarded as a refinement foreign to the concerns of human life. Poſitive inſtitutions do not content themſelves with requiring my aſſent to

BOOK II. CHAP. VI.

to certain propoſitions, in conſideration of the reſpectable teſtimony by which they are inforced. This would amount to no more, than advice flowing from a reſpectable quarter, which after all I might reject, if it did not accord with the mature judgment of my own underſtanding. But in the very nature of theſe inſtitutions there is included a ſanction, a motive either of puniſhment or reward to induce me to obedience.

Province of conſcience conſidered.

It is commonly ſaid, "that poſitive inſtitutions ought to leave me perfectly free in matters of conſcience, but may properly interfere with my conduct in civil concerns." But this diſtinction ſeems to have been very lightly taken up. What ſort of moraliſt muſt he be, who makes no conſcience of what paſſes in his intercourſe with other men? Such a diſtinction proceeds upon the ſuppoſition, "that it is of great conſequence whether I bow to the eaſt or the weſt; whether I call the object of my worſhip Jehovah or Alla; whether I pay a prieſt in a ſurplice or a black coat. Theſe are points in which an honeſt man ought to be rigid and inflexible. But as to thoſe other, whether he ſhall be a tyrant, a ſlave or a free citizen; whether he ſhall bind himſelf with multiplied oaths impoſſible to be performed, or be a rigid obſerver of truth; whether he ſhall ſwear allegiance to a king *de jure* or a king *de facto*, to the beſt or the worſt of all poſſible governments; reſpecting theſe points he may ſafely commit his conſcience to the keeping of the civil magiſtrate." In reality there are perhaps no concerns of a rational being, over which

morality does not extend its province, and respecting which he is not bound to a conscientious proceeding.

Tendency of an interference with that province.

I am satisfied at present, that a certain conduct, suppose it be a rigid attention to the confidence of private conversation, is incumbent upon me. You tell me, "there are certain cases of such peculiar emergency as to supersede this rule." Perhaps I think there are not. If I admit your proposition, a wide field of enquiry is opened, respecting what cases do or do not deserve to be considered as exceptions. It is little likely that we should agree respecting all these cases. How then does the law treat me, for my conscientious discharge of what I conceive to be my duty? Because I will not turn informer (which, it may be, I think an infamous character) against my most valued friend, the law accuses me of misprision of treason, felony or murder, and perhaps hangs me. I believe a certain individual to be a confirmed villain, and a most dangerous member of society, and feel it to be my duty to warn others, perhaps the public, against the effect of his vices. Because I publish what I know to be true, the law convicts me of libel, *scandalum magnatum*, and crimes of I know not what complicated denomination.

If the evil stopped here, it would be well. If I only suffered a certain calamity, suppose death, I could endure it. Death has hitherto been the common lot of men, and I expect at some time or other to submit to it. Human society must sooner or later be

be deprived of its individual members, whether they be valuable, or whether they be inconsiderable. But the punishment acts not only retrospectively upon me, but prospectively upon my contemporaries and countrymen. My neighbour entertains the same opinion respecting the conduct he ought to hold as I did. But the executioner of public justice interposes with a powerful argument, to convince him that he has mistaken the path of abstract rectitude.

What sort of converts will be produced by this unfeeling logic? "I have deeply reflected," suppose, "upon the nature of virtue, and am convinced that a certain proceeding is incumbent on me. But the hangman, supported by an act of parliament, assures me I am mistaken." If I yield my opinion to his *dictum*, my action becomes modified, and my character too. An influence like this is inconsistent with all generous magnanimity of spirit, all ardent impartiality in the discovery of truth, and all inflexible perseverance in its assertion. Countries, exposed to the perpetual interference of decrees instead of arguments, exhibit within their boundaries the mere phantoms of men. We can never judge from an observation of their inhabitants what men would be, if they knew of no appeal from the tribunal of conscience, and if, whatever they thought, they dared to speak, and dared to act.

At present there will perhaps occur to the majority of readers

but

BOOK II. CHAP. VI.

but few inſtances of laws, which may be ſuppoſed to interfere with the conſcientious diſcharge of duty. A conſiderable number will occur in the courſe of the preſent enquiry. More would readily offer themſelves to a patient reſearch. Men are ſo ſucceſsfully reduced to a common ſtandard by the operation of poſitive law, that in moſt countries they are capable of little more than like parrots repeating each other. This uniformity is capable of being produced in two ways, by energy of mind and indefatigableneſs of enquiry, enabling a conſiderable number to penetrate with equal ſucceſs into the receſſes of truth; and by puſillanimity of temper and a frigid indifference to right and wrong, produced by the penalties which are ſuſpended over ſuch as ſhall diſintereſtedly enquire, and communicate and act upon the reſult of their enquiries. It is eaſy to perceive which of theſe is the cauſe of the uniformity that prevails in the preſent inſtance.

Recapitulation.

If there be any truth more unqueſtionable than the reſt, it is, that every man is bound to the exertion of his faculties in the diſcovery of right, and to the carrying into effect all the right with which he is acquainted. It may be granted that an infallible ſtandard, if it could be diſcovered, would be conſiderably beneficial. But this infallible ſtandard itſelf would be of little uſe in human affairs, unleſs it had the property of reaſoning as well as deciding, of enlightening the mind as well as conſtraining the body. If a man be in ſome caſes obliged to prefer his own judg-

BOOK II. CHAP. VI.

judgment, he is in all caſes obliged to conſult that judgment, before he can determine whether the matter in queſtion be of the ſort provided for or no. So that from this reaſoning it ultimately appears, that no man is obliged to conform to any rule of conduct, farther than the rule is conſiſtent with juſtice.

Arguments in favour of poſitive inſtitution:

Such are the genuine principles of human ſociety. Such would be the unconſtrained concord of its members, in a ſtate where every individual within the ſociety, and every neighbour without, was capable of liſtening with ſobriety to the dictates of reaſon. We ſhall not fail to be impreſſed with conſiderable regret, if, when we deſcend to the preſent mixed characters of mankind, we find ourſelves obliged in any degree to depart from ſo ſimple and grand a principle. The univerſal exerciſe of private judgment is a doctrine ſo unſpeakably beautiful, that the true politician will certainly reſolve to interfere with it as ſparingly and in as few inſtances as poſſible. Let us conſider what are the emergencies that may be thought to demand an exception. They can only be briefly ſtated in this place, each of them requiring to be minutely examined in the ſubſequent ſtages of the enquiry.

1. The neceſſity of repelling private injuſtice.

In the firſt place then it ſeems neceſſary for ſome powerful arbitrator to interfere, where the proceedings of the individual threaten the moſt injurious conſequences to his neighbours, and where the inſtant nature of the caſe will not accord with the

BOOK II. CHAP. VI.

uncertain progreſs of argument and conviction addreſſed to the mind of the offender. A man, ſuppoſe, has committed murder, or, to make the caſe more aggravated, ſeveral murders; and, having thus far over-ſtepped all thoſe boundaries of innocence and guilt which reſtrain the generality of men, it is to be preſumed from analogy that he may be led to the commiſſion of other murders. At firſt it may appear to be no great infringement upon the exerciſe of private judgment, to put it under ſome degree of reſtraint, when it leads to the commiſſion of atrocious crimes. There are however certain difficulties in the caſe which are worthy to be conſidered.

Objections:

Firſt, as ſoon as we admit the propriety of a rule ſuch as that above ſtated, our next concern will be with the evidence, which ſhall lead to the acquittal or conviction of the perſon accuſed.

the uncertainty of evidence:

Now it is well known, that no principles of evidence have yet been laid down that are infallible. Human affairs univerſally proceed upon preſumption and probability. An eye-witneſs muſt identify the perſon of the offender, and in this he may be miſtaken. We muſt neceſſarily be contented with preſumptive proofs of his intention; and often are or imagine ourſelves to be obliged to admit preſumptive evidence of the fact itſelf. The conſequence is inevitable. And ſurely it is no trivial evil, to ſubject an innocent man eventually, to the public award and the eſtabliſhed puniſhment annexed to the moſt atrocious crimes.

Secondly,

BOOK II. CHAP. VI.

the diverſity of motives:

Secondly, the ſame external action will admit of every poſſible ſhade of virtue or vice. One man ſhall commit murder, to remove a troubleſome obſerver of his depraved diſpoſitions, who will otherwiſe counteract and expoſe him to the world. A ſecond, becauſe he cannot bear the ingenuous ſincerity with which he is told of his vices. A third, from his intolerable envy of ſuperior merit. A fourth, becauſe he knows his adverſary meditates an act pregnant with extenſive miſchief, and he perceives no other mode by which its perpetration can be prevented. A fifth, in the actual defence of his father's life or his daughter's chaſtity. Each of theſe men, except perhaps the laſt, may act either from momentary impulſe, or from any of the infinite ſhades and degrees of deliberation. Would you award one individual puniſhment to all theſe varieties of action? Can you pretend in each inſtance to aſcertain the exact quantity of wrong, equivalent to each? Strictly ſpeaking no two men were ever guilty of the ſame crime; but here comes in poſitive law with its Procruſtes's bed, and levels all characters, and tramples upon all diſtinctions.

the unſuitableneſs of the means of correction:

Thirdly, puniſhment is not the appropriate mode of correcting the errors of mankind. It will probably be admitted, that the only true end of puniſhment is correction. That queſtion will be diſcuſſed in another part of the preſent enquiry. "I have done ſomething, which though wrong in itſelf, I believe to be right; or I have done ſomething which I uſually admit to be

BOOK II. CHAP. VI.

wrong; but my conviction upon the ſubject is not ſo clear and forcible, as to prevent my yielding to a powerful temptation." There can be no doubt, that the proper way of conveying to my underſtanding a truth of which I am ignorant, or of impreſſing upon me a firmer perſuaſion of a truth with which I am acquainted, is by an appeal to my reaſon. Even an angry expoſtulation with me upon my conduct will but excite ſimilar paſſions in me, and cloud inſtead of illuminate my underſtanding. There is certainly a way of expreſſing truth, with ſuch benevolence as to command attention, and ſuch evidence as to inforce conviction in all caſes whatever.

either to impreſs new ſentiments:

Puniſhment inevitably excites in the ſufferer, and ought to excite, a ſenſe of injuſtice. Let its purpoſe be to convince me of the truth of a propoſition, which I at preſent believe to be falſe. It is not abſtractedly conſidered of the nature of an argument, and therefore it cannot begin with producing conviction. Puniſhment is a ſpecious name, but is in reality nothing more than force put upon one being by another who happens to be ſtronger. Now ſtrength apparently does not conſtitute juſtice, nor ought "might," according to a trite proverb, to "overcome right." The caſe of puniſhment, which we are now conſidering, is the caſe of you and I differing in opinion, and your telling me that you muſt be right, ſince you have a more brawny arm, or have applied your mind more to the acquiring ſkill in your weapons than I have.

But

BOOK II. CHAP. VI.

or to ſtrengthen old ones.

But let us ſuppoſe, "that I am convinced of my error, but that my conviction is ſuperficial and fluctuating, and the object you propoſe is to render it durable and profound." Ought it to be thus durable and profound? There are no doubt arguments and reaſons calculated to render it ſo. Is it in reality problematical, and do you wiſh by the weight of your blows to make up for the deficiency of your logic? This can never be defended. An appeal to force muſt appear to both parties, in proportion to the ſoundneſs of their underſtanding, to be a confeſſion of imbecility. He that has recourſe to it, would have no occaſion for this expedient, if he were ſufficiently acquainted with the powers of that truth it is his office to communicate. If there be any man, who, in ſuffering puniſhment, is not conſcious of injuſtice, he muſt have had his mind previouſly debaſed by ſlavery, and his ſenſe of moral right and wrong blunted by a ſeries of oppreſſion.

Puniſhment for the ſake of example conſidered.

The caſe is not altered for the better, if I ſuffer puniſhment, not for my own correction, but for an example to others. Upon this ſuppoſition a new difficulty is introduced, reſpecting the propriety of one man's being ſubjected to pain, for the ſake of improving the character and eradicating the vices of another. The ſuffering is here alſo involuntary. Now, though will cannot alter the nature of juſtice, it muſt be admitted that the voluntary ſufferer has at leaſt one advantage over the involuntary, in the conſcious liberality of his purpoſe. He that ſuffers, not for his

own

own correction, but for the advantage of others, ſtands, ſo far as relates to that ſuffering, in the ſituation of an innocent perſon. If the ſuffering had relation to him perſonally as a vicious or imperfect character, it muſt have relation to him in reſpect either to the paſt or the future. It cannot have relation to him as to the paſt, for that is concluded and beyond the reach of alteration or remedy. By the ſuppoſition it has not relation to him but to others as to the future.

It ought to be obſerved in this place, that by innocence I do not underſtand virtue. Innocence is a ſort of neutral character, and ſtands in the mid way between good and harm. Undoubtedly it were better, that a perſon uſeleſs to ſociety ſhould be deſtroyed than a man of eminent worth, and a perſon likely to prove injurious than either. I ſay likely to prove injurious; for the fault already committed, being irrevocable, ought not to enter into the account, and we have nothing to do but with the probability of its repetition. It is in this ſenſe that the ſufferer ſtands upon a level with many of thoſe perſons, who are uſually denominated innocent.

It muſt alſo be allowed, that there are caſes in which it is proper that innocent men ſhould ſuffer for the public good. But this is a queſtion of a very delicate nature, and the ſevere moraliſt will be very reluctant to condemn that man to die for the benefit of others, who is deſirous to live.

As to every other circumſtance in the caſe of him who is puniſhed for an example to others, it remains preciſely the ſame as when we ſuppoſed him to be puniſhed for his own reformation. It is ſtill an argument of the moſt exceptionable nature employed to correct the opinions of mankind. It is ſtill a menace of violence made uſe of to perſuade them of the truth or falſhood of a propoſition. It has little chance of making them wiſe, and can ſcarcely fail of making them timid, diſſembling and corrupt.

Urgency of the caſe.

Notwithſtanding all theſe objections, it would be difficult to find a country, reſpecting which we could ſay, that the inhabitants might with ſafety be diſmiſſed from the operation of puniſhment. So mixed is human character, ſo wild are its excurſions, ſo calamitous and deteſtable are the errors into which it occaſionally falls, that ſomething more than argument ſeems neceſſary for their ſuppreſſion. Human beings are ſuch tyros in the art of reaſoning, that the wiſeſt of us often prove impotent in our attempts, where an inſtant effect was moſt powerfully wanted. While I ſtand ſtill to reaſon with the thief, the aſſaſſin or the oppreſſor, they haſten to new ſcenes of devaſtation, and with unſparing violence confound all the principles of human ſociety. I ſhould obtain little ſucceſs by the abolition of puniſhment, unleſs I could at the ſame time aboliſh thoſe cauſes that generate temptation and make puniſhment neceſſary. Meanwhile the arguments already adduced may be ſufficient to ſhew that puniſh-

BOOK II. CHAP. VI.

ment is always an evil, and to perſuade us never to recur to it but from the moſt evident neceſſity.

2. Rebellion.

3. War.

Objections.

The remaining caſes in which it may ſeem requiſite to have recourſe to the general will of the ſociety, and to ſuperſede the private judgment of individuals, are, when we are called upon to counteract the hoſtilities of an internal enemy, or to repel the attacks of a foreign invader. Here as in the former inſtance the evils that ariſe from an uſurpation upon private judgment are many and various. It is wrong that I ſhould contribute in any mode to a proceeding, a war for example, that I believe to be unjuſt. Ought I to draw my ſword, when the adverſary appears to me to be employed in repelling a wanton aggreſſion? The caſe ſeems not to be at all different, if I contribute my property, the produce it may be of my perſonal labour; though cuſtom has reconciled us to the one rather than the other.

The conſequences are a degradation of character and a relaxation of principle, in the perſon who is thus made the inſtrument of a tranſaction, which his judgment diſapproves. In this caſe, as has been already ſtated generally, the human mind is compreſſed and unnerved, till it affords us ſcarcely the ſemblance of what it might otherwiſe have been. And, in addition to the general conſiderations in ſimilar caſes, it may be obſerved, that the frequent and obſtinate wars which at preſent deſolate the human

BOOK II. CHAP. VI.

human race would be nearly extirpated, if they were ſupported only by the voluntary contributions of thoſe by whom their principle was approved.

Reply.

The objection, which has hitherto been permitted practically to ſuperſede theſe reaſonings, is the difficulty of conducting an affair, in the ſucceſs of which millions may be intereſted, upon ſo precarious a ſupport as that of private judgment. The men, with whom we are uſually concerned in human ſociety, are of ſo mixed a character, and a ſelf-love of the narroweſt kind is ſo deeply rooted in many of them, that it ſeems nearly unavoidable upon the ſcheme of voluntary contribution, that the moſt generous would pay a very ample proportion, while the mean and avaricious, though they contributed nothing, would come in for their full ſhare of the benefit. He that would reconcile a perfect freedom in this reſpect with the intereſt of the whole, ought to propoſe at the ſame time the means of extirpating ſelfiſhneſs and vice. How far ſuch a propoſal is feaſible will come hereafter to be conſidered.

AN

ENQUIRY

CONCERNING

POLITICAL JUSTICE.

BOOK III.

PRINCIPLES OF GOVERNMENT.

CHAP. I.

SYSTEMS OF POLITICAL WRITERS.

THE QUESTION STATED.—FIRST HYPOTHESIS: GOVERNMENT FOUNDED IN SUPERIOR STRENGTH.—SECOND HYPOTHESIS: GOVERNMENT *JURE DIVINO*.—THIRD HYPOTHESIS: THE SOCIAL CONTRACT.—THE FIRST HYPOTHESIS EXAMINED.—THE SECOND—CRITERION OF DIVINE RIGHT: 1. PATRIARCHAL DESCENT—2. JUSTICE.

BOOK III. CHAP. I. The queſtion ſtated.

IT has appeared in the courſe of our reaſonings upon the nature of ſociety, that there are occaſions in which it may be neceſſary, to ſuperſede private judgment for the ſake of public

BOOK III. CHAP. I.

good, and to control the acts of the individual by an act to be performed in the name of the whole. It is therefore an interesting enquiry to ascertain in what manner such acts are to be originated, or in other words to ascertain the foundation of political government.

First hypothesis: government founded in superior strength.

There are three hypotheses that have been principally maintained upon this subject. First, the system of force, according to which it is affirmed, "that, inasmuch as it is necessary that the great mass of mankind should be held under the subjection of compulsory restraint, there can be no other criterion of that restraint, than the power of the individuals who lay claim to its exercise, the foundation of which power exists in the unequal degrees, in which corporal strength and intellectual sagacity are distributed among mankind."

Second hypothesis: government *jure divino*.

There is a second class of reasoners, who deduce the origin of all government from divine right, and affirm, "that, as men derived their existence from an infinite creator at first, so are they still subject to his providential care, and of consequence owe allegiance to their civil governors, as to a power which he has thought fit to set over them."

Third hypothesis: the social contract.

The third system is that which has been most usually maintained by the friends of equality and justice; the system according to which the individuals of any society are supposed to have entered

entered into a contract with their governors or with each other, and which founds the rights of government in the consent of the governed. BOOK III. CHAP. I.

The first hypothesis examined.

The two first of these hypotheses may easily be dismissed. That of force appears to proceed upon the total negation of abstract and immutable justice, affirming every government to be right, that is possessed of power sufficient to inforce its decrees. It puts a violent termination upon all political science; and seems intended to persuade men, to sit down quietly under their present disadvantages, whatever they may be, and not exert themselves to discover a remedy for the evils they suffer. The second hypothesis is of an equivocal nature. It either coincides with the first, and affirms all existing power to be alike of divine derivation; or it must remain totally useless till a criterion can be found, to distinguish those governments which are approved by God, from those which cannot lay claim to that sanction. The criterion of patriarchal descent will be of no avail, till the true claimant and rightful heir can be discovered. If we make utility and justice the test of God's approbation, this hypothesis will be liable to little objection; but then on the other hand little will be gained by it, since those who have not introduced divine right into the argument, will yet readily grant, that a government which can be shewn to be agreeable to utility and justice, is a rightful government.

The second.

Criterion of divine right.
1. Patriarchal descent.
2. Justice.

The

BOOK III. CHAP. I.

The third hypotheſis demands a more careful examination. If any error have inſinuated itſelf into the ſupport of truth, it becomes of particular conſequence to detect it. Nothing can be of more importance, than to ſeparate prejudice and miſtake on the one hand, from reaſon and demonſtration on the other. Wherever they have been confounded, the cauſe of truth muſt neceſſarily be a ſufferer. That cauſe, ſo far from being injured by the diſſolution of the unnatural alliance, may be expected to derive from that diſſolution an eminent degree of proſperity and luſtre.

CHAP.

CHAP. II.

OF THE SOCIAL CONTRACT.

QUERIES PROPOSED.—WHO ARE THE CONTRACTING PARTIES?—WHAT IS THE FORM OF ENGAGEMENT?—OVER HOW LONG A PERIOD DOES THE CONTRACT EXTEND?—TO HOW GREAT A VARIETY OF PROPOSITIONS?—CAN IT EXTEND TO LAWS HEREAFTER TO BE MADE?—ADDRESSES OF ADHESION CONSIDERED.—POWER OF A MAJORITY.

BOOK III. CHAP. II.

Queries propoſed.

UPON the firſt ſtatement of the ſyſtem of a ſocial contract various difficulties preſent themſelves. Who are the parties to this contract? For whom did they conſent, for themſelves only or for others? For how long a time is this contract to be conſidered as binding? If the conſent of every individual be neceſſary, in what manner is that conſent to be given? Is it to be tacit, or declared in expreſs terms?

Who are the contracting parties?

Little will be gained for the cauſe of equality and juſtice, if our anceſtors, at the firſt inſtitution of government, had a right indeed of chooſing the ſyſtem of regulations under which they thought proper to live, but at the ſame time could barter away the underſtandings and independence of all that came after them

to the lateſt poſterity. But, if the contract muſt be renewed in each ſucceſſive generation, what periods muſt be fixed on for that purpoſe? And if I be obliged to ſubmit to the eſtabliſhed government till my turn comes to aſſent to it, upon what principle is that obligation founded? Surely not upon the contract into which my father entered before I was born?

What is the form of engagement?

Secondly, what is the nature of the conſent, in conſequence of which I am to be reckoned the ſubject of any particular government? It is uſually ſaid, "that acquieſcence is ſufficient; and that this acquieſcence is to be inferred from my living quietly under the protection of the laws." But if this be true, an end is as effectually put to all political ſcience, all diſcrimination of better and worſe, as by any ſyſtem invented by the moſt ſlaviſh ſycophant that ever exiſted. Upon this hypotheſis every government that is quietly ſubmitted to is a lawful government, whether it be the uſurpation of Cromwel or the tyranny of Caligula. Acquieſcence is frequently nothing more than a choice on the part of the individual of what he deems the leaſt evil. In many caſes it is not ſo much as this, ſince the peaſant and the artiſan, who form the bulk of a nation, however diſſatisfied with the government of their country, ſeldom have it in their power to tranſport themſelves to another. It is alſo to be obſerved upon the ſyſtem of acquieſcence, that it is in little agreement with the eſtabliſhed opinions and practices of mankind. Thus what has been called the law of nations, lays leaſt ſtreſs upon the allegiance of

of a foreigner ſettling among us, though his acquieſcence is certainly moſt complete; while natives removing into an uninhabited region are claimed by the mother country, and removing into a neighbouring territory are puniſhed by municipal law, if they take arms againſt the country in which they were born. Now ſurely acquieſcence can ſcarcely be conſtrued into conſent, while the individuals concerned are wholly unappriſed of the authority intended to be reſted upon it. *

Mr. Locke, the great champion of the doctrine of an original contract, has been aware of this difficulty, and therefore obſerves, that "a tacit conſent indeed obliges a man to obey the laws of any government, as long as he has any poſſeſſions, or enjoyment of any part of the dominions of that government; but nothing can make a man a member of the commonwealth, but his actually entering into it by poſitive engagement, and expreſs promiſe and compact. †" A ſingular diſtinction; implying upon the face of it, that an acquieſcence, ſuch as has juſt been deſcribed, is ſufficient to render a man amenable to the penal regulations of ſociety; but that his own conſent is neceſſary to entitle him to its privileges.

Over how long a period does the contract extend?

A third objection to the ſocial contract will ſuggeſt itſelf, as ſoon as we attempt to aſcertain the extent of the obligation, even

* See Hume's Eſſays. Part II. Eſſay xii.

† Treatiſe of Government. Book II. Ch. viii. §. 119, 122.

 ſuppoſing

ſuppoſing it to have been entered into in the moſt ſolemn manner by every member of the community. Allowing that I am called upon, at the period of my coming of age for example, to declare my aſſent or diſſent to any ſyſtem of opinions or any code of practical inſtitutes; for how long a period does this declaration bind me? Am I precluded from better information for the whole courſe of my life? And, if not for my whole life, why for a year, a week or even an hour? If my deliberate judgment or my real ſentiment be of no avail in the caſe, in what ſenſe can it be affirmed that all lawful government is founded in my conſent?

To how great a variety of propoſitions?

But the queſtion of time is not the only difficulty. If you demand my aſſent to any propoſition, it is neceſſary that the propoſition ſhould be ſtated ſimply and clearly. So numerous are the varieties of human underſtanding, in all caſes where its independence and integrity are ſufficiently preſerved, that there is little chance of any two men coming to a preciſe agreement about ten ſucceſſive propoſitions that are in their own nature open to debate. What then can be more abſurd than to preſent to me the laws of England in fifty volumes folio, and call upon me to give an honeſt and uninfluenced vote upon their whole contents at once?

Can it extend to laws hereafter to be made?

But the ſocial contract, conſidered as the foundation of civil government, requires more of me than this. I am not only obliged

obliged to conſent to all the laws that are actually upon record, but to all the laws that ſhall hereafter be made. It was under this view of the ſubject, that Rouſſeau, in tracing the conſequences of the ſocial contract, was led to aſſert, that "the great body of the people, in whom the ſovereign authority reſides, can neither delegate nor reſign it. The eſſence of that authority," he adds, "is the general will; and will cannot be repreſented. It muſt either be the ſame or another; there is no alternative. The deputies of the people cannot be its repreſentatives; they are merely its attorneys. The laws, that the community does not ratify in perſon, are no laws, are nullities.*"

Addreſſes of adheſion conſidered.

The difficulty here ſtated has been endeavoured to be provided againſt by ſome late advocates for liberty, in the way of addreſſes of adheſion; addreſſes, originating in the various diſtricts and departments of a nation, and without which no regulation of conſtitutional importance is to be deemed valid. But this is a very inadequate and ſuperficial remedy. The addreſſers of courſe have ſeldom any other remedy than that above deſcribed, of in-

* "*La ſouveraineté ne peut être repreſentée, par la même raiſon qu'elle ne peut être alienée; elle conſiſte eſſentiellement dans la volonté générale, et la volonté ne ſe repreſente point: elle eſt la même, ou elle eſt autre; il n'y a point de milieu. Les deputés du peuple ne ſont donc point ſes repreſentans, ils ne ſont que ſes commiſſaires; ils ne peuvent rien conclure definitivement. Toute loi que le peuple en perſonne n'a pas ratifiée, eſt nulle; ce n'eſt point une loi.*" *Du Contract Social. Liv.* III. *Chap.* XV.

BOOK III. CHAP. II.

discriminate admission or rejection. There is an infinite difference between the first deliberation, and the subsequent exercise of a negative. The former is a real power, the latter is seldom more than the shadow of a power. Not to add, that addresses are a most precarious and equivocal mode of collecting the sense of a nation. They are usually voted in a tumultuous and summary manner; they are carried along by the tide of party; and the signatures annexed to them are obtained by indirect and accidental methods, while multitudes of bystanders, unless upon some extraordinary occasion, remain ignorant of or indifferent to the transaction.

Power of a majority.

Lastly, if government be founded in the consent of the people, it can have no power over any individual by whom that consent is refused. If a tacit consent be not sufficient, still less can I be deemed to have consented to a measure upon which I put an express negative. This immediately follows from the observations of Rousseau. If the people, or the individuals of whom the people is constituted, cannot delegate their authority to a representative; neither can any individual delegate his authority to a majority, in an assembly of which he is himself a member. The rules by which my actions shall be directed are matters of a consideration entirely personal; and no man can transfer to another the keeping of his conscience and the judging of his duties. But this brings us back to the point from which we set out.

BOOK III. CHAP. II.

out. No consent of ours can divest us of our moral capacity. This is a species of property which we can neither barter nor resign; and of consequence it is impossible for any government to derive its authority from an original contract.

CHAP.

CHAP. III.

OF PROMISES.

THE VALIDITY OF PROMISES EXAMINED.—SHEWN TO BE INCONSISTENT WITH JUSTICE.—TO BE FOREIGN TO THE GENERAL GOOD.—OF THE EXPECTATION EXCITED.—THE FULFILLING EXPECTATION DOES NOT IMPLY THE VALIDITY OF A PROMISE.—CONCLUSION.

BOOK III. CHAP. III. The validity of promiſes examined.

THE whole principle of an original contract proceeds upon the obligation under which we are placed to obſerve our promiſes. The reaſoning upon which it is founded is, "that we have promiſed obedience to government, and therefore are bound to obey." It may conſequently be proper to enquire into the nature of this obligation to obſerve our promiſes.

Shewn to be inconſiſtent with juſtice:

We have already eſtabliſhed juſtice as the ſum of moral and political duty. Is juſtice then in its own nature precarious or immutable? Surely immutable. As long as men are men, the conduct I am bound to obſerve reſpecting them muſt remain the ſame. A good man muſt always be the proper object of my ſupport and cooperation; vice of my cenſure; and the vicious man of inſtruction and reform.

What

BOOK III. CHAP. III.

What is it then to which the obligation of a promiſe applies? What I have promiſed is either right, or wrong, or indifferent. There are few articles of human conduct that fall under the latter claſs; and the greater ſhall be our improvements in moral ſcience the fewer ſtill will they appear. Omitting theſe, let us then conſider only the two preceding claſſes. "I have promiſed to do ſomething juſt and right." This certainly I ought to perform. Why? Not becauſe I promiſed, but becauſe juſtice preſcribes it. "I have promiſed to beſtow a ſum of money upon ſome good and reſpectable purpoſe. In the interval between the promiſe and my fulfilling it, a greater and nobler purpoſe offers itſelf, and calls with an imperious voice for my cooperation." Which ought I to prefer? That which beſt deſerves my preference. A promiſe can make no alteration in the caſe. I ought to be guided by the intrinſic merit of the objects, and not by any external and foreign conſideration. No engagements of mine can change their intrinſic claims.

All this muſt be exceedingly plain to the reader who has followed me in my early reaſonings upon the nature of juſtice. If every ſhilling of our property, every hour of our time and every faculty of our mind, have already received their deſtination from the principles of immutable juſtice, promiſes have no department left upon which for them to decide. Juſtice it appears therefore ought to be done, whether we have promiſed it or not. If we diſcover any thing to be unjuſt, we ought to abſtain from it, with what-

ever

BOOK III. CHAP. III.

ever solemnity we have engaged for its perpetration. We were erroneous and vicious when the promise was made; but this affords no sufficient reason for its performance.

to be foreign to general good.

But it will be said, "if promises be not made, or when made be not fulfilled, how can the affairs of the world be carried on?" By rational and intelligent beings acting as if they were rational and intelligent. A promise would perhaps be sufficiently innocent, if it were understood merely as declaratory of intention, and not as precluding farther information. Even in this restrained sense however it is far from being generally necessary. Why should it be supposed that the affairs of the world would not go on sufficiently well, though my neighbour could no farther depend upon my assistance than it appeared rational to grant it? This would be a sufficient dependence if I were honest, nor would he if he were honest desire any thing more. If I were dishonest, if I could not be bound by the reason and justice of the case, it would afford him a slender additional dependence to call in the aid of a principle founded in prejudice and mistake: not to say, that, let it afford ever so great advantage in any particular case, the evil of the immoral precedent would outweigh the individual advantage.

It may be farther objected, "that this principle might be sufficiently suited to a better and more perfect state of society, but that at present there are dishonest members of the community, who

BOOK III. CHAP. III.

who will not perform their duty, if they be not bound to it by some grosser motive, than the mere moral consideration." Be it so. This is a question altogether different from that we have been examining. We are not now enquiring whether the community ought to animadvert upon the errors of its members. This animadversion the upright man is not backward to encounter, and willingly risks the penalty, which the society (for the society is more competent to ascertain the just amount of the penalty than the preceding caprice of the parties) has awarded in cases apparently similar, if he conceive that his duty requires from him that risk.

Of the expectation excited.

But to return to the case of promises. I shall be told, that, "in choosing between two purposes about which to employ my money, my time or my talents, my promise may make an essential difference, and therefore having once been given ought to be fulfilled. The party to whom it was made has had expectations excited in him, which I ought not to disappoint; the party to whom I am under no engagement has no such disappointment to encounter." What is this tenderness to which I am bound, this expectation I must not dare to disappoint? An expectation that I should do wrong, that I should prefer a less good to a greater, that I should commit absolute evil; for such must be the result when the balance has been struck. "But his expectation has altered the nature of his situation, has engaged him in

undertakings from which he would otherwiſe have abſtained." Be it ſo. He and all other men will be taught to depend more upon their own exertions, and leſs upon the aſſiſtance of others, which caprice may refuſe, or juſtice oblige me to withhold. He and all others will be taught to acquire ſuch merit, and to engage in ſuch purſuits, as ſhall oblige every honeſt man to come to their ſuccour, if they ſhould ſtand in need of aſſiſtance. The reſolute execution of juſtice, without liſtening to that falſe pity, which, to do imaginary kindneſs to one, would lead us to injure the whole, would in a thouſand ways increaſe the independence, the energies and the virtue of mankind.

The fulfilling expectation does not imply the validity of a promiſe.

Let us however ſuppoſe, "that my conduct ought to be influenced by this previous expectation of the individual." Let us ſuppoſe, "that, in ſelecting an individual for a certain office, my choice ought not to be governed merely by the abſtract fitneſs of the candidates, but that I ought to take into the account the extreme value of the appointment from certain circumſtances to one of the candidates, and its comparative inutility to the other." Let us farther ſuppoſe, "that the expectation excited in one of them has led him into ſtudies and purſuits to qualify himſelf for the office, which will be uſeleſs if he do not ſucceed to it; and that this is one of the conſiderations which ought to govern my determination."—All this does not come up to what we have been taught reſpecting the obligation of a promiſe.

For, firſt, it may be obſerved, that it ſeems to be of little conſequence in this ſtatement, whether the expectation were excited by a direct promiſe or in ſome other manner, whether it were excited by a declaration of mine or of a third perſon, or laſtly, whether it aroſe ſingly out of the reaſon of the caſe and the pure deductions and reflections of the expecter's mind. Upon every one of theſe ſuppoſitions his conduct, and the injury he may ſuſtain from a diſappointment, will remain the ſame. Here then all that has been commonly underſtood by the obligation of a promiſe is excluded. The motive to be attended to, flows from no ſolemn engagement of mine, but from an incidental conſequence of my declaration, and which might juſt as eaſily have been the conſequence of many other circumſtances. The conſideration by which it becomes me to be influenced is, not a regard for veracity, or a particular deſire to preſerve my integrity, both of which are in reality wholly unconcerned in the tranſaction, but an attention to the injury to be ſuſtained by the loſing candidate, whatever might be the original occaſion of the conduct out of which the injury has proceeded.

Let us take an example of a ſtill ſimpler nature. "I live in Weſtminſter; and I engage to meet the captain of a ſhip from Blackwal at the Royal Exchange. My engagement is of the nature of information to him, that I ſhall be at the Exchange at a certain hour. He accordingly lays aſide his other buſineſs, and comes thither to meet me." This is a reaſon why I ſhould

BOOK III. CHAP. III.

not fail him unleſs for ſome very material cauſe. But it would ſeem as if the reaſon why I ſhould not fail him would be equally cogent, if I knew from any other ſource that he would be there, and that a quantity of convenience equal to the quantity upon the former ſuppoſition would accrue from my meeting him. It may be ſaid, "that it is eſſential to various circumſtances of human intercourſe, that we ſhould be able to depend on each other for a ſteady adherence to engagements of this ſort." The ſtatement however would be ſomewhat more accurate if we ſaid, "that it was eſſential to various circumſtances of human intercourſe, that we ſhould be known to beſtow a ſteady attention upon the quantities of convenience or inconvenience, of good or evil, that might ariſe to others from our conduct."

Concluſion.

It is undoubtedly upon this hypotheſis a part of our duty to make as few promiſes or declarations exciting appropriate expectations as poſſible. He who lightly gives to another the idea that he will govern himſelf in his future conduct, not by the views that ſhall be preſent to his mind when the conduct ſhall come to be determined on, but by the view he ſhall be able to take of it at ſome preceding period, is vicious in ſo doing. But the obligation he is under reſpecting his future conduct is, to act juſtly, and not, becauſe he has committed one error, for that reaſon to become guilty of a ſecond.

CHAP.

CHAP. IV.

OF POLITICAL AUTHORITY.

COMMON DELIBERATION THE TRUE FOUNDATION OF GOVERNMENT—PROVED FROM THE EQUAL CLAIMS OF MANKIND—FROM THE NATURE OF OUR FACULTIES—FROM THE OBJECT OF GOVERNMENT—FROM THE EFFECTS OF COMMON DELIBERATION.—DELEGATION VINDICATED.—DIFFERENCE BETWEEN THE DOCTRINE HERE MAINTAINED AND THAT OF A SOCIAL CONTRACT APPARENT—FROM THE MERELY PROSPECTIVE NATURE OF THE FORMER—FROM THE NULLITY OF PROMISES—FROM THE FALLIBILITY OF DELIBERATION.—CONCLUSION.

BOOK III. CHAP. IV.

HAVING rejected the hypotheſes that have moſt generally been adduced to account for the origin of government conſiſtently with the principles of moral juſtice, let us enquire whether we may not arrive at the ſame object, by a ſimple inveſtigation of the obvious reaſon of the caſe, without having recourſe to any refinement of ſyſtem or fiction of proceſs.

Common deliberation the true foundation of government.

Government then being introduced for the reaſons already aſſigned, the firſt and moſt important principle that can be imagined relative to its form and ſtructure, ſeems to be this; that, as government

BOOK III. CHAP. IV.

government is a tranſaction in the name and for the benefit of the whole, every member of the community ought to have ſome ſhare in its adminiſtration. The arguments in ſupport of this propoſition are various.

proved from the equal claims of mankind:

1. It has already appeared that there is no criterion perſpicuouſly deſignating any one man or ſet of men to preſide over the reſt.

from the nature of our faculties:

2. All men are partakers of the common faculty reaſon, and may be ſuppoſed to have ſome communication with the common preceptor truth. It would be wrong in an affair of ſuch momentous concern, that any chance for additional wiſdom ſhould be rejected; nor can we tell in many caſes till after the experiment how eminent any individual may one day be found in the buſineſs of guiding and deliberating for his fellows.

from the object of government:

3. Government is a contrivance inſtituted for the ſecurity of individuals; and it ſeems both reaſonable that each man ſhould have a ſhare in providing for his own ſecurity, and probable that partiality and cabal ſhould by this means be moſt effectually excluded.

from the effects of common deliberation.

4. Laſtly, to give each man a voice in the public concerns comes neareſt to that admirable idea of which we ſhould never loſe ſight, the uncontrolled exerciſe of private judgment. Each man would thus be inſpired with a conſciouſneſs of his own importance,

ance, and the ſlaviſh feelings that ſhrink up the ſoul in the preſence of an imagined ſuperior would be unknown. BOOK III. CHAP. IV.

Admitting then the propriety of each man having a ſhare in directing the affairs of the whole in the firſt inſtance, it ſeems neceſſary that he ſhould concur, in electing a houſe of repreſentatives, if he be the member of a large ſtate; or, even in a ſmall one, that he ſhould aſſiſt in the appointment of officers and adminiſtrators; which implies, firſt, a delegation of authority to theſe officers, and, ſecondly, a tacit conſent, or rather an admiſſion of the neceſſity, that the queſtions to be debated ſhould abide the deciſion of a majority.

Delegation vindicated.

But to this ſyſtem of delegation the ſame objections may be urged, that were cited from Rouſſeau in the chapter of the Social Contract. It may be alleged that, "if it be the buſineſs of every man to exerciſe his own judgment, he can in no inſtance ſurrender this function into the hands of another."

To this objection it may be anſwered, firſt, that the parallel is by no means complete between an individual's exerciſe of his judgment in a caſe that is truly his own, and his exerciſe of his judgment in an article where the neceſſity and province of government are already admitted. Wherever there is a government, there muſt be a will ſuperſeding that of individuals. It is abſurd

to

to expect that every member of a ſociety ſhould agree with every other member in the various meaſures it may be found neceſſary to adopt. The ſame neceſſity, that requires the introduction of force to ſuppreſs injuſtice on the part of a few, requires that the ſentiments of the majority ſhould direct that force, and that the minority ſhould either ſecede, or patiently wait for the period when the truth on the ſubject conteſted ſhall be generally underſtood.

Secondly, delegation is not, as at firſt ſight it might appear to be, the act of one man committing to another a function, which ſtrictly ſpeaking it became him to exerciſe for himſelf. Delegation, in every inſtance in which it can be reconciled with juſtice, is an act which has for its object the general good. The individuals to whom the delegation is made, are either more likely from talents or leiſure to perform the function in the moſt eligible manner, or at leaſt there is ſome public intereſt requiring that it ſhould be performed by one or a few perſons, rather than by every individual for himſelf. This is the caſe, whether in that firſt and ſimpleſt of all delegations the prerogative of a majority, or in the election of a houſe of repreſentatives, or in the appointment of public officers. Now all conteſt as to the perſon who ſhall exerciſe a certain function, and the propriety of reſigning it, is frivolous, the moment it is decided how and by whom it can moſt advantageouſly be exerciſed. It is of no conſequence that

that I am the parent of a child, when it has once been aſcertained that the child will receive greater benefit by living under the ſuperintendence of a ſtranger.

Laſtly, it is a miſtake to imagine that the propriety of reſtraining me when my conduct is injurious, riſes out of any delegation of mine. The juſtice of employing force when every other means was inſufficient, is even prior to the exiſtence of ſociety. Force ought never to be reſorted to but in caſes of abſolute neceſſity; and, when ſuch caſes occur, it is the duty of every man to defend himſelf from violation. There is therefore no delegation neceſſary on the part of the offender; but the community in the cenſure it exerciſes over him ſtands in the place of the injured party.

Difference between the doctrine here maintained and that of a ſocial contract apparent:

It may perhaps by ſome perſons be imagined, that the doctrine here delivered of the juſtice of proceeding in common concerns by a common deliberation, is nearly coincident with that other doctrine which teaches that all lawful government derives its authority from a ſocial contract. Let us conſider what is the true difference between them.

from the merely proſpective nature of the former:

In the firſt place, the doctrine of common deliberation is of a proſpective, and not a retroſpective nature. Is the queſtion reſpecting ſome future meaſure to be adopted in behalf of the community? Here the obligation to deliberate in common pre-

BOOK III. CHAP. IV.

ſents itſelf, as eminently to be preferred to every other mode of deciding upon the intereſts of the whole. Is the queſtion whether I ſhall yield obedience to any meaſure already promulgated? Here I have nothing to do with the conſideration of how the meaſure originated; unleſs perhaps in a country where common deliberation has in ſome ſort been admitted as a ſtanding principle, and where the object may be to reſiſt an innovation upon this principle. In the caſe of ſhip money under king Charles the firſt, it was perhaps fair to reſiſt the tax, even ſuppoſing it to be abſtractedly a good one, upon account of the authority impoſing it; though that reaſon might be inſufficient, in a country unuſed to repreſentative taxation.

Excluſively of this conſideration, no meaſure is to be reſiſted on account of the irregularity of its derivation. If it be juſt, it is entitled both to my chearful ſubmiſſion and my zealous ſupport. So far as it is deficient in juſtice, I am bound to reſiſt. My ſituation in this reſpect is in no degree different from what it was previouſly to all organiſed government. Juſtice was at that time entitled to my aſſent, and injuſtice to my diſapprobation. They can never ceaſe to have the ſame claims upon me, till they ſhall ceaſe to be diſtinguiſhed by the ſame unalterable properties. The meaſure of my reſiſtance will however vary with circumſtances, and therefore will demand from us a ſeparate examination.

Secondly,

BOOK III. CHAP. IV.

from the nullity of promiſes:

Secondly, the diſtinction between the doctrine here advanced and that of a ſocial contract will be better underſtood, if we recollect what has been ſaid upon the nature and validity of promiſes. If promiſe be in all caſes a fallacious mode of binding a man to a ſpecific mode of action, then muſt the argument be in all caſes impertinent, that I conſented to ſuch a deciſion, and am therefore bound to regulate myſelf accordingly. It is impoſſible to imagine a principle of more injurious tendency, than that which ſhall teach me to diſarm my future wiſdom by my paſt folly, and to conſult for my direction the errors in which my ignorance has involved me, rather than the code of eternal truth. So far as conſent has any validity, abſtract juſtice becomes a matter of pure indifference: ſo far as juſtice deſerves to be made the guide of my life, it is in vain to endeavour to ſhare its authority with compacts and promiſes.

from the fallibility of deliberation.

We have found the parallel to be in one reſpect incomplete between the exerciſe of theſe two functions, private judgment and common deliberation. In another reſpect the analogy is exceedingly ſtriking, and conſiderable perſpicuity will be given to our ideas of the latter by an illuſtration borrowed from the former. In the one caſe as in the other there is an obvious principle of juſtice in favour of the general exerciſe. No individual can arrive at any degree of moral or intellectual improvement, unleſs in the uſe of an independent judgment. No ſtate

can be well or happily adminiſtered, unleſs in the perpetual uſe of common deliberation reſpecting the meaſures it may be requiſite to adopt. But, though the general exerciſe of theſe faculties be founded in immutable juſtice, juſtice will by no means uniformly vindicate the particular application of them. Private judgment and public deliberation are not themſelves the ſtandard of moral right and wrong; they are only the means of diſcovering right and wrong, and of comparing particular propoſitions with the ſtandard of eternal truth.

Concluſion.

Too much ſtreſs has undoubtedly been laid upon the idea, as of a grand and magnificent ſpectacle, of a nation deciding for itſelf upon ſome great public principle, and of the higheſt magiſtracy yielding its claims when the general voice has pronounced. The value of the whole muſt at laſt depend upon the quality of their deciſion. Truth cannot be made more true by the number of its votaries. Nor is the ſpectacle much leſs intereſting, of a ſolitary individual bearing his undaunted teſtimony in favour of juſtice, though oppoſed by miſguided millions. Within certain limits however the beauty of the exhibition muſt be acknowledged. That a nation ſhould dare to vindicate its function of common deliberation, is a ſtep gained, and a ſtep that inevitably leads to an improvement of the character of individuals. That men ſhould unite in the aſſertion of truth, is no unpleaſing evidence of their virtue. Laſtly, that an individual, however great may

may be his imaginary elevation, ſhould be obliged to yield his perſonal pretenſions to the ſenſe of the community, at leaſt bears the appearance of a practical confirmation of the great principle, that all private conſiderations muſt yield to the general good.

CHAP.

CHAP. V.

OF LEGISLATION.

SOCIETY CAN DECLARE AND INTERPRET, BUT CANNOT ENACT.—ITS AUTHORITY ONLY EXECUTIVE.

BOOK III. CHAP. V.

HAVING thus far inveſtigated the nature of political functions, it ſeems neceſſary that ſome explanation ſhould be given in this place upon the ſubject of legiſlation. Who is it that has the authority to make laws? What are the characteriſtics by which that man or body of men is to be known, in whom the faculty is veſted of legiſlating for the reſt?

Society can declare and interpret, but cannot enact.

To theſe queſtions the anſwer is exceedingly ſimple: Legiſlation, as it has been uſually underſtood, is not an affair of human competence. Reaſon is the only legiſlator, and her decrees are irrevocable and uniform. The functions of ſociety extend, not to the making, but the interpreting of law; it cannot decree, it can only declare that, which the nature of things has already decreed, and the propriety of which irreſiſtibly flows from the circumſtances of the caſe. Monteſquieu ſays, that "in a free ſtate

ſtate every man will be his own legiſlator*." This is not true, ſetting apart the functions of the community, unleſs in the limited ſenſe already explained. It is the office of conſcience to determine, "not like an Aſiatic cadi, according to the ebbs and flows of his own paſſions, but like a Britiſh judge, who makes no new law, but faithfully declares that law which he finds already written†."

BOOK III. CHAP. V.

Its authority only executive.

The ſame diſtinction is to be made upon the ſubject of authority. All political power is ſtrictly ſpeaking executive. It has appeared to be neceſſary, with reſpect to men as we at preſent find them, that force ſhould ſometimes be employed in repreſſing injuſtice; and for the ſame reaſons it appears that this force ſhould as far as poſſible be veſted in the community. To the public ſupport of juſtice therefore the authority of the community extends. But no ſooner does it wander in the ſmalleſt degree from the great line of juſtice, than its authority is at an end, it ſtands upon a level with the obſcureſt individual, and every man is bound to reſiſt its deciſions.

* "*Dans un état libre, tout homme qui eſt cenſé avoir une ame libre, doit être gouverné par lui-même.*" *Eſprit des Loix, Liv.* XI. *Ch.* vi.

† Sterne's Sermons.—"On a Good Conſcience."

CHAP. VI.

OF OBEDIENCE.

OBEDIENCE NOT THE CORRELATIVE OF AUTHORITY.—NO MAN BOUND TO YIELD OBEDIENCE TO ANOTHER.—CASE OF SUBMISSION CONSIDERED.—FOUNDATION OF OBEDIENCE.—USEFULNESS OF SOCIAL COMMUNICATION.—CASE OF CONFIDENCE CONSIDERED.—ITS LIMITATIONS.—MISCHIEF OF UNLIMITED CONFIDENCE.—SUBJECTION EXPLAINED.

BOOK III. CHAP. VI.

HAVING enquired into the juſt and legitimate ſource of authority, we will next turn our attention to what has uſually been conſidered as its correlative, obedience. This has always been found a ſubject of peculiar difficulty, as well in relation to the meaſure and extent of obedience, as to the ſource of our obligation to obey.

Obedience not the correlative of authority.

The true ſolution will probably be found in the obſervation that obedience is by no means the proper correlative. The object of government, as has been already demonſtrated, is the exertion of force. Now force can never be regarded as an appeal to the underſtanding; and therefore obedience, which is an act

act of the underſtanding or will, can have no legitimate connection with it. I am bound to ſubmit to juſtice and truth, becauſe they approve themſelves to my judgment. I am bound to co-operate with government, as far as it appears to me to coincide with theſe principles. But I ſubmit to government when I think it erroneous, merely becauſe I have no remedy.

BOOK III. CHAP. VI.

No man bound to yield obedience to another.

No truth can be more ſimple, at the ſame time that no truth has been more darkened by the gloſſes of intereſted individuals, than that one man can in no caſe be bound to yield obedience to any other man or ſet of men upon earth.

There is one rule to which we are univerſally bound to conform ourſelves, juſtice, the treating every man preciſely as his uſefulneſs and worth demand, the acting under every circumſtance in the manner that ſhall procure the greateſt quantity of general good. When we have done thus, what province is there left to the diſpoſal of obedience?

Caſe of ſubmiſſion conſidered.

I am ſummoned to appear before the magiſtrate to anſwer for a libel, an imaginary crime, an act which perhaps I am convinced ought in no caſe to fall under the animadverſion of law. I comply with this ſummons. My compliance proceeds, perhaps from a conviction that the arguments I ſhall exhibit in the court form the beſt reſiſtance I can give to his injuſtice, or perhaps

from perceiving that my non-compliance would frivolouſly and without real uſe interrupt the public tranquillity.

A quaker refuſes to pay tithes. He therefore ſuffers a tithe proctor to diſtrain upon his goods. In this action morally ſpeaking he does wrong. The diſtinction he makes is the argument of a mind that delights in trifles. That which will be taken from me by force, it is no breach of morality to deliver with my own hand. The money which the robber extorts from me, I do not think it neceſſary to oblige him to take from my perſon. If I walk quietly to the gallows, this does not imply my conſent to be hanged.

In all theſe caſes there is a clear diſtinction between my compliance with juſtice and my compliance with injuſtice. I conform to the principles of juſtice, becauſe I perceive them to be intrinſically and unalterably right. I yield to injuſtice, though I perceive that to which I yield to be abſtractedly wrong, and only chooſe the leaſt among inevitable evils.

Foundation of obedience.

The caſe of volition, as it is commonly termed, ſeems parallel to that of intellect. You preſent a certain propoſition to my mind, to which you require my aſſent. If you accompany the propoſition with evidence calculated to ſhew the agreement between the terms of which it conſiſts, you may obtain my aſſent.

If

If you accompany the propoſition with authority, telling me that you have examined it and find it to be true, that thouſands of wiſe and diſintereſted men have admitted it, that angels or Gods have affirmed it, I may aſſent to your authority; but, with reſpect to the propoſition itſelf, my underſtanding of its reaſonableneſs, my perception of that in the propoſition which ſtrictly ſpeaking conſtitutes its truth or its falſhood, remain juſt as they did. I believe ſomething elſe, but I do not believe the propoſition.

Juſt ſo in morals. I may be perſuaded of the propriety of yielding compliance to a requiſition the juſtice of which I cannot diſcern, as I may be perſuaded to yield compliance to a requiſition which I know to be unjuſt. But neither of theſe requiſitions is ſtrictly ſpeaking a proper ſubject of obedience. Obedience ſeems rather to imply the unforced choice of the mind and aſſent of the judgment. But the compliance I yield to government, independently of my approbation of its meaſures, is of the ſame ſpecies as my compliance with a wild beaſt, that forces me to run north, when my judgment and inclination prompted me to go ſouth.

Uſefulneſs of ſocial communication.

But, though morality in its pureſt conſtruction altogether excludes the idea of one man's yielding obedience to another, yet the greateſt benefits will reſult from mutual communication. There is ſcarcely any man, whoſe communications will not