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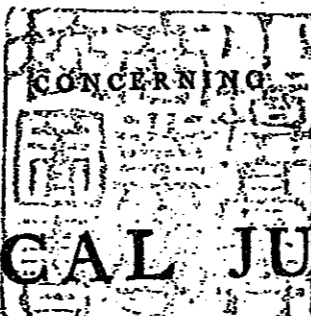
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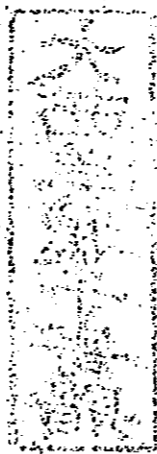
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AN

ENQUIRY



POLITICAL JUSTICE.



AN
ENQUIRY
CONCERNING
POLITICAL JUSTICE,
AND
ITS INFLUENCE
ON
GENERAL VIRTUE AND HAPPINESS.

BY
WILLIAM GODWIN.

IN TWO VOLUMES.

VOL. II.

LONDON:

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M.DCC.XCIII.

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OF THE
S E C O N D V O L U M E.

B O O K V.
OF LEGISLATIVE AND EXECUTIVE POWER.

B O O K VI.
OF OPINION CONSIDERED AS A SUBJECT OF
POLITICAL INSTITUTION.

B O O K VII.
OF CRIMES AND PUNISHMENTS.

B O O K VIII.
OF PROPERTY.

C O N T E N T S

OF THE

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OF LEGISLATIVE AND EXECUTIVE POWER.

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AN
ENQUIRY
CONCERNING
POLITICAL JUSTICE.
BOOK V.
OF LEGISLATIVE AND EXECUTIVE POWER.

CHAP. I.
INTRODUCTION.

RETROSPECT OF PRINCIPLES ALREADY ESTABLISHED.—
DISTRIBUTION OF THE REMAINING SUBJECTS.—SUB-
JECT OF THE PRESENT BOOK.—FORMS OF GOVERNMENT.
—METHOD OF EXAMINATION TO BE ADOPTED.

IN the preceding divisions of this work the ground has been sufficiently cleared to enable us to proceed with considerable explicitness and satisfaction to the practical detail of political institution. It has appeared that an enquiry concerning the principles and conduct of social intercourse is the most important topic upon which the mind of man can be exercised*; that upon those principles well or ill conceived, and the manner in which they are executed, the vices and virtues of individuals depend*;

BOOK V.
CHAP. I.
Retrospect of
principles al-
ready esta-
blished.

* Book I.

that

BOOK V.
CHAP. I.

that political institution to be good must have its sole foundation in the rules of immutable justice*; and that those rules, uniform in their nature, are equally applicable to the whole human race †.

Distribution
of the re-
maining sub-
jects.

The different topics of political institution cannot perhaps be more perspicuously distributed than under the four following heads: provisions for general administration; provisions for the intellectual and moral improvement of individuals; provisions for the administration of criminal justice; and provisions for the regulation of property. Under each of these heads it will be our business, in proportion as we adhere to the great and comprehensive principles already established, rather to clear away abuses than to recommend farther and more precise regulations, rather to simplify than to complicate. Above all we should not forget, that government is an evil, an usurpation upon the private judgment and individual conscience of mankind; and that, however we may be obliged to admit it as a necessary evil for the present, it behoves us, as the friends of reason and the human species, to admit as little of it as possible, and carefully to observe whether, in consequence of the gradual illumination of the human mind, that little may not hereafter be diminished.

Subject of
the present
book.

And first we are to consider the different provisions that may be made for general administration; including under the phrase

* Book II, Chap. II.

† Book I, Chap. VII, VIII. Book III, Chap. VII.

general

BOOK V.
CHAP. I.

general administration all that shall be found necessary of what has usually been denominated legislative and executive power. Legislation has already appeared to be a term not applicable to human society*. Men cannot do more than declare and interpret law; nor can there be an authority so paramount, as to have the prerogative of making that to be law, which abstract and immutable justice had not made to be law previously to that interposition. But it might notwithstanding this be found necessary, that there should be an authority empowered to declare those general principles, by which the equity of the community will be regulated, in particular cases upon which it may be compelled to decide. The question concerning the reality and extent of this necessity it is proper to reserve for after consideration. Executive power consists of two very distinct parts: general deliberations relative to particular emergencies, which, so far as practicability is concerned, may be exercised either by one individual or a body of individuals, such as peace and war, taxation †, and the selection of proper periods for convoking deliberative assemblies; and particular functions, such as those of financial detail, or minute superintendence, which cannot be exercised unless by one or at most by a small number of persons.

In reviewing these several branches of authority, and considering the persons to whom they may be most properly confided, we

Forms of go-
vernment.

* Book III, Chap. V.

† I state the article of taxation as a branch of executive government, since it is not, like law or the declaration of law, a promulgating of some general principle, but is a temporary regulation for some particular emergency.

cannot

cannot do better than adopt the ordinary distribution of forms of government into monarchy, aristocracy and democracy. Under each of these heads we may enquire into the merits of their respective principles, first absolutely, and upon the hypothesis of their standing singly for the whole administration; and secondly, in a limited view, upon the supposition of their constituting one branch only of the system of government. It is usually alike incident to them all to confide the minuter branches of executive detail to inferior agents.

One thing more it is necessary to premise. The merits of each of the three heads I have enumerated are to be considered negatively. The corporate duties of mankind are the result of their irregularities and follies in their individual capacity. If they had no imperfection, or if men were so constituted as to be sufficiently and sufficiently early corrected by persuasion alone, society would cease from its functions. Of consequence, of the three forms of government and their compositions that is the best, which shall least impede the activity and application of our intellectual powers. It was in the recollection of this truth that I have preferred the term political institution to that of government, the former appearing to be sufficiently expressive of that relative form, whatever it be, into which individuals would fall, when there was no need of force to direct them into their proper channel, and were no refractory members to correct.

OF EDUCATION, THE EDUCATION OF A PRINCE.

NATURE OF MONARCHY DELINEATED.—SCHOOL OF ADVERSITY.—TENDENCY OF SUPERFLUITY TO INSPIRE EFFEMINACY—TO DEPRIVE US OF THE BENEFIT OF EXPERIENCE—ILLUSTRATED IN THE CASE OF PRINCES.—MANNER IN WHICH THEY ARE ADDRESSED.—INEFFICACY OF THE INSTRUCTION BESTOWED UPON THEM.

FIRST then of monarchy; and we will first suppose the succession to the monarchy to be hereditary. In this case we have the additional advantage of considering this distinguished mortal, who is thus set over the heads of the rest of his species, from the period of his birth.

The abstract idea of a king is of an extremely momentous and extraordinary nature; and, though the idea has by the accident of education been rendered familiar to us from our infancy, yet perhaps the majority of readers can recollect the period, when it struck them with astonishment and confounded their powers of apprehension. It being sufficiently evident that some species of government was necessary, and that individuals

must

must concede a part of that sacred and important privilege by which each man is constituted judge of his own words and actions, for the sake of general good, it was next requisite to consider what expedients might be substituted in the room of this original claim. One of these expedients has been monarchy. It was the interest of each individual that his individuality should be invaded as rarely as possible; that no invasion should be permitted to flow from wanton caprice, from sinister and disingenuous views, or from the instigation of anger, partiality and passion; and that this bank, severely levied upon the peculium of each member of the society, should be administered with frugality and discretion. It was therefore without doubt a very bold adventure to commit this precious deposit to the custody of a single man. If we contemplate the human powers whether of body or mind, we shall find them much better suited to the superintendence of our private concerns and to the administering occasional assistance to others, than to the accepting the formal trust of superintending the affairs and watching for the happiness of millions. If we recollect the physical and moral equality of mankind, it will appear a very violent usurpation upon this principle to place one individual at so vast an interval from the rest of his species. Let us then consider how such persons are usually educated, or may be expected to be educated, and how well they are prepared for this illustrious office.

School of adversity.

It is a common opinion that adversity is the school in which all extraordinary

extraordinary virtue must be formed. Henry the fourth of France and Elizabeth of England experienced a long series of calamities before they were elevated to a throne. Alfred, of whom the obscure chronicles of a barbarous age record such superior virtues, passed through the vicissitudes of a vagabond and a fugitive. Even the mixed, and upon the whole the vicious, yet accomplished, characters of Frederic and Alexander, were not formed without the interference of injustice and persecution.

This hypothesis however seems to have been pushed too far. It is no more reasonable to suppose that virtue cannot be matured without injustice, than to believe, which has been another prevailing opinion, that human happiness cannot be secured without imposture and deceit. Both these errors have a common source, a distrust of the omnipotence of truth. If their advocates had reflected more deeply upon the nature of the human mind, they would have perceived that all our voluntary actions are judgments of the understanding, and that actions of the most judicious and useful nature must infallibly flow from a real and genuine conviction of truth.

But, though the exaggerated opinion here stated of the usefulness of adversity be erroneous, it is, like many other of our errors, allied to important truth. If adversity be not necessary, it must be allowed that prosperity is pernicious. Not a genuine and philosophical prosperity, which requires no more than sound

Tendency of
superfluity
to inspire ef-
feminacy:

health with a sound intellect, the capacity of procuring for ourselves by a moderate and well regulated industry the means of subsistence, virtue and wisdom: but prosperity as it is usually understood, that is, a competence, provided for us by the caprice of human institution, inviting our bodies to indolence, and our minds to lethargy; and still more prosperity, as it is understood in the case of noblemen and princes, that is, a superfluity of wealth, which deprives us of all intercourse with our fellow men upon equal terms, and makes us prisoners of state, gratified indeed with baubles and splendour, but shut out from the real benefits of society and the perception of truth. If truth be so intrinsically powerful as to make adversity unnecessary to excite our attention to it, it is nevertheless certain that luxury and wealth have the most fatal effects in distorting it. If it require no foreign aid to assist its energies, we ought however to be upon our guard against principles and situations the tendency of which may be perpetually to counteract it.

Nor is this all. One of the most essential ingredients of virtue is fortitude. It was the plan of many of the Grecian philosophers, and most of all of Diogenes, to show to mankind how very limited was the supply that our necessities required, and how little dependent our real welfare and prosperity were upon the caprice of others. Among innumerable incidents upon record that illustrate this principle, a single one may suffice to suggest to our minds its general spirit. Diogenes had a slave whose

whose name was Menas, and Menas thought proper upon some occasion to elope. "Ha!" said the philosopher, "can Menas live without Diogenes, and cannot Diogenes live without Menas?" There can be no lesson more important than that which is thus conveyed. The man that does not know himself not to be at the mercy of other men, that does not feel that he is invulnerable to all the vicissitudes of fortune, is incapable of a constant and inflexible virtue. He, to whom the rest of his species can reasonably look up with confidence, must be firm, because his mind is filled with the excellence of the object he pursues; and chearful, because he knows that it is out of the power of events to injure him. If any one should choose to imagine that this idea of virtue is strained too high, yet all must allow that no man can be entitled to our confidence, who trembles at every wind, who can endure no adversity, and whose very existence is linked to the artificial character he sustains. Nothing can more reasonably excite our contempt, than a man who, if he were once reduced to the genuine and simple condition of man, would be reduced to despair, and find himself incapable of consulting and providing for his own subsistence. Fortitude is a habit of mind that grows out of a sense of our own independence. If there be a man, who dares not even trust his own imagination with the fancied change of his circumstances, he must necessarily be effeminate, irresolute and temporising. He that loves sensuality or ostentation better than virtue, may be entitled to our pity, but a madman only would entrust to his disposal any thing that was dear to him.

to deprive us
of the benefit
of expe-
rience:

Again, the only means by which truth, however immutable in its own nature, can be communicated to the human mind is through the inlet of the senses. It is perhaps impossible that a man shut up in a cabinet can ever be wise. If we would acquire knowledge, we must open our eyes, and contemplate the universe. Till we are acquainted with the meaning of terms and the nature of the objects around us, we cannot understand the propositions that may be formed concerning them. Till we are acquainted with the nature of the objects around us, we cannot compare them with the principles we have formed, and understand the modes of employing them. There are other ways of attaining wisdom and ability beside the school of adversity, but there is no way of attaining them but through the medium of experience. That is, experience brings in the materials with which intellect works; for it must be granted that a man of limited experience will often be more capable than he who has gone through the greatest variety of scenes; or rather perhaps, that one man may collect more experience in a sphere of a few miles square, than another who has sailed round the world.

To conceive truly the value of experience we must recollect the infinite improvements the human mind has received in a long series of ages, and how an enlightened European differs from a solitary savage. However multifarious are these improvements, there are but two ways in which they can be appropriated by any individual; either at second hand by books and

conversation, or at first hand by our own observations of men and things. The improvement we receive in the first of these modes is unlimited; but it will not do alone. We cannot understand books, till we have seen the subjects of which they treat.

He that knows the mind of man, must have observed it for himself; he that knows it most intimately, must have observed it in its greatest variety of situations. He must have seen it without disguise, when no exterior situation puts a curb upon its passions, and induces the individual to exhibit a studied, not a spontaneous character. He must have seen men in their unguarded moments, when the eagerness of temporary resentment tips their tongue with fire, when they are animated and dilated by hope, when they are tortured and anatomised by despair, when the soul pours out its inmost self into the bosom of an equal and a friend. Lastly, he must himself have been an actor in the scene, have had his own passions brought into play, have known the anxiety of expectation and the transport of success, or he will feel and understand about as much of what he sees, as mankind in general would of the transactions of the vitriolised inhabitants of the planet Mercury, or the salamanders that live in the sun.—Such is the education of the true philosopher, the genuine politician, the friend and benefactor of human kind.

What is the education of a prince? Its first quality is extreme tenderness,

illustrated in
the case of
princes.

tenderness. The winds of heaven are not permitted to blow upon him. He is dressed and undressed by his lacqueys and valets. His wants are carefully anticipated; his desires without any effort of his profusely supplied. His health is of too much importance to the community to permit him to exert any considerable effort either of body or mind. He must not hear the voice of reprimand or blame. In all things it is first of all to be remembered that he is a prince, that is, some rare and precious creature, but not of human kind.

Manner in
which they
are addressed.

As he is the heir to a throne, it is never forgotten by those about him, that considerable importance is to be annexed to his favour or his displeasure. Accordingly they never express themselves in his presence frankly and naturally, either respecting him or themselves. They are supporting a part. They play under a mask. Their own fortune and emolument is always uppermost in their minds, at the same time that they are anxious to appear generous, disinterested and sincere. All his caprices are to be complied with. All his gratifications are to be studied. They find him a depraved and sordid mortal; they judge of his appetites and capacities by their own; and the gratifications they recommend serve to sink him deeper in folly and vice.

What is the result of such an education? Having never experienced contradiction, the young prince is arrogant and presumptuous. Having always been accustomed to the slaves of necessity

sity or the slaves of choice, he does not understand even the meaning of the word freedom. His temper is insolent, and impatient of parley and expostulation. Knowing nothing, he believes himself sovereignly informed, and runs headlong into danger, not from firmness and courage, but from the most egregious wilfulness and vanity. Like Pyrrho among the ancient philosophers, if his attendants were at a distance, and he trusted himself alone in the open air, he would perhaps be run over by the next coach, or fall down the first precipice. His violence and presumption are strikingly contrasted with the extreme timidity of his disposition. The first opposition terrifies him, the first difficulty seen and understood appears insuperable. He trembles at a shadow, and at the very semblance of adversity is dissolved into tears. It has accordingly been observed that princes are commonly superstitious beyond the rate of common mortals.

Above all, simple, unqualified truth is a stranger to his ear. It either never approaches; or if so unexpected a guest should once appear, it meets with so cold a reception, as to afford little encouragement to a second visit. The longer he has been accustomed to falsehood and flattery, the more grating will it found. The longer he has been accustomed to falsehood and flattery, the more terrible will the task appear to him, to change his tastes, and discard his favourites. He will either place a blind confidence in all men, or, having detected the insincerity of those who were most agreeable to him, will conclude that all men are knavish

knavish and designing. As a consequence of this last opinion, he will become indifferent to mankind, callous to their sufferings, and will believe that even the virtuous are knaves under a craftier mask. Such is the education of an individual, who is destined to superintend the affairs and watch for the happiness of millions.

In this picture are indeed contained all those features which naturally constitute the education of a prince, into the conducting of which no person of energy and virtue has by accident been introduced. In real life it will be variously modified, but the majority of the features, unless in very rare instances, will remain the same. In no case can the education of a friend and benefactor of human kind, as sketched in a preceding page, by any speculative contrivance be communicated.

Inefficacy of
the instruction
bestowed
upon them.

Nor is there any difficulty in accounting for this universal miscarriage. The wisest preceptor thus circumstanced must labour under insuperable disadvantages. No situation can be so unnatural as that of a prince, so difficult to be understood by him who occupies it, so irresistibly propelling the mind to mistake. The first ideas it suggests are of a tranquillising and soporific nature. It fills him with the opinion of his secretly possessing some inherent advantage over the rest of his species, by which he is formed to command and they to obey. If you assure him of the contrary, you can expect only an imperfect and temporary credit; for facts, which in this case depose against you, speak a language

language more emphatic and intelligible than words. If it were not as he supposes, why should every one that approaches be eager to serve him? The sordid and selfish motives by which they are really animated he is very late in detecting. It may even be doubted whether the individual, who was never led to put the professions of others to the test by his real wants, has in any instance been completely aware of the little credit that is often due to them. A prince finds himself courted and adored long before he can have acquired a merit entitling him to such distinctions. By what arguments can you persuade him laboriously to pursue what appears so completely superfluous? How can you induce him to be dissatisfied with his present acquisitions, while every other person assures him that his accomplishments are admirable and his mind a mirror of sagacity? How will you persuade him (who finds all his wishes anticipated, to engage in any arduous undertaking, or propose any distant object for his ambition?

But, even should you succeed in this, his pursuits may be expected to be either mischievous or useless. His understanding is distorted; and the basis of all morality, the recollection that other men are beings of the same order with himself, is extirpated. It would be unreasonable to expect from him any thing generous and humane. Unfortunate as he is, his situation is continually propelling him to vice, and destroying the germs of integrity and virtue before they are unfolded. If sensibility be-

gin to discover itself, it is immediately poisoned by the blighting winds of flattery. Amusement and sensuality call with an imperious voice, and will not allow him time to feel. Artificial as is the character he fills, even should he aspire to fame, it will be by the artificial methods of false refinement, or the barbarous inventions of usurpation and conquest, not by the plain and unornamented road of benevolence.

Some idea of the methods usually pursued, and the effects produced in the education of a prince, may be collected from a late publication of the celebrated madame de Genlis, in which she gives an account of her own proceedings in relation to the children of the duke d'Orleans. She thus describes the features of their disposition and habits at the time they were committed to her care. "The duke de Valois (the eldest) is frequently coarse in his manners and ignoble in his expressions. He finds a great deal of humour in describing mean and common objects by vulgar expressions; and all this seasoned with the proverbial fertility of Sancho Panza himself, and set off with a loud forced laugh. His prate is eternal, nor does he suspect but that it must be an exquisite gratification to any one to be entertained with it; and he frequently heightens the jest by a falsehood uttered in the gravest manner imaginable. Neither he nor his brother has the least regard for any body but himself; they are selfish and grasping to an extreme, considering every thing that is done for them as their due, and imagining that they are in no respect obliged

to

to consult the happiness of others. The slightest reproof is beyond measure shocking to them; and the indignation they conceive at it immediately vents itself in fullness or tears. They are in an uncommon degree effeminate; afraid of the wind or the cold, unable to run or to leap, or even so much as to walk at a round pace, or for more than half an hour together. The duke de Valois has an extreme terror of dogs, to such a degree as to turn pale and shriek out at the sight of one." "When the children of the duke d'Orleans were committed to my care, they had been accustomed in winter to wear under-waistcoats, two pair of stockings, gloves, muffs, &c. The eldest, who was eight years of age, never came down stairs without being supported by the arm of one or two persons; the domestics were obliged to render them the meanest services, and, for a cold or any slight indisposition, sat up with them for nights together*."

Madame

* "M. de Valois a encore des manières bien désagréables, des expressions ignobles, & de tems en tems le plus mauvais ton. A présent qu'il est à son aise avec moi, il me débite avec confiance toutes les gentillesses qu'on lui a apprises. Tout cela assaisonné de tous les proverbes de Sancho, et d'un gros rire forcé, qui n'est pas le moindre de ses désagrémens. En outre, il est très bavard, grand conteur, & il ment souvent pour se divertir; avec cela la plus grande indifférence pour M. & Mde. de Chartres, n'y pensant jamais, les voyant froidement, ne désirant point les voir.—Ils étoient l'un & l'autre de la plus grande impolitesse, oui & non tout court, ou un signe de tête, peu reconnoissant, parce qu'ils croient qu'il n'est point de soins, d'attentions, ni d'égards qu'on ne les doive. Il n'étoit pas possible de les reprendre sans les mettre au désespoir; dans ce cas, toujours des pleurs ou de l'humeur. Ils étoient très douillets, craignant le vent, le froid, ne

3 E 2

pouvant,

Madame de Genlis, a woman of uncommon talents and comprehensive views, though herself infected with a considerable number of errors, corrected these defects in the young princes. But few princes have the good fortune to be educated by a mind so powerful and wise as that of madame de Genlis, and we may safely take our standard for the average calculation rather from her predecessors than herself. She forms the exception; they the rule. Even were it otherwise, we have already seen what it is that a preceptor can do in the education of a prince. Nor should it be forgotten that these were not of the class of princes destined to a throne.

pouvant, non seulement ni courir ni sauter, mais même ni marcher d'un bon pas, & plus d'une demi-heure. Et M. le duc de Valois ayant une peur affreuse des chiens au point de pâlir & de crier quand il en voyoit un."

"Quand on m'a remis ceux que j'ai élevés, ils avoient l'habitude de porter en hiver des gilets, des doubles paires de bas, des grands manchons, &c. L'aîné, qui avoit huit ans, ne descendoit jamais un escalier sans s'appuyer sur le bras d'une ou deux personnes. On obligeoit des domestiques de ces enfans à leur rendre les services les plus vils : pour un rebu, pour une légère incommodité, ces domestiques passoient sans cesse les nuits, &c."

Leçons d'une Gouvernante à ses Elèves, par Mde. de Sillery Brulart (ci-devant comtesse de Genlis), Tome II.

PRIVATE LIFE OF A PRINCE.

PRINCIPLES BY WHICH HE IS INFLUENCED—IRRESPONSIBILITY—IMPATIENCE OF CONTROL—HABITS OF DISSIPATION—IGNORANCE—DISLIKE OF TRUTH—DISLIKE OF JUSTICE—PITIABLE SITUATION OF PRINCES.

SUCH is the culture; the fruit that it produces may easily be conjectured. The fashion which is given to the mind in youth, it ordinarily retains in age; and it is with ordinary cases only that the present argument is concerned. If there have been kings, as there have been other men, in the forming of whom particular have outweighed general causes, the recollection of such exceptions has little to do with the question, whether monarchy be generally speaking a benefit or an evil. Nature has no particular mould of which she forms the intellects of princes; monarchy is certainly not *jure divino*; and of consequence, whatever system we may adopt upon the subject of natural talents, the ordinary rate of kings will possess at best but the ordinary rate of human understanding. In what has been said, and in what remains to say, we are not to fix our minds upon prodigies, but to think of the species as it is usually found.

But,

But, though education for the most part determines the character of the future man, it may not be useless to follow the disquisition a little farther. Education in one sense is the affair of youth, but in a stricter and more accurate sense the education of an intellectual being can terminate only with his life. Every incident that befalls us is the parent of a sentiment, and either confirms or counteracts the preconceptions of the mind.

Principles by
which he is
influenced:

Now the causes that acted upon kings in their minority, continue to act upon them in their maturer years. Every thing is carefully kept out of sight that may remind them they are men.

irresponsi-
bility:

Every means is employed that can persuade them that they are of a different species of beings, and subject to different laws of existence. "A king," such at least is the maxim of absolute monarchies, "though obliged by a rigid system of duties, is accountable for his discharge of those duties only to God." That is, exposed to a hundred fold more seductions than ordinary men, he has not like them the checks of a visible constitution of things, perpetually through the medium of the senses making their way to the mind. He is taught to believe himself superior to the restraints that bind ordinary men, and subject to a rule peculiarly his own. Every thing is trusted to the motives of an invisible world; which, whatever may be the estimate to which they are entitled in the view of philosophy, mankind are not now to learn are weakly felt by those who are immersed in splendour or affairs, and have little chance of success in contend-

ing with the impressions of sense and the allurements of visible objects.

impatience
of control:

It is a maxim generally received in the world "that every king is a despot in his heart," and the maxim can seldom fail to be verified in the experiment. A limited monarch and an absolute monarch, though in many respects different, approach in more points than they separate. A monarch, strictly without limitation, is perhaps a phenomenon that never yet existed. All countries have possessed some check upon despotism, which to their deluded imaginations appeared a sufficient security for their independence. All kings have possessed such a portion of luxury and ease, have been so far surrounded with servility and falsehood, and to such a degree exempt from personal responsibility, as to destroy the natural and wholesome complexion of the human mind. Being placed so high, they find but one step between them and the summit of social authority, and they cannot but eagerly desire to gain that step. Having so frequent occasions of seeing their behests implicitly obeyed, being trained in so long a scene of adulation and servility, it is impossible they should not feel some indignation at the honest firmness that sets limits to their omnipotence. But to say, "that every king is a despot in his heart," will presently be shown to be the same thing as to say, that every king is by unavoidable necessity the enemy of the human race.

BOOK V.
CHAP. III.
habits of dis-
ipation:

The principal source of virtuous conduct is to recollect the absent. He that takes into his estimate present things alone, will be the perpetual slave of sensuality and selfishness. He will have no principle by which to restrain appetite, or to employ himself in just and benevolent pursuits. The cause of virtue and innocence, however urgent, will no sooner cease to be heard, than it will be forgotten. Accordingly nothing is found more favourable to the attainment of moral excellence than meditation: nothing more inimical than an uninterrupted succession of amusements. It would be absurd to expect from kings the recollection of virtue in exile or disgrace. It has generally been observed, that even for the loss of a flatterer or a favourite they speedily console themselves. Image after image so speedily succeed in their sensorium, that no one of them leaves a durable impression. A circumstance which contributes to this moral insensibility, is the effeminacy and cowardice which grow out of perpetual indulgence. Their minds spontaneously shrink from painful ideas, from motives that would awaken them to effort, and reflections that would demand severity of disquisition.

ignorance:

What situation can be more unfortunate than that of a stranger, who cannot speak our language, knows nothing of our manners and customs, and enters into the busy scene of our affairs, without one friend to advise with or assist him? If any thing is to be got by such a man, we may depend upon seeing him instantly surrounded with a group of thieves, sharpers and

BOOK V.
CHAP. III.

extortioners. They will make him swallow the most incredible stories, will impose upon him in every article of his necessities or his commerce, and he will leave the country at last, as unfriended and in as absolute ignorance as he entered it. Such a stranger is a king; but with this difference, that the foreigner, if he be a man of sagacity and penetration, may make his way through this crowd of intruders, and discover a set of persons worthy of his confidence, which can scarcely in any case happen to a king. He is placed in a vortex peculiarly his own. He is surrounded with an atmosphere through which it is impossible for him to discover the true colours and figure of things. The persons that are near him are in a cabal and conspiracy of their own, and there is nothing about which they are more anxious than to keep truth from approaching him. The man, who is not accessible to every comer, who delivers up his person into the custody of another, and may, for any thing that he can tell, be precluded from that very intercourse and knowledge it is most important for him to possess, whatever name he may bear, is in reality a prisoner.

Whatever the arbitrary institutions of men may pretend, the more powerful institutions of nature forbid one man to transact the affairs and provide for the welfare of millions. A king soon finds the necessity of entrusting his functions to the administration of his servants. He acquires the habit of seeing with their eyes and acting with their hands. He finds the necessity of confid-

ing implicitly in their fidelity. Like a man long shut up in a dungeon, his organs are not strong enough to bear the irradiation of truth. Accustomed to receive information of the feelings and sentiments of mankind through the medium of another person, he cannot bear directly to converse with business and affairs. Whoever would detach his confidence from his present favourites, and induce him to pass over again in scrutiny the principles and data upon which he has already determined, requires of him too painful a task. He hastens from his informer to communicate the accusation to his favourite, and the tongue that has been accustomed to gain credit, easily varnishes over this new discovery. He flies from uncertainty, anxiety and doubt to his routine of amusements; or amusement presents itself, is importunate to be received, and presently obliterates the tale that overspread the mind with melancholy and suspicion. Much has been said of intrigue and duplicity. They have been alledged to intrude themselves into the walks of commerce, to haunt the intercourse of men of letters, and to rend the petty concerns of a village with faction. But, wherever else they may be strangers, in courts they undoubtedly find a congenial climate. The intrusive tale-bearer, who carries knowledge to the ear of kings, is within that circle an object of general abhorrence. The favourite marks him for his victim; and the inactive and unimpassioned temper of the monarch soon resigns him to the vindictive importunity of his adversary. It is in the contemplation of these circumstances that Fenelon has remarked that

"kings are the most unfortunate and the most misled of all human beings*."

But in reality were they in possession of purer sources of information, it would be to little purpose. Royalty inevitably allies itself to vice. Virtue, in proportion as it has taken possession of any character, is just, consistent and sincere. But kings, debauched by their education, ruined by their situation, cannot endure an intercourse with these attributes. Sincerity, that would tell them of their errors and remind them of their cowardice; justice, that, uninfluenced by the trappings of majesty, would estimate the man at his true desert; consistency, that no temptation would induce to part with its principles; are odious and intolerable in their eyes. From such intruders they hasten to men of a pliant character, who will flatter their mistakes, put a false varnish on their actions, and be visited by no impertinent scruples in assisting the indulgence of their appetites. There is scarcely in human nature an inflexibility that can resist perpetual flattery and compliance. The virtues that grow up among us are cultured in the open soil of equality, not in the artificial climate of greatness. We need the winds to harden, as much as

Dislike of
truth:

* "Les plus malheureux & les plus aveugles de tous les hommes." *Télémaque*, Liv. XIII. More forcible and impressive description is scarcely any where to be found, than that of the evils inseparable from monarchical government, contained in this and the following book of Fenelon's work.

the heat to cherish us. Many a mind, that promised well in its outset, has been found incapable to stand the test of perpetual indulgence and ease, without one shock to waken, and one calamity to stop it in its smooth career.

dislike of
justice.

Monarchy is in reality so unnatural an institution, that mankind have at all times strongly suspected it was unfriendly to their happiness. The power of truth upon important topics is such, that it may rather be said to be obscured than obliterated; and falsehood has scarcely ever been so successful, as not to have had a restless and powerful antagonist in the heart of its votaries. The man who with difficulty earns his scanty subsistence, cannot behold the ostentatious splendour of a king, without being visited by some sense of injustice. He inevitably questions in his mind the utility of an officer whose services are hired at so enormous a price. If he consider the subject with any degree of accuracy, he is led to perceive, and that with sufficient surprise, that a king is nothing more than a common mortal, exceeded by many and equalled by more in every requisite of strength, capacity and virtue. He feels therefore that nothing can be more groundless and unjust than the supposing that one such man as this is the fittest and most competent instrument for regulating the affairs of nations.

These reflections are so unavoidable that kings themselves have often been aware of the danger to their imaginary happiness.

ness with which they are pregnant. They have sometimes been alarmed with the progress of thinking, and oftener regarded the ease and prosperity of their subjects as a source of terror and apprehension. They justly consider their functions as a sort of public exhibition, the success of which depends upon the credulity of the spectators, and which good sense and courage would speedily bring to a termination. Hence the well known maxims of monarchical government, that ease is the parent of rebellion, and that it is necessary to keep the people in a state of poverty and endurance in order to render them submissive. Hence it has been the perpetual complaint of despotism, that "the restless knaves are overrun with ease, and plenty ever is the nurse of faction*." Hence it has been the lesson perpetually read to monarchs: "Render your subjects prosperous, and they will speedily refuse to labour; they will become stubborn, proud, unsubmitive to the yoke, and ripe for revolt. It is impotence and misery that alone will render them supple, and prevent them from rebelling against the dictates of authority †."

It is a common and vulgar observation that the state of a king is greatly to be pitied. "All his actions are hemmed in with

Pitiable situation of
princes.

* Tragedy of Jane Shore, Act III.

† "Si vous mettez les peuples dans l'abondance, ils ne travailleront plus, ils deviendront fiers, indociles, et seront toujours prêts à se rebeller: il n'y a que la faiblesse et la misère qui les rendent souples, et qui les empêchent de résister à l'autorité."

Télémaque, Liv. XIII.

anxiety

anxiety and doubt. He cannot, like other men, indulge the gay and careless hilarity of his mind; but is obliged, if he be of an honest and conscientious disposition, to consider how necessary the time, which he is thoughtlessly giving to amusement, may be to the relief of a worthy and oppressed individual; how many benefits might in a thousand instances result from his interference; how many a guileless and undesigned heart might be cheered by his justice. The conduct of kings is the subject of the severest criticism, which the very nature of their situation disables them to encounter. A thousand things are done in their name in which they have no participation; a thousand stories are so disguised to their ear as to render the truth absolutely undiscoversable; and the king is the general scape-goat, loaded with the offences of all his dependents."

No picture can be more just, judicious and humane than that which is thus exhibited. Why then should the advocates of antimonarchical principles be considered as the enemies of kings? They would relieve them from "a load would sink a navy, too much honour*." They would exalt them to the happy and enviable condition of private individuals. In reality nothing can be more iniquitous and cruel than to impose upon a man the unnatural office of a king. It is not less inequitable towards him that exercises it, than towards them who are subjected to it.

* Shakespeare: Henry the Eighth, Act III.

Kings,

Kings, if they understood their own interests, would be the first to espouse these principles, the most eager to listen to them, the most fervent in expressing their esteem of the men who undertake to impress upon their species this important truth.

CHAP.

C H A P. IV.

OF A VIRTUOUS DESPOTISM.

SUPPOSED EXCELLENCE OF THIS FORM OF GOVERNMENT
 CONTROVERTED—FROM THE NARROWNESS OF HUMAN
 POWERS.—CASE OF A VICIOUS ADMINISTRATION—OF A
 VIRTUOUS ADMINISTRATION INTENDED TO BE FORMED.
 —MONARCHY NOT ADAPTED TO THE GOVERNMENT
 OF LARGE STATES.

BOOK V.
 CHAP. IV.
 Supposed ex-
 cellence of
 this form of
 government
 controverted:

THERE is a principle frequently maintained upon this sub-
 ject, which is well entitled to our impartial consideration.
 It is granted by those who espouse it, "that absolute monarchy,
 from the imperfection of those by whom it is administered, is
 most frequently attended with evil;" but they assert, "that it is
 the best and most desirable of all forms under a good and
 virtuous prince. It is exposed," say they, "to the fate of
 all excellent natures, and from the best thing frequently, if cor-
 rupted, becomes the worst." This remark is certainly not very
 decisive of the general question, so long as any weight shall be
 attributed to the arguments which have been adduced to evince
 what sort of character and disposition may be ordinarily expected
 in princes. It may however be allowed, if true, to create in
 the mind a sort of partial retrospect to this happy and perfect
 despotism;

OF A VIRTUOUS DESPOTISM.

despotism; and, if it can be shown to be false, it will render
 the argument for the abolition of monarchy, so far as it is con-
 cerned, more entire and complete.

BOOK V.
 CHAP. IV.

Now, whatever dispositions any man may possess in favour
 of the welfare of others, two things are necessary to give them
 validity; discernment and power. I can promote the welfare of
 a few persons, because I can be sufficiently informed of their
 circumstances. I can promote the welfare of many in certain
 general articles, because for this purpose it is only necessary that
 I should be informed of the nature of the human mind as such,
 not of the personal situation of the individuals concerned. But
 for one man to undertake to administer the affairs of millions, to
 supply, not general principles and perspicuous reasoning, but
 particular application, and measures adapted to the necessities of
 the moment, is of all undertakings the most extravagant and
 absurd.

from the
 narrowness
 of human
 powers.

The most natural and obvious of all proceedings is for each
 man to be the sovereign arbiter of his own concerns. If the
 imperfection, the narrow views and the mistakes of human
 beings render this in certain cases inexpedient and impracticable,
 the next resource is to call in the opinion of his peers, persons
 who from their vicinity may be presumed to have some general
 knowledge of the case, and who have leisure and means minute-
 ly to investigate the merits of the question. It cannot reasonably

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be doubted, that the same expedient which men employed in their civil and criminal concerns, would by uninstructed mortals be adopted in the assessment of taxes, in the deliberations of commerce, and in every other article in which their common interests were involved, only generalising the deliberative assembly or pannel in proportion to the generality of the question to be decided.

Monarchy, instead of referring every question to the persons concerned or their neighbours, refers it to a single individual placed at the greatest distance possible from the ordinary members of the society. Instead of distributing the causes to be judged into as many parcels as they would conveniently admit for the sake of providing leisure and opportunities of examination, it draws them to a single centre, and renders enquiry and examination impossible. A despot, however virtuously disposed, is obliged to act in the dark, to derive his knowledge from other men's information, and to execute his behests by other men's instrumentality. Monarchy seems to be a species of government proscribed by the nature of man; and those persons, who furnished their despot with integrity and virtue, forgot to add omniscience and omnipotence, qualities not less necessary to fit him for the office they had provided.

Case of a
vicious ad-
ministration:

Let us suppose this honest and incorruptible despot to be served by ministers, avaricious, hypocritical and interested. What will the

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the people gain by the good intentions of their monarch? He will mean them the greatest benefits, but he will be altogether unacquainted with their situation, their character and their wants. The information he receives will frequently be found the very reverse of the truth. He will be taught that one individual is highly meritorious and a proper subject of reward, whose only merit is the profligate cruelty with which he has served the purposes of his administration. He will be taught that another is the pest of the community, who is indebted for this report to the steady virtue with which he has traversed and defeated the wickedness of government. He will mean the greatest benefits to his people; but when he prescribes something calculated for their advantage; his servants under pretence of complying shall in reality perpetrate diametrically the reverse. Nothing will be more dangerous than to endeavour to remove the obscurity with which his ministers surround him. The man, who attempts so hardy a task, will become the incessant object of their hatred. Though the sovereign should be ever so severely just, the time will come when his observation will be laid asleep, while malice and revenge are ever vigilant. Could he unfold the secrets of his prison houses of state, he would find men committed in his name whose crimes he never knew, whose names he never heard of, perhaps men whom he honoured and esteemed. Such is the history of the benevolent and philanthropic despots whom memory has recorded; and the conclusion from the whole is; that, wherever despotism exists,

there it will always be attended with the evils of despotism, capricious measures and arbitrary infliction.

of a virtuous
administra-
tion intended
to be formed.

“But will not a wise king take care to provide himself with good and virtuous servants?” Undoubtedly he will effect a part of this, but he cannot supersede the essential natures of things. He that executes any office as a deputy will never discharge it in the same perfection as if he were the principal. Either the minister must be the author of the plans which he carries into effect, and then it is of little consequence, except so far as relates to his integrity in the choice of his servants, what sort of mortal the sovereign shall be found; or he must play a subordinate part, and then it is impossible to transfuse into his mind the perspicacity and energy of his master. Wherever despotism exists, it cannot remain in a single hand, but must be transmitted whole and entire through all the progressive links of authority. To render despotism auspicious and benign it is necessary, not only that the sovereign should possess every human excellence, but that all his officers should be men of penetrating genius and unspotted virtue. If they fall short of this, they will, like the ministers of Elizabeth, be sometimes specious profligates*, and sometimes men, who, however admirably adapted for business, consult on many occasions exclusively their private advantage, worship the rising sun, enter into vindictive cabals, and cuff

* Dudley earl of Leicester.

down

down new fledged merit*. Wherever the continuity is broken, the flood of vice will bear down all before it. One weak or disingenuous man will be the source of unbounded mischief. It is the nature of monarchy under all its forms to confide greatly in the discretion of individuals. It provides no resource for maintaining and diffusing the spirit of justice. Every thing rests upon the permanence and extent of influence of personal virtue.

Another position, not less generally asserted than that of the desirableness of a virtuous despotism, is, “that republicanism is a species of government practicable only in a small state, while monarchy is best fitted to embrace the concerns of a vast and flourishing empire.” The reverse of this, so far at least as relates to monarchy, appears at first sight to be the truth. The competence of any government cannot be measured by a purer standard, than the extent and accuracy of its information. In this respect monarchy appears in all cases to be wretchedly deficient; but, if it can ever be admitted, it must surely be in those narrow and limited instances where an individual can with least absurdity be supposed to be acquainted with the affairs and interests of the whole.

Monarchy
not adapted
to the go-
vernment of
large states.

* Cecil earl of Salisbury, lord treasurer; Howard earl of Nottingham, lord admiral, &c.

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CHAP. V.

OF COURTS AND MINISTERS.

SYSTEMATICAL MONOPOLY OF CONFIDENCE.—CHARACTER OF MINISTERS—OF THEIR DEPENDENTS.—VENALITY OF COURTS.—UNIVERSALITY OF THIS PRINCIPLE.

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WE shall be better enabled to judge of the dispositions with which information is communicated and measures are executed in monarchical countries, if we reflect upon another of the evil consequences attendant upon this species of government, the existence and corruption of courts.

Systematical monopoly of confidence.

The character of this, as well as of every other human institution, arises out of the circumstances with which it is surrounded. Ministers and favourites are a sort of people who have a state prisoner in their custody, the whole management of whose understanding and actions they can easily engross. This they completely effect with a weak and credulous master, nor can the most cautious and penetrating entirely elude their machinations. They unavoidably desire to continue in the administration of his functions, whether it be emolument, or the love of homage, or any more generous motive by which they are attached

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attached to it. But the more they are confided in by the sovereign, the greater will be the permanence of their situation; and the more exclusive is their possession of his ear, the more implicit will be his confidence. The wisest of mortals are liable to error; the most judicious projects are open to specious and superficial objections; and it can rarely happen but a minister will find his ease and security in excluding as much as possible other and opposite advisers, whose acuteness and ingenuity are perhaps additionally whetted by a desire to succeed to his office.

Character of ministers:

Ministers become a sort of miniature kings in their turn. Though they have the greatest opportunity of observing the impotence and unmeaningness of the character, they yet envy it. It is their trade perpetually to extol the dignity and importance of the master they serve; and men cannot long anxiously endeavour to convince others of the truth of any proposition without becoming half convinced of it themselves. They feel themselves dependent for all that they most ardently desire upon this man's arbitrary will; but a sense of inferiority is perhaps the never failing parent of emulation or envy. They assimilate themselves therefore of choice to a man to whose circumstances their own are considerably similar.

of their dependents.

In reality the requisites, without which monarchical government cannot be preserved in existence, are by no means sufficiently

ciently supplied by the mere intervention of ministers. There must be the ministers of ministers, and a long bead roll of subordination descending by tedious and complicated steps. Each of these lives on the smile of the minister, as he lives on the smile of the sovereign. Each of these has his petty interests to manage, and his empire to employ under the guise of servility. Each imitates the vices of his superior, and exacts from others the adulation he is obliged to pay.

It has already appeared that a king is necessarily and almost unavoidably a despot in his heart. He has been used to hear those things only which were adapted to give him pleasure; and it is with a grating and uneasy sensation that he listens to communications of a different sort. He has been used to unhesitating compliance; and it is with difficulty he can digest expostulation and opposition. Of consequence the honest and virtuous character, whose principles are clear and unshaken, is least qualified for his service; he must either explain away the severity of his principles, or he must give place to a more crafty and temporising politician. The temporising politician expects the same pliability in others that he exhibits in himself; and the fault which he can least forgive is an ill timed and inauspicious scrupulosity.

Expecting this compliance from all the coadjutors and instruments of his designs, he soon comes to set it up as a standard

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by

by which to judge of the merit of all other men. He is deaf to every recommendation but that of a fitness for the secret service of government, or a tendency to promote his interest and extend the sphere of his influence. The worst man with this argument in his favour will seem worthy of encouragement; the best man who has no advocate but virtue to plead for him will be treated with superciliousness and neglect. It is true the genuine criterion of human desert can never be superseded and reversed. But it will appear to be reversed, and appearance will produce many of the effects of reality. To obtain honour it will be thought necessary to pay a servile court to administration, to bear with unaltered patience their contumely and scorn, to flatter their vices, and render ourselves useful to their private gratification. To obtain honour it will be thought necessary by assiduity and intrigue to make to ourselves a party, to procure the recommendation of lords and the good word of women of pleasure and clerks in office. To obtain honour it will be thought necessary to merit disgrace. The whole scene consists in hollownes, duplicity and falshood. The minister speaks fair to the man he despises, and the slave pretends a generous attachment, while he thinks of nothing but his personal interest. That these principles are interspersed under the worst governments with occasional deviations into better it would be folly to deny; that they do not form the great prevailing features wherever a court and a monarch are to be found it would be madness to assert.

3 H

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The fundamental disadvantage of such a form of government is, that it renders things of the most essential importance subject through successive gradations to the caprice of individuals. The suffrage of a body of electors will always bear a resemblance more or less remote to the public sentiment. The suffrage of an individual will depend upon caprice, personal convenience or pecuniary corruption. If the king be himself inaccessible to injustice, if the minister disdain a bribe, yet the fundamental evil remains, that kings and ministers, fallible themselves, must upon a thousand occasions depend upon the recommendation of others. Who will answer for these through all their classes, officers of state and deputies of department, humble friends and officious valets, wives and daughters, concubines and confessors?

Venality of
courts.

It is supposed by many, that the existence of permanent hereditary distinction is necessary to the maintenance of order among beings so imperfect as the human species. But it is allowed by all, that permanent hereditary distinction is a fiction of policy, not an ordinance of immutable truth. Wherever it exists, the human mind, so far as relates to political society, is prevented from settling upon its true foundation. There is a perpetual struggle between the genuine sentiments of understanding, which tell us that all this is an imposition, and the imperious voice of government, which bids us, Reverence and obey. In this unequal contest, alarm and apprehension will perpetually haunt the minds of those who exercise usurped power. In this artificial

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cial state of man powerful engines must be employed to prevent him from rising to his true level. It is the business of the governors to persuade the governed, that it is their interest to be slaves. They have no other means by which to create this fictitious interest, but those which they derive from the perverted understandings and burdened property of the public, to be returned in titles, ribbands and bribes. Hence that system of universal corruption without which monarchy could not exist.

It has sometimes been supposed that corruption is particularly incident to a mixed government. "In such a government the people possess a certain portion of freedom; privilege finds its place as well as prerogative; a certain sturdiness of manner and consciousness of independence are the natives of these countries. The country gentleman will not abjure the dictates of his judgment without a valuable consideration. There is here more than one road to success; popular favour is as sure a means of advancement as courtly patronage. In despotic countries the people may be driven like sheep; however unfortunate is their condition, they know of no other, and they submit to it as an inevitable calamity. Their characteristic feature is a torpid dullness in which all the energies of man are forgotten. But in a country calling itself free the minds of the inhabitants are in a perturbed and restless state, and extraordinary means must be employed to calm their vehemence." It has sometimes happened to men whose hearts have been pervaded with the love of

Universality
of this prin-
ciple.

3 H 2.

virtue,

virtue, of which pecuniary prostitution is the most odious corruption, to prefer, while they have contemplated this picture, an acknowledged despotism to a state of specious and imperfect liberty.

But this picture is not accurate. As much of it as relates to a mixed government must be acknowledged to be true. But the features of despotism are much too favourably touched. Whether privilege be conceded by the forms of the constitution or no, a whole nation cannot be kept ignorant of its force. No people were ever yet so sunk in stupidity as to imagine one man, because he bore the appellation of a king, literally equal to a million. In a whole nation, as monarchical nations at least must be expected to be constituted, there will be nobility and yeomanry, rich and poor. There will be persons who by their situation, or their wealth, or their talents, form a middle rank between the monarch and the vulgar, and who by their confederacies and their intrigues can hold the throne in awe. These men must be bought or defied. There is no disposition that clings so close to despotism as incessant terror and alarm. What else gave birth to the armies of spies and the numerous state prisons under the late government of France? The eye of the tyrant is never closed. How numerous are the precautions and jealousies that these terrors dictate? No man can go out or come into the country but he is watched. The press must issue no productions that have not the imprimatur of government.

All

All coffee houses and places of public resort are objects of attention. Twenty people cannot be collected together, unless for the purposes of superstition, but it is immediately suspected that they may be conferring about their rights. Is it to be supposed, that, where the means of jealousy are employed, the means of corruption will be forgotten? Were it so indeed, the case would not be much improved. No picture can be more disgusting, no state of mankind more depressing, than that in which a whole nation is held in obedience by the mere operation of fear, in which all that is most eminent among them, and that should give example to the rest, is prevented under the severest penalties from expressing its real sentiments, and by necessary consequence from forming any sentiments that are worthy to be expressed. But in reality fear was never employed for these purposes alone. No tyrant was ever so unsocial as to have no confederates in his guilt. This monstrous edifice will always be found supported by all the various instruments for perverting the human character, severity, menaces, blandishments, professions and bribes. To this it is in a great degree owing that monarchy is so very costly an establishment. It is the business of the despot to distribute his lottery of seduction into as many prizes as possible. Among the consequences of a pecuniary polity these are to be reckoned the foremost, that every man is supposed to have his price, and that, the corruption being managed in an underhand manner, many a man, who

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who appears a patriot, may be really a hireling; by which means virtue itself is brought into discredit, is either regarded as mere folly and romance, or observed with doubt and suspicion, as the cloke of vices which are only the more humiliating the more they are concealed.

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OF SUBJECTS.

MONARCHY FOUNDED IN IMPOSTURE.—KINGS NOT ENTITLED TO SUPERIORITY—INADEQUATE TO THE FUNCTIONS THEY POSSESS.—MEANS BY WHICH THE IMPOSTURE IS MAINTAINED—1. SPLENDOUR—2. EXAGGERATION.—THIS IMPOSTURE GENERATES—1. INDIFFERENCE TO MERIT—2. INDIFFERENCE TO TRUTH—3. ARTIFICIAL DESIRES—4. PUSILLANIMITY.—MORAL INCREDULITY OF MONARCHICAL COUNTRIES.—INJUSTICE OF LUXURY—OF THE INORDINATE ADMIRATION OF WEALTH.

LET us proceed to consider the moral effects which the institution of monarchical government is calculated to produce upon the inhabitants of the countries in which it flourishes. And here it must be laid down as a first principle that monarchy is founded in imposture. It is false that kings are entitled to the eminence they obtain. They possess no intrinsic superiority over their subjects. The line of distinction that is drawn is the offspring of pretence, an indirect means employed for effecting certain purposes, and not the offspring of truth. It tramples upon the genuine nature of things, and depends for its support

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Monarchy
founded in
imposture.Kings not
entitled to
superiority:

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upon this argument, "that, were it not for impositions of a similar nature, mankind would be miserable."

inadequate
to the func-
tions they
possess.

Secondly, it is false that kings can discharge the functions of royalty. They pretend to superintend the affairs of millions, and they are necessarily unacquainted with these affairs. The senses of kings are constructed like those of other men, they can neither see nor hear what is transacted in their absence. They pretend to administer the affairs of millions, and they possess no such supernatural powers as should enable them to act at a distance. They are nothing of what they would persuade us to believe them. The king is often ignorant of that of which half the inhabitants of his dominions are informed. His prerogatives are administered by others, and the lowest clerk in office is frequently to this and that individual more effectually the sovereign than the king himself. He knows nothing of what is solemnly transacted in his name.

Means by
which the
imposture is
supported:
1. splendour:

To conduct this imposture with success it is necessary to bring over to its party our eyes and our ears. Accordingly kings are always exhibited with all the splendour of ornament, attendance and equipage. They live amidst a sumptuousness of expense; and this not merely to gratify their appetites, but as a necessary instrument of policy. The most fatal opinion that could lay hold upon the minds of their subjects is that kings are but men. Accordingly they are carefully withdrawn from the profaneness

of

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of vulgar inspection; and, when they are exhibited, it is with every artifice that may dazzle our sense and mislead our judgment.

The imposture does not stop with our eyes, but addresses itself to our ears. Hence the inflated style of regal formality. The name of the king every where obtrudes itself upon us. It would seem as if every thing in the country, the lands, the houses, the furniture and the inhabitants were his property. Our estates are the king's dominions. Our bodies and minds are his subjects. Our representatives are his parliament. Our courts of law are his deputies. All magistrates throughout the realm are the king's officers. His name occupies the foremost place in all statutes and decrees. He is the prosecutor of every criminal. He is "Our Sovereign Lord the King." Were it possible that he should die, "the fountain of our blood; the means by which we live," would be gone: every political function would be suspended. It is therefore one of the fundamental principles of monarchical government that "the king cannot die." Our moral principles accommodate themselves to our veracity: and accordingly the sum of our political duties (the most important of all duties) is loyalty; to be true and faithful to the king; to honour a man, whom it may be we ought to despise; and to obey; that is, to acknowledge no immutable criterion of justice and injustice.

2. exaggeration.

3. I:

What:

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This imposture generates, I. indifference to merit:

What must be the effects of this machine upon the moral principles of mankind? Undoubtedly we cannot trifle with the principles of morality and truth with impunity. However gravely the imposture may be carried on, it is impossible but that the real state of the case should be strongly suspected. Man in a state of society, if undebauched by falsehoods like these, which confound the nature of right and wrong, is not ignorant of what it is in which merit consists. He knows that one man is not superior to another except so far as he is wiser or better. Accordingly these are the distinctions to which he aspires for himself. These are the qualities he honours and applauds in another, and which therefore the feelings of each man instigate his neighbour to acquire. But what a revolution is introduced among these original and undebauched sentiments by the arbitrary distinctions which monarchy engenders? We still retain in our minds the standard of merit, but it daily grows more feeble and powerless, we are persuaded to think that it is of no real use in the transactions of the world, and presently lay it aside as Utopian and visionary.

2. indifference to truth:

Consequences equally injurious are produced by the hyperbolic pretensions of monarchy. There is a simplicity in truth that refuses alliance with this impudent mysticism. No man is entirely ignorant of the nature of man. He will not indeed be incredulous to a degree of energy and rectitude that may exceed the standard of his preconceived ideas. But for one man to

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pretend

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pretend to think and act for a nation of his fellows is so preposterous as to set credibility at defiance. Is he persuaded that the imposition is salutary? He willingly assumes the right of introducing similar falsehoods into his private affairs. He becomes convinced that veneration for truth is to be classed among our errors and prejudices, and that, so far from being, as it pretends to be, in all cases salutary, it would lead, if ingenuously practised, to the destruction of mankind.

Again, if kings were exhibited simply as they are in themselves to the inspection of mankind, the salutary prejudice, as it has been called, which teaches us to venerate them, would speedily be extinct: it has therefore been found necessary to surround them with luxury and expence. Thus are luxury and expence made the standard of honour, and of consequence the topics of anxiety and envy. However fatal this sentiment may be to the morality and happiness of mankind, it is one of those illusions which monarchical government is eager to cherish. In reality, the first principle of virtuous feeling, as has been elsewhere said, is the love of independence. He that would be just must before all things estimate the objects about him at their true value. But the principle in regal states has been to think your father the wisest of men because he is your father*, and your

3. artificial desire:

* "The persons whom you ought to love infinitely more than me, are those to whom you are indebted for your existence." "Their conduct ought to regulate

your king the foremost of his species because he is a king. The standard of intellectual merit is no longer the man but his title. To be drawn in a coach of state by eight milk-white horses is the highest of all human claims to our veneration. The same principle inevitably runs through every order of the state, and men desire wealth under a monarchical government, for the same reason that under other circumstances they would have desired virtue.

Let us suppose an individual who by severe labour earns a scanty subsistence, to become by accident or curiosity a spectator of the pomp of a royal progress. Is it possible that he should not mentally apostrophise this elevated mortal, and ask, "What has made thee to differ from me?" If no such sentiment pass through his mind, it is a proof that the corrupt institutions of society have already divested him of all sense of justice. The more simple and direct is his character, the more certainly will these sentiments occur. What answer shall we return to his enquiry? That the well being of society requires men to be treated otherwise than according to their intrinsic merit? Whe-

late yours and be the standard of your sentiments." "The respect we owe to our father and mother is a sort of *worship*, as the phrase *filial piety* implies." "Ce que vous devez aimer avant moi sans aucune comparaison, ce sont ceux à qui vous devez la vie." "Leur conduite doit régler la vôtre et fixer votre opinion." "Le respect que nous devons à notre père et à notre mère est un culte, comme l'exprime le mot piété filiale." *Leçons d'une Gouvernante, Tome I.*

ther he be satisfied with this answer or no, will he not aspire to possess that (which in this instance is wealth) to which the policy of mankind has annexed such high distinction? Is it not indispensable, that, before he believes in the rectitude of this institution, his original feelings of right and wrong should be wholly reversed? If it be indispensable, then let the advocate of the monarchical system ingenuously declare, that, according to that system, the interest of society in the first instance requires the total subversion of all principles of moral truth and justice.

With this view let us again recollect the maxim adopted in monarchical countries, "that the king never dies." Thus with true oriental extravagance we salute this imbecil mortal, "O king, live for ever!" Why do we this? Because upon his existence the existence of the state depends. In his name the courts of law are opened. If his political capacity be suspended for a moment, the centre to which all public business is linked, is destroyed. In such countries every thing is uniform: the ceremony is all, and the substance nothing. In the riots in the year 1780 the mace of the house of lords was proposed to be sent into the passages by the terror of its appearance to quiet the confusion; but it was observed that, if the mace should be rudely detained by the rioters, the whole would be thrown into anarchy. Business would be at a stand, their insignia, and with their insignia their legislative and deliberative functions be gone. Who can expect firmness and energy in a country, where every thing is made to depend

depend not upon justice, public interest and reason, but upon a piece of gilded wood? What conscious dignity and virtue can there be among a people, who, if deprived of the imaginary guidance of one vulgar mortal, are taught to believe that their faculties are benumbed, and all their joints unstrung?

Lastly, one of the most essential ingredients in a virtuous character is undaunted firmness; and nothing can more powerfully tend to destroy this principle than the spirit of a monarchical government. The first lesson of virtue is, Fear no man; the first lesson of such a constitution is, Fear the king. The first lesson of virtue is, Obey no man*; the first lesson of monarchy is, Obey the king. The true interest of mind demands the annihilation of all factitious and imaginary distinctions; it is inseparable from monarchy to support and render them more palpable than ever. He that cannot speak to the proudest despot with a consciousness that he is a man speaking to a man, and a determination to yield him no superiority to which his inherent qualifications do not entitle him, is wholly incapable of sublime virtue. How many such men are bred within the pale of monarchy? How long would monarchy maintain its ground in a nation of such men? Surely it would be the wisdom of society, instead of conjuring up a thousand phantoms to induce us into error, instead of surrounding us with a thousand fears to deprive

* Book III, Chap. VI.

us of true energy, to remove every obstacle and smooth the path of improvement.

Virtue was never yet held in much honour and esteem in a monarchical country. It is the inclination and the interest of courtiers and kings to bring it into disrepute; and they are but too successful in the attempt. Virtue is in their conception arrogant, intrusive, unmanageable and stubborn. It is an assumed outside, by which those who pretend to it intend to gratify their rude tempers or their secret views. Within the circle of monarchy virtue is always regarded with dishonourable incredulity. The philosophical system which affirms self love to be the first mover of all our actions and the falsity of human virtues, is the growth of these countries*. Why is it that the language of integrity and public spirit is constantly regarded among us as hypocrisy? It was not always thus. It was not till the usurpation of Cæsar, that books were written by the tyrant and his partisans to prove that Cato was no better than a snarling pretender †.

Moral incredulity of monarchical countries.

There is a farther consideration, which has seldom been adverted to upon this subject, but which seems to be of no in-

Injustice of luxury:

* *Maximes, par M. le Duc de la Rochefoucault: De la Fausseté des Vertus Humaines, par M. Esprit.*† See Plutarch's Lives; Lives of Cæsar and Cicero: *Cicero's Epistole ad Atticum, Lib. XII. Epist. XL, XLI.*

considerable

considerable importance. In our definition of justice it appeared that our debt to our fellow men extended to all the efforts we could make for their welfare, and all the relief we could supply to their necessities. Not a talent do we possess, not a moment of time, not a shilling of property, for which we are not responsible at the tribunal of the public, which we are not obliged to pay into the general bank of common advantage. Of every one of these things there is an employment which is best, and that best justice obliges us to select. But how extensive is the consequence of this principle with respect to the luxuries and ostentation of human life? Are there many of these luxuries that will stand the test, and approve themselves upon examination to be the best objects upon which our property can be employed? Will it often come out to be true, that hundreds of individuals ought to be subjected to the severest and most incessant labour, that one man may spend in idleness what would afford to the general mass ease, leisure, and consequently wisdom?

of the inordinate admiration of wealth.

Whoever frequents the habitation of the luxurious will speedily be infected with the vices of luxury. The ministers and attendants of a sovereign, accustomed to the trappings of magnificence, will turn with disdain from the merit that is obscured with the clouds of adversity. In vain may virtue plead, in vain may talents solicit distinction, if poverty seem to the fastidious sense of the man in place to envelop them as it were with

with its noisome effluvia. The very lacquey knows how to repel unfortunate merit from the great man's door.

Here then we are presented with the lesson which is loudly and perpetually read through all the haunts of monarchy. Money is the great requisite for the want of which nothing can atone. Distinction, the homage and esteem of mankind, are to be bought, not earned. The rich man need not trouble himself to invite them, they come unbidden to his surly door. Rarely indeed does it happen, that there is any crime that gold cannot expiate, any baseness and meanness of character that wealth cannot cover with oblivion. Money therefore is the only object worthy of your pursuit, and it is of little importance by what sinister and unmanly means, so it be but obtained.

It is true that virtue and talents do not stand in need of the great man's assistance, and might, if they did but know their worth, repay his scorn with a just and enlightened pity. But unfortunately they are too often ignorant of their strength, and adopt the errors they see universally espoused in the world. Were it otherwise, they would indeed be happier, but the general manners would probably remain the same. The general manners are fashioned by the form and spirit of the national government; and, if in extraordinary cases they become discordant, they speedily subvert it.

The evils indeed that arise out of avarice, an inordinate admi-

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ration of wealth and an intemperate pursuit of it, are so obvious, that they have constituted a perpetual topic of lamentation and complaint. The object in this place is to consider how far they are extended and aggravated by a monarchical government, that is, by a constitution the very essence of which is to accumulate enormous wealth upon a single head, and to render the ostentation of splendour the chosen instrument for securing honour and veneration. The object is to consider in what degree the luxury of courts, the effeminate softness of favourites, the system, never to be separated from the monarchical form, of putting men's approbation and good word at a price, of individuals buying the favour of government, and government buying the favour of individuals, is injurious to the moral improvement of mankind. As long as the unvarying practice of courts is cabal, and as long as the unvarying tendency of cabal is to bear down talents, and discourage virtue, to recommend cunning in the room of sincerity, a servile and supple disposition in preference to firmness and inflexibility, a convenient morality as better than a strict one, and the study of the red book of promotion rather than the study of general welfare, so long will monarchy be the bitterest and most potent of all the adversaries of the true interests of mankind.

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CHAP. VII.

OF ELECTIVE MONARCHY.

DISORDERS ATTENDANT ON SUCH AN ELECTION.—ELECTION IS INTENDED EITHER TO PROVIDE A MAN OF GREAT OR OF MODERATE TALENTS.—CONSEQUENCES OF THE FIRST.—OF THE SECOND.—CAN ELECTIVE AND HEREDITARY MONARCHY BE COMBINED?

HAVING considered the nature of monarchy in general, it is incumbent on us to examine how far its mischiefs may be qualified by rendering the monarchy elective.

One of the most obvious objections to this remedy is the difficulty that attends upon the conduct of such an election. There are machines that are too mighty for the human hand to conduct; there are proceedings that are too gigantic and unwieldy for human institutions to regulate. The distance between the mass of mankind and a sovereign is so immense, the trust to be confided so inestimably great, the temptations of the object to be decided on so alluring, as to set every passion that can vex the mind in tumultuous conflict. Election will therefore either dwindle into an empty form, a *congé d'élire* with the successful candidate's name at full length in the conclusion,

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Disorders attendant on such an election.

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an election perpetually continued in the same family, perhaps in the same lineal order of descent; or will become the signal of a thousand calamities, foreign cabal and domestic war. These evils have been so generally understood, that elective monarchy in the strict sense of that appellation has very few advocates.

Rousseau, who in his advice to the Polish nation appears to be one of those few, that is, one of those who without loving monarchy conceive an elective sovereignty greatly preferable to an hereditary one, endeavours to provide against the disorders of an election by introducing into it a species of fortification*. In another part of the present enquiry it will be our business to examine how far chance and the decision by lot are compatible with the principles either of sound morality or sober reason. For the present it will be sufficient to say, that the project of Rousseau will probably fall under one part of the following dilemma, and of consequence will be refuted by the same arguments that bear upon the mode of election in its most obvious idea.

The design of election is either to provide an officer of great or of moderate talents.

The design with which election can be introduced into the constitution of a monarchy must either be that of raising to the kingly office a man of superlative talents and uncommon genius, or of providing a moderate portion of wisdom and good intention for the discharge of these functions, and preventing them

* *Considérations sur le Gouvernement de Pologne, Chap. VIII.*

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CHAP. VII.Conse-
quences of
the first:

from falling to the lot of persons of notorious imbecility. To the first of these designs it will be objected by many, "that genius is frequently nothing more in the hands of its possessor than an instrument for accomplishing the most pernicious intentions." And, though in this assertion there is much partial and mistaken exaggeration, it cannot however be denied that genius, such as we find it amidst the present imperfections of mankind, is compatible with very serious and essential errors. If then genius can by temptations of various sorts be led into practical mistake, may we not reasonably entertain a fear respecting the effect of that situation which of all others is most pregnant with temptation? If considerations of inferior note be apt to mislead the mind, what shall we think of this most intoxicating draught, of a condition superior to restraint, stripped of all those accidents and vicissitudes from which the morality of human beings has flowed, with no salutary check, with no intellectual warfare where mind meets mind on equal terms, but perpetually surrounded with sycophants, servants and dependents? To suppose a mind in which genius and virtue are united and permanent, is also undoubtedly to suppose something which no calculation will teach us to expect should offer upon every vacancy. And, if the man could be found, we must imagine to ourselves electors almost as virtuous as the elected, or else error and prejudice, faction and intrigue will render his election at least precarious, perhaps improbable. Add to this that it is sufficiently evident from the unalterable evils of monarchy already enumerated,

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rated, and which I shall presently have occasion to recapitulate, that the first act of sovereignty in a virtuous monarch, whose discernment was equal to his virtue, would be to annihilate the constitution, which had raised him to a throne.

of the second.

But we will suppose the purpose of instituting an elective monarchy not to be that of constantly filling the throne with a man of sublime genius, but merely to prevent the sovereignty from falling to the lot of persons of notorious mental imbecility. Such is the strange and pernicious nature of monarchy, that it may be doubted whether this be a benefit. Wherever monarchy exists, courts and administrations must, as long as men can see only with their eyes and act only with their hands, be its constant attendants. But these have already appeared to be institutions so mischievous, that perhaps one of the greatest injuries that can be done to mankind is to persuade them of their innocence. Under the most virtuous despot favour and intrigue, the unjust exaltation of one man and depression of another will not fail to exist. Under the most virtuous despot the true spring there is in mind, the desire to possess merit, and the consciousness that merit will not fail to make itself perceived by those around it, and through their esteem to rise to its proper sphere, will be cut off; and mean and factitious motives be substituted in its room. Of what consequence is it that my merit is perceived by mortals who have no power to advance it? The monarch, shut up in his sanctuary and surrounded with formalities, will never hear of it.

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CHAP. VII.

it. How should he? Can he know what is passing in the remote corners of his kingdom? Can he trace the first timid blossoms of genius and virtue? The people themselves will lose their discernment of these things, because they will perceive their discernment to be powerless in effects. The offspring of mind is daily sacrificed by hecatombs to the genius of monarchy. The seeds of reason and truth become barren and unproductive in this unwholesome climate. And the example perpetually exhibited of the preference of wealth and craft over integrity and talents, produces the most powerful effects upon that mass of mankind, who at first sight may appear least concerned in the objects of generous ambition. This mischief, to whatever it amounts, becomes more strongly fastened upon us under a good monarch than under a bad one. In the latter case it only restrains our efforts by violence, in the former it seduces our understandings. To palliate the defects and skin over the deformity of what is fundamentally wrong, is certainly very perilous, perhaps very fatal to the best interests of mankind.

A question has been started, whether it be possible to blend elective and hereditary monarchy, and the constitution of England has been cited as an example of this possibility. What was it that the parliament effected at the revolution, and when they settled the succession upon the house of Hanover? They elected not an individual, but a new race of men to fill the throne of these kingdoms. They gave a practical instance of their

Can elective
and heredi-
tary monar-
chy be com-
bined?

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CHAP. VII.

their power upon extraordinary emergencies to change the succession. At the same time however that they effected this in action, they denied it in words. They employed the strongest expressions that language could furnish to bind themselves, their heirs and posterity for ever to adhere to this settlement. They considered the present as an emergence, which, taking into the account the precautions and restrictions they had provided, could never occur again.

In reality what sort of sovereignty is that which is partly hereditary and partly elective? That the accession of a family or race of men should originally be a matter of election has nothing particular in it. All government is founded in opinion; and undoubtedly some sort of election, made by a body of electors more or less extensive, originated every new establishment. To whom in this amphibious government does the sovereignty belong upon the death of the first possessor? To his heirs and descendants. What sort of choice shall that be considered, which is made of a man half a century before he begins to exist? By what designation does he succeed? Undoubtedly by that of hereditary descent. A king of England therefore holds his crown independently, or, as it has been energetically expressed, "in contempt" of the choice of the people*.

* This argument is stated with great copiousness and irresistible force of reasoning by Mr. Burke towards the beginning of his Reflections on the Revolution in France.

LIABLE TO MOST OF THE PRECEDING OBJECTIONS—TO FARTHER OBJECTIONS PECULIAR TO ITSELF.—RESPONSIBILITY CONSIDERED.—MAXIM, THAT THE KING CAN DO NO WRONG.—FUNCTIONS OF A LIMITED MONARCH.—IMPOSSIBILITY OF MAINTAINING THE NEUTRALITY REQUIRED.—OF THE DISMISSION OF MINISTERS.—RESPONSIBILITY OF MINISTERS.—APPOINTMENT OF MINISTERS, ITS IMPORTANCE—ITS DIFFICULTIES.—RECAPITULATION.—STRENGTH AND WEAKNESS OF THE HUMAN SPECIES.

I PROCEED to consider monarchy, not as it exists in countries where it is unlimited and despotic, but, as in certain instances it has appeared, a branch merely of the general constitution.

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Here it is only necessary to recollect the objections which applied to it in its unqualified state, in order to perceive that they bear upon it with the same explicitness, if not with equal force, under every possible modification. Still the government is

Liable to
most of the
preceding
objections:

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founded in falshood, affirming that a certain individual is eminently qualified for an important situation, whose qualifications are perhaps scarcely superior to those of the meanest member of the community. Still the government is founded in injustice, because it raises one man for a permanent duration over the heads of the rest of the community, not for any moral recommendation he possesses, but arbitrarily and by accident. Still it reads a constant and powerful lesson of immorality to the people at large, exhibiting pomp and splendour and magnificence instead of virtue, as the index to general veneration and esteem. The individual is, not less than in the most absolute monarchy, unfitted by his education to become either respectable or useful. He is unjustly and cruelly placed in a situation that engenders ignorance, weakness and presumption, after having been stripped in his infancy of all the energies that should defend him against the inroads of these adversaries. Finally, his existence implies that of a train of courtiers and a series of intrigue, of servility, secret influence, capricious partialities and pecuniary corruption. So true is the observation of Montesquieu, that "we must not expect under a monarchy to find the people virtuous*."

to farther
objections
peculiar to
itself.

But if we consider the question more narrowly, we shall perhaps find, that limited monarchy has other absurdities and vices which are peculiarly its own. In an absolute sovereignty

* "Il n'est pas rare qu'il y ait des princes vertueux; mais il est très difficile dans une monarchie que le peuple le soit." *Esprit des Loix, Liv. III, Chap. V.*

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the king may if he please be his own minister; but in a limited one a ministry and a cabinet are essential parts of the constitution. In an absolute sovereignty princes are acknowledged to be responsible only to God; but in a limited one there is a responsibility of a very different nature. In a limited monarchy there are checks, one branch of the government counteracting the excesses of another, and a check without responsibility is the most flagrant of all contradictions.

There is no subject that deserves to be more maturely considered than this of responsibility. To be responsible is to be liable to be called into an open judicature, where the accuser and the defendant produce their allegations and evidence on equal terms. Every thing short of this is mockery. Every thing that would give to either party any other influence than that of truth and virtue is subversive of the great ends of justice. He that is arraigned of any crime must descend a private individual to the level plain of justice. If he can bias the sentiments of his judges by his possession of power, or by any compromise previous to his resignation, or by the mere sympathy excited in his successors, who will not be severe in their censures, lest they should be treated with severity in return, he cannot truly be said to be responsible at all. From the honest insolence of despotism we may perhaps promise ourselves better effects, than from the hypocritical disclaimers of a limited government. Nothing can be more pernicious than falshood, and no falshood can be more palpable

Responsi-
bility con-
sidered.

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CHAP. VIII.

than that which pretends to put a weapon into the hands of the general interest, which constantly proves blunt and powerless in the very act to strike.

Maxim, that
the king can
do no wrong.

It was a confused feeling of these truths, that introduced into limited monarchies the principle "that the king can do no wrong." Observe the peculiar consistency of this proceeding. Consider what a specimen it affords us of plain dealing, frankness and unalterable sincerity. An individual is first appointed, and endowed with the most momentous prerogatives, and then it is pretended that, not he, but other men are answerable for the abuse of these prerogatives. This pretence may appear tolerable to men bred among the fictions of law, but justice, truth and virtue revolt from it with indignation.

Functions of
a limited
monarch.

Having first invented this fiction, it becomes the business of such constitutions as nearly as possible to realise it. A ministry must be regularly formed; they must concert together; and the measures they execute must originate in their own discretion. The king must be reduced as nearly as possible to a cypher. So far as he fails to be completely so, the constitution must be imperfect.

What sort of figure is it that this miserable wretch exhibits in the face of the world? Every thing is with great parade transacted in his name. He assumes all the inflated and oriental style which has been already described, and which indeed was upon that

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that occasion transcribed from the practice of a limited monarchy. We find him like Pharaoh's frogs "in our houses and upon our beds, in our ovens and our kneading troughs."

Now observe the man himself to whom all this importance is annexed. To be idle is the abstract of all his duties. He is paid an immense revenue only to dance and to eat, to wear a scarlet robe and a crown. He may not choose any one of his measures. He must listen with docility to the consultations of his ministers, and sanction with a ready assent whatever they determine. He must not hear any other advisers, for they are his known and constitutional counsellors. He must not express to any man his opinion, for that would be a sinister and unconstitutional interference. To be absolutely perfect he must have no opinion, but be the vacant and colourless mirror by which theirs is reflected. He speaks, for they have taught him what he should say; he affixes his signature, for they inform him that it is necessary and proper.

A limited monarchy in the articles I have described might be executed with great facility and applause, if a king were what such a constitution endeavours to render him, a mere puppet regulated by pulleys and wires. But it is perhaps the most egregious and palpable of all political mistakes to imagine that we can reduce a human being to this state of neutrality and torpor. He will not exert any useful and true activity, but he

Impossibility
of maintain-
ing the neu-
trality re-
quired.

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will be far from passive. The more he is excluded from that energy that characterises wisdom and virtue, the more depraved and unreasonable will he be in his caprices. Is any promotion vacant, and do we expect that he will never think of bestowing it on a favourite, or of proving by an occasional election of his own that he really exists? This promotion may happen to be of the utmost importance to the public welfare; or, if not;—every promotion unmeritedly given is pernicious to national virtue, and an upright minister will refuse to assent to it. A king does not fail to hear his power and prerogatives extolled, and he will no doubt at some time wish to essay their reality in an unprovoked war against a foreign nation or against his own citizens.

To suppose that a king and his ministers should through a period of years agree in their genuine sentiments upon every public topic, is what human nature in no degree authorises. This is to attribute to the king talents equal to those of the most enlightened statesmen, or at least to imagine him capable of understanding all their projects, and comprehending all their views. It is to suppose him unspoiled by education, undebauched by rank, and with a mind ingenuously disposed to receive the impartial lessons of truth.

Of the dis-
mission of
ministers.

“But, if they disagree, the king can choose other ministers.” We shall presently have occasion to consider this prerogative in a general view; let us for the present examine it in its applica-
tion

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CHAP. VIII.

tion to the differences that may occur between the sovereign and his servants. It is an engine for ever suspended over the heads of the latter to persuade them to depart from the sternness of their integrity. The compliance that the king demands from them is perhaps at first but small; and the minister, strongly pressed, thinks it better to sacrifice his opinion in this inferior point than to sacrifice his office. One compliance of this sort leads on to another, and he that began perhaps only with the preference of an unworthy candidate for distinction ends with the most atrocious political guilt. The more we consider this point, the greater will its magnitude appear. It will rarely happen but that the minister will be more dependent for his existence on the king, than the king upon his minister. When it is otherwise, there will be a mutual compromise, and both in turn will part with every thing that is firm, generous, independent and honourable in man.

And in the mean time what becomes of responsibility? The measures are mixed and confounded as to their source, beyond the power of human ingenuity to unravel. Responsibility is in reality impossible. “Far otherwise,” cries the advocate of monarchical government: “it is true that the measures are partly those of the king and partly those of the minister, but the minister is responsible for all.” Where is the justice of that? It were better to leave guilt wholly without censure, than to condemn a man for crimes of which he is innocent. In this case the grand criminal escapes with impunity, and the severity
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Responsi-
bility of mini-
sters.

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CHAP. VIII.

of the law falls wholly upon his coadjutors. The coadjutors receive that treatment which constitutes the essence of all bad policy: punishment is profusely menaced against them, and antidote is wholly forgotten. They are propelled to vice by irresistible temptations, the love of power and the desire to retain it; and then censured with a rigour altogether disproportioned to their fault. The vital principle of the society is tainted with injustice, and the same neglect of equity and partial respect of persons will extend itself over the whole.

Appoint-
ment of mi-
nisters, its
importance.

I proceed to consider that prerogative in limited monarchy, which, whatever others may be given or denied, is inseparable from its substance, the prerogative of the king to nominate to public offices. If any thing be of importance, surely this must be of importance, that such a nomination be made with wisdom and integrity, that the fittest persons be appointed to the highest trusts the state has to confer, that an honest and generous ambition be cherished, and that men who shall most ardently qualify themselves for the care of the public welfare be secure of having the largest share in its superintendance.

Its difficul-
ties.

This nomination is a most arduous task, and requires the wariest circumspection. It approaches more nearly than any other affair of political society to the exercise of discretion. In all other cases the line of rectitude seems visible and distinct. Justice in the contests of individuals, justice in questions of peace
and

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and war, justice in the ordination of law, will not obstinately withdraw itself from the research of an impartial and judicious enquirer. But to observe the various portions of capacity scattered through a nation, and minutely to decide among the qualifications of innumerable pretenders, must after all our accuracy be committed to some degree of uncertainty.

The first difficulty that occurs is to discover those whom genius and ability have made in the best sense candidates for the office. Ability is not always intrusive; talents are often to be found in the remoteness of a village, or the obscurity of a garret. And, though self-consciousness and self-possession are to a certain degree the attributes of genius, yet there are many things beside false modesty, that may teach its possessor to shun the air of a court.

Of all men a king is least qualified to penetrate these recesses, and discover merit in its hiding place. Encumbered with forms, he cannot mix at large in the society of his species. He is too much engrossed with the semblance of business or a succession of amusements to have leisure for such observations as should afford a just estimate of men's characters. In reality the task is too mighty for any individual, and the benefit can only be secured by the mode of election.

Other disadvantages attendant on this prerogative of choosing

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his

BOOK V.
CHAP. VIII.

his own ministers it is needless to enumerate. If enough have not been already said to explain the character of a monarch as growing out of the functions with which he is invested, a laboured repetition in this place would be both tedious and vain. If there be any dependence to be placed upon the operation of moral causes, a king will in almost every instance be found among the most undiscriminating, the most deceived, the least informed and the least heroically disinterested of mankind.

Recapitulation.

Such then is the genuine and uncontrovertible scene of a mixed monarchy. An individual placed at the summit of the edifice, the centre and the fountain of honour, and who is neutral, or must seem neutral in the current transactions of his government. This is the first lesson of honour, virtue and truth, which mixed monarchy reads to its subjects. Next to the king come his administration and the tribe of courtiers; men driven by a fatal necessity to be corrupt, intriguing and venal; selected for their trust by the most ignorant and ill informed of their countrymen; made solely accountable for measures of which they cannot solely be the authors; threatened, if dishonest, with the vengeance of an injured people; and, if honest, with the surer vengeance of their sovereign's displeasure. The rest of the nation, the subjects at large—

Was ever a name so fraught with degradation and meanness as this of subjects? I am, it seems, by the very place of my birth
become

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CHAP. VIII.

become a subject. Of what, or whom? Can an honest man consider himself as the subject of any thing but the laws of justice? Can he acknowledge a superior, or hold himself bound to submit his judgment to the will of another, not less liable than himself to prejudice and error? Such is the idol that monarchy worships in lieu of the divinity of truth and the sacred obligation of public good. It is of little consequence whether we vow fidelity to the king and the nation, or to the nation and the king, so long as the king intrudes himself to tarnish and undermine the true simplicity, the altar of virtue.

Are mere names beneath our notice, and will they produce no sinister influence upon the mind? May we bend the knee before the shrine of vanity and folly without injury? Far otherwise. Mind had its beginning in sensation, and it depends upon words and symbols for the progress of its associations. The true good man must not only have a heart resolved, but a front erect. We cannot practise abjection, hypocrisy and meanness, without becoming degraded in other men's eyes and in our own. We cannot "bow the head in the temple of Rimmon," without in some degree apostatizing from the divinity of truth. He that calls a king a man, will perpetually hear from his own mouth the lesson, that he is unfit for the trust reposed in him: he that calls him by any sublimer appellation, is hastening fast into the most palpable and dangerous errors.

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CHAP. VIII.
Strength and
weakness of
the human
species.

But perhaps "mankind are so weak and imbecil, that it is in vain to expect from the change of their institutions the improvement of their character." Who made them weak and imbecil? Previously to human institutions they had certainly none of this defect. Man considered in himself is merely a being capable of impression, a recipient of perceptions. What is there in this abstract character that precludes him from advancement? We have a faint discovery in individuals at present of what our nature is capable: why should individuals be fit for so much, and the species for nothing? Is there any thing in the structure of the globe that forbids us to be virtuous? If no, if nearly all our impressions of right and wrong flow from our intercourse with each other, why may not that intercourse be susceptible of modification and amendment? It is the most cowardly of all systems that would represent the discovery of truth as useless, and teach us that, when discovered, it is our wisdom to leave the mass of our species in error.

There is not in reality the smallest room for scepticism respecting the omnipotence of truth. Truth is the pebble in the lake; and however slowly in the present case the circles succeed each other, they will infallibly go on till they overspread the surface. No order of mankind will for ever remain ignorant of the principles of justice, equality and public good. No sooner will they understand them, than they will perceive the coincidence of virtue and public good with private interest: nor will any
erroneous

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CHAP. VIII.

erroneous establishment be able effectually to support itself against general opinion. In this contest sophistry will vanish, and mischievous institutions sink quietly into neglect. Truth will bring down all her forces, mankind will be her army, and oppression, injustice, monarchy and vice will tumble into a common ruin.

CHAP.

CHAP. IX.

OF A PRESIDENT WITH REGAL POWERS.

ENUMERATION OF POWERS—THAT OF APPOINTING TO INFERIOR OFFICES—OF PARDONING OFFENCES—OF CONVOKING DELIBERATIVE ASSEMBLIES—OF AFFIXING A VETO TO THEIR DECREES.—CONCLUSION.—THE TITLE OF KING ESTIMATED.—MONARCHICAL AND ARISTOCRATICAL SYSTEMS, SIMILARITY OF THEIR EFFECTS.

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CHAP. IX.

STILL monarchy it seems has one refuge left. "We will not," say some men, "have an hereditary monarchy, we acknowledge that to be an enormous injustice. We are not contented with an elective monarchy, we are not contented with a limited one. We admit the office however reduced, if the tenure be for life, to be an intolerable grievance. But why not have kings, as we have magistrates and legislative assemblies, renewable by frequent elections? We may then change the holder of the office as often as we please."

Enumera-
tion of
powers:

Let us not be seduced by a mere plausibility of phrase, nor employ words without having reflected on their meaning.

What

OF A PRESIDENT WITH REGAL POWERS.

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What are we to understand by the appellation, a king? If the office have any meaning, it seems reasonable that the man who holds it, should possess the privilege, either of appointing to certain employments at his own discretion, or of remitting the decrees of criminal justice, or of convoking and dismissing popular assemblies, or of affixing and refusing his sanction to the decrees of those assemblies. Most of these privileges may claim a respectable authority in the powers delegated to their president by the United States of America.

Let us however bring these ideas to the touchstone of reason. Nothing can appear more adventurous than the reposing, unless in cases of absolute necessity, the decision of any affair of importance to the public, in the breast of one man. But this necessity will scarcely be alledged in any of the articles just enumerated. What advantage does one man possess over a society or council of men in any of these respects? The disadvantages under which he labours are obvious. He is more easily corrupted, and more easily misled. He cannot possess so many advantages for obtaining accurate information. He is abundantly more liable to the attacks of passion and caprice, of unfounded antipathy to one man and partiality to another, of uncharitable censure or blind idolatry. He cannot be always upon his guard; there will be moments in which the most exemplary vigilance is liable to surprize. Meanwhile we are placing the subject in much too

that of ap-
pointing to
inferior
offices:

favourable.

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CHAP. IX.

favourable a light. We are supposing his intentions to be upright and just; but the contrary of this will be more frequently the truth. Where powers beyond the capacity of human nature are intrusted, vices the disgrace of human nature will be engendered. Add to this, that the same reasons, which prove that government, wherever it exists, should be directed by the sense of the people at large, equally prove that, wherever public officers are necessary, the sense of the whole, or of a body of men most nearly approaching in spirit to the whole, ought to decide on their pretensions.

of pardoning
offences:

These objections are applicable to the most innocent of the privileges above enumerated, that of appointing to the exercise of certain employments. The case will be still worse if we consider the other privileges. We shall have occasion hereafter to examine the propriety of pardoning offences, considered independently of the persons in whom that power is vested: but, in the mean time, can any thing be more intolerable than for a single individual to be authorised, without assigning a reason, or assigning a reason upon which no one is allowed to pronounce, to supersede the grave decisions of a court of justice, founded upon a careful and public examination of evidence? Can any thing be more unjust than for a single individual to assume the function of informing a nation when they are to deliberate, and when they are to cease from deliberation?

of con-
voking deli-
berative as-
semblies:

The

BOOK V.
CHAP. IX.of affixing a
veto to their
decrees.

The remaining privilege is of too iniquitous a nature to be an object of much terror. It is not in the compass of credibility to conceive, that any people would remain quiet spectators, while the sense of one man was openly and undisguisedly set against the sense of the national representative in frequent assembly, and suffered to overpower it. Two or three direct instances of the exercise of this negative could not fail to annihilate it for ever. Accordingly, wherever it is supposed to exist, we find it softened and nourished by the genial dew of pecuniary corruption; either rendered unnecessary beforehand by a sinister application to the frailty of individual members, or disarmed and made palatable in the sequel by a copious effusion of venal emollients. If it can in any case be endured, it must be in countries where the degenerate representative no longer possesses the sympathy of the public, and the haughty president is made sacred, by the blood of an exalted ancestry which flows through his veins, or the holy oil which the representatives of the Most High have poured on his head. A common mortal, periodically selected by his fellow-citizens to watch over their interests, can never be supposed to possess this stupendous virtue.

If there be any truth in these reasonings, it inevitably follows that there are no important functions of general superintendance that can justly be delegated to a single individual. If the office of a president be necessary, either in a deliberative assembly or an administrative council, supposing such a council to exist, his

Conclusion.

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employment

employment will have relation to the order of their proceedings, and by no means consist in the arbitrary preferring and carrying into effect his private decision. A king, if unvarying usage can have given meaning to a word, designs a man upon whose single discretion some part of the public interest is made to depend. What use can there be for such a man in an unperverted and well ordered state? With respect to its internal affairs certainly none. How far the office can be of advantage in our transactions with foreign governments we shall hereafter have occasion to decide.

The title of
the king
estimated.

Let us beware by an unjustifiable perversion of terms of confounding the common understanding of mankind. A king is the well known and standing appellation for an office, which, if there be any truth in the arguments of the preceding chapters, has been the bane and the grave of human virtue. Why endeavour to purify and exorcise what is entitled only to execration? Why not suffer the term to be as well understood and as cordially detested, as the once honourable appellation of tyrant afterwards was among the Greeks? Why not suffer it to rest a perpetual monument of the folly, the cowardice and misery of our species?

Monarchical
and aristocratical

IN proceeding from the examination of monarchical to that of aristocratical government, it is impossible not to remark that there

there are several disadvantages common to both. One of these is the creation of a separate interest. The benefit of the governed is made to lie on one side, and the benefit of the governors on the other. It is to no purpose to say that individual interest accurately understood will always be found to coincide with general, if it appear in practice, that the opinions and errors of mankind are perpetually separating them and placing them in opposition to each other. The more the governors are fixed in a sphere distinct and distant from the governed, the more will this error be cherished. Theory, in order to produce an adequate effect upon the mind, should be favoured, not counteracted, by practice. What principle in human nature is more universally confessed than self love, that is, than a propensity to think individually of a private interest, to discriminate and divide objects which the laws of the universe have indissolubly united? None, unless it be the *esprit de corps*, the tendency of bodies of men to aggrandise themselves, a spirit, which, though less ardent than self love, is still more vigilant, and not exposed to the accidents of sleep, indisposition and mortality. Thus it appears that, of all impulses to a narrow, self-interested conduct, those afforded by monarchy and aristocracy are the greatest.

BOOK V.
CHAP. IX.
systems, similarity of their effects.

Nor must we be too hasty and undistinguishing in applying the principle, that individual interest accurately understood will always be found to coincide with general. Relatively to individuals considered as men it is true; relatively to individuals

BOOK V.
CHAP. IX.

considered as lords and kings it is false. The man will be served by the sacrifice of all his little peculium to the public interest, but the king will be annihilated. The first sacrifice that justice demands at the hand of monarchy and aristocracy, is that of their immunities and prerogatives. Public interest dictates the laborious dissemination of truth and the impartial administration of justice. Kings and lords subsist only under favour of error and oppression. They will therefore resist the progress of knowledge and illumination; the moment the deceit is dispelled, their occupation is gone.

In thus concluding however we are taking for granted that aristocracy will be found an arbitrary and pernicious institution, as monarchy has already appeared to be. It is time that we should enquire in what degree this is actually the case.

CHAP.

CHAP. X.

OF HEREDITARY DISTINCTION.

BIRTH CONSIDERED AS A PHYSICAL CAUSE—AS A MORAL CAUSE.—ARISTOCRATICAL ESTIMATE OF THE HUMAN SPECIES.—EDUCATION OF THE GREAT.—RECAPITULATION.

A PRINCIPLE deeply interwoven with both monarchy and aristocracy in their most flourishing state, but most deeply with the latter, is that of hereditary preeminence. No principle can present a deeper insult upon reason and justice. Examine the new born son of a peer and a mechanic. Has nature designated in different lineaments their future fortune? Is one of them born with callous hands and an ungainly form? Can you trace in the other the early promise of genius and understanding, of virtue and honour? We have been told indeed that "nature will break out*," and that

"The eaglet of a valiant nest will quickly tower
Up to the region of his fire*;"

and the tale was once believed. But mankind will not soon again be persuaded, that one lineage of human creatures produces beauty and virtue, and another vice.

* Tragedy of Douglas, Act iii.

BOOK V.
CHAP. X.Birth con-
sidered as a
physical
cause :

AN

An assertion thus bold and unfounded will quickly be refuted if we consider the question *a priori*. Mind is the creature of sensation; we have no other inlet of knowledge. What are the sensations that the lord experiences in his mother's womb, by which his mind is made different from that of the peasant? Is there any variation in the finer reticulated substance of the brain, by which the lord is adapted to receive clearer and stronger impressions than the husbandman or the smith?

"But a generous blood circulates in his heart and enriches his veins." What are we to understand by this hypothesis? Men's actions are the creatures of their perceptions. He that apprehends most strongly will act most intrepidly. He, in whose mind truth is most distinctly impressed, who, understanding its nature, is best aware of its value, will speak with the most heartfelt persuasion, and write with the greatest brilliancy and energy. By intrepidity and firmness in action we must either understand the judicious and deliberate constancy of a Regulus or a Cato, or the brute courage of a private soldier, which is still an affair of mind, consisting in a slight estimate of life which affords him few pleasures, and a thoughtless and stupid oblivion of danger. What has the blood to do with this?—Health is undoubtedly in most cases the prerequisite of the best exertions of mind. But health itself is a mere negation, the absence of disease. A man must have experienced or imagined the inconveniences of sickness, before he can derive positive pleasure from the enjoyment

of health. Again, however extravagant we may be in our estimate of the benefit of health, is it true in fact that the lord enjoys a more vigorous health, experiences a more uniform cheerfulness, and is less a prey to weariness and languor than the rustic? High birth may inspire high thoughts as a moral cause; but is it credible that it should operate instinctively and when its existence is unknown, while, with every external advantage to assist, the noblest families so often produce the most degenerate sons? Into its value then as a moral cause let us proceed to enquire.

The persuasion of its excellence in this respect is an opinion probably as old as the institution of nobility itself. The very etymology of the word expressing this particular form of government is built upon this idea. It is called aristocracy or the government of the best [*αριστοι*]. In the writings of Cicero and the speeches of the Roman senate this order of men is styled the "*optimates*," the "virtuous," the "liberal," and the "honest." It is taken for granted, "that the multitude is an unruly beast, with no sense of honour or principle, guided by sordid interest or not less sordid appetite, envious, tyrannical, inconstant and unjust." From hence they deduced as a consequence, "the necessity of maintaining an order of men of liberal education and elevated sentiments, who should either engross the government of the humbler and more numerous class incapable of governing themselves, or at least should be placed as a rigid guard upon their excesses, with powers adequate to their correction and restraint."

as a moral
cause.

Aristocratical
estimate of
the human
species.

restraint." The greater part of these reasonings will fall under our examination when we consider the disadvantages of democracy. So much as relates to the excellence of aristocracy it is necessary at present to discuss.

The whole proceeds upon a supposition that, "if nobility should not, as its hereditary constitution might seem to imply, be found originally superior to the ordinary rate of mortals, it is at least rendered eminently so by the power of education. Men, who grow up in unpolished ignorance and barbarism, and are chilled with the icy touch of poverty, must necessarily be exposed to a thousand sources of corruption, and cannot have that delicate sense of rectitude and honour, which literature and manly refinement are found to bestow. It is under the auspices of indulgence and ease that civilisation is engendered. A nation must have surmounted the disadvantages of a first establishment, and have arrived at some degree of leisure and prosperity, before the love of letters can take root among them. It is in individuals as in large bodies of men. A few exceptions will occur; but, bating these, it can hardly be expected that men, who are compelled in every day by laborious corporal efforts to provide for the necessities of the day, should arrive at great expansion of mind and comprehensiveness of thinking."

In certain parts of this argument there is considerable truth. The real philosopher will be the last man to deny the power and

and importance of education. It is therefore necessary, either that a system should be discovered for securing leisure and prosperity to every member of the community, or that a paramount influence and authority should be given to the liberal and the wise over the illiterate and ignorant. Now, supposing for the present that the former of these measures is impossible, it may yet be reasonable to enquire whether aristocracy be the most judicious scheme for obtaining the latter. Some light may be collected on this subject from what has already appeared respecting education under the head of monarchy.

Education is much, but opulent education is of all its modes the least efficacious. The education of words is not to be despised, but the education of things is on no account to be dispensed with. The former is of admirable use in enforcing and developing the latter; but, when taken alone, it is pedantry and not learning, a body without a soul. Whatever may be the abstract perfection of which mind is capable, we seem at present frequently to need being excited, in the case of any uncommon effort, by motives that address themselves to the individual. But so far as relates to these motives, the lower classes of mankind, had they sufficient leisure, have greatly the advantage of the higher. The plebeian must be the maker of his own fortune; the lord finds his already made. The plebeian must expect to find himself neglected and despised in proportion as he is remiss

BOOK V.
CHAP. X.

in cultivating the objects of esteem; the lord will always be surrounded with sycophants and slaves. The lord therefore has no motive to industry and exertion; no stimulus to rouse him from the lethargic, "oblivious pool," out of which every finite intellect originally rose. It must indeed be confessed, that truth does not need the alliance of circumstances, and that a man may arrive at the temple of fame by other pathways than those of misery and distress. But the lord does not content himself with excluding the spur of adversity: he goes farther than this, and provides himself with fruitful sources of effeminacy and error. Man cannot offend with impunity against the great principle of universal good. He that accumulates to himself luxuries and titles and wealth to the injury of the whole, becomes degraded from the rank of man; and, however he may be admired by the multitude, is pitied by the wise and wearisome to himself. Hence it appears, that to elect men to the rank of nobility is to elect them to a post of moral danger and a means of depravity; but that to constitute them hereditarily noble is to preclude them, bating a few extraordinary accidents, from all the causes that generate ability and virtue.

Recapitulation.

The reasonings we have here repeated upon the subject of hereditary distinction are so obvious, that nothing can be a stronger instance of the power of prejudice instilled in early youth, than the fact of their having been at any time called in question.

BOOK V.
CHAP. X.

question. If we can in this manner produce an hereditary legislator, why not an hereditary moralist or an hereditary poet*? In reality an attempt in either of these kinds would be more rational and feasible than in the other. From birth as a physical cause it sufficiently appears that little can be expected: and, for education, it is practicable in a certain degree, nor is it easy to set limits to that degree, to infuse poetical or philosophical emulation into a youthful mind; but wealth is the fatal blast that destroys the hopes of a future harvest. There was once indeed a gallant kind of virtue, that, by irresistibly seizing the senses, seemed to communicate extensively to young men of birth, the mixed and equivocal accomplishments of chivalry; but, since the subjects of moral emulation have been turned from personal prowess to the energies of intellect, and especially since the field of that emulation has been more widely opened to the species, the lists have been almost uniformly occupied by those, whose narrow circumstances have goaded them to ambition, or whose undebauched habits and situation in life have rescued them from the poison of flattery and effeminate indulgence.

* See Paine's Rights of Man.

CHAP. XI.

MORAL EFFECTS OF ARISTOCRACY.

IMPORTANCE OF PRACTICAL JUSTICE.—SPECIES OF INJUSTICE WHICH ARISTOCRACY CREATES.—ESTIMATE OF THE INJURY PRODUCED.—EXAMPLES.

BOOK V.
CHAP. XI.
Importance
of practical
justice.

THERE is one thing, more than all the rest, of importance to the well being of mankind, justice. Can there be any thing problematical or paradoxical in this fundamental principle, that all injustice is injury; and a thousand times more injurious by its effects in perverting the understanding and overturning our calculations of the future, than by the immediate calamity it may produce?

All moral science may be reduced to this one head; calculation of the future. We cannot reasonably expect virtue from the multitude of mankind, if they be induced by the perverseness of the conductors of human affairs to believe that it is not their interest to be virtuous. But this is not the point upon which the question turns. Virtue, is nothing else but the pursuit of general good. Justice, is the standard which discriminates the advantage of the many and of the few, of the whole and a part.

MORAL EFFECTS OF ARISTOCRACY.

BOOK V.
CHAP. XI.

If this first and most important of all subjects be involved in obscurity, how shall the well being of mankind be substantially promoted? The most benevolent of our species will be engaged in crusades of error; while the cooler and more phlegmatic spectators, discerning no evident clue that should guide them amidst the labyrinth, sit down in selfish neutrality, and leave the complicated scene to produce its own denouement.

It is true that human affairs can never be reduced to that state of depravation as to reverse the nature of justice. Virtue will always be the interest of the individual as well as of the public. Immediate virtue will always be beneficial to the present age, as well as to their posterity. But, though the depravation cannot rise to this excess, it will be abundantly sufficient to obscure the understanding, and mislead the conduct. Human beings will never be so virtuous as they might easily be made, till justice be the spectacle perpetually presented to their view, and injustice be wondered at as a prodigy.

Of all the principles of justice there is none so material to the moral rectitude of mankind as this, that no man can be distinguished but by his personal merit. Why not endeavour to reduce to practice so simple and sublime a lesson? When a man has proved himself a benefactor to the public, when he has already by laudable perseverance cultivated in himself talents, which need only encouragement and public favour to bring them

Species of injustice which aristocracy creates.

BOOK V.
CHAP. XI.

to maturity, let that man be honoured. In a state of society where fictitious distinctions are unknown, it is impossible he should not be honoured. But that a man should be looked up to with fervility and awe, because the king has bestowed on him a spurious name, or decorated him with a ribband; that another should wallow in luxury, because his ancestor three centuries ago bled in the quarrel of Lancaster or York; do we imagine that these iniquities can be practised without injury?

Estimate of
the injury
produced.

Let those who entertain this opinion converse a little with the lower orders of mankind. They will perceive that the unfortunate wretch, who with unremitting labour finds himself incapable adequately to feed and clothe his family, has a sense of injustice rankling at his heart.

"One whom distress has spited with the world,
Is he whom tempting fiends would pitch upon
To do such deeds, as make the prosperous men
Lift up their hands and wonder who could do them*."

Such is the education of the human species. Such is the fabric of political society.

But let us suppose that their sense of injustice were less acute than it is here described, what favourable inference can be drawn from that? Is not the injustice real? If the minds of men be so

* Tragedy of Douglas, Act iii.

withered

withered and stupefied by the constancy with which it is practised, that they do not feel the rigour that grinds them into nothing, how does that improve the picture? BOOK V.
CHAP. XI.

Let us for a moment give the reins no reflexion, and endeavour accurately to conceive the state of mankind where justice should form the public and general principle. In that case our moral feelings would assume a firm and wholesome tone, for they would not be perpetually counteracted by examples that weakened their energy and confounded their clearness. Men would be fearless, because they would know that there were no legal snares lying in wait for their lives. They would be courageous, because no man would be pressed to the earth that another might enjoy immoderate luxury, because every one would be secure of the just reward of his industry and prize of his exertions. Jealousy and hatred would cease, for they are the offspring of injustice. Every man would speak truth with his neighbour, for there would be no temptation to falsehood and deceit. Mind would find its level, for there would be every thing to encourage and to animate. Science would be unspeakably improved, for understanding would convert into a real power, no longer an *ignis fatuus*, shining and expiring by turns, and leading us into sloughs of sophistry, false science and specious mistake. All men would be disposed to avow their dispositions and actions: none would endeavour to suppress the just eulogium of his neighbour, for, so long as there were tongues to record, the suppression

suppression would be impossible; none fear to detect the misconduct of his neighbour, for there would be no laws converting the sincere expression of our convictions into a libel.

Examples.

Let us fairly consider for a moment what is the amount of injustice included in the institution of aristocracy. I am born, suppose, a Polish prince with an income of £300,000 per annum. You are born a manorial serf or a Creolian negro, by the law of your birth attached to the soil, and transferable by barter or otherwise to twenty successive lords. In vain shall be your most generous efforts and your unwearied industry to free yourself from the intolerable yoke. Doomed by the law of your birth to wait at the gates of the palace you must never enter, to sleep under a ruined weather-beaten roof, while your master sleeps under canopies of state, to feed on putrefied offals while the world is ransacked for delicacies for his table, to labour without moderation or limit under a parching sun while he basks in perpetual sloth, and to be rewarded at last with contempt, reprimand, stripes and mutilation. In fact the case is worse than this. I could endure all that injustice or caprice could inflict, provided I possessed in the resource of a firm mind the power of looking down with pity on my tyrant, and of knowing that I had that within, that sacred character of truth, virtue and fortitude, which all his injustice could not reach. But a slave and a serf are condemned to stupidity and vice, as well as to calamity.

Is

Is all this nothing? Is all this necessary for the maintenance of civil order? Let it be recollected that for this distinction there is not the smallest foundation in the nature of things, that, as we have already said, there is no particular mould for the construction of lords, and that they are born neither better nor worse than the poorest of their dependents. It is this structure of aristocracy in all its sanctuaries and fragments against which reason and philosophy have declared war. It is alike unjust, whether we consider it in the casts of India, the villainage of the feudal system, or the despotism of the patricians of ancient Rome dragging their debtors into personal servitude to expiate loans they could not repay. Mankind will never be in an eminent degree virtuous and happy, till each man shall possess that portion of distinction and no more, to which he is entitled by his personal merits. The dissolution of aristocracy is equally the interest of the oppressor and the oppressed. The one will be delivered from the listlessness of tyranny, and the other from the brutalising operation of servitude. How long shall we be told in vain, "that mediocrity of fortune is the true rampart of personal happiness?"

3 P

CHAP.

C H A P. XII.

O F T I T L E S.

THEIR ORIGIN AND HISTORY.—THEIR MISERABLE ABSUR-
DITY.—TRUTH THE ONLY ADEQUATE REWARD OF
MERIT.

BOOK V.
CHAP. XII.
Their origin
and history.

THE case of mere titles is so absurd that it would deserve to be treated only with ridicule, were it not for the serious mischiefs it imposes on mankind. The feudal system was a ferocious monster devouring wherever it came all that the friend of humanity regards with attachment and love. The system of titles appears under a different form. The monster is at length destroyed, and they who followed in his train, and fattened upon the carcasses of those he slew, have stuffed his skin, and by exhibiting it hope still to terrify mankind into patience and pusillanimity. The system of the Northern invaders, however odious, escaped the ridicule of the system of titles. When the feudal chieftains assumed a geographical appellation, it was from some place really subject to their authority; and there was no more absurdity in the style they assumed, than in our calling a man at present the governor of Tangiers or the governor of Gibraltar. The commander in chief or the sovereign did not then

then give an empty name; he conferred an earldom or a barony, a substantial tract of land, with houses and men, and producing a real revenue. He now grants nothing but the privilege of calling yourself Tom who were beforetime called Will; and, to add to the absurdity, your new appellation is borrowed from some place perhaps you never saw, or some country you never visited. The style however is the same; we are still earls and barons, governors of provinces and commanders of forts, and that with the same evident propriety as the elector of Hanover and arch treasurer of the empire styles himself king of France.

BOOK V.
CHAP. XII.

Can there be any thing more ludicrous, than that the man, who was yesterday Mr. St. John, the most eloquent speaker of the British house of commons, the most penetrating thinker, the umpire of maddening parties, the restorer of peace to bleeding and exhausted Europe, should be to-day lord Bolingbroke? In what is he become greater and more venerable than he was? In the pretended favour of a stupid and befotted woman, who always hated him, as she uniformly hated talents and virtue, though for her own interest she was obliged to endure him.

Their misera-
ble absurdity.

The friends of a man upon whom a title has recently been conferred, must either be wholly blinded by the partiality of friendship not to feel the ridicule of his situation, or completely debased by the parasitical spirit of dependence not to betray their feelings. Every time they essay to speak, they are in danger of

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CHAP. XII.

blundering upon the inglorious appellations of Mr. and Sir*. Every time their tongue falters with unconfirmed practice, the question rushes upon them with irresistible force, "What change has my old friend undergone; in what is he wiser or better, happier or more honourable?" The first week of a new title is a perpetual war of the feelings in every spectator, the genuine dictates of common sense against the arbitrary institutions of society. To make the farce more perfect these titles are subject to perpetual fluctuations, and the man who is to-day earl of Kensington, will to-morrow resign with unblushing effrontery all appearance of character and honour to be called marquis of Kew. History labours under the Gothic and unintelligible burden; no mortal patience can connect the different stories of him who is to-day lord Kimbolton, and to-morrow earl of Manchester; to-day earl of Mulgrave, and to-morrow marquis of Normanby and duke of Buckinghamshire.

Truth the
only adequate
reward of
merit.

The absurdity of these titles strikes us the more, because they are usually the reward of intrigue and corruption. But, were it otherwise, still they would be unworthy of the adherents of reason and justice. When we speak of Mr. St. John, as of the man, who by his eloquence swayed contending parties, who withdrew the conquering sword from suffering France, and gave

* In reality these appellations are little less absurd than those by which they are superseded.

BOOK V.
CHAP. XII.

forty years of peace and calm pursuit of the arts of life and wisdom to mankind, we speak of something eminently great. Can any title express these merits? Is not truth the consecrated and single vehicle of justice? Is not the plain and simple truth worth all the cunning substitutions in the world? Could an oaken garland or a gilded coronet have added one atom to his real greatness? Garlands and coronets may be bestowed on the unworthy and prostituted to the intriguing. Till mankind be satisfied with the naked statement of what they really perceive, till they confess virtue to be then most illustrious when she most disdains the aid of ornament, they will never arrive at that manly justice of sentiment, at which they are destined one day to arrive. By this scheme of naked truth, virtue will be every day a gainer; every succeeding observer will more fully do her justice, while vice, deprived of that varnish with which she delighted to gloss her actions, of that gaudy exhibition which may be made alike by every pretender, will speedily sink into unheeded contempt.

C H A P. XIII.

OF THE ARISTOCRATICAL CHARACTER.

INTOLERANCE OF ARISTOCRACY—DEPENDENT FOR ITS SUCCESS UPON THE IGNORANCE OF THE MULTITUDE.—PRECAUTIONS NECESSARY FOR ITS SUPPORT.—DIFFERENT KINDS OF ARISTOCRACY.—ARISTOCRACY OF THE ROMANS: ITS VIRTUES—ITS VICES.—ARISTOCRATICAL DISTRIBUTION OF PROPERTY—REGULATIONS BY WHICH IT IS MAINTAINED—AVARICE IT ENGENDERS.—ARGUMENT AGAINST INNOVATION FROM THE PRESENT HAPPY ESTABLISHMENT OF AFFAIRS CONSIDERED.—CONCLUSION.

BOOK V.
CHAP. XIII.
Intolerance
of aristocracy;

ARISTOCRACY in its proper signification implies neither less nor more than a scheme for rendering more permanent and visible by the interference of political institution the inequality of mankind. Aristocracy, like monarchy, is founded in falshood, the offspring of art foreign to the real nature of things, and must therefore, like monarchy, be supported by artifice and false pretences. Its empire however is founded in principles more gloomy and unsocial than those of monarchy.

OF THE ARISTOCRATICAL CHARACTER.

BOOK V.
CHAP. XIII.

monarchy. The monarch often thinks it advisable to employ blandishments and courtship with his barons and officers; but the lord deems it sufficient to rule with a rod of iron.

Both depend for their perpetuity upon ignorance. Could they, like Omar, destroy the productions of profane reasoning, and persuade mankind that the Alcoran contained every thing which it became them to study, they might then renew their lease of empire. But here again aristocracy displays its superior harshness. Monarchy admits of a certain degree of monkish learning among its followers. But aristocracy holds a stricter hand. Should the lower ranks of society once come to be generally taught to write and read, its power would be at an end. To make men serfs and villains it is indispensibly necessary to make them brutes. This is a question which has long been canvassed with great eagerness and avidity. The resolute advocates of the old system have with no contemptible foresight opposed this alarming innovation. In their well known observation, "that a servant who has been taught to write and read ceases to be any longer a passive machine," is contained the embryo from which it would be easy to explain the whole philosophy of human society.

dependent for
its success
upon the ig-
norance of
the multi-
tude.

And who is there that can reflect with patience upon the malevolent contrivances of these insolent usurpers, contrivances the end of which is to keep the human species in a state of endless degradation?

Precautions
necessary for
its support.

BOOK V.
CHAP. XIII.

degradation? It is in the subjects we are here examining that the celebrated maxim of "many made for one" is brought to the real test. Those reasoners were no doubt wise in their generation, who two centuries ago conceived alarm at the blasphemous doctrine, "that government was instituted for the benefit of the governed, and, if it proposed to itself any other object, was no better than an usurpation." It will perpetually be found that the men, who in every age have been the earliest to give the alarm of innovation, and have been ridiculed on that account as bigoted and timid, were in reality persons of more than common discernment, who saw, though but imperfectly, in the rude principle the inferences to which it inevitably led. It is time that men of reflexion should choose between the two alternatives: either to go back fairly and without reserve to the primitive principles of tyranny; or, adopting any one of the axioms opposite to these, however neutral it may at first appear, not feebly and ignorantly to shut their eyes upon its countless host of consequences.

Different
kinds of ar-
istocracy.

It is not necessary to enter into a methodical disquisition of the different species of aristocracy, since, if the above reasonings have any force, they are equally cogent against them all. Aristocracy may vest its prerogatives principally in the individual, as in Poland; or entirely restrict them to the nobles in their corporate capacity, as in Venice. The former will be more tumultuous and disorderly; the latter more jealous, intolerant and severe. The magistrates may either recruit their body by election among themselves,

BOOK V.
CHAP. XIII.

themselves, as in Holland; or by the choice of the people, as in ancient Rome.

The aristocracy of ancient Rome was incomparably the most venerable and illustrious that ever existed upon the face of the earth. It may not therefore be improper to contemplate in them the degree of excellence to which aristocracy may be raised. They included in their institution some of the benefits of democracy, as generally speaking no man became a member of the senate, but in consequence of his being elected by the people to the superior magistracies. It was reasonable therefore to expect that the majority of the members would possess some degree of capacity. They were not like modern aristocratical assemblies, in which, as primogeniture and not selection decides upon their prerogatives, we shall commonly seek in vain for capacity, except in a few of the lords of recent creation. As the plebeians were long restrained from looking for candidates except among the patricians, that is, the posterity of senators, it was reasonable to suppose that the most eminent talents would be confined to that order. A circumstance which contributed to this was the monopoly of liberal education and the cultivation of the mind, a monopoly which the art of printing has at length fully destroyed. Accordingly all the great literary ornaments of Rome were either patricians, or of the equestrian order, or their immediate dependents. The plebeians, though in their corporate capacity they possessed for some centuries the virtues of sincerity, intrepidity,

Aristocracy
of the Ro-
mans: its
virtues:

love of justice and of the public, could never boast of any of those individual characters in their party that reflect lustre on mankind, except the two Gracchi: while the patricians told of Brutus, Valerius, Coriolanus, Cincinnatus, Camillus, Fabricius, Regulus, the Fabii, the Decii, the Scipios, Lucullus, Marcellus, Cato, Cicero, and innumerable others. With this retrospect continually suggested to their minds it was almost venial for the stern heroes of Rome and the last illustrious martyrs of the republic to entertain aristocratical sentiments.

its vices.

Let us however consider impartially this aristocracy, so incomparably superior to any other of ancient or modern times. Upon the first institution of the republic, the people possessed scarcely any authority except in the election of magistrates, and even here their intrinsic importance was eluded by the mode of arranging the assembly, so that the whole decision vested in the richer classes of the community. No magistrates of any description were elected but from among the patricians. All causes were judged by the patricians, and from their judgment there was no appeal. The patricians intermarried among themselves, and thus formed a republic of narrow extent in the midst of the nominal one, which was held by them in a state of abject servitude. The idea which purified these usurpations in the minds of the usurpers, was, "that the vulgar are essentially coarse, groveling and ignorant, and that there can be no security for the empire of justice and consistency but in the decided ascendancy of the liberal." Thus, even while they

they opposed the essential interests of mankind, they were animated with public spirit and an unbounded enthusiasm of virtue. But it is not less true that they did oppose the essential interests of mankind. What can be more extraordinary than the declamations of Appius Claudius in this style, at once for the moral greatness of mind by which they were dictated, and the cruel intolerance they were intended to enforce? It is inexpressibly painful to see so much virtue through successive ages employed in counteracting the justest requisitions. The result was, that the patricians, notwithstanding their immeasurable superiority in abilities, were obliged to yield one by one the exclusions to which they so obstinately cling. In the interval they were led to have recourse to the most odious methods of counteraction; and every man among them contended who should be loudest in applause of the nefarious murder of the Gracchi. If the Romans were distinguished for so many virtues, constituted as they were, what might they not have been but for the iniquity of aristocratical usurpation? The indelible blemish of their history, the love of conquest, originated in the same cause. Their wars, through every period of the republic, were nothing more than the contrivance of the patricians, to divert their countrymen from attending to the sentiments of unalterable truth, by leading them to scenes of conquest and carnage. They understood the art, common to all governments, of confounding the understandings of the multitude, and persuading them that the most un-

provoked hostilities were merely the dictates of necessary defence.

Aristocratical
distribution
of property :

The principle of aristocracy is founded in the extreme inequality of conditions. No man can be an useful member of society, except so far as his talents are employed in a manner conducive to the general advantage. In every society the produce, the means of contributing to the necessities and conveniencies of its members, is of a certain amount. In every society the bulk at least of its members contribute by their personal exertions to the creation of this produce. What can be more reasonable and just, than that the produce itself should with some degree of equality be shared among them? What more injurious than the accumulating upon a few every means of superfluity and luxury, to the total destruction of the ease, and plain, but plentiful, subsistence of the many? It may be calculated that the king even of a limited monarchy, receives as the salary of his office, an income equivalent to the labour of fifty thousand men*. Let us set out in our estimate from this point, and figure to ourselves the shares of his counsellors, his nobles, the wealthy commoners by whom the nobility will be emulated, their kindred and dependents. Is it any wonder that in such countries the lower orders of the community are exhausted by all the hardships of penury and immoderate fatigue? When we see the wealth of a province spread

* Taking the average price of labour at one shilling per diem.

upon

upon the great man's table, can we be surpris'd that his neighbours have not bread to satiate the cravings of hunger?

Is this a state of human beings that must be considered as the last improvement of political wisdom? In such a state it is impossible that eminent virtue should not be exceedingly rare. The higher and the lower classes will be alike corrupted by their unnatural situation. But to pass over the higher class for the present, what can be more evident than the tendency of want to contract the intellectual powers? The situation which the wife man would desire for himself and for those in whose welfare he was interested, would be a situation of alternate labour and relaxation, labour that should not exhaust the frame, and relaxation that was in no danger to degenerate into indolence. Thus industry and activity would be cherished, the frame preserved in a healthful tone, and the mind accustomed to meditation and reflection. But this would be the situation of the whole human species, if the supply of our wants were equally distributed. Can any system be more worthy of our disapprobation than that which converts nineteen-twentieths of them into beasts of burden, annihilates so much thought, renders impossible so much virtue and extirpates so much happiness?

But it may be alledged, " that this argument is foreign to the subject of aristocracy; the inequality of conditions being the inevitable

regulations
by which it is
maintained :

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evitable consequence of the institution of property." It is true that many disadvantages flow out of this institution in its simplest form; but these disadvantages, to whatever they may amount, are greatly aggravated by the operations of aristocracy. Aristocracy turns the stream of property out of its natural channel, and forwards with the most assiduous care its accumulation in the hands of a very few persons. The doctrines of primogeniture and entails, as well as the immense volumes of the laws of transfer and inheritance which have infested every part of Europe, were produced for this express purpose.

avarice it engenders.

At the same time that it has endeavoured to render the acquisition of permanent property difficult, aristocracy has greatly increased the excitements to that acquisition. All men are accustomed to conceive a thirst after distinction and pre-eminence, but they do not all fix upon wealth as the object of this passion, but variously upon skill in any particular art, grace, learning, talents, wisdom and virtue. Nor does it appear that these latter objects are pursued by their votaries with less assiduity, than wealth is pursued by those who are anxious to acquire it. Wealth would be still less capable of being mistaken for the universal passion, were it not rendered by political institution, more than by its natural influence, the road to honour and respect.

There

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Argument against innovation from the present happy establishment of affairs considered.

There is no mistake more thoroughly to be deplored on this subject, than that of persons, sitting at their ease and surrounded with all the conveniences of life, who are apt to exclaim, "We find things very well as they are;" and to inveigh bitterly against all projects of reform, as "the romances of visionary men, and the declamations of those who are never to be satisfied." Is it well, that so large a part of the community should be kept in abject penury, rendered stupid with ignorance and disgusted with vice, perpetuated in nakedness and hunger, goaded to the commission of crimes, and made victims to the merciless laws which the rich have instituted to oppress them? Is it sedition to enquire whether this state of things may not be exchanged for a better? Or can there be any thing more disgraceful to ourselves than to exclaim that "All is well," merely because we are at our ease, regardless of the misery, degradation and vice that may be occasioned in others?

There is one argument to which the advocates of monarchy and aristocracy always have recourse when driven from every other pretence; the mischievous nature of democracy. "However imperfect the two former of these institutions may be in themselves, they are found necessary," we are told, "as accommodations to the imperfection of human nature." It is for the reader who has considered the arguments of the preceding chapters to decide, how far it is probable that circumstances can

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occur,

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occur, which should make it our duty to submit to these complicated evils. Meanwhile let us proceed to examine that democracy of which so alarming a picture has uniformly been exhibited.

CHAP.

CHAP. XIV.

GENERAL FEATURES OF DEMOCRACY.

DEFINITION.—SUPPOSED EVILS OF THIS FORM OF GOVERNMENT—ASCENDANCY OF THE IGNORANT—OF THE CRAFTY—INCONSTANCY—RASH CONFIDENCE—GROUNDLESS SUSPICION.—MERITS AND DEFECTS OF DEMOCRACY COMPARED.—ITS MORAL TENDENCY.—TENDENCY OF TRUTH.—REPRESENTATION.

DEMOCRACY is a system of government according to which every member of society is considered as a man and nothing more. So far as positive regulation is concerned, if indeed that can with any propriety be termed regulation which is the mere recognition of the simplest of all principles, every man is regarded as equal. Talents and wealth, wherever they exist, will not fail to obtain a certain degree of influence, without requiring any positive institution of society to second their operation.

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Definition.

But there are certain disadvantages that may seem the necessary result of democratical equality. In political society it is reasonable to suppose that the wise will be outnumbered by the

Supposed
evils of democracy:

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unwise,

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ascendancy
of the igno-
rant:

of the crafty:

unwise, and it will be inferred "that the welfare of the whole will therefore be at the mercy of ignorance and folly." It is true that the ignorant will generally be sufficiently willing to be guided by the judicious, "but their very ignorance will incapacitate them from discerning the merit of their guides. The turbulent and crafty demagogue will often possess greater advantages for inveigling their judgment, than the man who with purer intentions may possess a less brilliant talent. Add to this, that the demagogue has a never failing resource in the ruling imperfection of human nature, that of preferring the specious present to the substantial future. This is what is usually termed, playing upon the passions of mankind. Political truth has hitherto proved an enigma, that all the wit of man has been insufficient to solve. Is it to be supposed that the uninstructed multitude should always be able to resist the artful sophistry and captivating eloquence that will be employed to darken it? Will it not often happen that the schemes proposed by the ambitious disturber will possess a meretricious attraction, which the severe and sober project of the discerning statesman shall be unable to compensate?

inconstancy:

"One of the most fruitful sources of human happiness is to be found in the steady and uniform operation of certain fixed principles. But it is the characteristic of a democracy to be wavering and inconstant. The philosopher only, who has deeply meditated his principles, is inflexible in his adherence to them. The mass of mankind, as they have never arranged their

reflections:

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reflections into system, are at the mercy of every momentary impulse, and liable to change with every wind. But this inconstancy is directly the reverse of every idea of political justice.

"Nor is this all. Democracy is a monstrous and unwieldy vessel launched upon the sea of human passions without ballast. Liberty in this unlimited form is in danger to be lost almost as soon as it is obtained. The ambitious man finds nothing in this scheme of human affairs to set bounds to his desires. He has only to dazzle and deceive the multitude in order to rise to absolute power.

rash confi-
dence:

"A farther ill consequence flows out of this circumstance. The multitude, conscious of their weakness in this respect, will, in proportion to their love of liberty and equality, be perpetually suspicious and uneasy. Has any man displayed uncommon virtues or rendered eminent services to his country? He will presently be charged with secretly aiming at the tyranny. Various circumstances will come in aid of this accusation, the general love of novelty, envy of superior merit, and the incapacity of the multitude to understand the motives and character of those who so far excel them. Like the Athenian, they will be tired of hearing Aristides constantly called the Just. Thus will merit be too frequently the victim of ignorance and envy. Thus will all that is liberal and refined, whatever the human mind in its highest state of improvement is able to conceive, be

groundless
suspicion.

often overpowered by the turbulence of unbridled passion and the rude dictates of savage folly."

If this picture must inevitably be realised wherever democratic principles are established, the state of human nature would be peculiarly unfortunate. No form of government can be devised which does not partake of monarchy, aristocracy or democracy. We have taken a copious survey of the two former, and it would seem impossible that greater or more inveterate mischiefs can be inflicted on mankind, than those which are inflicted by them. No portrait of injustice, degradation and vice can be exhibited, that can surpass the fair and inevitable inferences from the principle upon which they are built. If then democracy could by any arguments be brought down to a level with such monstrous institutions as these, in which there is neither integrity nor reason, our prospects of the future happiness of mankind would indeed be deplorable.

Merits and
defects of de-
mocracy
compared.)

But this is impossible. Supposing that we should even be obliged to take democracy with all the disadvantages that were ever annexed to it, and that no remedy could be discovered for any of its defects, it would be still greatly preferable to the exclusive system of other forms. Let us take Athens with all its turbulence and instability; with the popular and temperate usurpations of Pisistratus and Pericles; with their monstrous ostracism, by which with undisguised injustice they were accustomed periodically

cally to banish some eminent citizen without the imputation of a crime; with the imprisonment of Miltiades, the exile of Aristides and the murder of Phocion:—with all these errors on its head, it is incontrovertible that Athens exhibited a more illustrious and enviable spectacle than all the monarchies and aristocracies that ever existed. Who would reject the gallant love of virtue and independence, because it was accompanied with some irregularities? Who would pass an unreserved condemnation upon their penetrating mind, their quick discernment and their ardent feeling, because they were subject occasionally to be intemperate and impetuous? Shall we compare a people of such incredible achievements, such exquisite refinement, gay without insensibility and splendid without intemperance, in the midst of whom grew up the greatest poets, the noblest artists, the most finished orators and political writers, and the most disinterested philosophers the world ever saw,—shall we compare this chosen feat of patriotism, independence and generous virtue, with the torpid and selfish realms of monarchy and aristocracy? All is not happiness that looks tranquillity. Better were a portion of turbulence and fluctuation, than that unwholesome calm which is a stranger to virtue.

In the estimate that is usually made of democracy, one of the most flagrant sources of error lies in our taking mankind such as monarchy and aristocracy have made them, and from thence judging how fit they are to legislate for themselves. Monarchy
and

Its moral ten-
dency.

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and aristocracy would be no evils, if their tendency were not to undermine the virtues and the understandings of their subjects. The thing most necessary is to remove all those restraints which hold mind back from its natural flight. Implicit faith, blind submission to authority, timid fear, a distrust of our powers, an inattention to our own importance and the good purposes we are able to effect, these are the chief obstacles to human improvement. Democracy restores to man a consciousness of his value, teaches him by the removal of authority and oppression to listen only to the dictates of reason, gives him confidence to treat all other men as his fellow beings, and induces him to regard them no longer as enemies against whom to be upon his guard, but as brethren whom it becomes him to assist. The citizen of a democratical state, when he looks upon the miserable oppression and injustice that prevail in the countries around him, cannot but entertain an inexpressible esteem for the advantages he enjoys, and the most unalterable determination at all hazards to preserve them. The influence of democracy upon the sentiments of its members is altogether of the negative sort, but its consequences are inestimable. Nothing can be more unreasonable than to argue from men as we now find them, to men as they may hereafter be made. Strict and accurate reasoning, instead of suffering us to be surprised that Athens did so much, would at first induce us to wonder that she retained so many imperfections.

Tendency of
truth.

The road to the improvement of mankind is in the utmost
degree

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degree simple, to speak and act the truth. If the Athenians had had more of this, it is impossible they should have been so flagrantly erroneous. To tell the truth in all cases without reserve, to administer justice without partiality, are principles which, when once rigorously adopted, are of all others the most prolific. They enlighten the understanding, give energy to the judgment, and strip misrepresentation of its speciousness and plausibility. In Athens men suffered themselves to be dazzled by splendour and show. If the error in their constitution which led to this defect can be discovered, if a form of political society can be devised in which men shall be accustomed to judge strictly and soberly, and habitually exercised to the plainness and simplicity of truth, democracy would in that society cease from the turbulence, instability, fickleness and violence that have too often characterised it. Nothing can be more certain than the omnipotence of truth, or, in other words, than the connexion between the judgment and the outward behaviour. If science be capable of perpetual improvement, men will also be capable of perpetually advancing in practical wisdom and justice. Once establish the perfectibility of man, and it will inevitably follow that we are advancing to a state, in which truth will be too well known to be easily mistaken, and justice too habitually practised to be voluntarily counteracted. Nor shall we see reason to think upon severe reflection, that this state is so distant as we might at first be inclined to imagine. Error is principally indebted for its permanence to social institution. Did we leave individuals to
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the progress of their own minds, without endeavouring to regulate them by any species of public foundation, mankind would in no very long period convert to the obedience of truth. The contest between truth and falsehood is of itself too unequal, for the former to stand in need of support from any political ally. The more it be discovered, especially that part of it which relates to man in society, the more simple and self evident will it appear; and it will be found impossible any otherwise to account for its having been so long concealed, than from the pernicious influence of positive institution.

There is another obvious consideration that has frequently been alledged to account for the imperfection of ancient democracies, which is worthy of our attention, though it be not so important as the argument which has just been stated. The ancients were unaccustomed to the idea of deputed, or representative assemblies; and it is reasonable to suppose that affairs might often be transacted with the utmost order in such assemblies, which might be productive of much tumult and confusion, if submitted to the personal discussion of the citizens at large*. By this happy expedient we secure many of the pretended benefits of aristocracy, as well as the real benefits of democracy. The discussion of national affairs is brought before persons of

* The general grounds of this institution have been stated, Book III, Chap. IV. The exceptions which limit its value, will be seen in the twenty-third chapter of the present book.

superior

superior education and wisdom: we may conceive of them, not only as the appointed medium of the sentiments of their constituents, but as authorized upon certain occasions to act on their part, in the same manner as an unlearned parent delegates his authority over his child to a preceptor of greater accomplishments than himself. This idea within proper limits might be entitled to our approbation, provided the elector had the wisdom not to relax in the exercise of his own understanding in all his political concerns, exerted his censorial power over his representative, and were accustomed, if the representative were unable after the fullest explanation to bring him over to his opinion, to transfer his deputation to another.

The true value of the system of representation is as follows. It is not reasonable to doubt that mankind, whether acting by themselves or their representatives, might in no long time be enabled to contemplate the subjects offered to their examination with calmness and true discernment, provided no positive obstacles were thrown in their way by the errors and imperfection of their political institutions. This is the principle in which the sound political philosopher will rest with the most perfect satisfaction. But, should it ultimately appear that representation, and not the intervention of popular assemblies, is the mode which reason prescribes, then an error in this preliminary question, will of course infer errors in the practice which is built upon it. We cannot make one false step, without involving

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ourselves

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ourselves in a series of mistakes and ill consequences that must be expected to grow out of it.

Such are the general features of democratical government: but this is a subject of too much importance to be dismissed without the fullest examination of every thing, that may enable us to decide upon its merits. We will proceed to consider the farther objections that have been alledged against it.

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CHAP. XV.

OF POLITICAL IMPOSTURE.

IMPORTANCE OF THIS TOPIC.—EXAMPLE IN THE DOCTRINE OF ETERNAL PUNISHMENT—ITS INUTILITY ARGUED—FROM HISTORY—FROM THE NATURE OF MIND.—SECOND EXAMPLE: THE RELIGIOUS SANCTION OF A LEGISLATIVE SYSTEM.—THIS IDEA IS, 1. IN STRICT CONSTRUCTION IMPRACTICABLE—2. INJURIOUS.—THIRD EXAMPLE: PRINCIPLE OF POLITICAL ORDER.—VICE HAS NO ESSENTIAL ADVANTAGE OVER VIRTUE.—IMPOSTURE UNNECESSARY TO THE CAUSE OF JUSTICE—NOT ADAPTED TO THE NATURE OF MAN.

ALL the arguments that have been employed to prove the insufficiency of democracy grow out of this one root, the supposed necessity of deception and prejudice for restraining the turbulence of human passions. Without the assumption of this principle the argument could not be sustained for a moment. The direct and decisive answer would be, "Are kings and lords intrinsically wiser and better than their humbler neighbours? Can there be any solid ground of distinction except what is founded in personal merit? Are not men, really and

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strictly

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Importance
of this topic.

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strictly considered, equal, except so far as what is personal and inalienable makes them to differ?" To these questions there can be but one reply, "Such is the order of reason and absolute truth, but artificial distinctions are necessary for the happiness of mankind. Without deception and prejudice the turbulence of human passions cannot be restrained." Let us then examine the merits of this theory; and these will best be illustrated by an instance.

Example in
the doctrine
of eternal
punishment:

It has been held by some divines and some politicians, that the doctrine which teaches that men will be eternally tormented in another world for their errors and misconduct in this, is "in its own nature unreasonable and absurd, but that it is nevertheless necessary, to keep mankind in awe. Do we not see," say they, "that notwithstanding this terrible denunciation the world is overrun with vice? What then would be the case, if the irregular passions of mankind were set free from their present restraint, and they had not the fear of this retribution before their eyes?"

its inutility
argued from
history:

This argument seems to be founded in a singular inattention to the dictates of history and experience, as well as to those of reason. The ancient Greeks and Romans had nothing of this dreadful apparatus of fire and brimstone, and a torment "the smoke of which ascends for ever and ever." Their religion was less personal than political. They confided in the Gods as protectors of the state, and this inspired them with invincible courage.

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rage. In periods of public calamity they found a ready consolation in expiatory sacrifices to appease the anger of the Gods. The attention of these beings was conceived to be principally directed to the ceremonial of religion, and very little to the moral excellencies and defects of their votaries, which were supposed to be sufficiently provided for by the inevitable tendency of moral excellence or defect to increase or diminish individual happiness. If their systems included the doctrine of a future existence, little attention was paid by them to the connecting the moral defects of individuals in this life with their comparative situation in another. The same defect ran through the systems of the Persians, the Egyptians, the Celts, the Phenicians, the Jews, and indeed every system which has not been in some manner or other the offspring of the Christian. If we were to form our judgment of these nations by the above argument, we should expect to find every individual among them cutting his neighbour's throat, and hackneyed in the commission of every enormity without measure and without remorse. But they were in reality as susceptible of the regulations of government and the order of society, as those whose imaginations have been most artfully terrified by the threats of future retribution, and some of them were much more generous, determined and attached to the public weal.

Nothing can be more contrary to a just observation of the nature of the human mind, than to suppose that these speculative tenets

from the na-
ture of mind.

tenets have much influence in making mankind more virtuous than they would otherwise be found. Human beings are placed in the midst of a system of things, all the parts of which are strictly connected with each other, and exhibit a sympathy and union by means of which the whole is rendered intelligible and as it were palpable to the mind. The respect I shall obtain and the happiness I shall enjoy for the remainder of my life are topics of which my mind has a complete comprehension. I understand the value of plenty, liberty and truth to myself and my fellow men. I perceive that these things and a certain conduct intending them are connected, in the visible system of the world, and not by the supernatural interposition of an invisible director. But all that can be told me of a future world, a world of spirits or of glorified bodies, where the employments are spiritual and the first cause is to be rendered a subject of immediate perception, or of a scene of retribution, where the mind, doomed to everlasting inactivity, shall be wholly a prey to the upbraidings of remorse and the sarcasms of devils, is so foreign to the system of things with which I am acquainted, that my mind in vain endeavours to believe or to understand it. If doctrines like these occupy the habitual reflections of any, it is not of the lawless, the violent and ungovernable, but of the sober and conscientious, persuading them passively to submit to despotism and injustice, that they may receive the recompense of their patience hereafter. This objection is equally applicable to every species of deception. Fables may amuse the imagination; but can never stand in

in the place of reason and judgment as the principles of human conduct.—Let us proceed to a second instance.

It is affirmed by Rousseau in his treatise of the Social Contract, “that no legislator could ever establish a grand political system without having recourse to religious imposture. To render a people who are yet to receive the impressions of political wisdom susceptible of the evidence of that wisdom, would be to convert the effect of civilisation into the cause. The legislator ought not to employ force and cannot employ reasoning; he is therefore obliged to have recourse to authority of a different sort, which may draw without compulsion, and persuade without conviction*.”

Second example: the religious sanction of a legislative system.

These

* “Pour qu'un peuple naissant pût goûter les saines maximes de la politique & suivre les règles fondamentales de la raison de l'état, il faudroit que l'esprit pût devenir la cause, que l'esprit social, qui doit être l'ouvrage de l'institution, présidât à l'institution même, & que les hommes fussent avant les lois ce qu'ils doivent devenir par elles. Ainsi donc le législateur ne pouvant employer ni la force ni le raisonnement; c'est une nécessité qu'il recoure à une autorité d'un autre ordre, qui puisse entraîner sans violence, & persuader sans convaincre.” *Du Contrat Social, Liv. II. Chap. VII.*

Having frequently quoted Rousseau in the course of this work, it may be allowable to say one word of his general merits as a moral and political writer. He has been subjected to perpetual ridicule for the extravagance of the proposition with which he began his literary career; that the savage state was the genuine and proper condition of man. It was however by a very slight mistake that he missed the opposite opinion which it is the business of the present volume to establish.

These are the dreams of a fertile conception, busy in the erection of imaginary systems. To a rational mind that project would seem to promise little substantial benefit, which set out from so erroneous a principle. To terrify men into the reception of a system the reasonableness of which they were unable to perceive, is surely a very indirect method of rendering them sober, judicious, fearless and happy.

This idea is,
1. in strict
construction,
impracticable:

In reality no grand political system ever was introduced in the

bliss. It is sufficiently observable that, where he describes the enthusiastic influx of truth that first made him a moral and political writer (in his second letter to Malesherbes), he does not so much as mention his fundamental error, but only the just principles which led him into it. He was the first to teach that the imperfections of government were the only permanent source of the vices of mankind; and this principle was adopted from him by Helvetius and others. But he saw farther than this, that government, however reformed, was little capable of affording solid benefit to mankind, which they did not. This principle has since (probably without any assistance from the writings of Rousseau) been expressed with great perspicuity and energy, but not developed, by Mr. Thomas Paine in the first page of his Common Sense.

Rousseau, notwithstanding his great genius, was full of weakness and prejudice. His *Emile* is upon the whole to be regarded as the principal reservoir of philosophical truth as yet existing in the world, but with a perpetual mixture of absurdity and mistake. In his writings expressly political, *Du Contrat Social* and *Considérations sur la Pologne*, the unrivalled superiority of his genius appears to desert him. To his merits as a reasoner we should not forget to add, that the term eloquence is perhaps more precisely descriptive of his mode of composition, than of that of any other writer that ever existed.

manner Rousseau describes. Lycurgus, as he observes, obtained the sanction of the oracle at Delphi to the constitution he had established. But was it by an appeal to Apollo that he persuaded the Spartans to renounce the use of money, to consent to an equal division of land, and to adopt various other regulations the most contrary to their preconceived prejudices? No; it was by an appeal to their understandings, in the midst of long debate and perpetual counteraction, and through the inflexibility of his courage and resolution, that he at last attained his purpose. Lycurgus thought proper, after the whole was concluded, to obtain the sanction of the oracle, conceiving that it became him to neglect no method of substantiating the benefit he had conferred on his countrymen. It is indeed hardly possible to persuade a society of men to adopt any system without convincing them that it is their wisdom to adopt it. It is difficult to conceive of a society of such miserable dupes as to receive a code, without any imagination that it is reasonable or wise or just, but upon this single recommendation that it is delivered to them from the Gods. The only reasonable, and infinitely the most efficacious method of changing the institutions of any people, is by creating in them a general opinion of their erroneousness and insufficiency.

But, if it be indeed impracticable to persuade men into the adoption of any system, without employing as our principal argument the intrinsic rectitude of that system, what is the argument which he would desire to use, who had most at heart the

welfare and improvement of the persons concerned? Would he begin by teaching them to reason well, or to reason ill? by unnerving their mind with prejudice, or new stringing it with truth? How many arts, and how noxious to those towards whom we employ them, are necessary, if we would successfully deceive? We must not only leave their reason in indolence at first, but endeavour to supersede its exertion in any future instance. If men be for the present kept right by prejudice, what will become of them hereafter, if by any future penetration or any accidental discovery this prejudice shall be annihilated? Detection is not always the fruit of systematical improvement, but may be effected by some solitary exertion of the faculty or some luminous and irresistible argument, while every thing else remains as it was. If we would first deceive, and then maintain our deception unimpaired, we shall need penal statutes, and licensers of the press, and hired ministers of falsehood and imposture. Admirable modes these for the propagation of wisdom and virtue!

Third example: principle of political order.

There is another case similar to that stated by Rousseau, upon which much stress has been laid by political writers. "Obedience," say they, "must either be courted or compelled. We must either make a judicious use of the prejudices and the ignorance of mankind, or be contented to have no hold upon them but their fears, and maintain social order entirely by the severity of punishment. To dispense us from this painful necessity, authority ought carefully to be invested with a sort of magic persuasion.

suaſion. Citizens should serve their country, not with a frigid submission that scrupulously weighs its duties, but with an enthusiasm that places its honour in its loyalty. For this reason our governors and superiors must not be spoken of with levity. They must be considered, independently of their individual character, as deriving a sacredness from their office. They must be accompanied with splendour and veneration. Advantage must be taken of the imperfection of mankind. We ought to gain over their judgments through the medium of their senses, and not leave the conclusions to be drawn, to the uncertain process of immature reason*."

This is still the same argument under another form. It takes for granted that reason is inadequate to teach us our duty; and of consequence recommends an equivocal engine, which may with equal ease be employed in the service of justice and injustice, but would surely appear somewhat more in its place in the service of the latter. It is injustice that stands most in need of superstition and mystery, and will most frequently be a gainer by the imposition. This hypothesis proceeds upon an assumption, which young men sometimes impute to their parents and preceptors. It says, "Mankind must be kept in ignorance: if they know vice, they will love it too well; if they perceive the charms

Vice has no essential advantage over virtue.

* This argument is the great common place of Mr. Burke's Reflections on the Revolution in France, of several successive productions of Mr. Necker, and of a multitude of other works upon the subject of government.

of error, they will never return to the simplicity of truth." And, strange as it may appear, this barefaced and unplaufible argument has been the foundation of a very popular and generally received hypothesis. It has taught politicians to believe that a people once sunk into decrepitude, as it has been termed, could never afterwards be endued with purity and vigour*.

Imposture
unnecessary
to the cause
of justice.

Is it certain that there is no alternative between deceit and unrelenting severity? Does our duty contain no inherent recommendations? If it be not our own interest that we should be temperate and virtuous, whose interest is it? Political institution, as has abundantly appeared in the course of this work, and will still farther appear as we go forward, has been too frequently the parent of temptations to error and vice of a thousand different denominations. It would be well, if legislators, instead of contriving farther deceptions and enchantments to retain us in our duty, would remove the impostures which at present corrupt our hearts and engender at once artificial wants and real distress. There would be less need, under the system of plain, unornamented truth, than under theirs, that "every vizio should be terminated with the gallows †."

Why deceive me? It is either my wisdom to do the thing you require of me, or it is not. The reasons for doing it are either sufficient or insufficient. If sufficient, why should not they be the

* Book I, Chap. VIII.

† Burke's Reflections.

machine

machine to govern my understanding? Shall I most improve while I am governed by false reasons, by imposture and artifice, which, were I a little wiser, I should know were of no value in whatever cause they may be employed; or, while my understanding grows every day sounder and stronger by perpetual communication with truth? If the reasons for what you demand of me be insufficient, why should I comply? It is strongly to be suspected that that regulation, which dares not rest upon its own reasonableness, conduces to the benefit of a few at the expence of the many. Imposture was surely invented by him, who thought more of securing dignity to himself, than of prevailing on mankind to consent to their own welfare. That which you require of me is wise, no farther than it is reasonable. Why endeavour to persuade me that it is more wise, more essential than it really is, or that it is wise for any other reason than the true? Why divide men into two classes, one of which is to think and reason for the whole, and the other to take the conclusions of their superiors on trust? This distinction is not founded in the nature of things; there is no such inherent difference between man and man as it thinks proper to suppose. The reasons that should convince us that virtue is better than vice are neither complicated nor abstruse; and the less they be tampered with by the injudicious interference of political institution, the more will they come home to the understanding and approve themselves to the judgment of every man.

Nor

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Not adapted
to the nature
of man.

Nor is the distinction less injurious, than it is unfounded. The two classes which it creates, must be more and less than man. It is too much to expect of the former, while we consign to them an unnatural monopoly, that they should rigidly consult for the good of the whole. It is an iniquitous requisition upon the latter, that they should never employ their understandings, never penetrate into the essences of things, but always rest in a deceitful appearance. It is iniquitous, that we should seek to withhold from them the principles of simple truth, and exert ourselves to keep alive their fond and infantine mistakes. The time must probably come when the deceit shall vanish; and then the impostures of monarchy and aristocracy will no longer be able to maintain their ground. The change will at that time be most auspicious, if we honestly inculcate the truth now, secure that men's minds will grow strong enough to endure the practice, in proportion as their understanding of the theory excites them to demand it.

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CHAP. XVI.

OF THE CAUSES OF WAR.

OFFENSIVE WAR CONTRARY TO THE NATURE OF DEMOCRACY.—DEFENSIVE WAR EXCEEDINGLY RARE.—ERRONEOUSNESS OF THE IDEAS COMMONLY ANNEXED TO THE PHRASE, OUR COUNTRY.—NATURE OF WAR DELINEATED.—INSUFFICIENT CAUSES OF WAR—THE ACQUIRING A HEALTHFUL AND VIGOROUS TONE TO THE PUBLIC MIND—THE PUTTING A TERMINATION UPON PRIVATE INSULTS—THE MENACES OR PREPARATIONS OF OUR NEIGHBOURS—THE DANGEROUS CONSEQUENCES OF CONCESSION.—TWO LEGITIMATE CAUSES OF WAR.

EXCLUSIVELY of those objections which have been urged against the democratical system as it relates to the internal management of affairs, there are others upon which considerable stress has been laid in relation to the transaction of a state with foreign powers, to war and peace, to treaties of alliance and commerce.

There is indeed an eminent difference with respect to these between the democratical system and all others. It is perhaps

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Offensive war
contrary to
the nature of
democracy.

impossible to shew that a single war ever did or could have taken place in the history of mankind, that did not in some way originate with those two great political monopolies, monarchy and aristocracy. This might have formed an additional article in the catalogue of evils to which they have given birth, little inferior to any of those we have enumerated. But nothing could be more superfluous than to seek to overcharge a subject the evidence of which is irresistible.

What could be the source of misunderstanding between states, where no man or body of men found encouragement to the accumulation of privileges to himself at the expence of the rest? A people among whom equality reigned, would possess every thing they wanted, where they possessed the means of subsistence. Why should they pursue additional wealth or territory? These would lose their value the moment they became the property of all. No man can cultivate more than a certain portion of land. Money is representative, and not real wealth. If every man in the society possessed a double portion of money, bread and every other commodity would sell at double their present price, and the relative situation of each individual would be just what it had been before. War and conquest cannot be beneficial to the community. Their tendency is to elevate a few at the expence of the rest, and consequently they will never be undertaken but where the many are the instruments of the few. But this cannot happen in a democracy, till the democracy shall become
such

such only in name. If expedients can be devised for maintaining this species of government in its purity, or if there be any thing in the nature of wisdom and intellectual improvement which has a tendency daily to make truth prevail more over falsehood, the principle of offensive war will be extirpated. But this principle enters into the very essence of monarchy and aristocracy.

Meanwhile, though the principle of offensive war be incompatible with the genius of democracy, a democratical state may be placed in the neighbourhood of states whose government is less equal, and therefore it will be proper to enquire into the supposed disadvantages which the democratical state may sustain in the contest. The only species of war in which it can consistently be engaged, will be that, the object of which is to repel wanton invasion. Such invasions will be little likely frequently to occur. For what purpose should a corrupt state attack a country, which has no feature in common with itself upon which to build a misunderstanding, and which presents in the very nature of its government a pledge of its own inoffensiveness and neutrality? Add to which, it will presently appear that this state, which yields the fewest incitements to provoke an attack, will prove a very impracticable adversary to those by whom an attack shall be commenced.

Defensive war
exceedingly
rare.

One of the most essential principles of political justice is diametrically

Erroneous-
ness of the

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monly annex-
ed to the
phrase, our
country.

trically the reverse of that which impostors and patriots have too frequently agreed to recommend. Their perpetual exhortation has been, "Love your country. Sink the personal existence of individuals in the existence of the community. Make little account of the particular men of whom the society consists, but aim at the general wealth, prosperity and glory. Purify your mind from the gross ideas of sense, and elevate it to the single contemplation of that abstract individual of which particular men are so many detached members, valuable only for the place they fill *."

The lessons of reason on this head are precisely opposite. "Society is an ideal existence, and not on its own account entitled to the smallest regard. The wealth, prosperity and glory of the whole are unintelligible chimeras. Set no value on any thing, but in proportion as you are convinced of its tendency to make individual men happy and virtuous. Benefit by every practicable mode man wherever he exists; but be not deceived by the specious idea of affording services to a body of men, for which no individual man is the better. Society was instituted, not for the sake of glory, not to furnish splendid materials for the page of history, but for the benefit of its members. The love of our country, if we would speak accurately, is another of those specious illusions, which have been invented by impostors

* *Du Contrat Social, &c. &c. &c.*

in

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in order to render the multitude the blind instruments of their crooked designs."

Meanwhile let us beware of passing from one injurious extreme to another. Much of what has been usually understood by the love of our country is highly excellent and valuable, though perhaps nothing that can be brought within the strict interpretation of the phrase. A wise man will not fail to be the votary of liberty and equality. He will be ready to exert himself in their defence wherever they exist. It cannot be a matter of indifference to him, when his own liberty and that of other men with whose excellence and capabilities he has the best opportunity of being acquainted, are involved in the event of the struggle to be made. But his attachment will be to the cause, and not to the country. Wherever there are men who understand the value of political justice and are prepared to assert it, that is his country. Wherever he can most contribute to the diffusion of these principles and the real happiness of mankind, that is his country. Nor does he desire for any country any other benefit than justice.

To apply these principles to the subject of war. And, before that application can be adequately made, it is necessary to recollect for a moment the force of the term.

Because individuals were liable to error, and suffered their ap-
prehenensions

Nature of
war deline-
ated.

3 U 2

prehenfions of juftice to be perverted by a bias in favour of themfelves, government was instituted. Becaufe nations were fufceptible of a fimilar weaknefs, and could find no fufficient umpire to whom to appeal, war was introduced. Men were induced deliberately to feek each other's lives, and to adjudge the controverfies between them, not according to the dictates of reafon and juftice, but as either fhould prove moft fuccefsful in devaftation and murder. This was no doubt in the firft inftance the extremity of exafperation and rage. But it has fince been converted into a trade. One part of the nation pays another part to murder and be murdered in their ftead; and the moft trivial caufes, a fupposed infult or a folly of youthful ambition, have fufficed to deluge provinces with blood.

We can have no adequate idea of this evil, unlefs we vifit, at leaft in imagination, a field of battle. Here men deliberately destroy each other by thoufands without any repentment againft or even knowledge of each other. The plain is ftrewed with death in all its various forms. Anguifh and wounds difplay the diverfified modes in which they can torment the human frame. Towns are burned, fhips are blown up in the air while the mangled limbs defcend on every fide, the fields are laid defolate, the wives of the inhabitants expofed to brutal infult, and their children driven forth to hunger and nakednefs. It would be defpicable to mention, along with thefe fcenes of horror, and the total fubverfion of all ideas of moral juftice they muft occa-
fion.

tion in the auditors and fpectators, the immense treafures which are wrung in the form of taxes from thofe inhabitants whofe refidence is at a diftance from the fcene.

After this enumeration we may venture to enquire what are the juftifiable caufes and rules of war.

It is not a juftifiable reafon, "that we imagine our own people would be rendered more cordial and orderly, if we could find a neighbour with whom to quarrel, and who might ferve as a touchftone to try the characters and difpofitions of individuals among ourfelves*." We are not at liberty to have recourfe to the moft complicated and atrocious of all mifchiefs, in the way of an experiment.

Insufficient
caufes of
war:
the acquiring
a healthful
and vigorous
tone to the
public mind:

*The reader will eafily perceive that the pretences by which the people of France were infligated to a declaration of war in April 1792 were in the author's mind in this place. Nor will a few lines be mifpent in this note in ftating the judgment of an impartial obferver upon the wantonnefs with which they have appeared ready upon different occafions to proceed to extremities. If policy were in queftion, it might be doubted, whether the confederacy of kings would ever have been brought into action againft them, had it not been for their precipitation; and it might be asked, what impreffion they muft expect to be made upon the minds of other ftates by their intemperate commiffion of hoftility? But that ftrict juftice, which prefcribes to us, never by a hafy interference to determine the doubtful balance in favour of murder, is a fuperior confideration, in comparifon with which policy is unworthy fo much as to be named.

It:

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a termination
upon private
inults:

It is not a justifiable reason, "that we have been exposed to certain inults, and that tyrants perhaps have delighted in treating with contempt the citizens of our happy state who have visited their dominions." Government ought to protect the tranquillity of those who reside within the sphere of its functions; but, if individuals think proper to visit other countries, they must then be delivered over to the protection of general reason. Some proportion must be observed between the evil of which we complain, and the evil which the nature of the proposed remedy inevitably includes.

the menaces
or prepara-
tions of our
neighbours:

It is not a justifiable reason, "that our neighbour is preparing or menacing hostilities." If we be obliged to prepare in our turn, the inconvenience is only equal; and it is not to be believed, that a despotic country is capable of more exertion than a free one, when the task incumbent on the latter is indispensable precaution.

the danger-
ous conse-
quences of
concession:

It has sometimes been held to be found reasoning upon this subject, "that we ought not to yield little things, which may not in themselves be sufficiently valuable to authorize this tremendous appeal, because a disposition to yield only invites farther experiments*." Far otherwise; at least when the character of

* This pretence is sustained in Paley's Moral and Political Philosophy, Book VI. Ch. XII.

such

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such a nation is sufficiently understood. A people that will not contend for nominal and trivial objects, that maintains the precise line of unalterable justice, and that does not fail to be moved at the moment that it ought to be moved, is not the people that its neighbours will delight to urge to extremities.

"The vindication of national honour" is a very insufficient reason for hostilities. True honour is to be found only in integrity and justice. It has been doubted how far a view to reputation ought in matters of inferior moment to be permitted to influence the conduct of individuals; but, let the case of individuals be decided as it may, reputation, considered as a separate motive in the instance of nations, can never be justifiable. In individuals it seems as if I might, consistently with the utmost real integrity, be so misconstrued and misrepresented by others, as to render my efforts at usefulness almost always abortive. But this reason does not apply to the case of nations. Their real story cannot easily be suppressed. Usefulness and public spirit in relation to them chiefly belong to the transactions of their members among themselves; and their influence in the transactions of neighbouring nations is a consideration evidently subordinate. The question which respects the justifiable causes of war, would be liable to few difficulties, if we were accustomed, along with the word, strongly to call up to our minds the thing which that word is intended to represent.

the vindica-
tion of na-
tional ho-
nour.4
Accurately

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Two legiti-
mate causes
of war.

Accurately considered, there can probably be but two justifiable causes of war, and one of them is among those which the logic of sovereigns and the law of nations, as it has been termed, proscribe: these are the defence of our own liberty and of the liberty of others. The well known objection to the latter of these cases, is, "that one nation ought not to interfere in the internal transactions of another;" and we can only wonder that so absurd an objection should have been admitted so long. The true principle, under favour of which this false one has been permitted to pass current, is, "that no people and no individual are fit for the possession of any immunity, till they understand the nature of that immunity, and desire to possess it." It may therefore be an unjustifiable undertaking to force a nation to be free. But, when the people themselves desire it, it is virtue and duty to assist them in the acquisition. This principle is capable of being abused by men of ambition and intrigue; but, accurately considered, the very same argument that should induce me to exert myself for the liberties of my own country, is equally cogent, so far as my opportunities and ability extend, with respect to the liberties of any other country. But the morality that ought to govern the conduct of individuals and of nations is in all cases the same.

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CHAP. XVII.

OF THE OBJECT OF WAR.

THE REPELLING AN INVADER.—NOT REFORMATION —
NOT RESTRAINT — NOT INDEMNIFICATION.—NOTHING
CAN BE A SUFFICIENT OBJECT OF WAR THAT IS NOT A
SUFFICIENT CAUSE FOR BEGINNING IT.—REFLECTIONS
ON THE BALANCE OF POWER.

LET us pass from the causes to the objects of war. As defence is the only legitimate cause, the object pursued, reasoning from this principle, will be circumscribed within very narrow limits. It can extend no farther than the repelling the enemy from our borders. It is perhaps desirable that, in addition to this, he should afford some proof that he does not propose immediately to renew his invasion; but this, though desirable, affords no sufficient apology for the continuance of hostilities. Declarations of war and treaties of peace are inventions of a barbarous age, and would never have grown into established usages, if war had customarily gone no farther than to the limits of defence.

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The repelling
an invader.

It will hereafter appear that what has been termed the criminal

Not reformation:
nal

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nal justice of nations within themselves, has only two legitimate objects, restraint and reformation. Neither of these objects applies to the case of war between independent states; and therefore ideas of criminal justice are altogether foreign to this subject. War, as we have already seen, perhaps never originates on the offending side in the sentiments of a nation, but of a comparatively small number of individuals: and, if it were otherwise, it is not in a reciprocation of hostilities that good sense would teach us to look for the means of reform.

not restraint: Restraint appears to be sometimes necessary with respect to the offenders that exist in the midst of a community, because it is the property of such offenders to assault us with unexpected violence; but nations cannot move with such secrecy as to make an unforeseen attack an object of considerable apprehension. The only effectual means of restraint in this last case is by disabling, impoverishing and depopulating the country of our adversaries; and, if we recollected that they were men as well as ourselves, and the great mass of them innocent of the quarrel against us, we should be little likely to consider these expedients with complacency.

not indemnification. Indemnification is another object of war which the same mode of reasoning will not fail to condemn. The true culprits can never be discovered, and the attempt would only serve to confound the innocent and the guilty: not to mention that, nations

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having no common umpire, the reverting, in the conclusion of every war, to the justice of the original quarrel and the indemnification to which the parties were entitled, would be a means of rendering the controversy endless. The question respecting the justifiable objects of war would be liable to few difficulties, if we laid it down as a maxim, that, as often as the principle or object of a war already in existence was changed, this was to be considered as equivalent to the commencement of a new war. This maxim impartially applied would not fail to condemn objects of prevention, indemnification and restraint.

Nothing can be a sufficient object of war that is not a sufficient cause for beginning it.

The celebrated topic of the balance of power is a mixed consideration, having sometimes been proposed as the cause for beginning a war, and sometimes as an object to be pursued in a war already begun. A war, undertaken to maintain the balance of power, may be either of defence, as to protect a people who are oppressed, or of prevention to counteract new acquisitions, or to reduce the magnitude of old possessions. We shall be in little danger of error however, if we pronounce wars undertaken to maintain the balance of power to be universally unjust. If any people be oppressed, it is our duty, as we have already said, as far as our ability extends, to fly to their succour. But it would be well if in such cases we called our interference by the name which justice prescribes, and fought against the injustice, and not the power. All hostilities against a neighbouring people, because they are powerful, or because we impute to them evil

Reflections on the balance of power.

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designs which they have not yet begun to carry in execution, are an enormous violation of every principle of morality. If one nation chuse to be governed by the sovereign or an individual allied to the sovereign of another, as seems to have been the case of the people of Spain upon the extinction of the elder branch of the house of Austria, we may endeavour to enlighten them on the subject of government and imbue them with principles of liberty, but it is an execrable piece of tyranny to tell them, "You shall exchange the despot you love for the despot you hate, on account of certain remote consequences we apprehend from the accession of the former." The pretence of the balance of power has in a multitude of instances served as a veil to the intrigue of courts, but it would be easy to show that the present independence of the different states of Europe has in no instance been materially supported by the wars undertaken for that purpose. The fascination of a people desiring to become the appendage of a splendid despotism can rarely occur, and might perhaps easily be counteracted by peaceable means and the dissemination of a few of the most obvious truths. The defence of a people struggling with oppression must always be just, with this single limitation, that the entering into it without urgent need on their part, would unnecessarily spread the calamities of war, and diminish those energies, the exertion of which would contribute to their virtue and happiness. Add to this, that the object itself, the independence of the different states of Europe, is of an equivocal nature. The despotism, which at present prevails among them,

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them, is certainly not so excellent as to make us very anxious for its preservation. The press is an engine of so admirable a nature for the destruction of despotism, as to elude the sagacity perhaps of the most vigilant police; and the internal checks upon freedom in a mighty empire and distant provinces, can scarcely be expected to be equally active with those of a petty tyrant. The reasoning will surely be good with respect to war, which has already been employed upon the subject of government, that an instrument, evil in its own nature, ought never to be selected as the means of promoting our purpose, in any case in which selection can be practised.

C H A P. XVIII.

OF THE CONDUCT OF WAR.

OFFENSIVE OPERATIONS. — FORTIFICATIONS. — GENERAL ACTION. — STRATAGEM. — MILITARY CONTRIBUTIONS. — CAPTURE OF MERCANTILE VESSELS. — NAVAL WAR. — HUMANITY. — MILITARY OBEDIENCE. — FOREIGN POSSESSIONS.

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Offensive operations.

ANOTHER topic respecting war, which it is of importance to consider in this place, relates to the mode of conducting it. Upon this article our judgments will be greatly facilitated by a recollection of the principles already established, first, that no war is justifiable but a war purely defensive; and secondly, that a war already begun is liable to change its character in this respect, the moment the object pursued in it becomes in any degree varied. From these principles it follows as a direct corollary, that it is never allowable to make an expedition into the provinces of the enemy, unless for the purpose of assisting its oppressed inhabitants. It is scarcely necessary to add that all false casuistry respecting the application of this exception would be particularly odious; and that it is better undisguisedly to avow the corrupt principles of policy by which we conduct ourselves, than hypocritically to claim the praise of better principles, which we fail not to

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to wrest to the justification of whatever we desire. The case of relieving the inhabitants of our enemy's territory and their desire of obtaining relief ought to be extremely unequivocal; we shall be in great danger of misapprehension on the subject, when the question comes under the form of immediate benefit to ourselves; and above all we must recollect that human blood is not to be shed upon a precarious experiment.

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The little advantages of war that might be gained by offensive operations will be abundantly compensated, by the character of magnanimous forbearance that a rigid adherence to defence will exhibit, and the effects that character will produce upon foreign nations and upon our own people. Great unanimity at home can scarcely fail to be the effect of severe political justice. The enemy who penetrates into our country, wherever he meets a man, will meet a foe. Every obstacle will oppose itself to his progress, while every thing will be friendly and assisting to our own forces. He will scarcely be able to procure the slightest intelligence, or understand in any case his relative situation. The principles of defensive war are so simple as to procure an almost infallible success. Fortifications are a very equivocal species of protection, and will oftener be of advantage to the enemy, by being first taken, and then converted into magazines for his armies. A moving force on the contrary, if it only hovered about his march, and avoided general action, would always preserve the real superiority. The great engine of military success or miscarriage,

Fortifications.

General action.

carriage, is the article of provisions; and the farther the enemy advanced into our country, the more easy would it be to cut off his supply; at the same time that, so long as we avoided general action, any decisive success on his part would be impossible. These principles, if rigidly practised, would soon be so well understood, that the entering in a hostile manner the country of a neighbouring nation would come to be regarded as the infallible destruction of the invading army. Perhaps no people were ever conquered at their own doors, unless they were first betrayed either by divisions among themselves or by the abject degeneracy of their character. The more we come to understand of the nature of justice, the more it will show itself to be stronger than a host of foes. Men, whose bosoms are truly pervaded with this principle, cannot perhaps be other than invincible. Among the various examples of excellence in almost every department that ancient Greece has bequeathed us, the most conspicuous is her resistance with a handful of men against three millions of invaders.

Stratagem.

One branch of the art of war, as well as of every other human art, has hitherto consisted in deceit. If the principles of this work be built upon a sufficiently solid basis, the practice of deceit ought in all instances to be condemned, whether it proceed from false tenderness to our friends, or from a desire to hasten the downfall of injustice. Vice is neither the most allowable nor effectual weapon with which to contend against vice. Deceit is

not

not less deceit, whether the falsehood be formed into words or be conveyed through the medium of fictitious appearances. We should no more allow ourselves to mislead the enemy by false intelligence or treacherous ambuscade, than by the breach of our declarations, or feigned demonstrations of friendship. There is no essential difference between throwing open our arms to embrace them, and advancing towards them with neutral colours or covering ourselves with a defile or a wood. By the practice of surprise and deceit we shall oftentimes cut off their straggling parties and shed most blood. By an open display of our force we shall prevent detachments from being made, shall intercept the possibility of supply without unnecessary bloodshed, and there seems no reason to believe that our ultimate success will be less certain. Why should war be made the science of dissimulation and mystery, when the plain dictates of good sense would answer all its legitimate purposes? The first principle of defence is firmness and vigilance. The second perhaps, which is not less immediately connected with the end to be attained, is frankness and the open disclosure of our purpose even to our enemies. What astonishment, admiration and terror would this conduct excite in those with whom we had to contend? What confidence and magnanimity would accompany it in our own bosoms? Why should not war, as a step towards its complete abolition, be brought to such perfection, as that the purposes of the enemy might be utterly baffled without firing a musket or drawing a sword?

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Another

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Another corollary not less inevitable from the principles which have been delivered, is that the operations of war should be limited as accurately as possible to the generating no farther evils than defence inevitably requires. Ferocity ought carefully to be banished from it. Calamity should as entirely as possible be prevented to every individual who is not actually in arms, and whose fate has no immediate reference to the event of the war. This principle condemns the levying military contributions, and the capture of mercantile vessels. Each of these atrocities would be in another way precluded by the doctrine of simple defence. We should scarcely think of levying such contributions, if we never attempted to pass the limits of our own territory; and every species of naval war would perhaps be proscribed.

Military contributions.

Capture of mercantile vessels.

Naval war.

Humanity. The utmost benevolence ought to be practised towards our enemies. We should refrain from the unnecessary destruction of a single life, and afford every humane accommodation to the unfortunate. The bulk of those against whom we have to contend are comparatively speaking innocent of the projected injustice. Those by whom it has been most assiduously fostered are entitled to our kindness as men, and to our compassion as mistaken. It has already appeared that all the ends of punishment are foreign to the business of war. It has appeared that the genuine melioration of war, in consequence of which it may be expected absolutely to cease, is by gradually disarming it of its ferocity. The horrors of war have sometimes been apologised by a supposition that

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that the more intolerable it was made, the more quickly would it cease to infect the world. But the direct contrary of this is the truth. Severities do but beget severities in return. It is a most mistaken way of teaching men to feel that they are brothers, by imbuing their minds with unrelenting hatred. The truly just man cannot feel animosity, and is therefore little likely to act as if he did.

Having examined the conduct of war as it respects our enemies, let us next consider it in relation to the various descriptions of persons by whom it is to be supported. We have seen how little a just and upright war stands in need of secrecy. The plans for conducting a campaign, instead of being, as artifice and ambition have hitherto made them, inextricably complicated, will probably be reduced to two or three variations, suited to the different circumstances that can possibly occur in a war of simple defence. The better these plans are known to the enemy, the more advantageous will it be to the resisting party. Hence it follows that the principles of implicit faith and military obedience will be no longer necessary. Soldiers will cease to be machines. The essential circumstance that constitutes men machines in this sense of the word, is not the uniformity of their motions, when they see the reasonableness of that uniformity. It is their performing any motion, or engaging in any action, the object and utility of which they do not clearly understand. It is true that in every state of human society there will be men of an intellectual

Military obedience.

tellectual capacity much superior to their neighbours. But defensive war, and probably every other species of operation in which it will be necessary that many individuals should act in concert, will perhaps be found so simple in their operations, as not to exceed the apprehension of the most common capacities. It is ardently to be desired that the time should arrive, when no man should lend his assistance to any operation, without at the same time exercising his judgment respecting the honesty and the expected event of that operation.

The principles here delivered on the conduct of war lead the mind to a very interesting subject, that of foreign and distant territories. Whatever may be the value of these principles considered in themselves, they become altogether nugatory the moment the idea of foreign dependencies is admitted. But in reality what argument possessing the smallest degree of plausibility can be alledged in favour of that idea? The mode in which dependencies are acquired, must be either conquest, cession or colonization. The first of these no true moralist or politician will attempt to defend. The second is to be considered as the same thing in substance as the first, but with less openness and ingenuity. Colonization, which is by much the most specious pretence, is however no more than a pretence. Are these provinces held in a state of dependence for our own sake or for theirs? If for our own, we must recollect this is still an usurpation, and that justice requires we should yield to others what we demand for

for ourselves, the privilege of being governed by the dictates of their own reason. If for theirs, they must be told, that it is the business of associations of men to defend themselves, or, if that be impracticable, to look for support to the confederation of their neighbours. They must be told, that defence against foreign enemies is a very inferior consideration, and that no people were ever either wise or happy who were not left to the fair development of their inherent powers. Can any thing be more absurd than for the West India islands for example to be defended by fleets and armies to be transported across the Atlantic? The support of a mother country extended to her colonies, is much oftener a means of involving them in danger, than of contributing to their security. The connexion is maintained by vanity on one side and prejudice on the other. If they must sink into a degrading state of dependence, how will they be the worse in belonging to one state rather than another? Perhaps the first step towards putting a stop to this fruitful source of war, would be to annihilate that monopoly of trade which all enlightened reasoners at present agree to condemn, and to throw open the ports of our colonies to all the world. The principle which will not fail to lead us right upon this subject of foreign dependencies, as well as upon a thousand others, is, that that attribute, however splendid, is not really beneficial to a nation, that is not beneficial to the great mass of individuals of which the nation consists.

C H A P. XIX.

OF MILITARY ESTABLISHMENTS AND TREATIES.

A COUNTRY MAY LOOK FOR ITS DEFENCE EITHER TO A STANDING ARMY OR AN UNIVERSAL MILITIA.—THE FORMER CONDEMNED.—THE LATTER OBJECTED TO AS OF IMMORAL TENDENCY—AS UNNECESSARY—EITHER IN RESPECT TO COURAGE—OR DISCIPLINE.—OF A COMMANDER.—OF TREATIES.

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THE last topic which it may be necessary to examine as to the subject of war, is the conduct it becomes us to observe respecting it in a time of peace. This article may be distributed into two heads, military establishments and treaties of alliance.

A country may look for its defence either to a standing army or an universal militia.

If military establishments in time of peace be judged proper, their purpose may be effected either by consigning the practice of military discipline to a certain part of the community, or by making every man whose age is suitable for that purpose a soldier.

The former condemned.

The preferableness of the latter of these methods to the former

is

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is obvious. The man that is merely a soldier, must always be uncommonly depraved. War in his case inevitably degenerates from the necessary precautions of a personal defence, into a trade by which a man sells his skill in murder and the safety of his existence for a pecuniary recompense. The man that is merely a soldier, ceases to be, in the same sense as his neighbours; a citizen. He is cut off from the rest of the community, and has sentiments and a rule of judgment peculiar to himself. He considers his countrymen as indebted to him for their security; and, by an unavoidable transition of reasoning, believes that in a double sense they are at his mercy. On the other hand that every citizen should exercise in his turn the functions of a soldier, seems peculiarly favourable to that confidence in himself and in the resources of his country, which it is so desirable he should entertain. It is congenial to that equality, which must subsist in an eminent degree before mankind in general can be either virtuous or wise. And it seems to multiply the powers of defence in a country, so as to render the idea of its falling under the yoke of an enemy in the utmost degree improbable.

There are reasons however that oblige us to doubt respecting the propriety of cultivating under any form the system of military discipline in time of peace. It is in this respect with nations as it is with individuals. The man that with a pistol bullet is sure of his mark, or that excels his contemporaries in the exercise of the sword, can hardly escape those obliquities of understanding

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standing which these accomplishments are calculated to nourish. It is not to be expected that he should entertain all that confidence in reason and distaste of violence which severe truth prescribes. It is beyond all controversy that war, though the practice of it under the present state of the human species may in some instances be unavoidable, is an idea pregnant with calamity and vice. It cannot be a matter of indifference, for the human mind to be systematically familiarised to thoughts of murder and desolation. The disciple of mere reason would not fail at the sight of a musket or a sword to be impressed with sentiments of abhorrence. Why expel these sentiments? Why connect the discipline of death with ideas of festivity and splendour; which will inevitably happen, if the citizens, without oppression, are accustomed to be drawn out to encampments and reviews? Is it possible that he who has not learned to murder his neighbour with a grace, is imperfect in the trade of man?

If it be replied, "that the generating of error is not inseparable from military discipline, and that men may at some time be sufficiently guarded against the abuse, even while they are taught the use of arms;" it will be found upon reflection, that this argument is of little weight. Though error be not unalterably connected with the science of arms, it will for a long time remain so. When men are sufficiently improved to be able to handle familiarly and with application of mind the instruments of death without injury, they will also be sufficiently improved to be able

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to master any study with much greater facility than at present, and consequently the cultivation of the art military in time of peace will have still fewer inducements to recommend it to our choice.—To apply these considerations to the present situation of mankind.

We have already seen that the system of a standing army is altogether indefensible, and that an universal militia is a much more formidable defence, as well as infinitely more agreeable to the principles of justice and political happiness. It remains to be seen what would be the real situation of a nation surrounded by other nations in the midst of which standing armies were maintained, which should nevertheless upon principle wholly neglect the art military in seasons of peace. In such a nation it will probably be admitted, that, so far as relates to mere numbers, an army may be raised upon the spur of occasion, nearly as soon as in a nation the citizens of which had been taught to be soldiers. But this army, though numerous, would be in want of many of those principles of combination and activity which are of material importance in a day of battle. There is indeed included in the supposition, that the internal state of this people is more equal and free than that of the people by whom they are invaded. This will infallibly be the case in a comparison between a people with a standing army and a people without one; between a people who can be brought blindly and wickedly to the invasion of their peaceful neighbours, and a people who will not be induced to

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fight but in their own defence. The latter therefore will be obliged to compare the state of society and government in their own country and among their neighbours, and will not fail to be impressed with great ardour in defence of the inestimable advantages they possess. Ardour, even in the day of battle, might prove sufficient. A body of men, however undisciplined, whom nothing could induce to quit the field, would infallibly be victorious over their veteran adversaries, who, under the circumstances of the case, could not possibly have an accurate conception of the object for which they were fighting, and therefore could not entertain an invincible love for it. It is not certain that activity and discipline opposed to ardour, have even a tendency to turn the balance of slaughter against the party that wants them. Their great advantage consists in their power over the imagination to astonish, to terrify and confound. An intrepid courage in the party thus assailed would soon convert them from sources of despair into objects of contempt.

or discipline.

But it would be extremely unwise in us to have no other resource but in the chance of this intrepidity. A resource much surer and more agreeable to justice is in recollecting that the war of which we treat is a war of defence. Battle is not the object of such a war. An army, which, like that of Fabius, by keeping on the hills, or by whatever other means, rendered it impracticable for the enemy to force them to an engagement, might look with scorn upon his impotent efforts to enslave the country.

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country. One advantage included in such a system of war is, that, as its very essence is protraction, the defending army might in a short time be rendered as skilful as the assailants. Discipline, like every other art, has been represented by vain and interested men as surrounded with imaginary difficulties, but is in reality exceedingly simple; and would be learned much more effectually in the midst of real war than in the puppet show exhibitions of a period of peace.

It is desirable indeed that we should have a commander of considerable skill, or rather of considerable wisdom, to reduce this patient and indefatigable system into practice. This is of much more importance than the mere discipline of the ranks. But the nature of military wisdom has been greatly misrepresented. Experience in this, as well as in other arts, has been unreasonably magnified, and the general power of a cultivated mind been thrown into shade. It will probably be no long time before this quackery of professional men will be thoroughly exploded. How perpetually do we meet with those whom experience finds incorrigible; while it is recorded of one of the greatest generals of antiquity, that he set out for his appointment wholly unacquainted with his art, and was indebted for that skill, which broke out immediately upon his arrival, to the assiduousness of his enquiries, and a careful examination of those writers by whom the art had most successfully been illustrated*? At all events it will be ad-

Of a commander.

* *Cicero's Lucullus, see Academicorum Liber Secundus, init.*

mitted, that the maintenance of a standing army or the perpetual discipline of a nation is a very dear price to pay for the purchase of a general, as well as that the purchase would be extremely precarious, if we were even persuaded to consent to the condition. It may perhaps be true, though this is not altogether clear, that a nation by whom military discipline was wholly neglected would be exposed to some disadvantage. In that case it becomes us to weigh the neglect and cultivation together, and to cast the balance on that side to which upon mature examination it shall appear to belong.

OF treaties.

A second article which belongs to the military system in a season of peace is that of treaties of alliance. This subject may easily be dispatched. Treaties of alliance are in all cases wrong, in the first place, because all absolute promises are wrong, and neither individuals nor bodies of men ought to preclude themselves from the benefit of future improvement and deliberation. Secondly, they are wrong, because they are in all cases nugatory. Governments, and public men, will not, and ought not to hold themselves bound to the injury of the concerns they conduct, because a parchment, to which they or their predecessors were a party, requires it at their hands. If the concert demanded in time of need, approve itself to their judgment or correspond with their inclination, it will be yielded, though they were under no previous engagement for that purpose. Treaties of alliance serve to no other end, than to exhibit by their violation an appearance

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of profligacy and vice, which unfortunately becomes too often a powerful encouragement to the inconsistency of individuals. Add to this, that, if alliances were engines as powerful, as they are really impotent, they could seldom be of use to a nation uniformly adhering to the principles of justice. They would be useless, because they are in reality ill calculated for any other purposes than those of ambition. They might be pernicious, because it would be beneficial for nations as for individuals to look for resources at home, instead of depending upon the precarious compassion of their neighbours.

C H A P.

C H A P. XX.

OF DEMOCRACY AS CONNECTED WITH THE
TRANSACTIONS OF WAR.

EXTERNAL AFFAIRS ARE OF SUBORDINATE CONSIDERATION.—APPLICATION.—FARTHER OBJECTIONS TO DEMOCRACY—1. IT IS INCOMPATIBLE WITH SECRECY—THIS PROVED TO BE AN EXCELLENCE—2. ITS MOVEMENTS ARE TOO SLOW—3. TOO PRECIPITATE.—EVILS OF ANARCHY CONSIDERED.

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External affairs are of subordinate consideration.

HAVING thus endeavoured to reduce the subject of war to its true principles, it is time that we should recur to the maxim delivered at our entrance upon this subject, that individuals are every thing, and society, abstracted from the individuals of which it is composed, nothing. An immediate consequence of this maxim is, that the internal affairs of the society are entitled to our principal attention, and the external are matters of inferior and subordinate consideration. The internal affairs are subjects of perpetual and hourly concern, the external are periodical and precarious only. That every man should be impressed with the consciousness of his independence, and rescued from the influence of extreme want and artificial

desires,

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desires, are purposes the most interesting that can suggest themselves to the human mind; but the life of man might pass, in a state uncorrupted by ideal passions, without its tranquillity being so much as once disturbed by foreign invasions. The influence that a certain number of millions, born under the same climate with ourselves, and known by the common appellation of English or French, shall possess over the administrative councils of their neighbour millions, is a circumstance of much too airy and distant consideration, to deserve to be made a principal object in the institutions of any people. The best influence we can exert is that of a sage and upright example.

If therefore it should appear that of these two articles, internal and external affairs, one must in some degree be sacrificed to the other, and that a democracy will in certain respects be less fitted for the affairs of war than some other species of government, good sense would not hesitate between these alternatives. We should have sufficient reason to be satisfied, if, together with the benefits of justice and virtue at home, we had no reason to despair of our safety from abroad. A confidence in this article will seldom deceive us, if our countrymen, however little trained to formal rules and the uniformity of mechanism, have studied the profession of man, understand his attributes and his nature, and have their necks unbroken to the yoke of blind credulity and abject submission. Such men, inured, as we are now supposing them, to a rational state of society, will be full of calm confidence.

dence and penetrating activity, and these qualities will stand them in stead of a thousand lessons in the school of military mechanism. If democracy can be proved adequate to wars of defence, and other governments be better fitted for wars of a different sort, this would be an argument, not of its imperfection, but its merit.

Farther objections to democracy:
1. it is incompatible with secrecy:

It has been one of the objections to the ability of a democracy in war, "that it cannot keep secrets. The legislative assembly, whether it possess the initiative, or a power of control only, in executive affairs, will be perpetually calling for papers, plans and information, cross examining ministers, and sifting the policy and the justice of public undertakings. How shall we be able to cope with an enemy, if he know precisely the points we mean to attack, the state of our fortifications, and the strength and weakness of our armies? How shall we manage our treaties with skill and address, if he be informed precisely of the sentiments of our mind and have access to the instructions of our ambassadors?"

this proved to be an excellence:

It happens in this instance, that that which the objection attacks as the vice of democracy, is one of its most essential excellencies. The trick of a mysterious carriage is the prolific parent of every vice; and it is an eminent advantage incident to democracy, that, though the proclivity of mind has hitherto reconciled this species of administration in some degree to the keeping of secrets, yet

its inherent tendency is to annihilate them. Why should diffidence and concealment be more virtuous or more beneficial in nations than in individuals? Why should that, which every man of an elevated mind would disdain in his personal character, be entitled to more lenity and toleration, if undertaken by him as a minister of state? Who is there that sees not, that this inextricable labyrinth was artfully invented, lest the people should understand their own affairs, and, understanding, become inclined to conduct them? With respect to treaties, it is to be suspected that they are in all instances superfluous. But, if public engagements ought to be entered into, what essential difference is there between the governments of two countries endeavouring to overreach each other, and the buyer and seller in any private transaction adopting a similar proceeding?

This whole system proceeds upon the idea of national grandeur and glory, as if in reality these words had any specific meaning. These contemptible objects, these airy names, have from the earliest page of history been made the ostensible colour for the most pernicious undertakings. Let us take a specimen of their value from the most innocent and laudable pursuits. If I aspire to be a great poet, a great historian, so far as I am influenced by the dictates of reason, it is that I may be useful to mankind, and not that I may do honour to my country. Is Newton the better because he was an Englishman, or Galileo the worse because he was an Italian? Who can endure to put this high

founding nonsense in the balance against the best interests of mankind, which will always suffer a mortal wound, when dexterity, artifice and concealment are made topics of admiration and applause? The understanding and the virtues of mankind will always keep pace with the manly simplicity of their designs and the undisguised integrity of their hearts.

2. its movements are too slow:

It has farther been objected to a democratical state in its transactions with foreign powers, "that it is incapable of those rapid and decisive proceedings, which in some situations have so eminent a tendency to ensure success." If by this objection it be understood that a democratical state is ill fitted for dexterity and surprize, the rapidity of an assassin, it has already received a sufficient answer. If it be meant that the regularity of its proceedings may ill accord with the impatience of a neighbouring despot, and, like the Jews of old, we desire a king "that we may be like the other nations," this is a very unreasonable requisition. A just and impartial reasoner will be little desirous to see his country figure high in the diplomatical roll, deeply involved in the intrigues of nations, and assiduously courted by foreign princes as the instrument of their purposes. A more groundless and absurd passion cannot seize upon any people than that of glory, the preferring their influence in the affairs of Europe to their internal happiness and virtue, for these objects will perpetually counteract and clash with each other.

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But democracy is by no means necessarily of a phlegmatic character, or obliged to take every proposition that is made to it, *ad referendum*, for the consideration of certain primary assemblies, like the states of Holland. The first principle in the institution of government itself, is the necessity, under the present imperfections of mankind, of having some man or body of men to act on the part of the whole. Wherever government subsists, the authority of the individual must be in some degree superseded. It does not therefore seem unreasonable for a representative national assembly to exercise in certain cases a discretionary power. Those privileges, which are vested in individuals selected out of the mass by the voice of their fellows, and who will speedily return to a private station, are by no means liable to the same objections, as the exclusive and unaccommodating privileges of an aristocracy. Representation, together with many disadvantages, has this benefit, that it is able impartially and with discernment to call upon the most enlightened part of the nation to deliberate for the whole, and may thus generate a degree of wisdom, a refined penetration of sentiment, which it would have been unreasonable to expect as the result of primary assemblies.

A third objection more frequently offered against democratical government is, "that it is incapable of that mature and deliberate proceeding which is alone suitable to the decision of such important concerns. Multitudes of men have appeared subject

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to fits of occasional insanity: they act from the influence of rage, suspicion and despair: they are liable to be hurried into the most unjustifiable extremes by the artful practices of an impostor." One of the most obvious answers to this objection is, that we must not judge of a sovereign people by the example of the rude multitude in despotic states. We must not judge of men born to the exercise of rational functions, by the example of men rendered mad with oppression, and drunk with the acquisition of new born power. Another answer is, that for all men to share the privileges of all is the law of our nature and the dictate of justice. The case in this instance is parallel to that of an individual in his private concerns. It is true that, while each man is master of his own affairs, he is liable to all the starts of passion. He is attacked by the allurements of temptation and the tempest of rage, and may be guilty of the most fatal errors, before reflection and judgment come forward to his aid. But this is no sufficient reason for depriving men of the direction of their own concerns. We should endeavour to make them wise, and not to make them slaves. The depriving men of their self-government is in the first place unjust, while in the second this self-government, imperfect as it is, will be found more salutary than any thing that can be substituted in its place.

E evils of anarchy considered.

The nature of anarchy has never been sufficiently understood. It is undoubtedly a horrible calamity, but it is less horrible than despotism. Where anarchy has slain its hundreds, despotism has

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sacrificed:

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sacrificed millions upon millions, with this only effect, to perpetuate the ignorance, the vices and the misery of mankind. Anarchy is a short lived mischief, while despotism is all but immortal. It is unquestionably a dreadful remedy, for the people to yield to all their furious passions, till the spectacle of their effects gives strength to recovering reason: but, though it be a dreadful remedy, it is a sure one. No idea can be supposed, more pregnant with absurdity, than that of a whole people taking arms against each other till they are all exterminated. It is to despotism that anarchy is indebted for its sting. If despotism were not ever watchful for its prey, and mercilessly prepared to take advantage of the errors of mankind, this ferment, like so many others, being left to itself, would subside into an even, clear and delightful calm. Reason is at all times progressive. Nothing can give permanence to error, that does not convert it into an establishment, and arm it with powers to resist an invasion.

CHAP.

C H A P. XXI.

OF THE COMPOSITION OF GOVERNMENT.

HOUSES OF ASSEMBLY.—THIS INSTITUTION UNJUST.—DELIBERATE PROCEEDING THE PROPER ANTIDOTE.—SEPARATION OF LEGISLATIVE AND EXECUTIVE POWER CONSIDERED.—SUPERIOR IMPORTANCE OF THE LATTER.—FUNCTIONS OF MINISTERS.

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Houses of
assembly.

ONE of the articles which has been most eagerly insisted on by the advocates of complexity in political institutions, is that of "checks, by which a rash proceeding may be prevented, and the provisions under which mankind have hitherto lived with tranquillity, may not be reversed without mature deliberation." We will suppose that the evils of monarchy and aristocracy are by this time too notorious to incline the speculative enquirer to seek for a remedy in either of these. "Yet it is possible, without the institution of privileged orders, to find means that may answer a similar purpose in this respect. The representatives of the people may be distributed for example into two assemblies; they may be chosen with this particular view to constitute an upper and a lower house, and may be distinguished from each other, either by various qualifications of age or fortune, or by
being

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being chosen by a greater or smaller number of electors, or for a shorter or longer term."

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To every inconvenience that experience can produce or imagination suggest there is probably an appropriate remedy. This remedy may either be sought in the dictates of reason or in artificial combinations encroaching upon those dictates. Which are we to prefer? There is no doubt that the institution of two houses of assembly is contrary to the primary dictates of reason and justice. How shall a nation be governed? Agreeably to the opinions of its inhabitants, or in opposition to them? Agreeably to them undoubtedly. Not, as we cannot too often repeat, because their opinion is a standard of truth, but because, however erroneous that opinion may be, we can do no better. There is no effectual way of improving the institutions of any people, but by enlightening their understandings. He that endeavours to maintain the authority of any sentiment, not by argument, but by force, may intend a benefit, but really inflicts an extreme injury. To suppose that truth can be instilled through any medium but that of its intrinsic evidence, is the most flagrant of all errors. He that believes the most fundamental proposition through the influence of authority, does not believe a truth, but a falsehood. The proposition itself he does not understand; for thoroughly to understand it, is to perceive the degree of evidence with which it is accompanied; thoroughly to understand; it is to know the full meaning of its terms, and, by necessary consequence, to perceive

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ceive in what respects they agree or disagree with each other. All that he believes is, that it is very proper he should submit to usurpation and injustice.

It was imputed to the late government of France, that, when they called an assembly of notables in 1787, they contrived, by dividing the assembly into seven distinct corps, and not allowing them to vote otherwise than in these corps, that the vote of fifty persons should be capable of operating as if they were a majority in an assembly of one hundred and forty-four. It would have been still worse, if it had been ordained that no measure should be considered as the measure of the assembly, unless it were adopted by the unanimous voice of all the corps: eleven persons might then, in voting a negative, have operated as a majority of one hundred and forty-four. This may serve as a specimen of the effects of distributing a representative national assembly into two or more houses. Nor should we suffer ourselves to be deceived under the pretence of the innocence of a negative in comparison with an affirmative. In a country in which universal truth was already established, there would be little need of a representative assembly. In a country into whose institutions error has insinuated itself, a negative upon the repeal of those errors is the real affirmative.

The institution of two houses of assembly is the direct method to divide a nation against itself. One of these houses will in a greater

greater or less degree be the asylum of usurpation, monopoly and privilege. Parties would expire as soon as they were born, in a country where opposition of sentiments and a struggle of interests were not allowed to assume the formalities of distinct institution.

Meanwhile a species of check perfectly simple, and which appears sufficiently adequate to the purpose, suggests itself in the idea of a slow and deliberate proceeding which the representative assembly should prescribe to itself. Perhaps no proceeding of this assembly should have the force of a general regulation till it had undergone five or six successive discussions in the assembly, or till the expiration of one month from the period of its being proposed. Something like this is the order of the English house of commons, nor does it appear to be by any means among the worst features of our constitution. A system like this would be sufficiently analogous to the proceedings of a wise individual, who certainly would not wish to determine upon the most important concerns of his life without a severe examination, and still less would omit this examination, if his decision were destined to be a rule for the conduct and a criterion to determine upon the rectitude of other men.

Perhaps, as we have said, this slow and gradual proceeding ought in no instance to be dispensed with by the national representative assembly. This seems to be the true line between the

functions of the assembly and its ministers. It would give a character of gravity and good sense to this central authority, that would tend eminently to fix the confidence of the citizens in its wisdom and justice. The mere votes of the assembly, as distinguished from its acts and decrees, might serve as an encouragement to the public functionaries, and as affording a certain degree of hope respecting the speedy cure of those evils of which the public might complain; but they should never be allowed to be pleaded as the legal justification of any action. A precaution like this would not only tend to prevent the fatal consequences of any precipitate judgment of the assembly within itself, but of tumult and disorder from without. An artful demagogue would find it much more easy to work up the people into a fit of momentary insanity, than to retain them in it for a month in opposition to the efforts of their real friends to undeceive them. Meanwhile the consent of the assembly to take their demand into consideration might reasonably be expected to moderate their violence.

Separation of
legislative and
executive
power con-
sidered.

Scarcely any plausible argument can be adduced in favour of what has been denominated by political writers a division of powers. Nothing can seem less reasonable, than to prescribe any positive limits to the topics of deliberation in an assembly adequately representing the people; or peremptorily to forbid them the exercise of functions, the depositaries of which are placed under their inspection and censure. Perhaps upon any emer-

gence,

gence, totally unforeseen at the time of their election, and uncommonly important, they would prove their wisdom by calling upon the people to elect a new assembly with a direct view to that emergence. But the emergence, as we shall have occasion more fully to observe in the sequel, cannot with any propriety be prejudged, and a rule laid down for their conduct by a body prior to or distinct from themselves. The distinction of legislative and executive powers, however intelligible in theory, will by no means authorize their separation in practice.

Legislation, that is, the authoritative enunciation of abstract or general propositions, is a function of equivocal nature, and will never be exercised in a pure state of society, or a state approaching to purity, but with great caution and unwillingness. It is the most absolute of the functions of government, and government itself is a remedy that inevitably brings its own evils along with it. Administration on the other hand is a principle of perpetual application. So long as men shall see reason to act in a corporate capacity, they will always have occasions of temporary emergency for which to provide. In proportion as they advance in social improvement, executive power will, comparatively speaking, become every thing, and legislative nothing. Even at present, can there be any articles of greater importance than those of peace and war, taxation, and the selection of proper periods for the meeting of deliberative assemblies, which, as was observed in the commencement of the present book, are articles of tempo-

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rary regulation *? Is it decent, can it be just, that these prerogatives should be exercised by any power less than the supreme, or be decided by any authority but that which most adequately represents the voice of the nation? This principle ought beyond question to be extended universally. There can be no just reason for excluding the national representative from the exercise of any function, the exercise of which on the part of the society is at all necessary.

Functions of
ministers.

The functions therefore of ministers and magistrates commonly so called, do not relate to any particular topic, respecting which they have a right exclusive of the representative assembly. They do not relate to any supposed necessity for secrecy; for secrets are always pernicious, and, most of all, secrets relating to the interests of any society, which are to be concealed from the members of that society. It is the duty of the assembly to desire information without reserve for themselves and the public upon every subject of general importance, and it is the duty of ministers and others to communicate such information, though it should not be expressly desired. The utility therefore of ministerial functions being less than nothing in these respects, there are only two classes of utility that remain to them; particular functions, such as those of financial detail or minute superintendence, which cannot be exercised unless by one or at most by a small number of persons †;

* Chap. I. p. 381.

† Ibid.

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and measures, proportioned to the demand of those necessities which will not admit of delay, and subject to the revision and censure of the deliberative assembly. The latter of these classes will perpetually diminish as men advance in improvement; nor can any thing be of greater importance than the reduction of that discretionary power in an individual, which may greatly affect the interests or fetter the deliberations of the many.

C H A P. XXII.

OF THE FUTURE HISTORY OF POLITICAL SOCIETIES.

QUANTITY OF ADMINISTRATION NECESSARY TO BE MAINTAINED.—OBJECTS OF ADMINISTRATION: NATIONAL GLORY—RIVALSHIP OF NATIONS.—INFERENCES: 1. COMPLICATION OF GOVERNMENT UNNECESSARY — 2. EXTENSIVE TERRITORY SUPERFLUOUS—3. CONSTRAINT, ITS LIMITATIONS.—PROJECT OF GOVERNMENT: POLICE —DEFENCE.

BOOK V. CHAP. XXII. Quantity of administration necessary to be maintained.

WE have now endeavoured to deduce certain general principles upon most of the subjects of legislative and executive power. But there is one very important topic which remains to be discussed. How much of either of these powers does the benefit of society require us to maintain?

Objects of administration: national glory:

We have already seen that the only legitimate object of political institution is the advantage of individuals. All that cannot be brought home to them, national wealth, prosperity and glory, can be advantageous only to those self interested impostors, who, from the earliest accounts of time, have confounded the understandings

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standings of mankind the more securely to sink them in debasement and misery.

The desire to gain a more extensive territory, to conquer or to hold in awe our neighbouring states, to surpass them in arts or arms, is a desire founded in prejudice and error. Power is not happiness. Security and peace are more to be desired than a name at which nations tremble. Mankind are brethren. We associate in a particular district or under a particular climate, because association is necessary to our internal tranquillity, or to defend us against the wanton attacks of a common enemy. But the rivalship of nations is a creature of the imagination. If riches be our object, riches can only be created by commerce; and the greater is our neighbour's capacity to buy, the greater will be our opportunity to sell. The prosperity of all is the interest of all.

The more accurately we understand our own advantage, the less shall we be disposed to disturb the peace of our neighbour. The same principle is applicable to him in return. It becomes us therefore to desire that he may be wise. But wisdom is the growth of equality and independence, not of injury and oppression. If oppression had been the school of wisdom, the improvement of mankind would have been inestimable, for they have been in that school for many thousand years. We ought therefore to desire that our neighbour should be independent. We ought

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ought to desire that he should be free; for wars do not originate in the unbiassed propensities of nations, but in the cabals of government and the propensities that governments inspire into the people at large. If our neighbour invade our territory, all we should desire is to repel him from it; and for that purpose it is not necessary we should surpass him in prowess, since upon our own ground his match is unequal. Not to say that to conceive a nation attacked by another, so long as its own conduct is sober, equitable and moderate, is an exceedingly improbable supposition.

Where nations are not brought into avowed hostility, all jealousy between them is an unintelligible chimera. I reside upon a certain spot, because that residence is most conducive to my happiness or usefulness. I am interested in the political justice and virtue of my species, because they are men, that is, creatures eminently capable of justice and virtue; and I have perhaps additional reason to interest myself for those who live under the same government as myself, because I am better qualified to understand their claims, and more capable of exerting myself in their behalf. But I can certainly have no interest in the infliction of pain upon others, unless so far as they are expressly engaged in acts of injustice. The object of sound policy and morality is to draw men nearer to each other, not to separate them; to unite their interests, not to oppose them.

Individuals

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CHAP. XXII.Inferences:
1. complication of government unnecessary:

Individuals cannot have too frequent or unlimited intercourse with each other; but societies of men have no interests to explain and adjust, except so far as error and violence may render explanation necessary. This consideration annihilates at once the principal objects of that mysterious and crooked policy which has hitherto occupied the attention of governments. Before this principle officers of the army and the navy, ambassadors and negotiators, and all the train of artifices that has been invented to hold other nations at bay, to penetrate their secrets, to traverse their machinations, to form alliances and counter alliances, sink into nothing. The expence of government is annihilated, and together with its expence the means of subduing and undermining the determination of its subjects.

Another of the great opprobriums of political science is at the same time completely removed, that extent of territory subject to one head, respecting which philosophers and moralists have alternately disputed whether it be most unfit for a monarchy or for a democratical government. The appearance which mankind in a future state of improvement may be expected to assume, is a policy that in different countries will wear a similar form, because we have all the same faculties and the same wants; but a policy the independent branches of which will extend their authority over a small territory, because neighbours are best informed of each other's concerns, and are perfectly equal to their adjustment. No recommendation can be

2. extensive territory superfluous.

4 C

imagined

imagined of an extensive rather than a limited territory, except that of external security.

Whatever evils are included in the abstract idea of government, are all of them extremely aggravated by the extensiveness of its jurisdiction, and softened under circumstances of an opposite species. Ambition, which may be no less formidable than a pestilence in the former, has no room to unfold itself in the latter. Popular commotion is like the waves of the sea, capable where the surface is large of producing the most tragical effects, but mild and innocuous when confined within the circuit of an humble lake. Sobriety and equity are the obvious characteristics of a limited circle.

It may indeed be objected, "that great talents are the offspring of great passions, and that in the quiet mediocrity of a petty republic the powers of intellect may be expected to subside into inactivity." This objection, if true, would be entitled to the most serious consideration. But it is to be considered that, upon the hypothesis here advanced, the whole human species would constitute in one sense one great republic, and the prospects of him who desired to act beneficially upon a great surface of mind, would become more animating than ever. During the period in which this state was growing but not yet complete, the comparison of the blessings we enjoyed with the iniquities practising among

among our neighbours would afford an additional stimulus to exertion*.

Ambition and tumult are evils that arise out of government in an indirect manner, in consequence of the habits which government introduces of material action extending itself over multitudes of men. There are other evils inseparable from its existence. The objects of government are the suppression of violence, either external or internal, which might otherwise destroy or bring into jeopardy the well being of the community or its members; and the means it employs is violence of a more regulated kind. For this purpose the concentration of individual forces becomes necessary, and the method in which this concentration is usually obtained, is also constraint. The evils of constraint have been considered on a former occasion †. Constraint employed against delinquents or persons to whom delinquency is imputed, is by no means without its mischiefs. Constraint employed by the majority of a society against the minority who may differ from them upon some question of public good, is calculated at first sight at least to excite a still greater disapprobation.

Both of these exertions may indeed appear to rest upon the same principle. Vice is unquestionably no more than error of

* This objection will be copiously discussed in the eighth book of the present work.

† Book II, Chap. VI.

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judgment, and nothing can justify an attempt to correct it by force but the extreme necessity of the case*. The minority, if erroneous, fall under precisely the same general description, though their error may not be of equal magnitude. But the necessity of the case can seldom be equally impressive. If the idea of secession for example were somewhat more familiarised to the conceptions of mankind, it could seldom happen that the secession of the minority could in any degree compare in mischievous tendency with the hostility of a criminal offending against the most obvious principles of social justice. The cases are parallel to those of offensive and defensive war. In putting constraint upon a minority, we yield to a suspicious temper that tells us the opposing party may hereafter in some way injure us, and we will anticipate his injury. In putting constraint upon a criminal, we seem to repel an enemy who has entered our territory and refuses to quit it.

Project of government:
police:

Government can have no more than two legitimate purposes, the suppression of injustice against individuals within the community, and the common defence against external invasion. The first of these purposes, which alone can have an uninterrupted claim upon us, is sufficiently answered by an association of such an extent as to afford room for the institution of a jury, to decide upon the offences of individuals within the community, and upon the questions and controversies respecting property which may

* Book II, Chap. VI. Book IV, Chap. VII.

I

chance

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chance to arise. It might be easy indeed for an offender to escape from the limits of so petty a jurisdiction; and it might seem necessary at first that the neighbouring parishes or jurisdictions should be governed in a similar manner, or at least should be willing, whatever was their form of government, to co-operate with us in the removal or reformation of an offender, whose present habits were alike injurious to us and to them. But there will be no need of any express compact, and still less of any common centre of authority, for this purpose. General justice and mutual interest are found more capable of binding men than signatures and seals. In the mean time all necessity for causing the punishment of the crime to pursue the criminal, would soon at least cease, if it ever existed. The motives to offence would become rare: its aggravations few: and rigour superfluous. The principal object of punishment is restraint upon a dangerous member of the community; and the end of this restraint would be answered, by the general inspection that is exercised by the members of a limited circle over the conduct of each other, and by the gravity and good sense that would characterise the censures of men, from whom all mystery and empiricism were banished. No individual would be hardy enough in the cause of vice, to defy the general consent of sober judgment that would surround him. It would carry despair to his mind, or, which is better, it would carry conviction. He would be obliged, by a force not less irresistible than whips and chains, to reform his conduct.

In:

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defence.

In this sketch is contained the rude outline of political government. Controversies between parish and parish would be in an eminent degree unreasonable, since, if any question arose, about limits for example, justice would presently teach us that the individual who cultivates any portion of land, is the properest person to decide to which district he would belong. No association of men, so long as they adhered to the principles of reason, could possibly have any interest in extending their territory. If we would produce attachment in our associates, we can adopt no surer method than that of practising the dictates of equity and moderation; and, if this failed in any instance, it could only fail with him who, to whatever society he belonged, would prove an unworthy member. The duty of any society to punish offenders is not dependent upon the hypothetical consent of the offender to be punished, but upon the duty of necessary defence.

But however irrational might be the controversy of parish with parish in such a state of society, it would not be the less possible. For such extraordinary emergencies therefore provision ought to be made. These emergencies are similar in their nature to those of foreign invasion. They can only be provided against by the concert of several districts, declaring and, if needful, enforcing the dictates of justice.

One of the most obvious remarks that suggests itself upon these

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these two cases, of hostility between district and district, and of foreign invasion which the interest of all calls upon them jointly to repel, is, that it is their nature to be only of occasional recurrence, and that therefore the provisions to be made respecting them need not be in the strictest sense of perpetual operation. In other words, the permanence of a national assembly, as it has hitherto been practised in France, cannot be necessary in a period of tranquillity, and may perhaps be pernicious. That we may form a more accurate judgment of this, let us recollect some of the principal features that enter into the constitution of a national assembly.

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OF NATIONAL ASSEMBLIES.

THEY PRODUCE A FICTITIOUS UNANIMITY—AN UNNATURAL UNIFORMITY OF OPINION.—CAUSES OF THIS UNIFORMITY.—CONSEQUENCES OF THE MODE OF DECISION BY VOTE—1. PERVERSION OF REASON—2. CONTENTIOUS DISPUTES—3. THE TRIUMPH OF IGNORANCE AND VICE.—SOCIETY INCAPABLE OF ACTING FROM ITSELF—OF BEING WELL CONDUCTED BY OTHERS.—CONCLUSION, —MODIFICATION OF DEMOCRACY THAT RESULTS FROM THESE CONSIDERATIONS.

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They produce a fictitious unanimity:

IN the first place the existence of a national assembly introduces the evils of a fictitious unanimity. The public, guided by such an assembly, acts with concert, or else the assembly is a nugatory excrescence. But it is impossible that this unanimity can really exist. The individuals who constitute a nation, cannot take into consideration a variety of important questions, without forming different sentiments respecting them. In reality all matters that are brought before such an assembly are decided by a majority of votes, and the minority, after having exposed with all the power of eloquence and force of reasoning of which they are capable

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capable the injustice and folly of the measures adopted, are obliged in a certain sense to assist in carrying them into execution. Nothing can more directly contribute to the depravation of the human understanding and character. It inevitably renders mankind timid, dissembling and corrupt. He that is not accustomed exclusively to act upon the dictates of his own understanding, must fall infinitely short of that energy and simplicity of which our nature is capable. He that contributes his personal exertions or his property to the support of a cause which he believes to be unjust, will quickly lose that accurate discrimination and nice sensibility of moral rectitude which are the principal ornaments of reason.

Secondly, the existence of national councils produces a certain species of real unanimity, unnatural in its character, and pernicious in its effects. The genuine and wholesome state of mind is, to be unloosed from shackles, and to expand every fibre of its frame according to the independent and individual impressions of truth upon that mind. How great would be the progress of intellectual improvement, if men were unfettered by the prejudices of education, unseduced by the influence of a corrupt state of society, and accustomed to yield without fear to the guidance of truth, however unexplored might be the regions and unexpected the conclusions to which she conducted us? We cannot advance in the voyage of happiness, unless we be wholly at large upon the stream that would carry us thither: the anchor, that we at first looked upon as the instrument of our safety, will

an unnatural
uniformity of
opinions.

at last appear to be the means of detaining our progress. Unanimity of a certain species will be the result of perfect freedom of enquiry, and this unanimity would, in a state of perfect freedom, become hourly more conspicuous. But the unanimity, that results from men's having a visible standard by which to adjust their sentiments, is deceitful and pernicious.

Causes of this
uniformity.

In numerous assemblies a thousand motives influence our judgments, independently of reason and evidence. Every man looks forward to the effects which the opinions he avows will produce on his success. Every man connects himself with some sect or party. The activity of his thought is shackled at every turn by the fear that his associates may disclaim him. This effect is strikingly visible in the present state of the British parliament, where men, whose faculties are comprehensive almost beyond all former example, are induced by these motives sincerely to espouse the most contemptible and clearly exploded errors.

Consequences
of the mode
of decision by
vote:
1. perversion
of reason:

Thirdly, the debates of a national assembly are distorted from their reasonable tenour by the necessity of their being uniformly terminated by a vote. Debate and discussion are in their own nature highly conducive to intellectual improvement; but they lose this salutary character the moment they are subjected to this unfortunate condition. What can be more unreasonable, than to demand, that argument, the usual quality of which is gradually and imperceptibly to enlighten the mind, should declare its

effect in the close of a single conversation? No sooner does this circumstance occur than the whole scene changes its character. The orator no longer enquires after permanent conviction, but transitory effect. He seeks rather to take advantage of our prejudices than to enlighten our judgment. That which might otherwise have been a scene of philosophic and moral enquiry, is changed into wrangling, tumult and precipitation.

Another circumstance that arises out of the decision by vote, is the necessity of constructing a form of words that shall best meet the sentiments and be adapted to the preconceived ideas of a multitude of men. What can be conceived of at once more ludicrous and disgraceful, than the spectacle of a set of rational beings employed for hours together in weighing particles and adjusting commas? Such is the scene that is perpetually witnessed in clubs and private societies. In parliaments this sort of business is usually adjusted before the measure becomes a subject of public inspection. But it does not the less exist; and sometimes it occurs in the other mode, so that, when numerous amendments have been made to suit the corrupt interest of imperious pretenders, the Herculean task remains at last to reduce the chaos into a grammatical and intelligible form.

2. contenti-
ous disputes

The whole is then wound up with that intolerable insult upon all reason and justice, the deciding upon truth by the casting up of numbers. Thus every thing that we have been accustomed

3. the tri-
umph of ig-
norance and
vice.

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to esteem most sacred, is determined, at best by the weakest heads in the assembly, but, as it not less frequently happens, by the most corrupt and dishonourable intentions.

Society incapable of acting from itself.

In the last place, national assemblies will by no means be thought to deserve our direct approbation, if we recollect for a moment the absurdity of that fiction by which society is considered, as it has been termed, as a moral individual. It is in vain that we endeavour to counteract the immutable laws of necessity. A multitude of men after all our ingenuity will still remain no more than a multitude of men. Nothing can intellectually unite them short of equal capacity and identical perception. So long as the varieties of mind shall remain, the force of society can no otherwise be concentrated, than by one man for a shorter or a longer term taking the lead of the rest, and employing their force, whether material or dependent on the weight of their character, in a mechanical manner, just as he would employ the force of a tool or a machine. All government corresponds in a certain degree to what the Greeks denominated a tyranny. The difference is, that in despotic countries mind is depressed by an uniform usurpation; while in republics it preserves a greater portion of its activity, and the usurpation more easily conforms itself to the fluctuations of opinion.

of being well conducted by others.

The pretence of collective wisdom is the most palpable of all impostures. The acts of the society can never rise above the suggestions.

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CHAP. XXIII.

suggestions of this or that individual who is a member of it. Let us enquire whether society, considered as an agent, can really become the equal of certain individuals of whom it is composed. And here, without staying to examine what ground we have to expect that the wisest member of the society will actually take the lead in it, we find two obvious reasons to persuade us that, whatever be the degree of wisdom inherent in him that really superintends, the acts which he performs in the name of the society will be both less virtuous and less able, than under other circumstances they might be expected to be. In the first place, there are few men who, with the consciousness of being able to cover their responsibility under the name of a society, will not venture upon measures, less direct in their motives, or less justifiable in the experiment, than they would have chosen to adopt in their own persons. Secondly, men who act under the name of a society, are deprived of that activity and energy which may belong to them in their individual character. They have a multitude of followers to draw after them, whose humours they must consult, and to whose slowness of apprehension they must accommodate themselves. It is for this reason that we frequently see men of the most elevated genius dwindle into vulgar leaders, when they become involved in the busy scenes of public life.

From these reasonings we are sufficiently authorized to conclude, that national assemblies, or in other words assemblies instituted for the joint purpose of adjusting the differences between

between district and district, and of consulting respecting the best mode of repelling foreign invasion, however necessary to be had recourse to upon certain occasions, ought to be employed as sparingly as the nature of the case will admit. They should either never be elected but upon extraordinary emergencies, like the dictator of the ancient Romans, or else sit periodically, one day for example in a year, with a power of continuing their sessions within a certain limit; to hear the complaints and representations of their constituents. The former of these modes is greatly to be preferred. Several of the reasons already adduced are calculated to show, that election itself is of a nature not to be employed but when the occasion demands it. There would be no difficulty in suggesting expedients relative to the regular originating of national assemblies. It would be most suitable to past habits and experience, that a general election should take place whenever a certain number of districts demanded it. It would be most agreeable to rigid simplicity and equity that an assembly of two or two hundred districts should take place, in exact proportion to the number of districts by whom that measure was desired.

Modification
of democracy
that results
from these
considera-
tions.

It cannot reasonably be denied that all the objections which have been most loudly reiterated against democracy, become null in an application to the form of government which has now been delineated. Here is no opening for tumult, for the tyranny of a multitude drunk with unlimited power, for political ambition

or

on the part of the few, or restless jealousy and precaution on the part of the many. Here no demagogue would find a suitable occasion for rendering the multitude the blind instrument of his purposes. Men in such a state of society would understand their happiness and cherish it. The true reason why the mass of mankind has so often been made the dupe of knaves, has been the mysterious and complicated nature of the social system. Once annihilate the quackery of government, and the most homebred understanding will be prepared to scorn the shallow artifices of the state juggler that would mislead him.

C H A P.

C H A P. XXIV.

OF THE DISSOLUTION OF GOVERNMENT.

POLITICAL AUTHORITY OF A NATIONAL ASSEMBLY—OF JURIES.—CONSEQUENCE FROM THE WHOLE.

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CHAP. XXIV.
Political au-
thority of a
national as-
sembly.

IT remains for us to consider what is the degree of authority necessary to be vested in such a modified species of national assembly as we have admitted into our system. Are they to issue their commands to the different members of the confederacy? Or is it sufficient that they should invite them to cooperate for the common advantage, and by arguments and addresses convince them of the reasonableness of the measures they propose? The former of these would at first be necessary. The latter would afterwards become sufficient. The Amphictyonic council of Greece possessed no authority but that which derived from its personal character. In proportion as the spirit of party was extirpated, as the restlessness of public commotion subsided, and as the political machine became simple, the voice of reason would be secure to be heard. An appeal by the assembly to the several districts would not fail to obtain the approbation of all reasonable men, unless it contained in it something so evidently questionable,

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questionable, as to make it perhaps desirable that it should prove abortive.

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This remark leads us one step farther. Why should not the same distinction between commands and invitations, which we have just made in the case of national assemblies, be applied to the particular assemblies or juries of the several districts? At first, we will suppose, that some degree of authority and violence would be necessary. But this necessity does not arise out of the nature of man, but out of the institutions by which he has already been corrupted. Man is not originally vicious. He would not refuse to listen, or to be convinced by the expostulations that are addressed to him, had he not been accustomed to regard them as hypocritical, and to conceive that, while his neighbour, his parent and his political governor pretended to be actuated by a pure regard to his interest, they were in reality, at the expence of his, promoting their own. Such are the fatal effects of mystery and complexity. Simplify the social system in the manner which every motive but those of usurpation and ambition powerfully recommends; render the plain dictates of justice level to every capacity; remove the necessity of implicit faith; and the whole species will become reasonable and virtuous. It will then be sufficient for juries to recommend a certain mode of adjusting controversies, without assuming the prerogative of dictating that adjustment. It will then be sufficient for them to in-

vite offenders to forfake their errors. If their expostulations proved in a few instances ineffectual, the evils arising out of this circumstance would be of less importance, than those which proceed from the perpetual violation of the exercise of private judgment. But in reality no evils would arise, for, where the empire of reason was so universally acknowledged, the offender would either readily yield to the expostulations of authority; or, if he resisted, though suffering no personal molestation, he would feel so uneasy under the unequivocal disapprobation and observant eye of public judgment, as willingly to remove to a society more congenial to his errors.

Consequence
from the
whole.

The reader has probably anticipated me in the ultimate conclusion, from these remarks. If juries might at length cease to decide and be contented to invite, if force might gradually be withdrawn and reason trusted alone, shall we not one day find that juries themselves and every other species of public institution, may be laid aside as unnecessary? Will not the reasonings of one wise man be as effectual as those of twelve? Will not the competence of one individual to instruct his neighbours be a matter of sufficient notoriety, without the formality of an election? Will there be many vices to correct and much obstinacy to conquer? This is one of the most memorable stages of human improvement. With what delight must every well informed friend of mankind look forward to the auspicious period, the dissolution

of political government, of that brute engine, which has been the only perennial cause of the vices of mankind, and which, as has abundantly appeared in the progress of the present work, has mischiefs of various sorts incorporated with its substance, and no otherwise to be removed than by its utter annihilation!

AN
ENQUIRY

CONCERNING

POLITICAL JUSTICE.

BOOK VI.

*OF OPINION CONSIDERED AS A SUBJECT OF
POLITICAL INSTITUTION.*

CHAP. I.

GENERAL EFFECTS OF THE POLITICAL
SUPERINTENDENCE OF OPINION.

ARGUMENTS IN FAVOUR OF THIS SUPERINTENDENCE.—
ANSWER.—THE EXERTIONS OF SOCIETY IN ITS CORPO-
RATE CAPACITY ARE, 1. UNWISE—2. INCAPABLE OF
PROPER EFFECT.—OF SUMPTUARY LAWS, AGRARIAN
LAWS AND REWARDS.—POLITICAL DEGENERACY NOT
INCURABLE.—3. SUPERFLUOUS—IN COMMERCE—IN SPE-
CULATIVE ENQUIRY—IN MORALITY.—4. PERNICIOUS—
AS UNDERMINING INTELLECTUAL CAPACITY—AS SUS-
PENDING INTELLECTUAL IMPROVEMENT—CONTRARY

TO

TO THE NATURE OF MORALITY—TO THE NATURE OF
MIND.—CONCLUSION.

BOOK VI.
CHAP. I.

Arguments
in favour of
this superin-
tendence.

A PRINCIPLE, which has entered deeply into the systems of the writers on political law, is that of the duty of governments to watch over the manners of the people. "Government," say they, "plays the part of an unnatural step-mother, not of an affectionate parent, when she is contented by rigorous punishments to avenge the commission of a crime, while she is wholly inattentive beforehand to imbue the mind with those virtuous principles, which might have rendered punishment unnecessary. It is the business of a sage and patriotic magistracy to have its attention ever alive to the sentiments of the people, to encourage such as are favourable to virtue, and to check in the bud such as may lead to disorder and corruption. How long shall government be employed to display its terrors, without ever having recourse to the gentleness of invitation? How long shall she deal in retrospect and censure to the utter neglect of prevention and remedy?" These reasonings have in some respects gained additional strength by means of the latest improvements and clearest views upon the subject of political truth. It has been rendered more evident than in any former period, that government, instead of being an object of secondary consideration, has been the principal vehicle of extensive and permanent evil to mankind. It was natural therefore to say, "since government can produce so much positive mischief, surely it can do some positive good."

But

But these views, however specious and agreeable they may in the first instance appear, are liable to very serious question. If we would not be seduced by visionary good, we ought here more than ever, to recollect the principles that have repeatedly been insisted upon and illustrated in this work, "that government is in all cases an evil," and "that it ought to be introduced as sparingly as possible." Nothing can be more unquestionable than that the manners and opinions of mankind are of the utmost consequence to the general welfare. But it does not follow that government is the instrument by which they are to be fashioned.

One of the reasons that may lead us to doubt of its fitness for this purpose, is to be drawn from the view we have already taken of society considered as an agent*. A multitude of men may be feigned to be an individual, but they cannot become a real individual. The acts which go under the name of the society, are really the acts now of one single person and now of another. The men who by turns usurp the name of the whole, perpetually act under the pressure of incumbrances that deprive them of their true energy. They are fettered by the prejudices, the humours, the weakness and the vice of those with whom they act; and, after a thousand sacrifices to these contemptible interests, their project comes out at last distorted in every joint, abortive and monstrous. Society therefore in its corporate capacity can by no

* Book V, Chap. XXIII, p. 572.

means

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CHAP. I.
Answer.

The exertions
of society in
its corporate
capacity are,
1. unwise:

means be busy and intrusive with impunity, since its acts must be expected to be deficient in wisdom.

2. incapable
of proper
effect.

Secondly, they will not be less deficient in efficacy than they are in wisdom. The object at which we are supposing them to aim, is to improve the opinions, and through them the manners of mankind; for manners are nothing else but opinions carried out into action: such as is the fountain, such will be the streams that are supplied from it. But what is it upon which opinion must be founded? Surely upon evidence, upon the perceptions of the understanding. Has society then any particular advantage in its corporate capacity for illuminating the understanding? Can it convey into its addresses and expostulations a compound or sublimate of the wisdom of all its members, superior in quality to the individual wisdom of any? If so, why have not societies of men written treatises of morality, of the philosophy of nature, or the philosophy of mind? Why have all the great steps of human improvement been the work of individuals?

If then society considered as an agent have no particular advantage for enlightening the understanding, the real difference between the *dicta* of society and the *dicta* of individuals must be looked for in the article of authority. But is authority a proper instrument for influencing the opinions and manners of men? If laws were a sufficient means for the reformation of error and vice, it is not to be believed but that the world long ere this

would have become the seat of every virtue. Nothing can be more easy than to command men to be just and good, to love their neighbours, to practise universal sincerity, to be content with a little, and to resist the enticements of avarice and ambition. But, when you have done, will the characters of men be altered by your precepts? These commands have been issued for thousands of years; and, if it had been decreed that every man should be hanged that violated them, it is vehemently to be suspected that this would not have secured their influence.

But it will be answered, "that laws need not deal thus in generals, but may descend to particular provisions calculated to secure their success. We may institute sumptuary laws, limiting the expence of our citizens in dress and food. We may institute agrarian laws, forbidding any man to possess more than a certain annual revenue. We may proclaim prizes as the reward of acts of justice, benevolence and public virtue." And, when we have done this, how far are we really advanced in our career? If the people be previously inclined to moderation in expence, the laws are a superfluous parade. If they are not inclined, who shall execute them, or prevent their evasion? It is the misfortune in these cases, that regulations cannot be executed but by individuals of that very people they are meant to restrain. If the nation at large be infested with vice, who shall secure us a succession of magistrates that are free from the contagion? Even if we could surmount this difficulty, still it would be vain. Vice is ever more

Of sumptuary
laws, agrarian
laws and re-
wards.

ingenuous in evasion, than authority in detection. It is absurd to imagine that any law can be executed, that directly contradicts the propensities and spirit of the nation. If vigilance were able fully to countermine the subtrefuges of art, the magistrates, who thus pertinaciously adhered to the practice of their duty, would not fail to be torn in pieces.

What can be more contrary to the most rational principles of human intercourse than the inquisitorial spirit which such regulations imply? Who shall enter into my house, scrutinise my expenditure and count the dishes upon my table? Who shall detect the stratagems I employ to cover my real possession of an enormous income, while I seem to receive but a small one? Not that there is really any thing unjust and unbecoming, as has been too often supposed, in my neighbour's animadverting with the utmost freedom upon my personal conduct. But that such regulations include a system of petty watchfulness and inspection; not contenting themselves with animadversion whenever the occasion is presented, but making it the business of one man constantly to pry into the proceedings of another, the whole depending upon the uniformity with which this is done; creating a perpetual struggle between the restless curiosity of the first, and the artful concealment of the second. By what motives will you make a man an informer? If by public spirit and philanthropy inciting him to brave obloquy and resentment for the sake of duty, will sumptuary laws be very necessary among a people thus advanced

vanced in virtue? If by sinister and indirect considerations, will not the vices you propagate be more dangerous than the vices you suppress?

Such must be the case in extensive governments: in governments of smaller dimensions opinion would be all sufficient; the inspection of every man over the conduct of his neighbours, when unstained with caprice, would constitute a censorship of the more irresistible nature. But the force of this censorship would depend upon its freedom, not following the positive dictates of law, but the spontaneous decisions of the understanding.

Again, in the distribution of rewards who shall secure us against error, partiality and intrigue, converting that which was meant for the support of virtue into a new engine for her ruin? Not to add, that prizes are a very feeble instrument for the generation of excellence, always inadequate to its reward where it really exists, always in danger of being bestowed on its semblance, continually misleading the understanding by foreign and degenerate motives of avarice and vanity.

In truth, the whole system of such regulations is a perpetual struggle against the laws of nature and necessity. Mind will in all instances be swayed by its own views and propensities. No project can be more absurd, than that of reversing these propen-

fities by the interposition of authority. He that should command a conflagration to cease or a tempest to be still, would not display more ignorance of the system of the universe, than he, who, with a code of regulations, whether general or minute, that he has framed in his closet, expects to restore a corrupt and luxurious people to temperance and virtue.

Political degeneracy not incurable.

The force of this argument respecting the inefficacy of regulations has often been felt, and the conclusions that are deduced from it have been in a high degree discouraging. "The character of nations," it has been said, "is unalterable, or at least, when once debauched, can never be recovered to purity. Laws are an empty name, when the manners of the people are become corrupt. In vain shall the wisest legislator attempt the reformation of his country, when the torrent of profligacy and vice has once broken down the bounds of moderation. There is no longer any instrument left for the restoration of simplicity and frugality. It is useless to declaim against the evils that arise from inequality of riches and rank, where this inequality has already gained an establishment. A generous spirit will admire the exertions of a Cato and a Brutus; but a calculating spirit will condemn them, as inflicting useless torture upon a patient whose disease is irremediable. It was from a view of this truth that the poets derived their fictions respecting the early history of mankind; well aware that, when luxury was introduced and the springs of mind unbent, it would be a vain expectation that should hope to recal

men

men from passion to reason, and from effeminacy to energy*." But this conclusion from the inefficacy of regulations is so far from being valid, that in reality,

A third objection to the positive interference of society in its corporate capacity for the propagation of truth and virtue is, that such interference is altogether unnecessary. Truth and virtue are competent to fight their own battles. They do not need to be nursed and patronised by the hand of power.

3. superfluous:

The mistake which has been made in this case, is similar to the mistake which is now universally exploded upon the subject of commerce. It was long supposed that, if any nation desired to extend its trade, the thing most immediately necessary was for government to interfere, and institute protecting duties, bounties and monopolies. It is now well known that commerce never flourishes so much, as when it is delivered from the guardianship of legislators and ministers, and is built upon the principle, not of forcing other people to buy our commodities dear when they might purchase them elsewhere cheaper and better, but of ourselves feeling the necessity of recommending them by their intrinsic advantages. Nothing can be at once so unreasonable and hopeless, as to attempt by positive regulations to disarm the unalterable laws of the universe.

in commerce:

* Book I, Chap. VIII.

The

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CHAP. I.
in speculative
enquiry:

The same truth which has been felt under the article of commerce, has also made a considerable progress as to the subjects of speculative enquiry. Formerly it was thought that the true religion was to be defended by acts of uniformity, and that one of the principal duties of the magistrate was to watch the progress of heresy. It was truly judged that the connexion between error and vice is of the most intimate nature, and it was concluded that no means could be more effectual to prevent men from deviating into error, than to check their wanderings by the scourge of authority. Thus writers, whose political views in other respects have been uncommonly enlarged, have told us "that men ought indeed to be permitted to think as they please, but not to propagate their pernicious opinions; as they may be permitted to keep poisons in their closet, but not to offer them to sale under the denomination of cordials*." Or, if humanity have forbidden them to recommend the extirpation of a sect which has already got footing in a country, they have however earnestly advised the magistrate to give no quarter to any new extravagance that might be attempted to be introduced †.—The reign of these two errors respecting commerce and theoretical speculation is nearly at an end, and it is reasonable to believe that the idea of teaching virtue through the instrumentality of government will not long survive them.

* Gulliver's Travels, Part II, Chap. VI.

† Mably, de la Législation, Liv. IV, Chap. III: des Etats Unis d'Amérique, Lettre III.

All

All that is to be asked on the part of government in behalf of morality and virtue is a clear stage upon which for them to exert their own energies, and perhaps some restraint for the present upon the violent disturbers of the peace of society, that the efforts of these principles may be allowed to go on uninterrupted to their natural conclusion. Who ever saw an instance in which error unaided by power was victorious over truth? Who is there so absurd as to believe, that with equal arms truth can be ultimately defeated? Hitherto every instrument of menace or influence has been employed to counteract her. Has she made no progress?—Has the mind of man the capacity to chuse falsehood and reject truth, when her evidence is fairly presented? When it has been once thus presented and has gained a few converts, does she ever fail to go on perpetually increasing the number of her votaries? Exclusively of the fatal interference of government, and the violent irruptions of barbarism threatening to sweep her from the face of the earth, has not this been in all instances the history of science?

Nor are these observations less true in their application to the manners and morals of mankind. Do not men always act in the manner which they esteem best upon the whole or most conducive to their interest? Is it possible then that evidence of what is best or what is most beneficial can be thrown away upon them? The real history of the changes of character they experience in this respect is this. Truth for a long time spreads itself unobserved.

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in morality:

unobserved. Those who are the first to embrace it are little aware of the extraordinary effects with which it is pregnant. But it goes on to be studied and illustrated. It perpetually increases in clearness and amplitude of evidence. The number of those by whom it is embraced is gradually enlarged. If it have relation to their practical interests, if it show them that they may be a thousand times more happy and free than at present, it is impossible that in its perpetual increase of evidence and energy, it should not at last break the bounds of speculation, and become an animating principle of action. What can be more absurd than the opinion, which has so long prevailed, "that justice and an equal distribution of the means of happiness may appear ever so clearly to be the only reasonable foundation of political society, without ever having any chance of being reduced into practice? that oppression and misery are draughts of so intoxicating a nature, that, when once tasted, we can never afterwards refuse to partake of them? that vice has so many advantages over virtue, that the reasonableness and wisdom of the latter, however powerfully exhibited, can never obtain a hold upon our affections?"

While therefore we decry the efficacy of unassisted laws, we are far from throwing any discouragement by that means upon the prospect of social improvement. The true tendency of this view of the subject is to suggest indeed a different, but a more consistent and promising method by which this improvement is

to be produced. The legitimate instrument of effecting political reformation is truth. Let truth be incessantly studied, illustrated and propagated, and the effect is inevitable. Let us not vainly endeavour by laws and regulations to anticipate the future dictates of the general mind, but calmly wait till the harvest of opinion is ripe. Let no new practice in politics be introduced, and no old one anxiously superseded, till called for by the public voice. The task, which for the present should wholly occupy the friend of man, is enquiry, instruction, discussion. The time may come when his task shall be of another sort. Error, being completely detected, may indeed sink into unnoticed oblivion, without one partisan to interrupt her fall. This would inevitably be the event, were it not for the restlessness and inconsiderate impetuosity of mankind. But the event may be otherwise. Political change, by advancing too rapidly to its crisis, may become attended with commotion and hazard; and it will then be incumbent on him actively to assist in unfolding the catastrophe. The evils of anarchy have been shown to be much less than they are ordinarily supposed*; but, whatever be their amount, the friend of man will not, when they arise, timidly shrink from the post of danger. He will on the contrary by social emanations of wisdom endeavour to guide the understandings of the people at large to the perception of felicity.

* Book V, Chap. XX, p. 548.

In the fourth place the interference of an organized society for the purpose of influencing opinions and manners, is not only useless, but pernicious. We have already found that such interference is in one view of the subject ineffectual. But here a distinction is to be made. Considered with a view to the introduction of any favourable changes in the state of society, it is altogether impotent. But, though it be inadequate to change, it is powerful to prolong. This property in political regulation is so far from being doubtful, that to it alone we are to ascribe all the calamities that government has inflicted on mankind. When regulation coincides with the habits and propensities of mankind at the time it is introduced, it will be found sufficiently capable of maintaining those habits and propensities in the greater part unaltered for centuries. In this view it is doubly pernicious.

as under-
mining intel-
lectual capa-
city:

To understand this more accurately, let us apply it to the case of rewards, which has always been a favourite topic with the advocates of an improved legislation. How often have we been told, "that talents and virtues would spring up spontaneously in a country, one of the objects of whose constitution should be to secure to them an adequate reward?" Now to judge of the propriety of this aphorism we should begin with recollecting that the discerning of merit is an individual, and not a social capacity. What can be more reasonable than that each man for himself should estimate the merits of his neighbour?

To

To endeavour to institute a general judgment in the name of the whole, and to melt down the different opinions of mankind into one common opinion, appears at first sight so monstrous an attempt, that it is impossible to augur well of its consequences. Will this judgment be wise, reasonable or just? Wherever each man is accustomed to decide for himself, and the appeal of merit is immediately to the opinion of its contemporaries, there, were it not for the false bias of some positive institution, we might expect a genuine ardour in him who aspired to excellence, creating and receiving impressions in the judgment of an impartial audience. We might expect the judgment of the auditors to ripen by perpetual exercise, and mind, ever curious and awake, continually to approach nearer to the standard of truth. What do we gain in compensation for this, by setting up authority as the general oracle, from which the active mind is to inform itself what sort of excellence it should seek to acquire, and the public at large what judgment they should pronounce upon the efforts of their contemporaries? What should we think of an act of parliament appointing some particular individual president of the court of criticism, and judge in the last resort of the literary merit of dramatic compositions? Is there any solid reason why we should expect better things, from authority usurping the examination of moral or political excellence?

Nothing can be more unreasonable than the attempt to retain men in one common opinion by the dictate of authority. The

opinion thus obtruded upon the minds of the public is not their real opinion; it is only a project by which they are rendered incapable of forming an opinion. Whenever government assumes to deliver us from the trouble of thinking for ourselves, the only consequences it produces are those of torpor and imbecility. Wherever truth stands in the mind unaccompanied by the evidence upon which it depends, it cannot properly be said to be apprehended at all. Mind is in this case robbed of its essential character and genuine employment, and along with them must be expected to lose all that which is capable of rendering its operations salutary and admirable. Either mankind will resist the assumptions of authority undertaking to superintend their opinions, and then these assumptions will produce no more than an ineffectual struggle; or they will submit, and then the effects will be injurious. He that in any degree consigns to another the task of dictating his opinions and his conduct, will cease to enquire for himself, or his enquiries will be languid and inanimate.

Regulations will originally be instituted in favour either of falsehood or truth. In the first case no rational enquirer will pretend to alledge any thing in their defence; but, even should truth be their object, yet such is their nature, that they infallibly defeat the very purpose they were intended to serve. Truth, when originally presented to the mind, is powerful and invigorating; but, when attempted to be perpetuated by political institution, becomes flaccid and lifeless. Truth in its unpatronised state strengthens and improves

improves the understanding; because in that state it is embraced only so far as it is perceived to be truth. But truth, when recommended by authority, is weakly and irresolutely embraced. The opinions I entertain are no longer properly my own; I repeat them as a lesson appropriated by rote, but I do not strictly speaking understand them, and I am not able to assign the evidence upon which they rest. My mind is weakened, while it is pretended to be improved. Instead of the firmness of independence, I am taught to bow to authority I know not why. Persons thus trammelled, are not strictly speaking capable of a single virtue. The first duty of man is to take none of the principles of conduct upon trust, to do nothing without a clear and individual conviction that it is right to be done. He that resigns his understanding upon one particular topic, will not exercise it vigorously upon others. If he be right in any instance, it will be inadvertently and by chance. A consciousness of the degradation to which he is subjected will perpetually haunt him; or at least he will want the consciousness that accrues from independent consideration, and will therefore equally want that intrepid perseverance, that calm self approbation that grows out of independence. Such beings are the mere dwarfs and mockery of men, their efforts comparatively pusillanimous, and the vigour with which they should execute their purposes, superficial and hollow.

Strangers to conviction, they will never be able to distinguish between prejudice and reason. Nor is this the worst. Even when

as suspending
intellectual
improvement:

when the glimpses of enquiry suggest themselves, they will not dare to yield to the temptation. To what purpose enquire, when the law has told me what to believe and what must be the termination of my enquiries? Even when opinion properly so called suggests itself, I am compelled, if it differ in any degree from the established system, to shut my eyes, and loudly profess my adherence where I doubt the most. This compulsion may exist in many different degrees. But, supposing it to amount to no more than a very slight temptation to be insincere, what judgment must we form of such a regulation either in a moral or intellectual view? of a regulation, inviting men to the profession of certain opinions by the proffer of a reward, and deterring them from a severe examination of their justice by penalties and disabilities? A system like this does not content itself with habitually unnerving the mind of the great mass of mankind through all its ranks, but provides for its own continuance by debauching or terrifying the few individuals, who, in the midst of the general emasculation, might retain their curiosity and love of enterprise. We may judge how pernicious it is in its operation in this respect by the long reign of papal usurpation in the dark ages, and the many attacks upon it that were suppressed, previously to the successful one of Luther. Even yet, how few are there that venture to examine into the foundation of Mahometanism and Christianity, or the effects of monarchy and aristocratical institution, in countries where those systems are established by law? Supposing men were free from persecution for their

hostilities

hostilities in this respect, yet the investigation could never be impartial, while so many allurements are held out, inviting men to a decision in one particular way.

To these considerations it should be added, that what is right under certain circumstances to-day, may by an alteration in those circumstances become wrong to-morrow. Right and wrong are the result of certain relations, and those relations are founded in the respective qualities of the beings to whom they belong. Change those qualities, and the relations become altogether different. The treatment that I am bound to bestow upon any one depends upon my capacity and his circumstances. Increase the first, or vary the second, and I am bound to a different treatment. I am bound at present to subject an individual to forcible restraint, because I am not wise enough by reason alone to change his vicious propensities. The moment I can render myself wise enough, I ought to confine myself to the latter mode. It is perhaps right to suffer the negroes in the West Indies to continue in slavery, till they can be gradually prepared for a state of liberty. Universally it is a fundamental principle in sound political science, that a nation is best fitted for the amendment of its civil government by being made to understand and desire the advantage of that amendment, and the moment it is so understood and desired it ought to be introduced. But, if there be any truth in these views, nothing can be more adverse to reason or inconsistent

sistent with the nature of man, than positive regulations tending to continue a certain mode of proceeding when its utility is gone.

to the nature
of mind.

If we would be still more completely aware of the pernicious tendency of positive institutions, we ought in the last place explicitly to contrast the nature of mind and the nature of government. It is one of the most unquestionable properties of mind to be susceptible of perpetual improvement. It is the inalienable tendency of positive institution, to retain that with which it is conversant for ever in the same state. Is then the perfectibility of understanding an attribute of trivial importance? Can we recollect with coldness and indifference the advantages with which this quality is pregnant to the latest posterity? And how are these advantages to be secured? By incessant industry, by a curiosity never to be disheartened or fatigued, by a spirit of enquiry to which a sublime and philanthropic mind will allow no pause. The circumstance of all others most necessary, is that we should never stand still, that every thing most interesting to the general welfare, wholly delivered from restraint, should be in a state of change, moderate and as it were imperceptible, but continual. Is there any thing that can look with a more malignant aspect upon the general welfare, than an institution tending to give permanence to certain systems and opinions? Such institutions are two ways pernicious; first, which is most material, because they render all

all the future advances of mind infinitely tedious and operose; secondly, because, by violently confining the stream of reflexion, and holding it for a time in an unnatural state, they compel it at last to rush forward with impetuosity, and thus occasion calamities, which, were it free from restraint, would be found extremely foreign to its nature. Is it to be believed that, if the interference of positive institution were out of the question, the progress of mind in past ages would have been so slow, as to have struck the majority of ingenuous observers with despair? The science of Greece and Rome upon the subjects of political justice was in many respects extremely imperfect: yet could we have been so long in appropriating their discoveries, had not the allurements of reward and the menace of persecution united to induce us, not to trust to the first and fair verdict of our own understandings?

The just conclusion from the above reasonings is nothing more than a confirmation, with some difference in the mode of application, of the fundamental principle, that government is little capable of affording benefit of the first importance to mankind. It is calculated to induce us to lament, not the apathy and indifference, but the inauspicious activity of government. It incites us to look for the moral improvement of the species, not in the multiplying of regulations, but in their repeal. It teaches us that truth and virtue, like commerce, will then flourish most, when least subjected to the mistaken guardianship of authority and laws. This maxim will rise upon us in its importance, in

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proportion as we connect it with the numerous departments of political justice to which it will be found to have relation. As fast as it shall be adopted into the practical system of mankind, it will go on to deliver us from a weight intolerable to mind, and in the highest degree inimical to the progress of truth.

C H A P.

C H A P. II.

OF RELIGIOUS ESTABLISHMENTS.

THEIR GENERAL TENDENCY.—EFFECTS ON THE CLERGY:

THEY INTRODUCE, 1. IMPLICIT FAITH — 2. HYPOCRISY:
TOPICS BY WHICH AN ADHERENCE TO THEM IS VINDI-
CATED.—EFFECTS ON THE LAITY.—APPLICATION.

ONE of the most striking instances of the injurious effects of the political patronage of opinion, as it at present exists in the world, is to be found in the system of religious conformity. Let us take our example from the church of England, by the constitution of which subscription is required from its clergy to thirty-nine articles of precise and dogmatical assertion upon almost every subject of moral and metaphysical enquiry. Here then we have to consider the whole honours and revenues of the church, from the archbishop who takes precedence next after the princes of the blood-royal to the meanest curate in the nation, as employed in support of a system of blind submission and abject hypocrisy. Is there one man through this numerous hierarchy that is at liberty to think for himself? Is there one man among them that can lay his hand upon his heart, and declare, upon his honour and conscience, that his emoluments have no effect in influencing his judgment?

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Their general
tendency.

judgment? The declaration is literally impossible. The most that an honest man under such circumstances can say is, "I hope not; I endeavour to be impartial."

Effects on the
clergy:
they intro-
duce,
1. implicit
faith:

First, the system of religious conformity is a system of blind submission. In every country possessing a religious establishment, the state, from a benevolent care it may be for the manners and opinions of its subjects, publicly encourages a numerous class of men to the study of morality and virtue. What institution, we might naturally be led to enquire, can be more favourable to public happiness? Morality and virtue are the most interesting topics of human speculation; and the best effects might be expected to result from the circumstance of many persons, perpetually receiving the most liberal education, and setting themselves apart, for the express cultivation of these topics. But unfortunately these very men are fettered in the outset by having a code of propositions put into their hands, in a conformity to which all their enquiries must terminate. The natural tendency of science is to increase from age to age, and proceed from the humblest beginnings to the most admirable conclusions. But care is taken in the present case to anticipate these conclusions, and to bind men by promises and penalties not to improve upon the wisdom of their ancestors. The plan is to guard against degeneracy and decline, but never to advance. It is founded in the most sovereign ignorance of the nature of mind, which never fails to do either the one or the other.

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Secondly,

2. hypocrisy:
topics by
which an ad-
herence to
them is vin-
dicated.

Secondly, the tendency of a code of religious conformity is to make men hypocrites. To understand this it may be useful to recollect the various subterfuges that have been invented by ingenious men to apologise for the subscription of the English clergy. It is observable by the way that the articles of the church are founded upon the creed of the Calvinists, though for one hundred and fifty years past it has been accounted disreputable among the clergy to be of any other than the opposite, or Arminian tenets. Volumes have been written to prove that, while these articles express predestinarian sentiments, they are capable of a different construction, and that the subscriber has a right to take advantage of that construction. Divines of another class have rested their arguments upon the known good character and benevolent intentions of the first reformers, and have concluded that they could never intend to tyrannise over the consciences of men, or preclude the result of farther information. Lastly, there are many who have treated the articles as articles of peace, and inferred that, though you did not believe, you might allow yourself in the dissimulation of subscribing them, provided you added to it the farther guilt of constantly refraining to oppose what you considered as an adulteration of divine truth.

It would perhaps be regarded as incredible, if it rested upon the evidence of history alone, that a whole body of men, set apart as the instructors of mankind, weaned as they are expected to be from temporal ambition, and maintained from the suppo-
sition

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fiction that the existence of human virtue and divine truth depends on their exertions, should with one consent employ themselves in a casuistry, the object of which is to prove the propriety of a man's declaring his assent to what he does not believe. These men either credit their own subterfuges, or they do not. If they do not, what can be expected from men so unprincipled and profligate? With what front can they exhort other men to virtue, with the brand of vice upon their own foreheads? If they do, what must be their portion of moral sensibility and discernment? Can we believe that men shall enter upon their profession with so notorious a perversion of reason and truth, and that no consequences will flow from it to infect their general character? Rather, can we fail to compare their unnatural and unfortunate state, with the profound wisdom and determined virtue which their industry and exertions would unquestionably have produced, if they had been left to their genuine operation? They are like the victims of Circe, to whom human understanding was preserved entire, that they might more exquisitely feel their degraded condition. They are incited to study and to a thirst after knowledge, at the same time that the fruits of knowledge are constantly withheld from their unsuccessful attempts. They are held up to their contemporaries as the professors of truth, and political institution tyrannically commands them, in all the varieties of understanding and succession of ages, to model themselves to one common standard.

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Such

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Effects on the
laity.

Such are the effects that a code of religious conformity produces upon the clergy themselves; let us consider the effects that are produced upon their countrymen. They are bid to look for instruction and morality to a denomination of men, formal, embarrassed and hypocritical, in whom the main spring of intellect is unbent and incapable of action. If the people be not blinded with religious zeal, they will discover and despise the imperfections of their spiritual guides. If they be so blinded, they will not the less transplant into their own characters the imbecil and unworthy spirit they are not able to detect. Is virtue so deficient in attractions as to be incapable of gaining adherents to her standard? Far otherwise. Nothing can bring the wisdom of a just and pure conduct into question, but the circumstance of its being recommended to us from an equivocal quarter. The most malicious enemy of mankind could not have invented a scheme more destructive of their true happiness, than that of hiring at the expence of the state a body of men, whose business it should seem to be to dupe their contemporaries into the practice of virtue.

One of the lessons that powerful facts are perpetually reading to the inhabitants of such countries, is that of duplicity and prevarication in an order of men, which, if it exist at all, ought to exist only for reverence. Do you think that this prevarication is not a subject of general notoriety? Do you think that the first idea that rises to the understanding of the multitude at sight of a clergy-

a clergyman, is not that of a man who inculcates certain propositions, not so properly because he thinks them true or thinks them interesting, as because he is hired to the employment? Whatever instruction a code of religious uniformity may fail to convey, there is one that it always communicates, the wisdom of estimating an unreserved and disinterested sincerity at a very cheap rate. Such are the effects that are produced by political institution, at a time when it most zealously intends with parental care to guard its subjects from seduction and depravity.

Application. These arguments do not apply to any particular articles and creeds, but to the very notion of ecclesiastical establishments in general. Wherever the state sets apart a certain revenue for the support of religion, it will infallibly be given to the adherents of some particular opinions, and will operate in the manner of prizes to induce men at all events to embrace and profess those opinions. Undoubtedly, if I think it right to have a spiritual instructor to guide me in my researches and at stated intervals to remind me of my duty, I ought to be at liberty to take the proper steps to supply myself in this respect. A priest, who thus derives his mission from the unbiassed judgment of his parishioners, will stand a chance to possess beforehand and independently of corrupt influence the requisites they demand. But why should I be compelled to contribute to the support of an institution, whether I approve of it or no? If public worship be conformable to reason, reason without doubt will prove adequate

to

to its vindication and support. If it be from God, it is profanation to imagine that it stands in need of the alliance of the state. It must be in an eminent degree artificial and exotic, if it be incapable of preserving itself in existence, otherwise than by the inauspicious interference of political institution.

C H A P. III.

OF THE SUPPRESSION OF ERRONEOUS OPINION
IN RELIGION AND GOVERNMENT.

OF HERESY.—ARGUMENTS BY WHICH THE SUPPRESSION
OF HERESY IS RECOMMENDED.—ANSWER.—IGNORANCE
NOT NECESSARY TO MAKE MEN VIRTUOUS.—DIFFERENCE
OF OPINION NOT SUBVERSIVE OF PUBLIC SECURITY.—
REASON, AND NOT FORCE, THE PROPER CORRECTIVE OF
SOPHISTRY.—ABSURDITY OF THE ATTEMPT TO RE-
STRAIN THOUGHT—TO RESTRAIN THE FREEDOM OF
SPEECH.—CONSEQUENCES THAT WOULD RESULT.—FAL-
LIBILITY OF THE MEN BY WHOM AUTHORITY IS EXER-
CISED.—OF ERRONEOUS OPINIONS IN GOVERNMENT.—
INIQUITY OF THE ATTEMPT TO RESTRAIN THEM.—
TENDENCY OF UNLIMITED POLITICAL DISCUSSION.

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Of heresy.

THE same views which have prevailed for the introduction
of religious establishments, have inevitably led to the idea
of provisions against the rise and progress of heresy. No arguments
can be adduced in favour of the political patronage of truth,
that will not be equally cogent in behalf of the political discour-
agement of error. Nay, they will, of the two, be most cogent
in the latter case; for error and misrepresentation are the irre-
concilable

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concilable enemies of virtue, and if authority were the true means
to disarm them, there would then at least be no need of positive
provisions to assist the triumph of truth. It has however happened
that this argument, though more tenable, has had fewer adherents.
Men are more easily reconciled to abuse in the distribution of
rewards, than in the infliction of penalties. It will not therefore be
requisite laboriously to insist upon the refutation of this principle;
its discussion is principally necessary for the sake of method.

Various arguments have been alledged in defence of this
restraint. "The importance of opinion as a general proposition
is notorious and unquestionable. Ought not political institu-
tion to take under its inspection that root from which all our
actions are ultimately derived? The opinions of men must be
expected to be as various as their education and their temper:
ought not government to exert its foresight to prevent this dis-
cord from breaking out into anarchy and violence? There is no
proposition so absurd or so hostile to morality and public good,
as not to have found its votaries: will there be no danger in
suffering these eccentricities to proceed unmolested, and every
perverter of truth and justice to make as many converts as he is
able? It has been found indeed a hopeless task to endeavour to
extirpate by violence errors already established; but is it not the
duty of government to prevent their ascendancy, to check the
growth of their adherents and the introduction of heresies
hitherto unknown? Can those persons, to whom the care of the

Arguments
by which the
suppression
of heresy has
been recom-
mended.

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general welfare is confided, or who are fitted by their situation or their talents to suggest proper regulations to the adoption of the community, be justified in conniving at the spread of such extravagant and pernicious opinions as strike at the root of order and morality? Simplicity of mind and an understanding undebauched with sophistry have ever been the characteristics of a people among whom virtue has flourished: ought not government to exert itself to exclude the inroad of qualities opposite to these? It is thus that the friends of moral justice have ever contemplated with horror the progress of infidelity and latitudinarian principles. It was thus that the elder Cato viewed with grief the importation into his own country of that plausible and loquacious philosophy by which Greece had already been corrupted*.”

Answer.

Ignorance
not necessary
to make men
virtuous.

There are several trains of reflexion which these reasonings suggest. None of them can be more important than that which may assist us in detecting the error of the elder Cato, and of other persons who have been the zealous but mistaken advocates of virtue. Ignorance is not necessary to render men virtuous. If it were, we might reasonably conclude that virtue was an imposture, and that it was our duty to free ourselves from its

* The reader will consider this as the language of the objectors. The most eminent of the Greek philosophers were in reality distinguished from all other teachers, by the fortitude with which they conformed to the precepts they taught.

shackles.

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shackles. The cultivation of the understanding has no tendency to corrupt the heart. A man who should possess all the science of Newton and all the genius of Shakespeare, would not on that account be a bad man. Want of great and comprehensive views had as considerable a share as benevolence in the grief of Cato. It is like the taking to pieces an imperfect machine in order by reconstructing it to enhance its value. An uninformed and timid spectator would be frightened at the temerity of the artist, at the confused heap of pins and wheels that were laid aside at random, and would take it for granted that nothing but destruction would be the consequence. But he would be disappointed. It is thus that the extravagant sallies of mind are the prelude of the highest wisdom, and that the dreams of Ptolemy were destined to precede the discoveries of Newton.

The event cannot be other than favourable. Mind would else cease to be mind. It would be more plausible to say that the perpetual cultivation of the understanding will terminate in madness, than that it will terminate in vice. As long as enquiry is suffered to proceed, and science to improve, our knowledge is perpetually increased. Shall we know every thing else, and nothing of ourselves? Shall we become clear sighted and penetrating in all other subjects, without increasing our penetration upon the subject of man? Is vice most truly allied to wisdom or to folly? Can mankind perpetually increase in wisdom, without increasing in the knowledge of what it is wise for them to do? Can a man
I have

have a clear discernment, unclouded with any remains of former mistake, that this is the action he ought to perform, most conducive to his own interest and to the general good, most delightful at the instant and satisfactory in the review, most agreeable to reason, justice and the nature of things, and refrain from performing it? Every system which has been constructed relative to the nature of superior beings and Gods, amidst all its other errors has reasoned truly upon these topics, and taught that the increase of wisdom and knowledge led, not to malignity and tyranny, but to benevolence and justice.

Difference of
opinion not
subversive of
public secu-
rity.

Secondly, it is a mistake to suppose that speculative differences of opinion threaten materially to disturb the peace of society. It is only when they are enabled to arm themselves with the authority of government, to form parties in the state, and to struggle for that political ascendancy which is too frequently exerted in support of or in opposition to some particular creed, that they become dangerous. Wherever government is wise enough to maintain an inflexible neutrality, these jarring sects are always found to live together with sufficient harmony. The very means that have been employed for the preservation of order, have been the only means that have led to its disturbance. The moment government resolves to admit of no regulations oppressive to either party, controversy finds its level, and appeals to argument and reason, instead of appealing to the sword or the stake. The moment government descends to wear the badge of a sect, reli-

gious war is commenced, the world is disgraced with inexpiable broils and deluged with blood.

Thirdly, the injustice of punishing men for their opinions and arguments will be still more visible, if we reflect a little on the nature of punishment. Punishment is one of those classes of coercion, the multiplication of which is so much to be deprecated, and which nothing but the most urgent necessity can in any case justify. That necessity is commonly admitted to exist, where a man has proved by his unjust actions the injuriousness of his character, and where the injury, the repetition of which is to be apprehended, is of such a nature as to be committed before we can have sufficient notice to guard ourselves against it. But no such necessity can possibly exist in the case of false opinions and perverse arguments. Does any man assert falsehood? Nothing farther can be desired than that it should be confronted with truth. Does he bewilder us with sophistry? Introduce the light of reason, and his deceptions will vanish. There is in this case a clear line of distinction. In the only admissible province of punishment force it is true is introduced, but it is only in return for force previously exerted. Where argument therefore, erroneous statements and misrepresentation alone are employed, it is by argument only that they must be encountered. We should not be creatures of a rational and intellectual nature, if the victory of truth over error were not ultimately certain.

To

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CHAP. III.Aburdity of
the attempt
to refrain
thought:

To enable us to conceive properly of the value of laws for the punishment of heresy, let us suppose a country to be sufficiently provided with such laws, and observe the result. The object is to prevent men from entertaining certain opinions, or in other words from thinking in a certain way. What can be more absurd than to undertake to put fetters upon the subtlety of thought? How frequently does the individual who desires to restrain it in himself, fail in the attempt? Add to this, that prohibition and menace in this respect do but give new restlessness to the curiosity of the mind. I must not think of the possibility, that there is no God; that the stupendous miracles of Moses and Christ were never really performed; that the dogmas of the Athanasian creed are erroneous. I must shut my eyes, and run blindly into all the opinions, religious and political, that my ancestors regarded as sacred. Will this in all instances be possible?

There is another consideration, trite indeed, but the triteness of which is an additional argument of its truth. Swift says "Men ought to be permitted to think as they please, but not to propagate their pernicious opinions*." The obvious answer to this is, "We are much obliged to him: how would he be able to punish our heresy, even if he desired it, so long as it was concealed?" The attempt to punish opinion is absurd: we may be

* See above, Chap. I, p. 590.

silent

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silent respecting our conclusions, if we please; the train of thinking by which those conclusions are generated cannot fail to be silent.

"But, if men be not punished for their thoughts, they may be punished for uttering those thoughts." No. This is not less impossible than the other. By what arguments will you persuade every man in the nation to exercise the trade of an informer? By what arguments will you persuade my bosom friend, with whom I repose all the thoughts of my heart, to repair immediately from my company to a magistrate, in order to procure my commitment for so doing to the prisons of the inquisition? In countries where this is attempted, there will be a perpetual struggle, the government endeavouring to pry into our most secret transactions, and the people busy to countermine, to outwit and to detest their superintendents.

to refrain the
freedom of
speech.

But the most valuable consideration which this part of the subject suggests, is, supposing all this were done, what judgment must we form of the people among whom it is done? Though all this cannot, yet much may be performed; though the embryo cannot be annihilated, it may be prevented from ever expanding itself into the dimensions of a man. The arguments by which we were supposing a system for the restraint of opinion to be recommended, were arguments derived from a benevolent anxiety for the virtue of mankind, and to prevent their degene-

Consequences
that would
result.

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racy. Will this end be accomplished? Let us contrast a nation of men, daring to think, to speak and to act what they believe to be right, and fettered with no spurious motives to dissuade them from right, with a nation that fears to speak, and fears to think upon the most interesting subjects of human enquiry. Can any spectacle be more degrading than this timidity? Can men in whom mind is thus annihilated be capable of any good or valuable purpose? Can this most abject of all slaveries be the genuine state, the true perfection of the human species?

Fallibility of
the men by
whom autho-
rity is exer-
cised.

Another argument, though it has often been stated to the world, deserves to be mentioned in this place. Governments, no more than individual men, are infallible. The cabinets of princes and the parliaments of kingdoms, if there be any truth in considerations already stated*, are often less likely to be right in their conclusions than the theorist in his closet. But, dismissing the estimate of greater and less, it was to be presumed from the principles of human nature, and is found true in fact, that cabinets and parliaments are liable to vary from each other in opinion. What system of religion or government has not in its turn been patronised by national authority? The consequence therefore of admitting this authority is, not merely attributing to government a right to impose some, but any or all opinions upon the community. Are Paganism and Christianity, the religions of

* Book V, Chap. XXIII, p. 572.

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Mahomet, Zoroaster and Confucius, are monarchy and aristocracy in all their forms equally worthy to be perpetuated among mankind? Is it quite certain that the greatest of all human calamities is change? Must we never hope for any advance, any improvement? Have no revolution in government, and no reformation in religion been productive of more benefit than disadvantage? There is no species of reasoning in defence of the suppression of heresy which may not be brought back to this monstrous principle, that the knowledge of truth and the introduction of right principles of policy, are circumstances altogether indifferent to the welfare of mankind.

The same reasonings that are here employed against the forcible suppression of religious heresy, will be found equally valid with respect to political. The first circumstance that will not fail to suggest itself to every reflecting mind, is, What sort of constitution must that be which must never be examined? whose excellencies must be the constant topic of eulogium, but respecting which we must never permit ourselves to enquire in what they consist? Can it be the interest of society to proscribe all investigation respecting the wisdom of its regulations? Or must our debates be occupied with provisions of temporary convenience; and are we forbid to ask, whether there may not be something fundamentally wrong in the design of the structure? Reason and good sense will not fail to augur ill of that system of things

Of erroneous
opinions in
government.Iniquity of
the attempt to
restrain them.

which is too sacred to be looked into; and to suspect that there must be something essentially weak that thus shrinks from the eye of curiosity. Add to which, that, however we may doubt of the importance of religious disputes, nothing can less reasonably be exposed to question than that the happiness of mankind is essentially connected with the improvement of political science.

Tendency of unlimited political discussion.

“But will not demagogues and declaimers lead to the subversion of all order, and introduce the most dreadful calamities?” What is the state they will introduce? Monarchy and aristocracy are some of the most extensive and lasting mischiefs that have yet afflicted mankind. Will these demagogues persuade their hearers to institute a new dynasty of hereditary despots to oppress them? Will they persuade them to create out of their own body a set of feudal chiefs to hold their brethren in the most barbarous slavery? They would probably find the most copious eloquence inadequate to these purposes. The arguments of declaimers will not produce an extensive and striking alteration in political opinions, except so far as they are built upon a basis of irresistible truth. Even if the people were in some degree intemperate in carrying the conclusions of these reasoners into practice, the mischiefs they would inflict would be inexpressibly trivial; compared with those which are hourly perpetrated by the most cold blooded despotism. But in reality the duty of government:

vernment in these cases is to be mild and equitable. Arguments alone will not have the power, unassisted by the sense or the recollection of oppression or treachery, to hurry the people into excesses. Excesses are never the offspring of reason, are never the offspring of misrepresentation only, but of power endeavouring to stifle reason and traverse the common sense of mankind.

CHAP. IV.

O F T E S T S .

THEIR SUPPOSED ADVANTAGES ARE ATTENDED WITH INJUSTICE — ARE NUGATORY. — ILLUSTRATION. — THEIR DISADVANTAGES — THEY ENSNARE. — EXAMPLE. — SECOND EXAMPLE. — THEY ARE AN USURPATION. — INFLUENCE OF TESTS ON THE LATITUDINARIAN — ON THE PURIST. — CONCLUSION.

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CHAP. IV.

THE majority of the arguments above employed on the subject of penal laws in matters of opinion are equally applicable to tests, religious and political. The distinction between prizes and penalties, between greater and less, is little worthy of our attention, if any discouragement extended to the curiosity of intellect, and any authoritative countenance afforded to one set of opinions in preference to another, be in its own nature unjust, and evidently hostile to the general good.

Leaving out of the consideration religious tests, as being already sufficiently elucidated in the preceding discussion*, let us attend for a moment to an article which has had its advocates

* Chap. II.

among

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among men of considerable liberality; the supposed propriety of political tests. "What, shall we have no federal oaths, no oaths of fidelity to the nation, the law and the republic? How in that case shall we ever distinguish between the enemies and the friends of freedom?"

Certainly there cannot be a method devised at once more ineffectual and iniquitous than a federal oath. What is the language that in strictness of interpretation belongs to the act of the legislature imposing this oath? To one party it says, "We know very well that you are our friends; the oath as it relates to you we acknowledge to be altogether superfluous; nevertheless you must take it, as a cover to our indirect purposes in imposing it upon persons whose views are less unequivocal than yours." To the other party it says, "It is vehemently suspected that you are inimical to the cause in which we are engaged: this suspicion is either true or false; if false, we ought not to suspect you, and much less ought we to put you to this invidious and nugatory purgation; if true, you will either candidly confess your difference, or dishonestly prevaricate: be candid, and we will indignantly banish you; be dishonest, and we will receive you as bosom friends."

Their supposed advantages are attended with injustice.

Those who say this however promise too much. Duty and common sense oblige us to watch the man we suspect, even though he should swear he is innocent. Would not the same precautions

are nugatory.

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precautions which we are still obliged to employ to secure us against his duplicity, have sufficiently answered our purpose without putting him to his purgation? Are there no methods by which we can find out whether a man be the proper subject in whom to repose an important trust without putting the question to himself? Will not he, who is so dangerous an enemy that we cannot suffer him at large, discover his enmity by his conduct, without reducing us to the painful necessity of tempting him to an act of prevarication? If he be so subtle a hypocrite that all our vigilance cannot detect him, will he scruple to add to his other crimes the crime of perjury?

Whether the test we impose be merely intended to operate as an exclusion from office, or to any more considerable disadvantage, the disability it introduces is still in the nature of a punishment. It treats the individual in question as an unsound member of society, as distinguished in an unfavourable sense from the multitude of his countrymen, and possessing certain attributes detrimental to the general good. In the eye of reason human nature is capable of no other guilt than this*. Society is authorized to animadvert upon a certain individual, in the case of murder for example, not because he has done an action that he might have avoided, not because he was sufficiently informed of the better and obstinately chose the worse; for this is impossi-

* Book IV, Chap. VI.

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ble, every man necessarily does that which he at the time apprehends to be best: but because his habits and character render him dangerous to society, in the same sense as a wolf or a blight would be dangerous*. It must no doubt be an emergency of no common magnitude, that can justify a people in putting a mark of displeasure upon a man for the opinions he entertains, be they what they may. But, taking for granted for the present the reasonableness of this proceeding, it would certainly be just as equitable for the government to administer to the man accused for murder an oath of purgation, as to the man accused of disaffection to the established order of society. There cannot be a principle of justice clearer than this, that no man can be called on in order to punishment to accuse himself.

These reasonings being particularly applicable to a people in a state of revolution like the French, it may perhaps be allowable to take from their revolution an example of the injurious and ensnaring effects with which tests and oaths of fidelity are usually attended. It was required of all men to swear "that they would be faithful to the nation, the law and the king." In what sense can they be said to have adhered to their oath, who, twelve months after their constitution had been established on its new basis, have taken a second oath, declaratory of their everlasting abjuration of monarchy? What sort of effect, favourable or un-

* Book IV, Chap. VI.

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favourable? must this precarious mutability in their solemn appeals to heaven have upon the minds of those by whom they are made?

Their disadvantages:

And this leads us from the consideration of the supposed advantages of tests religious and political, to their real disadvantages.

they ensnare:

The first of these disadvantages consists in the impossibility of constructing a test in such a manner, as to suit the various opinions of those upon whom it is imposed, and not to be liable to reasonable objection.

example:

When the law was repealed imposing upon the dissenting clergy of England a subscription with certain reservations to the articles of the established church; an attempt was made to invent an unexceptionable test that might be substituted in its room. This test simply affirmed, "that the books of the Old and New Testament in the opinion of the person who took it contained a revelation from God;" and it was supposed that no Christian could scruple such a declaration. But is it impossible that I should be a Christian, and yet doubt of the canonical authority of the amatory eclogues of Solomon, or of certain other books contained in a selection that was originally made in a very arbitrary manner? "Still however I may take the test, with a persuasion that the books of the Old and New Testament contain a revelation from God, and something more." In the same sense I might take it, even if the Alcoran, the Talmud and the sacred books of the Hindoos were added to the list. What sort of influence will be produced upon the

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mind that is accustomed to this looseness of construction in its most solemn engagements?

second example:

Let us examine with the same view the federal oath of the French, proclaiming the determination of the swearer "to be faithful to the nation, the law and the king." Fidelity to three several interests which may in various cases be placed in opposition to each other will appear at first sight to be no very reasonable engagement. The propriety of vowing fidelity to the king has already been brought to the trial and received its condemnation*. Fidelity to the law is an engagement of so complicated a nature, as to strike terror into every mind of serious reflection. It is impossible that a system of law the composition of men should ever be presented to such a mind, that shall appear altogether faultless. But, with respect to laws that appear to me to be unjust, I am bound to every sort of hostility short of open violence, I am bound to exert myself incessantly in proportion to the magnitude of the injustice for their abolition. Fidelity to the nation is an engagement scarcely less equivocal. I have a paramount engagement to the cause of justice and the benefit of the human race. If the nation undertake what is unjust, fidelity in that undertaking is a crime. If it undertake what is just, it is my duty to promote its success, not because I am one of its citizens, but because such is the command of justice.

* Book V, Chap. II.—VIII.

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usurpation.

Add to this what has been already said upon the subject of obedience *, and it will be sufficiently evident that all tests are the offspring of usurpation. Government has in no case a right to issue its commands, and therefore cannot command me to take a certain oath. Its only legal functions are, to impose upon me a certain degree of restraint whenever I manifest by my actions a temper detrimental to the community, and to invite me to a certain contribution for purposes conducive to the general interest.

Influence of
tests on the
latitudina-
rian :

It may be alledged with respect to the French federal oath, as well as with respect to the religious test before cited, that it may be taken with a certain laxity of interpretation. When I swear fidelity to the law, I may mean only that there are certain parts of it that I approve. When I swear fidelity to the nation, the law and the king, I may mean so far only as these three authorities shall agree with each other, and all of them agree with the general welfare of mankind. In a word the final result of this laxity of interpretation explains the oath to mean, "I swear that I believe it is my duty to do every thing that appears to me to be just." Who can look without indignation and regret at this prostitution of language? Who can think without horror of the consequences of the public and perpetual lesson of duplicity which is thus read to mankind?

on the point.

But, supposing there should be certain members of the com-

* Book III, Chap. VI.

munity

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munity simple and uninstructed enough to conceive that an oath contained some real obligation, and did not leave the duty of the person to whom it was administered precisely where it found it, what is the lesson that would be read to such members? They would listen with horror to the man who endeavoured to persuade them that they owed no fidelity to the nation, the law and the king, as to one who was instigating them to sacrilege. They would tell him that it was too late, and that they must not allow themselves to hear his arguments. They would perhaps have heard enough before their alarm commenced, to make them look with envy on the happy state of this man, who was free to listen to the communications of others without terror, who could give a loose to his thoughts, and intrepidly follow the course of his enquiries wherever they led him. For themselves they had promised to think no more for the rest of their lives. Compliance indeed in this case is impossible; but will a vow of inviolable adherence to a certain constitution have no effect in checking the vigour of their contemplations and the elasticity of their minds?

We put a miserable deception upon ourselves, when we promise ourselves the most favourable effects from the abolition of monarchy and aristocracy, and retain this wretched system of tests, overturning in the apprehensions of mankind at large the fundamental distinctions of justice and injustice. Sincerity is not less essential than equality to the well being of mankind.

Conclusion.
A govern-

S

BOOK VI. A government, that is perpetually furnishing motives to jesu-
 CHAP. IV. itism and hypocrisy, is not less abhorrent to right reason, than a
 government of orders and hereditary distinction. It is not easy
 to imagine how soon men would become frank, explicit in their
 declarations, and unreserved in their manners, were there no
 positive institutions inculcating upon them the necessity of falshood and disguise. Nor is it possible for any language to describe the inexhaustible benefits that would arise from the universal practice of sincerity.

C H A P.

C H A P. V.

O F O A T H S.

OATHS OF OFFICE AND DUTY — THEIR ABSURDITY —
 THEIR IMMORAL CONSEQUENCES.—OATHS OF EVIDENCE
 LESS ATROCIOUS.—OPINION OF THE LIBERAL AND RESOLVED
 RESPECTING THEM.—THEIR ESSENTIAL FEATURES :
 CONTEMPT OF VERACITY — FALSE MORALITY.—THEIR
 PARTICULAR STRUCTURE—ABSTRACT PRINCIPLES AS-
 SUMED BY THEM TO BE TRUE—THEIR INCONSISTENCY
 WITH THESE PRINCIPLES.

THE same arguments that prove the injustice of tests, may
 be applied universally to all oaths of duty and office. If
 I entered upon the office without an oath, what would be my
 duty? Can the oath that is imposed upon me make any altera-
 tion in my duty? If not, does not the very act of imposing it,
 by implication assert a falshood? Will this falshood, the assertion
 that a direct engagement has a tendency to create a duty, have
 no injurious effect upon a majority of the persons concerned?
 What is the true criterion that I shall faithfully discharge the
 office that is conferred upon me? Surely my past life, and not
 any protestations I may be compelled to make. If my life have
 been.

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office and
duty:
their absur-
dity:

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been unimpeachable, this compulsion is an unmerited insult; if it have been otherwise, it is something worse.

their immoral
consequences.

It is with no common disapprobation that we recollect the prostitution of oaths which marks the history of modern European countries, and particularly of our own. This is one of the means that government employs to discharge itself of its proper functions, by making each man security for himself. It is one of the means that legislators have provided to cover the inefficiency and absurdity of their regulations, by making individuals promise the execution of that which the police is not able to execute. It holds out in one hand the temptation to do wrong, and in the other the obligation imposed not to be influenced by that temptation. It compels a man to engage not only for his own conduct, but for that of all his dependents. It obliges certain officers (church-wardens in particular) to promise an inspection beyond the limits of human faculties, and to engage for a proceeding on the part of those under their jurisdiction, which they neither intend nor are expected to enforce. Will it be believed in after ages that every considerable trader in excise-able articles in this country is induced by the constitution of its government to reconcile his mind to the guilt of perjury, as to the condition upon which he is accustomed to exercise his profession?

Oaths of evi-
dence:
less atrocious.

There remains only one species of oaths to be considered, which have found their advocates among persons sufficiently enlightened

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lightened to reject every other species of oath, I mean, oaths administered to a witness in a court of justice. These are certainly free from many of the objections that apply to oaths of fidelity, duty or office. They do not call upon a man to declare his assent to a certain proposition which the legislator has prepared for his acceptance; they only require him solemnly to pledge himself to the truth of assertions, dictated by his own apprehension of things, and expressed in his own words. They do not require him to engage for something future, and of consequence to shut up his mind against farther information as to what his conduct in that future ought to be; but merely to pledge his veracity to the apprehended order of things past.

These considerations palliate the evil, but do not convert it into good. Wherever men of uncommon energy and dignity of mind have existed, they have felt the degradation of binding their assertions with an oath. The English constitution recognises in a partial and imperfect manner the force of this principle, and therefore provides that, while the common herd of mankind shall be obliged to swear to the truth, nothing more shall be required from the order of nobles than a declaration upon honour. Will reason justify this distinction?

Opinion of
the liberal
and resolute
respecting
them.

Can there be a practice more pregnant with false morality than that of administering oaths in a court of justice? The language it expressly holds is, "You are not to be believed upon your mere
4 M word;"

Their essen-
tial features:
contempt of
veracity:

word;" and there are few men firm enough resolutely to preserve themselves from contamination, when they are accustomed upon the most solemn occasions to be treated with contempt. To the unthinking it comes like a plenary indulgence to the occasional tampering with veracity in affairs of daily occurrence, that they are not upon their oath; and we may affirm without risk of error, that there is no cause of insincerity, prevarication and falshood more powerful, than the practice of administering oaths in a court of justice. It treats veracity in the affairs of common life as a thing unworthy to be regarded. It takes for granted that no man, at least no man of plebeian rank, is to be credited upon his bare affirmation; and what it takes for granted it has an irresistible tendency to produce.

falle morality. Add to this a feature that runs through all the abuses of political institution, it inverts the eternal principles of morality. Why is it that I am bound to be more especially careful of what I affirm in a court of justice? Because the subsistence, the honest reputation or the life of a fellow man may be materially affected by it. All these genuine motives are by the contrivance of human institution thrown into shade, and we are expected to speak the truth, only because government demands it of us upon oath, and at the times in which government has thought proper or recollected to administer this oath. All attempts to strengthen the obligations of morality by fictitious and spurious motives, will in the sequel be found to have no tendency but to relax them.

Men

4

Men will never act with that liberal justice and conscious integrity which is their highest ornament, till they come to understand what men are. He that contaminates his lips with an oath, must have been thoroughly fortified with previous moral instruction; if he be able afterwards to understand the beauty of an easy and simple integrity. If our political institutors had been but half so judicious in perceiving the manner, in which excellence and worth were to be generated, as they have been ingenious and indefatigable in the means of depraving mankind, the world, instead of a slaughter house, would have been a paradise.

Let us leave for a moment the general consideration of the principle of oaths, to reflect upon their particular structure and the precise meaning of the term. They take for granted in the first place the existence of an invisible governor of the world, and the propriety of our addressing petitions to him, both which a man may deny, and yet continue a good member of society. What is the situation in which the institution of which we treat places this man? But we must not suffer ourselves to be stopped by trivial considerations.—Oaths are also so constructed as to take for granted the religious system of the country whatever it may happen to be.

Now what are the words with which we are taught in this instance to address the creator of the universe? "So help me God, and the contents of his holy word." It is the language of imprecation.

Their particular structure: abstract principles assumed by them to be true:

their inconsistency with these principles.

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precation.

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precation. I pray him to pour down his everlasting wrath and curse upon me, if I utter a lie.—It were to be wished that the name of that man were recorded, who first invented this mode of binding men to veracity. He had surely himself but very light and contemptuous notions of the Supreme Being, who could thus tempt men to insult him, by braving his justice. If it be our duty to invoke his blessing, yet there must surely be something insupportably profane in wantonly and unnecessarily putting all that he is able to inflict upon us upon conditions.

C H A P.

C H A P. VI.

O F L I B E L S.

PUBLIC LIBELS.—INJUSTICE OF AN ATTEMPT TO PRESCRIBE THE METHOD IN WHICH PUBLIC QUESTIONS SHALL BE DISCUSSED—ITS PUSILLANIMITY.—INVITATIONS TO TUMULT.—PRIVATE LIBELS.—REASONS IN FAVOUR OF THEIR BEING SUBJECTED TO RESTRAINT.—ANSWER.—1. IT IS NECESSARY THE TRUTH SHOULD BE TOLD.—SALUTARY EFFECTS OF THE UNRESTRAINED INVESTIGATION OF CHARACTER.—OBJECTION: FREEDOM OF SPEECH WOULD BE PRODUCTIVE OF CALUMNY, NOT OF JUSTICE.—ANSWER.—FUTURE HISTORY OF LIBEL.—2. IT IS NECESSARY MEN SHOULD BE TAUGHT TO BE SINCERE.—EXTENT OF THE EVIL WHICH ARISES FROM A COMMAND TO BE INSINCERE.—THE MIND SPONTANEOUSLY SHRINKS FROM THE PROSECUTION OF A LIBEL.—CONCLUSION.

I N the examination already bestowed upon the article of heresy political and religious*, we have anticipated one of the two heads of the law of libel; and, if the arguments there adduced be admitted for valid, it will follow that no punishment can justly

* Chap. III.

be

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Public libels.

BOOK VI. CHAP. VI. be awarded against any writing or words derogatory to religion or political government.

Injustice of an attempt to prescribe the method in which public questions shall be discussed :

It is impossible to establish any solid ground of distinction upon this subject, or to lay down rules in conformity to which the argument must be treated. It is impossible to tell me, when I am penetrated with the magnitude of the subject, that I must be logical and not eloquent ; or when I feel the absurdity of the theory I am combating, that I must not express it in terms that may produce feelings of ridicule in my readers. It were better to forbid me the discussion of the subject altogether, than forbid me to describe it in the manner I conceive to be most suitable to its merits. It would be a most tyrannical species of candour to tell me, " You may write against the system we patronise, provided you will write in an imbecil and ineffectual manner ; you may enquire and investigate as much as you please, provided, when you undertake to communicate the result, you carefully check your ardour, and be upon your guard that you do not convey any of your own feelings to your readers." Add to this, that rules of distinction, as they are absurd in relation to the dissidents, will prove a continual instrument of usurpation and injustice to the ruling party. No reasonings will appear fair to them, but such as are futile. If I speak with energy, they will deem me inflammatory ; and if I describe censurable proceedings in plain and homely, but pointed language, they will cry out upon me as a buffoon.

It

It must be truly a lamentable case, if truth, favoured by the many and patronised by the great, should prove too weak to enter the lists with falsehood. It is self evident, that that which will stand the test of examination, cannot need the support of penal statutes. After our adversaries have exhausted their eloquence and exerted themselves to mislead us, truth has a clear, nervous and simple story to tell, which, if force be excluded on all sides, will not fail to put down their arts. Misrepresentation will speedily vanish, if the friends of truth be but half as alert as the advocates of falsehood. Surely then it is a most ungracious plea to offer, " We are too idle to reason with you, we are therefore determined to silence you by force." So long as the adversaries of justice confine themselves to expostulation, there can be no ground for serious alarm. As soon as they begin to act with violence and riot, it will then be time enough to encounter them with force.

There is however one particular class of libel that seems to demand a separate consideration. A libel may either not confine itself to any species of illustration of religion or government, or it may leave illustration entirely out of its view. Its object may be to invite a multitude of persons to assemble, as the first step towards acts of violence. A public libel is any species of writing in which the wisdom of some established system is controverted ; and it cannot be denied that a dispassionate and severe demonstration of its injustice tends, not less than the most alarming tumult,

BOOK VI. CHAP. VI. its pusillanimity.

Invitations to tumult.

to

to the destruction of such institutions. But writing and speech are the proper and becoming methods of operating changes in human society, and tumult is an improper and equivocal method. In the case then of the specific preparations of riot, it should seem that the regular force of the society may lawfully interfere. But this interference may be of two kinds. It may consist of precautions to counteract all tumultuous concourse, or it may arraign the individual for the offence he has committed against the peace of the community. The first of these seems sufficiently commendable and wise, and would, if vigilantly exerted, be in almost all cases adequate to the purpose. The second is attended with some difficulty. A libel the avowed intention of which is to lead to immediate violence, is altogether different from a publication in which the general merits of any institution are treated with the utmost freedom, and may well be supposed to fall under different rules. The difficulty here arises only from the consideration of the general nature of punishment, which is abhorrent to the true principles of mind, and ought to be restrained within as narrow limits as possible, if not instantly abolished*. A distinction to which observation and experience in cases of judicial proceeding have uniformly led, is that between crimes that exist only in intention, and overt acts. So far as prevention only is concerned, the former would seem in many cases not less entitled to the animadversion of society than the latter; but the evidence of intention usually rests upon circumstances equivocal and mi-

* See the following Book.

nute, and the friend of justice will tremble to erect any grave proceeding upon so uncertain a basis.—It might be added, that he who says that every honest citizen of London ought to repair to St. George's Fields to-morrow in arms, only says what he thinks is best to be done, and what the laws of sincerity oblige him to utter. But this argument is of a general nature, and applies to every thing that is denominated crime, not to the supposed crime of inflammatory invitations in particular. He that performs any action, does that which he thinks is best to be done; and, if the peace of society make it necessary that he should be restrained from this by threats of violence, the necessity is of a very painful nature.—It should be remembered that the whole of these reasonings suppose that the tumult is an evil, and will produce more disadvantage than benefit, which is no doubt frequently, but may not be always, the case. It cannot be too often recollected, that there is in no case a right of doing wrong, a right to punish for a meritorious action. Every government, as well as every individual, must follow their own apprehensions of justice, at the peril of being mistaken, unjust and consequently vicious*.—These reasonings on exhortations to tumult, will also be found applicable with slight variation to incendiary letters addressed to private persons.

But the law of libel, as we have already said, distributes itself Private libels. into two heads, libels against public establishments and measures, and libels against private character. Those who have been willing

* Book II, Chap. III.

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to admit that the first ought to pass unpunished, have generally asserted the propriety of counteracting the latter by censures and penalties. It shall be the business of the remainder of this chapter to show that they were erroneous in their decision.

Reasons in
favour of their
being sub-
jected to re-
straint.

The arguments upon which their decision is built must be allowed to be both popular and impressive. "There is no external possession more solid or more valuable than an honest fame. My property, in goods or estate, is appropriated only by convention. Its value is for the most part the creature of a debauched imagination; and, if I were sufficiently wise and philosophical, he that deprived me of it would do me very little injury. He that inflicts a stab upon my character is a much more formidable enemy. It is a very serious inconvenience that my countrymen should regard me as destitute of principle and honesty. If the mischief were entirely to myself, it is not possible to be regarded with levity. I must be void of all sense of justice, if I were callous to the contempt and detestation of the world. I must cease to be a man, if I were unaffected by the calumny that deprived me of the friend I loved, and left me perhaps without one bosom in which to repose my sympathies. But this is not all. The same stroke that annihilates my character, extremely abridges, if it do not annihilate, my usefulness. It is in vain that I would exert my good intentions and my talents for the assistance of others, if my motives be perpetually misinterpreted. Men will not listen to the arguments of him they despise; he will be

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spurned during life, and execrated as long as his memory endures. What then are we to conclude but that to an injury, greater than robbery, greater perhaps than murder, we ought to award an exemplary punishment?"

The answer to this statement may be given in the form of an illustration of two propositions: first, that it is necessary the truth should be told; secondly, that it is necessary men should be taught to be sincere. Answer.

First, it is necessary the truth should be told. How can this ever be done, if I be forbidden to speak upon more than one side of the question? The case is here exactly similar to the case of religion and political establishment. If we must always hear the praise of things as they are, and allow no man to urge an objection, we may be lulled into torpid tranquillity, but we can never be wise.

1. It is ne-
cessary the
truth should
be told.

If a veil of partial favour is to be drawn over the errors of mankind, it is easy to perceive whether virtue or vice will be the gainer. There is no terror that comes home to the heart of vice, like the terror of being exhibited to the public eye. On the contrary there is no reward worthy to be bestowed upon eminent virtue but this one, the plain, unvarnished proclamation of its excellence in the face of the world.

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Salutary effects of the unrestrained investigation of character.

If the unrestrained discussion of abstract enquiry be of the highest importance to mankind, the unrestrained investigation of character is scarcely less to be cultivated. If truth were universally told of men's dispositions and actions, gibbets and wheels might be dismissed from the face of the earth. The knave unmasked would be obliged to turn honest in his own defence. Nay, no man would have time to grow a knave. Truth would follow him in his first irresolute essays, and public disapprobation arrest him in the commencement of his career.

There are many men at present who pass for virtuous, that tremble at the boldness of a project like this. They would be detected in their effeminacy and imbecility. Their imbecility is the growth of that inauspicious secrecy, which national manners and political institutions at present draw over the actions of individuals. If truth were spoken without reserve, there would be no such men in existence. Men would act with clearness and decision, if they had no hopes in concealment, if they saw at every turn that the eye of the world was upon them. How great would be the magnanimity of the man who was always sure to be observed, sure to be judged with discernment, and to be treated with justice? Feebleness of character would hourly lose its influence in the breast of those over whom it now domineers. They would feel themselves perpetually urged with an auspicious violence to assume manners more worthy of the form they bore.

4

To

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Objection: freedom of speech would be productive of calumny, not of justice.

Answer.

To these reasonings it may perhaps be rejoined, "This indeed is an interesting picture. If truth could be universally told, the effects would no doubt be of the most excellent nature; but the expectation is to be regarded as visionary."

Not so: the discovery of individual and personal truth is to be effected in the same manner as the discovery of general truth, by discussion. From the collision of disagreeing accounts justice and reason will be produced. Mankind seldom think much of any particular subject, without coming to think right at last.

"What, and is it to be supposed, that mankind will have the discernment and the justice of their own accord to reject the libel?" Yes; libels do not at present deceive mankind, from their intrinsic power, but from the restraint under which they labour. The man who from his dungeon is brought to the light of day, cannot accurately distinguish colours; but he that has suffered no confinement, feels no difficulty in the operation. Such is the state of mankind at present: they are not exercised to employ their judgment, and therefore they are deficient in judgment. The most improbable tale now makes a deep impression; but then men would be accustomed to speculate upon the possibilities of human action.

At first it may be, if all restraint upon the freedom of writing and speech were removed, and men were encouraged to declare

Future history of libel:

what

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what they thought as publicly as possible, every press would be burdened with an inundation of scandal. But the stories by their very multiplicity would defeat themselves. No one man, if the lie were successful, would become the object of universal persecution. In a short time the reader, accustomed to the dissection of character, would acquire discrimination. He would either detect the imposition by its internal absurdity, or at least would attribute to the story no farther weight, than that to which its evidence entitled it.

Libel, like every other human concern, would soon find its level, if it were delivered from the injurious interference of political institution. The libeller, that is, he who utters an unfounded calumny, either invents the story he tells, or delivers it with a degree of assurance to which the evidence that has offered itself to him is by no means entitled. In each case he would meet with his proper punishment in the judgment of the world. The consequences of his error would fall back upon himself. He would either pass for a malignant accuser, or for a rash and headlong censurer. Anonymous scandal would be almost impossible in a state where nothing was concealed. But, if it were attempted, it would be wholly pointless, since, where there could be no honest and rational excuse for concealment, the desire to be concealed would prove the baseness of the motive.

Secondly,

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Secondly, force ought not to intervene for the suppression of private libels, because men ought to learn to be sincere. There is no branch of virtue more essential than that which consists in giving language to our thoughts. He that is accustomed to utter what he knows to be false or to suppress what he knows to be true, is in a perpetual state of degradation. If I have had particular opportunity to observe any man's vices, justice will not fail to suggest to me that I ought to admonish him of his errors, and to warn those whom his errors might injure. There may be very sufficient ground for my representing him as a vicious man, though I may be totally unable to establish his vices so as to make him a proper subject of judicial punishment. Nay, it cannot be otherwise; for I ought to describe his character exactly such as it appears to be, whether it be virtuous, or vicious, or of an ambiguous nature. Ambiguity would presently cease, if every man avowed his sentiments. It is here as in the intercourses of friendship: a timely explanation seldom fails to heal a broil; misunderstandings would not grow considerable, were we not in the habit of brooding over imaginary wrongs.

Laws for the suppression of private libels are properly speaking laws to restrain men from the practice of sincerity. They create a warfare between the genuine dictates of unbiassed private judgment and the apparent sense of the community, throwing obscurity upon the principles of virtue, and inspiring an indifference to the practice. This is one of those consequences of political

2. It is necessary men should be taught to be sincere.

Extent of the evil which arises from a command to be sincere.

political institution that presents itself at every moment: morality is rendered the victim of uncertainty and doubt. Contradictory systems of conduct contend with each other for the preference, and I become indifferent to them all. How is it possible that I should imbibe the divine enthusiasm of benevolence and justice, when I am prevented from discerning what it is in which they consist? Other laws assume for the topic of their animadversion actions of unfrequent occurrence. But the law of libels usurps the office of directing me in my daily duties, and, by perpetually menacing me with the scourge of punishment, undertakes to render me habitually a coward, continually governed by the basest and most unprincipled motives.

Courage consists more in this circumstance than in any other, the daring to speak every thing, the uttering of which may conduce to good. Actions, the performance of which requires an inflexible resolution, call upon us but seldom; but the virtuous economy of speech is our perpetual affair. Every moralist can tell us that morality eminently consists in "the government of the tongue." But this branch of morality has long been inverted. Instead of studying what we shall tell, we are taught to consider what we shall conceal. Instead of an active virtue, "going about doing good," we are instructed to believe that the chief end of man is to do no mischief. Instead of fortitude, we are carefully imbued with maxims of artifice and cunning, misnamed prudence.

Let

Let us contrast the character of those men with whom we are accustomed to converse, with the character of men such as they ought to be, and will be. On the one side we perceive a perpetual caution, that shrinks from the observing eye, that conceals with a thousand folds the genuine emotions of the heart, and that renders us unwilling to approach the men that we suppose accustomed to read it, and to tell what they read. Such characters as ours are the mere shadows of men, with a specious outside perhaps, but destitute of substance and soul. Oh, when shall we arrive at the land of realities, when men shall be known for what they are, by energy of thought and intrepidity of action! It is fortitude, that must render a man superior alike to caresses and threats, enable him to derive his happiness from within, and accustom him to be upon all occasions prompt to assist and to inform. Every thing therefore favourable to fortitude must be of inestimable value; every thing that inculcates dissimulation worthy of our perpetual abhorrence.

There is one thing more that is of importance to be observed upon this subject of libel, which is, the good effects that would spring from every man's being accustomed to encounter falsehood with its only proper antidote, truth. After all the arguments that have been industriously accumulated to justify prosecution for libel, every man that will retire into himself, will feel himself convinced of their insufficiency. The modes in which an innocent and a guilty man would repel an accusation against

The mind spontaneously shrinks from the prosecution of a libel.

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them

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them might be expected to be opposite; but the law of libel confounds them. He that was conscious of his rectitude, and undebauched by ill systems of government, would say to his adversary, "Publish what you please against me, I have truth on my side, and will confound your misrepresentations." His sense of fitness and justice would not permit him to say, "I will have recourse to the only means that are congenial to guilt, I will compel you to be silent." A man, urged by indignation and impatience, may commence a prosecution against his accuser; but he may be assured, the world, that is a disinterested spectator, feels no cordiality for his proceedings. The language of their sentiments upon such occasions is, "What! he dares not even let us hear what can be said against him."

Conclusion.

The arguments in favour of justice, however different may be the views under which it is considered, perpetually run parallel to each other. The recommendations under this head are precisely the same as those under the preceding, the generation of activity and fortitude. The tendency of all false systems of political institution is to render the mind lethargic and torpid. Were we accustomed not to recur either to public or individual force but upon occasions that unequivocally justified their employment, we should then come to have some respect for reason, for we should know its power. How great must be the difference between him who answers me with a writ of summons or a challenge, and him who employs the sword and the shield

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of truth alone? He knows that force only is to be encountered with force, and allegation with allegation; and he scoras to change places with the offender by being the first to break the peace. He does that which, were it not for the degenerate habits of society, would scarcely deserve the name of courage, dares to meet upon equal ground, with the sacred armour of truth, an adversary who possesses only the perishable weapons of falsehood. He calls up his understanding; and does not despair of baffling the shallow pretences of calumny. He calls up his firmness; and knows that a plain story, every word of which is marked with the emphasis of sincerity, will carry conviction to every hearer. It were absurd to expect that truth should be cultivated, so long as we are accustomed to believe that it is an impotent incumbrance. It would be impossible to neglect it, if we knew that it was as impenetrable as adamant, and as lasting as the world.

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OF CONSTITUTIONS.

DISTINCTION OF REGULATIONS CONSTITUENT AND LEGISLATIVE. — SUPPOSED CHARACTER OF PERMANENCE THAT OUGHT TO BE GIVEN TO THE FORMER—INCONSISTENT WITH THE NATURE OF MAN.—SOURCE OF THE ERROR.—REMARK.—ABSURDITY OF THE SYSTEM OF PERMANENCE.—ITS FUTILITY.—MODE TO BE PURSUED IN FRAMING A CONSTITUTION.—CONSTITUENT LAWS NOT MORE IMPORTANT THAN OTHERS. — IN WHAT MANNER THE CONSENT OF THE DISTRICTS IS TO BE DECLARED. — TENDENCY OF THE PRINCIPLE WHICH REQUIRES THIS CONSENT.—IT WOULD REDUCE THE NUMBER OF CONSTITUTIONAL ARTICLES—PARCEL OUT THE LEGISLATIVE POWER—AND PRODUCE THE GRADUAL EXTINCTION OF LAW.—OBJECTION.—ANSWER.

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Distinction of regulations constituent and legislative.

AN article intimately connected with the political consideration of opinion is suggested to us by a doctrine which has lately been taught relatively to constitutions. It has been said that the laws of every regular state naturally distribute themselves under two heads, fundamental and adscititious; laws, the object

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object of which is the distribution of political power and directing the permanent forms according to which public business is to be conducted; and laws, the result of the deliberations of powers already constituted. This distinction being established in the first instance, it has been inferred, that these laws are of very unequal importance, and that of consequence those of the first class ought to be originated with much greater solemnity, and to be declared much less susceptible of variation than those of the second. The French national assembly of 1789 pushed this principle to the greatest extremity, and seemed desirous of providing every imaginable security for rendering the work they had formed immortal. It could not be touched upon any account under the term of ten years; every alteration it was to receive must be recognised as necessary by two successive national assemblies of the ordinary kind; after these formalities an assembly of revision was to be elected, and they to be forbidden to touch the constitution in any other points than those which had been previously marked out for their consideration.

Supposed character of permanence that ought to be given to the former.

It is easy to perceive that these precautions are in direct hostility with the principles established in this work. "Man and forever!" was the motto of the labours of this assembly. Just broken loose from the thick darkness of an absolute monarchy, they assumed to prescribe lessons of wisdom to all future ages. They seem not so much as to have dreamed of that purification of intellect, that climax of improvement, which may very probably

inconsistent with the nature of man.

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bably be the destiny of posterity. The true state of man, as has been already demonstrated, is, not to have his opinions bound down in the fetters of an eternal quietism, but flexible and unrestrained to yield with facility to the impressions of increasing truth. That form of society will appear most perfect to an enlightened mind, which is least founded in a principle of permanence. But, if this view of the subject be just, the idea of giving permanence to what is called the constitution of any government, and rendering one class of laws, under the appellation of fundamental, less susceptible of change than another, must be founded in misapprehension and error.

Source of the
error.

The error probably originally sprung out of the forms of political monopoly which we see established over the whole civilized world. Government could not justly derive in the first instance but from the choice of the people; or, to speak more accurately (for the former principle, however popular and specious, is in reality false), government ought to be adjusted in its provisions to the prevailing apprehensions of justice and truth. But we see government at present administered either in whole or in part by a king and a body of noblesse; and we reasonably say that the laws made by these authorities are one thing, and the laws from which they derived their existence another. But we do not consider that these authorities, however originated, are in their own nature unjust. If we had never seen arbitrary and capricious forms of government, we should probably never have

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have thought of cutting off certain laws from the code under the name of constitutional. When we behold certain individuals or bodies of men exercising an exclusive superintendence over the affairs of a nation, we inevitably ask how they came by their authority, and the answer is, By the constitution. But, if we saw no power existing in the state but that of the people, having a body of representatives, and a certain number of official secretaries and clerks acting in their behalf, subject to their revival, and renewable at their pleasure, the question, how the people came by this authority, would never have suggested itself.

A celebrated objection that has been urged against the governments of modern Europe is that they have no constitutions*. Remark. If by this objection it be understood, that they have no written code bearing this appellation, and that their constitutions have been less an instantaneous than a gradual production, the criticism seems to be rather verbal, than of essential moment. In any other sense it is to be suspected that the remark would amount to an eulogium, but an eulogium to which they are certainly by no means entitled.

But to return to the question of permanence. Whether we Absurdity of the system of permanence. admit or reject the distinction between constitutional and ordinary legislation, it is not less true that the power of a people

* Rights of Man.

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to change their constitution morally considered, must be strictly and universally coeval with the existence of a constitution. The language of permanence in this case is the greatest of all absurdities. It is to say to a nation, "Are you convinced that something is right, perhaps immediately necessary, to be done? It shall be done ten years hence."

The folly of this system may be farther elucidated, if farther elucidation be necessary, from the following dilemma. Either a people must be governed according to their own apprehensions of justice and truth, or they must not. The last of these assertions cannot be avowed, but upon the unequivocal principles of tyranny. But, if the first be true, then it is just as absurd to say to a nation, "This government, which you chose nine years ago, is the legitimate government, and the government which your present sentiments approve the illegitimate; as to insist upon their being governed by the *dicta* of their remotest ancestors, or even of the most insolent usurper.

Its facility.

It is extremely probable that a national assembly chosen in the ordinary forms, is just as much empowered to change the fundamental laws, as to change any of the least important branches of legislation. This function would never perhaps be dangerous but in a country that still preserved a portion of monarchy or aristocracy, and in such a country a principle of permanence would be found a very feeble antidote against the danger. The

true

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true principle upon the subject is, that no assembly, though chosen with the most unexampled solemnity, has a power to impose any regulations contrary to the public apprehension of right; and a very ordinary authority, fairly originated, will be sufficient to facilitate the harmonious adoption of a change that is dictated by national opinion. The distinction of constitutional and ordinary topics will always appear in practice unintelligible and vexatious. The assemblies of more frequent recurrence will find themselves arrested in the intention of conferring any eminent benefit on their country, by the apprehension that they shall invade the constitution. In a country where the people are habituated to sentiments of equality and where no political monopoly is tolerated, there is little danger that any national assembly should be disposed to enforce a pernicious change, and there is still less that the people should submit to the injury, or not possess the means easily and with small interruption of public tranquillity to avert it. The language of reason on this subject is, "Give us equality and justice, but no constitution. Suffer us to follow without restraint the dictates of our own judgment, and to change our forms of social order as fast as we improve in understanding and knowledge."

The opinion upon this head most popular in France at the time that the national convention entered upon its functions, was that the business of the convention extended only to the presenting a draught of a constitution, to be submitted in the

Mode to be
pursued in
framing a
constitution.

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sequel

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sequel to the approbation of the districts, and then only to be considered as law. This opinion is well deserving of a serious examination.

Constituent
laws not more
important
than others.

The first idea that suggests itself respecting it is, that, if constitutional laws ought to be subjected to the revision of the districts, then all laws ought to undergo the same process, understanding by laws all declarations of a general principle to be applied to particular cases as they may happen to occur, and even including all provisions for individual emergencies that will admit of the delay incident to the revision in question. It is an egregious mistake to imagine that the importance of these articles is in a descending ratio from fundamental to ordinary, and from ordinary to particular. It is possible for the most odious injustice to be perpetrated by the best constituted assembly. A law rendering it capital to oppose the doctrine of transubstantiation, would be more injurious to the public welfare, than a law changing the duration of the national representative, from two years, to one year or to three. Taxation has been shown to be an article rather of executive than legislative administration*, and yet a very oppressive and unequal tax would be scarcely less ruinous than any single measure that could possibly be devised,

In what man-
ner the con-
sent of the
districts is to
be declared.

It may farther be remarked that an approbation demanded from the districts to certain constitutional articles, whether more

* Book V, Chap. I.

or

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or less numerous, will be either real or delusive according to the mode adopted for that purpose. If the districts be required to decide upon these articles by a simple affirmative or negative, it will then be delusive. It is impossible for any man or body of men, in the due exercise of their understanding, to decide upon any complicated system in that manner. It can scarcely happen but that there will be some things that they will approve and some that they will disapprove. On the other hand, if the articles be unlimitedly proposed for discussion in the districts, a transaction will be begun to which it is not easy to foresee a termination. Some districts will object to certain articles; and, if these articles be modelled to obtain their approbation, it is possible that the very alteration introduced to please one part of the community, may render the code less acceptable to another. How are we to be assured that the dissidents will not set up a separate government for themselves? The reasons that might be offered to persuade a minority of districts to yield to the sense of a majority, are by no means so perspicuous and forcible, as those which sometimes persuade the minority of members in a given assembly to that species of concession.

It is desirable in all cases of the practical adoption of any given principle, that we should fully understand the meaning of the principle, and perceive the conclusions to which it inevitably leads. This principle of a consent of districts has an immediate tendency, by a salutary gradation perhaps, to lead to the dis-

Tendency of
the principle,
which re-
quires this
consent.

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lution.

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CHAP. VII.

lution of all government. What then can be more absurd; than to see it embraced by those very men, who are at the same time advocates for the complete legislative unity of a great empire? It is founded upon the same basis as the principle of private judgment, which it is to be hoped will speedily supersede the possibility of the action of society in a collective capacity. It is desirable that the most important acts of the national representatives should be subject to the approbation or rejection of the districts whose representatives they are, for exactly the same reason as it is desirable, that the acts of the districts themselves should, as speedily as practicability will admit, be in force only so far as relates to the individuals by whom those acts are approved.

It would reduce the number of constitutional articles:

The first consequence that would result, not from the delusive, but the real establishment of this principle, would be the reduction of the constitution to a very small number of articles. The impracticability of obtaining the deliberate approbation of a great number of districts to a very complicated code, would speedily manifest itself. In reality the constitution of a state governed either in whole or in part by a political monopoly, must necessarily be complicated. But what need of complexity in a country where the people are destined to govern themselves? The whole constitution of such a country ought scarcely to exceed two articles; first, a scheme for the division of the whole into parts equal in their population, and, secondly, the fixing of stated periods for the election of a national assembly: not to say

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say that the latter of these articles may very probably be dispensed with.

A second consequence that results from the principle of which we are treating is as follows. It has already appeared, that the reason is no less cogent for submitting important legislative articles to the revival of the districts, than for submitting the constitutional articles themselves. But after a few experiments of this sort, it cannot fail to suggest itself, that the mode of sending laws to the districts for their revision, unless in cases essential to the general safety, is a proceeding unnecessarily circuitous, and that it would be better, in as many instances as possible, to suffer the districts to make laws for themselves without the intervention of the national assembly. The justness of this consequence is implicitly assumed in the preceding paragraph, while we stated the very narrow bounds within which the constitution of an empire, such as that of France for example, might be circumscribed. In reality, provided the country were divided into convenient districts with a power of sending representatives to the general assembly, it does not appear that any ill consequences would ensue to the common cause from these districts being permitted to regulate their internal affairs, in conformity to their own apprehensions of justice. Thus, that which was at first a great empire with legislative unity, would speedily be transformed into a confederacy of lesser republics, with a general congress or Amphictyonic council, answering the purpose of a point of cooperation upon

BOOK VI.
CHAP. VII. upon extraordinary occasions. The ideas of a great empire and legislative unity are plainly the barbarous remains of the days of military heroism. In proportion as political power is brought home to the citizens, and simplified into something of the nature of parish regulation, the danger of misunderstanding and rivalry will be nearly annihilated. In proportion as the science of government is divested of its present mysterious appearances, social truth will become obvious, and the districts pliant and flexible to the dictates of reason.

and produce
the gradual
extinction of
law.

A third consequence sufficiently memorable from the same principle is the gradual extinction of law. A great assembly, collected from the different provinces of an extensive territory, and constituted the sole legislator of those by whom the territory is inhabited, immediately conjures up to itself an idea of the vast multitude of laws that are necessary for regulating the concerns of those whom it represents. A large city, impelled by the principles of commercial jealousy, is not slow to digest the volume of its by-laws and exclusive privileges. But the inhabitants of a small parish, living with some degree of that simplicity which best corresponds with the real nature and wants of a human being, would soon be led to suspect that general laws were unnecessary, and would adjudge the causes that came before them, not according to certain axioms previously written, but according to the circumstances and demand of each particular cause.—It was proper that this consequence should be mentioned

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in this place. The benefits that will arise from the abolition of law will come to be considered in detail in the following book.

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CHAP. VII.

The principal objection that is usually made to the idea of confederacy considered as the substitute of legislative unity, is the possibility that arises of the members of the confederacy detaching themselves from the support of the public cause. To give this objection every advantage, let us suppose that the seat of the confederacy, like France, is placed in the midst of surrounding nations, and that the governments of these nations are anxious by every means of artifice and violence to suppress the insolent spirit of liberty that has started up among this neighbour people. It is to be believed that even under these circumstances the danger is more imaginary than real. The national assembly, being precluded by the supposition from the use of force against the malcontent districts, is obliged to confine itself to expostulation; and it is sufficiently observable that our powers of expostulation are tenfold increased the moment our hopes are confined to expostulation alone. They have to describe with the utmost perspicuity and simplicity the benefits of independence; to convince the public at large, that all they intend is to enable every district, and as far as possible every individual, to pursue unmolested their own ideas of propriety; and that under their auspices there shall be no tyranny, no arbitrary punishments, such as proceed from the jealousy of councils and courts, no exactions, almost no taxation. Some ideas respecting this last subject will speedily occur.

Objection.

Answer.

It

BOOK VI.
CHAP. VII. It is not possible but that, in a country rescued from the inveterate evils of despotism, the love of liberty should be considerably diffused. The adherents therefore of the public cause will be many: the malcontents few. If a small number of districts were so far blinded as to be willing to surrender themselves to oppression and slavery, it is probable they would soon repent. Their desertion would inspire the more enlightened and courageous with additional energy. It would be a glorious spectacle to see the champions of the cause of truth declaring that they desired none but willing supporters. It is not possible that so magnanimous a principle should not contribute more to the advantage than the injury of their cause.

C H A P.

OF NATIONAL EDUCATION.

ARGUMENTS IN ITS FAVOUR.—ANSWER.—1. IT PRODUCES PERMANENCE OF OPINION.—NATURE OF PREJUDICE AND JUDGMENT DESCRIBED.—2. IT REQUIRES UNIFORMITY OF OPERATION.—3. IT IS THE MIRROR AND TOOL OF NATIONAL GOVERNMENT.—THE RIGHT OF PUNISHING NOT FOUNDED IN THE PREVIOUS FUNCTION OF INSTRUCTING.

A **MODE** in which government has been accustomed to interfere for the purpose of influencing opinion, is by the superintendence it has in a greater or less degree exerted in the article of education. It is worthy of observation that the idea of this superintendence has obtained the countenance of several of the most zealous advocates of political reform. The question relative to its propriety or impropriety is entitled on that account to the more deliberate examination.

The arguments in its favour have been already anticipated. Arguments in its favour.
“ Can it be justifiable in those persons, who are appointed to the functions of magistracy, and whose duty it is to consult for

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the

BOOK VI.
CHAP. VIII.

BOOK VI.
CHAP. VIII. the public welfare, to neglect the cultivation of the infant mind, and to suffer its future excellence or depravity to be at the disposal of fortune? Is it possible for patriotism and the love of the public to be made the characteristic of a whole people in any other way so successfully, as by rendering the early communication of these virtues a national concern? If the education of our youth be entirely confided to the prudence of their parents or the accidental benevolence of private individuals, will it not be a necessary consequence, that some will be educated to virtue, others to vice, and others again entirely neglected?" To these considerations it has been added, "That the maxim which has prevailed in the majority of civilized countries, that ignorance of the law is no apology for the breach of it, is in the highest degree iniquitous; and that government cannot justly punish us for our crimes when committed, unless it have forewarned us against their commission, which cannot be adequately done without something of the nature of public education."

Answer.

The propriety or impropriety of any project for this purpose must be determined by the general consideration of its beneficial or injurious tendency. If the exertions of the magistrate in behalf of any system of instruction will stand the test as conducive to the public service, undoubtedly he cannot be justified in neglecting them. If on the contrary they conduce to injury, it is wrong and unjustifiable that they should be made.

The

The injuries that result from a system of national education are, in the first place, that all public establishments include in them the idea of permanence. They endeavour it may be to secure and to diffuse whatever of advantageous to society is already known, but they forget that more remains to be known. If they realized the most substantial benefits at the time of their introduction, they must inevitably become less and less useful as they increased in duration. But to describe them as useless is a very feeble expression of their demerits. They actively restrain the flights of mind, and fix it in the belief of exploded errors. It has commonly been observed of universities and extensive establishments for the purpose of education, that the knowledge taught there, is a century behind the knowledge which exists among the unhackled and unprejudiced members of the same political community. The moment any scheme of proceeding gains a permanent establishment, it becomes impressed as one of its characteristic features with an aversion to change. Some violent concussion may oblige its conductors to change an old system of philosophy for a system less obsolete; and they are then as pertinaciously attached to this second doctrine as they were to the first. Real intellectual improvement demands that mind should as speedily as possible be advanced to the height of knowledge already existing among the enlightened members of the community, and start from thence in the pursuit of farther acquisitions. But public education has always expended its energies in the support of prejudice; it teaches its pupils, not the

BOOK VI.
CHAP. VIII.
1. It produces permanence of opinion.

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fortitude

fortitude that shall bring every proposition to the test of examination, but the art of vindicating such tenets as may chance to be previously established. We study Aristotle or Thomas Aquinas or Bellarmine or chief justice Coke, not that we may detect their errors, but that our minds may be fully impregnated with their absurdities. This feature runs through every species of public establishment; and even in the petty institution of Sunday schools, the chief lessons that are taught, are a superstitious veneration for the church of England, and to bow to every man in a handsome coat. All this is directly contrary to the true interest of mind. All this must be unlearned, before we can begin to be wise.

Nature of
prejudice and
judgment de-
scribed.

It is the characteristic of mind to be capable of improvement. An individual surrenders the best attribute of man, the moment he resolves to adhere to certain fixed principles, for reasons not now present to his mind; but which formerly were. The instant in which he shuts upon himself the career of enquiry, is the instant of his intellectual decease. He is no longer a man; he is the ghost of departed man. There can be no scheme more egregiously stamped with folly, than that of separating a tenet from the evidence upon which its validity depends. If I cease from the habit of being able to recal this evidence, my belief is no longer a perception, but a prejudice: it may influence me like a prejudice; but cannot animate me like a real apprehension of truth. The difference between the man thus guided, and the
man

man that keeps his mind perpetually alive, is the difference between cowardice and fortitude. The man who is in the best sense an intellectual being, delights to recollect the reasons that have convinced him, to repeat them to others, that they may produce conviction in them, and stand more distinct and explicit in his own mind; and he adds to this a willingness to examine objections, because he takes no pride in consistent error. The man who is not capable of this salutary exercise, to what valuable purpose can he be employed? Hence it appears that no vice can be more destructive than that which teaches us to regard any judgment as final, and not open to review. The same principle that applies to individuals applies to communities. There is no proposition, at present apprehended to be true, so valuable as to justify the introduction of an establishment for the purpose of inculcating it on mankind. Refer them to reading, to conversation, to meditation; but teach them neither creeds nor catechisms, neither moral nor political.

Secondly, the idea of national education is founded in an attention to the nature of mind. Whatever each man does for himself is done well; whatever his neighbours or his country undertake to do for him is done ill. It is our wisdom to incite men to act for themselves, not to retain them in a state of perpetual pupillage. He that learns because he desires to learn, will listen to the instructions he receives, and apprehend their meaning. He that teaches because he desires to teach, will discharge
his

2. It requires
uniformity of
operation.

BOOK VI. his occupation with enthusiasm and energy. But the moment
 CHAP. VIII. political institution undertakes to assign to every man his place, the functions of all will be discharged with supineness and indifference. Universities and expensive establishments have long been remarked for formal dulness. Civil policy has given me the power to appropriate my estate to certain theoretical purposes; but it is an idle presumption to think I can entail my views, as I can entail my fortune. Remove all those obstacles which prevent men from seeing and restrain them from pursuing their real advantage, but do not absurdly undertake to relieve them from the activity which this pursuit requires. What I earn, what I acquire only because I desire to acquire it, I estimate at its true value; but what is thrust upon me may make me indolent, but cannot make me respectable. It is extreme folly to endeavour to secure to others, independently of exertion on their part, the means of being happy.—This whole proposition of a national education, is founded upon a supposition which has been repeatedly refuted in this work, but which has recurred upon us in a thousand forms, that unpatronised truth is inadequate to the purpose of enlightening mankind.

3. It is the mirror and tool of national government.

Thirdly, the project of a national education ought uniformly to be discouraged on account of its obvious alliance with national government. This is an alliance of a more formidable nature, than the old and much contested alliance of church and state. Before we put so powerful a machine under the direction

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of

of so ambiguous an agent, it behoves us to consider well what it is that we do. Government will not fail to employ it to strengthen its hands, and perpetuate its institutions. If we could even suppose the agents of government not to propose to themselves an object, which will be apt to appear in their eyes, not merely innocent, but meritorious; the evil would not the less happen. Their views as institutors of a system of education, will not fail to be analogous to their views in their political capacity: the data upon which their conduct as statesmen is vindicated, will be the data upon which their instructions are founded. It is not true that our youth ought to be instructed to venerate the constitution, however excellent; they should be instructed to venerate truth; and the constitution only so far as it corresponded with their independent deductions of truth. Had the scheme of a national education been adopted when despotism was most triumphant, it is not to be believed that it could have for ever stifled the voice of truth. But it would have been the most formidable and profound contrivance for that purpose that imagination can suggest. Still, in the countries where liberty chiefly prevails, it is reasonably to be assumed that there are important errors, and a national education has the most direct tendency to perpetuate those errors, and to form all minds upon one model.

It is not easy to say whether the remark, "that government cannot justly punish offenders, unless it have previously informed them

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The right of punishing not founded in

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the previous
function of
instructing.

them what is virtue and what is offence," be entitled to a separate answer. It is to be hoped that mankind will never have to learn so important a lesson through so corrupt a channel. Government may reasonably and equitably presume that men who live in society know that enormous crimes are injurious to the public weal, without its being necessary to announce them as such, by laws to be proclaimed by heralds, or expounded by curates. It has been alledged that "mere reason may teach me not to strike my neighbour; but will never forbid my sending a sack of wool from England, or printing the French constitution in Spain." This objection leads to the true distinction upon the subject. All real crimes are capable of being discerned without the teaching of law. All supposed crimes, not capable of being so discerned, are truly and unalterably innocent. It is true that my own understanding would never have told me that the exportation of wool was a vice: neither do I believe it is a vice now that a law has been made affirming it. It is a feeble and contemptible remedy for iniquitous punishments, to signify to mankind beforehand that you intend to inflict them. Nay, the remedy is worse than the evil: destroy me if you please; but do not endeavour by a national education to destroy in my understanding the discernment of justice and injustice. The idea of such an education, or even perhaps of the necessity of a written law, would never have occurred, if government and jurisprudence had never attempted the arbitrary conversion of innocence into guilt.

C H A P.

C H A P. IX.

OF PENSIONS AND SALARIES.

REASONS BY WHICH THEY ARE VINDICATED.—LABOUR IN ITS USUAL ACCEPTATION AND LABOUR FOR THE PUBLIC COMPARED.—IMMORAL EFFECTS OF THE INSTITUTION OF SALARIES.—SOURCE FROM WHICH THEY ARE DERIVED—UNNECESSARY FOR THE SUBSISTENCE OF THE PUBLIC FUNCTIONARY—FOR DIGNITY.—SALARIES OF INFERIOR OFFICERS—MAY ALSO BE SUPERSEDED.—TAXATION.—QUALIFICATIONS.

AN article which deserves the maturest consideration, and by means of which political institution does not fail to produce the most important influence upon opinion, is that of the mode of rewarding public services. The mode which has obtained in all European countries is that of pecuniary reward. He who is employed to act in behalf of the public, is recompensed with a salary. He who retires from that employment, is recompensed with a pension. The arguments in support of this system are well known. It has been remarked, "that it may indeed be creditable to individuals to be willing to serve their country without a reward, but that it is a becoming pride on the

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Reasons on
which the in-
stitution of
salaries is
founded.

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part

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CHAP. IX.

part of the public, to refuse to receive as an alms that for which they are well able to pay. If one man, animated by the most disinterested motives, be permitted to serve the public upon these terms, another will assume the exterior of disinterestedness, as a step towards the gratification of a sinister ambition. If men be not openly and directly paid for the services they perform, we may rest assured that they will pay themselves by ways ten thousand times more injurious. He who devotes himself to the public, ought to devote himself entire: he will therefore be injured in his personal fortune, and ought to be replaced. Add to this, that the servants of the public ought by their appearances and mode of living to command respect both from their own countrymen and from foreigners; and that this circumstance will require an expence for which it is the duty of their country to provide*.”

Labour in its usual acceptation and labour for the public compared.

Before this argument can be sufficiently estimated, it will be necessary for us to consider the analogy between labour in its most usual acceptation and labour for the public service, what are the points in which they resemble and in which they differ. If I cultivate a field the produce of which is necessary for my subsistence, this is an innocent and laudable action, the first object it proposes is my own emolument, and it cannot be unreasonable that that object should be much in my contemplation

* The substance of these arguments may be found in Mr. Burke's Speech on Oeconomical Reform.

while

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while the labour is performing. If I cultivate a field the produce of which is not necessary to my subsistence, but which I propose to give in barter for a garment, the case then becomes different. The action here does not properly speaking begin in myself. Its immediate object is to provide food for another; and it seems to be in some degree a perversion of intellect, that causes me to place in an inferior point of view the inherent quality of the action, and to do that which is in the first instance benevolent, from a partial retrospect to my own advantage. Still the perversion here, at least to our habits of reflecting and judging, does not appear violent. The action differs only in form from that which is direct. I employ that labour in cultivating a field, which must otherwise be employed in manufacturing a garment. The garment I propose to myself as the end of my labour. We are not apt to conceive of this species of barter and trade as greatly injurious to our moral discernment.

But then this is an action in the slightest degree indirect. It does not follow, because we are induced to do some actions immediately beneficial to others from a selfish motive, that we can admit of this in all instances with impunity. It does not follow, because we are sometimes inclined to be selfish, that we must never be generous. The love of our neighbour is the great ornament of a moral nature. The perception of truth is the most solid improvement of an intellectual nature. He that sees nothing in the universe deserving of regard but himself, is

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a consummate stranger to the dictates of immutable reason. He that is not influenced in his conduct by the real and inherent natures of things, is rational to no purpose. Admitting that it is venial to do some actions immediately beneficial to my neighbour from a partial retrospect to myself, surely there must be other actions in which I ought to forget, or endeavour to forget myself. This duty is most obligatory in actions most extensive in their consequences. If a thousand men be to be benefited, I ought to recollect that I am only an atom in the comparison, and to reason accordingly.

Immoral effects of the institution of salaries :

These considerations may qualify us to decide upon the article of pensions and salaries. Surely it ought not to be the end of a good political institution to increase our selfishness, instead of suffering it to dwindle and decay. If we pay an ample salary to him who is employed in the public service, how are we sure that he will not have more regard to the salary than to the public? If we pay a small salary, yet the very existence of such a payment will oblige men to compare the work performed and the reward bestowed; and all the consequence that will result will be to drive the best men from the service of their country, a service first degraded by being paid, and then paid with an ill-timed parsimony. Whether the salary be large or small, if a salary exist, many will desire the office for the sake of its appendage. Functions the most extensive in their consequences will be converted into a trade. How humiliating will it be to the
functionary.

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CHAP. IX.

functionary himself, amidst the complication and subtlety of motives, to doubt whether the salary were not one of his inducements to the accepting the office? If he stand acquitted to himself, it is however still to be regretted, that grounds should be afforded to his countrymen, which tempt them to misinterpret his views.

Another consideration of great weight in this instance is that of the source from which salaries are derived: from the public revenue, from taxes imposed upon the community. But there is no practicable mode of collecting the superfluities of the community. Taxation, to be strictly equal, if it demand from the man of an hundred a year ten pounds, ought to demand from the man of a thousand a year nine hundred and ten. Taxation will always be unequal and oppressive, wresting the hard earned morsel from the gripe of the peasant, and sparing him most whose superfluities most defy the limits of justice. I will not say that the man of clear discernment and an independent mind would rather starve than be subsisted at the public cost: but I will say, that it is scarcely possible to devise any expedient for his subsistence that he would not rather accept.

Meanwhile the difficulty under this head is by no means insuperable. The majority of the persons chosen for public employment, under any situation of mankind approaching to the present, will possess a personal fortune adequate to their support.

unnecessary for the subsistence of the public functionary :

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Those selected from a different class, will probably be selected for extraordinary talents, which will naturally lead to extraordinary resources. It has been deemed dishonourable to subsist upon private liberality; but this dishonour is produced only by the difficulty of reconciling this mode of subsistence and intellectual independence. It is free from many of the objections that have been urged against a public stipend. I ought to receive your superfluity as my due, while I am employed in affairs more important than that of earning a subsistence; but at the same time to receive it with a total indifference to personal advantage, taking only precisely what is necessary for the supply of my wants. He that listens to the dictates of justice and turns a deaf ear to the dictates of pride, will wish that the constitution of his country should cast him for support on the virtue of individuals, rather than provide for his support at the public expence. That virtue will, in this as in all other instances, increase, the more it is called into action. "But what if he have a wife and children?" Let many aid him, if the aid of one be insufficient. Let him do in his lifetime what Eudamidas did at his decease, bequeath his daughter to be subsisted by one friend, and his mother by another. This is the only true taxation, which he that is able, and thinks himself able, assesses on himself, not which he endeavours to discharge upon the shoulders of the poor. It is a striking example of the power of venal governments in generating prejudice, that this scheme of serving the public functions without salaries, so common among the ancient republicans,

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licans, should by liberal minded men of the present day be deemed impracticable. It is not to be believed that those readers who already pant for the abolition of government and regulations in all their branches, should hesitate respecting so easy an advance towards this desirable object. Nor let us imagine that the safety of the community will depend upon the services of an individual. In the country in which individuals fit for the public service are rare, the post of honour will be his, not that fills an official situation, but that from his closet endeavours to waken the sleeping virtues of mankind. In the country where they are frequent, it will not be difficult by the short duration of the employment to compensate for the slenderness of the means of him that fills it. It is not easy to describe the advantages that must result from this proceeding. The public functionary would in every article of his charge recollect the motives of public spirit and benevolence. He would hourly improve in the energy and disinterestedness of his character. The habits created by a frugal fare and a chearful poverty, not hid as now in obscure retreats, but held forth to public view, and honoured with public esteem, would speedily pervade the community, and auspiciously prepare them for still farther improvements.

The objection, "that it is necessary for him who acts on the part of the public to make a certain figure, and to live in a style calculated to excite respect," does not deserve a separate answer. The whole spirit of this treatise is in direct hostility to this objection.

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jection. If therefore it have not been answered already, it would be vain to attempt an answer in this place. It is recorded of the burghers of the Netherlands who conspired to throw off the Austrian yoke, that they came to the place of consultation each man with his knapsack of provisions: who is there that feels inclined to despise this simplicity and honourable poverty? The abolition of salaries would doubtless render necessary the simplification and abridgment of public business. This would be a benefit and not a disadvantage.

Salaries of
inferior offi-
cers:

It will farther be objected that there are certain functionaries in the lower departments of government, such as clerks and tax-gatherers, whose employment is perpetual, and whose subsistence ought for that reason to be made the result of their employment. If this objection were admitted, its consequences would be of subordinate importance. The office of a clerk or a tax-gatherer is considerably similar to those of mere barter and trade; and therefore to degrade it altogether to their level, would have little resemblance to the fixing such a degradation upon offices that demand the most elevated mind. The annexation of a stipend to such employments, if considered only as a matter of temporary accommodation, might perhaps be endured.

may also be
superfeded.

But the exception, if admitted, ought to be admitted with great caution. He that is employed in an affair of public necessity, ought to feel, while he discharges it, its true character.

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rafter. We should never allow ourselves to undertake an office of a public nature, without feeling ourselves animated with a public zeal. We shall otherwise discharge our trust with comparative coldness and neglect. Nor is this all. The abolition of salaries would lead to the abolition of those offices to which salaries are thought necessary. If we had neither foreign wars nor domestic stipends, taxation would be almost unknown; and, if we had no taxes to collect, we should want no clerks to keep an account of them. In the simple scheme of political institution which reason dictates, we could scarcely have any burdensome offices to discharge; and, if we had any that were so in their abstract nature, they might be rendered light by the perpetual rotation of their holders.

Taxation.

If we have no salaries, for a still stronger reason we ought to have no pecuniary qualifications, or in other words no regulation requiring the possession of a certain property, as a condition to the right of electing or the capacity of being elected. It is an uncommon strain of tyranny to call upon men to appoint for themselves a delegate, and at the same time forbid them to appoint exactly the man whom they may judge fittest for the office. Qualification in both kinds is the most flagrant injustice. It asserts the man to be of less value than his property. It furnishes to the candidate a new stimulus to the accumulation of wealth; and this passion, when once set in motion, is not easily allayed. It tells him, "Your intellectual and moral qualifica-

Qualifica-
tions.

BOOK VI.
CHAP. IX. tions may be of the highest order ; but you have not enough of the means of luxury and vice." To the non-electer it holds the most detestable language. It says, "You are poor; you are unfortunate; the institutions of society oblige you to be the perpetual witness of other men's superfluity: because you are sunk thus low, we will trample you yet lower; you shall not even be reckoned in the lists for a man, you shall be passed by as one of whom society makes no account, and whose welfare and moral existence she disdains to recollect."

C H A P.

C H A P. X.

OF THE MODES OF DECIDING A QUESTION ON THE PART OF THE COMMUNITY.

DECISION BY LOT, ITS ORIGIN—FOUNDED IN THE SYSTEM OF DISCRETIONARY RIGHTS—IMPLIES THE DESERTION OF DUTY.—DECISION BY BALLOT—INCULCATES TIMIDITY—AND HYPOCRISY.—DECISION BY VOTE, ITS RECOMMENDATIONS.

BOOK VI.
CHAP. X. **W**HAT has been here said upon the subject of qualifications, naturally leads to a few important observations upon the three principal modes of conducting election, by fortition, by ballot or by vote.

The idea of fortition was first introduced by the dictates of superstition. It was supposed that, when human reason piously acknowledged its insufficiency, the Gods, pleased with so unfeigned a homage, interfered to guide the decision. This imagination is now exploded. Every man who pretends to philosophy will confess that, wherever fortition is introduced, the decision is exclusively guided by the laws of impulse and gravitation.—Strictly speaking there is no such thing as contingency.

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But,

Decision by
lot, its origin:

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CHAP. X.

But, so far as relates to the exercise of apprehension and judgment on the particular question to be determined, all decision by lot is the decision of contingency. The operations of impulse and gravitation either proceed from a blind and unconscious principle; or, if they proceed from mind, it is mind executing general laws, and not temporising with every variation of human caprice.

founded in
the system of
discretionary
rights:

All reference of public questions and elections to lot includes in it two evils, moral misapprehension and cowardice. There is no situation in which we can be placed that has not its correspondent duties. There is no alternative that can be offered to our choice, that does not include in it a better and a worse. The idea of fortition derives from the same root as the idea of discretionary rights. Men, undebauched by the lessons of superstition, would never have recourse to the decision by lot, were they not impressed with the notion of indifference, that they had a right to do any one of two or more things offered to their choice; and that of consequence, in order to rid themselves of uncertainty and doubt, it was sufficiently allowable to refer the decision of certain matters to accident. It is of great importance that this idea should be extirpated. Mind will never arrive at the true tone of energy, till we feel that moral liberty and discretion are mere creatures of the imagination, that in all cases our duty is precise, and the path of justice single and direct.

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But,

But, supposing us convinced of this principle, if we afterwards desert it, this is the most contemptible cowardice. Our desertion either arises from our want of energy to enquire, to compare and to decide, or from our want of fortitude to despise the inconveniences that might attend upon our compliance with what our judgment dictates.

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CHAP. X.
implies the
desertion of
duty.

Ballot is a mode of decision still more censurable than fortition. It is scarcely possible to conceive of a political institution that includes a more direct and explicit patronage of vice. It has been said, "that ballot may in certain cases be necessary to enable a man of a feeble character to act with ease and independence, and to prevent bribery, corrupt influence and faction." Vice is an ill remedy to apply to the diminution of vice. A feeble and irresolute character might before be accidental; ballot is a contrivance to render it permanent, and to scatter its seeds over a wider surface. The true cure for a want of constancy and public spirit is to inspire firmness, not to inspire timidity. Truth, if communicated to the mind with perspicuity, is a sufficient basis for virtue. To tell men that it is necessary they should form their decision by ballot, is to tell them that it is necessary they should be vicious.

Decision by
ballot:inculcates
timidity:

If fortition taught us to desert our duty, ballot teaches us to draw a veil of concealment over our performance of it. It points out to us a method of acting unobserved. It incites us to make a mystery

and hypo-
crisy.

BOOK VI.
CHAP. X.

a mystery of our sentiments. If it did this in the most trivial article, it would not be easy to bring the mischief it would produce within the limits of calculation. But it dictates this conduct in our most important concerns. It calls upon us to discharge our duty to the public with the most virtuous constancy; but at the same time directs us to hide our discharge of it. One of the most admirable principles in the structure of the material universe, is its tendency to prevent us from withdrawing ourselves from the consequences of our own actions. Political institution that should attempt to counteract this principle, would be the only true impiety. How can a man have the love of the public in his heart, without the dictates of that love flowing to his lips? When we direct men to act with secrecy, we direct them to act with frigidity. Virtue will always be an unusual spectacle among men, till they shall have learned to be at all times ready to avow their actions and assign the reasons upon which they are founded.

Decision by
vote, its re-
commendations.

If then fortition and ballot be institutions pregnant with vice, it follows, that all social decisions should be made by open vote; that, wherever we have a function to discharge, we should reflect on the mode in which it ought to be discharged; and that, whatever conduct we are persuaded to adopt, especially in affairs of general concern, should be adopted in the face of the world.

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CONCERNING

P O L I T I C A L J U S T I C E .

B O O K V I I .

O F C R I M E S A N D P U N I S H M E N T S .

C H A P . I .

L I M I T A T I O N S O F T H E D O C T R I N E O F P U N I S H M E N T
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T R I B U T I V E J U S T I C E N O T I N D E P E N D E N T A N D A B S O L U T E
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T U R E . — D E S E R T A C H I M E R I C A L P R O P E R T Y . — C O N C L U -
S I O N .

TH E subject of punishment is perhaps the most fundamen-
tal in the science of politics. Men associated for the sake
of mutual protection and benefit. It has already appeared, that
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the internal affairs of such associations are of infinitely greater importance than their external*. It has appeared that the action of society in conferring rewards and superintending opinion is of pernicious effect †. Hence it follows that government, or the action of the society in its corporate capacity, can scarcely be of any utility, except so far as it is requisite for the suppression of force by force; for the prevention of the hostile attack of one member of the society upon the person or property of another, which prevention is usually called by the name of criminal justice, or punishment.

Definition of
punishment.

Before we can properly judge of the necessity or urgency of this action of government, it will be of some importance to consider the precise import of the word punishment. I may employ force to counteract the hostility that is actually committing on me. I may employ force to compel any member of the society to occupy the post that I conceive most conducive to the general advantage, either in the mode of impressing soldiers and sailors, or by obliging a military officer or a minister of state to accept or retain his appointment. I may put an innocent man to death for the common good, either because he is infected with a pestilential disease, or because some oracle has declared it essential to the public safety. None of these, though they consist in the exertion of force for some moral purpose, comes within the import of the word punishment. Punishment is

* Book V, Chap. XX. † Book V, Chap. XII. Book VI, *passim*.

generally

generally used to signify the voluntary infliction of evil upon a vicious being, not merely because the public advantage demands it, but because there is apprehended to be a certain fitness and propriety in the nature of things, that render suffering, abstractedly from the benefit to result, the suitable concomitant of vice.

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The justice of punishment therefore, in the strict import of the word, can only be a deduction from the hypothesis of free-will, and must be false, if human actions be necessary. Mind, as was sufficiently apparent when we treated of that subject*, is an agent, in no other sense than matter is an agent. It operates and is operated upon, and the nature, the force and line of direction of the first, is exactly in proportion to the nature, force and line of direction of the second. Morality in a rational and designing mind is not essentially different from morality in an inanimate substance. A man of certain intellectual habits is fitted to be an assassin, a dagger of a certain form is fitted to be his instrument. The one or the other excites a greater degree of disapprobation, in proportion as its fitness for mischievous purposes appears to be more inherent and direct. I view a dagger on this account with more disapprobation than a knife, which is perhaps equally adapted for the purposes of the assassin; because the dagger has few or no beneficial uses to weigh against those that are hurtful, and because it has a tendency by means

Nature of
crime.

* Book IV, Chap. VI.

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of association to the exciting of evil thoughts. I view the assassin with more disapprobation than the dagger, because he is more to be feared, and it is more difficult to change his vicious structure or take from him his capacity to injure. The man is propelled to act by necessary causes and irresistible motives, which, having once occurred, are likely to occur again. The dagger has no quality adapted to the contraction of habits, and, though it have committed a thousand murders, is not at all more likely (unless so far as those murders, being known, may operate as a slight associated motive with the possessor) to commit murder again. Except in the articles here specified, the two cases are exactly parallel. The assassin cannot help the murder he commits any more than the dagger.

Retributive
justice not
independent
and absolute.

These arguments are merely calculated to set in a more conspicuous light a principle, which is admitted by many by whom the doctrine of necessity has never been examined; that the only measure of equity is utility, and whatever is not attended with any beneficial purpose, is not just. This is so evident a proposition that few reasonable and reflecting minds will be found inclined to reject it. Why do I inflict suffering on another? If neither for his own benefit nor the benefit of others, can that be right? Will resentment, the mere indignation and horror I have conceived against vice, justify me in putting a being to useless torture? "But suppose I only put an end to his existence." What, with no prospect of benefit either to himself

himself or others? The reason the mind easily reconciles itself to this supposition is, that we conceive existence to be less a blessing than a curse to a being incorrigibly vicious. But in that case the supposition does not fall within the terms of the question: I am in reality conferring a benefit. It has been asked, "If we conceive to ourselves two beings, each of them solitary, but the first virtuous and the second vicious, the first inclined to the highest acts of benevolence, if his situation were changed for the social, the second to malignity, tyranny and injustice, do we not feel that the first is entitled to felicity in preference to the second?" If there be any difficulty in the question, it is wholly caused by the extravagance of the supposition. No being can be either virtuous or vicious who has no opportunity of influencing the happiness of others. He may indeed, though now solitary, recollect or imagine a social state; but this sentiment and the propensities it generates can scarcely be vigorous, unless he have hopes of being at some future time restored to that state. The true solitaire cannot be considered as a moral being, unless the morality we contemplate be that which has relation to his own permanent advantage. But, if that be our meaning, punishment, unless for reform, is peculiarly absurd. His conduct is vicious, because it has a tendency to render him miserable: shall we inflict calamity upon him, for this reason only because he has already inflicted calamity upon himself? It is difficult for us to imagine to ourselves a solitary intellectual being, whom no future accident shall ever render

render social. It is difficult for us to separate even in idea virtue and vice from happiness and misery; and of consequence not to imagine that, when we bestow a benefit upon virtue, we bestow it where it will turn to account; and, when we bestow a benefit upon vice, we bestow it where it will be unproductive. For these reasons the question of a solitary being will always be extravagant and unintelligible, but will never convince.

not to be
vindicated
from the
system of
nature.

It has sometimes been alledged that the very course of nature has annexed suffering to vice, and has thus led us to the idea of punishment. Arguments of this sort must be listened to with great caution. It was by reasonings of a similar nature that our ancestors justified the practice of religious persecution: "Heretics and unbelievers are the objects of God's indignation; it must therefore be meritorious in us to mal-treat those whom God has cursed." We know too little of the system of the universe, are too liable to error respecting it, and see too small a portion of the whole, to entitle us to form our moral principles upon an imitation of what we conceive to be the course of nature.

It is an extreme error to suppose that the course of nature is something arbitrarily adjusted by a designing mind. Let us once conceive a system of percipient beings to exist, and all that we know of the history of man follows from that conception as so many inevitable consequences. Mind beginning to exist must have begun from ignorance, must have received idea after

idea, must have been liable to erroneous conclusions from imperfect conceptions. We say that the system of the universe has annexed happiness to virtue and pain to vice. We should speak more accurately if we said, that virtue would not be virtue nor vice be vice, if this connection could cease. The office of the principle, whether mind or whatever else, to which the universe owes its existence, is less that of fabricating than conducting; is not the creation of truth, and the connecting ideas and propositions which had no original relation to each other, but the rendering truth, the nature of which is unalterable, an active and vivifying principle. It cannot therefore be good reasoning to say, the system of nature annexes unhappiness to vice, or in other words vice brings its own punishment along with it, therefore it would be unjust in us not by a positive interference to render that punishment double.

Thus it appears, whether we enter philosophically into the principle of human actions, or merely analyse the ideas of rectitude and justice which have the universal consent of mankind, that, accurately speaking, there is no such thing as desert. It cannot be just that we should inflict suffering on any man, except so far as it tends to good. Hence it follows that the strict acceptance of the word punishment by no means accords with any sound principles of reasoning. It is right that I should inflict suffering, in every case where it can be clearly shown that

Desert a chi-
merical pro-
perty.

such

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such infliction will produce an overbalance of good. But this infliction bears no reference to the mere innocence or guilt of the person upon whom it is made. An innocent man is the proper subject of it, if it tend to good. A guilty man is the proper subject of it under no other point of view. To punish him upon any hypothesis for what is past and irrecoverable and for the consideration of that only, must be ranked among the wildest conceptions of untutored barbarism. Every man upon whom discipline is administered, is to be considered as to the rationale of this discipline as innocent. Xerxes was not more unreasonable when he lashed the waves of the sea, than that man would be who inflicted suffering on his fellow, from a view to the past, and not from a view to the future.

Conclusion.

It is of the utmost importance that we should bear these ideas constantly in mind during our whole examination of the theory of punishment. This theory would in the past transactions of mankind have been totally different, if they had divested themselves of all emotions of anger and resentment; if they had considered the man who torments another for what he has done, as upon par with the child who beats the table; if they had figured to their imagination, and then properly estimated, the man, who should shut up in prison some atrocious criminal, and afterwards torture him at stated periods, merely in consideration of the abstract congruity of crime and punishment, without any possible

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ble benefit to others or to himself; if they had regarded infliction as that which was to be regulated solely by a dispassionate calculation of the future, without suffering the past, in itself considered, for a moment to enter into the account.

C H A P.

C H A P. II.

GENERAL DISADVANTAGES OF COERCION.

CONSCIENCE IN MATTERS OF RELIGION CONSIDERED—IN THE CONDUCT OF LIFE.—BEST PRACTICABLE CRITERION OF DUTY—NOT THE DECISION OF OTHER MEN—BUT OF OUR OWN UNDERSTANDING.—TENDENCY OF COERCION.—ITS VARIOUS CLASSES CONSIDERED.

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HAVING thus precluded all ideas of punishment or retribution strictly so called, it belongs to us in the farther discussion of this interesting subject, to think merely of that coercion, which has usually been employed against persons convicted of past injurious action, for the purpose of preventing future mischief. And here we will first consider what is the quantity of evil which accrues from all such coercion, and secondly examine the cogency of the various reasons by which this coercion is recommended. It will not be possible wholly to avoid the repetition of some of the reasons which occurred in the preliminary discussion of the exercise of private judgment*. But those reasonings will now be extended, and derive additional advantage from a fuller arrangement.

* Book II, Chap. VI.

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GENERAL DISADVANTAGES OF COERCION.

It is commonly said that no man ought to be compelled in matters of religion to act contrary to the dictates of his conscience. Religion is a principle which the practice of all ages has deeply impressed upon the mind. He that discharges what his own apprehensions prescribe to him on the subject, stands approved to the tribunal of his own mind, and, conscious of rectitude in his intercourse with the author of nature, cannot fail to obtain the greatest of those advantages, whatever may be their amount, which religion has to bestow. It is in vain that Endeavour by persecuting statutes to compel him to resign a false religion for a true. Arguments may convince, but persecution cannot. The new religion, which I oblige him to profess contrary to his conviction, however pure and holy it may be in its own nature, has no benefits in store for him. The sublimest worship becomes transformed into a source of corruption, when it is not consecrated by the testimony of a pure conscience. Truth is the second object in this respect, integrity of heart is the first: or rather a proposition, that in its abstract nature is truth itself, converts into rank falsehood and mortal poison, if it be professed with the lips only, and abjured by the understanding. It is then the foul garb of hypocrisy. Instead of elevating the mind above sordid temptations, it perpetually reminds the worshipper of the abject pusillanimity to which he has yielded. Instead of filling him with sacred confidence, it overwhelms with confusion and remorse.

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Conscience in
matters of
religion con-
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duct of life.

The inference that has been made from these reasonings is, that criminal law is eminently misapplied in affairs of religion, and that its true province is civil misdemeanours. But this inference is false. It is only by an unaccountable perversion of reason, that men have been induced to affirm that religion is the sacred province of conscience, and that moral duty may be left undefined to the decision of the magistrate. What, is it of no consequence whether I be the benefactor of my species, or their bitterest enemy? whether I be an informer, or a robber, or a murderer? whether I be employed as a soldier to extirpate my fellow beings, or be called upon as a citizen to contribute my property to their extirpation? whether I tell the truth with that firmness and unreserve which ardent philanthropy will not fail to inspire, or suppress science lest I be convicted of blasphemy, and fact lest I be convicted of a libel? whether I contribute my efforts for the furtherance of political justice, or quietly submit to the exile of a family of whose claims I am an advocate, or to the subversion of liberty for which every man should be ready to die? Nothing can be more clear, than that the value of religion, or of any other species of abstract opinion, lies in its moral tendency. If I should be ready to set at nought the civil power for the sake of that which is the means, how much more when it rises in contradiction to the end?

Best practi-
cable cri-
terion of
duty:

Of all human concerns morality is the most interesting. It is the perpetual associate of our transactions: there is no situation

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in which we can be placed, no alternative that can be presented to our choice, respecting which duty is silent. "What is the standard of morality and duty?" Justice. Not the arbitrary decrees that are in force in a particular climate; but those laws of eternal reason that are equally obligatory wherever man is to be found. "But the rules of justice often appear to us obscure, doubtful and contradictory; what criterion shall be applied to deliver us from uncertainty?" There are but two criterions possible, the decisions of other men's wisdom, and the decisions of our own understanding. Which of these is conformable to the nature of man? Can we surrender our own understandings? However we may strain after implicit faith, will not conscience in spite of ourselves whisper us, "This decree is equitable, and this decree is founded in mistake?" Will there not be in the minds of the votaries of superstition, a perpetual dissatisfaction, a desire to believe what is dictated to them, accompanied with a want of that in which belief consists, evidence and conviction? If we could surrender our understandings, what sort of beings should we become? By the terms of the proposition we should not be rational: the nature of things would prevent us from being moral, for morality is the judgment of reason, employed in determining on the effects to result from the different kinds of conduct we may observe.

not the de-
cisions of
other men.

Hence it follows that there is no criterion of duty to any man but in the exercise of his private judgment. Whatever attempts

but of our
own under-
standing.

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BOOK VII. CHAP. II. to prescribe to his conduct, and to deter him from any course of action by penalties and threats, is an execrable tyranny. There may be some men of such inflexible virtue as to set human ordinances at defiance. It is generally believed that there are others so depraved, that, were it not for penalties and threats, the whole order of society would be subverted by their excesses. But what will become of the great mass of mankind, who are neither so virtuous as the first, nor so degenerate as the second? They are successfully converted by positive laws into latitudinarians and cowards. They yield like wax to the impression that is made upon them. Directed to infer the precepts of duty from the *dicta* of the magistrate, they are too timid to resist, and too short sighted to detect the imposition. It is thus that the mass of mankind have been condemned to a tedious imbecility.

Tendency of coercion.

There is no criterion of duty to any man but in the exercise of his private judgment. Has coercion any tendency to enlighten the judgment? Certainly not. Judgment is the perceived agreement or disagreement of two ideas, the perceived truth or falshood of any proposition. Nothing can aid this perception, that does not set the ideas in a clearer light, that does not afford new evidence of the substantialness or unsubstantialness of the proposition. The direct tendency of coercion is to set our understanding and our fears, our duty and our weakness at variance with each other. And how poor spirited a refuge
does

BOOK VII. CHAP. II. does coercion afford? If what you require of me is duty, are there no reasons that will prove it to be such? If you understand more of eternal justice than I, and are thereby fitted to instruct me, cannot you convey the superior knowledge you possess from your understanding into mine? Will you set your wit against one who is intellectually a child, and because you are better informed than I, assume, not to be my preceptor, but my tyrant? Am I not a rational being? Could I resist your arguments, if they were demonstrative? The odious system of coercion, first annihilates the understanding of the subject, and then of him that adopts it. Dressed in the supine prerogatives of a master, he is excused from cultivating the faculties of a man. What would not man have been, long before this, if the proudest of us had no hopes but in argument, if he knew of no resort beyond, and if he were obliged to sharpen his faculties, and collect his powers, as the only means of effecting his purposes?

Let us reflect for a moment upon the species of argument, if argument it is to be called, that coercion employs. It avers to its victim that he must necessarily be in the wrong, because I am more vigorous and more cunning than he. Will vigour and cunning be always on the side of truth? Every such exertion implies in its nature a species of contest. This contest may be decided before it is brought to open trial by the despair of one of the parties. But it is not always so. The thief that by main force

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force surmounts the strength of his pursuers, or by stratagem and ingenuity escapes from their toils; so far as this argument is valid, proves the justice of his cause. Who can refrain from indignation when he sees justice thus miserably prostituted? Who does not feel, the moment the contest begins, the full extent of the absurdity that this appeal includes? It is not easy to decide which of the two is most deeply to be deplored, the magistracy, the representative of the social system, that declares war against one of its members, in the behalf of justice, or in the behalf of oppression. In the first we see truth throwing aside her native arms and her intrinsic advantage, and putting herself upon a level with falsehood. In the second we see falsehood confident in the casual advantage she possesses, artfully extinguishing the new born light that would shame her in the midst of her usurped authority. The exhibition in both is that of an infant crushed in the merciless grasp of a giant. No sophistry can be more palpable than that which pretends to bring the two parties to an impartial hearing. Observe the consistency of this reasoning. We first vindicate political coercion, because the criminal has committed an offence against the community at large, and then pretend, while we bring him to the bar of the community, the offended party, that we bring him before an impartial umpire. Thus in England, the king by his attorney is the prosecutor, and the king by his representative is the judge. How long shall such odious inconsistencies impose on mankind? The pursuit commenced against the supposed offender is the

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posse comitatus, the armed force of the whole, drawn out in such portions as may be judged necessary; and when seven millions of men have got one poor, unassisted individual in their power, they are then at leisure to torture or to kill him, and to make his agonies a spectacle to glut their ferocity.

The argument against political coercion is equally good against the infliction of private penalties between master and slave, and between parent and child. There was in reality, not only more of gallantry, but more of reason in the Gothic system of trial by duel, than in these. The trial of force is over in these, as we have already said, before the exertion of force is begun. All that remains is the leisurely infliction of torture, my power to inflict it being placed in my joints and my sinews. This whole argument may be subjected to an irresistible dilemma. The right of the parent over his child lies either in his superior strength or his superior reason. If in his strength, we have only to apply this right universally, in order to drive all morality out of the world. If in his reason, in that reason let him confide. It is a poor argument of my superior reason, that I am unable to make justice be apprehended and felt in the most necessary cases, without the intervention of blows.

Its various
classes con-
sidered.

Let us consider the effect that coercion produces upon the mind of him against whom it is employed. It cannot begin with convincing; it is no argument. It begins with producing the

the sensation of pain, and the sentiment of distaste. It begins with violently alienating the mind from the truth with which we wish it to be impressed. It includes in it a tacit confession of imbecility. If he who employs coercion against me could mould me to his purposes by argument, no doubt he would. He pretends to punish me because his argument is important, but he really punishes me because his argument is weak.

OF THE PURPOSES OF COERCION.

NATURE OF DEFENCE CONSIDERED.—COERCION FOR RESTRAINT—FOR REFORMATION.—SUPPOSED USES OF ADVERSITY—DEFECTIVE—UNNECESSARY.—COERCION FOR EXAMPLE—1. NUGATORY.—THE NECESSITY OF POLITICAL COERCION ARISES FROM THE DEFECTS OF POLITICAL INSTITUTION.—2. UNJUST.—UNFEELING CHARACTER OF THIS SPECIES OF COERCION.

PROCEED we to consider three principal ends that coercion proposes to itself, restraint, reformation and example. Under each of these heads the arguments on the affirmative side must be allowed to be cogent, not irresistible. Under each of them considerations will occur, that will oblige us to doubt universally of the propriety of coercion. In this examination I shall take it for granted that the persons with whom I am reasoning allow, that the ends of restraint and example may be sufficiently answered in consistency with the end of reformation, that is, without the punishment of death. To those by whom this is not allowed in the first instance, the subsequent reasonings will only apply with additional force.

The first and most innocent of all the classes of coercion is that which is employed in repelling actual force. This has but little to do with any species of political institution, but may nevertheless deserve to be first considered. In this case I am employed (suppose, for example, a drawn sword is pointed at my own breast or that of another, with threats of instant destruction) in preventing a mischief that seems about inevitably to ensue. In this case there appears to be no time for experiments. And yet even here meditation will not leave us without our difficulties. The powers of reason and truth are yet unfathomed. That truth which one man cannot communicate in less than a year, another can communicate in a fortnight. The shortest term may have an understanding commensurate to it. When Marius said with a stern look and a commanding countenance to the soldier that was sent down into his dungeon to assassinate him, "Wretch, have you the temerity to kill Marius!" and with these few words drove him to flight; it was, that he had so energetic an idea compressed in his mind, as to make its way with irresistible force to the mind of his executioner. If there were fallhood and prejudice mixed with this idea, can we believe that truth is not more powerful than they? It would be well for the human species, if they were all in this respect like Marius, all accustomed to place an intrepid confidence in the single energy of intellect. Who shall say what there is that would be impossible to men with these habits? Who shall say how far the whole species might be improved,

were they accustomed to despise force in others, and did they refuse to employ it for themselves?

But the coercion we are here considering is exceedingly different. It is employed against an individual whose violence is over. He is at present engaged in no hostility against the community or any of its members. He is quietly pursuing those occupations which are beneficial to himself, and injurious to none. Upon what pretence is this man to be the subject of violence? For restraint? Restraint from what? "From some future injury which it is to be feared he will commit." This is the very argument which has been employed to justify the most execrable of all tyrannies. By what reasonings have the inquisition, the employment of spies and the various kinds of public censure directed against opinion been vindicated? Because there is an intimate connexion between men's opinions and their conduct: because immoral sentiments lead by a very probable consequence to immoral actions. There is not more reason, in many cases at least, to apprehend that the man who has once committed robbery will commit it again, than the man who dissipates his property at the gaming-table, or who is accustomed to profess that upon any emergency he will not scruple to have recourse to this expedient. Nothing can be more obvious than that, whatever precautions may be allowable with respect to the future, justice will reluctantly class among these precautions

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any violence to be committed on my neighbour. Nor are they oftener unjust than they are superfluous. Why not arm myself with vigilance and energy, instead of locking up every man whom my imagination may bid me fear, that I may spend my days in undisturbed inactivity? If communities, instead of aspiring, as they have hitherto done, to embrace a vast territory, and to glut their vanity with ideas of empire, were contented with a small district with a proviso of confederation in cases of necessity, every individual would then live under the public eye, and the disapprobation of his neighbours, a species of coercion, not derived from the caprice of men, but from the system of the universe, would inevitably oblige him either to reform or to emigrate.—The sum of the argument under this head is, that all coercion for the sake of restraint is punishment upon suspicion, a species of punishment, the most abhorrent to reason, and arbitrary in its application, that can be devised.

for reforma-
tion.

The second object which coercion may be imagined to propose to itself is reformation. We have already seen various objections that may be offered to it in this point of view. Coercion cannot convince, cannot conciliate, but on the contrary alienates the mind of him against whom it is employed: Coercion has nothing in common with reason, and therefore can have no proper tendency to the generation of virtue. Reason is omnipotent: if my conduct be wrong, a very simple statement, flowing from a clear and comprehensive view, will make

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it appear to be such; nor is there any perverseness that can resist the evidence of which truth is capable.

But to this it may be answered, "that this view of the subject may indeed be abstractedly true, but that it is not true relative to the present imperfection of human faculties. The grand requisite for the reformation and improvement of the human species, seems to consist in the rousing of the mind. It is for this reason that the school of adversity has so often been considered as the school of virtue. In an even course of easy and prosperous circumstances the faculties sleep. But, when great and urgent occasion is presented, it should seem that the mind rises to the level of the occasion. Difficulties awaken vigour and engender strength; and it will frequently happen that the more you check and oppress me, the more will my faculties swell, till they burst all the obstacles of oppression."

Supposed
uses of ad-
versity:

The opinion of the excellence of adversity is built upon a very obvious mistake. If we will divest ourselves of paradox and singularity, we shall perceive that adversity is a bad thing, but that there is something else that is worse. Mind can neither exist nor be improved without the reception of ideas. It will improve more in a calamitous, than a torpid state. A man will sometimes be found wiser at the end of his career, who has been treated with severity, than with neglect. But because severity is one way of generating thought, it does not follow that it is the best.

It:

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defective:

It has already been shown that coercion absolutely considered is injustice. Can injustice be the best mode of disseminating principles of equity and reason? Oppression exercised to a certain extent is the most ruinous of all things. What is it but this, that has habituated mankind to so much ignorance and vice for so many thousand years? Can that which in its genuine and unlimited state is the worst, become by a certain modification and diluting the best of all things? All coercion sours the mind. He that suffers it, is practically persuaded of the want of a philanthropy sufficiently enlarged in those with whom he is most intimately connected. He feels that justice prevails only with great limitations, and that he cannot depend upon being treated with justice. The lesson which coercion reads to him is, "Submit to force, and abjure reason. Be not directed by the convictions of your understanding, but by the basest part of your nature, the dread of present pain, and the pusillanimous terror of the injustice of others." It was thus Elizabeth of England and Frederic of Prussia were educated in the school of adversity. The way in which they profited by this discipline was by finding resources in their own minds, enabling them to regard unmoved the violence that was employed against them. Can this be the best possible mode of forming men to virtue? If it be, perhaps it is farther requisite that the coercion we use should be flagrantly unjust, since the improvement seems to lie not in submission, but resistance.

But

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unnecessary.

But it is certain that truth is adequate to awaken the mind without the aid of adversity. Truth does not consist in a certain number of unconnected propositions, but in evidence that shows their reality and their value. If I apprehend the value of any pursuit, shall I not engage in it? If I apprehend it clearly, shall I not engage in it zealously? If you would awaken my mind in the most effectual manner, tell me the truth with energy. For that purpose, thoroughly understand it yourself, impregnate your mind with its evidence, and speak from the clearness of your view, and the fulness of conviction. Were we accustomed to an education, in which truth was never neglected from indolence, or told in a way treacherous to its excellence, in which the preceptor subjected himself to the perpetual discipline of finding the way to communicate it with brevity and force, but without prejudice and acrimony, it cannot be doubted, but such an education would be much more effectual for the improvement of the mind, than all the modes of angry or benevolent coercion that can be devised.

The last object which coercion proposes is example. Had legislators confined their views to reformation and restraint, their exertions of power, though mistaken, would still have borne the stamp of humanity. But, the moment vengeance presented itself as a stimulus on the one side, or the exhibition of a terrible example on the other, no barbarity was then thought too great. Ingenious cruelty was busied to find new means of torturing the victim, or of rendering the spectacle impressive and horrible.

Coercion for
example:

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It has long since been observed that this system of policy constantly fails of its purpose. Farther refinements in barbarity produce a certain impression so long as they are new, but this impression soon vanishes, and the whole scope of a gloomy invention is exhausted in vain*. The reason of this phenomenon is that, whatever may be the force with which novelty strikes the imagination, the unchangeable principles of reason speedily recur, and assert their indestructible empire. We feel the emergencies to which we are exposed, and we feel, or we think we feel, the dictates of truth directing to their relief. Whatever ideas we form in opposition to the mandates of law, we draw, with sincerity, though it may be with some mixture of mistake, from the unalterable conditions of our existence. We compare them with the despotism which society exercises in its corporate capacity, and the more frequent is our comparison, the greater are our murmurs and indignation against the injustice to which we are exposed. But indignation is not a sentiment that conciliates; barbarity possesses none of the attributes of persuasion. It may terrify; but it cannot produce in us candour and docility. Thus ulcerated with injustice, our distresses, our temptations, and all the eloquence of feeling present themselves again and again. Is it any wonder they should prove victorious?

The necessity of political coercion arises from the defects of political institutions.

With what repugnance shall we contemplate the present forms of human society, if we recollect that the evils which they thus

* *Beccaria, Dei Delitti e delle Pene.*

mercilessly

mercilessly avenge; owe their existence to the vices of those very forms? It is a well known principle of speculative truth, that true self love and social prescribe to us exactly the same species of conduct*. Why is this acknowledged in speculation and perpetually contradicted in practice? Is there any innate perverseness in man that continually hurries him to his own destruction? This is impossible; for man is thought, and, till thought began, he had no propensities either to good or evil. My propensities are the fruit of the impressions that have been made upon me, the good always preponderating, because the inherent nature of things is more powerful than any human institutions. The original sin of the worst men, is in the perverseness of these institutions, the opposition they produce between public and private good, the monopoly they create of advantages which reason directs to be left in common. What then can be more shameful than for society to make an example of those whom she has goaded to the breach of order, instead of amending her own institutions, which, by straining order into tyranny, produced the mischief? Who can tell how rapid would be our progress towards the total annihilation of civil delinquency, if we did but enter upon the business of reform in the right manner?

Coercion for example, is liable to all the same objections as 2. unjust coercion for restraint or reformation, and to certain other objections peculiar to itself. It is employed against a person not

* *Book IV, Chap. IX.*

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CHAP. III.Unfeeling
character of
this species of
coercion.

now in the commission of offence, and of whom we can only suspect that he ever will offend. It supercedes argument, reason and conviction, and requires us to think such a species of conduct our duty, because such is the good pleasure of our superiors, and because, as we are taught by the example in question, they will make us rue our stubbornness if we think otherwise. In addition to this it is to be remembered that, when I am made to suffer as an example to others, I am treated myself with supercilious neglect, as if I were totally incapable of feeling and morality. If you inflict pain upon me, you are either just or unjust. If you be just, it should seem necessary that there should be something in me that makes me the fit subject of pain, either desert, which is absurd, or mischief I may be expected to perpetrate, or lastly a tendency to reformation. If any of these be the reason why the suffering I undergo is just, then example is out of the question: it may be an incidental consequence of the procedure, but it can form no part of its principle. It must surely be a very inartificial and injudicious scheme for guiding the sentiments of mankind; to fix upon an individual as a subject of torture or death, respecting whom this treatment has no direct fitness, merely that we may bid others look on, and derive instruction from his misery. This argument will derive additional force from the reasonings of the following chapter.

C H A P.

C H A P. IV.

OF THE APPLICATION OF COERCION.

DELINQUENCY AND COERCION INCOMMENSURABLE—EXTERNAL ACTION NO PROPER SUBJECT OF CRIMINAL ANIMADVERSION—HOW FAR CAPABLE OF PROOF.—INIQUITY OF THIS STANDARD IN A MORAL—AND IN A POLITICAL VIEW.—PROPRIETY OF A RETRIBUTION TO BE MEASURED BY THE INTENTION OF THE OFFENDER CONSIDERED.—SUCH A PROJECT WOULD OVERTURN CRIMINAL LAW—WOULD ABOLISH COERCION.—INSCRUTABILITY, 1. OF MOTIVES—DOUBTFULNESS OF HISTORY—DECLARATIONS OF SUFFERERS.—2. OF THE FUTURE CONDUCT OF THE OFFENDER—UNCERTAINTY OF EVIDENCE—EITHER OF THE FACTS—OR THE INTENTION.—DISADVANTAGES OF THE DEFENDANT IN A CRIMINAL SUIT.

A FARTHER consideration, calculated to show, not only the absurdity of coercion for example, but the iniquity of coercion in general, is, that delinquency and coercion are in all cases incommensurable. No standard of delinquency ever has been or ever can be discovered. No two crimes were ever alike;

4 Y 2

and

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CHAP. IV.Delinquency
and coercion
incommen-
surable.

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and therefore the reducing them explicitly or implicitly to general classes, which the very idea of example implies, is absurd. Nor is it less absurd to attempt to proportion the degree of suffering to the degree of delinquency, when the latter can never be discovered. Let us endeavour to clear in the most satisfactory manner the truth of these propositions.

External action no proper subject of criminal animadversion :

Man, like every other machine the operations of which can be made the object of our senses, may be said, relatively, not absolutely speaking, to consist of two parts, the external and the internal. The form which his actions assume is one thing; the principle from which they flow is another. With the former it is possible we should be acquainted; respecting the latter there is no species of evidence that can adequately inform us. Shall we proportion the degree of suffering to the former or the latter, to the injury sustained by the community, or to the quantity of ill intention conceived by the offender? Some philosophers, sensible of the inscrutability of intention, have declared in favour of our attending to nothing but the injury sustained. The humane and benevolent Beccaria has treated this as a truth of the utmost importance, "unfortunately neglected by the majority of political institutors, and preserved only in the dispassionate speculation of philosophers *."

* " Questa è una di quelle palpabili verità, che per una maravigliosa combinazione di circostanze non sono con decisa sicurezza conosciute, che da alcuni pochi pensatori uomini d'ogni nazione, e d'ogni secolo." *Dei Delitti e delle Pene.*

It is true that we may, in many instances be tolerably informed respecting external actions, and that there will at first sight appear to be no great difficulty in reducing them to general rules. Murder, according to this system, will be the exertion of any species of action affecting my neighbour, so as that the consequences terminate in death. The difficulties of the magistrate are much abridged upon this principle, though they are by no means annihilated. It is well known how many subtle distinctions, ludicrous or tragical according to the temper with which we view them, have been introduced to determine in each particular instance, whether the action were or were not the real occasion of the death. It never can be demonstratively ascertained.

But, dismissing this difficulty, how complicated is the iniquity of treating all instances alike, in which one man has occasioned the death of another? Shall we abolish the imperfect distinctions, which the most odious tyrannies have hitherto thought themselves compelled to admit, between chance medley, manslaughter and malice prepense? Shall we inflict on the man who, in endeavouring to save the life of a drowning fellow creature, oversets a boat and occasions the death of a second, the same suffering, as on him who from gloomy and vicious habits is incited to the murder of his benefactor? In reality the injury sustained by the community is by no means the same in these two cases; the injury sustained by the community is to be measured:

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how far capable of proof.

Iniquity of this standard in a moral.

and in a political view.

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measured by the antisocial dispositions of the offender, and, if that were the right view of the subject, by the encouragement afforded to similar dispositions from his impunity. But this leads us at once from the external action to the unlimited consideration of the intention of the actor. The iniquity of the written laws of society is of precisely the same nature, though not of so atrocious a degree, in the confusion they actually introduce between varied intentions, as if this confusion were unlimited. The delinquencies recited upon a former occasion, of "one man that commits 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 that his adversary meditates an act pregnant with extensive mischief, and perceives no other mode by which its perpetration can be prevented; a fifth, in defence of his father's life or his daughter's chastity; and any of these, either from momentary impulse, or any of the infinite shades of deliberation*;"—are delinquencies all of them unequal, and entitled to a very different censure in the court of reason. Can a system that levels these inequalities, and confounds these differences, be productive of good? That we may render men beneficent towards each other, shall we subvert the very nature

* Book II, Chap. VI, p. 131.

of

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of right and wrong? Or is not this system, from whatever pretences introduced, calculated in the most powerful manner to produce general injury? Can there be a more flagrant injury than to inscribe as we do in effect upon our courts of judgment, "This is the Hall of Justice, in which the principles of right and wrong are daily and systematically flighted, and offences of a thousand different magnitudes are confounded together, by the insolent supineness of the legislator, and the unfeeling selfishness of those who have engrossed the produce of the general labour to their sole emolument!"

But suppose, secondly, that we were to take the intention of the offender, and the future injury to be apprehended, as the standard of infliction. This would no doubt be a considerable improvement. This would be the true mode of reconciling coercion and justice, if for reasons already assigned they were not in their own nature incompatible. It is earnestly to be desired that this mode of administering retribution should be seriously attempted. It is to be hoped that men will one day attempt to establish an accurate criterion, and not go on for ever, as they have hitherto done, with a sovereign contempt of equity and reason. This attempt would lead by a very obvious process to the abolition of all coercion.

Propriety of a retribution to be measured by the intention of the offender considered.

It would immediately lead to the abolition of all criminal law. An enlightened and reasonable judicature would have recourse, in order to decide upon the cause before them, to no code but

Such a project would overturn criminal law:

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the code of reason. They would feel the absurdity of other men's teaching them what they should think, and pretending to understand the case before it happened, better than they who had all the circumstances of the case under their inspection. They would feel the absurdity of bringing every error to be compared with a certain number of measures previously invented, and compelling it to agree with one of them. But we shall shortly have occasion to return to this topic*.

would abolish
coercion.

The greatest advantage that would result from men's determining to govern themselves in the suffering to be inflicted by the motives of the offender and the future injury to be apprehended, would consist in their being taught how vain and iniquitous it is in them to attempt to wield the rod of retribution. Who is it that in his sober reason will pretend to assign the motives that influenced me in any article of my conduct, and upon them to found a grave, perhaps a capital, penalty against me? The attempt would be presumptuous and absurd, even though the individual who was to judge me, had made the longest observation of my character, and been most intimately acquainted with the series of my actions. How often does a man deceive himself in the motives of his conduct, and assign it to one principle when it in reality proceeds from another? Can we expect that a mere spectator should form a judgment sufficiently correct, when he who has all the sources of information

Inferability
1. of motives.

* Chap. VIII.

in

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in his hands, is nevertheless mistaken? Is it not to this hour a dispute among philosophers whether I be capable of doing good to my neighbour for his own sake? "To ascertain the intention of a man it is necessary to be precisely informed of the actual impression of the objects upon his senses, and of the previous disposition of his mind, both of which vary in different persons, and even in the same person at different times, with a rapidity commensurate to the succession of ideas, passions and circumstances*." Meanwhile the individuals, whose office it is to judge of this inscrutable mystery, are possessed of no previous knowledge, utter strangers to the person accused, and collecting their only lights from the information of two or three ignorant and prejudiced witnesses.

What a vast train of actual and possible motives enter into the history of a man, who has been incited to destroy the life of another? Can you tell how much in these there was of apprehended justice and how much of inordinate selfishness? how much of sudden passion, and how much of rooted depravity? how much of intolerable provocation, and how much of spontaneous wrong? how much of that sudden insanity which

* "Questa [l'intenzione] dipende dalla impressione attuale degli oggetti, et dalla precedente disposizione della mente: esse variano in tutti gli uomini e in ciascun uomo colla velocissima successione delle idee, delle passioni, e delle circostanze." He adds, "Sarebbe dunque necessario formare non solo un codice particolare per ciascun cittadino, ma una nuova legge ad ogni delitto."

A Z

hurries

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CHAP. IV.doubtfulness
of history :

hurries the mind into a certain action by a sort of incontinence of nature almost without any assignable motive, and how much of incurable habit? Consider the uncertainty of history. Do we not still dispute whether Cicero were more a vain or a virtuous man, whether the heroes of ancient Rome were impelled by vain glory or disinterested benevolence, whether Voltaire were the stain of his species, or their most generous and intrepid benefactor? Upon these subjects moderate men perpetually quote upon us the impenetrableness of the human heart. Will moderate men pretend that we have not an hundred times more evidence upon which to found our judgment in these cases, than in that of the man who was tried last week at the Old Bailey? This part of the subject will be put in a striking light, if we recollect the narratives that have been written by condemned criminals. In how different a light do they place the transactions that proved fatal to them, from the construction that was put upon them by their judges? And yet these narratives were written under the most awful circumstances, and many of them without the least hope of mitigating their fate, and with marks of the deepest sincerity. Who will say that the judge with his slender pittance of information was more competent to decide upon the motives, than the prisoner after the severest scrutiny of his own mind? How few are the trials which an humane and a just man can read, terminating in a verdict of guilty, without feeling an uncontrollable repugnance against the verdict? If there be any sight more humiliating than all others, it is that of
a miserable

declarations
of sufferers.

a miserable victim acknowledging the justice of a sentence, against which every enlightened reasoner exclaims with horror.

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ture conduct
of the of-
fender.

But this is not all. The motive, when ascertained, is only a subordinate part of the question. The point upon which only society can equitably animadvert, if it had any jurisdiction in the case, is a point, if possible, still more inscrutable than that of which we have been treating. A legal inquisition into the minds of men, considered by itself, all rational enquirers have agreed to condemn. What we want to ascertain is, not the intention of the offender, but the chance of his offending again. For this purpose we reasonably enquire first into his intention. But, when we have found this, our task is but begun. This is one of our materials, to enable us to calculate the probability of his repeating his offence, or being imitated by others. Was this an habitual state of his mind, or was it a crisis in his history likely to remain an unique? What effect has experience produced on him, or what likelihood is there that the uneasiness and suffering that attend the perpetration of eminent wrong may have worked a salutary change in his mind? Will he hereafter be placed in circumstances that shall propel him to the same enormity? Precaution is in the nature of things a step in the highest degree precarious. Precaution that consists in inflicting injury on another, will at all times be odious to an equitable mind. Meanwhile be it observed, that all which has been said upon the uncertainty of crime, tends to aggravate the injustice

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of coercion for the sake of example. Since the crime upon which I animadvert in one man can never be the same as the crime of another, it is as if I should award a grievous penalty against persons with one eye; to prevent any man in future from putting out his eyes by design.

Uncertainty
of evidence:either of the
facts:

One more argument calculated to prove the absurdity of the attempt to proportion delinquency and suffering to each other may be derived from the imperfection of evidence. The veracity of witnesses will be to an impartial spectator a subject of continual doubt. Their competence, so far as relates to just observation and accuracy of understanding, will be still more doubtful. Absolute impartiality it would be absurd to expect from them. How much will every word and every action come distorted by the medium through which it is transmitted? The guilt of a man, to speak in the phraseology of law, may be proved either by direct or circumstantial evidence. I am found near to the body of a man newly murdered. I come out of his apartment with a bloody knife in my hand or with blood upon my clothes. If, under these circumstances and unexpectedly charged with murder, I falter in my speech or betray perturbation in my countenance, this is an additional proof. Who does not know that there is not a man in England, however blameless a life he may lead, who is secure that he shall not end it at the gallows? This is one of the most obvious and universal blessings that civil government has to bestow. In what is called
direct

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direct evidence, it is necessary to identify the person of the offender. How many instances are there upon record of persons condemned upon this evidence, who after their death have been proved entirely innocent? Sir Walter Raleigh, when a prisoner in the Tower, heard some high words accompanied with blows under his window. He enquired of several eye witnesses who entered his apartment in succession, into the nature of the transaction. But the story they told varied in such material circumstances, that he could form no just idea of what had been done. He applied this to prove the vanity of history. The parallel would have been more striking if he had applied it to criminal suits.

But supposing the external action, the first part of the question to be ascertained, we have next to discover through the same garbled and confused medium the intention. How few men should I choose to entrust with the drawing up a narrative of some delicate and interesting transaction of my life? How few, though, corporally speaking, they were witnesses of what was done, would justly describe my motives, and properly report and interpret my words? And yet in an affair, that involves my life, my fame and my future usefulness, I am obliged to trust to any vulgar and casual observer.

or the inten-
tion.

A man properly confident in the force of truth, would consider a public libel upon his character as a trivial misfortune. But a criminal trial in a court of justice is inexpressibly different. Few

Disadvantages
of the defend-
ant in a cri-
minal suit.

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men, thus circumstanced, can retain the necessary presence of mind and freedom from embarrassment. But, if they do, it is with a cold and unwilling ear that their tale is heard. If the crime charged against them be atrocious, they are half condemned in the passions of mankind, before their cause is brought to a trial. All that is interesting to them is decided amidst the first burst of indignation; and it is well if their story be impartially estimated, ten years after their body has mouldered in the grave. Why, if a considerable time elapse between the trial and the execution, do we find the severity of the public changed into compassion? For the same reason that a master, if he do not beat his slave in the moment of resentment, often feels a repugnance to the beating him at all. Not so much, as is commonly supposed, from forgetfulness of the offence, as that the sentiments of reason have time to recur, and he feels in a confused and indefinite manner the injustice of coercion. Thus every consideration tends to show, that a man tried for a crime is a poor deserted individual with the whole force of the community conspiring his ruin. The culprit that escapes, however conscious of innocence, lifts up his hands with astonishment, and can scarcely believe his senses, having such mighty odds against him. It is easy for a man who desires to shake off an imputation under which he labours, to talk of being put on his trial; but no man ever seriously wished for this ordeal, who knew what a trial was.

C H A P.

C H A P. V.

OF COERCION CONSIDERED AS A TEMPORARY
EXPEDIENT.

ARGUMENTS IN ITS FAVOUR.—ANSWER.—IT CANNOT FIT
MEN FOR A BETTER ORDER OF SOCIETY.—THE TRUE
REMEDY TO PRIVATE INJUSTICE DESCRIBED—IS ADAPTED
TO IMMEDIATE PRACTICE.—DUTY OF THE COMMUNITY
IN THIS RESPECT.—DUTY OF INDIVIDUALS.—ILLUSTRATION
FROM THE CASE OF WAR—OF INDIVIDUAL DE-
FENCE.—APPLICATION.—DISADVANTAGES OF ANARCHY
—WANT OF SECURITY—OF PROGRESSIVE ENQUIRY.—
CORRESPONDENT DISADVANTAGES OF DESPOTISM.—
ANARCHY AWAKENS, DESPOTISM DEPRESSES THE MIND.
—FINAL RESULT OF ANARCHY—HOW DETERMINED.—
SUPPOSED PURPOSES OF COERCION IN A TEMPORARY
VIEW.—REFORMATION — EXAMPLE — RESTRAINT.—
CONCLUSION.

THUS much for the general merits of coercion considered
as an instrument to be applied in the government of men.
It is time that we should enquire into the arguments by which it
may be apologised as a temporary expedient. No introduction

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CHAP. V. seemed more proper to this enquiry than such a review of the subject upon a comprehensive scale; that the reader might be inspired with a suitable repugnance against so pernicious a system, and prepared firmly to resist its admission in all cases where its necessity cannot be clearly demonstrated.

Arguments in
its favour.

The arguments in favour of coercion as a temporary expedient are obvious. It may be alledged that, "however suitable an entire immunity in this respect may be to the nature of mind absolutely considered, it is impracticable with regard to men as we now find them. The human species is at present infected with a thousand vices, the offspring of established injustice. They are full of factitious appetites and perverse habits: headstrong in evil, inveterate in selfishness, without sympathy and forbearance for the welfare of others. In time they may become accommodated to the lessons of reason; but at present they would be found deaf to her mandates, and eager to commit every species of injustice."

Answer.

It cannot fit
men for a
better order
of society.

One of the remarks that most irresistibly suggest themselves upon this statement is, that coercion has no proper tendency to prepare men for a state in which coercion shall cease. It is absurd to expect that force should begin to do that which it is the office of truth to finish, should fit men by severity and violence to enter with more favourable auspices into the schools of reason.

But,

But, to omit this gross misrepresentation in behalf of the supposed utility of coercion, it is of importance in the first place to observe that there is a complete and unanswerable remedy to those evils the cure of which has hitherto been sought in coercion, that is within the reach of every community whenever they shall be persuaded to adopt it. There is a state of society, the outline of which has been already sketched*, that by the mere simplicity of its structure would infallibly lead to the extermination of offence: a state, in which temptation would be almost unknown, truth brought down to the level of all apprehensions, and vice sufficiently checked by the general discountenance and sober condemnation of every spectator. Such are the consequences that would necessarily spring from an abolition of the craft and mystery of governing; while on the other hand the innumerable murders that are daily committed under the sanction of legal forms, are solely to be ascribed to the pernicious notion of an extensive territory; to the dreams of glory, empire and national greatness, which have hitherto proved the bane of the human species, without producing solid benefit and happiness to a single individual.

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The true re-
medy to pri-
vate injustice
described:

Another observation which this consideration immediately suggests, is, that it is not, as the objection supposed, by any means necessary, that mankind should pass through a state of purification, and be freed from the vicious propensities, which

is adapted to
immediate
practice.

* Book V, Chap. XXII, p. 565.

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ill constituted governments have implanted, before they can be dismissed from the coercion to which they are at present subjected. In that case their state would indeed be hopeless, if it were necessary that the cure should be effected, before we were at liberty to discard those practices to which the disease owes its most alarming symptoms. But it is the characteristic of a well formed society, not only to maintain in its members those virtues with which they are already indued, but to extirpate their errors, and render them benevolent and just to each other. It frees us from the influence of those phantoms which before misled us, shows us our true advantage as consisting in independence and integrity, and binds us by the general consent of our fellow citizens to the dictates of reason, more strongly than with fetters of iron. It is not to the sound of intellectual health that the remedy so urgently addresses itself, as to those who are infected with diseases of the mind. The ill propensities of mankind no otherwise tend to postpone the abolition of coercion, than as they prevent them from perceiving the advantages of political simplicity. The moment in which they can be persuaded to adopt any rational plan for this abolition, is the moment in which the abolition ought to be effected.

Duty of the
community in
this respect.

A farther consequence that may be deduced from the principles that have here been delivered, is that coercion of a domestic kind can in no case be the duty of the community. The community is always competent to change its institutions, and thus to extirpate offence

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in a way infinitely more rational and just than that of coercion. If in this sense coercion has been deemed necessary as a temporary expedient, the opinion admits of satisfactory refutation. Coercion can at no time, either permanently or provisionally, make part of any political system that is built upon the principles of reason.

But, though in this sense coercion cannot be admitted so much as a temporary expedient, there is another sense in which it must be so admitted. Coercion exercised in the name of the state upon its respective members cannot be the duty of the community; but coercion may be the duty of individuals within the community. The duty of individuals is, in the first place, to display with all possible perspicuity the advantages of an improved state of society, and to be indefatigable in detecting the imperfections of the constitution under which they live. But, in the second place, it behoves them to recollect, that their efforts cannot be expected to meet with instant success, that the progress of knowledge has in all cases been gradual, and that their obligation to promote the welfare of society during the intermediate period is not less real, than their obligation to promote its future and permanent advantage. In reality the future advantage cannot be effectually procured, if we be inattentive to the present security. But, as long as nations shall be so far mistaken as to endure a complex government and an extensive territory, coercion will be indispensibly necessary to general security. It is therefore the duty of individuals to take an active share upon occasion, in

BOOK VII. CHAP. V. so much coercion, and in such parts of the existing system, as shall be sufficient to prevent the inroad of universal violence and tumult. It is unworthy of a rational enquirer to say, "these things are necessary, but I am not obliged to take my share in them." If they be necessary, they are necessary for the general good; of consequence are virtuous, and what no just man will refuse to perform.

Illustration
from the case
of war:

The duty of individuals is in this respect similar to the duty of independent communities upon the subject of war. It is well known what has been the prevailing policy of princes under this head. Princes, especially the most active and enterprising among them, are seized with an inextinguishable rage for augmenting their dominions. The most innocent and inoffensive conduct on the part of their neighbours is an insufficient security against their ambition. They indeed seek to disguise their violence under plausible pretences; but it is well known that, where no such pretences occur, they are not on that account disposed to drop their pursuit. Let us suppose then a land of freemen invaded by one of these despots. What conduct does it behove them to adopt? We are not yet wise enough to make the sword drop out of the hands of our oppressors by the mere force of reason. Were we resolved, like quakers, neither to oppose nor obey them, much bloodshed might perhaps be avoided: but a more lasting evil would result. They would fix garrisons in our country, and torment us with perpetual

perpetual injustice. Supposing even it were granted that, if the invaded nation should conduct itself with unalterable constancy upon the principles of reason, the invaders would become tired of their fruitless usurpation, it would prove but little. At present we have to do, not with nations of philosophers, but with nations of men whose virtues are alloyed with weakness, fluctuation and inconstancy. At present it is our duty to consult respecting the procedure which to such nations would be attended with the most favourable result. It is therefore proper that we should choose the least calamitous mode of obliging the enemy speedily to withdraw himself from our territories.

The case of individual defence is of the same nature. It does not appear that any advantage can result from my forbearance, adequate to the disadvantages of my suffering my own life or that of another, a peculiarly valuable member of the community as it may happen, to become a prey to the first ruffian who inclines to destroy it. Forbearance in this case will be the conduct of a singular individual, and its effect may very probably be trifling. Hence it appears, that I ought to arrest the villain in the execution of his designs, though at the expence of a certain degree of coercion.

The case of an offender, who appears to be hardened in guilt, and to trade in the violation of social security, is clearly parallel to these. I ought to take up arms against the despot by whom my country

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country is invaded, because my capacity does not enable me by arguments to prevail on him to desist, and because my countrymen will not preserve their intellectual independence in the midst of oppression. For the same reason I ought to take up arms against the domestic spoiler, because I am unable either to persuade him to desist, or the community to adopt a just political institution, by means of which security might be maintained consistently with the abolition of coercion.

To understand the full extent of this duty it is incumbent upon us to remark that anarchy as it is usually understood, and a well conceived form of society without government, are exceedingly different from each other. If the government of Great Britain were dissolved to-morrow, unless that dissolution were the result of consistent and digested views of political justice previously disseminated among the inhabitants, it would be very far from leading to the abolition of violence. Individuals, freed from the terrors by which they had been accustomed to be restrained, and not yet placed under the happier and more rational restraint of public inspection, or convinced of the wisdom of reciprocal forbearance, would break out into acts of injustice, while other individuals, who desired only that this irregularity should cease, would find themselves obliged to associate for its forcible suppression. We should have all the evils attached to a regular government, at the same time that we were deprived of that tranquillity and leisure which are its only advantages.

It

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CHAP. V.Disadvan-
tages of
anarchy:

It may not be useless in this place to consider more accurately than we have hitherto done the evils of anarchy. Such a review will afford us a criterion by which to discern, as well the comparative value of different institutions, as the precise degree of coercion which must be employed for the exclusion of universal violence and tumult.

Anarchy in its own nature is an evil of short duration. The more horrible are the mischiefs it inflicts, the more does it hasten to a close. But it is nevertheless necessary that we should consider both what is the quantity of mischief it produces in a given period, and what is the scene in which it promises to close. The first victim that is sacrificed at its shrine is personal security. Every man who has a secret foe, ought to dread the dagger of that foe. There is no doubt that in the worst anarchy multitudes of men will sleep in happy obscurity. But woe to him who by whatever means excites the envy, the jealousy or the suspicion of his neighbour! Unbridled ferocity instantly marks him for its prey. This is indeed the principal evil of such a state, that the wisest, the brightest, the most generous and bold will often be most exposed to an immature fate. In such a state we must bid farewell to the patient lucubrations of the philosopher and the labour of the midnight oil. All is here, like the society in which it exists, impatient and headlong. Mind will frequently burst forth, but its appearance will be like the corruscations of the meteor, not like the mild illumination of the

want of se-
curity:of progressive
enquiry.

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the sun. Men, who start forth into sudden energy, will resemble in temper the state that brought them to this unlooked for greatness. They will be rigorous, unfeeling and fierce; and their ungoverned passions will often not stop at equality, but incite them to grasp at power.

Correspondent disadvantages of despotism.

With all these evils, we must not hastily conclude, that the mischiefs of anarchy are worse than those which government is qualified to produce. With respect to personal security anarchy is certainly not worse than despotism, with this difference that despotism is as perennial as anarchy is transitory. Despotism, as it existed under the Roman emperors, marked out wealth for its victim, and the guilt of being rich never failed to convict the accused of every other crime. This despotism continued for centuries. Despotism, as it has existed in modern Europe, has been ever full of jealousy and intrigue, a tool to the rage of courtiers and the resentment of women. He that dared utter a word against the tyrant, or endeavour to instruct his countrymen in their interests, was never secure that the next moment would not conduct him to a dungeon. Here despotism wreaked her vengeance at leisure, and forty years of misery and solitude were sometimes insufficient to satiate her fury. Nor was this all. An usurpation that defied all the rules of justice, was obliged to purchase its own safety by assisting tyranny through all its subordinate ranks. Hence the rights of nobility, of feudal vassalage, of primogeniture, of fines and inheritance. When the philosophy

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CHAP. V.

philosophy of law shall be properly understood, the true key to its spirit and its history will be found, not, as some men have fondly imagined, in a desire to secure the happiness of mankind, but in the venal compact by which superior tyrants have purchased the countenance and alliance of the inferior.

There is one point remaining in which anarchy and despotism are strongly contrasted with each other. Anarchy awakens mind, diffuses energy and enterprize through the community, though it does not effect this in the best manner, as its fruits, forced into ripeness, must not be expected to have the vigorous stamina of true excellence. But in despotism mind is trampled into an equality of the most odious sort. Every thing that promises greatness is destined to fall under the exterminating hand of suspicion and envy. In despotism there is no encouragement to excellence. Mind delights to expatiate in a field where every species of eminence is within its reach. A scheme of policy, under which all men are fixed in classes or levelled with the dust, affords it no encouragement to enter on its career. The inhabitants of such countries are but a more vicious species of brutes. Oppression stimulates them to mischief and piracy, and superior force of mind often displays itself only in deeper treachery or more daring injustice.

Anarchy awakens, despotism depresses the mind.

One of the most interesting questions in relation to anarchy is that

BOOK VII. CHAP. V. that of the manner in which it may be expected to terminate. The possibilities as to this termination are as wide as the various schemes of society which the human imagination can conceive. Anarchy may and has terminated in despotism; and in that case the introduction of anarchy will only serve to afflict us with variety of evils. It may lead to a modification of despotism, a milder and more equitable government than that which has gone before. And it does not seem impossible that it should lead to the best form of human society, that the most penetrating philosopher is able to conceive. Nay, it has something in it that suggests the likeness, a distorted and tremendous likeness, of true liberty. Anarchy has commonly been generated by the hatred of oppression. It is accompanied with a spirit of independence. It disengages men from prejudice and implicit faith, and in a certain degree incites them to an impartial scrutiny into the reason of their actions.

how determined.

The scene in which anarchy shall terminate principally depends upon the state of mind by which it has been preceded. All mankind were in a state of anarchy, that is, without government, previously to their being in a state of policy. It would not be difficult to find in the history of almost every country a period of anarchy. The people of England were in a state of anarchy immediately before the Restoration. The Roman people were in a state of anarchy at the moment of their secession to the Sacred Mountain. Hence it follows that anarchy is

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neither

neither so good nor so ill a thing in relation to its consequences, as it has sometimes been represented. BOOK VII. CHAP. V.

It is not reasonable to expect that a short period of anarchy should do the work of a long period of investigation and philosophy. When we say, that it disengages men from prejudice and implicit faith, this must be understood with much allowance. It tends to loosen the hold of these vermin upon the mind, but it does not instantly convert ordinary men into philosophers. Some prejudices, that were never fully incorporated with the intellectual habit, it destroys; but other prejudices it arms with fury, and converts into instruments of vengeance.

Little good can be expected from any species of anarchy that should subsist for instance among American savages. In order to anarchy being rendered a seed plot of future justice, reflexion and enquiry must have gone before, the regions of philosophy must have been penetrated, and political truth have opened her school to mankind. It is for this reason that the revolutions of the present age (for every total revolution is a species of anarchy) promise much happier effects than the revolutions of any former period. For the same reason the more anarchy can be held at bay, the more fortunate will it be for mankind. Falshood may gain by precipitating the crisis; but a genuine and enlightened philanthropy will wait with unaltered patience for the harvest of instruction. The arrival of that harvest may be slow, but it

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is infallible. If vigilance and wisdom be successful in their present opposition to anarchy, every benefit will be ultimately obtained, untarnished with violence, and unstained with blood.

These observations are calculated to lead us to an accurate estimate of the mischiefs of anarchy, and prove that there are forms of coercion and government more injurious in their tendency than the absence of organisation itself. They also prove that there are other forms of government which deserve in ordinary cases to be preferred to anarchy. Now it is incontrovertibly clear that, where one of two evils is inevitable, the wise and just man will choose the least. Of consequence the wise and just man, being unable as yet to introduce the form of society which his understanding approves, will contribute to the support of so much coercion, as is necessary to exclude what is worse, anarchy.

Supposed
purposes of
coercion in
a temporary
view :

If then constraint as the antagonist of constraint must in certain cases and under temporary circumstances be admitted, it is an interesting enquiry to ascertain which of the three ends of coercion already enumerated must be proposed by the individuals by whom coercion is employed. And here it will be sufficient very briefly to recollect the reasonings that have been stated under each of these heads.

reformation :

It cannot be reformation. To reform a man is to change the sentiments.

sentiments of his mind. Sentiments may be changed either for the better or the worse. They can only be changed by the operation of falsehood or the operation of truth. Punishment we have already found, at least so far as relates to the individual, is injustice. The infliction of stripes upon my body can throw no new light upon the question between us. I can perceive in them nothing but your passion, your ignorance and your mistake. If you have any new light to offer, any cogent arguments to introduce; they will not fail, if adequately presented, to produce their effect. If you be partially informed, stripes will not supply the deficiency of your arguments. Whatever be the extent or narrowness of your wisdom, it is the only instrument by which you can hope to add to mine. You cannot give that which you do not possess. When all is done, I have nothing but the truths you told me by which to derive light to my understanding. The violence with which the communication of them was accompanied, may prepossess me against giving them an impartial hearing, but cannot, and certainly ought not, to make their evidence appear greater than your statement was able to make it.—These arguments are conclusive against coercion as an instrument of private or individual education.

But considering the subject in a political view it may be said, "that, however strong may be the ideas I am able to communicate to a man in order to his reformation, he may be restless and impatient of expostulation, and of consequence it may be necessary

cessary to retain him by force, till I can properly have instilled these ideas into his mind." It must be remembered that the idea here is not that of precaution to prevent the mischiefs he might perpetrate in the mean time, for that belongs to another of the three ends of coercion, that of restraint. But, separately from this idea, the argument is peculiarly weak. If the truths I have to communicate be of an energetic and impressive nature, if they stand forward perspicuous and distinct in my own mind, it will be strange if they do not at the outset excite curiosity and attention in him to whom they are addressed. It is my duty to choose a proper season at which to communicate them, and not to betray the cause of truth by an ill timed impatience. This prudence I should infallibly exercise, if my object were to obtain something interesting to myself; why should I be less quick sighted when I plead the cause of justice and eternal reason? It is a miserable way of preparing a man for conviction, to compel him by violence to hear an expostulation which he is eager to avoid. These arguments prove, not that we should lose sight of reformation, if coercion for any other reason appear to be necessary; but that reformation cannot reasonably be made the object of coercion.

example :

Coercion for the sake of example is a theory that can never be justly maintained. The coercion proposed to be employed, considered absolutely, is either right or wrong. If it be right, it should be employed for its own intrinsic recommendations. If it

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be wrong, what sort of example does it display? To do a thing for the sake of example, is in other words to do a thing to day, in order to prove that I will do a similar thing to-morrow. This must always be a subordinate consideration. No argument has been so grossly abused as this of example. We found it under the subject of war * employed to prove the propriety of my doing a thing otherwise wrong, in order to convince the opposite party that I should, when occasion offered, do something else that was right. He will display the best example, who carefully studies the principles of justice, and assiduously practises them. A better effect will be produced in human society by my conscientious adherence to them, than by my anxiety to create a specific expectation respecting my future conduct. This argument will be still farther enforced, if we recollect what has already been said respecting the inexhaustible differences of different cases, and the impossibility of reducing them to general rules.

The third object of coercion according to the enumeration ^{restraint.} already made is restraint. If coercion be in any case to be admitted, this is the only object it can reasonably propose to itself. The serious objections to which even in this point of view it is liable have been stated in another stage of the enquiry †: the amount of the necessity tending to supersede these objections has also been considered.

* Book V, Chap. XVI, p. 518. † Chap. III.

The

BOOK VII.
CHAP. V.
Conclusion.

The subject of this chapter is of greater importance, in proportion to the length of time that may possibly elapse, before any considerable part of mankind shall be persuaded to exchange the present complexity of political institution for a mode which shall supersede the necessity of coercion. It is highly unworthy of the cause of truth to suppose, that during this interval I have no active duties to perform, that I am not obliged to co-operate for the present welfare of the community, as well as for its future regeneration. The temporary obligation that arises out of this circumstance exactly corresponds with what was formerly delivered on the subject of duty. Duty is the best possible application of a given power to the promotion of the general good*. But my power depends upon the disposition of the men by whom I am surrounded. If I were enlisted in an army of cowards, it might be my duty to retreat, though absolutely considered it should have been the duty of the army to come to blows. Under every possible circumstance it is my duty to advance the general good by the best means which the circumstances under which I am placed will admit.

* Book IV, Chap. VI, p. 308, 9.

C H A P.

CHAP. VI.

SCALE OF COERCION.

ITS SPHERE DESCRIBED.—ITS SEVERAL CLASSES.—DEATH WITH TORTURE.—DEATH ABSOLUTELY.—ORIGIN OF THIS POLICY—IN THE CORRUPTNESS OF POLITICAL INSTITUTIONS—IN THE INHUMANITY OF THE INSTITUTORS.—CORPORAL PUNISHMENT.—ITS ABSURDITY—ITS ATROCIOUSNESS.—PRIVATION OF FREEDOM.—DUTY OF REFORMING OUR NEIGHBOUR AN INFERIOR CONSIDERATION IN THIS CASE.—ITS PLACE DEFINED.—MODES OF RESTRAINT.—INDISCRIMINATE IMPRISONMENT.—SOLITARY IMPRISONMENT.—ITS SEVERITY.—ITS MORAL EFFECTS.—SLAVERY.—BANISHMENT.—1. SIMPLE BANISHMENT.—2. TRANSPORTATION.—3. COLONISATION.—THIS PROJECT HAS MISCARRIED FROM UNKINDNESS—FROM OFFICIOUSNESS.—ITS PERMANENT EVILS.—RECAPITULATION.

IT is time to proceed to the consideration of certain inferences that may be deduced from the theory of coercion which has now been delivered; nor can any thing be of greater importance

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BOOK VII.
CHAP. VI.

BOOK VII.
CHAP. VI. importance than these inferences will be found to the virtue, the happiness and improvement of mankind.

Its sphere described.

And, first, it evidently follows that coercion is an act of painful necessity, inconsistent with the true character and genius of mind, the practice of which is temporarily imposed upon us by the corruption and ignorance that reign among mankind. Nothing can be more absurd than to look to it as a source of improvement. It contributes to the generation of excellence, just as much as the keeper of the course contributes to the fleetness of the race. Nothing can be more unjust than to have recourse to it, but upon the most undeniable emergency. Instead of multiplying occasions of coercion, and applying it as the remedy of every moral evil, the true politician will anxiously confine it within the narrowest limits, and perpetually seek to diminish the occasions of its employment. There is but one reason by which it can in any case be apologized, and that is, where the suffering the offender to be at large shall be notoriously injurious to the public security.

Its several classes.

Secondly, the consideration of restraint as the only justifiable ground of coercion, will furnish us with a simple and satisfactory criterion by which to measure the justice of the suffering inflicted.

Death with torture.

The infliction of a lingering and tormenting death cannot be vindicated upon this hypothesis; for such infliction can only be dictated

dictated by sentiments of resentment on the one hand, or by the desire to exhibit a terrible example on the other.

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CHAP. VI.

To deprive an offender of his life in any manner will appear to be unjust, since it will always be sufficiently practicable without this to prevent him from farther offence. Privation of life, though by no means the greatest injury that can be inflicted, must always be considered as a very serious injury; since it puts a perpetual close upon the prospects of the sufferer, as to all the enjoyments, the virtues and the excellence of a human being.

Death absolutely.

In the story of those whom the merciless laws of Europe devote to destruction, we sometimes meet with persons who subsequently to their offence have succeeded to a plentiful inheritance, or who for some other reason seem to have had the fairest prospects of tranquillity and happiness opened upon them. Their story with a little accommodation may be considered as the story of every offender. If there be any man whom it may be necessary for the safety of the whole to put under restraint, this circumstance is a powerful plea to the humanity and justice of the leading members of the community in his behalf. This is the man who most stands in need of their assistance. If they treated him with kindness instead of supercilious and unfeeling neglect, if they made him understand with how much reluctance they had been induced to employ the force of the society against him, if they presented truth to his mind with calmness, perspicuity and benevolence, if

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CHAP. VI.

they employed those precautions which an humane disposition would not fail to suggest, to keep from him the motives of corruption and obstinacy, his reformation would be almost infallible. These are the prospects to which his wants and his misfortunes powerfully entitle him; and it is from these prospects that the hand of the executioner cuts him off for ever.

It is a mistake to suppose that this treatment of criminals tends to multiply crimes. On the contrary few men would enter upon a course of violence with the certainty of being obliged by a slow and patient process to amputate their errors. It is the uncertainty of punishment under the existing forms that multiplies crimes. Remove this uncertainty, and it would be as reasonable to expect that a man would wilfully break his leg, for the sake of being cured by a skilful surgeon. Whatever gentleness the intellectual physician may display, it is not to be believed that men can part with rooted habits of injustice and vice without the sensation of considerable pain.

Origin of this
policy:in the cor-
ruptness of
political in-
stitutions:

The true reasons in consequence of which these forlorn and deserted members of the community are brought to an ignominious death, are, first, the peculiar iniquity of the civil institutions of that community, and, secondly, the supineness and apathy of their superiors. In republican and simple forms of government punishments are rare, the punishment of death is almost unknown. On the other hand the more there is in any country of

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inequality

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CHAP. VI.

inequality and oppression, the more punishments are multiplied. The more the institutions of society contradict the genuine sentiments of the human mind, the more severely is it necessary to avenge their violation. At the same time the rich and titled members of the community, proud of their fancied eminence, behold with total unconcern the destruction of the destitute and the wretched, disdaining to recollect that, if there be any intrinsic difference between them, it is the offspring of their different circumstances, and that the man whom they now so much despise, would have been as accomplished and susceptible as they, if they had only changed situations. When we behold a string of poor wretches brought out for execution, justice will present to our affrighted fancy all the hopes and possibilities which are thus brutally extinguished, the genius, the daring invention, the unshrinking firmness, the tender charities and ardent benevolence, which have occasionally under this system been sacrificed at the shrine of torpid luxury and unrelenting avarice.

in the in-
humanity of
the institu-
tors.

The species of suffering commonly known by the appellation of corporal punishment is also proscribed by the system above established. Corporal punishment, unless so far as it is intended for example, appears in one respect in a very ludicrous point of view. It is an expeditious mode of proceeding, which has been invented in order to compress the effect of much reasoning and long confinement, that might otherwise have been necessary, into a very short compass. In another view it is not possible to

Corporal pu-
nishment.

Its absurdity.

express.

BOOK VII.
CHAP. VI.
Its atrocious-
ness.

expresses the abhorrence it ought to create. The genuine propensity of man is to venerate mind in his fellow man. With what delight do we contemplate the progress of intellect, its efforts for the discovery of truth, the harvest of virtue that springs up under the genial influence of instruction, the wisdom that is generated through the medium of unrestricted communication? How completely do violence and corporal infliction reverse the scene? From this moment all the wholesome avenues of mind are closed, and on every side we see them guarded with a train of disgraceful passions, hatred, revenge, despotism, cruelty, hypocrisy, conspiracy and cowardice. Man becomes the enemy of man; the stronger are seized with the lust of unbridled domination, and the weaker shrink with hopeless disgust from the approach of a fellow. With what feelings must an enlightened observer contemplate the furrow of a lash imprinted upon the body of a man? What heart beats not in unison with the sublime law of antiquity, "Thou shalt not inflict stripes upon the body of a Roman?" There is but one alternative in this case on the part of the sufferer. Either his mind must be subdued by the arbitrary dictates of the superior (for to him all is arbitrary that does not stand approved to the judgment of his own understanding); he will be governed by something that is not reason, and ashamed of something that is not disgrace; or else every pang he endures will excite the honest indignation of his heart and fix the clear disapprobation of his intellect, will produce contempt and alienation, against his punisher.

The justice of coercion is built upon this simple principle: Every man is bound to employ such means as shall suggest themselves for preventing evils subversive of general security, it being first ascertained, either by experience or reasoning, that all milder methods are inadequate to the exigence of the case. The conclusion from this principle is, that we are bound under certain urgent circumstances to deprive the offender of the liberty he has abused. Farther than this no circumstance can authorize us. He whose person is imprisoned (if that be the right kind of seclusion) cannot interrupt the peace of his fellows; and the infliction of farther evil, when his power to injure is removed, is the wild and unauthorized dictate of vengeance and rage, the wanton sport of unquestioned superiority.

When indeed the person of the offender has been first seized, there is a farther duty incumbent on his punisher, the duty of reforming him. But this makes no part of the direct consideration. The duty of every man to contribute to the intellectual health of his neighbour is of general application. Beside which it is proper to recollect what has been already demonstrated; that coercion of no sort is among the legitimate means of reformation. Restrain the offender as long as the safety of the community prescribes it, for this is just. Restrain him not an instant from a simple view to his own improvement, for this is contrary to reason and morality.

Meanwhile:

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CHAP. VI.
Privation of
freedom.

Duty of re-
forming our
neighbour
an inferior
consideration
in this case.

BOOK VII.
CHAP. VI.Its place de-
scribed.

Meanwhile there is one circumstance by means of which restraint and reformation are closely connected. The person of the offender is to be restrained as long as the public safety would be endangered by his liberation. But the public safety will cease to be endangered, as soon as his propensities and dispositions have undergone a change. The connection which thus results from the nature of things, renders it necessary that, in deciding upon the species of restraint to be imposed, these two circumstances be considered jointly, how the personal liberty of the offender may be least intruded upon, and how his reformation may be best promoted.

Modes of re-
straint.Indiscrimi-
nate impris-
onment.

The most common method pursued in depriving the offender of the liberty he has abused is to erect a public jail in which offenders of every description are thrust together, and left to form among themselves what species of society they can. Various circumstances contribute to imbue them with habits of indolence and vice, and to discourage industry; and no effort is made to remove or soften these circumstances. It cannot be necessary to expatiate upon the atrociousness of this system. Jails are to a proverb seminaries of vice; and he must be an uncommon proficient in the passion and the practice of injustice, or a man of sublime virtue, who does not come out of them a much worse man than he entered.

An

BOOK VII.
CHAP. VI.Solitary im-
prisonment.

An active observer of mankind*, with the purest intentions, and who had paid a very particular attention to this subject, was struck with the mischievous tendency of the reigning system, and called the attention of the public to a scheme of solitary imprisonment. But this, though free from the defects of the established mode, is liable to very weighty objections.

It must strike every reflecting mind as uncommonly tyrannical and severe. It cannot therefore be admitted into the system of mild coercion which forms the topic of our enquiry. Man is a social animal. How far he is necessarily so will appear, if we consider the sum of advantages resulting from the social, and of which he would be deprived in the solitary state. But, independently of his original structure, he is eminently social by his habits. Will you deprive the man you imprison, of paper and books, of tools and amusements? One of the arguments in favour of solitary imprisonment is, that it is necessary the offender should be called off from his wrong habits of thinking, and obliged to enter into himself. This the advocates of solitary imprisonment probably believe will be most effectually done, the fewer be the avocations of the prisoner. But let us suppose that he is indulged in these particulars, and only deprived of society. How many men are there that can derive amusement from books? We are in this respect the creatures of habit, and it is scarcely to be expected from ordinary men that they should mould themselves

* Mr. Howard.

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BOOK VII. CHAP. VI. to any species of employment, to which in their youth they were wholly strangers. But he that is most fond of study has his moments when study pleases no longer. The soul yearns with inexpressible longings for the society of its like. Because the public safety unwillingly commands the confinement of an offender, must he for that reason never light up his countenance with a smile? Who can tell the sufferings of him who is condemned to uninterrupted solitude? Who can tell that this is not, to the majority of mankind, the bitterest torment that human ingenuity can inflict? No doubt a mind truly sublime would conquer this inconvenience: but the powers of such a mind do not enter into the present question.

Its moral effects.

From the examination of solitary imprisonment in itself considered, we are naturally led to enquire into its real tendency as to the article of reformation. To be virtuous it is requisite that we should consider men and their relation to each other. As a preliminary to this study is it necessary that we should be shut out from the society of men? Shall we be most effectually formed to justice, benevolence and prudence in our intercourse with each other, in a state of solitude? Will not our selfish and unsocial dispositions be perpetually increased? What temptation has he to think of benevolence or justice who has no opportunity to exercise it? The true soil in which atrocious crimes are found to germinate, is a gloomy and morose disposition. Will his heart become much either softened or expanded, who breathes the atmosphere of a dungeon? Surely it would be better in this respect

BOOK VII. CHAP. VI. respect to imitate the system of the universe, and, if we would teach justice and humanity, transplant those we would teach into a natural and reasonable state of society. Solitude absolutely considered may instigate us to serve ourselves, but not to serve our neighbours. Solitude, imposed under too few limitations, may be a nursery for madmen and idiots, but not for useful members of society.

Another idea which has suggested itself with regard to the Slavery. relegation of offenders from the community they have injured, is that of reducing them to a state of slavery or hard labour. The true refutation of this system is anticipated in what has been already said. To the safety of the community it is unnecessary. As a means to the reformation of the offender it is inexpressibly ill conceived. Man is an intellectual being. There is no way to make him virtuous, but in calling out his intellectual powers. There is no way to make him virtuous, but by making him independent. He must study the laws of nature and the necessary consequence of actions, not the arbitrary caprice of his superior. Do you desire that I should work? Do not drive me to it with the whip; for, if before I thought it better to be idle, this will but increase my alienation. Persuade my understanding, and render it the subject of my choice. It can only be by the most deplorable perversion of reason, that we can be induced to believe any species of slavery, from the slavery

BOOK VII. of the school boy to that of the most unfortunate negro in our
CHAP. VI. West India plantations, favourable to virtue.

Banishment. A scheme greatly preferable to any of these, and which has been tried under various forms, is that of transportation, or banishment. This scheme under the most judicious modifications is liable to objection. It would be strange if any scheme of coercion or violence were not so. But it has been made appear still more exceptionable than it will be found in its intrinsic nature, by the crude and incoherent circumstances with which it has usually been executed.

1. Simple banishment. Banishment in its simple form is evidently unjust. The citizen whose residence we deem injurious in our own country, we have no right to impose upon another.

2. Transportation. Banishment has sometimes been joined with slavery. Such was the practice of Great Britain previously to the defection of her American colonies. This cannot stand in need of a separate refutation.

3. Colonization. The true species of banishment is removal to a country yet unsettled. The labour by which the untutored mind is best weaned from the vicious habits of a corrupt society, is the labour, not which is prescribed by the mandate of a superior, but which is imposed by the necessity of subsistence. The first settlement
of

of Rome by Romulus and his vagabonds is a happy image of this, whether we consider it as a real history, or as the ingenious fiction of a man well acquainted with the principles of mind. Men who are freed from the injurious institutions of European government, and obliged to begin the world for themselves, are in the direct road to be virtuous.

Two circumstances have hitherto rendered abortive this reasonable project. First, that the mother country pursues this species of colony with her hatred. Our chief anxiety is in reality to render its residence odious and uncomfortable, with the vain idea of deterring offenders. Our chief anxiety ought to be to smooth their difficulties, and contribute to their happiness. We should recollect that the colonists are men for whom we ought to feel no sentiments but those of love and compassion. If we were reasonable, we should regret the cruel exigence that obliges us to treat them in a manner unfuitable to the nature of mind; and having complied with the demand of that exigence, we should next be anxious to confer upon them every benefit in our power. But we are unreasonable. We harbour a thousand savage feelings of resentment and vengeance. We thrust them out to the remotest corner of the world. We subject them to perish by multitudes with hardship and hunger. Perhaps to the result of mature reflection banishment to the Hebrides, would appear as effectual as banishment to the Antipodes.

This project has miscarried: from unkindness:

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CHAP. VI.
from officiousness.

Secondly, it is absolutely necessary upon the principles here explained that these colonists, after having been sufficiently provided in the outset, should be left to themselves. We do worse than nothing, if we pursue them into their obscure retreat with the inauspicious influence of our European institutions. It is a mark of the profoundest ignorance of the nature of man, to suppose that, if left to themselves, they would universally destroy each other. On the contrary, new situations make new minds. The worst criminals when turned adrift in a body, and reduced to feel the churlish fang of necessity, conduct themselves upon reasonable principles, and often proceed with a sagacity and public spirit that might put the proudest monarchies to the blush.

Its permanent evils.

Meanwhile let us not forget the inherent vices of coercion, which present themselves from whatever point the subject is viewed. Colonization seems to be the most eligible of those expedients which have been stated, but it is attended with considerable difficulties. The community judges of a certain individual that his residence cannot be tolerated among them consistently with the general safety. In denying him his choice among other communities do they not exceed their commission? What treatment shall be awarded him, if he return from the banishment to which he was sentenced?—These difficulties are calculated to bring back the mind to the absolute injustice of coercion, and to render us inexpressibly anxious for the advent of that policy by which it shall be abolished.

To conclude. The observations of this chapter are relative to a theory, which affirmed that it might be the duty of individuals, but never of communities, to exert a certain species of political coercion; and which founded this duty upon a consideration of the benefits of public security. Under these circumstances then every individual is bound to judge for himself, and to yield his countenance to no other coercion than that which is indispensibly necessary. He will no doubt endeavour to meliorate those institutions with which he cannot persuade his countrymen to part. He will decline all concern in the execution of such, as abuse the plea of public security to the most atrocious purposes. Laws may easily be found in almost every code, which, on account of the iniquity of their provisions, are suffered to fall into disuse by general consent. Every lover of justice will uniformly in this way contribute to the repeal of all laws, that wantonly usurp upon the independence of mankind, either by the multiplicity of their restrictions, or severity of their sanctions.

BOOK VII.
CHAP. VI.
Recapitulation.

C H A P. VII.

O F E V I D E N C E.

DIFFICULTIES TO WHICH THIS SUBJECT IS LIABLE—EX-
EMPLIFIED IN THE DISTINCTION BETWEEN OVERT
ACTIONS AND INTENTIONS. — REASONS AGAINST
THIS DISTINCTION. — PRINCIPLE IN WHICH IT IS
FOUNDED.

BOOK VII.
CHAP. VII.

HAVING sufficiently ascertained the decision in which
questions of offence against the general safety ought to
terminate, it only remains under this head of enquiry to consider
the principles according to which the trial should be conducted.
These principles may for the most part be referred to two
points, the evidence that is to be required, and the method to be
pursued by us in classing offences.

Difficulties to
which this
subject is
liable:

The difficulties to which the subject of evidence is liable, have
been repeatedly stated in the earlier divisions of this work*. It
may be worth while in this place to recollect the difficulties which
attend upon one particular class of evidence, it being scarcely

* Book II, Chap. VI. Book VII, Chap. IV.

possible

O F E V I D E N C E.

possible that the imagination of every reader should not suffice
him to apply this text, and to perceive how easily the same kind
of enumeration might be extended to any other class.

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CHAP. VII.

It has been asked, "Why intentions are not subjected to the
animadversion of criminal justice, in the same manner as direct
acts of offence?"

exemplified
in the dis-
tinction be-
tween overt
acts and in-
tentions.

The arguments in favour of their being thus subjected are ob-
vious. "The proper object of political superintendence is not
the past, but the future. Society cannot justly employ coercion
against any individual, however atrocious may have been his
misdemeanours, from any other than a prospective consideration,
that is, a consideration of the danger with which his habits may
be pregnant to the general safety. Past conduct cannot properly
fall under the animadversion of government, except so far as it is
an indication of the future. But past conduct appears at first
sight to afford a slighter presumption as to what the delinquent
will do hereafter, than declared intention. The man who pro-
fesses his determination to commit murder, seems to be scarcely a
less dangerous member of society, than he who, having already
committed murder, has no apparent intention to repeat his of-
fence." And yet all governments have agreed either to pass over
the menace in silence, or to subject the offender to a much less
degree of coercion, than they employ against him, by whom

Reasons a-
gainst this
distinction.

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the crime has been perpetrated. It may be right perhaps to yield them some attention when they thus agree in forbearance, though little undoubtedly is due to their agreement in inhumanity.

Principle in which it is founded.

This distinction, so far as it is founded in reason, has relation principally to the uncertainty of evidence. Before the intention of any man can be ascertained in a court of justice from the consideration of the words he has employed, a variety of circumstances must be taken into the account. The witness heard the words which were employed: does he repeat them accurately, or has not his want of memory caused him to substitute in the room of some of them words of his own? Before it is possible to decide upon the confident expectation I may entertain that these words will be followed with correspondent actions, it is necessary I should know the exact tone with which they were delivered, and gesture with which they were accompanied. It is necessary I should be acquainted with the context, and the occasion that produced them. Their construction will depend upon the quantity of momentary heat or rooted malice with which they were delivered; and words, which appear at first sight of tremendous import, will sometimes be found upon accurate investigation to have had a meaning purely ironical in the mind of the speaker. These considerations, together with the odious nature of coercion in general,

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general, and the extreme mischief that may attend our restraining the faculty of speech in addition to the restraint we conceive ourselves obliged to put on men's actions, will probably be found to afford a sufficient reason, why words ought seldom or never to be made a topic of political animadversion.

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OF LAW.

ARGUMENTS BY WHICH IT IS RECOMMENDED.—ANSWER.—

LAW IS, 1. ENDLESS—PARTICULARLY IN A FREE STATE.—CAUSES OF THIS DISADVANTAGE.—2. UNCERTAIN—INSTANCED IN QUESTIONS OF PROPERTY.—MODE IN WHICH IT MUST BE STUDIED.—3. PRETENDS TO FORETEL FUTURE EVENTS.—LAWS ARE A SPECIES OF PROMISES—CHECK THE FREEDOM OF OPINION—ARE DESTRUCTIVE OF THE PRINCIPLES OF REASON.—DISHONESTY OF LAWYERS.—AN HONEST LAWYER MISCHIEVOUS.—ABOLITION OF LAW VINDICATED ON THE SCORE OF WISDOM—OF CANDOUR—FROM THE NATURE OF MAN.—FUTURE HISTORY OF POLITICAL JUSTICE.—ERRORS THAT MIGHT ARISE IN THE COMMENCEMENT.—ITS GRADUAL PROGRESS.—ITS EFFECTS ON CRIMINAL LAW—ON PROPERTY.

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A FARTHER article of great importance in the trial of offences, is that of the method to be pursued by us in classing them, and the consequent apportioning the degree of animadversion to the cases that may arise. This article brings us

us to the direct consideration of law, which is without doubt one of the most important topics upon which human intellect can be employed. It is law which has hitherto been regarded in countries calling themselves civilised, as the standard, by which to measure all offences and irregularities that fall under public animadversion. Let us fairly investigate the merits of this choice.

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The comparison which has presented itself to those by whom the topic has been investigated, has hitherto been between law on one side, and the arbitrary will of a despot on the other. But, if we would fairly estimate the merits of law, we should first consider it as it is in itself, and then, if necessary, search for the most eligible principle that may be substituted in its place.

It has been recommended as "affording information to the different members of the community respecting the principles which will be adopted in deciding upon their actions." It has been represented as the highest degree of iniquity, "to try men by an *ex post facto* law, or indeed in any other manner than by the letter of a law, formally made, and sufficiently promulgated."

Arguments
by which it
is recom-
mended.

How far it will be safe altogether to annihilate this principle we shall presently have occasion to enquire. It is obvious at first sight to remark, that it is of most importance in a country where the system of jurisprudence is most capricious and absurd.

If

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If it be deemed criminal in any society to wear clothes of a particular texture, or buttons of a particular composition, it is natural to exclaim, that it is high time the jurisprudence of that society should inform its members what are the fantastic rules by which they mean to proceed. But, if a society be contented with the rules of justice, and do not assume to itself the right of distorting or adding to those rules, there law is evidently a less necessary institution. The rules of justice would be more clearly and effectually taught by an actual intercourse with human society unrestrained by the fetters of prepossession, than they can be by catechisms and codes*.

Law is, r.
endless :particularly
in free states.

One result of the institution of law is, that the institution once begun, can never be brought to a close. Edict is heaped upon edict, and volume upon volume. This will be most the case, where the government is most popular, and its proceedings have most in them of the nature of deliberation. Surely this is no slight indication that the principle is wrong, and that of consequence, the farther we proceed in the path it marks out to us, the more shall we be bewildered. No task can be more hopeless than that of effecting a coalition between a right principle and a wrong. He that seriously and sincerely attempts it, will perhaps expose himself to more palpable ridicule, than he who, instead of professing two opposite systems, should adhere to the worst.

Causes of this
disadvantage.

There is no maxim more clear than this, Every case is a rule

* Book VI, Chap. VIII, p. 671.

to

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CHAP. VIII.

to itself. No action of any man was ever the same as any other action, had ever the same degree of utility or injury. It should seem to be the business of justice, to distinguish the qualities of men, and not, which has hitherto been the practice, to confound them. But what has been the result of an attempt to do this in relation to law? As new cases occur, the law is perpetually found deficient. How should it be otherwise? Lawgivers have not the faculty of unlimited prescience, and cannot define that which is infinite. The alternative that remains, is either to wrest the law to include a case which was never in the contemplation of the author, or to make a new law to provide for this particular case. Much has been done in the first of these modes. The quibbles of lawyers and the arts by which they refine and distort the sense of the law, are proverbial. But, though much is done, every thing cannot be thus done. The abuse would sometimes be too palpable. Not to say, that the very education that enables the lawyer, when he is employed for the prosecutor, to find out offences the lawgiver never meant, enables him, when he is employed for the defendant, to find out subtleties that reduce the law to a nullity. It is therefore perpetually necessary to make new laws. These laws, in order to escape evasion, are frequently tedious, minute and circumlocutory. The volume in which justice records her prescriptions is for ever increasing, and the world would not contain the books that might be written.

The

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CHAP. VIII.
2. uncertain :

instanced in
questions of
property.

The consequence of the infinitude of law is its uncertainty. This strikes directly at the principle upon which law is founded. Laws were made to put an end to ambiguity, and that each man might know what he had to depend upon. How well have they answered this purpose? Let us instance in the article of property. Two men go to law for a certain estate. They would not go to law, if they had not both of them an opinion of their success. But we may suppose them partial in their own case. They would not continue to go to law, if they were not both promised success by their lawyers. Law was made that a plain man might know what he had to depend upon, and yet the most skilful practitioners differ about the event of my suit. It will sometimes happen that the most celebrated pleader in the kingdom, or the first counsel in the service of the crown, shall assure me of infallible success, five minutes before another law officer, styled the keeper of the king's conscience, by some unexpected juggle decides it against me. Would the issue have been equally uncertain, if I had had nothing to trust to but the plain, unperturbed sense of a jury of my neighbours, founded in the ideas they entertained of general justice? Lawyers have absurdly maintained, that the expensiveness of law is necessary to prevent the unbounded multiplication of suits; but the true source of this multiplication is uncertainty. Men do not quarrel about that which is evident, but that which is obscure.

Mode in
which it must
be studied.

He that would study the laws of a country accustomed to legal

5

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CHAP. VIII.

legal security, must begin with the volumes of the statutes. He must add a strict enquiry into the common or unwritten law; and he ought to digress into the civil, the ecclesiastical and canon law. To understand the intention of the authors of a law, he must be acquainted with their characters and views, and with the various circumstances, to which it owed its rise, and by which it was modified while under deliberation. To understand the weight and interpretation that will be allowed to it in a court of justice, he must have studied the whole collection of records, decisions and precedents. Law was originally devised that ordinary men might know what they had to depend upon, and there is not at this day a lawyer existing in Great Britain, presumptuous and vain-glorious enough to pretend that he has mastered the code. Nor must it be forgotten that time and industry, even were they infinite, would not suffice. It is a labyrinth without end; it is a mass of contradictions that cannot be extricated. Study will enable the lawyer to find in it plausible, perhaps unanswerable, arguments for any side of almost any question; but it would argue the utmost folly to suppose that the study of law can lead to knowledge and certainty.

A farther consideration that will demonstrate the absurdity of law in its most general acceptation is, that it is of the nature of prophecy. Its task is to describe what will be the actions of mankind, and to dictate decisions respecting them. Its merits in this respect have already been decided under the head of promises.

3. pretends to
foretel future
events.

Laws are a
species of
promises.

5 F

promises.

BOOK VII.
CHAP. VIII.check the
freedom of
opinion:

promises*. The language of such a procedure is, "We are for wife; that we can draw no additional knowledge from circumstances as they occur; and we pledge ourselves that, if it be otherwise, the additional knowledge we acquire shall produce no effect upon our conduct." It is proper to observe, that this subject of law may be considered in some respects as more properly belonging to the topic of the preceding book. Law tends no less than creeds, catechisms and tests, to fix the human mind in a stagnant condition; and to substitute a principle of permanence, in the room of that unceasing perfectibility which is the only salubrious element of mind. All the arguments therefore which were employed upon that occasion may be applied to the subject now under consideration.

are destruc-
tive of the
principles of
reason.

The fable of Procrustes presents us with a faint shadow of the perpetual effort of law. In defiance of the great principle of natural philosophy, that there are not so much as two atoms of matter of the same form through the whole universe, it endeavours to reduce the actions of men, which are composed of a thousand evanescent elements, to one standard. We have already seen the tendency of this endeavour in the article of murder †. It was in the contemplation of this system of jurisprudence, that the strange maxim was invented, that "strict

* Book III, Chap. III.

† Book II, Chap. VI, p. 131. Book VII, Chap. IV, p. 718.

justice

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justice would often prove the highest injustice*." There is no more real justice in endeavouring to reduce the actions of men into classes, than there was in the scheme to which we have just alluded, of reducing all men to the same stature. If on the contrary justice be a result flowing from the contemplation of all the circumstances of each individual case, if the only criterion of justice be general utility, the inevitable consequence is that, the more we have of justice, the more we shall have of truth, virtue and happiness.

From all these considerations we cannot hesitate to conclude universally that law is an institution of the most pernicious tendency.

The subject will receive some additional elucidation, if we consider the perniciousness of law in its immediate relation to those who practise it. If there ought to be no such thing as law, the profession of a lawyer is no doubt entitled to our disapprobation. A lawyer can scarcely fail to be a dishonest man. This is less a subject for censure than for regret. Men are the creatures of the necessities under which they are placed. He that is habitually goaded by the incentives of vice, will not fail to be vicious. He that is perpetually conversant in quibbles, false colours and sophistry, cannot equally cultivate the generous

Dishonesty of
lawyers.* *Summum jus summa injuria.*

5 F 2

emotions

emotions of the soul and the nice discernment of rectitude. If a single individual can be found who is but superficially tainted with the contagion, how many men on the other hand, in whom we saw the promise of the sublimest virtues, have by this trade been rendered indifferent to consistency or accessible to a bribe? Be it observed, that these remarks apply principally to men eminent or successful in their profession. He that enters into an employment carelessly and by way of amusement, is much less under its influence (though he will not escape), than he that enters into it with ardour and devotion.

An honest
lawyer mis-
chievous.

Let us however suppose, a circumstance which is perhaps altogether impossible, that a man shall be a perfectly honest lawyer. He is determined to plead no cause that he does not believe to be just, and to employ no argument that he does not apprehend to be solid. He designs, as far as his sphere extends, to strip law of its ambiguities, and to speak the manly language of reason. This man is no doubt highly respectable so far as relates to himself, but it may be questioned whether he be not a more pernicious member of society than the dishonest lawyer. The hopes of mankind in relation to their future progress, depend upon their observing the genuine effects of erroneous institutions. But this man is employed in softening and masking these effects. His conduct has a direct tendency to postpone the reign of sound policy, and to render mankind tranquil in the midst of imperfection and ignorance. It may appear indeed

a para-

a paradox to affirm that virtue can be more pernicious than vice. But the true solution of this difficulty lies in the remark, that virtue, such as is here described, is impossible. We may amuse ourselves with enquiring in such instances as this whether theory could not afford us a better system of intellectual progress than the mixed system which takes place in the world. But the true answer probably is, that what we call vice is mere error of the understanding, a necessary part of the gradation that leads to good, and in a word that the course of nature and the course of a perfect theory are in all cases the same.

The true principle which ought to be substituted in the room of law, is that of reason exercising an uncontrolled jurisdiction upon the circumstances of the case. To this principle no objection can arise on the score of wisdom. It is not to be supposed that there are not men now existing, whose intellectual accomplishments rise to the level of law. Law we sometimes call the wisdom of our ancestors. But this is a strange imposition. It was as frequently the dictate of their passion, of timidity, jealousy, a monopolising spirit, and a lust of power that knew no bounds. Are we not obliged perpetually to revise and remodel this misnamed wisdom of our ancestors? to correct it by a detection of their ignorance and a condemnation of their intolerance? But, if men can be found among us whose wisdom is equal to the wisdom of law, it will scarcely be maintained, that the truths they have to communicate will be the worse for

Abolition of
law vindic-
ated on the
score of wis-
dom:

having

BOOK VII. having no authority, but that which they derive from the
 CHAP. VIII. reasons that support them.

of candour: It may however be alledged that, "if there be little difficulty in securing a current portion of wisdom, there may nevertheless be something to be feared from the passions of men. Law may be supposed to have been constructed in the tranquil serenity of the soul, a suitable monitor to check the inflamed mind with which the recent memory of ills might induce us to proceed to the exercise of coercion." This is the most considerable argument that can be adduced in favour of the prevailing system, and therefore deserves a mature examination.

from the nature of man:

The true answer to this objection is that nothing can be improved but in conformity to its nature. If we consult for the welfare of man, we must bear perpetually in mind the structure of man. It must be admitted that we are imperfect, ignorant, the slaves of appearances. These defects can be removed by no indirect method, but only by the introduction of knowledge. A specimen of the indirect method we have in the doctrine of spiritual infallibility. It was observed that men were liable to error, to dispute for ever without coming to a decision, to mistake in their most important interests. What was wanting, was supposed to be a criterion and a judge of controversies. What was attempted, was to endue truth with a visible form, and then repair to the oracle we had erected.

The

BOOK VII. The case respecting law is exactly parallel to this. Men
 CHAP. VIII. were aware of the deceitfulness of appearances, and they sought a talisman to guard them from imposition. Suppose I were to determine at the commencement of every day upon a certain code of principles to which I would conform the conduct of the day, and at the commencement of every year the conduct of the year. Suppose I were to determine that no circumstances should be allowed by the light they afforded to modify my conduct, lest I should become the dupe of appearance and the slave of passion. This is a just and accurate image of every system of permanence. Such systems are formed upon the idea of stopping the perpetual motion of the machine, lest it should sometimes fall into disorder.

This consideration must sufficiently persuade an impartial mind that, whatever inconveniences may arise from the passions of men, the introduction of fixed laws cannot be the genuine remedy. Let us consider what would be the operation and progressive state of these passions, provided men were trusted to the guidance of their own discretion. Such is the discipline that a reasonable state of society employs with respect to man in his individual capacity*: why should it not be equally valid with respect to men acting in a collective capacity? Inexperience and zeal would prompt me to restrain my neighbour whenever he is acting wrong, and, by penalties and inconveniences

* Book V, Chap. XX, p. 548.

designedly

designedly interposed, to cure him of his errors. But reason evinces the folly of this proceeding, and teaches me that, if he be not accustomed to depend upon the energies of intellect, he will never rise to the dignity of a rational being. As long as a man is held in the trammels of obedience, and habituated to look to some foreign guidance for the direction of his conduct, his understanding and the vigour of his mind will sleep. Do I desire to raise him to the energy of which he is capable? I must teach him to feel himself, to bow to no authority, to examine the principles he entertains, and render to his mind the reason of his conduct.

The habits which are thus salutary to the individual will be equally salutary in the transactions of communities. Men are weak at present, because they have always been told they are weak, and must not be trusted with themselves. Take them out of their shackles; bid them enquire, reason and judge; and you will soon find them very different beings. Tell them that they have passions, are occasionally hasty, intemperate and injurious, but they must be trusted with themselves. Tell them that the mountains of parchment in which they have been hitherto intrenched, are fit only to impose upon ages of superstition and ignorance; that henceforth we will have no dependence but upon their spontaneous justice; that, if their passions be gigantic, they must rise with gigantic energy to subdue them; that, if their decrees be iniquitous, the iniquity shall be all their

own. The effect of this disposition of things will soon be visible; mind will rise to the level of its situation; juries and umpires will be penetrated with the magnitude of the trust reposed in them.

It may be no uninteresting spectacle to survey the progressive establishment of justice in the state of things which is here recommended. At first it may be a few decisions will be made uncommonly absurd or atrocious. But the authors of these decisions will be confounded with the unpopularity and disgrace in which they have involved themselves. In reality, whatever were the original source of law, it soon became cherished as a cloke for oppression. Its obscurity was of use to mislead the inquisitive eye of the sufferer. Its antiquity served to divert a considerable part of the odium from the perpetrator of the injustice to the author of the law, and still more to disarm that odium by the influence of superstitious awe. It was well known that unvarnished, barefaced oppression could not fail to be the victim of its own operations.

Future history of political justice.

Errors that might arise in the commencement.

To this statement it may indeed be objected, "that bodies of men have often been found callous to censure, and that the disgrace, being amicably divided among them all, is intolerable to none." In this observation there is considerable force, but it is inapplicable to the present argument. To this species of abuse one of two things is indispensably necessary, either num-

BOOK VII. CHAP. VIII.
 bers or secrecy. To this abuse therefore it will be a sufficient remedy, that each jurisdiction be considerably limited, and all transactions conducted in an open and explicit manner.—To proceed.

Its gradual progress.

The juridical decisions that were made immediately after the abolition of law, would differ little from those during its empire. They would be the decisions of prejudice and habit. But habit, having lost the centre about which it revolved, would diminish in the regularity of its operations. Those to whom the arbitration of any question was intrusted, would frequently recollect that the whole case was committed to their deliberation, and they could not fail occasionally to examine themselves respecting the reason of those principles which had hitherto passed uncontroverted. Their understandings would grow enlarged, in proportion as they felt the importance of their trust, and the unbounded freedom of their investigation. Here then would commence an auspicious order of things, of which no understanding of man at present in existence can foretel the result, the dethronement of implicit faith and the inauguration of unclouded justice.

Its effects on criminal law :

Some of the conclusions of which this state of things would be the harbinger, have been already seen in the judgment that would be made of offences against the community*. Offences

* Book II, Chap. VI, p. 131. Book VII, Chap. IV, p. 718.

arguing

BOOK VII. CHAP. VIII.
 arguing infinite variety in the depravity from which they sprung, would no longer be confounded under some general name. Juries would grow as perspicacious in distinguishing, as they are now indiscriminate in confounding the merit of actions and characters.

Let us consider the effects of the abolition of law as it respects the article of property. As soon as the minds of men became somewhat weaned from the unfeeling uniformity of the present system, they would begin to enquire after equity. In this situation let us suppose a litigated succession brought before them, to which there were five heirs, and that the sentence of their old legislation had directed the division of this property into five equal shares. They would begin to enquire into the wants and situation of the claimants. The first we will suppose to have a fair character and be prosperous in the world : he is a respectable member of society, but farther wealth would add little either to his usefulness or his enjoyment. The second is a miserable object, perishing with want, and overwhelmed with calamity. The third, though poor, is yet tranquil ; but there is a situation to which his virtue leads him to aspire, and in which he may be of uncommon service, but which he cannot with propriety accept, without a capital equal to two fifths of the whole succession. One of the claimants is an unmarried woman past the age of childbearing. Another is a widow, unprovided, and with a numerous family depending on her succour.

BOOK VII.
CHAP. VIII. succour. The first question that would suggest itself to unprejudiced persons, having the allotment of this succession referred to their unlimited decision, would be, what justice is there in the indiscriminate partition which has hitherto prevailed? This would be one of the early suggestions that would produce a shock in the prevailing system of property. To enquire into the general issue of these suggestions is the principal object of the following book.

An observation which cannot have escaped the reader in the perusal of this chapter, is, that law is merely relative to the exercise of political force, and must perish when the necessity for that force ceases, if the influence of truth do not still sooner extirpate it from the practice of mankind.

C H A P.

C H A P. IX.

O F P A R D O N S.

THEIR ABSURDITY.—THEIR ORIGIN.—THEIR ABUSES.—
THEIR ARBITRARY CHARACTER.—DESTRUCTIVE OF MORALITY.

THERE is one other topic which belongs to the subject of the present book, but which may be dismissed in a very few words, because, though it has unhappily been in almost all cases neglected in practice, it is a point that seems to admit of uncommonly simple and irresistible evidence: I mean, the subject of pardons. BOOK VII.
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The very word to a reflecting mind is fraught with absurdity. Their absurdity.
“What is the rule that ought in all cases to prescribe to my conduct?” Surely justice; understanding by justice the greatest utility of the whole mass of beings that may be influenced by my conduct. “What then is clemency?” It can be nothing but the pitiable egotism of him who imagines he can do something better than justice. “Is it right that I should suffer constraint for a certain offence?” The rectitude of my suffering must be founded in its tendency to promote the general welfare. He therefore

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therefore that pardons me, iniquitously prefers the imaginary interest of an individual, and utterly neglects what he owes to the whole. He bestows that which I ought not to receive, and which he has no right to give. "Is it right on the contrary that I should not undergo the suffering in question? Will he by rescuing me from suffering, do a benefit to me and no injury to others?" He will then be a notorious delinquent, if he allow me to suffer. There is indeed a considerable defect in this last supposition. If, while he benefits me, he do no injury to others, he is infallibly performing a public service. If I suffered in the arbitrary manner which the supposition includes, the whole would sustain an unquestionable injury in the injustice that was perpetrated. And yet the man who prevents this odious injustice, has been accustomed to arrogate to himself the attribute of clement, and the apparently sublime, but in reality tyrannical, name of forgiveness. For, if he do more than has been here described, instead of glory, he ought to take shame to himself, as an enemy to the interest of human kind. If every action, and especially every action in which the happiness of a rational being is concerned, be susceptible of a certain rule, then caprice must be in all cases excluded: there can be no action, which, if I neglect, I shall have discharged my duty; and, if I perform, I shall be entitled to applause.

Their origin.

The pernicious effects of the system of pardons is peculiarly glaring. It was first invented as the miserable supplement to a sanguinary

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sanguinary code, the atrociousness of which was so conspicuous, that its ministers either dreaded the resistance of the people if it were indiscriminately executed, or themselves shrunk with spontaneous repugnance from the devastation it commanded. The system of pardons naturally associates with the system of law; for, though you may call every instance in which one man occasions the death of another by the name of murder, yet the injustice would be too great, to apply to all instances the same treatment. Define murder as accurately as you please, the same consequence, the same disparity of cases will obtrude itself. It is necessary therefore to have a court of reason, to which the decisions of a court of law shall be brought for revival.

But how is this court, inexpressibly more important than the other, to be constituted? Here lies the essence of the matter; the rest is form. A jury is impanelled, to tell you the generical name of the action; a judge presides, to read out of the vocabulary of law the sentence annexed to that name; last of all, comes the court of enquiry which is to decide whether the remedy of the dispensatory be suitable to the circumstances of this particular case. This authority has usually been lodged in the first instance with the judge, and in the last resort with the king in council. Now, laying aside the propriety or impropriety of this particular selection, there is one grievous abuse which ought to strike the most superficial observer. These persons, with whom the principal trust is reposed, consider their functions in this

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CHAP. IX.

this respect as a matter purely incidental, exercise them with suspiciousness, and in many instances with the most scanty materials to guide their judgment. This grows in a considerable degree out of the very name of pardon, which implies a work of supererogatory benevolence.

Their arbitrary character.

From the manner in which pardons are dispensed inevitably flows the uncertainty of punishment. It is too evident that punishment is inflicted by no certain rules, and of consequence the lives of a thousand victims are immolated in vain. Not more than one half or one third of the offenders whom the law condemns to death in this metropolis, are made to suffer the sentence that is pronounced. Is it possible that each offender should not flatter himself that he shall be among the number that escapes? Such a system, to speak it truly, is a lottery of death, in which each man draws his ticket for reprieve or execution, as undefinable accidents shall decide.

It may be asked whether the abolition of law would not produce equal uncertainty? By no means. The principles of king and council in such cases are very little understood, either by themselves or others. The principles of a jury of his neighbours commissioned to pronounce upon the whole of the case, the criminal easily guesses. He has only to appeal to his own sentiments and experience. Reason is a thousand times more explicit and intelligible than law; and when we were accustomed to

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consult her, the certainty of her decisions would be such as men practised in our present courts are totally unable to conceive.

Destructive of morality.

Another very important consequence grows out of the system of pardons. A system of pardons is a system of unmitigated slavery. I am taught to expect a certain desirable event, from what? From the clemency, the uncontroled, unmerited kindness of a fellow mortal. Can any lesson be more degrading? The pusillanimous servility of the man who devotes himself with everlasting obsequiousness to another, because that other, having begun to be unjust, relents in his career; the ardour with which he confesses the rectitude of his sentence and the enormity of his deserts, will constitute a tale that future ages will find it difficult to understand.

What are the sentiments in this respect that are alone worthy of a rational being? Give me that and that only, which without injustice you cannot refuse. More than justice it would be disgraceful for me to ask, and for you to bestow. I stand upon the foundation of right. This is a title, which brute force may refuse to acknowledge, but which all the force in the world cannot annihilate. By resisting this plea you may prove yourself unjust, but in yielding to it you grant me but my due. If, all things considered, I be the fit subject of a benefit, the benefit is merited: merit in any other sense is contradictory and absurd. If you bestow upon me unmerited advantage, you are a recreant from

BOOK VII. the general good. I may be base enough to thank you; but, if
 CHAP. IX. I were virtuous, I should condemn you.

These sentiments alone are consistent with true independence of mind. He that is accustomed to regard virtue as an affair of favour and grace, cannot be eminently virtuous. If he occasionally perform an action of apparent kindness, he will applaud the generosity of his sentiments; and, if he abstain, he will acquit himself with the question, "May I not do what I will with my own?" In the same manner, when he is treated benevolently by another, he will in the first place be unwilling to examine strictly into the reasonableness of this treatment, because benevolence, as he imagines, is not subject to any inflexibility of rule; and, in the second place, he will not regard his benefactor with that erect and unembarrassed mien, that complete sense of equality, which is the only immovable basis of virtue and happiness.

A N

A N

E N Q U I R Y

CONCERNING

P O L I T I C A L J U S T I C E.

B O O K V I I I.

O F P R O P E R T Y.

C H A P. I.

GENUINE SYSTEM OF PROPERTY DELINEATED.

IMPORTANCE OF THIS TOPIC.—ABUSES TO WHICH IT HAS BEEN EXPOSED.—CRITERION OF PROPERTY: JUSTICE.—ENTITLES EACH MAN TO THE SUPPLY OF HIS ANIMAL WANTS AS FAR AS THE GENERAL STOCK WILL AFFORD IT—TO THE MEANS OF WELL BEING.—ESTIMATE OF LUXURY.—ITS PERNICIOUS EFFECTS ON THE INDIVIDUAL WHO PARTAKES OF IT.—IDEA OF LABOUR AS THE FOUNDATION OF PROPERTY CONSIDERED.—ITS UNREA-

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SONABLENESS.

SONABLENESS.—SYSTEM OF POPULAR MORALITY ON THIS SUBJECT.—DEFECTS OF THAT SYSTEM.

BOOK VIII.
CHAP. I.

Importance
of this topic.

Book V.

Book VI.

Book VII.

THE subject of property is the key stone that completes the fabric of political justice. According as our ideas respecting it are crude or correct, they will enlighten us as to the consequences of a *simple form of society without government*, and remove the prejudices that attach us to complexity. There is nothing that more powerfully tends to distort our *judgment* and *opinions*, than erroneous notions concerning the goods of fortune. Finally, the period that shall put an end to the system of *coercion* and *punishment*, is intimately connected with the circumstance of property's being placed upon an equitable basis.

Abuses to
which it has
been exposed.

Various abuses of the most incontrovertible nature have insinuated themselves into the administration of property. Each of these abuses might usefully be made the subject of a separate investigation. We might enquire into the vexations of this sort that are produced by the dreams of national greatness or magistral vanity. This would lead us to a just estimate of the different kinds of taxation, landed or mercantile, having the necessities or the luxuries of life for their subject of operation. We might examine into the abuses which have adhered to the commercial system; monopolies, charters, patents, protecting duties, prohibitions and bounties. We might remark upon the consequences that flow from the feudal system and the system of

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ranks;

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ranks; seignorial duties, fines, conveyances, entails, estates freehold, copyhold and manorial, vassalage and primogeniture. We might consider the rights of the church; first fruits and tithes; and we might enquire into the propriety of the regulation by which a man, after having possessed as sovereign a considerable property during his life, is permitted to dispose of it at his pleasure, at the period which the laws of nature seem to have fixed as the termination of his authority. All these enquiries would tend to show the incalculable importance of this subject. But, excluding them all from the present enquiry, it shall be the business of what remains of this work to consider, not any particular abuses which have incidentally risen out of the administration of property, but those general principles by which it has in almost all cases been directed, and which, if erroneous, must not only be regarded as the source of the abuses above enumerated, but of others of innumerable kinds, too multifarious and subtle to enter into so brief a catalogue.

What is the criterion that must determine whether this or that substance, capable of contributing to the benefit of a human being, ought to be considered as your property or mine? To this question there can be but one answer—Justice. Let us then recur to the principles of justice*.

Criterion of
property:
justice.

To whom does any article of property, suppose a loaf of bread,

Entitles each
man to the
supply of his
animal wants,
as far as the

justly

* Book II, Chap. II.

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The
general stock
will afford it

justly belong? To him who most wants it, or to whom the possession of it will be most beneficial. Here are six men famished with hunger, and the loaf is, absolutely considered, capable of satisfying the cravings of them all. Who is it that has a reasonable claim to benefit by the qualities with which this loaf is endowed? They are all brothers perhaps, and the law of primogeniture bestows it exclusively on the eldest. But does justice confirm this award? The laws of different countries dispose of property in a thousand different ways; but there can be but one way which is most conformable to reason.

It would have been easy to put a case much stronger than that which has just been stated. I have an hundred loaves in my possession, and in the next street there is a poor man expiring with hunger, to whom one of these loaves would be the means of preserving his life. If I withhold this loaf from him, am I not unjust? If I impart it, am I not complying with what justice demands? To whom does the loaf justly belong?

I suppose myself in other respects to be in easy circumstances, and that I do not want this bread as an object of barter or sale, to procure me any of the other necessaries of a human being. Our animal wants have long since been defined, and are stated to consist of food, clothing and shelter. If justice have any meaning, nothing can be more iniquitous, than for one man to possess superfluities,

perfluities, while there is a human being in existence that is not adequately supplied with these.

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Justice does not stop here. Every man is entitled, so far as the general stock will suffice, not only to the means of being, but of well being. It is unjust, if one man labour to the destruction of his health or his life, that another man may abound in luxuries. It is unjust, if one man be deprived of leisure to cultivate his rational powers, while another man contributes not a single effort to add to the common stock. The faculties of one man are like the faculties of another man. Justice directs that each man, unless perhaps he be employed more beneficially to the public, should contribute to the cultivation of the common harvest, of which each man consumes a share. This reciprocity indeed, as was observed when that subject was the matter of separate consideration, is of the very essence of justice. How the latter branch of it, the necessary labour, is to be secured, while each man is admitted to claim his share of the produce, we shall presently have occasion to enquire.

to the mean
of well being.

This subject will be placed in a still more striking light, if we reflect for a moment on the nature of luxuries. The wealth of any state may intelligibly enough be considered as the aggregate of all the incomes, which are annually consumed within that state, without destroying the materials of an equal consumption in

Estimate of
luxury.

in the ensuing year. Considering this income as being, what in almost all cases it will be found to be, the produce of the industry of the inhabitants, it will follow that in civilised countries the peasant often does not consume more than the twentieth part of the produce of his labour, while his rich neighbour consumes perhaps the produce of the labour of twenty peasants. The benefit that arises to this favoured mortal ought surely to be very extraordinary.

Its pernicious effects on the individual who partakes of it.

But nothing is more evident than that the condition of this man is the reverse of beneficial. The man of an hundred pounds *per annum*, if he understand his own happiness, is a thousand times more favourably circumstanced. What shall the rich man do with his enormous wealth? Shall he eat of innumerable dishes of the most expensive viands, or pour down hogheads of the most highly flavoured wines? A frugal diet will contribute infinitely more to health, to a clear understanding, to chearful spirits, and even to the gratification of the appetites. Almost every other expence is an expence of ostentation. No man, but the most sordid epicure, would long continue to maintain even a plentiful table, if he had no spectators, visitors or servants, to behold his establishment. For whom are our sumptuous palaces and costly furniture, our equipages, and even our very clothes? The nobleman, who should for the first time let his imagination loose to conceive the style in which he would live, if he had nobody to observe,

observe, and no eye to please but his own, would no doubt be surpris'd to find that vanity had been the first mover in all his actions.

The object of this vanity is to procure the admiration and applause of beholders. We need not here enter into the intrinsic value of applause. Taking it for granted that it is as estimable an acquisition as any man can suppose it, how contemptible is the source of applause to which the rich man has recourse? "Applaud me, because my ancestor has left me a great estate." What merit is there in that? The first effect then of riches is to deprive their possessor of the genuine powers of understanding, and render him incapable of discerning absolute truth. They lead him to fix his affections on objects not accommodated to the wants and the structure of the human mind, and of consequence entail upon him disappointment and unhappiness. The greatest of all personal advantages are, independence of mind, which makes us feel that our satisfactions are not at the mercy either of men or of fortune; and activity of mind, the chearfulness that arises from industry perpetually employed about objects, of which our judgment acknowledges the intrinsic value.

In this case we have compared the happiness of the man of extreme opulence with that of the man of one hundred pounds *per annum*. But the latter side of this alternative was assumed merely in compliance with existing prejudices. Even in the present

present state of human society we perceive, that a man, who should be perpetually earning the necessary competence by a very moderate industry, and with his pursuits uncrossed by the peevishness or caprice of his neighbours, would not be less happy than if he were born to that competence. In the state of society we are here contemplating, where, as will presently appear, the requisite industry will be of the lightest kind, it will be the reverse of a misfortune to any man, to find himself necessarily stimulated to a gentle activity, and in consequence to feel that no reverse of fortune could deprive him of the means of subsistence and contentment.

Idea of labour
as the foundation
of property
considered.

But it has been alledged, "that we find among different men very different degrees of labour and industry, and that it is not just they should receive an equal reward." It cannot indeed be denied that the attainments of men in virtue and usefulness ought by no means to be confounded. How far the present system of property contributes to their being equitably treated it is very easy to determine. The present system of property confers on one man immense wealth in consideration of the accident of his birth. He that from beggary ascends to opulence, is usually known not to have effected this transition by methods very creditable to his honesty or his usefulness. The most industrious and active member of society is frequently with great difficulty able to keep his family from starving.

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But,

Its unrea-
sonableness.

But, to pass over these iniquitous effects of the unequal distribution of property, let us consider the nature of the reward which is thus proposed to industry. If you be industrious, you shall have an hundred times more food than you can eat, and an hundred times more clothes than you can wear. Where is the justice of this? If I be the greatest benefactor the human species ever knew, is that a reason for bestowing on me what I do not want, especially when there are thousands to whom my superfluity would be of the greatest advantage? With this superfluity I can purchase nothing but gaudy ostentation and envy, nothing but the pitiful pleasure of returning to the poor under the name of generosity that to which reason gives them an irresistible claim, nothing but prejudice, error and vice.

The doctrine of the injustice of accumulated property has been the foundation of all religious morality. The object of this morality has been, to excite men by individual virtue to repair this injustice. The most energetic teachers of religion have been irresistibly led to assert the precise truth upon this interesting subject. They have taught the rich, that they hold their wealth only as a trust, that they are strictly accountable for every atom of their expenditure, that they are merely administrators, and by no means proprietors in chief*. The defect of this system is, that they rather excite us to palliate our injustice than to forsake it.

System of
popular mo-
rality on this
subject.

* See Swift's Sermon on Mutual Subjection, quoted Book II, Chap. II.

No truth can be more simple than that which they inculcate. There is no action of any human being, and certainly no action that respects the disposition of property, that is not capable of better and worse, and concerning which reason and morality do not prescribe a specific conduct. He that sets out with acknowledging that other men are of the same nature as himself, and is capable of perceiving the precise place he would hold in the eye of an impartial spectator, must be fully sensible, that the money he employs in procuring an object of trifling or no advantage to himself, and which might have been employed in purchasing substantial and indispensable benefit to another, is unjustly employed. He that looks at his property with the eye of truth, will find that every shilling of it has received its destination from the dictates of justice. He will at the same time however be exposed to considerable pain, in consequence of his own ignorance as to the precise disposition that justice and public utility require.

Does any man doubt of the truth of these assertions? Does any man doubt that, when I employ a sum of money small or great in the purchase of an absolute luxury for myself, I am guilty of vice? It is high time that this subject should be adequately understood. It is high time that we should lay aside the very names of justice and virtue, or that we should acknowledge that they do not authorise us to accumulate luxuries upon ourselves, while we see others in want of the indispensable means of improvement and happiness.

But,

But, while religion inculcated on mankind the impartial nature of justice, its teachers have been too apt to treat the practice of justice, not as a debt, which it ought to be considered, but as an affair of spontaneous generosity and bounty. They have called upon the rich to be clement and merciful to the poor. The consequence of this has been that the rich, when they bestowed the most slender pittance of their enormous wealth in acts of charity, as they were called, took merit to themselves for what they gave, instead of considering themselves as delinquents for what they withheld.

Religion is in reality in all its parts an accommodation to the prejudices and weaknesses of mankind. Its authors communicated to the world as much truth, as they calculated that the world would be willing to receive. But it is time that we should lay aside the instruction intended only for children in understanding*, and contemplate the nature and principles of things. If religion had spoken out, and told us it was just that all men should receive the supply of their wants, we should presently have been led to suspect that a gratuitous distribution to be made by the rich, was a very indirect and ineffectual way of arriving at this object. The experience of all ages has taught us, that this system is productive only of a very precarious supply. The principal object which it seems to propose, is to place this supply in the disposal of a few, enabling them to make a show of

* 1 Cor. Chap. III. Ver. 1, 2.

generosity

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generosity with what is not truly their own, and to purchase the gratitude of the poor by the payment of a debt. It is a system of clemency and charity, instead of a system of justice. It fills the rich with unreasonable pride by the spurious denominations with which it decorates their acts, and the poor with servility, by leading them to regard the slender comforts they obtain, not as their incontrovertible due, but as the good-pleasure and the grace of their opulent neighbours.

CHAP.

CHAP. II.

BENEFITS ARISING FROM THE GENUINE SYSTEM OF PROPERTY.

CONTRASTED WITH THE MISCHIEFS OF THE PRESENT SYSTEM, AS CONSISTING—1. IN A SENSE OF DEPENDENCE. 2. IN THE PERPETUAL SPECTACLE OF INJUSTICE, LEADING MEN ASTRAY IN THEIR DESIRES—AND PERVERTING THE INTEGRITY OF THEIR JUDGMENTS.—THE RICH ARE THE TRUE PENSIONERS.—3. IN THE DISCOURAGEMENT OF INTELLECTUAL ATTAINMENTS.—4. IN THE MULTIPLICATION OF VICE—GENERATING THE CRIMES OF THE POOR—THE PASSIONS OF THE RICH—AND THE MISFORTUNES OF WAR.—5. IN DEPOPULATION.

HAVING seen the justice of an equal distribution of property, let us next consider the benefits with which it would be attended. And here with grief it must be confessed, that, however great and extensive are the evils that are produced by monarchies and courts, by the imposture of priests and the iniquity of criminal laws, all these are imbecil and impotent compared with the evils that arise out of the established system of property.

Its

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Contrasted with the mischiefs of the present system, as consisting:

Its first effect is that which we have already mentioned, a sense of dependence. It is true that courts are mean spirited, intriguing and servile, and that this disposition is transferred by contagion from them to all ranks of society. But property brings home a servile and truckling spirit by no circuitous method to every house in the nation. Observe the pauper fawning with abject vileness upon his rich benefactor, and speechless with sensations of gratitude for having received that, which he ought to have claimed with an erect mien, and with a consciousness that his claim was irresistible. Observe the servants that follow in a rich man's train, watchful of his looks, anticipating his commands, not daring to reply to his insolence, all their time and their efforts under the direction of his caprice. Observe the tradesman, how he studies the passions of his customers, not to correct, but to pamper them; the vileness of his flattery and the systematical constancy with which he exaggerates the merit of his commodities. Observe the practices of a popular election, where the great mass are purchased by obsequiousness, by intemperance and bribery, or driven by unmanly threats of poverty and persecution. Indeed "the age of chivalry is" not "gone *!" The feudal spirit still survives, that reduced the great mass of mankind to the rank of slaves and cattle for the service of a few.

We have heard much of visionary and theoretical improvements. It would indeed be visionary and theoretical to expect

virtue from mankind, while they are thus subjected to hourly corruption, and bred from father to son to sell their independence and their conscience for the vile rewards that oppression has to bestow. No man can be either useful to others or happy to himself who is a stranger to the grace of firmness, and who is not habituated to prefer the dictates of his own sense of rectitude to all the tyranny of command, and allurements of temptation. Here again, as upon a former occasion, religion comes in to illustrate our thesis. Religion was the generous ebullition of men, who let their imagination loose on the grandest subjects, and wandered without restraint in the unbounded field of enquiry. It is not to be wondered at therefore if they brought home imperfect ideas of the sublimest views that intellect can furnish. In this instance religion teaches that the true perfection of man is to divest himself of the influence of passions; that he must have no artificial wants, no sensuality, and no fear. But to divest the human species under the present system of the influence of passions is an extravagant speculation. The enquirer after truth and the benefactor of mankind will be desirous of removing from them those external impressions by which their evil propensities are cherished. The true object that should be kept in view, is to extirpate all ideas of condescension and superiority, to oblige every man to feel, that the kindness he exerts is what he is bound to perform, and the assistance he asks what he has a right to claim.

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2. in the perpetual spectacle of injustice: leading men astray in their desires:

A second evil that arises out of the established system of property is the perpetual spectacle of injustice it exhibits. This consists partly in luxury and partly in caprice. There is nothing more pernicious to the human mind than luxury. Mind, being in its own nature essentially active, necessarily fixes on some object public or personal, and in the latter case, on the attainment of some excellence, or something which shall command the esteem and deference of others. No propensity, absolutely considered, can be more valuable than this. But the established system of property directs it into the channel of the acquisition of wealth. The ostentation of the rich perpetually goads the spectator to the desire of opulence. Wealth, by the sentiments of servility and dependence it produces, makes the rich man stand forward as the only object of general esteem and deference. In vain are sobriety, integrity and industry, in vain the sublimest powers of mind and the most ardent benevolence, if their possessor be narrowed in his circumstances. To acquire wealth and to display it, is therefore the universal passion. The whole structure of human society is made a system of the narrowest selfishness. If self love and benevolence were apparently reconciled as to their object, a man might set out with the desire of eminence, and yet every day become more generous and philanthropical in his views. But the passion we are here describing is accustomed to be gratified at every step, by inhumanly trampling upon the interest of others. Wealth is acquired by overreaching our neighbours, and is spent in insulting them.

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The spectacle of injustice which the established system of property exhibits, consists partly in caprice. If you would cherish in any man the love of rectitude, you must take care that its principles be impressed on him; not only by words, but actions. It sometimes happens during the period of education, that maxims of integrity and consistency are repeatedly enforced, and that the preceptor gives no quarter to the base suggestions of selfishness and cunning. But how is the lesson that has been read to the pupil confounded and reversed, when he enters upon the scene of the world? If he ask, "Why is this man honoured?" the ready answer is, "Because he is rich." If he enquire farther, "Why is he rich?" the answer in most cases is, "From the accident of birth, or from a minute and sordid attention to the cares of gain." The system of accumulated property is the offspring of civil policy; and civil policy, as we are taught to believe, is the production of accumulated wisdom. Thus the wisdom of legislators and senates has been employed, to secure a distribution of property the most profligate and unprincipled, that bids defiance to the maxims of justice and the nature of man. Humanity weeps over the distresses of the peasantry of all civilized nations; and, when she turns from this spectacle to behold the luxury of their lords, gross, imperious and prodigal; her sensations certainly are not less acute. This spectacle is the school in which mankind have been educated. They have been accustomed to the sight of injustice, oppression and iniquity, till their feelings are made

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and perverting the integrity of their judgments.

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callous,

callous, and their understandings incapable of apprehending the nature of true virtue.

The rich are
the true pen-
sioners.

In beginning to point out the evils of accumulated property, we compared the extent of those evils with the correspondent evils of monarchies and courts. No circumstances under the latter have excited a more pointed disapprobation than pensions and pecuniary corruption, by means of which hundreds of individuals are rewarded, not for serving, but betraying the public, and the hard earnings of industry are employed to fatten the servile adherents of despotism. But the rent roll of the lands of England is a much more formidable pension list, than that which is supposed to be employed in the purchase of ministerial majorities. All riches, and especially all hereditary riches, are to be considered as the salary of a sinecure office, where the labourer and the manufacturer perform the duties, and the principal spends the income in luxury and idleness*. Hereditary wealth is in reality a premium paid to idleness,

* This idea is to be found in Ogilvie's Essay on the Right of Property in Land, published about two years ago, Part I, Sect. iii, par. 38, 39. The reasonings of this author have sometimes considerable merit, though he has by no means gone to the source of the evil.

It might be amusing to some readers to recollect the authorities, if the citation of authorities were a proper mode of reasoning, by which the system of accumulated property is openly attacked. The best known is Plato in his treatise of a Republic.

ness, an immense annuity expended to retain mankind in brutality and ignorance. The poor are kept in ignorance by the want of leisure. The rich are furnished indeed with the means of cultivation and literature, but they are paid for being dissipated and indolent. The most powerful means that malignity could have invented, are employed to prevent them from improving their talents, and becoming useful to the public.

This leads us to observe, thirdly, that the established system

3. In the dis-
couragement

Republic. His steps have been followed by sir Thomas More in his Utopia. Specimens of very powerful reasoning on the same side may be found in Gulliver's Travels, particularly, Part IV, Chap. VI. Mably, in his book *De la Legislation*, has displayed at large the advantages of equality, and then quits the subject in despair from an opinion of the incorrigibility of human depravity. Wallace, the contemporary and antagonist of Hume, in a treatise entitled, *Various Prospects of Mankind*, Nature and Providence, is copious in his eulogium of the same system, and deserts it only from fear of the earth becoming too populous: see below, Chap. VII. The great practical authorities are Crete, Sparta, Peru and Paraguay. It would be easy to swell this list, if we added examples where an approach only to these principles was attempted, and authors who have incidentally confirmed a doctrine, so interesting and clear, as never to have been wholly eradicated from any human understanding.

It would be trifling to object that the systems of Plato and others are full of imperfections. This indeed rather strengthens their authority; since the evidence of the truth they maintained was so great, as still to preserve its hold on their understandings, though they knew not how to remove the difficulties that attended it.

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of intellectual
attainments.

of property, is the true levelling system with respect to the human species, by as much as the cultivation of intellect and truth, is more valuable and more characteristic of man, than the gratifications of vanity or appetite. Accumulated property treads the powers of thought in the dust, extinguishes the sparks of genius, and reduces the great mass of mankind to be immersed in fordid cares; beside depriving the rich, as we have already said, of the most salubrious and effectual motives to activity. If superfluity were banished, the necessity for the greater part of the manual industry of mankind would be superseded; and the rest, being amicably shared among all the active and vigorous members of the community, would be burthensome to none. Every man would have a frugal, yet wholesome diet; every man would go forth to that moderate exercise of his corporal functions that would give hilarity to the spirits; none would be made torpid with fatigue, but all would have leisure to cultivate the kindly and philanthropical affections of the soul, and to let loose his faculties in the search of intellectual improvement. What a contrast does this scene present us with the present state of human society, where the peasant and the labourer work, till their understandings are benumbed with toil, their sinews contracted and made callous by being for ever on the stretch, and their bodies invaded with infirmities and hurried to an untimely grave? What is the fruit of this disproportioned and unceasing toil? At evening they return to a family, famished with hunger, exposed half naked to the in-

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clemencies of the sky, hardly sheltered, and denied the slenderest instruction; unless in a few instances, where it is dispensed by the hands of ostentatious charity, and the first lesson communicated is unprincipled servility. All this while their rich neighbour—but we visited him before.

How rapid and sublime would be the advances of intellect, if all men were admitted into the field of knowledge? At present ninety-nine persons in an hundred are no more excited to any regular exertions of general and curious thought, than the brutes themselves. What would be the state of public mind in a nation, where all were wise, all had laid aside the shackles of prejudice and implicit faith, all adopted with fearless confidence the suggestions of truth, and the lethargy of the soul was dismissed for ever? It is to be presumed that the inequality of mind would in a certain degree be permanent; but it is reasonable to believe that the geniuses of such an age would far surpass the grandest exertions of intellect that are at present known. Genius would not be depressed with false wants and niggardly patronage. It would not exert itself with a sense of neglect and oppression rankling in its bosom. It would be freed from those apprehensions that perpetually recal us to the thought of personal emolument, and of consequence would expatiate freely among sentiments of generosity and public good.

From ideas of intellectual let us turn to moral improvement. And here it is obvious that all the occasions of crime would be

cut off for ever. All men love justice. All men are conscious that man is a being of one common nature, and feel the propriety of the treatment they receive from one another being measured by a common standard. Every man is desirous of assisting another; whether we should choose to ascribe this to an instinct implanted in his nature which renders this conduct a source of personal gratification, or to his perception of the reasonableness of such assistance. So necessary a part is this of the constitution of mind, that no man perpetrates any action however criminal, without having first invented some sophistry, some palliation, by which he proves to himself that it is best to be done*. Hence it appears, that offence, the invasion of one man upon the security of another, is a thought alien to mind, and which nothing could have reconciled to us but the sharp sting of necessity. To consider merely the present order of human society, it is evident that the first offence must have been his who began a monopoly, and took advantage of the weakness of his neighbours to secure certain exclusive privileges to himself. The man on the other hand who determined to put an end to this monopoly, and who peremptorily demanded what was superfluous to the possessor and would be of extreme benefit to himself, appeared to his own mind to be merely avenging the violated laws of justice. Were it not for the plausibility of this apology, it is to be presumed that there would be no such thing as crime in the world.

The crimes of
the poor.

* Book II, Chap. III, p. 98.

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The fruitful source of crimes consists in this circumstance, one man's possessing in abundance that of which another man is destitute. We must change the nature of mind, before we can prevent it from being powerfully influenced by this circumstance, when brought strongly home to its perceptions by the nature of its situation. Man must cease to have senses, the pleasures of appetite and vanity must cease to gratify, before he can look on tamely at the monopoly of these pleasures. He must cease to have a sense of justice, before he can clearly and fully approve this mixed scene of superfluity and distress. It is true that the proper method of curing this inequality is by reason and not by violence. But the immediate tendency of the established system is to persuade men that reason is impotent. The injustice of which they complain is upheld by force, and they are too easily induced, by force to attempt its correction. All they endeavour is the partial correction of an injustice, which education tells them is necessary, but more powerful reason affirms to be tyrannical.

Force grew out of monopoly. It might accidentally have occurred among savages whose appetites exceeded their supply, or whose passions were inflamed by the presence of the object of their desire; but it would gradually have died away, as reason and civilisation advanced. Accumulated property has fixed its empire; and henceforth all is an open contention of the strength and cunning of one party against the strength and cunning of

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the other. In this case the violent and premature struggles of the necessitous are undoubtedly an evil. They tend to defeat the very cause in the success of which they are most deeply interested; they tend to procrastinate the triumph of truth. But the true crime is in the malevolent and partial propensities of men, thinking only of themselves, and despising the emolument of others; and of these the rich have their share.

The spirit of oppression, the spirit of servility, and the spirit of fraud, these are the immediate growth of the established system of property. These are alike hostile to intellectual and moral improvement. The other vices of envy, malice and revenge are their inseparable companions. In a state of society where men lived in the midst of plenty, and where all shared alike the bounties of nature, these sentiments would inevitably expire. The narrow principle of selfishness would vanish. No man being obliged to guard his little store, or provide with anxiety and pain for his restless wants, each would lose his own individual existence in the thought of the general good. No man would be an enemy to his neighbour, for they would have nothing for which to contend; and of consequence philanthropy would resume the empire which reason assigns her. Mind would be delivered from her perpetual anxiety about corporal support, and free to expatiate in the field of thought which is congenial to her. Each man would assist the enquiries of all.

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Let us fix our attention for a moment upon the revolution of principles and habits that immediately grow out of an unequal distribution of property. Till it was thus distributed men felt what their wants required, and sought the supply of those wants. All that was more than this, was regarded as indifferent. But no sooner is accumulation introduced, than they begin to study a variety of methods, for disposing of their superfluity with least emolument to their neighbour, or in other words by which it shall appear to be most their own. They do not long continue to buy commodities, before they begin to buy men. He that possesses or is the spectator of superfluity soon discovers the hold which it affords us on the minds of others. Hence the passions of vanity and ostentation. Hence the despotic manners of them who recollect with complacency the rank they occupy, and the restless ambition of those whose attention is engrossed by the possible future.

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the passions
of the rich:

Ambition is of all the passions of the human mind the most extensive in its ravages. It adds district to district, and kingdom to kingdom. It spreads bloodshed and calamity and conquest over the face of the earth. But the passion itself, as well as the means of gratifying it, is the produce of the prevailing system of property*. It is only by means of accumulation that one man obtains an unresisted sway over multitudes of others. It is by means of a certain distribution of income that the present govern-

* Book V, Chap. XVI.

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ments of the world are retained in existence. Nothing more easy than to plunge nations so organised into war. But, if Europe were at present covered with inhabitants, all of them possessing competence, and none of them superfluous, what could induce its different countries to engage in hostility? If you would lead men to war, you must exhibit certain allurements. If you be not enabled by a system, already prevailing and which derives force from prescription, to hire them to your purposes, you must bring over each individual by dint of persuasion. How hopeless a task by such means to excite mankind to murder each other? It is clear then that war in every horrid form is the growth of unequal property. As long as this source of jealousy and corruption shall remain, it is visionary to talk of universal peace. As soon as the source shall be dried up, it will be impossible to exclude the consequence. It is property that forms men into one common mass, and makes them fit to be played upon like a brute machine. Were this stumbling block removed, each man would be united to his neighbour in love and mutual kindness a thousand times more than now: but each man would think and judge for himself. Let then the advocates for the prevailing system, at least consider what it is for which they plead, and be well assured that they have arguments in its favour which will weigh against these disadvantages.

5. in depopulation.

There is one other circumstance which, though inferior to those above enumerated, deserves to be mentioned. This is population.

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CHAP. II.

tion. It has been calculated that the average cultivation of Europe might be improved, so as to maintain five times her present number of inhabitants*. There is a principle in human society by which population is perpetually kept down to the level of the means of subsistence. Thus, among the wandering tribes of America and Asia, we never find, through the lapse of ages, that population has so increased, as to render necessary the cultivation of the earth. Thus, among the civilised nations of Europe, by means of territorial monopoly the sources of subsistence are kept within a certain limit, and, if the population became overstocked, the lower ranks of the inhabitants would be still more incapable of procuring for themselves the necessaries of life. There are no doubt extraordinary concurrences of circumstances, by means of which changes are occasionally introduced in this respect; but in ordinary cases the standard of population is held in a manner stationary for centuries. Thus the established system of property may be considered as strangling a considerable portion of our children in their cradle. Whatever may be the value of the life of man, or rather whatever would be his capability of happiness in a free and equal state of society, the system we are here opposing may be considered as arresting upon the threshold of existence four fifths of that value and that happiness.

* Ogilvie, Part I, Sect. iii, par. 35.

CHAP. III.

OF THE OBJECTION TO THIS SYSTEM FROM THE ADMIRABLE EFFECTS OF LUXURY.

NATURE OF THE OBJECTION.—LUXURY NOT NECESSARY—EITHER TO POPULATION—OR TO THE IMPROVEMENT OF THE MIND.—ITS TRUE CHARACTER.

BOOK VIII.
CHAP. III.

THESE ideas of justice and improvement are as old as literature and reflexion themselves. They have suggested themselves in detached parts to the inquisitive in all ages, though they have perhaps never been brought together so as sufficiently to strike the mind with their consistency and beauty. But, after having furnished an agreeable dream, they have perpetually been laid aside as impracticable. We will proceed to examine the objections upon which this supposed impracticability has been founded; and the answer to these objections will gradually lead us to such a development of the proposed system, as by its completeness and the regular adjustment of its parts will be calculated to carry conviction to the most prejudiced mind.

Nature of the objection.

There is one objection that has chiefly been cultivated on English ground, and to which we will give the priority of examination.

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tion. It has been affirmed "that private vices are public benefits." But this principle, thus coarsely stated by one of its original advocates*, was remodelled by his more elegant successors†. They observed, "that the true measure of virtue and vice was utility, and consequently that it was an unreasonable calumny to state luxury as a vice. Luxury," they said, "whatever might be the prejudices that cynics and ascetics had excited against it, was the rich and generous soil that brought to perfection the true prosperity of mankind. Without luxury men must always have remained solitary savages. It is luxury by which palaces are built and cities peopled. How could there have been high population in any country, without the various arts in which the swarms of its inhabitants are busied? The true benefactor of mankind is not the scrupulous devotee who by his charities encourages insensibility and sloth; is not the surly philosopher who reads them lectures of barren morality; but the elegant voluptuary who employs thousands in sober and healthful industry to procure dainties for his table, who unites distant nations in commerce to supply him with furniture, and who encourages the fine arts and all the sublimities of invention to furnish decorations for his residence."

I have brought forward this objection, rather than nothing ma-

Luxury not necessary, either to population:

* Mandeville; Fable of the Bees.

† Coventry, in a treatise entitled, Philemon to Hydaspes: Hume; Essays, Part II, Essay II.

terial:

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terial might appear to be omitted, than because it requires a separate answer. The true answer has been anticipated. It has been seen that the population of any country is measured by its cultivation. If therefore sufficient motives can be furnished to excite men to agriculture, there is no doubt, that population may be carried on to any extent that the land can be made to maintain. But agriculture, when once begun, is never found to stop in its career, but from positive discountenance. It is territorial monopoly that obliges men unwillingly to see vast tracts of land lying waste, or negligently and imperfectly cultivated, while they are subjected to the miseries of want. If land were perpetually open to him who was willing to cultivate it, it is not to be believed but that it would be cultivated in proportion to the wants of the community, nor by the same reason would there be any effectual check to the increase of population.

or to the improvement of the mind.

Undoubtedly the quantity of manual labour would be greatly inferior to that which is now performed by the inhabitants of any civilised country, since at present perhaps one twentieth part of the inhabitants performs the agriculture which supports the whole. But it is by no means to be admitted that this leisure would be found a real calamity.

Its true character.

As to what sort of a benefactor the voluptuary is to mankind, this was sufficiently seen when we treated of the effects of dependence and injustice. To this species of benefit all the crimes and

and moral evils of mankind are indebted for their perpetuity. If mind be to be preferred to mere animal existence, if it ought to be the wish of every reasonable enquirer, not merely that man, but that happiness should be propagated, then is the voluptuary the bane of the human species.

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C H A P. IV.

OF THE OBJECTION TO THIS SYSTEM FROM THE ALLUREMENTS OF SLOTH.

THE OBJECTION STATED.—SUCH A STATE OF SOCIETY MUST HAVE BEEN PRECEDED BY GREAT INTELLECTUAL IMPROVEMENT.—THE MANUAL LABOUR REQUIRED IN THIS STATE WILL BE EXTREMELY SMALL.—UNIVERSALITY OF THE LOVE OF DISTINCTION.—OPERATION OF THIS MOTIVE UNDER THE SYSTEM IN QUESTION—WILL FINALLY BE SUPERSEDED BY A BETTER MOTIVE.

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CHAP. IV.
The objection stated.

ANOTHER objection which has been urged against the system which counteracts the accumulation of property, is, “ that it would put an end to industry. We behold in commercial countries the miracles that are operated by the love of gain. Their inhabitants cover the sea with their fleets, astonish mankind by the refinement of their ingenuity, hold vast continents in subjection in distant parts of the world by their arms, are able to defy the most powerful confederacies, and, oppressed with taxes and debts, seem to acquire fresh prosperity under their accumulated burthens. Shall we lightly part with a system that seems pregnant with such inexhaustible motives? Shall we believe that men will cultivate assiduously what they have no assurance

ance they shall be permitted to apply to their personal emolument? It will perhaps be found with agriculture as it is with commerce, which then flourishes best when subjected to no control, but, when placed under rigid restraints, languishes and expires. Once establish it as a principle in society that no man is to apply to his personal use more than his necessities require, and you will find every man become indifferent to those exertions which now call forth the energy of his faculties. Man is the creature of sensations; and, when we endeavour to strain his intellect, and govern him by reason alone, we do but show our ignorance of his nature. Self love is the genuine source of our actions*, and, if this should be found to bring vice and partiality along with it, yet the system that should endeavour to supersede it, would be at best no more than a beautiful romance. If each man found that, without being compelled to exert his own industry, he might lay claim to the superfluity of his neighbour, indolence would perpetually usurp his faculties, and such a society must either starve, or be obliged in its own defence to return to that system of injustice and sordid interest, which theoretical reasoners will for ever arraign to no purpose.”

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This is the principal objection that prevents men from yielding without resistance to the accumulated evidence that has already been adduced. In reply, it may be observed in the first place, that the equality for which we are pleading is an equality

Such a state of society must have been preceded by great intellectual improvement.

* For an examination of this principle see Book IV, Chap. VIII.

that would succeed to a state of great intellectual improvement. So bold a revolution cannot take place in human affairs, till the general mind has been highly cultivated. The present age of mankind is greatly enlightened; but it is to be feared is not yet enlightened enough. Hasty and undigested tumults may take place under the idea of an equalisation of property; but it is only a calm and clear conviction of justice, of justice mutually to be rendered and received, of happiness to be produced by the desertion of our most rooted habits, that can introduce an invulnerable system of this sort. Attempts without this preparation will be productive only of confusion. Their effect will be momentary, and a new and more barbarous inequality will succeed. Each man with unaltered appetite will watch his opportunity to gratify his love of power or his love of distinction, by usurping on his inattentive neighbours.

Is it to be believed then that a state of so great intellectual improvement can be the forerunner of barbarism? Savages, it is true, are subject to the weakness of indolence. But civilised and refined states are the scene of peculiar activity. It is thought, acuteness of disquisition, and ardour of pursuit, that set the corporeal faculties at work. Thought begets thought. Nothing can put a stop to the progressive advances of mind, but oppression. But here, so far from being oppressed, every man is equal, every man independent and at his ease. It has been observed that the establishment of a republic is always attended with public enthusiasm and irresistible enterprise. Is it to be believed that equality,

lity, the true republicanism, will be less effectual? It is true that in republics this spirit sooner or later is found to languish. Republicanism is not a remedy that strikes at the root of the evil. Injustice, oppression and misery can find an abode in those seeming happy seats. But what shall stop the progress of ardour and improvement, where the monopoly of property is unknown?

This argument will be strengthened, if we reflect on the amount of labour that a state of equal property will require. What is this quantity of exertion from which we are supposing many members of the community to shrink? It is so light a burden as rather to assume the appearance of agreeable relaxation and gentle exercise, than of labour. In this community scarcely any can be expected in consequence of their situation or avocations to consider themselves as exempted from manual industry. There will be no rich men to recline in indolence and fatten upon the labour of their fellows. The mathematician, the poet and the philosopher will derive a new stock of cheerfulness and energy from the recurring labour that makes them feel they are men. There will be no persons employed in the manufacture of trinkets and luxuries; and none in directing the wheels of the complicated machine of government, tax-gatherers, beadles, excisemen, tide-waiters, clerks and secretaries. There will be neither fleets nor armies, neither courtiers nor footmen. It is the unnecessary employments that at present occupy the great mass of the inhabitants of every civilised nation, while the peasant labours incessantly

The manual labour required in this state will be extremely small.

BOOK VIII. incessantly to maintain them in a state more pernicious than idleness.
CHAP. IV.

It has been computed that not more than one twentieth of the inhabitants of England are employed seriously and substantially in the labours of agriculture. Add to this, that the nature of agriculture is such, as necessarily to give full occupation in some parts of the year, and to leave others comparatively unemployed. We may consider these latter periods as equivalent to a labour which, under the direction of sufficient skill, might suffice in a simple state of society for the fabrication of tools, for weaving, and the occupation of taylor, bakers and butchers. The object in the present state of society is to multiply labour, in another state it will be to simplify it. A vast disproportion of the wealth of the community has been thrown into the hands of a few, and ingenuity has been continually upon the stretch to find out ways in which it may be expended. In the feudal times the great lord invited the poor to come and eat of the produce of his estate upon condition of their wearing his livery, and forming themselves in rank and file to do honour to his well born guests. Now that exchanges are more facilitated, we have quitted this artificial mode, and oblige the men we maintain out of our incomes to exert their ingenuity and industry in return. Thus in the instance just mentioned, we pay the taylor to cut our clothes to pieces, that he may sew them together again, and to decorate them with stitching and various ornaments, without which experience:

rience would speedily show that they were in no respect less useful. We are imagining in the present case a state of the most rigid simplicity.

From the sketch which has been here given it seems by no means impossible, that the labour of every twentieth man in the community would be sufficient to maintain the rest in all the absolute necessaries of human life. If then this labour, instead of being performed by so small a number, were amicably divided among them all, it would occupy the twentieth part of every man's time. Let us compute that the industry of a labouring man engrosses ten hours in every day, which, when we have deducted his hours of rest, recreation and meals, seems an ample allowance. It follows that half an hour a day, seriously employed in manual labour by every member of the community, would sufficiently supply the whole with necessaries. Who is there that would shrink from this degree of industry? Who is there that sees the incessant industry exerted in this city and this island, and would believe that, with half an hour's industry *per diem*, we should be every way happier and better than we are at present? Is it possible to contemplate this fair and generous picture of independence and virtue, where every man would have ample leisure for the noblest energies of mind, without feeling our very souls refreshed with admiration and hope?

When we talk of men's sinking into idleness if they be not excited

University
of the love of
distinction.

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excited by the stimulus of gain, we have certainly very little considered the motives that at present govern the human mind. We are deceived by the apparent mercenariness of mankind, and imagine that the accumulation of wealth is their great object. But the case is far otherwise. The present ruling passion of the human mind is the love of distinction. There is no doubt a class in society that are perpetually urged by hunger and need, and have no leisure for motives less gross and material. But is the class next above them less industrious than they? I exert a certain species of industry to supply my immediate wants; but these wants are soon supplied. The rest is exerted that I may wear a better coat, that I may clothe my wife with gay attire, that I may not merely have a shelter but a handsome habitation, not merely bread or flesh to eat, but that I may set it out with a suitable decorum. How many of these things would engage my attention, if I lived in a desert island, and had no spectators of my economy? If I survey the appendages of my person, is there one article that is not an appeal to the respect of my neighbours, or a refuge against their contempt? It is for this that the merchant braves the dangers of the ocean, and the mechanical inventor brings forth the treasures of his meditation. The soldier advances even to the cannon's mouth, the statesman exposes himself to the rage of an indignant people, because they cannot bear to pass through life without distinction and esteem. Exclusively of certain higher motives that will presently be mentioned, this is the purpose of all the great exertions of mankind. The man who
has

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has nothing to provide for but his animal wants, scarcely ever shakes off the lethargy of his mind; but the love of praise hurries us on to the most incredible achievements. Nothing is more common than to find persons who surpass the rest of their species in activity, inexcusably remiss in the melioration of their pecuniary affairs.

In reality those by whom this reasoning has been urged, have mistaken the nature of their own objection. They did not sincerely believe that men could be roused into action only by the love of gain; but they imagined that in a state of equal property men would have nothing to occupy their attention. What degree of truth there is in this idea we shall presently have occasion to estimate.

Meanwhile it is sufficiently obvious, that the motives which arise from the love of distinction are by no means cut off, by a state of society incompatible with the accumulation of property. Men, no longer able to acquire the esteem or avoid the contempt of their neighbours by circumstances of dress and furniture, will divert the passion for distinction into another channel. They will avoid the reproach of indolence, as carefully as they now avoid the reproach of poverty. The only persons who at present neglect the effect which their appearance and manners may produce, are those whose faces are ground with famine and distress. But in a state of equal society no man will be oppressed,

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CHAP. IV.

and of consequence the more delicate affections of the soul will have time to expand themselves. The general mind having, as we have already shown, arrived at a high pitch of improvement, the impulse that carries it out into action will be stronger than ever. The fervour of public spirit will be great. Leisure will be multiplied, and the leisure of a cultivated understanding is the precise period in which great designs, designs the tendency of which is to secure applause and esteem, are conceived. In tranquil leisure it is impossible for any but the sublimest mind to exist without the passion for distinction. This passion, no longer permitted to lose itself in indirect channels and useless wanderings, will seek the noblest course, and perpetually fructify the seeds of public good. Mind, though it will perhaps at no time arrive at the termination of its possible discoveries and improvements, will nevertheless advance with a rapidity and firmness of progression of which we are at present unable to conceive the idea.

will finally be
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a better mo-
tive.

The love of fame is no doubt a delusion. This like every other delusion will take its turn to be detected and abjured. It is an airy phantom, which will indeed afford us an imperfect pleasure so long as we worship it, but will always in a considerable degree disappoint us, and will not stand the test of examination. We ought to love nothing but good, a pure and immutable felicity, the good of the majority, the good of the general. If there be any thing more substantial than all the rest, it is justice,

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justice, a principle that rests upon this single postulatam, that man and man are beings of the same nature, and susceptible, under certain limitations, of the same advantages. Whether the benefit proceed from you or me, so it be but conferred, is a pitiful distinction. Justice has the farther advantage, which serves us as a countercheck to prove the goodness of this species of arithmetic, of producing the only solid happiness to the man by whom it is practised, as well as the good of all. But fame cannot benefit me, any more than serve the best purposes to others. The man who acts from the love of it, may produce public good; but, if he do, it is from indirect and spurious views. Fame is an unsubstantial and delusive pursuit. If it signify an opinion entertained of me greater than I deserve, to pursue it is vicious. If it be the precise mirror of my character, it is desirable only as a means, in as much as I may perhaps be able to do most good to the persons who best know the extent of my capacity and the rectitude of my intentions.

The love of fame, when it perishes in minds formed under the present system, often gives place to a greater degeneracy. Selfishness is the habit that grows out of monopoly. When therefore this selfishness ceases to seek its gratification in public exertion, it too often narrows itself into some frigid conception of personal pleasure, perhaps sensual, perhaps intellectual. But this cannot be the process where monopoly is banished. Selfishness has there no kindly circumstances to foster it. Truth, the over-

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CHAP. IV.

powering truth of general good, then feizes us irresistibly. It is impossible we should want motives, so long as we see clearly how multitudes and ages may be benefited by our exertions, how causes and effects are connected in an endless chain, so that no honest effort can be lost, but will operate to good, centuries after its author is consigned to the grave. This will be the general passion, and all will be animated by the example of all.

C H A P.

C H A P. V.

OF THE OBJECTION TO THIS SYSTEM FROM THE
IMPOSSIBILITY OF ITS BEING RENDERED
PERMANENT.

GROUNDS OF THE OBJECTION.—ITS SERIOUS IMPORT.—
ANSWER.—THE INTRODUCTION OF SUCH A SYSTEM
MUST BE OWING, 1. TO A DEEP SENSE OF JUSTICE — 2.
TO A CLEAR INSIGHT INTO THE NATURE OF HAPPINESS.
—AS BEING PROPERLY INTELLECTUAL — NOT CONSIST-
ING IN SENSUAL PLEASURE — OR THE PLEASURES OF
DELUSION.—INFLUENCE OF THE PASSIONS CONSIDERED.
—MEN WILL NOT ACCUMULATE EITHER FROM INDIVI-
DUAL FORESIGHT—OR FROM VANITY.

LET us proceed to another objection. It has sometimes been said by those who oppose the doctrine here maintained, "that equality might perhaps contribute to the improvement and happiness of mankind, if it were consistent with the nature of man that such a principle should be rendered permanent; but that every expectation of that kind must prove abortive. Confusion would be introduced under the idea of equality to-day, but the old vices and monopolies would return to-morrow. All that the rich would have purchased by the most generous sacrifice,"

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Grounds of
the objection.

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face, would be a period of barbarism, from which the ideas and regulations of civil society must commence as from a new infancy. The nature of man cannot be changed. There would at least be some vicious and designing members of society, who would endeavour to secure to themselves indulgencies beyond the rest. Mind would not be reduced to that exact uniformity which a state of equal property demands; and the variety of sentiments which must always in some degree prevail, would inevitably subvert the refined systems of speculative perfection."

Its serious
import.

No objection can be more essential than that which is here adduced. It highly becomes us in so momentous a subject to resist all extravagant speculations: it would be truly to be lamented, if, while we parted with that state of society through which mind has been thus far advanced, we were replunged into barbarism by the pursuit of specious appearances. But what is worst of all, is that, if this objection be true, it is to be feared there is no remedy. Mind must go forward. What it sees and admires, it will some time or other seek to attain. Such is the inevitable law of our nature. But it is impossible not to see the beauty of equality, and to be charmed with the benefits it seems to promise. The consequence is sure. Man, according to the system of these reasoners, is prompted to advance for some time with success; but after that time, in the very act of pursuing farther improvement, he necessarily plunges beyond the compass of his powers, and has then his petty career to begin afresh.

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CHAP. V.

The objection represents him as a foul abortion, with just understanding enough to see what is good, but with too little to retain him in the practice of it.—Let us consider whether equality, once established, would be so precarious as it is here represented.

In answer to this objection it must first be remembered, Answer. that the state of equalisation we are here supposing is not the result of accident, of the authority of a chief magistrate, or the over earnest persuasion of a few enlightened thinkers, but is produced by the serious and deliberate conviction of the community at large. We will suppose for the present that it is possible for such a conviction to take place among a given number of persons living in society with each other: and, if it be possible in a small community, there seems to be no sufficient reason to prove that it is impossible in one of larger and larger dimensions. The question we have here to examine is concerning the probability, when the conviction has once been introduced, of its becoming permanent.

The conviction rests upon two intellectual impressions, one of justice, and the other of happiness. Equalisation of property cannot begin to assume a fixed appearance in human society, till the sentiment becomes deeply wrought into the mind, that the genuine wants of any man constitute his only just claim to the appropriating any species of commodity. If the general sense of mankind.

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of justice.

mankind were once so far enlightened, as to produce a perpetual impression of this truth, of so forcible a sort as to be exempt from all objections and doubt, we should look with equal horror and contempt at the idea of any man's accumulating a property he did not want. All the evils that a state of monopoly never fails to engender would stand forward in our minds, together with all the existing happiness that attended upon a state of freedom. We should feel as much alienation of thought from the consuming uselessly upon ourselves what would be beneficial to another, or from the accumulating property for the purpose of obtaining some kind of ascendancy over the mind of our neighbours, as we now feel from the commission of murder. No man will dispute, that a state of equal property once established; would greatly diminish the evil propensities of man. But the crime we are now supposing is more atrocious than any that is to be found in the present state of society. Man perhaps is incapable under any circumstance of perpetrating an action of which he has a clear and undoubted perception that it is contrary to the general good. But be this as it will, it is hardly to be believed that any man for the sake of some imaginary gratification to himself would wantonly injure the whole, if his mind were not first ulcerated with the impression of the injury that society by its ordinances is committing against him. The case we are here considering is that of a man; who does not even imagine himself injured; and yet wilfully subverts a state of happiness to which

which no description can do justice, to make room for the return of all those calamities and vices with which mankind have been infected from the earliest page of history.

The equalisation we are describing is farther indebted for its empire in the mind to the ideas with which it is attended of personal happiness. It grows out of a simple, clear and unanswerable theory of the human mind, that we first stand in need of a certain animal subsistence and shelter, and after that, that our only true felicity consists in the expansion of our intellectual powers, the knowledge of truth, and the practice of virtue. It might seem at first sight as if this theory omitted a part of the experimental history of mind, the pleasures of sense and the pleasures of delusion. But this omission is apparent; not real. However many are the kinds of pleasure of which we are susceptible, the truly prudent man will sacrifice the inferior to the more exquisite. Now no man who has ever produced or contemplated the happiness of others with a liberal mind, will deny that this exercise is infinitely the most pleasurable of all sensations. But he that is guilty of the smallest excess of sensual pleasures, by so much diminishes his capacity of obtaining this highest pleasure. Not to add, if that be of any importance, that rigid temperance is the reasonable means of tasting sensual pleasures with the highest relish. This was the system of Epicurus; and must be the system of every man who ever speculated deeply on the nature of human happiness. For the pleasures of delusion, they are absolutely

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sion.

incompatible with our highest pleasure. If we would either promote or enjoy the happiness of others, we must seek to know in what it consists. But knowledge is the irreconcilable foe of delusion. In proportion as mind rises to its true element, and shakes off those prejudices which are the authors of our misery, it becomes incapable of deriving pleasure from flattery, fame or power, or indeed from any source that is not compatible with, or in other words does not make a part of the common good. The most palpable of all classes of knowledge is that I am, personally considered, but an atom in the ocean of mind.—The first rudiment therefore of that science of personal happiness which is inseparable from a state of equalisation, is, that I shall derive infinitely more pleasure from simplicity, frugality and truth, than from luxury, empire and fame. What temptation has a man, entertaining this opinion, and living in a state of equal property, to accumulate?

Influence of
the passions
considered.

This question has been perpetually darkened by the doctrine, so familiar to writers of morality, of the independent operations of reason and passion. Such distinctions must always darken. Of how many parts does mind consist? Of none. It consists merely of a series of thought succeeding thought from the first moment of our existence to its termination*. This word passion, which has produced such extensive mischief in the philosophy of mind, and has no real archetype, is perpetually shifting its meaning. Some-

* Book IV, Chap. VII, p. 335.

times it is applied universally to all those thoughts, which, being peculiarly vivid, and attended with great force of argument real or imaginary, carry us out into action with uncommon energy. Thus we speak of the passion of benevolence, public spirit or courage. Sometimes it signifies those vivid thoughts only, which upon accurate examination appear to be founded in error. In the first sense the word might have been unexceptionable. Vehement desire is the result of a certain operation of the understanding, and must always be in a joint ratio of the supposed clearness of the proposition and importance of the practical effects. In the second sense, the doctrine of the passions would have been exceedingly harmless, if we had been accustomed to put the definition instead of the thing defined. It would then have been found that it merely affirmed that the human mind must always be liable to precisely the same mistakes as we observe in it at present, or in other words affirmed the necessary permanence in opposition to the necessary perfectibility of intellect. Who is there indeed that sees not, in the case above stated, the absurdity of supposing a man, so long as he has a clear view of justice and interest lying on one side of a given question, to be subject to errors that irresistibly compel him to the other? The mind is no doubt liable to fluctuation. But there is a degree of conviction that would render it impossible for us any longer to derive pleasure from intemperance, dominion or fame, and this degree in the incessant progress of thought must one day arrive.

This proposition of the permanence of a system of equal property, after it has once been brought into action by the energies of reason and conviction, will be placed out of the reach of all equitable doubt, if we proceed to form to ourselves an accurate picture of the action of this system. Let us suppose that we are introduced to a community of men, who are accustomed to an industry proportioned to the wants of the whole, and to communicate instantly and unconditionally, each man to his neighbour, that for which the former has not and the latter has immediate occasion. Here the first and simplest motive to personal accumulation is instantly cut off. I need not accumulate to protect myself against accidents, sickness or infirmity, for these are claims the validity of which is not regarded as a subject of doubt, and with which every man is accustomed to comply. I can accumulate in a considerable degree nothing but what is perishable, for exchange being unknown, that which I cannot personally consume adds nothing to the sum of my wealth.—Meanwhile it should be observed, that, though accumulation for private purposes under such a system would be in the highest degree irrational and absurd, this by no means precludes such accumulation, as may be necessary to provide against public contingencies. If there be any truth in the preceding reasonings, this kind of accumulation will be unattended with danger. Add to this, that the perpetual tendency of wisdom is to preclude contingency. It is well known that deaths are principally owing to the false precautions

cautions and false timidity of mankind; and it is reasonable to suppose that a degree of skill will hereafter be produced, which will gradually annihilate the failure of crops and other similar accidents.

It has already appeared, that the principal and unintermitting or vanity, motive to private accumulation, is the love of distinction and esteem. This motive is also withdrawn. As accumulation can have no rational object, it would be viewed as a mark of infamy, not a title to admiration. Men would be accustomed to the simple principles of justice, and know that nothing was entitled to esteem but talents and virtue. Habituated to employ their superfluity to supply the wants of their neighbour, and to dedicate the time which was not necessary, for manual labour to the cultivation of intellect, with what sentiments would they behold the man, who was foolish enough to sew a bit of lace upon his coat, or affix any other ornament to his person? In such a community property would perpetually tend to find its level. It would be interesting to all to be informed of the person in whose hands a certain quantity of any commodity was lodged, and every man would apply with confidence to him for the supply of his wants in that commodity. Putting therefore out of the question every kind of compulsion, the feeling of depravity and absurdity, that would be excited with relation to the man who refused to part with that for which he had no real need, would operate in all cases as a sufficient discouragement to so odious an innovation.

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Innovation. Every man would conceive that he had a just and complete title to make use of my superfluity. If I refused to listen to reason and expostulation on this head, he would not stay to adjust with me a thing so vicious as exchange, but would leave me in order to seek the supply from some rational being. Accumulation, instead, as now, of calling forth every mark of respect, would tend to cut off the individual who attempted it from all the bonds of society, and sink him in neglect and oblivion. The influence of accumulation at present is derived from the idea of eventual benefit in the mind of the observer; but the accumulator then would be in a case still worse than that of the miser now, who, while he adds thousands to his heap, cannot be prevailed upon to part with a superfluous farthing, and is therefore the object of general derision.

C H A P.

C H A P. VI.

OF THE OBJECTION TO THIS SYSTEM FROM THE
INFLEXIBILITY OF ITS RESTRICTIONS.

NATURE OF THE OBJECTION.—NATURAL AND MORAL INDEPENDENCE DISTINGUISHED.—THE FIRST BENEFICIAL.—THE SECOND INJURIOUS.—TENDENCY OF RESTRICTION PROPERLY SO CALLED.—THE GENUINE SYSTEM OF PROPERTY NOT A SYSTEM OF RESTRICTIONS—DOES NOT REQUIRE COMMON LABOUR, MEALS OR MAGAZINES.—SUCH RESTRICTIONS ABSURD—AND UNNECESSARY.—EVILS OF COOPERATION.—ITS PROVINCE MAY PERPETUALLY BE DIMINISHED.—MANUAL LABOUR MAY BE EXTINGUISHED.—CONSEQUENT ACTIVITY OF INTELLECT.—IDEAS OF THE FUTURE STATE OF COOPERATION.—ITS LIMITS.—ITS LEGITIMATE PROVINCE.—EVILS OF COHABITATION—AND MARRIAGE.—THEY OPPOSE THE DEVELOPMENT OF OUR FACULTIES—ARE INIMICAL TO OUR HAPPINESS—AND DEPRAVE OUR UNDERSTANDINGS.—MARRIAGE A BRANCH OF THE PREVAILING SYSTEM OF PROPERTY.—CONSEQUENCES OF ITS ABOLITION.—EDUCATION NEED NOT IN THAT STATE OF SOCIETY BE A SUBJECT OF POSITIVE INSTITUTION.—THESE PRINCIPLES

PRINCIPLES DO NOT LEAD TO A SULLEN INDIVIDUALITY.—PARTIAL ATTACHMENTS CONSIDERED.—BENEFITS ACCRUING FROM A JUST AFFECTION—MATERIALLY PROMOTED BY THESE PRINCIPLES.—THE GENUINE SYSTEM OF PROPERTY DOES NOT PROHIBIT ACCUMULATION—IMPLIES A CERTAIN DEGREE OF APPROPRIATION—AND DIVISION OF LABOUR.

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Nature of the
objection.

AN objection that has often been urged against a system of equal property, is, "that it is inconsistent with personal independence. Every man according to this scheme is a passive instrument in the hands of the community. He must eat and drink, and play and sleep at the bidding of others. He has no habitation, no period at which he can retreat into himself, and not ask another's leave. He has nothing that he can call his own, not even his time or his person. Under the appearance of a perfect freedom from oppression and tyranny, he is in reality subjected to the most unlimited slavery."

Natural and
moral inde-
pendence
distinguished:
the first bene-
ficial:

the second
injurious.

To understand the force of this objection it is necessary that we should distinguish two sorts of independence, one of which may be denominated natural, and the other moral. Natural independence, a freedom from all constraint except that of reason and argument presented to the understanding, is of the utmost importance to the welfare and improvement of mind. Moral independence on the contrary is always injurious. The dependence which
is

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is essential in this respect to the wholesome temperament of society, includes in it articles that are no doubt unpalatable to a multitude of the present race of mankind, but that owe their unpopularity only to weakness and vice. It includes a censure to be exercised by every individual over the actions of another, a promptness to enquire into them, and to judge them. Why should I shrink from this? What could be more beneficial than for each man to derive every possible assistance for correcting and moulding his conduct from the perspicacity of his neighbours? The reason why this species of censure is at present exercised with illiberality, is because it is exercised clandestinely and we submit to its operation with impatience and aversion. Moral independence is always injurious: for, as has abundantly appeared in the course of the present enquiry, there is no situation in which I can be placed, where it is not incumbent upon me to adopt a certain species of conduct in preference to all others, and of consequence where I shall not prove an ill member of society, if I act in any other than a particular manner. The attachment that is felt by the present race of mankind to independence in this respect, the desire to act as they please without being accountable to the principles of reason, is highly detrimental to the general welfare.

But, if we ought never to act independently of the principles of reason, and in no instance to shrink from the candid examination of another, it is nevertheless essential that we should at all times be free to cultivate the individuality and follow the dictates

Tendency of
restriction,
properly so
called.

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of our own judgment. If there be any thing in the scheme of equal property that infringes this principle, the objection is conclusive. If the scheme be, as it has often been represented, a scheme of government, constraint and regulation, it is no doubt in direct hostility with the principles of this work.

The genuine system of property not a system of restrictions : does not require common labour, meals or magazines.

But the truth is, that a system of equal property requires no restrictions or superintendence whatever. There is no need of common labour, common meals or common magazines. These are feeble and mistaken instruments for restraining the conduct without making conquest of the judgment. If you cannot bring over the hearts of the community to your party, expect no success from brute regulations. If you can, regulation is unnecessary. Such a system was well enough adapted to the military constitution of Sparta ; but it is wholly unworthy of men who are enlisted in no cause but that of reason and justice. Beware of reducing men to the state of machines. Govern them through no medium but that of inclination and conviction.

Such restrictions absurd :

Why should we have common meals? Am I obliged to be hungry at the same time that you are? Ought I to come at a certain hour, from the museum where I am working, the recess where I meditate, or the observatory where I remark the phenomena of nature, to a certain hall appropriated to the office of eating ; instead of eating, as reason bids me, at the time and place most suited to my avocations? Why have common magazines?

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and unnecessary.

For the purpose of carrying our provisions a certain distance, that we may afterwards bring them back again? Or is this precaution really necessary, after all that has been said in praise of equal society and the omnipotence of reason, to guard us against the knavery and covetousness of our associates? If it be, for God's sake let us discard the parade of political justice, and go over to the standard of those reasoners who say, that man and the practice of justice are incompatible with each other.

Once more let us be upon our guard against reducing men to the condition of brute machines. The objectors of the last chapter were partly in the right when they spoke of the endless variety of mind. It would be absurd to say that we are not capable of truth, of evidence and agreement. In these respects, so far as mind is in a state of progressive improvement, we are perpetually coming nearer to each other. But there are subjects about which we shall continually differ, and ought to differ. The ideas, the associations and the circumstances of each man are properly his own ; and it is a pernicious system that would lead us to require all men, however different their circumstances, to act in many of the common affairs of life by a precise general rule. Add to this, that, by the doctrine of progressive improvement, we shall always be erroneous, though we shall every day become less erroneous. The proper method for hastening the decay of error, is not, by brute force, or by regulation which is one of the classes of force,

Evils of co-operation.

to endeavour to reduce men to intellectual uniformity; but on the contrary by teaching every man to think for himself.

From these principles it appears that every thing that is usually understood by the term cooperation, is in some degree an evil. A man in solitude, is obliged to sacrifice or postpone the execution of his best thoughts to his own convenience. How many admirable designs have perished in the conception by means of this circumstance? The true remedy is for men to reduce their wants to the fewest possible, and as much as possible to simplify the mode of supplying them. It is still worse when a man is also obliged to consult the convenience of others. If I be expected to eat or to work in conjunction with my neighbour, it must either be at a time most convenient to me, or to him, or to neither of us. We cannot be reduced to a clock-work uniformity.

Its province
may perpetually
be diminished.

Hence it follows that all supererogatory cooperation is carefully to be avoided, common labour and common meals. "But what shall we say to cooperation that seems to be dictated by the nature of the work to be performed?" It ought to be diminished. At present it is unreasonable to doubt, that the consideration of the evil of cooperation is in certain urgent cases to be postponed to that urgency. Whether by the nature of things cooperation of some sort will always be necessary, is a question that we are scarcely competent to decide. At present, to pull down a tree, to cut

cut a canal, to navigate a vessel, requires the labour of many. Will it always require the labour of many? When we look at the complicated machines of human contrivance, various sorts of mills, of weaving engines, of steam engines, are we not astonished at the compendium of labour they produce? Who shall say where this species of improvement must stop? At present such inventions alarm the labouring part of the community; and they may be productive of temporary distress, though they conduce in the sequel to the most important interests of the multitude. But in a state of equal labour their utility will be liable to no dispute. Hereafter it is by no means clear that the most extensive operations will not be within the reach of one man; or, to make use of a familiar instance, that a plough may not be turned into a field, and perform its office without the need of superintendance. It was in this sense that the celebrated Franklin conjectured, that "mind would one day become omnipotent over matter."

The conclusion of the progress which has here been sketched, is something like a final close to the necessity of manual labour. It is highly instructive in such cases to observe how the sublime geniuses of former times anticipated what seems likely to be the future improvement of mankind. It was one of the laws of Lycurgus, that no Spartan should be employed in manual labour. For this purpose under his system it was necessary that they should be plentifully supplied with slaves devoted to drudgery. Matter, or

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to speak more accurately, the certain and unintermitting laws of the universe, will be the Helots of the period we are contemplating. We shall end in this respect, oh immortal legislator! at the point from which you began.

Consequent
activity of
intellect.

To these prospects perhaps the objection will once again be repeated, "that men, delivered from the necessity of manual labour, will sink into supineness." What narrow views of the nature and capacities of mind do such objections imply? The only thing necessary to put intellect into action is motive. Are there no motives equally cogent with the prospect of hunger? Whose thoughts are most active, most rapid and unwearied, those of Newton or the ploughman? When the mind is stored with prospects of intellectual greatness and utility, can it sink into torpor?

Ideas of the
future state of
cooperation.
Its limits.

To return to the subject of cooperation. It may be a curious speculation to attend to the progressive steps by which this feature of human society may be expected to decline. For example: shall we have concerts of music? The miserable state of mechanism of the majority of the performers is so conspicuous, as to be even at this day a topic of mortification and ridicule. Will it not be practicable hereafter for one man to perform the whole? Shall we have theatrical exhibitions? This seems to include an absurd and vicious cooperation. It may be doubted whether men will hereafter come forward in any mode gravely to repeat words and ideas not their own? It may be doubted whether any musical performer

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performer will habitually execute the compositions of others? We yield supinely to the superior merit of our predecessors, because we are accustomed to indulge the inactivity of our own faculties. All formal repetition of other men's ideas seems to be a scheme for imprisoning for so long a time the operations of our own mind. It borders perhaps in this respect upon a breach of sincerity, which requires that we should give immediate utterance to every useful and valuable idea that occurs to our thoughts.

Having ventured to state these hints and conjectures, let us endeavour to mark the limits of individuality. Every man that receives an impression from any external object, has the current of his own thoughts modified by force; and yet without external impressions we should be nothing. We ought not, except under certain limitations, to endeavour to free ourselves from their approach. Every man that reads the composition of another, suffers the accession of his ideas to be in a considerable degree under the direction of his author. But it does not seem as if this would ever form a sufficient objection against reading. One man will always have stored up reflections and facts that another wants; and mature and digested discourse will perhaps always, in equal circumstances, be superior to that which is extempore. Conversation is a species of cooperation, one or the other party always yielding to have his ideas guided by the other: and yet conversation and the intercourse of mind with mind seem to be the most fertile sources of improvement. It is here as it is with punishment. He that

Its legitimate
province.

BOOK VIII. CHAP. VI. in the gentlest manner undertakes to reason another out of his vices, will probably occasion pain; but this species of punishment ought upon no account to be superseded.

Evils of cohabitation:

Another article which belongs to the subject of cooperation is cohabitation. A very simple process will lead us to a right decision in this instance. Science is most effectually cultivated, when the greatest number of minds are employed in the pursuit of it. If an hundred men spontaneously engage the whole energy of their faculties upon the solution of a given question, the chance of success will be greater, than if only ten men were so employed. By the same reason the chance will be also increased, in proportion as the intellectual operations of these men are individual, in proportion as their conclusions are directed by the reason of the thing, uninfluenced by the force either of compulsion or sympathy. All attachments to individuals, except in proportion to their merits, are plainly unjust. It is therefore desirable, that we should be the friends of man rather than of particular men, and that we should pursue the chain of our own reflexions, with no other interruption than information or philanthropy requires.

and marriage.

This subject of cohabitation is particularly interesting, as it includes in it the subject of marriage. It will therefore be proper

They oppose the development of our faculties:

to extend our enquiries somewhat further upon this head. Cohabitation is not only an evil as it checks the independent progress of mind; it is also inconsistent with the imperfections and propensities

penalties of man. It is absurd to expect that the inclinations and wishes of two human beings should coincide through any long period of time. To oblige them to act and to live together, is to subject them to some inevitable portion of thwarting, bickering and unhappiness. This cannot be otherwise, so long as man has failed to reach the standard of absolute perfection. The supposition that I must have a companion for life, is the result of a complication of vices. It is the dictate of cowardice, and not of fortitude. It flows from the desire of being loved and esteemed for something that is not desert.

BOOK VIII. CHAP. VI. are inimical to our happiness:

But the evil of marriage as it is practised in European countries lies deeper than this. The habit is, for a thoughtless and romantic youth of each sex to come together, to see each other for a few times and under circumstances full of delusion, and then to vow to each other eternal attachment. What is the consequence of this? In almost every instance they find themselves deceived. They are reduced to make the best of an irretrievable mistake. They are presented with the strongest imaginable temptation to become the dupes of falsehood. They are led to conceive it their wisest policy to shut their eyes upon realities, happy if by any perversion of intellect they can persuade themselves that they were right in their first crude opinion of their companion. The institution of marriage is a system of fraud; and men who carefully mislead their judgments in the daily affair of their life, must always have a crippled judgment in every other

and deprave our understandings.

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concern. We ought to dismiss our mistake as soon as it is detected; but we are taught to cherish it. We ought to be incessant in our search after virtue and worth; but we are taught to check our enquiry, and shut our eyes upon the most attractive and admirable objects. Marriage is law, and the worst of all laws. Whatever our understandings may tell us of the person from whose connexion we should derive the greatest improvement, of the worth of one woman and the demerits of another, we are obliged to consider what is law, and not what is justice.

Marriage a
branch of the
prevailing
system of pro-
perty.

Add to this, that marriage is an affair of property, and the worst of all properties. So long as two human beings are forbidden by positive institution to follow the dictates of their own mind, prejudice is alive and vigorous. So long as I seek to engross one woman to myself, and to prohibit my neighbour from proving his superior desert and reaping the fruits of it, I am guilty of the most odious of all monopolies. Over this imaginary prize men watch with perpetual jealousy, and one man will find his desires and his capacity to circumvent as much excited, as the other is excited to traverse his projects and frustrate his hopes. As long as this state of society continues, philanthropy will be crossed and checked in a thousand ways, and the still augmenting stream of abuse will continue to flow.

Consequences
of its aboli-
tion.

The abolition of marriage will be attended with no evils. We are apt to represent it to ourselves as the harbinger of brutal

lust

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lust and depravity. But it really happens in this as in other cases, that the positive laws which are made to restrain our vices, irritate and multiply them. Not to say, that the same sentiments of justice and happiness which in a state of equal property would destroy the relish for luxury, would decrease our inordinate appetites of every kind, and lead us universally to prefer the pleasures of intellect to the pleasures of sense.

The intercourse of the sexes will in such a state fall under the same system as any other species of friendship. Exclusively of all groundless and obstinate attachments, it will be impossible for me to live in the world without finding one man of a worth superior to that of any other whom I have an opportunity of observing. To this man I shall feel a kindness in exact proportion to my apprehension of his worth. The case will be precisely the same with respect to the female sex. I shall assiduously cultivate the intercourse of that woman whose accomplishments shall strike me in the most powerful manner. "But it may happen that other men will feel for her the same preference that I do." This will create no difficulty. We may all enjoy her conversation; and we shall all be wise enough to consider the sensual intercourse as a very trivial object. This, like every other affair in which two persons are concerned, must be regulated in each successive instance by the unforced consent of either party. It is a mark of the extreme depravity of our present habits, that we are inclined to suppose the sensual intercourse any wise material to the advantages arising from the purest affection. Reasonable men now

5 Q 2

eat

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eat and drink, not from the love of pleasure, but because eating and drinking are essential to our healthful existence. Reasonable men then will propagate their species, not because a certain sensible pleasure is annexed to this action, but because it is right the species should be propagated; and the manner in which they exercise this function will be regulated by the dictates of reason and duty.

Such are some of the considerations that will probably regulate the commerce of the sexes. It cannot be definitively affirmed whether it be known in such a state of society who is the father of each individual child. But it may be affirmed that such knowledge will be of no importance. It is aristocracy, self love and family pride that teach us to set a value upon it at present. I ought to prefer no human being to another, because that being is my father, my wife or my son, but because, for reasons which equally appeal to all understandings, that being is entitled to preference. One among the measures which will successively be dictated by the spirit of democracy, and that probably at no great distance, is the abolition of surnames.

Education need not in that state of society be a subject of positive institution.

Let us consider the way in which this state of society will modify education. It may be imagined that the abolition of marriage would make it in a certain sense the affair of the public; though, if there be any truth in the reasonings of this work, to provide for it by the positive institutions of a community, would be extremely inconsistent with the true principles of the

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intellectual system*. Education may be regarded as consisting of various branches. First, the personal cares which the helpless state of an infant requires. These will probably devolve upon the mother; unless, by frequent parturition or by the very nature of these cares, that were found to render her share of the burthen unequal; and then it would be amicably and willingly participated by others. Secondly, food and other necessary supplies. These, as we have already seen, would easily find their true level, and spontaneously flow from the quarter in which they abounded to the quarter that was deficient †. Lastly, the term education may be used to signify instruction. The task of instruction, under such a form of society as that we are contemplating, will be greatly simplified and altered from what it is at present. It will then be thought no more legitimate to make boys slaves, than to make men so. The business will not then be to bring forward so many adepts in the egg-shell, that the vanity of parents may be flattered by hearing their praises. No man will then think of vexing with premature learning the feeble and inexperienced, for fear that, when they came to years of discretion, they should refuse to be learned. Mind will be suffered to expand itself in proportion as occasion and impression shall excite it, and not tortured and enervated by being cast in a particular mould. No creature in human form will be expected to learn any thing, but because he desires it and has some conception of

* Book VI, Chap. VIII. † Chap. V, p. 837.

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its utility and value ; and every man, in proportion to his capacity, will be ready to furnish such general hints and comprehensive views, as will suffice for the guidance and encouragement of him who studies from a principle of desire.

These principles do not lead to a full individuality.

Before we quit this part of the subject it will be necessary to obviate an objection that will suggest itself to some readers. They will say "that man was formed for society and reciprocal kindness ; and therefore is by his nature little adapted to the system of individuality which is here delineated. The true perfection of man is to blend and unite his own existence with that of another, and therefore a system which forbids him all partialities and attachments, tends to degeneracy and not to improvement."

No doubt man is formed for society. But there is a way in which for a man to lose his own existence in that of others, that is eminently vicious and detrimental. Every man ought to rest upon his own centre, and consult his own understanding. Every man ought to feel his independence, that he can assert the principles of justice and truth, without being obliged treacherously to adapt them to the peculiarities of his situation, and the errors of others.

Partial attachments considered.

No doubt man is formed for society. But he is formed for, or in other words his faculties enable him to serve, the whole and

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and not a part. Justice obliges us to sympathise with a man of merit more fully than with an insignificant and corrupt member of society. But all partialities strictly so called, tend to the injury of him who feels them, of mankind in general, and even of him who is their object. The spirit of partiality is well expressed in the memorable saying of Themistocles, "God forbid that I should sit upon a bench of justice, where my friends found no more favour than strangers!" In fact, as has been repeatedly seen in the course of this work, we sit in every action of our lives upon a bench of justice ; and play in humble imitation the part of the unjust judge, whenever we indulge the smallest atom of partiality.

Such are the limitations of the social principle. These limitations in reality tend to improve it and render its operations beneficial. It would be a miserable mistake to suppose that the principle is not of the utmost importance to mankind. All that in which the human mind differs from the intellectual principle in animals is the growth of society. All that is excellent in man is the fruit of progressive improvement, of the circumstance of one age taking advantage of the discoveries of a preceding age, and setting out from the point at which they had arrived.

Benefits accruing from a just affection :

Without society we should be wretchedly deficient in motives to improvement. But what is most of all, without society our improvements would be nearly useless. Mind without benevolence

materially promoted by these principles.

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volence is a barren and a cold existence. It is in seeking the good of others, in embracing a great and expansive sphere of action, in forgetting our own individual interests, that we find our true element. The tendency of the whole system delineated in this Book is to lead us to that element. The individuality it recommends tends to the good of the whole, and is valuable only as a means to that end. Can that be termed a selfish system, where no man desires luxury, no man dares to be guilty of injustice, and every one devotes himself to supply the wants, animal or intellectual, of others?—To proceed.

The genuine system of property does not prohibit accumulation:

As a genuine state of society is incompatible with all laws and restrictions, so it cannot have even this restriction, that no man shall amass property. The security against accumulation, as has already been said, lies in the perceived absurdity and inutility of accumulation. The practice, if it can be conceived in a state of society where the principles of justice were adequately understood, would not even be dangerous. The idea would not create alarm, as it is apt to do in prospect among the present advocates of political justice. Men would feel nothing but their laughter or their pity excited at so strange a perversity of human intellect.

implies a certain degree of appropriation.

What would denominate any thing my property? The fact, that it was necessary to my welfare. My right would be coeval with the existence of that necessity. The word property would probably

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probably remain; its signification only would be modified. The mistake does not so properly lie in the idea itself, as in the source from which it is traced. What I have, if it be necessary for my use, is truly mine; what I have, though the fruit of my own industry, if unnecessary, it is an usurpation for me to retain.

Force in such a state of society would be unknown; I should part with nothing without a full consent. Caprice would be unknown; no man would covet that which I used, unless he distinctly apprehended, that it would be more beneficial in his possession than it was in mine. My apartment would be as sacred to a certain extent, as it is at present. No man would obtrude himself upon me to interrupt the course of my studies and meditations. No man would feel the whim of occupying my apartment, while he could provide himself another as good of his own. That which was my apartment yesterday would probably be my apartment to-day. We have few pursuits that do not require a certain degree of apparatus; and it would be for the general good that I should find in ordinary cases the apparatus ready for my use to-day that I left yesterday. But, though the idea of property thus modified would remain, the jealousy and selfishness of property would be gone. Bolts and locks would be unknown. Every man would be welcome to make every use of my accommodations, that did not interfere with my own use of them. Novices as we are, we may figure

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to ourselves a thousand disputes, where property was held by so slight a tenure. But disputes would in reality be impossible. They are the offspring of a mishapen and disproportioned love of ourselves. Do you want my table? Make one for yourself; or, if I be more skilful in that respect than you, I will make one for you. Do you want it immediately? Let us compare the urgency of your wants and mine, and let justice decide.

and division
of labour.

These observations lead us to the consideration of one additional difficulty, which relates to the division of labour. Shall each man make all his tools, his furniture and accommodations? This would perhaps be a tedious operation. Every man performs the task to which he is accustomed more skilfully and in a shorter time than another. It is reasonable that you should make for me, that which perhaps I should be three or four times as long making, and should make imperfectly at last. Shall we then introduce barter and exchange? By no means. The abstract spirit of exchange will perhaps govern; every man will employ an equal portion of his time in manual labour. But the individual application of exchange is of all practices the most pernicious. The moment I require any other reason for supplying you than the cogency of your claim, the moment, in addition to the dictates of benevolence, I demand a prospect of advantage to myself, there is an end of that political justice and pure society of which we treat. No man will have a trade. It cannot be supposed that a man will construct any species of commodity, but in proportion

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proportion as it is wanted. The profession paramount to all others and in which every man will bear his part, will be that of man, and in addition perhaps that of cultivator.

The division of labour, as it has been treated by commercial writers, is for the most part the offspring of avarice. It has been found that ten persons can make two hundred and forty times as many pins in a day as one person*. This refinement is the growth of luxury. The object is to see into how vast a surface the industry of the lower classes may be beaten, the more completely to gild over the indolent and the proud. The ingenuity of the merchant is whetted, by new improvements of this sort to transport more of the wealth of the powerful into his own coffers. The possibility of effecting a compendium of labour by this means will be greatly diminished, when men shall learn to deny themselves superfluities. The utility of such a saving of labour, where labour is so little, will scarcely balance against the evils of so extensive a cooperation. From what has been said under this head it appears, that there will be a division of labour, if we compare the society in question with the state of the solitaire and the savage. But it will produce an extensive composition of labour, if we compare it with that to which we are at present accustomed in civilised Europe.

* Smith's Wealth of Nations, Book I, Chap. I.

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OF THE OBJECTION TO THIS SYSTEM FROM THE PRINCIPLE OF POPULATION.

THE OBJECTION STATED.—RE MOTENESS OF ITS OPERATION.—CONJECTURAL IDEAS RESPECTING THE ANTIDOTE.—OMNIPOTENCE OF MIND.—ILLUSTRATIONS.—CAUSES OF DECREPITUDE.—YOUTH IS PROLONGED BY CHEARFULNESS—BY CLEARNESS OF APPREHENSION—AND A BENEVOLENT CHARACTER.—THE POWERS WE POSSESS ARE ESSENTIALLY PROGRESSIVE.—EFFECTS OF ATTENTION.—THE PHENOMENON OF SLEEP EXPLAINED.—PRESENT UTILITY OF THESE REASONINGS.—APPLICATION TO THE FUTURE STATE OF SOCIETY.

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The objection stated.

A N author who has speculated widely upon subjects of government *, has recommended equal, or, which was rather his idea, common property, as a complete remedy, to the usurpation and distress which are at present the most powerful enemies of human kind, to the vices which infect education in some instances, and the neglect it encounters in more, to all the turbulence of passion, and all the injustice of selfishness. But, after

* Wallace: Various Prospects of Mankind, Nature and Providence, 1761.

having exhibited this picture, not less true than delightful, he finds an argument that demolishes the whole, and restores him to indifference and despair, in the excessive population that would ensue.

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One of the most obvious answers to this objection is, that to reason thus is to foresee difficulties at a great distance. Three fourths of the habitable globe is now uncultivated. The parts already cultivated are capable of immeasurable improvement. Myriads of centuries of still increasing population may probably pass away, and the earth still be found sufficient for the subsistence of its inhabitants. Who can say how long the earth itself will survive the casualties of the planetary system? Who can say what remedies shall suggest themselves for so distant an inconvenience, time enough for practical application, and of which we may yet at this time have not the smallest idea? It would be truly absurd for us to shrink from a scheme of essential benefit to mankind, lest they should be too happy, and by necessary consequence at some distant period too populous.

Remoteness of its operation.

But, though these remarks may be deemed a sufficient answer to the objection, it may not be amiss to indulge in some speculations to which such an objection obviously leads. The earth may, to speak in the style of one of the writers of the Christian Scriptures, "abide for ever*." It may be in danger of becoming too populous. A remedy may then be necessary. If it may,

Conjectural ideas respecting the antidote.

* Ecclesiastes, Chap. I, ver. 4.

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why should we sit down in supine indifference and conclude that we can discover no glimpse of it? The discovery, if made, would add to the firmness and consistency of our prospects; nor is it improbable to conjecture that that which would form the regulating spring of our conduct then, might be the medium of a salutary modification now. What follows must be considered in some degree as a deviation into the land of conjecture. If it be false, it leaves the great system to which it is appended in all sound reason as impregnable as ever. If this do not lead us to the true remedy, it does not follow that there is no remedy. The great object of enquiry will still remain open, however defective may be the suggestions that are now to be offered.

Omnipotence
of mind.

Let us here return to the sublime conjecture of Franklin, that "mind will one day become omnipotent over matter*." If over all other matter, why not over the matter of our own bodies? If over matter at ever so great a distance, why not over matter which, however ignorant we may be of the tie that connects it with the thinking principle, we always carry about with us, and which is in all cases the medium of communication between that principle and the external universe? In a word, why may not man be one day immortal?

* I have no other authority to quote for this expression than the conversation of Dr. Price. Upon enquiry I am happy to find it confirmed to me by Mr. William Morgan, the nephew of Dr Price, who recollects to have heard it repeatedly mentioned by his uncle.

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Illustrations.

The different cases in which thought modifies the external universe are obvious to all. It is modified by our voluntary thoughts or design. We desire to stretch out our hand, and it is stretched out. We perform a thousand operations of the same species every day, and their familiarity annihilates the wonder. They are not in themselves less wonderful than any of those modifications which we are least accustomed to conceive.—Mind modifies body involuntarily. Emotion excited by some unexpected word, by a letter that is delivered to us, occasions the most extraordinary revolutions in our frame, accelerates the circulation, causes the heart to palpitate, the tongue to refuse its office, and has been known to occasion death by extreme anguish or extreme joy. These symptoms we may either encourage or check. By encouraging them habits are produced of fainting or of rage. To discourage them is one of the principal offices of fortitude. The effort of mind in resisting pain in the stories of Cranmer and Mucius Scævola is of the same kind. It is reasonable to believe that that effort with a different direction might have cured certain diseases of the system. There is nothing indeed of which physicians themselves are more frequently aware, than of the power of the mind in assisting or retarding convalescence.

Why is it that a mature man soon loses that elasticity of limb, which characterises the heedless gaiety of youth? Because he desists from youthful habits. He assumes an air of dignity incompatible with the lightness of childish follies. He is visited and vexed with all the cares that rise out of our mistaken institutions,

Causes of de-
crepitude.

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and his heart is no longer satisfied and gay. Hence his limbs become stiff and unwieldy. This is the forerunner of old age and death.

Youth is prolonged by
cheerfulness:

The first habit favourable to corporeal vigour is cheerfulness. Every time that our mind becomes morbid, vacant and melancholy, a certain period is cut off from the length of our lives. Listlessness of thought is the brother of death. But cheerfulness gives new life to our frame and circulation to our juices. Nothing can long be stagnant in the frame of him, whose heart is tranquil, and his imagination active.

by clearness
of apprehension:

A second requisite in the case of which we treat is a clear and distinct conception. If I know precisely what I wish, it is easy for me to calm the throbs of pain, and to assist the sluggish operations of the system. It is not a knowledge of anatomy, but a quiet and steady attention to my symptoms, that will best enable me to correct the distemper from which they spring. Fainting is nothing else but a confusion of mind, in which the ideas appear to mix in painful disorder, and nothing is distinguished.

and a benevolent
character.

The true source of cheerfulness is benevolence. To a youthful mind, while every thing strikes with its novelty, the individual situation must be peculiarly unfortunate, if gaiety of thought be not produced, or, when interrupted, do not speedily return with its healing oblivion. But novelty is a fading charm, and perpetually decreases. Hence the approach of inanity and listlessness

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listlessness. After we have made a certain round, life delights no more. A deathlike apathy invades us. Thus the aged are generally cold and indifferent; nothing interests their attention, or rouses the sluggishness of their soul. How should it be otherwise? The pursuits of mankind are commonly frigid and contemptible, and the mistake comes at last to be detected. But virtue is a charm that never fades. The soul that perpetually overflows with kindness and sympathy, will always be cheerful. The man who is perpetually busied in contemplations of public good, will always be active.

The application of these reasonings is simple and irresistible. If mind be now in a great degree the ruler of the system, why should it be incapable of extending its empire? If our involuntary thoughts can derange or restore the animal economy, why should we not in process of time, in this as in other instances, subject the thoughts which are at present involuntary to the government of design? If volition can now do something, why should it not go on to do still more and more? There is no principle of reason less liable to question than this, that, if we have in any respect a little power now, and if mind be essentially progressive, that power may, and, barring any extraordinary concussions of nature, infallibly will, extend beyond any bounds we are able to prescribe to it.

The powers
we possess are
essentially
progressive.

Nothing can be more irrational and presumptuous than to
5 S conclude,

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conclude, because a certain species of supposed power is entirely out of the line of our present observations, that it is therefore altogether beyond the limits of the human mind. We talk familiarly indeed of the limits of our faculties, but nothing is more difficult than to point them out. Mind, in a progressive view at least, is infinite. If it could have been told to the savage inhabitants of Europe in the times of Theseus and Achilles, that man was capable of predicting eclipses and weighing the air, of explaining the phenomena of nature so that no prodigies should remain, of measuring the distance and the size of the heavenly bodies, this would not have appeared to them less wonderful, than if we had told them of the possible discovery of the means of maintaining the human body in perpetual youth and vigour. But we have not only this analogy, showing that the discovery in question forms as it were a regular branch of the acquisitions that belong to an intellectual nature; but in addition to this we seem to have a glimpse of the specific manner in which the acquisition will be secured. Let us remark a little more distinctly the simplicity of the process.

Effects of
attention.

We have called the principle of immortality in man cheerfulness, clearness of conception and benevolence. Perhaps we shall in some respects have a more accurate view of its potency, if we consider it as of the nature of attention. It is a very old maxim of practical conduct, that whatever is done with attention, is done well. It is because this was a principal requisite, that many persons

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sons endowed in an eminent degree with cheerfulness, perspicacity and benevolence, have perhaps not been longer lived than their neighbours. We are not capable at present of attending to every thing. A man who is engaged in the sublimest and most delightful exertions of mind, will perhaps be less attentive to his animal functions than his most ordinary neighbour, though he will frequently in a partial degree repair that neglect, by a more cheerful and animated observation, when those exertions are suspended. But, though the faculty of attention may at present have a very small share of ductility, it is probable that it may be improved in that respect to an inconceivable degree. The picture that was exhibited of the subtlety of mind in an earlier stage of this work*, gives to this supposition a certain degree of moral evidence. If we can have three hundred and twenty successive ideas in a second of time, why should it be supposed that we shall not hereafter arrive at the skill of carrying on a great number of contemporaneous processes without disorder?

Having thus given a view of what may be the future improvement of mind, it is proper that we should qualify this picture to the sanguine temper of some readers and the incredulity of others, by observing that this improvement, if capable of being realised, is however at a great distance. A very obvious remark will render this eminently palpable. If an unintermitted attention to the animal economy be necessary, then, before death can be banished,

The phenomenon of
sleep explained.

* Book IV, Chap. VII, p. 330.

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we must banish sleep, death's image. Sleep is one of the most conspicuous infirmities of the human frame. It is not, as has often been supposed, a suspension of thought, but an irregular and distempered state of the faculty*. Our tired attention resigns the helm, ideas swim before us in wild confusion, and are attended with less and less distinctness, till at length they leave no traces in the memory. Whatever attention and volition are then imposed upon us, as it were at unawares, are but faint resemblances of our operations in the same kind when awake. Generally speaking, we contemplate sights of horror with little pain, and commit the most atrocious crimes with little sense of their true nature. The horror we sometimes attribute to our dreams, will frequently be found upon accurate observation to belong to our review of them when we wake.

Present utility
of these rea-
sonings.

One other remark may be proper in this place. If the remedies here prescribed tend to a total extirpation of the infirmities of our nature, then, though we cannot promise to them an early and complete success, we may probably find them of some utility now. They may contribute to prolong our vigour, though not to immortalise it, and, which is of more consequence, to make us live while we live. Every time the mind is invaded with anguish and gloom, the frame becomes disordered. Every time that languor and indifference creep upon us, our functions fall into decay. In proportion as we cultivate fortitude and equa-

* Book IV, Chap. VII, p. 335.

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nimity, our circulations will be cheerful. In proportion as we cultivate a kind and benevolent propensity, we may be secure of finding something for ever to interest and engage us.

Medicine may reasonably be stated to consist of two branches, the animal and intellectual. The latter of these has been infinitely too much neglected. It cannot be employed to the purposes of a profession; or, where it has been incidentally so employed, it has been artificially and indirectly, not in an open and avowed manner. "Herein the patient must minister to himself*." How often do we find a sudden piece of good news dissipating a distemper? How common is the remark, that those accidents, which are to the indolent a source of disease, are forgotten and extirpated in the busy and active? It would no doubt be of extreme moment to us, to be thoroughly acquainted with the power of motives, habit, and what is called resolution, in this respect. I walk twenty miles in an indolent and half determined temper, and am extremely fatigued. I walk twenty miles full of ardour and with a motive that engrosses my soul, and I come in as fresh and alert as when I began my journey. We are sick and we die, generally speaking, because we consent to suffer these accidents. This consent in the present state of mankind is in some degree unavoidable. We must have stronger motives and clearer views, before we can uniformly refuse it. But, though we cannot always, we may frequently refuse. This is a truth of which all mankind are

* Macbeth, Act V.

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to a certain degree aware. Nothing more common than for the most ignorant man to call upon his sick neighbour, to rouse himself, not to suffer himself to be conquered; and this exhortation is always accompanied with some consciousness of the efficacy of resolution. The wife and the good man therefore should carry with him the recollection of what cheerfulness and a determined spirit are able to do, of the capacity with which he is endowed of expelling the fevers and first slight appearances of indisposition.

The principal part of the preceding paragraph is nothing more than a particular application of what was elsewhere delivered respecting moral and physical causes*. It would have been easy to have cast the present chapter in a different form, and to have made it a chapter upon health, showing that one of the advantages of a better state of society would be a very high improvement of the vigour and animal constitution of man. In that case the conjecture of immortality would only have come in as an incidental remark, and the whole would have assumed less the air of conjecture than of close and argumentative deduction. But it was perhaps better to give the subject the most explicit form, at the risk of exciting a certain degree of prejudice.

Application
to the future
state of so-
ciety.

To apply these remarks to the subject of population. The tendency of a cultivated and virtuous mind is to render us indifferent to the gratifications of sense. They please at present

* Book I, Chap. VII, Part I.

by

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by their novelty, that is, because we know not how to estimate them. They decay in the decline of life indirectly because the system refuses them, but directly and principally because they no longer excite the ardour and passion of mind. It is well known that an inflamed imagination is capable of doubling and tripling the seminal secretions. The gratifications of sense please at present by their imposture. We soon learn to despise the mere animal function, which, apart from the delusions of intellect, would be nearly the same in all cases; and to value it, only as it happens to be relieved by personal charms or mental excellence. We absurdly imagine that no better road can be found to the sympathy and intercourse of minds. But a very slight degree of attention might convince us that this is a false road, full of danger and deception. Why should I esteem another, or by another be esteemed? For this reason only, because esteem is due, and only so far as it is due.

The men therefore who exist when the earth shall refuse itself to a more extended population, will cease to propagate, for they will no longer have any motive, either of error or duty, to induce them. [In addition to this they will perhaps be immortal.] The whole will be a people of men, and not of children. Generation will not succeed generation, nor truth have in a certain degree to recommence her career at the end of every thirty years. There will be no war, no crimes, no administration of justice as it is called, and no government. These latter

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latter articles are at no great distance; and it is not impossible that some of the present race of men may live to see them in part accomplished. But beside this, there will be no disease, no anguish, no melancholy and no repentment. Every man will seek with ineffable ardour the good of all. Mind will be active and eager, yet never disappointed. Men will see the progressive advancement of virtue and good, and feel that, if things occasionally happen contrary to their hopes, the miscarriage itself was a necessary part of that progress. They will know, that they are members of the chain, that each has his several utility, and they will not feel indifferent to that utility. They will be eager to enquire into the good that already exists, the means by which it was produced, and the greater good that is yet in store. They will never want motives for exertion; for that benefit which a man thoroughly understands and earnestly loves, he cannot refrain from endeavouring to promote.

Before we dismiss this subject it is proper once again to remind the reader, that the leading doctrine of this chapter is given only as matter of probable conjecture, and that the grand argument of this division of the work is altogether independent of its truth or falshood.

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OF THE MEANS OF INTRODUCING THE GENUINE
SYSTEM OF PROPERTY.

APPREHENSIONS THAT ARE ENTERTAINED ON THIS SUBJECT.—IDEA OF MASSACRE.—INFERENCE WE OUGHT TO MAKE UPON SUPPOSITION OF THE REALITY OF THESE APPREHENSIONS.—MISCHIEF BY NO MEANS THE NECESSARY ATTENDANT ON IMPROVEMENT.—DUTIES UNDER THIS CIRCUMSTANCE, 1. OF THOSE WHO ARE QUALIFIED FOR PUBLIC INSTRUCTORS — TEMPER — SINCERITY.—PERNICIOUS EFFECTS OF DISSIMULATION IN THIS CASE.—2. OF THE RICH AND GREAT.—MANY OF THEM MAY BE EXPECTED TO BE ADVOCATES OF EQUALITY.—CONDUCT WHICH THEIR INTEREST AS A BODY PRESCRIBES.—3. OF THE FRIENDS OF EQUALITY IN GENERAL.—OMNIPOTENCE OF TRUTH.—IMPORTANCE OF A MILD AND BENEVOLENT PROCEEDING.—CONNEXION BETWEEN LIBERTY AND EQUALITY.—CAUSE OF EQUALITY WILL PERPETUALLY ADVANCE.—SYMPTOMS OF ITS PROGRESS.—IDEA OF ITS FUTURE SUCCESS.—CONCLUSION.

HAVING thus stated explicitly and without reserve the great branches of this illustrious picture, there is but one subject

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subject that remains. In what manner shall this interesting improvement of human society be carried into execution? Are there not certain steps that are desirable for this purpose? Are there not certain steps that are inevitable? Will not the period that must first elapse, necessarily be stained with a certain infusion of evil?

Apprehensions that are entertained on this subject.

No idea has excited greater horror in the minds of a multitude of persons, than that of the mischiefs that are to ensue from the dissemination of what they call levelling principles. They believe "that these principles will inevitably ferment in the minds of the vulgar, and that the attempt to carry them into execution will be attended with every species of calamity." They represent to themselves "the uninformed and uncivilised part of mankind, as let loose from all restraint, and hurried into every kind of excess. Knowledge and taste, the improvements of intellect, the discoveries of sages, the beauties of poetry and art, are trampled under foot and extinguished by barbarians. It is another inundation of Goths and Vandals, with this bitter aggravation, that the viper that stings us to death was warmed in our own bosoms."

They conceive of the scene as "beginning in massacre." They suppose "all that is great, preeminent and illustrious as ranking among the first victims. Such as are distinguished by peculiar elegance of manners or energy of diction and composition,

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fition, will be the inevitable objects of envy and jealousy. Such as intrepidly exert themselves to succour the persecuted, or to declare to the public those truths which they are least inclined, but which are most necessary for them to hear, will be marked out for assassination."

Let us not, from any partiality to the system of equality delineated in this book, shrink from the picture here exhibited. Massacre is the too possible attendant upon revolution, and massacre is perhaps the most hateful scene, allowing for its momentary duration, that any imagination can suggest. The fearful, hopeless expectation of the defeated, and the blood-hound fury of their conquerors, is a complication of mischief that all which has been told of infernal regions cannot surpass. The cold-blooded massacres that are perpetrated under the name of criminal justice fall short of these in their most frightful aggravations. The ministers and instruments of law have by custom reconciled their minds to the dreadful task they perform, and bear their respective parts in the most shocking enormities, without being sensible to the passions allied to those enormities. But the instruments of massacre are actuated with all the sentiments of fiends. Their eyes emit flashes of cruelty and rage. They pursue their victims from street to street and from house to house. They tear them from the arms of their fathers and their wives. They glut themselves with barbarity and insult, and utter shouts of horrid joy at the spectacle of their tortures.

Idea of
massacre.

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Inference we
ought to
make upon
supposition
of the reality
of these ap-
prehensions.

We have now contemplated the tremendous picture; what is the conclusion it behoves us to draw? Must we shrink from reason, from justice, from virtue and happiness? Suppose that the inevitable consequence of communicating truth were the temporary introduction of such a scene as has just been described, must we on that account refuse to communicate it? The crimes that were perpetrated would in no just estimate appear to be the result of truth, but of the error which had previously been infused. The impartial enquirer would behold them as the last struggles of expiring despotism, which, if it had survived, would have produced mischiefs, scarcely less atrocious in the hour of their commission, and infinitely more calamitous by the length of their duration. If we would judge truly, even admitting the unfavourable supposition above stated, we must contrast a moment of horror and distress with ages of felicity. No imagination can sufficiently conceive the mental improvement and the tranquil virtue that would succeed, were property once permitted to rest upon its genuine basis.

And by what means suppress truth, and keep alive the salutary intoxication, the tranquillising insanity of mind which some men desire? Such has been too generally the policy of government through every age of the world: Have we slaves? We must assiduously retain them in ignorance. Have we colonies and dependencies? The great effort of our care is to keep them from being too populous and prosperous. Have we subjects? It is

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" by impotence and misery that we endeavour to render them supple: plenty is fit for nothing but to make them unmanageable, disobedient and mutinous*." If this were the true philosophy of social institutions, well might we shrink from it with horror. How tremendous an abortion would the human species be found, if all that tended to make them wise, tended to make them unprincipled and profligate? But this it is impossible for any one to believe, who will lend the subject a moment's impartial consideration. Can truth, the perception of justice and a desire to execute it, be the source of irretrievable ruin to mankind? It may be conceived that the first opening and illumination of mind will be attended with disorder. But every just reasoner must confess that regularity and happiness will succeed to this confusion. To refuse the remedy, were this picture of its operation ever so true, would be as if a man who had dislocated a limb, should refuse to undergo the pain of having it replaced. If mankind have hitherto lost the road of virtue and happiness, that can be no just reason why they should be suffered to go wrong for ever. We must not refuse a conviction of error, or even the treading over again some of the steps that were the result of it.

Another question suggests itself under this head: Can we suppress truth? Can we arrest the progress of the enquiring mind? If we can, it will only be done by the most unmitigated despotism. Mind has a perpetual tendency to rise. It cannot be held

* Book V, Chap. III, p. 405.

down.

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down but by a power that counteracts its genuine tendency through every moment of its existence. Tyrannical and sanguinary must be the measures employed for this purpose. Miserable and disgusting must be the scene they produce. Their result will be thick darkness of the mind, timidity, servility, hypocrisy. This is the alternative, so far as there is any alternative in their power, between the opposite measures of which the princes and governments of the earth have now to choose: they must either suppress enquiry by the most arbitrary stretches of power, or preserve a clear and tranquil field in which every man shall be at liberty to discover and vindicate his opinion.

No doubt it is the duty of governments to maintain the most unalterable neutrality in this important transaction. No doubt it is the duty of individuals to publish truth without diffidence or reserve, to publish it in its genuine form without seeking aid from the meretricious arts of publication. The more it is told, the more it is known in its true dimensions, and not in parts, the less is it possible that it should coalesce with or leave room for the pernicious effects of error. The true philanthropist will be eager, instead of suppressing discussion, to take an active share in the scene, to exert the full strength of his faculties in discovery, and to contribute by his exertions to render the operation of thought at once perspicuous and profound.

Mischief by
no means the

It being then sufficiently evident that truth must be told at whatever

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necessary at-
tendant on
improvement.

whatever expence, let us proceed to consider the precise amount of that expence, to enquire how much of confusion and violence is inseparable from the transit which mind has to accomplish. And here it plainly appears that mischief is by no means inseparable from the progress. In the mere circumstance of our acquiring knowledge and accumulating one truth after another there is no direct tendency to disorder. Evil can only spring from the clash of mind with mind, from one body of men in the community outstripping another in their ideas of improvement; and becoming impatient of the opposition they have to encounter.

In this interesting period, in which mind shall arrive as it were at the true crisis of its story, there are high duties incumbent upon every branch of the community. First, upon those cultivated and powerful minds, that are fitted to be precursors to the rest in the discovery of truth. They are bound to be active, indefatigable and disinterested. It is incumbent upon them to abstain from inflammatory language, from all expressions of acrimony and resentment. It is absurd in any government to erect itself into a court of criticism in this respect, and to establish a criterion of liberality and decorum; but for that very reason it is doubly incumbent on those who communicate their thoughts to the public, to exercise a rigid censure over themselves. The tidings of liberty and equality are tidings of good will to all orders of men. They free the peasant from the iniquity that de-
presses

Duties under
this circum-
stance, i. of
those who
are qualified
for public
instructors:

temper:

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CHAP. VIII. presses his mind, and the privileged from the luxury and depotism by which he is corrupted. Let those who bear these tidings not stain their benignity, by showing that that benignity has not yet become the inmate of their hearts.

sincerity.

Nor is it less necessary that they should be urged to tell the whole truth without disguise. No maxim can be more pernicious than that which would teach us to consult the temper of the times, and to tell only so much as we imagine our contemporaries will be able to bear. This practice is at present almost universal, and it is the mark of a very painful degree of depravity. We retail and mangle truth. We impart it to our fellows, not with the liberal measure with which we have received it, but with such parsimony as our own miserable prudence may chance to prescribe. We pretend that truths fit to be practised in one country, nay, truths which we confess to be eternally right, are not fit to be practised in another. That we may deceive others with a tranquil conscience, we begin with deceiving ourselves. We put shackles upon our minds, and dare not trust ourselves at large in the pursuit of truth. This practice took its commencement from the machinations of party, and the desire of one wise and adventurous leader to carry a troop of weak, timid and selfish supporters in his train. There is no reason why I should not declare in any assembly upon the face of the earth that I am a republican. There is no more reason why, being a republican under a monarchical government, I should enter into

a desperate

a desperate faction to invade the public tranquillity, than if I were monarchical under a republic. Every community of men, as well as every individual, must govern itself according to its ideas of justice. What I should desire is, not by violence to change its institutions, but by reason to change its ideas. I have no business with factions or intrigue; but simply to promulgate the truth, and to wait the tranquil progress of conviction. If there be any assembly that cannot bear this, of such an assembly I ought to be no member. It happens much oftener than we are willing to imagine, that "the post of honour," or, which is better, the post of utility, "is a private station*."

The dissimulation here censured, beside its ill effects upon him who practises it, and by degrading and unnerving his character upon society at large, has a particular ill consequence with respect to the point we are considering. It lays a mine, and prepares an explosion. This is the tendency of all unnatural restraint. Meanwhile the unfettered progress of truth is always salutary. Its advances are gradual, and each step prepares the general mind for that which is to follow. They are sudden and unprepared emanations of truth, that have the greatest tendency to deprive men of their sobriety and self command. Reserve in this respect is calculated at once, to give a rugged and angry tone to the multitude whenever they shall happen to discover what is thus concealed, and to mislead the depositaries of political power. It

* Addison's Cato, Act IV.

BOOK VIII. CHAP. VIII. soothes them into false security, and prompts them to maintain an inauspicious obstinacy.

2. Of the rich and great.

Many of them may be expected to be advocates of equality.

Having considered what it is that belongs in such a crisis to the enlightened and wise, let us next turn our attention to a very different class of society, the rich and great. And here in the first place it may be remarked, that it is a very false calculation that leads us universally to despair of having these for the advocates of equality. Mankind are not so miserably selfish, as satirists and courtiers have supposed. We never engage in any action without enquiring what is the decision of justice respecting it. We are at all times anxious to satisfy ourselves that what our inclinations lead us to do, is innocent and right to be done.* Since therefore justice occupies so large a share in the contemplations of the human mind, it cannot reasonably be doubted that a strong and commanding view of justice would prove a powerful motive to influence our choice. But that virtue which for whatever reason we have chosen, soon becomes recommended to us by a thousand other reasons. We find in it reputation, eminence, self complacence and the divine pleasures of an approving mind.

The rich and great are far from callous to views of general felicity, when such views are brought before them with that

* Book II, Chap. III, p. 98.

evidence and attraction of which they are susceptible. From one dreadful disadvantage their minds are free. They have not been soured with unrelenting tyranny, or narrowed by the perpetual pressure of distress. They are peculiarly qualified to judge of the emptiness of that pomp and those gratifications, which are always most admired when they are seen from a distance. They will frequently be found considerably indifferent to these things, unless confirmed by habit and rendered inveterate by age. If you show them the attractions of gallantry and magnanimity in resigning them, they will often be resigned without reluctance. Wherever accident of any sort has introduced an active mind, there enterprise is a necessary consequence; and there are few persons so inactive, as to sit down for ever in the supine enjoyment of the indulgences to which they were born. The same spirit that has led forth the young nobility of successive ages to encounter the hardships of a camp, might easily be employed to render them champions of the cause of equality: nor is it to be believed, that the circumstance of superior virtue and truth in this latter exertion, will be without its effect.

But let us suppose a considerable party of the rich and great to be actuated by no view but to their emolument and ease. It is not difficult to show them, that their interest in this sense will admit of no more than a temperate and yielding resistance. Much no doubt of the future tranquillity or confusion of man-

conduct which their interest as a body prescribes.

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kind depends upon the conduct of this party. To them I would say: "It is in vain for you to fight against truth. It is like endeavouring with the human hand to stop the inroad of the ocean. Retire betimes. Seek your safety in concession. If you will not go over to the standard of political justice, temporise at least with an enemy whom you cannot overcome. Much, inexpressibly much depends upon you. If you be wise, if you be prudent, if you would secure at least your lives and your personal ease amidst the general shipwreck of monopoly and folly, you will be unwilling to irritate and defy. Unless by your rashness, there will be no confusion, no murder, not a drop of blood will be spilt, and you will yourselves be made happy. If you brave the storm and call down every species of odium on your heads, still it is possible, still it is to be hoped that the general tranquillity may be maintained. But, should it prove otherwise, you will have principally to answer for all the consequences that shall ensue.

"Above all, do not be lulled into a rash and headlong security. We have already seen how much the hypocrisy and instability of the wise and enlightened of the present day, those who confess much, and have a confused view of still more, but dare not examine the whole with a steady and unflinching eye, are calculated to increase this security. But there is a danger still more palpable. Do not be misled by the unthinking and seeming general cry of those who have no fixed principles.

I
AddresseesBOOK VIII.
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Addressees have been found in every age a very uncertain criterion of the future conduct of a people. Do not count upon the numerous train of your adherents, retainers and servants. They afford a very feeble dependence. They are men, and cannot be dead to the interests and claims of mankind. Some of them will adhere to you as long as a sordid interest seems to draw them in that direction. But the moment yours shall appear to be the losing cause, the same interest will carry them over to the enemy's standard. They will disappear like the morning dew.

"May I not hope that you are capable of receiving impression from another argument? Will you feel no compunction at the thought of resisting the greatest of all benefits? Are you content to be regarded by the most enlightened of your contemporaries, and to be handed down to the remotest posterity, as the obstinate adversaries of philanthropy and justice? Can you reconcile it to your own minds, that, for a sordid interest, for the cause of general corruption and abuse, you should be found active in stifling truth, and strangling the new born happiness of mankind?" Would to God it were possible to carry home this argument to the enlightened and accomplished advocates of aristocracy! Would to God they could be persuaded to consult neither passion, nor prejudice, nor the flights of imagination, in deciding upon so momentous a question! "We know that truth does not stand in need of your alliance to secure her triumph. We do not fear your enmity. But our hearts bleed to see such gallantry.

BOOK VIII. gallantry such talents and such virtue enslaved to prejudice, and
 CHAP. VIII. enlisted in error. It is for your sakes that we expostulate, and
 for the honour of human nature."

s. of the
 friends of
 equality in
 general.
 Omnipotence
 of truth.

To the general mass of the adherents of the cause of justice it may be proper to say a few words. "If there be any force in the arguments of this work, thus much at least we are authorized to deduce from them, that truth is irresistible. If man be endowed with a rational nature, then whatever is clearly demonstrated to his understanding to have the most powerful recommendations, so long as that clearness is present to his mind, will inevitably engage his choice. It is to no purpose to say that mind is fluctuating and fickle; for it is so only in proportion as evidence is imperfect. Let the evidence be increased, and the persuasion will be made firmer, and the choice more uniform. It is the nature of individual mind to be perpetually adding to the stock of its ideas and knowledge. Similar to this is the nature of general mind, exclusively of casualties which, arising from a more comprehensive order of things, appear to disturb the order of limited systems. This is confirmed to us, if a truth of this universal nature can derive confirmation from partial experiments, by the regular advances of the human mind from century to century, since the invention of printing.

Importance
 of a mild and
 benevolent
 proceeding.

"Let then this axiom of the omnipotence of truth be the rudder of our undertakings. Let us not precipitately endeavour to accomplish that to-day, which the dissemination of truth will
 make

BOOK VIII. make unavoidable to-morrow. Let us not anxiously watch for
 CHAP. VIII. occasions and events: the ascendancy of truth is independent of events. Let us anxiously refrain from violence: force is not conviction, and is extremely unworthy of the cause of justice. Let us admit into our bosoms neither contempt, animosity, resentment nor revenge. The cause of justice is the cause of humanity. Its advocates should overflow with universal good will. We should love this cause, for it conduces to the general happiness of mankind. We should love it, for there is not a man that lives, who in the natural and tranquil progress of things will not be made happier by its approach. The most powerful cause by which it has been retarded, is the mistake of its adherents, the air of ruggedness, brutishness and inflexibility which they have given to that which in itself is all benignity. Nothing less than this could have prevented the great mass of enquirers from bestowing upon it a patient examination. Be it the care of the now increasing advocates of equality to remove this obstacle to the success of their cause. We have but two plain duties, which, if we set out right, it is not easy to mistake. The first is an unwearied attention to the great instrument of justice, reason. We must divulge our sentiments with the utmost frankness. We must endeavour to impress them upon the minds of others. In this attempt we must give way to no discouragement. We must sharpen our intellectual weapons; add to the stock of our knowledge; be pervaded with a sense of the magnitude of our cause; and perpetually increase that calm presence of mind and self-possession.

BOOK VIII. CHAP. VIII.
 feffion which muft enable us to do juftice to our principles. Our second duty is tranquillity."

Connexion between liberty and equality.

It will not be right to pafs over a question that will inevitably fuggelt itfelf to the mind of the reader. "If an equalifation of property be to take place, not by law, regulation or public inftitution, but only through the private conviction of individuals, in what manner fhall it begin?" In answering this question it is not neceffary to prove fo fimple a propofition, as that all republicanifm, all equalifation of ranks and immunities, ftrongly tends towards an equalifation of property. Thus, in Sparta this laft principle was completely admitted. In Athens the public largeffes were fo great as almoft to exempt the citizens from manual labour; and the rich and eminent only purchafed a toleration for their advantages, by the liberal manner in which they opened their ftores to the public. In Rome, agrarian laws, a wretched and ill chofen fubftitute for equality, but which grew out of the fame fpirit, were perpetually agitated. If men go on to increafe in difcernment, and this they certainly will with peculiar rapidity, when the ill-constructed governments which now retard their progrefs are removed, the fame arguments which fhewed them the injuftice of ranks, will fhew them the injuftice of one man's wanting that, which while it is in the poffeffion of another, conduces in no refpect to his well being.

Caufe of equality will

It is a common error to imagine, that this injuftice will be felt only

only by the lower orders who fuffer from it; and hence it would appear that it can only be corrected by violence. But in answer to this it may in the firft place be obferved that all fuffer from it, the rich who engrofs, as well as the poor who want. Secondly, it has been clearly fhown in the courfe of the prefent work, that men are not fo entirely governed by felf interest as has frequently been fupposed. It has been fhown, if poffible, ftill more clearly, that the felfifh are not governed folety by fenfual gratification or the love of gain, but that the defire of eminence and diftinction is in different degrees an univerfal paffion. Thirdly and principally, the progrefs of truth is the moft powerful of all caufes. Nothing can be more absurd than to imagine that theory, in the beft fenfe of the word, is not effentially connected with practice. That which we can be perfuaded clearly and diftinctly to approve, will inevitably modify our conduct. Mind is not an aggregate of various faculties contending with each other for the maftery, but on the contrary the will is in all cafes correfpondent to the laft judgment of the underftanding. When men fhall diftinctly and habitually perceive the folly of luxury, and when their neighbours are impreffed with a fimilar difdain, it will be impoffible that they fhould purfue the means of it with the fame avidity as before.

BOOK VIII. CHAP. VIII.
 perpetually advance.

It will not be difficult perhaps to trace, in the progrefs of modern Europe from barbarifm to refinement, a tendency towards the equalifation of property. In the feudal times, as

5 X

HOW

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now in India and other parts of the world, men were born to a certain station, and it was nearly impossible for a peasant to rise to the rank of a noble. Except the nobles there were no men that were rich; for commerce, either external or internal, had scarcely an existence. Commerce was one engine for throwing down this seemingly impregnable barrier, and shocking the prejudices of nobles, who were sufficiently willing to believe that their retainers were a different species of beings from themselves. Learning was another, and more powerful engine. In all ages of the church we see men of the basest origin rising to the highest eminence. Commerce proved that others could rise to wealth beside those who were cased in mail; but learning proved that the low-born were capable of surpassing their lords. The progressive effect of these ideas may easily be traced by the attentive observer. Long after learning began to unfold its powers, its votaries still submitted to those obsequious manners and servile dedications, which no man reviews at the present day without astonishment. It is but lately that men have known that intellectual excellence can accomplish its purposes without a patron. At present, among the civilised and well informed a man of slender wealth, but of great intellectual powers and a firm and virtuous mind, is constantly received with attention and deference; and his purse-proud neighbour who should attempt to treat him superciliously, is sure to be discountenanced in his usurpation. The inhabitants of distant villages, where long established prejudices are slowly destroyed, would be astonished

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astonished to see how comparatively small a share wealth has in determining the degree of attention with which men are treated in enlightened circles.

These no doubt are but slight indications. It is with morality in this respect as it is with politics. The progress is at first so slow as for the most part to elude the observation of mankind; nor can it indeed be adequately perceived but by the contemplation and comparison of events during a considerable portion of time. After a certain interval, the scene is more fully unfolded, and the advances appear more rapid and decisive. While wealth was every thing, it was to be expected that men would acquire it, though at the expence of character and integrity. Absolute and universal truth had not yet shown itself so decidedly, as to be able to enter the lists with what dazzled the eye or gratified the sense. In proportion as the monopolies of ranks and companies are abolished, the value of superfluities will not fail to decline. In proportion as republicanism gains ground, men will come to be estimated for what they are, not for what force has given, and force may take away.

Idea of its
future success.

Let us reflect for a moment on the gradual consequences of this revolution of opinion. Liberality of dealing will be among its earliest results, and of consequence accumulation will become less frequent and less enormous. Men will not be disposed, as now, to take advantage of each other's distresses, and to demand

5 X 2

a price

a price for their aid, not measured by a general standard, but by the wants of an individual. They will not consider how much they can extort, but how much it is reasonable to require. The master tradesman who employs labourers under him, will be disposed to give a more ample reward to their industry; which he is at present enabled to tax chiefly by the neutral circumstance of having provided a capital. Liberality on the part of his employer will complete in the mind of the artisan, what ideas of political justice will probably have begun. He will no longer spend the little surplus of his earnings in that dissipation, which is at present one of the principal causes that subject him to the arbitrary pleasure of a superior. He will escape from the irresolution of slavery and the fetters of despair, and perceive that independence and ease are scarcely less within his reach than that of any other member of the community. This is a natural step towards the still farther progression, in which the labourer will receive entire whatever the consumer may be required to pay, without having a middle man, an idle and useless monopoliser, as he will then be found, to fatten upon his spoils.

The same sentiments that lead to liberality of dealing, will also lead to liberality of distribution. The trader, who is unwilling to grow rich by extorting from his employer or his workmen, will also refuse to become rich by the not inferior injustice of withholding from his poor neighbour the supply he
wants.

wants. The habit which was created in the former case of being contented with moderate gains, is closely connected with the habit of being contented with slender accumulation. He that is not anxious to add to his heap, will not be reluctant by a benevolent distribution to prevent its increase. Wealth was once almost the single object of pursuit that presented itself to the gross and uncultivated mind. Various objects will hereafter divide men's attention, the love of liberty, the love of equality, the pursuits of art and the desire of knowledge. These objects will not, as now, be confined to a few, but will gradually be laid open to all. The love of liberty obviously leads to the love of man: the sentiment of benevolence will be increased, and the narrowness of the selfish affections will decline. The general diffusion of truth will be productive of general improvement; and men will daily approximate towards those views according to which every object will be appreciated at its true value. Add to which, that the improvement of which we speak is general, not individual. The progress is the progress of all. Each man will find his sentiments of justice and rectitude echoed, encouraged and strengthened by the sentiments of his neighbours. Apostacy will be made eminently improbable, because the apostate will incur, not only his own censure, but the censure of every beholder.

One remark will suggest itself upon these considerations. "If
2 Conclusion.
the

the inevitable progress of improvement insensibly lead towards an equalisation of property, what need was there of proposing it as a specific object to men's consideration?" The answer to this objection is easy. The improvement in question consists in a knowledge of truth. But our knowledge will be very imperfect so long as this great branch of universal justice fails to constitute a part of it. All truth is useful; can this truth, which is perhaps more fundamental than any, be without its benefits? Whatever be the object towards which mind spontaneously advances, it is of no mean importance to us to have a distinct view of that object. Our advances will thus become accelerated. It is a well known principle of morality, that he who proposes perfection to himself, though he will inevitably fall short of what he pursues, will make a more rapid progress, than he who is contented to aim only at what is imperfect. The benefits to be derived in the interval from a view of equalisation, as one of the great objects towards which we are tending, are exceedingly conspicuous. Such a view will strongly conduce to make us disinterested now. It will teach us to look with contempt upon mercantile speculations, commercial prosperity, and the cares of gain. It will impress us with a just apprehension of what it is of which man is capable and in which his perfection consists; and will fix our ambition and activity upon the worthiest objects. Mind cannot arrive at any great and illustrious attainment, however much the nature of mind may
carry

carry us towards it, without feeling some presages of its approach; and it is reasonable to believe that, the earlier these presages are introduced, and the more distinct they are made, the more auspicious will be the event.

F I N I S.

ERRATA.

VOL. I.

- Page 131, line 15,—*after* "quantity of wrong," *read* "and to invent a species of corporal punishment or restraint."
- P. 181, note, l. ult.,—*for* "of former times" *read* "of the ancient model."
- P. 182,—*read the side note* "from the unity of truth" *as belonging to the top of the page.*
- P. 182, l. 3 from the bottom,—*for* "purlue" *read* "prefs."
- , l. 2 from the bottom,—*for* "over whom he presided" *read* "among whom he resided."
- P. 185, 186, 187, 188, 189, running title,—*for* "OF OBEDIENCE" *read* "OF FORMS OF GOVERNMENT."
- P. 260, side note,—*read* "justice."
- P. 324, l. 4,—*read* "automatism."
- P. 330, side note,—*for* "Rapiditv" *read* "rapidity."
- P. 362, l. 15,—*for* "exceptions" *read* "exception."

VOL. II.

- P. 403, side note,—*for* "Dislike" *read* "dislike."
- P. 427, side note,—*for* "desire" *read* "desires."
- P. 471, l. 4, *for* "no reflexion" *read* "to reflexion."
- P. 503, note, l. ult.,—*for* "volume" *read* "work."
- P. 511, l. 5 from the bottom,—*for* "tranfaction" *read* "transactions"
- P. 551, l. 3 from the bottom,—*for* "understand it;" *read* "understand it,"
- P. 564, note,—*for* "Book IV, Chap. VII" *read* "Book IV, Chap. VI."
- P. 645, side note,—*for* "of libel;" *read* "of libel."
- P. 673, side note,—*read* "Reasons by which they are vindicated."
- P. 680, l. ult.,—*for* "necessity" *read* "necessity,"
- P. 706, l. 14,—*for* "look" *read* "voice."
- P. 730, l. 3 from the bottom,—*for* "domestic" *read* "municipal."
- P. 774, side note,—*for* "man;" *read* "man."
- P. 791, side note,—*for* "mean" *read* "means."
- P. 807, side note,—*after* "vice" *read* "generating."
- P. 808, side note,—*for* "The" *read* "the"
- P. 811, side note,—*read* "and the misfortunes of war."
- P. 837, side note,—*read* "or from vanity."
- P. 852, l. 10,—*for* "be known" *read* "will be known."
- P. 878, l. 3 from the bottom,—*for* "operation;" *read* "operations"
- P. 883, side note,—*for* "conduct" *read* "Conduct"

SA

DIRECTION TO THE BINDER.

The volumes are to be divided at page 379 in signature 3 C.
The tables of contents to precede the respective volumes.