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Sketches Of The History Of Man

In Two Volumes

Home, Henry

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Sketch II. Principles and Progress of Morality.

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S K E T C H II.

Principles and Progress of MORALITY.

THE science of morals, like other sciences, is in a very imperfect state among savages; and arrives at maturity among enlightened nations by very flow degrees. This progress points out the historical part, as first in order: but as that history would give little satisfaction, without a rule for comparing the morals of different ages, and of different nations, I begin with the principles of morality, such as ought to govern at all times, and in all nations. The present sketch accordingly is divided into two parts. In the first, the principles are unfolded; and the second is altogether historical.

P A R T I.

PRINCIPLES OF MORALITY.

S E C T. I.

HUMAN ACTIONS *analysed.*

THE hand of God is no where more visible, than in the nice adjustment of our internal frame to our situation in this world. An animal is endued with a power of self-motion; and
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in performing animal functions, requires not any external aid. This more especially is the case of man, the noblest of terrestrial beings. His heart beats, his blood circulates, his stomach digests, evacuations proceed, &c. &c. By what means? Not surely by the laws of mechanism, which are far from being adequate to such operations. The operations mentioned are effects of an internal power, bestow'd on man for preserving life. The power is exerted uniformly, and without interruption, independent of will, and without consciousness.

Man is a being susceptible of pleasure and pain: these generate desire to attain what is agreeable, and to shun what is disagreeable; and he is enabled by other powers to gratify his desires. One power, termed *instinct*, is exerted indeed with consciousness; but blindly, without will, and without intention to produce any effect. Brute animals act for the most part by instinct: hunger prompts them to eat, and cold, to take shelter; knowingly indeed, but without exerting any act of will, and without foresight of what will happen. Infants of the human species, little superior to brutes, are, like brutes, governed by instinct: they lay hold of the nipple, without knowing that sucking will satisfy their hunger; and they weep when pained, without any view of relief*. Another power is governed by intention and will. In the progress from infancy to maturity, the mind opens to objects, with-

* Akin to these, are certain habitual acts done without thought, such as snuffing or grinning. Custom enables one to move the fingers on an instrument of music, without being directed by will: the motion is often too quick for an act of will. Some arrive at great perfection in the art of balancing: the slightest deviation from the just balance is instantly redressed: were a preceding act of will necessary, it would be too late. An unexpected hollow in walking, occasions a violent shock: is not this evidence, that external motion is governed by the mind, frequently without consciousness; and that in walking, the body is adjusted beforehand to what is expected?



out end, of desire and of aversion, the attaining or shunning of which depend more or less on our own will. We are placed in a wide world, left to our own conduct; and we are by nature provided with a proper power for performing what we intend and will. The actions we perform by this power are termed *voluntary*. There still remain another species of actions, termed *involuntary*; as where we act by some irresistible motive against our will. An action may be voluntary, tho' done with reluctance; as where a man, to free himself from torture, reveals the secrets of his friend: his confession is voluntary, tho' drawn from him with great reluctance. But let us suppose, that after the firmest resolution to reveal nothing, his mind is unhinged by exquisite torture; the discovery he makes may be justly termed *involuntary*: he speaks indeed; but he is compelled to it absolutely against his will.

Man is by his nature an accountable being, answerable for his conduct to God and man. In doing any action that wears a double face, he is prompted by his nature to explain the same to his relations, his friends, his acquaintance; and above all, to those who have authority over him. He hopes for praise for every right action, and dreads blame for every one that is wrong. But for what sort of actions does he hold himself accountable? Not surely for an instinctive action, which is done blindly, without intention, and without will: neither for an involuntary action, because it is extorted from him against his will: and least of all, for actions done without consciousness, such as those which preserve life. What only remain are voluntary actions, which are either right or wrong. Such actions are done wittingly and willingly: for these we must answer, if at all accountable; and for these every man in conscience holds himself bound to answer.

And now more particularly upon voluntary actions. To intend and to will, tho' commonly held synonymous, signify different
acts



acts of the mind. Intention respects the effect: Will respects the action that is exerted for producing the effect. It is my intention, for example, to relieve my friend from distress: upon seeing him, it is my Will to give him a sum for his relief: the external act of giving follows; and my friend is relieved, which is the effect intended. But these internal acts, tho' in their nature different, are always united: I cannot will the means, without intending the effect; and I cannot intend the effect, without willing the means*.

Some effects of voluntary action follow necessarily: A wound is an effect that necessarily follows the stabbing a person with a dagger: death is a necessary effect of throwing one down from the battlements of a high tower. Some effects are probable only: I labour in order to provide for my family; fight for my country to rescue it from oppressors; take physic for my health. In such cases, the event intended does not necessarily nor always follow.

A man, when he wills to act, must intend the necessary effect: a person who stabs, certainly intends to wound. But where the effect is probable only, a man may act without intending the effect that follows: a stone thrown by me at random into the market-place, may happen to wound a man without my intending it. One acts by instinct, without either will or intention: voluntary actions that necessarily produce their effect, imply intention: voluntary actions, when the effect is probable only, are sometimes intended, sometimes not.

Human actions are distinguished from each other by certain *qualities*, termed *right* and *wrong*. But as these make the cornerstone of morality, they are reserved to the following section.

* To incline, to resolve, to intend, to will, are acts of the mind relative to external action. These several acts are well understood; tho' they cannot be defined, being perfectly simple.



S E C T. II.

*Division of Human Actions into RIGHT, WRONG, and INDIF-
FERENT.*

THE qualities of right and wrong in voluntary actions, are universally acknowledged as the foundation of morality; and yet philosophers have been strangely perplexed about them. The history of their various opinions, would signify little but to darken the subject: the reader will have more satisfaction in seeing these qualities explained, without entering at all into controversy.

No person is ignorant of primary and secondary qualities, a distinction much insisted on by philosophers. Primary qualities, such as figure, cohesion, weight, are permanent qualities, that exist in a subject whether perceived or not. Secondary qualities, such as colour, taste, smell, depend on the percipient as much as on the subject, being nothing when not perceived. Beauty and ugliness are qualities of the latter sort: they have no existence but when perceived; and, like all other secondary qualities, they are perceived intuitively; having no dependence on reason nor on judgement, more than colour has, or smell, or taste (a).

The qualities of right and wrong in voluntary actions, are secondary, like beauty and ugliness, and the other secondary qualities mentioned. Like them, they are objects of intuitive perception, and depend not in any degree on reason or on judge-

(a) Elements of Criticism, vol. 1 p. 207. edit. 5.



ment. No argument is requisite to prove, that to rescue an innocent babe from the jaws of a wolf, to feed the hungry, to clothe the naked, are right actions: they are perceived to be so intuitively. As little is an argument requisite to prove, that murder, deceit, perjury, are wrong actions: they are perceived intuitively to be so. The Deity has bestow'd on man, different faculties for different purposes. Truth and falsehood are investigated by the reasoning faculty. Beauty and ugliness are objects of a sense, known by the name of *taste*. Right and wrong are objects of a sense termed the *moral sense* or *conscience*. And supposing these qualities to be hid from our perception, in vain would we try to discover them by any argument, or process of reasoning: the attempt would be absurd; no less so than an attempt to discover colour, by reasoning, or taste, or smell*.

Right and wrong, as mentioned above, are qualities of voluntary actions, and of no other kind. An instinctive action is beneficial, is agreeable; but it cannot properly be denominated either right or wrong. An involuntary act is hurtful to the agent, and disagreeable to the spectator; but in the agent it is neither right nor wrong. These qualities also depend in no degree on the event. Thus, if, to save my friend from drowning, I plunge into a river, the action is right, tho' I happen to come too late.

* Every perception must proceed from some faculty or power of perception, termed *sense*. The moral sense, by which we perceive the qualities of right and wrong, may be considered either as a branch of the sense of seeing, by which we perceive the actions to which these qualities belong, or as a sense distinct from all others. The senses by which objects are perceived, are not separated from each other by distinct boundaries; and the sorting or classing them, seems to depend more on taste and fancy, than on nature. I have followed the plan laid down by former writers; which is, to consider the moral sense as a sense distinct from others, because it is the easiest and clearest manner of conceiving it.

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And if I aim a stroke at a man behind his back, the action is wrong, tho' I happen not to touch him.

The qualities of right and of agreeable, are inseparable; and so are the qualities of wrong and of disagreeable. A right action, accordingly, is agreeable, not only in the direct perception, but equally so in every subsequent recollection. And in both circumstances equally, a wrong action is disagreeable.

Right actions are distinguished by the moral sense into two kinds, viz. what *ought* to be done, and what *may* be done, or left undone. Wrong actions admit not that distinction: they are all prohibited to be done. To say that an action ought to be done, means that we are tied or obliged to perform; and to say that an action ought not to be done, means that we are restrained from doing it. Tho' the necessity implied in the being tied or obliged, is not physical, but only what is commonly termed *moral*; yet we conceive ourselves deprived of liberty or freedom, and necessarily bound to act or to forbear acting, in opposition to every other motive. The necessity here described is termed *duty*. The moral necessity we are under to forbear harming the innocent, is a proper example: the moral sense declares the restraint to be our duty, which no motive whatever will excuse us for transgressing.

The duty of performing or forbearing any action, implies a *right* in some person to exact performance of that duty; and accordingly, a duty or obligation necessarily infers a corresponding right. A promise on my part to pay L. 100, confers a right to demand performance. The man who commits an injury, violates the *right* of the person injured, which entitles him to demand reparation of the wrong.

Duty is twofold; duty to others, and duty to ourselves. With respect to the former, the doing what we ought to do, is termed *just*: the doing what we ought not to do, and the omitting what

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we ought to do, are termed *unjust*. With respect to ourselves, the doing what we ought to do, is termed *proper*: the doing what we ought not to do, and the omitting what we ought to do, are termed *improper*. Thus, *right*, signifying a quality of certain actions, is a genus; of which *just* and *proper* are species: *wrong*, signifying a quality of other actions, is a genus; of which *unjust* and *improper* are species.

Right actions left to our free will, to be done, or left undone, come next in order. They are, like the former, right when done; but they differ, in not being wrong when left undone. To remit a just debt for the sake of a growing family, to yield a subject in controversy rather than go to law with a neighbour, generously to return good for ill, are examples of this species. They are universally approved as right actions: but as no person has a right or title to oblige us to perform such actions, the leaving them undone is not a wrong: no person is injured by the forbearance. Actions that come under this class, shall be termed *arbitrary*, for want of a more proper designation.

So much for right actions, and their divisions. Wrong actions are of two kinds, *criminal* and *culpable*. What are done intentionally to produce mischief, are criminal: such rash or unguarded actions as produce mischief without intention, are culpable. The former are restrained by punishment, to be handled in the 5th section; the latter by reparation, to be handled in the 6th.

The divisions of voluntary actions are not yet exhausted. Some there are that, properly speaking, cannot be denominated either right or wrong. Actions done merely for amusement or pastime, without intention to produce good or ill, are of that kind; leaping, for example, running, jumping over a stick, throwing a stone to make circles in the water. Such actions are neither approved nor disapproved: they may be termed *indifferent*.

There is no cause for doubting the existence of the moral sense,



more than for doubting the existence of the sense of beauty, of seeing, or of hearing. In fact, the perception of right and wrong as qualities of actions, is no less distinct and clear, than that of beauty, of colour, or of any other quality; and as every perception is an act of sense, the sense of beauty is not with greater certainty evinced from the perception of beauty, than the moral sense is from the perception of right and wrong. We find this sense distributed among individuals in different degrees of perfection: but there perhaps never existed any one above the condition of an idiot, who possessed it not in some degree; and were any man entirely destitute of it, the terms *right* and *wrong* would be to him no less unintelligible, than the term colour is to one born blind.

That every individual is endued with a sense of right and wrong, more or less distinct, will probably be granted; but whether there be among men what may be termed a *common sense* of right and wrong, producing uniformity of opinion as to right and wrong, is not so evident. There is no absurdity in supposing the opinions of men about right and wrong, to be as various as about beauty and deformity: and that this supposition is not destitute of foundation, we are led to suspect, upon discovering that in different countries, and even in the same country at different times, the opinions publicly espoused with regard to right and wrong, are extremely various; that among some nations it was held lawful for a man to sell his children for slaves, and in their infancy to abandon them to wild beasts; that it was held equally lawful to punish children, even capitally, for the crime of their parent; that the murdering an enemy in cold blood, was once a common practice; that human sacrifices, impious no less than immoral according to our notions, were of old universal; that even in later times, it has been held meritorious, to inflict cruel torments for the slightest deviations from the religious creed
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of the plurality; and that among the most enlightened nations, there are considerable differences with respect to the rules of morality.

These facts tend not to disprove the reality of a common sense in morals: they only prove, that the moral sense has not been equally perfect at all times, nor in all countries. This branch of the history of morality, is reserved for the second part. To give some present satisfaction, I shall shortly observe, that the savage state is the infancy of man; during which, the more delicate senses lie dormant, leaving nations to the authority of custom, of imitation, and of passion, without any just taste of morals more than of the fine arts. But nations, like individuals, ripen gradually, and acquire a refined taste in morals as well as in the fine arts: after which we find great uniformity of opinion about the rules of right and wrong; with few exceptions, but what may proceed from imbecility, or corrupted education. There may be found, it is true, even in the most enlightened ages, men who have singular notions of morality; and there may be found the like singularity upon many other subjects: which no more affords an argument against a common sense or standard of right and wrong, than a monster doth against the standard that regulates our external form, or than an exception doth against the truth of a general proposition.

That there is in mankind an uniformity of opinion with respect to right and wrong, is a matter of fact of which the only infallible evidence is observation and experience: and to that evidence I appeal; entering only a caveat, that, for the reason above given, the enquiry be confined to enlightened nations. In the mean time, I take liberty to suggest an argument from analogy, That if there be great uniformity among the different tribes of men in seeing and hearing, in pleasure and pain, in judging of truth and error, the same uniformity ought to hold with respect



to right and wrong. Whatever minute differences there may be to distinguish one person from another, yet in the general principles that constitute our nature, internal and external, there is wonderful uniformity.

This uniformity of sentiment, which may be termed *the common sense of mankind with respect to right and wrong*, is essential to social beings. Did the moral sentiments of men differ as much as their faces, they would be altogether unqualified for society: discord and controversy would be endless, and *major vis* would be the only rule of *meum et tuum*.

But such uniformity of sentiment, tho' general, is not altogether universal: men there are, as above mentioned, who differ from the common sense of mankind with respect to various points of morality. What ought to be the conduct of such men? ought they to regulate their conduct by that standard, or by their private conviction? There will be occasion afterward to observe, that we judge of others as we believe they judge of themselves; and that private conviction is the standard for rewards and punishments (a). But with respect to every controversy about property and pecuniary interest, and, in general, about every civil right and obligation, the common sense of mankind is the standard, and not private conviction or conscience; which I shall endeavour to make out as follows.

We have an innate sense of a common nature, not only in our own species, but in every species of animals. And that the fact corresponds to our sense of it, is verified by experience; for there appears a remarkable uniformity in creatures of the same kind, and a difformity, no less remarkable, in creatures of a different kind. As that common nature is perceived to be a model or standard for each individual of the kind, it raises wonder to find

(a) Sect. 5.

an individual deviating from the common nature of the species, whether in its internal or external structure: a child born with aversion to its mother's milk, is a wonder, no less than if born without a mouth, or with more than one.

Secondly, The innate sense mentioned dictates, that the common nature of man in particular, is invariable as well as universal; that it will be the same hereafter as it is at present, and as it was in time past, the same among all nations, and in all corners of the earth: nor are we deceived; because, allowing for slight differences occasioned by culture and other accidental circumstances, the fact corresponds to our perception.

Thirdly, We perceive that this common nature is *right* and *perfect*, and that it *ought* to be a model or standard for every human being. Any remarkable deviation from it in the structure of an individual, appears imperfect or irregular; and raises a painful emotion: a monstrous birth, exciting curiosity in philosophers, fails not at the same time to excite aversion in every spectator.

This sense of perfection in the common nature of man, comprehends every branch of his nature, and particularly the common sense of mankind with respect to right and wrong; which accordingly is perceived by all to be perfect, having authority over all men as the ultimate and unerring standard of morals, even in contradiction to private conviction. Thus, a law in our nature binds us to regulate our conduct by that standard: its authority is universally acknowledged, as nothing is more common in every dispute about *meum et tuum*, than an appeal to it as the ultimate and unerring standard.

At the same time, as that standard, through infirmity or prejudice, is not conspicuous to every individual, many are misled into erroneous opinions, by mistaking a false standard for that of nature. And hence a distinction between a right and a wrong sense in morals; a distinction which every one understands, but
which,



which, unless for the conviction of a moral standard, would be altogether unintelligible.

The final cause of this branch of our nature is conspicuous. Were there no standard of right and wrong for determining endless controversies about matters of interest, the strong would have recourse to force, the weak to cunning, and society would be intolerable. Courts of law could afford no remedy; for without a standard of morals, their decisions would be arbitrary, and of no authority. Happy it is for men to be provided with such a standard: it is necessary in society that our actions be uniform with respect to right and wrong; and in order to uniformity of action, it is necessary that our perceptions of right and wrong be also uniform: to produce such uniformity, a standard of morals is indispensable. Nature has provided us with that standard, which is daily apply'd by courts of law with success.

In reviewing what is said, it must afford great satisfaction, to find morality established upon the most solid of all foundations, viz. intuitive perception, which is not only a single mental act, but is complete in itself, having no dependence on any antecedent proposition. The most accurate reasoning affords not equal conviction; for every sort of reasoning, as explained in the sketch immediately foregoing, requires not only self-evident truths or axioms to found upon, but employs over and above various propositions to bring out its conclusions. By intuitive perception solely, without reasoning, we acquire knowledge of right and wrong; of what we may do, of what we ought to do, and of what we ought to abstain from: and considering that we have thus greater certainty of moral laws, than of any proposition discoverable by reasoning, man may well be deemed a favourite of heaven, when he is so admirably qualified for acting the part that is agreeable to his Maker. The moral sense or conscience is the voice of God within us; constantly admonishing us of our duty, and requiring

quiring from us no exercise of our faculties but attention merely. The celebrated Locke ventured what he thought a bold conjecture, That moral duties might be susceptible of demonstration: how agreeable would the discovery have been to him, that they are founded upon intuitive perception, still more convincing and authoritative!

By one branch of the moral sense, we are taught what we ought to do, and what we ought not to do; and by another branch, what we may do, or leave undone. But society would be imperfect, if the moral sense stopped here. There is no particular that tends more to complete society, than what is mentioned in the first section, viz. That every man is accountable for his conduct to his fellow-creatures; and he is rendered accountable by a third branch of the moral sense, which teaches him, that this is his duty. And it will be made evident afterward, in the 3d sketch, that we are accountable to our Maker, as well as to our fellow-creatures.

To complete this theory, I add, that an action is right or wrong, independent of the actor's own opinion. Thus, when a man, excited by friendship or pity, rescues a heretic from the flames, the action is right, even tho' he think it wrong, from a conviction that heretics ought to be burnt. But we apply a different rule to those who act: a man is approved, and held to be innocent, when he does what he himself thinks right; he is disapproved, and held to be guilty, when he does what he himself thinks wrong. Thus, to assassinate an atheist for the sake of religion, is a wrong action; and yet the enthusiast who commits that wrong, may be innocent: and one is guilty who, against conscience, eats meat in lent, tho' the action is not wrong. In short, an action is perceived to be right or wrong, independent of the actor's own opinion: but he is approved or disapproved, held to be innocent or guilty, according to his own opinion.

S E C T.



S E C T. III.

Laws of Nature respecting our MORAL CONDUCT IN SOCIETY.

A Standard being thus established for regulating our moral conduct in society, we proceed to investigate the laws that result from it. But first we take under consideration, what other principles concur with the moral sense to qualify men for society.

When we reflect on the different branches of human knowledge, it might seem, that of all subjects human nature should be the best understood; because every man has daily opportunities to study it, in his own passions and in his own actions. But human nature, an interesting subject, is seldom left to the investigation of philosophy. Writers of a sweet disposition and warm imagination hold, that man is a benevolent being, and that every man ought to direct his conduct for the good of all, without regarding himself but as one of the number (*a*). Those of a cold temperament, and contracted mind, hold him to be an animal entirely selfish; to evince which, examples are accumulated without end (*b*). Neither of these systems is that of nature. The selfish system is contradicted by the experience of all ages, affording the clearest evidence, that men frequently act for the sake of others, without regarding themselves, and sometimes in direct opposition to their own interest. And however much selfishness may prevail

(*a*) Lord Shaftesbury.

(*b*) Helvetius.



in action, it certainly prevails not in sentiment and affection: all men conspire to put a high estimation upon generosity, benevolence, and other social virtues; while even the most selfish are disgusted with selfishness in others, and endeavour to hide it in themselves. The most zealous patron of the selfish principle will not venture to maintain, that it renders us altogether indifferent about our fellow-creatures. Laying aside self-interest, with every connection of love and hatred, good fortune happening to any one is agreeable to all, and bad fortune happening to any one is disagreeable to all. On the other hand, the system of universal benevolence, is no less contradictory to experience; from which we learn, that men commonly are disposed to prefer their own interest before that of others, especially where there is no strict connection: nor do we find that such bias is opposed by the moral sense. Man in fact is a complex being, composed of principles, some benevolent, some selfish: and these principles are so justly blended in his nature, as to fit him for acting a proper part in society. It would indeed be losing time to prove, that without some affection for his fellow-creatures he would be ill qualified for society. And it will be made evident afterward (a), that universal benevolence would be more hurtful to society, than even absolute selfishness*.

(a) Sect. A.

* “ Many moralists enter so deeply into one passion or bias of human nature, that, to use the painter’s phrase, they quite overcharge it. Thus I have seen a whole system of morals founded upon a single pillar of the inward frame; and the entire conduct of life, and all the characters in it, accounted for, sometimes from superstition, sometimes from pride, and most commonly from interest. They forget how various a creature it is they are painting; how many springs and weights, nicely adjusted and balanced, enter into the movement, and require allowance to be made for their several clogs and impulses, ere you can define its operation and effects.” *Enquiry into the life and writings of Homer.*



We are now prepared for investigating the laws that result from the foregoing principles. The several duties we owe to others shall be first discussed, taking them in order, according to the extent of their influence. And for the sake of perspicuity, I shall first present them in a general view, and then proceed to particulars. Of our duties to others, one there is so extensive, as to have for its object all the innocent part of mankind. It is the duty that prohibits us to hurt others: than which no law is more clearly dictated by the moral sense; nor is the transgression of any other law more deeply stamped with the character of wrong. A man may be hurt externally in his goods, in his person, in his relations, and in his reputation. Hence the laws, Do not steal; Defraud not others; Do not kill nor wound; Be not guilty of defamation. A man may be hurt internally, by an action that occasions to him distress of mind, or by being impressed with false notions of men and things. Therefore conscience dictates, that we ought not to treat men disrespectfully; that we ought not causelessly to alienate their affections from others; and, in general, that we ought to forbear whatever may tend to break their peace of mind, or tend to unqualify them for being good men, and good citizens.

The duties mentioned are duties of restraint. Our active duties regard particular persons; such as our relations, our friends, our benefactors, our masters, our servants. It is our duty to honour and obey our parents; and to establish our children in the world with all advantages internal and external: we ought to be faithful to our friends, grateful to our benefactors, submissive to our masters, kind to our servants, and to aid and comfort every one of these persons when in distress. To be obliged to do good to others beyond these bounds, must depend on positive engagement; for, as will appear afterward, universal benevolence is not a duty.

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This general sketch will prepare us for particulars. The duty of restraint comes first in view, that which bars us from harming the innocent; and to it corresponds a right in the innocent to be safe from harm. This is the great law preparatory to society; because without it, society could never have existed. Here the moral sense is inflexible: it dictates, that we ought to submit to any distress, even death itself, rather than procure our own safety by laying violent hands upon an innocent person. And we are under the same restraint with respect to the property of another; for robbery and theft are never upon any pretext indulged. It is indeed true, that in extreme hunger I may lawfully take food where it can be found; and may freely lay hold of my neighbour's horse, to carry me from an enemy who threatens death. But it is his duty as a fellow-creature to assist me in distress; and when there is no time for delay, I may lawfully use what he ought to offer were he present, and what I may presume he would offer. For the same reason, if in a storm my ship be driven among the anchor-ropes of another ship, I may lawfully cut the ropes in order to get free. But in every case of this kind, it would be a wrong in me to use my neighbour's property, without resolving to pay the value. If my neighbour be bound to aid me in distress, conscience binds me to make up his loss*.

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* This doctrine is obviously founded on justice; and yet, in the Roman law, there are two passages which deny any recompence in such cases. "Item Labeo scribit, si cum vi ventorum navis impulsæ esset in funes anchorarum alterius, et nautæ funes præcidissent; si nullo alio modo, nisi præcisís funibus, explicare se potuit, nullam actionem dandam;" l. 29. § 3. *ad leg. Aquil.* "Quod dicitur *damnum injuria datum Aquilia persequi*, sic erit accipiendum, ut videatur *damnum injuria datum quod cum damno injuriam attulerit*; nisi magna vi cogente, fuerit factum. Ut Celsus scribit circa eum, qui incendii arcendi gratia vicinas ædes intercidit: et si pervenit ignis, si ante extinctus est, existimat legis *A-*
K k 2
" quiliæ



The prohibition of hurting others internally, is perhaps not essential to the formation of societies, because the transgression of that law doth not much alarm plain people: but where manners and refined sentiments prevail, the mind is susceptible of more grievous wounds than the body; and therefore, without that law, a polished society could have no long endurance.

By adultery, mischief is done both external and internal. Each sex is so constituted, as to require strict fidelity and attachment in a mate: and the breach of these duties is the greatest external harm that can befall them: it harms them also internally, by breaking their peace of mind. It has indeed been urged, that no harm will ensue, if the adultery be kept secret; and consequently, that there can be no crime where there is no discovery. But such as reason thus do not advert, that to declare secret adultery to be lawful, is in effect to overturn every foundation of mutual trust and fidelity in the married state. It is clear beyond all doubt, says a reputable writer, that no man is permitted to violate his

“*quiliæ actionem cessare.*” l. 49, § 1. *cod.* — [In English thus: “In the opinion
“of Labeo, if a ship is driven by the violence of a tempest among the anchor-
“ropes of another ship, and the sailors cut the ropes, having no other means
“of getting free, there is no action competent. — The Aquilian law must
“be understood to apply only to such damage as carries the idea of an injury a-
“long with it, unless such injury has not been wilfully done, but from necessity.
“Thus Celsus puts the case of a person who, to stop the progress of a fire, pulls
“down his neighbour’s house; and whether the fire had reached that house which
“is pulled down, or was extinguished before it got to it, in neither case, he thinks,
“will an action be competent from the Aquilian law.”] — These opinions are
undoubtedly erroneous. And it is not difficult to say what has occasioned the er-
ror: the cases mentioned are treated as belonging to the *lex Aquilia*; which being
confined to the reparation of wrongs, lays it justly down for a rule, That no action
for reparation can lie, where there is no *culpa*. But had Labeo and Celsus adverted,
that these cases belong to a different head, viz. the duty of recompense, where
one suffers loss by benefiting another, they themselves would have had no diffi-
culty of sustaining a claim for making up that loss.

faith;



faith; and that the man is unjust and barbarous who deprives his wife of the only reward she has for adhering to the austere duties of her sex. But an unfaithful wife is still more criminal, by dissolving the whole ties of nature: in giving to her husband children that are not his, she betrays both, and joins perfidy to infidelity (a).

Veracity is commonly ranked among the active duties; but erroneously: for if a man be not bound to speak, he cannot be bound to speak truth. It is therefore only a restraining duty, prohibiting us to deceive others, by affirming what is not true. Among the many corresponding principles in the human mind that in conjunction tend to make society comfortable, a principle of veracity*, and a principle that leads us to rely on human testimony, are two: without the latter, the former would be an useless principle; and without the former, the latter would lay us open to fraud and treachery. The moral sense accordingly dictates, that we ought to adhere strictly to truth, without regard to consequences.

It must not be inferred, that we are bound to explain our thoughts, when truth is demanded from us by unlawful means. Words uttered voluntarily, are naturally relied on, as expressing the speaker's mind; and if his mind differ from his words, he tells a lie, and is guilty of deceit. But words drawn from a man

(a) *Emile*, liv. 5.

* Truth is always uppermost, being the natural issue of the mind: it requires no art nor training, no inducement nor temptation, but only that we yield to natural impulse. Lying, on the contrary, is doing violence to our nature; and is never practised, even by the worst of men, without some temptation. Speaking truth is like using our natural food, which we would do from appetite altho' it answered no end: lying is like taking physic, which is nauseous to the taste, and which no man takes but for some end which he cannot otherwise attain. *Dr Reid's Enquiry into the human mind.*

by



by torture, are no indication of his mind; and he is not guilty of deceit in uttering whatever words may be agreeable, however alien from his thoughts: if the author of the unlawful violence suffer himself to be deceived, he ought to blame himself, not the speaker.

It need scarce be mentioned, that the duty of veracity excludes not fable, nor any liberty of speech intended for amusement solely.

Active duties, as hinted above, are all of them directed to particular persons. And the first I shall mention is, that which subsists between a parent and child. The relation of parent and child, the strongest that can exist between individuals, binds these persons to exert their utmost powers in mutual good offices. Benevolence among other blood-relations, is also a duty; but not so indispensable, being proportioned to the inferior degree of relation.

Gratitude is a duty directed to the person who has been kind to us. But tho' gratitude is strictly a duty, the measure of performance, and the kind, are left mostly to our own choice. It is scarce necessary to add, that the active duties now mentioned, are acknowledged by all to be absolutely inflexible, perhaps more so than the restraining duties: many find excuses for doing harm; but no one hears with patience an excuse for deviating from truth, friendship, or gratitude.

Distress tends to convert benevolence into a duty. But distress alone is not sufficient, without other concurring circumstances: for to relieve every person in distress, is beyond the power of any human being. Our relations in distress claim that duty from us, and even our neighbours: but distant distress, without a particular connection, scarce rouses our sympathy, and never is an object of duty. Many other connections, too numerous for this short essay, extend the duty of relieving others from distress; and these

these make a large branch of equity. Tho' in various instances, benevolence is thus converted into a duty by distress, it follows not, that the duty is always proportioned to the degree of distress. Nature has more wisely provided for the support of virtue. A virtuous person in distress commands our pity: a vicious person in distress has much less influence; and if by vice he have brought on the distress, indignation is raised, not pity (a).

One great advantage of society, is the co-operation of many to accomplish some useful work, where a single hand would be insufficient. Arts, manufactures, and commercial dealings, require many hands: but as hands cannot be secured without a previous engagement, the performance of promises and covenants is, upon that account, a capital duty in society. In their original occupations of hunting and fishing, men living scattered and dispersed, have seldom opportunity to aid and benefit each other; and in that situation, covenants being of little use, are little regarded: but husbandry requiring the co-operation of many hands, draws men together for mutual assistance; and then covenants make a figure: arts and commerce make them more and more necessary; and in a polished society great regard is paid to them.

But contracts and promises are not confined to commercial dealings: they serve also to make benevolence a duty; and are even extended to connect the living with the dead: a man would die with regret, if he thought his friends were not bound by their promises, to fulfil his will after his death: and to quiet the minds of men with respect to futurity, the moral sense makes the performing such promises our duty. Thus, if I promise to my friend to erect a monument for him after his death, conscience binds me, even tho' no person alive be entitled to demand performance: every one perceives this to be my duty; and I must expect to suffer reproach and blame, if I neglect my engagement.

(a) See Elements of Criticism, vol. 1. p. 187. edit. 5.



To fulfil a rational promise or covenant, deliberately made, is a duty no less inflexible than those duties are which arise independent of consent. But as man is fallible, often misled by ignorance or error, and liable to be deceived, his condition would be deplorable, did the moral sense compel him to fulfil every engagement, however imprudent or irrational. Here the moral sense gives way to human infirmity: it relieves from deceit, from imposition, from ignorance, from error; and binds a man by no engagement but what answers the end fairly intended.

The other branch of duties, viz. those we owe to ourselves, shall be discussed in a few words. *Propriety*, a branch of the moral sense, regulates our conduct with respect to ourselves; as *Justice*, another branch of the moral sense, regulates our conduct with respect to others. Propriety dictates, that we ought to act up to the dignity of our nature, and to the station allotted us by Providence: it dictates in particular, that temperance, prudence, modesty, and uniformity of conduct, are self-duties. These duties contribute to private happiness, by preserving health, peace of mind, and self-esteem; which are inestimable blessings: they contribute no less to happiness in society, by gaining the love and esteem of others, and aid and support in time of need.

Upon reviewing the foregoing duties respecting others, we find them more or less extensive; but none so extensive as to have for their end the good of mankind in general. The most extensive duty is that of restraint, prohibiting us to harm others: but even that duty has a limited end; for its purpose is only to protect others from mischief, not to do them any positive good. The active duties of doing positive good are circumscribed within still narrower bounds, requiring some relation that connects us with others; such as those of parent, child, friend, benefactor. The slighter relations, unless in peculiar circumstances, are not the foundation of any active duty: neighbourhood, for example, does not

not alone make benevolence a duty: but supposing a neighbour to be in distress, it becomes our duty to relieve him, if it can be done without distress to ourselves. The duty of relieving from distress, seldom goes farther; for tho' we always sympathise with our relations, and with those under our eye, the distress of persons remote and unknown affects us very little. Pactions and agreements become necessary, if we would extend the duty of benevolence, in any particular, beyond the limits mentioned. Men, it is true, are capable of doing more good than is required of them as a duty; but every such good must be a free-will offering.

And this leads to arbitrary actions, viz. those that may be done or left undone; which make the second general head of moral actions. With respect to these, the moral sense leaves us at freedom: a benevolent act is approved, but the omission is not condemned. This holds strictly in single acts; but in viewing the whole of a man's conduct, the moral sense appears to vary a little. As the nature of man is complex, partly social, partly selfish, we have an intuitive perception, that our conduct ought to be conformable to our nature; and that in advancing our own interest, we ought not altogether to neglect that of others. The man accordingly who confines his whole time and thoughts within his own little sphere, is condemned by all the world as guilty of wrong conduct; and the man himself, if his moral perceptions be not blunted by selfishness, must be sensible that he deserves to be condemned. On the other hand, it is possible that free benevolence may be extended beyond proper bounds. The just temperament is a subordination of benevolence to self-love: but where benevolence prevails, it commonly leads to excess, by prompting a man to sacrifice a great interest of his own to a small interest of others; and the moral sense dictates, that such conduct is wrong.

Thus, moral actions are divided into two classes: the first regards



regards our duty, containing actions that ought to be done, and actions that ought not to be done; the other regards arbitrary actions, containing actions that are right when done, but not wrong when left undone. The well-being of society depends more on the first class than on the second: society is indeed promoted by the latter; but it can scarce subsist, unless the former be made our duty. Hence it is, that actions only of the first class are made indispensable; those of the other class being left to our free-will. And hence also it is, that the various propensities that dispose us to actions of the first sort, are distinguished by the name of *primary virtues*; leaving the name of *secondary virtues* to those propensities which dispose us to actions of the other sort*.

The deduction above given makes it evident, that the general tendency of right actions is to promote the good of society, and of wrong actions, to obstruct that good. Universal benevolence is indeed not required of man; because to put that principle in practice, is beyond his utmost abilities. But for promoting the general good, every thing is required of him that he can accomplish; which will appear from reviewing the foregoing duties. The prohibition of harming others is an easy task; and upon that account is made universal. Our active duties are very different: man is circumscribed both in capacity and power: he cannot do good but in a slow succession; and therefore it is wisely ordered, that his obligation to do good should be confined to his relations, his friends, his benefactors. Even distress makes not benevolence a general duty: all a man can readily do, is to relieve those at hand; and accordingly we hear of distant misfortunes with little or no concern.

* Virtue signifies that disposition of mind which gives the ascendant to moral principles. Vice signifies that disposition of mind which gives little or no ascendant to moral principles.



At the same time, let not the moral system be misapprehended, as if it were our duty, or even lawful, to prosecute what upon the whole we reckon the most beneficial to society, balancing ill with good. The moral sense permits not a violation of any person's right, however trivial, whatever benefit may thereby accrue to another. A man, for example, in low circumstances, by denying a debt he owes to a rich miser, saves himself and a hopeful family from ruin. In that case, the good effect far outweighs the ill, or rather has no counterbalance: but the moral sense permits not the debtor to balance ill with good; nor gives countenance to an unjust act, whatever benefit it may produce. And hence a maxim in which all moralists agree, That we must not do ill to bring about even the greatest good; the final cause of which shall be given below (a).

S E C T. IV.

Principles of DUTY and of BENEVOLENCE.

HAVING thus shortly delineated the moral laws of our nature, we proceed to an article of great importance, which is, to enquire into the means provided by our Maker for compelling obedience to these laws. The moral sense is an unerring guide; but the most expert guide will not profit those who are not disposed to follow. This consideration makes it evident, that to com-

(a) Sect. 7.



plete the moral system, we ought to be endued with some principle or propensity, some impulsive power, to enforce obedience to the laws dictated by the moral sense.

The author of our nature leaves none of his works imperfect. In order to render us obsequious to the moral sense as our guide, he hath implanted in our nature the principles of duty, of benevolence, of rewards and punishments, and of reparation. It may possibly be thought, that rewards and punishments, of which afterward, are sufficient of themselves to enforce the laws of nature, without necessity of any other principle. Human laws, it is true, are enforced by these means; because no higher sanction is under command of a terrestrial legislator. But the celestial legislator, with power that knows no control, and benevolence that knows no bounds, hath enforced his laws by means no less remarkable for mildness than for efficacy: he employs no external compulsion; but, in order to engage our will on the right side, hath in the breast of every individual established the principles of duty and of benevolence, which efficaciously excite us to obey the dictates of the moral sense.

As the restraining, as well as active duties, are essential to society, our Maker has wisely ordered, that the principle which enforces these several duties, should be the most cogent of all that belong to our nature. Other principles may solicit, allure, or terrify; but the principle of duty assumes authority, commands, and must be obey'd.

As one great purpose of society, is to furnish opportunities without end of mutual aid and support, nature seconding that purpose, hath provided the principle of benevolence; which excites us to be kindly, beneficent, and generous. Nor ought it to escape observation, that the author of nature, attentive to our wants and to our well-being, hath endued us with a liberal portion of that principle. It enforces benevolence, not only to those we are connected

ned with, but to our neighbours, and even to those we are barely acquainted with. Providence is peculiarly attentive to objects in distress, who require immediate aid and relief. To the general principle of benevolence, it hath superadded the passion of pity, which in every feeling heart is irresistible. To make benevolence more extensive, would be fruitless, because here are objects in plenty to fill the most capacious mind. It would not be fruitless only, but hurtful to society: I say hurtful; for inability to procure gratification, rendering benevolence a troublesome guest, would weaken the principle itself, and attach us the more to selfishness, which we can always gratify. At the same time, tho' there is not room for greater variety of particular objects, yet the faculty we have of uniting numberless individuals in one complex object, enlarges greatly the sphere of benevolence: by that faculty our country, our government, our religion, become objects of public spirit, and of a lively affection. The individuals that compose the group, considered apart, may be too minute, or too distant, for our benevolence; but when comprehended in one great whole, accumulation makes them great, greatness renders them conspicuous; and affection, preserved entire and undivided, is bestow'd upon an abstract object, as upon one that is single and visible; but with much greater energy, being proportioned to its superior dignity and importance. Thus it appears, that the principle of benevolence is not too sparingly scattered among men. It is indeed made subordinate to self-interest, which is wisely ordered, as will afterward be made evident (a); but its power and extent are nicely proportioned to the limited capacity of man, and to his situation in this world; so as better to fulfil its destination, than if it were an overmatch for self-interest, and for every other principle.

(a) Sect. 7.



S E C T. V.

Laws respecting REWARDS *and* PUNISHMENTS.

REflecting on the moral branch of our nature, qualifying us for society in a manner suited to our capacity, we cannot overlook the hand of our Maker; for means so finely adjusted to an important end, never happen by chance. It must however be acknowledged, that in many individuals, the principle of duty has not vigour nor authority sufficient to stem every tide of unruly passion: by the vigilance of some passions, we are taken unguarded; deluded by the sly insinuations of others; or overwhelmed with the stormy impetuosity of a third sort. Moral evil is thus introduced, and much wrong is done. This new scene suggests to us, that there must be some article still wanting, to complete the moral system. The means provided for directing us in the road of duty have been explained: but as in deviating from the road wrongs are committed, nothing hitherto has been said, about redressing such wrongs, nor about preventing the reiteration of them. To accomplish these important ends, there are added to the moral system, laws relative to rewards and punishments, and to reparation; of which in their order.

Many animals are qualified for society by instinct merely; such as beavers, sheep, monkeys, bees, rooks. But men are seldom led by instinct: their actions are commonly prompted by passions; of which there is an endless variety, social and selfish, benevolent and malevolent. And were every passion equally intitled to gratification,

fication, man would be utterly unqualified for society: he would be a ship without a rudder, obedient to every wind, and moving at random, without any ultimate destination. The faculty of reason would make no opposition: for were there no sense of wrong, it would be reasonable to gratify every desire that harms not ourselves: and to talk of punishment would be absurd; for punishment, in its very idea, implies some wrong that ought to be redressed. Hence the necessity of the moral sense, to qualify us for society: by instructing us in our duty, it renders us accountable for our conduct, and makes us susceptible of rewards and punishments. The moral sense fulfils another valuable purpose: it erects in man an unerring standard for the application and measure of rewards and punishments.

To complete the system of rewards and punishments, it is necessary that a provision be made, both of power and of willingness to reward and punish. The author of our nature hath provided amply for the former, by intitling every man to reward and punish as his native privilege. And he has provided for the latter, by a noted principle in our nature, prompting us to exercise the power. Impelled by that principle, we reward the virtuous with approbation and esteem, and punish the vicious with disapprobation and contempt. So prevalent is the principle, that we have great satisfaction in rewarding, and no less in punishing.

As to punishment in particular, an action done intentionally to produce mischief, is criminal, and merits punishment. Such an action, being disagreeable, raises my resentment, even where I have no connection with the person injured; and the principle under consideration impells me to chastise the delinquent with indignation and hatred. An injury done to myself raises my resentment to a higher tone: I am not satisfied with so slight a punishment as indignation and hatred: the author must by my hand suffer mischief, as great as he has made me suffer.

EVER



Even the most secret crime escapes not punishment. The delinquent is tortured with remorse: he even desires to be punished; sometimes so ardently, as himself to be the executioner. There cannot be imagined a contrivance more effectual, to deter one from vice; for remorse is itself a grievous punishment. Self-punishment goes still farther: every criminal, sensible that he ought to be punished, dreads punishment from others; and this dread, however smothered during prosperity, breaks out in adversity, or in depression of mind: his crime stares him in the face, and every accidental misfortune is in his disturbed imagination interpreted to be a punishment: “ And they said one to another, We are verily guilty concerning our brother, in that we saw the anguish of his soul, when he besought us; and we would not hear: therefore is this distress come upon us. And Reuben answered them, saying, Spake I not unto you, saying, Do not sin against the child; and ye would not hear? therefore behold also his blood is required (a) ” *

No

(a) Genesis xlii. 21.

* John Duke of Britany, commonly termed *the Good Duke*, illustrious for generosity, clemency, and piety, reigned forty-three years, wholly employ'd about the good of his subjects. He was succeeded by his eldest son Francis, a prince weak and suspicious, and consequently fit to be governed. Arthur of Montauban, in love with the wife of Gilles, brother to the Duke, persuaded the Duke that his brother was laying plots to dethrone him. Gilles being imprisoned, the Duke's best friends conjured him to pity his unhappy brother, who might be imprudent, but assuredly was innocent; but in vain. Gilles being prosecuted before the three estates of the province for high treason, was unanimously absolved; which irritated the Duke more and more. Arthur of Montauban artfully suggested to his master to try poison; which having miscarried, they next resolved to starve the prisoner to death. The unfortunate prince, through the bars of a window, cried aloud for bread; but the passengers durst not supply him. One poor woman only had courage more than once to slip some bread within the window. He charged

a



No transgression of self-duty escapes punishment, more than transgression of duty to others. The punishments, tho' not the same, differ in degree more than in kind. Injustice is punished with remorse: impropriety with shame, which is remorse in a lower degree. Injustice raises indignation in the beholder, and so doth every flagrant impropriety: slighter improprieties receive a milder punishment, being rebuked with some degree of contempt, and commonly with derision (a).

So far we have been led in a beaten track; but in attempting to proceed, we are entangled in mazes and intricacies. An action well intended, may happen to produce no good; and an action ill intended, may happen to produce no mischief: a man overawed by fear, may be led to do mischief against his will; and a person, mistaking the standard of right and wrong, may be innocently led to do acts of injustice. By what rule, in such cases, are rewards and punishments to be apply'd? Ought a man to be rewarded when he does no good, or punished when he does no mischief: ought he to be punished for doing mischief against his will,

a priest, who had received his confession, to declare to the Duke, "That seeing justice was refused him in this world, he appealed to Heaven, and called upon the Duke to appear before the judgement-seat of God in forty days." The Duke and his favourite, amazed that the prince lived so long without nourishment, employ'd assassins to smother him with his bed-cloaths. The priest, in obedience to the orders he had received, presented himself before the Duke, and with a loud voice cited him in name of the deceased Lord Gilles to appear before God in forty days. Shame and remorse verified the prediction. The Duke was seized with a sudden terror; and the image of his brother, expiring by his orders, haunted him day and night. He decay'd daily without any marks of a regular disease, and died within the forty days in frightful agony.

See this subject further illustrated in the *Sketch Principles and Progress of Theology*, chap. 1.

(a) See *Elements of Criticism*, chap. 10.



or for doing mischief when he thinks he is acting innocently? These questions suggest a doubt, whether the standard of right and wrong be applicable to rewards and punishments.

We have seen that there is an invariable standard of right and wrong, which depends not in any degree on private opinion or conviction. By that standard, all pecuniary claims are judged, all claims of property, and, in a word, every demand founded on interest, not excepting reparation, as will afterward appear. But with respect to the moral characters of men, and with respect to rewards and punishments, a different standard is erected in the common sense of mankind, neither rigid nor inflexible; which is, the opinion that men have of their own actions. It is mentioned above, that a man is esteemed innocent in doing what he himself thinks right, and guilty in doing what he himself thinks wrong. In applying this standard to rewards and punishments, we reward those who in doing wrong are however convinced that they are innocent; and punish those who in doing right are however convinced that they are guilty*. Some, it is true, are so perverted by bad education, or by superstition, as to espouse numberless absurd tenets, contradictory to the standard of right and wrong; and yet such men are no exception from the general rule: if they act according to conscience, they are innocent, and safe against punishment, however wrong the action may be; and if they act against conscience, they are guilty and punishable, however right the action may be: it is abhorrent to every moral perception, that a guilty person be rewarded, or an innocent person punished. Further, if mischief be done contrary to Will, as where a man is

* Virtuous and vicious, innocent and guilty, signify qualities both of men and of their actions. Approbation and disapprobation, praise and blame, signify certain emotions or sentiments of those who see or contemplate men and their actions.

compelled



Sk. II. i. 5. compelled by fear, or by torture, to reveal the secrets of his party; he may be grieved for yielding to the weakness of his nature, contrary to his firmest resolves; but he has no check of conscience, and upon that account is not liable to punishment. And, lastly, in order that personal merit and demerit may not in any measure depend on chance, we are so constituted as to place innocence and guilt, not on the event, but on the intention of doing right or wrong; and accordingly, whatever be the event, a man is praised for an action well intended, and condemned for an action ill intended.

But what if a man intending a certain wrong, happen by accident to do a wrong he did not intend; as, for example, intending to rob a warren by shooting the rabbits, he accidentally wounds a child unseen behind a bush? The delinquent ought to be punished for intending to rob; and he is also subjected to repair the hurt done to the child: but he cannot be punished for the accidental wound; because our nature regulates punishment by the intention, and not by the event*.

A

* During the infancy of nations, pecuniary compositions for crimes were universal; and during that long period, very little weight was laid upon intention. This proceeded from the cloudiness and obscurity of moral perceptions among barbarians, joined with the resemblance of pecuniary punishment to reparation. Where a man does mischief intentionally, or is *versans in illicito*, as expressed in the Roman law, he is justly bound to repair all the harm that ensues, however accidentally; and from the resemblance of pecuniary punishment to reparation, the rule was childishly extended to punishment. But this rule, so little consistent with moral principles, could not long subsist after pecuniary compositions gave place to corporal punishment; and accordingly, among civilized nations, the law of nature is restored, which prohibits punishment for any mischief that is not intentional. The English must be excepted, who, remarkably tenacious of their original laws and customs, preserve in force, even as to capital punishment, the above-mentioned rule that obtained among barbarians, when pecuniary compositions

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tions



A crime against any primary virtue is attended with severe and never-failing punishment, more efficacious than any that have been invented to enforce municipal laws: on the other hand, the preserving primary virtues inviolate, is attended with little merit. The secondary virtues are directly opposite: the neglecting them is not attended with any punishment; but the practice of them is attended with illustrious rewards. Offices of undeserved kindness, returns of good for ill, generous toils and sufferings for our friends or for our country, are attended with consciousness of self-merit, and with universal praise and admiration; the highest rewards human nature is susceptible of.

From what is said, the following observation will occur: The pain of transgressing justice, fidelity, or any duty, is much greater than the pleasure of performing; but the pain of neglecting a generous action, or any secondary virtue, is as nothing, compared with the pleasure of performing. Among the vices opposite to the primary virtues, the most striking moral deformity is found; among the secondary virtues, the most striking moral beauty.

tions were in vigour. The following passage is from Hales (Pleas of the Crown, chap. 39.) "Regularly he that voluntarily and knowingly intends hurt to the person of a man, as for example to beat him, tho' he intend not death, yet if death ensues, it excuseth not from the guilt of murder, or manslaughter at least, as the circumstances of the case happen." And Foster, in his Crown-law, teaches the same doctrine, never once suspecting in it the least deviation from moral principles. "A shooteth at the poultry of B, and by accident killeth a man: if his intention was to steal the poultry, which must be collected from circumstances, it will be murder by reason of that felonious intent; but if it was done wantonly, and without that intention, it will be barely manslaughter." (p. 259.)

S E C T.



S E C T. VI.

Laws respecting REPARATION.

THE principle of reparation is made a branch of the moral system for accomplishing two ends: which are, to repress wrongs that are not criminal, and to make up the loss sustained by wrongs of whatever kind. With respect to the former, reparation is a species of punishment: with respect to the latter, it is an act of justice. These ends will be better understood, after ascertaining the nature and foundation of reparation; to which the following division of actions is necessary. First, actions that we are bound to perform. Second, actions that we perform in prosecution of a right or privilege. Third, indifferent actions, described above. Actions of the first kind subject not a man to reparation, whatever damage ensues; because it is his duty to perform them, and it would be inconsistent with morality that a man should be subjected to reparation for doing his duty. The laws of reparation that concern actions of the second kind, are more complex. The social state, highly beneficial by affording opportunity for mutual good offices, is attended with some inconveniencies; as where a person happens to be in a situation of necessarily harming others by exercising a right or privilege. If the foresight of harming another, restrain me not from exercising my right, the interest of that other is made subservient to mine: on the other hand, if such foresight restrain me from exercising my right, my interest is made subservient to his. What doth the moral sense provide in
that

that case? To preserve as far as possible an equality among persons born free, and by nature equal in rank, the moral sense lays down a rule, no less beautiful than salutary; which is, That the exercising a right will not justify me for doing direct mischief; but will justify me, tho' I foresee that mischief may possibly happen. The first branch of the rule resolves into a proposition established above, viz. That no interest of mine, not even life itself, will authorise me to hurt an innocent person. The other branch is supported by expediency: for if the bare possibility of hurting others were sufficient to restrain a man from prosecuting his rights and privileges, men would be too much cramped in action; or rather would be reduced to a state of absolute inactivity. With respect to the first branch, I am criminal, and liable even to punishment: with respect to the other, I am not even culpable, nor bound to repair the mischief that happens to ensue.

With respect to the third kind, viz. indifferent actions, the moral sense dictates, that we ought carefully to avoid doing mischief, either direct or consequential. As we suffer no loss by forbearing actions that are done for pastime merely, such an action is *culpable* or *faulty*, if the consequent mischief was foreseen or might have been foreseen; and the actor of course is subjected to reparation. As this is a cardinal point in the doctrine of reparation, I shall endeavour to explain it more fully. Without intending any harm, a man may foresee, that what he is about to do will probably or possibly produce mischief; and sometimes mischief follows that was neither intended nor foreseen. The action in the former case is not criminal; because ill intention is essential to a crime: but it is culpable or faulty; and if mischief ensue, the actor blames himself, and is blamed by others, for having done what he ought not to have done. Thus, a man who throws a large stone among a crowd of people, is highly culpable; because he must foresee that mischief will probably ensue, tho' he has no
intention

intention to hurt any person. As to the latter case, tho' mischief was neither intended nor foreseen, yet if it might have been foreseen, the action is rash or uncautious, and consequently culpable or faulty in some degree. Thus, if a man in pulling down an old house, happen to wound one passing accidentally, without calling aloud to keep out of the way, the action is in some degree culpable, because the mischief might have been foreseen. But tho' mischief ensue, an action is not culpable or faulty if all reasonable precaution have been adhibited: the moral sense declares the author to be innocent* and blameless: the mischief is accidental, and the action may be termed *unlucky*, but comes not under the denomination of either right or wrong. In general, when we act merely for amusement, our nature makes us answerable for the harm that ensues, if it was either foreseen or might with due attention have been foreseen. But our rights and privileges would profit us little, if their exercise were put under the same restraint: it is more wisely ordered, that the probability of mischief, even foreseen, should not restrain a man from prosecuting his concerns, which may often be of consequence to him. He proceeds accordingly with a safe conscience, and is not afraid of being blamed either by God or man.

With respect to rash or uncautious actions, where the mischief might have been foreseen tho' not actually foreseen, it is not sufficient to escape blame, that a man, naturally rash or inattentive, acts according to his character: a degree of precaution is required, both by himself and by others, such as is natural to the generality of men: he perceives that he might and *ought* to have acted more cautiously; and his conscience reproaches him for his inattention,

* *Innocent* here is opposed to *culpable*: in a broader sense it is opposed to *criminal*. With respect to punishment, an action tho' culpable is innocent, if it be not criminal: with respect to reparation, it is not innocent if it be culpable.



no less than if he were naturally more sedate and attentive. Thus the circumspection natural to mankind in general, is applied as a standard to every individual; and if they fall short of that standard, they are culpable and blameable, however unforeseen by them the mischief may have been.

What is said upon culpable actions is equally applicable to culpable omissions; for by these also mischief may be occasioned, entitling the sufferer to reparation. If we forbear to do our duty with an intention to occasion mischief, the forbearance is criminal. The only question is, how far forbearance without such intention is culpable. Supposing the probability of mischief to have been foreseen, tho' not intended, the omission is highly culpable; and tho' neither intended nor foreseen, yet the omission is culpable in a lower degree, if there have been less care and attention than are proper for performing the duty required. But supposing all due care, the omission of extreme care and diligence is not culpable.

By ascertaining what acts and omissions are culpable or faulty, the doctrine of reparation is rendered extremely simple; for it may be laid down as a rule without a single exception, That every culpable act, and every culpable omission, binds us in conscience to repair the mischief occasioned by it. The moral sense binds us no farther; for it loads not with reparation the man who is blameless and innocent: the harm is accidental; and we are so constituted as not to be responsible in conscience for what happens by accident. But here it is requisite, that the man be in every respect innocent: for if he intend harm, tho' not what he has done, he will find himself bound in conscience to repair the accidental harm he has done; as, for example, when aiming a blow unjustly at one in the dark, he happens to wound another whom he did not suspect to be there. And hence it is a rule in all municipal laws, That one *versans in illicito* is liable to repair every consequent



Sk. II. i. 6.

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sequent damage. That these particulars are wisely ordered by the Author of our nature for the good of society, will appear afterward (*a*). In general, the rules above mentioned are dictated by the moral sense; and we are compelled to obey them by the principle of reparation.

We are now prepared for a more particular inspection of the two ends of reparation above mentioned, viz. the repressing wrongs that are not criminal, and the making up what loss is sustained by wrongs of whatever kind. With respect to the first, it is clear, that punishment, in its proper sense, cannot be inflicted for a wrong that is culpable only; and if nature did not provide some means for repressing such wrongs, society would scarce be a comfortable state. Laying conscience aside, pecuniary reparation is the only remedy that can be provided against culpable omissions: and with respect to culpable commissions, the necessity of reparation is still more apparent; for conscience alone, without the sanction of reparation, would seldom have authority sufficient to restrain us from acting rashly or uncautiously, even where the possibility of mischief is foreseen, and far less where it is not foreseen.

With respect to the second end of reparation, my conscience dictates to me, that if a man suffer by my fault, whether the mischief was foreseen or not foreseen, it is my duty to make up his loss; and I perceive intuitively, that the loss ought to rest ultimately upon me, and not upon the sufferer, who has not been culpable in any degree.

In every case where the mischief done can be estimated by a pecuniary compensation, the two ends of reparation coincide. The sum is taken from the one as a sort of punishment for his fault,

(*a*) Sect. 7.



and is bestow'd on the other to make up the loss he has sustained. But in numberless cases where mischief done cannot be compensated with money, reparation is in its nature a sort of punishment. Defamation, contemptuous treatment, personal restraint, the breaking one's peace of mind, are injuries that cannot be repaired by money; and the pecuniary reparation decreed against the wrong-doer, can only be a sort of punishment, in order to deter him from reiterating such injuries: the sum, it is true, is awarded to the person injured; but not as sufficient to make up his loss, which money cannot do, but only as a *solatium* for what he has suffered.

Hitherto it is supposed, that the man who intends a wrong action, is, at the same time, conscious of its being so. But a man may intend a wrong action, thinking erroneously that it is right; or a right action, thinking erroneously that it is wrong; and the question is, What shall be the consequence of such errors with respect to reparation. The latter case is clear: the person who occasionally suffers loss by a right action, has not a claim for reparation, because he has no just cause of complaint. On the other hand, if the action be wrong, the innocence of the author, for which he is indebted to an error in judgement, will not relieve him from reparation. When he is made sensible of his error, he feels himself bound in conscience to repair the harm he has done by a wrong action: and others, sensible of his error from the beginning, have the same feeling: nor will his obstinacy in resisting conviction, or his dullness in not apprehending his error, mend the matter: it is well that these defects relieve him from punishment, without wronging others by denying a claim for reparation. A man's errors ought to affect himself only, and not those who have not erred. Hence in general, reparation always follows wrong; and is not affected by any erroneous opinion of a wrong action being right, more than of a right action being wrong.

But



But this doctrine suffers an exception with respect to a man, who, having undertaken a trust, is bound in duty to act. A judge is in that situation: it is his duty to pronounce sentence in every case that comes before him; and if he judge according to the best of his knowledge, he is not liable for consequences. A judge cannot be subjected to reparation, unless it can be verified, that the judgement he gave was intentionally wrong. An officer of the revenue is in the same predicament. Led by a doubtful clause in a statute, he makes a seizure of goods as forfeited to the crown, which afterward, in the proper court, are found not to be seizable. The officer ought not to be subjected to reparation, if he have acted to the best of his judgement. This rule however must be taken with a limitation: a public officer who is grossly erroneous, will not be excused; for he ought to know better.

Reparation is due, tho' the immediate act be involuntary, provided it be connected with a preceding voluntary act. Example: "If A ride an unruly horse in Lincolns-inn fields, to tame him, and the horse breaking from A, run over B and grievously hurt him; B shall have an action against A: for tho' the mischief was done against the will of A, yet since it was his fault to bring a wild horse into a frequented place, where mischief might ensue, he must answer for the consequences." Gaius seems to carry this rule still farther, holding in general, that if a horse, by the weakness or unskilfulness of the rider, break away and do mischief, the rider is liable (a). But Gaius probably had in his eye a frequented place, where the mischief might have been foreseen. Thus in general a man is made liable for the mischief occasioned by his voluntary deed, tho' the immediate act that occasioned the mischief be involuntary.

(a) l. 8. § 1. ad leg. Aquil.



S E C T. VII.

FINAL CAUSES *of the foregoing Laws of Nature.*

Several final causes have been occasionally mentioned in preceding parts of this essay, which could not conveniently be reserved for the present section, being necessary for explaining the subjects to which they relate, the final cause for instance of erecting a standard of morals upon the common sense of mankind. I proceed now to what have not been mentioned, or but slightly mentioned.

The final cause that presents itself first to view, respects man considered as an accountable being. The sense of being accountable, is one of our most vigilant guards against the silent attacks of vice. When a temptation moves me, it immediately occurs, What will the world say? I imagine my friends expostulating, my enemies reviling — I dare not dissemble — my spirits sink — the temptation vanishes. 2dly, Praise and blame, especially from those we regard, are strong incentives to virtue: but if we were not accountable for our conduct, praise and blame would be seldom well directed; for how shall a man's intentions be known, without calling him to account? And praise or blame, frequently ill-directed, would lose their influence. 3dly, This branch of our nature, is the corner-stone of the criminal law. Did not a man think himself accountable to all the world, and to his judge in a peculiar manner, it would be natural for him to think, that the justest sentence pronounced against him, is oppression, not justice.

stice. 4thly, This branch is a strong cement to society. If we were not accountable beings, those connected by blood, or by country, would be no less shy and reserved, than if they were mere strangers to each other.

The final cause that next occurs, being simple and obvious, is mentioned only that it may not seem to have been overlooked. All right actions are agreeable, all wrong actions disagreeable. This is a wise appointment of Providence. We meet with so many temptations against duty, that it is not always an easy task to persevere in the right path: would we persevere, were duty disagreeable? And were acts of pure benevolence disagreeable, they would be extremely rare, however worthy of praise.

Another final cause respects duty, in contradistinction to pure benevolence. All the moral laws are founded on intuitive perception; and are so simple and plain, as to be perfectly apprehended by the most ignorant. Were they in any degree complex or obscure, they would be perverted by selfishness and prejudice. No conviction inferior to what is afforded by intuitive perception, could produce in mankind a common sense with respect to moral duties. Reason would afford no general conviction; because that faculty is distributed in portions so unequal, as to bar all hopes from it of uniformity either in practice or in opinion. At the same time, we are taught by woful experience, that reason has little influence over the greater part of men. Reason, it is true, aided by experience, supports morality, by convincing us, that we cannot be happy if we abandon duty for any other interest. But conviction seldom weighs much against imperious passion; to control which the vigorous and commanding principle of duty is requisite, directed by the shining light of intuition.

A proposition laid down above appears to be a sort of mystery in the moral system, viz. That tho' evidently all moral duties are contrived for promoting the general good, yet that choice is not
permitted



permitted among different goods, or between good and ill; and that we are strictly tied down to perform or forbear certain particular acts, without regard to consequences; or, in other words, that we must not do wrong, whatever good it may produce. The final cause, which I am about to unfold, will clear this mystery, and set the beauty of the moral system in a conspicuous light. I begin with observing, that as the general good of mankind, or even of the society we live in, results from many and various circumstances intricately combined, it is far above the capacity of man, to judge in every instance what particular actions will tend the most to that end. The authorising therefore a man to trace out his duty, by weighing endless circumstances good and ill, would open a wide door to partiality and passion, and often lead him unwittingly to prefer the preponderating ill, under a false appearance of being the greater good. At that rate, the opinions of men about right and wrong, would be as various as their faces; which, as observed above, would totally unhinge society. It is better ordered by Providence, even for the general good, that, avoiding complex and obscure objects, we are directed by the moral sense to perform certain plain and simple acts, which are obvious to us by intuitive perception.

In the next place, To permit ill in order to produce greater good, may suit a being of universal benevolence; but is repugnant to the nature of man, composed of selfish and benevolent principles. We have seen above, that the true moral balance depends on a subordination of self-love to duty, and of arbitrary benevolence to self-love; and accordingly every man is sensible of injustice when he is hurt in order to benefit another. Were it a rule in society, That a greater good to any other would make it an act of justice to deprive me of my life, of my reputation, or of my property, I should renounce the society of men, and associate with more harmless animals.

Thirdly,



Thirdly, The true moral system, that which is display'd above, is not only better suited to the nature of man, and to his limited capacity and intelligence, but contributes more to the general good, which I now proceed to demonstrate. It would be losing time to prove, that a man entirely selfish is ill fitted for society; and we have seen (a), that universal benevolence, were it a duty, would contribute to the general good perhaps less than absolute selfishness. Man is too limited in capacity and in power for universal benevolence. Even the greatest monarch has not power to exercise his benevolence but within a very small compass; and if so, how unfit would such a duty be for private persons, who have very little power? Serving only to distress them by inability of performance, they would endeavour to smother it altogether, and give full scope to selfishness. Man is much better qualified for doing good, by a constitution in which benevolence is duly blended with self-love. Benevolence, as a duty, takes place of self-love; a regulation essential to society. Benevolence, as a virtue, not a duty, gives place to self-love; because as every man has more power, knowledge, and opportunity, to promote his own good than that of others, a greater quantity of good is produced, than if benevolence were our only principle of action. This holds, even supposing no harm done to any person: much more would it hold, were we permitted to hurt some, in order to produce more good to others.

The foregoing final causes respect morality in general. We now proceed to particulars; and the first and most important is the law of restraint. Man is evidently framed for society: and as there can be no society among creatures who prey upon each other, it was necessary to provide against mutual injuries; which is effectually done by this law. Its necessity with respect to perso-

(a) Sect. 4.



nal security is self-evident; and with respect to property, its necessity will appear from what follows. In the nature of every man, there is a propensity to hoard or store up things useful to himself and family. But this natural propensity would be rendered ineffectual, were he not secured in the possession of what he thus stores up; for no man will toil to accumulate what he cannot securely possess. This security is afforded by the moral sense, which dictates, that the first occupant of goods provided by nature for the subsistence of man, ought to be secure in his possession, and that such goods ought to be inviolable as his property. Thus, by the great law of restraint, men have a protection for their goods, as well as for their persons; and are no less secure in society, than if they were separated from each other by impregnable walls.

Several other duties are little less essential than of restraint to the existence of society. Mutual trust and confidence, without which society would be an uncomfortable state, enter into the character of the human species; to which the duties of veracity and fidelity correspond. The final cause of these corresponding duties, is obvious: the latter would be of no use in society without the former; and the former, without the latter, would be hurtful, by laying men open to fraud and deceit.

With respect to veracity in particular, man is so constituted, that he must be indebted to information for the knowledge of most things that benefit or hurt him; and if he could not depend upon information, society would be very little beneficial. Further, it is wisely ordered, that we should be bound by the moral sense always to speak truth, even where we perceive no harm in transgressing that duty; because it is sufficient that harm may ensue, tho' not foreseen. At the same time, falsehood always does mischief: it may happen not to injure us externally in our reputation, or in our goods: but it never fails to injure us internally; for one great blessing of society is, a candid intercourse of sentiments,



ments, of opinions, of desires, and wishes; and to admit any falsehood in such intercourse, would poison the most refined pleasures of life.

Because man is the weakest of all animals in a state of separation; and the very strongest in society, by mutual aid and support to which covenants and promises greatly contribute, these are made binding by the moral sense.

The final cause of the law of propriety, which enforces the duty we owe to ourselves, comes next in order. In discoursing upon those laws of nature which concern society, there is no occasion to mention any self-duty but what relates to society; of which kind are prudence, temperance, industry, firmness of mind. And that such qualities should be made our duty, is wisely ordered in a double respect; first, as qualifying us to act a proper part in society, and next, as intitling us to good-will from others. It is the interest, no doubt, of every man, to suit his behaviour to the dignity of his nature, and to the station allotted him by Providence; for such rational conduct contributes to happiness, by preserving health, procuring plenty, gaining the esteem of others, and, which of all is the greatest blessing, by gaining a justly-founded self-esteem. But here interest solely is not relied on: the powerful authority of duty is added, that in a matter of the utmost importance to ourselves, and of some importance to the society we live in, our conduct may be regular and steady. These duties tend not only to render a man happy in himself, but also, by procuring the good-will and esteem of others, to command their aid and assistance in time of need.

I proceed to the final causes of natural rewards and punishments. It is laid down above, that controversies about property and about other matters of interest, must be adjusted by the standard of right and wrong. But to bring rewards and punishments under the same standard, without regard to private conscience;



would be a plan unworthy of our Maker. It is extremely clear, that to reward one who is not conscious of merit, or to punish one who is not conscious of guilt, cannot answer any good end; and in particular, cannot tend either to improvement or to reformation of manners. How much more like the Deity is the plan of nature, which rewards no man who is not conscious that he merits reward, and punishes no man who is not conscious that he merits punishment! By that plan, and by that only, rewards and punishments accomplish every good end; a final cause most illustrious! The rewards and punishments that attend the primary and secondary virtues, are finely contrived for supporting the distinction between them, set forth above. Punishment must be confined to the transgression of primary virtues, it being the intention of nature, that secondary virtues be entirely free. On the other hand, secondary virtues are more highly rewarded than primary: generosity, for example, makes a greater figure than justice; and magnanimity, heroism, undaunted courage, a still greater figure. One would imagine, at first view, that primary virtues, being more essential, should be intitled to the first place in our esteem, and be more amply rewarded than secondary; and yet in elevating the latter above the former, peculiar wisdom and foresight are conspicuous. Punishment is appropriated to enforce primary virtues; and if these virtues were also attended with high rewards, secondary virtues, degraded to a lower rank, would be deprived of that enthusiastic admiration which is their chief support: self-interest would universally prevail over benevolence, and banish those numberless favours we receive from each other in society, which are beneficial in point of interest, and still more so by generating affection and friendship.

In our progress through final causes we come at last to reparation, one of the principles destined by Providence for redressing wrongs committed, and for preventing the reiteration of them.

The



The final cause of this principle, when the mischief arises from intention, is clear: for to protect individuals in society, it is not sufficient that the delinquent be punished; it is necessary over and above, that the mischief be repaired.

Secondly, Where the act is wrong or unjust, tho' not understood by the author to be so, it is wisely ordered that reparation should follow; which will thus appear. Considering the fallibility of man, it would be too severe to permit advantage to be taken of one's error in every circumstance. On the other hand, to make it a law in our nature, never to take advantage of error, would be giving too much indulgence to indolence and remission of mind, tending to make us neglect the improvement of our rational faculties. Our nature is so happily framed, as to avoid these extremes by distinguishing between gain and loss. No man is conscious of wrong, when he takes advantage of an error committed by another to save himself from loss: if there must be a loss, common sense dictates, that it ought to rest upon the person who has erred, however innocently, rather than upon the person who has not erred. Thus, in a competition among creditors about the estate of their bankrupt debtor, every one is at liberty to avail himself of every error committed by his competitor, in order to recover payment. But *in lucro captando*, the moral sense teacheth a different lesson; which is, that no man ought to lay hold of another's error to make gain by it. Thus, an heir finding a rough diamond in the repositories of his ancestor, gives it away, mistaking it for a common pebble: the purchaser is in conscience and equity bound to restore, or to pay a just price.

Thirdly, The following considerations unfold a final cause, no less beautiful than that last mentioned. Society could not subsist in any tolerable manner, were full scope given to rashness and negligence, and to every action that is not strictly criminal;



whence it is a maxim founded no less upon utility than upon justice, That men in society ought to be extremely circumspect, as to every action that may possibly do harm. On the other hand, it is also a maxim, That as the prosperity and happiness of man depend on action, activity ought to be encouraged, instead of being discouraged by dread of consequences. These maxims, seemingly in opposition, have natural limits that prevent their encroaching upon each other. There is a certain degree of attention and circumspection that men generally bestow upon affairs, proportioned to their importance: if that degree were not sufficient to defend against a claim of reparation, individuals would be too much cramped in action; which would be a great discouragement to activity: if a less degree were sufficient, there would be too great scope for rash or remiss conduct; which would prove the bane of society. These limits, which evidently tend to the good of society, are adjusted by the moral sense; which dictates, as laid down in the section of Reparation, that the man who acts with foresight of the probability of mischief, or acts rashly and uncautiously without such foresight, ought to be liable for consequences; but that the man who acts cautiously, without foreseeing or suspecting any mischief, ought not to be liable for consequences.

In the same section it is laid down, that the moral sense requires from every man, not his own degree of vigilance and attention, which may be very small, but that which belongs to the common nature of the species. The final cause of that regulation will appear upon considering, that were reparation to depend upon personal circumstances, there would be a necessity of enquiring into the characters of men, their education, their manner of living, and the extent of their understanding; which would render judges arbitrary, and such law-suits inextricable. But by assuming the

the common nature of the species as a standard, by which every man in conscience judges of his own actions, law-suits about reparation are rendered easy and expeditious.

S E C T. VIII.

LIBERTY and NECESSITY considered with respect to Morality.

HAVING, in the foregoing sections, ascertained the reality of a moral sense, with its sentiments of approbation and disapprobation, praise and blame; the purpose of the present section is, to shew, that these sentiments are consistent with the laws that govern the actions of man as a rational being. In order to which, it is first necessary to explain these laws; for there has been much controversy about them, especially among divines of the Arminian and Calvinist sects.

Human actions, as laid down in the first section, are of three kinds: one, where we act by instinct, without any view to consequences; one, where we act by will in order to produce some effect; and one, where we act against will. With respect to the first, the agent acts blindly, without deliberation or choice; and the external act follows necessarily from the instinctive impulse *. Ac-
tions

* A stonechatter makes its nest on the ground or near it; and the young, as soon as they can shift for themselves, leave the nest instinctively. An egg of that
bird

tions done with a view to an end, are in a very different condition: in these, deliberation, choice, will, enter: the intention to accomplish the end goes first; the will to act in order to accomplish the end is next; and the external act follows of course. It is the will then that governs every action done as means to an end; and it is desire to accomplish the end that puts the will in motion; desire in this view being commonly termed the *motive* to act. Thus, hearing that my friend is in the hands of robbers, I burn with desire to free him: desire influences my will to arm my servants, and to fly to his relief. Actions done against will come in afterward.

But what is it that raises desire? The answer is at hand: it is the prospect of attaining some agreeable end, or of avoiding one that is disagreeable. And if it be again enquired, What makes an object agreeable or disagreeable, the answer is equally ready, that our nature makes it so; and more we cannot say. Certain visible objects are agreeable, certain sounds, and certain smells; other objects of these senses are disagreeable. But there we must stop; for we are far from being so intimately acquainted with our own nature as to assign the causes. These hints are sufficient for my present purpose: if one be curious to know more, the

bird was laid in a swallow's nest, fixed to the roof of a church. The swallow fed all the young equally without distinction. The young stonechatter left the nest at the usual time before it could fly; and falling to the ground, it was taken up dead. Here is instinct in purity, exerting itself blindly without regard to variation of circumstances. The same is observable in our dunghill-towl. They feed on worms, corn, and other seeds dropt on the ground. In order to discover their food, nature has provided them with an instinct to scrape with the foot; and the instinct is so regularly exercised, that they scrape even when they are set upon a heap of corn.

theory



theory of desire, and of agreeableness and disagreeableness, will be found in Elements of Criticism (a).

With respect to instinctive actions, no person, I presume, thinks that there is any freedom, more than in acts done against will: an infant applies to the nipple, and a bird builds its nest, no less necessarily than a stone falls to the ground. With respect to voluntary actions, such as are done with a view to an end, the necessity is the same, tho' less apparent at first view. The external action is determined by the will: the will is determined by desire: and desire by what is agreeable or disagreeable. Here is a chain of causes and effects, not one link of which is arbitrary, or under command of the agent: he cannot will but according to his desire: he cannot desire but according to what is agreeable or disagreeable in the objects perceived: nor do these qualities depend on his inclination or fancy; he has no power to make a beautiful woman ugly, nor to make a rotten carcase sweet.

Many good men apprehending danger to morality from holding our actions to be necessary, endeavour to break the chain of causes and effects above mentioned, maintaining, "That whatever influence desire or motives may have, it is the agent himself who is the cause of every action; that desire may advise, but cannot command; and therefore that a man is still free to act in contradiction to desire and to the strongest motives." That a being may exist, which in every case acts blindly and arbitrarily, without having any end in view, I can make a shift to conceive: but it is difficult for me even to imagine a thinking and rational being, that has affections and passions, that has a desirable end in view, that can easily accomplish this end; and yet, after all, can fly off, or remain at rest, without any cause, reason, or motive, to sway it. If such a whimsical being can possibly exist,

(a) Chap. 2.



ist, I am certain that man is not such a being. There is perhaps not a person above the condition of a changeling, but can say why he did so and so, what moved him, what he intended. Nor is a single fact stated to make us believe, that ever a man acted against his own will or desire, who was not compelled by external violence. On the contrary, constant and universal experience proves, that human actions are governed by certain inflexible laws; and that a man cannot exert his self-motive power, but in pursuance of some desire or motive.

Had a motive always the same influence, actions proceeding from it would appear no less necessary than the actions of matter. The various degrees of influence that motives have on different men at the same time, and on the same man at different times, occasion a doubt by suggesting a notion of chance. Some motives however have such influence, as to leave no doubt: a timid female has a physical power to throw herself into the mouth of a lion, roaring for food; but she is withheld by terror no less effectually than by cords: if she should rush upon the lion, would not every one conclude that she was frantic? A man, tho' in a deep sleep, retains a physical power to act, but he cannot exert it. A man, tho' desperately in love, retains a physical power to refuse the hand of his mistress; but he cannot exert that power in contradiction to his own ardent desire, more than if he were fast asleep. Now if a strong motive have a necessary influence, there is no reason for doubting, but that a weak motive must also have its influence, the same in kind, tho' not in degree. Some actions indeed are strangely irregular; but let the wildest action be scrutiniz'd, there will always be discovered some motive or desire, which, however whimsical or capricious, was what influenced the person to act. Of two contending motives is it not natural to expect, that the stronger will prevail, however little its excess may be? If there be any doubt, it must be from a supposition that a
weak

weak motive can be resisted arbitrarily. Where then are we to fix the boundary between a weak and a strong motive? If a weak motive can be resisted, why not one a little stronger, and why not the strongest? In Elements of Criticism (a) the reader will find many examples of contrary motives weighing against each other. Let him ponder these with the strictest attention: his conclusion will be, that between two motives, however nearly balanced, a man has not an arbitrary choice, but must yield to the stronger. The mind indeed fluctuates for some time, and feels itself in a measure loose: at last, however, it is determined by the more powerful motive, as a balance is by the greater weight after many vibrations.

Such then are the laws that govern our voluntary actions. A man is absolutely free to act according to his own will; greater freedom than which is not conceivable. At the same time, as man is made accountable for his conduct, to his Maker, to his fellow-creatures, and to himself, he is not left to act arbitrarily; for at that rate he would be altogether unaccountable: his will is regulated by desire; and desire by what pleases or displeases him. Where we are subjected to the will of another, would it be our wish, that his will should be under no regulation? And where we are guided by our own will, would it be reasonable to wish, that it should be under no regulation, but be exerted without reason, without any motive, and contrary to common sense? Thus, with regard to human conduct, there is a chain of laws established by nature, not one link of which is left arbitrary. By that wise system, man is rendered accountable: by it, he is made a fit subject for divine and human government: by it, persons of sagacity foresee the conduct of others: and by it, the prescience of the Deity with respect to human actions, is firmly established.

(a) Chap. 2. part 4.



The absurd figure men would make if they could act contrary to motives, should be sufficient, one may think, to open our eyes without an argument. What a despicable figure does a person make, upon whom the same motive has great influence at one time, and very little at another? He is a bad member of society, and cannot be rely'd on as a friend or as an associate. But how highly rational is this supposed person, compared with one who can act in contradiction to every motive? The former may be termed whimsical or capricious: the latter is worse; he is absolutely unaccountable, and cannot be the subject of government, more than a lump of matter unconscious of its own motion.

Let the faculty of acting be compared with that of reasoning: the comparison will tend to soften our reluctance to the necessary influence of motives. A man sometimes blunders in reasoning; but he is tied by his nature, to form conclusions upon what appears to him true at the time. If he could arbitrarily form a different conclusion, what an absurd reasoner would he be! Would a man be less absurd, if he had a power of acting against motives, and contrary to what he thinks right or eligible? To act in that manner, is inconsistent with any notion we can form of a sensible being. Nor do we suppose that man is such a being: in accounting for any action, however whimsical, we always ascribe it to some motive, never once dreaming that there was no motive.

And after all, where would be the advantage of such an arbitrary power? Can a rational man wish seriously to have such a power? or can he seriously think, that God would make man so whimsical a being? To endue man with a degree of self-command sufficient to resist every vicious motive, without any power to resist those that are virtuous, would indeed be a gift of value; but too great for man, because it would exalt him to be an angel. But such self-command as to resist both equally, which is the present supposition, would unqualify us for being governed
either

either by God or by man. Better far to be led as rational creatures by the prospect of good, however erroneous our judgement may sometimes be.

Considering that man is the only terrestrial being formed to know his Maker, and to worship him, will it not sound harshly, while all other animals are subjected to divine government, and unerringly fulfil their destination, that man alone should be withdrawn from divine government, and be so framed, that neither his Maker, nor he himself, can foresee what he will do the next moment? The power of resisting the strongest motives, whether of religion or of morality, would render him independent of the Deity.

This reasoning is too diffuse: may it not be comprehended in a single view? it will make the deeper impression. There may be conceived different systems for governing man as a thinking and rational being. One is, That virtuous motives should always prevail over every other motive. This, in appearance, would be the most perfect government. But man is not so constituted; and there is reason to doubt, whether such perfection would in his present state correspond to the other branches of his nature (a). Another system is, That virtuous motives sometimes prevail, sometimes vitious; and that we are always determined by the prevailing motive. This is the true system of nature; and hence great variety of character and of conduct among men. A third system is, That motives have influence; but that one can act in contradiction to every motive. This is the system I have been combating. Observe only what it resolves into. How is an action to be accounted for that is done in contradiction to every motive? It wanders from the region of common sense into that of mere

(a) See book 2. sketch 1. at the end.



chance. If such were the nature of man, no one could rely on another: a promise or an oath would be a rope of sand: the utmost cordiality between my friend and me, would be no security against his stabbing me with the first weapon that comes in his way. Would any man wish to have been formed according to such a system? He would probably wish to have been formed according to the system first mentioned: but that is deny'd him, virtuous motives sometimes prevailing, sometimes vicious; and from the wisdom of Providence we have reason to believe, that this law is of all the best fitted for man in his present state.

To conclude this branch of the subject: In none of the works of Providence, so far as we can penetrate, is there display'd a deeper reach of art and wisdom, than in the laws of action peculiar to man as a thinking and rational being. Were he left loose, to act in contradiction to motives, there would be no place for prudence, foresight, nor for adjusting means to an end: it could not be foreseen by others what a man will do the next hour; nay it could not be foreseen, even by himself. Man would not be capable of rewards and punishments: he would not be fitted, either for divine or for human government: he would be a creature that has no resemblance to the human race. But man is not left loose; for tho' he is at liberty to act according to his own will, yet his will is regulated by desire, and desire by what pleases and displeases. This connection preserves uniformity of conduct, and confines human actions within the great chain of causes and effects. By this admirable system, liberty and necessity, seemingly incompatible, are made perfectly concordant, fitting us for society, and for government both human and divine.

Having explained the laws that govern human actions, we proceed to what is chiefly intended in the present section, which is, to examine, how far the moral sentiments handled in the foregoing sections are consistent with these laws. Let it be kept in view,
that

that our moral sentiments and feelings are founded entirely upon the moral sense; which unfolds to us a right and a wrong in actions. From the same sense are derived the sentiments of approbation and praise when a man does right, and of disapprobation and blame when he does wrong. Were we destitute of the moral sense, right and wrong, praise and blame, would be as little understood as colours are by one born blind*.

The formidable argument that is urged, to prove that our moral sentiments are inconsistent with the supposed necessary influence of motives, is what follows. "If motives have a necessary influence on our actions, there can be no good reason to praise a man for doing right, nor to blame him for doing wrong. What foundation can there be, either for praise or blame, when it was not in a man's power to have acted otherwise. A man commits murder instigated by a sudden fit of revenge: why should he be punished, if he acted necessarily, and could not resist the violence of the passion?" Here it is supposed, that a power of resistance is essential to praise and blame. But upon examination it will be found, that this supposition has not any support in the moral sense, nor in reason, nor in the common sense of mankind.

With respect to the first, the moral sense, as we have seen above, places innocence and guilt, and consequently praise and blame,

* In an intricate subject like the present, great care should be taken to avoid ambiguities. The term *praise* has two different significations: in one sense it is opposed to *blame*; in another, to *dispraise*. In the former sense it expresses a moral sentiment: in the latter, it expresses only the approving any object that pleases me. I praise one man for his candour, and blame another for being a double-dealer. These, both of them, imply will and intention. I praise a man for being acute; but for being dull, I only dispraise him. I praise a woman for beauty; but blame not any for ugliness, I only dispraise them. None of these particulars imply will or intention.

entirely



entirely upon will and intention. The connection between the motive and the action, so far from diminishing, enhances the praise or blame. The greater influence a virtuous motive has, the greater is the virtue of the agent, and the more warm our praise. On the other hand, the greater influence a vicious motive has, the greater is the vice of the agent, and the more violently do we blame him. As this is the cardinal point, I wish to have it considered in a general view. It is essential both to human and divine government, that the influence of motives should be necessary. It is equally essential, that that necessary influence should not have the effect to lessen guilt in the estimation of men. To fulfil both ends, guilt is placed by the moral sense entirely upon will and intention: a man accordingly blames himself for doing mischief willingly and intentionally, without once considering whether he acted necessarily or not. And his sentiments are adopted by all the world: they pronounce the same sentence of condemnation that he himself does. A man put to the torture, yields to the pain, and with bitter reluctance reveals the secrets of his party: another does the same, yielding to a tempting bribe. The latter only is blamed as guilty of a crime; and yet the bribe perhaps operated as strongly on the latter, as torture did on the former. But the one was compelled against his will to reveal the secrets of his party; and therefore is innocent: the other acted willingly, in order to procure a great sum of money; and therefore is guilty.

With respect to reason, I observe, that the argument I am combating is an appeal to a wrong tribunal: the moral sense is the only judge in this controversy, not the faculty of reason. At the same time, I should have no fear of a sentence against me, were reason to be the judge. For would not reason dictate, that the less a man wavers about his duty; or, in other words, the less influence

ence



ence vicious motives have, the more praise-worthy he is; and the more blameable, the less influence virtuous motives have.

Nor are we led by common sense to differ from reason and the moral sense. A man commits murder, overcome by a sudden fit of revenge which he could not resist; will not one be led to reflect, even at first view, that the man did not wish to resist? on the contrary, that he would have committed the murder, tho' he had not been under any necessity? A person of plain understanding will say, What signifies it whether the criminal could resist or not, when he committed the murder wittingly and willingly? A man gives poison privately out of revenge. Does any one doubt of his guilt, when he never once repented; tho' after administering the poison it no longer was in his power to draw back? A man may be guilty and blame-worthy, even where there is external compulsion that he cannot resist. With sword in hand I run to attack an enemy: my foot slipping, I fall headlong upon him, and by that accident the sword is push'd into his body. The external act was not the effect of Will, but of accident: but my intention was to commit murder, and I am guilty. All men acknowledge, that the Deity is necessarily good. Does that circumstance detract from his praise in common apprehension? On the contrary, he merits from us the highest praise on that very account.

It is commonly said, that there can be no virtue where there is no struggle. Virtue, it is true, is best known from a struggle: a man who has never met with a temptation, can be little confident of his virtue. But the observation taken in a strict sense, is undoubtedly erroneous. A man, tempted to betray his trust, wavers; but, after much doubting, refuses at last the bribe. Another hesitates not a moment, but rejects the bribe with disdain: duty is obstinate, and will not suffer him even to deliberate. Is there



there no virtue in the latter? Undoubtedly more than in the former.

Upon the whole, it appears that praise and blame rest ultimately upon the disposition or frame of mind. Nor is it obvious, that a power to act against motives, could vary in any degree these moral sentiments. When a man commits a crime, let it be supposed, that he could have resisted the prevailing motive. Why then did he not resist, instead of bringing upon himself shame and misery? The answer must be, for no other can be given, that his disposition is vicious, and that he is a detestable creature. Further, it is not a little difficult to conceive, how a man can resist a prevailing motive, without having any thing in his mind that should engage him to resist it. But letting that pass, I make the following supposition. A man is tempted by avarice to accept a bribe: if he resist upon the principle of duty, he is led by the prevailing motive: if he resist without having any reason or motive for resisting, I cannot discover any merit in such resistance: it seems to resolve into a matter of chance or accident, whether he resist or do not resist. Where can the merit lie of resisting a vicious motive, when resistance happens by mere chance? and where the demerit of resisting a virtuous motive, when it is owing to the same chance? If a man, actuated by no principle, good or bad, and having no end or purpose in view, should kill his neighbour, I see not that he would be more accountable, than if he had acted in his sleep, or were mad.

Human punishments are perfectly consistent with the necessary influence of motives, without supposing a power to withstand them. If it be urged, That a man ought not to be punished for committing a crime when he could not resist; the answer is, That as he committed the crime intentionally, and with his eyes open, he is guilty in his own opinion, and in the opinion of all men; and he justly suffers punishment, to prevent him or others from doing

doing the like in time to come. The dread of punishment is a weight in the scale on the side of virtue, to counterbalance vicious motives.

The final cause of this branch of our nature is admirable. If the necessary influence of motives had the effect either to lessen the merit of a virtuous action, or the demerit of a crime, morality would be totally unhinged. The most virtuous action would of all be the least worthy of praise; and the most vicious be of all the least worthy of blame. Nor would the evil stop there: instead of curbing inordinate passions, we should be encouraged to indulge them, as an excellent excuse for doing wrong. Thus, the moral sentiments of approbation and disapprobation, of praise and blame, are found perfectly consistent with the laws above mentioned that govern human actions, without having recourse to an imaginary power of acting against motives.

The only plausible objection I have met with against the foregoing theory, is the remorse a man feels for a crime he suddenly commits, and as suddenly repents of. During a fit of bitter remorse for having slain my favourite servant in a violent passion, without just provocation, I accuse myself for having given way to passion; and acknowledge that I could and ought to have restrained it. Here we find remorse founded on a system directly opposite to that above laid down; a system that acknowledges no necessary connection between an action and the motive that produced it; but, on the contrary, supposes that it is in a man's power to resist his passion, and that he ought to resist it. What shall be said upon this point? Can a man be a necessary agent, when he is conscious of the contrary, and is sensible that he can act in contradiction to motives? This objection is strong in appearance; and would be invincible, were we not happily relieved of it by a doctrine laid down in Elements of Criti-



cism (a) concerning the irregular influence of passion on our opinions and sentiments. Upon examination, it will be found, that the present case may be added to the many examples there given of this irregular influence. In a peevish fit, I take exception at some slight word or gesture of my friend, which I interpret as if he doubted of my veracity. I am instantly in a flame: in vain he protests that he had no meaning, for impatience will not suffer me to listen. I bid him draw, which he does with reluctance; and before he is well prepared, I give him a mortal wound. Bitter remorse and anguish succeed instantly to rage. "What have I done? why did I not abstain? I was not mad, and yet I have murdered my innocent friend: there is the hand that did the horrid deed; why did not I rather turn it against my own heart?" Here every impression of necessity vanishes: my mind tells me that I was absolutely free, and that I ought to have smothered my passion. I put an opposite case. A brutal fellow treats me with great indignity, and proceeds even to a blow. My passion rises beyond the possibility of restraint: I can scarce forbear so long as to bid him draw; and that moment I stab him to the heart. I am sorry for having been engaged with a ruffian, but have no contrition nor remorse. In this case, my sentiments are very different from what they are in the other. I never once dream that I could have resisted the impulse of passion: on the contrary, my thoughts and words are, "That flesh and blood could not bear the affront; and that I must have been branded for a coward, had I not done what I did." In reality, both the actions were equally necessary. Whence then opinions and sentiments so opposite to each other? The irregular influence of passion on our opinions and sentiments, will solve the question. All violent passions are prone to their own gratification. A man affected

(a) Chap. 2. part 5.

with



with deep remorse abhors himself, and is odious in his own eyes; and it gratifies the passion, to indulge the thought that his guilt is beyond the possibility of excuse. In the first case accordingly, remorse forces upon me a conviction that I might have restrained my passion, and ought to have restrained it. I will not give way to any excuse; because in a fit of remorse it gives me pain to be excused. In the other case, there being no remorse, there is no disguise; and things appear in their true light. To illustrate this reasoning, I observe, that passion warps my judgement of the actions of others, as well as of my own. Many examples are given in the chapter above quoted: join to these the following. My servant aiming at a partridge, happens to shoot a favourite spaniel crossing the way unseen. Inflamed with anger, I storm at his rashness, pronounce him guilty, and will listen to no excuse. When my passion is spent, I become sensible that it was merely accidental, and that the man is absolutely innocent. The nurse overlays my only child, the long-expected heir to a great estate. It is with difficulty that I refrain from putting her to death: "The wretch has murdered my infant, and deserves to be torn to pieces." When my passion subsides, I see the matter in a very different light. The poor woman is inconsolable, and can scarce believe that she is innocent: she bitterly reproaches herself for want of care and concern. But, upon cool reflection, both she and I are sensible, that no person in sound sleep has any self-command; and that we cannot be answerable for any action of which we are not conscious. Thus, upon the whole, we find, that any impression we may occasionally have of being able to act in contradiction to motives, is the result of passion, not of sound judgement.

The reader will observe, that this section is copied from Essays on Morality and Natural Religion. The ground-work is the same: the alterations are only in the superstructure; and the subject is



abridged in order to adapt it to its present place. Part of the abridgement was published in the second edition of the Principles of Equity. But as law-books have little currency, the publishing the whole in one essay, will not, I hope, be thought improper.

A P P E N D I X.

Upon CHANCE and CONTINGENCY.

I Hold it to be an intuitive proposition, That the Deity is the primary cause of all things; that with consummate wisdom he formed the great plan of government, which he carries on by laws suited to the different natures of animate and inanimate beings; and that these laws, produce a regular chain of causes and effects in the moral as well as the material world, admitting no events but what are comprehended in the original plan (*a*). Hence it clearly follows, that chance is excluded out of this world, that nothing can happen by accident, and that no event is arbitrary or contingent. This is the doctrine of the essay quoted; and, in my apprehension, well founded. But I cannot subscribe to what follows, viz. "That we have an impression of chance and contingency, which consequently must be delusive." I would not willingly admit any delusion in the nature of man, where it is not made evident beyond contradiction; and I now see clearly, that

(*a*) See Essays on Morality and Natural Religion, part 1. essay 3.



the impresson we have of chance and contingency, is not delusive, but perfectly consistent with the established plan.

The explanation of chance and contingency in the said essay, shall be given in the author's own words, as a proper text to reason upon. " In our ordinary train of thinking, it is certain
" that all events appear not to us as necessary. A multitude of
" events seem to be under our power to cause or to prevent; and
" we readily make a distinction betwixt events that are *necessary*,
" *i. e.* that must be; and events that are *contingent*, *i. e.* that may
" be, or may not be. This distinction is void of truth: for all
" things that fall out either in the material or moral world, are,
" as we have seen, alike necessary, and alike the result of fixed
" laws. Yet, whatever conviction a philosopher may have of
" this, the distinction betwixt things necessary and things con-
" tingent, possesses his common train of thought, as much as it
" possesses the most illiterate. We act universally upon that dis-
" tinction: nay it is in truth the cause of all the labour, care,
" and industry, of mankind. I illustrate this doctrine by an ex-
" ample. Constant experience hath taught us, that death is a ne-
" cessary event. The human frame is not made to last for ever
" in its present condition; and no man thinks of more than a
" temporary existence upon this globe. But the particular time
" of our death appears a contingent event. However certain it
" be, that the time and manner of the death of each individual
" is determined by a train of preceding causes, and is no less
" fixed than the hour of the sun's rising or setting; yet no person
" is affected by this doctrine. In the care of prolonging life, we
" are directed by the supposed contingency of the time of death,
" which, to a certain term of years, we consider as depending in
" a great measure on ourselves, by caution against accidents,
" due use of food, exercise, &c. These means are prosecuted
" with the same diligence as if there were in fact no necessary
" train



“ train of causes to fix the period of life. In short, whoever attends to his own practical ideas, whoever reflects upon the meaning of the following words which occur in all languages, of things *possible, contingent, that are in our power to cause or prevent*; whoever, I say, reflects upon these words, will clearly see, that they suggest certain perceptions or notions repugnant to the doctrine above established of universal necessity.”

In order to show that there is no repugnance, I begin with defining *chance* and *contingency*. The former is applied to events that have happened; the latter to future events. When we say a thing has happened by *chance*, we do not mean that *chance* was the cause; for no person ever thought that *chance* is a thing that can act, and by acting produce events: we only mean, that we are ignorant of the cause, and that, for ought we see, it might have happened or not happened, or have happened differently. Aiming at a bird, I shoot *by chance* a favourite spaniel: the meaning is not, that chance killed the dog, but that as to me the dog's death was accidental. With respect to contingency, future events that are variable, and the cause unknown, are said to be contingent; changes of the weather, for example, whether it will be frost or thaw to-morrow, whether fair or foul. In a word, chance and contingency applied to events, mean not that such events happen without any cause, but only that we are ignorant of the cause.

It appears to me clear, that there is no such thing in human nature as a sense of *contingency*; or, in other words, a sense that any thing happens without a cause: such a sense would be grossly delusive. True it is indeed, that our sense of a cause is but cloudy and indistinct with respect to certain events. Events that happen regularly, such as summer and winter, rising and setting of the sun, give us a distinct impression of a cause. The impression is less distinct with respect to events less regular, such as alterations

terations of the weather; and extremely indistinct with respect to events that seldom happen, and that happen without any known cause. But with respect to no event whatever does our sense of a cause vanish altogether, and give place to a positive sense of contingency, that is, a sense of things happening without a cause.

Chance and contingency thus explained, suggest not any perception or notion repugnant to the doctrine of universal necessity; for my ignorance of a cause, does not, even in my own apprehension, exclude a cause. Descending to particulars, I take the example mentioned in the text, viz. the uncertainty of the time of my death. Knowing that my life depends in some measure on myself, I use all means to preserve it, by proper food, exercise, and care to prevent accidents. Nor is there any delusion here. I am moved to use these means by the desire I have to live: these means accordingly prove effectual to carry on my present existence to the appointed period; and in that view are so many links in the great chain of causes and effects. A burning coal falling from the grate upon the floor, wakes me from a sound sleep. I start up to extinguish the fire. The motive is irresistible: nor have I reason to resist, were it in my power; for I consider the extinction of the fire by my hand to be one of the means chosen by Providence for prolonging my life to its destined period.

Were there a chain of causes and effects established entirely independent on me, and were my life in no measure under my own power, it would indeed be fruitless for me to act; and the absurdity of knowingly acting in vain, would be a prevailing motive for remaining at rest. Upon that supposition, the *ignavia ratio* of Chrysippus might take place; *cui si pareamus, nihil omnino agamus in vita* *. But I act necessarily when influenced by motives;

* "The indolent principle; which if we were to follow, we should do nothing in life."

and



and I have no reason to forbear, considering that my actions, by producing their intended effects, contribute to carry on the universal chain.

P A R T II.

PROGRESS OF MORALITY.

HAVING unfolded the principles of morality, the next step is, to trace out its gradual progress, from its infancy among savages, to its maturity among polished nations. The history of opinions concerning the foundation of morality, falls not within my plan; and I am glad to be relieved from an article that is executed in perfection by more able hands (*a*).

An animal is brought forth with every one of its external members; and completes its growth, not by production of any new member, but by addition of matter to those originally formed. The same holds with respect to internal members; the senses, for example, instincts, powers and faculties, principles and propensities: these are coeval with the individual, and are gradually unfolded, some early, some late. The external senses, being necessary for self-preservation, soon arrive at maturity. Some internal senses, of order for instance, of propriety, of dignity, being of no use during infancy, are not only slow in their progress toward maturity, but require much culture. Among savages they are scarce perceptible.

The moral sense, in its progress, differs from those last men-

(*a*) Dr Cudworth and Dr Smith.

tioned:



tioned : it is frequently discovered, even in childhood. It is however slow of growth, and seldom arrives at perfection without culture and experience.

The moral sense not only ripens gradually with the other internal senses mentioned, but from them acquires force and additional authority : a savage makes no difficulty to kill an enemy in cold blood : bloody scenes are familiar to him, and his moral sense is not sufficiently vigorous to give him compunction. The action appears in a different light to a person who has more delicacy of feeling ; and accordingly the moral sense has much more authority over those who have received a refined education, than over savages.

It is pleasant to trace the progress of morality in members of a polished nation. Objects of external sense make the first impressions ; and from them are derived a stock of simple ideas. Affection, accompanying ideas, is first directed to particular objects, such as my brother, my wife, my friend. The mind, opening by degrees, takes in complex objects, such as my country, my religion, the government under which I live ; and these also become objects of affection. Our connections multiply, and the moral sense gaining strength as the mind opens, regulates our duty to each of them. Objects of hatred multiply, as well as objects of affection, and give full scope to dissocial passions, the most formidable antagonists that morality has to encounter. But nature hath provided a remedy : the person who indulges malice or revenge, is commonly the greatest sufferer by the indulgence : men become wise by experience, and have more peace and satisfaction in fostering kindly affection : stormy passions are subdued, or brought under rigid discipline ; and benevolence triumphs over selfishness. We refine upon the pleasures of society : we learn to submit our opinions : we affect to give preference to others ; and readily fall in with whatever sweetens social intercourse : we carefully avoid



causes of discord; and overlooking trifling offences, we are satisfied with moderate reparation, even for gross injuries.

A nation from its original savage state, grows to maturity like the individuals above described, and the progress of morality is the same in both. The savage state is the infancy of a nation, during which the moral sense is feeble, yielding to custom, to imitation, to passion. But a nation, like a member of a polished society, ripens gradually, and acquires a taste in the fine arts, with acuteness of sense in matters of right and wrong. Hatred and revenge, the great obstacles to moral duty, raged without control, while the privilege of avenging wrongs was permitted to individuals (*a*). But hatred and revenge yielded gradually to the pleasures of society, and to the growing authority of the moral sense; and benevolent affections prevailed over dissocial passions. In that comfortable period, we hear no more of cruelty as a national character: on the contrary, the aversion we have to an enemy, is even in war exercised with moderation. Nor do the stormy passions ever again revive; for after a nation begins to decline from its meridian height, the passions that prevail are not of the violent kind, but selfish, timorous, and deceitful.

Morality however has not to this day arrived to such maturity as to operate between nations with equal steadiness and vigour as between individuals. Ought this to be regretted as an imperfection in our nature? I think not: had we the same compunction of heart for injuring a nation as for injuring an individual, and were injustice equally blameable as to both, war would cease, and a golden age ensue; than which a greater misfortune could not befall the human race (*b*).

(*a*) See Historical Law-tracts, tract 1.

(*b*) Book 2. sketch 1.



In the progress from maturity to a declining state, a nation differs widely from an individual. Old age puts an end to the latter: there are many causes that weaken the former; but old age is none of them, if it be not in a metaphorical sense. Riches, selfishness, and luxury, are the diseases that weaken prosperous nations: these diseases, following each other in a train, corrupt the heart, dethrone the moral sense, and make an anarchy in the soul: men stick at no expence to purchase pleasure; and they stick at no vice to supply that expence.

Such are the outlines of morality in its progress from birth to burial; and these outlines I propose to fill up with an induction of particulars. Looking back to the commencement of civil society, when no wants were known but those of nature, and when such wants were amply provided for; we find individuals of the same tribe living innocently and cordially together: they had no irregular appetites, nor any ground of strife. In that state, moral principles joined their influence with that of national affection, to secure individuals from harm. Savages accordingly, who have plenty of food, and are simple in habitation and cloathing, seldom transgress the rules of morality within their own tribe. Diodorus Siculus, who composed his history recently after Cæsar's expedition into Britain, says, that the inhabitants dwelt in mean cottages covered with reeds or sticks; that they were of much sincerity and integrity, contented with plain and homely fare; and were strangers to the excess and luxury of rich men. In Friezeland, in Holland, and in other maritime provinces of the Netherlands, locks and keys were unknown, till the inhabitants became rich by commerce: they contented themselves with bare necessaries, which every one had in plenty. The Laplanders have no notion of theft. When they make an excursion into Norway, which is performed in the summer months, they leave their huts open, without fear that any thing will be purloined. Formerly, they



were entirely upright in their only commerce, that of bartering the skins of wild beasts for tobacco, brandy, and coarse cloth. But being often cheated by strangers, they begin to be more cunning. Crantz, describing the inhabitants of Iceland before they were corrupted by commerce with strangers, says, that they lived under the same roof with their cattle; that every thing was common among them except their wives and children; and that they were simple in their manners, having no appetite but for what nature requires. In the reign of Edwin King of Northumberland, a child, as historians report, might have travelled with a purse of gold, without hazard of robbery: in our days of luxury, want is so intolerable, that even fear of death is not sufficient to deter us. All travellers agree, that the native Canadians are perfectly disinterested, abhorring deceit and lying. The Californians are fond of iron and sharp instruments; and yet are so strictly honest, that carpenter-tools left open during night, were safe. The savages of North America had no locks for their goods: they probably have learned from Europeans, to be more circumspect. Procopius bears testimony (a), that the Sclavi, like the Huns, were innocent people, free of all malice. Plan Carpin, the Pope's ambassador to the Cham of Tartary, ann. 1246, says, that the Tartars are not addicted to thieving; and that they leave their goods open without a lock. Nicholas Damascenus reports the same of the Celtæ. The original inhabitants of the island Borneo, expelled by the Mahometans from the sea-coast to the center of the country, are honest, industrious, and kindly to each other: they have some notion of property, but not such as to render them covetous. Pagans in Siberia are numerous; and, tho' grossly ignorant especially in matters of religion, they are a good moral people. It is rare to hear

(a) Historia Gothica, lib. 3.

among



among them of perjury, thieving, fraud, or drunkenness; if we except those who live among the Russian Christians, with whose vices they are tainted. Strahlenberg (*a*) bears testimony to their honesty. Having employ'd a number of them in a long navigation, he slept in the same boat with men whose names he knew not, whose language he understood not, and yet lost not a particle of his baggage. Being obliged to remain a fortnight among the Ostiaks, upon the river Oby, his baggage lay open in a hut inhabited by a large family, and yet nothing was purloined. The following incident, which he also mentions, is remarkable. A Russian of Tobolski, in the course of a long journey, lodged one night in an Ostiak's hut, and the next day on the road missed his purse with a hundred rubles. His landlord's son, hunting at some distance from the hut, found the purse, but left it there. By his father's order, he covered it with branches, to secure it in case an owner should be found. After three months, the Russian returning, lodged with the same Ostiak; and mentioning occasionally the loss of his purse, the Ostiak, who at first did not recollect his face, cry'd out with joy, "Art thou the man who lost that purse? my son shall go and show thee where it lies, that thou may'st take it up with thine own hand." The Hottentots (*b*) have not the least notion of theft: tho' immoderately fond of tobacco and brandy, they are employ'd by the Dutch for tending warehouses full of these commodities. Here is an instance of probity above temptation, even among savages in the first stage of social life. Some individuals are more liberally endued than others with virtuous principles: may it not be thought, that in that respect nature has been more kind to the Hottentots

(*a*) Description of Russia, Siberia, &c.

(*b*) Kolben.

than



than to many other tribes? Spaniards, settled on the sea-coast of Chili, carry on a commerce with neighbouring savages, for bridles, spurs, knives, and other manufactures of iron; and in return receive oxen, horses, and even children for slaves. A Spaniard carries his goods there; and after obtaining liberty to dispose of them, he moves about, and delivers his goods, without the least reserve, to every one who bargains with him. When all is sold, he intimates his departure; and every purchaser hurries with his goods to him; and it is not known that any one Indian ever broke his engagement. They give him a guard to carry him safe out of their territory, with all the slaves, horses, and cattle he has purchased. The savages of Brazil are faithful to their promises, and to the treaties they make with the Portuguese. Upon some occasions, they may be accused of error and wrong judgement, but never of injustice nor of duplicity.

While the earth was thinly peopled, plenty of food, procured by hunting and fishing, promoted population; but as population lessens the stock of animal food, a savage nation, encreasing in numbers, must spread wider and wider for more game. Thus tribes, at first widely separated from each other, approach gradually till they become neighbours. Hence a new scene with respect to morality. Differences about their hunting-fields, about their game, about personal injuries, multiply between neighbours; and every quarrel is blown into a flame, by the aversion men naturally have to strangers. Anger, hatred, and revenge, find now vent, which formerly lay latent without an object: dissocial passions prevail without control, because among savages morality is no match for them; and cruelty becomes predominant in the human race. Ancient history accordingly is full of enormous cruelties; witness the incursions of the northern barbarians into the Roman empire; and witness the incursions of Genhizcan and Tamerlane



merlane into the fertile countries of Asia, spreading destruction with fire and sword, and sparing neither man, woman, nor infant.

Malevolent passions daily exercised against persons of a different tribe, acquiring strength by exercise, came to be vented against persons even of the same tribe; and the privilege long enjoy'd by individuals, of avenging the wrongs done to them, bestow'd irresistible force upon such passions (a). The history of ancient Greece presents nothing to the reader but usurpations, assassinations, and other horrid crimes. The names of many famous for wickedness, are still preserved; Atreus, for example, Eteocles, Alcmeon, Phedra, Clytemnestra. The story of Pelops and his descendants, is a chain of criminal horrors: during that period, parricide and incest were ordinary incidents. Euripides represents Medea vowing revenge against her husband Jason, and laying a plot to poison him. Of that infamous plot the chorus express their approbation, justifying every woman who, in like circumstances, acts the same part.

The frequent incursions of northern barbarians into the Roman empire, spread desolation and ruin through the whole. The Romans, from the highest polish degenerating into savages, assumed by degrees the cruel and bloody manners of their conquerors; and the conquerors and conquered, blended into one mass, equalled the grossest barbarians of ancient times in ignorance and brutality. Clovis, King of the Franks, even after his conversion to Christianity, assassinated without remorse his nearest kinsman. The children of Clodomir, ann. 530, were assassinated by their two uncles. In the thirteenth century, Ezzelino de Aromano obtained the sovereignty of Padua, by massacring 12,000 of his fellow-citizens. Galeas Sforza, Duke of Milan, was assassinated

(a) See Historical Law-tracts, tract 1.



ann. 1476 in the cathedral church of Milan, after the assassins had put up their prayers for courage to perpetrate the deed. It is a still stronger proof how low morality was in those days, that the Pope himself, Sextus IV. attempted to assassinate the two brothers, Laurent and Julien de Medicis; chusing the elevation of the host as a proper time, when the people would be busy about their devotions. Nay more, that very Pope, with unparalleled impudence, excommunicated the Florentines for doing justice upon the intended assassins. The most sacred oaths were in vain employed as a security against that horrid crime. Childebert II. King of the Franks, enticed Magnovald to his court, by a solemn oath that he should receive no harm; and yet made no difficulty to assassinate him during the gaiety of a banquet. But these instances, however horrid, make no figure compared with the massacre of St Bartholomew, where many thousands were inhumanly and treacherously butchered. Even so late as the fourteenth and fifteenth centuries, assassination was not held in every case to be criminal. Many solicitous applications were made to general councils of Christian clergy, to declare it criminal in every case; but without success. Ferdinand King of Aragon and Navarre, after repeated assassinations and acts of perfidy, obtained the appellation of *Great*: so little authority had the moral sense during these dark ages.

But it is scarce necessary to mention particular instances of the overbearing power of malevolent passions during such ages. An opinion, formerly universal, that the innocent may be justly involved in the same punishment with the guilty, is of itself irrefragable evidence, that morality once had very little influence when opposed by revenge. There is no moral principle more evident, than that punishment cannot be inflicted with justice but upon the guilty; and yet in Greece, the involving of the innocent with the guilty in the same punishment, was authorised even by positive

tive



tive law. By an Athenian law, a man committing sacrilege, or betraying his country, was banished with all his children (a). And when a tyrant was put to death, his children suffered the same fate (b). The punishment of treason in Macedon, was extended against the criminal's relations (c). Hanno, a citizen of Carthage, formed a plot to enslave his country, by poisoning the whole senate at a banquet. He was tortured to death; and his children, with all his relations, were cut off without mercy, tho' they had no accession to his guilt. Among the Japanese, a people remarkably ferocious, it is the practice to involve children and relations in the punishment of capital crimes. Even Cicero, the chief man for learning in the most enlightened period of the Roman republic, and a celebrated moralist, approves that practice: "Nec vero me fugit, quam sit acerbum parentum scelera filiorum pœnis lui: sed hoc præclare legibus comparatum est, ut caritas liberorum amiciores parentes reipublicæ redderet * (d)." In Britain, every one knows, that murder was retaliated, not only against the criminal and his relations, but against his whole clan; a practice so common as to be distinguished by a peculiar name, that of *deadly feud*. As late as the days of King Edmund, a law was made in England, prohibiting deadly feud, except between the relations of the person murdered and the murderer himself.

* "I am sensible of the hardship of punishing the child for the crime of the parent: this, however, is a wise enactment of our laws; for hereby the parent is bound to the interest of the state by the strongest of all ties, the affection to his offspring."

(a) Meursius de legibus Atticis, lib. 2. cap. 2.

(b) Eod. lib. 2. cap. 15.

(c) Quintus Curtius, lib. 6. cap. 11.

(d) Ep. 12. ad Brutum.



I embrace the present opportunity to honour the Jews, by observing, that they were the first people we read of, who had correct notions of morality with respect to the present point. The following law is express: "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin (a)." Amaziah, King of Judah, gave strict obedience to that law, in avenging his father's death: "And it came to pass as soon as the kingdom was confirmed in his hand, that he slew his servants which had slain the king his father. But the children of the murderers he slew not; according to that which is written in the book of the law of Moses (b)." There is an elegant passage in Ezekiel to the same purpose (c): "What mean ye, that ye use this proverb concerning the land of Israel, saying, The fathers have eaten sour grapes, and the childrens teeth are set on edge? As I live, saith the Lord God, ye shall not have occasion any more to use this proverb in Israel. The soul that sinneth, it shall die: the son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son; the righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him." Among the Jews however, as among other nations, there are instances without number, of involving innocent children and relations in the same punishment with the guilty. Such power has revenge, as to trample upon conscience, and upon the most express laws. Instigated with rage for Nabal's ingratitude, King David made a vow to God, not to leave alive of all who pertained to Nabal any

(a) Deuteronomy xxiv. 16.

(b) 2 Kings, chap. 14.

(c) Chap. 18.

that



that pisseth against the wall. And it was not any compunction of conscience that diverted him from his cruel purpose, but Nabal's beautiful wife, who pacified him (a). But such contradiction between principle and practice, is not peculiar to the Jews. We find examples of it in the laws of the Roman empire. The true principle of punishment is laid down in an edict of the Emperors Arcadius and Honorius (b). "Sancimus, ibi esse pœnam, ubi et noxia est. Propinquos, notos, familiares, procul a calumnia submovemus, quos reos sceleris societas non facit. Nec enim adfinitas vel amicitia nefarium crimen admittunt. Peccata igitur suos teneant auctores : nec ulterius progrediatur metus quam reperiatur delictum. Hoc singulis quibusque iudici- bus intimetur.*" These very Emperors, with respect to treason, which touched them nearer than other crimes, talk a very different language. After observing, that will and purpose alone without an overt act, is treason, subjecting the criminal to capital punishment, and to forfeiture of all that belongs to him, they proceed in the following words (c). "Filiis vero ejus, quibus vitam Imperatoria specialiter lenitate concedimus, (paterno enim deberent perire supplicio, in quibus paterni, hoc est, hereditarii criminis exempla metuuntur), a materna, vel avita, omnium etiam proxi-

* " We ordain, that the punishment of the crime shall extend to the criminal alone. We hold his relations, his friends, and his acquaintances, unsuspected; for intimacy, friendship, or connection, are no proof or argument of guilt. The consequences of the crime shall pursue only its perpetrator. Let this statute be intimated to all our judges."

(a) 1 Samuel, chap. 25.

(b) l. 22. Cod. De pœnis.

(c) l. 5. Cod. ad leg. Jul. majest.



“morum hereditate ac successione, habeantur alieni: testamentis
 “extraneorum nihil capeant: sint perpetuo egentes et pauperes,
 “infamia eos paterna semper comitetur, ad nullos profus hono-
 “res, ad nulla sacramenta perveniant: sint postremo tales, ut
 “his, perpetua egestate fordentibus, sit et mors solatium et vita
 “supplicium*.”

Human nature is not so perverse, as without veil or disguise to punish a person acknowledged to be innocent. An irregular bias of imagination, which extends the qualities of the principal to its accessories, paves the way to that unjust practice (a). That bias, strengthened by indignation against an atrocious criminal, leads the mind hastily to conclude, that all his connections are partakers of his guilt. In an enlightened age, the clearness of moral principles fetters the imagination from confounding the innocent with the guilty. There remain traces however of that bias, tho' not carried so far as murder. The sentence pronounced against Ravilliac for assassinating Henry IV. of France, ordains, “That his house be crazed to the ground, and that no other building be ever erected upon that spot.” Was not this in imagination punishing a house for the proprietor's crime?

* “By a special extension of our imperial clemency, we allow the sons of the criminal to live; altho', in strict justice, being tainted with hereditary guilt, they ought to suffer the punishment of their father. But it is our will, that they shall be incapable of all inheritance, either from the mother, the grandfather, or any of their kindred; that they shall be deprived of the power of inheriting by the testament of a stranger; that they shall be abandoned to the extreme of poverty and perpetual indigence; that the infamy of their father shall ever attend them, incapable of honours, and excluded from the participation of religious rites; that such, in fine, shall be the misery of their condition, that life shall be a punishment, and death a comfort.”

(a) Elements of Criticism, chap. 2. sect. 5.



Murder and affassination are not only destructive in themselves, but, if possible, still more destructive in their consequences. The practice of shedding blood unjustly, and often wantonly, blunts conscience, and paves the way to every crime. This observation is verified in the ancient Greeks: their cruel and sanguinary character, rendered them little regardful of the strict rules of justice. Right was held to depend on power, among men as among wild beasts: it was conceived to be the will of the gods, that superior force should be a lawful title to dominion; "for what right can the weak have to what they cannot defend?" Were that maxim to obtain, a weak man would have no right to liberty nor to life. That impious doctrine was avowed by the Athenians, and publicly asserted by their ambassadors in a conference with the Melians, reported by Thucydides (a). Many persons act as if force and right were the same; but a barefac'd profession of such a doctrine, is uncommon. In the Eumenides, a tragedy of Eschylus, Orestes is arraigned in the Areopagus for killing his mother. Minerva, president of the court, decrees in favour of Orestes: and for what reason? "Having no mother myself, the murder of a mother toucheth not me*." In the tragedy of Electra, Orestes, consulting the Delphic oracle about means to avenge his father's murder, was enjoined by Apollo to forbear

* Athens, from the nature of its government as established by Solon, was rendered incapable of any regular or consistent body of laws. In every case, civil and criminal, the whole people were judges in the last resort. And what sort of judges will an ignorant multitude make, who have no guide but passion and prejudice? It is vain to make good laws, when such judges are the interpreters. Anacharsis, the Scythian, being present at an assembly of the people, said, "It was singular, that in Athens, wise men pleaded causes, and fools determined them."

(a) Lib. 5.

force,



force, but to employ fraud and guile. Obedient to that injunction, Orestes commands his tutor to spread in Argos the news of his death, and to confirm the same with a solemn oath. In Homer, even the great Jupiter makes no difficulty to send a lying dream to Agamemnon, chief of the Greeks. Diffimulation is recommended by the goddess Minerva (*a*). Ulysses declares his detestation at using freedom with truth (*b*): and yet no man deals more in feigned stories (*c*). In the 22d book of the Iliad, Minerva is guilty of gross deceit and treachery to Hector. When he flies from Achilles, she appears to him in the shape of his brother Deiphobus, exhorts him to turn upon Achilles, and promises to assist him. Hector accordingly, returning to the fight, darts his lance; which rebounds from the shield of Achilles; for by Vulcan it was made impenetrable. Hector calls upon his brother for another lance; but in vain, for Deiphobus was not there. The Greeks in Homer's time must have been strangely deformed in their morals, when such a story could be relished*. A nation begins not to polish nor to advance in morality, till writing be common; and writing was not known among the Greeks at the siege of Troy. Nor were the morals of that people, as we see, much purified for a long time after writing became common.

* Upon the story of Jupiter being deceived by Juno in the 14th book of the Iliad, Pope says, "That he knows not a bolder fiction in all antiquity, nor one that has a greater air of impiety." Pope it would seem was little acquainted with antiquity: for such acts of impiety were common among the Greeks; and in particular the incident mentioned in the text, is not only more impious, but also a more gross violation of the laws of morality.

(*a*) Odysses, book 13.

(*b*) Book 14.

(*c*) Book 14. book 15.

When



When Plautus wrote, the Roman system of morals must have been extremely impure. In his play termed *Menechmi*, a gentleman of fashion having accidentally got into his hands a lady's robe with a gold clasp, instead of returning them to the owner, endeavours to sell them without shame or remorse. Such a scene would not be suffered at present, except among pick-pockets. Both the Greeks and Carthaginians were held by the Romans to be artful and cunning. The Romans continued a plain people, with much simplicity of manners, when the nations mentioned had made great progress in the arts of life; and it is a sad truth, that morality declines in proportion as a nation polishes. But if the Romans were later than the Greeks and Carthaginians in the arts of life, they soon surpassed them in every sort of immorality. For this change of manners they were indebted to their rapid conquests. The sanguinary disposition both of the Greeks and Romans, appears from another practice, that of exposing their infant children, which continued till humanity came in some measure to prevail. The practice continues in China to this day, the populousness of the country throwing a veil over the cruelty; but from the humanity of the Chinese, I conjecture, that the practice will be found rare. The Jews, a cloudy and peevish tribe, much addicted to bloodshed, were miserably defective in moral principles. Take the following examples out of an endless number recorded in the books of the Old Testament. Jael, wife of Heber, took under her protection Sisera general of the Canaanites, and engaged her faith for his security. She put him treacherously to death when asleep; and was applauded by Deborah the prophetess for the meritorious action (a). That horrid deed would probably have appeared to her in a different light, had it been committed against Barac, general of the Israelites.

(a) Judges iv. 5.

David,



David, flying from Saul, took refuge with Achish, King of Gath; and tho' protected by that King, made war against the King's allies, saying, that it was against his own countrymen of Judah. "And David saved neither man nor woman alive to bring tidings to Gath. And Achish believed David, saying, He hath made his people Israel utterly to abhor him: therefore he shall be my servant for ever (a)." This was a complication of ingratitude, lying, and treachery. Ziba, by presents to King David, and by defaming his master Mephibosheth, procured from the King a gift of his master's inheritance; tho' Mephibosheth had neither trimmed his beard, nor washed his cloaths, from the day the King departed till he returned in peace. "And it came to pass, when Mephibosheth was come to Jerusalem to meet the king, that the king said unto him, Wherefore wentest thou not with me, Mephibosheth? And he answered, My lord, O king, my servant deceived me; for thy servant said, I will saddle me an ass, that I may ride thereon, and go to the king; because thy servant is lame, and he hath slandered thy servant unto my lord the king. But my lord the king is as an angel of God: do therefore what is good in thine eyes. For all my father's house were but dead men before my lord the king: yet didst thou set thy servant among them that did eat at thine own table: what right therefore have I to cry any more unto the king?" David could not possibly atone for his rashness, but by restoring to Mephibosheth his inheritance, and punishing Ziba in an exemplary manner. But hear the sentence: "And the king said unto him, Why speakest thou any more of thy matters? I have said, Thou and Ziba divide the land (b)." The same king, after pardoning

(a) 1 Samuel, xxvii. 11.

(b) 2 Samuel, xix. 24.



Shimei for cursing him, and swearing that he should not die; yet upon deathbed enjoined his son Solomon to put Shimei to death: "Now therefore hold him not guiltless; but his hoary head bring thou down to the grave with blood (a)." I wish not to be misapprehended, as intending to censure David in particular. If the best king the Jews ever had, was so miserably deficient in morality, what must be thought of the nation in general? When David was lurking to avoid the wrath of Saul, he became acquainted with Nabal, who had a great stock of cattle. "He discharged his followers," says Josephus (b), "either for avarice, or hunger, or any pretext whatever, to touch a single hair of them; preaching still on the text of doing justice to all men, in conformity to the will of God, who is not pleased with any man that covets or lays violent hands on the goods of his neighbour." Our author proceeds to acquaint us, that Nabal having refused to supply David with provisions, and having sent back the messengers with a scoffing answer, David in great rage made a vow, that he would destroy Nabal with his house and family. Our author observes, that David's indignation against Nabal, was not so much for his ingratitude, as for the virulence of an insolent outrage against one who had never injured him. And what was the outrage? It was, says our author, that Nabal enquiring who the said David was, and being told that he was one of the sons of Jesse, "Yes, yes," says Nabal, "your run-away servants look upon themselves to be brave fellows, I warrant you." Strange looseness of morals! I mean not David, who was in wrath, but Josephus writing sedately in his closet. He every where celebrates David for his justice and piety, composes for him the very warm

(a) 1 Kings, ii. 9.

(b) Antiquities, book 6.



exhortation mentioned above: and yet thinks him not guilty of any wrong, in vowing to break every rule of justice and humanity, upon so slight a provocation as a scoffing expression, such as no man of temper will regard.

European nations, who originally were fierce and sanguinary like the Greeks and Jews, had the same cloudy and uncorrect notions of right and wrong. It is scarce necessary to give instances, the low state of morality during the dark ages of Christianity being known to all. In the time of Louis XI. of France, promises and engagements were utterly disregarded, till they were sanctified by a solemn oath: nor were such oaths long regarded; they lost their force, and were not relied on more than simple promises. All faith among men seemed to be at an end. Even those who appeared the most scrupulous about character, were however ready to grasp at any subterfuge to excuse their breach of engagement. And it is a still stronger proof of self-deceit, that such subterfuges were frequently prepared beforehand, in order to furnish an excuse. It was a common practice some ages ago, to make private protestations, which were thought sufficient to relieve men in conscience from being bound by a solemn treaty. Charles, afterward Emperor of Germany, during his minority, gave authority to declare publicly his accession to a treaty of peace, between his grandfather Maximilian and the King of France: but at the same time protested privately, before a notary and witnesses, "That, notwithstanding his public accession to the said treaty, it was not his intention to be bound by every article of it; and particularly, that the clause reserving to the King of France the sovereignty of certain territories in the Netherlands, should not be binding." Is it possible Charles could be so blind, as not to see, that such practice, if it have any effect, must destroy all faith among men? What better was this than what was practised by Robert King of France in the tenth century, to free his subjects from the guilt of perjury? They swore upon a box of relics, out of which the relics

lics were privately taken. Correa, a Portuguese general, made a treaty with the King of Pegu; and it was agreed, that each party should swear to observe the treaty, laying his hand upon the sacred book of his religion. Correa swore upon a collection of songs, and by that vile stratagem thought that he was not bound. The inhabitants of Britain were so loose formerly, that a man was not reckoned safe in his own house, without a mastiff to protect him from violence. Mastiffs were permitted even to those who dwelt within the king's forests; and to prevent danger to the deer, there was in England a court for *lawing* or *expeditation* of mastives, *i. e.* for cutting off the claws of their fore-feet, to prevent them from running (*a*). The trial and condemnation of Charles I. in a pretended court of justice, however audacious and unconstitutional, was yet an effort toward regularity and order. In the preceding age, the king would have been taken off by assassination or poison. Every prince in Europe had an officer whose province it was to secure his master against poison. A lady was appointed to that office by Queen Elisabeth of England; and the form was, to give to each of the servants a mouthful to eat of the dish he brought in. Poison must have been frequent in those days, to make such a regulation necessary. To vouch still more clearly the low ebb of morality during that period, seldom it happened that a man of figure died suddenly, or of an unusual disease, but poison was suspected. Men conscious of their own vicious disposition, are prone to suspect others. The Dauphin, son to Francis I. of France, a youth of about eighteen, having overheated himself at play, took a great draught of iced water, and died of a pleurisy in five days. The death was sudden, but none is more natural. The suspicion however of poison was universal; and Montecuculi, who attended the young prince, was formally condemned to death and

(a) Carta de Foresta, cap. 6.



executed for it; for no better reason, than that he had at all times ready access to the prince.

Considering the low state of morality where dissocial passions bear rule, as in the scenes now display'd, one would require a miracle to recover mankind out of such anarchy. But, as observed above (a), Providence brings order out of confusion. The intolerable distress of a state of things where a promise, or even an oath, is a rope of sand, and where all are set against all (b), made people at last sensible, that they must either renounce society altogether, or qualify themselves for it, by checking their dissocial passions. Finding from experience, that the gratification of social affections exceeds greatly that of cruelty and revenge, men endeavoured to acquire a habit of self-command, and of restraining their stormy passions. The necessity of fulfilling every moral duty was recognised: men listened to conscience, the voice of God in their hearts: and the moral sense was cordially submitted to, as the ultimate judge in all matters of right and wrong. Salutary laws and steady government contributed to perfect that glorious revolution: private conviction alone would not have been effectual, not at least in many ages.

From that revolution is derived what is termed *the law of nations*, meaning certain regulations dictated by the moral sense in its maturity. The laws of our nature refine gradually as our nature refines. The putting an enemy to death in cold blood, is averse to improved nature, tho' common while barbarity prevailed. It is held infamous to use poisoned weapons, tho' the moral sense made little opposition while rancour and revenge were ruling passions. Aversion against strangers is taught to vary its object, from

(a) Book 2. sketch 1.

(b) Hobbes.

individuals,



individuals, to the nation that is our enemy: I bear enmity against France; but dislike not any one Frenchman, being conscious that it is the duty of subjects to serve their king and country *. In distributing justice, we make no distinction between natives and foreigners: if any partiality be indulged, it is in favour of the helpless stranger.

But cruelty is not the only antagonist to morality. There is another, less violent indeed, but more cunning and undermining; and that is the hoarding-appetite. Before money was introduced, that appetite was extremely faint: in the first stage of civil society, men are satisfied with plain necessaries; and having these in plenty, they think not of providing against want. But money is a species of property, so universal in operation, and so permanent in value, as to rouse the appetite for hoarding: love of money excites industry; and the many beautiful productions of industry, magnificent houses, splendid gardens, rich garments, inflame the appetite to an extreme. In the thirteenth century, so obscured was the moral sense by rapacity and avarice, that robbery on the highway, and the coining false money, were in Germany held to be privileges of great lords. That perjury was common in the city of London, especially among jurymen, makes a preamble in more than one statute of Henry VII. In *the Dance of Death*, translated from the French in the said king's reign, with additions adapted to English manners, a jurymen is introduced, who, influenced by bribes, had often given a false verdict. And the sheriff was often suspected as accessory to the crime, by returning for jurymen persons of a bad character. Carew, in his account of Cornwall, says,

* In one of our ill-concerted descents upon France during the late war, signal humanity appeared, in forbearing to burn a manufactory of sails and ropes, belonging to the King; because it would have destroy'd an adjoining building of the same kind belonging to a private manufacturer.

that



that it was an ordinary article in an attorney's bill, to charge *pro amicitia vicecomitis* *. Perjury in jurors of the city of London, is greatly complained of. Stow informs us, that, in the year 1468, many jurors of that city were punished, and papers fixed on their heads, declaring their offence, of being corrupted by the parties to the suit. He complains of that corruption as flagrant in the reign of Elifabeth, when he wrote his account of London. Fuller, in his English Worthies, mentions it as a proverbial saying; "That London juries hang half, and save half." Grafton, in his Chronicle, mentions, that the chancellor of the Bishop of London being indicted for murder, the Bishop wrote a letter to Cardinal Wolfey, begging his interposition for having the prosecution stopt, "because London juries were so corrupted, that they would find Abel guilty of the murder of Cain." In that period, the morals of the English were in every particular extremely loose. We learn from Strype's annals (a), that in the county of Somersfet alone, forty persons were executed in one year for robbery, theft, and other felonies, thirty-five burnt in the hand, thirty-seven whipped, one hundred and eighty-three discharged, tho' most wicked and desperate persons; and yet that the fifth part of the felonies committed in that county were not brought to trial, either from cunning in the felons, indolence in the magistrate, or foolish lenity in the people; that other counties were in no better condition, and many in a worse; and that commonly there were three or four hundred able-bodied vagabonds in every county, who lived by theft and rapine. Harrison computes, that in the reign of Henry VIII. seventy-two thousand thieves and rogues were hanged; and that in Elifabeth's time there were

* "For the friendship of the sheriff."

(a) Vol. 4.



only hanged yearly between three and four hundred for theft and robbery. At present, there are not forty hanged in a year for these crimes. The same author reports, that in the reign of Elizabeth, there were computed to be in England ten thousand gypsies. In the year 1601, complaints were made in parliament, of the rapine of the justices of peace; and a member said, that this magistrate was an animal, who, for half a dozen of chickens, would dispense with a dozen of penal statutes. The people of Whidah, in Guinea, are much addicted to pilfering. Bosman was told by the King, "That his subjects were not like those of Adrah, who on the slightest umbrage will poison an European. "This, says he, you have no reason to apprehend here: but take care of your goods; for so expert are my people at thieving, that they will steal from you while you are looking on." The Caribbeans, who know no wants but what nature inspires, are amaz'd at the industry of the Europeans in amassing wealth. Listen to one of them expostulating with a Frenchman in the following terms: "How miserable art thou, to expose thy person to tedious and dangerous voyages, and to suffer thyself to be oppressed with anxiety about futurity! An inordinate appetite for wealth is thy bane; and yet thou art no less tormented in preserving the goods thou hast acquired, than in acquiring more: fear of robbery or shipwreck suffers thee not to enjoy a quiet moment. Thus thou growest old in thy youth, thy hair turns gray, thy forehead is wrinkled, a thousand ailments afflict thy body, a thousand distresses surround thy heart, and thou movest with painful hurry to the grave. Why art thou not content with what thy own country produceth? Why not condemn superfluities, as we do?"

To control the hoarding appetite, which when inflamed is the bane of civil society, the God of nature has provided two efficacious principles; the moral sense, and the sense of property. The
hoarding



hoarding appetite, it is true, is more and more inflamed by beautiful productions in the progress of art: but, on the other hand, the senses mentioned growing to maturity, have a commanding influence over the actions of men; and, when cherished in a good government, are a sufficient counterbalance to the hoarding appetite. The ancient Egyptians enjoy'd for ages the blessings of good government; and moral principles were among them carried to a greater degree of refinement, than at present even in our courts of equity. It was made the duty of every one, to succour those who were unjustly attacked: even passengers were not exempted. A regulation among them, that a man could not be imprisoned for debt, was well suited to the tenor of their laws and manners: it could not have taken place but among an honest and industrious people. In old Rome, tho' remarkable for temperance and austerity of manners, a debtor could be imprisoned, and even sold as a slave, for payment of the debt; but the Patricians were the creditors, and the poor Plebeians were held in woful subjection*. The moderation

* A bankrupt in England who pays three fourths of his debt, and obtains a certificate of his good behaviour, is discharged of all the debts contracted by him before his bankruptcy. Such regulation was perhaps not unsuitable to the moderation and frugality of the period when it was made. But luxury and external show, have now become our ruling passions; and to supply our extravagance, money must be procured at any rate. Trade in particular has degenerated into a species of gaming; men venturing their all, in hopes of a lucky hit to elevate them above their neighbours. And did they only venture their own, the case would not be deplorable: they venture all they can procure upon credit; and by that means, reduce to beggary many an innocent family: with respect to themselves, they know the worst of it, which is to be clear'd from their debts by a certificate. The morals of our people are indeed at so low an ebb, as to require the most severe laws against bankruptcy. When a man borrows a sum, it is implied in the covenant, that all his effects present and future shall lie open to the creditor; for which reason, it is contradictory to justice, that a creditor should be forc'd to discharge

moderation of the inhabitants of Hamburgh, and their public spirit, kept in vigour by a free government, preserve morality among them entire from taint or corruption. I give an illustrious instance. Instead of a tax upon trade or riches, every merchant puts privately into the public chest, what he thinks ought to be his contribution: the total sum seldom falls short of expectation; and among that numerous body of men, not one is suspected of contributing less than his proportion. But luxury has not yet got footing in that city. A climate not kindly, and a soil not fertile, enured the Swifs to temperance and to virtue. Patriotism continues their ruling passion: they are fond of serving their country; and are honest and faithful to each other: a law-suit among them is a wonder; and a door is seldom shut unless to keep out cold.

The hurtful effects of the hoarding appetite with respect to individuals, make no figure compared with its poisonous influence upon the public, in every state enriched by conquest or by commerce; which I have had more than one opportunity to mention.

charge his debtor without obtaining complete payment. Many debtors, it is true, deserve favour; but it ought to be left to the humanity of creditors, and not be forc'd from them by law. The debtor, at the same time, may be safely left to the humanity of his creditors: for if he have conducted his affairs with strict integrity, and with any degree of prudence, there will scarce be found one man so hard-hearted, as to stand out against the laudable and benevolent intentions of his fellow-creditors. Nay, if he have any regard to character, he dares not stand out: he would be held as a monster, and be abhorred by all the world. To leave a bankrupt thus to the mercy of his creditors, would produce the most salutary effects. It would excite men to be strictly just in their dealings, and put an end to gaming, so destructive to credit; because misbehaviour in any of these particulars would set the whole creditors against their debtor, and leave him no hope of favour. In the late bankrupt-statute for Scotland, accordingly, the clause concerning the certificate was wisely left out, as unsuitable to the depraved manners of the present times.

*Has how
changed.*



Overflowing riches unequally distributed, multiply artificial wants beyond all bounds: they eradicate patriotism: they foster luxury, sensuality, and selfishness, which are commonly gratified at the expence even of justice and honour. The Athenians were early corrupted* by opulence; to which every thing was made subservient. "It is an oracle," says the chorus in the Agamemnon of Eschylus, "that is not purchased with money." During the infancy of a nation, vice prevails from imbecility in the moral sense: in the decline of a nation, it prevails from the corruption of affluence.

In a small state, there is commonly much virtue at home, and much violence abroad. The Romans were to their neighbours more baneful than famine or pestilence; but patriotism in them occasioned great integrity at home. An oath when given to fortify an engagement with a fellow-citizen, was more sacred at Rome than in any other part of the world (a). The censorian office cannot succeed but among a virtuous people; because its rewards and punishments have no influence but upon those who are ashamed of vice*. As soon as Asiatic opulence and luxury prevailed in Rome, selfishness, sensuality, and avarice, formed the character of the Romans; and the censorian power was at an end. Such relaxation of morals ensued, as to make a law necessary prohibiting the custody of an infant to be given to the heir, for fear of murder. And for the same reason, it was held unlawful to make a covenant *de hereditate viventis*. These regulations prove the

* In the fifteenth century, the French clergy from the pulpit censured public transactions, and even the conduct of their king, as our British clergy did in the days of Charles I. and II. They assumed the privilege of a Roman censor; but they were not men of such authority as to do any good in a corrupted nation.

(a) L'Esprit des loix, liv. 8. ch. 13.



Romans to have been grossly corrupt. Our law is different in both articles; because it entertains not the same bad opinion of the people whom it governs. Domitius Enobarbus and Appius Pulcher were consuls of Rome in the 699th year; and Memmius and Calvinus were candidates for succeeding them in that office. It was agreed among these four worthy gentlemen, that they should mutually assist each other. The consuls engaged to promote the election of Memmius and Calvinus: and they, on the other hand, subscribed a bond, obliging themselves, under a penalty of about L. 3000 Sterling, to procure three augurs, who should attest, that they were present in the comitia when a law passed, investing the consuls with military command in their provinces; and also obliging themselves to produce three persons of consular rank, to depose, that they were not only present in the senate, but actually in the number of those who signed a decree, conferring on the consuls the usual proconsular appointments. And yet the law made in the comitia, and the decree in the senate, were pure fictions, never even spoken of. Infamous as this transaction was, Memmius, to answer some political purpose, was not ashamed to divulge it to the senate. This same Memmius, however, continued to be Cicero's correspondent, and his professed friend. *Prob tempora! prob mores!* But power and riches were at that time ruling passions; and the principles of morality were very little regarded.

It is needless to dissemble, that selfishness, sensuality, and avarice, must in England be the fruits of great opulence, as in every other country; and that morality cannot maintain its authority against such undermining antagonists. Customhouse-oaths have become so familiar among us, as to be swallowed without a wry face; and is it certain, that bribery and perjury in electing parliament-members, are not approaching to the same cool state? In the infancy of morality, a promise makes but a slight impression: to give it



force, it is commonly accompanied with many solemnities (a); and in treaties between sovereigns, even these solemnities are not relied on without a solemn oath. When morality arrives at maturity, the oath is thought unnecessary; and at present, morality is so much on the decline, that a solemn oath is not more relied on, than a simple promise was originally. Laws have been made to prevent such immorality, but in vain: because none but patriots have an interest to support them; and when patriotism is banished by corruption, there is no remaining spring in government to make them effectual. The statutes made against gaming, and against bribery and corruption in elections, have no authority over a degenerate people. Nothing is studied, but how to evade the penalties; and supposing statutes to be made without end for preventing known evasions, new evasions will spring up in their stead. The misery is, that such laws, if they prove abortive, are never innocent with regard to consequences; for nothing is more subversive of morality as well as of patriotism, than a habit of disregarding the laws of our country*.

But

(a) See Historical Law-tracts, tract 2.

* Lying and perjury are not in every case equally criminal; at least are not commonly reckoned so. Lying or perjury, in order to injure a man, is held highly criminal; and the greater the hurt, the greater the crime. To relieve from punishment, few boggle at a lie or at perjury: sincerity is not even expected; and hence the practice of torture. Many men are not scrupulous about oaths, when they have no view but to obtain justice to themselves: the Jacobites, that they might not be deprived of their privileges as British subjects, made no great difficulty to swallow oaths to the present government, tho' in them it was perjury. It is dangerous to withdraw the smallest peg in the moral edifice; for the whole will totter and tumble. Men creep on to vice by degrees. Perjury, in order to support a friend, has become customary of late years; witness fictitious qualifications in the electors of parliament-men, which are made effectual by perjury: yet such is the degeneracy of the present times, that no man is the worse thought of upon that

But pride sometimes happily interposes to stem the tide of corruption. The poor are not ashamed to take a bribe from the rich; nor weak states from those that are powerful, disguised only under the name of *subsidy* or *pension*. Both France and England have been in the practice of securing the alliance of some foreign princes by pensions; and it is natural in the ministers of a pensioned prince, to receive a gratification for keeping their master to his engagement. England never was at any time so inferior to France, as to suffer their king to accept a pension, whatever private transactions might be between the kings themselves. But the ministers of England thought it no disparagement, to receive pensions from France. Every minister of Edward IV. of England received a pension from Louis XI.; and they made no difficulty of granting a receipt accordingly. The old Earl of Warwick, says Commynes, was the only exception: he took the money, but refused a receipt. Cardinal Wolsey had a pension both from the Emperor and from the King of France: and his master Henry was vain, that his minister was so much regarded by the first powers in Europe. During the reigns of Charles II. and of his brother James, England made so despicable a figure, that the ministers accepted pensions from Louis XIV. A king void of virtue was never well served. King Charles, most disgracefully, accepted a pension from France: what scruple could his ministers have? Britain, governed by a king eminently virtuous and patriotic, makes at present so great a figure, that even the lowest minister would disdain a pension from any foreign prince. Men formerly were so blind as not to see, that a pension creates a bias in a minister, against his master and his country. At present,

that account. We must not flatter ourselves that the poison will reach no farther: a man who boggles not at perjury to serve a friend, will in time become such an adept, as to commit perjury in order to ruin a friend when he becomes an enemy.

men



men are so quick-sighted as clearly to see, that a foreign pension to a minister is no better than a bribe; and it would be held so by all the world.

In a nation enriched by conquest or commerce, where selfish passions always prevail, it is difficult to stem the tide of immorality: the decline of virtue may be retarded by wholesome regulations; but no regulations will ever restore it to its meridian vigour. Marcus Aurelius, Emperor of Rome, caused statues to be made of all the brave men who figured in the Germanic war. It has long been a practice in China, to honour persons eminent for virtue, by feasting them annually at the Emperor's expence. A late Emperor made an improvement: he ordered reports to be sent him annually, of men and women who when alive had been remarkable for public spirit or private virtue, in order that monuments might be erected to their memory. The following report is one of many that were sent to the Emperor. "According
 " to the order of your Majesty, for erecting monuments to the ho-
 " nour of women, who have been celebrated for continence, for
 " filial piety, or for purity of manners, the viceroy of Canton re-
 " ports, that in the town of Sinhoei, a beautiful young woman,
 " named *Leang*, sacrificed her life to save her chastity. In the
 " fifteenth year of our Emperor Canghi, she was dragg'd by pi-
 " rates into their ship; and having no other way to escape their
 " brutal lust, she threw herself headlong into the sea. Being of
 " opinion, that to prefer honour before life is an example worthy
 " of imitation, we purpose, according to your Majesty's order, to
 " erect a triumphal arch for that young woman, and to engrave
 " her story upon a large stone, that it may be preserved in per-
 " petual remembrance." At the foot of the report is written,
The Emperor approves. Pity it is, that such regulations should ever prove abortive, for their purpose is excellent. But they would need angels to put them in execution. Every deviation from a
 just

just selection enervates them; and frequent deviations render them a subject of ridicule. But how are deviations to be prevented, when men are the judges? Those who distribute the rewards will prefer their friends, and overlook those of greater merit. Like the censorian power in Rome, such regulations, after many abuses, will sink into contempt.

Two errors, which infested morality in dark times, have occasioned much injustice; and I am not certain, that they are yet totally eradicated. The first is an opinion, That an action derives its quality of right and wrong from the event, without regard to intention. The other is, That the end justifies the means; or, in other words, That means, otherwise unlawful, may be lawfully employ'd to bring about a good end. With an account of these two errors, I shall close the present historical sketch.

That intention is the circumstance which qualifies an action, and its author, to be criminal or innocent, is made evident in the first part of the present sketch, and is now admitted to be so by every moral writer. But rude and barbarous nations seldom carry their thoughts beyond what falls under their external senses: they conclude an action to be right that happens to do good, and an action to be wrong that happens to do harm; without ever thinking of motives, of Will, of intention, or of any circumstance that is not obvious to eye-sight. From many passages in the Old Testament it appears, that the external act only, with its consequences, were regarded. Isaac, imitating his father Abraham, made his wife Rebecca pass for his sister. Abimelech, King of the Philistines, having discovered the imposture, said to Isaac, "What is this thou hast done unto us? One of the people might lightly have lien with thy wife, and thou shouldst have brought guiltiness upon us (a)." Jonathan was condemned to die

(a) Genesis, chap. 26.



for transgressing a prohibition he had never heard of (*a*). A sin of ignorance, *i. e.* an action done without ill intention, required a sacrifice of expiation (*b*). Saul being defeated by the Philistines, fell on his own sword: the wound not being mortal, he prevailed on a young Amalekite, to pull out the sword, and to dispatch him with it. Josephus (*c*) says, that David ordered the criminal to be delivered up to justice as a regicide.

The Greeks appear to have wavered greatly about intention, sometimes holding it essential to a crime, and sometimes disregarding it as a circumstance of no moment. Of these contradictory opinions we have pregnant evidence in the two tragedies of Oedipus; the first taking it for granted, that a crime consists entirely in the external act and its consequences; the other holding intention to be indispensable. Oedipus had killed his father Laius, and married his mother Jocasta; but without any criminal intention, being ignorant of his relation to them. And yet history informs us, that the gods punished the Thebans with pestilence, for suffering a wretch so grossly criminal to live. Sophocles, author of both tragedies, puts the following words in the mouth of Tiresias the prophet.

————— Know then,
That Oedipus, in shameful bonds united,
With those he loves, unconscious of his guilt,
Is yet most guilty.

And that doctrine is espoused by Aristotle in a later period, who holding Oedipus to have been deeply criminal, tho' without intention, is of opinion, that a more proper subject for tragedy ne-

(*a*) 1 Samuel, xiv. 44.

(*b*) Leviticus, chap. 4.

(*c*) Book 3. of Antiquities.



ver was brought upon the stage. Nay as a philosopher he talks currently of an involuntary crime. Orestes, in Euripides, acknowledges himself to be guilty in killing his mother; yet asserts with the same breath, that his crime was inevitable, a necessary crime, a crime commanded by religion.

In Oedipus Coloneus, the other tragedy mentioned, a very different proposition is maintained. A defence is made for that unlucky man, agreeable to sound moral principles, that, having had no bad intention, he was entirely innocent; and that his misfortunes ought to be ascribed to the wrath of the gods.

Thou who upbraid'st me thus for all my woes,
Murder and incest, which against my will
I had committed; so it pleas'd the gods,
Offended at my race for former crimes.

But I am guiltless; can'st thou name a fault

Deserving this? For, tell me, was it mine,

When to my father, Phœbus did declare,

That he should one day perish by the hand

Of his own child; was Oedipus to blame,

Who had no being then? If, born at length

To wretchedness, he met his fire unknown,

And slew him, that involuntary deed

Can'st thou condemn? And for my fatal marriage,

Dost thou not blush to name it? was not she

Thy sister, she who bore me, ignorant

And guiltless woman! afterwards my wife,

And mother to my children? What she did, she did un-
knowing.

But, not for that, nor for my murder'd father,

Have I deserv'd thy bitter taunts: for, tell me,

Thy life attack'd, wouldst thou have staid to ask



Th' affassin, if he were thy father? No;
 Self-love would urge thee to revenge the insult.
 Thus was I drove to ill by th' angry gods;
 This, shou'd my father's soul revisit earth,
 Himself would own, and pity Oedipus.

Again, in the fourth act, the following prayer is put up for Oedipus by the chorus.

————— O grant,
 That not oppress'd by tort'ring pain
 Beneath the stroke of death he linger long;
 But swift, with easy steps, descend to Styx's drear abode;
 For he hath led a life of toil and pain;
 May the just gods repay his undeserved woe.

The audience was the same in both plays. Did they think Oedipus to be guilty in the one play, and innocent in the other? If they did not, how could both plays be relished? if they did, they must have been grossly stupid.

The statues of a Roman Emperor were held so sacred, that to treat them with any contempt was high treason. This ridiculous opinion was carried so far out of common sense, that a man was held guilty of high treason, if a stone thrown by him happened accidentally to touch one of these statues. And the law continued in force till abrogated by a rescript of Severus Antoninus (a).

In England, so little was intention regarded, that casual homicide, and even homicide in self-defence, were capitally punished. It requires strong evidence to vouch so absurd a law; and I have the strongest, viz. the act 52^o Henry III. cap. 26. converting the capital punishment into a forfeiture of moveables. The same gross blunder continued much longer to be law in Scotland. By act 19.

(a) l. 5. ad leg. Jul. Majest.



parl. 1649, renewed act 22. parl. 1661, the capital punishment is converted to imprisonment, or a fine to the wife and children. In a period so late as the Restoration, strange blindness it was, not to perceive, that homicide in self-defence, being a lawful act, justified by the strictest rules of morality, subjects not a man to punishment, more than the defending his property against a robber; and that casual homicide, meaning homicide committed innocently without ill intention, may subject him to reparation, but never to any punishment, mild or severe.

The Jesuits in their doctrines seem to rest on the external act, disregarding intention. It is with them a matter of perfect indifference, from what motive men obey the laws of God; and that the service of those who obey from fear of punishment, is no less acceptable to the Deity, than of those who obey from a principle of love*.

The other error mentioned above, is, That the end justifies the means. In defence of that proposition, it is urged, that the character of the means is derived from the end; that every action must be right which contributes to a good end, and that every action must be wrong which contributes to an ill end. But those who reason thus, ought first to consider, whether reasoning be at all applicable to the present subject. Reason is the true touchstone of truth and falsehood; but the moral sense is the only touchstone of right and wrong; and to maintain, that reason is our guide in judging of right and wrong, is no less absurd than to maintain,

* External show made a great figure, when nothing was regarded but what is visible. By acuteness of judgement, and refinement of taste, the pleasures of society prevail, and forms and ceremonies are disregarded. External show, however, continues to stand its ground in several instances. It occasions, in particular, many an ill-sorted match: a young man is apt to be captivated with beauty or dress; a young woman with equipage or a title.



that the moral sense is our guide in judging of truth and falsehood. The moral sense dictates, that on no pretext whatever is it lawful to do an act of injustice, or any wrong (*a*): and men, conscious that the moral sense governs in matters of right and wrong, submit implicitly to its dictates. Influenced however by the reasoning mentioned, during the nonage of the moral sense, men did wrong currently in order to bring about a good end; witness pretended miracles and forged writings, urged without reserve by every sect of Christians against their antagonists. And I am sorry to observe, that the error is not totally eradicated: missionaries employ'd in converting infidels to the true faith, are little scrupulous about the means: they make no difficulty to feign prodigies in order to convert those who are not moved by argument. Such pious frauds tend to sap the very foundations of morality.

(*a*) See the first part of this sketch, § 2. at the end.

S K E T C H

