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Sect. III. Laws of Nature respecting our Moral Conduct in Society.

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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.

This



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*.

The

* 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 præcisus 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-*



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. Passions 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.

