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Sketches Of The History Of Man

In Two Volumes

Home, Henry

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Part II. Progress of Morality.

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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 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 iudicibus 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 grand-
 “father, or any of their kindred; that they shall be deprived of the power of in-
 “heriting by the testament of a stranger; that they shall be abandoned to the ex-
 “treme 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.



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

