ENQUIRY

CONCERNING

POLITICAL JUSTICE

AND

ITS INFLUENCE

ON

MORALS AND HAPPINESS.

BY WILLIAM GODWIN.

THE FOURTH EDITION.

IN TWO VOLUMES.

VOL. II.

London:
J. WATSON, 5, PAUL'S ALLEY, PATERNOSTER ROW.

1842.

Page.

CHAP. II.
Of Religious Establishments 112

CHAP. III.
Of the Suppression of Erroneous Opinions in Religion and Government 115

CHAP. IV.
Of Tests 121

CHAP. V.
Of Oaths 125

CHAP. VI.
Of Libels 128

CHAP. VII.
Of Constitutions 135

CHAP. VIII.
Of National Education 142

CHAP. IX.
Of Pensions and Salaries 146

CHAP. X.
Of the Modes of Deciding a Question on the Part of the Community 151

BOOK VII.

OF CRIMES AND PUNISHMENTS.

CHAP. I.
Limitations of the Doctrine of Punishment which Result from the Principles of Morality 154

CHAP. II.
General Disadvantages of Punishment 157

CHAP. III.
Of the Purposes of Punishment 161

CHAP. IV.
Of the Application of Punishment 166

CHAP. V.
Of Punishment Considered as a Temporary Expedient 172

CHAP. VI.
Scale of Punishment 181

Page.

CHAP. VII.
Of Evidence 189

CHAP. VIII.
Of Law 190

CHAP. IX.
Of Pardons 199

BOOK VIII.

OF PROPERTY.

CHAP. I.
Preliminary Observations 202

CHAP. II.
Principles of Property 207

CHAP. III.
Benefits Attendant on a System of Equality 218

CHAP. IV.
Objection to this System from the Frailty of the Human Mind 225

CHAP. V.
Objection to this System from the Question of Permanence . 228

CHAP. VI.
Objection to this System from the Allurements of Sloth 230

CHAP. VII.
Objection to this System from the Benefits of Luxury 230

CHAP. VIII.
Objection to this System from the Inflexibility of its Restrictions 238
Appendix. Of Co-operation, Cohabitation and Marriage .. 239

CHAP. IX.
Objection to this System from the Principle of Population . 247
Appendix. Of Health and the Prolongation of Human Life 249

CHAP. X.
Reflections 254

ENQUIRY

CONCERNING

POLITICAL JUSTICE.

BOOK V.

OF LEGISLATIVE AND EXECUTIVE POWER.

CHAP. I.

INTRODUCTION.

Retrospect of principles already established.—Distribution of the remaining subjects.—Subject of the present book.—Forms of government.—Method of examination to be adopted.

In the preceding divisions of this work the ground has been sufficiently cleared, to enable us to proceed, with considerable explicitness and satisfaction, to the practical detail: in other words, to attempt the tracing out that application of the laws of general justice, which may best conduce to the gradual improvement of mankind.

It has appeared, that an enquiry concerning the principles and conduct of social intercourse is the most important topic upon which the mind of man can be exercised;* that, upon these principles, well or ill conceived, and the manner in which they are administered, the vices and virtues of individuals depend;† that political institution, to be good, must have constant relation to the rules of immutable justice;‡ and that those rules, uniform in their nature, are equally applicable to the whole human race.§

The different topics of political institution cannot perhaps be more perspicuously distributed, than under the four following heads: provisions for general administration; provisions for the intellectual and moral improvement of individuals; provisions for the administration of criminal justice; and provisions for the regulation of property. Under each of these heads it will be our business, in proportion as we adhere to the great and comprehen-

* Book I.
† Book II., Chap. II.
‡ Book I., Chap. VI. VII.
§ Book III., Chap. VII.

sive principles already established, rather to clear away abuses, than to recommend further and more precise regulations, rather to simplify, than to complicate. Above all, we should not forget that government is, abstractedly taken, an evil, an usurpation upon the private judgment and individual conscience of mankind;* and that, however we may be obliged to admit it as a necessary evil for the present, it behoves us, as the friends of reason and the human species, to admit as little of it as possible, and carefully to observe, whether, in consequence of the gradual illumination of the human mind, that little may not hereafter be diminished.

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

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

* Book II.

† Book III., Chap. V. ‡ Book VII., Chap. VIII.

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

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

CHAP. II.

OF EDUCATION, THE EDUCATION OF A PRINCE.

Nature of monarchy delineated.—School of adversity.—Tendency of superfluity to inspire effeminacy—to deprive us of the benefit of experience—illustrated in the case of princes.—Manner in which they are addressed.—Inefficacy of the instruction bestowed upon them.

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

The abstract idea of a king, is of an extremely momentous and extraordinary nature; and, though the idea has, by the accident of education, been rendered familiar to us from our infancy, yet perhaps the majority of readers can recollect the period, when it struck them with astonishment, and confounded their powers of apprehension. It being sufficiently evident, that some species of government was necessary, and that individuals must concede a part of that sacred and important privilege, by which each man is constituted judge of his own words and actions, for the sake of general good, it was next requisite to consider what expedients might be substituted in the room of this original claim. One of these expedients, has been monarchy. It was the interest of each individual, that his individuality should be invaded as rarely as possible; that no invasion should be permitted to flow from wanton caprice, from sinister and disingenuous views, or from the instigation of anger, partiality and passion; and that this bank, severely levied upon the peculium of each member of the society,

should be administered with frugality and discretion. It was, therefore, without doubt, a very bold adventure, to commit this precious deposit to the custody of a single man. If we contemplate the human powers, whether of body or mind, we shall find them much better suited to the superintendence of our private concerns and to the administering occasional assistance to others, than to the accepting the formal trust of superintending the affairs and watching for the happiness of millions. If we recollect the physical and moral equality of mankind, it will appear a very violent usurpation upon this principle, to place one individual at so vast an interval from the rest of his species. Let us then consider how such persons are usually educated, or may be expected to be educated, and how well they are prepared for this illustrious office.

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

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

But, though the exaggerated opinion here stated, of the usefulness of adversity, be erroneous, it is, like many other of our errors, allied to important truth. If adversity be not necessary, it must be allowed that prosperity is pernicious. Not a genuine and philosophical prosperity, which requires no more than sound health with a sound intellect, the capacity of procuring for ourselves, by a moderate and well regulated industry, the means of subsistence, virtue, and wisdom: but prosperity as it is usually understood, that is, a competence, provided for us by the caprice of human institution, inviting our bodies to indolence, and our minds to lethargy; and still more prosperity, as it is understood in the case of noblemen and princes, that is, a superfluity of wealth, which deprives us of all intercourse with our fellow men upon equal terms, and makes us prisoners of state, gratified indeed

* Chap. XV.

with baubles and splendour, but shut out from the real benefits of society, and the perception of truth. If truth be so intrinsically powerful, as to make adversity unnecessary to excite our attention to it, it is nevertheless certain, that luxury and wealth have the most fatal effects in distorting it. If it require no foreign aid to assist its energies, we ought however to be upon our guard, against principles and situations, the tendency of which may be perpetually to counteract it.

Nor is this all. One of the most essential ingredients of virtue is fortitude. It was the plan of many of the Grecian philosophers, and most of all of Diogenes, to show to mankind, how very limited is the supply that our necessities require, and how little dependent our real welfare and prosperity are upon the caprice of others. Among innumerable incidents upon record that illustrate this principle, a single one may suffice to suggest to our minds its general spirit. Diogenes had a slave whose name was Menas, and Menas thought proper upon some occasion to elope. "Ha!" said the philosopher, "can Menas live without Diogenes, and cannot Diogenes live without Menas?" There can be no lesson more important, than that which is here conveyed. The man that does not know himself not to be at the mercy of other men, that does not feel that he is invulnerable to all the vicissitudes of fortune, is incapable of a constant and inflexible virtue. He, to whom the rest of his species can reasonably look up with confidence, must be firm, because his mind is filled with the excellence of the object he pursues; and cheerful, because he knows that it is out of the power of events to injure him. If any one should choose to imagine that this idea of virtue is strained too high, yet all must allow, that no man can be entitled to our confidence, who trembles at every wind, who can endure no adversity, and whose very existence is linked to the artificial character he sustains. Nothing can more reasonably excite our contempt, than a man who, if he were once reduced to the genuine and simple condition of man, would be driven to despair, and find himself incapable of consulting and providing for his own subsistence. Fortitude is a habit of mind that grows out of a sense of our independence. If there be a man, who dares not even trust his own imagination with the fancied change of his circumstances, he must necessarily be effeminate, irresolute and temporising. He that loves sensuality or ostentation better than virtue, may be entitled to our pity, but a madman only would intrust to his disposal anything that was dear to him.

Again, the only means by which truth can be communicated to the human mind, is through the inlet of the senses. It is perhaps impossible, that a man shut up in a cabinet, can ever be wise. If we would acquire knowledge, we must open our eyes, and contemplate the universe. Till we are acquainted with the meaning of terms, and the nature of the objects around us, we cannot understand the propositions that may be formed concerning them. Till we are acquainted with the nature of the objects

around us, we cannot compare them with the principles we have formed, and understand the modes of employing them. There are other ways of attaining wisdom and ability beside the school of adversity, but there is no way of attaining them, but through the medium of experience. That is, experience brings in the materials with which intellect works; for it must be granted, that a man of limited experience, will often be more capable, than he who has gone through the greatest variety of scenes; or rather perhaps, that one man may collect more experience in a sphere of a few miles square, than another who has sailed round the world.

To conceive truly the value of experience, we must recollect the numerous improvements the human mind has received, and how far an enlightened European differs from a solitary savage. However multifarious are these improvements, there are but two ways in which they can be appropriated by any individual; either at second hand by books and conversation, or at first hand by our own observations of men and things. The improvement we receive in the first of these modes is unlimited; but it will not do alone. We cannot understand books, till we have seen the subjects of which they treat.

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

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

As he is the heir to a throne, it is never forgotten by those about him, that considerable importance is to be annexed to his favour

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

What is the result of such an education? Having never experienced contradiction, the young prince is arrogant and presumptuous. Having always been accustomed to the slaves of necessity or the slaves of choice, he does not understand even the meaning of the word freedom. His temper is insolent, and impatient of parley and expostulation. Knowing nothing, he believes himself sovereignly informed, and runs headlong into danger, not from firmness and courage, but from the most egregious wilfulness and vanity. Like Pyrrho among the ancient philosophers, if his attendants were at a distance, and he trusted himself alone in the open air, he would perhaps be run over by the next coach, or fall down the first precipice. His violence and presumption, are strikingly contrasted with the extreme timidity of his disposition. The first opposition terrifies him, the first difficulty, seen and understood, appears insuperable. He trembles at a shadow, and at the very semblance of adversity is dissolved into tears. It has accordingly been observed, that princes are commonly superstitious beyond the rate of ordinary mortals.

Above all, simple, unqualified truth is a stranger to his ear. It either never approaches; or, if so unexpected a guest should once appear, it meets with so cold a reception, as to afford little encouragement to a second visit. The longer he has been accustomed to falsehood and flattery, the more grating will it sound The longer he has been accustomed to falsehood and flattery, the more terrible will the task appear to him, to change his tastes, and discard his favourites. He will either place a blind confidence in all men, or, having detected the insincerity of those who were most agreeable to him, will conclude that all men are knavish and designing. As a consequence of this last opinion, he will become indifferent to mankind, and callous to their sufferings, and will believe that even the virtuous are knaves under a craftier mask. Such is the education of an individual, who is destined to superintend the affairs, and watch for the happiness of millions.

In this picture are contained the features which most obviously constitute the education of a prince, into the conduct of which no person of energy and virtue has by accident been introduced. In real life it will be variously modified, but the majority of the features, unless in rare instances, will remain the same. In no

case can the education of a friend and benefactor of human kind, as sketched in a preceding page, by any speculative contrivance be communicated.

Nor is there any difficulty in accounting for the universal miscarriage. The wisest perceptor, thus circumstanced, must labour under insuperable disadvantages. No situation can be so artificial as that of a prince, so difficult to be understood by him who occupies it, so irresistibly propelling the mind to mistake. The first ideas it suggests, are of a tranquillising and soporific nature. It fills him with the opinion, of his secretly possessing some inherent advantage over the rest of his species, by which he is formed to command, and they to obey. If you assure him of the contrary, you can expect only an imperfect and temporary credit; for facts when, as in this case, they are continually deposing against you, speak a language more emphatic and intelligible, than words. If it were not as he supposes, why should every one that approaches, be eager to serve him? The sordid and selfish motives by which they are really actuated, he is very late in detecting. It may even be doubted, whether the individual, who was never led to put the professions of others to the test, by his real wants, has, in any instance, been completely aware of the little credit that is usually due to them. A prince finds himself courted and adored, long before he can have acquired a merit entitling him to such distinctions. By what arguments can you persuade him laboriously to pursue, what appears so completely superfluous? How can you induce him to be dissatisfied with his present acquisitions, while every other person assures him, that his accomplishments are admirable, and his mind a mirror of sagacity? How will you persuade him who finds all his wishes anticipated, to engage in any arduous undertaking, or propose any distant object for his ambition?

But, even should you succeed in this, his pursuits may be expected to be either mischievous or useless. His understanding is distorted; and the basis of all morality, the recollection that other men are beings of the same order with himself, is extirpated. It would be unreasonable to expect from him anything generous and humane. Unfortunate as he is, his situation is continually propelling him to vice, and destroying the germs of integrity and virtue, before they are unfolded. If sensibility begin to discover itself, it is immediately poisoned by the blighting winds of flattery. Amusement and sensuality call with an imperious voice, and will not allow him time to feel. Artificial as is the character he fills, even should he aspire to fame, it will be by the artificial methods of false refinement, or the barbarous inventions of usurpation and conquest, not by the plain and unornamented road of benevolence.

Some idea of the methods usually pursued, and the effects produced in the education of a prince, may be collected from a late publication of Madame de Genlis, in which she gives an account of her own proceedings in relation to the children of the

Duke of Orleans. She thus describes the features of their disposition and habits, at the time they were committed to her care. "The Duke de Valois (the eldest) is frequently coarse in his manners, and ignoble in his expressions. He finds great humour in calling mean and common objects by their most vulgar appellations; all this seasoned with the proverbial propensity of Sancho, and set off with a loud forced laugh. His prate is eternal, nor does he suspect but that it must be an exquisite gratification to any one to be entertained with it; and he frequently heightens the jest by a falsehood uttered in the gravest manner imaginable. Neither he nor his brother has the least regard for any body but themselves; they are selfish and grasping, considering everything that is done for them as their due, and imagining that they are in no respect obliged to consult the happiness of others. The slightest reproof is beyond measure shocking to them, and the indignation they conceive at it, immediately vents itself in sullenness or tears. They are in an uncommon degree effeminate, afraid of the wind or the cold, unable to run or leap, or even so much as to walk at a round pace, or for more than half an hour at a time. The Duke de Valois has an extreme terror of dogs to such a degree as to turn pale and shriek at the sight of one." "When the children of the Duke of Orleans were committed to my care, they had been accustomed in winter to wear under-waistcoats, two pair of stockings, gloves, muffs, &c. The eldest, who was eight of age, never came down stairs, without being supported by the arm of one or two persons; the domestics were obliged to render them the meanest services, and, for a cold or any slight indisposition, sat up with them for nights together."*

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

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

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

Madame de Genlis, a woman of uncommon talents, though herself infected with a considerable number of errors corrected these defects in the young princes. But few princes have the good fortune to be educated by a person of so much independence and firmness as Madame de Genlis, and we may safely take our standard for the average calculation, rather from her predecessors, than herself. Even were it otherwise, we have already seen what it is that a preceptor can do in the education of a prince. Nor should it be forgotten that the children under her care, were not of the class of princes who seemed destined to a throne.

CHAP. III.

PRIVATE LIFE OF A PRINCE.

Principles by which he is influenced—irresponsibility—impatience of control—habits of dissipation—ignorance—dislike of truth—dislike of justice.—Pitiable situation of princes.

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

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

Now the causes that acted upon kings in their minority, continue to act upon them in their maturer years. Everything is carefully kept out of sight, that may remind them they are men. Every means is employed which may persuade them, that they are of a different species of beings, and subject to different laws of

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

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

The principal source of virtuous conduct, is to recollect the absent. He that takes into his estimate present things alone, will be the perpetual slave of sensuality and selfishness. He will have no principle by which to restrain appetite, or to employ himself in just and benevolent pursuits. The cause of virtue and innocence, however urgent, will no sooner cease to be heard, than it will be forgotten. Accordingly, nothing is found more favourable to the attainment of moral excellence, than meditation: nothing more hostile, than an uninterrupted succession of amusements. It would be absurd to expect from kings the recollection of virtue in exile or disgrace. It has generally been observed, that, even for the loss of a flatterer or a favourite, they speedily console themselves. Image after image so speedily succeed in their sensorium, that no one leaves a durable impres-

sion. A circumstance which contributes to this moral insensibility, is the effeminacy and cowardice which grow out of perpetual indulgence. Their minds irresistibly shrink from painful ideas, from motives that would awaken them to effort, and reflections that demand severity of disquisition.

What situation can be more unfortunate, than that of a stranger, who cannot speak our language, knows nothing of our manners and customs, and enters into the busy scene of our affairs, without one friend to advise with or assist him? If anything is to be got by such a man, we may depend upon seeing him instantly surrounded with a group of thieves, sharpers, and extortioners. They will impose upon him the most incredible stories, will overreach him in every article of his necessities or his commerce, and he will leave the country at last, as unfriended, and in as absolute ignorance, as he entered it. Such a stranger is a king; but with this difference, that the foreigner, if he be a man of sagacity and penetration may make his way through this crowd of intruders, and discover a set of persons worthy of his confidence, which can scarcely in any case happen to a king. He is placed in a sphere peculiarly his own. He is surrounded with an atmosphere, through which it is impossible for him to discover the true colours and figure of things. The persons that are near him, are in a cabal and conspiracy of their own; and there is nothing about which they are more anxious, than to keep truth from approaching him. The man, who is not accessible to every comer, who delivers up his person into the custody of another, and may, for anything that he can tell, be precluded from that very intercourse and knowledge it is most important for him to possess, whatever name he may bear, is, in reality, a prisoner.

Whatever the arbitrary institutions of men may pretend, the more powerful institutions of our nature, forbid one man to transact the affairs, and provide for the welfare of millions. A king soon finds the necessity of intrusting his functions to the administration of his servants. He acquires the habit of seeing with their eyes, and acting with their hands. He finds the necessity of confiding implicitly in their fidelity. Like a man long shut up in a dungeon, his organs are not strong enough to bear the irradiation of truth. Accustomed to receive information of the feelings and sentiments of mankind, through the medium of another, he cannot bear directly to converse with business and affairs. Whoever would detach his confidence from his present favourites, and induce him to pass over again, in scrutiny, the principles and data which he has already adopted, requires of him too painful a task. He hastens from his adviser, to communicate the accusation to his favourite; and the tongue that has been accustomed to gain credit, easily varnishes over this new discovery. He flies from uncertainty, anxiety, and doubt, to his routine of amusements; or amusement presents itself, is importunate to be received, and presently obliterates the tale that overspread his mind with melancholy and suspicion. Much has been said

of intrigue and duplicity. They have been alleged to intrude themselves into the walks of commerce, to haunt the intercourse of men of letters, and to rend the petty concerns of a village with faction. But, wherever else they may be strangers, in courts they undoubtedly find a congenial climate. The intrusive tale-bearer, who carries knowledge to the ear of kings, is, within that circle, an object of general abhorrence. The favourite marks him for his victim; and the inactive and unimpassioned temper of the monarch, soon resigns him to the vindictive importunity of his adversary. It is in the contemplation of these circumstances, that Fenelon has remarked, that "kings are the most unfortunate and the most misled of all human beings."*

But, in reality, were they in possession of purer sources of information, it would be to little purpose. Royalty inevitably allies itself to vice. Virtue, in proportion as it has taken possession of any character, is just, consistent, and sincere. But kings, debauched from their birth, and ruined by their situation, cannot endure an intercourse with these attributes. Sincerity, that would tell them of their errors, and remind them of their cowardice; justice, that, uninfluenced by the trappings of majesty, would estimate the man at his true desert; consistency, that no temptation would induce to part with its integrity; are odious and intolerable in their eyes. From such intruders, they hasten to men of a pliant character, who will flatter their mistakes, put a varnish on their actions, and be visited by no scruples in assisting the indulgence of their appetites. There is scarcely in human nature an inflexibility that can resist perpetual flattery and compliance. The virtues that grow up among us, are cultured in the open soil of equality, not in the artificial climate of greatness. We need the winds to harden, as much as the heat to cherish us. Many a mind, that promised well in its outset, has been found incapable to stand the test of perpetual indulgence and ease, without one shock to waken, and one calamity to stop it in its smooth career.

Monarchy is, in reality, so unnatural an institution, that mankind have, at all times, strongly suspected it was unfriendly to their happiness. The power of truth, upon important topics, is such, that it may rather be said to be obscured, than obliterated; and falsehood has scarcely ever been so successful, as not to have had a restless and powerful antagonist in the heart of its votaries. The man who with difficulty earns his scanty subsistence, cannot behold the ostentatious splendour of a king, without being visited by some sense of injustice. He inevitably questions, in his mind, the utility of an officer, whose services are hired at so enormous a price. If he consider the subject with any degree of accuracy, he is led to perceive, and that with sufficient surprise,

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

that a king is nothing more than a common mortal, exceeded by many, and equalled by more, in every requisite of strength, capacity, and virtue. He feels therefore that nothing can be more groundless and unjust, than the supposing that one such man as this, is the fittest and most competent instrument for regulating the affairs of nations.

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

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

No picture can be more just, judicious, and humane, than that which is thus exhibited. Why then should the advocates of anti-monarchical principles be considered as the enemies of kings? They would relieve them from "a load would sink a navy, too

* Jane Shore, Act III.

† "*Si vous mettez les peuples dans l'abondance, ils ne travailleront plus, ils deviendront fiers, indociles, et feront toujours prêts à se revolter: il n'y*

much honour."* They would exalt them to the happy and enviable condition of private individuals. In reality, nothing can be more iniquitous and cruel, than to impose upon a man the unnatural office of a king. It is not less inequitable towards him that exercises it, than towards them who are subjected to it. Kings, if they understood their own interests, would be the first to espouse these principles, the most eager to listen to them, the most fervent in expressing their esteem of the men who undertake to impress upon their species this important truth.

CHAP. IV.

OF A VIRTUOUS DESPOTISM.

Supposed excellence of this form of government controverted—from the narrowness of human powers.—Case of a vicious administration—of a virtuous administration intended to be formed.—Monarchy not adapted to the government of large states.

THERE is a principle, frequently maintained upon this subject,† which is entitled to impartial consideration. It is granted, by those who espouse it, "that absolute monarchy, from the imperfection of those by whom it is administered, is, for the most part, productive of evil;" but they assert, "that it is the best and most desirable of all forms under a good and virtuous prince. It is exposed," say they, "to the fate of all excellent natures, and, from the best thing, frequently, if corrupted, becomes the worst." This remark is certainly not very decisive of the general question, so long as any weight shall be attributed to the arguments, which have been adduced, to evince what sort of character and disposition may be ordinarily expected in princes. It may however be allowed, if true, to create in the mind a sort of partial retrospect, to this happy and perfect despotism; and, if it can be shown to be false, it will render the argument for the abolition of monarchy, so far as it is concerned, more entire and complete.

Now, whatever dispositions any man may possess in favour of the welfare of others, two things are necessary to give them validity; discernment and power. I can promote the welfare of a few persons, because I can be sufficiently informed of their circumstances. I can promote the welfare of many in certain general articles, because, for this purpose, it is only necessary,

a que la foiblesse et la misere qui les rendent souples, et qui les empêchent de resister à l'autorité." *Télémaque, Liv. XIII.*

* Shakespere: Henry the Eighth, Act III.

† See Tom Jones, Book XII., Chap. XII.

that I should be informed of the nature of the human mind as such, not of the personal situation of the individuals concerned. But for one man to undertake to administer the affairs of millions, to supply, not general principles and perspicuous reasoning, but particular application, and measures adapted to the necessities of the moment, is of all undertakings the most extravagant and absurd.

The most simple and obvious system of practical administration, is for each man to be the arbiter of his own concerns. If the imperfection, the narrow views, and the mistakes of human beings, render this, in certain cases, inexpedient and impracticable, the next resource is to call in the opinion of his peers, persons who, from their vicinity, may be presumed to have some general knowledge of the case, and who have leisure and means minutely to investigate the merits of the question. It cannot reasonably be doubted, that the same expedient which is resorted to in our civil and criminal concerns, would, by plain and uninstructed mortals, be adopted in the assessment of taxes, in the deliberations of commerce, and in every other article in which their common interests were involved, only generalising the deliberative assembly, or pannel, in proportion to the generality of the question to be decided.

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

Let us suppose this honest and incorruptible despot to be served by ministers, avaricious, hypocritical, and interested. What will the people gain by the good intentions of their monarch? He will mean them the greatest benefits, but he will be altogether unacquainted with their situation, their character, and their wants. The information he receives, will frequently be the very reverse of the truth. He will be taught that one individual is highly meritorious, and a proper subject of reward, whose only merit is the profligate servility with which he has fulfilled the purposes of his administration. He will be taught that another is the pest of the community, who is indebted for this report, to the steady virtue with which he has traversed and defeated the wickedness of government. He will mean the greatest benefits

to his people; but, when he prescribes something calculated for their advantage, his servants, under pretence of complying, shall, in reality, perpetrate diametrically the reverse. Nothing will be more dangerous, than to endeavour to remove the obscurity with which his ministers surround him. The man, who attempts so hardy a task, will become the incessant object of their hatred. However incorruptible may be the justice of the sovereign, the time will come when his observation will be laid asleep, while malice and revenge are ever vigilant. Could he unfold the secrets of his prison-houses of state, he would find men committed in his name, whose crimes he never knew, whose names he never heard of, perhaps men whom he honoured and esteemed. Such is the history of the benevolent and philanthropic despots whom memory has recorded; and the conclusion from the whole is, that, wherever despotism exists, there it will always be attended with the evils of despotism, capricious measures and arbitrary infliction.

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

Another position, not less generally asserted than the desirableness of a virtuous despotism, is, "that republicanism is a species of government practicable only in a small state, while monarchy is best fitted to embrace the concerns of a vast and flourishing empire." The reverse of this, so far at least as relates to

* Dudley, Earl of Leicester.

† Cecil, Earl of Salisbury, lord treasurer; Howard, Earl of Nottingham, lord admiral, &c.

monarchy appears, at first sight to be the truth. The competence of any government cannot be measured by a purer standard, than the extent and accuracy of its information. In this respect monarchy appears in all cases to be wretchedly deficient; but, if it can ever be admitted, it must surely be in those narrow and limited instances, where an individual can, with least absurdity, be supposed to be acquainted with the affairs and interests of the whole.*

CHAP. V.

OF COURTS AND MINISTERS.

Systematical monopoly of confidence.—Character of ministers and their dependents.—Duplicity of courts.—Venality and corruption.—Universality of this principle.

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

The character of this, as well as of every other human institution, arises out of the circumstances with which it is surrounded. Ministers and favourites are a sort of people who have a state prisoner in their custody, the whole management of whose understanding and actions they can easily engross. This they completely effect with a weak and credulous master, nor can the most cautious and penetrating entirely elude their machinations. They unavoidably desire to continue in the administration of his functions, whether it be emolument, or the love of homage, or any more generous motive, by which they are attached to it. But, the more they are confided in by the sovereign, the greater will be the permanence of their situation; and, the more exclusive is their possession of his ear, the more implicit will be his confidence. The wisest of mortals are liable to error; the most judicious projects are open to specious and superficial objections; and it can rarely happen but a minister will find his ease and security, in excluding, as much as possible, other and opposite advisers, whose acuteness and ingenuity are perhaps additionally whetted, by a desire to succeed to his office.

Ministers become a sort of miniature kings in their turn. Though they have the greatest opportunity of observing the impotence and unmeaningness of the character, they envy it. It is their trade perpetually to extol the dignity and importance of the master they serve; and men cannot long and anxiously endeavour to convince others of the truth of any proposition,

* Paine's Letter to the Republican.

without becoming half convinced of it themselves. They feel themselves dependent for all that they most ardently desire, upon this man's arbitrary will; but a sense of inferiority, is perhaps the never failing parent of emulation or envy. They assimilate themselves therefore, of choice, to a man, to whose circumstances their own are considerably similar.

In reality the requisites, without which monarchical government cannot be preserved in existence, are by no means sufficiently supplied by the mere intervention of ministers. There must be the ministers of ministers, and a long bead-roll of subordination, descending by tedious and complicated steps. Each of these, lives on the smile of the minister, as he lives on the smile of the sovereign. Each of these has his petty interests to manage, and his empire to employ under the guise of servility. Each imitates the vices of his superior, and exacts from others the adulation he is obliged to pay.

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

Expecting this compliance from all the coadjutors and instruments of his designs, he soon comes to set it up, as a standard, by which to judge of the merit of other men. He is deaf to every recommendation, but that of a fitness for the secret service of government, or a tendency to promote his interest, and extend the sphere of his influence. The worst man, with this argument in his favour, will seem worthy of encouragement; the best man, who has no advocate but virtue to plead for him, will be treated with superciliousness and neglect. The genuine criterion of human desert can scarcely indeed be superseded and reversed. But it will appear to be reversed, and appearance will produce many of the effects of reality. To obtain honour, it will be thought necessary to pay a servile court to administration, to bear, with unaltered patience, their contumely and scorn, to flatter their vices, and render ourselves useful to their private gratification. To obtain honour it will be thought necessary, by assiduity and intrigue, to make ourselves a party, to procure the recommendation of lords, and the good word of women of pleasure, and clerks in office. To obtain honour it will be thought neces-

* p. 11

sary to merit disgrace. The whole scene consists in hollowness, duplicity, and falsehood. The minister speaks fair to the man he despises, and the slave pretends a generous attachment, while he thinks of nothing but his personal interest. That these principles are interspersed under the worst governments, with occasional deviations into better, it would be folly to deny; that they do not form the great prevailing features, wherever a court and a monarch are to be found, it would be madness to assert.

There is one feature above all others, which has never escaped the most superficial delineator of the manners of a court; I mean, the profound dissimulation which is there cultivated. The minister has, in the first place, to deceive the sovereign, continually to pretend to feel whatever his master feels, to ingratiate himself by an uniform insincerity, and to make a show of the most unreserved affection and attachment. His next duty, is to cheat his dependents and the candidates for office; to keep them in a perpetual fever of desire and expectation. Recollect the scene of a ministerial levee. To judge by the external appearance, we should suppose this to be the chosen seat of disinterested kindness. All that is erect and decisive in man, is shamelessly surrendered. No professions of submission can be so base, no forms of adulation so extravagant, but that they are eagerly practised by these voluntary prostitutes. Yet it is notorious that, in this scene above all others, hatred has fixed its dwelling; jealousy rankles in every breast; and the most of its personages would rejoice in the opportunity of ruining each other for ever. Here it is that promises, protestations, and oaths, are so wantonly multiplied, as almost to have lost their meaning. There is scarcely a man so weak, as, when he has received a court promise, not to tremble, lest it should be found as false and unsubstantial by him, as it has proved to so many others.

At length, by the constant practice of dissimulation, the true courtier comes to be unable to distinguish, among his own sentiments, the pretended from the real. He arrives at such proficiency in his art, as to have neither passions nor attachments. Personal kindness, and all consideration for the merit of others, are swallowed up in a narrow and sordid ambition; not that generous ambition for the esteem of mankind, which reflects a sort of splendour upon vice itself, but an ambition of selfish gratification and illiberal intrigue. Such a man has bid a long farewell to every moral restraint, and thinks his purposes cheaply promoted by the sacrifice of honour, sincerity, and justice. His chief study and greatest boast are to be impenetrable; that no man shall be able to discover what he designs; that, though you discourse with him for ever, he shall constantly elude your detection. Consummate in his art, he will often practice it without excuse or necessity. Thus history records her instances of the profuse kindness and endearment, with which monarchs have treated those they had already resolved to destroy. A gratuitous pride seems to have been placed, in exhibiting the last refinement

of profligacy and deceit. Ministers of this character are the mortal enemies of virtue in others. A cabal of such courtiers is in the utmost degree deadly. They destroy by secret ways, that give no warning, and leave no trace. If they have to do with a blunt, just man who knows no disguise, or a generous spirit that scorns to practise dissimulation and artifice, they mark him their certain victim. No good or liberal character can escape their machinations; and the immorality of the court, which throws into shade all other wickedness, spreads its contagion through the land, and emasculates the sentiments of the most populous nation.

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

It is supposed by many, that the existence of permanent hereditary distinction, is necessary to the maintenance of order, among beings so imperfect as the human species. But it is allowed by all, that permanent hereditary distinction is a fiction of policy, not an ordinance of immutable truth. Wherever it exists, the human mind, so far as relates to political society, is prevented from settling upon its true foundation. There is a constant struggle, between the genuine sentiments of the understanding, which tell us that all this is an imposition, and the imperious voice of government, which bids us reverence and obey. In this unequal contest, alarm and apprehension will perpetually haunt the minds of those who exercise usurped power. In this artificial state of man, powerful engines must be employed to prevent him from rising to his true level. It is the business of the governors to persuade the governed, that it is their interest to be slaves. They have no other means by which to create this fictitious interest, but those which they derive from the perverted understandings, and burdened property of the public, to be returned in titles, ribbands, and bribes. Hence that system of universal corruption, without which monarchy could not exist.

It has sometimes been supposed that corruption is particularly incident to a mixed government. "In such a government the people possess a portion of freedom; privilege finds its place as well as prerogative; a certain sturdiness of manner, and consciousness of independence, are the natives of these countries. The country-gentleman will not abjure the dictates of his judgment without a valuable consideration. There is here more than

one road to success; popular favour is as sure a means of advancement as courtly patronage. In despotic countries the people may be driven like sheep; however unfortunate is their condition, they know no other, and they submit to it as an inevitable calamity. Their characteristic feature is a torpid dulness, in which all the energies of man are forgotten. But, in a country calling itself free, the minds of the inhabitants are in a perturbed and restless state, and extraordinary means must be employed to calm their vehemence." It has sometimes happened, to men whose hearts have been pervaded with the love of virtue, of which pecuniary prostitution is the most odious corruption, to prefer, while they have contemplated this picture, an acknowledged despotism, to a state of specious and imperfect liberty.

But the picture is not accurate. As much of it as relates to a mixed government, must be acknowledged to be true. But the features of despotism are too favourably touched. Whether privilege be conceded by the forms of the constitution or no, a whole nation cannot be kept ignorant of its force. No people were ever yet so sunk in stupidity, as to imagine one man, because he bore the appellation of a king, literally equal to a million. In a whole nation, as monarchical nations at least must be expected to be constituted, there will be nobility and yeomanry, rich and poor. There will be persons who, by their situation, their wealth, or their talents, form a middle rank between the monarch and the vulgar, and who, by their confederacies and their intrigues, can hold the throne in awe. These men must be bought or defied. There is no disposition that clings so close to despotism, as incessant terror and alarm. What else gave birth to the armies of spies, and the numerous state prisons under the old government of France? The eye of the tyrant is never closed. How numerous are the precautions and jealousies that these terrors dictate? No man can go out, or come into the country, but he is watched. The press must issue no productions that have not the imprimatur of government. All coffee-houses, and places of public resort, are objects of attention. Twenty people cannot be collected together, unless for the purposes of superstition, but it is immediately suspected that they may be confering about their rights. Is it to be supposed, that, where the means of jealousy are employed, the means of corruption will be forgotten? Were it so indeed, the case would not be much improved. No picture can be more disgustful, no state of mankind more depressing, than that, in which a whole nation is held in obedience, by the mere operation of fear, in which all that is most eminent among them, and that should give example to the rest, is prevented, under the severest penalties, from expressing its real sentiments, and, by necessary consequence, from forming any sentiments that are worthy to be expressed. But, in reality, fear was never the only instrument employed for these purposes. No tyrant was ever so unsocial, as to have no confederates in his guilt. This monstrous edifice will always be found supported by all the various instru-

ments for perverting the human character, severity, menaces, blandishments, professions, and bribes. To this it is, in a great degree, owing, that monarchy is so costly an establishment. It is the business of the despot to distribute his lottery of seduction into as many prizes as possible. Among the consequences of a pecuniary polity these are to be reckoned the foremost, that every man is supposed to have his price, and that, the corrruption being managed in an underhand manner, many a man, who appears a patriot, may be really an hireling; by which means virtue itself is brought into discredit, is either regarded as mere folly and romance, or observed with doubt and suspicion, as the cloak of vices, which are only the more humiliating the more they are concealed.

CHAP. VI.

OF SUBJECTS.

Monarchy founded in imposture.—Kings not entitled to superiority—inadequate to the functions they possess.—Means by which the imposture is maintatned—1, splendour—2, exaggeration.—This imposture generates—1, indifference to merit—2, indifference to truth—3, artificial desires—4, pusillanimity.—Moral incredulity of monarchical countries.—Injustice of luxury—of the inordinate admiration of wealth.

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

Secondly, it is false that kings can discharge the functions of royalty. They pretend to superintend the affairs of millions, and they are necessarily unacquainted with these affairs. The senses of kings are constructed like those of other men: they can neither see nor hear what is transacted in their absence. They pretend to administer the affairs of millions, and they possess no such supernatural powers, as should enable them to act at a distance. They are nothing of what they would persuade us to believe them. The king is often ignorant of that, of which half

the inhabitants of his dominions are informed. His prerogatives are administered by others, and the lowest clerk in office is frequently, to this and that individual, more effectually the sovereign, than the king himself. He is wholly unacquainted with what is solemnly transacted in his name.

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

The imposture does not stop with our eyes, but addresses itself to our ears. Hence the inflated style of regal formality. The name of the king everywhere obtrudes itself upon us. It would seem as if everything in the country, the lands, the houses, the furniture, and the inhabitants, were his property. Our estates, are the king's dominions. Our bodies and minds, are his subjects. Our representatives, are his parliament. Our courts of law, are his deputies. All magistrates, throughout the realm, are the king's officers. His name occupies the foremost place in all statutes and decrees. He is the prosecutor of every criminal. He is "Our Sovereign Lord the King." Were it possible that he should die, "the fountain of our blood, the means by which we live," would be gone: every political function would be suspended. It is therefore one of the fundamental principles of monarchical government, that "the king cannot die." Our moral principles accommodate themselves to our veracity: and, accordingly, the sum of our political duties (the most important of all duties,) is loyalty; to be true and faithful to the king; to honour a man whom, it may be, we ought to despise; and to obey; that is, to convert our shame into our pride, and to be ostentatious of the surrender of our own understandings. The morality of adults in this situation, is copied from the basest part of the morality sometimes taught to children; and the perfection of virtue is placed, in blind compliance, and unconditional submission.

What must be the effects of this machine upon the moral principles of mankind? Undoubtedly we cannot trifle with the principles of morality and truth, with impunity. However gravely the imposture may be carried on, it is impossible but that the real state of the case should be strongly suspected. Man in a state of society, if undebauched by falsehoods like these, which confound the nature of right and wrong, is not ignorant of what it is in which merit consists. He knows that one man is not superior to another, except so far as he is wiser or better.

Accordingly these are the distinctions to which he aspires for himself. These are the qualities he honours and applauds in another, and which therefore the feelings of each man instigate his neighbours to acquire. But what a revolution is introduced among these original and undebauched sentiments, by the arbitrary distinctions which monarchy engenders? We still retain in our minds the standard of merit: but it daily grows more feeble and powerless; we are persuaded to think that it is of no real use in the transactions of the world, and presently lay it aside as Utopian and visionary.

Nor is this the whole of the injurious consequences produced, by the hyperbolical pretensions of monarchy. There is a simplicity in truth that refuses alliance with this impudent mysticism. No man is entirely ignorant of the nature of man. He will not indeed be incredulous to a degree of energy and rectitude, that may exceed the standard of his preconceived ideas. But for one man to pretend to think and act for a nation of his fellows, is so preposterous, as to set credibility at defiance. Is he persuaded that the imposition is salutary? He willingly assumes the right of introducing similar falsehoods into his private affairs. He becomes convinced, that veneration for truth, is to be classed among our errors and prejudices, and that, so far from being, as it pretends to be, in all cases salutary, it would lead, if ingeniously practised, to the destruction of mankind.

Again, if kings were exhibited simply as they are in themselves to the inspection of mankind, the "salutary prejudice," as it has been called,* which teaches us to venerate them, would speedily be extinct: it has therefore been found necessary to surround them with luxury and expense. Thus luxury and expense are made the standard of honour, and of consequence the topics of anxiety and envy. However fatal this sentiment may be to the morality and happiness of mankind, it is one of those illusions which monarchical government is eager to cherish. In reality, the first principle of virtuous feeling, as has been elsewhere said,† is the love of independence. He that would be just, must, before all things, estimate the objects about him at their true value. But the principle in regal states has been, to think your father the wisest of men, because he is your father,‡ and your king the foremost of his species, because he is a king. The standard of intellectual merit, is no longer the man, but his title. To be drawn in a coach of state by eight milk-white

* Burke's Reflections. † P. 5.

‡ "The persons whom you ought to love infinitely more than me, are those to whom you are indebted for your existence." "Their conduct ought to regulate yours and be the standard of your sentiments." "The respect we owe to our father and mother is a sort of *worship*, as the phrase *filial piety* implies." "*Ce que vous devez aimer avant moi sans aucune comparaison, ce sont ceux à qui vous devez la vie.*" "*Leur conduite doit regler la vôtre et fixer votre opinion.*" "*Le respect que nous devons à notre pere et à notre mere est un* culte, *comme l'exprime le mot* piété filiale." *Leçons d'une Gouvernante, Tome I.*

horses, is the highest of all human claims to our veneration. The same principle inevitably runs through every order of the state, and men desire wealth under a monarchical government, for the same reason that, under other circumstances, they would have desired virtue.

Let us suppose an individual who by severe labour earns a scanty subsistence, to become, by accident or curiosity, a spectator of the pomp of a royal progress. Is it possible that he should not mentally apostrophise this elevated mortal, and ask, "What has made thee to differ from me?" If no such sentiment pass through his mind, it is a proof that the corrupt institutions of society have already divested him of all sense of justice. The more simple and direct is his character, the more certainly will these sentiments occur. What answer shall we return to his enquiry? That the well being of society, requires men to be treated otherwise than according to their intrinsic merit? Whether he be satisfied with this answer or no, will he not aspire to possess that (which in this instance is wealth), to which the policy of mankind has annexed such high distinction? Is it not indispensable, that, before he believes in the rectitude of this institution, his original feelings of right and wrong should be wholly reversed? If it be indispensable, then let the advocate of the monarchical system ingenuously declare, that, according to that system, the interest of society, in the first instance, requires the subversion of all principles of moral truth and justice.

With this view let us again recollect the maxim adopted in monarchical countries, "that the king never dies." Thus, with true oriental extravagance, we salute this imbecile mortal, "O king, live for ever!" Why do we this? Because upon his existence the existence of the state depends. In his name the courts of law are opened. If his political capacity be suspended for a moment, the centre to which all public business is liuked, is destroyed. In such countries everything is uniform: the ceremony is all, and the substance nothing. In the riots in the year 1780, the mace of the house of lords was proposed to be sent into the passages, by the terror of its appearance to quiet the confusion; but it was observed that, if the mace should be rudely detained by the rioters, the whole would be thrown into anarchy. Business would be at a stand; their insignia, and, with their insignia, their legislative and deliberative functions, would be gone. Who can expect firmness and energy in a country, where everything is made to depend, not upon justice, public interest, and reason, but upon a piece of gilded wood? What conscious dignity and virtue can there be among a people, who, if deprived of the imaginary guidance of one vulgar mortal, are taught to believe that their faculties are benumbed, and all their joints unstrung?

Lastly, one of the most essential ingredients in a virtuous character, is undaunted firmness; and nothing can more powerfully tend to destroy this principle than the spirit of a monarchi-

cal government. The first lesson of virtue is, Fear no man; the first lesson of such a constitution is, Fear the king. The true interest of man, requires the annihilation of factitious and imaginary distinctions; it is inseparable from monarchy to support and render them more palpable than ever. He that cannot speak to the proudest despot, with a consciousness that he is a man speaking to a man, and a determination to yield him no superiority to which his inherent qualifications do not entitle him, is wholly incapable of an illustrious virtue. How many such men are bred within the pale of monarchy? How long would monarchy maintain its ground in a nation of such men? Surely it would be wisdom in society, instead of conjuring up a thousand phantoms to seduce us into error, instead of surrounding us with a thousand fears to deprive us of energy, to remove every obstacle to our progress, and smooth the path of improvement.

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

There is a further consideration, which has seldom been adverted to upon this subject, but which seems to be of no inconsiderable importance. In our definition of justice, it appeared, that our debt to our fellow men, extended to all the efforts we could make for their welfare, and all the relief we could supply to their necessities. Not a talent do we possess, not a moment of time, not a shilling of property, for which we are not responsible at the tribunal of the public, which we are not obliged to pay into the general bank of common advantage. Of every one of these things there is an employment which is best, and that best justice obliges us to select. But how extensive is the consequence of this principle, with respect to the luxuries and ostentation of human life? How many of these luxuries are there, that would stand the test, and approve themselves, upon examination, to be the best objects upon which our property could be em-

* *Maximes, par M. le Duc de la Rochefoucault: De la Fausseté des Vertus Humaines, par M. Esprit.*

† See Plutarch's Lives; Lives of Cæsar and Cicero: *Ciceronis Epistleæ ad Atticum, Lib. XII. Epist. xl., xli.*

ployed? Will it often come out to be true, that hundreds of individuals ought to be subjected to the severest and most incessant labour, that one man may spend in idleness, what would afford to the general mass, ease, leisure, and consequently wisdom?

Whoever frequents the habitations of the luxurious, will speedily be infected with the vices of luxury. The ministers and attendants of a sovereign, accustomed to the trappings of magnificence, will turn with disdain, from the merit that is obscured with the clouds of adversity. In vain may virtue plead, in vain may talents solicit distinction, if poverty seem, to the fastidious sense of the man in place, to envelop them, as it were, with its noisome effluvia. The very lacquey knows how to repel unfortunate merit from the great man's door.

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

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

The evils indeed that arise out of avarice, an inordinate admiration of wealth, and an intemperate pursuit of it, are so obvious, that they have constituted a perpetual topic of lamentation and complaint. The object in this place, is to consider how far they are extended and aggravated, by a monarchical government, that is, by a constitution, the very essence of which, is to accumulate enormous wealth upon a single head, and to render the ostentation of splendour the established instrument for securing honour and veneration. The object is to consider in what degree the luxury of courts, the effeminate softness of favourites, the system, never to be separated from the monarchical form, of putting men's approbation and good word at a price, of individuals buying the favour of government, and government buying the favour of individuals, is injurious to the moral improvement of mankind. As long as the unvarying practice of courts is cabal, and as long as the unvarying tendency of cabal is to bear down talents, and

discourage virtue, to recommend cunning in the room of sincerity, a servile and supple disposition in preference to firmness and inflexibility, a pliant and selfish morality as better than an ingenuous one, and the study of the red book of promotion rather than the study of the general welfare, so long will monarchy be the bitterest and most potent of all the adversaries of the true interests of mankind.

CHAP. VII.

OF ELECTIVE MONARCHY.

Disorders attendant on such an election.—Election is intended either to provide a man of great or of moderate talents.—Consequences of the first—of the second.—Can elective and hereditary monarchy be combined?

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

One of the most obvious objections to this remedy, is the difficulty that attends upon the conduct of such an election. There are machines, that are too mighty for the human hand to conduct; there are proceedings, that are too gigantic and unweildly for human institutions to regulate. The distance, between the mass of mankind, and a sovereign, is so immense, the trust to be confided so incalculably great, the temptations of the object to be decided on so alluring, as to set every passion that can vex the mind, in tumultuous conflict. Election will therefore either dwindle into an empty form, a *congé d'élire* with the successful candidate's name at full length in the conclusion, an election perpetually continued in the same family, perhaps in the same lineal order of descent; or will become the signal of a thousand calamities, foreign cabal, and domestic war. These evils have been so generally understood, that elective monarchy, in the strict sense of that appellation, has had very few advocates.

Rousseau, who, in his advice to the Polish nation, appears to be one of those few, that is, one of those who, without loving monarchy, conceive an elective sovereignty to be greatly preferable to an hereditary one, endeavours to provide against the disorders of an election, by introducing into it a species of sortition.* In another part of the present enquiry, it will be our business to examine how far chance, and the decision by lot, are compatible with the principles, either of sound morality, or

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

sober reason. For the present, it will be sufficient to say, that the project of Rousseau will probably fall under one part of the following dilemma, and of consequence will be refuted, by the same arguments, that bear upon the mode of election in its most obvious idea.

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

But we will suppose the purpose of instituting an elective monarchy, not to be that of constantly filling the throne with a man of sublime genius, but merely to prevent the office from falling into the hands of a person of notorious imbecility. Such is the strange and pernicious nature of monarchy, that it may be doubted whether this be a benefit. Wherever monarchy exists, courts and administrations must, as long as men can see only with their eyes, and act only with their hands, be its constant attendants. But these have already appeared to be institutions so mischievous, that perhaps one of the greatest injuries that can

be done to mankind, is to persuade them of their innocence. Under the most virtuous despot, favour and intrigue, the unjust exaltation of one man, and depression of another, will not fail to exist. Under the most virtuous despot, the true spring there is in mind, the desire to possess merit, and the consciousness that merit will not fail to make itself perceived by those around it, and through their esteem to rise to its proper sphere, will be cut off; and mean and factitious motives be substituted in its room. Of what consequence is it that my merit is perceived by mortals who have no power to advance it? The monarch, shut up in his sanctuary, and surrounded with formalities, will never hear of it. How should he? Can he know what is passing in the remote corners of his kingdom? Can he trace the first tender blossoms of genius and virtue? The people themselves will lose their discernment of these things, because they will perceive their discernment to be powerless in effects. The birth of mind is daily sacrificed by hecatombs to the genius of monarchy. The seeds of reason and truth become barren and unproductive in this unwholesome climate. And the example perpetually exhibited, of the preference of wealth and craft over integrity and talents, produces the most powerful effects upon that mass of mankind, who at first sight may appear least concerned in the objects of generous ambition. This mischief, to whatever it amounts, becomes more strongly fastened upon us, under a good monarch, than under a bad one. In the latter case, it only restrains our efforts by violence; in the former, it seduces our understandings. To palliate the defects and skin over the deformity of what is fundamentally wrong, is certainly very perilous, perhaps very fatal to the best interests of mankind.

Meanwhile the ideas here suggested, should be listened to with diffidence and caution. Great doubts may well be entertained, respecting that benefit which is to be produced by vice and calamity. If I lived under an elective monarchy, I certainly should not venture to give my vote to a fickle, intemperate or stupid candidate, in preference to a sober and moderate one. Yet may it not happen that a succession, such as that of Trajan, Adrian, and the Antonines, familiarising men to despotism, and preparing them to submit to the tyranny of their successors, may be fraught with more mischief than benefit? It should seem that a mild and insiduous way, of reconciling mankind to a calamity, before they are made to feel it, is a real and a heavy misfortune.

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

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

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

CHAP VIII.

OF LIMITED MONARCHY.

Liable to most of the preceding objections—to further objections peculiar to itself.—Responsibility considered.—Maxim, that the king can do no wrong.—Functions of a limited monarch.—Impossibility of maintaining the neutrality required.—Of the dismission of ministers.—Responsibility of ministers—Appointment of ministers, its importance—its difficulties.—Recapitulation.—Strength and weakness of the human species.

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

Here it is only necessary to recollect the objections which applied to it in its unqualified state, in order to perceive that they bear upon it, with the same explicitness, if not with equal force, under every possible modification. Still the government is founded in falsehood, affirming that a certain individual is eminently qualified for an important situation, whose qualifications

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

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

But, if we consider the question more narrowly, we shall perhaps find, that limited monarchy has other absurdities and vices, which are peculiarly its own. In an absolute sovereignty, the king may, if he please, be his own minister; but, in a limited one, a ministry and a cabinet are essential parts of the constitution. In an absolute sovereignty, princes are acknowledged to be responsible only to God; but, in a limited one, there is a responsibility of a very different nature. In a limited monarchy, there are checks, one branch of the government counteracting the excesses of another, and a check without responsibility, is the most flagrant contradiction.

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

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

general interest, which constantly proves blunt and powerless in the very act to strike.

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

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

What sort of figure is it that this miserable wretch exhibits in the face of the world? Everything is, with great parade, transacted in his name. He assumes all the inflated and oriental style which has been already described,* and which indeed was, upon that occasion, transcribed from the practice of a limited monarchy. We find him like Pharaoh's frogs, "in our houses, and upon our beds, in our ovens, and our kneading troughs."

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

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

* See above Chap. VI. p. 24.

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

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

"But if they disagree, the king can choose other ministers." We shall presently have occasion to consider this prerogative in a general view; let us for the present examine it, in its application to the differences that may occur, between the sovereign and his servants. It is an engine for ever suspended over the heads of the latter, to persuade them to depart from the singleness of their integrity. The compliance that the king demands from them, is perhaps, at first but small; and the minister, strongly pressed, thinks it better to sacrifice his opinion, in this inferior point, than to sacrifice his office. One compliance of this sort leads on to another, and he that began, perhaps only with the preference of an unworthy candidate for distinction, ends with the most atrocious political guilt. The more we consider this point, the greater will its magnitude appear. It will rarely happen but that the minister will be more dependent for his existence on the king, than the king upon his minister. When it is otherwise, there will be a mutual compromise, and both in turn, will part with everything that is firm, generous, independent, and honourable in man.

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

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

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

This nomination is a most arduous task, and requires the wariest circumspection. It falls, more accurately than any other affair of political society, within the line of a pure, undefinable discretion. In other cases, the path of rectitude seems visible and distinct. Justice in the contests of individuals, justice in questions of peace and war, justice in the establishment of maxims of judicature, will not perhaps obstinately withdraw itself from the research of an impartial and judicious inquirer. But to observe the various portions of capacity scattered through a nation, and minutely to weigh the qualifications of multiplied candidates, must, after all our accuracy, be committed to some degree of uncertainty.

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

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

Other disadvantages, attendant on this prerogative of choosing his own ministers, it is needless to enumerate. If enough have not been already said, to explain the character of a monarch, as growing out of the functions with which he is invested, a laboured

repetition in this place, would be both tedious and useless. If there be any dependence to be placed upon the operation of moral causes, a king will, in almost every instance, be found among the most undiscriminating, the most deceived, the least informed, and the least heroically disinterested of mankind.

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

Was ever name so fraught with degradation and meanness as this of subjects? I am, it seems, by the very place of my birth, become a subject. A subject I know I ought to be, to the laws of justice; a subject I know I am, to the circumstances and emergencies under which I am placed. But to be the subject of an individual, of a being with the same form, and the same imperfections as myself; how much must the human mind be degraded, how much must its grandeur and independence be emasculated, before I can learn to think of this with patience, with indifference, nay, as some men do, with pride and exultation? Such is the idol that monarchy worships, in lieu of the divinity of truth, and the sacred obligation of public good. It is of little consequence whether we vow fidelity to the king and the nation, or to the nation and the king, so long as the king intrudes himself to tarnish and undermine the true simplicity, the altar of virtue.

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

But perhaps "mankind are so weak and imbecile, that it is in

vain to expect, from the change of their institutions, the improvement of their character." Who made them weak and imbecile? Previously to human institutions and human society, they had certainly none of this defect. Man, considered in himself, is merely a being capable of impression, a recipient of perceptions. What is there in this abstract character, that precludes him from advancement? We have a faint discovery in individuals at present, of what our nature is capable: why should individuals be fit for so much, and the species for nothing? Is there anything in the structure of the globe, that forbids us to be virtuous? If not, if nearly all our impressions of right and wrong flow from our intercourse with each other, why may not that intercourse be susceptible of modification and amendment? It is the most cowardly of all systems, that would represent the discovery of truth as useless, and teach us that, when discovered, it is our wisdom to leave the mass of our species in error.

There is, in reality, little room for scepticism respecting the omnipotence of truth. Truth is the pebble in the lake; and, however slowly, in the present case, the circles succeed each other, they will infallibly go on, till they overspread the surface. No order of mankind will for ever remain ignorant of the principles of justice, equality, and public good. No sooner will they understand them, than they will perceive the coincidence of virtue and public good with private interest: nor will any erroneous establishment be able effectually to support itself against general opinion. In this contest sophistry will vanish, and mischievous institutions sink quietly into neglect. Truth will bring down all her forces, mankind will be her army, and oppression, injustice, monarchy, and vice, will tumble into a common ruin.

CHAP IX.

OF A PRESIDENT WITH REGAL POWERS.

Enumeration of powers—that of appointing to inferior offices—of pardoning offences—of convoking deliberative assemblies—of affixing a veto *to their decrees.—Conclusion.—The title of king estimated.—Monarchical and aristocratical systems, similarity of their effects.*

Still monarchy it seems has one refuge left. "We will not," say some men, "have an hereditary monarchy, we acknowledge that to be an enormous injustice. We are not contented with an elective monarchy, we are not contented with a limited one. We admit the office however reduced, if the tenure be for life, to be an intolerable grievance. But why not have kings, as we have magistrates and legislative assemblies, renewable by fre-

quent elections? We may then change the holder of the office as often as we please."

Let us not be seduced by a mere plausibility of phrase, nor employ words without having reflected on their meaning. What are we to understand by the appellation, a king? If the office have any meaning, it seems reasonable that the man who holds it, should possess the privilege, either of appointing to certain employments at his own discretion, or of remitting the decrees of criminal justice, or of convoking and dismissing popular assemblies, or of affixing and refusing his sanction to the decrees of those assemblies. Most of these privileges may claim a respectable authority, in the powers delegated to their president by the United States of America.

Let us however bring these ideas to the touchstone of reason. Nothing can appear more adventurous, than the reposing, unless in cases of absolute necessity, the decision of any affair of importance to the public, in the breast of one man. But this necessity will scarcely be alleged in any of the articles just enumerated. What advantage does one man possess, over a society or council of men, in any of these respects? The disadvantages under which he labours are obvious. He is more easily corrupted, and more easily misled. He cannot possess so many advantages for obtaining accurate information. He is abundantly more liable to the attacks of passion and caprice, of unfounded antipathy to one man and partiality to another, of uncharitable censure or blind idolatry. He cannot be always upon his guard; there will be moments in which the most exemplary vigilance is liable to surprise. Meanwhile, we are placing the subject in much too favourable a light. We are supposing his intentions to be upright and just; but the contrary of this will be more frequently the truth. Where powers, beyond the capacity of human nature, are intrusted, vices, the disgrace of human nature, will be engendered. Add to this, that the same reasons, which prove that government, wherever it exists, should be directed by the sense of the people at large, equally prove that, wherever public officers are necessary, the sense of the whole, or of a body of men most nearly approaching in spirit to the whole, ought to decide on their pretensions.

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

a nation, when they are to deliberate, and when they are to cease from deliberation?

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

If there be any truth in these reasonings, it inevitably follows that there are no important functions of general superintendence, which can justly be delegated to a single individual. If the office of a president be necessary, either in a deliberate assembly, or an administrative council, supposing such a council to exist, his employment will have relation to the order of their proceedings, and by no means consist in the arbitrary preferring and carrying into effect, his private decision. A king, if unvarying usage can give meaning to a word, describes a man, upon whose single discretion some part of the public interest is made to depend. What use can there be for such a man in an unperverted and well ordered state? With respect to its internal affairs, certainly none. How far the office can be of advantage, in our transactions with foreign governments, we shall hereafter have occasion to decide.

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

In proceeding, from the examination of monarchical, to that of aristocratical government, it is impossible not to remark, that there are several disadvantages common to both. One of these is

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

Nor must we be too hasty and undistinguishing in applying the principle, that individual interest, accurately understood, will always be found to coincide with general. Relatively to individuals, considered as men, it is, for the most part, certainly true; relatively to individuals, considered as lords and kings, it is false. The man will perhaps be served, by the sacrifice of all his little peculium to the public interest, but the king will be annihilated. The first sacrifice that justice demands, at the hand of monarchy and aristocracy, is that of their immunities and prerogatives. Public interest dictates the unlimited dissemination of truth, and the impartial administration of justice. Kings and lords subsist only under favour of error and oppression. They will therefore resist the progress of knowledge and illumination; the moment the deceit is dispelled, their occupation is gone.

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

CHAP. X.

OF HEREDITARY DISTINCTION.

Birth considered as a physical cause—as a moral cause.—Education of the great.—Recapitulation.

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

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

and the tale was once believed. But mankind will not soon again be persuaded, that the birthright of one lineage of human creatures is beauty and virtue, and of another, dulness, grossness, and deformity.

It is difficult accurately to decide, how much of the characters of men is produced, by causes that operated upon them in the period preceding their birth, and how much is the moral effect of education, in its extensive sense. Children certainly bring into the world with them a part of the character of their parents; nay, it is probable that the human race is meliorated, somewhat in the same way as the races of brutes, and that every generation, in a civilised state, is further removed, in its physical structure, from the savage and uncultivated man.

But these causes operate too uncertainly to afford any just basis of hereditary distinction. If a child resembles his father in many particulars, there are particulars, perhaps more numerous and important, in which he differs from him. The son of a poet is not a poet, the son of an orator is not an orator, nor the son of a good man a saint; and yet, in this case, a whole volume of moral causes, is often brought to co-operate with the physical. This has been aptly illustrated, by a proposition, humorously suggested,† for rendering the office of poet laureat hereditary. But, if the qualities and dispositions of the father were found descendible in the son, in a much greater degree than we have any reason to suppose, the character must be expected to wear out in a few generations, either by the mixture of breeds, or by, what there is great reason to suppose is still more pernicious, the want of mixture. The title made hereditary, will then remain, a brand upon

* Tragedy of Douglas, Act iii. † Paine's Rights of Man.

the degenerate successor. It is not satire, but a simple statement of fact, when we observe, that it is not easy to find a set of men in society, sunk more below the ordinary standard of man in his constituent characteristics, than the body of the English, or any other peerage.

Let us proceed to enquire into the efficacy of high birth and nobility, considered as a moral cause.

The persuasion of its excellence in this respect, is an opinion probably as old as the institution of nobility itself. The etymology of the word expressing this particular form of government, may perhaps be considered as having a reference to this idea. It is called aristocracy, or the government of the best [ἀριστοι]. In the writings of Cicero, and the speeches of the Roman senate, this order of men, is styled the "*optimates*," the "virtuous," the "liberal," and the "honest." It is asserted, and with some degree of justice, "that the multitude is an unruly beast, with no fixed sentiments of honour or principle, guided by sordid venality, or not less sordid appetite, envious, tyrannical, inconstant, and unjust." Hence they deduced as a consequence, "the necessity of maintaining an order of men of liberal education and elevated sentiments, who should either engross the government of the humbler and more numerous class incapable of governing themselves, or at least should be placed as a rigid guard upon their excesses, with powers adequate to their correction and restraint." The greater part of these reasonings will fall under our examination, when we consider the disadvantages of democracy.* So much as relates to the excellence of aristocracy it is necessary at present to discuss.

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

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

* Chap. XIV.

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

Education is much, but opulent education is of all its modes the least efficacious. The education of words is not to be despised, but the education of things is on no account to be dispensed with. The former is of admirable use in enforcing and developing the latter; but, when taken alone, it is pedantry and not learning, a body without a soul. Whatever may be the abstract perfection of which mind is capable, we seem at present frequently to need being excited, in the case of any uncommon effort, by motives that address themselves to the individual. But, so far as relates to these motives, the lower classes of mankind, had they sufficient leisure, have greatly the advantage. The plebeian must be the maker of his own fortune; the lord finds his already made. The plebeian must expect to find himself neglected and despised, in proportion as he is remiss in cultivating the objects of esteem; the lord will always be surrounded with sycophants and slaves. The lord therefore has no motive to industry and exertion; no stimulus to rouse him from the lethargic, "oblivious pool," out of which every human intellect originally rose. It must indeed be confessed, that truth does not need the alliance of circumstances, and that a man may arrive at the temple of fame, by other paths than those of misery and distress. But the lord does not content himself with discarding the stimulus of adversity; he goes further than this, and provides fruitful sources of effeminacy and error. Man cannot offend with impunity against the great principle of universal good. He that monopolises to himself luxuries and titles and wealth to the injury of the whole, becomes degraded from the rank of man; and, however he may be admired by the multitude, will be pitied by the wise, and not seldom be wearisome to himself. Hence it appears, that to elect men to the rank of nobility, is to elect them to a post of moral danger and a means of depravity; but that to constitute them hereditarily noble, is to preclude them, exclusively of a few extraordinary accidents, from all the causes that generate ability and virtue.

The reasonings here repeated upon the subject of hereditary distinction, are so obvious, that nothing can be a stronger instance of the power of prejudice instilled in early youth, than the fact of their having been, at any time, disputed or forgotten. From birth as a physical cause, it sufficiently appears that little fundamental or regular can be expected: and, so far as relates to edu-

cation, it is practicable, in a certain degree, nor is it easy to set limits to that degree, to infuse emulation into a youthful mind; but wealth is the fatal blast that destroys the hopes of a future harvest. There was once indeed a gallant kind of virtue, that, by irresistibly seizing the senses, seemed to communicate extensively, to young men of birth, the mixed and equivocal accomplishments of chivalry; but, since the subjects of moral emulation have been turned, from personal prowess, to the energies of intellect, and especially since the field of that emulation has been more widely opened to the species, the lists have been almost uniformly occupied by those, whose narrow circumstances have goaded them to ambition, or whose undebauched habits and situation in life, have rescued them from the poison of flattery and effeminate indulgence.

CHAPTER XI.

MORAL EFFECTS OF ARISTOCRACY.

Nature of aristocracy.—Importance of practical justice.—Species of injustice which aristocracy creates.—Estimate of the injury produced. —Examples.

THE features of aristocratical institution are principally two; privilege, and an aggravated monopoly of wealth. The first of these is the essence of aristocracy; the second, that without which aristocracy can rarely be supported. They are both of them in direct opposition to all sound morality, and all generous independence of character.

Inequality of wealth is perhaps the necessary result of the institution of property, in any state of progress at which the human mind has yet arrived; and cannot, till the character of the human species is essentially altered, be superseded, but by a despotic and positive interference, more injurious to the common welfare, than the inequality it attempted to remove. Inequality of wealth involves with it inequality of inheritance.

But the mischief of aristocracy is, that it inexpressibly aggravates and embitters an evil, which, in its mildest form, is deeply to be deplored. The first sentiment of an uncorrupted mind, when it enters upon the theatre of human life, is, Remove from me and my fellows all arbitrary hindrances; let us start fair; render all the advantages and honours of social institution accessible to every man, in proportion to his talents and exertions.

Is it true, as has often been pretended, that generous and exalted qualities are hereditary in particular lines of descent? They do not want the alliance of positive institution, to secure to them

their proper ascendency, and enable them to command the respect of mankind. Is it false? Let it share the fate of exposure and detection with other impostures. If I conceived of a young person that he was destined, from his earliest infancy, to be a sublime poet, or a profound philosopher, should I conceive that the readiest road to the encouraging and fostering his talents, was, from the moment of his birth, to put a star upon his breast, to salute him with titles of honour, and to bestow upon him, independently of all exertion, those advantages which exertion usually proposes to itself as its ultimate object of pursuit? No; I should send him to the school of man, and oblige him to converse with his fellows upon terms of equality.

Privilege is a regulation, rendering a few men, and those only by the accident of their birth, eligible to certain situations. It kills all liberal ambition in the rest of mankind, by opposing to it an apparently insurmountable bar. It diminishes it in the favoured class itself, by showing them the principal qualification as indefeasibly theirs. Privilege entitles a favoured few to engross to themselves gratifications, which the system of the universe left at large to all her sons: it puts into the hands of these few, the means of oppression against the rest of their species; it fills them with vain glory, and affords them every incitement to insolence and a lofty disregard to the feelings and interests of others.

Privilege, as we have already said, is the essence of aristocracy; and, in a rare condition of human society, such as that of the ancient Romans, privilege has been able to maintain itself without the accession of wealth, and to flourish in illustrious poverty. But this can be the case, only under a very singular coincidence of circumstances. In general, an aggravated monopoly of wealth has been one of the objects, about which the abettors of aristocracy have been most incessantly solicitous. Hence the origin of entails, rendering property, in its own nature too averse to a generous circulation, a thousand times more stagnant and putrescent than before; of primogeniture, which disinherits every other member of a family, to heap unwholesome abundance upon one; and of various limitations, filling the courts of civilised Europe with endless litigation, and making it in many cases impossible to decide, who it is that has the right of conveying a property, and what shall amount to a legal transfer.

There is one thing, more than all the rest, of importance to the well-being of mankind, justice. A neglect of justice is not only to be deplored for the direct evil it produces; it is perhaps still more injurious, by its effects, in perverting the understanding, overturning our calculations of the future, and thus striking at the root of moral discernment, and genuine power and decision of character.

Of all the principles of justice, there is none so material to the moral rectitude of mankind, as that no man can be distinguished but by his personal merit. When a man has proved himself

a benefactor to the public, when he has already, by laudable perseverance, cultivated in himself talents, which need only encouragement and public favour to bring them to maturity, let that man be honoured. In a state of society where fictitious distinctions are unknown, it is impossible he should not be honoured. But that a man should be looked up to with servility and awe, because the king has bestowed on him a spurious name, or decorated him with a ribband; that another should revel in luxury, because his ancestor three centuries ago bled in the quarrel of Lancaster or York; do we imagine that these iniquities can be practised without injury?

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

But let us suppose that their sense of injustice were less acute than is here supposed, what favourable inference can be deduced from that? Is not the injustice real? If the minds of men are so withered and stupified by the constancy with which it is practised, that they do not feel the rigour that grinds them into nothing, how does that improve the picture?

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

Is all this nothing? Is all this necessary for the maintenance of civil order? Let it be recollected that, for this distinction, there is not the smallest foundation in the nature of things, that, as we have already said, there is no particular mould for the construction of lords, and that they are born neither better nor worse than the poorest of their dependents. It is this structure of aristocracy, in all its sanctuaries and fragments, against which

reason and morality have declared war. It is alike unjust, whether we consider it in the castes of India; the villainage of the feudal system; or the despotism of ancient Rome, where the debtors were dragged into personal servitude, to expiate, by stripes and slavery, the usurious loans they could not repay. Mankind will never be, in an eminent degree, virtuous and happy, till each man shall possess that portion of distinction, and no more, to which he is entitled by his personal merits. The dissolution of aristocracy is equally the interest of the oppressor and the oppressed. The one will be delivered from the listlessness of tyranny, and the other from the brutalising operation of servitude. How long shall we be told in vain, "that mediocrity of fortune is the true rampart of personal happiness?"

CHAP. XII.

OF TITLES.

Their origin and history.—Their miserable absurdity.—Truth the only adequate reward of merit.

THE case of mere titles, is so absurd, that it would deserve to be treated only with ridicule, were it not for the serious mischiefs they impose on mankind. The feudal system was a ferocious monster, devouring, wherever it came, all that the friend of humanity regards with attachment and love. The system of titles appears under a different form. The monster is at length destroyed, and they who followed in his train, and fattened upon the carcases of those he slew, have stuffed his skin, and, by exhibiting it, hope still to terrify mankind into patience and pusillanimity. The system of the northern invaders, however, odious, escaped the ridicule of the system of titles. When the feudal chieftains assumed a geographical appellation, it was from some place really subject to their authority; and there was no more absurdity in the style they assumed, than in our calling a man, at present, the governor of Tangiers or the governor of Gibraltar. The commander-in-chief, or the sovereign, did not then give an empty name; he conferred an earldom or a barony, a substantial tract of land, with houses and men, and producing a real revenue. He now grants nothing, but a privilege, equivalent to that of calling yourself Tom, who were beforetime called Will; and, to add to the absurdity, your new appellation is borrowed from some place, perhaps, you never saw, or some country you never visited. The style however is the same; we are still earls and barons, governors of provinces and commanders of forts, and that with the same evident propriety, as the elector of

Hanover, and arch-treasurer of the empire, styles himself king of France.

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

The friends of a man upon whom a title has recently been conferred, must either be wholly blinded by the partiality of friendship, not to feel the ridicule of his situation; or completely debased by the parasitical spirit of dependence, not to betray their feelings. Every time they essay to speak, they are in danger of blundering upon the inglorious appellations of Mr. and Sir."* Every time their tongue falters with unconfirmed practice, the question rushes upon them with irresistible force, "What change has my old friend undergone; in what is he wiser or better, happier or more honourable?" The first week of a new title, is a perpetual war of the feelings in every spectator; the genuine dictates of common sense, against the arbitrary institutions of society. To make the farce more perfect, these titles are subject to perpetual fluctuations, and the man who is to-day Earl of Kensington, will to-morrow resign, with unblushing effrontery, all appearance of character and honour, to be called Marquis of Kew. History labours under the Gothic and unintelligible burden; no mortal patience can connect the different stories, of him who is to-day Lord Kimbolton, and to-morrow Earl of Manchester; to day Earl of Mulgrave, and to-morrow Marquis of Normanby and Duke of Buckinghamshire.

The absurdity of these titles strikes us the more, because they are usually the reward of intrigue and corruption. But, were it otherwise, still they would be unworthy of the adherents of reason and justice. When we speak of Mr. St. John, as of the man, who by his eloquence swayed contending parties, who withdrew the conquering sword from suffering France, and gave thirty years of peace and calm pursuit of the arts of life and wisdom to mankind, we speak of something eminently great. Can any title express these merits? Is not truth the consecrated and single vehicle of justice? Is not the plain and simple truth worth all the cunning substitutions in the world? Could an oaken garland, or a gilded coronet, have added one atom to his real greatness? Garlands and coronets may be bestowed on the unworthy, and prostituted to the intriguing. Till mankind be satisfied with the naked statement of what they really

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

perceive, till they confess virtue to be then most illustrious, when she most disdains the aid of ornament, they will never arrive at that manly justice of sentiment, at which they seem destined one day to arrive. By this scheme of naked truth, virtue will be every day a gainer; every succeeding observer will more fully do her justice, while vice, deprived of that varnish with which she delighted to gloss her actions, of that gaudy exhibition which may be made alike by every pretender, will speedily sink into unheeded contempt.

CHAP. XIII.

OF THE ARISTOCRATICAL CHARACTER.

Intolerance of aristocracy—dependent for its success upon the ignorance of the multitude.—Precautions necessary for its support.—Different kinds of aristocracy.—Aristocracy of the Romans: its virtues—its vices.—Aristocratical distribution of property—regulations by which it is maintained—avarice it engenders.—Argument against innovation from the present happy establishment of affairs considered.—Conclusion.

Aristocracy, in its proper signification, is neither less nor more, than a scheme for rendering more permanent and visible, by the interference of political institution, the inequality of mankind. Aristocracy, like monarchy, is founded in falsehood, the offspring of art foreign to the real nature of things, and must therefore, like monarchy, be supported by artifice and false pretences. Its empire however, is founded in principles more gloomy and unsocial, than those of monarchy. The monarch often thinks it advisable to employ blandishments and courtship with his barons and officers; but the lord deems it sufficient to rule with a rod of iron.

Both depend for their perpetuity upon ignorance. Could they, like Omar, destroy the productions of profane reasoning, and persuade mankind that the Alcoran contained everything which it became them to study, they might then renew their lease of empire. But here again aristocracy displays its superior harshness. Monarchy admits of a certain degree of monkish learning among its followers. But aristocracy holds a stricter hand. Should the lower ranks of society once come to be generally able to write and read, its power would be at an end. To make men serfs and villains, it is indispensably necessary to make them brutes. This is a question which has long been canvassed with eagerness and avidity. The resolute advocates of the old system have, with no contemptible foresight, opposed the communication of knowledge as a most alarming innovation. In

their well known observation, "that a servant who has been taught to write and read, ceases to be any longer the passive machine they require," is contained the embryo, from which it would be easy to explain the whole philosophy of European society.

And who is there that can ponder with unruffled thoughts, the injurious contrivances of these self-centred usurpers, contrivances, the purpose of which is to retain the human species in a state of endless degradation? It is in the subjects we are here examining, that the celebrated maxim of "many made for one," is brought to the test. Those reasoners were, no doubt, "wise in their generation," who two centuries ago conceived alarm at the blasphemous doctrine, "that government was instituted for the benefit of the governed, and, if it proposed to itself any other object, was no better than an usurpation." It will perpetually be found, that the men who in every age, have been the earliest to give the alarm of innovation, and have been ridiculed on that account as bigoted and timid, were, in reality, persons of more than common discernment, who saw, though but imperfectly, in the rude principle, the inferences to which it inevitably led. It is time that men of reflection should choose between the two sides of the alternative: either to go back, fairly and without reserve, to the primitive principles of tyranny; or, adopting any one of the maxims opposite to these, however neutral it may at first appear, not feebly and ignorantly to shut their eyes upon the system of consequences it draws along with it.

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

The aristocracy of ancient Rome was incomparably the most venerable and illustrious, that ever existed. It may not therefore be improper to contemplate in them, the degree of excellence to which aristocracy may be raised. They included in their institution some of the benefits of democracy, as, generally speaking, no man became a member of the senate, but in consequence of his being elected by the people to the superior magistracies. It was reasonable therefore to expect, that the majority of the members would possess some degree of capacity. They were not like modern aristocratical assemblies, in which, as primogeniture, and not selection, decides upon their prerogatives, we shall commonly seek in vain for capacity, except in a few of the lords of recent creation. As the plebians were long restrained from looking for candidates, except among the patricians, that is,

the posterity of senators, it was reasonable to suppose that the most eminent talents would be confined to that order. A circumstance which contributed to this, was the monopoly of liberal education and the cultivation of the mind, a monopoly which the invention of printing has at length fully destroyed. Accordingly, all the great literary ornaments of Rome were either patricians, or of the equestrian order, or their immediate dependents. The plebians, though, in their corporate capacity, they possessed, for some centuries, the virtues of sincerity, intrepidity, love of justice and of the public, could scarcely boast of any of those individual characters in their party that reflect lustre on mankind, except the two Gracchi; while the patricians told of Brutus, Valerius, Coriolanus, Cincinnatus, Camillus, Fabricius, Regulus, the Fabii, the Decii, the Scipios, Lucullus, Marcellus, Cato, Cicero, and innumerable others. With this retrospect continually suggested to their minds, it was almost venial, for the stern heroes of Rome, and the last illustrious martyrs of the republic, to entertain aristocratical sentiments.

Let us however consider impartially this aristocracy, so superior to any other of ancient or modern times. Upon the first institution of the republic, the people possessed scarcely any authority, except in the election of magistrates, and even here their intrinsic importance was eluded, by the mode of arranging the assembly, so that the whole decision vested in the richer classes of the community. No magistrates of any description, were elected, but from among the patricians. All causes were judged by the patricians, and from their judgment there was no appeal. The patricians intermarried among themselves, and thus formed a republic of narrow extent, in the midst of the nominal one, which was held by them in a state of abject servitude. The idea which purified these usurpations in the minds of the usurpers, was, "that the vulgar are essentially coarse, grovelling, and ignorant, and that there can be no security for the empire of justice and consistency, but in the decided ascendancy of the liberal." Thus, even while they opposed the essential interests of mankind, they were animated with public spirit and an unbounded enthusiam of virtue. But it is not less true, that they did oppose the essential interests of mankind. What can be more memorable in this respect, than the declamations of Appius Claudius, whether we consider the moral greatness of mind by which they were dictated, or the cruel intolerance they were intended to enforce? It is inexpressibly painful, to see so much virtue, through successive ages, employed in counteracting the justest requisitions. The result was, that the patricians, notwithstanding their immeasurable superiority in abilities, were obliged to resign, one by one, the exclusions to which they clung. In the interval they were led to have recourse to the most odious methods of opposition; and every man among them, contended who should be loudest in applause of the nefarious murder of the Gracchi. If the Romans were distinguished for so many virtues, constituted as

they were, what might they not have been, but for the iniquity of aristocratical usurpation? The indelible blemish of their history, the love of conquest, originated in the same cause. Their wars, through every period of the republic, were nothing more, than the contrivance of the patricians, to divert their countrymen from attending to the sentiments of political truth, by leading them to scenes of conquest and carnage. They understood the art, common to all governments, of confounding the understandings of the multitude, and persuading them that the most unprovoked hostilities were merely the dictates of necessary defence.

Aristocracy, as we have already seen, is intimately connected with an extreme inequality of possessions. No man can be an useful member of society, except so far as his talents are employed in a manner conducive to the general advantage. In every society, the produce, the means of contributing to the necessities and conveniences of its members, is of a certain amount. In every society, the bulk at least of its members, contribute by their personal exertions to the creation of this produce. What can be more desirable and just, than that the produce itself should, with some degree of equality, be shared among them? What more injurious, than the accumulating upon a few every means of superfluity and luxury, to the total destruction of the ease, and plain, but plentiful subsistence of the many? It may be calculated that the king, even of a limited monarchy, receives as the salary of his office, an income equivalent to the labour of fifty thousand men.* Let us set out in our estimate from this point, and figure to ourselves the shares of his counsellors, his nobles, the wealthy commoners by whom the nobility will be emulated, their kindred and dependents. Is it any wonder that, in such countries, the lower orders of the community are exhausted, by the hardships of penury and immoderate fatigue? When we see the wealth of a province spread upon the great man's table, can we be surprised that his neighbours have not bread to satiate the cravings of hunger?

Is this a state of human beings that must be considered as the last improvement of political wisdom? In such a state it is impossible that eminent virtue should not be exceedingly rare. The higher and the lower classes will be alike corrupted by their unnatural situation. But to pass over the higher class for the present, what can be more evident than the tendency of want to contract the intellectual powers? The situation which the wise man would desire, for himself, and for those in whose welfare he was interested, would be a situation of alternate labour and relaxation, labour that should not exhaust the frame, and relaxation that was in no danger of degenerating into indolence. Thus industry and activity would be cherished, the frame preserved in a healthful tone, and the mind accustomed to meditation and improvement. But this would be the situation of the whole human

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

species, if the supply of our wants were fairly distributed. Can any system be more worthy of disapprobation, than that which converts nineteen-twentieths of them into beasts of burden, annihilates so much thought, renders impossible so much virtue, and extirpates so much happiness?

But it may be alleged, "that this argument is foreign to the subject of aristocracy; the inequality of conditions being the inevitable consequence of the institution of property." It is true that many disadvantages have hitherto flowed out of this institution, in the simplest form in which it has yet existed; but these disadvantages, to whatever they may amount, are greatly aggravated by the operations of aristocracy. Aristocracy turns the stream of property out of its natural course, in following which it would not fail to fructify and gladden, in turn at least, every division of the community; and forwards, with assiduous care, its accumulation in the hands of a very few persons.

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

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

It is undoubtedly a pernicious mistake which has insinuated itself among certain reformers, that leads them to the perpetual indulgence of acrimony and resentment, and renders them too easily reconciled to projects of commotion and violence. But, if we ought to be aware that mildness and an unbounded philanthropy, are the most effectual instruments of public welfare,

it does not follow, that we are to shut our eyes upon the calamities that exist, or to cease from the most ardent aspirations for their removal.

There is one argument to which the advocates of monarchy and aristocracy always have recourse when driven from every other pretence; the mischievous nature of democracy. "However imperfect the two former of these institutions may be in themselves, they are found necessary," we are told, "as accommodations to the imperfection of human nature." It is for the reader who has considered the arguments of the preceding chapters to decide, how far it is probable that circumstances can occur, which should make it our duty to submit to these complicated evils. Meanwhile, let us proceed to examine that democracy, of which so alarming a picture has usually been exhibited.

CHAP. XIV.

GENERAL FEATURES OF DEMOCRACY.

Definition.—Supposed evils of this form of government—ascendancy of the ignorant—of the crafty—inconstancy—rash confidence—groundless suspicion.—Merits and defects of democracy compared.—Its moral tendency.—Tendency of truth.—Representation.

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

But there are certain disadvantages that may seem the necessary result of democratical equality. In political society, it is reasonable to suppose, that the wise will be outnumbered by the unwise; and it will be inferred, "that the welfare of the whole, will therefore be at the mercy of ignorance and folly." It is true, that the ignorant will generally be sufficiently willing to listen to the judicious, "but their very ignorance will incapacitate them from discerning the merit of their guides. The turbulent and crafty demagogue, will often possess greater advantages for inveigling their judgment, than the man who, with purer intentions, may possess a less brilliant talent. Add to this, that the demagogue has a never-failing resource in the ruling imperfection of human nature, that of preferring the specious present to the substantial future. This is what is usually termed playing upon the

passions of mankind. Politics have hitherto presented an enigma, that all the wit of man has been insufficient to solve. Is it to be supposed, that the uninstructed multitude should always be able to resist the artful sophistry and captivating eloquence that may be employed to perplex the subject with still further obscurity? Will it not often happen, that the schemes proposed by the ambitious disturber will possess a meretricious attraction, which the severe and sober project of the discerning statesman shall be unable to compensate?

"One of the most fruitful sources of human happiness is to be found in the steady and uniform operation of certain fixed principles. But it is the characteristic of a democracy to be wavering and inconstant. The speculator only, who has deeply meditated his principles, is inflexible in his adherence to them. The mass of mankind, as they have never arranged their reflections into system, are at the mercy of every momentary impulse, and liable to change with every wind. But this inconstancy is directly the reverse of political justice.

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

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

If this picture must be inevitably realised wherever democratical principles are established, the state of human nature would be peculiarly unfortunate. No form of government can be devised which does not partake of monarchy, aristocracy, or democracy. We have taken a copious survey of the two former, and it would seem impossible that greater or more inveterate mischiefs can be inflicted on mankind, than those which are inflicted by them. No portrait of injustice, degradation, and vice can be exhibited, that can surpass the fair and inevitable inferences from the principle

upon which they are built. If then democracy can, by any arguments, be brought down to a level with such monstrous institutions as these, in which there is neither integrity nor reason, our prospects of the future happiness of mankind, will indeed be deplorable.

But this is impossible. Supposing that we should even be obliged to take democracy with all the disadvantages that were ever annexed to it, and that no remedy could be discovered for any of its defects, it would still be preferable to the exclusive system of other forms. Let us take Athens, with all its turbulence and instability, with the popular and temperate usurpations of Pisistratus and Pericles; with its monstrous ostracism, by which, with undisguised injustice, they were accustomed periodically to banish some eminent citizen, without the imputation of a crime; with the imprisonment of Miltiades, the exile of Aristides, and the murder of Phocion: with all these errors on its head, it is incontrovertible that Athens exhibited a more illustrious and enviable spectacle, than all the monarchies and aristocracies that ever existed. Who would reject their gallant love of virtue and independence, because it was accompanied with irregularities? Who would pass an unreserved condemnation upon their penetrating mind, their quick discernment, and their ardent feeling, because they were subject occasionally to be intemperate and impetuous? Shall we compare a people of such incredible achievements, such exquisite refinement, gay without insensibility, and splendid without intemperance, in the midst of whom grew up, the greatest poets, the noblest artists, the most finished orators and the most disinterested philosophers, the world ever saw,—shall we compare this chosen seat of patriotism, independence, and generous virtue, with the torpid and selfish realms of monarchy and aristocracy? All is not happiness that looks tranquillity. Better were a portion of turbulence and fluctuation, than that unwholesome calm in which all the best faculties of the human mind are turned to putrescence and poison.

In the estimate that is usually made of democracy, one of the sources of our erroneous judgment, lies in our taking mankind such as monarchy and aristocracy have made them, and thence judging how fit they are to manage for themselves. Monarchy and aristocracy would be no evils, if their tendency were not to undermine the virtues and the understandings of their subjects. The thing most necessary, is to remove all those restraints which prevent the human mind from attaining its genuine strength. Implicit faith, blind submission to authority, timid fear, a distrust of our powers, an inattention to our own importance and the good purposes we are able to effect, these are the chief obstacles to human improvement. Democracy restores to man a consciousness of his value, teaches him, by the removal of authority and oppression, to listen only to the suggestions of reason, gives him confidence to treat all other men with frankness and simplicity, and induces him to regard them no longer, as enemies against

whom to be upon his guard, but as brethren whom it becomes him to assist. The citizen of a democratical state, when he looks upon the oppression and injustice that prevail in the countries around him, cannot but entertain an inexpressible esteem for the advantages he enjoys, and the most unalterable determination to preserve them. The influence of democracy upon the sentiments of its members, is altogether of the negative sort, but its consequences are inestimable. Nothing can be more unreasonable, than to argue, from men as we now find them, to men as they may hereafter be made. Strict and accurate reasoning, instead of suffering us to be surprised that Athens did so much, would at first induce us to wonder that she retained so many imperfections.

The road to the improvement of mankind, is in the utmost degree simple, to speak and act the truth. If the Athenians had had more of this, it is impossible they should have been so flagrantly erroneous. To express ourselves to all men with honesty and unreserve, and to administer justice without partiality, are principles which, when once thoroughly adopted, are in the highest degree prolific. They enlighten the understanding, give decision to the judgment, and strip misrepresentation of its speciousness. In Athens, men suffered themselves to be dazzled by splendour and show. If the error in their constitution which led to this defect, can be discovered, if a form of political society can be devised, in which men shall be accustomed to judge simply and soberly, and be habitually exercised to the manliness of truth, democracy will, in that society, cease from the turbulence, instability, fickleness, and violence, that have too often characterised it. Nothing can be more worthy to be depended on, than the omnipotence of truth, or, in other words, than the connection between the judgment and the outward behaviour.* The contest between truth and falsehood is of itself too unequal, for the former to stand in need of support from any political ally. The more it is discovered, especially that part of it which relates to man in society, the more simple and self-evident will it appear; and it will be found impossible, any otherwise to account for its having been so long concealed, than from the pernicious influence of positive institution.

There is another obvious consideration, that has frequently been alleged to account for the imperfection of ancient democracies, which is worthy of our attention, though it be not so important as the argument which has just been stated. The ancients were unaccustomed to the idea of deputed or representative assemblies; and it is reasonable to suppose, that affairs might often be transacted, with the utmost order, in such assemblies, which might be productive of much tumult and confusion, if submitted to the personal discussions of the citizens at large.† By this happy ex-

* Vol. I., Book I., Chap. V.

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

pedient, we secure many of the pretended benefits of aristocracy, as well as the real benefits of democracy. The discussion of national affairs, is brought before persons of superior education and wisdom: we may conceive them, not only the appointed medium of the sentiments of their constituents, but authorised, upon certain occasions, to act on their part, in the same manner as an unlearned parent delegates his authority over his child to a preceptor of greater accomplishments than himself. This idea, within proper limits, might probably be entitled to approbation, provided the elector had the wisdom not to recede from the exercise of his own understanding in political concerns, exerted his censorial power over his representative, and were accustomed, if the representative were unable, after the fullest explanation, to bring him over to his opinion, to transfer his deputation to another.

The true value of the system of representation, seems to be as follows. Large promiscous assemblies, such as the assemblies of the people in Athens and Rome, must perhaps always be somewhat tumultuous, and liable to many of the vices of democracy enumerated in the commencement of this chapter. A representative assembly, deputed on the part of the multitude, will escape many of their defects. But representative government is necessarily imperfect. It is, as was formerly observed,* a point to be regretted, in the abstract notion of civil society, that a majority should overbear a minority, and that the minority, after having opposed and remonstrated, should be obliged practically to submit, to that which was the subject of their remonstrance. But this evil, inseparable from political government, is aggravated by representation, which removes the power of making regulations, one step further from the people whose lot it is to obey them. Representation therefore, though a remedy, or rather a palliative, for certain evils, is not a remedy so excellent or complete, as should authorise us to rest in it, as the highest improvement of which the social order is capable.†

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

* Vol. I., Book III., Chap. II.
† See this subject pursued in Chap. XXIII., XXIV.

CHAP. XV.

OF POLITICAL IMPOSTURE.

Importance of this topic.—Example in the doctrine of eternal punishment.—Its inutility argued—from history—from the nature of mind. —Second example: the religious sanction of a legislative system.—This idea is, 1, in strict construction impracticable—2, injurious.—Third example: principle of political order.—Vice has no essentinl advantage over virtue.—Motives of political imposture.—Effects that attend it.—Situation of the advocates of this system.—Absurdity of their reasonings.

All the arguments that have been employed to prove the insufficiency of democracy, grow out of this one root, the supposed necessity of deception and prejudice for restraining the turbulence of human passions. Without the assumption of this principle the argument could not be sustained for a moment. The direct and decisive answer would be, "Are kings and lords intrinsically wiser and better than their humbler neighbours? Can there be any solid ground of distinction, except what is founded in personal merit? Are not men, really and strictly considered, equal, except so far as what is personal and inalienable, establishes a difference?" To these questions there can be but one reply, "Such is the order of reason and absolute truth, but artificial distinctions are necessary for the happiness of mankind. Without deception and prejudice the turbulence of human passions cannot be restrained." Let us then examine the merits of this theory; and these will be best illustrated by an instance.

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

This argument seems to be founded in a singular inattention to the dictates of history and experience, as well as to those of reason. The ancient Greeks and Romans had nothing of this dreadful apparatus of fire and brimstone, and a torment "the smoke of which ascends for ever and ever." Their religion was less personal, than political. They confided in the gods as protectors of the state, and this inspired them with invincible courage. In periods of public calamity, they found a ready consolation, in expiatory sacrifices to appease the anger of the gods. The attention of these beings was conceived to be principally directed to the ceremonial of religion, and very little to the moral

excellencies and defects of their votaries, which were supposed to be sufficiently provided for, by the inevitable tendency of moral excellence or defect to increase or diminish individual happiness. If their systems included the doctrine of a future existence, little attention was paid by them, to the connecting the moral deserts of individuals in this life, with their comparative situation in another. In Homer, the Elysian fields are a seat of perpetual weariness and languor: Elysium and Tartarus are inclosed in the same circuit; and the difference between them, at most, amounts to no more, than the difference between sadness and misery. The same omission, of future retribution as the basis of moral obligation runs through the systems of the Persians, the Egyptians, the Celts, the Phœnicians, the Jews, and indeed every system which has not been, in some manner or other, the offspring of the Christian. If we were to form our judgment of these nations by the above argument, we should expect to find every individual among them, cutting his neighbour's throat, and inured to the commission of every enormity. But they were, in reality, as susceptible of the regulations of government, and the order of society, as those, whose imaginations have been most artfully terrified by the threats of future retribution; and some of them were much more generous, determined, and attached to the public weal.

Nothing can be more contrary to a just observation of the nature of the human mind, than to suppose that these speculative tenets, have much influence in making mankind more virtuous, than they would otherwise be found. Human beings are placed in the midst of a system of things, all the parts of which are strictly connected with each other, and exhibit a sympathy and unison, by means of which the whole is rendered familiar, and, as it were, inmate to the mind. The respect I shall obtain, and the happiness I shall enjoy, for the remainder of my life, are topics of which I feel the entire comprehension. I understand the value of ease, liberty, and knowledge, to myself, and my fellow men. I perceive that these things, and a certain conduct intending them, are connected, in the visible system of the world, and not by any supernatural and unusual interposition. But all that can be told me of a future world, a world of spirits, or of glorified bodies, where the employments are spiritual, and the first cause is to be rendered a subject of immediate perception, or of a scene of retribution, where the mind, doomed to everlasting inactivity, shall be wholly a prey to the upbraidings of remorse, and the sarcasms of devils, is so foreign to everything with which I am acquainted, that my mind in vain endeavours to believe, or to understand it. If doctrines like these occupy the habitual reflections of any, it is not of the lawless, the violent, and ungovernable, but of the sober and conscientious, overwhelming them with gratuitous anxiety, or persuading them passively to submit to despotism and injustice, that they may receive the recompense of their patience hereafter. This objection is equally applicable to every species of deception. Fables may amuse the

imagination; but can never stand in the place of reason and judgment as the principles of human conduct.—Let us proceed to a second instance.

It is affirmed by Rousseau, in his treatise of the Social Contract, "that no legislator could ever establish a grand political system, without having recourse to religious imposture. To render a people, who are yet to receive the impressions of political wisdom, susceptible of the evidence of that wisdom, would be to convert the effect of civilisation into the cause. The legislator being deprived of assistance from the two grand operative causes among men, reasoning and force, is obliged to have recourse to an authority of a different sort, which may draw without compulsion, and persuade without elucidation."*

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

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

Having frequently quoted Rousseau in the course of this work, it may be allowable to say one word of his general merits, as a moral and political writer. He has been subjected to continual ridicule, for the extravagance of the proposition with which he began his literary career; that the savage state, was the genuine and proper condition of man. It was however by a very slight mistake, that he missed the opposite opinion which it is the business of the present enquiry to establish. He only substituted, as the topic of his eulogium, the period that preceded government and laws, instead of the period that may possibly follow upon their abolition. It is sufficiently observable that, where he describes the enthusiastic influx of truth, that first made him a moral and political writer [in his second letter to Malesherbes], he does not so much as mention his fundamental error, but only the just principles which led him into it. He was the first to teach, that the imperfections of government were the only perennial source of the vices of mankind; and this principle was adopted from him by Helvetius and others. But he saw further than this, that government, however reformed, was little capable of affording solid benefit to mankind, which they did not. This principle has since (probably without being suggested by the writings of Rousseau) been expressed with great perspicuity and energy, but not developed, by Thomas Paine, in the first page of his Common Sense.

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

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

But, if it be indeed impracticable to persuade men into the adoption of any system, without employing as our principal argument, the intrinsic rectitude of that system, what is the argument which he would desire to use, who had most at heart the welfare and improvement of the persons concerned? Would he begin by teaching them to reason well, or to reason ill? by unnerving their mind with prejudice, or new stringing it with truth? How many arts, and how noxious to those towards whom we employ them, are necessary, if we would successfully deceive? We must not only leave their reason in indolence at first, but endeavour to supersede its exertion in any future instance. If men be, for the present, kept right by prejudice, what will become of them hereafter, if, by any future penetration, or any accidental discovery, this prejudice shall be annihilated? Detection is not always the fruit of systematical improvement, but may be effected by some solitary exertion of the faculty, or some luminous and irresistible argument, while everything else remains as it was. If we would first deceive, and then maintain our deception unimpaired, we shall need penal statutes, and licensers of the press, and hired ministers of falsehood and imposture. Admirable modes these for the propagation of wisdom and virtue!

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

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

This is still the same argument under another form. It takes for granted, that a true observation of things, is inadequate to teach us our duty; and, of consequence, recommends an equivocal engine, which may, with equal ease, be employed in the service of justice and injustice, but would surely appear somewhat more in its place in the service of the latter. It is injustice that stands most in need of superstition and mystery, and will most frequently be a gainer by the imposition. This hypothesis proceeds upon an assumption, which young men sometimes impute to their parents and preceptors. It says, "Mankind must be kept in ignorance: if they know vice, they will love it too well; if they perceive the charms of error, they will never return to the simplicity of truth." And, strange as it may appear, this bare-faced and unplausible argument, has been the foundation of a very popular and generally received hypothesis. It has taught politicians to believe, that a people, once sunk into decrepitude, as it has been termed, could never afterwards be endued with purity and vigour.†

There are two modes, according to which the minds of human beings may be influenced, by him who is desirous to conduct them. The first of these, is a strong and commanding picture, taking hold of the imagination, and surprising the judgment; the second, a distinct and unanswerable statement of reasons, which, the oftener they are reflected upon, and the more they are sifted, will be found by so much the more cogent.

One of the tritest and most general, as well as most self-evident, maxims in the science of the human mind, is, that the former of these is only adapted to a temporary purpose, while the latter alone is adequate to a purpose that is durable. How comes it then that, in the business of politics and government, the purposes of which are evidently not temporary, the fallacious mode of proceeding should have been so generally and so eagerly resorted to?

This may be accounted for from two considerations: first the diffidence, and secondly, the vanity and self-applause, of legislators

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

† Book I., Chap. VII.

and statesmen. It is an arduous task, always to assign reasons to those, whose conduct we would direct; it is by no means easy, to answer objections and remove difficulties. It requires patience; it demands profound science and severe meditation. This is the reason why, in the instance already alluded to, parents and preceptors find a refuge for their indolence, while by false pretences they cheat the young into compliance, in preference to showing them, as far as they may be capable of understanding it, the true face of things. Statesmen secretly distrust their own powers, and therefore substitute quackery in the room of principle.

But, beside the recommendations that quackery derives from indolence and ignorance, it is also calculated to gratify the vanity of him that employs it. He that would reason with another, and honestly explain to him the motives of the action he recommends, descends to a footing of equality. But he who undertakes to delude us, and fashion us to his purpose by a specious appearance, has a feeling that he is our master. Though his task is neither so difficult nor so honourable as that of the ingenuous dealer, he regards it as more flattering. At every turn he admires his own dexterity; he triumphs in the success of his artifices, and delights to remark how completely mankind are his dupes.

There are disadvantages of no ordinary magnitude that attend upon the practice of political imposture.

It is utterly incompatible with the wholesome tone of the human understanding. Man, we have seen some reason to believe, is a being of progressive nature, and capable of unlimited improvement. But his progress must be upon the plain line of reason and truth. As long as he keeps the open road, his journey is prosperous and promising; but, if he turn aside into by-paths, he will soon come to a point, where there is no longer either avenue or track. He that is accustomed to a deceitful medium, will be ignorant of the true colours of things. He that is often imposed on, will be no judge of the fair and the genuine. Human understanding cannot be tampered with, with impunity; if we admit prejudice, deception and implicit faith in one subject, the inquisitive energies of the mind will be more or less weakened in all. This is a fact so well known, that the persons who recommend the governing mankind by deception, are, to a man, advocates of the opinion, that the human species is essentially stationary.

A further disadvantage of political imposture, is, that the bubble is hourly in danger of bursting, and the delusion of coming to an end. The playing upon our passions and our imagination, as we have already said, can never fully answer any but a temporary purpose. In delusion there is always inconsistency. It will look plausibly, when placed in a certain light; but it will not bear handling, and examining on all sides. It suits us in a certain animated tone of mind; but in a calm and tranquil season, it is destitute of power. Politics and government are affairs of a

durable concern; they should therefore rest upon a basis that will abide the test.

The system of political imposture divides men into two classes, one of which is to think and reason for the whole, and the other to take the conclusions of their superiors on trust. This distinction is not founded in the nature of things; there is no such inherent difference between man and man, as it thinks proper to suppose. Nor is it less injurious, than it is unfounded. The two classes which it creates, must be more and less than man. It is too much to expect of the former, while we consign to them an unnatural monopoly, that they should rigidly consult for the good of the whole. It is an iniquitous requisition upon the latter, that they should never employ their understandings, or penetrate into the essences of things, but always rest in a deceitful appearance. It is iniquitous, to deprive them of that chance for additional wisdom, which would result from a greater number of minds being employed in the enquiry, and from the disinterested and impartial spirit that might be expected to accompany it.

How strangely incongruous is that state of mind, which the system we are here examining, is adapted to recommend. Shall those persons who govern the springs, and carry on the deception, be themselves in the secret of the imposition or not? This is a fundamental question. It has often been started, in relation to the authors or abettors of a new fabric of superstition. On the one hand, we should be apt to imagine, that, for a machine to be guided well, it is desirable that those who guide it, should be acquainted with its principle. We should suppose that, otherwise the governors we speak of, would not always know the extent and the particulars as to which the deception was salutary; and that, where "the blind led the blind," the public welfare would not be in a much better condition, that the greatest advocates of imposture could suppose it to be under the auspices of truth. But then again, on the other hand, no man can be powerful in persuasion, in a point where he has not first persuaded himself. Beside that the secret must, first or last, be confided to so many hands, that it will be continually in danger of being discovered by the public at large. So that for these reasons it would seem best, that he, who first invented the art of leading mankind at pleasure, and set the wheels of political craft in motion, should suffer his secret to die with him.

And what sort of character must exist in a state thus modified? Those at the head of affairs, if they be acquainted with the principle of the political machine, must be perpetually anxious, lest mankind should unexpectedly recover the use of their faculties. Falsehood must be their discipline and incessant study. We will suppose, that they adopt this system of imposture, in the first instance, from the most benevolent motives. But will the continual practice of concealment, hypocrisy and artifice, make no breaches in their character? Will they, in despite of habit,

retain all that ingenuousness of heart which is the first principle of virtue?

With respect to the multitude, in this system, they are placed in the middle between two fearful calamities, suspicion on one side, and infatuation on the other. Even children, when their parents explain to them, that there is one system of morality for youth, and another for mature age, and endeavour to cheat them into submission, are generally found to suspect the trick. It cannot reasonably be thought, that the mass of the governed in any country, should be less clear-sighted than children. Thus they are kept in perpetual vibration, between rebellious discontent, and infatuated credulity. Sometimes they suppose their governors to be the messengers and favourites of heaven, a supernatural order of beings; and sometimes they suspect them to be a combination of usurpers to rob and oppress them. For they dare not indulge themselves in solving the dilemma, because they are held in awe by oppression and the gallows.

Is this the genuine state of man? Is this a condition so desirable, that we should be anxious to entail it upon posterity for ever? Is it high treason to inquire whether it may be meliorated? Are we sure, that every change from such a situation of things, is severely to be deprecated? Is it not worth while, to suffer that experiment, which shall consist in a gradual, and almost insensible, abolition of such mischievous institutions?

It may not be uninstructive to consider what sort of discourse must be held, or book written, by him who should make himself the champion of political imposture. He cannot avoid secretly wishing that the occasion had never existed. What he undertakes is to lengthen the reign of "salutary prejudices." For this end, he must propose to himself the two opposite purposes, of prolonging the deception, and proving that it is necessary to deceive. By whom is it that he intends his book should be read? Chiefly by the governed; the governors need little inducement to continue the system. But, at the same time that he tells us, we should cherish the mistake as mistake, and the prejudice as prejudice, he is himself lifting the veil, and destroying his own system. While the affair of our superiors and the enlightened, is simply to impose upon us, the task is plain and intelligible. But, the moment they begin to write books, to persuade us that we ought to be willing to be deceived, it may well be suspected that their system is upon the decline. It is not to be wondered at, if the greatest genius, and the sincerest and most benevolent champion, should fail in producing a perspicuous or very persuasive treatise, when he undertakes so hopeless a task.

The argument of such a system must, when attentively examined, be the most untenable that can be imagined. It undertakes to prove that we must not be governed by reason. To prove! How prove? Necessarily, from the resources of reason. What can be more contradictory? If I must not trust the conclusions of reason relative to the intrinsic value of things, why

trust to your reasons in favour of the benefit of being deceived? You cut up your own argument by the roots. If I must reject the dictates of reason in one point, there can be no possible cause why I should adopt them in another. Moral reasons and inducements, as we have repeatedly shown, consist singly in this, an estimate of consequences. What can supersede this estimate? Not an opposite estimate; for, by the nature of morality, the purpose, in the first instance, is, to take into account all the consequences. Not something else, for a consideration of consequences is the only thing, with which morality and practical wisdom are directly concerned. The moment I dismiss the information of my own eyes and my own understanding, there is, in all justice, an end to persuasion, expostulation, or conviction. There is no pretence, by which I can disallow the authority of inference and deduction in one instance, that will not justify a similar proceeding in every other. He that, in any case, designedly surrenders the use of his own understanding, is condemned to remain for ever at the beck of contingence and caprice, and is even bound in consistency, no more to frame his course by the results of demonstration, than by the wildest dreams of delirium and insanity.

CHAP. XVI.

OF THE CAUSES OF WAR.

Offensive war contrary to the nature of democracy.—Defensive war exceedingly rare.—Erroneousness of the ideas usually annexed to the phrase, our country.—Nature of war delineated.—Insufficient causes of war—the acquiring a healthful and vigorous tone to the public mind—the putting a termination upon private insults—the menaces or preparations of our neighbours—the dangerous consequences of concession—the vindication of national honour.—Two legitimate causes of war.

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

There is indeed an eminent difference, with respect to these, between the democratical system and all others. It is perhaps impossible to show, that a single war ever did, or could have taken place, in the history of mankind, that did not in some way originate with those two great political monopolies, monarchy and

aristocracy. This might have formed an additional article, in the catalogue of the evils to which they have given birth, little inferior to any of those we have enumerated. But nothing could be more idle, than to overcharge a subject, the evidence of which is irresistible.

What could be the source of misunderstanding between states, where no man, or body of men, found encouragement to the accumulation of privileges to himself, at the expence of the rest? Why should they pursue additional wealth or territory? These would lose their value, the moment they became the property of all. No man can cultivate more than a certain portion of land. Money is representative, and not real wealth. If every man in the society possessed a double portion of money, bread, and every other commodity, would sell at double their present price, and the relative situation of each individual, would be just what it had been before. War and conquest cannot be beneficial to the community. Their tendency is to elevate a few at the expence of the rest; and consequently they will never be undertaken, but where the many are the instruments of the few. But this cannot happen in a democracy, till the democracy, shall become such only in name. If expedients can be devised for maintaining this species of government in its purity, or if there be anything, in the nature of wisdom and intellectual improvement, which has a tendency daily to make truth more prevalent over falsehood, the principle of offensive war will be extirpated. But this principle enters into the very essence of monarchy and aristocracy.

It is not meant here to be insinuated, that democracy has not repeatedly been a source of war. It was eminently so among the ancient Romans; the aristocracy found in it an obvious expedient for diverting the attention and encroachments of the people. It may be expected to be so, wherever the form of government is complicated, and the nation at large is enabled to become formidable to a band of usurpers. But war will be foreign to the character of any people, in proportion as their democracy becomes simple and unalloyed.

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

undesirable adversary to those by whom an attack shall be commenced.

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

The lessons of reason on this head are different from these. "Society is an ideal existence, and not, on its own account, entitled to the smallest regard. The wealth, prosperity and glory of the whole are unintelligible chimeras. Set no value on anything, but in proportion as you are convinced of its tendency to make individual men happy and virtuous. Benefit, by every practicable mode, man wherever he exists; but be not deceived by the specious idea of affording services to a body of men, for which no individual man is the better. Society was instituted, not for the sake of glory, not to furnish splendid materials for the page of history, but for the benefit of its members. The love of our country, as the term has usually been understood, has too often been found to be one of those specious illusions, which are employed by impostors, for the purpose of rendering the multitude the blind instruments of their crooked designs."

In the mean time, the maxims which are here controverted, have had by so much the more success in the world, as they bear some resemblance to the purest sentiments of virtue. Virtue is nothing else but kind and sympathetic feelings reduced into principle. Undisciplined feeling would induce me, now to interest myself exclusively for one man, and now for another, to be eagerly solicitous for those who are present to me, and to forget the absent. Feeling ripened into virtue, embraces the interests of the whole human race, and constantly proposes to itself the production of the greatest quantity of happiness. But, while it anxiously adjusts the balance of interests, and yields to no case, however urgent, to the prejudice of the whole, it keeps aloof from the unmeaning rant of romance, and uniformly recollects that happiness, in order to be real, must necessarily be individual.

The love of our country, has often been found to be a deceitful principle, as its direct tendency, is to set the interests of one division of mankind in opposition to another, and to establish a preference, built upon accidental relations, and not upon reason. Much of what has been understood by the appellation, is excellent, but perhaps nothing that can be brought within the strict

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

interpretation of the phrase. A wise and well informed man will not fail to be the votary of liberty and justice. He will be ready to exert himself in their defence, wherever they exist. It cannot be a matter of indifference to him, when his own liberty and that of other men with whose merits and capacities he has the best opportunity of being acquainted, are involved in the event of the struggle to be made. But his attachment will be to the cause, as the cause of man, and not to the country. Wherever there are individuals, who understand the value of political justice, and are prepared to assert it, that is his country. Wherever he can most contribute to the diffusion of these principles and the real happiness of mankind, that is his country. Nor does he desire, for any country, any other benefit than justice.

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

Because individuals were liable to error, and suffered their apprehensions of justice to be perverted by a bias in favour of themselves, government was instituted. Because nations were susceptible of a similar weakness, and could find no sufficient umpire to whom to appeal, war was introduced. Men were induced deliberately to seek each other's lives, and to adjudge the controversies between them, not according to the dictates of reason and justice, but as either should prove most successful in devastation and murder. This was no doubt in the first instance the extremity of exasperation and rage. But it has since been converted into a trade. One part of the nation pays another part, to murder and be murdered in their stead; and the most trivial causes, a supposed insult, or a sally of youthful ambition, have sufficed to deluge provinces with blood.

We can have no adequate idea of this evil, unless we visit, at least in imagination, a field of battle. Here men deliberately destroy each other by thousands, without resentment against, or even knowledge of, each other. The plain is strewed with death in all its forms. Anguish and wounds display the diversified modes in which they can torment the human frame. Towns are burned; ships are blown up in the air, while the mangled limbs descend on every side; the fields are laid desolate; the wives of the inhabitants exposed to brutal insult; and their children driven forth to hunger and nakedness. It is an inferior circumstance, though by no means unattended with the widest and most deplorable effects, when we add, to these scenes of horror, and the subversion of all ideas of moral justice they must occasion in the auditors and spectators, the immense treasures which are wrung, in the form of taxes, from those inhabitants whose residence is removed from the seat of war.

After this enumeration, we may venture to enquire what are the justifiable causes and rules of war.

It is not a justifiable reason, "that we imagine our own people would be rendered more cordial and orderly, if we could find a

neighbour with whom to quarrel, and who might serve as a touchstone to try the characters and dispositions of individuals among ourselves."* We are not at liberty to have recourse to the most complicated and atrocious of all mischiefs, in the way of an experiment.

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

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

It has sometimes been held to be sound reasoning upon this subject, "that we ought not to yield little things, which may not, in themselves, be sufficiently valuable to authorise this tremendous appeal, because a disposition to yield, only invites further experiments." Much otherwise; at least when the character of such a nation is sufficiently understood. A people that will not contend for nominal and trivial objects, that adheres to the precise line of unalterable justice, and that does not fail to be moved at the moment that it ought to be moved, is not the people that its neighbours will delight to urge to extremities.

"The vindication of national honour," is a very insufficient reason for hostilities. True honour is to be found only in integrity and justice. It has been doubted, how far a view to reputation, ought, in matters of inferior moment, to be permitted to influence the conduct of individuals; but, let the case of individuals be decided as it may, reputation, considered as a separate motive in the instance of nations, can perhaps never be justifiable. In individuals, it seems as if I might, consistently with the utmost real integrity, be so misconstrued and misrepresented by

* The reader will easily perceive that the pretences, by which the people of France were instigated to a declaration of war, in April, 1792, were in the author's mind in this and the two following articles. Nor will a few lines be misspent in this note, in stating the feelings of a dispassionate observer, upon the wantonness with which they have appeared ready, upon different occasions, to proceed to extremities. If policy were in question, it might be doubted, whether the confederacy of kings would ever have been brought into action against them, had it not been for their precipitation; and it might be asked, what impression they must expect to find produced upon the minds of other states, by their intemperate commission of hostility? But that equal humanity, which prescribes to us, never, by a hasty interference, to determine the doubtful balance in favour of murder, is a superior consideration, in comparison with which policy is scarcely worthy to be named.

others, as to render my efforts at usefulness almost necessarily abortive. But this reason does not apply to the case of nations. Their real story cannot easily be suppressed. Usefulness and public spirit, in relation to them, chiefly belong to the transactions of their members among themselves; and their influence in the transactions of neighbouring nations, is a consideration evidently subordinate.—The question which respects the justifiable causes of war, would be liable to few difficulties, if we were accustomed, along with the word, strongly to call up to our minds the thing which that word is intended to represent.

Accurately considered, there can probably be but two causes of war that can maintain any plausible claim to justice; and one of them, is among those which the logic of sovereigns, and the law of nations, as it has been termed, have been thought to proscribe: these are the defence of our own liberty, and of the liberty of others. The well known objection to the latter of these cases, is, "that one nation ought not to interfere in the internal transactions of another." But certainly every people is fit for the possession of any immunity, as soon as they understand the nature of that immunity, and desire to possess it; and it is probable that this condition may be sufficiently realised, in cases, where, from the subtlety of intrigue, and the tyrannical jealousy of neighbouring kingdoms, they may be rendered incapable of effectually asserting their rights. This principle is capable of being abused by men of ambition and intrigue; but, accurately considered, the very same argument that should induce me to exert myself for the liberties of my own country, is equally cogent, so far as my opportunities and ability extend, with respect to the liberties of any other country. But what is my duty in this case, is the duty of all; and the exertion must be collective, where collective exertion only can be effectual.

CHAP. XVII.

OF THE OBJECT OF WAR.

The repelling an invader.—Not reformation—not restraint—not indemnification.—Nothing can be a sufficient object of war, that is not a sufficient cause for beginning it.—Reflections on the balance of power.

Let us pass, from the causes, to the objects of war. As defence is the only legitimate cause, the object pursued, reasoning from this principle, will be circumscribed within very narrow limits. It can extend no further, than the repelling the enemy from our borders. It is perhaps desirable that, in addition to this, he should afford some proof that he does not propose immediately to

renew his invasion; but this, though desirable, affords no sufficient apology for the continuance of hostilities. Declarations of war, and treaties of peace, were the inventions of a barbarous age, and would probably never have grown into established usages, if war had customarily gone no further than to the limits of defence.

The criminal justice, as it has been termed, of nations within themselves, has only three objects that it can be imagined to have in view, the reformation of the criminal, the restraining him from future excesses, and example. But none of these objects, whatever may be thought of them while confined to their original province, can sufficiently apply to the case of war between independent states. War, as we have already seen, perhaps never originates, on the offending side, in the sentiments of a nation, but of a comparatively small number of individuals: and, were it otherwise, there is something so monstrous, in the idea of changing the principles of a whole country by the mode of military execution, that every man not lost to sobriety and common sense, may be expected to shrink from it with horror.

Restraint appears to be sometimes necessary, with respect to the offenders that exist in the midst of a community, because it is customary for such offenders to assail us with unexpected violence; but nations cannot move with such secrecy, as to make an unforseen attack an object of considerable apprehension. The only effectual means of restraint, in this case, is by disabling, impoverishing, and depopulating the country of our adversaries; and, if we recollected that they are men as well as ourselves, and the great mass of them innocent of the quarrel against us, we should be little likely to consider these expedients with complacency. The idea of making an example of an offending nation, is reserved for that God, whom the church, as by law established, instructs us to adore.

Indemnification is another object of war, which the same mode of reasoning will not fail to condemn. The true culprits can never be discovered, and the attempt would only serve to confound the innocent and the guilty: not to mention, that nations having no common umpire, the reverting, in the conclusion of every war, to the justice of the original quarrel, and the indemnification to which the parties were entitled, would be a means of rendering the controversy endless. The question respecting the justifiable objects of war would be liable to few difficulties, if we laid it down as a maxim, that, as often as the principle or object of a war already in existence was changed, it was to be considered as equivalent to the commencement of a new war. This maxim, impartially applied, would not fail to condemn objects of prevention, indemnification, and restraint.

The celebrated topic of the balance of power, is a mixed consideration, having sometimes been proposed as the cause for beginning a war, and sometimes as an object to be pursued in a war already begun. A war, undertaken to maintain the balance

of power, may be either of defence, as to protect a people who are oppressed, or of prevention, to counteract new acquisitions, or to reduce the magnitude of old possessions. We shall be in little danger of error however, if we pronounce wars undertaken to maintain the balance of power to be universally unjust. If any people be oppressed, it is our duty, as has been already said, as far as a favourable opportunity may invite us, to fly to their succour. But it would be well if, in such cases, we called our interference by the name which justice prescribes, and fought against the oppression, and not the power. All hostilities against a neighbouring people, because they are powerful, or because we impute to them evil designs which they have not begun to carry into execution, are incompatible with every principle of morality. If one nation choose to be governed by the monarch, or an individual allied to the monarch, of another, as seems to have been the case in Spain, upon the extinction of the elder branch of the house of Austria, we may endeavour, as individuals, to enlighten them on the subject of government, and imbue them with principles of liberty; but it is an execrable piece of tyranny, to tell them, "You shall exchange the despot you love, for the despot you hate, on account of certain remote consequences we apprehend from the accession of the former." The pretence of the balance of power, has, in a multitude of instances, served as a veil to the intrigue of courts; but it would be easy to show, that the present independence of the different states of Europe, has, in no instance, been materially assisted, by the wars undertaken for that purpose. The fascination of a people desiring to become the appendage of a splendid despotism, will rarely occur; and when it does, can justly be counteracted only by peaceable means. The succouring a people in their struggle against oppression must always be just, with this limitation, that to attempt it without an urgent need on their part, may uselessly extend the calamities of war, and has a tendency to diminish those energies among themselves, the exertion of which might contribute to their virtue and happiness. Add to this, that the object itself, the independence of the different states of Europe, is of an equivocal nature. The despotism, which at present prevails in the majority of them, is certainly not so excellent, as to make us very anxious for its preservation. The press is an engine of so admirable a nature for the destruction of despotism, as to elude the sagacity perhaps of the most vigilant police; and the internal checks upon freedom in a mighty empire and distant provinces, can scarcely be expected to be equally active with those of a petty tyrant. The reasoning will surely be good with respect to war, which has already been employed upon the subject of government, that an instrument, evil in its own nature, ought never to be selected as the means of promoting our purpose, in any case in which selection can be practised.

CHAP. XVIII.

OF THE CONDUCT OF WAR.

Offensive operations.—Fortifications.—General action.—Stratagem.—Military contributions.—Capture of mercantile vessels.—Naval war.—Humanity.—Military obedience.—Foreign possessions.

ANOTHER topic respecting war, which it is of importance to consider in this place, relates to the mode of conducting it. Upon this article, our judgment will be greatly facilitated, by a recollection of the principles already established, first, that no war is justifiable but a war purely defensive; and, secondly, that a war already begun, is liable to change its character in this respect, the moment the object pursued in it becomes in any degree varied. From these principles it follows as a direct corollary, that it is never allowable to make an expedition into the provinces of the enemy, unless for the purpose of assisting its oppressed inhabitants. It is scarcely necessary to add that all false casuistry respecting the application of this exception, would be particularly odious; and that it is better undisguisedly to avow the corrupt principles of policy by which we conduct ourselves, than hypocritically to claim the praise of better principles, which we fail not to wrest to the justification of whatever we desire. The case of relieving the inhabitants of our enemy's territory, and their desire of obtaining relief, ought to be unequivocal; we shall be in great danger of misapprehension on the subject, when the question comes under the form of immediate benefit to ourselves; and, above all, we must recollect that human blood is not to be shed upon a precarious experiment.

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

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

One branch of the art of war, as well as of every other human art, has hitherto consisted in deceit. If the principles of this work be built upon a sufficiently solid basis, the practice of deceit ought, in almost all instances, to be condemned, whether it proceed from false tenderness to our friends, or from a desire to hasten the downfall of injustice. Vice is neither the most allowable nor effectual weapon with which to contend against vice. Deceit is certainly not less deceit, whether the falsehood be formed into words, or be conveyed through the medium of fictitious appearances. A virtuous and upright nation, would be scarcely more willing to mislead the enemy by false intelligence, or treacherous ambuscade, than by the breach of their engagements, or by feigned demonstrations of friendship. There seems to be no essential difference between throwing open our arms to embrace them, and advancing towards them with neutral colours, or covering ourselves with a defile or a wood. By the practice of surprise and deceit, we shall oftenest cut off their straggling parties, and shed most blood. By an open display of our force, we shall prevent detachments from being made, and intercept the possibility of supply without unnecessary bloodshed; and there seems no reason to believe that our ultimate success will be less secure. Why should war be made the science of disingenuousness and mystery, when the plain dictates of good sense would answer all its legitimate purposes? The first principle of defence is firmness and vigilance. The second, perhaps, which is not less immediately connected with the end to be obtained, is frankness, and the open disclosure of our purpose, even to our enemies. What astonishment, admiration, and terror, might this conduct excite in those with whom we had to contend? What confidence

* These chapters were written during the month of September, 1792, before the intelligence of Dumouriez's success, and while the heart of every lover of liberty ached for the event of the campaign.

and magnanimity would accompany it in our own bosoms? Why should not war, as a step towards its complete abolition, be brought to such perfection, as that the purposes of the enemy might be baffled, without firing a musket, or drawing a sword?

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

The utmost benevolence ought to be practised towards our enemies. We should refrain from the unnecessary destruction of a single life, and afford every humane accommodation to the unfortunate. The bulk of those against whom we have to contend, are, comparatively speaking, innocent of the projected injustice. Those by whom it has been most assiduously fostered, are entitled to our kindness as men, and to our compassion as mistaken. It has already appeared, that all the ends of punishment are foreign to the transactions of war. It has appeared, that the genuine melioration of war, in consequence of which it may be expected absolutely to cease, is by gradually disarming it of its ferocity. The horrors of war have sometimes been attempted to be vindicated, by a supposition, that the more intolerable it was made, the more quickly would it cease to infest the world. But the direct contrary of this is the truth. Severities beget severities. It is a most mistaken way of teaching men to feel that they are brothers, by imbuing their minds with unrelenting hatred. The truly just man cannot feel animosity, and is therefore little likely to act as if he did.

Having examined the conduct of war, as it respects our enemies, let us next consider it, in relation to the various descriptions of persons by whom it is to be supported. We have seen how little a just and upright war stands in need of secrecy. The plans for conducting a campaign, instead of being, as artifice and ambition have hitherto made them inextricably complicated, will probably be reduced to two or three variations suited to the different circumstances, that can possibly occur in a war of simple defence. The better these plans are known to the enemy, the more advantageous will it be to the resisting party. Hence it follows that the principles of implicit faith and military obedience, as they are now understood, will be no longer necessary. Soldiers will cease to be machines. The circumstance that constitutes men machines, in this sense of the word, is not the

uniformity of their motions, when they see the reasonableness of that uniformity: it is their performing any motion, or engaging in any action, the object and utility of which they do not clearly understand. It is true that, in every state of human society, there will be men of an intellectual capacity much superior to their neighbours. But defensive war, and every other species of operation, in which it will be necessary that many individuals should act in concert, will perhaps be found so simple in their operations, as not to exceed the apprehension of the most common capacities. It is ardently to be desired that the time should arrive, when no man should lend his assistance to any operation, without, in some degree exercising his judgment, respecting the honesty, and the expected event, of that operation.

The principles here delivered on the conduct of war, lead the mind to a very interesting subject, that of foreign and distant territories. Whatever may be the value of these principles considered in themselves, they become altogether nugatory, the moment the idea of foreign dependencies is admitted. But, in reality, what argument, possessing the smallest degree of plausibility, can be alleged, in favour of that idea? The mode in which dependencies are acquired, must be either conquest, cession or colonization. The first of these no true moralist or politician will attempt to defend. The second is to be considered as the same thing in substance as the first, but with less openness and ingenuity. Colonization, which is by much the most specious pretence, is however no more than a pretence. Are these provinces held in a state of dependence, for our sake, or for theirs? If for ours, we must recollect that this is still an usurpation, and that justice requires we should yield to others what we demand for ourselves, the privilege of being governed by the dictates of their own reason. If for theirs, they must be told, that it is the business of associations of men to defend themselves, or, if that be impracticable, to look for support to a confederation with their neighbours. They must be told, that defence against foreign enemies is a very inferior consideration, and that no people were ever either wise or happy, who were not left to the fair development of their inherent powers. Can anything be more absurd, than for the West India islands, for example, to be defended by fleets and armies to be transported across the Atlantic? The support of a mother country extended to her colonies, is much oftener a means of involving them in danger, than of contributing to their security. The connection is maintained, by vanity on one side, and prejudice on the other. If they must sink into a degrading state of dependence, how will they be the worse, in belonging to one state rather than another? Perhaps the first step towards putting a stop to this fruitful source of war, would be, to annihilate that monopoly of trade which enlightened reasoners at present agree to condemn, and to throw open the ports of our colonies to all the world. The principle which will not fail to lead us right upon this subject of foreign dependencies,

as well as upon a thousand others, is the principle delivered in entering upon the topic of war, that that attribute, however splendid, is not really beneficial to a nation, that is not beneficial to the great mass of individuals of which the nation consists.

CHAP XIX.

OF MILITARY ESTABLISHMENTS AND TREATIES.

A country may look for its defence, either to a standing army, or an universal militia.—The former condemned.—The latter objected to, as of pernicious tendency—as unnecessary—either in respect to courage—or discipline.—Of a commander.—Of treaties.—Conclusion.

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

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

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

There are reasons however that will oblige us to doubt, respecting the propriety of cultivating, under any form, the system of military discipline in time of peace. It is, in this respect, with

nations, as it is with individuals. The man that, with a pistol bullet, is sure of his mark, or that excels his contemporaries in the exercise of the sword, can scarcely escape those obliquities of understanding, which accomplishments of this sort are adapted to nourish. It is not to be expected, that he should entertain all that confidence in justice, and distaste of violence, which reason prescribes. It is beyond all controversy that war, though the practice of it, under the present state of the human species, should be found, in some instances, unavoidable, is a proceeding pregnant with calamity and vice. It cannot be a matter of indifference, for the human mind to be systematically familiarised to thoughts of murder and desolation. The pupil of nature would not fail, at the sight of a musket or a sword, to be impressed with sentiments of abhorrence. Why expel these sentiments? Why connect the discipline of death with ideas of festivity and splendour; which will inevitably happen, if the citizens, without oppression, are accustomed to be drawn out to encampments and reviews? Is it possible that he, who has not learned to murder his neighbour with a grace, is imperfect in the trade of man?

If it be replied, "that the generating of error is not inseparable from military discipline, and that men may at some time be sufficiently guarded against the abuse, even while they are taught the use of arms;" it will be found upon reflection that this argument is of little weight. If error be not unalterably connected with the science of arms, it will for a long time remain so. When men are sufficiently improved, to be able to handle, familiarly, and with application of mind, the instruments of death, without injury to their dispositions, they will also be sufficiently improved, to be able to master any study with much greater facility than at present, and consequently the cultivation of the art military in time of peace, will have still fewer inducements to recommend it to our choice.—To apply these considerations to the present situation of mankind.

We have already seen that the system of a standing army is altogether indefensible, and that a universal militia is a more formidable defence, as well as more agreeable to the principles of justice and political happiness. It remains to be seen, what would be the real situation of a nation, surrounded by other nations, in the midst of which standing armies were maintained, that should nevertheless, upon principle, wholly neglect the art military in seasons of peace. In such a nation it will probably be admitted, that, so far as relates to mere numbers, an army may be raised upon the spur of occasion, nearly as soon, as in a nation the citizens of which had been taught to be soldiers. But this army, though numerous, would be in want of many of those principles of combination and activity, which are of material importance in a day of battle. There is indeed included in the supposition, that the internal state of this people, is more equal and free, than that of the people by whom they are invaded. This will infallibly be the case, in a comparison, between a people with a standing

army, and a people without one; between a people, who can be brought blindly and wickedly to the invasion of their peaceful neighbours, and a people, who will not be induced to fight but in their own defence. The latter therefore will be obliged to compare the state of society and government, in their own country, and among their neighbours, and will not fail to be impressed with great ardour in defence of the inestimable superiority they possess. Ardour, even in the day of battle, might prove sufficient. A body of men, however undisciplined, whom nothing could induce to quit the field, would infallibly be victorious over their veteran adversaries, who, under the circumstances of the case, could have no accurate conception of the object for which they were fighting, and therefore could not entertain an inextinguishable love for it. It is not certain that activity and discipline, opposed to ardour, have even a tendency to turn the balance of slaughter against the party that wants them. Their great advantage consists, in their power over the imagination, to astonish, to terrify, and confound. An intrepid courage in the party thus assailed, would soon convert them, from sources of despair, into objects of contempt.

But it would be extremely unwise in us, to have no other resource, but in the chance of this intrepidity. A resource, much surer, and more agreeable to justice, is in recollecting that the war of which we treat, is a war of defence. Battle is not the object of such a war. An army, which, like that of Fabius, by keeping on the hills, or by whatever other means, rendered it impracticable for the enemy to force them to an engagement, might look with indifference upon his impotent efforts to enslave the country. One advantage, included in such a system of war, is that, as its very essence is protraction, the defending army might, in a short time, be rendered as skilful as the assailants. Discipline, like every other art, has been represented, by vain and interested men, as surrounded with imaginary difficulties, but is, in reality, exceedingly simple; and would be learned much more effectually in the scene of a real war, than in the puppet-show exhibitions of a period of peace.

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

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

A second article which belongs to the military system in a season of peace, is that of treaties of alliance. This subject may easily be dispatched. Treaties of alliance, if we examine and weigh the history of mankind, will perhaps be found to have been, in all cases, nugatory, or worse. Governments, and public men, will not, and ought not, to hold themselves bound to the injury of the concerns they conduct, because a parchment, to which they or their predecessors were a party, requires it. If the concert demanded in time of need, approve itself to their judgment, and correspond with their inclination, it will be yielded, though they are under no previous engagement for that purpose. Treaties of alliance serve to no other end, than to exhibit, by their violation, an appearance of profligacy and vice, which unfortunately becomes too often a powerful encouragement to the inconsistency of individuals. Add to this, that if alliances were engines as powerful, as they are really impotent, they could seldom be of use to a nation uniformly adhering to the principles of justice. They would be useless, because they are, in reality, ill calculated for any other purposes than those of ambition. They might be pernicious, because it would be beneficial for nations, as it is for individuals, to look for resources at home, instead of depending upon the precarious compassion of their neighbours.

It would be unjust, to dismiss the consideration of this most dreadful, yet perhaps, in the present state of things, sometimes unavoidable, calamity of war, without again reminding the reader of its true character. It is that state of things, where a man stands prepared to deal slaughter and death to his fellow-men. Let us image to ourselves a human being, surveying, as soon as his appetite for carnage is satiated, the scene of devastation he has produced. Let us view him surrounded with the dying and the dead, his arms bathed to the very elbow in their blood. Let us investigate along with him the features of the field, attempt to divide the wounded from the slain, observe their distorted countenances, their mutilated limbs, their convulsed and palpitating flesh. Let us observe the long-drawn march of the hospital-waggons, every motion attended with pangs unutterable, and shrieks that rend the air. Let us enter the hospital itself, and

* *Ciceronis Lucullus, sive Academicorum Liber Secundus, init.*

note the desperate and dreadful cases that now call for the skill of the surgeon, even omitting those to which neither skill nor care is ever extended. Whence came all this misery? What manner of creature shall we now adjudge the warrior to be? What had these men done to him? Alas! he knew them not; they had never offended; he smote them to the death, unprovoked by momentary anger, coldly deliberating on faults of which they were guiltless, and executing plans of wilful and meditated destruction. Is not this man a murderer? Yet such is the man who goes to battle, whatever be the cause that induces him. Who that reflects on these things, does not feel himself prompted to say, "Let who will engage in the business of war; never will I, on any pretence, lift up a sword against my brother?"

We have entered, in these chapters, somewhat more at large into the subject of war, than the question respecting it, as connected with the principles of democracy might seem to require. So far as this is a digression, the importance of the topic may perhaps plead our excuse.

CHAP. XX.

OF DEMOCRACY AS CONNECTED WITH THE TRANSACTIONS OF WAR.

External affairs are of subordinate consideration.—Application.—Further objections to democracy—1, it is unfavourable to secrecy—this proved to be an excellence—2, its movements are too slow—3, too precipitate.

Having thus endeavoured to reduce the question of war to its true principles, it is time that we should recur to the maxim delivered at our entrance upon this subject, that individuals are everything, and society, abstracted from the individuals of which it is composed, nothing. An immediate consequence of this maxim is, that the internal affairs of the society are entitled to our principal attention, and the external are matters of inferior and subordinate consideration. The internal affairs are subjects of perpetual and hourly concern, the external are periodical and precarious only. That every man should be impressed with the consciousness of his independence, and rescued from the influence of extreme want and artificial desires, are purposes the most interesting that can suggest themselves to the human mind; but the life of man might pass, in a state uncorrupted by ideal passions, without its tranquillity being so much as once disturbed by foreign invasions. The influence that a certain number of millions, born under the same climate with ourselves, and known by the common appellation of English or French, shall possess over the administrative councils of their neighbour millions, is a

circumstance of much too airy and distant consideration, to deserve to be made a principal object in the institutions of any people. The best influence we can exert, is that of a sage and upright example.

If therefore it should appear that, of these two articles, internal and external affairs, one must, in some degree, be sacrificed to the other, and that a democracy will, in certain respects, be less fitted for the affairs of war than some other species of government, good sense will not hesitate in the alternative. We shall have sufficient reason to be satisfied, if, together with the benefits of justice and virtue at home, we have no reason to despair of our safety from abroad. A confidence in this article will seldom deceive us, if our countrymen, however little trained to formal rules, and the uniformity of mechanism, have studied the profession of man, understand his attributes and his nature, and have their necks unbroken to the yoke of blind credulity and abject submission. Such men, inured, as we are now supposing them, to a rational state of society, will be full of calm confidence and penetrating activity, and these qualities will stand them in stead of a thousand lessons in the school of military mechanism. If democracy can be proved adequate to wars of defence, and other governments be better fitted for wars of a different sort, this would be an argument, not of its imperfection, but its merit.

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

It happens in this instance, that that which the objection attacks as the vice of democracy, is one of its most essential excellencies. The trick of a mysterious carriage is the prolific parent of every vice; and it is an eminent advantage incident to democracy, that, though the proclivity of the human mind has hitherto reconciled this species of administration, in some degree, to the keeping of secrets, its inherent tendency is to annihilate them. Why should disingenuity and concealment be thought virtuous or beneficial on the part of nations, in cases where they would inevitably be discarded with contempt, by an upright individual? Where is there an ingenuous and enlightened man, who is not aware of the superior advantage, that belongs to a proceeding, frank, explicit, and direct? Who is there that sees not, that this inextricable labyrinth of reasons of state, was artfully invented, lest the people should understand their own affairs, and, understanding, become inclined to conduct

them? With respect to treaties, it is to be suspected that they are, in all instances, superfluous. But, if public engagements ought to be entered into, what essential difference is there between the governments of two countries endeavouring to overreach each other, and the buyer and seller in any private transaction adopting a similar proceeding?

This whole system proceeds upon the idea of national grandeur and glory, as if, in reality, these words had any specific meaning. These contemptible objects, these airy names, have, from the earliest page of history, been made a colour for the most pernicious undertakings. Let us take a specimen of their value from the most innocent and laudable pursuits. If I aspire to be a great poet or a great historian, so far as I am influenced by the dictates of reason, it is that I may be useful to mankind, and not that I may do honour to my country. Is Newton the better, because he was an Englishman; or Galileo the worse, because he was an Italian? Who can endure to put this high-sounding nonsense in the balance, against the best interests of mankind, which will always suffer a mortal wound, when dexterity, artifice, and concealment, are made the topics of admiration and applause? The understanding and the virtues of mankind, will always keep pace with the manly simplicity of their designs, and the undisguised integrity of their hearts.

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

But democracy is by no means necessarily of a phlegmatic character, or obliged to take every proposition that is made to it, *ad referendum*, for the consideration of certain primary assemblies, like the states of Holland. The first principle in the institution of government itself, is the necessity, under the present imperfections of mankind, of having some man, or body of men, to act on the part of the whole. Wherever government subsists, the authority of the individual must be, in some degree, superseded. It does not therefore seem unreasonable, for a representa-

tive national assembly to exercise, in certain cases, a discretionary power. Those privileges, which are vested in individuals, selected out of the mass by the voice of their fellows, and who will speedily return to a private station, are by no means liable to the same objections, as the exclusive and unsympathetic privileges of an aristocracy. Representation, together with many disadvantages, has this benefit, that it is able, impartially, and with discernment, to call upon the most enlightened part of the nation to deliberate for the whole, and may thus generate a degree of wisdom, and a refined penetration of sentiment, which it would have been unreasonable to expect as the result of primary assemblies.

A third objection more frequently offered against democratical government is, "that it is incapable of that mature and deliberate proceeding, which is alone suitable to the decision of such important concerns. Multitudes of men have appeared subject to fits of occasional insanity: they act from the influence of rage, suspicion, and despair: they are liable to be hurried into the most unjustifiable extremes, by the artful practices of an impostor." One of the most obvious answers to this objection is, that for all men to share the privileges of all, is the law of our nature, and the dictate of justice. The case in this instance, is parallel to that of an individual in his private concerns. It is true that, while each man is master of his own affairs, he is liable to the starts of passion. He is attacked by the allurements of temptation and the tempest of rage, and may be guilty of fatal error, before reflection and judgment come forward to his aid. But this is no sufficient reason for depriving men of the direction of their own concerns. We should endeavour to make them wise, not to make them slaves. The depriving men of their self-government is, in the first place, unjust, while, in the second, this self-government, imperfect as it is, will be found more salutary than anything that can be substituted in its place.—Another answer to this objection will occur in the concluding chapters of the present book.

CHAP. XXI.

OF THE COMPOSITION OF GOVERNMENT.

Houses of assembly.—This institution unjust.—Deliberate proceeding the proper antidote.—Separation of legislative and executive power considered.—Superior importance of the latter.—Functions of ministers.

One of the articles which has been most eagerly insisted on, by the advocates of complexity in political institutions, is that of "checks, by which a rash proceeding may be prevented, and the provisions under which mankind have hitherto lived with tran-

quillity, may not be reversed without mature deliberation." We will suppose that the evils of monarchy and aristocracy are, by this time, too notorious, to incline the speculative enquirer to seek for a remedy in either of these. "Yet it is possible, without the institution of privileged orders, to find means that may answer a similar purpose in this respect. The representatives of the people may be distributed, for example, into two assemblies; they may be chosen with this particular view, to constitute an upper and a lower house, and may be distinguished from each other, either by various qualifications of age or fortune, or by being chosen, by a greater or smaller number of electors, or for a shorter or longer term."

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

It was imputed to the late government of France, that, when they called an assembly of notables in 1787, they contrived, by dividing the assembly into seven distinct corps, and not allowing them to vote otherwise than in these corps, that the vote of fifty persons should be capable of operating, as if they were a majority, in an assembly of one hundred and forty-four. It would have been still worse, if it had been ordained that no measure should be considered as the measure of the assembly, unless it were adopted by the unanimous voice of all the corps: eleven persons might then, in voting a negative, have operated as a majority of one hundred and forty-four. This may serve as a specimen of the effects of distributing a representative national assembly into

two or more houses. Nor should we suffer ourselves to be deceived, under the pretence, of the innocence of a negative in comparison with an affirmative. In a country in which universal justice was already established, there would be little need of a representative assembly. In a country into whose institutions error has insinuated itself, a negative upon the repeal of those errors, is the real affirmative.

The institution of two houses of assembly, is the direct method to divide a nation against itself. One of these houses will, in a greater or less degree be the asylum of usurpation, monopoly, and privilege. Parties would expire, as soon as they were born, in a country, where opposition of sentiments, and a struggle of interests, were not allowed to assume the formalities of distinct institution.

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

Perhaps, as we have said, this slow and gradual proceeding ought, in no instance, to be dispensed with, by the national representative assembly. This seems to be the true line of separation, between the functions of the assembly as such, and the executive power, whether we suppose the executive separate, or simply place it in a committee of the representative body. A plan of this sort, would produce a character of gravity and good sense, eminently calculated to fix the confidence of the citizens. The mere votes of the assembly, as distinguished from its acts and decrees, might serve as an encouragement to the public functionaries, and as affording a basis of expectation, respecting the speedy cure of those evils of which the public might complain; but they should never be allowed to be pleaded as the complete justification of any action. A precaution like this, would not only tend to prevent the fatal consequences of any precipitate judgment of the assembly within itself, but of tumult and disorder from without. An artful demagogue would find it more easy, to work up the people into a fit of momentary insanity, than to retain them in it for a month, in opposition to the efforts of their real friends to undeceive them. Meanwhile, the consent of the assembly to take

their demand into consideration, might reasonably be expected to moderate their impatience.

Scarcely any plausible argument can be adduced, in favour of what has been denominated by political writers, a division of powers. Nothing can seem less reasonable, than to prescribe any positive limits to the topics of deliberation in an assembly adequately representing the people; or peremptorily to forbid them the exercise of functions, the depositaries of which are placed under their inspection and censure. Perhaps, upon any emergence, totally unforeseen at the time of their election, and uncommonly important, they would prove their wisdom, by calling upon the people to elect a new assembly, with a direct view to that emergence. But the emergence, as we shall have occasion more fully to observe in the sequel, cannot with any propriety be prejudged, and a rule laid down for their conduct, by a body prior to, or distinct from, themselves. The distinction of legislative and executive powers, however intelligible in theory, will by no means authorise their separation and practice.

Legislation, that is, the authoritative enunciation of abstract or general propositions, is a function of equivocal nature, and will never be exercised in a pure state of society or a state approaching to purity, but with great caution and unwillingness. It is the most absolute of the functions of government, and government itself is a remedy that inevitably brings its own evils along with it. Administration, on the other hand, is a principle of perpetual application. So long as men shall see reason to act in a corporate capacity, they will always have occasions of temporary emergency for which to provide. In proportion as they advance in social improvement, executive power will, comparatively speaking, become everything, and legislative nothing. Even at present, can there be any articles of greater importance than those of peace and war, taxation, and the selection of proper periods for the meeting of deliberative assemblies, which, as was observed in the commencement of the present book, are articles of temporary regulation?* Is it decent, can it be just, that these prerogatives should be exercised by any power less than the supreme, or be decided by any authority, but that which most adequately represents the voice of the nation? This principle ought, beyond question, to be extended universally. There can be no just reason for excluding the national representative from the exercise of any function, the exercise of which, on the part of the society, is, in any case, necessary.

The functions therefore of ministers and magistrates, commonly so called, do not relate to any particular topic, respecting which they have a right exclusive of the representative assembly. They do not relate to any supposed necessity for secrecy; for secrecy, in political affairs, as we have had occasion to perceive,† is rarely salutary or wise; and secrets of state, will commonly

* Chap. I., p. 2. † Chap. XVIII., p. 77; Chap. XX., p. 85.

be found to consist of that species of information relative to the interests of a society, respecting which the chief anxiety of its depositaries is, that it should be concealed from the members of that society. It is the duty of the assembly to desire information without reserve, for themselves and the public, upon every subject of general importance; and it is the duty of ministers and others to communicate such information, though it should not be expressly desired. The utility therefore of ministerial functions being, in a majority of instances, less than nothing in these respects, there are only two classes of utility that remain to them; particular functions, such as those of financial detail or minute superintendence, which cannot be exercised unless by one or a small number of persons;* and measures, proportioned to the demand of those necessities which will not admit of delay, and subject to the revision and censure of the deliberative assembly. The latter of these classes will perpetually diminish as men advance in improvement; nor can anything politically be of greater importance, than the reduction of that discretionary power in an individual, which may greatly affect the interests, or fetter the deliberations of the many.

CHAP. XXII.

OF THE FUTURE HISTORY OF POLITICAL SOCIETIES.

Quantity of administration necessary to be maintained.—Objects of administration: national glory—rivalship of nations.—Inferences: 1, complication of government unnecessary—2, extensive territory superfluous—3, constraint, its limitations.—Project of government: police—defence.

Thus we have endeavoured to unfold and establish certain general principles, upon the subject of legislative and executive power. But there is one interesting topic that remains to be discussed. How much of either of these powers does the public benefit require us to maintain?

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

The desire to gain a more extensive territory, to conquer or to hold in awe our neighbouring states, to surpass them in arts

* Chap. I., p. 2. † Chap. XVI., p. 70; Chap. XX., p. 86.

or arms, is a desire founded in prejudice and error. Usurped authority is a spurious and unsubstantial medium of happiness. Security and peace are more to be desired, than a national splendour that should terrify the world. Mankind are brethren. We associate in a particular district, or under a particular climate, because association is necessary to our internal tranquillity, or to defend us against the wanton attacks of a common enemy. But the rivalship of nations is a creature of the imagination. If riches be our object, riches can only be created by commerce; and the greater is our neighbour's capacity to buy, the greater will be our opportunity to sell. The prosperity of all is the interest of all.

The more accurately we understand our own advantage, the less shall we be disposed to disturb the peace of our neighbour. The same principle is applicable to him in return. It becomes us therefore to desire that he may be wise. But wisdom is the growth of equality and independence, not of injury and oppression. If oppression had been the school of wisdom, the improvement of mankind would have been inestimable, for they have been in that school for many thousand years. We ought therefore to desire that our neighbour should be independent. We ought to desire that he should be free; for wars do not originate in the unbiassed propensities of nations, but in the cabals of government and the propensities that governments inspire into the people at large.* If our neighbour invade our territory, all we should desire is to repel him from it;† and, for that purpose, it is not necessary we should surpass him in prowess, since upon our own ground his match is unequal.‡ Not to say that to conceive a nation attacked by another, so long as its own conduct is sober, equitable and moderate, is an exceedingly improbable supposition.

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

Individuals ought, no doubt, to cultivate a more frequent and confidential intercourse with each other than at present subsists; but political societies of men, as such, have no interests to explain and adjust, except so far as error and violence may render ex-

* Chap. XVI. † Chap. XVII. ‡ Chap. XVIII.

planation necessary. This consideration annihilates, at once, the principal objects of that mysterious and crooked policy, which has hitherto occupied the attention of governments. Before this principle, officers of the army and the navy, ambassadors and negociators, all the train of artifices that has been invented to hold other nations at bay, to penetrate their secrets, to traverse their machinations, to form alliances and counter-alliances, sink into nothing. The expence of government is annihilated, and, together with its expence, the means of subduing and undermining the virtues of its subjects.*

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

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

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

* Hume's Essays, Part I., Essay V.

† This objection will be fully discussed in the eighth book of the present work.

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

Both these exertions may indeed appear to rest upon the same principle. Vice is unquestionably no more, in the first instance, than error of judgment, and nothing can justify an attempt to correct it by force, but the extreme necessity of the case.† The minority, if erroneous, fall under precisely the same general description, though their error may not be of equal magnitude. But the necessity of the case can seldom be equally impressive. If the idea of secession, for example, were somewhat more familiarised to the conceptions of mankind, it could seldom happen, that the secession of the minority from difference of opinion, could in any degree compare, in mischievous tendency, with the hostility of a criminal, offending against the most obvious principles of social justice. The cases are parallel to those of offensive and defensive war. In putting constraint upon a minority, we yield to a suspicious temper, that tells us the opposing party may hereafter, in some way, injure us, and we will anticipate his injury. In putting constraint upon a criminal, we seem to repel an enemy, who has entered our territory, and refuses to quit it.

Government can have no more than two legitimate purposes, the suppression of injustice against individuals within the community, and the common defence against external invasion. The first of these purposes, which alone can have an uninterrupted claim upon us, is sufficiently answered, by an association, of such an extent, as to afford room for the institution of a jury, to decide upon the offences of individuals within the community, and upon the questions and controversies, respecting property, which may chance to arise. It might be easy indeed for an offender, to escape from the limits of so petty a jurisdiction; and it might

* Book II., Chap. VI.

† Book II., Chap. VI.; Book IV., Chap. VIII.

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

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

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

* The word parish, is here used, without regard to its origin, and merely in consideration of its being a word, descriptive of a certain small portion of territory, whether in population or extent, which custom has rendered familiar to us.

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

CHAPTER XXIII.

OF NATIONAL ASSEMBLIES.

They produce a fictitious unanimity—an unnatural uniformity of opinion. —Causes of this uniformity.—Consequences of the mode of decision by vote—1, perversion of reason—2, contentious disputes—3, the triumph of ignorance and vice.—Society incapable of acting from itself —of being well-conducted by others.—Conclusion.—Modification of democracy that results from these considerations.

In the first place, the existence of a national assembly introduces the evils of a fictitious unanimity. The public, guided by such an assembly, must act with concert, or the assembly is a nugatory excrescence. But it is impossible that this unanimity can really exist. The individuals who constitute a nation, cannot take into consideration a variety of important questions, without forming different sentiments respecting them. In reality, all questions that are brought before such an assembly, are decided by a majority of votes, and the minority, after having exposed, with all the power of eloquence and force of reasoning of which they are capable, the injustice and follies of the measures adopted, are obliged, in a certain sense, to assist in carrying them into execution. Nothing can more directly contribute to the depravation of the human understanding and character. It inevitably renders mankind timid, dissembling, and corrupt. He that is not accustomed, exclusively to act upon the dictates of his own understanding, must fall inexpressibly short of that energy and simplicity of which our nature is capable. He that contributes his personal exertions, or his property, to the support of a cause which he believes to be unjust, will quickly lose that accurate discrimination and nice sensibility of moral rectitude, which are the principal ornaments of reason.

Secondly, the existence of national councils produces a certain

species of real unanimity, unnatural in its character, and pernicious in its effects. The genuine and wholesome state of mind is, to be unloosed from shackles, and to expand every fibre of its frame, according to the independent and individual impressions of truth upon that mind. How great would be the progress of intellectual improvement, if men were unfettered by the prejudices of education, unseduced by the influence of a corrupt state of society, and accustomed to yield without fear, to the guidance of truth, however unexplored might be the regions, and unexpected the conclusions to which she conducted us? We cannot advance in the voyage of happiness, unless we be wholly at large upon the stream that would carry us thither: the anchor that we at first looked upon as the instrument of our safety will, at last, be found to be the means of detaining our progress. Unanimity of a certain sort, is the result to which perfect freedom of inquiry is calculated to conduct us; and this unanimity would, in a state of perfect freedom, become hourly more conspicuous. But the unanimity, that results from men's having a visible standard by which to adjust their sentiments, is deceitful and pernicious.

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

Thirdly, the debates of a national assembly are distorted from their reasonable tenour, by the necessity of their being uniformly terminated by a vote. Debate and discussion are, in their own nature, highly conducive to intellectual improvement; but they lose this salutary character the moment they are subjected to this unfortunate condition. What can be more unreasonable than to demand that argument, the usual quality of which is gradually and imperceptibly to enlighten the mind, should declare its effect in the close of a single conversation? No sooner does this circumstance occur, than the whole scene changes its character. The orator no longer inquires after permanent conviction, but transitory effect. He seeks rather to take advantage of our prejudices, than to enlighten our judgment. That which might otherwise have been a scene of patient and beneficent inquiry, is changed into wrangling, tumult, and precipitation.

Another circumstance that arises out of the decision by vote, is the necessity of constructing a form of words, that shall best meet the sentiments, and be adapted to the preconceived ideas of a multitude of men. What can be conceived, at once more ludicrous and disgraceful, than the spectacle of a set of rational

beings employed for hours together in weighing particles, and adjusting commas? Such is the scene that is incessantly witnessed in clubs and private societies. In parliaments, this sort of business is usually adjusted before the measure becomes a subject of public inspection. But it does not the less exist: and sometimes it occurs in the other mode, so that, when numerous amendments have been made to suit the corrupt interest of imperious pretenders, the Herculean task remains at last, to reduce the chaos into a grammatical and intelligible form.

The whole is then wound up, with that flagrant insult upon all reason and justice, the deciding upon truth by the casting up of numbers. Thus everything that we have been accustomed to esteem most sacred is determined, at best, by the weakest heads in the assembly; but, as it not less frequently happens, through the influence of the most corrupt and dishonourable intentions.

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

The pretence of collective wisdom is among the most palpable of all impostures. The acts of the society can never rise above the suggestions of this or that individual, who is a member of it. Let us inquire whether society, considered as an agent, can really become the equal of certain individuals, of whom it is composed. And here, without staying to examine what ground we have to expect, that the wisest member of the society will actually take the lead in it, we find two obvious reasons to persuade us, that, whatever be the degree of wisdom inherent in him that really superintends, the acts which he performs in the name of the society, will be both less virtuous and less able than the acts he might be expected to perform in a simpler and more unincumbered situation. In the first place, there are few men who, with the consciousness of being able to cover their responsibility under the name of a society, will not venture upon measures, less direct in their motives, or less justifiable in the experiment, than they

would have chosen to adopt in their own persons. Secondly, men who act under the name of a society, are deprived of that activity and energy, which may belong to them in their individual character. They have a multitude of followers to draw after them, whose humours they must consult, and to whose slowness of apprehension they must accommodate themselves. It is for this reason that we frequently see men of the most elevated genius dwindle into vulgar leaders, when they become involved in the busy scenes of public life.

From these reasonings we seem sufficiently authorised to conclude, that national assemblies, or, in other words, assemblies instituted for the joint purpose of adjusting the differences between district and district, and of consulting respecting the best mode of repelling foreign invasion, however necessary to be had recourse to upon certain occasions, ought to be employed as sparingly as the nature of the case will admit. They should either never be elected but upon extraordinary emergencies, like the dictator of the ancient Romans, or else sit periodically, one day for example in a year, with a power of continuing their sessions within a certain limit, to hear the complaints and representations of their constituents. The former of these modes is greatly to be preferred. Several of the reasons already adduced, are calculated to show, that election itself is of a nature not to be employed, but when the occasion demands it. There would probably be little difficulty in suggesting expedients, relative to the regular originating of national assemblies. It would be most suitable to past habits and experience, that a general election should take place, whenever a certain number of districts demanded it. It would be most agreeable to rigid simplicity and equity, that an assembly of two or two hundred districts should take place, in exact proportion to the number of districts by whom that measure was desired.

It will scarcely be denied, that the objections which have been most loudly reiterated against democracy, become null in an application to the form of government which has now been delineated. Here we shall with difficulty find an opening for tumult, for the tyranny of a multitude drunk with unlimited power, for political ambition on the part of the few, or restless jealousy and precaution on the part of the many. Here the demagogue would discover no suitable occasion, for rendering the multitude the blind instrument of his purposes. Men, in such a state of society, might be expected to understand their happiness, and to cherish it. The true reason why the mass of mankind has so often been made the dupe of knaves, has been the mysterious and complicated nature of the social system. Once annihilate the quackery of government, and the most homebred understanding might be strong enough to detect the artifices, of the state juggler that would mislead him.

CHAP. XXIV.

OF THE DISSOLUTION OF GOVERNMENT.

Political authority of a national assembly—of juries.—Consequence from the whole.

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

This remark leads us one step further. Why should not the same distinction between commands and invitations, which we have just made in the case of national assemblies, be applied to the particular assemblies or juries of the several districts? At first, we will suppose, that some degree of authority and violence would be necessary. But this necessity does not appear to arise out of the nature of man, but out of the institutions by which he has been corrupted. Man is not originally vicious. He would not refuse to listen to, or to be convinced by, the expostulations that are addressed to him, had he not been accustomed to regard them as hypocritical, and to conceive that, while his neighbour, his parent, and his political governor, pretended to be actuated by a pure regard to his interest or pleasure, they were, in reality, at the expence of his, promoting their own. Such are the fatal effects of mysteriousness and complexity. Simplify the social system, in the manner which every motive, but those of usurpa-

* Such is the idea of the author of Gulliver's Travels [Part IV.], a man who appears to have had a more profound insight into the true principles of political justice, than any preceding or contemporary author. It was unfortunate, that a work of such inestimable wisdom failed, at the period of its publication, from the mere playfulness of its form, in communicating adequate instruction to mankind. Posterity only will be able to estimate it as it deserves.

tion and ambition, powerfully recommends; render the plain dictates of justice level to every capacity; remove the necessity of implicit faith; and we may expect the whole species to become reasonable and virtuous. It might then be sufficient for juries to recommend a certain mode of adjusting controversies, without assuming the prerogative of dictating that adjustment. It might then be sufficient for them to invite offenders to forsake their errors. If their expostulations proved, in a few instances, ineffectual, the evils arising out of this circumstance, would be of less importance, than those which proceed from the perpetual violation of the exercise of private judgment. But, in reality, no evils would arise: for, where the empire of reason was so universally acknowledged, the offender would either readily yield to the expostulations of authority; or, if he resisted, though suffering no personal molestation, he would feel so uneasy, under the unequivocal disapprobation, and observant eye, of public judgment, as willingly to remove to a society more congenial to his errors.

The reader has probably anticipated the ultimate conclusion from these remarks. If juries might at length cease to decide, and be contented to invite, if force might gradually be withdrawn and reason trusted alone, shall we not one day find, that juries themselves, and every other species of public institution, may be laid aside as unnecessary? Will not the reasonings of one wise man, be as effectual as those of twelve? Will not the competence of one individual to instruct his neighbours, be a matter of sufficient notoriety, without the formality of an election? Will there be many vices to correct, and much obstinacy to conquer? This is one of the most memorable stages of human improvement. With what delight must every well informed friend of mankind look forward, to the auspicious period, the dissolution of political government, of that brute engine, which has been the only perennial cause of the vices of mankind, and which, as has abundantly appeared in the progress of the present work, has mischiefs of various sorts incorporated with its substance, and no otherwise removable than by its utter annihilation!

BOOK VI.

OF OPINION CONSIDERED AS A SUBJECT OF POLITICAL INSTITUTION.

CHAP. I.

GENERAL EFFECTS OF THE POLITICAL SUPERINTENDENCE OF OPINION.

Arguments in favour of this superintendence.—Answer.—The exertions of society in its corporate capacity are, 1, *unwise—*2, *incapable of proper effect.—Of sumptuary laws, agrarian laws and rewards.—Of spies.—Political degeneracy not incurable.—*3, *superfluous—in commerce—in speculative enquiry—in morality.—*4, *pernicious—as undermining the best qualities of the mind—as hostile to its future improvement.—Conclusion.*

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

But these views, however specious and agreeable they may in the first instance appear, are liable to very serious question. If we would not be seduced by visionary good, we ought here, more

than ever, to recollect the fundamental principles laid down and illustrated in this work, "that government is, in all cases, an evil," and "that it ought to be introduced as sparingly as possible." Man is a species of being, whose excellence depends upon his individuality; and who can be neither great nor wise, but in proportion as he is independent.

But, if we would shut up government within the narrowest practicable limits, we must beware how we let it loose in the field of opinion. Opinion is the castle, or rather the temple, of human nature; and, if it be polluted, there is no longer anything sacred or venerable in sublunary existence.

In treating of the subject of political obedience,* we settled, perhaps with some degree of clearness, the line of demarcation, between the contending claims of the individual, and of the community. We found, that the species of obedience which sufficiently discharged the claims of the community, was that which is paid to force, and not which is built upon a sentiment of deference; and that this species of obedience was, beyond all others, least a source of degeneracy in him that paid it. But, upon this hypothesis, whatever exterior compliance is yielded, opinion remains inviolate.

Here then we perceive, in what manner the purposes of government may be answered, and the independence of the individual suffer the smallest degree of injury. We are shown, how government, which is, in all cases, an evil, may most effectually be limited as to the noxiousness of its influence.

But, if this line be overstepped, if opinion be rendered a topic of political superintendence, we are immediately involved in a slavery, to which no imagination of man can set a termination. The hopes of our improvement are arrested; for government fixes the mercurialness of man to an assigned station. We can no longer enquire or think; for enquiry and thought are uncertain in their direction, and unshackled in their termination. We sink into motionless inactivity and the basest cowardice; for our thoughts and words are beset on every side with penalty and menace.

It is not the business of government, as will more fully appear in the sequel, to become the preceptor of its subjects. Its office is, not to inspire our virtues, that would be a hopeless task; it is merely to check those excesses, which threaten the general security.

But, though this argument ought perhaps to be admitted as sufficiently decisive of the subject under consideration, and cannot be set aside, but upon grounds that would invalidate all the reasonings of this work, yet the prejudice, in favour of the political superintendence of opinion, has, with some persons, been so great, and the principle, in some of its applications, has been stated with such seeming plausibility, as to make it necessary

* Vol. I., Book III., Chap. VI.

that we should follow it in these applications, and endeavour in each instance to expose its sophistry.

In the mean time it may not be improper to state some further reasons, in confirmation of the general unfitness of government as a superintendent of opinion.

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

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

If then society, considered as an agent, have no particular advantage for enlightening the understanding, the real difference, between the *dicta* of society, and the *dicta* of individuals, must be looked for in the article of authority. But authority is, by the very nature of the case, inadequate to the task it assumes to perform. Man is the creature of habit and judgment; and the empire of the former of these, though not perhaps more absolute, is at least more conspicuous. The most efficacious instrument I can possess for changing a man's habits, is to change his judgments. Even this instrument will seldom produce a sudden, though, when brought into full operation, it is perhaps sure of producing a gradual revolution. But this mere authority can never do. Where it does most in changing the characters of men, it only changes them into base and despicable slaves. Contending

* Book V., Chap. XXIII., p. 98.

against the habits of an entire society, it can do nothing. It excites only contempt of its frivolous endeavours. If laws were a sufficient means for the reformation of error and vice, it is not to be believed but that the world, long ere this, would have become the seat of every virtue. Nothing can be more easy, than to command men, to be just and good, to love their neighbours, to practise universal sincerity, to be content with a little, and to resist the enticements of avarice and ambition. But, when we have done, will the actions of men be altered by our precepts? These commands have been issued for thousands of years; and, if it had been decreed that every man should be hanged that violated them, it is vehemently to be suspected that this would not have secured their influence.

But it will be answered, "that laws need not deal thus in generals, but may descend to particular provisions calculated to secure their success. We may institute sumptuary laws, limiting the expence of our citizens in dress and food. We may institute agrarian laws, forbidding any man to possess more than a certain annual revenue. We may proclaim prizes as the reward of acts of justice, benevolence, and public virtue." And, when we have done this, how far are we really advanced in our career? If the people are previously inclined to moderation in expence, the laws are a superfluous parade. If they are not inclined, who shall execute them, or prevent their evasion? It is the misfortune in these cases, that regulations cannot be executed, but by the individuals of that very people they are meant to restrain. If the nation at large be infested with vice, who shall secure us a succession of magistrates that are free from the contagion? Even if we could surmount this difficulty, still it would be vain. Vice is ever more ingenious in evasion, than authority in detection. It is absurd to imagine that any law can be executed, that directly contradicts the propensities and spirit of the nation. If vigilance were able fully to countermine the subterfuges of art, the magistrates who thus pertinaciously adhered to the practice of their duty, could scarcely fail to become the miserable victims of depravity exasperated into madness.

What can be more contrary to all liberal principles of human intercourse, than the inquisitorial spirit which such regulations imply? Who shall enter into my house, scrutinise my expenditure, and count the dishes upon my table? Who shall detect the stratagems I employ, to cover my real possession of an enormous income, while I seem to receive but a small one? Not that there is really anything unjust and unbecoming, as has been too often supposed, in my neighbour's animadverting with the utmost freedom upon my personal conduct.* But that all watchfulness, that proposes for its object the calling in of force as the corrective of error is invidious. Observe my conduct; you do well. Report it as widely as possible, provided you report it fairly; you are

* Vol. I., Book II., Chap. V., p. 77.

entitled to commendation. But the heart of man unavoidably revolts, against the attempt to correct my error by the infliction of violence. We disapprove of the superior, however well informed he may be who undertakes, by chastisement, to induce me to alter in my opinion, or vary in my choice; but we disapprove still more, and we do well, of the man who officiates as the Argus of my tyrant; who reports my conduct, not for the purpose of increasing my wisdom and prudence, not for the purpose of instructing others, but that he may bring down upon me the brute, the slavish and exasperating arm of power.

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

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

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

A third objection, to the positive interference of society, in its

* Book I., Chap. VII.

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

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

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

All that we should require on the part of government, in behalf of morality and virtue, seems to be, a clear stage upon which for them to exert their own energies, and perhaps some restraint, for the present, upon the violent disturbers of the peace of society,

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

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

that the operations of these principles may be permitted to go on uninterrupted to their genuine conclusion. Who ever saw an instance, in which error, unallied to power, was victorious over truth? Who is there that can bring himself to believe, that, with equal arms, truth can be ultimately defeated? Hitherto it seems as if every instrument of menace or influence had been employed to counteract her. Has she made no progress? Has the mind of man the capacity, to choose falsehood, and reject truth, when evidence is fairly presented? When it has been once thus presented, and has gained a few converts, does she ever fail to go on increasing the number of her votaries? Exclusively of the fatal interference of government, and the violent irruptions of barbarism threatening to sweep her from the face of the earth, has not this been, in all instances, the history of science?

Nor are these observations less true, in their application to the manners and morals of mankind. Do not men always act, in the manner which they esteem best upon the whole, or most conducive to their interest? Is it possible then that evidence of what is best, or what is most beneficial, can be stated to no purpose? The real history of the changes of character they experience in this respect, seems to be this. Truth, for a long time, spreads itself unobserved. Those who are the first to embrace it, are little aware of the extraordinary events with which it is pregnant. But it goes on to be studied and illustrated. It increases in clearness and amplitude of evidence. The number of those by whom it is embraced, is gradually enlarged. If it have relation to their practical interests, if it show them, that they may be a thousand times more happy and more free than at present, it is impossible that, in its perpetual increase of evidence and energy, it should not, at last, break the bounds of speculation, and become an operative principle of action. What can be less plausible than the opinion, which has so long prevailed, "that justice, and an equal distribution of the means of happiness, may appear, with the utmost clearness, to be the only reasonable basis of social institution, without ever having a chance of being reduced into practice? that oppression and misery are draughts of so intoxicating a nature, that, when once tasted, we can never afterwards refuse to partake of them? that vice has so many advantages over virtue, as to make the reasonableness and wisdom of the latter, however powerfully exhibited, incapable of obtaining a firm hold upon our affections?"

While therefore we demonstrate the inefficacy of naked and unassisted regulations, we are far from producing any discouragement in the prospect of social improvement. The true tendency of this view of the subject, is, to suggest indeed a different, but a more consistent and promising, method by which this improvement is to be produced. The legitimate instrument of effecting political reformation is knowledge. Let truth be incessantly studied, illustrated and propagated, and the effect is inevitable. Let us not vainly endeavour, by laws and regulations, to anticipate

the future dictates of the general mind, but calmly wait till the harvest of opinion is ripe. Let no new practice in politics be introduced, and no old one anxiously superseded, till the alteration is called for by the public voice. The task, which, for the present, should occupy the first rank in the thoughts of the friend of man, is enquiry, communication, discussion. The time may come, when his task shall appear to be of another sort. Error indeed, if, with unaltered constancy, we wait its complete detection, may be expected to sink into unnoticed oblivion, without almost one partisan adventurous enough to intercept her fall. Such would probably be the event, were it not for the restless and misjudging impetuosity of mankind. But the event may be otherwise. Political change, advancing too rapidly to its crisis, may be attended with commotion and hazard; and it may then be incumbent on the generous and disinterested man, suspending, to a certain degree, general speculations, and the labours of science, to assist in unfolding the momentous catastrophe, and to investigate and recommend the measures, which the pressure of temporary difficulties shall appear successively to require. If this should at any time be the case, if a concert of action can become preferable to a concert of disquisition, the duty of the philanthropist will then change its face. Instead of its present sober, cheerful, and peaceable character, it will be full of ardousness, solicitude and uncertainty, evils which nothing but an assured simplicity and independence of conduct can ever purify or relieve.—To return.

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

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

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

Nothing can be more unreasonable, than the attempt to retain men in one common opinion by the dictate of authority. The opinion thus obtruded upon the minds of the public, is not their real opinion; it is only a project by which they are rendered incapable of forming an opinion. Whenever government assumes to deliver us from the trouble of thinking for ourselves, the only consequences it produces are torpor and imbecility. This point was perhaps sufficiently elucidated, when we had occasion directly to investigate the principle of the right of private judgment.*

We shall be still more completely aware of the pernicious tendency of positive institutions, if we proceed explicitly to contrast the nature of mind, and the nature of government. One of the most unquestionable characteristics of the human mind, has appeared to be, its progressive nature. Now, on the other hand, it is the express tendency of positive institution, to retain that with which it is conversant, for ever in the same state. Is then the perfectibility of understanding an attribute of trivial importance? Can we recollect, with coldness and indifference, the advantages with which this quality seems pregnant to the latest posterity? And how are these advantages to be secured? By incessant industry, by a curiosity never to be disheartened or fatigued, by a spirit of enquiry to which a philanthropic mind will allow no pause. The circumstance most indispensably necessary, is that we should never stand still, that everything most interesting to the general welfare, wholly delivered from

* Vol. I., Book II., Chap. VI.

restraint, should be in a state of change, moderate and as it were imperceptible, but continual. Is there anything that can look with a more malignant aspect upon the general welfare, than an institution tending to give permanence to certain systems and opinions? Such institutions are two ways pernicious; first, which is most material, because they render the future advances of mind inexpressibly tedious and operose; secondly, because, by violently confining the stream of reflection, and holding it for a time in an unnatural state, they compel it at last to rush forward with impetuosity, and thus occasion calamities, which, were it free from restraint, would be found extremely foreign to its nature. If the interference of positive institution had been out of the question, would the progress of intellect, in past ages, have been so slow, as to have struck the majority of ingenuous observers with despair? The science of Greece and Rome upon the subject of politics, was, in many respects, extremely imperfect: yet could we have been so long in appropriating their discoveries, had not the allurements of reward, and the menace of persecution, united to induce us, not to trust to the direct and fair verdict of our own understandings?

The just conclusion from the above reasonings, is nothing more than a confirmation, with some difference in the mode of application, of the fundamental principle, that government is little capable of affording benefit of the first importance to mankind. It is calculated to induce us to lament, not the apathy and indifference, but the inauspicious activity of government. It incites us to look for the moral improvement of the species, not in the multiplying of regulations, but in their repeal. It teaches us, that truth and virtue, like commerce, will then flourish most, when least subjected to the mistaken guardianship of authority and laws. This maxim will rise upon us in its importance, in proportion as we connect it with the numerous departments of political justice to which it will be found to have relation. As fast as it shall be adopted into the practice of mankind, it may be expected to deliver us from a weight, intolerable to mind, and, in the highest degree, hostile to the progress of truth.

CHAP. II.

OF RELIGIOUS ESTABLISHMENTS.

Their general tendency.—Effects on the clergy: they introduce, 1, implicit faith.—2, hypocrisy: topics by which an adherence to them is vindicated.—Effects on the laity.—Application.

One of the most striking instances of the injurious effects of the political patronage of opinion, as it at present exists in the world, is to be found in the system of religious conformity. Let us take our example from the church of England, by the constitution of which subscription is required from its clergy, to thirty-nine articles of precise and dogmatical assertion, upon almost every subject of moral and metaphysical enquiry. Here then we have to consider the whole honours and revenues of the church, from the archbishop, who takes precedence next after the princes of the blood royal, to the meanest curate in the nation, as employed in support of a system of blind submission and abject hypocrisy. Is there one man, through this numerous hierarchy, that is at liberty to think for himself? Is there one man among them, that can lay his hand upon his heart, and declare, upon his honour and conscience, that the emoluments of his profession have no effect in influencing his judgment? The supposition is absurd. The most that an honest and discerning man, under such circumstances, can say, is, "I hope not; I endeavour to be impartial."

First, the system of religious conformity, is a system of blind submission. In every country, possessing a religious establishment, the state, from a benevolent care, it may be, for the manners and opinions of its subjects, publicly excites a numerous class of men to the study of morality and virtue. What institution, we might obviously be led to inquire, can be more favourable to public happiness? Morality and virtue are the most interesting topics of human speculation; and the best effects might be expected to result from the circumstance, of many persons perpetually receiving the most liberal education, and setting themselves apart for the express cultivation of these topics. But, unfortunately, these very men are fettered in the outset, by having a code of propositions put into their hands, in a conformity to which all their enquiries must terminate. The direct tendency of science, is to increase from age to age, and to proceed, from the slenderest beginnings, to the most admirable conclusions. But care is taken, in the present case, to anticipate these conclusions, and to bind men, by promises and penalties, not to improve upon the science of their ancestors. The plan is designed indeed to guard against degeneracy and decline; but it makes no provision for advance. It is founded in the most sovereign ignorance of the nature of mind, which never fails to do either the one or the other.

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

It would perhaps be regarded as incredible, if it rested upon the evidence of history alone, that a whole body of men, set apart as the instructors of mankind, weaned, as they are expected to be, from temporal ambition, and maintained upon the supposition that the existence of human virtue and divine truth depends on their exertions, should, with one consent, employ themselves in a casuistry, the object of which, is to prove the propriety of a man's declaring his assent to what he does not believe. These men either credit their own subterfuges, or they do not. If they do not, what can be expected from men so unprincipled and profligate? With what front can they exhort other men to virtue, with the brand of infamy upon their own foreheads? If they do yield this credit, what must be their portion of moral sensibility and discernment? Can we believe that men shall enter upon their profession, with so notorious a perversion of reason and truth, and that no consequences will flow from it, to infect their general character? Rather, can we fail to compare their unnatural and unfortunate state, with the wisdom and virtue which the same industry and exertion might unquestionably have produced, if they had been left to their genuine operation? They are like the victims of Circe, to whom human understanding was preserved entire, that they might more exquisitely feel their degraded condition. They are incited, like Tantalus, to contemplate and desire an object, the fruition of which is constantly withheld from their unsuccessful attempts. They are held up to their contemporaries as the votaries of truth, while political institution tyrannically commands them, in all their varieties of understanding, and through a succession of ages, to model themselves by one invariable standard.

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

One of the lessons that powerful facts are perpetually reading to the inhabitants of such countries, is that of duplicity and prevarication in an order of men, which, if it exist at all, ought to exist only for reverence. Can it be thought that this prevarication is not a subject of general notoriety? Can it be supposed, that the first idea that rises to the understanding of the multitude at sight of a clergyman, is not that of a man, who inculcates certain propositions, not so properly because he thinks them true, or thinks them interesting, as because he is hired to the employment? Whatever instruction a code of religious uniformity may fail to convey, there is one that it always communicates, the wisdom of sacrificing our understandings, and maintaining a perpetual discord between our professions and our sentiments. Such are the effects that are produced by political institution, in a case, in which it most zealously intends, with parental care, to guard its subjects from seduction and depravity.

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

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

CHAP. III.

OF THE SUPPRESSION OF ERRONEOUS OPINIONS IN RELIGION AND GOVERNMENT.

Of heresy.—Arguments by which the suppression of heresy has been recommended.—Answer.—Ignorance not necessary to make men virtuous.—Reason, and not force, the proper corrective of sophistry.—Incongruity of the attempt to restrain thought—to restrain the freedom of speech.—Consequences that would result.—Fallibility of the men by whom authority is exercised.—Of erroneous opinions in government.—Iniquity of the attempt to restrain them.—Difficulty of suppressing opinions by force. Severities that would be necessary.—Without persecution and oppression, opinions do not lead to violence.

THE same views which have prevailed for the introduction of religious establishments, have inevitably led to the idea, of provisions against the rise and progress of heresy. No arguments can be adduced in favour of the political patronage of truth, that will not be equally cogent in behalf of the political discouragement of error. Nay, they will, of the two, perhaps be most cogent in the latter case; as to prevent men from going wrong, is a milder and more temperate assumption of power, than to compel them to go right. It has however happened that this argument, though more tenable, has had fewer adherents. Men are more easily reconciled to abuse, in the distribution of rewards, than in the infliction of penalties. It seems therefore the less necessary, laboriously to insist upon the refutation of this principle; its discussion is principally requisite for the sake of method.

Various arguments have been alleged in defence of this restraint. "The importance of opinion, as a general proposition, is notorious and unquestionable. Ought not political institution to take under its inspection, that root from which all our voluntary actions are ultimately derived? The opinions of men must be expected to be as various as their education and their temper; ought not government to exert its foresight to prevent this discord from breaking out into anarchy and violence? There is no proposition, so absurd, or so hostile to morality and public good, as not to have found its votaries: will there be no danger in suffering these eccentricities to proceed unmolested, and every perverter of truth

and justice to make as many converts as he is able? It may be found indeed to be a hopeless task, to endeavour to extirpate by the hand of power, errors already established; but is it not the duty of government, to prevent their ascendency, to check the growth of their adherents, and the introduction of heresies hitherto unknown? Can those persons, to whom the care of the general welfare is confided, or who are fitted, by their situation, or their talents, to suggest proper regulations to the adoption of the community, be justified, in conniving at the spread of such extravagant and pernicious opinions, as strike at the root of order and morality? Simplicity of mind, and an understanding undebauched with sophistry, have ever been the characteristics of a people among whom virtue has flourished: ought not government to exert itself, to exclude the inroad of qualities opposite to these! It is thus that the friends of moral justice, have ever contemplated with horror, the progress of infidelity and latitudinarian principles. It was thus that the elder Cato viewed with grief, the importation into his own country, of that plausible and loquacious philosophy, by which Greece had already been corrupted."*

There are several trains of reflection which these reasonings suggest. None of them can be more important, than that which may assist us, in detecting the error of the elder Cato, and of other persons, who have been the zealous, but mistaken, advocates of virtue. Ignorance is not necessary to render men virtuous. If it were, we might reasonably conclude, that virtue was an imposture, and that it was our duty to free ourselves from its shackles. The cultivation of the understanding, has no tendency to corrupt the heart. A man who should possess all the science of Newton, and all the genius of Shakspeare, would not, on that account, be a bad man. Want of great and comprehensive views, had as considerable a share as benevolence, in the grief of Cato. The progress of science and intellectual cultivation, in some degree, resembles, the taking to pieces a disordered machine, with a purpose, by reconstructing it, of enhancing its value. An uninformed and timid spectator might be alarmed at the temerity of the artist, at the confused heap of pins and wheels that are laid aside at random, and might take it for granted that nothing but destruction could be the consequence. But he would be disappointed. It is thus, that the extravagant sallies of mind, are the prelude of the highest wisdom, and that the dreams of Ptolemy, were destined to precede the discoveries of Newton.

The event cannot be other than favourable. Mind would else cease to be mind. It would be more plausible to say, that the incessant cultivation of the understanding will terminate in madness, than that it will terminate in vice. As long as inquiry is suffered to proceed, and science to improve, our knowledge is

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

perpetually increased. Shall we know everything else, and nothing of ourselves? Shall we become clear-sighted and penetrating in all other subjects, without increasing our penetration upon the subject of man? Is vice most truly allied to wisdom, or to folly? Can mankind perpetually increase in wisdom, without increasing in the knowledge of what it is wise for them to do? Can a man have a clear discernment, unclouded with any remains of former mistake, that this is the action he ought to perform, most conducive to his own interest, and to the general good, most delightful at the instant, and satisfactory in the review, most agreeable to reason, justice and the nature of things, and refrain from performing it? Every system which has been constructed relative to the nature of superior beings and Gods, amidst its other errors, has reasoned truly upon these topics, and taught that the accession of wisdom and knowledge led, not to malignity and tyranny, but to benevolence and justice.

Secondly, the injustice of punishing men for their opinions and arguments will be still more visible, if we reflect on the nature of punishment. Punishment is one of the classes of coercion, and, as such, may perhaps be allowed to have an occasional propriety, where the force introduced, is the direct correlative of corporal violence previously exerted. But the case of false opinions and perverse arguments, is of a very different nature. Does any man assert falsehood? Nothing further can appear requisite, than that it should be confronted with truth. Does he bewilder us with sophistry? Introduce the light of reason, and his deceptions will vanish. Where argument, erroneous statements, and misrepresentation, alone are employed, argument alone should be called forth to encounter them.

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

There is another consideration, trite indeed, but the triteness of which is an additional argument of its truth. Swift says "Men ought to be permitted to think as they please, but not to propagate their pernicious opinions."* The obvious answer to this is, "We

* See above, Chap. I., p. 107.

are much obliged to him: how would he be able to punish our heresy, even if he desired it, so long as it was concealed?" The attempt to punish opinion is absurd: we may be silent respecting our conclusions, if we please; the train of thinking by which those conclusions are generated, cannot fail to be silent.

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

But the most valuable consideration which this part of the subject suggests, is, Supposing all this were done, what judgment must we form of the people among whom it is done? Though all this cannot, yet much may be performed; though the embryo cannot be annihilated, it may be prevented from expanding itself into the dimensions of a man. The arguments by which we were supposing a system for the restraint of opinion to be recommended, were arguments derived from a benevolent anxiety for the virtue of mankind, and to prevent their degeneracy. Will this end be accomplished? Let us contrast a nation of men daring to think, to speak, and to act, what they believe to be right, and fettered with no spurious motives to dissuade them from right, with a nation that fears to speak, and fears to think, upon the most interesting subjects of human inquiry. Can any spectacle be more degrading than this timidity? Can men in whom mind is thus annihilated, be capable of any good or valuable purpose? Can this most abject of all slaverics be the genuine state, the true perfection of the human species?*

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

* Vol. I., Book II., Chap. VI. † Book V., Chap. XXIII., p. 98.

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

The same reasonings that are here employed against the forcible suppression of religious heresy, will be found equally valid with respect to political. The first circumstance that will not fail to suggest itself to every reflecting mind, is, What sort of constitution must that be, which must never be examined? whose excellencies must be the constant topic of eulogium, but respecting which we must never permit ourselves to inquire in what they consist? Can it be the interest of society, to proscribe all investigation respecting the wisdom of its regulations? Or must our debates be occupied with provisions of temporary convenience; and are we forbid to ask, whether there may not be something fundamentally wrong in the principles of the structure? Reason and good sense will not fail to augur ill of that system of things, which is too sacred to be looked into; and to suspect that there must be something essentially weak in what thus shrinks from the eye of curiosity. Add to which, that, however we may doubt of the importance of religious disputes, nothing can less reasonably be exposed to question, than that the happiness of mankind is essentially connected with the improvement of political science.

That indeed, in the present situation of human affairs, is sufficiently evident, which was formerly endeavoured to be controverted, that the opinions of men are calculated essentially to affect their social condition. We can no longer, with any plausibility, lay claim to toleration, upon pretence of the innocence of error. It would not, at this time, be mere indifference, it would be infatuation, in our rulers, to say, We will leave the busily idle votaries of speculation to manage their controversies for themselves, secure that their disputes are, in no degree, of concern to the welfare of mankind.

Opinion is the most potent engine that can be brought within the sphere of political society. False opinion, superstition, and prejudice, have hitherto been the true supporters of usurpation and despotism. Enquiry, and the improvement of the human mind, are now shaking to the centre, those bulwarks that have so long held mankind in thraldom. This is the genuine state of the case: how ought our governors, and the friends of public tranquillity, to conduct themselves in this momentous crisis?

We no longer claim toleration, as was formerly occasionally done, from the unimportance of opinion; we claim it, because a

contrary system will be found pregnant with the most fatal disasters, because toleration only can give a mild and auspicious character to the changes that are impending.

It has lately become a topic of discussion with political enquirers, whether it be practicable, forcibly to effect the suppression of novel opinions. Instances have been cited in which this seems to have been performed. A cool and deliberate calculation has been made, as to the number of legal or illegal murders that must be committed, the quantity of misery that must be inflicted, the extent and duration of the wars that must be carried on, according to the circumstances of the case, to accomplish this purpose.

In answer to this sort of reasoning, it may be observed, first, that, if there are instances where a spreading opinion seems to have been extirpated by violence, the instances are much more numerous, where this expedient has been employed in vain. It should appear, that an opinion must be in a particular degree of reception, and not have exceeded it, in order to give to this engine a chance of effecting its purpose. Above all, it is necessary that the violence, by which a set of opinions is to be suppressed, should be unintermitted and invariable. If it should happen, as often has happened in similar cases, that the partisans of the new opinion, should alternately gain the ascendancy over their oppressors, we shall then have only an alternate succession of irritation and persecution. If there be the least intermission of the violence, it is to be expected that the persecuted party will recover their courage, and the whole business will be to be begun over again. However seriously any one may be bent upon the suppression of opinions, it would be absurd for him to build upon the supposition, that the powers of government will never be transferred to other hands, and that the measures now adopted, will be equally pursued to a distant termination.

Secondly, we must surely be induced on strong grounds to form a terrible idea of the consequences to result from the ascendancy of new opinions, before we can bring ourselves to assent to such severe methods for their suppression. Inexpressible must be the enormities committed by us, before we can expect to succeed in such an undertaking. To persecute men for their opinions, is, of all the denominations of violence, that to which an ingenuous mind can with the greatest difficulty be reconciled. The persons, in this case, most obnoxious to our hostility, are the upright and conscientious. They are, of all men, the most true to their opinions, and the least reluctant to encounter the evils in which those opinions may involve them. It may be, they are averse to every species of disorder, pacific, benevolent, and peculiarly under the guidance of public spirit and public affections. A gallant spirit would teach us to encounter opinion with opinion, and argument with argument. It is a painful species of cowardice to which we have recourse, whatever be our motive, when we determine to overbear an opponent by violence, whom we cannot convince. The tendency of persecution is to generate the most

odious vices; in one part of the community, those malevolent passions which teach us to regard our brethren as prodigies and monsters, and that treacherous and vindictive spirit which is ever lying in wait to destroy: in the other part of the community, terror, hatred, hypocrisy, and falsehood. Supposing us ultimately to succeed in our object, what sort of a people will be the survivors of this infernal purification?

Thirdly, opinion, though formidable in its tendencies, is perhaps never calamitous in its operation, but so far as it is encountered with injustice and violence. In countries where religious toleration has been established, opposite sectaries have been found to pursue their disputes in tranquillity. It is only where measures of severity are adopted, that animosity is engendered. The mere prospect of melioration may inspire a sedate and consistent ardour; but oppression and suffering are necessary, to render men bitter, impatient, and sanguinary. If we persecute the advocates of improvement, and fail of our object, we may fear a terrible retribution; but, if we leave the contest to its genuine course, and only apply ourselves to prevent mutual exasperation, the issue perhaps, whichever way it is determined, will be beneficent and auspicious.

CHAP. IV.

OF TESTS.

Their supposed advantages are attended with injustice—are nugatory.—Illustration.—Their disadvantages.—They ensnare.—Example.—Second example.—Influence of tests on the latitudinarian—on the purist.—Conclusion.

The majority of the arguments above employed, on the subject of penal laws in matters of opinion, are equally applicable to tests, religious and political. The distinction between prizes and penalties, between greater and less, has little tendency to change the state of the question, if we have already proved that any discouragement extended to the curiosity of intellect, and any authoritative countenance afforded to one set of opinions in preference to another, is in its own nature unjust, and evidently hostile to the general welfare.

Leaving out of the consideration religious tests, as being fully comprehended in the preceding discussion,* let us attend for a

* Chap. II.

moment, to an article which has had its advocates among men of considerable liberality, the supposed propriety of political tests. "Shall we have no federal oaths, no oaths of fidelity to the nation, the law and the republic? How in that case shall we distinguish, between the enemies, and the friends of freedom?"

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

Those who say this however, promise too much. Duty and common sense oblige us to watch the man we suspect, even though he should swear he is innocent. Would not the same precautions, which we are still obliged to employ, to secure us against his duplicity, have sufficiently answered our purpose, without putting him to this purgation? Are there no methods, by which we can find, whether a man be the proper subject in whom to repose an important trust, without putting the question to himself? Will not he who is so dangerous an enemy that we cannot suffer him at large, discover his enmity by his conduct, without reducing us to the painful necessity of tempting him to an act of prevarication? If he be so subtle a hypocrite that all our vigilance cannot detect him, will he scruple to add to his other crimes the guilt of perjury?

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

* Book IV. Chap. VIII.

to be best: but because his habits and character render him dangerous to society, in the same sense as a wolf or a blight would be dangerous.* It must, no doubt, be an emergency of no common magnitude, that can justify a people in putting a mark of displeasure upon a man, for the opinions he entertains, be they what they may. But, taking for granted, for the present, the propriety of such a measure, it would certainly be just as equitable, to administer, to the man accused for murder, an oath of purgation, as to the man accused of disaffection to the established order of society. The proof of this injustice is to be found in the nature of punishment. It would be well, in ordinary cases at least, that a man were allowed to propose to his neighbour what questions he pleased, and, in general, his duty would prompt him to give an explicit answer. But when you punish a man, you suspend the treatment that is due to him as a rational being, and consequently your own claim to a reciprocation of that treatment. You demand from him an impartial confession, at the same time that you employ a most powerful motive to prevarication, and menace him with a serious injury in return for his ingenuousness.

These reasonings being particularly applicable to a people in a state of revolution, like the French, it may perhaps be allowable to take, from their revolution an example of the injurious and ensnaring effects, with which tests, and oaths of fidelity, are usually attended. It was required of all men, in the year 1791, to swear, "that they would be faithful to the nation, the law, and the king." In what sense can they be said to have adhered to their oath, who, twelve months after their constitution had been established on its new basis, have taken a second oath declaratory of their everlasting abjuration of monarchy? What sort of effect, favourable or unfavourable, must this precarious mutability in their solemn appeals to heaven, have, upon the minds of those by whom they are made?

And this leads us, from the consideration of the supposed advantages of tests, religious and political, to their real disadvantages. The first of these disadvantages consists in the impossibility of constructing a test in such a manner, as to suit the various opinions of those upon whom it is imposed, and not to be liable to reasonable objection. When the law was repealed, imposing, upon the dissenting clergy of England, a subscription, with certain reservations, to the articles of the established church, an attempt was made to invent an unexceptionable test that might be substituted in its room. This test simply affirmed, "that the books of the Old and New Testament, in the opinion of the person who took it, contained a revelation from God;" and it was supposed, that no Christian could scruple such a declaration. But is it impossible, that I should be a Christian, and yet doubt of the canonical authority of the amatory eco-

* Book IV., Chap. VIII.

logues of Solomon, or of certain other books, contained in a selection that was originally made in a very arbitrary manner? "Still however I may take the test, with a persuasion that the books of the Old and New Testament contain a revelation from God, and something more." In the same sense I might take it, even if the Koran, the Talmud, and the sacred books of the Hindoos, were added to the list. What sort of influence will be produced, upon the mind, that is accustomed to this looseness of construction in its most solemn engagements?

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

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

But, supposing there should be certain members of the community, simple and uninstructed enough to conceive, that an oath contained some real obligation, and did not leave the duty of the person to whom it was administered, precisely where it found it,

* Book V., Chap. II—VIII.

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

We put a miserable deception upon ourselves, when we promise ourselves the most favourable effects from the abolition of monarchy and aristocracy, and retain this wretched system of tests, overturning, in the apprehensions of mankind at large, the fundamental distinctions of justice and injustice. Sincerity is not less essential, than equality, to the well-being of mankind. A government, that is perpetually furnishing motives to jesuitism and hypocrisy, is not less in hostility with reason, than a government of orders and hereditary distinction. It is not easy to imagine how soon men would become frank, explicit in their declarations, and unreserved in their manners, were there no positive institutions, inculcating upon them the necesssity of falsehood and disguise. Nor is it possible for any language to describe, the inexhaustible benefits, that would arise from the universal practice of sincerity.

CHAP. V.

OF OATHS.

Oaths of office and duty.—Their absurdity.—Their immoral consequences.—Oaths of evidence—less atrocious.—Opinion of the liberal and resolved respecting them.—Their essential features: contempt of veracity—false morality.—Their particular structure.—Abstract principles assumed by them to be true.—Their inconsistency with these principles.

THE same arguments that prove the injustice of tests, may be applied universally to all oaths of duty and office. If I entered upon the office without an oath, what would be my duty? Can

the oath that is imposed upon me make any alteration in my duty? If not, does not the very act of imposing it, by implication assert a falsehood? Will this falsehood have no injurious effect upon a majority of the persons concerned? What is the true criterion that I shall faithfully discharge the office that is conferred upon me? Surely my past life, not any protestations I may be compelled to make. If my life have been unimpeachable, this compulsion is an unmerited insult; if it have been otherwise, it is something worse.

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

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

These considerations palliate the evil, but do not convert it into good. Wherever, in any quarter of the globe, men of peculiar energy and dignity of mind have existed, they have felt the degradation of binding their assertions with an oath. The English constitution recognises, in a partial and imperfect manner, the force of this principle, and therefore provides that, while the

common herd of mankind shall be obliged to confirm their declarations with an oath, nothing more shall be required from the order of nobles, in the very function which, in all other cases, has emphatically received the appellation of juror, than a declaration upon honour. Will reason justify this distinction?

Can there be a practice more pregnant with false morality, than that of administering oaths in a court of justice? The language it expressly holds is, "You are not to be believed upon your mere word;" and there are few men, firm enough, resolutely to preserve themselves from contamination, when they are accustomed, upon the most solemn occasions, to be treated with contempt. To the unthinking it comes like a plenary indulgence to the occasional tampering with veracity in affairs of daily occurrence, that they are not upon their oath; and we may affirm, without risk of error, that there is no cause of insincerity, prevarication, and falsehood more powerful, than that we are here considering. It treats veracity, in the scenes of ordinary life, as a thing not to be looked for. It takes for granted that no man, at least of plebeian rank, is to be credited upon his bare affirmation; and what it thus takes for granted, it has an irresistible tendency to produce.

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

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

Let us leave, for a moment, the general consideration of the principle of oaths, to reflect upon their particular structure, and the precise meaning of the term. They take for granted, in the first place, the existence of an invisible governor of the world, and the propriety of our addresssing petitions to him, both which a man may deny, and yet continue a good member of society.

What is the situation, in which the institution of which we treat, places this man? But we must not suffer ourselves to be stopped by trivial considerations.—Oaths are also so constructed, as to take for granted the religious system of the country, whatever it may happen to be.

Now what are the words with which we are taught, in this instance, to address the creator, whose existence we have thus recognised? "So help me God, and the contents of his holy word." It is the language of imprecation. I pray him to pour down his everlasting wrath and curse upon me, if I utter a lie.—It were to be wished that the name of that man had been recorded, who first invented this mode of binding men to veracity. He had surely himself very slight and contemptuous notions of the Supreme Being, who could thus tempt men to insult him, by braving his displeasure. If it be thought to be our duty to invoke his blessing, yet surely it must be a most hardened profaneness, that can thus be content to put all the calamity with which he is able to overwhelm us, to the test of one moment's rectitude or frailty.

CHAP. VI.

OF LIBELS.

*Public libels.—Injustice of an attempt to prescribe the method in which public questions shall be discussed.—Its pusillanimity.—Invitations to tumult.—Private libels.—Reasons in favour of their being subjected to restraint.—Answer.—*1, *It is necessary the truth should be told.—Salutary effects of the unrestrained investigation of character.—Objection: freedom of speech would be productive of calumny, not of justice.—Answer.—Future history of libel.—*2, *It is necessary men should be taught to be sincere.—Extent of the evil which arises from a command to be insincere.—The mind spontaneously shrinks from the prosecution of a libel.—Conclusion.*

In the examination already bestowed upon the article of heresy, political and religious,* we have anticipated one of the heads of the law of libel; and, if the arguments there adduced be admitted for valid, it will follow, that no punishment can justly be awarded, against any writing or words, derogatory to religion or political government.

It is impossible to establish any solid ground of distinction upon this subject, or to lay down rules in conformity to which controversies, political or religious, must be treated. It is impos-

* Chap. III.

sible to tell me, when I am penetrated with the magnitude of the subject, that I must be logical, and not eloquent: or, when I feel the absurdity of the theory I am combating, that I must not express it in terms that shall produce feelings of ridicule in my readers. It were better to forbid me the discussion of the subject altogether, than forbid me to describe it in the manner I conceive to be most suitable to its merits. It would be a most tyrannical species of candour to tell me, "You may write against the system we patronise, provided you will write in an imbecile and ineffectual manner; you may enquire and investigate as much as you please, provided, when you undertake to communicate the result, you carefully check your ardour, and be upon your guard that you do not convey any of your own feelings to your readers." In subjects connected with the happiness of mankind, the feeling is the essence. If I do not describe the miserable effects of fanaticism and abuse, if I do not excite in the mind a sentiment of aversion and ardour, I had better leave the subject altogether, for I am betraying the cause of which I profess to be the advocate. Add to this, that rules of distinction, as they are absurd in relation to the dissidents, will prove a continual instrument of usurpation and injustice to the ruling party. No reasonings will appear fair to them, but such as are futile. If I speak with energy, they will deem me inflammatory; and if I describe censurable proceedings in plain and homely, but pointed language, they will cry out upon me as a buffoon.

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

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

tumult, to the destruction of such institutions. But writing and speech are the proper and becoming methods of operating changes in human society, and tumult is an improper and equivocal method. In the case then of the specific preparations of riot, it should seem, that the regular force of the society may lawfully interfere. But this interference may be of two kinds. It may consist of precautions to counteract all tumultuous concourse, or it may arraign the individual, for the offence he has committed against the peace of the community. The first of these seems sufficiently commendable and wise, and would perhaps, if vigilantly exerted, be, in almost all cases, adequate to the purpose. A firm and explicit language as to the preceding steps, a careful attention to avoid unnecessary irritation and violence, and a temperate display of strength in case of extremity, might be expected always to extricate the government in safety in these delicate exigencies. It must be a very uncommon occasion, in which the mass of the sober and effective part of the community, will not be found inimical to disorderly and tumultuous proceedings. The second idea, that of bringing the individual to account, for a proceeding of this sort, is of a more doubtful nature. A libel the avowed intention of which is to lead to immediate violence, is altogether different from a publication, in which the general merits of any institution are treated with the utmost freedom, and may well be supposed to fall under different rules. The difficulty here arises from the consideration of the general nature of punishment, which is abhorrent to the true principles of mind, and ought to be restrained within as narrow limits as possible, if not immediately abolished.* A distinction to which observation and experience, in cases of judicial proceeding, have uniformly led, is that between crimes that exist only in intention, and overt acts. So far as prevention only is concerned, the former would seem, in many cases, not less entitled to the animadversion of society, than the latter; but the evidence of intention usually rests upon circumstances equivocal and minute, and the friend of justice will tremble to erect any grave proceeding upon so uncertain a basis.† —These reasonings on exhortations to tumult, will also be found applicable, with slight variation, to incendiary letters addressed to private persons.

But the law of libel, as we have already said, distributes itself into two heads, libels against public establishments and measures, and libels against private character. Those who have been willing to admit, that the first ought to pass unpunished, have generally asserted the propriety of counteracting the latter, by censures and penalties. It shall be the business of the remainder of this chapter, to show, that they were erroneous in their decision.

The arguments upon which their decision is built, must be allowed to be both popular and impressive. "There is no ex-

* See the following book. † Book VII., Chap. VII.

ternal possession, more solid, or more valuable, than an honest fame. My property, in goods or estate, is appropriated only by convention. Its value is, for the most part, the creature of a debauched imagination; and, if I were sufficiently wise and philosophical, he that deprived me of it, would do me very little injury. He that inflicts a stab upon my character, is a much more formidable enemy. It is a very serious inconvenience, that my countrymen should regard me as destitute of principle and honesty. If the mischief were entirely to myself, it is not possible to be regarded with levity. I must be void of all sense of justice, if I am callous to the contempt and detestation of the world. I must cease to be a man, if I am unaffected by the calumny that deprives me of the friend I love, and leaves me perhaps without one bosom in which to repose my sympathies. But this is not all. The same stroke that annihilates my character, extremely abridges, if it do not annihilate, my usefulness. It is in vain that I would exert my good intentions and my talents for the assistance of others, if my motives be perpetually misinterpreted. Men will not listen to the arguments of him they despise; he will be spurned during life, and execrated as long as his memory endures. What then are we to conclude, but that to an injury, greater than robbery, greater perhaps than murder, we ought to award an exemplary punishment?"

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

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

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

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

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

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

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

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

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

Libel, like every other human concern, would soon find its

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

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

Laws for the suppression of private libels are, properly speaking, laws to restrain men from the practice of sincerity. They create a warfare, between the genuine dictates of unbiassed private judgment, and the apparent sense of the community; throwing obscurity upon the principles of virtue, and inspiring an indifference to the practice. This is one of those consequences of political institution that presents itself at every moment: morality is rendered the victim of uncertainty and doubt. Contradictory systems of conduct contend with each other for the preference, and I become indifferent to them all. How is it possible that I should imbibe the divine enthusiasm of benevolence and justice, when I am prevented from discerning what it is in which they consist? Other laws assume for the topic of their animadversion actions of unfrequent occurrence. But the law of libels usurps the office of directing me in my daily duties, and, by perpetually menacing me with the scourge of punishment, undertakes to render me habitually a coward, continually governed by the basest and most unprincipled motives.

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

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

There is one thing more that is of importance to be observed upon this subject of libel, which is, the good effects that would spring, from every man's being accustomed to encounter falsehood with its only proper antidote, truth. After all the arguments that have been industriously accumulated to justify prosecution for libel, every man that will retire into himself, feels himself convinced of their insufficiency. The modes in which an innocent and a guilty man would repel an accusation against them, might be expected to be opposite; but the law of libel confounds them. He that was conscious of his rectitude, and undebauched by ill systems of government, would say to his adversary, "Publish what you please against me, I have truth on my side, and will confound your misrepresentations." His sense of fitness and justice would not permit him to say, "I will have recourse to the only means that are congenial to guilt, I will compel you to be silent." A man, urged by indignation and impatience, may commence a prosecution against his accuser; but he may be assured, the world, that is a disinterested spectator, feels no cordiality for his proceedings. The language of their sentiments upon such occasions is, "What! he dares not even let us hear what can be said against him."

The arguments in favour of justice, however different may be the views under which it is considered, perpetually run parallel to each other. The recommendations under this head, are precisely the same as those under the preceding, the generation of activity and fortitude. The tendency of all false systems of political institution, is to render the mind lethargic and torpid. Were we accustomed not to recur either to public or individual force, but upon occasions that unequivocally justified their employment, we should then come to have some respect for reason, for we should know its power. How great must be the difference, between him who answers me with a writ of summons or a challenge, and him who employs the sword and the shield of truth alone? He knows that force only is to be encountered with force, and allegation with allegation; and he scorns to change places with the offender by being the first to break the peace. He does that which, were it not for the degenerate habits of society, would scarcely deserve the name of courage, dares to meet, upon equal ground, with the sacred armour of truth, an adversary who possesses only the perishable weapons of falsehood. He calls up his understanding; and does not despair of baffling the shallow pretences of calumny. He calls up his firmness; and knows that a plain story, every word of which is marked with the emphasis of sincerity, will carry conviction to every hearer. It were absurd to expect that truth should be cultivated, so long as we are accustomed to believe that it is an impotent incumbrance. It would be impossible to neglect it, if we knew that it was as impenetrable as adamant, and as lasting as the world.

CHAP. VII.

OF CONSTITUTIONS.

Distinction of regulations constituent and legislative.—Supposed character of permanence that ought to be given to the former—inconsistent with the nature of man.—Source of the error.—Remark.—Absurdity of the system of permanence.—Its futility.—Mode to be pursued in framing a constitution.—Constituent laws not more important than others.—In what manner the consent of the districts is to be declared. —Tendency of the principle which requires this consent.—It would reduce the number of constitutional articles—parcel out the legislative power—and produce the gradual extinction of law.—Objection. —Answer.

A QUESTION, intimately connected with the political superintendence of opinion, is presented to us, relative to a doctrine which has lately been taught, upon the subject of constitutions.

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

It is easy to perceive that these precautions are in direct hostility with the principles established in this work. "Man and for ever!" was the motto of the labours of this assembly. Just broken loose from the thick darkness of an absolute monarchy, they assumed to prescribe lessons of wisdom to all future ages. They seem not so much as to have dreamed of that purification of intellect, that climax of improvement, which may very probably be the destiny of posterity. The true state of man, as has been already said, is, not to have his opinions bound down in the fetters of an eternal quietism, but, flexible and unrestrained, to yield with facility to the impressions of accumulating observation and experience. That form of society will, of consequence, appear most eligible, which is least founded in a principle of permanence. But, if this view of the subject be just, the idea of giving permanence to what is called the constitution of any government, and rendering one class of laws, under the appellation of fundamental, less susceptible of change than another, must be founded in misapprehension and error.

The error probably originally sprung out of the forms of political monopoly, which we see established over the whole civilised world. Government could not justly flow, in the first instance, but from the choice of the people; or, perhaps, more accurately speaking, ought to be adjusted in its provisions, to the prevailing apprehensions of equity and truth. But we see government at present administered, either in whole or in part, by a king and a body of noblesse; and we reasonably say, that the laws made by these authorities are one thing, and the laws from which they derived their existence another. Now this, and indeed every species of exclusive institution, presents us with a dilemma,

memorable in its nature, and hard of solution. If the prejudices of a nation are decisively favourable to a king or a body of noblesse, it seems impossible to say, that a king, or a body of noblesse, should not form part of their government. But then, on the other hand, the moment you admit this species of exclusive institution, you counteract the purpose for which it was admitted, and deprive the sentiments of the people of their genuine operation.

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

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

But to return to the question of permanence. Whether we admit or reject the distinction between constitutional and ordinary legislation, it is not less true that the power of a nation to change its constitution, morally considered, must be strictly and universally coeval with the existence of a constitution. The language of permanence, in this case, is the grossest absurdity. It is to say to a nation, "Are you convinced that something is right, perhaps immediately necessary, to be done? It shall be done ten years hence."

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

* Paine's Rights of Man.

It is extremely probable, that a national assembly, chosen in the ordinary forms, is just as well entitled to change the fundamental laws, as to change any of the least important branches of legislation. This function would never, perhaps, be dangerous, but in a country that still preserved a portion of monarchy or aristocracy; and, in such a country, a principle of permanence would be found a very feeble antidote against the danger. The true principle upon the subject is, that no assembly, though chosen with the most unexampled solemnity, is competent to impose any regulations, contrary to the public apprehension of right; and a very ordinary authority, fairly originated, will be sufficient to facilitate the harmonious adoption of a change that is dictated by national opinion. The distinction of constitutional and ordinary topics will always appear in practice, unintelligible and vexatious. The assemblies of more frequent recurrence, will find themselves arrested in the intention of conferring eminent benefit on their country, by the apprehension that they shall invade the constitution. In a country where the people are habituated to sentiments of equality, and where no political monopoly is tolerated, there is little danger that any national assembly should be disposed to enforce a pernicious change, and there is still less, that the people should submit to the injury, or not possess the means, easily, and with small interruption of public tranquillity to avert it. The language of reason, on this subject is, "Give us equality and justice, but no constitution. Suffer us to follow, without restraint, the dictates of our own judgment, and to change our forms of social order, as fast as we improve in understanding and knowledge."

The opinion upon this head, most popular in France at the time (1792) that the national convention entered upon its functions, was, that the business of a convention extended only to the presenting the draught of a constitution, to be submitted in the sequel to the approbation of the districts, and, subsequently only to that approbation, to be considered as law. This opinion is deserving of a serious examination.

The first idea that suggests itself respecting it, is, that, if constitutional laws ought to be subjected to the revision of the districts, then all laws ought to undergo the same process, understanding by laws all declarations of a general principle, to be applied to particular cases as they may happen to occur, and even including all provisions for individual emergencies, that will admit of the delay incident to the revision in question. It is a mistake to imagine, that the importance of these articles is in a descending ratio, from fundamental to ordinary, and from ordinary to particular. It is possible for the most odious injustice to be perpetrated, by the best constituted legislature that ever was framed. A law, rendering it capital to oppose the doctrine of transubstantiation, would be more injurious to the public welfare, than a law changing the duration of the national representative, from two years, to one year, or to three. Taxation has been

shown to be an article, rather of executive, than legislative administration;* and yet a very oppressive and unequal tax, would be scarcely less ruinous than any single measure that could possibly be devised.

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

It is desirable, in all cases of the practical adoption of any given principle, that we should fully understand the meaning of the principle, and perceive the conclusions to which it inevitably leads. This principle of a consent of districts, has an immediate tendency, by a salutary gradation perhaps, to lead to the dissolution of all government. What then can be more absurd, than to see it embraced by those very men who are, at the same time, advocates for the complete legislative unity of a great empire? It is founded upon the same basis as the principle of private judgment, which, in proportion as it impresses itself on the minds of men, may be expected perhaps to supersede the possibility of the action of society in a collective capacity. It is desirable, that the most important acts of the national representatives, should be subject to the approbation or rejection of the districts, whose representatives they are, for exactly the same reason that it is desirable, that the acts of the districts themselves should, as speedily as practicability will admit, be in force, only so far as relates to the individuals by whom those acts are approved.

The first consequence that would result, not from the delusive, but the real establishment of this principle, would be the reduction of the constitution to a very small number of articles. The

* Book V., Chap. I.

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

A second consequence, that results from the principle of which we are treating, is as follows. It has already appeared, that the reason is no less cogent, for submitting important legislative articles to the revisal of the districts, than for submitting the constitutional articles themselves. But, after a few experiments of this sort, it cannot fail to suggest itself, that the mode of sending laws to the districts for their revision, unless in cases essential to the general safety, is a proceeding unnecessarily circuitous, and that it would be better, in as many instances as possible, to suffer the districts to make laws for themselves, without the intervention of the national assembly. The justness of this consequence is implicitly assumed in the preceding paragraph, while we stated the very narrow bounds within which the constitution of an empire, such as that of France for example, might be circumscribed. In reality, provided the country were divided into convenient districts with a power of sending representatives to the general assembly, it does not appear that any ill consequences would ensue to the common cause, from these districts being permitted to regulate their internal affairs, in conformity to their own apprehensions of justice. Thus, that which was, at first, a great empire with legislative unity, would speedily be transformed into a confederacy of lesser republics, with a general congress or Amphictyonic council, answering the purpose of a point of cooperation upon extraordinary occasions. The ideas of a great empire, and legislative unity, are plainly the barbarous remains of the days of military heroism. In proportion as political power is brought home to the citizens, and simplified into something of the nature of parish regulation, the danger of misunderstanding and rivalship will be nearly annihilated. In proportion as the science of government is divested of its present mysterious appearances, social truth will become obvious, and the districts pliant and flexible to the dictates of reason.

A third consequence, sufficiently memorable, from the same principle, is the gradual extinction of law. A great assembly, collected from the different provinces of an extensive territory, and constituted the sole legislator of those by whom the territory is inhabited, immediately conjures up to itself an idea of the vast multitude of laws, that are necessary for regulating the concerns of those whom it represents. A large city, impelled by the prin-

ciples of commercial jealousy, is not slow to digest the volume of its by-laws and exclusive privileges. But the inhabitants of a small parish, living with some degree of that simplicity which best corresponds to the real nature and wants of a human being, would soon be led to suspect that general laws were unnecessary, and would adjudge the causes that came before them, not according to certain axioms previously written, but according to the circumstances and demand of each particular cause. It was proper that this consequence should be mentioned in this place. The benefits that will arise from the abolition of law, will come to be considered in detail in the following book.*

The principal objection, that is usually made to the idea of confederacy, considered as the substitute of legislative unity, is "the possibility that arises, of the members of the confederacy, detaching themselves from the support of the public cause." To give this objection every advantage, let us suppose, "that the seat of the confederacy, like France, is placed in the midst of surrounding nations, and that the governments of these nations are anxious, by every means of artifice and violence, to suppress the insolent spirit of liberty that has started up among this neighbour people." It is to be believed that, even under these circumstances, the danger is more imaginary, than real. The national assembly, being precluded, by the supposition, from the use of force against the malcontent districts, is obliged to confine itself to expostulation; and it is sufficiently observable, that our powers of expostulation are tenfold increased, the moment our hopes are confined to expostulation alone. They have to display, with the utmost perspicuity and simplicity, the benefits of independence; to convince the public at large, that all they intend, is to enable every district, and, as far as possible, every individual, to pursue unmolested its own ideas of propriety; and that, under their auspices, there shall be no tyranny, no arbitrary punishments, such as proceed from the jealousy of councils and courts, no exactions, almost no taxation. Some ideas respecting this last subject will speedily occur.† It is not possible but that, in a country rescued from the inveterate evils of despotism, the love of liberty should be considerably diffused. The adherents therefore of the public cause, will be many: the malcontents few. If a small number of districts were so far blinded, as to be willing to surrender themselves to oppression and slavery, it is probable they would soon repent. Their desertion would inspire the more enlightened and courageous with additional energy. It would be a fascinating spectacle, to see the champions of the general welfare eagerly declaring, that they desired none but willing supporters. It is not possible that so magnanimous a principle, should not contribute more to the advantage, than the injury of their cause.

* Book VII., Chap. VIII. † P. 150, 151.

CHAP. VIII.

OF NATIONAL EDUCATION.

Arguments in its favour.—Answer.—1, It produces permanence of opinion.—Nature of prejudice and judgment described.—2, It requires uniformity of operation.—3, It is the mirror and tool of national government.—The right of punishing, not founded in the previous function of instructing.

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

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

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

The injuries that result from a system of national education, are, in the first place, that all public establishments include in them the idea of permanence. They endeavour, it may be, to secure and to diffuse whatever of advantageous to society is already known, but they forget that more remains to be known. If they realised the

most substantial benefits at the time of their introduction, they must inevitably become less and less useful as they increased in duration. But to describe them as useless, is a very feeble expression of their demerits. They actively restrain the flights of mind, and fix it in the belief of exploded errors. It has frequently been observed of universities, and extensive establishments for the purpose of education, that the knowledge taught there, is a century behind the knowledge, which exists among the unshackled and unprejudiced members of the same political community. The moment any scheme of proceeding gains a permanent establishment, it becomes impressed, as one of its characteristic features, with an aversion to change. Some violent concussion may oblige its conductors to change an old system of philosophy for a system less obsolete; and they are then as pertinaciously attached to this second doctrine, as they were to the first. Real intellectual improvement demands, that mind should, as speedily as possible, be advanced to the height of knowledge already existing among the enlightened members of the community, and start from thence in the pursuit of further acquisitions. But public education has always expended its energies in the support of prejudice; it teaches its pupils, not the fortitude that shall bring every proposition to the test of examination, but the art of vindicating such tenets as may chance to be established. We study Aristotle, or Thomas Aquinas, or Bellarmine, or chief justice Coke, not that we may detect their errors, but that our minds may be fully impregnated with their absurdities. This feature runs through every species of public establishment; and, even in the petty institution of Sunday schools, the chief lessons that are taught. are a superstitious veneration for the church of England, and to bow to every man in a handsome coat. All this is directly contrary to the true interests of mankind. All this must be unlearned, before we can begin to be wise.

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

* Vol. I., Book I., Chap. V., p. 32.

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

Secondly, the idea of national education, is founded in an inattention to the nature of mind. Whatever each man does for himself, is done well; whatever his neighbours or his country undertake to do for him, is done ill. It is our wisdom to incite men to act for themselves, not to retain them in a state of perpetual pupillage. He that learns, because he desires to learn, will listen to the instructions he receives, and apprehend their meaning. He that teaches, because he desires to teach, will discharge his occupation with enthusiasm and energy. But the moment political institution undertakes to assign to every man his place, the functions of all will be discharged with supineness and indifference. Universities and expensive establishments have long been remarked for formal dulness. Civil policy has given me the power to appropriate my estate to certain theoretical purposes; but it is an idle presumption to think I can entail my views, as I can entail my fortune. Remove those obstacles, which prevent men from seeing, and which restrain them from pursuing their real advantage; but do not absurdly undertake to relieve them from the activity which this pursuit requires. What I earn, what I acquire only because I desire to acquire it, I estimate at its true value; but what is thrust upon me, may make me indolent, but cannot make me respectable. It is an extreme folly to endeavour to secure to others, independently of exertion on their part, the means of being happy.—This whole proposition of a national education, is founded upon a supposition which has been repeatedly refuted in this work, but which has recurred upon us in a thousand forms, that unpatronised truth is inadequate to the purpose of enlightening mankind.

Thirdly, the project of a national education ought uniformly to be discouraged, on account of its obvious alliance with national government. This is an alliance of a more formidable nature, than the old and much contested alliance of church and state. Before we put so powerful a machine under the direction of so ambiguous an agent, it behoves us to consider well what it is that we do. Government will not fail to employ it, to strengthen its hands, and perpetuate its institutions. If we could even sup-

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

It is not easy to say whether the remark, "that government cannot justly punish offenders, unless it have previously informed them what is virtue and what is offence," be entitled to a separate answer. It is to be hoped that mankind will never have to learn so important a lesson, through so incompetent a channel. Government may reasonably and equitably presume, that men who live in society, know that enormous crimes are injurious to the public weal, without its being necessary to announce them as such, by laws, to be proclaimed by heralds, or expounded by curates. It has been alleged, that "mere reason may teach me not to strike my neighbour; but will never forbid my sending a sack of wool from England, or printing the French constitution in Spain." This objection leads to the true distinction upon the subject. All real crimes, that can be supposed to be the fit objects of judicial animadversion, are capable of being discerned without the teaching of law. All supposed crimes, not capable of being so discerned, are truly and unalterably placed beyond the cognisance of a sound criminal justice. It is true that my own understanding would never have told me that the exportation of wool was a crime: neither do I believe it is a crime, now that a law has been made affirming it to be such. It is a feeble and contemptible palliation of iniquitous punishments, to signify to mankind beforehand that you intend to inflict them. Men of a lofty and generous spirit would almost be tempted to exclaim; Destroy us if you please; but do not endeavour, by a national education, to destroy in our understandings the discernment of justice and injustice. The idea of such an education, or even perhaps of the necessity of a written law, would never have occurred, if government and jurisprudence had never attempted the arbitrary conversion of innocence into guilt.

CHAP. IX.

OF PENSIONS AND SALARIES.

Reasons by which they are vindicated.—Labour in its usual acceptation and labour for the public compared.—Immoral effects of the institution of salaries.—Source from which they are derived.—Unnecessary for the subsistance of the public functionary—for dignity.—Salaries of inferior officers—may also be superseded.—Taxation.—Qualifications.

An article which deserves the maturest consideration, and by means of which political institution does not fail to produce the most important influence upon opinion, is that of the mode of rewarding public services. The mode, which has obtained in all European countries, is that of pecuniary reward. He who is employed to act in behalf of the public, is recompenced with a salary. He who retires from that employment, is recompensed with a pension. The arguments in support of this system, are well known. It has been remarked, "that indeed it may be creditable to individuals, to be willing to serve their country without a reward; but that it is a becoming pride on the part of the public, to refuse to receive as an alms, that for which they are well able to pay. If one man, animated by the most disinterested motives, be permitted to serve the public upon these terms, another will assume the exterior of disinterestedness, as a step towards the gratification of a sinister ambition. If men be not openly and directly paid for the services they perform, we may rest assured, that they will pay themselves, by ways a thousand times more injurious. He who devotes himself to the public, ought to devote himself entire: he will therefore be injured in his personal fortune, and ought to be replaced. Add to this, that the servants of the public ought, by their appearance and mode of living, to command respect both from their countrymen, and from foreigners; and that this circumstance will require an expence, for which it is the office of their country to provide."*

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

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

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

But then this is an action, in the slightest degree, indirect. It does not follow, because we are induced to do some actions, immediately beneficial to others, from a selfish motive, that we can admit of this, in all instances, with impunity. It does not follow, because we are sometimes inclined to be selfish, that we must never be generous. The love of our neighbour, is the great ornament of a moral nature. The perception of truth is the most solid improvement of an intellectual nature. He that sees nothing in the universe deserving of regard but himself, is a consummate stranger to the dictates of general and impartial reason. He that is not influenced in his conduct by the real and inherent nature of things, is rational to no purpose. Admitting that it is venial to do some actions, immediately beneficial to my neighbour, from a partial retrospect to myself, surely there must be other actions in which I ought to forget, or endeavour to forget myself. This duty is most obligatory, in actions most extensive in their consequences. If a thousand men are to be benefitted, I ought to recollect that I am only an atom in the comparison, and to reason accordingly.

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

still to be regretted, that grounds should be afforded to his countrymen, which tempt them to misrepresent his views.

Another consideration of great weight in this instance is, that of the source from which salaries are derived: from the public revenue, from taxes imposed upon the community. The nature of taxation has perhaps seldom been sufficiently considered. By some persons it has been supposed that the superfluities of the community might be collected, and placed under the disposition of the representative or executive power. But this is a gross mistake. The superfluities of the rich are, for the most part, inaccessible to taxation; the burthen falls, almost exclusively, upon the laborious and the poor. All wealth, in a state of civilised society, is the produce of human industry.* To be rich, is merely to possess a patent, entitling one man to dispose of the produce of another man's industry. Taxation therefore can no otherwise fall upon the rich, but so far as it operates to diminish their luxuries. But this it does in a very few instances, and in a very small degree. Its genuine operation is to impose a new portion of labour, upon those whom labour has already plunged deep, in ignorance, degradation, and misery. The higher and governing part of the community, are like the lion who hunted in concert with the weaker beasts. The landed proprietor first takes a very disproportionate share of the produce to himself; the capitalist follows, and shows himself equally voracious. Both these classes, in the form in which they now appear, might, under a different mode of society, be dispensed with. Taxation comes in next, and lays a new burthen, upon those who are bowed down to the earth already. Who is there, allowed the choice of an alternative, and possessing the spirit of a man, that would choose to be thus fed, with the hard-earned morsel that, through the medium of taxation, is wrested from the gripe of the peasant?

Too much stress however is not to be laid upon this argument. There is no profession, there is perhaps no mode of life compatible with liberal and intellectual pursuits, that does not include in it a portion of iniquity. It is one of the evils of a corrupt state of society, that it forces the most enlightened and the most virtuous unwillingly to participate in its injustice. It would be weakness, and not magnanimity, that should teach us to view these things with a microscopical scrupulosity; and to refuse to be useful because no usefulness is pure. The most important objection to emoluments flowing from a public revenue, is built upon their tendency to corrupt the mind of the receiver, and the views of the spectators.

Let us proceed to consider the extent of the difficulty that would result from the abolition of salaries. The majority of persons nominated to eminent employments, under any state of mankind approaching to the present, will possess a personal fortune adequate to their support. Those selected from a different

* Book VIII., Chap. II.

class, will probably be selected for extraordinary talents, which will naturally lead to extraordinary resources. It has been deemed dishonourable to subsist upon private liberality; but this dishonour is produced only by the difficulty of reconciling this mode of subsistence and intellectual independence. It is true that the fortunes of individuals, like public salaries, are merely a patent, empowering them to engross the produce of other men's labour. But large private fortunes cannot cease to exist, till a spirit of sobriety and reflection, hitherto unknown, has been infused into the great mass of mankind. In the mean time the possessors of them are bound to consider of the best mode of disposing of their incomes for the public interest: and it would perhaps be difficult to point out a better than that here alluded to. By this method no new addition would be made to the burthens of the laborious; and the distribution would perhaps produce a better effect, than if it were made in douceurs and prizes to the more ordinary classes of mankind. As to the receiver, he, by the supposition, receives no more than his due; and therefore prejudice alone can represent him as degraded, or imbue him with servility. This source of emolument is free from many of the objections that have been urged against a public stipend. I ought to receive your superfluity as my due, while I am employed in affairs more important than that of earning a subsistence; but at the same time to receive it with a total indifference to personal advantage, taking only what I deem necessary for the supply of my wants. He that listens to the dictates of justice, and turns a deaf ear to the suggestions of pride, will probably wish that the customs of his country should cast him for support, on the virtue of individuals, rather than on the public revenue. That virtue may be expected, in this, as in all other instances, to increase, the more it is called into action.

"But what if he have a wife and children?" Let many aid him, if the aid of one be insufficient. Let him do in his lifetime, what Eudamidas did at his decease, bequeath his daughter to be subsisted by one friend, and his mother by another. This is the only true taxation, which he, in whom civil policy has vested the means, assesses on himself, not which he endeavours to discharge upon the shoulders of the poor. It is a striking example of the power of venal governments in generating prejudice, that this scheme of serving the public functions without salaries, so common among the ancient republicans, should, by liberal-minded men of the present day, be deemed impracticable. Nor let us imagine, that the safety of the community, will depend upon the services of an individual. In the country in which individuals fit for the public service are rare, the post of honour will probably be his, not that fills an official situation, but that, from his closet, endeavours to waken the sleeping virtues of mankind. In the country where they are frequent, it will not be difficult, by the short duration of the employment, to compensate for the slenderness of the means of him that fills it.

It is not easy to describe the advantages that must result from this proceeding. The public functionary would, in every article of his charge, recollect the motives of public spirit and benevolence. He would hourly improve in the vigour and disinterestedness of his character. The habits created by a frugal fare and a cheerful poverty, not hid as now in obscure retreats, but held forth to public view, and honoured with public esteem, would speedily pervade the community, and auspiciously prepare them for still further improvements.

The objection, "that it is necessary for him who acts on the part of the public to make a certain figure, and to live in a style calculated to excite respect, is scarcely to be considered as deserving a separate answer. The whole spirit of this inquiry is in direct hostility to such an objection. If therefore it have not been answered already, it would be vain to attempt an answer in this place. It is recorded of the burghers of the Netherlands who conspired to throw off the Austrian yoke, that they came to the place of consultation, each man with his knapsack of provisions: who is there that feels inclined to despise this simplicity and honourable poverty? Who would not exclaim with the imperial minister when he viewed the spectacle, Men thus resolute and austere, are neither to be despised nor subdued?—The abolition of salaries would doubtless render necessary the simplification and abridgment of public business. This would be a benefit, and not a disadvantage.

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

But the exception, if admitted, ought to be admitted with great caution. He that is employed in an affair of direct public necessity, ought to be conscious, while he discharges it, of its true character. We should never allow ourselves to undertake an office of a public nature, without feeling ourselves animated with a public zeal. We shall otherwise discharge our trust with comparative coldness and neglect. Nor is this all. The abolition of salaries, would lead to the abolition of those offices to which salaries are thought necessary. If we had neither foreign wars nor domestic stipends, taxation would be almost unknown; and, if we had no taxes to collect, we should want no clerks to keep an account of them. In the simple scheme of political institution which reason dictates, we could scarcely have any

burthensome offices to discharge; and, if we had any that were so in their abstract nature, they might be rendered light by the perpetual rotation of their holders.

If we have no salaries, for a still stronger reason we ought to have no pecuniary qualifications, or, in other words, no regulation requiring the possession of a certain property, as a condition to the right of electing, or the capacity of being elected. It is an uncommon strain of tyranny to call upon men to appoint for themselves a delegate, and at the same time forbid them to appoint exactly the man whom they may judge fittest for the office. Qualification in both kinds is a most flagrant injustice. It asserts the man to be of less value than his property. It furnishes to the candidate a new stimulus to the accumulation of wealth; and this passion, when once set in motion, is not easily allayed. It tells him, "Your intellectual and moral qualifications may be of the highest order; but you have not enough of the means of luxuries and vice." To the non-elector it holds the most detestable language. It says, "You are poor; you are unfortunate; the institutions of society oblige you to be the perpetual witness of other men's superfluity: because you are sunk this low, we will trample you yet lower; you shall not even be reckoned for a man, you shall be passed by, as one, of whom society makes no account, and whose welfare and moral existence she disdains to recollect."

CHAP. X.

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

Decision by lot, its origin—founded in moral imbecility—or cowardice. —Decision by ballot—inculcates timidity—and hypocrisy.—Decision by vote, its recommendations.

What has been here said upon the subject of qualifications, naturally leads to a few observations upon the three principal modes of determining public questions and elections, by sortition, ballot, and vote.

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

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

All reference of public questions and elections to lot, includes in it one of two evils, moral imbecility or cowardice. There is no situation in which we can be placed, that has not its corresponding duties. There is no alternative that can be offered to our choice, that does not include in it a better and a worse. The idea of sortition therefore springs, either from an effeminacy that will not enquire, or a timidity that dares not pronounce its decision.

The path of virtue is simple and direct. The first attributes of a virtuous character, are a mind awake, and a quick and observant eye. A man of right dispositions will enquire out the lessons of duty. The man, on the contrary, who is spoiled by stupidity or superstition, will wait till these lessons are brought to him in a way that he cannot resist. A superficial survey will perhaps lead him to class a multitude of human transactions, among the things that are indifferent. But, if we be indefatigably benevolent, we shall, for the most part, find, even among things ordinarily so denominated, a reason for preference. He may well be concluded to have but a small share of moral principle, who easily dispenses himself from seeking the occasion to exercise it. Add to which, they are not trifles, but matters of serious import, that it has been customary to commit to the decision of lot.

But, supposing us to have a sentiment of preference, or a consciousness that to attain such a perception is our duty, if we afterwards desert it, this is the most contemptible cowardice. Nothing can be more unworthy, than a propensity to take refuge in indolence and neutrality, simply because we have not the courage to encounter the consequences of ingenuousness and sincerity.

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

for virtue. To tell men that it is necessary they should form their decision by ballot, is to tell them that it is necessary they should be ashamed of their integrity.

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

If then sortition and ballot be institutions pregnant with vice, it follows, that all social decisions should be made by open vote; that, wherever we have a function to discharge, we should reflect on the purpose for which it ought to be exercised; and that, whatever conduct we are persuaded to adopt, especially in affairs of general concern, should, most certainly in matters of routine and established practice, be adopted in the face of the world.

BOOK VII.

OF CRIMES AND PUNISHMENTS.

CHAP. I.

LIMITATIONS OF THE DOCTRINE OF PUNISHMENT WHICH RESULT FROM THE PRINCIPLES OF MORALITY.

Definition of punishment.—Nature of crime.—Retributive justice not independent and absolute—not to be vindicated from the system of nature.—Force of the term, desert.—Conclusion.

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

Before we can properly judge of the necessity or urgency of this action of government, it will be of some importance to consider the precise import of the word punishment. I may employ force, to counteract the hostility that is actually committing on me. I may employ force, to compel any member of the society to occupy the post that I conceive most conducive to the general advantage, either in the mode of impressing soldiers and sailors, or by obliging a military officer, or a minister of state, to accept, or retain his appointment. I may put a valuable man to death for the common good, either because he is infected with a pestilential disease, or because some oracle has declared it essential to the public safety. None of these, though they consist in the exertion of force for some moral purpose, comes within the import of the word punishment. Punishment is also often used to signify, the voluntary infliction of evil upon a vicious being, not merely because the public advantage demands it, but because

* Book V., Chap. XX.
† Book V., Chap. XII.; Book VI., throughout.

there is apprehended to be a certain fitness and propriety in the nature of things, that render suffering, abstractedly from the benefit to result, the suitable concomitant of vice.

The justice of punishment however, in this import of the word, can only be a deduction from the hypothesis of free-will, if indeed that hypothesis will sufficiently support it; and must be false, if human actions are necessary. Mind, as was sufficiently apparent when we treated of that subject,* is an agent, in no other sense than matter is an agent. It operates and is operated upon, and the nature, the force and line of direction of the first, is exactly in proportion to the nature, force and line of direction of the second Morality, in a rational and designing mind, is not essentially different from morality in an inanimate substance. A man of certain intellectual habits, is fitted to be an assassin; a dagger of a certain form, is fitted to be his instrument. The one or the other excites a greater degree of disapprobation, in proportion as its fitness for mischievous purposes appears to be more inherent and direct. I view a dagger, on this account, with more disapprobation, than a knife, which is perhaps equally adapted for the purposes of the assassin; because the dagger has few or no beneficial uses to weigh against those that are hurtful, and because it has a tendency by means of association to the exciting of evil thoughts. I view the assassin with more disapprobation than the dagger, because he is more to be feared, and it is more difficult to change his vicious structure, or to take from him his capacity to injure. The man is propelled to act by necessary causes and irresistible motives, which, having once occurred, are likely to occur again. The dagger has no quality adapted to the contraction of habits, and, though it have committed a thousand murders, is not more likely (unless so far as those murders, being known, may operate as a slight associated motive with the possessor) to commit murder again. Except in the articles here specified, the two cases are exactly parallel. The assassin cannot help the murder he commits, any more than the dagger.

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

* Vol. I., Book IV., Chap. VIII.

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

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

Thus it appears, whether we enter philosophically into the principle of human actions, or merely analyse the ideas of rectitude and justice which have the universal consent of mankind, that, in the refined and absolute sense in which that term has frequently been employed, there is no such thing as desert; in other words, that it cannot be just that we should inflict suffering on any man, except so far as it tends to good. Hence it follows,

also, that punishment, in the last of the senses enumerated towards the beginning of this chapter, by no means accords with any sound principles of reasoning. It is right that I should inflict suffering, in every case where it can be clearly shown that such infliction will produce an overbalance of good. But this infliction bears no reference to the mere innocence or guilt of the person upon whom it is made. An innocent man is the proper subject of it, if it tend to good. A guilty man is the proper subject of it under no other point of view. To punish him, upon any hypothesis, for what is past and irrecoverable, and for the consideration of that only, must be ranked among the most pernicious exhibitions of an untutored barbarism. Every man upon whom discipline is employed, is to be considered as to the purpose of this discipline as innocent. The only sense of the word punishment, that can be supposed to be compatible with the principles of the present work, is that of pain inflicted on a person convicted of past injurious action, for the purpose of preventing future mischief.

It is of the utmost importance that we should bear these ideas constantly in mind, during our examination of the theory of punishment. This theory would, in the past transactions of mankind, have been totally different, if they had divested themselves of the emotions of anger and resentment; if they had considered the man who torments another for what he has done, as upon a par with the child who beats the table; if they had conjured up to their imagination, and properly estimated, the man, who should shut up in prison and periodically torture some atrocious criminal, from the mere consideration of the abstract congruity of crime and punishment, without a possible benefit to others or to himself; if they had regarded punishment, as that which was to be regulated solely, by a dispassionate calculation of the future, without suffering the past, on its own account, for a moment to enter into the proceeding.

CHAP. II.

GENERAL DISADVANTAGES OF PUNISHMENT.

Conscience in matters of religion considered—in the conduct of life.—Best practical criterion of duty—not the decision of other men, but of our own understanding.—Tendency of coercion.—Its various classes considered.

HAVING thus endeavoured to show what denominations of punishment justice, and a sound idea of the nature of man, would invariably proscribe, it belongs to us, in the further prosecution of the subject, to consider merely that coercion, which it has been sup-

posed right to employ, against persons convicted of past injurious action, for the purpose of preventing future mischief. And here we will, first, recollect what is the quantity of evil which accrues from all such coercion; and secondly examine the cogency of the various reasons by which it is recommended. It will not be possible wholly to avoid the repetition of some of the reasons which occurred in the preliminary discussion of the exercise of private judgment.* But those reasonings will now be extended, and will perhaps derive additional advantage from a fuller arrangement.

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

The inference that has been made from these reasonings is, "that criminal law is eminently misapplied in affairs of religion, and that its true province is civil misdemeanours." But this distinction is by no means so satisfactory and well founded as at first sight it may appear.† Is it not strange that men should have affirmed religion to be the sacred province of conscience, while moral duty is to be left undefined to the decision of the magistrate? Is it of no consequence whether I be the benefactor of my species, or their bitterest enemy? whether I be an informer, or a robber, or a murderer? whether I be employed, as a soldier, to extirpate my fellow beings, or, as a citizen, contribute my property to their extirpation? whether I declare the truth, with that firmness and unreserve which an ardent philanthropy will not fail to inspire, or suppress science, lest I be convicted of blasphemy, and fact,

* Vol. I., Book II., Chap. VI. † Ibid.

lest I be convicted of a libel? whether I contribute my efforts for the furtherance of political improvement, or quietly submit to the exile of a prince of whose claims I am an advocate, or to the subversion of liberty, the most valuable of all human possessions? Nothing can be more clear, than that the value of religion, or of any other species of opinion, lies in its moral tendency. If I am to hold as of no account the civil power, for the sake of that which is the means, how much more when it rises in contradiction to the end?

Of all human concerns morality is the most interesting. It is the constant associate of all our transactions; there is no situation in which we can be placed, no alternative that can be presented to our choice, respecting which duty is silent. "What is the standard of morality and duty?" Justice. Not the arbitrary decrees that are in force in a particular climate; but those laws of reason that are equally obligatory wherever man is to be found. There is an obvious distinction, between those particulars in each instance which constitute the permanent nature of the case before us, and those interpositions of a peremptory authority, to which it may be prudent to submit, but which cannot alter our ideas of the conduct to which independent man ought to adhere. What then are the consequences that will result from the obedience of compulsion, and not of the understanding?

No principle of moral science can be more obvious and fundamental, than that the motive by which we are induced to an action, constitutes an essential part of its character. This idea has perhaps sometimes been carried too far. A good motive is of little value, when it is not joined to a salutary exertion. But, without a good motive, the most extensively useful action that ever was performed, can contribute little to the improvement or honour of him that performs it. We owe him no respect, if he has been induced to perform it by ideas of personal advantage, or the influence of a bribe. It is, in some respects, worse if the motive that governed him were the sentiment of fear. If we hold in any estimation the attributes of man, if we desire the improvement of our species, we ought particularly to desire that they should be led in the path of usefulness by generous and liberal considerations, that their obedience should be the obedience of the heart, and not that of a slave.

Nothing can be of higher importance to the improvement of the human mind, than that, whatever be the conduct we may be compelled to pursue, we should have distinct and accurate notions of the merits of every moral question in which we may be concerned. In all doubtful questions, there are but two criterions possible, the decisions of other men's wisdom, and the decisions of our own understanding. Which of these is conformable to the nature of man? Can we surrender our own understanding? However we may strain after implicit faith, will not conscience in spite of ourselves whisper us, "This decree is equitable, and this is founded in mistake?" Will there not be in the minds of

the votaries of superstition, a perpetual dissatisfaction, a desire to believe what is dictated to them, accompanied with a want of that in which belief consists, evidence and conviction? If we could surrender our understanding, what sort of beings should we become?

The direct tendency of coercion is to set our understanding and our fears, our duty and our weakness, at variance with each other. Coercion first annihilates the understanding of the subject upon whom it is exercised, and then of him who employs it. Dressed in the supine prerogatives of a master, he is excused from cultivating the faculties of a man. What would not man have been, long before this, if the proudest of us had no hopes but in argument, if he knew of no resort beyond, if he were obliged to sharpen his faculties, and collect his powers, as the only means of effecting his purposes?

Let us reflect a little upon the species of influence, that coercion employs. It avers to its victim that he must necessarily be in the wrong, because I am more vigorous or more cunning than he. Will vigour and cunning be always on the side of truth? It appeals to force, and represents superior strength as the standard of justice. Every such exertion implies in its nature a species of contest. The contest is often decided before it is brought to open trial, by the despair of one of the parties. The ardour and paroxysm of passion being over, the offender surrenders himself into the hands of his superiors, and calmly awaits the declaration of their pleasure. But it is not always so. The depredator that by main force surmounts the strength of his pursuers, or by stratagem and ingenuity escapes their toils, so far as this argument is valid, proves the justice of his cause. Who can refrain from indignation, when he sees justice thus miserably prostituted? Who does not feel, the moment the contest begins, the full extent of the absurdity that the appeal includes? The magistracy, the representatives of the social system, that declares war against one of its members, in behalf of justice, or in behalf of oppression, appears almost equally, in both cases, entitled to our censure. In the first case, we see truth throwing aside her native arms and her intrinsic advantage, and putting herself upon a level with falsehood. In the second, we see falsehood confident in the casual advantage she possesses, artfully extinguishing the newborn light that would shame her in the midst of her usurped authority. The exhibition in both, is that of an infant crushed in the merciless grasp of a giant.

No sophistry can be more gross, than that which pretends to bring the parties to an impartial hearing. Observe the consistency of this reasoning! We first vindicate political coercion, because the criminal has committed an offence against the community at large, and then pretend, while we bring him to the bar of the community, the offended party, that we bring him before an impartial umpire. Thus in England, the king by his attorney is the prosecutor, and the king by his representative is

the judge. How long shall such inconsistencies impose on mankind? The pursuit commenced against the supposed offender, is the *posse comitatus*, the armed force of the whole, drawn out in such portions as may be judged necessary; and, when seven millions of men have got one poor, unassisted individual in their power, they are then at leisure to torture or to kill him, and to make his agonies a spectacle to glut their ferocity.

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

Let us consider the effect that coercion produces upon the mind of him against whom it is employed. It cannot begin with convincing; it is no argument. It begins with producing the sensation of pain, and the sentiment of distaste. It begins with violently alienating the mind from the truth with which we wish it to be impressed. It includes in it a tacit confession of imbecility. If he who employs coercion against me could mould me to his purposes by argument, no doubt he would. He pretends to punish me because his argument is strong; but he really punishes me because his argument is weak.

CHAP. III.

OF THE PURPOSES OF PUNISHMENT.

Nature of defence considered.—Punishment for restraint—for reformation.—Supposed uses of adversity—defective—unnecessary.—Punishment for example—1, nugatory.—2, unjust.—Unfeeling character of this species of coercion.

Let us proceed to consider the three principal ends that punishment proposes to itself, restraint, reformation, and example. Under each of these heads the arguments on the affirmative side

must be allowed to be cogent, not irresistible. Under each of them considerations will occur, that will oblige us to doubt universally of the propriety of punishment.

The first and most innocent of all the classes of coercion, is that which is employed in repelling actual force. This has but little to do with any species of political institution, but may nevertheless deserve to be first considered. In this case I am employed (suppose, for example, a drawn sword is pointed at my own breast or that of another, with threats of instant destruction) in preventing a mischief that seems about inevitably to ensue. In this case there appears to be no time for experiments. And yet, even here, a strict research will suggest to us important doubts. The powers of reason and truth are yet unfathomed. That truth which one man cannot communicate in less than a year, another can communicate in a fortnight. The shortest term may have an understanding commensurate to it. When Marius said, with a stern look, and a commanding countenance, to the soldier, that was sent down into his dungeon to assassinate him, "Wretch, have you the temerity to kill Marius!" and with these few words drove him to flight; it was, that the grandeur of the idea conceived in his own mind, made its way with irresistible force to the mind of his executioner. He had no arms for resistance; he had no vengeance to threaten; he was debilitated and deserted; it was by the force of sentiment only, that he disarmed his destroyer. If there were falsehood and prejudice mixed with the idea communicated, in this case, can we believe that truth is not still more powerful? It would be well for the human species, if they were all, in this respect, like Marius, all accustomed to place an intrepid confidence in the single energy of intellect. Who shall say what there is that would be impossible to men thus bold, and actuated only by the purest sentiments? Who shall say how far the whole species might be improved, did they cease to respect force in others, and did they refuse to employ it for themselves.

The difference however, between this species of coercion, and the species which usually bears the denomination of punishment, is obvious. Punishment is employed against an individual whose violence is over. He is, at present, engaged in no hostility, against the community, or any of its members. He is quietly pursuing, it may be, those occupations which are beneficial to himself, and injurious to none. Upon what pretence is this man to be the subject of violence?

For restraint. Restraint from what? "From some future injury which it is to be feared he will commit." This is the very argument which has been employed to justify the most execrable tyrannies. By what reasonings have the inquisition, the employment of spies, and the various kinds of public censure directed against opinion, been vindicated? By recollecting that there is an intimate connection between men's opinions and their conduct; that immoral sentiments lead, by a very probable consequence, to immoral actions. There is not more reason, in many

cases at least, to apprehend that the man who has once committed robbery, will commit it again, than the man who has dissipated his property at the gaming-table, or who is accustomed to profess that, upon any emergency, he will not scruple to have recourse to this expedient. Nothing can be more obvious than that, whatever precautions may be allowable with respect to the future, justice will reluctantly class among these precautions a violence to be committed on my neighbour. Nor is it oftener unjust, than it is superfluous. Why not arm myself with vigilance and energy, instead of locking up every man whom my imagination may bid me fear, that I may spend my days in undisturbed inactivity? If communities, instead of aspiring, as they have hitherto done, to embrace a vast territory, and glut their vanity with ideas of empire, were contented with a small district, with a proviso of confederation in cases of necessity, every individual would then live under the public eye; and the disapprobation of his neighbours, a species of coercion, not derived from the caprice of men, but from the system of the universe, would inevitably oblige him, either to reform, or to emigrate.—The sum of the argument under this head is, that all punishment for the sake of restraint, is punishment upon suspicion, a species of punishment, the most abhorrent to reason, and arbitrary in its application, that can be devised.

The second object which punishment may be imagined to propose to itself, is reformation. We have already seen various objections that may be offered to it in this point of view. Coercion cannot convince, cannot conciliate, but on the contrary alienates the mind of him against whom it is employed. Coercion has nothing in common with reason, and therefore can have no proper tendency to the cultivation of virtue. It is true that reason is nothing more than a collation and comparison of various emotions and feelings; but they must be the feelings originally appropriate to the question, not those which an arbitrary will, stimulated by the possession of power, may annex to it. Reason is omnipotent: if my conduct be wrong, a very simple statement, flowing from a clear and comprehensive view, will make it appear to be such; nor is it probable that there is any perverseness that would persist in vice, in the face of all the recommendations with which virtue might be invested, and all the beauty in which it might be displayed.

But to this it may be answered, "that this view of the subject may indeed be abstractedly true, but that it is not true relative to the present imperfection of human faculties. The grand requisite for the reformation and improvement of the human species, seems to consist in the rousing of the mind. It is for this reason that the school of adversity, has so often been considered as the school of virtue.* In an even course of easy and prosperous circumstances, the faculties sleep. But, when great and urgent occasion

* Book V., Chap. II., p. 4.

is presented, it should seem that the mind rises to the level of the occasion. Difficulties awaken vigour, and engender strength; and it will frequently happen that, the more you check and oppress me, the more will my faculties swell, till they burst all the obstacles of oppression."

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

It has already been shown that coercion, absolutely considered, is injustice. Can injustice be the best mode of disseminating principles of equity and reason? Oppression, exercised to a certain extent, is the most ruinous of all things. What is it but this, that has habituated mankind to so much ignorance and vice for so many thousand years? Is it probable, that that which has been thus terrible in its consequences, should, under any variation of circumstances, be made a source of eminent good? All coercion sours the mind. He that suffers it, is practically persuaded of the want of a philanthropy sufficiently enlarged, in those with whom he has intercourse. He feels that justice prevails only with great limitations, and that he cannot depend upon being treated with justice. The lesson which coercion reads to him is, "Submit to force, and abjure reason. Be not directed by the convictions of your understanding, but by the basest part of your nature, the fear of personal pain, and a compulsory awe of the injustice of others." It was thus Elizabeth of England and Frederic of Prussia were educated in the school of adversity. The way in which they profited by this discipline, was by finding resources in their own minds, enabling them to regard, with an unconquered spirit, the violence employed against them. Can this be the best mode of forming men to virtue? If it be, perhaps it is further requisite, that the coercion we use should be flagrantly unjust, since the improvement seems to lie, not in submission, but resistance.

But it is certain that truth is adequate to excite the mind, without the aid of adversity. By truth is here understood a just view of all the attractions of industry, knowledge, and benevolence. If I apprehend the value of any pursuit, shall I not engage in it? If I apprehend it clearly, shall I not engage in it zealously? If you would awaken my mind in the most effectual manner, speak to the genuine and honourable feelings of my nature. For that purpose, thoroughly understand yourself that which you would recommend to me, impregnate your mind with its evidence, and speak from the clearness of your view, and the fulness of

conviction. Were we accustomed to an education, in which truth was never neglected from indolence, or told in a way treacherous to its excellence, in which the preceptor subjected himself to the perpetual discipline of finding the way to communicate it with brevity and force, but without prejudice and acrimony, it cannot be believed, but that such an education would be more effectual for the improvement of the mind, than all the modes of angry or benevolent coercion that ever were devised.

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

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

Punishment for example, is liable to all the objections which are urged against punishment for restraint or reformation, and to certain other objections peculiar to itself. It is employed against a person not now in the commission of offence, and of whom we can only suspect that he ever will offend. It supersedes argument, reason, and conviction, and requires us to think such a species of conduct our duty, because such is the good pleasure of our superiors, and because, as we are taught by the example in question, they will make us rue our stubbornness if we think otherwise. In addition to this it is to be remembered that, when

* *Beccaria, Dei Delitti e delle Pene.*

I am made to suffer as an example to others, I am myself treated with supercilious neglect, as if I were totally incapable of feeling and morality. If you inflict pain upon me, you are either just or unjust. If you be just, it should seem necessary that there should be something in me that makes me the fit subject of pain, either absolute desert, which is absurd, or mischief I may be expected to perpetrate, or lastly, a tendency in what you do, to produce my reformation. If any of these be the reason why the suffering I undergo is just, then example is out of the question; it may be an incidental consequence of the procedure, but it forms no part of its principle. It must surely be a very inartificial and injudicious scheme for guiding the sentiments of mankind, to fix upon an individual as a subject of torture or death, respecting whom this treatment has no direct fitness, merely that we may bid others look on, and derive instruction from his misery. This argument will derive additional force from the reasoning of the following chapter.

CHAP. IV.

OF THE APPLICATION OF PUNISHMENT.

Delinquency and punishment incommensurable.—External action no proper subject of criminal animadversion—how far capable of proof.—Iniquity of this standard in a moral—and in a political view.—Propriety of a retribution to be measured by the intention of the offender considered.—Such a project would overturn criminal law—would abolish punishment.—Inscrutability, 1, of motives.—Doubtfulness of history.—Declarations of sufferers.—2, of the future conduct of the offender.—Uncertainty of evidence—either of the facts—or the intention.—Disadvantages of the defendant in a criminal suit.

A FURTHER consideration, calculated to show, not only the absurdity of punishment for example, but the iniquity of punishment in general, is, that delinquency and punishment are, in all cases, incommensurable. No standard of delinquency ever has been, or ever can be, discovered. No two crimes were ever alike; and therefore the reducing them, explicitly or implicitly, to general classes, which the very idea of example implies, is absurd. Nor is it less absurd to attempt to proportion the degree of suffering to the degree of delinquency, when the latter can never be discovered. Let us endeavour to clear the truth of these propositions.

Man, like every other machine the operations of which can be

made the object of our senses, may, in a certain sense, be affirmed to consist of two parts, the external and the internal. The form which his actions assume is one thing; the principle from which they flow is another. With the former it is possible we should be acquainted; respecting the latter there is no species of evidence that can adequately inform us. Shall we proportion the degree of suffering to the former or the latter, to the injury sustained by the community, or to the quantity of ill intention conceived by the offender? Some philosophers, sensible of the inscrutability of intention, have declared in favour of our attending to nothing but the injury sustained. The humane and benevolent Beccaria has treated this as a truth of the utmost importance, "unfortunately neglected by the majority of political institutors, and preserved only in the dispassionate speculation of philosophers."*

It is true that we may, in many instances, be tolerably informed respecting external actions, and that there will, at first sight, appear to be no great difficulty in reducing them to general rules. Murder, according to this system, suppose, will be the exertion of any species of action affecting my neighbour, so as that the consequences terminate in death. The difficulties of the magistrate are much abridged upon this principle, though they are by no means annihilated. It is well known how many subtle disquisitions, ludicrous or tragical according to the temper with which we view them, have been introduced to determine in each particular instance, whether the action were or were not the real occasion of the death. It never can be demonstratively ascertained.

But dismissing this difficulty, how complicated is the iniquity of treating all instances alike, in which one man has occasioned the death of another? Shall we abolish the imperfect distinctions, which the most odious tyrannies have hitherto thought themselves compelled to admit, between chance-medley, manslaughter, and malice prepense? Shall we inflict on the man, who in endeavouring to save the life of a drowning fellow creature, oversets a boat, and occasions the death of a second, the same suffering, as on him who, from gloomy and vicious habits, is incited to the murder of his benefactor? In reality, the injury sustained by the community, is, by no means, the same in these two cases; the injury sustained by the community, is to be measured by the antisocial dispositions of the offender, and, if that were the right view of the subject, by the encouragement afforded to similar dispositions from his impunity. But this leads us at once, from the external action, to the unlimited consideration of the intention of

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

the actor. The iniquity of the written laws of society, is of precisely the same nature, though not of so atrocious a degree, in the confusion they actually introduce between various intentions, as if this confusion were unlimited. One man shall commit murder, to remove a troublesome observer of his depraved dispositions, who will otherwise counteract and expose him to the world. A second, because he cannot bear the ingenuous sincerity with which he is told of his vices. A third, from his intolerable envy of superior merit. A fourth, because he knows that his adversary meditates an act pregnant with extensive mischief, and perceives no other mode by which its perpetration can be prevented. A fifth, in defence of his father's life or his daughter's chastity. Each of these men except perhaps the last, may act, either from momentary impulse, or from any of the infinite shades and degrees of deliberation. Would you award one individual punishment to all these varieties of action? Can a system that levels these inequalities, and confounds these differences, be productive of good? That we may render men beneficent towards each other, shall we subvert the very nature of right and wrong? Or is not this system, from whatever pretences introduced, calculated in the most powerful manner, to produce general injury? Can there be a more flagrant injury, than to inscribe, as we do in effect, upon our courts of judgment, "This is the Hall of Justice, in which the principles of right and wrong are daily and systematically slighted, and offences of a thousand different magnitudes, are confounded together, by the insolent supineness of the legislator, and the unfeeling selfishness of those who have engrossed the produce of the general labour to their particular emolument!"

But suppose, secondly, that we were to take the intention of the offender, and the future injury to be apprehended, as the standard of infliction. This would no doubt be a considerable improvement. This would be the true mode of reconciling punishment and justice, if, for reasons already assigned, they were not, in their own nature, incompatible. It is earnestly to be desired that this mode of administering retribution should be seriously attempted. It is to be hoped that men will one day attempt to establish an accurate criterion, and not go on for ever, as they have hitherto done, with a sovereign contempt of equity and reason. This attempt would lead, by a very obvious process, to the abolition of all punishment.

It would immediately lead to the abolition of all criminal law. An enlightened and reasonable judicature would have recourse, in order to decide upon the cause before them, to no code but the code of reason. They would feel the absurdity of other men's teaching them what they should think, and pretending to understand the case before it happened, better than they who had all the circumstances under their inspection. They would feel the absurdity of bringing every offence to be compared with a certain

number of measures previously invented, and compelling it to agree with one of them. But we shall shortly have occasion to return to this topic.*

The great advantage that would result from men's determining to govern themselves, in the suffering to be inflicted, by the motives of the offender, and the future injury to be apprehended, would consist, in their being taught how vain and presumptuous it is in them to attempt to wield the rod of retribution. Who is it that, in his sober reason, will pretend to assign the motives that influenced me in any article of my conduct, and upon them to found a grave, perhaps a capital, penalty against me? The attempt would be iniquitous and absurd, even though the individual who was to judge me, had made the longest observation of my character, and been most intimately acquainted with the series of my actions. How often does a man deceive himself in the motives of his conduct, and assign to one principle, what, in reality, proceeded from another? Can we expect that a mere spectator should form a judgment sufficiently correct, when he who has all the sources of information in his hands, is nevertheless mistaken? Is it not to this hour a dispute among philosophers, whether I be capable of doing good to my neighbour for his own sake? "To ascertain the intention of a man, it is necessary, to be precisely informed, of the actual impression of the objects upon his senses, and of the previous disposition of his mind, both of which vary in different persons, and even in the same person at different times, with a rapidity commensurate to the succession of ideas, passions and circumstances.† Meanwhile the individuals, whose office it is to judge of this inscrutable mystery, are possessed of no previous knowledge, utter strangers to the person accused, and collecting their only materials from the information of two or three ignorant and prejudiced witnesses.

What a vast train of actual and possible motives enter into the history of a man, who has been incited to destroy the life of another? Can you tell how much in these there was of apprehended justice, and how much of inordinate selfishness? how much of sudden passion, and how much of rooted depravity? how much of intolerable provocation, and how much of spontaneous wrong? how much of that sudden insanity, which hurries the mind into a certain action, by a sort of incontinence of nature, almost without any assignable motive, and how much of incurable habits? Consider the uncertainty of history. Do we not still dispute whether Cicero were more a vain or a virtuous man, whether the heroes of ancient Rome were impelled by vain glory or disinterested bene-

* Chap. VIII.

† "*Questa [l'intenzione] dipende dalla impressione attuale degli oggetti, et dalla precedente disposizione della mente: esse variano in tutti gli uomini e in ciascum uomo colla velocissima successione delle idee, delle passoni, e delle circostanze.*" He adds, "*Sarebbe dunque necessario formare non solo un codice particolare per ciascun cittadino, ma una nuovo legge ad ogni delitto.*"—*Dei Delitti e delle Pene.*

volence, whether Voltaire were the stain of his species, or their most generous and intrepid benefactor? Upon these subjects moderate men perpetually quote the impenetrableness of the human heart. Will moderate men pretend, that we have not an hundred times more evidence upon which to found our judgment in these cases, than in that of the man who was tried last week at the Old Bailey? This part of the subject will be put in a striking light, if we recollect the narratives that have been published by condemned criminals. In how different a light do they place the transactions that proved fatal to them, from the construction that was put upon them by their judges? And yet these narratives were written under the most awful circumstances, and many of them without the least hope of mitigating their fate, and with marks of the deepest sincerity. Who will say that the judge, with his slender pittance of information, was more competent to decide upon the motives, than the prisoner after the severest scrutiny of his own mind? How few are the trials which an humane and just man can read, terminating in a verdict of guilty, without feeling an uncontrolable repugnance against the verdict? If there be any sight more humiliating than all others, it is that of a miserable victim, acknowledging the justice of a sentence, against which every enlightened spectator exclaims with horror.

But this is not all. The motive, when ascertained, is a subordinate part of the question. The point, upon which only society can equitably animadvert, if it had any jurisdiction in the case, is a point, if possible, still more inscrutable than that of which we have been treating. A legal inquisition into the minds of men, considered by itself, all rational enquirers have agreed to condemn. What we want to ascertain is, not the intention of the offender, but the chance of his offending again. For this purpose we reasonably enquire first into his intention. But, when we have found this, our task is but begun. This is one of our materials, to enable us to calculate the probability of his repeating his offence, or being imitated by others. Was this an habitual state of his mind, or was it a crisis in his history likely to remain an unique? What effect has experience produced on him; or what likelihood is there, that the uneasiness and suffering that attend the perpetration of eminent wrong, may have worked a salutary change in his mind? Will he hereafter be placed in circumstances that shall impel him to the same enormity? Precaution is in its own nature, a step in a high degree precarious. Precaution that consists in inflicting injury on another, will at all times be odious to an equitable mind. Meanwhile, be it observed, that all which has been said upon the uncertainty of crime, tends to aggravate the injustice of punishment for the sake of example. Since the crime upon which I animadvert in one man, can never be the same as the crime of another, it is as if I should award a grievous penalty against persons with one eye, to prevent any man in future from putting out his eyes by design.

One more argument, calculated to prove the absurdity of the

attempt to proportion delinquency and suffering to each other, may be derived from the imperfection of evidence. The veracity of witnesses will, to an impartial spectator, be a subject of continual doubt. Their competence, so far as relates to just observation and accuracy of understanding, will be still more doubtful. Absolute impartiality it would be absurd to expect from them. How much will every word and every action come distorted, by the medium through which it is transmitted? The guilt of a man, to speak in the phraseology of law, may be proved either by direct or circumstantial evidence. I am found near to the body of a man newly murdered. I come out of his apartment, with a bloody knife in my hand, or with blood upon my clothes. If, under these circumstances, and unexpectedly charged with murder, I falter in my speech, or betray perturbation in my countenance, this is an additional proof. Who does not know, that there is not a man in England, however blameless a life he may lead, who is secure that he shall not end it at the gallows? This is one of the most obvious and universal blessings that civil government has to bestow. In what is called direct evidence, it is necessary to identify the person of the offender. How many instances are there upon record, of persons condemned upon this evidence, who, after their death, have been proved entirely innocent? Sir Walter Raleigh, when a prisoner in the Tower, heard some high words accompanied with blows under his window. He enquired of several eye-witnesses, who entered his apartment in succession, into the nature of the transaction. But the story they told, varied in such material circumstances, that he could form no just idea of what had been done. He applied this to prove the uncertainty of history. The parallel would have been more striking, if he had applied it to criminal pursuits.

But, supposing the external action, the first part of the question to be ascertained, we have next to discover through the same garbled and confused medium the intention. How few men should I choose to intrust with the drawing up a narrative of some delicate and interesting transaction of my life? How few, though, corporally speaking, they were witnesses of what was done, would justly describe my motives, and properly report and interpret my words? Yet, in an affair, that involves my life, my fame and future usefulness, I am obliged to trust to any vulgar and casual observer.

A man properly confident in the force of truth, would consider a public libel upon his character as a trivial misfortune. But a criminal trial in a court of justice, is inexpressibly different. Few men, thus circumstanced, can retain the necessary presence of mind, and freedom from embarrassment. But if they do, it is with a cold and unwilling ear that their tale is heard. If the crime charged against them be atrocious, they are half condemned in the passions of mankind, before their cause is brought to a trial. All that is interesting to them, is decided amidst the first burst of indignation; and it is well, if their story be impartially estimated,

ten years after their body has mouldered in the grave. Why, if a considerable time elapse between the trial and the execution, do we find the severity of the public changed into compassion? For the same reason that a master, if he do not beat his slave in the moment of resentment, often feels a repugnance to the beating him at all. Not so much, perhaps, as is commonly supposed, from forgetfulness of the offence, as that the sentiments of reason have time to recur, and he feels, in a confused and indefinite manner, the injustice of punishment. Thus every consideration tends to show, that a man tried for a crime, is a poor deserted individual, with the whole force of the community conspiring his ruin. The culprit that escapes, however conscious of innocence, lifts up his hands with astonishment, and can scarcely believe his senses, having such mighty odds against him. It is easy for a man who desires to shake off an imputation under which he labours, to talk of being put on his trial; but no man ever seriously wished for this ordeal, who knew what a trial was.

CHAP. V.

OF PUNISHMENT CONSIDERED AS A TEMPORARY EXPEDIENT.

Arguments in its favour.—Answer.—It cannot fit men for a better order of society.—The true remedy to private injustice described—is adapted to immediate practice.—Duty of the community in this respect.—Duty of individuals.—Illustration from the case of war—of individual defence.—Application.—Disadvantages of anarchy—want of security—of progressive enquiry.—Correspondent disadvantages of despotism.—Anarchy awakens, despotism depresses the mind.—Final result of anarchy—how determined.—Supposed purposes of punishment in a temporary view—reformation—example—restraint.—Conclusion.

Thus much for the general merits of punishment, considered as an instrument to be applied in the government of men. It is time that we should enquire into the apology which may be offered in its behalf, as a temporary expedient. No introduction seemed more proper to this enquiry, than such a review of the subject upon a comprehensive scale; that the reader might be inspired with a suitable repugnance against so pernicious a system, and prepared firmly to resist its admission, in all cases, where its necessity cannot be clearly demonstrated.

The arguments in favour of punishment as a temporary expedient are obvious. It may be alleged that, "however suitable an entire immunity in this respect may be to the nature of mind absolutely considered, it is impracticable with regard to men as

we now find them. The human species is at present infected with a thousand vices, the offspring of established injustice. They are full of factitious appetites and perverse habits: headstrong in evil, inveterate in selfishness, without sympathy and forbearance for the welfare of others. In time they may become accommodated to the lessons of reason; but at present they would be found deaf to her mandates, and eager to commit every species of injustice."

One of the remarks that most irresistibly suggest themselves upon this statement is, that punishment has no proper tendency to prepare men for a state in which punishment shall cease. It were idle to expect, that force should begin to do that, which it is the office of truth to finish, should fit men, by severity and violence, to enter with more favourable auspices into the schools of reason.

But, to omit this gross misrepresentation in behalf of the supposed utility of punishment, it is of importance, in the first place, to observe, that there is a complete and unanswerable remedy to those evils, the cure of which has hitherto been sought in punishment, that is within the reach of every community, whenever they shall be persuaded to adopt it. There is a state of society, the outline of which has been already sketched,* that, by the mere simplicity of its structure, would lead to the extermination of offence; a state, in which temptation would be almost unknown, truth brought down to the level of all apprehensions, and vice, sufficiently checked, by the general discountenance, and sober condemnation of every spectator. Such are the consequences that might be expected to spring from an abolition of the craft and mystery of governing; while, on the other hand, the innumerable murders that are daily committed under the sanction of legal forms, are solely to be ascribed to the pernicious notion of an extensive territory; to the dreams of glory, empire, and national greatness, which have hitherto proved the bane of the human species, without producing entire benefit and happiness to a single individual.

Another observation which this consideration immediately suggests, is, that it is not, as the objection supposed, by any means necessary, that mankind should pass through a state of purification, and be freed from the vicious propensities which ill constituted governments have implanted, before they can be dismissed from the coercion to which they are at present subjected. Their state would indeed be hopeless, if it were necessary that the cure should be effected, before we were at liberty to discard those practices to which the disease owes its most alarming symptoms. But it is the characteristic of a well-formed society, not only to maintain in its members those virtues with which they are already imbued, but to extirpate their errors, and render them benevolent and just to each other. It frees us from the

* Book V., Chap. XXII., p. 94.

influence of those phantoms which before misled us, shows us our true advantage as consisting in independence and integrity, and binds us, by the general consent of our fellow-citizens, to the dictates of reason, more strongly than with fetters of iron. It is not to the sound of intellectual health that the remedy so urgently addresses itself, as to those who are infected with diseases of the mind. The ill propensities of mankind no otherwise tend to postpone the abolition of coercion, than as they prevent them from perceiving the advantages of political simplicity. The moment in which they can be persuaded to adopt any rational plan for this abolition, is the moment in which the abolition ought to be effected.

A further consequence that may be deduced from the principles that have here been delivered, is that a coercion to be employed upon its own members, can, in no case, be the duty of the community. The community is always competent to change its institutions, and thus to extirpate offence in a way infinitely more rational and just than that of punishment. If, in this sense, punishment has been deemed necessary as a temporary expedient, the opinion admits of satisfactory refutation. Punishment can at no time, either permanently or provisionally, make part of any political system that is built upon the principles of reason.

But, though, in this sense, punishment cannot be admitted, for so much as a temporary expedient, there is another sense in which it must be so admitted. Coercion, exercised in the name of the state upon its respective members, cannot be the duty of the community; but coercion may be the duty of individuals within the community. The duty of individuals, in their political capacity, is, in the first place, to endeavour to meliorate the state of society in which they exist, and to be indefatigable in detecting its imperfections. But, in the second place, it behoves them to recollect, that their efforts cannot be expected to meet with instant success, that the progress of knowledge has, in all cases, been gradual, and that their obligation to promote the welfare of society during the intermediate period, is certainly not less real, than their obligation to promote its future and permanent advantage. Even the future advantage cannot be effectually procured, if we be inattentive to the present security. But, as long as nations shall be so far mistaken, as to endure a complex government, and an extensive territory, coercion will be indispensibly necessary to general security. It is therefore the duty of individuals, to take an active share upon occasion, in so much coercion, and in such parts of the existing system, as shall be sufficient to counteract the growth of universal violence and tumult. It is unworthy of a rational enquirer to say, "These things are necessary, but I am not obliged to take my share in them." If they be necessary, they are necessary for the general welfare; of consequence, are virtuous, and what no just man will refuse to perform.

The duty of individuals is, in this respect, similar to the duty

of independent communities, upon the subject of war. It is well known what has been the prevailing policy of princes under this head. Princes, especially the most active and enterprising among them, are seized with an inextinguishable rage for augmenting their dominions. The most innocent and inoffensive conduct on the part of their neighbours, will not, at all times, be a sufficient security against their ambition. They indeed seek to disguise their violence under plausible pretences; but it is well known that, where no such pretences occur, they are not, on that account, disposed to relinquish the pursuit. Let us imagine then a land of freemen invaded by one of these despots. What conduct does it behove them to adopt? We are not yet wise enough, to make the sword drop out of the hands of our oppressors, by the mere force of reason. Were we resolved, like quakers, neither to oppose, nor, where it could be avoided, to submit to them, much bloodshed might perhaps be prevented: but a more lasting evil would result. They would fix garrisons in our country, and torment us with perpetual injustice. Supposing it were even granted, that, if the invaded nation should demean itself with unalterable constancy, the invaders would become tired of their fruitless usurpation, it would prove but little. At present we have to do, not with nations of philosophers, but with nations of men whose virtues are alloyed with weakness, fluctuation, and inconstancy. At present it is our duty to consult, respecting the procedure which, to such nations, may be attended with the most favourable result. It is therefore proper, that we should choose the least calamitous mode, of obliging the enemy speedily to withdraw himself from our territories.

The case of individual defence is of the same nature. It does not appear, that any advantage can result from my forbearance, adequate to the disadvantages, of suffering my own life, or that of another, a peculiarly valuable member of the community, as it may happen, to become a prey to the first ruffian who inclines to destroy it. Forbearance, in this case, will be the conduct of a singular individual, and its effect may very probably be trifling. Hence it appears, that I ought to arrest the villain in the execution of his designs, though at the expense of a certain degree of coercion.

The case of an offender, who appears to be hardened in guilt, and to trade in the violation of social security, is clearly parallel to these. I ought to take up arms against the despot by whom my country is invaded, because my capacity does not enable me by arguments to prevail on him to desist, and because my countrymen will not preserve their intellectual independence in the midst of oppression. For the same reason I ought to take up arms against the domestic spoiler, because I am unable, either to persuade him to desist, or the community to adopt a just political institution, by means of which security might be maintained, consistently with the abolition of punishment.

To understand the full extent of this duty, it is incumbent upon

us to remark, that anarchy as it is usually understood, and a well conceived form of society without government, are exceedingly different from each other. If the government of Great Britain were dissolved to-morrow, unless that dissolution were the result of consistent and digested views of political truth previously disseminated among the inhabitants, it would be very far from leading to the abolition of violence. Individuals, freed from the terrors by which they had been accustomed to be restrained, and not yet placed under the happier and more rational restraint of public inspection, or convinced of the wisdom of reciprocal forbearance, would break out into acts of injustice, while other individuals, who desired only that this irregularity should cease, would find themselves obliged to associate for its forcible suppression. We should have all the evils and compulsory restraint attached to a regular government, at the same time that we were deprived of that tranquillity and leisure which are its only advantages.

It may not be useless in this place, to consider, more accurately than we have hitherto done, the evils of anarchy. Such a review may afford us a criterion by which to discern, as well the comparative value of different institutions, as the precise degree of coercion which is required for the exclusion of universal violence and tumult.

Anarchy, in its own nature, is an evil of short duration. The more horrible are the mischiefs it inflicts, the more does it hasten to a close. But it is nevertheless necessary that we should consider, both what is the quantity of mischief it produces in a given period, and what is the scene in which it promises to close. The first victim that is sacrificed at its shrine, is personal security. Every man who has a secret foe, ought to dread the dagger of that foe. There is no doubt that, in the worst anarchy, multitudes of men will sleep in happy obscurity. But woe to him who, by whatever means, excites the envy, the jealousy or the suspicion of his neighbour! Unbridled ferocity instantly marks him for its prey. This is indeed the principal evil of such a state, that the wisest, the brightest, the most generous and bold, will often be most exposed to an immature fate. In such a state we must bid farewell, to the patient lucubrations of the philosopher, and the labour of the midnight oil. All is here, like the society in which it exists, impatient and headlong. Mind will frequently burst forth, but its appearance will be like the coruscations of the meteor, not like the mild and equable illumination of the sun. Men, who start forth into sudden energy, will resemble in temper the state that brought them to this unlooked for greatness. They will be rigorous, unfeeling and fierce; and their ungoverned passions will often not stop at equality, but incite them to grasp at power.

With all these evils, we must not hastily conclude, that the mischiefs of anarchy are worse than those which government is qualified to produce. With respect to personal security, anarchy is perhaps a condition more deplorable than despotism; but then

it is to be considered, that despotism is as perennial, as anarchy is transitory. Despotism, as it existed under the Roman emperors, marked out wealth for its victim, and the guilt of being rich never failed to convict the accused of every other crime. This despotism continued for centuries. Despotism, as it has existed in modern Europe, has been ever full of jealousy and intrigue, a tool to the rage of courtiers and the resentment of women. He that dared utter a word against the tyrant, or endeavour to instruct his countrymen in their interests, was never secure that the next moment would not conduct him to a dungeon. Here despotism wreaked her vengeance at leisure; and forty years of misery and solitude were sometimes insufficient to satiate her fury. Nor was this all. An usurpation, that defied all the rules of justice, was obliged to purchase its own safety, by assisting tyranny through all its subordinate ranks. Hence the rights of nobility, of feudal vassalage, of primogeniture, of fines and inheritance. When the philosophy of law shall be properly understood, the true key to its spirit and history will probably be found, not, as some men have fondly imagined, in a desire to secure the happiness of mankind, but in the venal compact by which superior tyrants have purchased the countenance and alliance of the inferior.

There is one point remaining in which anarchy and despotism are strongly contrasted with each other. Anarchy awakens thought, and diffuses energy and enterprise through the community, though it does not effect this in the best manner, as its fruits, forced into ripeness, must not be expected to have the vigorous stamina of true excellence. But, in despotism, mind is trampled into an equality of the most odious sort. Every thing that promises greatness is destined tof all under the exterminating hand of suspicion and envy. In despotism, there is no encouragement to excellence. Mind delights to expatiate in a field where every species of distinction is within its reach. A scheme of policy, under which all men are fixed in classes, or levelled with the dust, affords it no encouragement to pursue its career. The inhabitants of countries in which despotism is complete, are frequently but a more vicious species of brutes. Oppression stimulates them to mischief and piracy, and superior force of mind often displays itself only in deeper treachery, or more daring injustice.

One of the most interesting questions, in relation to anarchy, is that of the result in which it may be expected to terminate. The possibilities as to this termination are as wide as the various schemes of society which the human imagination can conceive. Anarchy may and has terminated in despotism; and, in that case, the introduction of anarchy will only serve to afflict us with a variety of evils. It may lead to a modification of despotism, a milder and more equitable government than that which had gone before. It cannot immediately lead to the best form of society, since it necessarily leaves mankind in a state of ferment, which

requires a strong hand to control, and a slow and wary process to tranquillise.

The scene in which anarchy shall terminate, principally depends upon the state of mind by which it has been preceded. All mankind were in a state of anarchy, that is, without government, previously to their being in a state of policy. It would not be difficult to find, in the history of almost every country, a period of anarchy. The people of England were in a state of anarchy immediately before the Restoration. The Roman people were in a state of anarchy, at the moment of their secession to the Sacred Mountain. Hence it follows that anarchy is neither so good nor so ill a thing, in relation to its consequences, as it has sometimes been represented.

Little good can be expected from any species of anarchy, that should subsist, for instance, among American savages. In order to anarchy being rendered a seed-plot of future justice, reflection and enquiry must have gone before, the regions of philosophy must have been penetrated, and political truth have opened her school to mankind. It is for this reason that the revolutions of the present age (for revolution is a species of anarchy) promise a more auspicious ultimate result, than the revolutions of any former period. For the same reason, the more anarchy can be held at bay, the more fortunate will it be for mankind. Falsehood may gain by precipitating the crisis; but a genuine and enlightened philanthropy will wait, with unaltered patience, for the harvest of instruction. The arrival of that harvest may be slow, but it is perhaps infallible. If vigilance and wisdom be successful in their present opposition to anarchy, every benefit may ultimately be expected, untarnished with violence, and unstained with blood.

These observations are calculated to lead us to an accurate estimate of the mischiefs of anarchy, and, of consequence, to show the importance we are bound to attach to the exclusion of it. Government is frequently a source of peculiar evils; but an enlarged view will teach us to endure those evils, which experience seems to evince are inseparable from the final benefit of mankind. From the savage state to the highest degree of civilisation, the passage is long and arduous; and, if we aspire to the final result, we must submit to that portion of misery and vice which necessarily fills the space between. If we would free ourselves from these inconveniences, unless our attempt be both skilful and cautious, we shall be in danger, by our impatience, of producing worse evils than those we would escape. Now it is the first principle of morality and justice that directs us, where one of two evils is inevitable, to choose the least. Of consequence, the wise and just man, being unable, as yet, to introduce the form of society which his understanding approves, will contribute to the support of so much coercion as is necessary to exclude what is worse—anarchy.

If then constraint, as the antagonist of constraint, must, in certain cases, and under temporary circumstances, be admitted, it is an interesting enquiry, to ascertain which of the three ends of punishment, already enumerated, must be selected by the individuals by whom punishment is employed. And here it will be sufficient, very briefly to recollect the reasonings that have been stated under each of these heads.

It cannot be reformation. Reformation is improvement; and nothing can take place in a man worthy the name of improvement, otherwise than by an appeal to the unbiassed judgment of his mind, and the essential feelings of his nature. If I would improve a man's character, who is there that knows not, that the only effectual mode is, by removing all extrinsic influences and incitements, by inducing him to observe, to reason and enquire, by leading him to the forming a series of sentiments that are truly his own, and not slavishly modelled upon the sentiments of another?

To conceive that compulsion and punishment are the proper means of reformation, is the sentiment of a barbarian; civilization and science are calculated to explode so ferocious an idea. It was once universally admitted and approved; it is now necessarily upon the decline.

Punishment must either ultimately succeed in imposing the sentiments it is employed to inculcate upon the mind of the sufferer; or it must forcibly alienate him against them.

The last of these can never be the intention of its employer, or have a tendency to justify its application. If it were so, punishment ought to follow upon deviations from vice, not deviations from virtue. Yet to alienate the mind of the sufferer from the individul that punishes, and from the sentiments he entertains, is perhaps the most common effect of punishment.

Let us suppose, however, that its effect is of an opposite nature; that it produces obedience, and even a change of opinion. What sort of a being does it leave the man thus reformed? His opinions are not changed upon evidence. His conversion is the result of fear. Servility has operated that within him, which liberal enquiry and instruction were not able to do.

Punishment undoubtedly may change a man's behaviour. It may render his external conduct beneficial from injurious, though it is no very promising expedient for that purpose. But it cannot improve his sentiments, or lead him to the form of right proceeding but by the basest and most despicable motives. It leaves him a slave, devoted to an exclusive self-interest, and actuated by fear, the meanest of the selfish passions.

But it may be said, "however strong may be the reasons I am able to communicate to a man in order to his reformation, he may be restless and impatient of expostulation, and of consequence render it necessary that I should retain him by force, till I can properly instil these reasons into his mind." It must be remembered that the idea here is not that of precaution, to pre-

vent the mischiefs he might perpetrate, for that belongs to another of the three ends of punishment, that of restraint. But, separately from this idea, the argument is peculiarly weak. If the reasons I have to communicate be of an energetic and impressive nature, if they stand forward perspicuous and distinct in my own mind, it will be strange if they do not, at the outset, excite curiosity and attention in him to whom they are addressed. It is my duty to choose a proper season to communicate them, and not to betray the cause of justice by an ill-timed impatience. This prudence I should infallibly exercise, if my object were to obtain something interesting to myself; why should I be less quick-sighted when I purpose the benefit of another? It is a miserable way of preparing a man for conviction, to compel him by violence to hear an expostulation which he is eager to avoid.—These arguments prove, not that we should lose sight of reformation, if punishment for any other reason appear to be necessary; but that reformation cannot reasonably be made the object of punishment.

Punishment for the sake of example, is a theory that can never be justly maintained. The suffering proposed to be inflicted, considered absolutely, is either right or wrong. If it be right, it should be inflicted for its intrinsic recommendations. If it be wrong, what sort of example does it display? To do a thing for the sake of example, is, in other words, to do a thing to-day, in order to prove that I will do a similar thing to-morrow. This must always be a subordinate consideration. No argument has been so grossly abused as this of example. We found it, under the subject of war,* employed to prove the propriety of my doing a thing otherwise wrong, in order to convince the opposite party that I should, when occasion offered, do something else that was right. He will display the best example, who carefully studies the principles of justice, and assiduously practices them. A better effect will be produced in human society by my conscientious adherence to them, than by my anxiety to create a specific expectation respecting my future conduct. This argument will be still further enforced, if we recollect what has already been said, respecting the inexhaustible differences of different cases, and the impossibility of reducing them to general rules.†

The third object of punishment according to the enumeration already made, is restraint. If punishment be, in any case, to be admitted, this is the only object it can reasonably propose to itself. The serious objections to which, even in this point of view, it is liable, have been stated in another stage of the enquiry‡: the amount of the necessity tending to supersede these objections, has also been considered.

The subject of this chapter is of great importance, in proportion to the length of time that may possibly elapse, before any considerable part of mankind shall be persuaded, to exchange

* Book V., Chap. XVI., p. 72. † Chap. IV. ‡ Chap. III.

the present complexity of political institution, for a mode which promises to supersede the necessity of punishment. It is highly unworthy of the cause of truth, to suppose that, during this interval, I have no active duties to perform, that I am not obliged to co-operate for the present welfare of the community, as well as for its future regeneration. The temporary obligation that arises out of this circumstance, exactly corresponds with what was formerly delivered on the subject of duty. Duty is the best possible application of a given power to the promotion of the general good.* But my power depends upon the disposition of the men by whom I am surrounded. If I were enlisted in an army of cowards, it might be my duty to retreat, though, absolutely considered, it should have been the duty of the army to come to blows. Under every possible circumstance, it is my duty to advance the general good, by the best means which the circumstances under which I am placed will admit.

CHAP. VI.

SCALE OF PUNISHMENT.

Its sphere described.—Its several classes.—Death with torture.—Death absolutely.—Origin of this policy—in the corruptness of political institutions—in the inhumanity of the institutors.—Corporal punishment.—Its absurdity.—Its atrociousness.—Privation of freedom.—Duty of reforming our neighbour an inferior consideration in this case.—Its place described.—Modes of restraint.—Indiscriminate imprisonment.—Solitary imprisonment.—Its severity.—Its moral effects. —Slavery.—Banishment.—1. Simple banishment.—2. Transportation.—3. Colonisation.—This project has miscarried from unkindness —from officiousness.—Its permanent evils.—Recapitulation.

It is time to proceed to the consideration of certain inferences that may be deduced from the theory of punishment which has now been delivered; nor can any thing be of greater importance than these inferences will be found, to the virtue, the happiness and improvement of mankind.

And, first, it evidently follows that punishment is an act of painful necessity, inconsistent with the true character and genius of mind, the practice of which is temporarily imposed upon us by the corruption and ignorance that reign among mankind. Nothing can be more absurd, than to look to it as a source of improvement. It contributes to the generation of excellence just as the keeper of the course contributes to the fleetness of the race. Nothing can be more unjust, than to have recourse to it,

* Vol. I., Book II., Chap IV.

but upon the most unquestionable emergency. Instead of multiplying occasions of coercion, and applying it as the remedy of every moral evil, the true politician will anxiously confine it within the narrowest limits, and perpetually seek to diminish the occasions of its employment. There is but one reason which can, in any case, be admitted as its apology, and that is, where the allowing the offender to be at large shall be notoriously hazardous to public security.

Secondly, the consideration of restraint, as the only justifiable ground of punishment, will furnish us with a simple and satisfactory criterion by which to measure the justice of the suffering inflicted.

The infliction of a lingering and tormenting death cannot be vindicated upon this hypothesis; for such infliction can only be dictated by sentiments of resentment on the one hand, or by the desire to exhibit a terrible example on the other.

To deprive an offender of his life in any manner, will appear to be unjust, as it seems always sufficiently practicable, without this, to prevent him from further offence. Privation of life, though by no means the greatest injury that can be inflicted, must always be considered as a very serious injury; since it puts a perpetual close upon the prospects of the sufferer, as to all the enjoyments, the virtues, and the excellence of a human being.

In the story of those whom the merciless laws of Europe doom to destruction, we sometimes meet with persons who, subsequently to their offence, have succeeded to a plentiful inheritance, or who, for some other reason, appear to have had the fairest prospects of tranquillity and happiness opened upon them. Their story, with a little accommodation, may be considered as the story of every offender. If there be any man whom it may be necessary, for the safety of the whole, to put under restraint, this circumstance is a powerful plea to the humanity and justice of those who conduct the affairs of the community, in his behalf. This is the man who most stands in need of their assistance. If they treated him with kindness, instead of supercilious and unfeeling neglect, if they made him understand with how much reluctance they had been induced to employ the force of the society against him, if they represented the true state of the case with calmness, perspicuity, and benevolence, to his mind, if they employed those precautions, which an humane disposition would not fail to suggest, to keep from him the motives of corruption and obstinacy, his reformation would be almost infallible. These are the prospects to which his wants and his misfortunes powerfully entitle him; and it is from these prospects that the hand of the executioner cuts him off for ever.

It is a mistake to suppose, that this treatment of criminals, tends to multiply crimes. On the contrary, few men would enter upon a course of violence, with the certainty of being obliged, by a slow and patient process, to amputate their errors. It is the uncertainty of punishment under the existing forms,

that multiplies crimes. Remove this uncertainty, and it would be as reasonable to expect that a man would wilfully break his leg, for the sake of being cured by a skilful surgeon. Whatever gentleness the intellectual physician may display, it is not to be believed that men can part with rooted habits of injustice and vice, without considerable pain.

The true reasons, in consequence of which these forlorn and deserted members of the community are brought to an ignominious death, are, first, the peculiar iniquity of the civil institutions of that community, and, secondly, the supineness and apathy of their superiors. In republican and simple forms of government, punishments are rare, and the punishment of death almost unknown. On the other hand, the more there is in any country of inequality and oppression, the more punishments are multiplied. The more the institutions of society contradict the genuine sentiments of the human mind, the more severely is it necessary to avenge their violation. At the same time the rich and titled members of the community, proud of their fancied eminence, behold, with total unconcern, the destruction of the destitute and the wretched, disdaining to recollect that, if there be any intrinsic difference between them, it is the offspring of their different circumstances, and that the man whom they now so much despise, might have been found as accomplished and susceptible as they, if he had only changed situations. When we behold a company of poor wretches brought out for execution, reflection will present to our affrighted fancy all the hopes and possibilities which are thus brutally extinguished; the genius, the daring invention, the unshrinking firmness, the tender charities and ardent benevolence, which have occasionally, under this system, been sacrificed, at the shrine of torpid luxury and unrelenting avarice.

The species of suffering commonly known by the appellation of corporal punishment, is also proscribed by the system above established. Corporal punishment, unless so far as it is intended for example, appears, in one respect, in a very ludicrous point of view. It is an expeditious mode of proceeding, which has been invented in order to compress the effect of much reasoning and long confinement, that might otherwise have been necessary, into a very short compass. In another view, it is difficult to express the abhorrence it ought to create. The genuine propensity of man is to venerate mind in his fellow man. With what delight do we contemplate the progress of intellect, its efforts for the discovery of truth, the harvest of virtue that springs up under the genial influence of instruction, the wisdom that is generated through the medium of unrestricted communication? How completely do violence and corporal infliction reverse the scene? From this moment, all the wholesome avenues of mind are closed, and, on every side, we see them guarded with a train of disgraceful passions, hatred, revenge, despotism, cruelty, hypocrisy, conspiracy and cowardice. Man becomes the enemy of

man; the stronger are seized with the lust of unbridled domination, and the weaker shrink, with hopeless disgust, from the approach of a fellow. With what feelings must an enlightened observer contemplate the furrow of a lash imprinted upon the body of a man? What heart beats not in unison with the sublime law of antiquity, "Thou shalt not inflict stripes upon the body of a Roman?" There is but one alternative in this case, on the part of the sufferer. Either his mind must be subdued by the arbitrary dictates of the superior (for to him all is arbitrary that does not stand approved to the judgment of his own understanding;) he will be governed by something that is not reason, and ashamed of something that is not disgrace; or else every pang he endures will excite the honest indignation of his heart, and fix the clear disapprobation of his intellect, will produce contempt and alienation against his punisher.

The justice of punishment is built upon this simple principle: Every man is bound to employ such means as shall suggest themselves, for preventing evils subversive of general security, it being first ascertained, either by experience or reasoning, that all milder methods are inadequate to the exigency of the case. The conclusion from this principle is, that we are bound, under certain urgent circumstances, to deprive the offender of the liberty he has abused. Further than this perhaps no circumstance can authorise us. He whose person is imprisoned (if that be the right kind of seclusion), cannot interrupt the peace of his fellows; and the infliction of further evil, when his power to injure is removed, is the wild and unauthorised dictate of vengeance and rage, the wanton sport of unquestioned superiority.

When indeed the person of the offender has been first seized, there is a further duty incumbent on his punisher, the duty of endeavouring his reform. But this makes no part of the direct consideration. The duty of every man to contribute to the intellectual health of his neighbour, is of general application. Beside which it is proper to recollect, what has been already proved, that coercion of no sort is among the legitimate means of reformation. Restrain the offender, as long as the safety of the community prescribes it, for this is just. Restrain him not an instant from a simple view to his own improvement, for this is contrary to reason and morality.

Meanwhile, there is one circumstance, by means of which restraint and reformation are closely connected. The person of the offender is to be restrained, as long as the public safety would be endangered by his liberation. But the public safety will cease to be endangered, as soon as his propensities and dispositions have undergone a change. The connection which thus results from the nature of things, renders it necessary, that, in deciding upon the species of restraint to be imposed, these circumstances be considered jointly, how the personal liberty of the offender may be least intrenched upon, and how his reformation may be best promoted.

The most common method pursued in depriving the offender of the liberty he has abused, is to erect a public jail, in which offenders of every description are thrust together, and left to form among themselves what species of society they can. Various circumstances contribute to imbue them with habits of indolence and vice, and to discourage industry; and no effort is made to remove or soften these circumstances. It cannot be necessary to expatiate upon the atrociousness of this system. Jails are, to a proverb, seminaries of vice; and he must be an uncommon proficient in the passion and the practice of injustice, or a man of sublime virtue, who does not come out of them a much worse man than he entered.

An active observer of mankind,* with the purest intentions, and who had paid a singular attention to this subject, was struck with the mischievous tendency of the reigning system, and called the attention of the public to a scheme of solitary imprisonment. But this, though free from the defects of the established mode, is liable to very weighty objections.

It must strike every reflecting mind as uncommonly tyrannical and severe. It cannot therefore be admitted into the system of mild coercion which forms the topic of our enquiry. Man is a social animal. How far he is necessarily so, will appear, if we consider the sum of advantages resulting from the social, and of which he would be deprived in the solitary state. But, independently of his original structure, he is eminently social by his habits. Will you deprive the man you imprison, of paper and books, of tools and amusements? One of the arguments in favour of solitary imprisonment is, that it is necessary the offender should be called off from wrong habits of thinking, and obliged to enter into himself. This, the advocates of solitary imprisonment probably believe, will be most effectually done, the fewer be the avocations of the prisoner. But let us suppose that he is indulged in these particulars, and only deprived of society. How many men are there that can derive amusement from books? We are, in this respect, the creatures of habit, and it is scarcely to be expected from ordinary men, that they should mould themselves to any species of employment, to which in their youth they were strangers. But he that is most fond of study, has his moments when study pleases no longer. The soul yearns, with inexpressible longings, for the society of its like. Because the public safety unwillingly commands the confinement of an offender, must he for that reason never light up this countenance with a smile? Who can tell the sufferings of him who is condemned to uninterrupted solitude? Who can tell that this is not, to the majority of mankind, the bitterest torment that human ingenuity can inflict? A mind sufficiently sublime might perhaps conquer this inconvenience: but the powers of such a mind do not enter into the present question.

* Mr. Howard.

From the examination of solitary imprisonment, in itself considered, we are naturally led to enquire into its real tendency, as to the article of reformation. To be virtuous, it is requisite that we should consider men, and their relation to each other. As a preliminary to this study, it is necessary that we should be shut out from the society of men? Shall we be most effectually formed to justice, benevolence and prudence in our intercourse with each other, in a state of solitude? Will not our selfish and unsocial dispositions be perpetually increased? What temptation has he to think of benevolence or justice, who has no opportunity to exercise it? The true soil in which atrocious crimes are found to germinate, is a gloomy and morose disposition. Will his heart become much either softened or expanded, who breathes the atmosphere of a dungeon? Surely it would be better, in this respect, to imitate the system of the universe, and, if we would teach justice and humanity, transplant those we would teach into a simple and reasonable state of society. Solitude, absolutely considered, may instigate us to serve ourselves, but not to serve our neighbours. Solitude, imposed under too few limitations, may be a nursery for madmen and idiots, but not for useful members of society.

Another idea which has suggested itself with regard to the removal of offenders from the community they have injured, is that of reducing them to a state of slavery or hard labour. The true refutation of this system is anticipated in what has been already said. To the safety of the community it is unnecessary. As a means to the reformation of the offender, it is inexpressibly ill-conceived. Man is an intellectual being. There is no way to make him virtuous, but in calling forth his intellectual powers. There is no way to make him virtuous, but by making him independent. He must study the laws of nature, and the necessary consequence of actions, not the arbitrary caprice of his superior. Do you desire that I should work? Do not drive me to it with the whip; for, if, before, I thought it better to be idle, this will but increase my alienation. Persuade my understanding, and render it the subject of my choice. It can only be by the most deplorable perversion of reason, that we can be induced to believe any species of slavery, from the slavery of the school-boy to that of the most unfortunate negro in our West India plantations, favourable to virtue.*

A scheme greatly preferable to any of these, and which has been tried under various forms, is that of transportation or banish-

* The institution of personal slavery has, within a few years, made a considerable progress in the island of Great Britain. The first step was that of sending criminals, whose guilt was of an inferior description, to raise ballast from the bed of the Thames. The second step, more serious in its nature, appears to have resulted from the well intended, but misguided, philanthropy of Mr. Howard. This consisted in the erecting jails of solitary confinement in various parts of the country. The prisoners in these jails spend a large portion of their time shut up in silent and dreary cells, like so many madmen. The rest of their time is employed in what is called hard labour, under the

ment. This scheme, under the most judicious modifications, is liable to objection. It would be strange if any scheme of coercion or violence were not so. But it has been made appear still more exceptionable, than it will be found in its intrinsic nature, by the crude and incoherent circumstances with which it has usually been executed.

Banishment in its simple form, that is, a mere prohibition of residence, has, at least in certain aggravated cases, a strong appearance of injustice. The citizen whose presence we will not endure in our own country, we have a very questionable right to impose upon any other.

Banishment has sometimes been joined with slavery. Such was the practice of Great Britain previously to the defection of her American colonies. This cannot stand in need of a separate refutation.

A very usual species of banishment is removal to a country yet unsettled. Something may be alleged in favour of this mode of proceeding. The labour by which the undisciplined mind is best weaned from the vicious habits of a corrupt society, is the labour, not which is prescribed by the mandate of a superior, but which is imposed by the necessity of subsistence. The first settlement of Rome, by Romulus and his vagabonds, is a happy image of this, whether we consider it as a real history, or as the ingenious fiction of a writer well acquainted with the principles of mind. Men who are freed from the injurious institutions of European government, and obliged to begin the world for themselves, are in the direct road to be virtuous.

Two circumstances have hitherto contributed to render this project abortive. First, that the mother-country pursues this species of colony with her hatred. The chief anxiety is, in reality, to render its residence odious and uncomfortable, with the vain idea of deterring offenders. The chief anxiety ought to be, to smooth their difficulties, and contribute to their happiness. We should recollect that the colonists are men, for whom we ought to feel no sentiments but those of kindness and compassion. If we were reasonable, we should regret the cruel exigence that obliges us to treat them in a manner unsuitable to the nature of mind; and having complied with the demand of that exigence, we should next be anxious to confer upon them every benefit in our power. But we are unreasonable. We harbour a thousand savage feelings of resentment and vengeance. We thrust them out to the remotest corner of the world. We subject them to

inspection of certain ignorant and insolent task-masters. It is asserted that, in one of these jails (Clerkenwell New Prison,) its unfortunate tenants are engaged for five hours in each day, in trundling a wheel-barrow round in a circle. The cruelty of this imposition is inexpressibly heightened by its impudent uselessness. From this instance we may perceive, that the inventiveness of tyranny did not perish with the race of the Dionysii. Cases of this sort it is our duty, as citizens, to notice, that the chance of their existing without the knowledge of those to whose province their superintendence belongs may be removed.

perish by multitudes with hardship and hunger. Perhaps, if our treatment of such unfortunate men were sufficiently humane, banishment to the Hebrides would prove as effectual as banishment to the Antipodes.

Secondly, it is absolutely necessary, upon the principles here explained, that these colonists, after having been sufficiently provided in the outset, should be left to themselves. We do worse than nothing, if we pursue them into their obscure retreat with the inauspicious influence of our European institutions. Why trouble ourselves with sending magistrates and officers to govern and direct them? Do we suppose that, if left to themselves, they would universally destroy each other? On the contrary, new situations make new minds. The worst criminals, when turned adrift in a body, and reduced to feel the churlish fang of necessity, conduct themselves upon reasonable principles, and have been found to proceed with a sagacity and public spirit, that might put the proudest monarchy to the blush.

Meanwhile let us not forget the inherent vices of punishment, which present themselves from whatever point the subject is viewed. Colonisation may be thought the most eligible of those expedients which have been stated, but it is attended with considerable difficulties. The community judges of a certain individual, that his residence cannot be tolerated among them consistently with the general safety. In denying him his choice among other communities do they not exceed their commission? What treatment shall be awarded him, if he return from the banishment to which he was sentenced?—These difficulties (and many others might be subjoined to these,) are calculated to bring back the mind to the absolute injustice of punishment, and to render us inexpressibly anxious for the period at which it shall be abolished.

To conclude. The observations of this chapter are relative to a theory, which affirmed that it might be the duty of individuals, but never of communities, to exert a certain species of political coercion; and which founded this duty upon a consideration of the benefits of public security. Under these circumstances then, every individual is bound to judge for himself, and to yield his countenance to no other coercion, than that which is indispensibly necessary. He will, no doubt, endeavour to meliorate those institutions, with which he cannot prevail upon his countrymen to part. He will decline all concern in the execution of such, as abuse the plea of public security to atrocious purposes. Laws may easily be found in almost every code, which, on account of the iniquity of their provisions, are suffered to fall into disuse by general consent. Every lover of justice will, in this way, contribute to the repeal of laws that wantonly usurp upon the independence of mankind, whether by the multiplicity of their restrictions, or the severity of their sanctions.

CHAP. VII.

OF EVIDENCE.

Difficulties to which this subject is liable—exemplified in the distinction between overt actions and intentions—Reasons against this distinction. Principle in which it is founded

HAVING sought to ascertain the decision in which questions of offence against the general safety ought to terminate, it only remains under this head of enquiry to consider the principles according to which the trial should be conducted. These principles may for the most part be referred to two points, the evidence that is to be required, and the method to be pursued by us in classing offences.

The difficulties to which the subject of evidence is liable, have been stated in the earlier divisions of this work.* It may be worth while, in this place, to recollect the difficulties which attend upon one particular class of evidence, it being scarcely possible that the imagination of every reader should not suffice him to apply this text, and to perceive how easily the same kind of enumeration might be extended to any other class.

It has been asked, "Why intentions are not subjected to the animadversion of criminal justice, in the same manner as direct acts of offence?"

The arguments in favour of their being thus subjected are obvious. "The proper object of political superintendence is not the past, but the future. Society cannot justly employ punishment against any individual, however atrocious may have been his misdemeanours, from any other than a prospective consideration, that is, a consideration of the danger with which his habits may be pregnant to the general safety. Past conduct cannot properly fall under the animadversion of government, except so far as it is an indication of the future. But past conduct appears, at first sight, to afford a slighter presumption as to what the delinquent will do hereafter, than declared intention. The man who professes his determination to commit murder, seems to be scarcely a less dangerous member of society, than he who, having already committed murder, has no apparent intention to repeat his offence." Yet all governments have agreed, either to pass over the menace in silence, or to subject the offender to a much less degree of punishment, than they employ against him by whom the crime has been perpetrated. It may be right perhaps to yield them some attention when they thus agree in forbearance, though little is probably due to their agreement in inhumanity.

This distinction, so far as it is founded in reason, has relation

principally to the uncertainty of evidence. Before the intention of any man can be ascertained, in a court of justice, from the consideration of the words he has employed, a variety of circumstances must be taken into the account. The witness heard the words which were employed: does he repeat them accurately, or has not his want of memory caused him to substitute, in the room of some of them, words of his own? Before it is possible to decide, upon the confident expectation I may entertain, that these words will be followed with correspondent actions, it is necessary I should know the exact tone with which they were delivered, and gesture with which they were accompanied. It is necessary I should be acquainted with the context, and the occasion that produced them. Their construction will depend upon the quantity of momentary heat or rooted malice with which they were delivered; and words, which appear at first sight of tremendous import, will sometimes be found, upon accurate investigation, to have had a meaning purely ironical in the mind of the speaker. These considerations, together with the odious nature of punishment in general, and the extreme mischief that may attend our restraining the faculty of speech, in addition to the restraint we conceive ourselves obliged to put on men's actions, will probably be found to afford a sufficient reason, why words ought seldom or never to be made a topic of political animadversion.

CHAP. VIII.

OF LAW.

Arguments by which it is recommended.—Answer.—Law is, 1. *endless —particularly in a free state.—Causes of this disadvantage.—*2. *uncertain—instanced in questions of property.—Mode in which it must be studied.—*3. *pretends to foretel future events.—Laws are a species of promises—check the freedom of opinion—are destructive of the principles of reason.—Dishonesty of lawyers.—An honest lawyer mischievous.—Abolition of law vindicated on the score of wisdom—of candour—from the nature of man.—Future history of political justice.—Errors that might arise in the commencement.—Its gradual progress.—Its effects on criminal law—on property.*

A further article of great importance in the trial of offences, is that of the method to be pursued by us in classing them, and the consequent apportioning the degree of animadversion to the cases that may arise. This article brings us to the direct consideration of law, which is, without doubt, one of the most important topics upon which human intellect can be employed. It is law that has hitherto been regarded, in countries calling them-

selves civilised, as the standard, by which to measure all offences and irregularities that fall under public animadversion. Let us fairly investigate the merits of this choice.

The comparison which has presented itself to those by whom the topic has been investigated, has hitherto been between law on one side, and the arbitrary will of a despot on the other. But if we would estimate truly the merits of law, we should first consider it, as it is initself, and then, if necessary, search for the most eligible principle that may be substituted in its place.

It has been recommended, as "affording information to the different members of the community, respecting the principles which will be adopted in deciding upon their actions." It has been represented as the highest degree of iniquity, "to try men by an *ex post facto* law, or indeed in any other manner, than by the letter of a law, formally made, and sufficiently promulgated."

How far it will be safe altogether to annihilate this principle, we shall presently have occasion to enquire. It is obvious, at first sight, to remark, that it is of most importance, in a country where the system of jurisprudence is most capricious and absurd. If it be deemed criminal in any society to wear clothes of a particular texture, or buttons of a particular composition, it is unavoidable to exclaim, that it is high time the jurisprudence of that society should inform its members what are the fantastic rules by which they mean to proceed. But, if a society be contented with the rules of justice, and do not assume to itself the right of distorting or adding to those rules, there law is evidently a less necessary institution. The rules of justice would be more clearly and effectually taught, by an actual intercourse with human society, unrestrained by the fetters of prepossession, than they can be by catechisms and codes.*

One result of the institution of law is, that the institution, once begun, can never be brought to a close. Edict is heaped upon edict, and volume upon volume. This will be most the case, where the government is most popular, and its proceedings have most in them of the nature of deliberation. Surely this is no slight indication that the principle is wrong, and that, of consequence, the further we proceed in the path it marks out to us, the more we shall be bewildered. No task can be less hopeful than that of effecting a coalition between a right principle and a wrong. He that seriously and sincerely attempts it, will perhaps expose himself to more palpable ridicule, than he who, instead of professing two opposite systems, should adhere to the worst.

There is no maxim more clear than this, "Every case is a rule to itself." No action of any man was ever the same as any other action, had ever the same degree of utility or injury. It should seem to be the business of justice to distinguish the qualities of men, and not, which has hitherto been the practice,

* Book VI., Chap. VIII.

to confound them. But what has been the result of an attempt to do this in relation to law? As new cases occur, the law is perpetually found deficient. How should it be otherwise? Lawgivers have not the faculty of unlimited prescience, and cannot define that which is boundless. The alternative that remains is, either to wrest the law to include a case which was never in the contemplation of its authors, or to make a new law to provide for this particular case. Much has been done in the first of these modes. The quibbles of lawyers, and the arts by which they refine and distort the sense of the law, are proverbial. But, though much is done, every thing cannot be thus done. The abuse will sometimes be too palpable. Not to say that the very education that enables the lawyer, when he is employed for the prosecutor, to find out offences the lawgiver never meant, enables him, when he is employed for the defendant, to discover subterfuges, that reduce the law to a nullity. It is therefore perpetually necessary to make new laws. These laws, in order to escape evasion, are frequently tedious, minute, and circumlocutory. The volume in which justice records her prescriptions is for ever increasing, and the world would not contain the books that might be written.

The consequence of the infinitude of law, is its uncertainty. This strikes at the principle upon which law is founded. Laws were made to put an end to ambiguity, and that each man might know what he had to expect. How well have they answered this purpose? Let us instance in the article of property. Two men go to law for a certain estate. They would not go to law if they had not both of them an opinion of their success. But we may suppose them partial in their own case. They would not continue to go to law, if they were not both promised success by their lawyers. Law was made, that a plain man might know what he had to expect; and yet the most skilful practitioners differ about the event of my suit. It will sometimes happen, that the most celebrated pleader in the kingdom, or the first counsel in the service of the crown, shall assure me of infallible success, five minutes before another law-officer, styled the keeper of the king's conscience, by some unexpected juggle, decides it against me. Would the issue have been equally uncertain, if I had had nothing to trust to, but the plain unperverted sense of a jury of my neighbours, founded in the ideas they entertained of general justice? Lawyers have absurdly maintained, that the expensiveness of law is necessary to prevent the unbounded multiplication of suits; but the true source of this multiplication is uncertainty. Men do not quarrel about that which is evident, but that which is obscure.

He that would study the laws of a country accustomed to legal security, must begin with the volumes of the statutes. He must add a strict enquiry into the common or unwritten law; and he ought to digress into the civil, the ecclesiastical, and canon law. To understand the intention of the authors of a law, he must be acquainted with their characters and views, and with the various

circumstances, to which it owed its rise, and by which it was modified while under deliberation. To understand the weight and interpretation that will be allowed to it in a court of justice, he must have studied the whole collection of records, decisions and precedents. Law was originally devised, that ordinary men might know what they had to expect; and there is not, at this day, a lawyer existing in Great Britain, vain-glorious enough to pretend that he has mastered the code. Nor must it be forgotten that time and industry, even were they infinite, would not suffice. It is a labyrinth without end; it is a mass of contradictions that cannot be disentangled. Study will enable the lawyer to find in it plausible, perhaps unanswerable arguments for any side of almost any question; but it would argue the utmost folly to suppose, that the study of law can lead to knowledge and certainty.

A further consideration that will demonstrate the absurdity of law in its most general acceptation, is, that it is of the nature of prophecy. Its task is to describe what will be the actions of mankind, and to dictate decisions respecting them. Its merits, in this respect, have already been decided under the head of promises.* The language of such a procedure is, "We are so wise, that we can draw no additional knowledge from circumstances as they occur; and we pledge ourselves that, if it be otherwise, the additional knowledge we acquire, shall produce no effect upon our conduct." It is proper to observe, that this subject of law may be considered, in some respects, as more properly belonging to the topic of the preceding book. Law tends, no less than creeds, catechisms and tests, to fix the human mind in a stagnant condition, and to substitute a principle of permanence in the room of that unceasing progress which is the only salubrious element of mind. All the arguments therefore which were employed upon that occasion, may be applied to the subject now under consideration.

The fable of Procrustes presents us with a faint shadow of the perpetual effort of law. In defiance of the great principle of natural philosophy, that there are not so much as two atoms of matter of the same form, through the whole universe, it endeavours to reduce the actions of men, which are composed of a thousand evanescent elements, to one standard. We have already seen the tendency of this endeavour in the article of murder.† It was in the contemplation of this system of jurisprudence, that the strange maxim was invented, that "strict justice would often prove the highest injustice."‡ There is no more real justice in endeavouring to reduce the actions of men into classes, than there was in the scheme to which we have just alluded, of reducing all men to the same stature. If, on the contrary, justice be a result, flowing from the contemplation of all the circumstances of each individual case, if the only criterion of justice be general utility,

* Book III., Chap. III. † Chap. IV. ‡ *Summum jus summa injuria.*

the inevitable consequence is, that, the more we have of justice, the more we shall have of truth, virtue and happiness.

From all these considerations we can scarcely hesitate to conclude universally, that law is an institution of the most pernicious tendency.

The subject will receive some additional elucidation, if we consider the perniciousness of law, in its immediate relation to those who practise it. If there ought to be no such thing as law, the profession of a lawyer is no doubt entitled to our disapprobation. A lawyer can scarcely fail to be a dishonest man. This is less a subject for censure, than for regret. Men are, in an eminent degree, the creatures of the circumstances under which they are placed. He that is habitually goaded by the incentives of vice will not fail to be vicious. He that is perpetually conversant in quibbles, false colours and sophistry, cannot equally cultivate the generous emotions of the soul, and the nice discernment of rectitude. If a single individual can be found who is but superficially tainted with the contagion, how many men on the other hand, in whom there appeared a promise of the sublimest virtues, have by this trade been rendered indifferent to consistency, or accessible to a bribe? Be it observed, that these remarks apply principally to men eminent or successful in their profession. He that enters into an employment, carelessly, and by way of amusement, is much less under its influence (though even he will not escape,) than he that enters into it with ardour and devotion.

Let us however suppose, a circumstance which is perhaps altogether impossible, that a man shall be a perfectly honest lawyer. He is determined to plead no cause, that he does not believe to be just, and to employ no argument that he does not apprehend to be solid. He designs, as far as his sphere extends, to strip law of its ambiguities, and to speak the manly language of reason. This man is, no doubt, highly respectable, so far as relates to himself; but it may be questioned whether he be not a more pernicious member of society, than the dishonest lawyer. The hopes of mankind in relation to their future progress, depend upon their observing the genuine effects of erroneous institutions. But this man is employed in softening and masking these effects. His conduct has a direct tendency to postpone the reign of sound policy, and to render mankind tranquil in the midst of imperfection and ignorance.

What is here stated, however, in favour of the dishonest lawyer, like that stated in favour of an imbecile monarch,* should be considered as advanced in the way of conjecture only. As there is some pain, which is requisite as the means of an over-balance of pleasure, so there may, in a few extraordinary instances, be some vice, (understanding by vice, evil intention or rooted depravity) which is productive of the effects of virtue. In questions of this kind, however, it becomes us to be more than usually scrupulous

* Book V., Chap. VII.

and guarded. It is of the most pernicious consequence for us to confound the distinctions of virtue and vice. It can scarcely be considered as the part of a philanthropist, to rejoice in the depravity of others. It is safer for us, in almost every imaginable instance, to regard "every departure from enormous vice, as so much gained to the cause of general happiness."*

The only principle which can be substituted in the room of law, is that of reason exercising an uncontrolled jurisdiction upon the circumstances of the case. To this principle no objection can arise on the score of wisdom. It is not to be supposed that there are not men now existing, whose intellectual accomplishments rise to the level of law. Law we sometimes call the wisdom of our ancestors. But this is a strange imposition. It was as frequently the dictate of their passion, of timidity, jealousy, a monopolising spirit, and a lust of power that knew no bounds. Are we not obliged perpetually to revise and remodel this misnamed wisdom of our ancestors? to correct it by a detection of their ignorance, and a censure of their intolerance? But if men can be found among us, whose wisdom is equal to the wisdom of law, it will scarcely be maintained, that the truths they have to communicate will be the worse, for having no authority, but that which they derive from the reasons that support them.

It may however be alleged that, "if there be little difficulty in securing a current portion of wisdom, there may nevertheless be something to be feared from the passions of men. Law may be supposed to have been constructed in the tranquil serenity of the soul, a suitable monitor, to check the inflamed mind, with which the recent memory of ills might induce us to proceed to the infliction of punishment." This is the most considerable argument that can be adduced in favour of the prevailing system, and therefore deserves a mature examination.

The true answer to this objection is, that nothing can be improved but in conformity to its nature. If we consult for the welfare of man, we must bear in mind the structure of man. It must be admitted that we are imperfect, ignorant, the slaves of appearances. These defects can be removed by no indirect method, but only by the introduction of knowledge. A specimen of the indirect method we have in the doctrine of spiritual infallibility. It was observed that men were liable to error, to dispute for ever without coming to a decision, and to mistake in their most important interests. What was wanting, was supposed to be a criterion and a judge of controversies. What was attempted, was to indue truth with a visible form, and then repair to the oracle we had erected.

The case respecting law is parallel to this. Men were aware of the deceitfulness of appearances, and they sought a talisman to guard them from imposition. Suppose I were to determine, at the commencement of every day, upon a certain code of princi-

* Vol. I., Book IV., Chap. XI.

ples, to which I would conform the conduct of the day; and, at the commencement of every year, the conduct of the year. Suppose I were to determine that no circumstances should be allowed, by the light they afforded, to modify my conduct, lest I should become the dupe of appearance, and the slave of passion. This is a just and accurate image of every system of permanence. Such systems are formed upon the idea of stopping the perpetual motion of the machine, lest it should sometimes fall into disorder.

This consideration must sufficiently persuade an impartial mind that, whatever inconveniences may arise from the passions of men, the introduction of fixed laws cannot be the genuine remedy. Let us consider what would be the operation and progressive state of these passions, provided men were trusted to the guidance of their own discretion. Such is the discipline that a reasonable state of society employs with respect to man in his individual capacity:* why should it not be equally valid with respect to men acting in a collective capacity? Inexperience and zeal would prompt me to restrain my neighbour whenever he is acting wrong, and, by penalties and inconveniences designedly interposed, to cure him of his errors. But reason evinces the folly of this proceeding, and teaches me that, if he be not accustomed to depend upon the energies of intellect, he will never rise to the dignity of a rational being. As long as a man is held in the trammels of obedience, and habituated to look to some foreign guidance for the direction of his conduct, his understanding and the vigour of his mind will sleep. Do I desire to raise him to the energy of which he is capable? I must teach him to feel himself, to bow to no authority, to examine the principles he entertains, and render to his mind the reason of his conduct.

The habits which are thus salutary to the individual, will be equally salutary in the transactions of communities. Men are weak at present, because they have always been told they are weak, and must not be trusted with themselves. Take them out of their shackles, bid them enquire, reason and judge, and you will soon find them very different beings. Tell them that they have passions, are occasionally hasty, intemperate and injurious, but they must be trusted with themselves. Tell them that the mountains of parchment in which they have been hitherto intrenched, are fit only to impose upon ages of superstition and ignorance; that henceforth we will have no dependence but upon their spontaneous justice; that, if their passions be gigantic, they must rise with gigantic energy to subdue them; that, if their decrees be iniquitous, the iniquity shall be all their own. The effect of this disposition of things will soon be visible; mind will rise to the level of its situation; juries and umpires will be penetrated with the magnitude of the trust reposed in them.

It may be no uninstructive spectacle, to survey the progressive establishment of justice in the state of things which is here recom-

* Book V., Chap. XX., p. 87.

mended. At first, it may be, a few decisions will be made uncommonly absurd or atrocious. But the authors of these decisions will be confounded, with the unpopularity and disgrace in which they have involved themselves. In reality, whatever was the original source of law, it soon became cherished as a cloak for oppression. Its obscurity was of use to mislead the inquisitive eye of the sufferer. Its antiquity served to divert a considerable part of the odium, from the perpetrator of the injustice, to the author of the law; and, still more, to disarm that odium by the influence of superstitious awe. It was well known that unvarnished, barefaced oppression could not fail to be the victim of its own operations.

To this statement it may indeed be objected, "that bodies of men have often been found callous to censure, and that the disgrace, being amicably divided, is intolerable to none." In this observation there is considerable force, but it is inapplicable to the present argument. To this species of abuse one of two things is indispensibly necessary, either numbers or secrecy. To this abuse, therefore, it will be a sufficient remedy, that each jurisdiction be considerably limited, and all transactions conducted in an open and explicit manner.—To proceed.

The juridical decisions that were made immediately after the abolition of law, would differ little from those during its empire. They would be the decisions of prejudice and habit. But habit, having lost the centre about which it revolved, would diminish in the regularity of its operations. Those to whom the arbitration of any question was intrusted, would frequently recollect, that the whole case was committed to their deliberation; and they could not fail occasionally to examine themselves, respecting the reason of those principles which had hitherto passed uncontroverted. Their understandings would grow enlarged, in proportion as they felt the importance of their trust, and the unbounded freedom of their investigation. Here, then, would commence an auspicious order of things, of which no understanding of man at present in existence can foretel the result, the dethronement of implicit faith, and the inauguration of reason and justice.

Some of the conclusions, of which this state of things would be the harbinger, have been already seen in the judgment that would be made of offences against the community.* Offences arguing a boundless variety in the depravity from which they sprung, would no longer be confounded under some general name. Juries would grow as perspicacious in distinguishing, as they are now indiscriminate in confounding, the merit of actions and characters.

The effects of the abolition of law, as it respects the article of property, would not be less auspicious. Nothing can be more worthy of regret, than the manner in which property is at

* Chap. IV. p. 168

present administered, so far as relates to courts of justice. The doubtfulness of titles, the different measures of legislation as they relate to different classes of property, the tediousness of suits, and the removal of causes by appeal from court to court, are a perpetual round of artifice and chicane to one part of the community, and of anguish and misery to another. Who can describe the baffled hopes, the fruitless years of expectation, which thus consume away the strength and the lives of numerous individuals? In vain is the intention of a testator, while the disputes between the legal and the testamentary heir, or a mere quibble upon the phraseology of the bequest, shall supply food for endless controversy. In vain shall be all the assurances I can heap together for the establishment of my right, since the obscurity of records, and the complexity of law, will, almost in all cases, enable an ingenious man, who is at the same time a rich one, to dispute my tenure. The imbecility of law is strikingly illustrated by the vulgar maxim of the importance of possession. Possession could not be thus advantageous, were it not for the opportunity that law affords for procrastination and evasion. Property could not be thus disputable, were the persons who are called upon to decide concerning it, left to the direction of their own understanding. The contention of opposing claims arises more from the jargon in which these claims are recorded, than from the complexity of the subject to which they relate. The intention of a testator is much more easily settled, than the quibbles to which the expression of that intention may be subjected. Those who were appointed for the decision of suits, would not indeed be such gainers, under the system here delineated, as at present; but every other description of persons that were interested in questions of property, would, no doubt, find their advantage.

An observation which cannot have escaped the reader in the perusal of this chapter, is, that law is merely relative to the exercise of political force, and must perish when the necessity for that force ceases, if the influence of truth do not still sooner extirpate it from the practice of mankind.

CHAP. IX.

OF PARDONS.

Their absurdity.—Their origin.—Their abuses.—Their arbitrary character.—Destructive of morality.

THERE is one other topic which belongs to the subject of the present book, but which may be dismissed in a very few words, because, though it has unhappily been, in almost all cases,

neglected in practice, it is a point that seems to admit of uncommonly simple and irresistible evidence: I mean the topic of pardons.

The very word, to a reflecting mind, is fraught with absurdity. "What is the rule that ought, in all cases, to direct my conduct?" Surely justice; understanding by justice the greatest utility of the whole mass of beings that may be influenced by my conduct. "What, then, is clemency?" It can be nothing but the pitiable egotism of him who imagines he can do something better than justice. "Is it right that I should suffer constraint for a certain offence?" The reasonableness of my suffering, must be founded in its consonance with the general welfare. He, therefore, that pardons me, iniquitously prefers the supposed interest of an individual, and utterly neglects what he owes to the whole. He bestows that which I ought not to receive, and which he has no right to give. "Is it right, on the contrary, that I should not undergo the suffering in question? Will he, by rescuing me from suffering, confer a benefit on me, and inflict no injury on others?" He will then be a notorious delinquent, if he allow me to suffer. There is indeed a considerable defect in this last supposition. If, while he benefits me, he inflicts no injury upon others, he is infallibly performing a public service. If I suffered, in the arbitrary manner which the supposition includes, the public would sustain an unquestionable injury in the injustice that was perpetrated. And yet the man who prevents this odious injustice, has been accustomed to arrogate to himself the attribute of clement, and the apparently sublime, but, in reality, tyrannical, name of forgiveness. For, if he do more than has been here described, instead of glory, he ought to take shame to himself, as an enemy to human kind. If every action, and especially every action in which the happiness of a rational being is concerned, be susceptible of a certain rule, then caprice must be in all cases excluded: there can be no action, which, if I neglect, I shall have discharged my duty, and, if I perform, I shall be entitled to applause.

The pernicious effect of the system of pardons, is peculiarly glaring. It was first invented as the miserable supplement to a sanguinary code, the atrociousness of which was so conspicuous, that its ministers either dreaded the resistance of the people, if it were indiscriminately executed, or themselves shrunk with unconquerable repugnance from the devastation it commanded. The system of pardons obviously associates with the system of law; for, though we may call every case, for instance, in which one man occasions the death of another, by the name of murder, yet the injustice would be too great to apply to all cases the same treatment. Define murder as accurately as we please, the same consequence, the same disparity of cases, will obtrude itself. It is necessary, therefore, to have a court of reason, to which the decisions of a court of law shall be brought for revisal.

But how is this court, inexpressibly more important than the

other, to be constituted? Here lies the essence of the matter; the rest is form. A jury is impannelled, to tell you the generical name of the action; a judge presides, to read out of the volume of the law the prescription annexed to that name; last of all, comes the court of inquiry, which is to decide whether the prescription of the dispensatory is suitable to the circumstances of this particular case. This authority we are accustomed to invest, in the first instance with the judge, and in the last resort with the king in council. Now, putting aside the propriety or impropriety of this particular selection, there is one grievous abuse which ought to strike the most superficial observer. These persons, with whom the principal trust is reposed, consider their functions in this respect, as a matter purely incidental, exercise them with supineness, and, in many instances, with the most scanty materials to guide their judgment. This grows, in a considerable degree, out of the very name of pardon, by which we are accustomed to understand, a work of supererogatory benevolence.

From the manner in which pardons are dispensed, inevitably flows the uncertainty of punishment. It is too evident that punishment is inflicted by no certain rules, and therefore creates no uniformity of expectation. Uniformity of treatment, and constancy of expectation, form the sole basis of a genuine morality. In a just form of society, this would never go beyond the sober expression of those sentiments of approbation or disapprobation, with which different modes of conduct inevitably impress us. But, if we at present exceed this line, it is surely an execrable refinement of injustice, that should exhibit the perpetual menace of suffering, unaccompanied with any certain rule foretelling its application. Not more than one third of the offenders, whom the law condemns to death in this metropolis, are made to suffer the punishment that is awarded. Is it possible that each offender should not flatter himself that he shall be among the number that escapes? Such a system, to speak it truly, is a lottery of death, in which each man draws his ticket for reprieve or execution, as undefinable accidents shall decide.

It may be asked whether "the abolition of law would not produce equal uncertainty?" By no means. The principles of king and council, in such cases, are very little understood, either by themselves or others. The principles of a jury of his neighbours, commissioned to pronounce upon the whole of the case, the criminal easily guesses. He has only to appeal to his own sentiments and experience. Reason is a thousand times more explicit and intelligible than law; and, when we were accustomed to consult her, the certainty of her decisions would be such, as men, practised in our present courts, are totally unable to conceive.

Another important consequence grows out of the system of pardons. A system of pardons is a system of unmitigated slavery. I am taught to expect a certain desirable event, from what?

From the clemency, the uncontroled, unmerited kindness of a fellow mortal. Can any lesson be more degrading? The pusillanimous servility of the man, who devotes himself with everlasting obsequiousness to another, because that other, having begun to be unjust, relents in his career; the ardour with which he confesses the equity of his sentence and the enormity of his deserts, will constitute a tale, that future ages will find it difficult to understand.

What are the sentiments in this respect that are alone worthy of a rational being? Give me that, and that only, which without injustice you cannot refuse. More than justice it would be disgraceful for me to ask, and for you to bestow. I stand upon the foundation of right. This is a title, which brute force may refuse to acknowledge, but which all the force in the world cannot annihilate. By resisting this plea, you may prove yourself unjust; but, in yielding to it, you grant me but my due. If, all things considered, I be the fit subject of a benefit, the benefit is merited; merit, in any other sense, is contradictory and absurd. If you bestow upon me unmerited advantage, you are a recreant from the general good. I may be base enough to thank you; but, if I were virtuous, I should condemn you.

These sentiments alone are consistent with true independence of mind. He that is accustomed to regard virtue as an affair of favour and grace, cannot be eminently virtuous. If he occasionally perform an action of apparent kindness, he will applaud the generosity of his sentiments; and, if he abstain, he will acquit himself, with the question, "May I not do what I will with my own?" In the same manner, when he is treated benevolently by another, he will in the first place, be unwilling to examine strictly into the reasonableness of this treatment, because benevolence, as he imagines, is not subject to any inflexibility of rule; and, in the second place, he will not regard his benefactor with that erect and unembarrassed mien, that manly sense of equality, which is the only unequivocal basis of virtue and happiness.

BOOK VIII.

OF PROPERTY.

CHAP. I.

PRELIMINARY OBSERVATIONS.

Importance of this topic.—Plan for its discussion.—Definition.—Subject of the present chapter—of the next.—Principle of decision stated.—Rights of man.—Superfluities appreciated—Love of distinction.—Direction which this passion is capable of receiving.—Of merit and reward.—System of popular morality on this subject.—Its defects.

The subject of property is the key-stone that completes the fabric of political justice. According as our ideas respecting it are crude or correct, they will enlighten us as to the consequences of a *simple form of society without government*, and remove the prejudices that attach us to complexity. There is nothing that more powerfully tends to distort our *judgment* and *opinions*, than erroneous notions concerning the goods of fortune. Finally, the period that must put an end to the system of *coercion* and *punishment*, is intimately connected with the circumstance of property's being placed upon an equitable basis.

Various abuses of the most incontrovertible nature, have insinuated themselves into the administration of property. Each of these abuses might usefully be made the subject of a separate investigation. We might enquire into the vexations of this sort, that are produced by the dreams of national greatness, and the sumptuousness of public offices and magistrates. This would lead us to a just estimate of the different kinds of taxation, landed or mercantile, having the necessaries or the luxuries of life for their subject of operation. We might examine into the abuses which have adhered to the commercial system; monopolies, charters, patents, protecting duties, prohibitions and bounties. We might consider the claims of the church: first fruits and tithes. All these disquisitions would tend to show the incalculable importance of this subject. But, excluding them all from the present enquiry, it shall be the business of what remains of this work, to examine the subject in its most general principles, and by that means endeavour to discover the source, not only of the abuses above enumerated, but of others of innumerable kinds, too multifarious and subtle to enter into so brief a catalogue.

The subject to which the doctrine of property relates, is, all

those things which conduce, or may be conceived to conduce, to the benefit or pleasure of man, and which can no otherwise be applied to the use of one or more persons, than by a permanent or temporary exclusion of the rest of the species. Such things in particular are food, clothing, habitation and furniture.

Upon this subject two questions unavoidably arise. Who is the person entitled to the use of any particular article of this kind? Who is the person, in whose hands the preservation and distribution of any number of these articles, will be most justly and beneficially vested?

The answer to the first of these questions is easy, upon the principles of the present work. Justice has been proved to be a rule applicable to all the concerns of man. It pronounces upon every case that can arise, and leaves nothing to the disposal of a momentary caprice.* There is not an article of the kinds above specified, which will not ultimately be the instrument of more benefit and happiness, in one individual mode of application, than in any other that can be devised. This is the application it ought to receive.

We are led to the consideration of that species of rights, which was designedly postponed in an earlier division of this work.† Every man has a right to that, the exclusive possession of which being awarded to him, a greater sum of benefit or pleasure will result, than could have arisen from its being otherwise appropriated. This is the same principle as that just delivered, with a slight variation of form. If man have a right to anything, he has a right to justice. These terms, as they have ordinarily been used in moral enquiry, are, strictly and properly speaking, convertible terms.

Let us see how this principle will operate in the inferences it authorises us to make. Human beings are partakers of a common nature; what conduces to the benefit or pleasure of one man, will conduce to the benefit or pleasure of another.‡ Hence it follows, upon the principles of equal and impartial justice, that the good things of the world are a common stock, upon which one man has as valid a title as another to draw for what he wants. It appears in this respect, as formerly it appeared in the case of our claim to the forbearance of each other,§ that each man has a sphere, the limit and termination of which is marked out, by the equal sphere of his neighbour. I have a right to the means of subsistence; he has an equal right. I have a right to every pleasure I can participate without injury to myself or others; his title, in this respect, is of similar extent.

This view of the subject will appear the more striking, if we pass in review the good things of the world. They may be divided into four classes; subsistence; the means of intellectual

* Vol. I., Book II., Chap. II.
† Vol. I., Book II., Chap. V., p. 80.
‡ Vol. I., Book III., Chap. III., p. 69.
§ Vol. I., Book II., Chap. V., 79.

and moral improvement; unexpensive gratifications; and such gratifications as are by no means essential to healthful and vigorous existence, and cannot be purchased but with considerable labour and industry. It is the last class principally that interposes an obstacle in the way of equal distribution. It will be matter of after-consideration how far and how many articles of this class would be admissible into the purest mode of social existence.* But, in the meantime, it is unavoidable to remark the inferiority of this class to the three preceding. Without it we may enjoy to a great extent, activity, contentment and cheerfulness. And in what manner are these seeming superfluities usually procured? By abridging multitudes of men, to a deplorable degree, in points of essential moment, that one man may be accommodated with sumptuous, yet strictly considered, insignificant luxuries. Supposing the alternative could fairly be brought home to a man, and it could depend upon his instant decision, by the sacrifice of these to give to five hundred of his fellow beings leisure, independence, conscious dignity, and whatever can refine and enlarge the human understanding, it is difficult to conceive him to hesitate. But, though this alternative cannot be produced in the case of an individual, it will perhaps be found to be the true alternative, when taken at once in reference to the species.

To the forming a just estimate of costly gratifications, it is necessary, that we should abstract the direct pleasure, on the one hand, from the pleasure they afford us, only as instruments for satisfying our love of distinction. It must be admitted in every system of morality, not tainted with monastic prejudices, but adapted to the nature of intelligent beings, that, so far as relates to ourselves, and leaving our connection with the species out of the consideration, we ought not to refuse any pleasure, except as it tends to the exclusion of some greater pleasure.† But it has already been shown, that the difference in the pleasures of the palate, between a simple and wholesome diet on the one hand, and all the complexities of the most splendid table on the other, is so small, that few men would even think it worth the tedium that attends upon a change of services, if the pleasure of the palate were the only thing in question, and they had no spectator to admire their magnificence. "He who should form himself, with the greatest care, upon a system of solitary sensualism, would probably come at last to a decision, not very different from that which Epicurus is said to have adopted, in favour of fresh herbs, and water from the spring."‡ The same observation applies to the splendour of furniture, equipage and dress. So far as relates to the gratification of the eye, this pleasure may be reaped, with less trouble, and in greater refinement, from the beauties which nature exhibits to our observation. No man, if the direct plea-

* Chap. VII.
† Vol. I., Book IV., Chap. XI., p. 210.
‡ Vol. I., Book I., Chap. V., p. 33, 34.

sure were the only thing in consideration, would think the difference to himself worth purchasing by the oppression of multitudes.

But these things, though trivial in themselves, are highly prized, from that love of distinction which is characteristic of every human mind. The creditable artisan or tradesman exerts a certain species of industry to supply his immediate wants. But these are soon supplied. The rest is exerted, that he may wear a better coat, that he may clothe his wife with gay attire, that he may have not merely a shelter, but a handsome habitation, not merely bread and flesh to eat, but that he may set it out with suitable decorum. How many of these things would engage his attention, if he lived in a desert island, and had no spectator of his economy? If we survey the appendages of our persons, there is scarcely an article that is not in some respect an appeal to the good will of our neighbours, or a refuge against their contempt. It is for this that the merchant braves the perils of the ocean, and the mechanical inventor brings forth the treasures of his meditation. The soldier advances even to the cannon's mouth, and the statesman exposes himself to the rage of an indignant people, because he cannot bear to pass through life without distinction and esteem. Exclusively of certain higher motives which will hereafter be mentioned,* this is the purpose of all the great exertions of mankind. The man who has nothing to provide for but his animal wants, scarcely ever shakes off the lethargy of his mind; but the love of honour hurries us on to the most incredible achievements.

It must be admitted indeed, that the love of distinction appears, from experience and the past history of mankind, to have been their ruling passion. But the love of distinction is capable of different directions. At present, there is no more certain road to the general deference of mankind, than the exhibition of wealth. The poet, the wit, the orator, the saviour of his country, and the ornament of his species, may upon certain occasions be treated with neglect and biting contempt; but the man who possesses and disburses money in profusion, can scarcely fail to procure the attendance of the obsequious man and the flatterer. But let us conceive this erroneous and pernicious estimate of things to be reversed. Let us suppose the avaricious man, who is desirous of monopolising the means of happiness, and the luxurious man, who expends without limitation, in pampering his appetites, that which, in strict justice, is the right of another, to be contemplated with as much disapprobation, as they are now beheld by a mistaken world with deference and respect. Let us imagine the direct and unambiguous road to public esteem, to be the acquisition of talent, or the practice of virtue, the cultivation of some species of ingenuity, or the display of some generous and expansive sentiment; and that the persons who possess these talents

* Chap. VI.

were as conspicuously treated with affection and esteem, as the wealthy are now treated with slavish attention. This is merely, in other words, to suppose good sense, and clear and correct perceptions, at some time to gain the ascendancy in the world. But it is plain that, under the reign of such sentiments, the allurements that now wait upon costly gratification, would be, for the most part, annihilated. If, through the spurious and incidental recommendations it derives from the love of distinction, it is now rendered to many a principal source of agreeable sensation, under a different state of opinion, it would not merely be reduced to its intrinsic value in point of sensation, but, in addition to this, would be connected with ideas of injustice, unpopularity, and dislike. So small is the space which costly gratifications are calculated unalterably to fill, in the catalogue of human happiness.

It has sometimes been alleged, as an argument against the equal rights of men in the point of which we are treating, "that the merits of men are different, and ought to be differently rewarded." But it may be questioned whether this proposition, though true, can with any show of plausibility be applied to the present subject. Reasons have been already suggested to prove, that positive institutions do not afford the best means for rewarding virtue, and that human excellence will be more effectually forwarded, by those encouragements which inevitably arise from the system of the universe.* But, exclusively of this consideration, let us recollect, upon the grounds of what has just been stated, what sort of reward is thus proposed to exertion. "If you show yourself deserving, you shall have the essence of a hundred times more food than you can eat, and a hundred times more clothes than you can wear. You shall have a patent for taking away from others the means of a happy and respectable existence, and for consuming them in riotous and unmeaning extravagance." Is this the reward that ought to be offered to virtue, or that virtue should stoop to take?

The doctrine of the injustice of accumulated property has been the foundation of all religious morality. Its most energetic teachers have been irresistibly led to assert the precise truth in this respect. They have taught the rich that they hold their wealth only as a trust, that they are strictly accountable for every atom of their expenditure, that they are merely administrators, and by no means proprietors in chief.† But, while religion thus inculcated on mankind the pure principles of justice, the majority of its professors have been but too apt to treat the practice of justice not as a debt, which it ought to be considered, but as an affair of spontaneous generosity and bounty.

The effect which is produced by this accommodating doctrine is, to place the supply of our wants in the disposal of a few, enabling them to make a show of generosity with what is not truly

* Book V., Chap. XII.; Book VI. Chap. I.

† MARK, CHAP. X., ver. 21: ACTS, CHAP. ii., ver. 44, 45. See also Swift's Sermon on Mutual Subjection.

their own, and to purchase the submission of the poor by the payment of a debt. Theirs is a system of clemency and charity, instead of a system of justice. It fills the rich with unreasonable pride, by the spurious denominations with which it decorates their acts; and the poor with servility, by leading them to regard the slender comforts they obtain, not as their incontrovertible due, but as the good pleasure and grace of their opulent neighbours.

CHAP. II.

PRINCIPLES OF PROPERTY.

Definition.—Degrees of property—1. in the means of subsistence and happiness—2. in the fruits of our labour—3. in the labour of others. Unfavourable features of this species of property.—Ground of obligation respecting it.—Origin of property—of inheritance and testation.—Instances of gratuitous inequality.—Legislation of titles.—Limitations on the preceding reasoning.—Sacredness of property.—Conclusion.

HAVING considered at large the question of the person entitled to the use of the means of benefit or pleasure, it is time that we proceed to the second question of the person, in whose hands the preservation and distribution of any of these means will be most justly and beneficially vested. An interval must inevitably occur, between the production of any commodity, and its consumption. Those things which are necessary for the accommodation of man in society, cannot be obtained without the labour of man. When fit for his use, they do not admit of being left at random, but require that some care and vigilance should be exerted to preserve them, for the period of actual consumption. They will not, in the first instance, fall into the possession of each individual, in the precise proportion necessary for his consumption. Who then is to be the factor or warehouseman, that is to watch over their preservation, and preside at their distribution?

This is strictly speaking the question of property. We do not call the person who accidentally takes his dinner at my table, the proprietor of what he eats, though it is he, in the direct and obvious sense, who receives the benefit of it. Property implies some permanence of external possession, and includes in it the idea of a possible competitor.

Of property there are three degrees.

The first and simplest degree is that of my permanent right in those things, the use of which being attributed to me, a greater sum of benefit or pleasure will result, than could have arisen

from their being otherwise appropriated. It is of no consequence in this case, how I came into possession of them, the only necessary conditions being their superior usefulness to me, and that my title to them is such as is generally acquiesced in by the community in which I live. Every man is unjust who conducts himself in such a manner respecting these things, as to infringe, in any degree, upon my power of using them, at the time when the using them will be of real importance to me.

It has already appeared* that one of the most essential of the rights of man, is my right to the forbearance of others; not merely that they shall refrain from every thing that may, by direct consequence, affect my life, or the possession of my powers, but that they shall refrain from usurping upon my understanding, and shall leave me a certain equal sphere for the exercise of my private judgment. This is necessary, because it is possible for them to be wrong, as well as for me to be so, because the exercise of the understanding is essential to the improvement of man, and because the pain and interruption I suffer are as real, when they infringe, in my conception only, upon what is of importance to me, as if the infringement had been in the utmost degree palpable. Hence it follows, that no man may, in ordinary cases, make use of my apartment, furniture, or garments, or of my food, in the way of barter or loan, without having first obtained my consent.

The second degree of property is, the empire to which every man is entitled, over the produce of his own industry, even that part of it the use of which ought not to be appropriated to himself. It has been repeatedly shown that all the rights of man which are of this description, are passive.† He has no right of option in the disposal of any thing which may fall into his hands. Every shilling of his property, and even every, the minutest, exertion of his powers, have received their destination from the decrees of justice. He is only the steward. But still he is the steward. These things must be trusted to his award, checked only by the censorial power that is vested, in the general sense, and favourable or unfavourable opinion of that portion of mankind among whom he resides. Man is changed from the capable subject of illimitable excellence, into the vilest and most despicable thing that imagination can conceive, when he is restrained from acting upon the dictates of his understanding. All men cannot individually be entitled to exercise compulsion on each other, for this would produce universal anarchy. All men cannot collectively be entitled to exercise unbounded compulsion, for this would produce universal slavery: the interference of government, however impartially vested, is, no doubt, only to be resorted to upon occasions of rare occurrence, and indispensible urgency.

It will readily be perceived, that this second species of property is in a less rigorous sense fundamental than the rest. It is, in one

* Vol. I., Book II., Chap. V., VI. † Vol. I., Book II., Chap. V.

point of view, a sort of usurpation. It vests in me the preservation and dispensing of that which, in point of complete and absolute right, belongs to you.

The third degree of property is, that which occupies the most vigilant attention in the civilised states of Europe. It is a system, in whatever manner established, by which one man enters into the faculty of disposing of the produce of another man's industry. There is scarcely any species of wealth, expenditure, or splendour existing in any civilised country, that is not, in some way, produced by the express manual labour and corporal industry of the inhabitants of that country. The spontaneous productions of the earth are few, and contribute little to wealth, expenditure, or splendour. Every man may calculate, in every glass of wine he drinks, and every ornament he annexes to his person, how many individuals have been condemned to slavery and sweat, incessant drudgery, unwholesome food, continual hardships, deplorable ignorance, and brutal insensibility, that he may be supplied with these luxuries. It is a gross imposition that men are accustomed to put upon themselves, when they talk of the property bequeathed to them by their ancestors. The property is produced by the daily labour of men who are now in existence. All that their ancestors bequeathed to them was a mouldy patent, which they show, as a title to extort from their neighbours what the labour of those neighbours has produced.

It is clear therefore that the third species of property is in direct contradiction to the second.

The most desirable state of human society would require, that the quantity of manual labour and corporal industry to be exerted, and particularly that part of it which is not the uninfluenced choice of our own judgment, but is imposed upon each individual by the necessity of his affairs, should be reduced within as narrow limits as possible. For any man to enjoy the most trivial accommodation, while, at the same time, a similar accommodation is not accessible to every other member of the community, is, absolutely speaking, wrong. All refinements of luxury, all inventions that tend to give employment to a great number of labouring hands, are directly adverse to the propagation of happiness. Every additional tax that is laid on, every new channel that is opened for the expenditure of the public money, unless it be compensated (which is scarcely ever the case) by an equivalent deduction from the luxuries of the rich, is so much added to the general stock of ignorance, drudgery and hardship. The country-gentleman who, by levelling an eminence, or introducing a sheet of water into his park, finds work for hundreds of industrious poor, is the enemy, and not, as has commonly been imagined, the friend, of his species. Let us suppose that, in any country, there is now ten times as much industry and manual labour, as there was three centuries ago. Except so far as this is applied to maintain an increased population, it is expended in the more costly indulgences of the rich. Very little indeed is employed to

increase the happiness or conveniences of the poor. They barely subsist at present, and they did as much at the remoter period of which we speak. Those who, by fraud or force, have usurped the power of buying and selling the labour of the great mass of the community, are sufficiently disposed to take care that they should never do more than subsist. An object of industry added to or taken from the general stock, produces a momentary difference, but things speedily fall back into their former state. If every labouring inhabitant of Great Britain were able and willing to-day to double the quantity of his industry, for a short time he would derive some advantage from the increased stock of commodities produced. But the rich would speedily discover the means of monopolising this produce, as they had done the former. A small part of it only, could consist in commodities essential to the subsistence of man, or be fairly distributed through the community. All that is luxury and superfluity, would increase the accommodations of the rich, and perhaps, by reducing the price of luxuries, augment the number of those to whom such accommodations were accessible. But it would afford no alleviation to the great mass of the community. Its more favoured members would give their inferiors no greater wages for twenty hours' labour, suppose, than they do for ten.

What reason is there then that this species of property should be respected? Because, ill as the system is, it will perhaps be found, that it is better than any other, which, by any means, except those of reason, the love of distinction, or the love of justice, can be substituted in its place. It is not easy to say whether misery or absurdity would be most conspicuous, in a plan which should invite every man to seize upon every thing he conceived himself to want. If, by positive institution, the property of every man were equalised to-day, without a contemporary change in men's dispositions and sentiments, it would become unequal to-morrow. The same evils would spring up with a rapid growth; and we should have gained nothing, by a project, which, while it violated every man's habits, and many men's inclinations, would render thousands miserable. We have already shown,* and shall have occasion to show more at large,† how pernicious the consequences would be, if government were to take the whole permanently into their hands, and dispense to every man his daily bread. It may even be suspected that agrarian laws, and others of a similar tendency, which have been invented for the purpose of keeping down the spirit of accumulation, deserve to be regarded, as remedies, more pernicious, than the disease they are intended to cure.‡

An interesting question suggests itself in this stage of the discussion. How far is the idea of property to be considered as the offspring of positive institution? The decision of this question,

* Book VI., Chap. VIII., p. 144. † Chap. VIII.

‡ Book VI., Chap. I., p. 105.

may prove extremely essential to the point upon which we are engaged. The regulation of property by positive laws, may be a very exceptionable means of reforming its present inequality, at the same that an equal objection may by no means lie against a proceeding, the object of which shall be merely to supersede positive laws, or such positive laws as are peculiarly exceptionable.

In pursuing this enquiry, it is necessary to institute a distinction, between such positive laws, or established practices (which are often found little less efficacious than laws,) as are peculiar to certain ages and countries, and such laws or practices, as are common to all civilised communities, and may therefore be perhaps interwoven with the existence of society.

The idea of property, or permanent empire, in those things which ought to be applied to our personal use, and still more in the produce of our industry, unavoidably suggests the idea of some species of law or practice by which it is guaranteed. Without this, property could not exist. Yet we have endeavoured to show, that the maintenance of these two kinds of property, is highly beneficial. Let us consider the consequences that grow out of this position.

Every man should be urged to the performance of his duty, as much as possible, by the instigations of reason alone.* Compulsion to be exercised by one human being over another, whether individually, or in the name of the community, if in any case to be resorted to, is at least to be resorted to only in cases of indispensible urgency. It is not therefore to be called in, for the purpose of causing one individual to exert a little more, or another a little less, of productive industry. Neither is it to be called in, for the purpose of causing the industrious individual to make the precise distribution of his produce which he ought to make. Hence it follows that, while the present erroneous opinions and prejudices respecting accumulation continue, actual accumulation will, in some degree, take place.

For, let it be observed that, not only no well informed community will interfere with the quantity of any man's industry, or the disposal of its produce, but the members of every such well informed community will exert themselves, to turn aside the purpose of any man who shall be inclined to dictate to, or restrain, his neighbour in this respect.

The most destructive of all excesses, is that, where one man shall dictate to another, or undertake to compel him to do, or refrain from doing, anything (except, as was before stated, in cases of the most indispensible urgency,) otherwise than with his own consent. Hence it follows that the distribution of wealth in every community, must be left to depend upon the sentiments of the individuals of that community. If, in any society, wealth be estimated at its true value, and accumulation and monopoly be regarded as the seals of mischief, injustice and dishonour, instead

* Vol I., Book II., Chap. VI.: Book VII., *passim*.

of being treated as titles to attention and deference, in that society the accommodations of human life will tend to their level, and the inequality of conditions will be destroyed.* A revolution of opinions is the only means of attaining to this inestimable benefit. Every attempt to effect this purpose by means of regulation, will probably be found ill conceived and abortive. Be this as it will, every attempt to correct the distribution of wealth by individual violence, is certainly to be regarded as hostile to the first principles of public security.

If one individual, by means of greater ingenuity or more indefatigable industry, obtain a greater proportion of the necessaries or conveniences of life than his neighbour, and, having obtained them, determine to convert them into the means of permanent inequality, this proceeding is not of a sort that it would be just or wise to undertake to repress by means of coercion. If, inequality being thus introduced, the poorer member of the community shall be so depraved as to be willing, or so unfortunately circumstanced as to be driven, to make himself the hired servant or labourer of his richer neighbour, this probably is not an evil to be corrected by the interposition of government. But, when we have gained this step, it will be difficult to set bounds to the extent of accumulation in one man, or of poverty and wretchedness in another.

It has already appeared, that reason requires that no man shall endeavour, by individual violence, to correct this inequality. Reason would probably, in a well ordered community, be sufficient to restrain men from the attempt so to correct it. Where society existed in the simplicity which has formerly been described,† accumulation itself would be restrained, by the very means that restrained depredation, the good sense of the community, and the inspection of all exercised upon all. Violence therefore would, on the one hand, have little to tempt it, as, on the other, it would be incessantly and irresistibly repressed.

But, if reason prove insufficient for this fundamental purpose, other means must doubtless be employed.‡ It is better that one man should suffer, than that the community should be destroyed. General security is one of those indispensible preliminaries, without which nothing good or excellent can be accomplished. It is therefore right that property, with all its inequalities, such as it is sanctioned by the general sense of the members of any state, and so long as that sanction continues unvaried should be defended, if need be, by means of coercion.

We have already endeavoured to show, that coercion would probably, in no case, be necessary, but for the injudicious magnitude and complication of political societies.§ In a general and absolute sense, therefore, it cannot be vindicated. But there are duties incumbent upon us, of a temporary and local nature; and

* Chap. I., p. 205. † Book V., Chap. XXIV. ‡ Book VII., Chap. V.
§ Book VII., Chap. V.

we may occasionally be required, by the pressure of circumstances, to suspend and contravene principles, the most sound in their general nature.* Till men shall be persuaded to part with the ideas of a complicated government and an extensive territory, coercion will be necessary, as an expedient to counteract the most imminent evils. There are however various reasons, that would incline a just man to confine the province of coercion within the severest limits. It is never to be regarded but as a temporary expedient, the necessity of having recourse to which is deeply to be regretted. It is an expedient, protecting one injustice, the accumulation of property, for the sake of keeping out another evil, still more formidable and destructive. Lastly, it is to be considered that this injustice, the unequal distribution of property, the grasping and selfish spirit of individuals, is to be regarded as one of the original sources of government, and, as it rises in its excesses, is continually demanding and necessitating new injustice, new penalties, and new slavery.

Thus far then it should seem the system of coercion must be permitted to extend. We should set bounds to no man's accumulation. We should repress by wise and effectual, yet moderate and humane, penalties, all forcible invasion to be committed by one man upon the acquisitions of another. But it may be asked, are there not various laws or practices, established among civilised nations, which do not, like these we have described, stop at the toleration of unequal property, but which operate to its immediate encouragement, and to the rendering this inequality still wider and more oppressive ?

What are we to conceive in this respect of the protection given to inheritance, and testamentary bequest ? "There is no merit in being born the son of a rich man, rather than of a poor one, that should justify us, in raising this man to affluence, and condemning that to invincible depression. Surely," we might be apt to exclaim, "it is enough to maintain men in their usurpation [for let it never be forgotten that accumulated property is usurpation,] during the term of their lives. It is the most extravagant fiction, which would enlarge the empire of the proprietor beyond his natural existence, and enable him to dispose of events, when he is himself no longer in the world."

The arguments however that may be offered, in favour of the protection given to inheritance and testamentary bequest, are more forcible, than might at first be imagined. We have attempted to show, that men ought to be protected, in the disposal of the property they have personally acquired ; in expending it, in the necessaries they require, or the luxuries in which they think proper to indulge ; in transferring it, in such portions, as justice shall dictate, or their erroneous judgment suggest. To attempt therefore to take the disposal out of their hands, at the period of their decease, would be an abortive and pernicious pro-

* Vol. I., Book IV., Chap. VI., App. No. I.

ject. If we prevented them from bestowing it in the open and explicit mode of bequest, we could not prevent them from transferring it before the close of their lives, and we should open a door to vexatious and perpetual litigation. Most persons would be inclined to bestow their property, after the period of their lives, upon their children or nearest relatives. Where therefore they have failed to express their sentiments in this respect, it is reasonable to presume what they would have been; and this disposal of the property on the part of the community, is the mildest, and therefore the most justifiable, interference. Where they have expressed a capricious partiality, this iniquity also is, in most cases, to be protected, because, for the reasons above assigned, it cannot be prevented, without exposing us to still greater iniquities.

But, though it may possibly be true, that inheritance, and the privilege of testation, are necessary consequences of the system of property, in a community the members of which are involved in prejudice and ignorance, it will not be difficult to find the instances, in every polished country of Europe, in which civil institution, instead of granting, to the inequalities of accumulation, only what could not prudently be withheld, has exerted itself, for the express purpose of rendering these inequalities greater and more oppressive. Such instances are, the feudal system, and the system of ranks, seignorial duties, fines, conveyances, entails, the distinction in landed property, of freehold, copyhold and manor, the establishment of vassalage, and the claim of primogeniture. We here distinctly recognise the policy of men who, having first gained a superiority, by means of the inevitable openings before cited, having made use of this superiority, for the purpose of conspiring to monopolise whatever their rapacity could seize, in direct opposition to every dictate of the general interest. These articles fall under the distinction, brought forward in the outset,* of laws or practices not common to all civilised communities, but peculiar to certain ages and countries.

It should seem, therefore, that these are institutions, the abolition of which is not to be entirely trusted to the silent hostility of opinion, but that they are to be abrogated by the express and positive decision of the community. For their abrogation, it is not necessary, that any law or regulation should be promulgated, an operation which, to say the least, should always be regarded with extreme jealousy. Property, under every form it can assume, is upheld by the direct interference of institution; and that species which we at present contemplate, must inevitably perish, the moment the protection of the state is withdrawn. Of the introduction of new regulations of whatever description, it becomes the friend of man to be jealous; but we may allow ourselves to regard with a more friendly eye, a proceeding which consists merely in their abolition.

The conclusion however in this instance, must not be pushed

* P. 211.

further, than the premises will justify. The articles enumerated, will perhaps, all of them, be found to tally with the condition annexed; they depend for their existence, upon the positive protection of the state. But there are particulars which have grown up under their countenance, that are of a different sort. Such, for instance, are titles, armorial bearings and liveries. If the community refuse to countenance feudal and seignorial claims, and the other substantial privileges of an aristocracy, they must inevitably cease. But the case is different in the instances last cited. It is one thing to abolish a law, or refuse to persist in a practice that is made the engine of tyranny; and a thing of a totally different sort, by a positive law to prohibit actions, however irrational, by which no man's security is directly invaded. It should seem unjustifiable to endeavour, by penalties, to deter a a man from calling himself by any name, or attiring himself or others, with their own consent, in any manner, he thinks proper. Not that these things are, as they have sometimes been represented, in their own nature trivial. We have endeavoured to prove the reverse of this.* They ought to be assailed with every weapon of argument and ridicule. In an enlightened community, the man who assumes to himself a pompous appellation, will be considered as a fool or a madman. But fulminations and penalties are not the proper instruments to repress an ecstacy of this sort.

There is another circumstance necessary to be stated, by way of qualification to the preceding conclusion. Evils often exist in a community, which, though mere excrescences at first, at length become so incorporated with the principle of social existence, that they cannot suddenly be separated, without the risk of involving the most dreadful calamities. Feudal rights, and the privileges of rank, are, in themselves considered, entitled to no quarter. The inequalities of property perhaps constituted a state, through which it was at least necessary for us to pass, and which constituted the true original excitement to the unfolding the powers of the human mind.† But it would be difficult to show, that feudality and aristocracy ever produced an overbalance of good. Yet, were they to be suddenly and instantly abolished, two evils would necessarily follow. First, the abrupt reduction of thousands to a condition, the reverse of that to which they had hitherto been accustomed, a condition, perhaps the most auspicious to human talent and felicity, but for which habit had wholly unfitted them, and which would be to them a continual source of dejection and suffering. It may be doubted, whether the genuine cause of reform, ever demands, that, in its name, we should sentence whole classes of men to wretchedness. Secondly, an attempt abruptly to abolish practices, which had originally no apology to plead for their introduction, would be attended with as dreadful convulsions, and as melancholy a series of public

* Book V., Chap. XII. † Chap. VII.

calamities, as an attack upon the first principles of society itself. All the reasonings therefore, which were formerly adduced under the head of revolutions,* are applicable to the present case.

Having now accomplished what was last proposed,† and endeavoured to ascertain in what particulars the present system of property is to be considered as the capricious offspring of positive institution, let us return to the point which led us to that enquiry, the question concerning the degree of respect to which property in general is entitled. And here it is only necessary that we should recollect the principle in which the doctrine of property is founded, the sacred and indefeasible right of private judgment. There are but two objects for which government can rationally be conceived to have been originated: first, as a treasury of public wisdom, by which individuals might, in all cases, with advantage be directed, and which might actively lead us, with greater certainty, in the path of happiness: or, secondly, instead of being forward to act itself as an umpire, that the community might fill the humbler office of guardian of the rights of private judgment, and never interpose, but when one man appeared, in this respect, alarmingly to encroach upon another. All the arguments of this work have tended to show that the latter, and not the former, is the true end of civil institution. The first idea of property then, is a deduction from the right of private judgment; the first object of government, is the preservation of this right. Without permitting to every man, to a considerable degree, the exercise of his own discretion, there can be no independence, no improvement, no virtue and no happiness. This is a privilege in the highest degree sacred; for its maintenance, no exertions and sacrifices can be too great. Thus deep is the foundation of the doctrine of property. It is, in the last resort, the palladium of all that ought to be dear to us, and must never be approached but with awe and veneration. He that seeks to loosen the hold of this principle upon our minds, and that would lead us to sanction any exceptions to it without the most deliberate and impartial consideration, however right may be his intentions, is, in that instance, an enemy to the whole. A condition indispensibly necessary to every species of excellence, is security. Unless I can forsee, in a considerable degree, the treatment I shall receive from my species, and am able to predict, to a certain extent, what will be the limits of their irregularity and caprice, I can engage in no valuable undertaking. Civil society maintains a greater proportion of security among men than can be found in the savage state: this is one of the reasons why, under the shade of civil society, arts have been invented, sciences perfected, and the nature of man, in his individual and relative capacity, gradually developed.

One observation it seems proper to add to the present chapter. We have maintained‡ the equal rights of men, that each man

* Vol. I., Book IV., Chap. II. † P. 210. ‡ Chap. I.

has a perfect claim upon every thing, the possession of which will be productive of more benefit to him, than injury to another. "Has he then," it will be asked, "a right to take it? If not, what sort of right is that, which the person in whom it vests, is not entitled to enforce?"

The difficulty here is in appearance, and not in reality. The feature, specified in the present instance, adheres to every department of right. It is right, that my actions should be governed by the dictates of my own judgment; and every man is an intruder, who endeavours to compel me to act by his judgment, instead of my own. But it does not follow, that I shall always do wisely or well, in undertaking to repel his intrusion by force. Persuasion, and not force, is the legitimate instrument for influencing the human mind; and I shall never be justifiable in having recourse to the latter, while there is any rational hope of succeeding by the former. Add to which, the criterion of morals is utility. When it has once been determined, that my being constituted the possessor of a certain article will be beneficial, it does not follow that my attempting, or even succeeding, violently to put myself in possession of it, will be attended with a beneficial result. If I were quietly installed, it may be unquestionable that that would be an absolute benefit; and yet it may be true, that my endeavours to put myself in possession, whether effectual or ineffectual, will be attended with worse consequences, than all the good that would follow from right being done as to the object itself. The doctrine of rights, has no rational or legitimate connexion with the practice of tumult.

But though I may not, consistently with rectitude, attempt to put myself in possession of many things which it is right I should have, yet this sort of right is by no means futile and nugatory. It may prove to be a great truth, resting upon irresistible evidence, and may, in that case, be expected to make hourly progress in the convictions of mankind. If it be true, it is an interesting truth, and may therefore be expected to germinate in the mind, and produce corresponding effects upon the conduct. It may appear to be a truth of that nature, which is accustomed to sink deep in the human understanding, insensibly to mix itself with all our reasonings, and ultimately to produce, without shadow of violence, the most complete revolution in the maxims of civil society.

CHAP. III.

BENEFITS ATTENDANT ON A SYSTEM OF EQUALITY.

Contrasted with the mischiefs of the present system—1. a sense of dependence. 2. the perpetual spectacle of injustice, leading men astray in their desires—and perverting the integrity of their judgments.—The rich are the true pensioners.—3. the discouragement of intellectual attainments.—4. the multiplication of vice—generating the crimes of the poor—the passions of the rich—and the misfortunes of war.—5. depopulation.

HAVING seen the justice of an equal distribution of the good things of life, let us next proceed to consider in detail, the benefits with which it would be attended. And here with grief it must be confessed, that however great and extensive are the evils that are produced by monarchies and courts,* by the imposture of priests † and the iniquity of criminal laws,‡ all these are imbecile and impotent, compared with the evils that arise out of the established administration of property.

Its first effect is that we have already mentioned,§ a sense of dependence. It is true that courts are mean-spirited, intriguing, and servile, and that this disposition is transferred by contagion from them to all ranks of society. But accumulation brings home a servile and truckling spirit, by no circuitous method, to every house in the nation. Observe the pauper fawning with abject vileness upon his rich benefactor, speechless with sensations of gratitude, for having received that which he ought to have claimed, not indeed with arrogance, or a dictatorial and overbearing temper, but with the spirit of a man discussing with a man, and resting his cause only on the justice of his claim. Observe the servants that follow in a rich man's train, watchful of his looks, anticipating his commands, not daring to reply to his insolence, all their time and their efforts under the direction of his caprice. Observe the tradesman, how he studies the passions of his customers, not to correct, but to pamper them, the vileness of his flattery and the systematical constancy with which he exaggerates the merit of his commodities. Observe the practices of a popular election, where the great mass are purchased by obsequiousness, by intemperance and bribery, or driven by unmanly threats of poverty and persecution. Indeed "the age of chivalry is" not "gone!"‖ The feudal spirit still survives, that reduced the great mass of mankind to the rank of slaves and cattle, for the service of a few.

We have heard much of visionary and theoretical improve-

* Book V. † Book VI. ‡ Book VII.
§ Chap. I., p. 206. ‖ Burke's Reflections.

ments. It would indeed be visionary to expect integrity from mankind, while they are thus subjected to hourly corruption, and bred, from father to son, to sell their independence and their conscience, for the vile rewards that oppression has to bestow. No man can be either useful to others or happy in himself, who is a stranger to the grace of firmness, or who is not habituated to prefer the dictates of his own understanding, to the tyranny of command, and the allurements of temptation. Here again, as upon a former occasion,* religion comes in to illustrate our thesis. Religion was the generous ebullition of men, who let their imagination loose on the grandest subjects, and wandered without restraint in the unbounded field of enquiry. It is not to be wondered at, therefore, if they brought home imperfect ideas of the sublimest views that intellect can furnish. In this instance, religion teaches that the pure perfection of man is to arm himself against the power of sublunary enticements and sublunary terrors; that he must suffer no artificial wants, sensuality, or fear, to come in competition with the dictates of rectitude and reflection. But to expect a constancy of this sort from the human species, under the present system, is an extravagant speculation. The enquirer after truth, and the benefactor of mankind, will be desirous of removing from them those external impressions, by which their evil propensities are cherished. The true object that should be kept in view is to extirpate all ideas of condescension and superiority, to oblige every man to feel that the kindness he exerts is what he is bound to perform, and to examine whether the assistance he asks be what he has a right to claim.

A second evil that arises out of the established administration of property is, the continual spectacle of injustice it exhibits. The effect of this consists partly in the creation of wrong propensities, and partly in a hostility to right ones. There is nothing more pernicious to the human mind than the love of opulence. Essentially active, when the original cravings of appetite have been satisfied, we necessarily fix on some object of pursuit, benevolent or personal, and, in the latter case, on the attainment of some excellence, or something which shall command the esteem and deference of others. Few propensities, absolutely considered, can be more valuable than this. But the established administration of property directs it into the channel of the acquisition of wealth. The ostentation of the rich perpetually goads the spectator to the desire of opulence. Wealth, by the sentiments of servility and dependence it produces, makes the rich man stand forward as the principal object of general esteem and deference. In vain are sobriety, integrity, and industry, in vain the sublimest powers of mind, and the most ardent benevolence, if their possessor be narrow in his circumstances. To acquire wealth and to display it, is therefore the universal passion. The whole structure of human society is made a system of the nar-

* Chap. I., p. 206.

rowest selfishness. If the state of society were such that self-love and benevolence were apparently reconciled as to their object, a man might then set out with the desire of eminence, and yet become every day more generous and philanthropical in his views. But the passion we are here describing is accustomed to be gratified at every step, by inhumanly trampling upon the interest of others. Wealth is acquired by over-reaching our neighbour, and is spent in insulting him.

The spectacle of injustice which the established administration of property exhibits, operates also in the way of hostility to right propensities. If you would cherish in any man the love of rectitude, you must see that its principles be impressed on him, not only by words, but actions. It happens, perhaps, during the period of education, that maxims of integrity and consistency are repeatedly enforced, and the preceptor gives no quarter to the base suggestions of selfishness and cunning. But how is the lesson that has been read to the pupil confounded and reversed, when he enters upon the scene of the world? If he ask, "Why is this man honoured?" the ready answer is, "Because he is rich." If he enquire further, "Why is he rich?" the answer in most cases is, "From the accident of birth, or from a minute and sordid attention to the cares of gain." Humanity weeps over the distresses of the peasantry in all civilised nations; and when she turns from this spectacle, to behold the luxury of their lords, gross, imperious, and prodigal, her sensations certainly are not less acute. This spectacle is the school in which mankind have been educated. They have been accustomed to the sight of injustice, oppression, and iniquity, till their feelings are made callous, and their understandings incapable of apprehending the principles of virtue.

In beginning to point out the evils of accumulated property, we compared the extent of those evils with the correspondent evils of monarchies and courts.* No circumstances, under the latter, have excited a more pointed disapprobation than pensions and pecuniary corruption, by means of which hundreds of individuals are rewarded, not for serving, but betraying the public, and the hard earnings of industry are employed to fatten the servile adherents of despotism. But the rent-roll of the lands of England is a much more formidable pension-list than that which is supposed to be employed in the purchase of ministerial majorities. All riches, and especially hereditary riches, are to be considered as the salary of a sinecure office, where the labourer and the manufacturer perform the duties, and the principal spends the income in luxury and idleness.† Hereditary wealth is in

* P. 212.

† This idea is to be found in an Essay on the Right of Property in Land, published about twelve years ago by an ingenious inhabitant of North Britain, Part I., Sect. iii., par. 38, 39. The reasonings of this author have sometimes considerable merit, though he has by no means gone to the source of the evil.

reality a premium paid to idleness, an immense annuity expended to retain mankind in brutality and ignorance. The poor are kept in ignorance by the want of leisure. The rich are furnished indeed with the means of cultivation and literature, but they are paid for being dissipated and indolent. The most powerful means that malignity could have invented, are employed to prevent them from improving their talents, and becoming useful to the public.

This leads us to observe thirdly, that the established administration of property is the true levelling system with respect to the human species, by as much as the cultivation of intellect is more valuable, and more characteristic of man, than the gratifications of vanity or appetite. Accumulated property treads the powers of thought in the dust, extinguishes the sparks of genius, and reduces the great mass of mankind to be immersed in sordid cares; beside depriving the rich, as we have already said, of the most salubrious and effectual motives to activity. If superfluity were banished, the necessity for the greater part of the manual industry of mankind would be superseded; and the rest, being amicably shared among the active and vigorous members of the community, would be burthensome to none. Every man would have a frugal, yet wholesome diet; every man would go forth to that moderate exercise of his corporeal functions, that would give hilarity to the spirits; none would be made torpid with fatigue, but all would have leisure to cultivate the kindly and philanthropical affections, and to let loose his faculties in the search of intellectual improvement. What a contrast does this scene present to the present state of society, where the peasant and the labourer work till their understandings are benumbed with toil, their sinews contracted and made callous by being for ever on the stretch, and their bodies invaded with infirmities, and surrendered to an untimely grave? What is the fruit they obtain from this dispropor-

It might be amusing to some readers, to recollect the authorities, if the citation of authorities were a proper mode of reasoning, by which the system of accumulated property is openly attacked. The best known is Plato in his treatise of a Republic. His steps have been followed by Sir Thomas More in his Utopia. Specimens of very powerful reasoning on the same side, may be found in Gulliver's Travels, particularly Part IV., Chap. VI. Mably, in his book *De la Législation*, has displayed at large the advantages of equality, and then quits the subject in despair, from an opinion of the incorrigibleness of human depravity. Wallace, the contemporary and antagonist of Hume, in a treatise entitled, Various Prospects of Mankind, Nature and Providence, is copious in his eulogium of the same system, and deserts it only from fear of the earth becoming too populous: see below, Chap. IX. The great practical authorities are Crete, Sparta, Peru, and Paraguay. We should swell the list to an inconvenient size, if we added examples where an approach only to these principles was attempted, and authors who have incidentally confirmed a doctrine so interesting and clear as never to have been wholly eradicated from any human understanding.

It would be trifling to object that the systems of Plato and others are full of imperfections. This rather strengthens their authority; since the evidence of the truth they maintained was so great, as still to preserve its hold on their understandings, though they knew not how to remove the difficulties that attended it.

tioned and unceasing toil? In the evening they return to a family famished with hunger, exposed half naked to the inclemencies of the sky, hardly sheltered, and denied the slenderest instruction, unless in a few instances, where it is dispensed by the hands of ostentatious charity, and the first lesson communicated is unprincipled servility. All this while their rich neighbour—but we visited him before.*

How rapid would be the advances of intellect, if all men were admitted into the field of knowledge? At present ninety-nine persons in a hundred are no more excited to any regular exertions of general and curious thought, than the brutes themselves. What would be the state of public mind in a nation where all were wise, all had laid aside the shackles of prejudice and implicit faith, all adopted with fearless confidence, the suggestions of reason, and the lethargy of the soul was dismissed for ever? It is to be presumed, that the inequality of mind would, in a certain degree, be permanent; but it is reasonable to believe, that the geniuses of such an age would greatly surpass the utmost exertions of intellect hitherto known. Genius would not be depressed with false wants and niggardly patronage. It would not exert itself with a sense of neglect and oppression rankling in its bosom. It would be delivered from those apprehensions that perpetually recal us to the thought of personal emolument; and, of consequence, would expatiate freely among sentiments of generosity and public good.

From ideas of intellectual, let us turn to moral improvement. And here it is obvious, that the great occasions of crime would be cut off for ever.†

The fruitful source of crimes consists in this circumstance, one man's possessing in abundance that of which another man is destitute. We must change the nature of mind, before we can prevent it from being powerfully influenced by this circumstance, when brought strongly home to its perceptions by the nature of its situation. Man must cease to have senses, the pleasures of appetite and vanity must cease to gratify, before he can look on tamely at the monopoly of these pleasures. He must cease to have a sense of justice before he can clearly and fully approve this mixed scene of superfluity and want. It is true that the proper method of curing this inequality is by reason and not by violence. But the immediate tendency of the established administration is to persuade men that reason is impotent. The injustice of which they complain is upheld by force; and they are too easily induced by force to attempt its correction. All they endeavour, is the partial correction of an injustice which education tells them is necessary, but more powerful reason affirms to be tyrannical.

Force grew out of monopoly. It might accidentally have occurred among savages, whose appetites exceeded their supply, or

* P. 220. † Vol. I., Book I., Chap. III.

whose passions were inflamed by the presence of the object of their desire; but it would gradually have died away, as reason and civilisation advanced. Accumulated property has fixed its empire; and henceforth all is an open contention of the strength and cunning of one party, against the strength and cunning of the other. In this case, the violent and premature struggles of the necessitous, are undoubtedly an evil. They tend to defeat the very cause in the success of which they are most deeply interested; they tend to procrastinate the triumph of justice. But the true crime, in every instance, is in the selfish and partial propensities of men, thinking only of themselves, and despising the emolument of others; and, of these, the rich have their share.

The spirit of oppression, the spirit of servility, and the spirit of fraud, these are the immediate growth of the established administration of property. They are alike hostile to intellectual and moral improvement. The other vices of envy, malice, and revenge, are their inseparable companions. In a state of society where men lived in the midst of plenty, and where all shared alike the bounties of nature, these sentiments would inevitably expire. The narrow principle of selfishness would vanish. No man being obliged to guard his little store, or provide, with anxiety and pain, for his restless wants, each would lose his individual existence in the thought of the general good. No man would be an enemy to his neighbour, for they would have no subject of contention; and, of consequence, philanthropy would resume the empire which reason assigns her. Mind would be delivered from her perpetual anxiety about corporeal support, and free to expatiate in the field of thought which is congenial to her. Each would assist the enquiries of all.

Let us fix our attention for a moment upon the alteration of principles and habits, that immediately grows out of an unequal distribution of property. Till it was thus distributed, men felt what their wants required, and sought the supply of those wants. All that was more than this was regarded as indifferent. But no sooner is accumulation introduced than they begin to study a variety of methods, for disposing of their superfluity with least emolument to their neighbour, or, in other words, by which it shall appear to be most their own. They do not long continue to buy commodities before they begin to buy men. He that possesses, or is the spectator of, superfluity, soon discovers the hold which it affords him on the minds of others. Hence the passions of vanity and ostentation. Hence the despotic manners of such as recollect with complacence the rank they occupy; and the restless ambition of those whose attention is engrossed by the possible future.

Ambition is, of all the passions of the human mind, the most extensive in its ravages. It adds district to district, and kingdom to kingdom. It spreads bloodshed and calamity and conquest over the face of the earth. But the passion itself, as well as the means

of gratifying it, is the produce of the prevailing administration of property.* It is only by means of accumulation that one man obtains an unresisted sway over multitudes of others. It is by means of a certain distribution of income that the present governments of the world are retained in existence. Nothing more easy than to plunge nations, so organised, into war. But, if Europe were at present covered with inhabitants, all of them possessing competence, and none of them superfluity, what could induce its different countries to engage in hostility? If you would lead men to war, you must exhibit certain allurements. If you be not enabled, by a system already prevailing, and which derives force from prescription, to hire them to your purposes, you must bring over each individual by dint of persuasion. How hopeless a task, by such means to excite mankind to murder each other? It is clear, then, that war, in all its aggravations, is the growth of unequal property. As long as this source of jealousy and corruption shall remain, it is visionary to talk of universal peace. As soon as the source shall be dried up, it will be impossible to exclude the consequence. It is accumulation that forms men into one common mass, and makes them fit to be played upon like a brute machine. Were this stumbling-block removed, each man would be united to his neighbour, in love and mutual kindness, a thousand times more than now: but each man would think and judge for himself. Let then the advocates for the prevailing administration at least consider what it is for which they plead, and be well assured that they have arguments in its favour which will weigh against these disadvantages.

There is one other circumstance which, though inferior to those above enumerated, deserves to be mentioned. This is population. It has been calculated that the average cultivation of Europe might be so improved as to maintain five times her present number of inhabitants.† There is a principle in human society, by which population is perpetually kept down to the level of the means of subsistence. Thus, among the wandering tribes of America and Asia, we never find, through the lapse of ages, that population has so increased as to render necessary the cultivation of the earth. Thus, among the civilised nations of Europe, by means of territorial monopoly, the sources of subsistence are kept within a certain limit, and, if the population became overstocked, the lower ranks of the inhabitants would be still more incapable of procuring for themselves the necessaries of life. There are, no doubt, extraordinary concurrences of circumstances, by means of which changes are occasionally introduced in this respect; but, in ordinary cases, the standard of population is held in a manner stationary for centuries. Thus the established administration of property may be considered as strangling a considerable portion of our children in their cradle. Whatever may be the value of

* Book V., Chap. XVI.
† Essay on Property, Part I., Sect. iii., par. 35.

the life of man, or rather whatever would be his capability of happiness in a free and equal state of society, the system we are here opposing may be considered as arresting, upon the threshold of existence, four-fifths of that value and that happiness.

CHAP. IV.

OBJECTION TO THIS SYSTEM FROM THE FRAILTY OF THE HUMAN MIND.

Recapitulation.—Objection stated.—General answer to this objection.—Particular answer.—Influence of public opinion upon the conduct of individuals.

HAVING proceeded thus far in our investigation, it may be proper to recapitulate the principles already established. The discussion under each of its branches, as it relates to the equality of men,* and the inequalities of property,† may be considered as a discussion either of right or duty; and, in that respect, runs parallel to the two great heads of which we treated in our original development of the principles of society.‡ I have a right to the assistance of my neighbour; he has a right that it should not be extorted from him by force. It is his duty to afford me the supply of which I stand in need; it is my duty not to violate his province in determining, first, whether he is to supply me; and, secondly, in what degree.

Equality of conditions, or, in other words, an equal admission to the means of improvement and pleasure, is a law rigorously enjoined upon mankind by the voice of justice. All other changes in society are good, only as they are fragments of this, or steps to its attainment. All other existing abuses are to be deprecated only as they serve to increase and perpetuate the inequality of conditions.

We have however arrived at another truth not less evident than this. Equality of conditions cannot be produced by individual compulsion, and ought not to be produced by compulsion in the name of the whole. There remains therefore but one mode of arriving at this great end of justice, and most essential improvement of society, and that consists, in rendering the cession, by him that has, to him that wants, an unrestrained and voluntary action. There remain but two instruments for producing this volition, the illumination of the understanding and the love of distinction.

* Chap. I., III. † Chap. II. ‡ Vol I., Book II., Chap. IV., V.

These instruments have commonly been supposed wholly inadequate to their object. It has usually been treated as "the most visionary of all systems, to expect the rich to 'sell all that they have, and give to the poor.'* It is one thing to convince men, that a given conduct, on their part, would be most conducive to the general interest, and another to persuade them, actively to postpone, to considerations of general interest, every idea of personal ambition or pleasure. The sober calculator will often doubt whether it be reasonable, in consistence with the nature of a human being, to expect from him such a sacrifice: and the man of a lively and impetuous temper, even when satisfied that it is his duty, will be in hourly danger of deserting it, at the invitation of some allurement, too powerful for mortal frailty to resist."

There is certainly considerable force in this statement; and there is good reason to believe, though the human mind be unquestionably accessible to disinterested motives,† that virtue would be in most instances an impracticable refinement; were it not that self-love and social, however different in themselves, are found upon strict examination to prescribe the same system of conduct.

But this observation by no means removes the difficulty intended to be suggested in the objection. "Though frugality, moderation, and plainness, may be the joint dictate of these two authorities, yet it is the property of the human mind, to be swayed by things present, more than by things absent. In affairs of religion, we often find men indulging themselves in offences of small gratification, in spite of all the threats that can be held out to them of eternal damnation. It is in vain that, for the most part, you would preach the pleasures of abstinence amidst the profusion of a feast; or the unsubstantialness of fame and power, to him who is tortured with the goadings of ambition. The case is similar to that of the exacerbations of grief, the attempt to cure which by the consolations of philosophy, has been a source of inexhaustible ridicule."

The answer to these remarks has been anticipated.‡ The ridicule lies in supposing the endeavour to cure a man of his weakness, to consist in one phlegmatic and solitary expostulation, instead of conceiving it to be accompanied with the vigour of conscious truth, and the progressive regularity of a course of instruction.

Let us take up the subject in a view, in some degree varying from that in which it was formerly considered. We have endeavoured to establish, in the commencement of the present book, the principles of justice, relative to the distribution of the goods of fortune. Let us enquire, whether the principles there delivered can be made productive of conviction to the rich; whe-

* Mark, Ch. x., ver. 21. † Vol. I., Book IV., Chap. X.
‡ Vol. I., Book I., Chap. V., § 3.

ther they can be made productive of conviction, in cases not immediately connected with personal interest; and whether they can be made productive of conviction to the poor?

Is it possible for a rich man to see, that the costly gratifications in which he indulges, are comparatively of little value, and that he may arrive at every thing that is most essential in happiness or pleasure, by means of the three other sources formerly enumerated,* subsistence, unexpensive gratifications, and the means of intellectual and moral improvement? Is it possible for him to understand the calculation, "in every glass that he drinks, and every ornament that he annexes to his person," of "how many individuals have been condemned to slavery and sweat, incessant drudgery, unwholesome food, continual hardships, deplorable ignorance, and brutal insensibility, that he may be supplied with these luxuries?"† Is it possible for a man to have these ideas so repeatedly suggested to his mind, so strongly impressed, and so perpetually haunting him, as finally to induce a rich man to desire, with respect to personal gratifications, to live as if he were a poor one? It is not conceivable but that every one of these questions must be answered in the affirmative.

Be it observed, by the way, that the motives for a rich man to live as if he were a poor one, are very inferior now, to what they would be, when a general sympathy upon this subject had taken place, and a general illumination had diffused itself.

If then it be possible for a rich man, from the mere apprehensions of justice, voluntarily to desire to live as if he were a poor one, we shall have still less hesitation in affirming, that a sentiment of justice in this matter, may be made productive of conviction, in cases not immediately connected with personal interest, and of conviction to the poor.

Undoubtedly an apprehension of the demands of justice in this respect, has some tendency to the instigation of violence and tumult, were we not to suppose the gradual development of this impression to be accompanied with a proportionable improvement of the mind in other respects, and a slow, but incessant, melioration of the institutions and practices of society. With this supposition, it could not however fail to happen, that, in proportion as the prejudices and ignorance of the great mass of society declined, the credit of wealth, and the reverent admiration with which it is now contemplated, must also decline. But, in proportion as it lost credit with the great mass of society, it would relax its hold upon the minds of those who possess it, or have the means of acquiring it. We have already seen,‡ that the great incitement to the acquisition of wealth, is the love of distinction. Suppose then that, instead of the false glare which wealth, through the present puerility of the human mind, reflects on its possessor, his conduct in amassing and monopolising it, were seen in its true light. We should not then demand his punishment.

* Chap. I., p. 204. † Chap. II., p. 209. ‡ Chap. I., p. 205.

but we should look on him as a man uninitiated in the plainest sentiments of reason. He would not be pointed at with the finger, or hooted as he passed along through the resorts of men, but he would be conscious that he was looked upon as the meanest of mankind. He would be incited to the same assiduity in hiding his acquisitions then, as he employs in displaying them now. He would be regarded with no terror, for his conduct would appear too absurd to excite imitation. Add to which, his acquisitions would be small, as the independent spirit and sound discretion of mankind, would allow but little chance of his being able to retain them in his service, as now, by generously rewarding them with a part of the fruit of their own labours. Thus it appears, with irresistible probability, when the subject of wealth shall be understood, and correct ideas respecting it familiarised to the human mind, that the present disparity of conditions will subside, by a gradual and incessant progress, into its true level.

CHAP. V.

OBJECTION TO THIS SYSTEM FROM THE QUESTION OF PERMANENCE.

Grounds of the objection.—Its serious import.—Nature of the equality under consideration—as produced by a stricter sense of justice—and a purer theory of happiness.

The change we are here contemplating, consists in the disposition of every member of the community, voluntarily to resign that, which would be productive of a much higher degree of benefit and pleasure, when possessed by his neighbour, than when occupied by himself. Undoubtedly, this state of society is remote from the modes of thinking and acting which at present prevail. A long period of time must probably elapse, before it can be brought entirely into practice. All we have been attempting to establish is, that such a state of society is agreeable to reason, and prescribed by justice; and that, of consequence, the progress of science and political truth among mankind, is closely connected with its introduction. The inherent tendency of intellect is to improvement. If therefore this inherent tendency be suffered to operate, and no concussion of nature or inundation of barbarism arrest its course, the state of society we have been describing, must, at some time, arrive.

But it has frequently been said, "that if an equality of conditions could be introduced to-day, it would be destroyed to-morrow. It is impossible to reduce the varieties of the human mind to such a uniformity, as this system demands. One man

will be more industrious than another; one man will be provident and avaricious, and another dissipated and thoughtless. Misery and confusion would be the result of an attempt to equalise, in the first instance, and the old vices and monopolies would succeed, in the second. All that the rich could purchase by the most generous sacrifice, would be a period of barbarism, from which the ideas and regulations of civil society must recommence, as from a new infancy."

Upon this statement, it is first to be remarked, that, if true, it presents to us a picture, in the highest degree, melancholy and discouraging. It discovers a disease, to which it is probable there is no remedy. Human knowledge must proceed. What we see and admire, we shall at some time or other seek to attain: Such is the inevitable law of our nature. It is impossible not to see the beauty of equality, and not to be charmed with the benefits it appears to promise. It is impossible not to regret the unbounded mischiefs and distress, that grow out of the opposite system. The consequence is sure. Man, according to these reasoners, is prompted, for some time, to advance with success: but after that, in the very act of pursuing further improvement, he necessarily plunges beyond the compass of his powers, and has his petty career to begin afresh: always pursuing what is beautiful, always frustrated in his object, always involved in calamities by the very means he employs to escape them.

Secondly, it is to be observed, that there is a wide difference between the equality here spoken of, and the equality which has frequently constituted a subject of discussion among mankind. This is not an equality introduced by force, or maintained by the laws and regulations of a positive institution. It is not the result of accident, of the authority of a chief magistrate, or the over-earnest persuasion of a few enlightened thinkers; but is produced by the serious and deliberate conviction of the public at large. It is one thing, for men to be held to a certain system, by the force of laws, and the vigilance of those who administer them; and a thing entirely different, to be held by the firm and habitual persuasion of their own minds. We can readily conceive their finding means to elude the former; but it is not so easy to comprehend a disobedience to the latter. If the force of truth shall be strong enough, gradually to wean men from the most rooted habits, and to introduce a mode of society so remote from that which at present exists, it will also probably be strong enough, to hold them in the course they have commenced, and to prevent the return of vices which have once been extirpated. This probability will be increased, if we recollect the two principles which must have led men into such a system of action; a stricter sense of justice, and a purer theory of happiness.

Equality of conditions cannot begin to assume a fixed appearance in human society, till the sentiment becomes deeply impressed, as well as widely diffused, that the genuine wants of any man, constitute his only just claim to the ultimate appropriation,

and the consumption, of any species of commodity. It must previously be seen, that the claims of one man are originally of the same extent as the claims of another; and that the only difference which can arise, must relate to extraordinary infirmity, or the particular object of utility which any individual is engaged in promoting. It must be felt, that the most fundamental and noxious of all kinds of injustice, is for one man actively to withhold from his neighbours the most indispensible benefits, for the sake of some trivial accommodation to himself. Men who are habituated to these views, can scarcely be tempted to monopolise; and the sense of the community respecting him who yields to the temptation, will be so decisive in its tenor, and unequivocal in its manifestation, as to afford small encouragement to perseverance or imitation.

A spontaneous equality of conditions, also implies a purer theory of happiness than has hitherto obtained. Men will cease to regard with complacence, the happiness that consists in splendour and ostentation, of which the true object, however disguised, is to insult our neighbours, and to feed our own vanity, with the recollection of the goods that we possess, and from which, though endowed with an equal claim, they are debarred. They will cease to derive pleasure, from the empire to be possessed over others, or the base servility and terror with which they may address us. They will be contented, for the most part, with the means of healthful existence, and of unexpensive pleasure. They will find the highest gratification in promoting and contemplating the general happiness. They will regard superfluities, absolutely considered, with no impatience of desire; and will abhor the idea of obtaining them through the medium of oppression and injustice. This conduct they would be induced to observe, even were their own gratification only in view; and, instead of repining at the want of exorbitant indulgences, they will stand astonished, that men could ever have found gratification, in that which was visibly stamped and contaminated with the badge of extortion.

CHAP. VI.

OBJECTION TO THIS SYSTEM FROM THE ALLUREMENTS OF SLOTH.

Objection proposed.—Such a state of society preceded by great intellectual improvement.—The manual labour required will be small.—Universality of the love of distinction.—Operation of this motive under the system in question—finally superseded by a better motive.

Another objection which has been urged against the system which counteracts the accumulation of property, is, "that it

would put an end to industry. We behold, in commercial countries, the miracles that are operated by the love of gain. Their inhabitants cover the sea with their fleets, astonish mankind by the refinements of their ingenuity, hold vast continents in subjection, in distant parts of the world, by their arms, are able to defy the most powerful confederacies, and, oppressed with taxes and debts, seem to acquire fresh prosperity under their accumulated burthens. Shall we lightly part with a motive which appears so great and stupendous in its influence? Once establish it as a principle in society, that no man is to apply to his personal use more than his necessities require; and every man will become indifferent to the exertions which now call forth the energy of his faculties. Once establish it as a principle, that each man, without being compelled to exert his own powers, is entitled to partake of the superfluity of his neighbour; and indolence will speedily become universal. Such a society must either starve, or be obliged, in its own defence, to return to that system of monopoly and sordid interest, which theoretical reasoners will for ever arraign to no purpose."

In reply to this objection, the reader must again be reminded, that the equality for which we are pleading, is an equality which would succeed to a state of great intellectual improvement. So bold a revolution cannot take place in human affairs, till the general mind has been highly cultivated. Hasty and undigested tumults, may be produced by a superficial idea of equalisation; but it is only a clear and calm conviction of justice, of justice mutually to be rendered and received, of happiness to be produced by the desertion of our most rooted habits, that can introduce an invariable system of this sort. Attempts, without this preparation, will be productive only of confusion. Their effect will be momentary, and a new and more barbarous inequality will succeed. Each man, with unaltered appetite, will watch the opportunity, to gratify his love of power or of distinction, by usurping on his inattentive neighbours.

Is it to be believed, then, that a state of so great intellectual improvement can be the forerunner of universal ignorance and brutality? Savages, it is true, are subject to the weakness of indolence. But civilised and refined states are the theatre of a peculiar activity. It is thought, acuteness of disquisition, and ardour of pursuit, that set the corporeal faculties at work. Thought begets thought. Nothing perhaps can put a stop to the advances of mind but oppression. But here, so far from being oppressed, every man is equal, every man independent and at his ease. It has been observed, that the introduction of a republican government is attended with public enthusiasm and irresistible enterprise. Is it to be believed that equality, the true republicanism, will be less effectual? It is true, that in republics this spirit, sooner or later, is found to languish. Republicanism is not a remedy that strikes at the root of the evil. Injustice, oppression, and misery, can find an abode in those seeming happy seats.

But what shall stop the progress of ardour and improvement, where the monopoly of property is unknown?

This argument will be strengthened, if we reflect on the amount of labour that a state of equality will require. What is this quantity of exertion from which the objection supposes many individuals to shrink? It is so light as rather to assume the guise of agreeable relaxation and gentle exercise, than of labour. In such a community scarcely any one can be expected, in consequence of his situation or avocations, to consider himself as exempted from the obligation to manual industry. There will be no rich man to recline in indolence, and fatten upon the labour of his fellows. The mathematician, the poet, and the philosopher, will derive a new stock of cheerfulness and energy from the recurring labour that makes them feel they are men. There will be no persons devoted to the manufacture of trinkets and luxuries; and none whose office it should be to keep in motion the complicated machine of government, tax-gatherers, beadles, excisemen, tide-waiters, clerks, and secretaries. There will be neither fleets nor armies, neither courtiers nor lacqueys. It is the unnecessary employments that at present occupy the great mass of every civilised nation, while the peasant labours incessantly to maintain them in a state more pernicious than idleness.

It may be computed, that not more than one twentieth of the inhabitants of England is substantially employed in the labours of agriculture. Add to this that the nature of agriculture is such as to give full occupation in some parts of the year, and to leave other parts comparatively vacant. We may consider the latter as equivalent to a labour which, under the direction of sufficient skill, might suffice, in a simple state of society, for the fabrication of tools, for weaving, and the occupation of tailors, bakers, and butchers. The object in the present state of society, is to multiply labour; in another state, it will be to simplify it. A vast disproportion of the wealth of the community has been thrown into the hands of a few; and ingenuity has been continually upon the stretch, to find ways in which it may be expended. In the feudal times, the great lord invited the poor to come and eat of the produce of his estate, upon condition of wearing his livery, and forming themselves in rank and file to do honour to his well-born guests. Now, that exchanges are more facilitated, he has quitted this inartificial mode, and obliges the men who are maintained from his income to exert their ingenuity and industry in return. Thus, in the instance just mentioned, he pays the tailor to cut his clothes to pieces, that he may sew them together again, and to decorate them with stitching and various ornaments, without which they would be, in no respect, less convenient and useful. We are imagining, in the present case, a state of the most rigid simplicity.

From the sketch which has been given, it seems by no means impossible, that the labour of every twentieth man in the community would be sufficient to supply to the rest all the absolute

necessaries of life. If then this labour, instead of being performed by so small a number, were amicably divided among the whole, it would occupy the twentieth part of every man's time. Let us compute that the industry of a labouring man engrosses ten hours in every day, which, when we have deducted his hours of rest, recreation, and meals, seems an ample allowance. It follows that half an hour a day, employed in manual labour by every member of the community, would sufficiently supply the whole with necessaries. Who is there that would shrink from this degree of industry? Who is there that sees the incessant industry exerted in this city and island, and would believe that, with half an hour's industry *per diem*, the sum of happiness to the community at large might be much greater than at present? Is it possible to contemplate this fair and generous picture of independence and virtue, where every man would have ample leisure for the noblest energies of mind, without feeling our very souls refreshed with admiration and hope?

When we talk of men's sinking into idleness, if they be not excited by the stimulus of gain, we seem to have little considered the motives that at present govern the human mind. We are deceived by the apparent mercenariness of mankind, and imagine that the accumulation of wealth is their great object. But it has sufficiently appeared, that the present ruling passion of man is the love of distinction.* There is, no doubt, a class in society that is perpetually urged by hunger and need, and has no leisure for motives less gross and material. But is the class next above them less industrious than they? Will any man affirm that the mind of the peasant is as far removed from inaction and sloth, as the mind of the general or the statesman, of the natural philosopher who mascerates himself with perpetual study, or the poet, the bard of Mantua for example, who can never believe that he has sufficiently revised, reconsidered, and polished his compositions?

In reality, those by whom this reasoning has been urged, have mistaken the nature of their own objection. They did not suppose that men could be roused into action only by the love of gain; but they conceived that, in a state of equality, men would have nothing to occupy their attention. What degree of truth there is in this idea we shall presently have occasion to estimate.†

Meanwhile, it is sufficiently obvious that the motives which arise from the love of distinction, are by no means cut off by a state of society incompatible with the accumulation of property. Men, no longer able to acquire the esteem, or avoid the contempt, of their neighbours, by circumstances of dress and furniture, will divert the passion for distinction into another channel. They will avoid the reproach of indolence, as carefully as they now avoid the reproach of poverty. The only persons who at present

* Chap. I., p. 205. † Chap. VII., VIII.

neglect the effect which their appearance and manners may produce, are those whose faces are ground with famine and distress. But, in a state of equal society, no man will be oppressed, and, of consequence, the more delicate affections will have time to expand themselves. The general mind having, as we have already shown, arrived at a high degree of improvement, the impulse that carries it into action will be stronger. The fervour of public spirit will be great. Leisure will be multiplied; and the leisure of a cultivated understanding is the precise period in which great designs—designs the tendency of which is to secure applause and esteem,—are conceived. In tranquil leisure it is impossible for any but the sublimest mind to exist without the passion for distinction. This passion, no longer permitted to lose itself in indirect channels and useless wanderings, will seek the noblest course, and perpetually fructify the seeds of public good. Mind, though it will perhaps at no time arrive at the termination of its possible discoveries and improvements, will nevertheless advance with a rapidity and firmness of progression, of which we are at present unable to conceive the idea.

The love of fame is no doubt a delusion. This, like every other delusion, will take its turn to be detected and abjured. It is an airy phantom, which will indeed afford us an imperfect pleasure so long as we worship it, but will always, in a considerable degree, disappoint us, and will not stand the test of examination. We ought to love nothing but a substantial happiness, that happiness which will bear the test of recollection, and which no clearness of perception, and improvement of understanding, will tend to undermine. If there be any principle more substantial than the rest, it is justice, a principle that rests upon this single postulatum, that man and man are beings of the same nature, and susceptible, under certain limitations, of the same advantages. Whether the benefit, which is added to the common stock, proceed from you or me, is a pitiful distinction. Fame therefore is an unsubstantial and delusive pursuit. If it signify an opinion entertained of me greater than I deserve, to desire it is vicious. If it be the precise mirror of my character, it is valuable only as a means, in as much as I shall be able most essentially to benefit those who best know the extent of my capacity, and the rectitude of my intentions.

The love of fame, when it perishes in minds formed under the present system, often gives place to a principle still more reprehensible. Selfishness is the habit that grows out of monopoly. When therefore selfishness ceases to seek its gratification in public exertion, it too often narrows into some frigid conception of personal pleasure, perhaps sensual, perhaps intellectual. But this cannot be the process where monopoly is banished. Selfishness has there no kindly circumstances to foster it. Truth, the overpowering truth of general good, then seizes us irresistibly. It is impossible we should want motives, so long as we see clearly how multitudes and ages may be benefitted by our exertions, how

causes and effects are connected in an endless chain, so that no honest effort can be lost, but will operate to good, centuries after its author is consigned to the grave.* This will be the general passion, and all will be animated by the example of all.

CHAP. VII.

OBJECTION TO THIS SYSTEM FROM THE BENEFITS OF LUXURY.

Nature of the objection.—Extent of its influence.—Luxury a stage to be passed through.—Meanings of the term luxury distinguished.—Application.

THE objections we have hitherto examined, attack the practicability of a system of equality. But there are not wanting reasoners, the tendency of whose arguments is to show that, omitting the practicability, it is not even desirable. One of the objections they advance, is as follows.

They lay it down as a maxim, in the first instance, and the truth of this maxim we shall not contend with them, "that refinement is better than ignorance. It is better to be a man than a brute. Those attributes therefore, which separate the man from the brute, are most worthy of our affection and cultivation. Elegance of taste, refinement of sentiment, depth of penetration, and largeness of science, are among the noblest ornaments of man. But all these," say they, "are connected with inequality; they are the growth of luxury. It is luxury, by which palaces are built, and cities peopled. It is for the purpose of obtaining a share of the luxury which he witnesses in his richer neighbours, that the artificer exerts the refinements of his skill. To this cause we are indebted, for the arts of architecture, painting, music and poetry. Art would never have been cultivated, if a state of inequality had not enabled some men to purchase, and excited others to acquire the talent which was necessary to sell. In a state of equality, we must always have remained, and, with equality restored, we must again become, barbarians. Thus we see [as in the system of optimism†] disorder, selfishness, monopoly and distress, all of them seeming discords, contributing to the admirable harmony and magnificence of the whole. The intellectual improvement and enlargement we witness and hope for, was worth purchasing at the expense of partial injustice and distress."‡

* Vol. I., Book IV., Chap. X. † Vol. I., Book IV., Chap. XI.

‡ The great champion of this doctrine is Mandeville. It is not however easy to determine, whether he is seriously, or only ironically, the defender of the present system of society. His principal work [Fable of the Bees] is

This view of the subject, under various forms, has been very extensive in its effects. It probably contributed to make Rousseau an advocate of the savage state. Undoubtedly, we must not permit ourselves to think slightly of the mischiefs that accrue from a state of inequality. If it be necessary that the great mass of mankind should be condemned to slavery, and, stranger still, to ignorance, that a few may be enlightened, certainly those moralists are not to be blamed, who doubted whether perpetual rudeness were not preferable to such a gift. Fortunately this is by no means the real alternative.

Perhaps a state of luxury, such as is here described, and a state of inequality, might be a stage through which it was necessary to pass, in order to arrive at the goal of civilisation. The only security we can ultimately have for an equality of conditions, is a general persuasion of the iniquity of accumulation, and the uselessness of wealth, in the purchase of happiness. But this persuasion could not be established in a savage state; nor indeed can it be maintained, if we should fall back into barbarism. It was the spectacle of inequality, that first excited the grossness of barbarians to persevering exertion, as a means of acquiring. It was persevering exertion, that first gave the reality, and the sense, of that leisure, which has served the purposes of literature and art.

But, though inequality were necessary as the prelude to civilisation, it is not necessary to its support. We may throw down the scaffolding, when the edifice is complete. We have at large endeavoured to show,* that the love of our fellow men, the love of distinction, and whatever motive is most allied to the energies of the human mind, will remain, when the enchantments of wealth are dissolved. He who has tasted the pleasures of refinement and knowledge, will not relapse into ignorance.

The better to understand the futility of the present objection, it may be proper to enter into a more accurate consideration of the sense of the term luxury. It depends upon the meaning in which it is understood, to determine whether it is to be regarded as a virtue or a vice. If we understand by a luxury, something which is to be enjoyed exclusively by some, at the expense of undue privations, and a partial burthen upon others; to indulge ourselves in luxury is then a vice. But, if we understand by luxury, which is frequently the case, every accommodation which is not absolutely necessary to maintain us in sound and healthful exist-

highly worthy the attention of every man, who would learn profoundly to philosophise upon human affairs. No author has displayed, in stronger terms, the deformity of existing abuses, or proved more satisfactorily how inseparably these abuses are connected together. Hume [Essays; Part II, Essay II.] has endeavoured to communicate to the Mandevilian system his own lustre and brilliancy of colouring. But it has unfortunately happened, that what he adds in beauty he has subtracted from profoundness. The profoundness of Hume, which has never been surpassed, and which ranks him with the most illustrious and venerable of men, is for the most part the profoundness of logical distinction, rather than of moral analysis.

* Chap. I., IV., VI.

ence, the procuring and communicating luxuries may then be virtuous. The end of virtue, is to add to the sum of pleasurable sensation. The beacon and regulator of virtue, is impartiality, that we shall not give that exertion to procure the pleasure of an individual, which might have been employed in procuring the pleasure of many individuals. Within these limits every man is laudably employed, who procures to himself or his neighbour a real accession of pleasure; and he is censurable, who neglects any occasion of being so employed. We ought not to study that we may live, but to live that we may replenish existence with the greatest number of unalloyed, exquisite and substantial enjoyments.

Let us apply these reflections to the state of equality we have endeavoured to delineate. It appeared in that delineation,* that the labour of half an hour *per diem* on the part of every individual in the community, would probably be sufficient to procure for all the necessaries of life. This quantity of industry therefore, though prescribed by no law, and enforced by no direct penalty, would be most powerfully imposed upon the strong in intellect, by a sense of justice, and upon the weak, by a sense of shame. After this, how would men spend the remainder of their time? Not probably in idleness, nor all men, the whole of their time, in the pursuit of intellectual attainments. There are many things, the fruit of human industry, which, though not to be classed among the necessaries of life, are highly conducive to our well being. The criterion of these things will appear, when we have ascertained what those accommodations are which will give us real pleasure, after the insinuations of vanity and ostentation shall have been dismissed. A considerable portion of time would probably be dedicated, in an enlightened community, to the production of such accommodations. A labour of this sort is perhaps not inconsistent with the most desirable state of human existence. Laborious employment is a calamity now, because it is imperiously prescribed upon men as the condition of their existence, and because it shuts them out from a fair participation in the means of knowledge and improvement. When it shall be rendered in the strictest sense voluntary, when it shall cease to interfere with our improvement, and rather become a part of it, or at worst be converted into a source of amusement and variety, it may then be no longer a calamity, but a benefit. Thus it appears that a state of equality need not be a state of Stoical simplicity, but is compatible with considerable accommodation, and even, in some sense, with splendour; at least, if by splendour we understand copiousness of accommodation, and variety of invention for the purposes of accommodation. Those persons therefore may be concluded to have small appearance of reason, who confound such a state with the state of the savage; or who suppose that the acquisition of the former, is to be considered as having a tendency to lead to the latter.

* Chap. VI., p. 233.

CHAP. VIII.

OBJECTION TO THIS SYSTEM FROM THE INFLEXIBILITY OF ITS RESTRICTIONS.

Objection stated.—Natural and moral independence distinguished.—Tendency of restriction properly so called.—The system of equality not a system of restriction.

An objection that has often been urged against a system of equality, is, "that it is inconsistent with personal independence. Every man, according to this scheme, is a passive instrument in the hands of the community. He must eat and drink, and play and sleep, at the bidding of others. He has no habitation, no period at which he can retreat into himself, and not ask another's leave. He has nothing that he can call his own, not even his time or his person. Under the appearance of a perfect freedom from oppression and tyranny, he is in reality subjected to the most unlimited slavery."

To understand the force of this objection it is necessary that we should distinguish two sorts of independence, one of which may be denominated natural, and the other moral. Natural independence, a freedom from all constraint, except that of reasons and inducements presented to the understanding, is of the utmost importance to the welfare and improvement of mind. Moral independence, on the contrary, is always injurious. The dependence, which is essential, in this respect, to the wholesome temperament of society, includes in its articles, that are, no doubt, unpalatable to a multitude of the present race of mankind, but that owe their unpopularity only to weakness and vice. It includes a censure to be exercised by every individual over the actions of another, a promptness to enquire into and to judge them. Why should we shrink from this? What could be more beneficial, than for each man to derive assistance for correcting and moulding his conduct, from the perspicacity of his neighbours? The reason that this species of censure is at present exercised with illiberality, is, because it is exercised clandestinely, and because we submit to its operation with impatience and aversion. Moral independence is always injurious: for, as has abundantly appeared in the course of the present enquiry, there is no situation in which I can be placed, where it is not incumbent upon me to adopt a certain conduct in preference to all others, and, of consequence, where I shall not prove an ill member of society, if I act in any other than a particular manner. The attachment that is felt by the present race of mankind to independence in this respect, and the desire to act as they please, without being accountable to the principles of reason, are highly detrimental to the general welfare.

But, if we ought never to act independently of the principles of reason, and, in no instance, to shrink from the candid examination of another, it is nevertheless essential, that we should, at all times, be free, to cultivate the individuality, and follow the dictates, of our own judgment. If there be anything in the idea of equality that infringes this principle, the objection ought probably to be conclusive. If the scheme be, as it has often been represented, a scheme of government, constraint and regulation, it is, no doubt, in direct hostility with the principles of this work.

But the truth is, that a system of equality requires no restrictions or superintendence. There is no need of common labour, meals or magazines. These are feeble and mistaken instruments, for restraining the conduct, without making conquest of the judgment. If you cannot bring over the hearts of the community to your party, expect no success from brute regulations. If you can, regulation is unnecessary. Such a system was well enough adapted to the military constitution of Sparta; but it is wholly unworthy of men enlisted in no cause but that of reason and justice. Beware of reducing men to the state of machines. Govern them through no medium but that of inclination and conviction.

Can there be a good reason for men's eating together, except where they are prompted to it by the impulse of their own minds? Ought I to come at a certain hour, from the museum where I am working, the retreat in which I meditate, or the observatory where I remark the phenomena of nature, to a certain hall appropriated to the office of eating; instead of eating, as reason bids me, at the time and place most suited to my avocations? Why have common magazines? For the purpose of carrying our provisions to a certain distance, that we may afterwards bring them back again? Or is this precautions really necessary, after all that has been said, to guard us against the knavery and covetousness of our associates?

Appendix.

OF CO-OPERATION, COHABITATION AND MARRIAGE.

Advantages of social refinement—of individuality.—Evils of co-operation.—Ideas of the future state of co-operation.—Its limits.—Its legitimate province.—Evils of cohabitation—of the received system of marriage.—Consequences of their abolition.—A promiscuous commerce of the sexes estimated.—Inconstancy estimated.—Education need not be a subject of positive institution.—Of the division of labour.

It is a curious subject, to enquire into the due medium between individuality and concert. On the one hand, it is to be

observed that human beings are formed for society. Without society, we shall probably be deprived of the most eminent enjoyments of which our nature is susceptible. In society, no man, possessing the genuine marks of a man, can stand alone. Our opinions, our tempers and our habits are modified by those of each other. This is by no means the mere operation of arguments and persuasives; it occurs in that insensible and gradual way, which no resolution can enable us wholly to counteract. He that would attempt to counteract it by insulating himself, will fall into a worse error than that which he seeks to avoid. He will divest himself of the character of a man, and be incapable of judging of his fellow men, or of reasoning upon human affairs.

On the other hand, individuality is of the very essence of intellectual excellence. He that resigns himself wholly to sympathy and imitation, can possess little of mental strength or accuracy. The system of his life is a species of sensual dereliction. He is like a captive in the garden of Armida; he may revel in the midst of a thousand delights; but he is incapable of the enterprise of a hero, or the severity of a philosopher. He lives forgetting and forgot. He has deserted his station in human society. Mankind cannot be benefited by him. He neither animates them to exertion, nor leads them forward to unexpected improvement. When his country or his species call for him, he is not found in his rank. They can owe him no obligations; and, if one spark of a generous spirit remain within him, he will view his proceedings with no complacency. The truly venerable, and the truly happy, must have the fortitude to maintain his individuality. If he indulge in the gratifications, and cultivate the feelings of man, he must at the same time be strenuous in following the train of his disquisitions and exercising the powers of his understanding.

The objectors of a former chapter* were partly in the right when they spoke of the endless variety of mind. It would be absurd to say that we are not capable of truth, of evidence, and agreement. In these respects, so far as mind is in a state of progressive improvement, we are perpetually coming nearer to each other. But there are subjects about which we shall continually differ, and ought to differ. The ideas, associations, and circumstances of each man are properly his own; and it is a pernicious system that would lead us to require all men, however different their circumstances, to act by a precise general rule. Add to this that, by the doctrine of progressive improvement, we shall always be erroneous, though we shall every day become less erroneous. The proper method for hastening the decline of error, and producing uniformity of judgment, is not by brute force, by laws, or by imitation, but on the contrary, by exciting every man to think for himself.

From these principles it appears that every thing that is usually understood by the term co-operation is, in some degree, an evil.

* Chap. V.

A man in solitude is obliged to sacrifice or postpone the execution of his best thoughts, in compliance with his necessities or his frailties. How many admirable designs have perished in the conception, by means of this circumstance? It is still worse when a man is also obliged to consult the convenience of others. If I be expected to eat or to work in conjunction with my neighbour, it must either be at a time most convenient to me, or to him, or to neither of us. We cannot be reduced to a clock-work uniformity.

Hence it follows that all supererogatory co-operation is carefully to be avoided, common labour and common meals. "But what shall we say to a co-operation that seems dictated by the nature of the work to be performed?" It ought to be diminished. There is probably considerably more of injury in the concert of industry than of sympathies. At present it is unreasonable to doubt, that the consideration of the evil of co-operation is, in certain urgent cases, to be postponed to that urgency. Whether, by the nature of things, co-operation of some sort will always be necessary, is a question we are scarcely competent to decide. At present, to pull down a tree, to cut a canal, to navigate a vessel, require the labour of many. Will they always require the labour of many? When we recollect the complicated machines of human contrivance, various sorts of mills, of weaving engines, steam engines, are we not astonished at the compendium of labour they produce? Who shall say where this species of improvement must stop? At present, such inventions alarm the labouring part of the community; and they may be productive of temporary distress, though they conduce in the sequel to the most important interests of the multitude. But, in a state of equal labour, their utility will be liable to no dispute. Hereafter it is by no means clear, that the most extensive operations will not be within the reach of one man; or, to make use of a familiar instance, that a plough may not be turned into a field, and perform its office without the need of superintendence. It was in this sense that the celebrated Franklin conjectured, that "mind would one day become omnipotent over matter."*

The conclusion of the progress which has here been sketched, is something like a final close to the necessity of manual labour. It may be instructive in such cases, to observe how the sublime geniuses of former times anticipated what seems likely to be the future improvement of mankind. It was one of the laws of Lycurgus, that no Spartan should be employed in manual labour. For this purpose, under his system, it was necessary that they should be plentifully supplied with slaves devoted to drudgery. Matter, or, to speak more accurately, the certain and unintermitting laws of the universe, will be the Helots of the period we are

* I have no authority to quote for this expression but the conversation of Doctor Price. I am happy to find, upon enquiry, that Mr. William Morgan, the nephew of Dr. Price, and editor of his works, distinctly recollects to have heard it from his uncle.

contemplating. We shall end in this respect, oh immortal legislator! at the point from which you began.

To return to the subject of co-operation. It may be a curious speculation to attend to the progressive steps, by which this feature of human society may be expected to decline. For example: shall we have concerts of music? The miserable state of mechanism of the majority of the performers is so conspicuous, as to be even at this day a topic of mortification and ridicule. Will it not be practicable hereafter for one man to perform the whole? Shall we have theatrical exhibitions? This seems to include an absurd and vicious co-operation. It may be doubted whether men will hereafter come forward in any mode, formally to repeat words and ideas that are not their own? It may be doubted whether any musical performer will habitually execute the compositions of others? We yield supinely to the superior merit of our predecessors, because we are accustomed to indulge the inactivity of our faculties. All formal repetition of other men's ideas seems to be a scheme for imprisoning, for so long a time, the operations of our own mind. It borders perhaps in this respect, upon a breach of sincerity, which requires that we should give immediate utterance to every useful and valuable idea that occurs.

Having ventured to state these hints and conjectures, let us endeavour to mark the limits of individuality. Every man that receives an impression from any external object, has the current of his own thoughts modified by force; and yet, without external impressions, we should be nothing. Every man that reads the composition of another, suffers the succession of his ideas to be, in a considerable degree, under the direction of his author. But it does not seem as if this would ever form a sufficient objection against reading. One man will always have stored up reflections and facts that another wants; and mature and digested discourse will perhaps always, in equal circumstances, be superior to that which is extempore. Conversation is a species of co-operation, one or the other party always yielding to have his ideas guided by the other: yet conversation, and the intercourse of mind with mind, seem to be the most fertile sources of improvement. It is here as it is with punishment. He that, in the gentlest manner, undertakes to reason another out of his vices, will probably occasion pain; but this species of punishment ought, upon no account, to be superseded.

Let not these views of the future individuality of man be misapprehended or overstrained. We ought to be able to do without one another. He is the most perfect man to whom society is not a necessary of life, but a luxury, innocent and enviable, in which he joyfully indulges. Such a man will not fly to society, as to something requisite for the consuming of his time, or the refuge of his weakness. In society he will find pleasure; the temper of his mind will prepare him for friendship and for love. But he will resort with a scarcely inferior eagerness to solitude;

and will find in it the highest complacence and the purest delight.

Another article which belongs to the subject of co-operation, is cohabitation. The evils attendant on this practice are obvious. In order to the human understanding's being successfully cultivated, it is necessary that the intellectual operations of men should be independent of each other.* We should avoid such practices as are calculated to melt our opinions into a common mould. Cohabitation is also hostile to that fortitude which should accustom a man, in his actions as well as in his opinions, to judge for himself, and feel competent to the discharge of his own duties. Add to this, that it is absurd to expect the inclinations and wishes of two human beings to coincide, through any long period of time. To oblige them to act and to live together, is to subject them to some inevitable portion of thwarting, bickering, and unhappiness. This cannot be otherwise, so long as men shall continue to vary in their habits, their preferences, and their views. No man is always cheerful and kind; and it is better that his fits of irritation should subside of themselves, since the mischief in that case is more limited, and since the jarring of opposite tempers, and the suggestions of a wounded pride, tend inexpressibly to increase the irritation. When I seek to correct the defects of a stranger, it is with urbanity and good humour. I have no idea of convincing him through the medium of surliness and invective. But something of this kind inevitably obtains, where the intercourse is too unremitted.

The subject of cohabitation is particularly interesting, as it includes in it the subject of marriage. It will therefore be proper to pursue the enquiry in greater detail. The evil of marriage, as it is practised in European countries, extends further than we have yet described. The method is, for a thoughtless and romantic youth of each sex, to come together, to see each other, for a few times, and under circumstances full of delusion, and then to vow eternal attachment. What is the consequence of this? In almost every instance they find themselves deceived. They are reduced to make the best of an irretrievable mistake. They are led to conceive it their wisest policy to shut their eyes upon realities, happy if, by any perversion of intellect, they can persuade themselves that they were right in their first crude opinion of each other. Thus the institution of marriage is made a system of fraud; and men who carefully mislead their judgments in the daily affair of their life, must be expected to have a crippled judgment in every other concern.

Add to this that marriage, as now understood, is a monopoly, and the worst of monopolies. So long as two human beings are forbidden, by positive institution, to follow the dictates of their own mind, prejudice will be alive and vigorous. So long as I seek, by despotic and artificial means, to maintain my possession

* Vol. I., Book IV., Chap. III., p. 137.

of a woman, I am guilty of the most odious selfishness. Over this imaginary prize men watch with perpetual jealousy; and one man finds his desire and his capacity to circumvent as much excited, as the other is excited to traverse his projects and frustrate his hopes. As long as this state of society continues, philanthropy will be crossed and checked in a thousand ways, and the still augmenting stream of abuse will continue to flow.

The abolition of the present system of marriage appears to involve no evils. We are apt to represent that abolition to ourselves, as the harbinger of brutal lust and depravity. But it really happens in this, as in other cases, that the positive laws which are made to restrain our vices, irritate and multiply them. Not to say that the same sentiments of justice and happiness which, in a state of equality, would destroy our relish for expensive gratifications, might be expected to decrease our inordinate appetites of every kind, and to lead us universally to prefer the pleasures of intellect to the pleasures of sense.

It is a question of some moment, whether the intercourse of the sexes, in a reasonable state of society, would be promiscuous, or whether each man would select for himself a partner, to whom he will adhere as long as that adherence shall continue to be the choice of both parties. Probability seems to be greatly in favour of the latter. Perhaps this side of the alternative is most favourable to population. Perhaps it would suggest itself in preference to the man who would wish to maintain the several propensities of his frame, in the order due to their relative importance, and to prevent a merely sensual appetite from engrossing excessive attention. It is scarcely to be imagined, that this commerce, in any state of society, will be stripped of its adjuncts, and that men will as willingly hold it with a woman whose personal and mental qualities they disapprove, as with one of a different description. But it is the nature of the human mind to persist, for a certain length of time, in its opinion or choice. The parties, therefore, having acted upon selection, are not likely to forget this selection when the interview is over. Friendship, if by friendship we understand that affection for an individual which is measured singly by what we know of his worth, is one of the most exquisite gratifications, perhaps one of the most improving exercises of a rational mind. Friendship therefore may be expected to come in aid of the sexual intercourse, to refine its grossness and increase its delight. All these arguments are calculated to determine our judgment in favour of marriage as a salutary and respectable institution, but not of that species of marriage in which there is no room for repentance, and to which liberty and hope are equally strangers.

Admitting these principles therefore as the basis of the sexual commerce, what opinion ought we form respecting infidelity to this attachment? Certainly no ties ought to be imposed upon either party, preventing them from quitting the attachment, whenever their judgment directs them to quit it. With respect

to such infidelities as are compatible with an intention to adhere to it, the point of principal importance is a determination to have recourse to no species of disguise. In ordinary cases, and where the periods of absence are of no long duration, it would seem, that any inconstancy would reflect some portion of discredit on the person that practised it. It would argue that the person's propensities were not under that kind of subordination, which virtue and self-government appear to prescribe. But inconstancy, like any other temporary dereliction, would not be found incompatible with a character of uncommon excellence. What, at present, renders it, in many instances, peculiarly loathsome, is its being practised in a clandestine manner. It leads to a train of falsehood and a concerted hypocrisy, than which there is scarcely any thing that more eminently deprives and degrades the human mind.

The mutual kindness of persons of an opposite sex will, in such a state, fall under the same system as any other species of friendship. Exclusively of groundless and obstinate attachments, it will be impossible for me to live in the world, without finding in one man a worth superior to that of another. To this man I shall feel kindness, in exact proportion to my apprehension of his worth. The case will be the same with respect to the other sex. I shall assiduously cultivate the intercourse of that woman, whose moral and intellectual accomplishments strike me in the most powerful manner. But "it may happen, that other men will feel for her the same preference that I do." This will create no difficulty. We may all enjoy her conversation; and, her choice being declared, we shall all be wise enough to consider the sexual commerce as unessential to our regard. It is a mark of the extreme depravity of our present habits, that we are inclined to suppose the sexual commerce necessary to the advantages arising from the purest friendship. It is by no means indispensible, that the female to whom each man attaches himself in that matter, should appear to each the most deserving and excellent of her sex.

Let us consider the way in which this state of society will modify education. It may be imagined, that the abolition of the present system of marriage, would make education, in a certain sense, the affair of the public; though, if there be any truth in the reasonings of this work, to provide for it by the positive institutions of a community, would be extremely inconsistent with the true principles of an intellectual nature.* Education may be regarded as consisting of various branches. First, the personal cares which the helpless state of an infant requires. These will probably devolve upon the mother; unless, by frequent parturition, or by the nature of these cares, that be found to render her share of the burthen unequal; and then it will be amicably and willingly participated by others. Secondly, food

* Book VI., Chap. VIII.

and other necessary supplies. These will easily find their true level, and spontaneously flow, from the quarter in which they abound, to the quarter that is deficient. Lastly, the term education may be used to signify instruction. The task of instruction, under such a form of society, will be greatly simplified and altered from what it is at present. It will then scarcely be thought more necessary to make boys slaves, than to make men so. The business will not then be, to bring forward so many adepts in the egg-shell, that the vanity of parents may be flattered by hearing their praises. No man will think of vexing with premature learning the feeble and inexperienced, lest, when they come to years of discretion, they should refuse to be learned. The mind will be suffered to expand itself, in proportion as occasion and impression shall excite it, and not tortured and enervated by being cast in a particular mould. No creature in human form will be expected to learn anything, but because he desires it, and has some conception of its value; and every man, in proportion to his capacity, will be ready to furnish such general hints and comprehensive views, as will suffice for the guidance and encouragement of him who studies from the impulse of desire.

These observations lead us to the consideration of one additional difficulty, which relates to the division of labour. Shall each man manufacture his tools, furniture and accommodations? This would perhaps be a tedious operation. Every man performs the task to which he is accustomed, more skilfully, and in a shorter time than another. It is reasonable that you should make for me, that which perhaps I should be three or four times as long in making, and should make imperfectly at last. Shall we then introduce barter and exchange? By no means. The moment I require any further reason for supplying you, than the cogency of your claim, the moment, in addition to the dictates of benevolence, I demand a prospect of reciprocal advantage to myself, there is an end of that political justice and pure society of which we treat.

The division of labour, as it has been developed by commercial writers, is the offspring of avarice. It has been found that ten persons can make two hundred and forty times as many pins in a day as one person.* This refinement is the growth of monopoly. The object is, to see into how vast a surface the industry of the lower classes may be beaten, the more completely to gild over the indolent and the proud. The ingenuity of the merchant is whetted, by new improvements of this sort to transport more of the wealth of the powerful into his coffers. The practicability of effecting a compendium of labour by this means, will be greatly diminished, when men shall learn to deny themselves partial superfluities. The utility of such a saving of labour, where labour shall be changed from a burthen into an amusement, will scarcely balance the evils of so extensive a co-operation. From

* Smith's Wealth of Nations, Book I., Chap. I.

what has been said it appears, that there will be a division of labour, if we compare the society in question with the state of the solitaire and the savage. But it will produce an extensive simplification of labour, if we compare it with that to which we are at present accustomed in civilised Europe.

CHAP. IX.

OBJECTION TO THIS SYSTEM FROM THE PRINCIPLE OF POPULATION.

Objection stated.—Opinions that have been entertained on this subject.—Population adapted to find its own level.—Precautions that have been exerted to check it.—Conclusion.

An author who has speculated widely upon subjects of government,* has recommended equality, (or, which was rather his idea, a community of goods to be maintained by the vigilance of the state) as a complete remedy for the usurpation and distress which are, at present, the most powerful enemies of human kind; for the vices which infect education in some instances, and the neglect it encounters in more; for all the turbulence of passion, and all the injustice of selfishness. But, after having exhibited this brilliant picture, he finds an argument that demolishes the whole, and restores him to indifference or despair, in "the excessive population that would ensue."

The question of population, as it relates to the science of politics and society, is considerably curious. Several writers upon these topics, have treated it in a way calculated to produce a very gloomy impression, and have placed precautions to counteract the multiplication of the human species, among the most important objects of civil prudence. These precautions appear to have occupied much attention in several ancient nations, among whom there prevailed a great solicitude, that the number of citizens in the state should suffer no augmentation. In modern times a contrary opinion has frequently obtained, and the populousness of a country has been said to constitute its true wealth and prosperity.

Perhaps however, express precautions in either kind, are superfluous and nugatory. There is a principle in the nature of human society, by means of which every thing seems to tend to its level, and to proceed in the most auspicious way, when least interfered with by the mode of regulation. In a certain stage of the social progress, population seems rapidly to increase; this appears to be the case in the United States of America. In a

* Wallace: Various Prospects of Mankind, Nature and Providence, 1761.

subsequent stage, it undergoes little change, either in the way of increase or diminution; this is the case in the more civilised countries of Europe. The number of inhabitants in a country will perhaps never be found, in the ordinary course of affairs, greatly to increase, beyond the facility of subsistence.

Nothing is more easy than to account for this circumstance. So long as there is a facility of subsistence, men will be encouraged to early marriages, and to a careful rearing of their children. In America, it is said, men congratulate themselves upon the increase of their families, as upon a new accession of wealth. The labour of their children, even in an early stage, soon redeems, and even repays with interest, the expense and effort of rearing them. In such countries the wages of the labourer are high, for the number of labourers bears no proportion to the demand, and to the general spirit of enterprise. In many European countries, on the other hand, a large family has become a proverbial expression for an uncommon degree of poverty and wretchedness. The price of labour in any state, so long as the spirit of accumulation shall prevail, is an infallible barometer of the state of its population. It is impossible where the price of labour is greatly reduced, and an added population threatens a still further reduction, that men should not be considerably under the influence of fear, respecting an early marriage, and a numerous family.

There are various methods, by the practice of which population may be checked; by the exposing of children, as among the ancients, and, at this day, in China; by the art of procuring abortion, as it is said to subsist in the island of Ceylon; by a promiscuous intercourse of the sexes, which is found extremely hostile to the multiplication of the species; or, lastly, by a systematical abstinence, such as must be supposed, in some degree, to prevail in monasteries of either sex. But, without any express institution of this kind, the encouragement or discouragement that arises from the general state of a community, will probably be found to be all-powerful in its operation.

Supposing however that population were not thus adapted to find its own level, it is obvious to remark upon the objection of this chapter, that to reason thus, is to foresee difficulties at a great distance. Three fourths of the habitable globe are now uncultivated. The improvements to be made in cultivation, and the augmentations the earth is capable of receiving in the article of productiveness, cannot, as yet, be reduced to any limits of calculation. Myriads of centuries of still increasing population may pass away, and the earth be yet found sufficient for the support of its inhabitants. It were idle therefore to conceive discouragement from so distant a contingency. The rational anticipations of human improvement are unlimited, not eternal. The very globe that we inhabit, and the solar system, may, for any thing that we know, be subject to decay. Physical casualties of different denominations, may interfere with the progressive nature

of intellect. But, putting these out of the question, it is certainly most reasonable, to commit so remote a danger to the chance of such remedies (remedies, of which perhaps we may, at this time, not have the smallest idea) as shall suggest themselves, at a period sufficiently early for their practical application.

Appendix.

OF HEALTH, AND THE PROLONGATION OF HUMAN LIFE.

Omnipotence of mind.—Application of this principle to the animal frame.—Causes of decrepitude.—Theory of voluntary and involuntary action.—Present utility of these reasonings.—Recapitulation.—Application to the future state of society.

The question respecting population is, in some degree, connected with the subject of health and longevity. It may therefore be allowed us, to make use of this occasion, for indulging in certain speculations upon this article. What follows must be considered as eminently a deviation into the land of conjecture. If it be false, it leaves the system to which it is appended, in all sound reason, as impregnable as ever.

Let us then, in this place, return to the sublime conjecture of Franklin, a man habitually conversant with the system of the external universe, and by no means propense to extravagant speculations, that "mind will one day become omnipotent over matter."* The sense which he annexed to this expression, seems to have related to the improvements of human invention, in relation to machines and the compendium of labour. But, if the power of intellect can be established over all other matter, are we not inevitably led to ask, why not over the matter of our own bodies? If over matter, at however great a distance, why not over matter which, ignorant as we may be of the tie that connects it with the thinking principle, we seem always to carry about with us, and which is our medium of communication with the external universe?

The different cases in which thought modifies the structure and members of the human body, are obvious to all. First, they are modified by our voluntary thoughts or design. We desire to stretch out our hand, and it is stretched out. We perform a thousand operations of the same species every day, and their familiarity annihilates the wonder. They are not in themselves less wonder-

* Chap. VIII., Appendix, p. 241. The authors, who have published their conjectures respecting the possibility of extending the term of human life, are many. The most illustrious of these is probably Lord Bacon; the most recent is Condorcet, in his Outlines of a History of the Progress of the Human Mind, published since the first appearance of this work. These authors however have inclined to rest their hopes, rather upon the growing perfection of art, than, as is here done, upon the immediate and unavoidable operation of an improved intellect.

ful, than any of those modifications we are least accustomed to conceive. Secondly, mind modifies body involuntarily. To omit, for the present, what has been offered upon this subject by way of hypothesis and inference,* there are many instances in which this fact presents itself in the most unequivocal manner. Has not a sudden piece of good news been frequently found to dissipate a corporeal indisposition? Is it not still more usual for mental impressions to produce indisposition, and even what is called a broken heart? And shall we believe that that which is so powerful in mischief, can be altogether impotent for happiness? How common is the remark, that those accidents, which are to the indolent a source of disease, are forgotten and extirpated in the busy and active? I walk twenty miles in an indolent and half-determined temper, and am extremely fatigued. I walk twenty miles, full of ardour, and with a motive that engrosses my soul, and I arrive as fresh and alert as when I began my journey. Emotion, excited by some unexpected word, by a letter that is delivered to us, occasions the most extraordinary revolutions in our frame, accelerates the circulation, causes the heart to palpitate, the tongue to refuse its office, and has been known to occasion death by extreme anguish or extreme joy. There is nothing of which the physician is more frequently aware, than of the power of the mind in assisting or retarding convalescence.

Why is it that a mature man loses that elasticity of limb, which characterises the heedless gaiety of youth? The origin of this appears to be, that he desists from youthful habits. He assumes an air of dignity, incompatible with the lightness of childish sallies. He is visited and vexed with the cares that rise out of our mistaken institutions, and his heart is no longer satisfied and gay. His limbs become stiff, unwieldy, and awkward. This is the forerunner of old age and of death.

A habit peculiarly favourable to corporeal vigour, is cheerfulness. Every time that our mind becomes morbid, vacant, and melancholy, our external frame falls into disorder. Listlessness of thought is the brother of death. But cheerfulness gives new elasticity to our limbs, and circulation to our juices. Nothing can long be stagnant in the frame of him whose heart is tranquil, and his imagination active.

A further requisite in the case of which we treat, is clear and distinct apprehension. Disease seems perhaps in all instances to be the concomitant of confusion. When reason resigns the helm, and our ideas fluctuate without order or direction, we sleep. Delirium and insanity are of the same nature. Fainting appears principally to consist in a relaxation of intellect, so that the ideas seem to mix in painful disorder, and nothing is distinguished. He that continues to act, or is led to a renewal of action with perspicuity and decision, is almost inevitably a man in health.

The surest source of cheerfulness is benevolence. To a youth-

* Vol. I., Book IV., Chap. IX.

ful mind, while everything strikes with its novelty, the individual situation must be peculiarly unfortunate, if gaiety of thought be not produced, or, when interrupted, do not speedily return with its healing virtue. But novelty is a fading charm, and perpetually decreases. Hence the approach of inanity and listlessness. After we have made a certain round, life delights no more. A death-like apathy invades us. Thus the aged are generally cold and indifferent; nothing interests their attention, or rouses their sluggishness. How should it be otherwise? The objects of human pursuit are commonly frigid and contemptible, and the mistake comes at last to be detected. But virtue is a charm that never fades. The mind that overflows with kindness and sympathy, will always be cheerful. The man who is perpetually busied in contemplations of public good, can scarcely be inactive. Add to this, that a benevolent temper is peculiarly irreconcileable with those sentiments of anxiety, discontent, rage, revenge, and despair, which so powerfully corrode the frame, and hourly consign their miserable victims to an untimely grave.

Thus far we have discoursed of a negative power which, if sufficiently exercised, would, it is to be presumed, eminently tend to the prolongation of human life. But there is a power of another description, which seems entitled to our attention in this respect. We have frequently had occasion to point out the distinction between our voluntary and involuntary motions.* We have seen that they are continually running into each other; our involuntary motions gradually becoming subject to the power of volition, and our voluntary motions degenerating into involuntary. We concluded in an early part of this work,† and that, as it should seem, with sufficient reason, that the true perfection of man was to attain, as nearly as possible, to the perfectly voluntary state; that we ought to be, upon all occasions, prepared to render a reason of our actions; and should remove ourselves to the furthest distance, from the state of mere inanimate machines, acted upon by causes of which they have no understanding.

Our involuntary motions are frequently found gradually to become subject to the power of volition. It seems impossible to set limits to this species of metamorphosis. Its reality cannot be questioned, when we consider that every motion of the human frame was originally involuntary.‡ Is it not then highly probable, in the process of human improvement, that we may finally obtain an empire over every articulation of our frame? The circulation of the blood is a motion, in our present state, eminently involuntary. Yet nothing is more obvious, than that certain thoughts, and states of the thinking faculty, are calculated to affect this process. Reasons have been adduced which seem to lead to an opinion, that thought and animal motion are, in all cases, to be considered as antecedent and consequent.§ We can now per-

* Vol. I., Book I., Chap. V; Book IV., Chap. VII., X.
† Vol. I., Book I, Chap. V., s. 2. ‡ Vol. I., Book IV., Chap. IX., p. 193.
§ Vol. I., Book IV. Chap. IX.

haps by an effort of the mind correct certain commencing irregularities of the system, and forbid, in circumstances where those phenomena would otherwise appear, the heart to palpitate, and the limbs to tremble. The voluntary power of some men over their animal frame, is found to extend to various articles, in which other men are impotent.

A further probability will be reflected upon these conjectures, if we recollect the picture which was formerly exhibited,* of the rapidity of the succession of ideas. If we can have a series of three hundred and twenty ideas in a second of time, why should it be supposed that we may not hereafter arrive at the skill of carrying on a great number of contemporaneous processes without disorder?

Nothing can be more irreconcileable to analogy, than to conclude, because a certain species of power is beyond the train of our present observations, that it is beyond the limits of the human mind.† We talk familiarly indeed of the extent of our faculties; and our vanity prompts us to suppose that we have reached the goal of human capacity. But there is little plausibility in so arrogant an assumption. If it could have been told to the savage inhabitants of Europe in the times of Theseus and Achilles, that man was capable of predicting eclipses and weighing the air, of reducing to settled rules the phenomena of nature so that no prodigies should remain, and of measuring the distance and size of the heavenly bodies, this would not have appeared to them less incredible, than if we had told them of the possibility of maintaining the human body in perpetual youth and vigour. But we have not only this analogy, showing that the discovery in question forms, as it were, a regular branch of the acquisitions that belong to an intellectual nature; but, in addition to this, we seem to have a glimpse of the manner in which the acquisition will be secured.

One remark may be proper in this place. If the remedies here proposed tend to a total extirpation of the infirmities of our nature, then, though we should not be able to promise them an early or complete success, we may probably find them of some utility. They may contribute to prolong our vigour, if not to immortalise it, and, which is of more consequence, to make us live while we live. Every time the mind is invaded with anguish and gloom, the frame becomes disordered. Every time languor and indifference creep upon us, our functions fall into decay. In proportion as we cultivate fortitude and equanimity, our circulations will be cheerful. In proportion as we cultivate a kind and benevolent propensity, we may be secure of finding something to interest and engage us.

Medicine may reasonably be stated to consist of two branches, animal and intellectual. The latter of these has been infinitely too much neglected. It cannot be employed to the purposes of a

* Vol. I., Book IV., Chap. IX., p. 197. † Vol. I., Book I., Chap. VIII.

profession: or, where it has been incidentally so employed, it has been artificially and indirectly, not in an open and avowed manner. "Herein the patient must minister to himself."* It would no doubt be of extreme moment to us, to be thoroughly acquainted with the power of motives, perseverance, and what is called resolution in this respect.

The sum of the arguments which have been here offered, amounts to a species of presumption that the term of human life may be prolonged, and that by the immediate operation of intellect, beyond any limits which we are able to assign. It would be idle to talk of the absolute immortality of man. Eternity and immortality are phrases to which it is impossible for us to annex any distinct ideas, and the more we attempt to explain them, the more we shall find ourselves involved in contradiction.

To apply these remarks to the subject of population. One tendency of a cultivated and virtuous mind is to diminish our eagerness for the gratifications of the senses. They please at present by their novelty, that is, because we know not how to estimate them. They decay in the decline of life indirectly, because the system refuses them, but directly and principally because they no longer excite the ardour of the mind. The gratifications of sense please at present by their imposture. We soon learn to despise the mere animal function which, apart from the delusions of intellect, would be nearly the same in all cases; and to value it only as it happens to be relieved by personal charms or mental excellence.

The men therefore whom we are supposing to exist, when the earth shall refuse itself to a more extended population, will probably cease to propagate. The whole will be a people of men, and not of children. Generation will not succeed generation, nor truth have, in a certain degree, to recommence her career every thirty years. Other improvements may be expected to keep pace with those of health and longevity. There will be no war, no crimes, no administration of justice, as it is called, and no government. Beside this, there will be neither disease, anguish, melancholy, nor resentment. Every man will seek, with ineffable ardour, the good of all. Mind will be active and eager, yet never disappointed. Men will see the progressive advancement of virtue and good, and feel that, if things occasionally happen contrary to their hopes, the miscarriage itself was a necessary part of that progress. They will know that they are members of the chain, that each has his several utility, and they will not feel indifferent to that utility. They will be eager to enquire into the good that already exists, the means by which it was produced, and the greater good that is yet in store. They will never want motives for exertion; for that benefit which a man thoroughly understands and earnestly loves, he cannot refrain from endeavouring to promote.

* Shakespear: Macbeth, Act V.

Before we dismiss this subject it is proper once again to remind the reader, that the substance of this appendix is given only as matter of probable conjecture, and that the leading argument of this division of the work is altogether independent of its truth or falsehood.

CHAP. X.

REFLECTIONS.

I. Supposed danger in disseminating levelling principles.—Idea of massacre.—Qualification of this idea.—Sceptical suggestions.—Means of suppressing enquiry.—Nature of political science.—II. Political duties, 1. *of those who are qualified for public instructors—temper—sincerity.—Pernicious effects of dissimulation in this case.—*2. *of the rich and great.—Many of them may be expected to be advocates of equality.—Conduct which their interest as a body prescribes.—*3. *of the friends of equality in general.—Importance of a mild and benevolent proceeding.—III. Connexion between liberty and equality.—Cause of equality will perpetually advance.—Symptoms of its progress.—Idea of its future success.—Conclusion.*

We have now taken a general survey of the system of equality, and there remains only to state a few incidental remarks, with which it may be proper to wind up the subject.

No idea has excited greater horror in the minds of a multitude of persons, than that of the mischiefs that will ensue from the dissemination of what they call levelling principles. They believe "that these principles will inevitably ferment in the minds of the vulgar, and that the attempt to carry them into execution will be attended with every species of calamity." They represent to themselves "the uninformed and uncivilised part of mankind, as let loose from restraint, and hurried into every kind of excess. Knowledge and taste, the improvements of intellect, the discoveries of sages, the beauties of poetry and art, are trampled under foot and extinguished by barbarians. It is another inundation of Goths and Vandals, with this bitter aggravation, that the viper that stings us to death was fostered in our own bosom." They conceive the scene as beginning in massacre. They suppose "all that is great, pre-eminent, and illustrious as ranking among the first victims. Such as are distinguished by peculiar refinement of manners, or energy of understanding and virtue, will be the inevitable objects of envy and jealousy. Such as intrepidly exert themselves to succour the persecuted, or to declare to the public what they are least inclined, but is most necessary for them to hear, will be marked out for assassination."

Whatever may be the abstract recommendations of the system of equality, we must not allow ourselves any such partiality upon a subject in which the welfare of the species is involved, as should induce us to shrink from a due attention to the ideas here exhibited. Massacre is the too possible attendant upon revolution, and massacre is perhaps the most hateful scene, allowing for its momentary duration, that any imagination can suggest. The fearful, hopeless expectation of the defeated, and the blood-hound fury of their conquerors, is a complication of mischief that all which has been told of infernal regions can scarcely surpass. The cold-blooded massacres that are perpetrated under the name of criminal justice, fall short of these in some of their most frightful aggravations. The ministers and instruments of law, have by custom reconciled their minds to the dreadful task they perform, and often bear their parts in the most shocking enormities without being sensible to the passions allied to these enormities. They do not always accompany their murders with the rudeness of an insulting triumph; and, as they conduct themselves, in a certain sort, by known principles of injustice, the evil we have reason to apprehend has its limits. But the instruments of massacre are discharged from every restraint. Whatever their caprice dictates, their hands are instantly employed to perpetrate. Their eyes emit flashes of cruelty and rage. They pursue their victims from street to street and from house to house. They tear them from the arms of their fathers and their wives. They glut themselves with barbarity, and utter shouts of horrid joy at the spectacle of tortures.

In answer to this representation it has sometimes been alleged by the friends of reform, "that the advantages possessed by a system of liberty are so great, as to be worth purchasing at any price; that the evils of the most sanguinary revolution are temporary; that the vices of despotism, which few pens indeed have ventured to record in all their demerits, are scarcely less atrocious in the hour of their commission, and infinitely more terrible by their extent and duration; and finally, that the crimes perpetrated in a revolutionary movement, can in no just estimate be imputed to the innovators; that they were engendered by the preceding oppression, and ought to be regarded as the last struggles of expiring tyranny."

But, not to repeat arguments that have already been fully exhibited,* it must be recollected, that "the benefits which innovation may seem to promise, are not to be regarded as certain. After all, it may not be utterly impossible, that the nature of man will always remain, for the most part, unaltered, and that he will be found incapable of that degree of knowledge and constancy, which seems essential to a liberal democracy or a pure equality. However cogent may be the arguments for the practicability of human improvement, is it then justifiable upon the mere credit of

* Vol. I., Book IV., Cap. I., II.

predictions, to expose mankind to the greatest calamities? Who that has a just conception of the nature of human understanding, will vindicate such a proceeding? A careful enquirer is always detecting his past errors; each year of his life produces a severe comment upon the opinions of the last; he suspects all his judgments, and is certain of none. We wander in the midst of appearances; and plausible appearances are to be found on all sides. The wisest men perhaps have generally proved the most confirmed sceptics. Speculations therefore upon the new modes in which human affairs may be combined, different from any that occur in the history of past ages, may seem fitter to amuse men of acuteness and leisure, than to be depended on in deciding the dearest interests of mankind. Proceedings, the effects of which have been verified by experience, furnish a surer ground of dependence than the most laboured reason can afford us in regard to schemes as yet untried."

Undoubtedly in the views here detailed there is considerable force; and it would be well if persons, who are eager to effect abrupt changes in human society, would give them an attentive consideration. They do not however sufficiently apply to the question proposed to be examined. Our enquiry was not respecting revolution, but disquisition. We are not concerned to vindicate any species of violence; we do not assume that levelling principles are to be acted upon through the medium of force; we have simply affirmed that he who is persuaded of their truth, ought to endeavour to render them a subject of attention. To be convinced of this we have only to consider the enormous and unquestionable political evils that are daily before our eyes, and the probability there is that, by temperate investigation, these evils may be undermined with little or no tumultuary concussion.* In every affair of human life we are obliged to act upon a simple probability; and therefore, while it is highly worthy of a conscientious philanthropist to recollect the universal uncertainty of opinion, he is bound not to abstain from acting, with caution and sobriety, upon the judgments of his understanding, from a fear lest, at the time that he intends to produce benefit, he should unintentionally be the occasion of evil.

But there is another consideration worthy of serious attention in this place. Granting, for a moment, the utmost weight to the objections of those who remind us of the mischief of political experiments, it is proper to ask, Can we suppress discussion? Can we arrest the progress of the enquiring mind? If we can, it must be by the most unmitigated despotism. Intellect has a perpetual tendency to proceed. It cannot be held back, but by a power that counteracts its genuine tendency, through every moment of its existence. Tyrannical and sanguinary must be the measures employed for this purpose. Miserable and disgustful must be the scene they produce. Their result will be bar-

* Vol. I., Book IV., Chap. II.

barism, ignorance, superstition, servility, hypocrisy. This is the alternative, so far as there is any alternative in their choice, to which those who are empowered to consult for the general welfare must inevitably resort, if the suppression of enquiry be the genuine dictate of public interest.

Such has been, for the most part, the policy of governments through every age of the world. Have we slaves? We assiduously retain them in ignorance. Have we colonies and dependencies? The great effort of our care is to keep them from being populous and prosperous. Have we subjects? It is "by impotence and misery that we endeavour to render them supple: plenty is fit only to make them unmanageable, disobedient and mutinous."* If this were the true philosophy of social institutions, well might we shrink from it with horror. How tremendous an abortion would the human species be, if all that tended to invigorate their understandings, tended to make them unprincipled and profligate!

In the mean time it ought not to be forgotten, that to say that a knowledge of political truth can be injurious to the true interests of mankind, is to affirm an express contradiction. Political truth is that science which teaches us to weigh in the balance of an accurate judgment, the different proceedings that may be adopted, for the purpose of giving welfare and prosperity to communities of men. The only way in which discussion can be a reasonable object of terror, is by its power of giving to falsehood, under certain circumstances, the speciousness of truth, or by that partial propagation, the tendency of which is to intoxicate and mislead those understandings that, by an adequate instruction, would have been sobered and enlightened.

These considerations will scarcely permit us to doubt, that it is the duty of governments to maintain the most inflexible neutrality, and of individuals to publish the truths with which they appear to be acquainted. The more truth is discovered, the more it is known in its true dimensions, and not in parts, the less is it possible that it should coalesce with, or leave room for the effects of error. The true philanthropist, instead of suppressing discussion, will be eager to take a share in the scene, to exert the full strength of his faculties in investigation, and to contribute by his exertions to render the operation of enquiry at once perspicuous and profound.

The condition of the human species at the present hour is critical and alarming. We are not without grounds of reasonable hope, that the issue will be uncommonly beneficial. There is however much to apprehend, from the narrow views, and angry passions, of the contending parties. Every interval that can be gained, provided it is not an interval of torpor and indifference, is perhaps to be considered in the light of an advantage.

* Book V., Chap. III., p. 14.

Meanwhile, in proportion as the just apprehensions of explosion shall increase, there are high duties incumbent upon every branch of the community.

First, upon those who are fitted to be precursors to their fellows in the discovery of truth.

They are bound to be active, indefatigable and disinterested. It is incumbent upon them to abstain from inflammatory language, and expressions of acrimony and resentment. It is absurd in any government to erect itself into a court of criticism in this respect, and to establish a criterion of liberality and decorum;* but, for that very reason, it is doubly incumbent on those who communicate their thoughts to the public, to exercise a rigid censure over themselves. The lessons of liberty and equality are lessons of good will to all orders of men. They free the peasant from the iniquity that depresses his mind, and the privileged from the luxury and despotism by which he is corrupted. It is disgraceful to those who teach these lessons, if they stain their benignity, by showing that that benignity has not become the inmate of their hearts.

Nor is it less necessary that they should express themselves with explicitness and sincerity. No maxim can be more suspicious than that which teaches us to consult the temper of the times, and tell only as much as we imagine our contemporaries will be able to bear.† This practice is at present almost universal, and it will perhaps not be difficult to observe its pernicious effects. We retail and mangle truth. We impart it to our fellows, not with the liberal measure with which we have received it, but with such parsimony as our own miserable prudence may chance to prescribe. That we may deceive others with a tranquil conscience, we begin with deceiving ourselves. We put shackles upon our minds, and dare not trust ourselves at large in the pursuit of truth. This practice seems to have been greatly promoted by the machinations of party, and the desire of one wise and adventurous leader to lead a troop of weak, timid and selfish adherents in his train. There can scarcely be a sufficient reason, why I should not declare in any assembly upon the face of the earth, "that I am a republican." There is no more reason to apprehend that, being a republican under a monarchical government, I shall enter into a desperate faction to invade the public tranquillity, than if I were monarchical under a republic. Every community of men, as well as every individual, must govern itself according to its ideas of justice.‡ What I should desire is, not by violence to change its institutions, but by discussion to change its ideas. I have no concern, if I would study merely the public good, with factions or intrigue; but simply to promulgate the truth, and to wait the tranquil progress of conviction. If there

* Book VI., Chap. VI. † Vol. I., Book III., Chap. VII., p. 115.

‡ Vol. I., Book III., Chap. VII.; Book IV., Chap. I.

be any assembly that cannot bear this, of such an assembly I ought to be no member. It probably happens, much oftener than we are willing to imagine, that "the post of honour," or, which is better, the post of utility, "is a private station."*

The dissimulation here censured, beside its ill effects upon him who practises it, and, by degrading and unnerving his character, upon society at large, has a particular ill consequence with respect to the point we are considering. It lays a mine, and prepares an explosion. This is the tendency of all unnatural restraint. The unfettered progress of investigation is perhaps always salutary. Its advances are gradual, and each step prepares the general mind for that which is to follow. They are sudden and unprepared, and therefore necessarily partial, emanations of truth, that have the greatest tendency to deprive men of their sobriety and self-command. Reserve in this respect is calculated, at once, to give a rugged and angry tone to the multitude, whenever they shall happen to discover what is thus concealed, and to mislead the depositaries of political power. It soothes them into false security, and prompts them to maintain an inauspicious obstinacy.

Having considered what it is that belongs in such a crisis to the enlightened and wise, let us next turn our attention to a very different class of society, the rich and great. And here, in the first place, it may be remarked, that it is a false calculation that leads us universally to despair of having these for the advocates of political justice. Mankind are not so miserably selfish as satirists and courtiers have supposed. We perhaps never engage in any action of moment, without having enquired what is the decision of justice respecting it. We are at all times anxious to satisfy ourselves that what our inclinations lead us to do, is innocent and right to be done.† Since therefore justice occupies so large a share in the contemplations of the human mind, it cannot reasonably be doubted, that a strong and commanding view of justice, would prove a powerful motive to influence the choice of that description of men we are now considering. But that virtue which, for whatever reason, we have chosen, soon becomes recommended to us by a thousand other reasons. We find in it reputation, honour, and self-complacence, in addition to the recommendations it derives from impartial justice.

The rich and great are far from callous to views of general felicity, when such views are brought before them with that evidence and attraction of which they are susceptible. From one dreadful disadvantage their minds are free. They have not been soured with unrelenting tyranny, or narrowed by the perpetual pressure of distress. They are peculiarly qualified to judge of the emptiness of that pomp and those gratifications, which are always most admired when they are seen from a distance. They will frequently be found considerably indifferent to these things,

* Addison's Cato, Act IV. † Vol. I., Book I., Chap. V., p. 29.

unless confirmed by habit and rendered inveterate by age. If you show them the attractions of gallantry and magnanimity in resigning them, they will often be resigned without reluctance. Wherever accident of any sort has introduced an active mind, there enterprise is a necessary consequence; and there are few persons so inactive, as to sit down for ever in the supine enjoyment of the indulgences to which they were born. The same spirit that has led forth the young nobility of successive ages to encounter the hardships of a camp, might render them the champions of the cause of equality: nor is it to be believed, that the consideration of superior virtue in this latter exertion, will be without its effect.

But let us suppose a considerable party of the rich and great to be actuated by no view but to their emolument and ease. It is not difficult to show them, that their interest in this sense will admit of no more than a temperate and yielding resistance. To such we may say: "It is in vain for you to fight against truth. It is like endeavouring with the human hand to stop the inroad of the ocean. Be wise betimes. Seek your safety in concession. If you will not come over to the standard of political justice, temporise at least with an enemy whom you cannot overcome. Much, inexpressibly much depends upon you. If your proceedings be moderate and judicious, it is not probable that you will suffer the privation, even of that injurious indulgence and accommodation to which you are so strongly attached. The genuine progress of political improvement is kind and attentive to the sentiments of all. It changes the opinions of men by insensible degrees; produces nothing by shock and abruptness; and is far from requiring the calamity of any. Confiscation, and the proscription of bodies of men, form no branch of its story. These evils, which by wise and sober men will always be regretted, will in all probability never occur, unless brought on by your indiscretion and obstinacy. Even in the very tempest and fury of explosion, if such an event shall arise, it may perhaps still be in your power to make advantageous conditions, and to be little or nothing sufferers by the change.

"Above all, do not be lulled into a rash and headlong security. Do not imagine that innovation is not at hand; or that the spirit of innovation can be defeated. We have already seen* how much the hypocrisy and instability of the wise and enlightened of the present day, those who confess much, and have a confused view of still more, but dare not examine the whole with a steady and unshrinking eye, are calculated to increase this security. But there is a danger still more palpable. Do not be misled by the unthinking and seemingly general cry of those who have no fixed principles. Addresses have been found in every age a very uncertain criterion of the future conduct of a people. Do

* P. 258.

not count upon the numerous train of your adherents, retainers and servants. They afford a feeble dependence. They are men, and cannot be unconcerned as to the interests and claims of mankind. Some of them will adhere to you, as long as a sordid interest seems to draw them in that direction. But the moment yours shall appear to be the losing cause, the same interest will carry them over to the enemy's standard. They will disappear like the morning's mist.

"Can it be supposed that you are incapable of receiving impression from another argument? Will you feel no compunction at the thought of resisting the greatest of all benefits? Are you content to be regarded by your impartial contemporaries, and to be recollected, as long as your memory shall endure, as the obstinate adversaries of philanthropy and justice? Can you reconcile it to your own minds, that, for a sordid interest, for the cause of general corruption and abuse, you should be found active in stifling truth, and strangling the new-born happiness of mankind?" Would it were possible to make this argument felt by the enlightened and accomplished advocates of aristocracy! that they could be persuaded to consult neither passion, nor prejudice, nor the reveries of imagination, in deciding so momentous a question! "We know," I would say, "that truth will be triumphant, even though you refuse to be her ally. We do not fear your enmity. But our hearts bleed to see such gallantry, talents and virtue employed in perpetuating the calamities of mankind. We recollect with grief that, when the lustre of your merits shall fill distant generations with astonishment, they will not be less astonished, that you could be made the dupes of prejudice, and deliberately surrender the larger portion of the good you might have achieved, and the unqualified affection that might have pursued your memory."*

* While this sheet is in the press for the third impression, I receive the intelligence of the death of Burke, who was principally in the author's mind, while he penned the preceding sentences. In all that is most exalted in talents, I regard him as the inferior of no man that ever adorned the face of earth; and, in the long record of human genius, I can find for him very few equals. In subtilty of discrimination, in magnitude of conception, in sagacity and profoundness of judgment, he was never surpassed. But his characteristic excellencies were vividness and justness of painting, and that boundless wealth of imagination that adorned the most ungrateful subjects, and heightened the most interesting. Of this wealth he was too lavish; and, though it is impossible for the man of taste not to derive gratification from almost every one of his images and metaphors while it passes before him, yet their exuberance subtracts, in no inconsiderable degree, from that irresistibleness and rapidity of general effect, which is the highest excellence of composition. No impartial man can recal Burke to his mind, without confessing the grandeur and integrity of his feelings of morality, and being convinced that he was eminently both the patriot and the philanthropist. His excellencies however were somewhat tinctured with a vein of dark and saturnine temper; so that the same man strangely united a degree of the rude character of his native island, with an urbanity and a susceptibility of the kinder affections, that have rarely been paralleled. But his principal defect consisted in this; that the false estimate as to the things entitled to our deference and

To the general mass of the adherents of equality, it may be proper to address a few words. "If there be any force in the arguments of this work, we seem authorised to deduce thus much from them, that truth is irresistible. Let then this axiom be the rudder of our undertakings. Let us not precipitately endeavour to accomplish that to-day, which the dissemination of truth will make unavoidable to-morrow. Let us not over-anxiously watch for occasions and events: of particular events the ascendancy of truth is independent. Let us anxiously refrain from violence: force is not conviction, and is extremely unworthy of the cause of justice. Let us admit into our bosoms neither contempt, animosity, resentment nor revenge. The cause of justice is the cause of humanity. Its advocates should be penetrated with universal good-will. We should love this cause; for it conduces to the general happiness of mankind. We should love it; for there is not a man that lives, who, in the natural and tranquil progress of things, will not be made happier by its approach. The most powerful circumstance by which it has been retarded, is the mistake of its adherents, the air of ruggedness, brutishness and inflexibility which they have given to that which, in itself, is all benignity. Nothing less than this could have prevented the great mass of enquirers from bestowing upon it a patient examination. Be it the care of the now increasing advocates of equality, to remove this obstacle to the success of their cause. We have but two plain duties, which, if we set out right, it is not easy to mistake. The first is an unwearied attention to the great instrument of justice, reason. We should communicate our sentiments with the utmost frankness. We should endeavour to press them upon the attention of others. In this we should give way to no discouragement. We should sharpen our intellectual weapons; add to the stock of our knowledge; be pervaded with a sense of the magnitude of our cause; and perpetually add to that calm presence of mind and self-possession which must enable us to do justice to our principles. Our second duty is tranquillity."

It will not be right to pass over a question that will inevitably suggest itself to the mind of the reader. "If an equalisation of conditions be to take place, not by law, regulation or public institution, but only through the private conviction of individuals,

admiration, which could alone render the aristocracy with whom he lived, unjust to his worth, in some degree infected his own mind. He therefore sought wealth and plunged in expense, instead of cultivating the simplicity of independence; and he entangled himself with a petty combination of political men, instead of reserving his illustrious talents unwarped, for the advancement of intellect, and the service of mankind. He has unfortunately left us a memorable example, of the power of a corrupt system of government, to undermine and divert from their genuine purposes, the noblest faculties that have yet been exhibited to the observation of the world.

in what manner shall it begin?" In answering this question it is not necessary to prove so simple a proposition, as that all republicanism, all reduction of ranks and immunities, strongly tends towards an equalisation of conditions. If men go on to improve in discernment, and this they certainly will with peculiar rapidity, when the ill-constructed governments which now retard their progress are removed, the same arguments which showed them the injustice of ranks, will show them the injustice of one man's wanting that which, while it is in the possession of another, conduces in no respect to his well-being.

It is a common error to imagine, "that this injustice will be felt only by the lower orders who suffer from it;" and from thence to conclude "that it can only be corrected by violence." But in answer to this it may, in the first place, be observed that all suffer from it, the rich who engross, as well as the poor who want. Secondly, it has been endeavoured to be shown in the course of the present work,* that men are not so entirely governed by self-interest, as has frequently been supposed. It appears, if possible, still more clearly, that the selfish are not governed solely by sensual gratification or the love of gain, but that the desire of eminence and distinction is, in different forms, an universal passion.† Thirdly and principally, the progress of truth is the most powerful of all causes. Nothing can be more improbable than to imagine, that theory, in the best sense of the word, is not essentially connected with practice. That which we can be persuaded clearly and distinctly to approve, will inevitably modify our conduct. When men shall habitually perceive the folly of individual splendour, and when their neighbours are impressed with a similar disdain, it will be impossible they should pursue the means of it with the same avidity as before.

It will not be difficult to trace, in the progress of modern Europe from barbarism to refinement, a tendency towards the equalisation of conditions. In the feudal times, as now in India and other parts of the world, men were born to a certain station, and it was nearly impossible for a peasant to rise to the rank of a noble. Except the nobles, there were no men that were rich; for commerce, either external or internal, had scarcely an existence. Commerce was one engine for throwing down this seemingly impregnable barrier, and shocking the prejudices of nobles, who were sufficiently willing to believe that their retainers were a different species of beings from themselves. Learning was another and more powerful engine. In all ages of the church we see men of the basest origin rising to the highest eminence. Commerce proved that others could rise to wealth beside those who were cased in mail; but learning proved that the low-born were capable of surpassing their lords. The progressive effect of these

* Vol. I. Book IV., Chap. X. † Chap. I., p. 205.

ideas may easily be traced. Long after learning began to unfold its powers, its votaries still submitted to those obsequious manners and servile dedications, which no man reviews at the present day without astonishment. It is but lately that men have known that intellectual excellence can accomplish its purposes without a patron. At present, among the civilised and well informed, a man of slender income, but of great intellectual powers and a firm and virtuous mind, is constantly received with attention and deference; and his purse-proud neighbour who should attempt to treat him superciliously, is sure to encounter a general disapprobation. The inhabitants of distant villages, where long established prejudices are slowly destroyed, would be astonished to see how comparatively small a share wealth has in determining the degree of attention with which men are treated in enlightened circles.

These no doubt are but slight indications. It is with morality in this respect as it is with politics. The progress is at first so slow as, for the most part, to elude the observation of mankind; nor can it be adequately perceived but by the contemplation and comparison of events during a considerable portion of time. After a certain interval the scene is more fully unfolded, and the advances appear more rapid and decisive. While wealth was every thing, it was to be expected that men would acquire it, though at the expense of conscience and integrity. The abstract ideas of justice had not yet been so concentred as to be able to overpower what dazzles the eye, or promises a momentary gratification. In proportion as the monopolies of rank and corporation are abolished, the value of superfluities will decline. In proportion as republicanism gains ground, men will be estimated for what they are, and not for their accidental appendages.

Let us reflect on the gradual consequences of this revolution of opinion. Liberality of dealing will be among its earliest results; and, of consequence, accumulation will become less frequent and enormous. Men will not be disposed, as now, to take advantage of each other's distresses. They will not consider how much they can extort, but how much it is reasonable to require. The master-tradesman who employs labourers under him, will be disposed to give a more ample reward to their industry; which he is at present enabled to tax, chiefly by the accidental advantage of possessing a capital. Liberality on the part of his employer will complete in the mind of the artisan, what ideas of political justice will probably have begun. He will no longer spend the surplus of his earnings in that dissipation, which is one of the principal of those causes that at present subject him to the arbitrary pleasure of a superior. He will escape from the irresolution of slavery and the fetters of despair, and perceive that independence and ease are scarcely less within his reach than that of any other member of the community. This is an obvious step towards the still further progression, in which the labourer will receive entire

whatever the consumer may be required to pay, without having a capitalist, an idle and useless monopoliser, as he will then be found, to fatten upon his spoils.

The same sentiments that lead to liberality of dealing will also lead to liberality of distribution. The trader, who is unwilling to grow rich by extorting from his customers or his workmen, will also refuse to become rich by the not inferior injustice, of withholding from his indigent neighbour the gratuitous supply of which he stands in need. The habit which was created in the former case of being contented with moderate gains, is closely connected with the habit of being contented with slender accumulation. He that is not anxious to add to his heap, will not be reluctant by a benevolent distribution to prevent its increase. Wealth was at one period almost the single object of pursuit that presented itself to the gross and uncultivated mind. Various objects will hereafter divide men's attention, the love of liberty, the love of equality, the pursuits of art, and the desire of knowledge. These objects will not, as now, be confined to a few, but will gradually be laid open to all. The love of liberty obviously leads to a sentiment of union, and a disposition to sympathise in the concerns of others. The general diffusion of truth will be productive of general improvement; and men will daily approximate towards those views according to which every object will be appreciated at its true value. Add to which, that the improvement of which we speak is public, and not individual. The progress is the progress of all. Each man will find his sentiments of justice and rectitude echoed by the sentiments of his neighbours. Apostacy will be made eminently improbable, because the apostate will incur not only his own censure, but the censure of every beholder.

One objection may perhaps be inferred from these considerations. "If the inevitable progress of improvement insensibly lead towards equality, what need was there of proposing it as a specific object to men's consideration?" The answer to this objection is easy. The improvement in question consists in a knowledge of truth. But our knowledge will be very imperfect, so long as this great branch of universal justice fails to constitute a part of it. All truth is useful; can this truth, which is perhaps the most fundamental of all moral principles, be without its benefit? Whatever be the object towards which mind irresistibly advances, it is of no mean importance to us to have a distinct view of that object. Our advances will thus become accelerated. It is a well known principle of morality, "that he who proposes perfection to himself, though he will inevitably fall short of what he pursues, will make a more rapid progress than he who is contented to aim only at what is imperfect." The benefits to be derived in the interval from a view of equality as one of the great objects to which we are tending, are exceedingly conspicuous. Such a view will strongly conduce to make us disinterested now. will teach us to look with contempt upon mercantile specula-

tions, commercial prosperity, and the cares of gain. It will impress us with a just apprehension of what it is of which man is capable, and in which his perfection consists; and will fix our ambition and activity upon the worthiest objects. Intellect cannot arrive at any great and illustrious attainment, however much the nature of intellect may carry us towards it, without feeling some presages of its approach; and it is reasonable to believe that, the earlier these presages are introduced, and the more distinct they are made, the more auspicious will be the event.

THE END.

J. Watson, Printer and Publisher, 5, Paul's Alley, Paternoster Row.

INDEX.

A.

Abstraction, inseparable from the existence of mind, i. 53 Necessary to the formation of language, and assisted by language in return, 54.

Abuses, political, conviction of the understanding an adequate means of abolishing them, i. 131.

Achilles, ii. 252.

Action, voluntary and involuntary distinguished, i. 27. 179, 201. ii. 251. Voluntary actions originate in opinions, i. 28, 131, 182. Virtuous action defined, 71. Injurious actions often proceed from conscientious motives, 73. Actions of men regulated by the nature of things, 81. By positive institution, 81. Action considered in relation to the doctrine of necessity, 183. External action no proper subject of criminal animadversion, ii. 167

Addison, i. 2. ii. 259.

Addresses an equivocal mode of collecting the sense of a nation, i. 92. An uncertain criterion of the future conduct of a people, ii. 260.

Administration, quantity of, necessary for social benefit, ii. 91.

Admonition, right of giving it, considered, i. 77.

Adversity, school of, ii. 4. Its supposed uses, 163. Defective, 164. Unnecessary, 164.

Agincourt, see *Cressy*.

Alexander, i. 4, 76.

Alfred, ii. 4.

Alliance, see *Treaties*.

Alphabetical writing, difficu.ty of its invention, i. 55. Probable manner in which an alphabet was produced, 56.

Ambition, attainments to which it leads, i. 152.

Ambition of princes, its destructive nature, ii. 223.

Amphictyonic council, ii. 100.

Anarchy, its evils, ii. 176. Its disadvantages compared with the disadvantages of despotism, 177. Its final result, 177.

Anaxarchus, i. 38.

Aquinas, Thomas, ii. 143.

Ardour, considered in relation to the doctrine of necessity, i. 186.

Aristides, ii. 57.

Aristocracy, source of the system of, i. 145. Principles in opposition to it stated, 146. Similar in its effects to the monarchical system, ii. 40. Nature and moral tendency of aristocracy. 43, 45. Species of injustice created by it, 46. Its intolerance, 50. Dependent for its success upon the ignorance of the multitude, 50.

Precautions necessary for its support, 50. Different kinds of aristocracy, 51. Virtues and vices of the aristocracy of the Romans, 51, 52. Aristocratical distribution of property, 53. Regulations by which it is maintained, 54. Avarice it engenders, *ib.*

Aristotle, i. 48. ii. 143.

Artisan, his happiness estimated, i. 211. Conduct that will be observed by him in a more equal state of society, ii. 265.

Assassination, nature of, described, i. 144.

Assemblies, deliberative, regal prerogative of convoking, ii. 39. Advantages of deliberate proceeding, 89. Authority due to a representative assembly, 86. Institution of two houses of assembly unjust, 87. National assemblies estimated, 96. Political authority of a national assembly, 100. French national assembly of 1789, 136.

Association of ideas, see *Ideas*.

Associations, political, arguments in favour of, stated, i. 136. Answered, 137. They substitute a part for the whole, *ib.* Are attended with party spirit, 137. With passionate declamation, 139. With cabal, *ib.* With contentious disputes, *ib.* With restlessness, 140 With tumult, *ib.* Exceptions in favour of associations, 141.

Athens, democracy of, ii. 57. In what respect erroneous, 58.

Attila, i. 43.

Aversion, considered in relation to the doctrine of necessity, i. 186.

Aurungzebe, i. 5.

Authority, the correlative of obedience, three kinds of, i. 109. Fallibility of the men by whom authority is exercised, ii. 118.

B

Bacchus, i. 4.

Bacon, lord, ii. 249 *note*.

Ballot, decision by, inculcates timidity and hypocrisy, ii. 152.

Banishment, different kinds of, considered, ii. 186, 187.

Bartholomew, Saint, massacre of, i. 5, 72.

Beccaria, ii. 165, 167, 169.

Belief, mutability of the principle of, i. 73.

Becket, archbishop, i. 73.

Bellarmine, ii. 143.

Benevolence, system of, examined, i. 200. Origin of benevolence, 202. Tendency of the system of benevolence contrasted with that of self-love, 207. Happiness of the man of benevolence estimated, 212, 213. Benevolence the surest source of cheerfulness, ii. 250.

Berkeley, i. 13 *note*.

Birth, considered physically, ii 42. Morally, 43.

Blame, considered in relation to the doctrine of necessity, i. 187.

Blood, thought the cause of its circulation, i. 199, ii. 251.

Boling'broke, see *St. John*.

Books, see *Conversation*.

Breed, difference of its effects in animals and men to be ascribed to moral causes, i. 20.
Brutus, i. 145. ii. 106.
Burghers of the Netherlands, instance of their honourable poverty, ii. 150.
Burke, i. 7 *note*, 54 *note*, ii. 25, 32 *note*, 64 *note*, 146 *note*, 261 *note*.
Butler, bp. i. 201, *note*.

C.

Cæsar, i. 4, 145.
Caligula, i. 89.
Cambyses, i. 4.
Capacity in inanimate substances, i. 71. In man, *ib*.
Cato, i. 66, 154. ii. 106, 116.
Character, salutary effects of its unrestrained investigation, ii. 131.
Charlemagne, i. 5.
Cheerfulness, habit of, favourable to corporeal vigour, ii. 250. Benevolence its surest source, *ib*.
China, still makes use of hieroglyphical writing, i. 54.
Chivalry, ii. 45.
Christ, ii. 117.
Church of England, subscription of its clergy to the 39 articles, ii. 112. Subterfuges by which it is defended, 113.
Cicero, i. 161. ii. 27, 43.
Clarke, i. 43, 181.
Clerkenwell, new prison of, ii. 187 *note*.
Clement, Jaques, i. 72.
Clergy, see *Church Establishments*.
Climate, no obstacle to the introduction of liberty, i. 46. Examples proving how little influence it has on the characters of nations, 48.
Codrus, i. 66.
Coercion, its tendency, ii. 160, 164. Its various classes, 161. Coercion in the case of self-defence, considered, 162, 175. Duty of the community as to the coercion of its members, 174. Duty of individuals, *ib*. Of coercion as to property, 212, *ib*.
Coke, chief justice, ii. 143.
Cohabitation, its evils, ii. 243.
Collins, i. 43.
Colonies, right of possessing them considered, ii. 79
Colonization see *Banishment*.
Commerce, interference of government with it superfluous, ii. 107. Instrumental in abolishing the feudal system, 263.
Commerce, promiscuous, of the sexes, estimated, ii. 244.
Commons, English house of, ii. 89.
Communication, social, utility of i. 140.
Communities, rights of, i. 78.
Complacence, considered in relation to the doctrine of necessity, i. 186.
Condorcet, ii. 249 *note*.

Confederacy, as the substitute of legislative unity, considered, ii. 141.
Confidence, a species of obedience, i. 107. Necessity of guarding against it, 108. Its limitations, 110. In all cases the offspring of ignorance, 112.
Conscience, province of, i. 83. Tendency of interfering with it, 84. Conscience, in matters of religion, considered, ii. 158. In the conduct of life, *ib.*
Constitutions, distinction of fundamental and temporary laws, ii. 135. Supposed permanence of the former inconsistent with the nature of man, 136. Source of the error, *ib.* Absurdity of the system of permanence, 137. Its futility, 138. Mode to be pursued in framing a constitution, *ib.* Constituent laws not more important than others, *ib.* Consent of districts to a constitution, 139. Tendency of the principle which requires this consent, to reduce the number of constitutional articles, 140. To parcel out the legislative power, *ib.* To produce the gradual extinction of law, *ib.*
Constraint, its limitation, ii. 94.
Contributions, military, condemned, ii. 78.
Conversation, advantage of, compared with books, i. 141.
Conviction, the proper instrument for regulating actions, i. 33. An adequate means of demolishing political abuses, 131. Its progress not tardy and feeble, 132.
Co-operation, its evils, ii. 240. Limits and legitimate province of the future state of co-operation, 242.
Corruption, see *Venality*.
Country, erroneous ideas annexed to the term, ii. 70
Courts, duplicity of, ii. 20.
Cranmer, archbishop, i. 38, 149.
Cressy and Agincourt, wars of, i. 5.
Crime, nature of, ii. 155.
Criminals, disadvantages attending them in a court of justice, ii. 171. Manner in which they ought to be treated, 182.
Cromwell, i. 89.
Cyrus, i. 4.

D.

Damiens, i. 6, 72.
Darius, i. 4.
Death, punishment of, see *Punishment*.
Decius, i. 66.
Decrepitude, its causes, ii. 250.
Degeneracy, political, not incurable, ii. 106.
Delegation, vindicated, i. 102. Different from the doctrine of social contract, 104.
Democracy, definition of, ii. 55. Supposed evils of this form of government, in the ascendancy of the ignorant, *ib.* Of the crafty, *ib.* In its inconstancy, 56. Rash confidence, *ib.* Groundless suspicion, *ib.* Its merits and demerits compared, 57. Its moral tendency, *ib.* Offensive war contrary to its nature, 68.

Objections to it as being unfavourable to secrecy in the conduct of war, 85. As being too slow in its movements, 86. Too precipitate, 87. Modifications of democracy, 99. Democracy of Athens, ii. 57.

Desert, force of the term, ii. 156.

Despotism, its character according to Locke, i. 7. Idea, that it is congenial to certain ages and divisions of the world, refuted, 49. Its disadvantages compared with the disadvantages of anarchy, ii. 176, 177.

Devil, Milton's, how far a virtuous being, i. 154.

Digby, Everard, i. 74, 149.

Diodorus Siculus, i. 48.

Diogenes, ii. 5.

Discretion, rights of, considered, i. 79.

Dissimulation of political opinions, its pernicious effects, ii. 259.

Distinction, love of, ii. 205. Direction it is capable of receiving, 205, 227. Universality of the passion, 233, 263.

Dreams, manner in which they are generated, i. 199.

Dryden, i. 155.

Duelling, reflections on, i. 66.

Duration, measured by consciousness, i. 196.

Duty, defined, i. 70, 74. ii. 181. Never our duty to do wrong, i. 74. Duty of a citizen to the constitution of his country, 126. Best practical criterion of duty, ii. 159. Duty of a community, as to the coercion of its members, 174. Of individuals *ib.* Political duties of those who are fitted for public instructors, 258. Political duties of the rich and great, 259.

E.

Education, its effect in the formation of the human mind, i. 19. In what its miscarriages originate, 20, 22. Three kinds of education, of accident, 22. Of design, 22. Of political institution, 23. Education of the great, ii. 43, 44. Effect of the abolition of marriage on education, ii. 244.

Education, national, arguments in favour of, stated, ii. 142. Condemned, as producing permanence of opinion, 142. As requiring uniformity of operation, 144. As being the mirror and tool of national government, 144.

Edwards, Jonathan, i. 61, 181.

Elizabeth, ii. 4, 164.

Emotion, sudden, revolutions occasioned by it in the human frame, ii. 249, 250.

England, its wars, i. 5. Its poor and poor rates, 8. Decrease of its land tax compared with the increasing taxes on consumption, 10. Its revolution in 1688, 129. ii. 31. Rent-roll of the lands of England a pension list, 220.

Enquiry, speculative, interference of government respecting it, superfluous, ii. 107. Difficulty of suppressing it, 256.

Entails, origin of, ii. 46.

Epictetus, i. 154.

Epicurus, principle of his philosophy examined, i. 210. ii. 204.
Equality of mankind, considered physically, i. 68. Morally, 69. How limited, 69. True equality of mankind, 213. Benefits of a system of equality contrasted with the mischiefs of the present system of property, ii. 218. Objections to a system of equality from its impracticability, stated, 226. Answered, 226. Further objection from the question of permanence, 227. Nature of the equality recommended, 229. Objection from the allurements of sloth, 230. State of society previous to the introduction of equality, 231. Manual labour required in a state of equality, 231, 237, 241. Love of distinction not destroyed by equality, 233. Objection to equality from the benefits of luxury, 235. From the inflexibility of its restrictions, 238. Common labour, meals and magazines, in a state of equality not necessary, 239. Further objection from the principle of population, 247. Duty of the friends of equality, 262. Connexion between equality and liberty, *ib.* Cause of equality will perpetually advance, 263. Symptoms of its progress, 263. Idea of its future success, 264. Benefits that will result from keeping it in our view, 265, 266.
Establishments, religious, their general tendency, ii. 112. Their effect on the clergy, as introducing implicit faith, 112. Hypocrisy, 113. Effect on the laity, 114. Public establishments objected to, as including the idea of permanence, 143.
Eudamidas, ii. 149.
Evidence, difficulties to which it is liable, ii. 170, 171, 189.
Evil, defined, i. 95, 209. Evils existing in the universe displayed, 216.
Executive power, see *Legislative*.
Exertion, considered in relation to the doctrine of necessity, i. 185.
Experience, its value in the attainment of wisdom, ii. 6.

F.

Fabius, ii. 82.
Faith, opinion of certain religionists respecting, i. 28. Opinion of Shaftesbury, 29.
Fame, love of, ii. 234.
Family affection estimated, i. 60.
Fenelon, i. 60. ii. 13, 14.
Feudal system, i. 23. ii. 177, 205, 218, 263.
Fielding, ii. 15.
Fines, whence derived, ii. 177.
Force, see *Opinion*, *Sophistry*, *Truth*.
Fortifications, their advantages doubtful, ii. 76.
Fortitude, an essential part of virtue, ii. 5.
France, its wars, i. 5. Events that gave birth to its late revolution, 134. Its declaration of war in 1792, ii. 72 *note*. Its notables of 1787, 88. Its federal oath, 123, 124, *ib.* Its national assembly of 1789, 136. Its convention of 1792, 138.
Franklin, ii. 241.
Fraud, see *Robbery*.

Frederic II. of Prussia, ii. 164.
Free will, origin and universality of the sentiment, i. 177. Its absurdity as consisting in self determination, 179. In indifference, 179. Free will disadvantageous to its possessor, 183. Of no service to morality, 183.

G

GALILEO, ii. 86.
Game laws, their oppressive nature, i. 10.
Gengiskan, i. 5.
Genlis, madame de, ii. 8, 25.
Gerard, i. 72.
Germany, thirty years war of, i. 5.
Glory, national, ii. 86, 91.
Good and evil, defined, i. 209. Principle of the Stoics respecting them examined, 210.
Government, its negative character according to Sydney and Locke, i. 2. Extent of its influence illustrated from the evils of political society, 2, 3. From the spirit of its institutions, 7. From the share it occupies in the education of every human being, 23. By certain English writers its form held of more importance than its principle, 58. Consequences of this mistake, *ib. ib.* Distinction between government and society, 58. Government founded in opinion, 46, 68, 113, 120. Different hypotheses as to its true foundation, 88. Common deliberation, its true foundation, 102. Founded in ignorance, 112. Question whether one form ought to be prescribed to all nations, examined, 114. Qualifications of this principle, 115. Government the enemy of change, 116. No scheme of government perfect or final, 127. Abstractedly considered an evil, ii. 2, 103. Composition of government, 87. Complication of government unnecessary, 92. Its two purposes, police, 94. And defence, 95. All government a tyranny, 98. Its dissolution, 100. Its superintendence of opinion, see *Opinion*. Governments, no more than individuals, infallible, 118.
Gratitude, estimated, i. 61.
Gratification, sensual and intellectual compared, i. 34, 148.
Greece, indebted for its excellence to its liberties, i. 3. Political character of its religion, ii. 60. Its resistance of invaders, 77.
Gunpowder treason, i. 73, 74, 149.

H.

HABIT, actions resulting from, in what degree voluntary, i. 31. Its operation, 202.
Happiness, scale of, i. 211.
Hartley, i. 31 *note*, 55, 81, 190 *note*.
Health, speculations on the nature of, ii. 249.
Helvetius, i. 2 *note*, 133, ii. 62 *note*.
Henry IV. of France, i. 5. ii. 4.
Hereditary distinction, see *Birth*.

Heresy, arguments for the suppression of, stated, ii. 115. Answered, 116.
Hieroglyphical writing, once universal, i. 55. Manner in which it is used in China, *ib.*
History, its doubtfulness, ii. 170.
Home, John, ii. 42.
Homer, ii. 61.
Honour, national, its vindication no justifiable cause of war, ii. 72.
Howard, ii. 185, 186 *note.*
Humanity, necessity of the practice of it in war, ii. 78.
Hume, i. 13 *note*, 46, 47, 90, 93, 178, 201 *note.* ii. 93 *note*, 221 *note*, 236 *note.*
Hutcheson, i. 201 *note.*

I.

IDEAS, association of, i. 192. Rapidity of their succession, 195. ii. 252.
Ignorance, not necessary to make men virtuous, ii. 116.
Imposture, political, monarchy founded in, ii. 23. Example of political imposture in the doctrine of eternal punishment, 60. In the Religious sanction of a legislative assembly, 62. In the principle of political order, 63. Motives of political imposture, 64. Effects attending it, 65. Situation of its advocates, 67. Absurdity of their reasonings, *ib.*
Imprisonment, solitary, its severity, ii. 185. Its moral effects, 186.
Improvements, political, mode in which they are to be realized, i. 115, 130. When gradually introduced, supersede revolutions, 116, 127. Means of affecting them, 137, 150. ii. 88, 108, 262.
Improvements, scientific, of the three last centuries, i. 214.
Independence, natural and moral, distinguished, ii. 238.
Individuality, its advantages, ii. 240.
Inequality, of conditions, its effects, i. 11. How to be destroyed, ii. 212. Instances of gratuitous inequality, 214.
Inheritance, principle of, ii. 213.
Infidelity, conjugal, estimated, ii. 244.
Injustice, species of, created by aristocracy, ii. 46.
Innovation, argument against, from the present happy establishment of affairs, examined, ii. 54. Sceptical suggestions respecting, 255.
Insincerity, its nature and history, i. 160. Effects resulting from it, 160. Evil arising from a command to be insincere, ii. 133.
Instincts, have no existence in the human mind, i. 15.
Institution, positive, its equivocal character, as tending to excite virtue, i. 82. Its inaptitude to inform the judgment, 82. Suspends the progress of mind, 117. ii. 110, 111. See further, *Opinion, Establishments.*
Irresponsibility of princes, ii. 10, 34.

J.

JOHNSON, i. 155.
Judgment, its nature, as contrasted with prejudice, described, ii. 143.

Judgment, private, right of, i. 80. ii. 208, 216.
Juries, their appropriate province, ii. 94. Modifications of which they are susceptible, 100.
Justice, defined, i. 59. Considered with reference to the sentiment of self-love, 60. To family affection, 60, 62. To gratitude, 61. Importance of a sense of justice, 153. Its connection with talents, 154. Importance of practical justice, ii. 46.
Justice, political, idea of, i. 64. Its province, 69. Its future history, ii. 196. Errors that may arise at the commencement, 197. Its gradual progress, 197. Its effects on criminal law and property, 197.
Justice, retributive, not independent and absolute, ii. 155. Not to be vindicated from the system of nature, 156. Propriety of a retribution to be measured by the intention of the offender considered, 168.

K.

KINGS, see *Princes*.
Knowledge, defined, i. 132. Its connection with happiness, 147. With virtue, 147.

L.

LABOUR, in its usual acceptation, and labour for the public, compared, ii. 146. Quantity of labour required in a state of equality, 233, 237. Division of labour, 246. Low price of labour unfavourable to population, 248.
Land-tax, of England, its decrease compared with the increasing taxes on consumption, i. 10.
Language, its origin and progress, i. 53.
Latitudinarian, see *Tests*.
Law, is in every country the favourer of the rich against the poor, i. 10. Abuses of its administration, 11. The enacting of law no function of society, 221. ii. 2. Gradual extinction of law how to be produced, 140. Arguments in favour of law, answered, 191. Law once instituted is endless, 191. Uncertain, 192. Mode in which it must be studied, 192. Pretends to foretel future events, 193. Is a species of promise, 193. Checks the freedom of opinion, *ib.* Is destructive of the principles of reason, *ib.* Abolition of law vindicated, on the score of wisdom, 195. Of candour, 195. From the nature of man, *ib.* Effect of the abolition of law on property, 197.
Laws, agrarian and sumptuary, estimated, ii. 105, 210.
Lawyers, their dishonesty, ii. 194. An honest lawyer mischievous, 194.
Learning, instrumental in abolishing the feudal system, ii. 263.
Legislative and executive power, their separation, ii. 90. Quantity of, necessary to be maintained, 91.
Leicester, Dudley earl of, ii. 17.
Leonidas, i. 66.
Letters, incendiary, jurisprudence of, ii. 130.

Libels, attempts to restrain public libels unjust, ii. 128. Pusillanimous, 129. Case in which restraint may be employed, *ib.* Arguments, in favour of restraining private libels, stated, 130, 131. Answered, from the necessity of truth being told, 131. Future history of libel, 132. Further argument against restraining libels, from the necessity of teaching men to be sincere, 133. The mind spontaneously shrinks from the prosecution of a libel, 134.

Liberty, not incompatible with any climate, i. 46. To be introduced like other benefits, 46. The majority of a nation convinced of its desirableness will inevitably obtain it, 47. Nature of liberty, 123. Connection between liberty and equality, ii. 262.

Liberty, personal, under what limitations a right, i. 79.

Liberty, philosophical, see *Free-will*.

Life, under what limitations a right, i. 79. Its probable prolongation in a future state of society, ii. 249, 253.

Locke, i. 2 *note*, 7, 13 *note*, 54 *note*, 90.

Logan, i. 116.

Longevity, see *Life*.

Lot, see *Sortition*.

Love, attainments to which it leads, i. 151.

Louis XIV. i. 5.

Lucullus, ii. 83.

Luxury, of the rich, a cause of robbery and fraud, i. 8. Injustice of luxury, ii. 27. Benefits of luxury, as an objection to equality, considered, 235. Luxury a stage to be passed through, 236. Meanings of the term luxury distinguished, 236.

Luxury, of nations, no invincible bar to the revival of liberty, i. 45, 50.

Lycurgus, i. 66, ii. 63, 241.

M.

MABLY, ii. 107, 221 *note*.

Mace, of the English parliament, importance affixed to it, ii. 26.

Mahomet, i. 5.

Majority, power of, in a state, i. 91. Resistance on the part of, considered, 121. Deceptions to which we are liable in estimating it, 121. Remedy to those deceptions, 122.

Malesherbes, ii. 62 *note*.

Malevolence, nature of, considered, i. 205.

Man, how far the creature of two hostile principles, reason and sensation, i. 25, 33. His vices and moral weakness not incurable, 44. Is capable of perpetual improvement, 44, 47. His perfectibility inferred from the invention of language, 53. From alphabetical writing, 55. From a comparison of his original state with his subsequent improvements, 52, 56. Extent of his duties as a social being, 16, 66. Uniformity of his nature, 114. His strength and weakness, ii. 38. Not immortal, 253.

Mandeville, ii. 235 *note*.

Maria Theresa, i. 5, 6.
Marius, i. 5. ii. 162.
Marlborough, duke of, i. 5.
Marriage, received system of, considered, ii. 243. Consequences of its abolition, 244.
Martyrdom, a species of suicide, i. 66.
Massacre, idea of, ii. 255. Qualification of this idea, 255.
Mechanism, two classes of, material and intellectual, i. 189. Intellectual system most probable, 190.
Medicine, two branches of, animal and intellectual, ii. 252.
Memory, nature of, as connected with the mechanism of the mind, i. 195.
Menas, ii. 5.
Merit, truth its only adequate reward, ii. 49, 206.
Militia, universal, as a means of defending a country, objected to, ii. 80.
Military operations, ii. 76. Fortifications, *ib.* General action, 77. Stratagem, *ib.* Contributions, 78. Military obedience in the conduct of a legitimate war not necessary, *ib.* Military establishments in time of peace pernicious, 81. Unnecessary with respect to courage, 81. To discipline, 82. Military commander, 82.
Miltiades, ii. 57.
Milton, i. 34, 154.
Mind, the term vindicated, i. 12 *note.* In what sense used in this work, *ib.* Has no innate principles, 13. No instincts, 15. Is little modified by antenatal and early impressions, 17, 20. As little by the structure of the animal frame, 18. Derives its qualities chiefly from moral causes, or the influence of education, 19, 22. Its subtlety, 32. Is only a faculty of perception, 45, 215. Its progress, 52, 53, ii. 256. Is capable of entertaining abstract ideas, i. 53 *note.* Its theory a system of mechanism, 189. Can have but one thought at a time, 192. Always thinks, 197. Its nature contrasted with the nature of government, ii. 110. In no other sense an agent, than as matter is an agent, 155. Its omnipotence over matter, 241, 249. Application of this principle to the animal frame, 249.
Ministers of state, their character, ii. 18. Power of dismissing them, 35. Their responsibility, *ib.* Power of appointing them, 36. Their functions, .
Minority, in a state, resistance on the part of, considered, i. 122.
Mithridatic war, i. 5.
Monopoly, the parent of force, ii. 222. Generates selfishness, 234.
Monarchy, nature of, delineated, ii. 3. Its supposed excellence under a virtuous prince controverted, 15. Venality and corruption necessary to its existence, 21. Universality of the operation of these principles, *ib.* Monarchy founded in imposture, 23. Means by which the imposture is supported, 24. Effect of the imposture, as generating indifference to merit and truth, 24. Artificial desires, 25. Pusillanimity, 26. Moral

incredulity, 27. Inordinate admiration of wealth, 28. Evils of monarchy not qualified by rendering it elective, 29. Elective and hereditary monarchy not to be combined, 31. Limited monarchy liable to the same objections as absolute, 32. To other objections peculiar to itself, 33. Responsibility of a limited monarch, 33. His functions, 34. Neutrality required of him impracticable, 34. Prerogative of dismissing and appointing ministers, 35, 36, 39. Of pardoning criminals, 39. Of convoking deliberate assemblies, 40. Of affixing a *veto* to their decrees, *ib.* Monarchical and aristocratical systems similar in their effects, 40. All wars originate in those systems, 69.

Montesquieu, i. 105.

Moral causes, their effect in the formation of the human mind, i. 19.

Morality, its connection with politics, i. 57. Its province unlimited, 75, 94. Its foundation, 92. General principles of morality estimated, 164. Interference of government with it superfluous, ii. 107. Morality in a designing mind not different from morality in an inanimate substance, 155.

More, sir Thomas, ii. 221 *note*.

Morgan, William, ii. 241 *note*.

Moses, ii. 117.

Motion, four classes of, i. 199. See further *Thought*, *Action*.

Motive, term defined, i. 27 *note*, 205. Motives difficult to be discovered, 72. Their complexity, 32, 73, 205. Motives of an action constitute an essential part of its character, ii. 159. Inscrutability of motives an argument against punishment, 169.

Murder, iniquity of punishing all instances of it alike, ii. 167, 199.

Mutius Scævola, i. 37.

N.

NAMES, influence of, on the mind, ii. 37.

Nations, characters of, not owing to the influence of climate, i. 48. Nations not subject like individuals to youth, old age, and decay, 50. When sunk in luxury and effeminacy, may still be reclaimed, *ib.* Ambiguity of the term nation, 119, 123. See further *Glory*, *Rivalship*.

Nature, meaning of the term, and errors respecting it corrected, i. 40.

Necessity, term defined, i. 173. Why supposed to exist in the operations of the material universe, 173. The case parallel in the operations of the mind, 175. Indications of necessity in history, 175. In our judgments of character, 176. In our schemes of policy, *ib.* In our ideas of moral discipline, *ib.* Objection to necessity, from the fallibility of our expectations in human conduct, answered, 177. Universality of the doctrine, 178. Its truth illustrated from the nature of volition, 178. From the absurdity of free will, 179. Idea it suggests of the universe, 182. Its influence on our moral ideas, 183. On action, 183. Virtue, 183. Exertion, 185. Persuasion, 185. Exhortation, *ib.* Ardour, 186. Complacence and aversion, 186. Pun-

ishment, 187. Repentance, *ib.* Praise and blame, *ib.* Intellectual tranquillity, 188. Language of necessity recommended, 188. The doctrine of necessity considered in relation to the doctrine of optimism, 215, 216.
Newton, ii. 86, 116.
Nobility, see *Birth*.

O.

OATH, federal, of the French, ii. 123, 124, *ib.*
Oaths, of office and duty, their absurdity, ii. 126. Their immoral consequences, 126. Oaths of evidence, less atrocious, 126. Opinion of the liberal and resolved respecting them, *ib.* Their contempt of veracity, 126. False morality of them, 127. Abstract principles assumed by them to be true, 127. Their inconsistency with these principles, 128.
Obedience, political, not founded in contract, i. 100, 106. Different kinds of obedience, 107. Compulsory obedience less injurious than confidence, 108. ii. 103.
Obedience, military, in the conduct of a legitimate war not necessary, ii. 78.
Offices, power of appointing to, ought not to rest in one man, ii. 39.
Ogilvie, ii. 220, 224.
Opinion, voluntary actions of men originate in opinion, i. 28, 131, 182. Arguments in favour of its political superintendence, stated, ii. 102. Answered, 103. Exertions of society in this respect, unwise, 104. Incapable of proper effect, *ib.* Superfluous: instanced in commerce, 107. In speculative enquiry, 107. In morality, 107. Pernicious, as undermining the best qualities of the mind, 109. As hostile to its future improvement, 110. Suppression of erroneous opinions in religion, 115. In government, 119. Difficulty of suppressing opinions by force, 119. Severities that would be necessary, 120. Opinions, without persecution and oppression, do not lead to violence, 121.
Opinion, public, its influence on the conduct of individuals, ii. 227.
Optimism, errors of the system, i. 214. Degree of truth mixed with it, 214. Limitations of the idea deduced from this truth, 215. Rashness of the doctrine illustrated by a display of the condition of the universe, 216. Ill effects of optimism, as destructive of any consistent theory of virtue, 218. As blunting the delicacy of moral discrimination, 219. As reconciling us to the spectacle of perverseness in others, 219. As leading men to court persecution and martyrdom, 220.
Orleans, duke of, ii. 9.
Ostentation, of the rich, one of the causes of the vices of the poor, i. 8.
Overt acts, reasons against their being distinguished from intentions, ii. 189. Principle in which the distinction is founded, 190.

P.

PAIN, an evil, i. 95, 209, 216.

Paine, Thomas, i. 2 *note*. 59, 78, ii. 42, 62 *note*, 137.
Pardon, regal prerogative of, ii. 39. Absurdity of pardons, 199. Their origin, 199. Their abuses, 200. Their arbitrary character, 200. Are destructive of morality, *ib.*
Passion, its different meanings, and errors respecting it corrected, i. 38. The passions founded in a sentiment of justice, 39.
Peasant, his happiness estimated, i. 211.
Pedaretus, i. 208.
Pensions and salaries, reasons by which they are vindicated, ii. 146. Immoral effect of the institution of salaries, 147. Source from which they are derived, 148. Unnecessary to the subsistence of the public functionary, 148. To the support of his dignity, 150. Salaries of inferior officers, may be superseded, 150. Rent-roll of the lands of England a pension-list, ii. 220.
Perfection, unattainable, i. 44.
Pericles, ii. 57.
Permanence, see *Constitutions*.
Persecution, a love of it encouraged by the doctrine of optimism, i. 220. Its tendency is to generate the most odious vices, ii. 12.
Persecution, religious, how justified by our ancestors, ii. 156.
Persuasion, considered in relation to the doctrine of necessity, i. 185.
Pity, not an innate principle, i. 17.
Phocion, ii. 57.
Pisistratus, ii. 57.
Pluto, ii. 221 *note*.
Pleasure, delineated, i. 210.
Plutarch, ii. 27.
Population, opinions that have been entertained upon the subject of, ii. 247. Adapted to find its own level, 247. Precautions that have been exerted to check it, 248. Population and the cultivation of the globe compared, 248. In a future state of society, will probably cease to be extended, 253.
Poor, state of, in England, i. 8. Origin of the vices of the poor, 8, *ib.* 9, ii. 222.
Possessions, foreign. See *Colonies*.
Poverty, one of the causes of robbery and fraud, i. 8.
Praise, considered in relation to the doctrine of necessity, i. 187.
Prejudice, its empire accounted for, i. 197. Its nature described, ii. 143.
President, with regal powers, injurious tendency of that office, ii. 38.
Price, Dr. ii. 241 *note*.
Primogeniture, right of, its origin, ii. 46, 177, 214.
Princes, their rights, i. 78. Their education, ii. 6. Manner in which they are addressed, 6. Inefficacy of the instruction bestowed upon them, 8. Private life of a prince, 10. Principles by which he is influenced, irresponsibility, 10, 34. Impatience of control, 11. Habits of dissipation, 11. Ignorance, 12. Dislike of truth, 13. Dislike of justice, 13. Pitiable situation of princes, 14. Not entitled to superiority over their

CONTENTS

OF

THE SECOND VOLUME.

BOOK V.

OF LEGISLATIVE AND EXECUTIVE POWER.

Page.

CHAP. I.
Introduction 1

CHAP. II.
Of Education, the Education of a Prince 3

CHAP. III.
Private Life of a Prince 10

CHAP. IV.
Of a Virtuous Despotism 15

CHAP. V.
Of Courts and Ministers 18

CHAP. VI.
Of Subjects 23

CHAP. VII.
Of Elective Monarchy 29

CHAP. VIII.
Of Limited Monarchy 32

CHAP. IX.
Of a President with Regal Powers 38

CHAP. X.
Of Hereditary Distinction 42

Page.

CHAP. XI.
Moral Effects of Aristocracy 45

CHAP. XII.
Of Titles 48

CHAP. XIII.
Of the Aristocratical Character 50

CHAP. XIV.
Of the General Features of Democracy 55

CHAP. XV.
Of Political Imposture 60

CHAP. XVI.
Of the Causes of War 68

CHAP. XVII.
Of the Object of War 73

CHAP. XVIII.
Of the Conduct of War 76

CHAP. XIX.
Of Military Establishments and Treaties 80

CHAP. XX.
Of Democracy as Connected with the Transactions of War . 84

CHAP. XXI.
Of the Composition of Government 87

CHAP. XXII.
Of the Future History of Political Societies 91

CHAP. XXIII.
Of National Assemblies 96

CHAP. XXIV.
Of the Dissolution of Government 100

BOOK VI.

OF OPINION CONSIDERED AS A SUBJECT OF POLITICAL INSTITUTION.

CHAP. I.
General Effects of the Political Superintendence of Opinion 102

subjects, 23. Inadequate to the functions they possess, 23, 34. Splendour of their state, 24. Inflated style of regal formality, 24. The title of prince estimated, 40. Enormous salary of a prince in a limited monarchy, 53.

Principles, general, estimated, i. 163.

Principles, levelling, supposed danger of disseminating them, ii. 254.

Printing, benefits resulting from its introduction, i. 133, 135.

Privilege, defined, ii. 46.

Prizes, see *Rewards*.

Procrustes, ii. 193.

Promises, in no sense the foundation of morality, i. 92. Absolutely considered, are an evil, 93. Use of them not frequently necessary, 96. Their obligation, 97. Application of the idea of promises to a social contract, 99.

Property, effects of its inequality in the most refined states of Europe, i. 8. How unequal property ought to be employed, 63. Right of property, 80. ii. 202, 216. Sacredness of property, i. 97. ii. 216. Aristocratical distribution of property, 54. Effect of the abolition of law on property, 197. Abuses that have insinuated themselves into the administration of property, 202. Property defined, 202, 207. System of popular morality on the subject of property, 206. Degrees of property, in the means of subsistence and happiness, 207. In the fruits of our labour, 208. In the labour of others, 209. Unfavourable features of this last species of property, 209. Ground of obligation respecting it, 210. Origin of property, 210. Accumulated property an usurpation, 213. Mischiefs resulting from the present system of property: a sense of dependence, 218. The perpetual spectacle of injustice, leading men astray in their desires, 219. Perverting the integrity of their judgments, 220. The discouragement of intellectual attainments, 221. The generating the crimes of the poor, 222. The passions of the rich, 223. The misfortunes of war, 223. Depopulation, 224.

Prosperity, see *Superfluity*.

Punishment, not suited to produce conviction, i. 85. Considered in relation to the doctrine of necessity, 187. ii. 155. The right of punishing not founded in the previous function of instructing, ii. 145. Definition of punishment, 154. Punishment not to be vindicated from the idea of retributive justice, 155. From the system of nature, 156. Punishment for restraint, 162, 180. For reformation, 163, 179. For example, 165, 180. Delinquency and punishment incommensurable, 166. Argument against punishment from the inscrutability of motives, 169. From the uncertainty of evidence, 167, 170. Punishment, as a temporary expedient, considered, 172. Punishment of death with torture, 182. Of death absolutely, *ib.* Origin of this mode of punishment, 183. Corporeal punishment, 183. Punishment by privation of freedom, 184. By solitary imprisonment, 185. By a state of slavery or hard labour, 186. By

banishment, 186. Uncertainty of punishment, from the prerogative of pardon, 200.
Punishment, eternal, inutility of the doctrine argued from history, ii. 60. From the nature of the human mind, 61.
Purist, see *Tests*.
Pyrrho, ii. 7.

Q.

QUALIFICATIONS, pecuniary, their injustice, ii. 151.

R.

RAVAILLAC, i. 72.
Raynal, i. 69.
Refinement, social, its advantages, ii. 235.
Reform, political, see *Improvements*.
Religion, of the Greeks and Romans, its political character, ii. 60. Doctrine of religion upon the subject of property, 206, 219.
Repentance, considered in relation to the doctrine of necessity, i. 187.
Republicanism, its tendency to an equalization of conditions, ii. 262, 264.
Representation, its uses, ii. 58. Its imperfections, 59. See *Delegation, Assemblies*.
Resistance, question of, stated, i. 119. Resistance of a nation, 119. Of a majority, 121. Of a minority, 122. Of the individual, 124.
Responsibility of kings, ii. 33. Of ministers, 35.
Retribution, see *Justice* retributive.
Revenue laws, their oppressive nature under the late government of France, i. 10.
Reverence of superiors, estimated, i. 111.
Revolutions, general observations upon the subject of, i. 125. Revolutionary measures inimical to independence, 127. To intellectual enquiry, 129. English revolution of 1688, 129, ii. 31. Revolutions always accompanied with blood, i. 129. Crude and premature in their effects, 130. Uncertain in point of success, 130. Wholly unnecessary, 131. Events that gave birth to the French revolution, 134. Revolutions in some cases to be looked for, 135. Revolution and despotism compared, ii. 255.
Rewards, their inefficacy, ii. 105, 106, 109, 206.
Rich, ostentation and tyranny of the rich a cause of robbery and fraud, i. 8, 9. The rich are the true pensioners, ii. 220. Possibility of persuading them to resign their gratifications, considered, 227. Many of them may be expected to be advocates of equality, 259 Conduct which their interest as a body prescribes, 260.
Right, defined, i. 70. Active rights of man exploded, 75. Consequences of the doctrine of active rights, 77. Rights of kings, 78. Of communities, *ib.* Passive rights of man irrefragable,

79. Right of discretion, 79. Of property, 80. ii. 202, 207. Of private judgment, i. 81. ii. 212, 216.
Rivalship of nations, a creature of the imagination, ii. 91.
Robbery and Fraud, in what they originate, i. 7. How far remedied or aggravated by political institutions, 10.
Rochefoucault, i. 201. ii. 27.
Rochelle, seige of, i. 5.
Romans, indebted for their excellence to their political liberties, i. 3. Their wars, 5. Political character of their religion, ii. 60.
Romulus, ii. 187.
Rousseau, i. 2 *note*, 91, 155, 161, 207. ii. 62, 63 *note*, 70, 236.
Rowe, ii. 14.

S.

ST. JOHN, lord Bolingbroke, ii. 49.
Salaries, see *Pensions*.
Salic law, i. 5.
Salisbury, Cecil earl of, ii. 17.
Science, its nature progressive, i. 130, 133, 214. Its importance as conducing to our happiness, 147. To our virtue, 147. To our political improvement, 130. Its progress compared to the taking to pieces a disordered machine, ii 116. Nature of political science, 257.
Secresy, state, estimated, ii. 85, 90.
Self-deception, its prevalence, i. 30, 73.
Self-love, not an innate principle, i. 17. Estimated, 60. System ascribing all human actions to self-love examined, 200. Is incompatible with virtue, 206. Its discouraging tendency, 207. Its influence as a motive to be cautiously admitted, ii. 146, 147.
Self-preservation, not an innate principle, i. 17.
Semiramis, i. 4.
Serf, comparison of the condition of, with that of a Polish prince, ii. 47.
Sesostris, i. 4.
Shaftesbury, i. 29, 201 *note*.
Shakespear, i. 76. ii. 15, 116, 253.
Sincerity, its obligation, i. 94. Its importance instanced in the case of assassination, 145. Its favourable tendency in respect of innocence, 156. Of energy, 156. Of intellectual improvement, 158. Of philanthropy, 159. Its value illustrated from the nature of insincerity, 160. Delineation of sincerity, 161. Character of its adherents, 162. Illustrations of sincerity, 163. Limitations, 166. Necessity of teaching men sincerity, one argument against restraining private libels, ii. 133. Duty of sincerity in those who are qualified for public instructors, 258.
Slave trade, contentedness of its victims no argument in its favour, i. 211.
Smith, Adam, ii. 246.
Social contract, considered, i. 89. The contracting parties, *ib.* The form of engagement, 89. Extent of the obligation, 90. Social contract illustrated from the nature of promises, 99.

Society, distinct from government, i. 59. Its claims and duties, 64. Can declare and interpret, not enact laws, 105. Its authority only executive, *ib.* Instituted for the benefit of the individual, ii. 70, 91. Comparative value of its internal and external affairs, 84. Its future history, 91. Is incapable of acting from itself, 98. Of being well regulated by others, 98. Its superintendence of opinion considered, see *Opinion.*
Soldier, depravity of the character, ii. 80.
Sophistry, reason, not force, its proper corrective, ii. 117.
Sortition, decision by, ii. 29. Its origin, 151. Founded in moral imbecility, 152. In cowardice, *ib.*
Speech, incongruity of attempting to restrain its freedom, ii. 118. Consequence that would result, *ib.*
Spies, the employment of, incompatible with true policy, ii. 105.
Standing army, as a means of defending a country, condemned, ii. 80.
Sterne, i. 105.
Stoics, principle of their philosophy examined, i. 210.
Stratagems, military, condemned, ii. 77.
Subjection, military, insufficient to enslave a people against their inclination, i. 120.
Subjects, ii. 23. Degradation of the name, 37.
Subscription, to articles of religion. See *Church.*
Suicide, reflections on, i. 65.
Sunday schools, lessons taught in them, ii. 143.
Superfluity, its tendency to inspire effeminacy, ii. 4. To deprive us of the benefit of experience, 5. Superfluities appreciated, ii. 203. Benefits that would result from their suppression, 221.
Swift, i. 6, 155. ii. 100, 107, 117, 221 *note.*
Sydney, Algernon, i. 2 *note.*
Sylla, i. 5.

T.

TALENTS, their connection with virtue. See *Virtue.* Illiberality with which men of talents are treated, i. 155.
Tamerlane, i. 5.
Taste, man of, his happiness estimated, i. 212.
Taxation, falls almost exclusively upon the poor, ii. 148. How to be abolished, 150.
Territory, extensive territory superfluous, ii. 93.
Testation, protection given to it founded in true policy, ii. 213.
Tests, their supposed advantages are attended with injustice, ii. 121. Are nugatory, 122. Their injurious and ensnaring effects illustrated in the French federal oath, 123, 123. In the subscription of the dissenting clergy of England to the articles of the established church, 123. Influence of tests on the latitudinarian, 124. On the purist, 124. Benefits that would result from their abolition, 125.
Theories, estimated, i. 163.
Theseus, ii. 252.

Thought, its concern in the mechanism of the mind, i. 190. Thoughts which produce animal motion may be involuntary, 191. Unattended with consciousness, 192. The mind can have but one thought at a time, 192. Objection from the case of complex ideas, 193. From comparison, 194. From apprehension, 194. A distinct thought not necessary to each motion, 196. Incongruity of attempting to restrain thought, ii. 117. Consequences that would result, 118. Instances in which thought modifies the structure and members of the human body, 249.

Titles, their origin and history, ii. 48. Their absurdity, 49. Countenance afforded them by the community, 214.

Toleration, principle upon which it is to be vindicated, ii. 120.

Torture, instruments of, i. 6.

Tradesman, his fawning manners one of the evils resulting from property, ii. 218. Conduct that will be observed by him in a more equal state of society, 264, 265.

Tranquillity, intellectual, considered in relation to the doctrine of necessity, i. 188.

Transportation, see *Banishment*.

Treaties of alliance, estimated, ii. 83, 85.

Truth, the term vindicated, i. 26 *note*. Will prevail over error, 41. Is capable of being adequately communicated, 41. Is omnipotent, 43. ii. 38. Its property is to spread, i. 46. Not subject to the vicissitudes of flux and reflux, 134. Not promoted by political associations, 137. Tendency of truth, ii. 58. Necessity of its being told, an argument against the restraining of libels, 131. Effect of truth in the case of libels contrasted with that of force, 135.

Tumult, exhortations to, a species of libel that may lawfully be restrained, ii. 129.

Turkey, effect of wealth and rank on its inhabitants, i. 11.

Tyrannicide, diversity of opinions on the subject of, i. 143. Argument in its vindication stated, and answered, 143. Consequences of tyrannicide, 144.

V.

VALOIS, duke de, ii. 9.

Venality, and corruption, necessary to the existence of monarchy, ii. 21. Extent of their influence, *ib.*

Veto, royal prerogative of exercising it, ii. 40.

Vice, its nature described, i. 72. Has no essential advantage over virtue, ii. 64.

Virgil, ii. 233.

Virtue, general qualities of, i. 50, 62. Virtuous action, 71. A virtuous agent, 71. Foundation of virtue, 81. Virtue the best gift of man; proved by its undecaying excellence, 148. By its manner of adapting itself to all situations, 149. Cannot be effectually communicated but by a cultivated mind, 149. Misguided virtue, *ib.* Virtue defined, 150, 205. ii. 70. Its connection with knowledge and talents, i. 147, 149, 150, 152.

Considered in relation to the doctrine of necessity, 183. Valuable only as the instrument of pleasure, 214.
Understanding, meaning of the term, i. 82. Cultivation of the understanding has no tendency to corrupt the heart, ii. 116.
Universe, evils existing in it displayed, i. 216.
Universities, their backwardness in knowledge, ii. 142.
Volition, inseparable from foresight, i. 31, 33, 201. Does not enter into the earliest actions of a human being, 31.
Voltaire, i. 149, 155.
Vote, decision by, its consequences, ii. 97. Its recommendations, 153.

W.

WALLACE, ii. 221 *note*, 247.
War, its nature delineated, i. 4. ii. 71, 83. Its frequency among the ancients, i. 4. Among the moderns, 5. Its causes, 5. ii. 72. Offensive war, 69. Defensive, 69. Legitimate causes of war, 73. The object of war ought to be, repelling an invader, 73. Not reformation, 74. Not restraint, 74. Not indemnification, *ib.* Nothing a sufficient object of war that is not a sufficient cause for beginning it, 74. Conduct of war. See *Military* operations. Naval war, 78. Necessity of the practice of humanity in war, 78. Duty of independent communities as to war, 174. The passion for war produced by the prevailing system of property, 223.
Watson, i. 195 *note*.
Wealth, man of, his happiness estimated, i. 212. Injustice of the inordinate admiration of wealth, ii. 28. Injustice of its accumulation, 219. Reception of wealth and intellectual excellence compared, 264.
Whiston, i. 43.
Will, not a distinct faculty, i. 181.
William III. i. 5.
Wolsey, i. 133.
Woolston, i. 43.

XERXES, i. 4.

Bell and Bradfute

J. Watson, Printer and Publisher, 5, Paul's Alley, Paternoster Row.