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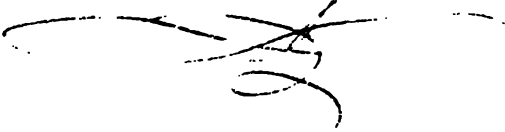


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James Briggs
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Cambridge


LECTURES
ON THE
HISTORY OF MORAL PHILOSOPHY
IN ENGLAND.



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LECTURES
ON THE
HISTORY OF MORAL PHILOSOPHY
IN ENGLAND.

BY WILLIAM WHEWELL, D.D.,
MASTER OF TRINITY COLLEGE; AND PROFESSOR OF MORAL
PHILOSOPHY IN THE UNIVERSITY OF CAMBRIDGE.



Λαμπάδια ἔχοντες διαδώσουσιν ἀλλήλοις.
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PREFACE.

THE following Lectures have, for the most part, been repeatedly delivered, in substance at least, in the Courses which I have read as Professor of Moral Philosophy. But I have of late years found it necessary to introduce into my Course new matter, to an extent which makes it difficult to find room for these. Nevertheless it is convenient for me, in dealing with the subject, to be able to assume that my hearers have such a knowledge of its history as these Lectures contain. I have therefore published them, in the hope that they may be of use to our students, and other persons who feel an interest in the progress of moral speculation in this country.

Being written for oral delivery, they will be found to contain repetitions, and certain inequalities of style which, if I had composed them for the general reader, it would have been my business to avoid.

Some of these peculiarities appeared to contribute to the favourable reception of the Lecture when first delivered; and I have ventured to retain them, trusting that the reader will excuse them in consideration of their original occasion.

Of course I have not forgotten the Dissertations of Dugald Stewart and of Mackintosh, which occupy nearly the same ground as that over which I here travel; indeed the latter work I have myself edited. But it appeared to me that to review the works of the authors here criticized from my own point of view, was a task naturally suggested by my position; and this I attempted to do in the Lectures now published.

To obviate confusion I may mention that I have already (in 1841) published "Two Introductory Lectures" delivered in 1839 and 1841, (one of which is here republished,) and (in 1846) eight other Lectures under the title "Lectures on Systematic Morality, delivered in Lent Term, 1846."

TRINITY COLLEGE,
February 17, 1852.

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INTRODUCTORY LECTURE.

THE POINT OF VIEW.

THE following Lectures contain criticisms on the views and doctrines of a series of ethical writers ; they attempt to point out how far each was right, and in what way he contributed to the progress of moral speculation in this country. It is plain that such judgments must be affected by the views and doctrines of the critic himself. Nor is this a disadvantage in such criticism, if the critic's point of view be definite and evident. In my "Elements of Morality" I have given that view of the grounds and relations of moral truths to which the best parts of all previous moral speculations appear to me to converge ; but it may still be of use to explain here, more briefly and pointedly, the System of Morality there presented.

Schemes of Morality, that is, modes of deducing the Rules of Human Action, are of two kinds :—those which assert it to be the law of human action to aim at some external object, (external, that is, to the mind which aims,) as for example, those which in ancient or modern times have asserted Pleasure, or Utility, or the Greatest Happiness of the Greatest Number, to be the true end of human action ; and those which would regulate human action by an internal principle or relation, as Conscience, or a Moral Faculty, or Duty, or Rectitude, or the Superiority of Reason to Desire. These two kinds of schemes may be described respectively as *Dependent* and *Independent* Morality. Now it is here held that Independent Morality is the true scheme. We maintain, with Plato, that Reason has a natural and rightful authority over Desire and Affection ; with Butler, that there is a dif-

ference of kind in our principles of action ; with the general voice of mankind, that we must do what is right at whatever cost of pain and loss. We deny the doctrine of the ancient Epicureans, that pleasure is the supreme good ; of Hobbes, that moral rules are only the work of men's mutual fear ; of Paley, that what is expedient is right, and that there is no difference among pleasures except their intensity and duration ; and of Bentham, that the rules of human actions are to be obtained by casting up the pleasures which action produce. But though we thus take our stand upon the ground of Independent Morality, as held by previous writers, we hope that we are (by their aid mainly) able to present it in a more systematic and connected form than has yet been done.

Let us begin with the doctrine of Plato just referred to ; that Reason has a natural and rightful authority over Desire and Affection, which doctrine Butler has further illustrated. In making this principle the groundwork of morality, we seem to be guilty of an oversight ; for the word *rightful* already involves a moral notion : *that* is rightful authority, and that only, which it is immoral to disobey. In order to make our scheme complete, we must define *rightful*, and prove that the authority of Reason over Desire is rightful.

The Definition of *rightful*, or of the adjective *right*, is, I conceive, contained in the maxim which I have already quoted as proceeding from the general voice of mankind : namely this, that we must do what is right at whatever cost. That an action is right, is a reason for doing it, which is paramount to all other reasons, and overweighs them all when they are on the contrary side. It is painful : but it is right ; therefore we must do it. It is a loss : but it is right ; therefore we must do it. It is unkind : but it is right ; therefore we must do it. These are self-evident propositions. That a thing is right, is a *supreme* reason for doing it. *Right*

implies this supreme, unconquerable reason ; and does this especially, and exclusively. No other word does imply such an irresistible cogency in its effect, except in so far as it involves the same notion. What we *ought* to do, what we *should* do, that we *must* do, though it bring pain and loss : but why ? *Because* it is *right*. The expressions all run together in their meaning.

And this *supreme* rule, that we must do what is right, is also the *moral* rule of human action. Having got this notion of what is right ; what we ought to do ; what we should do ; we are already in the region of morality. What *is* right ; what it is that we ought to do, we must have some means of determining, in order to complete our moral scheme ; but whatever we so determine, we are involved in a moral system, as soon as we begin to use such words as *right* and *ought*.

Thus then we see that the supreme reason of human actions and the moral nature of them cannot be separated. The two come into our thoughts together, and are in our conceptions identical. And this identity is the foundation, in a peculiar and characteristic manner, of the system of morality to which we have been led.

In thus speaking of the *reasons* of human actions, it is plain that I am using the term *reason*, not for the Faculty by which we judge, but for the grounds of our judgment ; not for the Power of mental seeing, but for something which we see. *Reasons* and *the Reason* thus differ nearly as *thoughts* and *Thought*. The Reason *sees* the reasons for human actions : and among these, it sees the supreme reason, which is, that they are right : and because the Reason is the Faculty which sees this, while Desire and Affection tend blindly to their objects, not seeing reasons, but feeling impulses, or at least, seeing reasons only as subordinate things ;—therefore it is that we say that the Reason has a natural and rightful authority over Desire and Affection.

It is right that Reason should control and direct Desire and Affection, because Reason alone can see what is right ; alone can understand that there is such a character as rightness.

But though the general statement of the ground of Morality may thus be found at a very early period of ethical speculation, several additional steps are requisite in order to deduce from this principle a systematic scheme ; and some of these steps, it seems to me, have not been previously made in a satisfactory manner. The Reason, we have said, must control and direct the Desires and Affections ;—must so control and direct them, that they may act rightly. But how are we to carry this Rule into detail ? What are the conditions of acting rightly, in the case of the Desires and Affections ? How is the Supreme Rule of Human Action, Rightness, brought into contact with these Impulses, these *Springs* of Human Action, as we may call them ?

In order to answer this question, we classify the springs of Human Action, as they commonly exist among men, namely, the Desires and Affections ; and we look for conditions of rightness, corresponding to this classification of the Desires and Affections. We shall find such.

The task of classifying the Springs of Human Action, the Desires, Affections, and the like, has been attempted by various moralists in modern times, especially by Reid and Dugald Stewart. Their classifications supply useful suggestions, but appear to me to be both defective and redundant. I have had therefore in a great degree to make my own classification. It may be said, I think, that the leading Desires of man, in their largest form, in which they are expressed by means of general terms, and in which they include the Affections, are, *The Desire of Personal Safety*, *the Desire of Having*, *the Desire of Family Society*, (which includes the Family Affections,) and *the Desire of Civil Society*, (which includes the more general Social Affections). There are

other Desires which are not of this primary character, as *the Desire of Knowledge*, and the like. These primary Desires in their various operation regulate the whole scheme of human life. Men's personal safety, their possessions, their families, and the concerns of the community in which they live, are, in their eyes, the greatest objects which exist. No actions can be conformable to Rule, if the actions which refer to these objects are not conformable to Rule. If these objects are not ordered, secured, respected, revered, there can be no order, no security, no respect, no reverence anywhere. However other Desires and Affections be controlled and directed, if these be not, there can be no real control and direction. If these great primary forces are not in equilibrium, or at least in moderated movement, there can be no valid effect produced by adjusting the smaller and slighter impulses which operate upon man.

But the Desires which regard these great primary objects, Personal Safety, Possessions, Family, Civil Society,—how are they to be regulated so that they may conform to the condition which we have assigned; to the Supreme Rule of Human Action; in short, that they may be right? That is the question which we have now to answer.

We do not at present want a complete answer, but a starting point from which we may proceed towards a complete answer. How the Desires and Affections are to be regulated, so that they may be right in the highest sense, is an inquiry which requires a long train of careful thought: but is there no condition which is obviously requisite, as a general rule, in order that those Desires and Affections may be right?

There plainly is such a condition generally established among men. In order that the Desires and Affections with regard to the Personal Safety, Possessions, Family, Civil Condition of other men may be right, they must conform to this primary and universal Condition, that they do not violate the

Rights of others. This condition may not be sufficient, but it is necessary. Thou shall do no violence; thou shall not steal; thou shall not commit adultery; thou shall not oppress;—these are rules which all men acknowledge as the very foundations of Morality. However far we may go, we must begin here.

And here we find, as we said we should find, conditions of rightness corresponding to the primary springs of human action: for we find a classification of Rights corresponding to the classification of primary Desires, to which we were led. As the primary Desires of men are the Desire of Personal Safety, of Possessions, of Family, and of Civil Society; so the primary kinds of Rights among men are everywhere the Rights of the Person, the Rights of Property, the Rights of the Family, and Political Rights, which depend upon the constitution of the community to which they belong, and the place of each man in it.

But these large classes of Rights thus corresponding to the leading Desires and Affections of men, do not quite exhaust the kinds of Rights commonly recognized among men. We cannot make a good and complete arrangement of Rights without putting, as one large class, Rights of Contract;—Rights arising from agreement among men: for though these may often be about Property, and may thus seem to enter into the class of Rights of Property, they may also be about other things as well, and do really depend upon a different principle.

As the other classes of Rights correspond, each to each, to leading Desires of men, we may ask to what Desire do the Rights of Contract correspond; and to this the answer must be, that such Rights do not depend exactly upon a Desire, but upon what may be called more fitly a Need; one of the most universal and dominant Needs of man in his social condition; the Need of a mutual understanding among

men, so that one man may regulate his intentions and actions by those of another: a Need of which the satisfaction is possible through the existence of Language.

So then we have five acting principles,—Springs of Action, and Sources of Rights among men;—the Desire and Love of Personal Safety; of Property; of Family; and of Civil Society; and along with these, Language, or the Desire of a mutual understanding which Language enables them to gratify. And we have in like manner, five classes of Rights;—those of Person, Property, Family, State, and Contract.

This symmetrical division of the Springs of Human Action and of Rights existing in Human Society is the starting point of our system of Morality; being, as we have said, the point where the Springs of Human Action come in contact with the supreme Rule of Rightness on which Morality depends. For though the adjective *right* in a moral sense, and the substantive *Right* in a legal sense, are words of very different extent, the one is necessarily comprehended within the sphere of the other. Nothing can be a man's *Right* but that which it is *right* he should have, though he may not have a Right to everything which it would be right for others to give him. And thus when we have once arrived at the existence of Rights, we have reached a point from which we may go on to Rightness of a higher kind, and may thus construct the whole edifice of a system of Morality.

In what manner, it may be asked, do we rise from mere legal Rights to moral Rightness? I reply, that we do so in virtue of this principle:—that the Supreme Rule of man's actions must be a rule which has authority over the whole of man; over his intentions as well as his actions; over his Affections, his Desires, his Habits, his Thoughts, his Wishes. The man's being cannot be right, except all these be right. If he abstain from outward violations of the Rights of others, he may satisfy Law, but he does not satisfy Morality. It is

not enough that he do not steal ; it is also necessary that he do not covet ; and not only so, but that he do not nourish a love of wealth which leads to covetousness ;—that his affections be fixed, his thoughts employed on other things, not on mere worldly goods. And thus we rise from legal obligation to moral Duty ; from legality to Virtue ; from blamelessness in the forum of man, to innocence in the court of conscience. Every Right points to an ascending series of Virtues ; and again, all the different Virtues run and melt into each other and converge to one supreme and central Idea of Goodness, the union and the origin of them all.

To this scheme of Morality various objections may be made, some of which I will here state, and reply to as briefly and as distinctly as I can.

(I.) It may be said that in the system which has thus been described, Morality is founded upon Law, that is, upon the Laws which actually exist among men ; and that such a Morality must necessarily be narrow, low, and formal ; being bounded by the nature and extent of its foundation.

To this we reply, that our Morality, though it derives a portion of its form from our classification of Rights, and so far, of Laws, is not at all bounded by the nature and extent of Law, but on the contrary is necessarily immeasurably more comprehensive, deep and high than Law is, in virtue of the principle just stated as the leading principle of our Morality ;—that Morality claims empire over the whole man, including internal purpose, affection, and thought ; whereas Law is concerned only with outward actions.

We may add to this reply, that Law, or Rights, are in our system, not the foundation, but only the starting point, of Morality. Though we begin from them, we do not build upon them. Indeed with us, Rights, and the Laws which establish them, instead of being the foundation of Morality, are only the foundation of the mode in which Morality re-

guards external things, such as property, family ties, and the like: and the way in which Morality regards such things must, in all systems, be greatly regulated by existing laws;—nor is this the case in ours more than in other systems.

(II.) But again it may be objected that our Morality, being derived from existing Law, must necessarily be controlled by existing Law; so that however absurd, unjust, or oppressive be the Laws, the precepts of our Morality must be conformed to them.

To this we reply, our Morality is not derived from the special commands of existing Laws, but from the fact that Laws exist, and from our classification of their subjects. Personal Safety, Property, Contracts, Family and Civil relations, are everywhere the subjects of Law, and are everywhere protected by Law; therefore we judge that these things must be the subjects of Morality, and must be reverently regarded by Morality. But we are not thus bound to approve of all the special appointments with regard to these subjects, which may exist at a given time in the Laws of a given country. On the contrary, we may condemn the Laws as being contrary to Morality. We cannot frame a Morality without recognizing Property, and Property exists through Law; but yet the Law of Property, in a particular country, may be at variance with that moral purpose for which, in our eyes, Laws exist. Law is the foundation and necessary condition of Justice; but yet Laws may be unjust, and when unjust, ought to be changed. The cases in which Morality and Law come into conflict, are difficult problems in all systems of Morality. We have no greater difficulty in propounding and in solving such problems than any other Moralists.

(III.) It may be objected that by deriving Morality from existing Laws we make it depend upon something accidental, partial, variable in different countries and times;

whereas we require that Morality should be something necessary, universal, uniform in all places and times.

And to this we reply, as before, that we do not derive Morality from Law in such a way as to make it share the accidental, partial, variable character of Law. We derive it from the fact that Law everywhere establishes, or endeavours to establish, Personal Security, Property, Contracts, Families and States; which objects of Law are, we conceive, universal, constant, and the necessary conditions of man's moral existence. So that Morality, however it may begin by borrowing a suggestion from Law, may still be said to be in its nature necessary, universal and eternal.

(IV.) Again, it may be said that the necessity of which we here speak, when we say that the fundamental kinds of Rights exist necessarily, is the necessity arising from mutual fear. Property, for example, is established by Law, as a kind of term of truce to the endless quarrels concerning the objects of human desire which would otherwise take place among men.

But that mutual fear alone could not establish property and the other kinds of Rights, is evident from this: that such Rights do not exist among brute animals, in spite of their mutual fears and conflicting desires. Rights do not arise from mutual fear, but from the whole nature of man; and especially from his nature as being capable of living under rules of action, and incapable of living otherwise. He cannot live except under rules of external action, directing and controlling him; hence men have *Rights*. He cannot live except with the recognition of rules of internal action, giving a character to his intentions and purposes, as wrong or *right*; and thus he must have Morality.

(V.) The same answer might be made if it were urged that by making our Morality begin from Rights, we really do found it upon Expediency, notwithstanding our condemnation

of systems so founded. For, it may be said, Rights, such as property, exist only because they are expedient. We reply, as before, that Rights are founded on the whole nature of man, in such a way that he cannot have a human existence without them. He is a moral being, and must have Rights, because Morality cannot exist where Rights are not. Rights are expedient for man, just as it is expedient for man that his blood should circulate. If it do not, he soon ceases to be man.

Thus it will be seen that according to our view, Morality is founded upon the whole nature of man, as containing Desires and Affections, and as subject to a Rule which must govern his whole being. The Reason is employed both in giving to the objects of the Desires and Affections a more general and ideal character, and in discerning the manner in which they may be controlled and directed so as to conform to Rule, and to the Supreme Rule which all other Rules necessarily imply. We thus assent to those who say that it is the office of Reason to govern the Desires and Affections; and we add that Reason, by its nature, must tend to govern them so that they may be right. We assent to those who say that Virtue consists in acting conformably to man's Nature; meaning that his nature is a moral nature, and necessarily implies a Rule of rightness. We assent to Butler when he speaks of man as having a determinate mental constitution; meaning thereby a constitution in which the Desires and Affections must be controlled by Rules, and therefore governed by Reason. We assent to those who speak of man as having a moral Faculty, meaning that he has the Faculty of seeing the necessity of such Rules and of referring actions to them. We do not speak of man as having a Moral Sense; because the discovery of the conformity of actions to a Moral Rule is a process entirely different from the operation of any sense. We speak with

reverence of Conscience, meaning by Conscience the judgment which we form of our actions, as being right or wrong; and we are willing to assert the authority of Conscience, meaning thereby that our judgment of our actions as right or wrong, is a ground of action superior to any other view of them; but we do not speak of the authority of Conscience as *supreme*, meaning that what we judge to be right is necessarily right, and what we judge to be wrong necessarily wrong. For our judgment on these points may be erroneous. We may have wrongly conceived or wrongly applied the supreme Rule of human action; and thus our erroneous Conscience may require to be enlightened and instructed by a better use of our rational Faculty.

We do not rest our Rules of action upon the tendency of actions to produce the Happiness of others, or of mankind in general; because we cannot solve a problem so difficult as to determine which of two courses of action will produce the greatest amount of human happiness: and we see a simpler and far more satisfactory mode of deducing such Rules; namely, by considering that there must be such Rules; that they must be Rules for man; for man living among men; and for the whole of man's being. Since we are thus led directly to moral Rules, by the consideration of the internal conditions of man's being, we cannot think it wise to turn away from this method, and to try to determine such Rules by reference to an obscure and unmanageable external condition, the amount of Happiness produced. But we do not doubt of the truth of this doctrine, that right action does produce the greatest amount of human happiness; and we conceive that *happiness* must be so apprehended and so understood as to be consistent with this general truth.

We do not deduce our Rules of action directly from the tendency of actions to produce our own happiness, in the way of reward; because we do not sufficiently know, on

independent grounds, the Laws according to which our Judge will administer his rewards. We believe that He will reward what is right and punish what is wrong: but we believe that He intends us to use our rational and moral faculties in discovering what is right and what is wrong. He has given us other helps in the task, but He has not superseded these. We cannot be content to make our Morality depend, as Paley does, on these two steps;—that God wishes the happiness of mankind, and that therefore he will reward what we do for the promotion of that happiness; for we conceive that to determine in what sense *human happiness* is to be understood, when we say that God wishes it and wishes us to promote it, is far more difficult, than it is to determine God's will by seeking for it in the Supreme Rule of human action: besides which, even if we could determine what this happiness is, we might still be unable to discern the best means of promoting it. But we do not doubt that the Supreme Rule of human action, the rule which requires action to be right, is identical with the Will of God; and that His Will is the highest and strongest sanction by which any Rule can be enforced.

Though, as we have already said, our Morality does not depend upon actually existing human Laws, nor even upon the necessary existence of Law; yet will Morality, and the Laws which necessarily exist in human society, rest upon the same foundation, the moral nature of man. And in tracing this fundamental basis of Law and of Morality into a system of each, there may be, and naturally will be, a correspondence between certain general provinces and divisions of the one and of the other, of Law and of Morality. And thus as we have five leading kinds of Rights, we have also five leading kinds of Duty and of Virtue. These five are *Benevolence, Justice, Truth, Purity, and Wisdom*; which last, reckoned by Aristotle and others as an *intellectual* virtue,

(in distinction to the others, which are termed *moral* virtues) may be called *Order*; since it manifests itself both in the discovery of right Rules and of means for upholding them. Without pressing too much upon the parallelism between these five kinds of Virtue and the five kinds of Rights respectively, we may venture to say that these five Virtues may be regarded as a convenient division of Virtue, so far as virtue is divisible: and these may deserve to be termed the *Cardinal Virtues*, far better than that ancient quaternion which moralists have so often assumed, of Justice, Temperance, Fortitude and Prudence. And as this is a division of Virtues, which are habits of action, so is it a division of Duties, which are occasions of such actions; and we have Duties of Benevolence, of Justice, of Truth, of Purity and of Order.

Duty is a term which especially belongs to Morality, not to Law. The term *Obligation* is used in both subjects: we speak of the legal Obligation of paying our debts, and the moral Obligation of relieving the distressed. It would produce some convenience if the term were confined to the former meaning; but at any rate the two senses ought not to be confounded. We ought not to speak, as Paley does, of *obliged* and *ought* as synonymous terms; seeing that men are often obliged to do what they ought not to do.

Nor again, ought the habit of such phraseology to lead us to suppose that because legal obligations are always obligations *to some person*, therefore moral obligations are also always due to some person. *Duties to others*, as they are sometimes termed, are much better spoken of as *Duties* simply: for they are to be performed not only out of regard to others, as what they ought to have, but far more, from regard to ourselves and what we ought to be.

To every (Legal) Obligation which we contract or have, corresponds a Right which another person requires or has:

but to our Duties correspond no Rights of others. If however we wish for a correlative term to Duties, we may use the phrase *Moral Claim*; we may say that a poor man in distress has a Moral Claim on his rich neighbour, even if the law do not give him a legal Right.

And many of our Duties which regard our special relations to particular persons, and which we may therefore term *Relative Duties*, may be conveniently arranged and treated of according to those Relations.

Having these views of the most convenient way of using the term *Obligation*, we should avoid using such terms as *perfect* and *imperfect Obligation*, which have been common among Moralists. Such phrases have the inconvenience of implying that no Obligations are perfect but those which the law imposes, and that all our Duties are of the nature of Debts, only less perfect in degree.

It may be asked how we can apply these general heads of our System to particular actions and to special moral questions, such as Moralists are expected to decide: and it may be urged that some reference to the results of actions and to some external object of action is requisite for such purposes. But it will be found that this is not so, and that a consideration of the ideas of Benevolence, Justice, Truth, Purity and Order, determined in the way in which we have determined them, combined with a regard to the various relations in which men stand to each other, will enable us to draw out a complete scheme of human duties. And we conceive that this is not only a possible mode of proceeding, but that it is the way in which men do naturally and spontaneously endeavour to decide for themselves such moral questions as come before them. If the doubt be what course of action Justice, or Truth, requires, and if they reason morally on the question, they do not generally so much consider what will come of each course,—what they will gain or lose by it,—as what

it is that Justice, or that Truth means, and how the meaning is applicable in the particular case. That in this manner a detailed scheme of human duties, and a solution of ordinary moral questions may be obtained, is, we conceive, shown in the *Elements of Morality* which have been published with this view.

Although we begin the arrangement of our Morality by taking account of the kinds of Rights established among men by actual Law, this, as we have already said, does not prevent our passing judgment upon existing Laws as moral or immoral, just or unjust. But though some existing Laws may be unjust, we must in our System of Morals, and in all systems of morals which can be recognized by human society, look upon existing Laws in general with great respect, as highly important elements in all moral questions. In general, what is Property, what is a Contract, what is a Marriage, in any Society, must be determined by the Laws of that Society; and as our Duties, as well as our legal Obligations, are concerned about Property, Contract, Marriage, and the like, our Morality must involve a regard to existing Laws. The existing Laws of each state belong to its history;— have grown out of its history or with its history, and change with its historical changes. Hence our Morality, besides involving the ideal elements of which we have spoken, the ideas of Justice, Truth, and the like, must include an historical element, belonging to each separate community. Along with the Idea of Morality we must include the Fact of Law. And the bearings of Law and Morality,—the dependence of what ought to be on what is,—the conversion of what is into what ought to be in each community,—forms a large and important province of speculation which we can by no means leave out of our consideration. To this province belong all general questions of Political Morality; questions concerning the Rights and Duties of Governments as well as of individuals.

We may add, as also coming within the sphere of our reasonings, questions of Justice concerning property, contracts, and the like, as determined by supposing the most general forms of actual Law, which province we may term *General Jurisprudence*.

The radical part of the term *Jurisprudence*, namely *Jus*, (the special study of *Jurists*) denotes a branch of speculation which may be distinguished from Morality proper by saying that *Jus* is the doctrine of Rights and Obligations, Morality the doctrine of Virtues and Duties; the term *Obligations* being here used in the strict sense above spoken of.

Besides these, we conceive it proper to include in our Morality questions as to what is just and right in the dealings of nations with one another. This is commonly termed *International Law*; but since there is no supreme authority among nations by which Laws affecting them can be enforced, these questions can only be discussed by assuming a common understanding respecting the Rights and Obligations of nations; and hence the subject may rather be termed *International Jus*.

The subject of *Religion* is intimately connected with Morality; or indeed Religion may rather be said to include the subject of Morality, regarding it according to her own special view of man's nature, condition, and prospects. But there result important advantages from treating separately Morality according to Reason, and Morality according to Religion: and this therefore we do.

The explanation which has thus been given of the relation of our System of Morality to the Systems published by other writers, will have shown in a great degree the objections to the schemes of our predecessors, which prevent our resting satisfied with their labours. With regard to Paley's *Principles of Moral Philosophy* in particular, the book which is recognized by the University of Cambridge as

an especial subject of ethical study, I have repeatedly pointed out what appear to me to be defects and errors*. But I have thought that it might be convenient to my readers to find here some remarks on a writer who has erected his system of Morality and Jurisprudence on the same basis as Paley, but with more of systematic method and logical consistency: I mean Jeremy Bentham. I have therefore given some account of his principal works on these subjects, and have ventured to point out what appear to me their grave defects in principle, reasoning, method, and spirit. With regard to the objections to the principles, they are, of course, much the same as the objections to Paley's fundamental doctrines, modified according to Mr Bentham's mode of stating them. As a specimen of Mr Bentham's method, I have taken his Classification of Offenses, as it appears in his *Principles of Morals and Legislation*. I have attempted to show that this Classification is very defective, mainly in consequence of his introducing the Head of *Offenses against Condition*, and not taking as one of his Heads, *Contract*, a province of the subject so abundant in rules and subdivisions among the best preceding Jurists. It appears to me to result from this examination that the division of Rights into five kinds, Rights of the Person, of Property, of Contract, of Marriage, and Political Rights, with corresponding Offenses or Wrongs, arising from the violation of these Rights, is both more philosophical and more practical. I have also ventured to point out in a particular case (as an example) the impossibility of making a scheme of Law without recognizing in Law a moral purpose.

* See the Preface to *Butler's Three Sermons*; also the *Elements of Morality*, Art. 454, &c.

NOTE.

This Note is referred to as an *Appendix* in a Note to p. 1. It contains the first part of the Lecture delivered on entering on my first Course, April 22, 1839.

I now appear before the University for the first time in the attempt to discharge my public functions as Professor of Casuistry, or Moral Philosophy; to which chair I was elected in June last, 1838. The office of Professor, in this as in other Universities, is generally understood to imply the duty of delivering Public Lectures upon the subject which the Professorship designates; and in the case of the Professorship which I have the honour to hold, this duty is expressly enjoined by the Founder, and directions are given in the deed of Foundation with a view of securing its effectual performance. As, however, notwithstanding these reasons for the delivery of Public Lectures by the holder of this Professorship, circumstances had in fact led to a discontinuance of them, I did not find myself by this appointment placed in a situation in which I had to continue and carry on an existing system of teaching, on the subject thus committed to my care. I am well aware that it may easily happen to a Professor, from the nature of his subject, or from other circumstances, that he may better hope to promote the study of his science, and the interests of the academic body to which he belongs, in other ways,—by his advice, his writings, or his judgments on what is done by others,—than by the delivery of Lectures to the general body. With particular subjects, and under particular circumstances, this may very readily be conceived to be so: but in almost all cases it would seem to be desirable, that a person who has conferred upon him such a distinction as is among us implied in a Professorship of any branch of science or learning, should come forwards in some manner which may show to the University that he has made, or is making, a study of that which he professes;—that his attention is employed in examining its principles and tracing its progress;—that he is at his post, prepared with his proper share of the learning and knowledge of past times; and ready, when any new doctrines claim his attention, to resist error, and to welcome truth. It is by possessing a body of persons who hold their respective places in our Universities in such a spirit, whether they bear the name of Professor or Tutor, or any other, that these bodies will be, as such bodies ought to be, the depositaries and diffusers of sound learning—the asylums of solid and substantial truth—the golden links which connect The Permanent with The Progressive. When therefore I was elected into this office, I thought that it became incumbent upon me to show, in some public manner, that I was giving my best attention to the subject with which I was thus charged. And among other steps to which I felt myself thus directed, it appeared to me that a course of Public Lectures, such as the foundation of the Professorship enjoins, might be both of use and of interest to a portion of the University. Such a course, therefore, although in the present year, for reasons which I may hereafter refer to, a brief and very incomplete one, I now purpose to commence.

The subject which I consider as committed to my charge by my professorship is *Moral Philosophy*, according to that view of the position and limits of the science to which the best modern authors have been led. Even if by taking this subject so defined and bounded, it should appear

that it does not employ itself upon precisely the same class of questions which the Founder had in his view when he endowed the office, I should still not fear that the University would look upon such a modification of the Professor's task as not only allowable, but, under proper conditions, laudable. For, in order to teach or to speculate with advantage, we must recognize those relations of the different sciences—those unions and those separations of the various fields of knowledge—those cardinal questions and fundamental alternatives, to which the best researches of later as well as earlier times have led. And if, a century and a half ago, the traditional partition of the various branches of religion and morals was unphilosophical and confused; or if the questions then considered most important, have now become frivolous or superfluous; it would be unwise for us to allow ourselves to be bound down to technicalities and errors, prevalent in those days, but now detected or obsolete. Such conduct would be a perverse obedience to the letter of our benefactor's instructions, which might almost look like irony; since by such obedience we should certainly and knowingly thwart his real intention. It will be a far more cordial and generous interpretation of his injunctions, and of the purpose of the University in accepting his bequest, if we direct our attention to the branch of knowledge which now stands in the place of that which he recommended; which preserves all that was most valuable in the older body of learning, while it brings before us questions and principles such as are now, at this day, of the deepest interest, and of the most grave concern to the prospects and convictions of men. I may add, that such a substitution of a newer form of a science, full of life, hope, interest, and solid truth, for the older and more imperfect speculations upon related subjects, is what you, the University, have accepted with satisfaction and applause from many, or I may say from all, of the rest of your professors.

I shall therefore reckon upon the implied sanction of this University, in considering myself as *Professor of Moral Philosophy*; a branch of study of which a professorship exists, I believe, in every university but our own: a branch of study, too, as I trust to be able to show, which cannot be excluded without leaving the general body of knowledge, such as we should here present it to our students, in an intolerable degree maimed and imperfect.

You are probably aware that the person holding this professorship is designated in the Foundation Deed, as *Professor of Moral Theology or Casuistical Divinity*; and has usually been termed *Professor of Casuistry*. Although, for the reasons I have just stated, I altogether disclaim the notion that my professorial province is to be defined or limited by an antiquarian investigation as to what *Casuistry* was at first, or at any period; and although, as I have said, another phrase appears to me to be at present far more fitted to express my office, it may interest you, in parting with this subject as an acknowledged science among us, to cast back a glance, very briefly, upon its nature and course.

I need not remind any one here that the term indicates that portion of Christian Morals which treats of *Cases of Conscience*; and that Cases of Conscience are questions of human conduct in which conflicting duties,

or obscurity in the application of moral rules, seem at first to perplex and disturb the faculty which judges of right and wrong ; and make it necessary to trace, in an exact and methodical manner, and with a careful exclusion of everything *but* moral considerations, the consequences of the fundamental rules of morality, in order that thus we may escape the doubt and confusion with which we are threatened. The *Cases of Conscience* of Jeremy Taylor, as one of his works is often termed, and similar writings of many others of our best divines, will at once recur to your recollection.

Nor, again, need I remark, (although the circumstance is full of instruction,) that since, in cases where obvious duties appear to be in conflict, we cannot decide either way without transgressing, or seeming to transgress, some plain rule of morality, the common mind is never fully satisfied with such a conclusion : and even when the decision is made on the most purely moral grounds, and when the reasons assigned for it are, to a person capable of following such reasoning, perfectly convincing and demonstrative, still the careless hearer attends to nothing but the fact that reasons are given for omitting a duty.

Hence it has come to pass, that when, in any cases, reasons are stated tending to evade some generally acknowledged rule of conduct, although the reasons have only the most shallow and transparent pretence of morality, still the popular mind will not take the trouble of distinguishing between such sophistry and the indispensable distinctions contemplated by the genuine moralist. And thus such evasive perversion of reason is also called *Casuistry* ; and hence the word, in more modern times, and in certain classes of writers, is used in a somewhat obnoxious sense. Pope will supply us with examples of both shades of signification : as, first, in the sense of decisions on the best authority :—

Who shall decide when doctors disagree,
And soundest *casuists* doubt, like you and me ?

and again, in the unfavourable sense :—

Morality by her false guardians drawn,
Chicane in furs, and *Casuistry* in lawn.

Technical law and technical morality are both often, as here, the objects of sarcasm and blame. Yet it must be obvious to every considerate person, that laws, to be consistent in practice, must be technical ; and a very little attention to the subject will show us that morality also, in order to become a portion of exact truth, must assume, as all sciences must, a technical form. Such a form is one which the popular mind cannot and will not comprehend, and on which it willingly avenges itself by ridicule and dislike.

We know however that, notwithstanding the prevalence of such feelings, it is *our* business, in this, no less than other subjects, to aim at truth of the most rigorous and exact form, as well as of the most solid certainty. Nor will it ever be possible to treat of morality, in any complete and sufficient manner, without taking into our account the question of conflicting duties, and other questions such as have been termed *Cases of Conscience*. And though such cases are neither the main part of our subject (Moral Philosophy), nor that from which it can with propriety

derive its name, it may, as I have said, be worth our while to examine how an appellation so derived has been, in past times, applied and understood; and it will, I trust, be found that in this manner some light will be thrown on the more recent progress of moral philosophy.

The works which contained collections of cases of conscience, and of which the title commonly was *Summa Casuum Conscientiæ*, or something resembling this, were compiled at first for the use of confessors and ecclesiastical persons, who had to give their advice and decisions to those who made confession to them. It was requisite for them to know, for instance, in what cases penance of a heavier or lighter kind was to be imposed; and what offenses must, for the time, exclude the offender from the Communion.

As early as the 13th century Raymond of Pennaforti had published his Casuistical *Summa*, which came into very general use, and was referred to by the greater part of the succeeding casuists.

In the 14th and 15th century the number of such books increased very greatly. These *Summæ* were in common speech known by certain abbreviated names, borrowed from the designation of the author, or other circumstances. Thus there was the *Astesana*, which derived its name from its author Astesanus, a Minorite of Asti in Piemont; the *Angelica*, compiled by Angelus de Clavasio, a Genoese Minorite; the *Pisana* or *Pisanella*, which was also termed *Bartholina* or *Magistrucchia*; the *Pacifica*; the *Rosella*; the *Sylvestrina*. In these works the subjects were usually arranged alphabetically, and the decisions were given in the form of Responses to Questions proposed*; the opinions being often quoted

* I will give, as an example of the *Summæ*, one of the questions under the word *Ebrietas* in the *Summa Angelica*.

P. 61. "*Ebrietas* est privatio intellectus facta ad aliquod tempus ex immo-derato potu vini vel cujuscunque rei potabilis.

"Q. Utrum ebrietas sit peccatum mortale. Respondetur ut colligo ex Alexan. Secunda Secundæ, et Glo. xxv. Dist. sect. *alias ea demum*. Et docetur ibidem quod aut raro contingit aut assidue. Si raro: sic distinguo, quod aut inebrians se cognoscit vini potentiam, et suam complexionem dispositam ad ebrietatem, et tunc magis vult ebrietatem incurrere quam a vino abstinere, et sic est peccatum mortale; aut inebrians se nescit vini potentiam et ignorat quod ex tali potu potest inebriari vel non advertit; et sic est nullum peccatum vel veniale secundum excessum in potu, et negligentiam in advertendo. Si vero assidua sit ebrietas: sic est mortale peccatum, non propter iterationem actus, quæ multiplicatio actuum venialium non auget in infinitum; sed quod non potest esse quod homo assidue inebrietur quin sciens et volens ebrietatem incurrat: aut saltem omittat diligentiam quam debet adhibere de necessitate ne inebrietur cum habeat tempus deliberationis reprimendi motus veniales ne procedant in regnum peccati."

I will also give the part of the article which refers to *Acidia*, ἀκηδία, Indifference, and Dejection with regard to doing good, which the schoolmen had made a special sin. By Aquinas it is ranked among the vices opposite to the Christian virtue of Hope.

P. 3. "*Acidia*, secundum Ricardum de Sancto Victore, est torpor mentis bona inchoari negligentis, et secundum Damascenum est tristitia aggravans mentem ut nihil boni ei agere libeat. Q. Utrum acidia sit contra aliquod præceptum Decalogi. Respondet Alexander, Trac. de Acidia, quod est specialiter et explicitè contra illud. Eccl. xxxviii. 20. [Take no heaviness to heart: drive it away, and remember the last end. Forget it not, for there is no turning again:

from, or supported by, the authority of the Scripture, or the Fathers, or Schoolmen. Thus, Astesanus says in his preface, that, conscious of his own poverty, he had, like Ruth, gone to glean in the grounds of the wealthy, the books of great doctors; and that he had put in his book "illa tantum quæ pertinebant ad consilium in foro conscientiæ tribuendum." There was not in these books any attempt to lay down general principles which might show that the decisions were right, or which might enable the inquirer to determine for himself the matter by which his conscience was disturbed. The lay disciple was supposed to be in entire dependence upon his spiritual teachers for the guidance of his conscience; or rather, for the determination of the penance and mortification by which his sins were to be obliterated. Moreover, a very large proportion of the offenses which were pointed out in such works were transgressions of the observances required by the Church of those days, and referred to matters of which the conscience could not take cognizance, without a very considerable amount of artificial training. Questions of rites and ceremonies were put upon an equal footing with the gravest questions of morals. The Church had given her decision respecting both; and the neglect or violation of her precepts, and of the interpretations of her doctors, could never, it was held, be other than sinful. Thus the body of Casuistry, of which I have been speaking, was intimately connected with the authority and practices of the Church of Rome. When, therefore, the domination of that Church was, by the blessing of Providence, overthrown in this and other countries, the office of such Casuistry was at an end. The decision of moral questions was left to each man's own conscience; and his responsibility as to his own moral and spiritual condition could no longer be transferred to others. For himself he must stand or fall. He might, indeed, aid himself by the best lights which the Church could supply--by the counsel of wiser and holier servants of God; and he was earnestly enjoined to seek counsel of God himself by hearty and humble prayer. But he could no longer lean the whole weight of his doubts and his sins upon his father confessor and his mother church. He must ascertain for himself what is the true and perfect law of God. He could no longer derive hope or satisfaction from the collections of cases, in which the answers rested on the mere authority of men fallible and sinful like himself.

Thus the casuistical works of the Romanists lost all weight, and almost all value, in the eyes of the Reformed Churches. Indeed, they were looked upon, and in many respects justly, as among the glaring evidences of the perversions and human inventions by which the truth of God had been disfigured; so that a great Reformation became necessary; and from this period, beyond doubt, we may trace the origin of the disrepute under which, up to the present time, the name of Casuistry has laboured.

thou shalt not do him good, but hurt thyself.] *Implicitè vero est contra illud Exod. xx. [Remember that thou keep holy the sabbath-day.] In acidia est tristitia de spirituali bono cum amore quietis carnalis. In illo vero precepto est amor sanctæ quietis quæ cum gaudio est in bono spirituali, licet sit laboriosum.*"

P. 68. "*Erubescencia de bono est peccatum, et est filia acidia.*"

The writers of the Reformed Churches did not at first attempt to substitute any thing in the place of the casuistical works of the Romish Church. Besides an averseness to the subject itself, which, as I have said, they naturally felt, they were, for a considerable period after the Reformation, fully employed upon more urgent objects. If this had not been so, they could not have failed soon to perceive that, in reality, most persons do require some guidance for their consciences; and that rules and precepts by which men may strengthen themselves against the temptations which cloud the judgment when it is brought into contact with special cases, are of great value to every body of moral and christian men. But the circumstances of the times compelled them to give their energies mainly to controversies with their Romish and other adversaries, and to leave to each man's own thoughts the regulation of his conduct and feelings. They had to man the walls and carry on a war against an external enemy for their very existence; and hence they could the less bestow their labour in building the halls of justice, the houses of charity, and the temples of God, within their city. Or, to use an image of one of the first of our writers* who attempted to remedy this defect: "For any public provision of books of casuistical theology, we were almost wholly unprovided; and, like the children of Israel in the days of Saul and Jonathan, we were forced to go down to the forges of the Philistines to sharpen every man his share and his coultter, his axe and his mattock. We had swords and spears of our own, enough for defence, and more than enough for disputation: but in this more necessary part of the conduct of consciences, we did receive our answers from abroad, till we found that our old needs were very ill supplied, and new necessities did every day arise." In the use of this image, Taylor followed, perhaps imitated, a still earlier English writer on the same subject—William Ames. In the preface to his "Conscience, with the power and Cases thereof," (English Ed. 1643), he says "This part of prophecy hath hitherto been less practised in the schools of the prophets, because our captains were necessarily enforced to fight always in front against the enemies to defend the faith, and to purge the floor of the Church; so that they could not plant and water the fields and vineyards as they desired, as it useth to fall out in time of hot wars. They thought with themselves in the mean while (as one of some note writeth), if we have that single and clear eye of the gospel, if in the house of our heart the candle of pure faith be set upon a candlestick, these small matters might easily be discussed. But experience hath taught at length, that through neglect of this husbandry, a famine of true godliness hath followed in many places, and out of the famine a grievous spiritual plague; insomuch that the counsel of Nehemiah had need be practised, namely, that every one should labour in this work with one hand holding the plough, and in the other a spear or a dart, whereby he may repel the violence of the enemies."

[The works of Ames and of other English writers on this subject, are further noticed in Lecture I.]

* Jeremy Taylor.

THE
HISTORY OF MORAL PHILOSOPHY.

LECTURE I.

PERKINS—AMES—HALL—SANDERSON—TAYLOR.

IN order that, in this course of Lectures, we may have before us a field of limited extent and definite boundaries, and thus, accommodated both to the novelty of Moral Philosophy among us as the subject of public lectures, and to the shortness of the time allowed the lecturer for preparation,—I shall direct your attention for the present principally or entirely to *English* writers of morals*. I trust that the interest which their works offer, both as a portion of the history of philosophy, and as our peculiar family inheritance, will be such as to justify my selection of the subject. Other portions of ethical literature, and wider views of ethical philosophy, remain for the business of future years.

Among the earliest and most considerable of the moral writers of the English Church, immediately after the Reformation, I may notice William Perkins, a learned divine who lived in this place in the reign of Queen Elizabeth. He was educated at Christ's College, of which he became Fellow in 1582; and being much admired as a preacher, was chosen minister of St Andrew's Church; in which church he was also buried in 1602†. He was esteemed the first preacher

* The previous part of this Lecture, referring principally to the special circumstances of the Professorship, and to the history of Moral Theology and Casuistry before the Reformation, is omitted here, and inserted as an Appendix.

† I have not, however, been able to discover his tomb in this church.

of his time, and one of the most laborious theological students; as indeed his works show him to have been. The work which it particularly concerns us to notice at present is entitled, *The whole Treatise of Cases of Conscience, distinguished into three books, taught and delivered by Mr. W. Perkins, in his Holyday Lectures.* In this work we already see the different spirit of the Casuistry of the Reformed and the Romish Church. The editor of Perkins's work (for it was a posthumous one) says, "We have just cause to challenge the Popish Church, who in their case-writings have erred, both in the substance and circumstances of their doctrine:—

"*First*, because the duty of relieving the conscience is by them commended to the sacrificing priest ...

"*Secondly*, they teach that their priests, appointed to be comforters and relievers of the distressed, are made by Christ himself *judges of the conscience*, having in their hands a *judiciary* power and authority truly and properly to bind or loose, to remit or to retain sin, to open or to shut the kingdom of heaven ...

"*Thirdly*, that a man may *build himself on the faith of his teachers*, and for his salvation rest contented with an *implicit and unexpressed faith*" ... To which other objections are added.

Instead of this transferred responsibility, this submission of the conscience to an earthly tribunal, this reliance on a human foundation, the Reformation taught individual responsibility to a heavenly Master, and removed all other foundation than his word and will. The conscience was subject to no subordinate authority: it might be instructed by man, or enlightened by God; but it had a supremacy of its own for each man. It was, as Perkins declared, (p. 11) "in regard of authority and power, placed in the middle between man and God, so as it is under God, and yet above man."

In consequence of this change in the authority and force previously ascribed to the decisions of moral writers con-

cerning Cases of Conscience, which was thus brought about by means of the Reformation, the mode of treating the subject was also changed. Since the assertions of the teacher had no inherent authority, he was obliged to give his proofs as well as his results. Since the conclusions in each case derived their weight from the principle which they involved, it became necessary to state the principle and to show its application. Since the examples were thus of value, not in themselves, but as they illustrated the moral or religious truths which dictated the decisions, it was no longer useful to accumulate so vast a mass of instances, or to attempt to exhaust all possible cases. The teacher's business now became, not to prescribe the outward conduct, but to direct the inward thought; not to decide *cases*, but to instruct the *conscience*. In the title of his work, (*Cases of Conscience*) the attention had hitherto been bestowed mainly on the former word; it was now transferred to the latter. The determination of *Cases* was replaced by the discipline of the *Conscience*. *Casuistry* was no longer needed, except so far as it became identical with *Morality*.

Accordingly, we find that the collections of cases of conscience by writers of our Church are, in fact, treatises of Moral Philosophy. This is the case even with the earliest of them, that of Perkins, which I have mentioned; as is noticed by foreign writers upon this subject, among whom his reputation has generally been greater than it has been in his own country. Thus Staüdlin* says of him, "He wrote a treatise on Casuistick, yet did not prescribe any definite limits to his subject; but solved questions which cannot be called questions of conscience, and produced well nigh a Christian Ethick."

We may perhaps discern one reason why Perkins produced no great direct effect upon the studies of English

* *Gesch. der Christ. Moral.* p. 423.

divines, if we turn our attention to his pupil, also an eminent writer on this subject, William Ames. Ames was, like his master, of Christ's College in this university. "I gladly call to mind the time," thus he begins his address to his reader, "when being young, I heard worthy Master Perkins so preach in a great assembly of students that he instructed them soundly in the truth, stirred them up effectually to seek after godliness, made them fit for the kingdom of God, and by his own example showed them what things they should chiefly intend, that they might promote true religion in the power of it, unto God's glory and others' salvation." Ames goes on to say of Perkins, that "he left many behind him affected by that study, (the study of Cases of Conscience) who by their godly sermons (through God's assistance) made it to run, increase, and be glorified throughout England." But probably many of these, like Ames himself, belonged to the party of the Puritans, and had their influence in England crippled by their unhappy dissensions with the Established Church. In the pulpit of St Mary's, Ames expressed a vehement disapprobation of the festivities by which the season of Christmas was then celebrated at some of the colleges in this University;—relicts, as he declared them to be, of paganism. And cards, which at that festival are tolerated by some of our ancient statutes, he pronounced to be an invention of the devil. With so severe and hostile a view of practices which seemed to the majority of his countrymen at that time innocent recreations, he might naturally be not unwilling to migrate to a country where the reigning opinions were more in accordance with his own. He accepted an invitation sent by the States of East Friesland to become Professor of Divinity in their university of Franeker; and from that place he became known to the literary world, under the name of Amesius, by his treatise *De Conscientia, ejus jure et Casibus*, published in 1630.

Although Ames's book is an important one in the history of the science, I shall not dwell upon it; but proceed to subjects more closely connected with English literature.

Another eminent English writer, who shortly after this time wrote upon Cases of Conscience, was Joseph Hall, Bishop of Norwich in the time of Charles the First. He was educated at Emmanuel College, of which he also became a fellow. His book, entitled, *Resolutions and Decisions of divers Practical Cases of Conscience in continual use among men*, was published in 1649, while he resided at Higham, near Norwich; his bishopric having been sequestered by the Parliamentary Commissioners. This work is, mainly, the resolution of forty separate Questions, many of them relating to the common conduct of life, and affecting individual consciences; as, "Whether the seller is bound to make known to the buyer the faults of that which he is about to sell,"—"Whether, and how far, a man may take up arms in the public quarrel of a war." But others of these questions are really discussions, not so much concerning the application of moral rules, as concerning the validity both of moral rules and of civil laws:—as, "Whether tithes be a lawful maintenance for ministers under the Gospel,"—"Whether marriages once made may be annulled." Thus, though this book on Cases of Conscience is not, like others which our Church has produced, a treatise of Morals in general, it still is, for the most part, a series of moral disquisitions, in which questions are decided, not by authority or arbitrary selection, but by reason and Scripture; and in which the individual is supposed to make himself acquainted with the foundations as well as the result of the reasoning.

Bishop Sanderson's *Cases of Conscience* are in a great measure of the same nature as Bishop Hall's; except that they bear still more strongly upon their face the impress of the times in which the work was written; reminding us

of the peculiar conjunctures and relations to which the civil and religious dissensions of the time gave rise. Among the cases which he discusses are,—the case of marrying with a recusant; the case of a military life; of a bond taken in the king's name; of the engagement by which fidelity to the Commonwealth was promised; of the Sabbath; and of the Liturgy. These were questions in which the minds of a large proportion of Englishmen were intensely and practically interested. Even these, however, are in some respects general questions of morality, rather than special cases of conscience. But besides these, Sanderson wrote upon morals in a more general form. His treatises *De Obligatione Conscientiæ*, and *De Juramenti Obligatione*, were of great repute in their time, and exhibit well the foundations of the morality of conscience. In the outset, he examines the opinions of those who hold that Conscience is an Act, a Power, and a Habit; and decides that it cannot be considered any of these with so much propriety as a Faculty, partly innate and partly acquired. Sanderson was intimately acquainted with the casuists and other moral writers who had preceded him; and we find in his writings something of the subtlety and technicality of the scholastic writers; but this is very far from preventing their exhibiting great moral acuteness and much sound reasoning*.

The tendency of the Casuistry of the Reformed Churches to become systematic Morality, was apparent in other countries, as well as in our own; and the questions thus brought into discussion being treated with a predominant reference to scriptural authority and religious doctrines, the subject was naturally termed *Moral Theology*. Treatises with this title became very common in Germany towards the end of the seventeenth century; but, for reasons already mentioned,

* I have recently published an edition of Sanderson's work *De Obligatione Conscientiæ*, with Notes in which I have endeavoured to point out his characteristic merits.

I shall not now dwell upon this portion of ethical literature. Confining ourselves to the works of English moralists, the most conspicuous is one with which many persons here are, doubtless, familiar—the *Rule of Conscience*, of Jeremy Taylor, published in 1660: and this celebrated book, like the preceding labours of English divines on similar subjects, is a treatise on the leading doctrines of morality; the authority and attributes of conscience being made the basis of the system. As, by the effect of the Reformation, Casuistry became Moral Theology, so in agreement with the unbroken tradition of Christian speculation, Moral Theology was established on Conscience as one of its foundation stones.

The study of the authority of Conscience formed an important part of Moral Theology. Abelard in the twelfth century had already laid down the leading principles of this subject, by teaching that the fundamental principle of morality is the will of God revealed to us by means of our Conscience, as well as by means of the Holy Scriptures. Jeremy Taylor's view is nearly the same with this. Many of you may recollect the manner in which the noble work of which I have spoken, the *Rule of Conscience*, or *Ductor Dubitantium*, opens:—"God governs the world by several attributes and emanations from himself. The nature of things is supported by his power, the events of things are ordered by his providence, and the actions of reasonable creatures are governed by laws; and these laws are put into a man's soul or mind as into a treasure or repository: some in his very nature, some in after actions, by education and positive sanction, by learning and custom." And having thus stated his general view, Taylor proceeds to illustrate it with his usual copiousness of learning and fancy*. "So that it was well said of

* In the Notes to the *De Obl. Consc.* Prælect. II. Sect. 1, I have remarked that Taylor has, in this passage, borrowed from Sanderson. The expression that Conscience is under God and above man, has been already, (page 2) quoted from Perkins.

St Bernard, *Conscientia candor est lucis æternæ, et speculum sine macula Dei Majestatis, et imago bonitatis illius*: ‘Conscience is the brightness and splendour of the eternal light, a spotless mirror of the Divine Majesty, and the image of the goodness of God.’ It is higher which Tatianus said of conscience, *Μόνον εἶναι συνείδησιν Θεόν*—‘Conscience is God unto us:’ which saying he had from Menander:

Βροτοῖς ἅπασιν συνείδησις Θεός.

And it had in it this truth, that God, who is everywhere in several manners, hath the appellative of his own attributes and effects in the several manners of his presence.

‘Jupiter est quodcunque vides, quocunque moveris.’

“That Providence,” he adds, “which governs all the world, is nothing else but God present by his providence: and God is in our hearts by his laws; he rules us by his substitute, our conscience.” He then proceeds to illustrate this in his own way: “God sits there, and gives us laws; and, as God said to Moses, I have made thee a God to Pharaoh, that is, to give him laws, and to minister in the execution of these laws, and to inflict angry sentences upon him; so hath God done to us, to give us laws, and to exact obedience to those laws; to punish them that prevaricate, and to reward the obedient. And therefore conscience is called *οἰκειῶς φύλαξ, ἐνοικος Θεός, ἐπίτοπος δαίμων*, ‘the household guardian,’ ‘the domestic God,’ ‘the spirit or angel of the place.’”

Taylor’s work is entitled *Ductor Dubitantium*; but this would have been a more proper title for the collections of Cases of his predecessors of the Romish Church, who pretended to direct the conduct of their disciples, without removing the ground of their doubts. The Rule of Conscience ought rather to be, the *Medela Dubitationum*—the remedy for doubts; that which brings the Christian’s mind to peace and confidence, and to a clear insight into its proper

course. The moral teacher's doctrine should be the light of day, which gives us a full view of our path—not a hand stretched to us to guide us blindly in the dark; and such, in fact, Taylor has tried to make his book. It is mainly concerned in giving directions for the instruction and confirmation of conscience, and in laying down broad general principles of morality. And although cases of conscience, or questions which may be so termed, are introduced into the work with wonderful fertility of invention, and acquaintance with preceding writers, these cases are brought in only as illustrations of the principles which he is employed in expounding. The *Rule of Conscience* is, in truth, a treatise on the leading doctrines of Morality; the authority and attributes of Conscience being made the basis of the system.

Thus, at this period, we may consider the authority of Conscience, its divine commission, and its due place as the basis of sound Morality, to be fully established and recognized among the great writers of our own Church. The period of which I now speak, the seventeenth century, though darkened with calamities and afflictions, in this as in other countries, was not inglorious or unfruitful with regard to that great subject of human speculation with which we are here concerned. Many pious and thoughtful men, disciplined by the needs, and rendered serious and wise by the events, of the time, laid before the world the trains of thought and reasoning which had thus been suggested to their minds. Hooker and Selden, Hammond and Sanderson, Usher and Chillingworth, had enriched English literature with solid and valuable productions in the first part of the century; and when the Church and the Monarchy had shown the depth of their foundations by the violence of the storms which they had survived, the general aspect of the speculative world, at least in England, was one which appeared to tend to comparative repose: all the great fundamental questions of religion, law, and government, having been fully debated, and, to a certain

extent, decided or brought to a compromise. I shall therefore here make a pause, and consider the point at which men's minds had now arrived as one of the epochs of the history of morals in this country. Casuistry, as we have seen, had been succeeded by Moral Theology:—the decision of cases by authority had been replaced by an exposition of reasons:—and these reasons were sought in the Word of God and in the Conscience of man. This, therefore, we might term the Epoch of the acknowledged authority of Conscience as the ground of Morality.

That this repose was of short duration, or rather, that the promise of it was never fulfilled, I shall soon have occasion to show. It will appear, too, that this idea of Conscience, as the basis and principle of Morals, has not even yet been completely and rigorously worked out into its systematic form and consequences. But these are parts of the subject on which I must treat hereafter.

During the period of which we now speak, cases of conscience, discussed in the way which I have endeavoured to describe, had a strong interest, not for divines and speculative men only, but for all classes. Such discussions held somewhat of the place of the graver popular literature of the present day; being, like that, the expression of the natural effort which man, when his mental powers and tastes are cultivated, constantly exerts to reconcile practice with theory;—to understand what is, and to produce what ought to be. We find many evidences of this popularity of Casuistry in the seventeenth century. The very nature of the questions treated by Hall and Sanderson is a proof of this. Sanderson's decisions were for the most part delivered as answers to questions proposed to him by persons really troubled in their consciences. At the end of one of the most elaborate of his cases (*The Case of Unlawful Love**) he says, "In all

* A question of the obligation of a promise of a second marriage made during the existence of the first.

this discourse, I take upon me not to write edicts, but to give my advice (being requested thereto by a reverend friend)"; and he adds that he cannot possibly be moved by personal considerations respecting the parties, since, "so God is my witness whom I desire to serve, I had not any intimation at all given me, neither yet have so much as the least conjecture in the world, who either of them both may be." Sanderson was much admired by his unhappy master, Charles the First. When he took leave of the king, in his last attendance on him, in the Isle of Wight, his majesty requested him to apply himself to the writing of cases of conscience: to which his answer was, that "he was now grown old and unfit to write cases of conscience." The king replied, "It was the simplest thing he ever heard from him, for no young man was fit to be a judge, or write cases of conscience."

The treatise *De Juramenti Obligatione* was translated into English by Charles, during his confinement in the Isle of Wight. And one of the accusations commonly made against that unfortunate monarch by his enemies is, that he cultivated and encouraged the study of Casuistry. But it is easy to find marks of popularity of the subject in other quarters. The treating such subjects in the vernacular language, instead of the language of the learned, was of itself an evidence that it had become the subject of attention with a more diffused and varied audience. In 1658, when, like the rest of the royalist clergy, Sanderson was in great poverty, Boyle engaged him by a salary to write Cases of Conscience. Edward Lord Denny, Baron of Waltham, afterwards Earl of Norwich, was the friend and patron of Perkins while alive, and bestowed kindness upon his family after his death; and the same person also gave to Hall, at an early period of his life, the living of Waltham Cross. The collection of Perkins's Works is dedicated to Lord Waltham, as Sanderson's Lectures are to Boyle.

Among the evidences of the general interest felt in such speculations, we may notice the foundation of the Professorship in virtue of which I now stand before you. It was founded in 1683, by Dr Knightbridge, fellow of St Peter's College, and by Anthony Knightbridge his brother, who took the requisite steps for carrying into effect the intentions of the original testator; these being found to be in some degree informally declared. The endowment was afterwards augmented by Dr Smout, the first person who occupied the professorship. Of others of my predecessors I may have occasion to speak hereafter.

Dr Knightbridge is said to have been of the county of York. The first part of his university education he received at Wadham College, Oxford. When a Bachelor of Arts of three years' standing, he was brought from Oxford to St Peter's College; and was, in 1645, made a fellow of that College, in the place of one of the royalists, who were then ejected in great numbers from fellowships in this university by the Parliamentary Commissioners. I have not been able to learn any circumstances which disclose the views which he entertained when he established this foundation of a Professorship, as he terms it, of "Moral Theology or Casuistical Divinity." Treatises on "Moral Theology" were, as I have already said, very frequently published about this time on the Continent, both by divines of the Roman and the Protestant Churches; and Cases of Conscience, as we have seen, were studied with interest in England. The designation of the Professorship employed by the Founder appears to show that he assented fully to the practice of treating Morality mainly upon theological grounds, which had usually prevailed till his time; but which shortly after began to suffer innovation, as I shall soon have to relate.

In the mean time, I must not terminate my first Lecture, without again begging the indulgence of the University, for the very imperfect manner in which, at the present time,

I am able to execute the office of delivering such Lectures as the Professorship requires. The proper study of Moral Philosophy requires no ordinary amount of reading and of thought. I trust that, hereafter, I shall be able to bring before my hearers the results of a longer course of labour employed on this study, and in a maturer form. But I was desirous that, after so long an interruption of the activity of an office which may be so useful in this University, not a single year should elapse without something being done by me to mark its revival; and I conceived that, by taking a limited field, the history of Moral Philosophy in England, and especially in this University, and by tracing only the more prominent features of this history, I might be able to offer some views not uninteresting, even with so short a time of preparation and among other employments. In future years I may attempt, perhaps, a wider range of research, although I would beg to be excused at present from laying down any definite plan or fixed period. My power of giving a full attention to the subject may, for some time, be limited by the prosecution of other speculations which I would not willingly resign. Moreover, these wider speculations to which I refer, although at first they may appear to have no direct bearing upon the special study which belongs to this Professorship, will, I can venture to say, be found in the end to be subservient, in a very important manner, to the clearness and soundness of our ethical reasonings. Inquiries into the nature of truth, the means and methods of its discovery, and the philosophy of science, even though they set out from the study of physical science, if they are at all successful, cannot fail to exercise a strong and favourable influence upon our studies with regard to moral truth, moral science, and the true philosophy of human life.

LECTURE II.

HOBBS.

I HAVE endeavoured to point out the course of things by which the Casuistry of the Romish Church became, in the writers of the Reformed Churches, Moral Philosophy, or, as it was then justly termed, Moral Theology. I have also attempted to show that the doctrine which prevailed among our Divines after this change was one in which an original authority, a divine sanction, and a place as a large part of the foundation of moral rules, was ascribed to Conscience; the structure of man's duties being rested upon Conscience and upon the Divine precepts conjointly. It has appeared also that the discussion of such subjects had extended far beyond divines and learned men. The use of a vernacular literature, the right of private judgment which was countenanced and stimulated by the Reformation, and the general tendency to a stirring, questioning, and contentious temper, which was at work in the world, led a very great number of the unlearned, and of persons in all ranks, to take a lively and active interest in speculations concerning questions of morality, even when the inquiry was pursued to the deepest foundations and the most entangled intricacies of the subject. I may add that the amazing and rapid progress of physical science, in the latter part of the seventeenth century, led men to look at other branches of knowledge with a vague expectation that some great improvement might be in store for them also. Novelty had ceased to affright, and had become, in the eyes of many, a recommendation. The old was no longer necessarily the right. Truth might perhaps, it was now imagined, be found elsewhere than in the ponderous

tomies of the past. All that was to be allowed to stand must secure its place by proving its claims. Nothing was protected from examination. All things were again to be tried, that the age might find for itself what was good. Under these circumstances, it was not at all likely that the doctrines of Moral Theology, such as I have stated them, would pass unquestioned. In the tumult and effervescence of men's minds, even the sacredness of Conscience might no longer be treated with reverence. In the universal movement, even the foundations of Morality might be dug up, in order to be relaid. Among so many obstinate questioners, so many bold innovators, some one might probably be found who would deny the received principles on which Morality had hitherto been built in the Christian world, and would propose some new system, as more suited to the newly enlightened time. Nor was the received system, in truth, well prepared for a defence against any vigorous attack. The foundations of the city were laid, but the walls were but little advanced in the building; and there was no solid impediment to prevent some audacious Remus from leaping over the rampart of the future mistress of the world. The doctrine that Morality rested jointly upon Conscience and upon Scripture was generally admitted among divines; but the developement of this fundamental notion into a consistent and solid system, had not been executed. The separate offices of these two foundation stones had not been assigned with due accuracy; and, with regard to Conscience, the morality founded upon *it*, which could only have been impregnable if it had been expounded in a scheme composed of the most rigorous demonstrations, systematically connected and arranged, had never been treated but in a disjointed and arbitrary manner; the reasonings being, indeed, generally sound as far as they reached, but not starting from any common point, nor completed so as to leave no unprotected chasms. Conscience,

though claiming to be an independent authority, often called upon other powers for aid; upon Divine, and even upon Human sanctions, so as to disclose a secret misgiving of her own strength, and to invite the aggression of any enterprising adversary.

Such an adversary this country soon produced. A man bold, acute, penetrating, unshrinking in speculation, confident in his own powers, contemptuous of the opinions of others, treating with little tenderness, hardly with affected decency, the common prejudices and feelings of mankind, but able to impress his thoughts upon men with singular vividness and energy,—such a man dared to lift his hand against the Moral Theology of the time. He dared to proclaim, to the alarmed ears of his contemporaries, that right and wrong had no independent existence; that moral good and evil were sought and must be sought, not for their own sakes, but on account of extraneous advantages; that the natural condition of man is a state of war; that Might is Right, and that Conscience is only Fear. The person of whom I speak is the celebrated Thomas Hobbes of Malmesbury, who published his opinions in the time of the Commonwealth and of Charles the Second. He lived in considerable familiarity and respect among the eminent men of his time: but his doctrines were looked upon by most of them as dangerous and offensive novelties. He himself indeed was at least as well persuaded as any of his readers, of the originality of his views. In one of his works* he asserted, that though Physics was a new science, Civil Philosophy was a still newer, since it could not be truly said

* *Elements of Philosophy*, 1656, dedicated to the Earl of Devonshire. After mentioning Copernicus, Galileo, Hervey, Kepler, Gasendi, Mersenne, and the College of Physicians in London, as the only true Natural Philosophers, he adds "Natural Philosophy is therefore but young: but Civil Philosophy is yet much younger, as being no older (I say it provoked, that my Detractors may know how little they have wrought upon me) than my book *De Cive*."

to be older than his book *De Cive*, (first published in 1642). And he boasted of the smallness of his acquaintance with preceding writers, as if it had been a merit; declaring that if he had read as much as other men he should have been as dull of wit as they were.

Hobbes's doctrines are well known to the general English reader. He derives right and wrong from the consideration of man in a state of nature. And this state of nature is, according to him, (*Leviathan*, p. 62) a state of mutual war; a constant war of every man against every man. In this state of nature no moral element exists. "To this war of every man against every man, this also is consequent, that nothing can be unjust. The notions of Right and Wrong, Justice and Injustice, have there no place. Where there is no common power, there is no Law; where no Law, no Injustice. Force and Fraud are, in war, the two cardinal *virtues*. Justice and Injustice are none of the faculties either of the body or the mind." (*Leviathan*, p. 63). From this state of nature springs the civil body or commonwealth, the origin of rights and duties. And this combination is (*Leviathan*, p. 87) something more than consent and concord; it is a real unity of them all in one and the same person. The multitude, so united in one person, is called a *Commonwealth*. "This is the generation," he adds, "of that great *Leviathan*, or rather, to speak more reverently," [that is with the reverence due to it] "of that *Mortal God* to which we owe (under the *Immortal God*) our peace and defence." As there is no element of justice or morality in man while still unsocial, and no society but the union of individuals, it is plain that in this way we can have no right and wrong, except what positive law and consequent punishment make such. Right is the power of enforcing: Duty is the necessity of obeying.

Since the common power thus determines all questions, and acknowledges no counterpoise in man's moral faculties,

we may easily conceive with what terrible attributes it must be invested. "The sovereign, whether he be a single person or an assembly, contains in himself the origin of all good and justice. No man can, without injustice, protest against his ordinances" (*Leviathan*, p. 90). "His acts cannot be accused. He is judge, not only of what is necessary for the peace and defence of the whole, but he is judge of what doctrines are fit to be taught" (*Leviathan*, p. 91). "It belongeth to him that hath the sovereign power to be judge, or constitute all judges, of opinions and doctrines, as a thing necessary to peace, thereby to prevent discord and civil war." And thus, even men's moral nature is annihilated in the presence of this overwhelming power. "In the next place," he says in another part of his work (*Leviathan*, p. 168), "I observe the diseases of a Commonwealth, that proceed from the poison of seditious doctrines; whereof one is *that every private man is judge of good and evil actions*," whereas, he says, "it is manifest that the measure of good and evil actions is the Civil Law; and the Judge, the Legislator, who is always the representative of the Commonwealth. From this 'false doctrine' men are disposed to debate with themselves, and dispute the commands of the commonwealth; and afterwards to obey or disobey them, as in their private judgments they shall think fit: whereby the Commonwealth is distracted and weakened." Of course the authority of conscience is thus abolished by the power of Hobbes's *Commonwealth*; nor does he shun this consequence. "Another doctrine repugnant to Civil Society is, that whatsoever a man does against his conscience is sin: and it dependeth (this even) on the presumption of making himself judge of good and evil. Therefore, though he that is subject to no Civil Law sinneth in all he does against his conscience, because he has no other rule to follow but his own reason; yet it is not so with him that lives in a commonwealth: because the Law is the public conscience, by

which he hath already undertaken to be guided." It is evident that such principles must annihilate all Civil Liberty as they destroy all Morality. Accordingly Hobbes maintains (*Leviathan*, p. 89) that the sovereign power cannot be forfeited; that the subject cannot change the form of government. Not only so: but he dwells with strong predilection upon the advantages of the most absolute monarchy. Thus he urges (*Leviathan*, p. 96) that in monarchy, the private interest of the man is the same with the public interest of the sovereign;—that "a monarch receiveth counsel of whom, when, and where he pleaseth:"—"but when a sovereign assembly hath need of counsel, none are admitted but such as have a right thereto from the beginning; which for the most part are of those who have been versed more in the acquisition of wealth than of knowledge:"—to which other advantages of monarchy are added and insisted upon; while the inconveniences of monarchy, though stated, are diluted and balanced by bringing forwards greater inconveniences of assemblies.

Such then are the consequences which result from taking man, divested of any moral principles, as the element of the world, and building up the frame of Civil Society by the mere juxta-position of individuals. In this way is formed that Great Leviathan, which, in this system, establishes and rules over all human institutions, and even determines what shall be held as divine. In reading this account we are almost led to imagine to ourselves a monstrous idol, composed of human beings, yet invested with the attributes of superhuman power, and worshipped as the Creator of Justice and Law, Peace and Order, Truth and Religion. But perhaps you think such an image too strange, too monstrous, too terrible to be steadily dwelt upon. Not so. It is the image offered to us by the author of the *Leviathan* himself:—offered too, not in the vague lineaments and airy colours which words bestow, in which so many an uncouth and extravagant figure

is presented without offending us ; but carefully drawn as a visible picture in lines and shades. It is the frontispiece of his book ; and I think no one can look at the representation without discovering in it a kind of grotesque sublimity. This is the picture.—Over a wide spreading landscape, in which lie villages and cultivated fields, castles and churches, rivers and ports, predominates the vast form of the Sovereign, the Leviathan, the Mortal God. Its breast and head rise behind the most distant hills ; its arms stretch to the foreground of the picture. Its body and members are composed of thousands upon thousands of human figures, in the varied dresses of all classes of society ; all with their faces turned towards the sovereign head, and bending towards it in attitudes of worship. The head has upon it a kingly crown ; the right hand bears a mighty sword ; the left a magnificent crosier. In the front of the picture is a city with its gates and streets, its bastions and its citadel ; in which, high above all other edifices, rise the two towers of a noble cathedral. Nor is this figure thus predominating over the country and the city, the only intimation how vast and comprehensive, how strong and terrible, is the power thus bodied forth. Below, in various compartments, are emblems of the provinces and instruments of this power. One side, a castle on a rock, from the battlements of which the smoke rolls, as a piece of ordnance is discharged ; on the other, a church with a figure upon its roof, of Faith, holding her cross ; on one side, the coronet ; on the other, the mitre. On the one side is a cannon, the thunderbolt of war ; on the other the thunderbolts, in their mythological form, indicating, perhaps, the fulminations of the ecclesiastical sovereign. On the one side, are the peaceable arms of Logic, Syllogism and Dilemma, Spiritual and Temporal arguments ; on the other, the sharper arguments of material arms, to be used by nations when reason fails, lances and firelocks, drums and colours ; finally,

on one side the judiciary tribunal, seated in solemn order, with their dark robes and formal caps; on the other, the more stormy tribunal of the battle-field, the charge of hostile armies, sloping spears, bristling through volumes of smoke, the combat of horse and foot, the victors and the dying. Nor must I pass unnoticed the physiognomy of the supreme figure itself. In the common editions, the face has a manifest resemblance to Cromwell (the work was published in 1651), although it wears, as I have said, a regal crown: and in these, the engraving is well executed and finished. But in the copy belonging to Trinity College Library, the face appears to be intended for Charles the First. The engraving of this copy is very much worse than the other, and is not worked into the same careful detail by the artist, although the outline is the same: and the text of the book is a separate and worse impression, although the errata are the same with the other copies, as well as the date. How Hobbes himself, or any other person, should come to print the *Leviathan* in this manner, I am quite unable to explain.

I now proceed to notice the reception which this and other works of Hobbes met with. Many of his doctrines were at once condemned, not by divines only, but by the generality of sober-minded men. Among these we may place the great and good Lord Clarendon, who objected to them as soon as they were published. He relates, that as soon as he had read the *Leviathan*, Hobbes's friend, Sir Charles Cavendish, asked him, by the author's request, what his opinion was of the book. "Upon which," he adds, "I wished he would tell him, that I could not enough wonder, that a man who had so great a reverence for civil government, that he resolved all wisdom, and religion itself, into simple submission to it, should publish a book for which by the constitution of any government now established in Europe, whether monarchical or democratical, the author

must be punished in the highest degree, and with the most severe penalties." The political doctrines of this work, indeed, (which may be summed in the expression I have used, that *Might makes Right*,) had perhaps a personal as well as a philosophical object. For when at Paris, Clarendon met Hobbes, then, like himself, an exile, in the time of Cromwell's usurpation, Hobbes mentioned to him some of the conclusions which his book, then printing, was to contain. "Upon which I asked him," says Clarendon, "why he would publish such doctrine: to which, after a discourse between jest and earnest upon the subject, he said, *The truth is, I have a mind to go home.*" Clarendon himself published a reply to the *Leviathan*. This work, *A brief View and Survey of the Dangerous and Pernicious Errors to Church and State in Mr Hobbes's book, entitled, The Leviathan*, did not appear till long after the work which it opposed. "It could not reasonably be expected," the author says, "that such a book would be answered in the time when it was published, which had been to have disputed with a man that commanded thirty legions, (for Cromwell had been obliged to support him who defended his Usurpation): and afterwards men thought it would be too much ill nature to call men in question for what they had said in ill times." Hence the reply was not published till many years after the Restoration, when Clarendon was again exiled by the base and profligate sovereign whom he had served too well. His dedication to the king begins in a manner which, under the circumstances, appears to me affecting. "It is," he says, "one of the false and evil doctrines which Mr Hobbes has published in his *Leviathan*, that a banished subject, during the banishment, is not a subject;—and that a banished man is a lawful enemy of the Commonwealth that banished him. I thank God, from the time that I found myself under the insupportable burthen of your majesty's displeasure, and

under the infamous brand of banishment, I have not thought myself one minute absolved in the least degree from the obligation of the strictest duty to your person, and of the highest gratitude that the most obliged servant can stand bound in; or from the affection that a true and faithful Englishman still owes, and must still pay to his country. And as I have every day since prayed for the safety of your person, and the prosperity of your affairs, with the same devotion and integrity as for the salvation of my own soul; so I have exercised my thoughts in nothing so much as how to spend my time in doing somewhat that may prove for your majesty's service and honour." And he signs himself "Your majesty's most faithful and obedient subject, and one of the oldest subjects that is now living to your father and yourself, CLARENDON." The work is dated Moulins, 1673, and was printed by the University of Oxford in 1676. Nor was this strong condemnation of Hobbes's doctrines confined to persons, like Clarendon, of high principles. In 1666 his *Leviathan* and treatise *De Cive* were condemned by the Parliament. And when a bill was brought into the House of Commons to punish atheism and profaneness, Hobbes considered it as likely to be employed against himself, and was much alarmed.

There were many other replies made to Hobbes from the first. Tenison, afterwards Archbishop of Canterbury, published a book called *The Creed of Mr Hobbes examined*, in 1670, and Bishop Bramhall, a little later, wrote *The Catching of the Leviathan**. I shall not now dwell upon

* This was not the only allusion to Hobbes's title which his adversaries indulged in. Clarendon's Answer to him has a frontispiece which exhibits Andromeda chained to a rock, and a terrible sea-monster advancing through the water towards her, while Perseus, his destined destroyer, hovers above and prepares to execute his task of liberating the distressed maiden; who I suppose represents Truth, as her foe does the Leviathan.

these and other works on that side. It is plain, from all circumstances, that the whole tone and temper of Hobbes's philosophy offended and shocked those who had been accustomed to reverence the doctrines of morality as usually taught. Thus Bramhall says, that if it be necessary, "I will not grudge, upon his desire, (God willing) to demonstrate that his principles are pernicious both to Piety and Policy, and destructive to all relations of mankind between Prince and Subject, Father and Child, Master and Servant, Husband and Wife; and that they who maintain them obstinately, are fitter to live in hollow trees among wild beasts than in any Christian or Political Society, so God bless us!" (*Preface to Defence of True Liberty*). And it is stated that, in this University, a student was removed and punished for offering to defend in the schools a Thesis taken from Hobbes's doctrine.

And yet in truth these tenets, so startling, so alarming, so offensive, were very far from being new. These bold paradoxes had long previously been brought before the eyes of the speculative world. The whole of this controversy had agitated the schools of philosophy many ages earlier. The Greeks, who left few paths of speculation untrodden, and who, in almost every subject, seized the great antithesis between which opinion still oscillates, had taken hold of that opposition of systems which was here concerned, in the most vigorous manner: and the Romans, who pursued as rhetoricians what the Greeks had begun as philosophers, found in this dispute a congenial field for their eloquence and skill. The dialogues of Plato and of Cicero are full of discussions which are, in substance, the same as those which took place between the adversaries and the disciples of Hobbes;—between those who assert that moral *right* and *wrong* are peculiar and independent qualities of actions, and those who say that these terms mean only that the actions lead to other

extraneous advantages and disadvantages. The Stoics and the Epicureans represented, very nearly, these opposite schools, which run through the history of morals. It is true, that Christian philosophy had for a long time driven into disgrace, and almost expelled, the tenet that pleasure alone is good, and that power alone is justice. Yet even in the Christian world such opinions had already reappeared after their season of obscurity. The old controversies were beginning to rouse themselves from their slumber, and to come forwards, modified and somewhat changed. Pomponatius and Machiavelli in Italy had attacked, though covertly, the metaphysical and moral principles which had reigned till their time uncontested; Gassendi in France had professed and adopted the doctrines of Epicurus, clothed in a Christian robe; Descartes was even then teaching that it was the philosopher's duty to doubt of every thing before he believed. Nor was the connexion of Hobbes's doctrines with those of such men difficult to discern.

Gassendi was one of the most ardent admirers of the philosopher of Malmesbury, as was Mersenne, who was termed by the Parisians "the resident minister of Descartes." And the opinions were so far consistent with the tendency of the times, and favoured by external circumstances, that they found many admirers. Many perhaps accepted some of the opinions without seeing the tendency of the system. According to what Clarendon says;—"Of those who have read his book, there are many who, being delighted with some new notions and the pleasant and clear style throughout the book, have not taken notice of those downright conclusions which undermine all those principles of government, which have preserved the peace of this kingdom through so many ages, or restored it to peace when it had at some time been interrupted; and much less of those odious insinuations, and perverting some texts of scripture, which do dishonour and

would destroy the very essence of the religion of Christ." It would seem that Charles the Second himself and his courtiers, who were, very naturally from what they felt and saw, disposed to take the lowest view of human nature, were inclined to admire many of Hobbes's maxims. Clarendon says, in the Dedication of his *Reply* to Charles the Second, that he had often tried and hoped to prevail upon his Majesty to give himself the leisure and the trouble to peruse and examine some parts of the *Leviathan*, "in confidence that they would be no sooner read than detested by you; whereas the frequent reciting of loose and disjointed sentences and bold inferences for the novelty and pleasantness of the expressions; the reputation of the gentleman for parts and learning, with his confidence in conversation; and especially the humour and inclination of the time to all kind of paradoxes, have too much prevailed with many of great wit and faculties, without reading the context, or observation of the consequences, to believe his propositions to be more innocent, than upon a more deliberate perusal they will find them to be."

Undoubtedly such causes had their effect in procuring currency and influence to Hobbes's opinions. He possessed in a great degree that quality of mind and will which has often characterized the founders of philosophical sects; and a comparison between him and more recent writers who have become the heads of more similar schools might be amusing and instructive. It will be found, at least in Hobbes's case, that the most extravagant arrogance, joined with great and indeed professed ignorance, does not destroy, if indeed it do not favour, the power of the master over his disciples. What is still more remarkable is, that this power, although it generally implies great acuteness on particular points, and the invention or adoption of some clear short trains of reasoning in special cases, by no means depends upon the faculty of following with certainty and clearness

a course of rigorous demonstration. The history of Hobbes afforded a very curious example of this. Among other studies, he turned himself to that of mathematics; and in this, as in other cases, his overweening self-opinion soon led him to believe that he was infinitely superior to the professed cultivators of the subject,—had detected their weakness and error, and might treat them with supreme disdain. He also persuaded himself that he could solve the questions which had been attempted in vain by mathematicians; and which they had now despaired of, and set down as impracticable. He published a *Duplication of the cube*; a problem, which, as is well known, proposed in the time of Plato, has, up to the present day, been considered (geometrically) impracticable. It may perhaps be allowable in this place, and not uninteresting, to describe the nature of Hobbes's error, which led him to imagine he had solved this problem. He gave a construction, in which two lines, drawn in a certain manner in his diagram, each intersected a third line; and his reasoning supposed that the two intersected the third in the same single point. Wallis and other mathematicians easily shewed that, although the two points of intersection were very near each other, they did not absolutely coincide; and Hobbes did not hesitate to reply, that the *space* occupied by one of the *points* was *large* enough to take in the other also.

This matter was the subject of long and angry controversy. Hobbes wrote *Quadratura Circuli, Cubatio Sphæræ, Duplicatio Cubi*: also *De Principiis et Ratiocinatione Geometricarum Contra Fastuosum Professorem*: also *Six Lessons to the Professors of the Mathematics at Oxford* (1656): and also *Στιγμαὶ Ἀγρωμετρίας, Ἀγροικίας, Ἀντιπολιτείας, Ἀμαθείας*; or *Marks of the Absurd Geometry, Rural Language, Scottish Church Politics, and Barbarisms of John Wallis, Professor of Geometry and Doctor of Divinity*. These writings

are full of the most extravagant arrogance, ignorance, and dogmatism which can be imagined. Wallis, on the other side, treated his adversary with a severity and contempt which, at any rate on this subject, there could be no doubt of his deserving, in his *Hobbiani puncti dispunctio: Hobbesius Heauton-timorumenos: Due correction for Mr Hobbes, or School-discipline for not saying his Lessons right*; and other writings.

The same utter want of comprehension of the nature of science appeared in Hobbes's judgment respecting the Royal Society of London, which he censured at its first institution for attending more to minute experiment than general principles; and said that if the name of a philosopher was to be obtained by relating a multifarious farrago of experiments, we might expect to see apothecaries, gardeners, and perfumers rank among philosophers. And yet the man who thus thought it ridiculous to seek for truth by accumulating experiments, was one who in his youth had lived in habits of intimate intercourse with Lord Chancellor Bacon, and was said to have assisted him in translating his works into Latin. Nor did this contempt of facts withhold him from himself proposing many explanations of physical phenomena; nor did his profound ignorance of the very nature of science prevent his drawing up a general scheme of the branches of science and philosophy. (See *The Leviathan*, chap. 1.)

The fact is, that those system-makers* who have collected schools of the most devoted disciples, have generally been persons who did not, in their systems, attend, in any connected or philosophical manner, to facts; but boldly and emphatically asserted a few assumed principles, which the general progress of men's minds had prepared them to receive; and who deduced from these principles their consequences. They have not been inductive, but deductive spirits, although it

* For example, Aristotle, Descartes, Hobbes, Locke, Bentham.

by no means follows that, even in deduction, they were exact and safe reasoners.

Some of Hobbes's contemporaries did not overlook this unphilosophical character of his mind. Harrington in his *Oceana*, notices it. "Of this kind," he says, (p. 2) "is the ratiocination of *Leviathan* throughout his whole Politics, or worse; as when he saith of Aristotle and of Cicero, of the Greeks and Romans who lived under popular states, that they derived those rights, not from the Principles of Nature, but transcribed them into their books out of the practice of their own commonwealths, as grammarians describe the rules of language out of poets. Which is as if a man should tell the famous Harvey, that he transcribed his circulation of the blood, not out of the Principles of Nature, but out of the anatomy of this or that body."

Hobbes, in the latter part of his life, received from foreigners and others that kind of attention which is naturally bestowed upon the patriarch of a new and striking system of opinions, good or bad. He had been sent in his youth (1603) to Magdalen Hall, Oxford; and in 1608, was by the recommendation of the Principal of that house, taken into the family of William Cavendish, soon after created Earl of Devonshire, as tutor to his son. In 1631 he became tutor to an Earl of Devonshire of the next generation. On the breaking out of the troubles in England, he returned to Paris, where he lived in intercourse with the most considerable men of letters; but after the publication of the *Leviathan*, he returned to England, and lived principally at the Earl of Devonshire's seat, Chatsworth, in Derbyshire. Here he was allowed to live as he liked, his habits being somewhat peculiar; and was treated with the tolerance and indulgence which his relation to the family rendered suitable. But the earl, we are told, "would often express an abhorrence of some of his principles in policy and religion; and

both he and his lady would frequently put off the mention of his name and say, he was a humourist, and nobody could account for him." He died in 1679 at the age of ninety-one.

Among the causes which contributed much to the currency of Hobbes's doctrines, we may, I think, reckon as one, that he was the first writer who habitually and prominently employed, in the explanation of man's mortal condition, a principle with which we are now very familiar, and which has in it something, at least for a time, very persuasive. I mean, the principle which we now call the Association of Ideas. Hobbes, undoubtedly, very clearly pointed out the process which is thus designated, before Locke, to whom its discovery is usually ascribed. "The cause,"—he says (p. 17) in his *Human Nature*—"The cause of the coherence or consequence of one conception to another is their first coherence or consequence at that time when they are produced by sense; as for example, from St Andrew the mind runneth to St Peter, because their names are read together; from St Peter to a *stone*, for the same cause; from stone to *foundation*, because we see them together;" and so on. And thus, he observes, the mind may run almost from anything to anything. But the material step in the introduction of this principle, was, not the stating the facts only, which others also had done, but the using it as an explanation of mental habits and operations. A large part of Hobbes's philosophy consists in such explanations. Thus he says, "Pity is imagination or fiction of future calamity to ourselves, proceeding from the sense of another man's calamity." The same is the case in his celebrated explanation of laughter: "The passion of laughter proceedeth from the sudden imagination of our own odds, and eminency; for what is else the recommending of ourselves to our own good opinion by comparison with another man's inferiority or absurdity?"

And this principle is indeed the main foundation of the whole treatise of *Human Nature*.

I do not intend now to discuss the truth of doctrines, so much as to point out their succession and revolutions. Otherwise, I might observe that the Doctrine of the Association of Ideas, applied as an explanation of the moral constitution of man, must be very imperfect, and indeed can never be more than a small fragment of explanation. For if it be asserted that any notion or conception becomes what it is by the association of ideas, if for instance, this is the way in which right comes to be right, and honesty to be honesty, we still want to know *with what* the outward act or occasion is *associated* in order to have this impress stamped upon it; and also, to discover whence this new agent derives its power of making things appear right and honest. We are referred back from moral good to something else; but it may easily happen that this object thus referred to may require analysis as much as the good which we first contemplated. In many cases the explanation of results by the association of ideas is only at best treading back a few steps on a winding path, and this can do but little towards telling us where we are. To give us such an explanation, is to show us the final links of the chain, when we want to know the strength of the hook from which its beginning hangs; it is to trace the history of a philosophical doctrine, when we want to know about its truth.

But yet it is far easier to most minds to follow the explanations which trace such associations through a few steps, than to seize hold of the fundamental moral ideas on which moral truths depend. Hence, such a philosophy as that of Hobbes's appeals to the common intellect with great advantage; and they who reason against it, before a popular audience, have a difficult task to perform. They have to appeal to ideas which are dimly and waveringly entertained

in the minds of many of their hearers ;—to take for granted maxims which cannot be seen to be true without a certain discipline of mind. Before such an audience, if physical astronomy were the matter in discussion, the Cartesian, with his vortices, would carry his hearers with him farther than the Newtonian ; for all men can understand that a body may be swept along by a current which is in contact with it ; but to see how a distant force produces a regular orbit, the disciple must have his mind furnished with clear mechanical conceptions. And in like manner, before such an audience, he who asserts that men are and must be constantly governed by material tangible interests, will be more likely to persuade, than he who holds that the true governing power of the moral system is the central Idea of Moral Good.

The opponents of Hobbes found this difficulty in their task. The course and state of the times increased the difficulty ; for the audience to which moralists and metaphysicians had now to appeal was of a far more popular cast than it had been in earlier times. Literature now addressed itself to a very extensive and miscellaneous public ; not, as of yore, to a few persons, all of whom were, more or less studious, learned and thoughtful. All persons claimed a right to judge on such matters, though few had had their intellects disciplined so as to understand the principles ; or were acquainted with any study which made them feel the force of philosophical reason. The young age, as was natural, wished to show itself independent of the past, by rejecting its doctrines. To contradict the ancient teachers was an easy mode of throwing off the humiliation of being their scholars. But besides this advantage on the part of the assailants, the assertors of independent morality had not developed their own genuine principle, and formed their own coherent system to such an extent as to be

well prepared for a conflict. This appears plainly enough in the vacillation of thought respecting the real foundations of morality which prevails among the English writers of the time we speak of. For some of the opponents of Hobbes so far assented to the language in which his doctrines were expressed, that they allowed the proper end of human action to be the pursuit of happiness, or rather of well-being: but then, they maintained that the well-being which is found in the practice of virtue is of a peculiar and superior kind, elevated above the pleasures of sense, and the advantages of extraneous consequences. Others rejected altogether this notion of virtue as deriving its essence from the direction of our aims to ulterior objects; and held that in the very ideas of moral good and evil there was something which established their obligation, and needed no extrinsic support to make them recognized as the proper guides of man's life and will. But neither of these views was unfolded and confirmed with rigour and clearness enough to enable it to stem the torrent of the revolution which was taking place in philosophy. The assertors of the former doctrine, when they had once allowed moral good to rest upon an external foundation of some other good, were never able to fix any firm boundary which should preserve men in general from sliding continually downwards, till they were driven to the palpable good of mere pleasure. And the maintainers of independent morality, the more genuine antagonists of the sensual and Hobbian school, did not succeed, at least at the time, in bringing into clear view, to the satisfaction of the popular audience, (to which, as I have said, the appeal was now made,) the native authority of virtue, or the universal and indestructible existence of the faculty by which this authority is recognized. And thus, the common crowd of reasoners on morals, who, having their natural feelings of morality revolted and stimulated

to opposition by the startling paradoxes of the Hobbian system, sought some clear and solid ground on which they might take their stand and fight their battle, were driven from one position to another, and perpetually found their line of defence broken, and their flank turned, by the admissions which their leaders had made, or by the obscurity of the principles to which they were compelled to appeal.

And besides these disadvantages, they were pressed and borne down by another, perhaps more overwhelming still; I mean the influence of new systems, both of physics and of metaphysics, with which the new philosophy of morals allied itself. For in these new systems, much was so clearly convincing, that it was impossible to resist the evidence of its truth. And it was a matter of great difficulty, requiring profound thought and great acuteness, and even with these advantages, requiring time and experience also, to discern how far and in what form these new truths were to be accepted, and built into the edifice of human knowledge, so that the eternal foundations of right and wrong should not be moved or undermined. And thus, the defence of a genuine and independent morality was conducted in a manner disunited, vacillating, sometimes illogical, sometimes doggedly opposed to the most boasted discoveries of modern times. To re-construct moral philosophy after the ancient systems of philosophy had been shaken to their foundations by the powerful hands of Descartes and Hobbes, Bacon and Newton, was no easy task. Strenuous and persevering efforts, skill and genius, were needed to remove the rubbish of the ruin; to work down again to the foundation-stones; to show that these were still in their places, and to build up upon them a fair and solid edifice. In the mean time, men were content, or compelled, to dwell in huts made of wrecks and fragments, building for the day, providing for the hour, daring not to dig downwards, nor to raise any

loftier pile. Such indeed has been in a great measure the condition of the common structures of morals up to the present time. But it will be proper to point out more in detail the historical facts which illustrate this state of things; and this I shall proceed to do in the next Lecture.

LECTURE III.

HENRY MORE—WHICHCOTE, &c.

I HAVE said that after the sensual system of morals of which Hobbes was the promulgator in England had been brought before the public, it was opposed in two different ways.

Hobbes had declared the sole intelligible end of man's actions to be his own gratification, and had made virtue into a mere means, subordinate to this end. In opposition to this doctrine, one class of writers allowed that the proper end of man's actions was the pursuit of happiness or well-being, but asserted that virtue was in a peculiar and eminent manner the condition of this well-being: the other class held that virtue by its own nature was the right rule and end of human action; and I have stated, that the difficulty of successfully maintaining either of these systems was increased by the changes which about this time took place in other parts of philosophy. I shall now offer some further remarks on this period of the history of Ethics.

Without attempting to enumerate all the writers who belong even to the English branch of this controversy, or to give a full account of those whom I mention, I may observe that to the former class belong Sharrock, Henry More, and Cumberland, to the latter, Cudworth and Clarke.

The greater number of writers on these subjects at the time of which I speak, belonged to the University of Cambridge, but Sharrock was a Fellow of New College, Oxford. His work was printed in 1660, and was entitled 'Υπόθεσις ἠθικῆ, *De Officiis secundum Naturæ Jus, seu De Moribus ad Rationis Normam conformandis Doctrina; unde Casus omnes*

Conscientiæ, quatenus Notiones a Naturâ suppetunt, judicari possunt. Ethicorum simul, et Juris, presertim Civilis, Consultorum consensus ostenditur, Principia item et rationes Hobbesii Malmesburiensis ad Ethicam et Politicam spectantes, quatenus huic Hypothesi contradicere videantur, in examen veniunt.

In this treatise, it is asserted that the object of virtuous action is a serene tranquillity and joy, which the ancients understood under the name of *pleasure*; and a large array of quotations from ancient authors is produced, with a view to shew that the pain of a troubled conscience outweighs all other evil, and thus to prove the groundlessness of Hobbes's statement, that this effect of conscience only depended on external fear. In like manner the author collects testimonies, both of heathen and Christian philosophers, to prove that the happiness which is the true end of human existence is to be obtained by following the dictates of right reason. It is not to my present purpose to show how Sharrock follows out his principle into a system of duties, nor how he assails other parts of the Hobbian doctrines: what I have thus briefly stated may serve to show the general course of the controversy on the main question, so far as Sharrock is concerned. I now proceed to the Cambridge opponents of Hobbes.

Dr Henry More, of Christ's College, Cambridge, is less known as an ethical writer than as a divine, of a profoundly contemplative and pious character, of great learning, but with a strong turn to an enthusiastic and mystical cast of thought. He was greatly esteemed by his contemporaries, and his writings, in their day, were extensively read and much admired. Hobbes declared that whenever he discovered his own philosophy to be untenable, he would embrace the opinions of Dr More; and Addison terms his *Enchiridion Ethicum* an admirable system of Ethics. This is the work of his with which I have here mainly to do. It was written, it appears by the preface, in 1667, the author setting about

his task, as he declares, with a most unwilling and reluctant mind, at the earnest entreaty of friends. The grounds of his reluctance he states to be—his persuasion that a dry system of morality was of small value, compared with that virtue which is not taught, but apprehended by faith from God and his Word;—his love of other more cherished studies, which “soothed him with their mild and dewy air;”—and his knowledge that an excellent and learned person was writing a work on the immutable reasons of Good and Ill; by which I presume Cudworth, the master of his own college, is pointed at. Cudworth had already maintained the eternal and indestructible nature of the measures of Good and Ill, on taking his B.D. degree in 1644. The *Enchiridion Ethicum* does in fact approach in its doctrines very near to the *Immutable Morality* of Cudworth. Yet, inasmuch as, in stating his fundamental principles, More seems to define virtuous actions by their reference to an end, rather than to their own nature, I place him in the former division of the opponents of the sensual school. Ethics is, he begins by asserting, the art of living well and happily, *Ars bene beateque vivendi*. And he forthwith proceeds to treat of this happiness, *de Beatitudine*. He soon determines that this beatitude is to be placed in a ‘Boniform Faculty.’ Of this boniform faculty, the fruit is a happiness or divine love, than which no greater happiness can exist, he ventures to declare, either in the present life or in the future. And this happiness must arise, not from the mere knowledge, but from the sense of virtue, *ex sensu virtutis*.

It becomes obvious, in such expressions, how easy the transition is, from the consideration of virtue as the source of happiness, to virtue as perceived by a peculiar faculty; since, in this view, the happiness, as well as the perception, requires a peculiar faculty for its realization. “If any one,” More says, “estimates the fruit of virtue by that imaginary

knowledge of virtue which is acquired by definitions alone, it is all one as if he should try to estimate the knowledge of fire from a fire painted on the wall, which has no power whatever to keep off the winter's cold." "Every vital good," he adds, "is perceived and judged of by a life and a sense. Virtue is an intimate life, not an external form, nor a thing visible to outward eyes." And he quotes from one of his favourites, the Neoplatonists, "If thou *art* this, thou hast *seen* this."

Much to the same purpose are his expressions in verse, in his address prefixed to his poem entitled *Psychozoia, The Life of the Soul*.

Reader, sith it is the fashion
 To bestow some salutation,
 I greet thee; give thee leave to look
 And nearly view my opened Book;
 But see thou that thine eyes be clear
 If aught thou would'st discover there.
 Expect from me no Teian strain,
 No light wanton Lesbian vein.
 Silent Recess, waste Solitude,
 Thoughts deep-searching oft renew'd;
 Still conflict 'gainst importunate vice
 That daily doth the soul entice
 From her high throne of circling light
 To plunge her in eternal night;
 Collection of the mind from stroke
 Of this world's magic, that doth cloke
 Her with foul smothering mists and stench,
 And in Lethean waves her drench;
 A daily Death, dread Agony,
 Privation, dry sterility;—
 Who is well entered in these ways
 Fit'st is to read my lofty lays.
 But whom but fear and wrath control
 Scarce know their body from their soul.
 If any such chance hear my verse,
 Dark numerous nothings I rehearse
 To them; make out an idle sound
 In which no inward sense is found.

The production to which this address is prefixed is a collection of allegorical poems, in the stanza, and very much

in the style, of Spenser. It is dedicated to his father, to whom he gives as a reason, "You having from my childhood tuned mine ears to Spenser's rhymes, entertaining us on winters' nights with that incomparable piece of his *The Fairy Queen*, a poem as richly fraught with divine morality as fancy."

These poems are entitled, *Platonic Songs of the Soul*, treating of the Life of the Soul, her Immortality, the Sleep of the Soul (against which he argues), the Unity of Souls, and Memory after Death. Perhaps I may be allowed to quote a single stanza as a specimen :

But yet, my Muse, still take a higher flight,
Sing of Platonic faith in the First Good,
That Faith that doth our souls to God unite,
So strongly, tightly, that the rapid flood
Of this swift flux of things, nor with foul mud
Can stain, nor strike us off from unity,
Wherein we stedfast stand, unshak'd, unmov'd,
Engrafted by a deep vitality.
The prop and stay of things is God's benignity.

There can be little doubt that More's *Enchiridion* was written with a view of counteracting the poison of the Hobbian doctrines: yet the name of Hobbes is, I think, nowhere mentioned in the book. On the other hand, Descartes is constantly referred to, almost always with commendation, though often with dissent and warning. And to the *Enchiridion* is appended a letter to a V. C., "containing an apology for Descartes, and fit to serve as an Introduction to the Cartesian Philosophy." When we consider the want of reverence to the ancient philosophers which pervaded Descartes's style of philosophizing, and the materialist aspect of his physical doctrines, this admiration of him on the part of More may seem somewhat strange and inconsistent. Yet we find this tendency in other works of the same school, as in the Intellectual System of Cudworth. And it may, I think, be in a great measure explained. Besides that the Cartesian Philosophy embodied and systematized many of the new

discoveries in the natural world, which no person of clear intellect and active mind could fail to assent to, when the evidence was fairly before him;—besides, too, the charm arising from the subtle and acute metaphysical spirit of the French reformer of philosophy:—there was a positive principle involved in his speculations, which was very congenial to the profound idealism of More, which we shall see adopted by other writers of the same temper; and which may perhaps be found to contain the true solution of the apparent opposition between the empirical methods which have led to the discoveries of modern times, and the *à priori* truths on which the admirers of antiquity love to speculate. This principle is, the consideration of all natural events and states as governed and determined by *Laws*. This is really the ideal element which pervades modern physical philosophy; and this element prevents it from presenting, as it is sometimes supposed by its admirers to present, a mere assemblage of external phenomena, discrediting the belief in the independent faculties of the mind.

But without here pursuing this thought, I may further observe, that the connexion and coherency of Descartes's system, the professed severity of deduction with which a few simple assumptions were traced into a mass of details apparently commensurate with the phenomena of the universe, the pleasure of demonstration, and the triumph of reason, to which the new doctrine ministered, might very naturally seduce men of speculative, acute, and inquiring minds. The force of system on Hobbes's side was most easily balanced by the force of a different system, by which, though not directly opposed, it might be counterpoised.

A part of Descartes's philosophy which found great favour with the moralists of the time, and with Henry More among the rest, is the classification and analysis of the Passions. But without here dwelling upon this, it is of more

importance to remark More's own view of the place which the passions hold in man's moral being. His view approaches to that of Plato, as given in his Polity; that the passions are the ministers of that superior faculty which is the proper guide of human action. "Palam est igitur, Regnum quoddam in nobis esse sive Principatum, Animamque nostram rem esse non adeo solitariam, sed satis numeroso stipatam satellitio, et in proprias Passiones imperium habere." We find too in this part of More's views, an anticipation of a course followed by succeeding writers of the same school, in that he examines what is the *due office* of each Passion, according to the intention of Providence, in the creation of man. Thus the Passion of Shame, which is connected with mere bodily pleasures, is an admonition to us that such pleasures are not fully suited to the excellence of man's nature. Anger is the conspicuous part of Retributive Justice. And here we are again led back to the Polity of Plato, (though More quotes the sentiment from another author,) by the doctrine that Resentment and Desire are so put in their places, with respect to the governing part of the Mind, that the former is the guardian and protector of the body, the latter its provider and feeder. Desire is the Purveyor, Resentment, the Soldier of the Moral State. And thus, More differs widely from the Stoics, who would reject all human passions. The whole family of irascible passions (the *θυμοειδές* of Plato) is, he says, highly useful and necessary. If they were removed, man would become either wily, or merely soft and enervate, and could never be *δορυφόρος ἰκανὸς καὶ πιστὸς σωματοφύλαξ τῆς ἀρετῆς*, which Horace has well rendered "Virtutis verus custos rigidusque satelles."

It is easy to see how widely this analysis of the Passions is opposed to that of Hobbes, who resolves all our impulses into selfish fear and selfish desire; and rejects rules of action which give them any other interpretation.

Henry More is one of the most remarkable examples which our literary and ecclesiastical history presents, of a contemplative life pursued in tranquil steadfastness and self-sufficing joy. As soon as he came to College, he immediately, as he informs us, plunged himself over head and ears in philosophy, and applied himself to the works of Aristotle, Cardan, Julius Scaliger, all which he read before he took his Bachelor's degree in 1635. He soon went on to the Neoplatonist philosophers and mystic divines, in whom he found a more congenial strain of thought. He became Fellow of his College (Christ's), and never would engage himself for any long time in the duties of a more active office. In 1642 he resigned the rectory of Ingoldsby, in Lincolnshire, soon after he had been presented to it by his father, who had bought the advowson of it for his son. This living, at a later period, he conferred upon his friend Worthington; and at his death gave the advowson to the College. In 1675, he accepted a prebend in the church of Gloucester, being collated to it by one of his admirers, but soon after resigned it to Dr Fowler, on whom it was conferred at his request; this being, it was supposed, the view with which he had accepted it. For he withstood the offer of various other preferment, including a bishoprick, and even declined the mastership of his own college. He made himself a paradise, as he said, in his abode in the country; and here he pursued the studies and contemplations, of which, as we have seen, he speaks with such strong affection. During the civil wars and the commonwealth, he was not interrupted in this studious retirement, although he had made himself obnoxious by constantly refusing to take the covenant.

Burnet, in his *History of His Own Times*, speaks of More as one of a knot of men, principally of Cambridge, who did honour to the Church, and who, agreeing with each other in a great measure in their moral and religious views, were

directly opposed to the Hobbian philosophy. "Hobbes," he says (Vol. I. p. 262), "who had long followed the court [the exiled court of Charles the Second], and passed there for a mathematical man, though he really knew little that way, being disgusted by the court, came into England in Cromwell's time, and published a very wicked book, with a very strange title, *The Leviathan*." The bishop, after giving a sketch of the doctrines of Hobbes, says, "This set of notions came to spread much. The novelty and boldness of them set many on reading them. The impiety of them was acceptable to men of corrupt minds, which were but too much prepared to receive them by the extravagancies of late times. So this set of men at Cambridge studied to assert and examine the principles of religion and morality on clear grounds, and in a philosophical manner. In this, More led the way to many that came after him." "More," he says again, "was an open-hearted and sincere Christian philosopher, who studied to establish men in the great principles of religion against atheism, that was then beginning to gain ground, chiefly by reason of the hypocrisy of some, and the fantastical conceits of the more sincere enthusiasts."

I may add here the remainder of what Burnet says of this body of men, for they peculiarly belong to *our* Cambridge history. The better of the clergy who appeared in Charles the Second's time, "were generally," he says, "of Cambridge, formed under some divines, the chief of whom were Drs Whitecote, Cudworth, Wilkins, More, and Worthington. Whitecote was a man of rare temper, very mild and obliging. He had great credit with some that had been eminent in the late times, but made all the use he could of it to protect good men of all persuasions. He was much for liberty of conscience; and being disgusted with the dry systematical way of those times, he studied to raise those who conversed with him to a nobler set of thoughts, and

to consider religion as the seed of a deiform nature (to use one of his own phrases). In order to this, he set young students much on reading the ancient philosophers, chiefly Plato, Tully, and Plotin; and on considering the Christian religion as a doctrine sent from God, both to elevate and sweeten human nature; in which he was a great example, as well as a wise instructor. Cudworth carried on this with a great strength of genius and a vast compass of learning. He was a man of great conduct and prudence: upon which his enemies did very falsely accuse him of craft and dissimulation."

I here pass over what Burnet says of Wilkins and Worthington, though interesting in itself, as not so closely bearing upon my subject. I may add, that Whichcote was of Emmanuel College, and in 1633 became fellow and tutor; and several of his pupils became eminent in the church. In 1643 he was appointed to the provostship of King's College, in the room of Dr Collins, who was ejected by the Parliamentary Commissioners. He held the rectory of Milton near this place, and also gave an afternoon lecture at Trinity Church in this town. He was removed from the provostship at the Restoration, but without harshness or disgrace; and died in 1683, at the Lodge of Christ's College, where he was visiting his friend Cudworth. His leading tendency is to dwell upon the divine impress of good in man's mind susceptible of indefinite improvement. His opinions are said to have sometimes clothed themselves, even in conversation, in phrases more learned and abstract than belong to the common language of other men. It is related of him that one day seeing two boys fighting in the street, he went up and parted them, exclaiming, "What! moral entities, and yet pugnacious!"

Of Cudworth I shall say more hereafter; but I may here observe, that he, like Whichcote, was appointed to the mastership of a college in Cambridge (Clare Hall) by the

Parliamentary Commissioners, and afterwards became master of another (Christ's College) in the Protectorate, but nevertheless was not displaced at the Restoration.





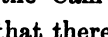
I may say a few words of Worthington and Wilkins, the remaining two of the Cambridge divines mentioned by Burnet in the above passage. The former was, I believe, a relation of Whichcote, his mother being niece to Sir Jeremy Whichcote, Bart. He was educated at Emmanuel College, of which he became a fellow about 1640 (B.D. 1646, D.D. 1655). He was afterwards chosen Master of Jesus College, when it was vacant by the ejection of Dr Richard Sterne, afterwards Archbishop of York: but it is said that he was with some difficulty prevailed upon to submit to the choice and request of the fellows, his inclination being to a more private and retired life; and soon after the Restoration he resigned that mastership to Dr Sterne. In all this, we see much of the same kind of unworldly contemplative character which we have noticed in Henry More. Tillotson, who preached his funeral sermon, says of him, that to set off his other virtues, there was added the ornament of a meek and quiet spirit, which we can readily believe. His writings are, for the most part, of a theological rather than an ethical nature; and the largest and most characteristic of them is a *Discourse on Christian Resignation*, in which virtue he declares all duty and all happiness to be included. But I may notice expressions respecting conscience which occur in Worthington, of the same kind as those which I have already quoted from other writers of this period. "Conscience," he says, (p. 582), "is God's deputy and vicegerent; the voice of conscience is God's voice." "There is no such satisfaction: nor are there any such joyous reflections as these (of men of a good conscience): it is their μήτε εορτήν άλλο τί η̄γούνται ἤ, τα δεόντα πράττειν, their only feast to do their duty, as was said of the Athenians; and accordingly a good conscience

is a continual feast. Yet," he adds, naturally going on to the religious view of the subject, "it is but an antepast or foretaste of a better in heaven." And we see the general character of his school, recognizing glimpses of moral and Christian truth in the heathen sages, in such passages as the following, (p. 14): "It was a good maxim of the Pythagoreans *Τιμήσεις τὸν Θεὸν ἄριστα, ἐὰν τῷ Θεῷ τὴν διάνοιαν ὁμοιωσῆς*, thou shalt then in the most excellent and becoming way glorify and honour God, when in thy mind thou art like God, when in thine inward man thou art conformed to God's image, and likewise, when thou art affected as he is affected, when thou willest as he willeth, when thou art willing to have that destroyed in thee which is contrary to the divine nature; then most of all dost thou honour and glorify God." Worthington was at one time rector of Fen Ditton in this neighbourhood: but his published sermons were principally preached at St Benet Fink in London, where he carried on the service through the year of the plague in 1665, till the church was laid in ashes by the great fire in 1666. He had also, as I have already said, the living of Ingoldsby given him by Dr More. He died and was buried at Hackney in 1671.

The name of Wilkins is probably better known to general readers than some of those which I have mentioned; for he published several books which excited much notice at the time, and are not yet forgotten. Some of these had reference to the new discoveries in physical science, which, as I have said, led to an expectation of a revolution in philosophy of all kinds. In 1638, when he was only twenty-four years old, he published a book entitled, *The Discovery of a New World: or a Discourse tending to prove that it is possible there may be another habitable world in the Moon; with a Discourse concerning the possibility of a passage hither*. Two years afterwards appeared his *Discourse concerning a new Planet, tending to prove that it is probable our Earth is one of the*

Planets. He was on the popular side in the great political struggle of the seventeenth century, and was brother-in-law to Cromwell, having married his sister Robina; but, as Burnet says, "he made no other use of that alliance but to do good offices, and to cover the University of Oxford from the sourness of Owen and Goodwin." He was made Warden of Wadham by the Parliamentary Committee, and in 1659, by Richard Cromwell he was appointed Master of Trinity College, Cambridge; but on the occasion of the Restoration, next year, he was removed from that position. He was, however, afterwards advanced to various ecclesiastical dignities, and finally to the bishoprick of Chester. Although he is much commended as a preacher and a practical moralist, I do not think there is in his writings the Platonism of More and Whichcote. Indeed, from his intercourse with the newer philosophy, he was likely rather to take the tone which prevailed among its disciples, namely the morality of consequences: yet he rather exhibits to us the earlier schools of ethics, quoting copiously Plato and the Stoical writers; and speaking of our *chief end*, which, he says, (*Principles and Duties of Natural Religion*, p. 306), "must consist in a communion with, and a conformity to, the chief good, and consequently in being religious."

Perhaps it may not be without some interest, even in connexion with our subject, to refer to another remarkable and celebrated work of Wilkins, his *Essay towards a Real Character, and a Philosophical Language*; for such an attempt must have a bearing, it would seem, on every part of philosophy. Such an attempt, he observes in the Preface, contributes much to clearing of differences in Religion, "by unmasking many wild errors that shelter themselves under the disguise of affected phrases, which being philosophically unfolded, and rendered according to the genuine and natural importance of the words, will appear to be inconsistencies and contra-

dictions. And several of those pretended, mysterious, profound notions expressed in great swelling words, whereby some men set up for reputation, being this way examined, will appear to be either nonsense, or very flat and jejune." I will give a specimen of Wilkins's system in relation to our subject. The distribution of notions, for which he has to find names in his Universal Language, is made according to the Aristotelian scheme of the Ten Predicaments; nor would it have been easy to find a better or more general arrangement. Now, if I would, for instance, know the place of *Conscience* in this system, where shall I find it? It is plain that *Conscience* does not belong to either of the first two Predicaments, Substance and Quantity; but to the third, *Quality*, being a quality or attribute of man. Now *Quality* he divides, nearly following the Aristotelians, into *Natural Power, Habit, Manners, Sensible Quality, and Disease*. And *Conscience* he arranges under the first head, making three Natural Powers of the Mind, or Rational Faculties, *Understanding, Judgment, Conscience*; besides *Will*, the Natural Motive-Power. It may easily be conceived that all notions being thus arranged, may be noted by a corresponding arrangement of visible symbols. Thus the Natural Powers are all denoted by a line with a crescent touching its middle point (); and those of the Mind are noted as belonging to the *first* Class of such Powers by a mark at the one extremity of the line, and the several Powers of this Class are numbered by a series of marks annexed to the other extremity of the line. Hence the four Natural Powers of the Mind just mentioned would be thus denoted , , , .

I have the more willingly dwelt a little upon the Cambridge Moralists of this period, because I conceive that there has always been in this place an important school of moralists; and it is interesting not only to us, but to all who

regard the history of Moral Philosophy, to trace the changes through which the course of speculation here has passed.

I now turn back to speak of the effect produced on the public by these opponents of Hobbes. More's religious writings were extremely admired in their day. The *Mystery of Godliness*, and the *Mystery of Iniquity*, were extraordinarily popular; as also his *Divine Dialogues concerning the Attributes and Providence of God*. These works found a peculiar public who delighted in his pure and tranquil tone of thought, and his trains of religious contemplation, by which they found themselves elevated and soothed. But this mystical and enthusiastic spirit was altogether out of sympathy with the general temper of the most active-minded men of the times, and with the tendency of their speculations. The enquirers of the age demanded something far more definite and material than the Platonic First Good; and looked for something exhibiting more of the air of novelty. Hence we shall not be surprised that More's doctrines made few converts among the newer school: and that his writings did not produce any very general effect in resisting the spread of the Hobbian tenets; which, more or less modified, made their way very extensively. The doctrine of a complete distinction of virtuous and sensual enjoyments, when considered only as enjoyments, was not easy to impress upon the popular mind. And gradually, as the difficulty of maintaining the war at this point was more and more felt, the higher school of moralists sought for aid in another element of the subject;—namely the will and government of the Divine Lawgiver.

Undoubtedly this aspect of moral duty had never been lost sight of by Christian Moralists; but still there was, philosophically speaking, a difference in the modes in which the Divine sanctions of Morality were introduced by different writers; which difference it is, for our purpose, necessary

to state broadly and distinctly. Some theologians taught that God rewarded actions and dispositions because they were good, while others maintained that actions were only therefore morally good because they were commanded by God. The former doctrine was held by Cudworth, and other assertors of an independent morality; and these were, in fact, the genuine antagonists of the Hobbian school. But in the first burst of the assault on the old ethical views, Morality had been driven to a lower ground; and this, as the contest continued, they found it necessary to entrench more carefully than they had at first expected. And after the war had for sometime gone on in this direction, it ended, as we shall hereafter see, in a hollow compromise; which, as I think it is impossible to doubt, has been very injurious to morality. This, however, is a subject for future discussion.

LECTURE IV.

CUMBERLAND. CUDWORTH.

I HAVE already said that there were, among those of the English moralists, who rejected the doctrines of Hobbes, two schools: those who held that goodness was an absolute and inherent quality of actions, of whom was Cudworth; and those who did not venture to say so much, but derived morality from the nature of man and the will of God jointly; and so doing, introduced more special and complex views.

Richard Cumberland, Fellow of Magdalen College, Cambridge (about 1655), afterwards Bishop of Peterborough, was the opponent of Hobbes who took the principal step towards the latter result which I have mentioned. His *Disquisitio De Legibus Naturæ*, published in 1672, is the first extensive attempt to construct a system of morals, which, being founded on the consideration of the consequences of actions, should still satisfy those moral feelings and judgments of man in his usual social condition, which had been revolted by many of Hobbes's doctrines and modes of reasoning. That the work was intended to contain a refutation of the Hobbian doctrines, is stated on the title-page; and is evident, not only in the controversial parts of the work, which constitute a large portion of it, but also in the selection of the main principles of the doctrine. Hobbes had maintained that the state of the nature of man is a universal war of each against all; and that there is no such thing as natural right and justice; these notions being only creations of civil society, and deriving their sanction entirely from the civil ruler. Cumberland's fundamental proposition is, that the law of nature with regard to man's actions is a universal bene-

volence of each towards all. It will easily be conceived that when this proposition is once established, most of the common rules of morality may be deduced from it. But a question which also belongs to our present purpose is, how far the author's proof of the principle is effective. Two of the steps which his reasoning involves, enable him easily to place a wide interval between himself and the Hobbian school: namely these:—First, that the laws of human action must be *universal*; valid for all, and consistent with themselves; for the Law of Nature, as far as morals is concerned, cannot prescribe to Titius to do that which it enjoins Sempronius to prevent: and, second, that the Law of Nature, still speaking with reference to morals, prescribes internal *dispositions* as well as external actions, and contemplates the effect of actions upon the dispositions and satisfactions of the mind, as well as upon the comforts and pleasures of our body and outward state. These two principles do certainly enable the moralist of consequences to keep the mere sensualist at bay; and have for a long period assisted many intelligent and good men to frame systems of morals in which they have been able to rest tolerably well satisfied. Whether such principles do not in fact assume differences which they do not expressly state, and whether they do not give up the universality, or at least the independence, of the fundamental principle of the system (the pursuit of mere happiness, special or general), I shall not here examine. From the time of Hobbes to our own, the degree of importance practically given to these two considerations, has been a leading feature of distinction among different schools of moral writers; and has determined, in a great measure, the general complexion of their system, as it did in the case of Cumberland.

But Cumberland further, as I have said, calls to his aid another great principle, which also was used still more prominently by his successors. The proof which he gives, that

universal benevolence is a law of our nature, is principally this: that the general prevalence of such a rule of action, and of such dispositions, tends in the highest degree to the happiness and well-being of all. But he is not content with looking upon this tendency as a mere result of some blind necessity, as an ultimate law of nature, by which we must govern ourselves, looking no higher. The tendency of all things is evidence of the purpose of the Creator of all. The Law which nature thus teaches us, is the law of a Divine Lawgiver. That benevolence is thus the effective condition of the well-being of his creatures, is a proof that he wishes us to be benevolent: and thus universal love is his command, and those duties which flow from such a source, are duties which he enjoins and sanctions.

We appear now to have advanced very far towards the systems of morals prevalent in our own time; yet a slight attention to the differences which still remain will show us that there are several wide steps to make before we pass from the moral system of Cumberland to that of recent authors. In the first place, it is very remarkable that though he thus introduces and repeatedly insists on this aspect of the Laws of Nature as the commands of a Divine Legislator, he nowhere distinctly fortifies his system by a reference to a future retribution; still less does he aid himself by an appeal to the revealed will and promises of God. This may appear very strange to those who are acquainted only with the more recent aspect of this subject; and I will therefore quote the passages which specially refer to this part of the argument. After explaining* how benevolence to all rational beings is necessarily connected with our own most perfect mental state, he proceeds to show that other good and bad consequences also are connected with actions conformable to and at variance with this law of action; and that these con-

* Cap. v. Sect. 16.

sequences, whether resulting from the course of nature or the institutions of men, may be looked upon as the sanctions of a Divine Law. He then adds*, not as a separate consideration, but in a paragraph at the end of a long section, "Further, if God teaches men to judge, that it is necessary both to the common good and the private good of particular persons, that all violations of the peace should be restrained by punishments, when men come to know of what evil consequence they are;—we may clearly gather by parity of reason, not only that He himself so judges, and wills that men should do so too; but also that He makes the same judgment on actions equally hurtful, which men either do not know or cannot punish.... This reasoning is obvious to all; whence they cannot but think with themselves that God has appointed punishments to their secret crimes; and that He will avenge their insults upon the weak; for there is no reason to doubt but that He will pursue this end, the common good, in which both His own honour and the happiness of rational beings is contained. For a greater end there cannot be: and a less end cannot be taken for the greatest by Him who judges truly." Here we might expect, from the order of the thought, to find a reference to a future state, in which those sins are punished which escape with impunity in this life. But we do not find this. On the contrary, the author merely says, "Thus the pangs and obligations of conscience take their origin from the government of God." And having thus, as he would seem to imagine, provided sufficiently for the punishment of secret crimes, he proceeds to another section, beginning thus: "But let us return to the punishments inflicted by men." He does, indeed, a little afterwards, say†, "Among the rewards [of virtue] is that happy immortality which natural reason promises to attend the minds of good men, when separated from

* Cap. v. Sect. 25.

† Cap. v. end of Sect. 42.

the body:" and, he adds, as applying to this future state no less than to the present life, "that the happiness of good men is inseparable from the remembrance and exercise of virtue." "But," he proceeds, "it is sufficient for me briefly to have hinted this, which has by others been handled more at large."

Perhaps it is not difficult to see why this most weighty and solemn consideration of a future state, is introduced in so subordinate a manner, and so soon dismissed again, by a writer of unquestioned and earnest piety. Hobbes had made his attack upon the established theory of morals, as it was commonly entertained among men; and it was the object of the moral writers of his time to repulse this robust and audacious assailant. According to the opinions current up to the period of this controversy, Virtue might claim respect and obedience on all grounds. She was an eternal and independent power, not a creation of command supported by external force. She had a natural and indisputable authority, not needing the assistance of threat and promise. She was her own reward, even if she had no other. She had the promise of this life, as well as of that which is to come. She was beautiful in herself, as well as rich in her dowry. These were the pretensions which Hobbes so rudely assailed. These opinions therefore the opponents of Hobbes could not at once abandon. If they had immediately called in a future life, as the only mode of defending the cause of virtue, they would have seemed to give up the very point which was assaulted. Could they instantly relinquish to the sensualist the empire of this world? Could they grant to him, that, so far as the present life is concerned, his doctrines are a wise rule of action? Could they forthwith abandon all mention of the dignity, the beauty, the authority, the peace and joy, which belong to Virtue? To do this at once, would have been too shocking. If they had thought of it, the very

heathen would have put them to utter shame. For in the ancient world they had before their eyes a glorious phalanx of writers—Plato and Cicero, Epictetus and Seneca, Academics and Stoics, who had never shrunk from the defence of Virtue for her own sake. These writers had found themselves able to frame a system of independent morality which had elevated and purified men's minds, and in some measure guided their conduct; which had filled them with admiration, and won their sympathy, even before the Christian religion came into the world to teach how man's moral condition might be still further improved. Not only so, but these ancient moralists had resisted, and successfully, this very warfare, the fierce and bold assault of the sensual school, before which the modern moralists now wavered, and thought to change their ground. It was impossible for these moralists, at once, in the sight of the enemy, and after the first modern attack, to abandon positions so dear to all lovers of virtue, so nobly defended hitherto; positions so strong in their ancient majesty, that even the traditionary respect which hung around them would secure them from a sudden revolution and ruin.

Yet, on the other hand, it is tolerably evident that, in truth, some of the most important doctrines of the Christian religion had a large share in making moralists become more willing than they had hitherto been, to give up the independent authority of Virtue. The views of man's nature, and of his relation to his heavenly Master, which prevailed among our divines, cooperating with the inherent defects of the ancient system of morals,—defects never supplied, nor capable of being supplied,—made men not unwilling to try what could be done to satisfy the cravings of his speculative nature by combining moral with religious views. The deficiencies of the moral system which spoke of the inherent beauty and independent authority of virtue were indeed evi-

dent enough: for alas! with all its charms and its rights, how little can it effect among men! how blind are they to its beauty! how rebellious to its authority! Even if we can, by the light of nature, discover a rule of action, how little can we discover motives which are fitted to urge men, such as in general they exist, to conform to the rule! That we here need some extraneous power which may enforce our law, is too obvious. That the Divine Government of the world which religion discloses to us, is a motive needed by man and suited to his needs, all moralists will gladly allow. Here, therefore, we at once see great advantages which result from calling in Religion to assist the weakness of independent morality. The law which had hitherto been feeble and almost ineffective, thus became a living rule of conduct, realized by the prospect of the highest rewards and most awful punishments. Man could thenceforth no longer, as of old, separate with impunity knowing from doing;—no longer see and approve the better and follow the worse. But moreover this disposition to give up the independent authority of moral good was favoured by other theological views then prevalent among our Divines:—by the desire to put, in the most prominent and impressive forms, the supreme authority of God, and the corruption of man's nature. The former of these tenets was, or at least appeared to be, strengthened by declaring God to be not merely the assertor but the author of moral distinctions. The latter tenet, the corruption of man, was put in a strong point of view, when it was held that he was so perverted as not only not to be able to *do*, but not able even to *know* what was good.

I shall not here discuss these views at length. I will only observe, in order to obviate any mistakes which the statement of these opinions without any corrective might occasion, that if we make Holiness, Justice, and Purity, the mere result of God's commands, we can no longer find any

force in the declaration that God is Holy, Just, and Pure ; since the assertion then becomes merely an empty identical proposition. And with regard to the other point, if man cannot, by the best exertion of his natural faculties, attain to any knowledge of the distinction between right and wrong, he cannot, without a revelation of God's will to him, be capable of vice or sin, since these are the violations of moral rules and Divine Laws concerning right and wrong actions.

It is with reluctance that I have introduced these subjects, even in the most transient manner : but it seemed to me that if I were not to do so, the state of the question, which I am now treating historically, could not be understood : and I trust to the indulgence of all my hearers, to interpret in the most favourable manner, these scanty hints thus occasionally thrown out, on subjects of the deepest importance.

But to return to the author of the Treatise *De Legibus Naturæ*, of whose place in this discussion I was speaking. I observe that the considerations to which I have referred, and which withheld the moralists of his time even when they made consequences their only guide, from at once reducing Virtue to the mere pursuit of enjoyment, have very strongly affected his work ; and have left it full of expressions and tenets which his successors in this path gradually abandoned. For instance, he attaches great importance to what he calls *Right Reason*, and thus often approximates to the school of Independent Morality ; as when he speaks of the obligation of the Laws of Nature as immutable* : and again, at other times he uses language like that of Henry More, as when he speaks with enthusiasm of the pleasure of benevolent dispositions †, “ that joy which arises in our minds from the prosperity of others, and which brings ourselves home a plentiful harvest.”

* Cap. v. Sect. 23.

† Sect. 16.

I will only further observe, as one of the causes which contributed to the influence of this book upon the succeeding course of English Moral Philosophy, that it is constructed with a laborious imitation of mathematical forms of demonstration; which, from the reputation of the writings of Descartes, and the progress of mathematical physics, were now beginning to be looked upon as the genuine forms of true knowledge. In the same spirit, there is a frequent reference to mathematical examples to illustrate the nature of necessary truths and demonstrative reasonings: and the recent physiological discoveries are called in to confirm the other indications which tend to shew that universal benevolence is the law of nature. Thus he quotes from Willis, the physician, an account of the *Plexus Nervosus* of the intercostal nerve, and even inserts a copper-plate, in order still further to explain this structure; because, as he says, this part of the nervous system is one of the things which better enable man to rule his affections. His quotation from Willis is curious: "That the thoughts relating to acts of the will or understanding (in which the powers of prudence and the virtues are conspicuous) may be duly formed, it is necessary that the torrent of blood in the breast be kept within bounds, and the inordinate motions of the heart be restrained by the nerves, as by reins, and be reduced to regularity." Which purpose the intercostal nerve, he conceives, answers; for "by these branches it supplies the place of an extraordinary courier, communicating, to and fro, the mutual sensations of the heart and brain."

The indications of purpose in man's structure and constitution are most rightly taken into account, by the moralist as well as by the physiologist; but I do not conceive that this part of Cumberland's reasoning was very happily developed by him. Indeed the whole work, notwithstanding its mathematical form, is wanting in method, and is con-

stantly made tedious and confused by the insertion of criticisms of Hobbes in every part. It was however, as I have said, the basis of much of our succeeding moral philosophy. It was translated, or rather abridged, in English by James Tyrrel, in 1692; and in 1727 a translation was published by the Rev. John Maxwell. In the remarks made by the translator in this edition, we see that the author had not succeeded in conveying clear systematic notions to his readers, at least of that day. For these notes often complain of the author's obscurity, and sometimes give an explanation which is at variance with the system. This is not surprizing; for in the mean time several other speculations had come forth which altered the state of public thought, and made it different from that which prevailed when Cumberland's work was written.

These occurrences I must afterwards notice, but I must first attend to the other division of the opponents of Hobbes. I have spoken of those who treated virtue as a means to some other end: I must now speak of those who considered it as an end in itself. I have described the reasonings of those who considered Virtue as commendable, because she leads to man's happiness and well-being: but I must now give an account of those who ascribe to her an independent value. The former, as we have seen, approximated by degrees towards a view of morality such as now prevails; the tendency of the doctrines of the latter will appear as we proceed.

We have attended to those opponents of Hobbes who dealt with Virtue as a means; and especially Cumberland: we now come to the other division, those who consider it as an end. The morality of the former class was subservient to man's happiness and well-being; we now have to do with the assertors of independent morality. Of these Cudworth is the principal. Ralph Cudworth, Fellow of Emmanuel College about 1637, Master of Clare Hall in 1644,

and of Christ's College in 1651, was, as I have already said, the most genuine antagonist of Hobbes, since he descended to no compromise, but steadily maintained the immutable and independent authority of moral right. In doing this, he took the old high Platonic ground on which the battle had in ancient times been fought, although he both modified and fortified the position by a judicious attention to the recent progress of philosophy. Familiar with the writings of the ancient moralists, he at once perceived that all the bold and paradoxical dogmas of Hobbes, strange and monstrous as they sounded in modern ears, were but the repetition of the sophistries of former times. His *Treatise concerning Eternal and Immutable Morality*, begins by shewing that there have been some in all ages who have maintained that Good and Evil, Just and Unjust, were not naturally and immutably so, but only by human laws and appointments. This assertion, which had been made by Protagoras and many others, was connected by them with the doctrine that we derive our knowledge from our senses, which cannot give us information of any thing certain and permanent; and that in the ever-flowing stream of the universe nothing can be immutable and eternal. Plato himself had made it one of his most serious tasks to reason against this school. Two tenets of the Protagorean philosophy, that the universe is constituted of atoms, and that all our knowledge is only relative and phantastic, were both rejected by Plato, as alike leading to scepticism. Cudworth, taught by the recent progress and prospects of physical philosophy, takes care not to make the cause of the eternal fixity of truth depend upon the rejection of the mechanical theory of the universe. On the contrary, he turns the battery of the Atomic Theory upon his adversaries: and maintains that the genuine result of that Theory is, That Sense alone is not the Judge of what does really and absolutely exist, but that there is ano-

ther Principle in us superior to Sense. He further asserts that knowledge is an Inward active Energy of the mind, not arising from things acting from without: that some Ideas of the mind proceed not from sensible objects, but arise from the inward activity of the mind itself: that the intelligible notions of things, though existing only in the mind, are not figments of the mind, but have an immutable nature; and hence he concludes, in an assertion of Origen, that science and knowledge is the only firm thing in the world.

This view of the nature of knowledge is proved, as I have already said, upon the principles which are unfolded so skilfully and agreeably in Plato's Dialogues; the exposition being however materially modified with reference to the state of modern philosophy. But the application of this doctrine of the eternal and immutable nature of truth in general to the particular case of moral truth, is less fully and clearly developed*. After he has proved that "wisdom, knowledge, mind, and intelligence, are no thin shadows or images of corporeal and sensible things, but have an independent and self-subsistent being, which in order of nature is before body;" he contents himself with saying, "Now from hence it naturally follows, that those things which belong to Mind and Intellect, such as are Morality, Ethicks, Politics, and Laws, which Plato calls the offspring of the mind, are no less to be accounted natural things, or real and substantial, than those things which belong to stupid and senseless matter."

It must, I think, be allowed that the treatise of Immutable Morality produced very little effect on the Hobbian controversy: and though always mentioned as one of our standard works on Morals, even now produces little impression on most of those who view it as an ethical work†.

* Cap. vi. p. 292.

† Mr Hallam, *Literature* iv. 300, says: "Cudworth's reasoning is by no means satisfactory, and rests too much on the dogmatic metaphysics which were then going out of use."

Nor is it difficult to assign reasons for this want of effectiveness in the book. In the first place, this result is almost sufficiently accounted for by what I have stated : namely, the principles of the work are not manifestly brought to bear on the question. It may be well proved, we may suppose, that all truth is independent and immutable, but we want a great deal more than this general principle to satisfy us that moral distinctions are independent and immutable. We require a detailed application of the general reasonings to the particular case. If it be so, we would know *how* it is so : what form the demonstration assumes when we use the terms of the proposition we would establish : how the difficulties and obscurities which seem to hang about it are affected by this demonstration. Men will not be satisfied that there is an adamant chain, except we can shew them the links of which it consists. They will not believe that moral ideas are determined by eternal laws, except we shew them what these laws are ; just as they would not believe that the motions of the planets are governed by fixed laws, till these laws were discovered and stated. Cudworth in moral speculation held the place which Kepler held in the speculations respecting the forces which govern the planetary world. He asserted that there must be some fixed, orderly, constant force, by which all things and their relations are retained in a perpetual and immutable harmony, but he did not succeed in placing before men's eyes the very form and expression of this force ; and hence he was hardly listened to, and deemed by most a dreamy and fanciful visionary.

But besides this reason, another may be mentioned, which much impeded the influence of Cudworth's book upon general readers. It was a book written in the fashion of the past rather than of the present ; a book of erudition rather than of formal demonstration. I have already noticed that Cumberland's work gained in efficacy by adopting the modern

forms of demonstration. Cumberland, in the character and training of his mind, belonged to the latter half, Cudworth to the former half, of the seventeenth century. Cudworth's learning was great, and he had well pondered and digested it; but still his pages were, for modern readers, too much overloaded with ancient authorities and antiquarian disquisitions. Although this feature is very far from being so much the case in the *Immutable Morality* as it is in the *Intellectual System*, (which vast work was written against the supposed atheistical principles of Hobbes's writings, as the *Immutable Morality* was against their immoral tendency), it still appears even in the former work: as for example, when he traces the doctrine of atoms to Moschus a Phœnician, who lived before the Trojan war, and endeavours to identify this teacher with the Jewish Lawgiver Moses. Speculations such as this, formerly so grateful to the learned, now repelled rather than attracted the common reader. Galileo, Kepler, Descartes, had taught men to look forwards rather than backwards, to future discoveries rather than to past opinions; and even in morals, authority was now of small weight. The reasonings of Plato and Aristotle would formerly have derived additional force from being given in their own words; but now their being presented in such a mode, led to the suspicion that the reasonings would not bear to be delivered in the modern form of demonstration. Thus Cudworth's erudition weakened, rather than enforced, the effect of his arguments, by making his dialect strange, and his proofs suspected, to the audience which he addressed.

But besides these two reasons of the little effect produced by Cudworth's *Immutable Morality* (reasons residing in the work itself), there was a third, an external cause, which contributed to the same result. The book was, as it were, born out of due time: it did not come before the world till many years after the death of its author, when the contro-

versy had made large advances ; several works, which hold a prominent place in this series of speculations, had been published in the mean time, and had preoccupied men's minds. The author died in 1688, and was interred in the chapel of Christ's College ; but the *Immutable Morality* was not published till 1731, when it was edited by Dr Chandler, Bishop of Durham. It may serve to show the progress of opinions, as one generation succeeds another, to remark, that Cudworth's daughter was Lady Masham, the peculiar friend and admirer of Locke, who lived almost constantly, and at last died, at her house at Oates in Essex. Her son, Sir Francis Cudworth Masham, into whose possession Cudworth's papers came, was the person who gave to the world the book of which I have been speaking. And thus Cudworth's work, which was, in spirit, a generation anterior to Locke, was, in its time of publication, a generation later.

Cudworth and Locke are perhaps the two greatest English names on the two contrary sides of the question respecting the nature of knowledge. But these two speculators made their philosophical voyage with very different fortune. They started from the opposite shores of the great ocean of speculation : Cudworth in a vessel of heavy and antique fashion, deeply laden with ancient treasures ; Locke in a lighter bark, fitted to skim nearer the surface, and exhibiting in its rigging the improvements of modern times. But this was not all the difference. The breezes of popular favour, which had long veered between the opposite quarters of Ideas and Sense, at last set steadily in favour of the latter ; the Lockian theory rushed on before the prosperous wind, with expanded sails and flying colours ; while the system of Cudworth, ill suited for such a rivalry, endeavoured in vain to make head against the adverse influences. And thus at this period all seems to be in favour of the ultimate success of the new doctrine.

Yet let us not be too hasty in deciding thus. Let us not despair of the fortunes of the course which leads from Ideas to Truth. The voyage is yet far from finished: it is hardly begun. Who knows what changes the successive time may still have in store. Perhaps the newer system, while it thus bounds on with bending mast and swelling canvass, may be suffering a strain which its texture is too frail to resist. Perhaps its parting sides may admit the surrounding flood, ever ready to whelm such adventures in its unfathomable depths. Perhaps the rising storm may soon bring to light the superior security of the stronger forms of ancient building; perhaps the direction of the wind may change; perhaps from that other shore, lighter galleys, fitted for modern times, may advance to relieve their comrade. Or, once more, perhaps it may be found that both paths, rightly pursued, lead to the same end: and persevering and skilful navigators, who have taken their departure from the remotest positions of the Intellectual Globe, may still meet in some common point, to which their course is tending; may find and recognise each other as fellow-labourers on some shore as yet undiscovered; may rejoice together in the bright sunshine of the unknown Islands of the Blest, which they sought so long in mist and twilight, ever mistaking each other, and missing of their aim.

Such a point of union we may consistently hope there will be found. We know from the history of all the most clear and undoubted portions of our knowledge, that except we are rightly guided by Ideas, Truth is not to be found. From the physical sciences themselves, the great boast of the philosophy of experience, we know that experience cannot lead to solid knowledge, except so far as it is combined with a careful investigation of the ideas which knowledge must involve. We know that the attempts to reject these fundamental elements of truth involve us in endless change,

obscurity, and doubt. We know, in short, that we must look for no Science of Morals, as we find no Science of any other kind, except we can discern the region where the truths taught by Cudworth and by Locke are united: where the eternal and the immutable beams through the outward veil of the actual and visible: where experience gives reality to Ideas, and Ideas give universality to the truths which we gather from experience.

LECTURE V.

LOCKE. CLARKE.

THE Philosophy of Morals is closely connected with the Philosophy of Mind. New views respecting the human understanding cannot fail to produce new views of the foundations of duty: for in Psychology, we cannot define the powers and operations of the Understanding without treating of the Affections and the Will; and in Ethics, it is not enough to consider the office of the Will, we must also trace its dependence upon the Understanding.

The historical sketch, which I have endeavoured in previous lectures to give, of the progress of the controversy concerning the Foundation of Morals, so far as English writers are concerned in it, has brought us to the well-known name of John Locke; who is commonly considered the author of a great revolution in the metaphysical system prevalent in England. To his place in our argument we must therefore now turn our attention. His celebrated *Essay on the Human Understanding* was first published in 1689, and therefore, in point of time, is very little later than the works of which we have already spoken. But still, in the tone and spirit of his writings he belongs to a newer school; for Cudworth, and Clarendon, and Harrington, and even Cumberland, were disciples of the philosophy which prevailed in England before the civil wars; but Locke was deeply and decidedly formed by the opinions which came into vogue towards the end of that stirring period. He is commonly looked upon, indeed, as the founder and master of the New Philosophy which then succeeded the Old; but I think it will be acknowledged, by any one who carefully looks into the literary his-

tory of the subjects on which he wrote, that he originated little or nothing. All the distinctive opinions which he maintained had already been asserted, and very widely entertained. They form the main substance of the system of Hobbes, and of the concessions made by the less resolute portion of his opponents. Locke's office was not that of a discoverer, but one which more commonly places a man at the head of a school of philosophers, the office of bringing together into a system, tenets which others have taught in a less connected form, and for which the time is ripe; of proposing safeguards by which their obvious dangerous consequences are seemingly averted; and of expounding them in a lucid and persuasive manner, generally intelligible to common readers. Such, I believe it will be found, were Locke's functions in the history of English philosophy. But my business with him, at present, is not in this wider aspect, as the supposed author of a new system of metaphysics; but as a writer, who having great authority among his contemporaries, delivered his opinions upon the question of the Foundations of Morals, and both directly and indirectly influenced the fortunes of this great controversy. It is at once obvious, in his case, that he belongs to the school of moralists who reject the independence of morality, and reduce moral good to a dependence on something else, namely, the pleasure which it produces. This he plainly asserts. "Good *or* evil *are* nothing but pleasure or pain, or that which occasions or procures pleasure or pain to us. Moral good *and* evil thus *is* only the conformity or disagreement of our voluntary actions to some law whereby good or evil is drawn on us by the will and power of the Law-maker; which good *and* evil, pleasure *or* pain, attending our observance or breach of the law, by the decree of the Law-maker, is that we call reward and punishment*." And what, perhaps, even more tends to make him a conspicuous figure on

* *Essay*, Book II. ch. xxviii. § 5.

this side of the controversy, is, his arguments against innate practical principles, in the beginning of this Essay ; not, it is to be observed, his assertion that man has not *innate ideas* ; for the doctrine of the existence of such ideas is in no way necessary to the support of independent moral truth, any more than of independent geometrical truth. But the mode in which Locke prosecuted the war against innate ideas, led him to adduce, as important and instructive facts, all the wretched and disgusting instances of human degradation and depravity, which tend to show how far man may lose his moral nature. To dwell upon such cases has always been a favourite mode of reasoning of those who hold that moral judgments are merely artificial and conventional ; and however we may justify Locke's adoption of this course, by the demands of the argument in which he had engaged himself, the effect upon his disciples was likely to be, and was, to lead them to reject all notion of actions being right or wrong in themselves.

Moreover, the general scope and leading principles of Locke's system had the same tendency. All our ideas, he holds, are derived from Sensation and Reflexion. The latter term, *Reflexion*, is so vague that it allows his disciples to make of his doctrines what they please. The meaning of this term may be extended, as it has been extended by the more temperate philosophers and genuine moralists of his school, in all times, and especially in recent times, so as to save the interests of morality for practical purposes, and to avoid, I might say to evade, all glaringly offensive consequences. But on the other hand, the term 'Reflexion' may be so limited and restricted as almost to lose its effect in the general proposition, and to leave the doctrine much the same as if it had asserted ideas to arise from sensation only. When a term so wide and vague, or so complex and multifarious, so thin and shadowy, or so ponderous and un-

manageable, as this "Reflexion," is introduced side by side with the clear bodily definite realities of the senses (Sensation), it can hardly hold its place securely as a philosophical term. It means too little or it means too much. It means too little to balance the sensible world, or too much to be heaped together without analysis. Accordingly, while, as I have said, our own most reasonable philosophers have taken refuge in this term 'Reflexion' to an extent which well nigh overturns Locke's system altogether; those of other countries (the French followers of Locke for example) have, more consistently, discarded it, as a merely ceremonious expression; and have boldly asserted, as Locke's great doctrine, that all our ideas are derived from the senses. Now *this* doctrine concerning ideas irresistibly fastens upon us the ethical tenet, that right and wrong are some modifications or other of bodily good and ill, that is, bodily pleasure and pain. And thus Locke's name is made the badge of the Sensualist School of morals, such as the School appeared in the time to which he belonged.

Yet, in fact, Locke himself would not only have disclaimed this position, into which his followers have thus thrust him, but he really did cherish many views and speculations which were altogether at variance with the spirit and tendency of the Sensualist system of morals. These were probably the remnants of his education in the philosophical school which preceded him. In truth, this inconsistency is a general, perhaps a universal character of the founders of new systems of opinion: such persons run onwards from their predecessors, but they do not cease to hear their voices, and to share their feelings. They reach a new point of view, but they look backwards with regard, as well as forwards with hope. They mount some unfrequented summit, but they retain traces of the vale out of which they have climbed. They point the way to a new region, but they themselves retain the habili-

ments and the speech of the country out of which they have come. They are not aware of the magnitude and completeness of the revolution they have produced; and often dwell with fondness on the expected endurance of things, of which they themselves have prepared the termination.

Some such indications we find in the moral doctrines of Locke. For example, notwithstanding the account which, as you have heard, he gives of the nature of Morals, he repeatedly and anxiously discusses the question, whether Morality be capable of demonstration. And he decides that it is so, or may become so, on the ground of that very system of ideas which he had laboured so strenuously to destroy. This is the way he reasons. "The *idea* of a Supreme Being, infinite in power, goodness and wisdom, whose workmanship we are, and on whom we depend; and the *idea* of ourselves, as understanding, natural beings: being such as are clear in us, would, I suppose, if duly considered and pursued, afford such foundations of our duty and rules of action, as might place morality among the sciences capable of demonstration; wherein I doubt not but from self-evident propositions, by necessary consequences as incontestable as those in mathematics, the measures of right and wrong might be made out to any one that will apply himself with the same indifferency and attention to the one as he does to the other of these sciences*." No moralist, even of the school of Cudworth, would need to claim more than is here conceded.

But how this is to be made consistent with the doctrine that moral good and evil are only pleasure and pain; or how the amount of pleasure or pain which any action produces is to be brought into such a demonstration, are far harder questions: questions which, I think, none of Locke's followers have yet solved.

Accordingly, the greater part of Locke's disciples have

* *Essay*, B. iv. ch. iii. § 18.

disregarded altogether these suggestions respecting a morality founded upon ideas, and established by means of demonstration; and have clung to that kind of morality which is really the only one consistent with his general view of human nature; that which makes moral good and evil merely the means of producing pleasure and pain respectively. And as the Lockian philosophy was rapidly diffused in England, and deeply infused into the general tone of speculations on all subjects; so this view of Morality was, in speculation at least, and among those whose minds required consistency in the systems which they embraced, very generally accepted and maintained. The Hobbian opinions, softened and guarded no doubt, but not fundamentally altered, were in a great measure victorious. No one will deny, I think, that in the general aspect of the principles and method of their philosophy, Locke and his school approach incomparably more to Hobbes than they do to his antagonist Cudworth.

In saying this, it will be understood that I speak of the general tendency of the Lockian philosophy: for in its actual result, its evil consequences were averted by means of cautionary principles introduced by the most moderate and judicious writers of the school, and countenanced, as we have already seen, by Locke himself. But all these stipulations and correctives did not prevent the promulgation of Locke's philosophy from being felt as a vast accession of strength by the lower, and a great addition to the difficulty of their task by the higher, school of morality. Since that time, the morality of consequences has been almost universally accepted; and the assertors of essential and independent distinctions of good and evil have found but a scanty audience and a cold reception.

Still, however, the other side of the question has never been without its representatives; and I must now notice those who belong to the time of which I speak. The principal

sure among these is the celebrated Dr Samuel Clarke, (afterwards the friend of Newton,) who was educated at Caius College in this University in 1691, and the succeeding years. His dissertations on the *Being and Attributes of God*, and on the *Evidence of Natural and Revealed Religion*, do not refer to the nature of morals, as a principal subject; but still, we find in these works clear assertions of the eternal nature of moral distinctions. We cannot doubt, he teaches, that all the relations of all things to all, must have always been present to the Eternal Mind. In this sense, the relations are eternal, however recent may be the things between which they subsist. These eternal relations of things, different one from another, involve a consequent eternal fitness or unfitness in the application of things one to another: in regard to which fitness, the will of God always chooses, and which ought likewise to determine the wills of all subordinate rational beings. These eternal differences make it fit and reasonable for the creatures so to act; they cause it to be their duty, or lay upon them an obligation so to do, separate from the will of God, and antecedent to any prospect of advantage or reward. Wilful wickedness is the same absurdity and insolence in morals, as it would be in natural things to pretend to alter the relations of numbers, or to take away the properties of mathematical figures. And to explain, what might appear startling, in thus separating between Moral Right and the Divine Command, he says, "They who found all moral obligation on the will of God must recur to the same thing; only they do not explain how the nature and will of God is good and just."

Clarke, then, is an assertor of the independent and necessary character of moral distinctions. But in making this assertion, he declares such distinctions to be perceived by the *Reason*; and this he does, just at the time when, in virtue of the teaching of Descartes, Locke, and others, the

Reason had been separated from the other faculties, limited to the operations of the intellect, and deprived of its direct intercourse with the emotions and affections, the materials of our moral nature. The cause of independent morality was in this way presented under great disadvantages.

Clarke was one of the most zealous promoters of the new physical philosophy. Soon after taking his degree in this University, he was actively engaged in introducing into the academic course of study, first, the philosophy of Descartes in its best form, and next, the philosophy of Newton immediately after its first publication. He was naturally led, therefore, both by his familiarity with recent metaphysical distinctions, and by his love of demonstration, to ascribe a great weight to intellectual relations, and to overlook as parts of the subject those in which the intellect had not a direct or sole jurisdiction. If this had not been the case, he could hardly have failed to see how insufficient an account of moral distinctions it was, to say that the denial of them implies an absurdity and a contradiction. When Cudworth and the ancient philosophers talked of wickedness being contrary to Right Reason, the Reason was looked upon as the governing faculty of all provinces of man's nature. It was the fountain and treasure-house of all fundamental general principles, by which we judge of truth of all kinds; and it was also the authority which applied these principles to their practical uses. So viewed, therefore, the Reason was qualified to pronounce moral judgments; to extricate out of her own nature the speculative truths which are involved in her recognized functions. But now the case was altered. The office of Reason had been greatly narrowed and bounded; and this had been done, I will suppose, for the sake of argument, with great advantage to the clearness and distinctness of metaphysical doctrines; still this change made it less safe than before to say, that eternal distinctions of moral good

evil were objects of the Reason. The Reason had now her business reduced to the employments of collecting and general principles from experience, and of combining these according to the processes of discursive reasoning. Could any one find, in this series of operations, the road to eternal and immutable truths, concerning good and bad, and duty?

Thus the doctrine of Clarke, like the opinion of Locke which I before mentioned, that Morality is capable of demonstration, may be considered as remnants retained by them from the philosophy then past;—propositions already antiquated when they were published;—traditional assertions repeated, because they who asserted them did not perceive how great a revolution the import of their terms had undergone. If Morality is still to be capable of demonstration,—if her distinctions are really steadfast and unchangeable,—we must seek some new source of just principles for our reasoning, and a new basis of fixity and permanency. The discursive Reason, generalizing and combining the measures of good and evil which she obtains from the senses, can never soar again into the higher region of absolute good; though she may retain some dim remembrance of it, which may still direct her wanderings in this lower world.

LECTURE VI.

MANDEVILLE. WARBURTON.

I HAVE endeavoured to explain in my previous lectures that the tendency towards the lower view of morality, which rests its rules upon consequences merely, had acquired an extensive and powerful prevalence in the beginning of the last century. This view had been connected by Locke and his followers with their metaphysical doctrines; and these again, besides their other recommendations, had been connected, how rightly or necessarily it may hereafter be our business to consider, but in men's minds they *had* been connected, with the general progress of science and knowledge, and of new opinions, which that period witnessed. And so striking and wonderful was that progress, that we cannot at all marvel if men were carried too rapidly onwards by the current, and were led to think that the new metaphysical doctrines which had thus formed an alliance with an admirable body of new truths, must be far sounder and better than the old modes of speculation, which had been pursued for so many ages with so little visible positive result. The two sides of the great alternative of the Theory of Morals, the Morality of Principles, and the Morality of Consequences, had been combined respectively with the old and the new metaphysical systems. Or rather, while the Morality of Principles, as a system, remained still involved in great perplexity and obscurity, the Morality of Consequences was perpetually worked out into clearer and clearer forms, and expressed in a more pointed and precise manner. Hence, both Clarke, who asserted the doctrines of the higher moral school in terms no longer well fitted to express them, and

Butler, who, maintaining them stedfastly, strove to avoid the responsibility of expressing them in any fixed and constant terms, produced little permanent effect upon the general habits of thought of their contemporaries. The Morality of Consequences, the doctrine that actions are good or evil as they produce pleasure or pain, was pushed further and further. A principle so simple and tangible, all, it seemed, could apply. All, or at least a great number of men, ill fitted for the office of moral teachers, did actually take courage and apply it. The reverence which, handed down by the tradition of ages of moral and religious teaching, had hitherto protected the accustomed forms of moral good, was gradually removed. Vice, and Crime, and Sin, ceased to be words that terrified the popular speculator. Virtue, and Goodness, and Purity, were no longer things which he looked up to with mute respect. He ventured to lay a sacrilegious hand even upon these hallowed shapes. He saw that when this had been dared by audacious theorists, those objects, so long venerated, seemed to have no power of punishing the bold intruder. There was a scene like that which occurred when the barbarians of old broke into the Eternal City. At first, and for a time, in spite of themselves, they were awed by the divine aspect of the ancient rulers and magistrates: but when once their leader had smitten one of these venerable figures with impunity, the coarse and violent mob rushed onwards, and exultingly mingled all in one common destruction.

The general diffusion of the estimate of moral good and ill by the pleasure and pain to which it leads, produced a profligate and sensual tone of moral discussion; and this extended with a rapidity not unaptly represented by the above image. As a prominent example of this spirit, we may take the well-known *Fable of the Bees*. This was a short apologue in verse, published in 1714, by a physician of the name of Mandeville, the professed object of which was to shew that

Private Vices are Public Benefits; that the vices, as they are usually held, of Selfishness, Luxury, and Lust, within certain limits, are the elements upon which the prosperity of a state depends, and, "that all the moral virtues are no better than the political offspring which flattery begot upon pride." The work possesses little or no literary merit; and is only remarkable for the notice it excited, and for the mode in which the author, when put upon his defence, supported his tenets: namely, as I have intimated, by professing to trace to their consequences the courses which he palliated. The main impression which the book is calculated to convey is, the old licentious doctrine, that virtue and vice are only conventions for keeping society in order; that virtue has nothing really lovely, and vice nothing absolutely mischievous; but that on the contrary, our supposed virtues arise from the coarsest springs, and our vices often produce the most beneficial consequences; (see for example, pp. 83, 4); and especially that vice is an essential constituent of riches and greatness in a moral state.

The book was presented as a nuisance, on account of its profligacy, by the grand jury of the county of Middlesex in 1723. And although this circumstance may be alleged, I hope justly, as proving that the poison of the principles promulgated by this author had not yet entirely pervaded English society, we may observe, on the other hand, that the Presentment states that many books and pamphlets are published almost every week against religion and morals; and it assigns this general viciousness of literature as the reason for singling out this book, and another which is mentioned, for condemnation.

Similar complaints, most emphatically expressed, are made by almost all the Divines and Moralists of the time. Attacks on religion and on morals, (for these were, as may be supposed, very generally combined), were so common and

so licentious, that many pious and good men appear to have looked upon the progress of thought and feeling with despondency and despair.

In such a state of things it manifestly became the duty of the lovers and guardians of morality to collect their forces and put themselves in a condition suited for defence. They had been fighting loosely and carelessly, and disunited; so confident of their inherent strength, so relying upon general respect, that they had hardly believed the combat was in earnest. They had looked upon it rather as a mere academic disputation than as a trial in which their preservation or ruin was involved: rather as an encounter of wits for superiority, than as a struggle of moral principles for life. That the battles of speculators concerning Morals, Politics, and Religion were an affair of real practical import, heavy with the most solemn consequences, the history of the remainder of this eighteenth century showed too clearly; but it was only about the time of which I speak, that this conviction began to force itself upon the minds of the friends of the principles then established. It was however now plain, that the emergency was a weighty one, and that it behoved the teachers of morals and religion to provide for the safety of the host which looked up to them for guidance.

A bold and vigorous champion stepped forth, and proceeded to order the mode of defence which the defenders of morality were to adopt. Learned in ancient and accomplished in modern literature, acute in the conduct of arguments, ingenious in the invention of theories, self-confident almost to haughtiness, sarcastic, lively, he was beyond doubt the ablest controversialist of his day. I speak of Warburton; who did, in fact, give to the theory of morals the form in which it has been received among us almost up to the present time. He, I say, at the time now under consideration, set himself to arrange the principles of morality in such a form that

they might be systematically and successfully defended. He did not hesitate at once to collect and unite forces of various kinds, so far as they could be made subservient to a common purpose. It was no longer now a time, he conceived, when it was wise or fit to insulate the various bodies of genuine moralists;—to separate those who founded morality on the relations of things, and those who derived it from the will of God. The history of the subject had shown the evil of this. The old Platonic moralists, such as Cudworth and More, had been abandoned by their brethren; and their little host, insulated from the rest, seemed to have crumbled away. The independent moralists who still remained, as Clarke and Butler, could be upheld only, Warburton thought, by surrounding them by a line of more robust combatants. And along with these, he was willing to accept as allies that other class of moralists, who had lately assumed a distinct shape, and who ascribed to man what they called a *Moral Sense*; the school, as we shall see, of Shaftesbury. Warburton considered Shaftesbury as one of the adversaries whom he had to oppose, since his writings were directed against the Christian religion: but this did not prevent him from adopting the Moral Sense, in the most distinct and positive manner, as one of his principles. The first books of the *Divine Legislation of Moses*, in which this was done, appeared in 1738. Warburton's basis of the defence of morality, is a combination, or as such a system is sometimes termed by writers on the History of Philosophy, a *syncretism*, of all the principles on which immoral writers and mere sensual moralists had been previously opposed: namely the Moral Sense,—the Eternal Differences of Actions,—and the Will of God (p. 136). He shows great skill in asserting and maintaining the co-existence and relative offices of these three principles. "God," he says,—"graciously respecting the imbecility of man's nature, the slowness of his reason, and the violence of his passions,

hath been pleased to afford three different excitements to the practice of virtue ;—something that would hit men's *palate*, satisfy their *reason*, or subdue their *will*." He complains that "this admirable provision for the support of virtue hath been in great measure defeated by its pretended advocates, who, in their eternal squabbles about the true foundation of morality and the obligation of its practice, have sacrilegiously untwisted this *Threefold Cord* ; and each running away with the part he esteemed the strongest, hath affixed that to the throne of God, as the golden chain that is to unite and draw all unto it." He then proceeds, with great dexterity, to play off these three sects against each other. The advocates of the MORAL SENSE, he says, (pointing at Shaftesbury) hold the essential differences in human actions "to be nothing but *words, notions, visions, the empty regions and shadows of philosophy* : the possessors of them are *moon-blind wits* ; and Locke himself is treated as a schoolman. And to talk of reward and punishment consequent on the will of a superior, is to make the practice of virtue mercenary and servile." He then speaks of those who adopt the ESSENTIAL DIFFERENCES of things as the ground of morality : and according to these, he says, "God and his Will have nothing to do in the matter." And the third, he says, "who proposes to place morality on the WILL OF A SUPERIOR, which is its true bottom, acts yet on the same exterminating model. He takes the other two principles to be merely visionary : the moral sense is nothing but the impression of education ; the love of the species, romantic, and invented by crafty knaves to dupe the young, the vain, and the ambitious." He proceeds with still more ingenuity, to find a recognition of this threefold aspect of virtue in St Paul : "Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just : Τὸ λοιπὸν ἀδελφοί, ὅσα ἐστὶν ἀληθῆ, ὅσα σεμνά, ὅσα δίκαια ; ἀληθῆ evidently relating to the essential dif-

ference of things, *σεμνά*, (implying something of worth, splendour, dignity) to the moral sense which men have of this difference; and *δίκαια*, just, is relative to will or law." In the same manner he distributes "pure, lovely, of good report," into the three pigeon holes of his theory, "*ἀγνά*, pure, referring to abstract truth; *προσφιλή*, lovely, amiable, to innate or instinctive honesty; and *εὐφρημα*, of good report, reputable, to the observation of will or law." He again makes a similar attempt on the concluding words of the passage, although they do not form a triad. It is easy to see that if they had been these, "if there be any virtue, *if there be any wisdom*, if there be any praise," he would have been most triumphant: that is, he would have said,—if I may venture to complete what he has said,—"if the moral sense can make the practice of morality a virtue; if the essential differences of things" [can render it conformable to reason;] if obedience to a superior will can make it matter of praise; think of these things. But though we cannot fail to admire the ingenuity with which Warburton thus constructed and illustrated his system, it is difficult for the genuine moral philosopher to maintain it in precisely that form which he assigned to it. In his desire to engage in his service all the strongest supports of morals which he could discover, he has hardly sufficiently attended to the nature of each, and to their mutual relations. If these three elements are to be united in order to obtain a basis for our system of morals, this must be done, not by arbitrarily and forcibly twisting them together, but by combining them in their proper relations, so as to form an organic and living whole. That Warburton has not done so, it is not difficult to show. But before I show this, I must consider more in detail the history of the elements which he here attempts to combine. This I shall proceed to do in the next Lecture.

LECTURE VII.

SHAFTESBURY—HUTCHESON—BALGUY—SOUTH.

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IN my last Lecture, I stated that when the general prevalence of licentious speculative opinions respecting morality had become very alarming, of which state of things the publication of the *Fable of the Bees* and similar works was an indication, Warburton tried to put the cause of sound morals in a better condition for defence, by combining all the principles which had been employed by his predecessors against the doctrines of the sensual school. The principles which he thus associated were, I stated, these: Right Reason, the Moral Sense, and the Divine Command. Of the first of these doctrines and its features, I have already given an account in several Lectures. I must now trace the rise and progress of the other two forms of opinion; and first the Moral Sense.

In a former Lecture, I endeavoured to explain how the controversy between the school of independent morality, and the school of the morality of consequences, was affected by the new metaphysical opinions to which Locke's essay gave currency and authority. It appeared that those who had, till then, maintained that moral rectitude consists in eternal and immutable relations recognizable by the reason of man, had their arguments weakened and perplexed by the analysis of the human mind which was now generally admitted, and by the limits within which the province of the reason was now circumscribed. Such doctrines as those of Cudworth and Clarke, though still asserted by some, began now to be considered as remnants of a past philosophy;—propositions antiquated before they were published;—traditionary asser-

tions, repeated only because those who uttered them did not perceive how great a revolution the import of their terms had undergone, or how much the views of philosophers had changed, concerning the region in which truth resided, and the road by which her votaries were to travel to her. A few short phrases of weariness and contempt were considered by the world as answer enough to the most acute and laborious works which breathed the old Platonic strain.

Yet in this, as in other cases, when a great controversy is thrown into confusion by a change in the speculative opinions which its terms imply, after a season of vacillation and misunderstanding, the antagonist parties again form themselves, and stand, as before, with opposite fronts, though, it may be, with new watch words on each side. From the time of Locke, the morality of consequences appeared to prevail over the morality of *a priori* principles; but still the spirit of independent morality was alive, and soon found a garb in which it could claim the respect of men.

Though moralists no longer found the common voice of mankind respond to them, when they declared that virtue and vice were founded upon eternal and immutable distinctions, apprehended by the reason, there were still many who could not be content with such a representation of man's nature, as that which assigns to him no higher motives than the love of pleasure and the aversion to pain. And these persons sought in various quarters, and under various forms, the principles of genuine morality, and the faculties by which we apprehend those principles. One such principle, thus ascribed to human nature, was a general benevolence and sociality,—a love of his kind,—which man possesses, it was held, in addition to his regard for his individual pleasure and interest. This doctrine was at this time very commonly maintained by moralists and jurists throughout Europe, having been made by Grotius and Puffendorf the basis of their systems. Cum-

berland asserted in a very decided manner that such was the proper ground of human action, clearly dividing this principle of benevolence from the regard to our own good. Thus he says (Chap. v. Sect. 22): "His own happiness is an extremely small part of that end which a truly rational man pursues; and bears only that proportion to the whole end (the common good with which it is interwoven by God the author of nature) which one man bears to the collective body of all rational beings, which is less than that of the smallest grain of sand to the whole mass of matter." And although he sometimes speaks of our acting so as is necessary to complete our own happiness (Sect. 27), he immediately adds that "this happiness necessarily depends upon the pursuit of the common good of all rational agents; as the soundness of a member depends upon the soundness and life of the whole animated body; or as the strength of our hands cannot effectually be preserved without first preserving that life and strength which is diffused through our whole body." Thus the well being of the whole community is assumed as necessary, not only to the attaining, but to the conceiving the well being of the individual; and I note this the more especially, because this feature and the images by which it is illustrated, may sometimes enable us to distinguish to which of the two antagonist schools moralists belong, when they seem to approach near to the boundary line. Comparisons, such as are here employed, (the human body and the human species,) belong almost exclusively to those who maintain that morality is an end in itself. They are employed by Plato in his Dialogues, the first clear argumentation on that side of the subject which was given to the speculative world; and we shall see that they still continue to be used by those who may be looked upon as the assertors of the same side of the question, at a period later than that of which we are now speaking.

Of the moralists of this school, in the period immediately

succeeding the publication of Locke's *Essay*, Lord Shaftesbury may be considered as one of the best representatives. His grandfather, the celebrated Achitophel of Dryden, had Locke for his intimate friend; and the grandson was bred up in a habit of deference to the philosophical reformer. But this did not prevent him from discerning the real tendency of the morality which was involved in the new system; nor from declaring himself the opponent of the doctrines thus promulgated. In his "Letter to a Student in the University," after observing that "all those called free writers now-a-days have espoused those principles which Mr Hobbes set a-foot in the last age," he adds, "Mr Locke, as much as I honour him, on account of other writings (on government, policy, trade, coin, education, toleration, &c., and as well as I know him, and can answer for his sincerity, as a most zealous Christian and believer,) did however go in the selfsame tract, and is followed by the Tindals and all the other ingenious free authors of our time."

"'Twas Mr Locke," he adds, "that struck the home blow, for Mr Hobbes's character and base slavish principles of government, took off the poison of his philosophy. 'Twas Mr Locke that struck at all fundamentals, threw all order and virtue out of the world, and made the very ideas of these (which are the same as those of God) unnatural and without foundation in our minds."

In opposition to these dangerous and degrading opinions, Shaftesbury maintained the independent and original nature of moral distinction. He calls himself a *Moral Realist*, as opposed to others who he says (*Characteristics*, II. 257) are mere *Nominal Moralists*, making virtue nothing in itself, a creature of Will only, or a mere name of Fashion. His view of the ground of morality is nearly the same as that which we have already seen in Cumberland. Virtue requires an attention in each individual to the good of the whole; and the loss of this

disposition is a disorder which includes the unhappiness of the individual among its evil consequences. (*Inquiry concerning Virtue ; Characteristics*, II. 82), " When there is an absolute degeneracy, a total apostasy from all candour, equity, trust, sociableness, friendship, there are few who do not see and acknowledge the misery which is consequent. Seldom is the case misconstrued when at worst. The misfortune is, we do not look on this depravity, nor consider how it stands, in less degrees. The Calamity, we think, does not of necessity hold proportion with the Injustice or Iniquity. As if to be absolutely immoral and inhuman were indeed the greatest misfortune and misery ; but that to be so in a little degree should be no misery nor harm at all." And then follows one of the characteristic illustrations of this school, " Which to allow is just as reasonable as to own that it is the greatest ill of a body to be in the utmost manner distorted or maimed ; but that to lose the use only of one limb, or to be impaired in some one single organ or member is no inconvenience or ill worthy the least notice."

It is not difficult to see here and in similar explanations of the school of moral realists, that although *calamity*, *misery*, *unhappiness*, and the like terms, are used to describe those attributes of vice which make it a thing to be shunned and hated, the real fundamental notion of this evil is the violation of man's nature, as a *system* in which the parts have certain essential relations to each other, and to the whole. Accordingly the author adds, immediately after the passage I have quoted, " The parts and proportions of the mind, their mutual relation and dependency, the connexion and frame of those passions which constitute the soul or temper, may easily be understood by any one who thinks it worth his while to study this inward anatomy. 'Tis certain that the order or symmetry of this inward part is in itself no less real and exact

than that of the body"—and to the same train of thought belongs what he elsewhere says (ii. 121), "that to want conscience or natural sense of the odiousness of Crime and Injustice, is to be most of all miserable in life."

Shaftesbury possesses great merits as a writer, and was much admired by a great number of his contemporaries. And beyond doubt his influence contributed to preserve his countrymen in some measure from that very low scheme of morals which results from resolving virtue into a mere pursuit of pleasure. But while he did this, he found, or fancied, that there was a school of divines, as well as a school of philosophers, whose tenets were at variance with his; and the harshness, and I may say petulance, with which he condemns and ridicules these adverse theological doctrines, together with his want of reverence for revealed religion, produced an enmity between him and Christian writers, to whom, on some points, he might otherwise have been a valuable ally. The main point of offence with him is the practice, which he lays to the charge of divines, of making virtue a mere matter of self-love, by resting her obligation entirely on the hopes and fears of a future life (ii. 59). If any divines had done this in such a way as to lose sight of the goodness and justice of the great Judge, and of the love of goodness which he demands even more than outward acts, they would be justly liable to the accusation of perverting religion, no less than morality. I am not aware of the existence, at this time, of books of any degree of general currency which put forth such mistaken views; and I think we may rather ascribe this noble writer's ebullitions of ill humour on such subjects to a dislike towards the clergy and their peculiar views; which we may trace very generally in the men of the world of the period now under consideration.

Without here attempting to analyse the origin of this

feeling, I may observe that so far as our subject is concerned, it manifested itself in two ways. The philosophical revolution brought about by Hobbes and Locke had divided the speculative world between two opinions, the old and the new. If the clergy adopted the new doctrine, that self-love is the only spring of human action, they were upbraided as lowering the dignity and purity of virtue;—if on the contrary, they kept their ancient ground, and held that virtue is a good, to be sought for its own sake, they were sneered at as the obstinate assertors of visionary and obsolete notions.

Shaftesbury is to be condemned so far as he *opposed* morality to religion; but the objections to him would have been unphilosophical if they had merely depended upon his *distinguishing* morality and religion. We must not refuse to accept Shaftesbury as the origin of a new school of real moralists, if he be indeed so. And there was an opening for such a school.

The ancient school of Cudworth and Clarke was now nearly extinct; yet a divine of some note who answered Shaftesbury, still upheld the credit of this school. This was John Balguy, vicar of Northallerton, and prebendary of Salisbury (B.A. in 1705). In 1726 and 1728 he wrote replies to Shaftesbury's *Inquiry Concerning Virtue*, and also to the work of Hutcheson, which we shall soon have to mention. In these publications he speaks of "that excellent, that inestimable book, Dr Clarke's *Boyle's Lectures*," and expresses his surprize that a person of the discernment and penetration which he ascribes to his adversary, rose dissatisfied from that work with regard to the points before us, namely, the foundations of morals (*Tracts*, p. 66).

Balguy (*Tracts*, p. 66) did not hesitate still to declare his assent to the ancient formularies of the Cambridge school—that the morality of actions consists in conformity to

Reason, and difformity from it—that virtue is acting according to the absolute fitness of things, or agreeably to the Nature and Relations of things—that there are eternal and immutable Differences of things absolutely and antecedently; that there are also eternal and unalterable Relations in the nature of the things themselves; from which arise agreements and disagreements, congruities and incongruities, fitness and unfitness of the application of circumstances to the qualifications of persons. To these Clarkian and Cudworthian phrases Balguy adds others, as “that virtue consists in the conformity of our wills to our understandings,” and these ways of speaking he endeavours to explain and defend.

But these were now becoming antique and unusual sounds. In general the moral realists were aware that they gave their adversaries an advantage, when they ascribed the discernment of moral relations to the Reason, narrowed as the domain of that faculty had in later times been. They now found it more convenient to assert that moral distinctions were perceived by a peculiar and separate Faculty. To this faculty some did not venture to give a name, but described it only by its operations and results, while others applied to it a term, *The Moral Sense*, which introduced a new set of analogies and connections. Each of these courses had its inconveniences for the assertors of the faculty, as we shall see. And first of the latter course.

It has been customary of late among those who have written concerning the History of Ethics in England, to speak of Hutcheson as the writer who introduced this term the *Moral Sense*. The phrase, however, is repeatedly used by Shaftesbury, whose follower Hutcheson was. In the *Inquiry concerning Virtue* we are told (p. 44), “Sense of right and wrong being as natural to us as natural affection itself, and being a first principle in our constitution and

nake, there is no speculative opinion, persuasion, or belief, which is capable immediately or directly to exclude or destroy t." And this sense of right and wrong is constantly, in the margin at least, termed "The Moral Sense."

As this phrase, and the faculty to which it is applied, have in more recent times become so celebrated, perhaps it will be allowed me to lay before you more particularly the manner in which the faculty was described, when it was first, in its modern form, brought into a prominent position in Ethics. Shaftesbury likens the natural sense of the right, to the natural sense of the beautiful, which he assumes as incontestable. "The mind," he remarks (*Inquiry*, p. 29), "observes not only things, but actions and affections. The mind which is thus spectator and auditor of other minds cannot be without its eye and ear; so as to discern proportion, distinguish sound, and scan each sentiment or thought which comes before it." He goes on to say that thus observing, it must admire or condemn—"It finds a foul and a fair, a harmonious and a dissonant, as really and truly here as in musical members or visible forms. It cannot withhold its admiration and ecstasies, its aversion and scorn. To deny the common and natural sense of a sublime and beautiful, is," the noble writer pronounces, "mere affectation. And as this is true of the natural, so is it of the moral world. The heart at such a spectacle cannot possibly remain neutral: however false and corrupt it be, it judges other hearts. It must approve in some measure what is natural and honest, and disapprove what is dishonest and corrupt."

I shall not stop to show how this assumption of such a Sense is employed by Shaftesbury in establishing that which is the general Thesis of his *Inquiry*:—that it is according to the private interest and good of every one to work towards the general good; which if a creature ceases to promote, he is actually so far wanting to himself, and ceases to

promote his own happiness and welfare. I proceed to his follower, Hutcheson*.

Francis Hutcheson was the son of a dissenting minister in Ireland, and was educated at the University of Glasgow. His *Inquiry into the Ideas of Beauty and Virtue* was much admired on its first appearance (about 1727). In this work the author notes that fundamental antithesis of moral systems which we have all along kept in view. There are, he says, two opinions entirely opposite, both intelligible, each consistent with itself (pp. 207-211). The first of these opinions is, that all actions flow from the prospect of private happiness; the other which he opposes to this is, that we have not only self-love, but benevolent affections, and a moral sense. The moral sense he describes as that which determines us to approve the actions which flow from the love of others.

It is evident that the Moral Sense here comes forward as the main element on the side of independent morality, and thus takes the place of the fitness, truth, right reason, and other former strong-holds of that school. But though the Moral Sense is thus substituted for the ancient Rectitude, the things are very far from being equivalent; and by this substitution, the character of the controversy was very materially altered.

It will perhaps best serve to show the nature of this transition if we inquire how the new view was looked upon by the remaining adherents of the old realist school—those who maintained, with Clarke and Cudworth, that the morality of actions consisted in their conformity to reason.

* Lord Shaftesbury, 1699, *Inquiry concerning Virtue*.
 Dr F. Hutcheson, 1727, *Inquiry into the Ideas of Beauty and Virtue*.
 Dr Balguy, 1728, *The Foundation of Moral Goodness*.
 Dr Butler, 1726, *Sermons*.
 Wollaston, 1726, *Religion of Nature*.
 Warburton, 1738, *Divine Legation*.

I have already noticed Balguy as a combatant in the ranks of this now scanty host. He very soon published a Reply to Hutcheson's Inquiry, which he entitled *The Foundation of Moral Goodness, or A Further Inquiry into the original of our Idea of Virtue* (1728). His objections to Hutcheson's system are mainly these:—(1) That Virtue, according to the new doctrine, depending entirely upon two Instincts, Benevolent Affection and the Moral Sense, becomes arbitrary and insecure: (2) That brutes, since they have kind instincts or affections, have, on these grounds, some degree of Virtue: (3) That if these affections constitute Virtue, the Virtue must be the greater in proportion as the affections are stronger; and that thus we contradict the notion of Virtue which represents it as controlling the affections: (4) That Virtue is degraded by being made a mere result of Instincts: (5) To these are added some more peculiarly realist arguments; as (6) (p. 49) that, according to this view, we can attach no meaning to the assertion that the Laws delivered by God are holy, just, and good, since the standard of goodness, which the theory sets up for man, cannot apply to Him: and (7) that, according to the theory, if God had not given us this benevolent instinct, we should have been incapable of Virtue; and that on that supposition, notwithstanding Intelligence, Reason, and Liberty, it would have been impossible for us to perform one action really good—a conclusion which the adherent of the Clarkian school holds to be absurd.

The main force of these arguments as they apply against the assertion of a Moral Sense,—and it is in fact a very weighty consideration,—resides in this: that the doctrine of the Moral Sense, as delivered by Hutcheson, represents that Sense as a mere Instinct, and thus takes Virtue out of the domain of the Reason. This, as was to be supposed, the disciple of Clarke conceives to be a monstrous and degrading proceeding, (p. 63.) “To make the Rectitude of Moral

Actions dependent upon Instinct, and in proportion to the warmth and strength of the Moral Sense, rise and fall like spirits in a thermometer, is depreciating the most sacred thing in the world, and almost exposing it to ridicule." Again (p. 58), "If virtue and the approbation of virtue be merely instinctive, we must certainly think less highly and less honourably of it than we should do if we supposed it to be rational: for I suppose," he adds, "it will be readily allowed that Reason is the nobler principle." No, he cries in another place (p. 46), "Let virtue by all means be natural; but let it also be necessary—Let it reign without a rival, but let its throne be erected in the highest part of our nature."

It cannot be denied, as I have already intimated, that there is great force and signification in this remonstrance. Beyond all doubt we do not rise to a just idea of virtue except we represent it to ourselves as a rational activity, not an instinctive impulse of our nature. Instinct is blind, but Virtue must see her object and be conscious of her purpose. She partakes of the nature of Reason in the highest sense of the term. Whatever be the source of the truth which Virtue contemplates, it is a part of her office to contemplate truth; even to discover it when hidden;—to bring it forth when obscure;—to combine principles;—to look to consequences;—to conduct trains of demonstration;—to detect fallacies;—to expose sophistry. If virtue be not a mere modification of the Reason, at least she must be both reasonable and rational; conformable to right reason, capable of just reasoning.

It is true, as I have already remarked, the identification of Virtue with Right Reason which had long found favour in the eyes of moralists, was now dissolved by the circumscription which the province of Reason had undergone in modern times. Reason was now no longer, at least no longer com-

monly, used to designate all the higher faculties of our nature. It no longer included all by which the rational are superior to the irrational creatures. Virtue was perhaps thus shut out of the narrowed limits of mere Reason. Granted, that this might be so; but she was not by this driven into the immeasurably inferior jurisdiction of Instinct. If Virtue was not Right Reason, at least she was not irrational. If she was not a mere system of clear views, at least she was not a mere collection of blind impulses.

Thus the moralists of Right Reason, the old Cudworthian school, had arguments of no small weight to urge against the new assertors of the Moral Sense. These latter moralists, actuated, unconsciously perhaps, by a perception of the difficulties which the Realist school had of late suffered, in maintaining its old high ground, had moved downwards, but had been by no means cautious in the exact selection of their new position; and had not taken pains to adopt the most unexceptionable phraseology to express their views. The term *Instinct*, which exposed the system to such glaring objections, had not been shunned by Hutcheson. He says (Vol. I. p. 155): "The true spring of virtue is some determination of our nature to study the good of others, or some instinct which influences us to the love of others, as the moral sense determines us to approve" certain actions. Even the term which was employed as the most usual designation of the principle thus spoken of, and which has now almost acquired an established place as a technical term, the moral *Sense*, was very far from being unexceptionable. In its wider signification, no doubt, this term might be employed to designate any mode of apprehending things and the relations of things. Shaftesbury, the leader of this school, had illustrated his *Sense* of right and wrong, by comparing it with the apprehension of beauty and deformity; and thus had shown plainly enough that he did not intend to suggest the analogy

of the bodily *senses*. But the Sense of Beauty was almost as much a matter of controversy as the Sense of moral Right;—divided analyzers and theorizers as much;—was the subject of opinions as opposite, concerning its ultimate foundation and genuine elements. In this, as in the other subject, there were realists and nominalists, a rational and a sensual school. Some maintained an Independent Beauty, as some maintained an Independent Morality; but others held that the ideas of Beauty were mere modifications of some agreeable impressions or other, made originally upon the bodily senses. This perception of beauty, then, could be no secure guide to a true understanding of the perception of right and wrong: the Beautiful was not a stable and solid enough foundation to allow philosophers to erect upon it the important structure of the Good. If the Moral Sense could not be made clearer than this analogy made it, the theory of such a sense was vague indeed; and its form ill fitted to bear the shock of controversy.

To avoid this vagueness, the defenders of the existence of the Moral Sense inclined to give more definiteness to the term by accepting the analogy which it offered with the bodily senses. This course at first seemed to offer some advantages. For instance, it enabled them, when pressed for a definition of moral right and good, to avail themselves of the Lockian maxim that “simple ideas are incapable of definition;”—that right and good were as undefinable as whiteness, and warmth; and were, notwithstanding, like the others, real and clear ideas. But though this answer might serve for the moment, it could hardly render much service to the party who could find none better. For who could steadily and calmly maintain the existence of a sense which tells us whether any given action is good and right, of the same nature as the senses which tell us that snow is white and cold? When the Theory of a Moral Sense is presented to

men in this form, it very naturally calls forth their loudest opposition; and indeed is generally received with ridicule, if not with anger and indignation, as implying a claim on the part of its propounders to the possession of a Sense which their neighbours have not: and this too precisely such a Sense as apprehends superiority and inferiority of the very highest kind.

Thus the assertors of the Moral Sense found it very difficult to make good the intermediate position between the higher and the lower schools of moralists, into which they had thrown themselves, as the fortress whence they were prepared to defend the cause of genuine morality. The old champions of immutable morality directed their antique artillery of Right Reasons and Eternal Relations upon the Moral Sense, as too low, too blind, too arbitrary, too variable, too limited, to be the main element of virtue: while the sensual school angrily assailed the fort on the other side, as built upon their own foundations, and presuming to tower above them with most arrogant and absurd pretensions. The new moralists tried to occupy a position between Reason and Sense, and upon this, the advocates both of Sense and of Reason turned upon them as foes. Their natural alliance was doubtless with the latter: for if Virtue must belong either to Reason or to bodily Sense, it is plain that her place is in the domain of the former. Even if we take the Lockian division of all Ideas into those of Sensation and those of Reflection, it cannot be doubted that the Idea of Right and of Moral Good must derive its existence from Reflection, not from Sensation.

If all our conceptions and notions belong either to Sense or to Reason, Virtue must be ranged either in one division or the other. If, on the other hand, Virtue be neither a part of Sense nor of Reason, this cannot be a complete division of the human faculties. And this appears plainly to be the case, from the course of the controversy which I

have described. In any rigorous sense of the terms, it was found impossible to maintain either that Virtue was merely a result of Reason, or a result of a Sense. And the two terms had in modern times had a rigorous meaning given to them. This had been the effect of the general progress of philosophy. Reason had been limited, Sense had been definitely studied. Nor was it fitting to undo what had thus been done, in order to get rid of the difficulty about the Moral Sense. If metaphysics have really become more precise, we must not attempt again to throw the subject into confusion, for the purpose of providing a temporary refuge for Morality. If Sense and Reason have taken up fixed positions, and Virtue cannot find a place with either of them, we must seek one which is appropriate to her. If philosophers have analyzed man's intellectual being, and ascertained that moral good does not derive its origin from thence, we must analyze the remainder of his being, and try if we can discover what the true source of moral relations is.

We must do this, that is, if we can, and as soon as we can. It is easy to say, "we must discover," but this declaration of necessity does not necessarily lead to discovery. It is easy to say, "we must analyze," but it is hard to analyze aright. If it be true that in recent times the Senses and the Intellect have been more thoroughly studied, more completely dissected, their structure and processes better determined than had before been done; how much labour, how much time, how much ability, how long a succession of persevering enquirers, each profiting by the labours of his predecessors, has this progress required! How little can one man, one generation, perform in such a task! If, after all the attempts to discover the true nature and grounds of moral rectitude, we have the labour to recommence, we can hardly hope that we shall be permitted to see it completed.

But this is not so. It is far from being true, in the

progress of knowledge, that after every failure we must recommence from the beginning. Every failure is a step to success. Every detection of what is false directs us towards what is true: every trial exhausts some tempting form of error. Not only so; but scarcely any attempt is entirely a failure; scarcely any theory, the result of steady thought, is altogether false; no tempting form of Error is without some latent charm derived from Truth.

If we have learnt that the foundation of Morality is not to be sought either in the Sense or in the Intellect, there is already something learnt. If the perception of this foundation, though wrongly designated as a Sense, be still a peculiar operation of our inward being, we may perhaps apply to it a more suitable designation. If we cannot tell what this perception *is*, we may still perhaps be able to say what it *does*. If we cannot assign to it an exact place in the human constitution, we may still mark out, in some wider manner, the region of human nature in which its operations are carried on; and may thus prepare the way for a closer approximation at some future time.

We have seen some of the inconveniences which the defenders of independent morality incurred by designating by a special name, and attempting to describe with some exactness, the faculty which discerns moral distinctions. But, as I have already mentioned, there was another class of writers, who, aware perhaps of the danger of entangling themselves in the defence of a theory technically enunciated, contented themselves with asserting their doctrines in general and variable phraseology, so as to show that they did not consider the truth of their system wrapt up in any one or two special forms of expression. Of these writers I must now speak.

Those who have asserted Independent Morality without introducing any technical name, like the *Moral Sense* of the

eighteenth century, or the *Boniform Faculty* of the seventeenth, have always been a numerous party among divines and moralists. With them the word *Conscience* has always been a favourite term to describe this power and its operations. But how far they were, by the use of such a term, from propounding any precise theory concerning its nature, and from pretending to decide concerning its character, as innate or acquired, original or derived, simple or complex, is easily seen by looking at the controversies which took place on these subjects. Thus the schoolmen disputed whether conscience be an *Act*, a *Habit*, or a *Power*. Sanderson, in his treatise *de Conscientiæ Obligations*, examines in a very acute and satisfactory manner the arguments on the various sides of this question, and decides that Conscience is something intermediate between an acquired habit and a true power; and hence he prefers to call it a *Faculty*, which appears to him to be a term in some measure applicable in common to habits and powers. It will easily be understood that such discussions as this, though they may not terminate in any intellectual theory so precise as those of modern times, still proceed upon some view then current of the constitution and parts of man's nature; and perhaps we may be allowed to say, that the portions into which the human mind was resolved by the philosophy of that and of preceding times, were in many respects as well made out and as clearly established as the elements which are presented to us by modern systems. The mind of man contained the Understanding, the Passions, and the Will; and the Understanding was considered as the Speculative and the Practical Understanding. This division, then, being admitted, the Conscience was defined by Sanderson to be (p. 13) "a Faculty or Habit of the Practical Understanding, by which the mind, through discourse of reason, applies the light which is in it to its own particular acts." And this view was accepted so widely among divines

that we may consider it as prevailing, except when it was interfered with by bolder theories, up to the time of Butler, whom I am of course led to take as the representative of the Unsystematic Moralists, at the time when the system-makers propounded the theory of the Moral Sense.

I will only illustrate what I have said by a single example, which may serve to show in a striking manner the functions and character ascribed to Conscience during the prevalence of these views. In a sermon of South's on *the Image of God*, he makes it his business to describe man with the glorious attributes which he possessed before his Fall from his original brightness. The description of the faculties and powers of man in that primary condition is, of course, a representation of all that was conceived most consummate and complete, both in the faculties and in their relation to each other. The preacher passes in review the various parts of the mind such as I have just stated them; he says on the subject now before us, such things as these:

“The Image of God was no less resplendent in that which we call Man's Practical Understanding, namely that storehouse of the Soul in which are treasured up the Rules of Action and the Seeds of Morality:” and after speaking of the notions which reside in this province of the soul, he adds, “It was the privilege of Adam innocent, to have these notions also firm and untainted, to carry his monitor in his bosom, his law in his heart, and to have such a conscience as might be its own casuist. Reason was his tutor, and First Principles his *Magna Moralia*—the Decalogue of Moses was but a transcript, not an original—all the laws of nations or wise decrees of states, the Statutes of Solon and the Twelve Tables, were but a paraphrase upon this standing rectitude of nature; Justice,” that is, as it appears by his context, the internal principle of Justice, “was not subject to be imposed upon by a deluded fancy, nor yet

to be bribed by a glozing appetite, for an *Utile* or *Jucundum*, to turn the balance to a false or dishonest sentence. In all its directions to the inferior faculties it conveyed its suggestions with clearness and enjoined them with power; it had the passions in perfect subjection; and though its command over them was but suasive and political, yet it had the force of coactive and despotical. It was not then as it is now, when the conscience has only power to disapprove, and to protest against the exorbitances of the passions, and rather to wish than make them otherwise. The voice of conscience now is low and weak, chastising the passions as old Eli did his lustful domineering sons: *Not so, my sons, not so*: but the voice of conscience then was not, *this should*, or *this ought to be done*; but *this must*, *this shall* be done. It spoke like a legislator; the thing spoken was a law; and the manner of speaking it a new obligation. In short, there was as great a disparity between the practical dictates of the understanding then and now, as between empire and advice, counsel and command, between a companion and a governor."

It would be easy to select other passages containing similar representations of the functions and authority of conscience, in writers of the period of which I now speak (the early part of the eighteenth century); although they become more rare as the systematic representations of morality as founded on pleasure and pain on the one side, and on a peculiar moral sense on the other, encroach upon the old more natural and familiar modes of representing man's moral nature. It would be easy also to adduce other forms of expression employed by unsystematic writers to designate the powers, habits, faculties, and acts of man's nature by which he judges of his own deeds and affections. But enough has probably been said to show that the old opinions concerning the functions, duties, and authority of that part of man's

ature in which his moral principles reside, the opinions which we noted as appearing in the earliest writers whom we had to quote, still existed and continued to animate a considerable portion of our literature, till the time of Butler, or at least till within a very short interval of that time.

Butler then I look upon as the successor of the unsystematic writers on morals. He took the phraseology of the subject as he found it in use among those who wrote on morals for practical purposes, and he abstained, studiously as it might appear, from giving an exclusive or constant preference to any one of them. In this way he obtained some advantages, but also incurred some inconveniences; and these must now be considered by us.

LECTURE VIII.

BUTLER—SHAFTESBURY—WARBURTON—BERKELEY—
TINDAL—BALGUY.

THE view which I have given of the progress of ethical speculation in England has brought us to Butler. I have already attempted in some measure to point out the place which he occupies in reference to the different schools of moralists. The controversy which had divided philosophers from the time of Plato, between the higher and the lower moralists, had assumed various aspects. At first it was the opposition of Ideas and Sense;—of Ideas, the principles of eternal truths, not derived from the material world; and of Sense, which supplied to man manifest undeniable material good. The reign of a purer religion had for fifteen hundred years suppressed the sensual doctrine; but at the end of that time, Sense began vigorously to reassert its claims, as the source at least of rich stores of *natural* knowledge; and the reverence for Ideas began to waver. When this struggle was carried into Ethics, at first the supporters of Ideas put them forth in their ancient form, as the foundations of Eternal and Immutable Relations: but it appeared that in this shape, they were no longer well suited to resist the new philosophy of Sense, flushed as it was with triumphs obtained in the natural world. Many moralists, no longer confiding in Ideas, in the necessary relations and fitnesses of things, sought to balance the morality founded upon mere bodily Sense, by a morality founded upon a principle, nominally indeed a *Sense*, but really an element opposed to sense—a Sense of the moral beauty and goodness of actions as a peculiar quality. These assertors

of the *Moral Sense* became the systematic opponents of the sensual school; or, using a term less obnoxious, of those who derived all morality of actions from the consideration of resulting pleasure and pain. But the common feelings of mankind, which have in all ages recognized right and wrong, good and evil, as something different from agreeable and disagreeable, from gain and loss, caused the adherents of independent morality to be a much larger body than the school who thus undertook their defence in this technical manner. Many persons admired the beauty of virtue, and felt the obligation of duty, who did not know, or could not be persuaded, that they did this by means of a peculiar Moral Sense. There were many who thought that their moral constitution was more truly represented by the ancient and familiar phrases, than by this new theory of a Moral Sense: These I have termed the Unsystematic Moralists. They asserted, or assumed without asserting, the existence of a power of moral judgment; but they did not pretend to separate this from other powers in any exact manner. Some separation of the human powers, indeed, is involved in the very language which describes them. Such differences as those of the Head and the Heart, the Understanding and the Reason, the Passions and the Will, are familiar to all men; and among such terms, the *Conscience* implied a principle as real and distinguishable as any other. And phrases even implying more of positive classification had found very general acceptance, as when the moral actions of man were ascribed to the Rational Principle, or to the Practical Understanding. By the progress of thought,—by the increased habits of mental analysis fostered by the general circumstances of human knowledge, and infused into the minds of all men by the contagion of society and the very use of language,—even unsystematic thinkers were compelled to take a more systematic view

than they had hitherto done, of the constitution and provinces of the human mind; and hence those who were convinced that they could perceive moral distinctions as something peculiar and of their own nature, must also believe that they possessed a faculty, however it was to be described, however to be derived, by which they apprehended such distinctions.

To assert the existence of a Moral Faculty more clearly and positively than had yet been done, without incumbering himself with too systematic a description or definition of its nature, was the merit of Butler, at the period when Hutcheson was publishing his assertion of the Moral Sense. All truths are seen dimly before they are seen clearly;—are conveyed in a vague and confused shape before they are expressed in a definite and lucid form. The analysis of bodies into their elements employed many generations, and was for centuries most obscurely and imperfectly apprehended; and yet, during these centuries, philosophers were travelling towards the truth, and were at every point obtaining positive truths of great importance. The analysis of the mind, like the analysis of matter, may be imperfect, and yet valuable. It is no proof of an absence of worth and importance in the doctrine of a Moral Faculty, that at first, the boundaries of such a Faculty seem vague, and even its independence questionable. It is of far more importance to prove the *reality* of its office, and to show that its existence gives a consistent and satisfactory account of those moral rules and convictions which the doctrine of consequences cannot explain.

In order to do this without making any superfluous assumption, Butler appears purposely to have shunned any appearance of technical names for the elements of our moral constitution on which he speculated; and to have studiously varied his phrases. Thus he speaks of *man's being a law to*

himself; of a difference in kind among man's principles of action, as well as a difference of strength; of an internal constitution in which conscience has a natural and rightful supremacy; along with other forms of expression.

But the course thus taken by Butler had inconveniences as well as advantages. Clarke adopted the received and metaphysical phraseology of his times, which, so far as moral philosophy was concerned, was not well adapted for tracing out his doctrines in a forcible and clear manner. Butler avoided this error; but was, in this manner, constantly driven to periphrastic and indirect modes of expression which blunt the point and obscure the aim of his reasonings. Hence, though he lays down his arguments in a clear and orderly manner, in good plain language, and with sufficient detail of steps and circumstances, he has always been found, by common readers, a difficult and obscure writer. And this was the opinion entertained of him in his own time by men of the world. "The bishop of Durham," says Horace Walpole, "had been wafted to that see in a cloud of metaphysics, and remained absorbed in it."

Joseph Butler, of whom I speak, was educated for the ministry of the dissenters, but was brought over to the episcopal church by his conviction of its valid claims. When yet young, and unknown, the interest which he took in speculations such as those of Clarke, had led him to enter into a correspondence with that divine, in which he displayed great acuteness and ability. This correspondence is published at the end of the later editions of the *Discourse on the Being and Attributes of God*. Butler soon after became Preacher at the Rolls Chapel (in 1718), and his sermons preached there were published a few years later. It is in these sermons particularly that his moral doctrines are to be found.

So much has been said in recent times of Butler's place among the English writers on moral philosophy, that it is the less necessary at present to dwell upon that subject; the more especially, as my object in the present course of lectures is, not to discuss and decide questions such as that of the Moral Faculty, but to give an historical sketch of the steps of the great controversy carried on in England concerning the arbitrary or necessary nature of moral truth.

I will only make two or three remarks. In the first place, I observe that Butler does really and effectively assert the principles which are the foundation of Independent Morality, more decidedly than he may at first reading be thought to do; his assertions being, as I have said, somewhat blunted, and apparently mitigated, by the generality of the language which he uses, and by his avoidance of technical terms. That he really does rest his moral system upon ideas, altogether distinct from consequences, will appear when we recollect how sedulously he insists upon the propositions, that among our principles of action there is a difference of *kind* as well as a difference of degree;—that to certain of our faculties belongs, by their nature, an authority and supremacy above others, and that this appears by a mere contemplation of the ideas of those faculties. Thus, when he puts the question (Serm. II.) “Which is to be obeyed, appetite or reflection?” he replies (p. 41), “Would not the question be intelligibly and fully answered by saying that the principle of reflection or conscience, being compared with the various appetites, passions, and affections in man, the former is manifestly superior and chief, without regard to strength, and how often soever the latter happen to prevail it is mere usurpation? The former remains in nature superior, and every instance of such prevalence of the latter is an instance of breaking in upon and violation of the constitution of man.”

These notions so steadily adhered to,—of a difference of

kind ; a peculiar constitution of man in which each faculty and motive principle has its place ; a nature which determines what ought to be as well as what is ; relations which are seen and apprehended as manifest by contemplation of the conceptions which they involve,—are the proper characters of the school of Independent Morality, and show how justly Butler, notwithstanding some vagueness, and perhaps some vacillation of expression, is taken as one of the principal philosophers who have upheld that side of the great antithesis of opinion on the foundations of morals.

There is another principle repeatedly employed by Butler, and which is, I think, worthy of more notice than has been given to it in general. In his view of the constitution of man, he considers the various affections and passions which belong to this constitution, not only as actual parts of our nature, which we must govern and control as virtue directs, but also as elements inserted by our Creator with peculiar purposes, and for definite moral ends ; and he conceives that we may discover what is the true regulation of such affections by tracing the moral purpose which they are fitted to answer. Thus he says (p. 35), “ Since then our inward feelings, and the perceptions we receive from our external senses, are equally real ; to argue from the former to human life and conduct is as little liable to exception, as to argue from the latter to absolute speculative truth. A man can as little doubt that his eyes were given him to see with, as he can doubt the truth of the science of Optics, deduced from ocular experiments. And allowing the inward feeling, shame, a man can as little doubt whether it was given him to prevent his doing shameful actions as he can doubt whether his eyes were given him to guide his steps*.”

* We may recollect that the same train of thought has already come before us in previous writers on this side ; as in the case of Henry More, whom we have seen adopting the Platonic notion that

Butler pursued this view of the irascible part of our nature somewhat further. He distinguished Resentment, the name by which he describes this element, into *sudden Resentment*, which is given us as a Protector which acts with energy before Reflection has time to rouse herself into action, and whose office is to repel harm, without regard to its being wrong as well as harm ;—and *settled Resentment*, which is naturally directed against vice and wickedness. “The one stands in our nature for self-defence, the other for the administration of justice.” It is by considerations such as these that the Idea, which at first appears so wide and barren, of a certain undefined Constitution of man, is traced by Butler into special moral duties. The proper office of each of the principles of our nature assists us also to determine their limits, and to lay down rules for their direction, control, or restraint.

I have already observed that while, among the defenders of Independent Morality, Clarke, in stating his moral opinions, entangled himself by adopting the terms of the prevalent metaphysical system, Butler too often perplexed his readers by trying to avoid all systematic metaphysics. But this mode of treating the subject does not answer the needs of those who pursue it as a speculative study. For short technical expressions, when they are familiar to us, enable us to avoid much labour of the intellect which we must otherwise incur ; and to fix our attention at once upon the critical part of each proposition and argument. If there shall be found to be introduced afterwards a technical classification of the faculties and operations of the human mind, which shall be consistent with the truths asserted by Butler, the business of understanding his arguments will be much simplified. We may conceive that, in his enquiries, he was doing that which, appetite provides for the needs of man's nature and anger for its defence, both in subservience to the governing power of reason.

in fact, discoverers always have to do. They search at the same time for true propositions and for precise definitions. Each of these elements depends upon the other; they are found at the same time, and approximated to by the same degrees. Men go on towards moral as they go on towards physical truth. The proposition that the planets are directed by a central force, became more and more certain, as the conception of a central force became more and more clear. We have already compared Cudworth to Kepler, who was confident there was such a force, yet most vague and loose in his description of it: perhaps not even Butler can be compared with Newton, who laid down the law of this force with complete evidence, and traced it to its remotest effects. He rather resembles Borelli or Wren or Huyghens, who referred this force to its true center, and saw with entire conviction the certainty of its operation, but wavered from one form of expression to another in their description of its nature; and though they asserted its existence, did not lay down its law in words, nor draw out a system of its consequences.

Of the three principles of morality included in the Syncretism of Warburton, Right Reason—the Moral Sense—and Divine Command, we may now consider the third; which brings us nearer to the domain of Theology.

I have hitherto considered Butler and his contemporaries (for, as I have said, Hutcheson's *Inquiry* and Butler's *Sermons* were published about the same time*) merely as moralists; as employed in determining the foundations of natural morals;—the principles of human conduct according to mere philosophy. But we shall not be able to understand the true bearing of the speculations of this time, and the causes which affected the fortunes of the subject in its next shape,

* Butler's *Sermons*, 1726; Hutcheson's *Inquiry*, third edition, 1729; the Dedication, to the second edition, is dated 1725.

without taking a survey of these speculations from another point of view; without considering what bearing Morality, according to the systems which were in currency at the time of which I speak, had upon Religion;—how men's views of their duties in this life were connected with their eternal hopes.

The system of Clarke, according to which Morality is derived by rigorous deduction from right reason, and the doctrine of the Shaftesbury school, that virtue is the object of a peculiar Sense or Taste, each gave to virtue a kind of independence, which seemed to make extraneous support superfluous. And hence the enemies of revealed religion saw with pleasure, and its friends with pain, the probability of an attack upon it from this side; which accordingly took place. I have already said that Shaftesbury had been looked upon, and we must regret to say, with incontestable justice, as an enemy of Christianity*. Not only did his view of the differences of actions, as founded upon inherent qualities, and perceived by a peculiar sense, make his Morality independent of Divine Command in its foundations, but he seemed unwillingly to admit a Divine Judgment into his scheme. It is true, that he often spoke of the Supreme Being and his government in a manner far from unseemly. Thus he says (*Inquiry*, p. 56), "If there be a belief or conception of a Deity, who is consider'd as worthy and good, and admir'd and reverenc'd as such; being understood to have, besides mere power and knowledge, the highest excellence of Nature, such as renders him justly amiable to all; and if in the manner this Sovereign and mighty Being is represented, or, as he is historically described, there appears in him a high and eminent regard to what is good and excellent, a concern for the good of all, and an affection of Benevolence and Love towards the whole; such an example must

* This is regretted by his admirer Hutcheson. Preface to *Inquiry*.

undoubtedly serve (as above explain'd) to raise and increase the affection towards Virtue, and help to submit and subdue all other affections to that alone." And to the influence of the Honour and Love which we must bear to such a Being, he adds the influence of a persuasion of his constant Presence. And again, "When the Theistical belief (his technical expression for the belief in a God) is intire and perfect (p. 57), there must be steady opinion of the superintendency of a Supreme Being, a witness and spectator of human life, and conscious of whatsoever is felt or acted in the universe: so that in the perfectest recess, or deepest solitude, there must be One still presum'd remaining with us; whose presence singly must be of more moment than that of the most august assembly on earth. In such a presence, 'tis evident, that as the shame of guilty actions must be the greatest of any; so must the honour be of well-doing, even under the unjust censure of a world. And in this case, 'tis very apparent how conducing a perfect Theism must be to virtue, and how great deficiency there is in Atheism."

And he allows that a belief in a future state of reward and punishment may support and preserve a man wavering between right and wrong; may even restore and repair the moral constitution when by evil practice it has been debauched and perverted (p. 61); and may make virtue, which was at first pursued for its consequences, to be loved for its own sake (p. 62). "In the same manner, where instead of regard or love, there is rather an aversion to what is good and virtuous, (as, for instance, where lenity and forgiveness are despis'd, and revenge highly thought of and belov'd) if there be this consideration added, 'That lenity is, by its rewards, made the cause of a greater self-good and enjoyment than what is found in revenge;' that very affection of lenity and mildness may come to be industriously nou-

rish'd, and the contrary passion depress'd. And thus Temperance, Modesty, Candour, Benignity, and other good affections, however despised at first, may come at last to be valu'd for their own sakes, the contrary species rejected, and the good and proper object belov'd and prosecuted, when the reward or punishment is not so much as thought of."

But this was so grudgingly allowed, so limited with conditions, and balanced with attendant dangers, that it was hardly to be wondered at that those who had trained their minds to think it man's duty to do all with reference to his great Master and Judge, were dissatisfied, and found that the language of the *Characteristics* was harsh and dissonant to their feelings. Of this we may take as an example the expressions of Bishop Berkeley, a man allowed by all his contemporaries of all parties to be one of the most amiable of men. In his *Vindication* of his Theory of Vision, p. 5, he says, "What availeth it in the cause of Virtue and Natural Religion, to acknowledge the strongest traces of wisdom and power, throughout the structure of the universe, if this wisdom is not employed to observe, nor this power to recompense our actions; if we neither believe ourselves accountable, nor God our Judge?"

"All that is said of a vital principle of Order, Harmony, and Proportion; all that is said of the natural decorum and fitness of things; all that is said of taste and enthusiasm, may well consist and be supposed, without a grain even of Natural Religion, without any notion of Law or Duty, any belief of a Lord or Judge, or any religious sense of a God; the contemplation of the mind upon the ideas of Beauty, and Virtue, and Order, and Fitness, being one thing, and a sense of Religion another. So long as we admit no principle of good actions but Natural Affection, no reward but Natural Consequences; so long as we appre-

and no judgment, harbour no fears, and cherish no hopes of a future state, but laugh at all these things, with the author of the *Characteristics*, and those whom he esteems the liberal and polished part of mankind, how can we be said to be religious in any sense? Or what is here that an atheist may not find his account in, as well as a Theist? To what moral purpose might not Fate or Nature serve as well as a Deity, on such a scheme? And is not this, at bottom, the amount of all those fair pretences*?"

Sir James Mackintosh in speaking of this passage (*History of Ethics*, p. 158) says, that here "this most excellent man sinks for a moment to the level of a railing polemic." But this expression is, I think it must be allowed, far too strong. How diverse the influence of Shaftesbury had been to the real belief in religion, was well and generally known. And no thoughtful Christian could be ignorant how baseless and hollow is a scheme of rules for human conduct which has no sanction beyond the beauty of virtue, and the existence of a moral sense. However much such a sense may aid us in discovering the rules of our duty, and even our relation to the Supreme legislator and Judge, it is only when its indications are pursued in that upward direction, that we obtain such prospects as are requisite to support and animate us in our progress. We may have such faculties, such a *sense* if you will, as is sufficient to enable us to find our way through the wilderness; but except this is accompanied with a firm belief in the beauty of the promised land, our wanderings may still be obvious, perverse and interminable. It was natural that Christian divines should grieve to see the internal light which exists in the mind of man employed to bewilder instead of direct him;—spoken of as if it were the *end* not the *guide* of this path;—as if he had to walk *to* it not *by* it.

But the Clarkian school, sincere and earnest Christians

* Berkeley, *Theory of Vision*, p. 2. (1733).

themselves, had no less, as I have already intimated, opened the way to a similar attack. It is true, that there was a broad difference between them and the school of Moral Instinct. For the Eternal Reasons which made things right and wrong in the eyes of all reasonable creatures when they were guided by their reason, could be no other than the Reasons which determined the Divine Will; and therefore regulated the Divine Commands. And thus, there was, in this scheme, a necessary coincidence between the Morality of Reason and the Commands of God. And thus, the judgment of right and wrong were not, in their scheme, the results of an instinct, taste, or sense, which contained no indication of a deeper ground, and higher sanction.

But then, this very identification of Reason and Command was urged by others as rendering one of the two superfluous. The opportunity of pressing the attack on this ground was taken by Dr Matthew Tindal, a Fellow of All Souls' College, Oxford, who had all his life been known as a writer against the Church of England and her Clergy, but who in 1730, at an advanced age, published a work in which all revelation was aimed at. The title of the book was, *Christianity as old as the Creation*. Tindal's two principal works against the Church and against Morals are referred to by Pope:

But art thou one, whom new opinions sway,
 One who believes as Tindal leads the way,
 Who Virtue and a Church alike disowns,
 Thinks that but words, and this but brick and stones?
 Fly then, on all the wings of wild Desire,
 Admire whate'er the maddest can admire.

His professed object was to show that Christianity, being the external revelation of the will of God, must agree with natural religion, which is the internal revelation of the same will; and the inference which was insinuated was, that Chris-

tianity is needless and useless; the original law and religion of nature being so perfect that nothing can be added to it by any subsequent external revelation.

I have said that this attack was in some measure occasioned by the doctrines which Dr Clarke had recently published. Accordingly an argument founded upon these was urged in the work, and was by some supposed to have a formidable aspect. Balguy, whom I have already mentioned as a supporter of Clarke's views, wrote an answer to Tindal, entitled *A Second Letter to a Deist* (the first letter to a Deist was the answer to Shaftesbury) concerning a late book entitled '*Christianity as old as the Creation,*' more particularly that chapter which relates to Dr Clarke. In this letter, it appears that Balguy's correspondent had proposed to him divers questions on the subject of Tindal's book: one of which was, "Has not the author, in his last chapter, plainly proved Dr Clarke inconsistent with himself: and that one part of his Lectures clashes with another?" The contradiction is, that the Law of Nature is asserted to be complete, and again asserted to be insufficient; and to this the author answers very triumphantly: "In setting forth the obligations of morality, Dr Clarke everywhere speaks of the Law of Nature in the highest and most advantageous terms. He considers it as arising necessarily and invariably from the true natures, reasons, and relations of things. He represents it as a system of eternal, universal, and unchangeable truths; as a perfect Rule of Action; as a Law independent of, and antecedent to, all other laws and obligations whatever. He declares, that all rational creatures are obliged to govern themselves, in all their actions, by the eternal Rule of Reason; and that it is not only a law to creatures, but to God himself, who is pleased to make it the unalterable rule of his actions in the government of the world. These, and many

other declarations of the like nature, are made by Dr Clarke; and some of them are quoted at large by your author in the fore-mentioned chapter.

“Has then Dr Clarke advanced anything afterwards in contradiction hereto? Has he anywhere denied the truth or perfection of this sacred rule? Has he, in any part of his book, expressed himself in derogation from it, or diminution of it? Not one syllable can I find to any such purpose. What then has he done? Why, he has brought a charge against mankind, of ignorance, negligence, perverseness, stupidity. He has affirmed, that they are such weak, frail, corrupt creatures, that sometimes they cannot, and, very often, will not understand, of themselves, what belongs to their duty. He has represented men, even the wisest of them, as invincibly ignorant, without Revelation, of some points of the utmost consequence. And as to the generality, he has shown, that they stand in need, upon many accounts, of more light, and better instruction, than either their own reason, or that of the ablest philosophers, could ever afford them. Whether these be facts, or mistakes, I desire to know where lies the inconsistency? On the one hand, we find excellent truths; a complete rule; a most Divine law: on the other hand, men corrupt; faculties neglected; understandings depraved. I have brought these doctrines close together, to give you, Sir, a fairer opportunity of discovering that opposition which your author pretends to find between them. But who can find it besides himself? Will any man say, that the reality, or perfection of a rule, depends upon the skill or disposition of the agent? Can the eternal truth and reason of things be disannulled, or any way altered, by the ignorance or frowardness of mankind? Why then so much pains taken to bring in Dr Clarke as an evidence against himself? Why so many passages produced, in order

to prove that he had often said, what, indeed, he always said, and never once denied*?"

Balguy adds (p. 277) another illustration to retort the edge of the argument, that the law of nature is perfect, that all men are capable of discovering it, and that therefore the Gospel is not needed. "Let it be granted," he says, "that temperance and exercise constitute a complete rule of health, and that all men are capable of discovering this. Does it then follow that physic and physicians are useless?" And thus it is that the completeness of the moral rule, even if it be complete, only proves more entirely how much our human nature requires something more than a rule. The end of our Ethics conducts us to the beginning of our Gospel. The place which the rules of morality hold in all sound systems of the philosophy of man, is that which St Paul assigns to them. The wrath of God *is revealed* against all unrighteousness and ungodliness of men; but still these men *hold* this truth, this *revelation* of conscience, *in unrighteousness*; and thus it becomes necessary that the Gospel Revelation should supply the needs which the revelation of Conscience only discovers. The Gentiles have a law in their hearts, as the Jews have on the tables of stone; but what is the place which this great doctrine holds in the high argument into which the apostle introduces it? Neither more nor less than this, to prove, of Jews and of Gentiles alike, that they are all under sin.

Thus the systems of ethics which found morality upon original and independent principles, not deducing our rules of action from commands and consequences merely, but assigning to them an inherent and essential value, do not in any way really trench upon the domains of religion, or interfere with the teaching of Christianity. Yet the pain and con-

* Balguy, p. 296.

troversy occasioned by such attacks as that of which I have spoken, even when successfully resisted and repelled, seem to have been among the motives which induced divines first to combine the other principle of morality with this one of the divine command, which, as I have already stated, was done by Warburton in 1738, and a little later, to resign, or at least to cease to put forward, as any essential part of their principles of morality, the Clarkian tenets of eternal relations, and the like. The form of Morals which thus became prevalent in this country must now be the subject of our consideration.

LECTURE IX.

WARBURTON—LAW—JACKSON—RUTHERFORTH—
WATERLAND.

WARBURTON, as I have said, attempted to combine, in his view of the true foundations of morality, the three principles of Right Reason, the Moral Sense, and the Divine Command. But in doing this, he did not avoid the objections which lie against each, as I must briefly show.

1. By speaking of the Moral Sense as an *Instinct* (following Hutcheson, as we have seen), he has put the assertion of such a *sense* in the most obnoxious and objectionable form. When asserted in this shape, it is difficult or impossible to find any unquestionable proofs of its existence. It is difficult to discover any instincts which are *moral*, or which cannot be *resolved* into such as are *not* moral;—which cannot be traced into such instincts as are subservient to self-preservation; or such as those by which families are formed and held together. When the moral sense is asserted in this form, separate from all reflex operation of the mind, without rational insight into the connexions and motives of actions, the usual arguments so often brought against its existence assume a very formidable front, and can hardly be opposed by any satisfactory replies, without, in some measure, changing the ground of the controversy.

2. The doctrine of essential differences in things, apprehended by the Reason alone, does not establish a genuine *moral* character of actions, as I have already observed in speaking of Clarke's view of morality. Whatever of fitness or unfitness for certain ends, of agreement or disagreement with certain ideas, there be in this or that course of willing

or acting, the discovery of these relations does not give an aspect of moral good or evil to actions, except it be conjoined with a sentiment of approval or disapproval, which it is not one of the functions of the Reason, strictly understood, to give. By adopting, as one element of his system, this doctrine of differences apprehended by the Reason, when the term *reason* was understood of the intellect only, Warburton made a disadvantageous alliance. No succeeding writers on morals have been able to develop the assertion of such differences into any thing of real value and strength.

3. Warburton thus made the assertion of the moral sense too coarsely definite, and that of eternal differences too barely rational. This arose from his separating too violently, from these elements, that idea which gives them their moral character: and this idea, thus injuriously insulated, he perverted. This was the idea of Obligation. This idea is really involved in the very conception of all moral rule and moral relation. That is *right* which we *ought* to do. If our moral faculty approves of a deed, we are under an *obligation* to perform it. The obligation may be evaded or disobeyed, but we cannot help recognizing it, by the very mental act by which we recognize the action as good. When our conscience tells us that we do wrong, we can have no doubt that we have violated an obligation.

This appears plain enough, but with this Warburton was not content. He laid it down as an axiom (*Div. Leg. B. I. Sect. iv. p. 141*) that "Obligation necessarily implies an Obliger;"—that the will can only be bound by an external Lawgiver. That the sanctions of a Divine Government are necessary to induce corrupted man to discharge the duties of Morality, we shall all agree. But that, in metaphysical analysis, there is no other basis of Obligation, appears to be quite inconsistent with the best ideas we can apply to the subject. We cannot but estimate actions as

or wrong; as what we ought and what we ought not to do; as duties and crimes: and in this very estimate, we find an obligation to do and to abstain. Who doubts that we are bound to tell the truth, to observe compacts, and not bringing into the Court of Conscience an external plea to punish intentional falsehood and bad faith? Does the theory which resolves Social Duties into a Social Compact acknowledge an original obligation in a Compact? If this obligation is too weak for practical purposes, is the question:—at least not the question which concerns us here, though it must be allowed that this consideration had a material bearing upon the argument of Warburton's book.

It is not that the obligation did not compel man's will, by no means; but that we have shown that it was not an obligation. The question concerning the nature and foundation of moral rules must be treated on its own ground: both for the sake of truth, and because, without this, we lose that sublime testimony of the Divine Government of the Universe which the Moral World, far more than the Natural, is capable of bearing.

4. This notion of Obligation, however, was not taken up gratuitously by Warburton, but for the purposes of his argument, or at least in harmony with those purposes. He formed the project of placing the Alliance between Morality and Religion on a new basis. In the old form of argument, it had been urged in favour of Religion, that Religion distinctly teaches that future retribution which Morality anticipates and requires. But he inverted the argument, and stated it thus;—that Morality does indeed require a sanction of Divine Government, and that therefore, if, while other Religions assume this as *future*, one does not, that Religion must have been able to point to this Divine Government as *present*: and this he applied to the ancient History of the Jewish Religion. And having taken this course, not content with the conclusion at which mere

human moralists had previously arrived, that Morality requires and anticipates, and renders probable, a future state of rewards and punishments; he would make the connexion still more rigorous, so that all Moral Obligation should imply a Divine Obliger, who must be perceived as presiding at present, if he were not taught as one who was to administer justice in future.

5. It is due to Warburton, and to the subject, to state, that however little we may be disposed to assent to his argument in favour of the Divine Character of the Jewish dispensation (as in fact I believe that *argument* has not been very generally assented to), his representation of the relation between Natural and Revealed Morality is really very instructive and valuable. He remarks (Book III. Sect. v. p. 536), that previous writers had either tried to prove the *reasonableness* of Christianity, by showing that the best pagan philosophers had arrived at moral rules and a doctrine of future retribution approaching to those which Christianity teaches: or else they have denied to the pagans a knowledge of such doctrines, in order to prove the *necessity* of revelation:—But that either way the argument was capable of being reversed; the infidel who ascribed these doctrines to the pagans, inferring revelation to be unnecessary; and he who could find no such truths in the conclusions of the natural understanding, declaring Christianity to be unreasonable. To both these views Warburton opposes his own. “The only view of antiquity which gives a solid advantage to the Christian cause, is such a one as shows natural reason to be clear enough to *perceive* truth, and the necessity of its deductions when proposed, but not generally strong enough to *discover* it, or to draw right deductions from it.” “Having of late seen,” he afterwards says, “several excellent treatises of morals, delivered on the principles of natural religion, which disclaim, or at

least do not own, the aid of Revelation, we are apt to think them, in good earnest, the discoveries of natural reason; and so to regard the extent of its powers as an objection to the necessity of further light. The objection," he adds, "is plausible; but sure there must be some mistake at bottom; and the great difference in point of excellence, between these supposed productions of mere reason, and those real ones of the most learned ancients, will increase our suspicion. The truth is (he continues), these modern system-makers had aids, which, as they do not acknowledge, so, I will believe they did not perceive; and these aids were, the true principles of religion, delivered by revelation: principles so early imbibed, and so clearly and evidently deduced, that they are now mistaken to be amongst our first and most natural ideas: but those who have studied antiquity, know the matter to be far otherwise."

He adds an illustration, drawn from the history of science, which appears to be of a perfectly justifiable, and very instructive nature, making some allowances. "I cannot," he says, "better illustrate the state and condition of the human view before revelation than by the following instance. A summary of the Atomic Philosophy is delivered in the Theætetus of Plato: yet being given without its principles, when Plato's writings at the revival of learning came to be studied and commented upon, this summary remained absolutely unintelligible; for there had been an interruption in the succession of that school for many ages; and neither Marsilius Ficinus nor Serranus could give any reasonable account of the matter. But as soon," he says, "as Descartes had revived that philosophy by excogitating its principles anew, the mist removed, and every one saw clearly (though Cudworth, I think, was the first who took notice of it) that Plato had given us a curious and exact account of that excellent physiology. And Descartes was thought by

some to have borrowed his original ideas from thence; though but for the revival of the atomic philosophy, that passage had still remained in obscurity. Just so," he continues, "it was with respect to the powers of the human mind. Had not revelation discovered the true principles of religion, they had without doubt continued altogether unknown. Yet on their discovery, they appeared so consonant to human reason, that men were apt to mistake them for the production of it."

In our assent to this comparison, we must, as I have said, make some allowances:—we must recollect the disposition which prevails, to believe that great physical truths, even of the most recent discovery, may be found anticipated in ancient authors of renown;—we must recollect also the triumphant position then occupied by the atomic theory, which at that period had met with no check from men of science; and we must bear in mind the current admiration for Descartes, which even then had not faded away. It is true in morals, not only *as much*, but very far *more* than in physics, that the greatest truths, when once promulgated, are profoundly persuasive and convincing by their own evidence. It is true in morals, *as well as* in physics, that truths which multitudes of the most *sagacious* of men had laboured for ages without discovering, when discovered, are held to be obvious and self-evident. It is true, *even* in *physics*, that we cannot analyze or explain the process by which great discoveries suddenly dart their light over the earth, truth taking the place of error, and knowledge, once shed abroad, operating upon and modifying men's thoughts without their being aware whence their new and clear insight proceeds. So far we may perhaps, with no irreverent feeling, assent to Warburton's comparison. But the burning up of the torch of science from time to time is a most imperfect image of the sunrise of the Gospel. The

revolution of thought produced by the greatest discoveries is a very inadequate representation, even so far as the rules and grounds of morals only are considered, (which are all that we here consider,) of the immeasurable improvement in man's views of truth which the Christian revelation produced. Religion says, with regard to moral philosophy, as well as with regard to man's relation to his Master and Judge, "*that* which ye ignorantly believe or blindly seek, that declare I unto you." But still Religion recognizes the moral law, as a schoolmaster whose previous training is a most valuable preparation and assistance to her own lessons. It is with this training that my business lies; and it is of vast importance that the principles taught in this stage of man's progress should be pure and true. I have attempted to show how far this was the case at that point of the history of the subject at which we have now arrived. And I have endeavoured to make it appear that, by separating the idea of Obligation from Natural Morality, and by transferring it entirely to the Divine commands and promises, natural morality was deprived of its peculiar instruction, and incapacitated from bearing the testimony which it so readily and emphatically renders, when it is allowed to speak freely to the perfections of God's character and the holiness of his law.

I now purposely turn away, as the course of my subject requires me to do, from the consideration of revealed morality, to resume the history of the discussions concerning the natural foundations of our duties.

Warburton's system naturally exercised a great influence upon the theologians and moralists of this country. His peremptory analysis of the idea of obligation into the commands of a superior, appeared to simplify the subject, and was very generally accepted. For it resolved that element of a moral law which, though essential to it, requires a

peculiar effort of abstract thought, into an external condition, easily understood, and, as at first appeared, easily applied. This therefore soon became the common foundation of morality among a large class of English moralists, and particularly divines. It appears especially to have found favour in this University.

Among the persons who inclined to such views was Edmund Law, afterwards bishop of Carlisle, who held the Professorship in virtue of which I am now addressing you, from 1760 to 1769. He was previously a Fellow of Christ's College, in this University; a college, as we have already seen, most fertile in moralists. His Notes on Archbishop King's *Origin of Evil* were published (with his translation of the work) in 1732, and therefore before the *Divine Legation*. And accordingly he does not in these Notes go to the lengths of Warburton. He says that he does not place the obligation of virtue in the mere will of God*, "as if his will were separated from his other attributes," which of itself, he owns, "would be no ground of obligation at all; since upon such a blind principle we could never be secure of happiness from any being how faithfully soever we resemble him in perfection:" that is, I presume, except we should believe what is demanded of us to be *good*, as well as *commanded*, we could not pursue it with any confidence or satisfaction. But still he approached sufficiently near the notion of a morality founded upon mere extraneous will, to incur remonstrance on that ground. At the time of which I speak, Clarke's work *On the Being and Attributes of God* had excited considerable controversy, as among men of a metaphysical turn of mind it was natural it should do: and Law had declared himself against the validity of the argument there urged. Those who defended the cogency of Clarke's reasoning, were very naturally also disposed to

* Vol. II. p. 313.

adhere to his views of morality as founded upon the essential relations of things; and these they maintained, at least so far as this, that they conceived that these relations, perceived by the Divine Mind, determined the commands which he had given to man. Among the persons who on this ground opposed Law, was John Jackson, Rector of Ropington in Yorkshire, and Master of Wigston's Hospital in Leicester. He published, in 1734, *A Vindication of Dr Clarke's Demonstration*; and in 1735, *A farther Vindication*, in answer to a Book by Law entitled, *An Enquiry into the Ideas of Space, Time, Immensity and Eternity, as also the Self-existence, Necessary Existence, and Unity of the Divine Nature*. I do not here meddle with this celebrated argument, except so far as it bears on the ground and obligation of Morality, which is the subject of a Postscript to Jackson's First Vindication. He there says, "The author of the *Notes* desires to know the precise meaning of the words Rectitude and Perfection of the Divine Nature, which I make to be the ground of the Divine Acts. In answer, the author of the thoughts may please to take my thoughts as follows: The rectitude and perfection of the Divine Nature which I make to be the ground of the Divine Acts, is the natural, essential, and perfect Intelligence or Reason of the Divine Mind, that on which is founded the unalterable disposition of God always to act according to what he cannot but know is fit and right in itself, or will naturally tend to the communication of happiness to rational and moral agents." We here see that the irremediable vagueness and emptiness of the Clarkian notion of Fit and Right, as apprehended by reason alone, was driving his followers to lean upon an object to which this fitness was subservient, namely, the happiness of rational agents. This notion was no doubt far more easily intelligible than a mere absolute Rightness; but if followed out,

and liberated from all that was incongruous with it, it leads to a view considerably different from that which it was brought to support. For fitness to the *moral nature* of man, and not mere subservience to his *enjoyments*, had been the principle on which duties had been rested by the former defenders of independent morality; but this principle their successors were gradually allowing to slip away from their grasp.

As the Cambridge men in general thus rejected the fitness of things, they were also indisposed to admit the Moral Sense. Though Warburton, as we have seen, was willing to accept the Moral Sense as a part of the forces belonging to the cause of virtue, the Cambridge moralists looked upon this new ally with suspicion, as incapable of being entirely reconciled to their philosophy. This feeling appears from a work in which the doctrine of the Moral Sense was noticed, and which shows that the opposite system was becoming a part of the habitual teaching of this place. I speak of an *Essay on the Nature and Obligations of Virtue*, published in 1744, by Dr Rutherford, Fellow and Tutor of St John's College. It is dedicated to one of his former pupils, Anthony Thomas Abdy, Esq., of Lincoln's Inn; to whom he says, "There is little in the following sheets which you have not heard me explain, upon different occasions, while you were under my care at the University." In this work he argues strenuously against Hutcheson's opinions. "The common and ordinary feelings of mankind, the senses and perceptions which are uppermost in the human constitution and are most attended to, plainly direct to private good, and instruct each individual to provide for himself in the best manner he can. But some of the later moralists," he says, "think they have discovered another sense in man, as natural to him as these are, though less observed—an appetite for doing good; a sense which has virtue for its object, and gives a disinterested approbation of all her dictates; an affection which

though it may perhaps be overlooked by the careless, or lie uncultivated in the minds of the dissolute, will yet sometimes break out, and force even the most inattentive to take notice of the charms of virtue, and the most abandoned to admire them." Hutcheson is referred to in the margin; and Rutherford proceeds to disprove the existence of this peculiar sense. And he afterwards goes on to lay down his moral principles on much the same basis as that with which we have since been so familiar:—that "Every man's happiness is the ultimate end which reason teaches him to pursue: and that the constant and uniform practice of virtue towards all mankind becomes our duty when revelation has informed us that God will make us finally happy in a life after this:" if we practise it.

This is teaching which undoubtedly is true as far as it goes; and which would perhaps do little harm in practice, so long as it was employed on the side of good morals. But its inherent defectiveness cannot be concealed; for how does our obedience to God on this view differ from our obedience to an arbitrary tyrant invested with superior power, or from the service which the idolater renders to an impure and cruel deity? Undoubtedly no one can charge such writers as I have noticed with making any such monstrous confusion. But what I wish to remark is, that they do not give the distinction its due place in the foundation of their system, where it ought to appear.

It is evident that the consideration which makes the difference between the cases is, that we have a moral esteem for the character and the law of the true God, as well as an obedience governed by his promises. We believe our Divine Ruler to be supremely holy, just, and good; and therefore we obey him with joy and love, as well as hope. But this distinction necessarily implies that we can form an idea of moral goodness, justice, holiness, quite other than obedience

to the will of a superior ; since it is only by combining these two elements that we obtain a true view of Christian virtue. And thus, when these two elements of virtue have been separated, as for purposes of analysis they should be, if, instead of reuniting them in one common service, we reject and despise one of them, we obtain a mutilated and deformed system, which has no real stability or completeness. This view is very clearly expressed by Dr Waterland, who was Master of Magdalene College in this University, and was one of the ablest opponents of Clarke. "It may be asked," he says*, "whether, if God had commanded men to be unjust and ungrateful, it would have been morally good to be unjust and ungrateful. To which I answer, that it is putting an absurd, self-contradictory supposition: for it is supposing a God that is not necessarily wise and good, a God and no God." In this view all parties may unite:— but I confess, I do not think a genuine moralist, or even a person of genuine moral feeling, could really assent to what Waterland subjoins. "Abstract from the consideration of the Divine Law, and then consider what justice and gratitude would amount to. To be just or grateful so far as it is consistent or coincident with our temporal interest or convenience, and no farther, has no more moral good in it than paying a debt for our present ease in order to be trusted again; and the being further just and grateful without future prospects, has as much of moral virtue in it as folly or indiscretion has: so that the Deity once set aside, it is a demonstration there could be no morality at all." I cannot but think this a very harsh and repulsive mode of stating that side of the question. Every person of generous mind must be revolted when he is told that to be just and grateful *without future prospects* has no more of good in it than any other folly and indiscretion has. If men will pro-

* *Works*, v. p. 508.

ound their opinions in such a form, we are obliged to answer them also in a way that may seem somewhat severe. If they hold, as Waterland here does, that an action of justice or gratitude proposed for the sake of a small future advantage has no moral character, they are surely quite inconsistent in maintaining that the same action derives its moral character from being performed with a view to an immeasurably great reward. If to aim at enjoyment in a future state on earth do not promote, but rather destroys the morality of our acts, how can they acquire a moral aspect from being directed towards the happiness of a future state, even in heaven? It will be replied, I believe, that this is so, because the happiness of heaven is inseparably connected with goodness: and thus we come round to the same point again; and thus too we see, as appears to me, how arbitrarily those speculators proceed who wish to separate these two considerations, which, as soon as they are called upon to justify themselves, they are compelled to reunite in order to make their doctrine tolerable.

LECTURE X.

GAY—TUCKER—PALEY.

EDMUND LAW's reasonings rather referred to the previous than to the succeeding aspect of moral speculation. He was rather of importance as confuting opinions till then prevalent, than as anticipating doctrines afterwards generally accepted. But there was prefixed to his translation of King's *Origin of Evil* a dissertation which has a more manifest affinity with the succeeding course of Cambridge morality. This was a *Dissertation concerning the Fundamental Principle of Virtue or Morality*, anonymous, but written by Mr Gay, of Sidney College. This piece has been referred to by Mackintosh and others as entertaining an anticipation of the opinions afterwards put forwards by Hartley, respecting the results of the principle of the Association of Ideas; and in that point of view, it has an important place in the history of the speculations upon that subject, to which Hartley's doctrines led, in Scotland and elsewhere: but I here consider Gay with reference to his place in the history of Cambridge moralists rather than metaphysicians. Law, in his notes on *The Origin of Evil*, rejected the Clarkian doctrine of absolute relations, as the foundations of Right and Wrong, and made a considerable advance towards the morality founded merely upon the pleasure and pain resulting from actions. Law's speculations however were of the nature of the work on which he commented, mixed up with discussions concerning the *à priori* arguments respecting the being of God, and the most abstract considerations which the human mind can attain to, respecting space and time, cause and effect, good

and evil: but Gay must be regarded as the predecessor of Paley.

The course which I have pursued has led me to the writers by whom the scheme of morality which has been taught in this University for the last century was framed, and I shall at present go on to describe the further steps of the development and fixation of this system. I may afterwards, if the time allow, resume the consideration of the progress of moral speculation among other classes of English writers from the time of Warburton, downwards. The views of Hutcheson, Hume, Smith, and Hartley, were pursued into many interesting and instructive speculations by Reid, Stewart, and Brown, and Mackintosh himself. But our Cambridge moralists employed themselves rather in constructing a system of morals on the selfish principle, than in metaphysical analysis. For the latter task, an indifference or distaste seems to have grown up in England about the time of which I speak. There was no wish to move onwards. The Scotch school of metaphysicians engaged with great assiduity in the analysis of man's faculties and principles, and endeavoured to advance further and further in this wide speculation. But the English moralists shunned rather than sought such inquiries. Cambridge men had taken their stand upon Locke in metaphysics, as they had taken their stand upon Newton in mathematics. They were weary of constantly changing their ground, and seeking new modes of defence against the enemies of morality.

I have already compared the attack of Hobbes and his followers upon the old defences of morality, to the assault of Rome by the Gauls. The readers of Livy will recollect that after that calamity the Romans deliberated whether they should migrate in a body to Veii; and that while they still doubted, a centurion who had marched his company

* Livy, v. 55.

into the forum gave the word, "Signifer, statue signum, hic manebimus optime." The Senate forthwith exclaimed, "that they accepted the omen." In the same manner this University seemed to have accepted the omen of the Lockian system, and to have resolved to rest at the point which had been indicated by words caught from the lips of those eminent men whose names I have just uttered; and she long rejected as superfluous or perverse all attempts to lead her to move to any other position; to add to or alter the system which they had thus adopted. As, however, the metaphysical system of Locke did really require, to say the least, important corrections, and as the moral system which was deduced from his principles, at least as here interpreted, involved most serious defects, we may easily conceive that the resolution not to change, prevented us from sharing in the advances which these sciences made elsewhere; as a rigorous adherence to and exclusive admiration of Newton long prevented our sharing in the progress of mathematics which took place on the continent. I am far from thinking that the teaching of a university ought to be readily susceptible of change, and eager in the adoption of novelties. Such institutions have for their object, as I have already said, to combine permanence with progress. But perhaps this caution was not enough attended to in *admitting* the systems of Locke and his followers, and therefore ought not to be held of paramount weight as a reason for *retaining* them. If they were too hastily accepted and established here, they ought to be at least gradually removed and replaced, if not suddenly discarded.

The morality of general consequences, in the naked and harsh form in which it has prevailed here, would, I do not doubt, have been modified and purified, as was done in other places, if it had not been for its singular felicity in finding an expounder, who at the same time systematized it, and set

forth in language of the most admirable clearness and signanancy. It will be understood that I speak of Paley; and having elsewhere in what I have said, sufficiently perhaps, stated my views of the defects of his principles, I have no desire to dwell upon the subject: but I shall make a few remarks tending to show that his work, like most others which have acquired a settled establishment and permanent authority, was rather a clear and systematic expression of opinions already current, than an original view, or even set of original reasonings.

Gay, of whom I have already spoken as the author of the Dissertation prefixed to the translation of Abp. King, was, I believe, John Gay who took the degree of B.A. at Sidney College in 1721, and was afterwards Fellow of the College. I will quote one or two passages of Gay, that you may see how near he comes to Paley in his leading views. He says: "Now it is evident from the Nature of God, viz. his being infinitely happy in himself from all eternity, and from his goodness manifested in his works, that he could have no other design in creating mankind than their happiness; and therefore he wills their happiness; therefore, the means of their happiness: therefore, that my behaviour, as far as it may be a means of the happiness of mankind, should be such. Here then we are got one step further, or to a new criterion: not to a new criterion of Virtue immediately, but to a criterion of the Will of God. For it is an answer to the enquiry, How shall I know what the Will of God in this particular is? Thus the Will of God is the immediate criterion of Virtue, and the happiness of mankind the criterion of the Will of God; and therefore the happiness of mankind may be said to be the criterion of Virtue, but *vice* removed."

You may recollect Paley's expression, "there are many hands besides the far end." So Gay, "As therefore hap-

piness is the general end of all actions, so each particular action may be said to have its proper and peculiar end. Thus the end of a beau is to please by his dress; the end of study, knowledge. But neither pleasing by dress, nor knowledge, are ultimate ends; they still tend, or ought to tend, to something farther, as is evident from hence, viz. that a man may ask and expect a reason why either of them are pursued. Now to ask the *reason* of any action or pursuit, is only to enquire into the *end* of it: but to expect a reason, *i. e.* an end, to be assigned for an *ultimate* end, is absurd. To ask why I pursue happiness, will admit of no other answer than an explanation of the terms."

Gay's definition of Virtue is wider than Paley's: "Virtue is the conformity to a rule of life, directing the actions of all rational creatures with respect to each other's happiness; to which conformity every one in all cases is obliged: and every one that does so conform, is, or ought to be approved of, esteemed, and loved for so doing."

The interval from 1731 and 1756, the date of the publications I have mentioned by Gay, Law, and Rutherford, to the publication of Paley's Principles of Morality and Politics in 1785, is considerable; but I am not aware of any events belonging to the intermediate time, and holding very important position in the history of moral studies in this place. In 1765 Paley had obtained one of the Bachelors' Essay Prizes, for a comparison between the Stoic and Epicurean philosophy. He had, as was natural with his habits of mind, taken the Epicurean side. This was not an effusion hastily and thoughtlessly flung from his pen, for it was accompanied with elaborate notes in English, and is still recollected for a genuine vivacity of thought and expression which gave a promise of his future style; as, for instance, when he called the Stoics "those Pharisees in philosophy;" which however he probably had from Taylor's *Civil Law*, where the com-

parison of the Stoics with the Pharisees is quoted from Josephus and from St Jerome (p. 67). During a portion of the subsequent period (from 1771) Paley himself lectured as Tutor of Christ's College*, of which he was a Fellow: and the subjects of his lectures were Locke's *Essay*, Clarke *On the Attributes*, and Butler's *Analogy*. He also lectured on Moral Philosophy, and his views on this subject were, I presume, mainly coincident with those explained by Bishop Law in the notes to his translation of King's *Origin of Evil*, and with the opinions contained in the Preliminary Dissertation to that work, which was, as I have said, by Gay of Sidney.

We also find Paley mentioning with great praise another work, *The Light of Nature pursued*, by Edward Search, Esq., really however written by Abraham Tucker, of Betchworth Castle, near Dorking. The first three volumes of his work were published in 1768; the four last after his death, which took place in 1774.

This work cannot, I think, be looked upon as occupying any very important place in the *progress* of Moral Philosophy; but there is in it an original unsystematic freedom of thinking, and a temperate good sense and virtuous moral feeling, which are peculiarly English. There is, moreover, and this is the quality which has most struck the notice of its admirers, a fertility and brilliance of illustration which are almost unrivalled, and which make it a mine of thought for its speculative readers. This merit has so often been noticed, that it may, I think, be interesting to give an example of it. I take for this purpose his modification of an image of Plato's, which is, as Mackintosh says †, "of charac-

* Law, the son of the Edmund Law, Professor of Casuistry, Master of Peterhouse, and afterwards Bishop of Carlisle, whom I have already mentioned, was his coadjutor in the tuition.

† *Diss.* p. 271, note.

teristic and transcendent excellence." He is speaking of the relation between Reason and Passion.

"The metaphor employed by Plato was that of a charioteer driving his pair of horses, by which latter he allegorized the concupiscible and irascible passions: but as we have nowadays left off driving our own chariots, but keep a coachman to do it for us, I think the mind may be more commodiously compared to a traveller riding a single horse, wherein reason is represented by the rider, and imagination with all its train of opinions, appetites and habits, by the beast. Everybody sees the horse does all the work; the strength and speed requisite for performing it are his own; he carries his master along every step of the journey, directs the motion of his own legs in walking, trotting, galloping, or stepping over a rut, makes many by-motions, as whisking the flies with his tail or playing with his bit, all by his own instinct; and if the road lie plain and open, without bugbears to affright him or rich pasture on either hand to entice him, he will jog on although the reins were laid upon his neck, or in a well-acquainted road take the right turnings of his own accord. Perhaps sometimes he may move startish or restive, turning out of the way or running into a pond to drink, maugre all endeavours to prevent him; but this depends greatly upon the discipline he has been used to. The office of the rider lies in putting his horse into the proper road and the pace most convenient for the present purpose, guiding and conducting him as he goes along, checking him when too forward or spurring him when too tardy, being attentive to his motions, never dropping the whip nor losing the reins, but ready to interpose instantly whenever needful, keeping firm in his seat if the beast behaves unruly, observing what passes in the way, the condition of the ground and bearings of the country, in order to take directions therefrom for his proceeding. But

this is not all he has to do, for there are many things previous to the journey; he must get his tackling into good order, bridle, spurs and other accoutrements; he must learn to sit well in the saddle, to understand the ways and temper of the beast, get acquainted with the roads, and ensure himself by practice to bear long journeys without fatigue or galling; he must provide provender for his horse and deal it out in proper quantities, for if weak and jadish, or pampered and gamesome, he will not perform the journey well; he must have him well broke, taught all his paces, cured of starting, stumbling, running away, and all skittish or sluggish tricks, trained to answer the bit and be obedient to the word of command. If he can teach him to canter whenever there is a smooth and level turf, and stop when the ground lies rugged of his own accord, it will contribute to make riding easy and pleasant; he may then enjoy the prospects around or think of any business without interruption to his progress. As to the choice of a horse our rider has no concern with that, but must content himself with such as nature and education have put into his hands: but since the spirit of the beast depends much upon the usage given him, every prudent man will endeavour to proportion that spirit to his own strength and skill in horsemanship; and according as he finds himself a good or bad rider will wish to have his horse sober or mettlesome. For strong passions work wonders where there is a stronger force of reason to curb them: but where this is weak the appetites must be feeble too, or they will lie under no controul*.”

I cannot refrain from adding some of his remarks on selfishness: “Persons deficient in this quality [benevolence] endeavour to run it down, and justify their own narrow views by alleging that it is only selfishness in a particular form: for if the benevolent man does a good-natured thing for his own

* *Light of Nature*, Vol. II. p. 176.

satisfaction that he finds in it, there is self at bottom; for he acts to please himself. Where then, say they, is his merit? What is he better than us? He follows constantly what he likes, and so do we: the only difference between us is, that we have a different taste of pleasure from him. To take these objections in order, let us consider that form in many cases is all in all, the essence of things depending thereupon. Fruit when come to its maturity, or during its state of sap in the tree, or of earthly particles in the ground, is the same substance all along: beef, whether raw or roasted or putrefied, is still the same beef varying only in form: but whoever shall overlook this difference of form will bring grievous disorders upon his stomach: so then there is no absurdity in supposing selfishness may be foul and noisome under one form, but amiable and recommendable under another. But we have no need to make this supposition, as we shall not admit that acts of kindness, howmuchsoever we may follow our own inclination therein, carry any spice of selfishness. But men are led into this mistake by laying too much stress upon etymology, for selfishness being derived from self, they learnedly infer that whatever is done to please one's own inclination must fall under that appellation, not considering that derivatives do not always retain the full latitude of their roots. Wearing woollen cloaths or eating mutton does not make a man sheepish, nor does employing himself now and then in reading render him bookish: so neither is everything selfish that relates to oneself. If somebody should tell you that such a one was a very selfish person, and for proof of it give a long account of his being once caught on horseback by a shower, that he took shelter under a tree, that he alighted, put on his great coat, and was wholly busied in muffling himself up, without having a single thought all the while of his wife or children, his friends or his country: would not you take it for a banter? or would you think the

person or his behaviour could be called selfish in any propriety of speech? What if a man agreeable and obliging in company should happen to desire another lump of sugar in his tea to please his own palate, would they pronounce him a whit the more selfish upon that account? So that selfishness is not having a regard for oneself, but having no regard for anything else. Therefore the moralist may exhort men to a prudent concern for their own interests and at the same time dissuade them from selfishness, without inconsistency*.”

Mackintosh has considered Tucker principally as to his views of that analysis of our moral judgments, which was the leading point of speculation of the Scotch school. But as connected with the main subject of the present course of Lectures, we have to look principally at his views of the foundations of morality. In reference to this question, he obviously belongs to the school who rest the obligation of duties upon the consequences, in the way of pleasure and pain, to which they lead. He states this view in many parts of his work. For example, he has a chapter entitled “Ultimate Good;” he informs his reader that he intends this phrase as a translation of the *summum bonum* of the ancient schools of moralists. Nor can it be questioned that this translation far more truly brings before us the import of those ancient controversies than any of the more usual ways of rendering the phrase, as the “chief good.” “For,” he says, “the enquiry was not to ascertain the degree of goodness in objects, to determine what possessed it in the highest pitch beyond all others: but since the goodness of things depends upon their serviceableness towards procuring us something we want, to discover what was that one thing intrinsically good which contented the mind of itself, and rendered all others desirable in proportion as they tended directly or remotely to produce it.” Then, refer-

* Vol. II. pp. 313—315.

† Vol. II. p. 182.

ring the reader to his own account of motives, he says, "Whoever shall happen to think they contain a just representation of human nature, need not be long in seeking for this *summum bonum*; for he will perceive it to be none other than pleasure, or satisfaction, which is pleasure taken in the largest sense as comprising every complacence of mind, together with the avoidance of pain or uneasiness." "Perhaps," he adds, "I shall be charged with reviving the old exploded doctrine of Epicurus upon this article, but I am not ashamed of joining with any man of whatever character, in those parts where I think he has truth on his side." In accordance with this profession, he treats other parts of his subject. Thus when he comes to speak of Rectitude and Right: "Right," he says (p. 200), "belongs originally to lines, being the same as straight in opposition to curve and crooked. . . . From hence it has been applied by way of metaphor to rules and actions, which lying in the line of our progress to any purpose we aim at, if they be wrong, they will carry us aside, and we shall either wholly miss of our intent, or must begin again and take a longer compass than necessary to arrive at it: but if they conduct effectually and directly by the nearest way, we pronounce them right. Therefore the very expression of *right in itself* is absurd, because things are rendered right by their tendency to some end, so that you must take something exterior into the account in order to evince their rectitude." It is curious that his own illustration here did not cause at least some scruple in his mind; for in truth, we do not take anything exterior into account to determine whether a line be straight or crooked. Its reference to some given point, or other condition, may determine whether it is in the right *direction*; but it is a *straight* line in virtue of necessary relations of space, and not of its leading to the given point. If the difference between moral right and wrong can be made to

depend upon principles as pure from external regards as the difference between straight and crooked, the doctrine of morality separate from the pursuit of pleasure will be as clearly established as the doctrine of geometry separate from the measurements of material objects. Again: "Everybody," he says, "knows a right line is the shortest distance between two points, so as to touch them both, and the nearest approach from any one to any other given point is along such right line. From hence," he adds, "it has been applied by way of metaphor, to rules and actions." But according to his own showing, and that of all the assertors of dependent morality, the analogy here fails altogether; for justice and virtuous self-denial, which are the *right* roads to enjoyment, according to their doctrine, are certainly not the *shortest*: on the contrary, they are therefore right, because they reach the end better, by a very circuitous process; and the short cut to pleasure, which appetite and passion offer, is without hesitation pronounced wrong.

The same embarrassment in the management of his principle of mere satisfaction, or utility, occurs to him, as it must occur to all virtuous moralists, when he comes to the best defined cases of moral duties. Thus he says in pursuance of his general principle, that justice is to be measured by utility, and that an extreme case of inconvenience arising from a common precept of justice, nullifies the rule for that case. But yet he adds (p. 305), that "if a righteous man be asked why he fulfils his engagements though to his own manifest detriment, he will answer, Because it would have been unjust to have failed in them; for he wants no other motive to induce him: and if the querist be righteous too, he will want no other reason to satisfy him." And after supposing the inquiry to be still prosecuted, he adds, "But could it be made appear that injustice in some single instance was to the general" [observe the *general*] "advantage,

he would not think himself warranted to practise it, because the mischief of setting a bad example and weakening the authority of a beneficial rule would be greater than any present advantage which might accrue from the breach of it." Here the example is taken into the account; and it is supposed that the evil which it occasions cannot be remedied, by the fact that those who see the rule violated, may see also the reasons of its violation. But he goes further. "Even supposing his injustice could be concealed from all the world, so that it could do no hurt by example, still he would not believe it allowable, for fear it should have a bad influence upon his own mind." Thus we come to this result: that the way to understand the true nature and demands of justice, and the conditions under which her rules admit of resemblance, is to look at the consequences; but again, the way to avoid being misled is not to look at the consequences, but to follow the rules as rising above the region of exceptions. This is the kind of dilemma which shows how insufficient the contemplation of the consequences of actions alone is, to lead to a system of morality which will satisfy the common judgments which practical life generates in the breasts of virtuous men.

It is not my purpose to give a general analysis of Tucker's work, which, indeed, from its prolix, devious, and unsystematic character, would be no easy task; and which its place in the history of philosophy does not render necessary. But I may remark, that the author extends his speculations to the philosophy of religion as well as of morality, treats of the connexion of the two subjects, and supplies the deficiencies of the one by the other. Thus in the former part of his work, on Morality, he refers to the case of Regulus, the ancient stock example of the schools for the statement of the question between virtue and pleasure. He decides that upon his principles, so far as he has

then pursued them, Regulus "acted imprudently*." This in a chapter entitled *Limitation of Virtue*: but further on in the work† there appears a chapter written with express reference to this preceding one, and entitled *Re-enlargement of Virtue*. And here taking into account, though but vaguely and dimly, the prospect of a future retribution, he reverses this decision. I will give the whole passage.

"Therefore now we may do ample justice to Regulus, whom we left under a sentence of folly for throwing away life with all its enjoyments for a phantom of honour. For he may allege that he had not a fair trial before, his principal evidence being out of the way, which having since collected in the course of this second Book, he moves for a rehearing. For he will now plead that it was not a fantastic joy in the transports of rectitude, nor the Stoical rhodomontade of a day spent in virtue containing more enjoyment than an age of bodily delights, nor his inability to bear a life of general odium and contempt, had his duty so required, which fixed him in his resolution: but the prudence of the thing upon a full and calm deliberation. Because he considered himself as a citizen of the universe, whose interests are promoted and maintained by the particular members contributing their endeavours towards increasing the quantity of happiness, wherever possible, among others with whom they have connexion and intercourse.

"He saw that his business lay with his fellow-creatures of the same species, among whom a strict attachment to faith and honour was the principal bulwark of order and happiness, that a shameful conduct in his present conflict would tend to make a general weakening of this attachment, which might introduce disorders, rapines, violences and injuries among multitudes, to far greater amount than his temporary

* Vol. II. p. 375 sq.

† Vol. III. p. 502. § 5.

tortures; that if he behaved manfully, he should set a glorious example, which might occasion prosperities to be gained to his country and all belonging to her, overbalancing the weight of his sufferings, especially when alleviated by the balmy consciousness of acting right. He was persuaded likewise that all the good a man does, stands placed to his account, to be repaid him in full value when it will be most useful to him: so that whoever works for another, works for himself; and by working for numbers, earns more than he could possibly do by working for himself alone. Therefore he acted like a thrifty merchant, who scruples not to advance considerable sums, and even to exhaust his coffers, for gaining a large profit to the common stock in partnership. Upon these allegations, supported by the testimony of far-sighted philosophy, and confirmed in the material parts by heaven-born religion, I doubt not the jury will acquit him with flying colours, and the judge grant him a copy of the record, to make his proper use of, whenever he might be impeached or slandered hereafter."

I have with the less unwillingness given these long extracts from Tucker, since we have few English writers of any merit to occupy this interval, and the vivacity of his style makes it an ungrateful task to reduce him to mere abstract assertions. Moreover, his influence upon the subsequent progress of the subject was far from trifling; for as I have said, he was the favourite author of Paley. This latter moralist, so important from the place he has long held among us, I have already begun to speak of, and I now proceed with the further notice of the reception and effect of his system.

Paley's ethical work is mainly employed in deducing arguments for our duties, and rules for deciding critical cases, from the principle of general utility. If this undertaking had been kept in its due place, moralists of all shades

of opinion might have received such a work with pleasure; for all agree that sound morality is invariably the road to the greatest general good; and to trace the mode in which the principles produce the result, is satisfactory and instructive, even to those who do not think that such a deduction discloses the full force and significance of our duties. Moreover, in Paley's mode of executing this task, he displayed a moderation, a shrewdness, and a poignant felicity of idiomatic expression, which it was impossible not to admire. If the work had been entitled *Morality as derived from the Principle of General Utility*, and if the Principle had been assumed as evident or undisputed (instead of being rested on the proofs which Paley gives), the work might have been received by the world with unmingled gratitude; and the excellent sense and temper, which, for the most part, it shows in the application of rules, might have produced their beneficial effect without any drawback.

But Paley chose to give proofs of his principles; and in doing this, he both fell into false philosophy, and assumed a tone and temper unsuited to the occasion. The doctrine of ultimate utility as the measure and ground of moral rules had been so long current, almost uncontradicted, among English writers, that those who were formed in this school could not conceive the possibility of its being rationally opposed, and could not avoid treating with contempt and ridicule those who rested on any other principle. Hence we find that Paley cannot speak of the opinion which represents the soul to be superior to the body, the rational to the animal part of our constitution, without calling such views "much usual declamation." In like manner, his account of the Law of Honour is rather like the language of a poignant satirist, than a moralist gravely and calmly stating an extensive principle of human action. "The Law of Honour is a system of rules constructed by people of fashion, and calcu-

lated to facilitate their intercourse with one another, and for no other purpose. . . . Profaneness, neglect of public worship or private devotion, cruelty to servants, rigorous treatment of tenants or other dependants, want of charity to the poor, injuries done to tradesmen by insolvency or delay of payment, with numberless examples of the same kind, are accounted no breaches of the Law of Honour. . . . It allows of fornication, adultery, drunkenness, prodigality, duelling, and of revenge, in the extreme." And it is to be recollected that while he says this, he recognizes no other ordinary rules of life than these, the Scriptures, the Law of the Land, and this Law of Honour.

The fact is that Paley had no taste, and therefore we may be allowed to say that he had little aptitude, for metaphysical disquisitions. In this there would have been no blame, if he had not entered into speculations, which, if they were not metaphysically right, must be altogether wrong. We often hear persons declare that they have no esteem for metaphysics, and intend to shun all metaphysical reasonings; and this is usually the prelude to some specimen of very *bad* metaphysics: for I know no better term by which to designate the process of misunderstanding, and confounding those elements of truth which are supplied by the relations of our own ideas. That Paley had no turn or talent for the reasoning which depends on such relations, is plain enough. His examination of the question of the moral sense through-out proves this. For example, he states as an argument against the doctrine of a moral sense, this consideration: If such a principle of action were implanted in man, it could not subsist except there were implanted also the ideas which it includes; and thus we are led to innate ideas. The argument is well worthy notice; so also is the reply: "The argument," it is replied, "bears against all instincts, and against their existence in brutes as well as in men, but these cer-

tainly do exist; hence the argument cannot be conclusive." We have here a dilemma which must be solved in some way before we can have any right to pronounce upon the question at issue. Now what is Paley's conduct in this case? He simply states the argument and the defence; and adds that as there is such a defence, the argument will hardly, he supposes, produce conviction, though it may be difficult to find an answer to it.

We may remark, however, in justice to Paley on this subject, that the habit of speaking of the Moral Faculty as an *Instinct*, and of calling it the *Moral Sense*, which practices were common in preceding writers, naturally led a person whose mind like his, had altogether a practical and not a metaphysical turn, to embody this supposed Instinct or Sense in a particular hypothetical instance, as he does in the story of Caius Toranius. And thus this mode of putting the question of the Moral Faculty, which has justly been blamed as unphilosophical and irrelevant, is not entirely to be charged upon Paley only.

In like manner a logical objection may be made to his definition of Virtue*, that it is inconsistent with his own scheme, for it formally excludes duties to God and to ourselves: besides the inherent vice of his doctrine which it involves, in making no actions virtuous which are not done from the prospect of a future reward. This part of the subject has been so often discussed that I shall not now dwell upon it.

It is a still more remarkable example of this want of metaphysical turn in Paley, that he takes the notion of Obligation, which Warburton, and, after him, the Cambridge moralists, had already degraded from an internal element of a duty to an external and material constraint; and degrades

* "Virtue is the doing good to *mankind*, in obedience to the will of God, and for the sake of everlasting happiness."

and materialises it still further. He tries to aid himself by the idea of a case in which he is obliged to give his vote to the disposal of a powerful benefactor. It does not appear to have occurred to him that he might be *thus obliged* to vote for A, though he *ought* to vote for B. His talent lay in adducing and estimating practical cases, and he tried to apply this process, even in metaphysical inquiries; although it is obviously the way to complicate, not to elucidate, the ultimate analysis of ideas. In no other way could any one have been led to assert moral obligation to be the state of a man who is "urged by a violent motive resulting from the will of another." If it had been asserted that a man so circumstanced is *not* an example of moral obligation, the statement would have been much more nearly true. It is plain that a man committing some great wickedness contrary to his own wish, under the influence of the threats of a powerful tyrant, is the strongest example we can conceive of a person impelled by *this* kind of moral obligation. Or we may put the objection in another form. When a large class of English moralists had made obedience to the will of God a necessary part of the idea of virtue, there was a principle involved in their views which made them not only tolerable to genuine moralists, but made this way of speaking appear to many good and pious men, far more reverent, and more suited to man's real condition, than any independent idea of rectitude. What was this principle which thus recommended the combination of external command with the other elements of virtue? It was, as we have seen, that this external will was not *any one's* will, but the will of *God*: that the external command was not arbitrary command, but the laws of the Being in whom we conceive all goodness and holiness necessarily to reside. The most sensitive virtue was not offended at being impelled by *his* promises; the most snow-white purity was not soiled by contact with his behest,

which was itself purity. Hence, as we have seen, those who asserted that God's command made actions virtuous, still allowed that he could not command injustice or ingratitude ; and those who asserted that actions were in themselves right, allowed at once that all such actions were commanded by God. And thus the obligation which resided in the nature of virtue itself, and the obligation which resulted from the Divine Command, were never really separated. They were like the circumference and centre of a circle which must coexist. But this necessary connexion was a speculation of a kind for which Paley had no relish, and from which he wished to free the subject. Accordingly he at once tears the notion of obligation loose from the idea of duty. We are obliged when we are impelled by the will of another : not, as hitherto, when we are commanded by him whose commands we know to be right ;—but by the will of *another*—*any* other—for example, any candidate who canvasses us for a vote. Such was the consequence of Paley's disposition to represent every thing in a practical form. And thus obligation ceases to have any connexion with what we *ought* to do ; and indeed to have any moral aspect whatever. In previous ways of treating the subject, the circle of our duties and obligations, or any part of it, was not deformed, because it was referred to its natural centre, the central idea of God. But the centre of the line which represents Paley's obligation is arbitrary and variable ; and thus would tend to disfigure and confound the form of duty, if it were not corrected by other considerations.

Leaving then this part of Paley's work, which deals with the analysis of ideas, and the establishment of the foundations of morality, as by no means deserving of confidence or admiration ; I turn for an instant to the superstructure, in order to make a single remark. I have already said that his general principle being assumed, his application

of it is often very instructive and happy. It may be asked how the original vice of his system, his referring to the resulting pleasure and utility as the test of moral right, can ever be got over. Granting, it may be said, that we believe that moral rectitude does best promote human happiness, when we take in the whole train of consequences, yet who can trace all the consequences of any one single action? Who can prove that if I tell an apparently harmless or agreeable lie, it will in the long run, and taking all the history of the world together, produce more pain than if I had told a truth? If we throw a stone into a lake, we can trace but a little way the waves which it produces; in like manner if we attend to the consequences of any human action, we can trace them a little space, but they soon ramify and spread and are modified in a thousand ways, so that we are obliged to call back our thoughts from the vain pursuit. How then can we deduce from the contemplated consequences of human actions, a system of morality which shall determine all imaginable cases? And how can it be that Paley, having constructed his Ethical system by such a consideration of consequences, has nevertheless in most or in all cases, determined right on doubtful questions, and obtained sound and good rules of moral action?

To this I reply, that in systems so constructed the unmanageable nature of one fundamental assumption is remedied by another assumption. The moralist assumes that human conduct is to be determined by the consideration of the total consequent pleasure. But this consideration is incapable of being developed in finite terms;—(if I may be here allowed a mathematical expression). The moralist then assumes another principle:—that the consideration of consequences is to be applied by means of *general rules*:—that all *like* actions are to be forbidden:—that to violate a general rule is itself an evil:—that this evil is so great as

to do more than balance the apparent good results of any action.

I speak of this as an *assumption*: for the supreme principle of the system cannot supply a rigorous proof of the assumption. The supreme principle of the system of which I speak is, the happiness resulting from each action. General rules therefore are good, only because, and so far as, they are subservient to happiness. We have no right, on such principles, to demand for them any greater generality, any greater rigour, than we can establish by showing such a subservience. But in constructing such system of morality we do demand more. We demand so much more, that we make their very generality a ground for rejecting perceived consequences. We do not limit the generality by the utility, by its tendency to produce benefits of known kinds; we declare the generality to be a new kind of utility*.

This assumption does in fact, if acted upon, bring the two systems of morality, the dependent and the independent, into very close proximity as to their results. For as soon as it is held that rules must be universal, we can have little doubt what the rules are to be. It cannot, on any principles of morals, be generally indifferent whether we tell the truth or tell a lie: and we must have a rule of universal validity:—therefore “Tell the truth,” which must be the general rule, must be the universal rule. And thus the system of dependent morality, from this point, may be made to assume a form as firm and solid as if it had for its base the essential distinctions of things.

I may observe that this is very much like what has taken place in other branches of science. In many branches of science there have been controversies whether the principles of the science are necessarily true, or are known by

* See Paley, Book II. c. 7 and 8.

experiment only ; just as in morals, the question constantly under our notice has been, whether the rules of ethics can be necessarily deduced from the idea of moral rightness, or must be learnt by tracing actions to their consequences. Now those who have maintained the empirical foundation of such sciences, of mechanics for example, have still held the propositions which the science contains to be *universally* true. Take the case of any machine in which the mechanist would calculate the effect. Suppose that a projector brings forward some mechanical contrivance, which possesses, as he maintains, powers far greater than any hitherto known: however complex, however novel the construction, the mechanical philosopher proceeds unhesitatingly upon the principle, that in the working of the machine what is gained in power is lost in velocity. But how does he know that the principle is true in this new case? He may have proved its truth experimentally in other instances ; but here, the projector maintains that an entirely novel construction is employed :—the old maxims, he asserts, are no longer valid. The mechanist heeds him not : he does not waver as to the truth of his mechanical principle. It *must* be true in this case, though hitherto tested only in others. Whence is this confidence? How is it that experimental mechanical truths thus assume the character of necessity? The answer is important : they *must* be *universal* by their nature : and hence, proved in one case, they hold for all others. Thus in the case just referred to. Action and reaction must be equal : action and reaction must depend upon the masses and upon their velocities :—action and reaction are *proportional* to the masses and velocities jointly ; or else they *are not* thus proportional : but in either case the proposition is general. Action and reaction cannot be one thing in one material combination, and another thing in a different combination. Therefore the measure of action and reaction, the joint pro-

portion of the masses and velocities, is either universally true or universally false. But we know that it is true in many simple cases:—hence it is true in all cases, however varied, however complex, however novel.

Thus this assumption of the necessary generality of our propositions makes the procedure nearly alike, after a certain point, of those who cultivate the science asserting it to rest upon independent foundations in the nature of our ideas, and of those who refer it entirely to empirical grounds. And this is the case in morals as it is in mathematics.

A moral projector might come to the casuist, asserting that he was in possession of a falsehood which it would be of the greatest service to mankind to promulgate as a truth. What would the casuist say? “It never can be right to promulgate falsehood.” If he were a moralist of expedience, if the question had been proposed to Paley, he would have said: “It must in the long run do more harm than good to put about your lie.” But the projector pleads that he has calculated the good and the harm, and that the good immensely predominates. The moralist has not calculated; how can he know?—Does the moralist hesitate at this? Not an instant. He says, “You violate a general rule. No other good can compensate for the mischief of this.” And thus he nobly leaps over his barrier of calculated consequences, and places himself at one bound, in defiance of his theory, upon the solid basis of rules by their nature universal. And thus it is that there is no inevitable divergence in the results of the different, or even opposite schools of moralists, as to rules of conduct: and in those of them who accept the light of religion, even as a collateral aid, there is the most remarkable coincidence, notwithstanding the different courses they at first seem to pursue.

Yet it is still true, that the different spirit of these different schools continues to pervade them, even in their

practical conclusions. Thus Paley, though he avails himself of the consideration of the necessary generality of rules, in order to gain a solid footing for sound morality, still appears to have a misgiving respecting this assumption, and shrinks back again from the general rule to the special consequences. "Not to violate a general rule for the sake of any particular good consequences we may expect is *for the most part,*" he says, "a salutary caution, the advantage *seldom* compensating for the violation of the rule." Hence we see he introduces words which infringe the integrity of the rule, and indeed may easily be used to destroy it altogether.

In the same way, although general rules, if they are of supreme importance in morals, must be allowed also to be of great value in government, the consideration of these appears to be laid aside when it ought to be recollected most. Thus Paley says: "This principle [of expediency] being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and the probability and expense of redressing it on the other." Hence he appears to have left out of the account the immense mischief of violating that long-tried and approved system of rules which we call the Constitution, of which he might easily say, with as much truth as of any system of moral rules, that not to violate it is a salutary caution, the advantage so gained rarely compensating the violation of the rule.

It is not my intention to discuss at present Paley's views with regard to special duties. I shall have a few remarks to make on the reception which his principles met with in this University and this country; and with these I shall conclude the historical sketch which I have thus attempted.

LECTURE XI.

PALEY—GISBORNE.

IN order to make more complete our account of the reception of Paley's work in general, and especially in this place, let us go back a few years. The works of Rutherford I conceive we may take as representing the teaching common at Cambridge in the middle of the last century. Besides the Essay which I have mentioned, he published in 1754 and 1756, as I have said, his *Institutes of Natural Law*, being the substance of a Course of Lectures on *Grotius de Jure Belli et Pacis*, read in St John's College, Cambridge. The work consists of two volumes; the first being on the *Rights and Obligations of Mankind*, considered as Individuals; the second, on the *Rights and Obligations of Mankind*, considered as Members of Civil Societies. His work was, I believe, in common use in the University, till that of Paley was introduced. Although it professes to be a Course of Lectures on Grotius, neither the basis of the system, nor its arrangement, have any close resemblance with those of Grotius. The work of Grotius holds a very important place in the history of Moral Philosophy; but in order to adhere to my plan of pursuing at present the history of this Philosophy in England only, I do not attempt to speak of it now. I will only remark (as I believe I have already done), that the fundamental doctrines of Grotius are very nearly the same as those of Cumberland; a general principle of sociality, or regard to the good of human kind, being the main basis of their morality.

This principle in Cumberland, as we then said, was emphatically declared to be something far higher and wider than a regard to private good. But the leading English

moralists, having now taken private good for their foundation principle, it is proper to consider in what manner they applied this principle in particular cases. Supposing the controversy with their opponents to be terminated, what did they teach their disciples? Having demolished the ancient palace of Moral Rectitude, how did they proceed to give solidity to the commodious modern mansion which they undertook to erect on its ruins?

We find, in the works of Rutherford, examples of the modes of procedure which, from this time, were commonly pursued by our moralists for this purpose; these are, for the most part, attempts to deduce special duties in detail, by tracing the special evils which arise from the neglect of them. Thus, in his *Essay*, insobriety and other sensual indulgences are vices, because they prevent our doing all the good we might, by disturbing our health, occupying our time, distracting our attention. We cannot help seeing how low and lax is the morality to which we should thus be led. It is true that purer precepts, borrowed from holier sources, are constantly operating among Christian moralists, to correct and elevate the perverse and debased conclusions which low and poor principles entailed upon them; but then, in proportion as their moral systems were made in this way practically harmless, they were made theoretically worthless. The bright and firm precepts of Christianity, like new pieces on an old garment, shone here and there the more conspicuously for the sordid and flimsy ground on which they were placed; but though, for the moment, they might serve to conceal the nakedness of the wearers, they tended rather to tear the theorist's robe into tatters, than to render it a lasting and suitable vesture.

From the time of which I speak, up to that of Paley, I am not aware that any material alteration took place in the nature of the Ethical Philosophy generally received here.

I come now to the further consideration of Paley's ethical work, and of the reception which it met with, and especially its reception in this University. Indeed, it is much more my purpose at present to consider the manner in which the book was received, and the place which it holds in the progress of moral speculation in England, than further to discuss the solidity or the weakness of the principles on which it rests. Some indication of the arguments bearing upon this latter question will be requisite for my purpose: for the place of a work in the history of philosophy, cannot be exhibited without showing, in some measure, how far it tended to promote truth, and how far to propagate error. And among the criticisms delivered by objectors to such a work, those only will demand our notice, which contain or illustrate some of the principles intimately involved in the establishment of sound moral doctrines. So far, therefore, as the selection of such criticisms goes, I cannot avoid at present delivering some judgment with respect to Paley's moral system. But any direct and complete examination of the work, beyond that which an historical view thus requires, I must reserve for future occasions.

You will recollect that Paley's work was but the summing up of a system of teaching which had long been current in the University, not a newly-introduced subject or system. Moral Philosophy had never ceased to be habitually taught in Cambridge; and the current discussions upon that subject always excited a strong interest among the speculators who were nourished here. The great controversy respecting the *à priori* evidence of the fundamental principle of Theology and Morality had been zealously carried on in this University at the beginning of the seventeenth century, John Balguy being the main combatant on the *à priori* side. In 1732, the translation of King's *Origin of Evil*, with Gay's *Dissertation* and Law's *Notes*, showed that the

subject was by no means asleep; and these *Notes* of Law's were the matter of some controversies, which I omit. In 1744, Rutherford dedicated his *Essay on Virtue* to his pupil, containing, he told him, nothing which he had not heard him explain upon different occasions while he was under his care at the University. In 1754 and 5, Rutherford published his *Institutes of Natural Law*, the substance of a Course of Lectures read in St John's College. In 1755, too, Taylor published his *Elements of Civil Law*, which he had drawn up with a view to the education of young men committed to his care. Gradually we find ourselves in another generation of academics. Thomas Balguy, the son of the John just mentioned, and Powell, afterwards Master of the College, are teachers at St John's. "I have ever thought my warmest gratitude due," says one of their pupils*, "to that Being through whose kind providence the care of my education was entrusted to Drs Powell and Balguy" A little later (1771), we find Law, son of the Bishop of Carlisle, himself afterwards Bishop of Elphin, engaged in the tuition at Christ's College, along with Paley; the subjects of their Lectures being Locke's *Essay*, Clarke *On the Attributes*, and Butler's *Analogy*. The heads of Balguy's Lectures were comprised in a Syllabus, which was handed about to various persons in the University; and from this Syllabus also Dr Hey, the late Norrisian Professor, delivered Lectures at Sidney College†. Similar Lectures formed part of the usual course of instruction in other colleges; and the value of the subject, as an element of education, was invariably acknowledged. A large portion of these Lectures were, doubtless, thoroughly Lockian in their principles, although, from time to time, the natural influence of higher principles would break through, and produce a remedial inconsistency. Butler and Clarke, as we have seen,

* T. Ludlam's *Logical Tracts*.

† Pearson, *Remarks: Theor.* p. 212, and p. iii.

were bound together in the same bundle with Locke. But the general tendency was to the morality of mere pleasure and pain, as we have seen in Gay, the elder Law, Rutherford, and, as I might have shown, in others. Still the doctrine of a higher ground of morality had its defenders even here. The elder Balguy does not peculiarly belong to the academic line of writers. But there were others who, more or less, mitigated the rigour of the Lockian morality. Thus Pearson, whom I have to notice as one of the answerers of Paley, speaks of "that school which boasts of the names of Butler, Powell, Balguy, William Ludlam, and Hey;" to which he adds Thomas Ludlam (p. vi.). I shall, however, now turn to the consideration of Paley's Works, and their acceptance here.

The Principles of Moral and Political Philosophy, or, as it was originally entitled, *The Principles of Morals and Politics*, was first published in 1785. It was very favourably received by the public, and was almost immediately adopted into the course of teaching in this University. Mr Jones, then senior tutor of Trinity College, who discharged the duty of Moderator in 1786 and 1787, introduced it as a standard book in the disputations which were then held in the schools upon a moral question, along with the mathematical disputations: and also in the subsequent examination for the degree of Bachelor of Arts. In fact, as we have already seen, the principle upon which Paley's book is based, the doctrine that actions are good in as far as they tend to pleasure, and obligatory in as far as they are commanded by a powerful master, had already long been taught in this University, and had undoubtedly taken a strong hold of the minds of men. They had accustomed themselves to look upon it as the only rational and tenable doctrine; and one which was as superior in these respects to the vague and empty doctrines, of loftier sound, which had preceded the time of Locke, as the philosophy of Newton was to that of Aristotle. Hence it seemed to them

quite natural and fitting, that a system founded upon this principle should be produced, displaying all the exactness, precision, and simplicity, of a mathematical treatise. When, therefore, the work of Paley appeared, in which the commonly-received rules of morality are all professedly deduced from this principle; in which there is a clearness of statement and expression which produces the effect, for a moment, of demonstrative reasoning; and in which the want of sound morality in the fundamental principle, is tempered by good sense and good feeling in almost all the instances, they at once saw, in this work, the standard book which they had long wanted, as a means of conveying these doctrines to their pupils in the definite and connected form which elementary instruction requires. Perhaps we may add, that they were not unwilling to join with Paley in rejecting all the more profound investigations into the foundations of moral principles, as useless metaphysical subtleties or empty declamation; and thus to assume an air of superiority over those who took any other road than theirs. We may add, too, that though there were some points of morality on which Paley's conclusions have been charged with being lax, as well as his principles unsound, many of his contemporaries were, it is understood, willing to accept such a decision as he gave on these very points; and thus, were not repelled from the work by the appearance, which some saw in it, of tampering with important moral precepts. So that the work had many recommendations, internal and external, to public favour.

But though Paley's system was received with favour by a large part of the public, and especially by those who, in this place, had long held the opinions which he had systematised with so much clearness and good sense, there were not wanting, from the first, persons who protested against its doctrines as false and immoral.

Such objections to Paley's doctrines were urged not only

by strangers, but by persons belonging to his own university. Mr Gisborne, since appointed a prebendary of Durham, favourably known to the public as the author of several works on subjects connected with Morals, remonstrated against the adoption of Paley's principles by this University, in an Examination of them which he published in 1790*. "The subsequent Treatise," he says in the Preface to this work, "was occasioned by an appointment which I understand to have taken place in the University of Cambridge, that candidates for the degree of Bachelor of Arts shall be examined in the *Elements of Moral and Political Philosophy*." He proceeds to say that, rejoicing that the study of Morality is thus made a portion of academical instruction, he is still persuaded that Paley's fundamental principle is exposed to most grave objections. In the sequel, he states the objections to which he thus refers. His first argument is from the impossibility of really and rigorously applying the criterion by which Paley professes to decide questions of morals. He takes in succession the steps of Paley's reasoning: To the first, "that God wills and wishes the happiness of his creatures," he assents; as also to the second, that "those actions which promote that happiness must be agreeable to him, and the contrary." He then comes to the inference drawn from these positions, "that the method of coming at the will of God concerning any action, by the light of nature, is to inquire into the tendency of that action to promote or diminish the general happiness." Here he stops, and refuses his assent. How does it appear, he asks, that we can wield with good effect a principle so vast and complex as this one of universal tendency? "Were the power of the human intellect unlimited, and capable of deriving knowledge from any specified source, of drawing it forth from every secret repository in which it is stored,

* This is the date of the Second Edition.

Mr Paley's conclusion would be just. In that case, in order to indicate the method of obtaining knowledge of any kind, nothing more could be requisite than that the storehouse in which it is hidden should be specified. But human faculties being imperfect and circumscribed, no one can be justly held to have pointed out the method of acquiring a knowledge either of the will of God or of any other subject, unless, besides pointing out the source, he proves also that man has faculties enabling him to derive it from that source." But this Paley does not do. He contents himself with directing us to inquire, when he should have proved us able to discover. This defect utterly destroys the validity of his argument, and leaves, as an assertion unsupported by proof, the conclusion that the consideration of general expediency is the method of learning the will of God. Mr Gisborne then proceeds to illustrate this remark by comparison with the case of a workman executing the plan of an architect. This image appears to me by no means happily chosen for his purpose; and has been retorted by writers on the other side. But as the argument against the doctrine of general expediency, drawn from the impossibility of fitly applying it with our limited views and faculties, is one of great importance, I will take the liberty of offering an illustration of a different kind, which, in this University at least, may, I trust, be considered as allowable, and which seems well fitted to throw light on the subject. I have on former occasions endeavoured to point out an analogy between the progress of the science of Morals and other sciences; and such a comparison is, I believe, very far from being merely fanciful. I conceive we may especially derive instruction regarding the progress of all branches of human knowledge, by contemplating the history of a science of which the successive steps and advances can all be distinctly traced, and which has risen from gross errors, and rudiments of mere practical knowledge, through

various gradations of partial truths, up to truths of the most general kind, which, now that they are thus established, appear to be self-evident. I speak of the science of Mechanics.

Now it is well known to those who have attended to the history of this science, that in the course of the last century a principle termed the *Principle of Least Action*, was propounded as a mode of determining the course which a body would follow moving from point to point under the influence of external agents. The import of the principle was, that the body would select such a path, and move in such a manner, that the total action which took place in consequence of the body's motion would be smaller than if the body had moved in any other line or in any other manner.

Maupertuis, the philosopher who first asserted this principle, conceived that he could establish it as a universal truth by reasonings drawn from the nature of the Deity and the rules of His operation. And if true, it undoubtedly embraced all cases of motion under all circumstances, and promised to give the solution of all mechanical problems whatever.

The truth and the meaning of this principle were the subject of a long and angry controversy; and, as is usual in such controversies, the meaning of the principle was so modified as to ensure its truth. For what is quantity of *action*? Many different meanings might be given to such a word: but it was found that one very simple meaning might be assigned to it, which would make the Principle include many mechanical truths. And in the sequel, it was proved by Lagrange, that, with the definition which had been adopted, the principle was a universal and necessary truth in all possible combinations of bodies and motions.

Thus then the Principle of Least Action was allowed and proved to be true. But how far was it adopted as a means of solving special problems? Did it supersede other methods

of dealing with mechanical questions? Did men apply it to the simple cases of mechanical action which they had to consider? Was it desirable that they should do so? Could they have done so if they had tried?

If a mathematician of Maupertuis' time had set about solving a simple problem, or almost any problem, by means of the principle of Least Action, as the best way of obtaining the solution, he would have been very unwise. The principle then was precarious; for every mechanical principle is precarious so long as it rests upon metaphysical reasoning alone, though these may, perhaps, convert known truths into necessary truths:—the principle was of doubtful meaning if true, for its real meaning was only established when its universal truth was proved. But, dismissing these objections, the method was a bad method of solution, as being superfluously and extravagantly general and complex;—introducing the consideration of very many indefinite and entangled elements, in a case which really required but few and simple considerations. And this is not the less the case, now that the principle is demonstrably confirmed. If any mechanical calculator were to attempt to trace the path of a projectile or a planet by Maupertuis' principle of Least Action, he would be looked upon with a smile of pity by all good mathematicians. He might perhaps excite admiration in some novice, enthusiastic in his love of generalities; but the probability is, that he would fail in his attempt, and be lost in the labyrinth of symbols into which he had so unadvisedly and unnecessarily rushed.

What the Principle of Least Action is in Mechanics, the Principle of Greatest resulting Good is in Morals. No one questions its truth: every investigation has more and more firmly established its reality. But then, how hard to fix its precise meaning! What is Good? Our judgments of the nature of Good change, as our views of the tendency of

all things to good expand. Is Pleasure the Good? So says the system of which we are speaking: but what pleasure! The Pleasure of a calm mind, a pure conscience, a benevolent heart: the Pleasure of a state of future happiness when all sensual delights shall have passed away. But when we have given our principle this meaning, how shall we apply it? Who can foresee how far men's actions tend to increase such good as this? Who can calculate all the effect which his actions produce by their consequences immediate and remote; by their operation on his own character and habits; by their influence in the way of example and reputation; by their fitting him for another state of existence. Can it really be true that we cannot estimate the good or evil of any of our doings, without summing the infinite series of such terms as these, which is appended to each? and each of these terms, too, depending upon actions and thoughts of other men as its elements:—all these series, each in itself involving so much that is indefinite, so much that is incalculable, all mixed and entangled, and inter-dependent in modes innumerable. If we cannot call our actions *good* or *evil* till we have performed this summation, till we have balanced against each other the positive and the negative quantities of such a calculation, we are surely thrown upon a task for which our faculties are quite unfit: we have the tangled course of life to run, and are blindfolded by the hand which is to assign the prize.

But it will perhaps be said that we have no better means of solving the moral problem of our being; it will be demanded what other rule can be proposed for determining the good or evil of our actions than the consideration of their consequences. If such a question were asked, we should have to reply, in the first place, that this is not the matter under consideration. Our business at present is to weigh the value of the theory of morals which

is based upon general expediency. If this theory can be shown to be incapable of being rightly employed, the arguments which prove this are not turned aside by demanding some better theory: nor would they lose their force if we were driven to acknowledge that no general theory of morals is attainable. And even if we are able to construct a sounder and better system, this must be a distinct task; and is not to be confounded with the criticism which we apply to a system which is held, by the objectors now under our review, to be altogether unsatisfactory and false. It would merely produce confusion and needless repetition, to quit this ground, and to mix together the discussion of several systems at once. Yet before quitting the illustration which I have just employed, drawn from the science of Mechanics, I may notice, in the slightest possible manner, the instruction which it suggests with regard to the formation of any other sciences.

The science of Mechanics was not deduced, nor could have been deduced, as we have seen, from the general Principle of Least Action, though that Principle is indisputably true. How then was this province of human knowledge so demonstrably proved, and made into so solid and extensive a system of truths, general and particular? The answer is plain. It was by the consideration, in the first place, of special problems, reasoned upon by means of principles which, in those narrower applications at least, were self-evident; and—in proportion as these limited principles were clearly seen and steadily possessed—by passing from these to others which were true because they included the partial truths at first discovered; and which were applicable to more comprehensive and complex cases:—universal principles which include all possible cases, being arrived at only through these intermediate ones:—and these very general truths being dimly and vaguely apprehended at first; and never becom-

ng, not even at last, the best mode of obtaining practical results.

Now so far as this general description goes, I do not think it at all extravagant to expect that the history of the Science of Mechanics may be a type of the genuine course of real progress in other sciences, even in those which deal with the internal world of thought and feeling, as well as in those that regard only the external world of matter and motion. But the further prosecution and development of this view, if it is permitted to me to trace it to its consequences, must be the work of future years, and of a maturer study of the subject. At present I have ventured to refer to it, only because I would not seem to criticize existing systems, without any steady belief that a better may be found; or to declare a mode of proceeding to be wrong, without knowing which way to look for the right. I shall now return to the reception of Paley's system among English readers.

LECTURE XII.

GISBORNE—PEARSON—PRICE—ROBERT HALL.

BESIDES the argument against the doctrine of expediency, derived from the impossibility of applying it, Mr Gisborne stated other objections to Paley's ethical system. He urged that since actions are asserted to be blameable only so far as their consequences are injurious, and since, of the probable consequences, each man is for himself the judge; it follows that, if a man be persuaded that any action, of those which are by the world called crimes, would produce an overweight of good over bad consequences, it ceases to be in him a crime, and becomes a duty: and thus rapine, hypocrisy, perjury, murder, may be entitled to the highest rewards of virtue.

With regard to this argument, it goes to prove the untenable character of Paley's pretended analysis of moral obligation, and has already been considered in substance when I spoke of that subject. I may observe, however, that in stating this argument, Mr Gisborne has anticipated the answer sometimes made to it;—that all moral rules must be applied in virtue of the conviction of the agent, and by means of his judgment; and that therefore the difficulty arising from this circumstance, whatever it amount to, is no argument against Paley's principles more than against other system of morals. Mr Gisborne replies, that the system of general utility is not upon an equal footing with other systems in this respect. The teachers of positive independent morality obtain general definite rules; as, not to take what belongs to another—to perform what we promise—and the

like. There is no confusion or vagueness in applying such rules. Utility, on the contrary, leads us to no absolute rules; for she has never exhausted the stock of possible consequences. She confirms such precepts as the above; but still, confirms them as liable to exception, and valid only upon the supposition that nothing unforeseen alters the usual result. I think that we cannot deny that the consideration of general consequences, thus directly employed to establish moral precepts, does, by its nature, leave them charged with a large amount of insecurity and vagueness; and indeed makes them in a great degree precarious. All peremptory and rigorous moral rules become, on this system, as I have already said, rather assumptions made to suit the needs of practical morality, than fair deductions from the principle, supported by just and adequate demonstrations.

Mr Gisborne further urged, that Paley's rule is irreconcilable with the Scriptures, which enjoin us not to do evil that good may come: and he condemned, with a very natural severity, a passage to which I have already referred, in which Paley dilutes and almost nullifies this serious command, by terming it a *caution*, salutary for the most part, the advantage *seldom* compensating for the violation of the rule.

Mr Gisborne was not the only assailant of the Paleian system on its introduction into this University. Dr Pearson, afterwards the Master of Sidney College, also published two pamphlets (in 1800 and 1801), one directed against the theoretical, and the other against the practical part of Paley's ethical work. Some of Dr Pearson's principal objections were aimed at some of the defects of the work in system and reasoning, which its most ardent admirers could hardly deny; as in the case of the confusion (already noticed) which is to be found in Paley's definition of virtue. Dr Pearson's own definition of Virtue is, Voluntary obedience to the will of God. But he contends that the will of God may be ascertained in

various ways ; by the eternal fitness of things, conformity to truth, the moral sense, and, if really applicable, general utility : any of these principles may, he asserts, be employed in discovering the path of our duties. As a practical rule, this commixture of views fundamentally different, may be admitted ; but it may be observed that we should never in this way obtain a sound theory, or a coherent system of ethics. It may be, that each of these principles is true, and that each has its place in a true system : but then, that place must be definite, and must be assigned by the most profound and comprehensive philosophy which belongs to the subject. Such philosophy can never countenance a tumultuary assemblage of all the principles which have ever been propounded, brought together on the supposition that they have all equal and independent rights.

In 1797 a defence of Paley's *Moral Philosophy* against its assailants was attempted by Dr Croft, of Birmingham, formerly of University College, Oxford. But this work was not of a nature to throw much new light upon the subject : and at that period Paley's book was too firmly established as a standard work on morals to need such a defender. It had become a constant and prominent part of the teaching and the examinations carried on in this University, and both by the hold it thus obtained upon the minds of many young men of good ability and good condition, by its own merits of style and execution, and by its congruity with the principles and feelings of a large portion of English society, its views and reasonings had pervaded the whole mass of English thought. Every attempt at general abstract reasoning on moral subjects was made after the manner of the reasonings in Paley's works, and generally, upon the same fundamental principles ; and thus, besides the direct operation of the work, there was an indirect influence exerted which, in time, tinged the habits of thinking, reasoning and expression in

this country, to at least as great an extent as any previous moral doctrine had ever done.

Besides those who thus objected to Paley's doctrine, and those who defended it, there was another class who gladly accepted the principle of morality founded upon consequences, and of right and wrong regulated by the bearing of actions upon general utility : and who accepted it only to carry it very much farther than Paley or any of his predecessors had done, and to strip it of all the cautions and limitations by which he had endeavoured to render it salutary.

This body of speculators did not immediately show itself upon the appearance of Paley's book, nor even directly after its general reception and establishment here. But when, by being constantly employed in this University as the basis of our moral teaching, the principles of which I speak had become firmly fixed in men's minds, and recognized by a great part of the nation as the true grounds of human conduct and judgment, it was natural that persons with very different views from Paley should try whether their system might not be built on his foundations. His system embodied in itself the Christian belief, recommended the usually-acknowledged virtues, and was, for the most part, opposed to changes in the state of society and government. But persons who wished for a system without such ingredients, found that they could easily employ the doctrine of general utility so as to obtain their own most cherished conclusions. For this end, they held that the principle of the greatest happiness required to be followed out more rigidly, more resolutely, more purely, than Paley had done it : and there were not wanting persons who performed this task with joy and exultation, and then very naturally called upon their countrymen, and especially those of Paley's school, to admire what they had done, and to give it its practical effect.

I am not now going to discuss any further the specula-

tions to which I thus refer: for they belong to our own time, and are hardly yet a subject for mere history. I will only observe that, whatever any one may think obnoxious or dangerous in the conclusions to which such speculations have led, is by no means to be cast as a matter of blame upon Paley. Even if such conclusions were deducible in the most logical and demonstrative manner from principles which Paley lays down, still, as he himself does not acknowledge, but on the contrary, disclaims and condemns such opinions as those to which I refer, he is not chargeable with them; for it has been generally allowed that man, whose duties are practical, not theoretical, is not to be made responsible for consequences which he does not intend or foresee, even if they follow inevitably from what he does or says. He is not morally bound always to reason in a perfect manner. He is bound to reason as well as he can, but not bound to reason better. He must use his best endeavour to apply such faculties as God has given him to the discovery of the truth; and if, doing this, he fails, his error is not necessarily his sin. If, therefore, Paley did not see the necessity of the offensive consequences which have been deduced from his doctrine, or seeing them, conceived they might be averted by the considerations which he offered, he is not to bear the whole blame of the opinions which others have thus promulgated. He may be a bad philosopher, an unsound theorist; but he may still continue a blameless writer, a virtuous man. And if this be so, even assuming Paley's principles to be identical with those which lead to dangerous and immoral tenets, how much less is he answerable for the conclusions of those who copy his mode of speculation, but who leave out of their system that which is the main and guiding element in his, the rewards and punishments of another life! The study of Paley's Moral Philosophy in this place may have produced evil, which may perhaps now have accumulated so as to over-

balance the good. But I hope it will always be understood that I acquit Paley himself of blame;—consider him as an admirable and instructive writer who has edified and directed practically aright an immense body of readers;—and look up to him with gratitude for many most valuable services to the cause of religion and virtue.

Having thus considered the Moral and Political Philosophy of Paley, and its reception, I have a very few words to add. The doctrine of Paley was accepted, as we have seen, in this University, and among the moralists of the English Church in general. It might seem that there is something congenial to the mental habits of Englishmen in a philosophy of this kind, which, assuming peremptorily an ultimate point of analysis, receives with some impatience and some contempt all endeavours to analyse further. “Obligation is the command of a Master who can reward and punish.” This was a maxim which was all the more easy to assent to, because it spared men the effort of really understanding what Obligation means. “Actions are right which tend to increase human happiness.” Here, again, was a principle which supplied the means of stating arguments in favour of all commonly-received duties; and though from the same principle, arguments might be deduced *against* many of these duties; and though the principle supplied no means of weighing one side against the other, the Paleians rested in security on the repugnance and disfavour with which they knew that their hearers in general would receive the reckoning of the pleasure produced by vice, when put forwards as a moral element. The usual mode of argumentation was simple. When men spoke of right and wrong as independent qualities, the English moralist demanded definitions, or shrugged his shoulders, and declared that he could not understand the phrases:—when men doubted whether vice might not sometimes produce an overplus of pleasure, the

English moralist again declared (and no doubt in general with great truth) that it was disgusting to him to have to balance such an account.

The Englishman who turned his thoughts towards morals was willing to take the dignity and complacency, but not the labour and risk, of philosophizing ;—willing to reason, but not willing to confine himself to precise ideas, so that his reasonings should be conclusive ;—willing to reason in favour of virtue, but not willing to weigh the reasons of her adversaries. Through all his pretences at theorizing, he was, in fact, guided by his practical understanding. He handled for a little while the ancient Gordian knots of metaphysical controversy, and then cut them across with the hard sharp weapons which he used in daily life. If he were taxed with this inconsistency, he would perhaps reply that to tie and untie what was so weak a bond in practice, could be little gain. Yet he might be reminded that this process brings as its reward all the gain that man's speculative nature looks for ;—the preservation of a coherent and continuous thread of thought and reason, through all the windings of human life and action. When the strong man's sword alone divides this complicated line, it presents to us nothing but detached fragments and unconnected ends, in which the rational principle sees only contradiction and absurdity ; and by which the heart, so far as its views are enlightened by the reason, is disturbed and discontented.

But though in England men dealt so impatiently with the great moral controversies and systems, these controversies still went on, and these systems were still matters of interest, in other parts of the empire. I will give an instance or two of this before quitting the subject.

It was assumed in this place, as proved, that men have not a peculiar Moral Faculty ; but elsewhere this Moral Faculty and its analysis were the main subject of discussion.

I have already shown how the school of Cudworth and Clarke, who ascribed the discernment of moral differences to the *Reason*, were in a great measure superseded by the school of Shaftesbury, who ascribed this perception to a *Moral Sense*. We have seen how ably Hutcheson tore in pieces the old Clarkian formula. David Hume reasoned with no less acuteness on the same side. He thus argues against the opinion that right and wrong consist in *relations* of actions*.

“ But it [crime] consists in certain moral relations, discovered by reason, in the same manner as we discover, by reason, the truths of Geometry or Algebra. But what are the relations, I ask, of which you here talk? In the case stated above, I see first, goodwill and good offices in one person; then ill-will and ill-offices in the other. Between these, there is the relation of contrariety. Does the crime consist in that relation? But suppose a person bore me ill-will, or did me ill-offices; and I, in return, were indifferent towards him, or did him good offices. Here is the same relation of contrariety; and yet my conduct is often highly laudable. Twist and turn this matter as much as you will, you can never rest the morality on relation; but must have recourse to the decisions of sentiment.

“ When it is affirmed that two and three are equal to the half of ten; this relation of equality I understand perfectly. I conceive that if ten be divided into two parts, of which one has as many units as the other; and if any of these parts be compared to two added to three, it will contain as many units as that compound number. But when you draw thence a comparison to moral relations, I own that I am altogether at a loss to understand you. A moral action, a crime, such as ingratitude, is a complicated object. Does the morality consist in the relation of its parts to each other? How? After what manner? Specify the relation.

* *Essays*, Vol. II. p. 322.

Be more particular and explicit in your propositions, and you will easily see their falsehood. No, say you, the morality consists in the relation of actions to the rule of right? In what does it consist? How is it determined? By reason, you say, which examines the moral relations of actions. So that moral relations are determined by the comparison of actions to a rule. And that rule is determined by considering the moral relations of objects. Is not this fine reasoning?"

Hutcheson the Irishman, and Hume the Scotchman, thus seemed to trample on the very ruins of the old fortress of immutable morality, which English moralists had abandoned. But a champion, and a very able one, soon issued from Wales, and did no little to restore the fortunes of the fight. I speak of Dr Price, the son of a dissenting minister in Glamorganshire, himself also an eminent dissenting minister. He published, in 1757, a volume of *Essays* (republished in 1787), in which the foundations of morals are discussed; and in this work there are, perhaps, the germs of a greater change in the prevalent philosophy of the subject than has yet taken place. He undertook the then unpopular cause of Immutable and Eternal Morality. And in him we find that which gives a new aspect to the controversy; the apprehension of the imperfection of Locke's philosophy, as being the ground of the moral fallacy. Price saw that the dogma, that all our ideas are derived from Sensation and Reflection, was not readily reconcilable with our apprehension of Moral Good and Evil; which, it had appeared by the course of speculation in this century, cannot be traced to either of these sources. But then, he turns round and asks, are *these* the only Ideas which we cannot refer to these asserted fountains of all Ideas? Far from it. All our knowledge of all universal truths involves Ideas which, as much as these, are irreducible to sensation and reflexion. Whence,

he asks, is the idea of impenetrability? of inertia? of substance? of duration? of space? of cause? These are not ideas of sensation borrowed from the external world: nor are they obtained simply by reflection on the world within. No,—he says,—the Lockian account is incomplete. The understanding itself is a source of new Ideas. Try the very *act* of understanding what we contemplate, we have convictions concerning *it* which are the source of truth; and among such convictions, are our convictions of moral good and evil. Actions and active principles have a nature and essence like anything else; and when we contemplate them, the understanding judges of these as of other objects. A rational agent *can* see a difference of fitness and unfitness in actions. And if we have given to *reason* such a sense that we cannot ascribe this judgment to that faculty; we must at least ascribe it to that faculty, however we analyse it, by which we understand, and not to any sense which we do not understand, but only feel.

I shall not pursue this subject further at present. I will only observe that these views of Price seem to me to be capable of being developed into a very valuable corrective of the errors of his contemporaries. You will not be surprised to find that he expressed a strong disapprobation of the doctrine of Paley. In 1787 he published a new edition of his work, and in this he inserted a Note upon Paley's work. After giving his statement of some of Paley's principles (p. 485), he says, "Never have I met with a theory of morals which has appeared to me more exceptionable." He then makes objections to some of Paley's special conclusions, and adds, "I am very sensible of the merit of many parts of this work. But *these* parts of it (those to which he had referred) I have read with surprise, and also with a concern, the pain of which has been much increased by the reflexion that they contain principles which have been inculcated many

years at Cambridge, and which therefore have probably been imbibed by many young persons when under preparation for public life.”

Under present circumstances, it does not appear to me that I could with advantage to you, my audience, pursue the history of Moral Philosophy among succeeding writers. I have not shunned to declare my conviction that the system of morals which is now taught among us is unworthy of our descent and office; and it will be my endeavour in future years, as far as my powers and opportunities allow, further to point out, and, if possible, to remedy the defects which I lament. That they are lamented by others also, by a great body of the well-wishers to our common country, I do not doubt; and I shall not hesitate to conclude by a passage expressive of this feeling, written by a great preacher of our own time, though not of our own Church*. “Here I cannot forbear remarking a great change which has taken place in the whole manner of reasoning on the topics of morality and religion, from what prevailed in the last century, and, as far as my information extends, in any preceding age. This, which is an age of revolutions, has also produced a strange revolution in the method of viewing these subjects, the most important by far that can engage the attention of man. The simplicity of our ancestors, nourished by the sincere milk of the word, rather than by the tenets of a disputatious philosophy, was content to let morality remain on the firm basis of the dictates of conscience and the will of God. They considered virtue as something ultimate, as bounding the mental prospect. They never supposed for a moment there was anything to which it stood merely in the relation of a means, or that within the narrow confines of this momentary state anything great enough could be found to be its end or

* Robert Hall's Sermon on the Sentiments proper to the present Crisis, (1803) p. 42.

bject. It never occurred to their imagination that that religion which professes to render us superior to the world is in reality nothing more than an instrument to procure the temporal, the physical good of individuals, or of society. In their view it had a nobler destination; it looked forward to eternity: and if ever they appear to have assigned it any end or object beyond itself, it was an union with its Author, to the perpetual fruition of God.

“They arranged these things in the following order:—Religion, comprehending the love, fear, and service of the author of our being, they placed first; social morality, founded on its dictates, confirmed by its sanctions, next; and the mere physical good of society they contemplated as subordinate to both. Everything is now reversed. The pyramid is inverted: the first is last, and the last first. Religion is degraded from its pre-eminence, into the mere handmaid of social morality; social morality into an instrument of advancing the welfare of society; and the world is all in all. Nor have we deviated less from the example of antiquity than from that of our pious forefathers. The philosophers of antiquity, in the absence of superior light, consulted with reverence the permanent principles of nature, the dictates of conscience, and the best feelings of the heart, which they employed all the powers of reason and eloquence to unfold, to adorn, to enforce; and thereby formed a luminous commentary on the law written on the heart. The virtue which they inculcated grew out of the stock of human nature; it was a warm and living virtue. It was the moral man, possessing in every limb and feature, in all its figure and movements, the harmony, dignity, and variety which belong to the human form; an effort of unassisted nature to restore that image of God which sin had mutilated and defaced. Imperfect, as might be expected, their morality was often erroneous; but in its great outlines it had all the

stability of the human constitution, and its fundamental principles were coeval and coexistent with human nature. There could be nothing fluctuating and arbitrary in its more weighty decisions, since it appealed every moment to the man within the breast; it pretended to nothing more than to give voice and articulation to the inward sentiments of the heart, and conscience echoed to its oracles. This, wrought into different systems, and under various modes of illustration, was the general form which morality exhibited from the creation of the world till our time. In this state revelation found it; and, correcting what was erroneous, supplying what was defective, and confirming what was right by its peculiar sanctions, superadded a number of supernatural truths and holy mysteries.

“How is it, that on a subject on which men have thought deeply from the moment they began to think, and where consequently, whatever is entirely and fundamentally new, must be fundamentally false, how is it, that in contempt of the experience of past ages, and of all precedents human and divine, we have ventured into a perilous path which no eye has explored, no foot has trod; and have undertaken, after the lapse of six thousand years, to manufacture a morality of our own, to decide by a cold calculation of interest, by a ledger-book of profit and of loss, the preference of truth to falsehood, of piety to blasphemy, and of humanity and justice to treachery and blood?

“In the science of morals we are taught by this system to consider nothing as yet done; we are invited to erect a fresh fabric on a fresh foundation. All the elements and sentiments which entered into the essence of virtue before are melted down and cast into a new mould. Instead of appealing to any internal principle, every thing is left to calculation, and determined by expediency. In executing this plan, the jurisdiction of conscience is abolished, her

ecisions are classed with those of a superannuated judge, and the determination of moral causes is adjourned from the interior tribunal to the noisy forum of speculative debate.

“Everything, without exception, is made an affair of calculation, under which are comprehended not merely the duties we owe to our fellow-creatures, but even the love and veneration which the Supreme Being claims at our hands. His claims are set aside, or suffered to lie in abeyance, until it can be determined how far they can be admitted on the principles of expediency, and in what respect they may interfere with the acquisition of temporal advantages. Even here, nothing is yielded to the suggestions of conscience, nothing to the movements of the heart: all is dealt out with a sparing hand, under the stint and measure of calculation. Instead of being allowed to love God with all our heart, and with all our strength, the first and great commandment, the portion of love assigned him is weighed out with the utmost scrupulosity, and the supposed excess more severely censured than the real deficiency.”

Pudet hæc opprobria nobis
Et dici potuisse, et non potuisse refelli.

LECTURE XIII.

BENTHAM—HIS BIOGRAPHY—HIS STYLE OF DISCUSSION.

IN order to complete our view of the progress of Moral Philosophy in England in recent times, I will give some account of Jeremy Bentham and his speculations on the subjects with which we are here concerned: for no moralist has been placed so high by his admirers, or has been more resolute and comprehensive in applying his principles to practical policy and legislation. The school of Bentham, for a time, afforded as near a resemblance as modern times can show, of the ancient schools of philosophy, which were formed and held together by an almost unbounded veneration for their master, and in which the disciples were content to place their glory in understanding and extending the master's principles. And though, to the general public, the Benthamite doctrines had an exceedingly harsh and repulsive aspect, and were made formidable by the sweeping purposes of reform with which they were connected; yet Bentham's real acuteness in discussion, his laborious perseverance, his exhibitions of complete and exhaustive systems of analysis and reasoning on many of the largest political questions; gave him great weight with many statesmen both at home and abroad. Perhaps few moral and political writers have exercised a greater influence upon their generation than he has done; and to us he is especially interesting as manifesting in a more complete and consistent form the results of that scheme of morality, which, in a less resolute manner, was put forwards by Paley.

Bentham lived in our own time, (he died in 1832;) and by

The ardent zeal of his disciples and admirers, and by his publications continued to the time of his death, and the references of other writers to them, was kept in a peculiar manner present to our minds as a contemporary. Yet by the earlier period of his life he belonged rather to the literature of the last century. He belonged to a club where he met Johnson*; he was not much younger than Burke; he attended Blackstone's Vinerian lectures, and afterwards criticised the *Commentaries* as a contemporary work; he was anticipated unexpectedly by Paley in publishing a theory of morals founded upon Utility. But he was, through his long period of literary activity, eminently consistent. He adopted very early the views and doctrines which he employed his life in inculcating; and he also showed very early that peculiar one-sidedness in his mode of asserting and urging his opinions which made him think all moderation with regard to his opponents superfluous and absurd. Here we are not concerned directly with the main field of his exertions, Jurisprudence, and the Politics of the time; but Morality, in his view and in our view, is clearly connected with the former of these, Jurisprudence; and his doctrines on Morality have excited perhaps quite as much notice as on the other subjects.

It may be worth our while to notice some circumstances connected with the earlier period of Bentham's literary and personal history. He was born in London in 1748. His father was a prosperous attorney, extremely desirous of the worldly prosperity of his son, whose precocious talents promised to gratify the paternal wish. He was sent to Queen's College, Oxford, at the unusually early age of twelve; and took his degree, not only of B.A. but of M.A. before he was of full man's age. Many of his school and college

* Johnson, b. 1709, d. 1784; Burke, b. 1730, d. 1797; Bentham, b. 1748. d. 1832.

exercises have been published by the affectionate zeal of his biographer, (Dr Bowring,) and show an average acquaintance with the Latin language; which is noticeable, because at a later period Bentham, probably having lost his acquaintance with the ancient writers, in consequence of a contempt for them which he carefully nourished and inculcated, scarcely ever made any reference to Greek or Latin without showing some extraordinary ignorance.

He appears to have been unhappy at Oxford, and to have learnt little there: but in later life, he was accustomed to refer to this period his adoption of his favourite universal principle of Morals and Politics*. Dr Priestley published his *Essay on Government* in 1768. He there introduced in italics, as the only reasonable and proper object of government, *the greatest happiness of the greatest number*. Mr Bentham fell in with this book at "a little circulating library belonging to a little coffee-house" close to Queen's College. By this expression of Priestley, Bentham conceived that his own principles on the subject of Morality, public and private, were determined. For us, who have traced the progress of opinions on this subject and of doctrines of this kind in other writers, it is evident that there was in the general current of literature and thought at that time a *set* towards such doctrines and such expressions; and indeed Bentham himself pointed out other previous writers in whom expressions and thoughts very similar occur. This being the case, it is extraordinary that he should so constantly have talked of himself, and have been talked of by his admirers, as the discoverer of the principle; the more so, as it was soon after, by Paley, put forth in a systematic manner, and unfolded into a treatise on Morality. But Bentham appears to have been one of those persons to whom every thing which passes through their own thoughts assumes quite a

* *Deontol.* I. 298.

different character and value from that which the same thing had when it passed through the thoughts of other persons.

Bentham, from this time, was engaged in following out his principle; but how far it assumed additional value in his hands we may afterwards have to examine. He also then or soon afterwards assumed the office, which he repeatedly exercised at subsequent periods, of a severe and pungent critic of current doctrines and their authors. The disposition to such criticism gave rise to his first considerable publication, *A Fragment on Government*. This subject was probably suggested to him in an especial manner by his residence at Oxford; for the work was a critique of certain portions of the *Commentaries* of Blackstone, whom, as I have said, he had himself heard lecturing. *The Commentaries on the Laws of England*, then recently published, had been received with great general favour, and acquired at once the reputation they still, I believe, retain. Yet probably there are few persons who, looking at the work carefully, will hold that it is composed in a very philosophical spirit, or that the general reasonings which are introduced, and those on Government in particular, are rigorous and blameless. Probably most of the admirers of the work, looking to it for merit of quite other kinds—a clear and connected exposition of the existing law of England—would not think the goodness or badness of logic and philosophy of the author's general preliminary reflections, a matter of much consequence. Not such was the temper of Bentham. A fallacy, a sophism, or what he thought such, was to him an inevitable provocation to a vehement attack; and on this as on other occasions, he rushed upon such things as his prey, with something of the instinctive keenness with which a cat springs upon a mouse. I think we may allow that many of his objections to Blackstone's loose general talk are reasonable, though we may

doubt whether it was worth while to write a book about them; and still more, whether it was worth while to publish in impetuous haste, that Fragment of a book which referred to these generalities, while the part which referred to the main body of the work, "the Comment on the Commentaries," which he also meditated, remained behind unexecuted. But it was not unnatural that with his vehement convictions and with his lively mind he should be eager to find some opportunity of appearing before the public.

In this work he introduced UTILITY as the fundamental principle of political morality;—as the test, for instance, when resistance to government is allowable. Thus Ch. iv. art. xx. "It is the principle of *utility* accurately apprehended and steadily applied, that affords the only clew to guide a man through these straights." And Art. xxi. "It is then, we may say, and not till then, allowable to, if not incumbent on, every man, as well on the score of *duty* as of *interest*, to enter into measures of resistance, when, according to the best calculation he is able to make, *the probable mischiefs of resistance* (speaking with respect to the community in general) *appear less to him than the probable mischiefs of submission*.*" You will recollect how very closely this approaches to the doctrine delivered by Paley a few years later, (this was in 1776), and to the manner of delivering it. It was a point to which the doctrines of Locke and his successors had gradually led; but which, when stated in this fearless and pointed manner, naturally excited some notice; startling some, while to others it sounded like a new-discovered axiom.

It does not appear that at this time Bentham had learnt to consider the term *utility* as a far more imperfect expression of his favourite principle, than *the greatest good of the greatest number*, which he afterwards much preferred. We

* So Ch. i. xlvi. "Now this other principle that still recurs upon us, what other can it be than the *principle of UTILITY*?"

may remark in this *Fragment* some specimens of a candour which he seems ever afterwards to have thought too weak to be repeated; for he speaks with considerable approbation (in the Preface to the *Fragment*) of Blackstone's style, and his exposition of the Law. So with regard to the doctrine of the Original Compact, which Bentham condemns as a Fiction, and a Fiction which his admirers consider him as having utterly demolished;—not, I think, quite supported in this view by the subsequent history of political discussion;—but with regard to Fictions in general, on the occasion of this, he speaks with a moderation which he afterwards altogether discarded. (Ch. I. Art. xxxvii.) “With regard to this and other fictions, there was once a time, perhaps, when they had their use. With instruments of this temper, I will not deny that some political work may have been done, and that useful work which under the then circumstances of things could hardly have been done with any other.” In the Preface to the second edition, published at a long subsequent period (1828), he no longer used such moderate language. On the contrary he says (p. 243), “A fiction of law may be defined a wilful falsehood, having for its object the stealing legislative power by or for hands which could not, or durst not, openly claim it,—and but for the delusion thus exercised could not exercise it. Thus it was that, by means of mendacity, surpartition was got up, exercised, and established.” And he then goes on to illustrate this “power-stealing system,” as he calls it, remarking that *mendacity* is a name too soft for falsehood thus applied;—says that it is practised to procure profit to the judge or judges;—that they are called *the court* for the sake of letting in the servants to a share of the worship paid to the master, and so on.

This passage, in the second edition, is a specimen of the impossibility, under which Bentham soon began to labour, of seeing anything but falsehood, fraud, and self-seeking greed-

iness, in the character of those whose doctrines he attacked. His constant habit is to assume himself to be in the right, and to treat his adversaries with ridicule and contempt: and among other forms of contempt, with that of ascribing to them arguments and expressions utterly different from those they ever used: as if it was not worth while reading their books, or attending to what they say; and as if they were not sufficiently his equals to make it possible that they should be treated with injustice. He was in the habit of declaiming against them whenever he had occasion to mention them, undoubtedly with great vivacity and fertility of language, but without the smallest fairness; and very often he declaimed against them, for *their* declamation, in a manner hardly less comic than Sir Anthony Absolute's anger at his nephew's anger. Thus he says (p. 81) that "the all-comprehensive, all directing, greatest happiness-principle, is in some shape or other, in some point or other brought forward" in every attempt at reform. "But of this fountain of all political as well as moral good, the water is an object of horror to all who are engaged in the war of politics: the sound or the sight of it is to them that which the touch of the salted holy water is to the unclean spirits; to the unclean spirits on both sides; and at the bottom no less than at the top of the world of politics all spirits that move in it are unclean. From this field of universal depravity arises at all times a loud and indefatigable cry of excellence," and so on (p. 81). The passage ends with some phrases of religious reverence used in ironical mockery, which is also, I am sorry to say, not at all unusual in Bentham's writings. I shall, however, have more to say of Bentham's mode of arguing when we come to deal with his doctrines themselves: for the present, I wish to point out in some measure the manner in which they came before the world.

The reception of the *Fragment on Government* was not

altogether unprosperous; but probably far less favourable than the author, in the glow of reforming zeal and triumphant conviction, had expected. "No sooner," he afterwards said, "had my farthing candle been taken out of the bushel, than I looked for the descent of torches to it from the highest regions: my imagination presented to my view torches descending in crowds to borrow its fire." Anything which could be described precisely thus, did not happen. But the work, published without the author's name, was ascribed to many of the greatest men of the day: to Lord Mansfield, Lord Camden, Lord Ashburton. It was the means of introducing Bentham to Lord Shelburne, and thus of making him a frequent visitor at Bowood. And these visits formed the happiest part of his life, and very much influenced his future career.

He had turned aside from the practice of the law, in which his father had tried to involve him; he now gave himself entirely to his political and moral speculations, and was soon looked upon by his friends as an acute and powerful thinker, and a great master of political and jurisprudential philosophy;—of course of the most liberal cast. He was employed upon a work *On the Principles of Morals and Legislation*, which was already printed in 1781, though not published till 1789. In his Preface to the second edition,—a most amusing piece of autobiography,—he narrates, (Art. XII.) that Lord Shelburne got into his hands the unpublished treasure of wisdom, and could not be withheld from reading it to the ladies at the breakfast-table; and that, inasmuch as *all* the great springs of human action were distinctly referred to, this occasioned some embarrassment.

But this Preface is most curious as illustrating what I have already said, that Bentham could not conceive that those who dissented from him in any degree, were not actuated by some selfish view and some fraudulent purpose. He

could not understand how his *Fragment* had not drawn more public notice, and led to greater results. He knew that it had been seen by several eminent persons; as Wedderburn, afterwards Lord Loughborough, Lord Mansfield, Lord Camden, Mr Dunning, Col. Barré: and the mode in which he accounts for their slight notice of the work is very curious and amusing. Wedderburn had said that it was a dangerous book; and Bentham declares that at the time it was inconceivable to him how utility could be dangerous; but afterwards he came to see clearly that Wedderburn meant that it would be dangerous to the mass of power, wealth, and factitious dignity which such persons as he enjoyed at other people's expense. Lord Mansfield, when it was read to him, had said at parts, "now he seems to be slumbering;" and at other parts, "now he is awake again." Bentham afterwards discovered that there was a heart-burning between Lord Mansfield and Blackstone, and at a later period he saw that the wakeful parts to Lord Mansfield were those in which was seen the tormentor of *his* tormentor; the sleepy portions, those in which there was a liberalism and a logic threatening *his* despotism and rhetoric. Lord Camden, who was a guest along with him at Bowood, told him that he played too loud in accompanying Miss Pratt on the violin, and that he ate too much; besides never speaking to him of his book. Dunning too was a guest there, and merely scowled at him. Col. Barré, another guest there, was to him stately and distant; and when Bentham gave him an Essay of his on Deodands to read, Col. Barré said, "Mr Bentham, you have got yourself into a scrape;" which Bentham afterwards discovered to mean that he had written what was against the interest of the ruling few. And Bentham is quite clear in his conviction that it could not be anything in his own manners that drew on him this repulsive behaviour: for Miss Pratt did not share her father's

rage at the loud playing, nor did Mrs Dunning, whose music his violin also accompanied. It was the fear of danger to their own interests which made all those men neglect Bentham's writings, treat him with coldness, and enter into a confederacy to keep him back, which for a time succeeded. Even Lord Shelburne's kindness to him was stimulated, he thinks, by that nobleman's quarrel with Blackstone; and when one day he said, "Mr Bentham, what is it you can do for me?" he wanted help to his party which Bentham would not undertake to give. Some years afterwards he surprised Lord Shelburne much by asking him for a seat in Parliament somewhat vehemently (in a letter of sixty-one pages), but took very good humouredly the refusal which was involved in the reply.

But Bentham had already, as I have said, gone on from the *Fragment*, to the composition and printing of his *Principles of Morals and Legislation*. His friends already called him "the Newton of legislation," and undoubtedly he expected that the publication of his work would make the world regard him in that light. Why he delayed so long the publication of the work already printed, I do not know: but a little later he was induced by various causes to travel into Russia, (1784.) During the time that he was there, Paley's *Principles of Moral and Political Philosophy* was published, in 1785; and Bentham's friends could not fail to see in how great a degree this anticipated his system. His correspondent, George Wilson, gives him this account. "There is a Mr Paley, a parson and archdeacon of Carlisle, who has written a book called *Principles of Moral and Political Philosophy*, in quarto, and it has gone through two editions with prodigious applause. It is founded entirely on utility, or, as he chooses to call it, the will of God as declared by expediency, to which he adds, as a supplement, the revealed will of God. But notwithstanding this, and

some weak places, particularly as to oaths and subscriptions; where he is hampered by his profession and his past conduct, it is a capital book, and by much the best that has been written on the subject in this country. Almost everything he says about morals, government, and our own constitution, is sound, practical, and free from commonplace. He has got many of your notions about punishment, which I always thought the most important of your discoveries; and I could almost suspect, if it were possible, that he had read your *Introduction*; and I do very much fear that, if you ever do publish on those subjects, you may be charged with stealing from him what you have honestly invented with the sweat of your own brow. But for all that, I wish you would come and try; for I am still persuaded, my dear Bentham, that you have for some years been throwing away your time; and that the way in which you would be most likely to benefit the world and yourself is, by establishing, in the first place, a great literary reputation in your own language, and in this country which you despise." He goes on to notice as an example of Paley's merits, his inquiry into the guilt of a drunken man who kills another, and the quantum of punishment which ought to be applied to him; "which is," he says, "as correct and exhaustive as if you had done it yourself."

In reply to this, Bentham writes in a strain of grotesque pleasantry: "I had ordered horses for England to take triumphant possession of the throne of legislation, but finding it full of Mr Paley, I ordered them back into the stable. Since then I have been torturing myself to no purpose, to find any blind alley in the career of fame, which Mr Paley's magnanimity may have disdained." And again, in the same letter, "To speak seriously of Parson Paley, I should not have expected so much from him, &c. People were surprised to see how green my eyes were for some time after I received

our letter, but their natural jetty lustre is now pretty well returned." It would seem that some of his friends having their attention fixed on Bentham alone, and not attending to the course of thought in the rest of the world, could not get rid of the absurd notion of Paley having had some intimation of Bentham's doctrines. Wilson again returns to it two years later: "I have often been tempted to think that Paley had either seen your *Introduction* or had conversed with some one who was intimate with you." And the biographer who publishes these letters gravely refers from the one passage to the other, as if they confirmed each other. But when driven, as any sober thought must drive them, from his empty conjecture, they have recourse to the most extravagant assertions of the difference between Paley's and Bentham's doctrines. Thus in Bentham's *Deontology* we are told by the same biographer (Dr Bowring), that Paley "mentions the principle of utility, but seems to have no notion of its bearing on happiness." The person who writes thus can hardly, it would seem, have seen Paley's book. But he appears, like Bentham himself, to have thought that he had means of knowing what Paley's doctrines *must* be, which made it superfluous to examine what they were. "And if," adds this disciple of Bentham, "Paley had any such idea" as that of the bearing of utility on happiness, "he was the last man to give expression to it." Observe the reason why. "The work was for the youth of Cambridge," of one of the Colleges of which he was tutor. Now Paley had left the University ten years before, and his book was not adopted by the University till some time afterwards. But let us hear the writer's account of Cambridge. "In that meridian eyes were not strong enough, nor did he desire they should be strong enough, to endure the light from the orb of utilitarian felicity." But how does the writer know what Paley desired? By deducing from a rumoured pleasantry of Paley,

an account of his character and habits utterly at variance with known truth. "Insincere himself, and the bold, often declared, advocate of insincerity, over his bottle those who knew him, knew that he was the self-avowed lover and champion of corruption, rich enough to keep an equipage, but not (as he himself declared) rich enough to keep a conscience." In general "conscience" is not spoken of by the Benthamites with much reverence; but let us not quarrel with their inconsistency in this respect. Let us, however, look once more at the state of their knowledge respecting the English Universities. "For the remaining twenty years of his (Paley's) life, his book was the text-book of the Universities." For the ten preceding years and all the remaining years of his life, Paley had no share in the conduct of his University: the book was gradually introduced into use by the taste of individual examiners, but for a very long time not recognized formally by the University of Cambridge; and at Oxford it has never, I think, been at all countenanced. So far, however, as at any place it has been received, it has been received as the exposition of a system which founds morality upon the promotion of human happiness; and it is a curious example of jealousy for the master's honour overcoming regard for the doctrine, when this admiring Benthamite goes on to say that Paley "left the utilitarian controversy as he found it, not even honouring the all-beneficent principle with one additional passing notice."

It may seem superfluous to notice misstatements so gross and partiality so blind: but without at all wishing to deny great merit to some of Bentham's labours, (as I shall soon have to show), I am obliged to say that such misrepresentations and such unfairness are the usual style of controversy of him and his disciples; and it is fit that we, in entering upon the consideration of their writings, should be aware of this. I conceive it was more to Paley's credit to "leave the utili-

tarian controversy where he found it," than to carry it forwards by such ways of managing it as these:—although, in truth, it is difficult to see how a writer could do more for the doctrine of utility than Paley did, by deducing from it a system which, as George Wilson, Bentham's great admirer, said, was sound, practical, and free from commonplace. But we shall now return to Bentham; and this I shall do in the next Lecture.

LECTURE XIV.

BENTHAM—HIS PRINCIPLES OF MORALS AND LEGISLATION.

BEFORE I notice any of Bentham's more peculiar merits, I must again illustrate the extravagant unfairness to adversaries which was habitual in him.

The *Introduction to the Principles of Morals and Legislation* appeared before the public in 1789. The first chapter of this work is "On the Principle of Utility;" the second, "On Principles adverse to that of Utility." These adverse principles are stated to be two: The Principle of Asceticism, and the Principle of Sympathy. The Principle of Asceticism is that principle which approves of actions in proportion as they tend to *diminish* human happiness, and conversely, disapproves of them as they tend to augment it. (ch. II. § III.) The Principle of Sympathy (§ XII.) is that which approves or disapproves of certain actions, "merely because a man finds himself disposed to approve or disapprove of them, holding up that approbation or disapprobation as a sufficient reason for itself, and disclaiming the necessity of looking out for any extrinsic ground." And these two Principles are, it seems, according to Bentham's view, the only Principles which are, or which can be, opposed to the Principle of Utility!

Now it is plain that these are not only not fair representations of any principles ever held by moralists, or by any persons speaking gravely and deliberately, but that they are too extravagant and fantastical to be accepted even as caricatures of any such principles. For who ever approved of actions because they tend to make mankind miserable? or

who ever said anything which could, even in an intelligible way of exaggeration, be so represented? Is it possible to guess at whom a writer is pointing who allows himself such license as this? To me, I confess, it appears quite impossible. From these phrases, I should have had no conception what class of moralists were thus held up to ridicule. For of course every one feels that this description of them is given in order to make them ridiculous, even while the expression is grave and tranquil; and Bentham's humour runs into extremes which remove even the assumption of gravity.

But who then are the ascetic school who are thus ridiculed? We could not, I think, guess from the general description thus given; but from a note, it appears, that he had the Stoical Philosophers and the Religious Ascetics in his mind. With regard to the Stoics, it would of course be waste of time and thought to defend them from such coarse buffoonery as this, which does not touch their defects, whatever those may be. With regard to the Religious Ascetics, I may notice a further trait in Bentham's account of them, in order to show how strongly the spirit of satire grew upon him. He says that the principle of following certain courses of action, *because* they make men miserable, has been extensively pursued by men in their treatment of themselves, but only rarely in their treatment of others, and particularly in matters of government;—that saints have often “voluntarily yielded themselves a prey to vermin; but though many persons of this class have wielded the reins of empire, we read of none who have set themselves to work and made laws on purpose with a view of stocking the body politic with the breed of highwaymen, housebreakers, and incendiaries. If at any time they have suffered the nation to be preyed upon by swarms of idle pensioners, or useless placemen, it has rather been from negligence and imbecility than from any settled plan of oppressing and plundering of the people.” This might appear,

one would think, severe and sarcastic enough. But this moderation of his earlier time, when the habit of condemning had not been enflamed by the deference of a school, did not satisfy his later and more imperious mood. In a subsequent edition he appends to this passage a note, "So thought anno 1780 and 1789, not so anno 1840, J. Bentham." To acquit the governors of nations of a settled plan of oppressing and plundering the people out of a desire for their misery, and of nourishing for this purpose the vermin of the body politic, was only possible for Bentham in the guileless innocence and blind confidence of his youth.

And so much for the ascetic principle according to Bentham; for you will recollect that at present, I am not discussing his doctrines, but pointing out his habits of thought and expression;—a task which will not be without its value in enabling us to estimate his doctrines and his arguments.

Perhaps, however, in order to show the effect produced by this mode of arguing, if arguing it is to be called, I may quote one of Mr Bentham's disciples, who at a later period (in 1832) published the *Dentology* of his master, and added some remarks of his own. "The ascetic principle," he says, "received a mortal wound from Mr Bentham, by his exposure of it in the *Introduction to Morals and Legislation*. No man is, perhaps, now to be found who would contend that the pursuit of pain ought to be the great object of existence." It is marvellous to find a man who had so entirely confined his attention to Bentham's writings, as to suppose that there ever were such people, merely because Bentham had said so, in what I must be allowed to call his buffoonery.

But this is not a solitary instance of the kind of worship with which Bentham was treated. Every farcical representation which he gave of his opponents was consi-

ered as a clear victory, because nobody could be found to own it, as indeed it fitted nobody. He had his world all to himself; for he described his adversaries as he chose, and neither he nor his followers generally took any pains to compare his descriptions of these adversaries with their own account of their own opinions.

This may be seen in the case of the other Principle, inverse to that of Utility, which Bentham mentions—the Principle of Sympathy. For who ever asserted that he approved or disapproved of actions merely because he found himself disposed to do so, and that this was reason sufficient itself for his moral judgments? Or what advantage can be gained to moral philosophy by such misrepresentations of this, whatever it be which is thus misrepresented? which is a point, here, as in the other case, quite obscure, in consequence of the reckless extravagance of the misrepresentation. In a note however, again, we learn that the philosophers who are all included in this account are Shaftesbury, Hutcheson, Hume, Beattie, Price, Clarke, Wollaston, and many others. And as a further example of Bentham's mode of dealing with such matters, I may notice what he says of one class of these. "One man says he has a being made on purpose to tell him what is right and what is wrong: and that it is called a *moral sense*, and then he goes to work at his ease, and says, such a thing is right, and such a thing is wrong. Why? 'Because my moral sense tells me so.'" And after treating various other classes of moralists with the like fairness, he has suitably led the way to the last class which he mentions. "The fairest and best of all is the sort of man who speaks out and says, I am of the number of the Elect: now God himself takes care to inform the Elect what is right: &c. &c. If therefore a man wants to know what is right and what is wrong, he has nothing to do but to come to me."

Extravagant as this ridicule is—for I should try in vain to conceal my opinion that it is nothing better than extravagant ridicule—it has been accepted in perfectly good faith and humble admiration by Mr Bentham's followers. The editor of the *Dentology* says with the greatest gravity (i. 321), "The antagonist to the felicity-maximising principle is the ipse-dixit principle." And he considers this as so settled a matter that he proposes to use the derivatives of this term, and to speak of *ipse-dixitists* and *ipse-dixitism*. Certainly, if there have ever been, in modern times, persons who have quoted the words of their master with a deference equal to that which in ancient times gave rise to the phrase *ipse dixit*, the disciples of Mr Bentham are peculiarly and eminently *ipse-dixitists*.

But wild as this mode of dealing with adverse moralists is, (and we have seen that it is used towards all the most eminent moralists of the preceding century,) Bentham appears to have soon come to think that it was too good for them. The Principle of Sympathy and Antipathy, was, he began to think, too tolerant a designation for the doctrine of those who had recognized any other basis of morality than Utility. In 1789, he added to his work a note in which he said that the Principle ought rather to be styled the *Principle of Caprice*. It is evident that such an expression could only mean that the person using it could not, or would not, understand the reasons given by those whom he thus called capricious. And so far, no doubt, it had a meaning. It is easy for two opposite parties, who do not and will not understand each other's views and opinions, to call each other capricious, as it is to call each other by any other condemnatory term; but it is plain this shows nothing but the incapacity for arguing, in those who use such terms. When men have written long and careful and acute trains of reasoning and speculations, as the moralists have whom Bentham condemns, a man must have

an almost fatuous confidence in his own opinions, and in the deference of his readers, who fancied he can dispose of the whole of this by saying it merely expresses the Principle of Caprice.

The same note contains another very curious example of the incredible confidence in himself, and carelessness of what was urged by others, with which Bentham disposed of doctrines which he rejected. He says that many maxims of law have derived their authority merely from the love of jingle—which he further illustrates by some laborious pleasantries about Orpheus and Themis: and he gives, as his examples, *Delegatus non potest delegare*, and *Servitus Servitutis non datur*.

I may notice, too, as examples of the boldness for which we must be prepared in dealing with his doctrines, the imperious manner in which he rejects and alters the significations of words. Thus, in illustrating the Principle of Antipathy (§ xiv. note), he says that it is on this principle that certain acts are reprobated, as being unnatural—for instance the practice of exposing children. No, he says, this language is not to be allowed. *Unnatural*, when it means anything, means unfrequent; and here it is not the unfrequency, but the frequency of the act of which you complain. It is curious that he should have thought he could prevent men from calling, as they use to do, acts *unnatural*, which are contrary to those natural and universal feelings which all men recognize as the proper guides of life. But that was precisely the ground of his displeasure with the word. It recognized, in parental affection, a natural and acknowledged guide of human action; and this recognition was to be contradicted. This however leads us to the doctrines themselves, which we are not here discussing.

At a later period Bentham became quite wanton and reckless in his innovations in language; but even at the

period which we are now considering, that of the publication of the *Introduction*, he altered the signification of many words in a very arbitrary manner; a manner for which we ought to be prepared in reading him. Thus, in estimating pleasures, he speaks of their *purity* as one element of their value: but by this he does not mean their freedom from grossness—for he acknowledges no value in this kind of *purity*, and no evil in grossness: his *purity* is the freedom of pleasure from the mixture of pain.

Again he says, (c. v. i.) “Pains and pleasures may be called by one word, *interesting* perceptions:” which they may, only if we disregard the ordinary meaning of the word.

I might point out, as examples of Bentham’s self-complacent *boldness*, his extraordinary misstatements with regard to the classical languages and their literature; for instance, his ascribing the doctrine of the four cardinal virtues to Aristotle; and the equally extraordinary confusion which prevails in his attempt to arrange the sciences, a confusion which necessarily resulted from his complete ignorance of the subject. But it is our more special business to regard him as a moralist.

In considering Bentham’s system of Morality, I by no means wish to make it my sole business to point out the errors and defects of it. On the contrary, it will be very important to my purpose to show what amount of truth there resides in it; since by so doing, I shall both account for the extensive acceptance which it has found, and shall be advancing towards that system which contains all that is true in all preceding systems: and *that* is plainly the system at which we of this day ought to aim.

Of Bentham’s system, indeed, we have in a great measure spoken, in speaking of Paley’s: for as I have said, the two systems are in principle the same; and the assertions

of Bentham's followers as to the great difference of the two systems, vanish on examination. The basis of Paley's scheme is Utility:—Utility for the promotion of Human Happiness. Human Happiness is composed of Pleasures:—Pleasures are to be estimated by their Intensity and Duration. All this Paley has. Has Bentham anything more? He has nothing more which is essential in the scheme of Morality, so far as this groundwork goes. For though in enumerating the elements in the estimate of pleasures, Bentham adds to Intensity and Duration, others, as Certainty, Proximity, Fecundity, Purity (in the sense which I have spoken of); these do not much alter the broad features of the scheme. But undoubtedly Bentham attempts to build upon this groundwork more systematically than Paley does. If there is to be a Morality erected on such a basis as that just described, the pleasures (and the pains as well) which are the guides and governors of human action must be enumerated, classified, weighed and measured. It is by determining the value of a *lot* of pleasure (the phrase is Bentham's) resulting from an act, that the moral value of an act is known, in this system. We must therefore have all the pleasures which man can feel, passed in review; and all the ways in which these pleasures can increase or diminish by human actions. This done, we shall be prepared to pass judgment on human actions, and to assign to each its rank and value in the moral scale; its title to reward or punishment on these principles.

Can this be done? Has Bentham done this? If he has, is it not really a valuable task performed? These questions naturally occur.

In reply, I may say that the task would undoubtedly be a valuable one, if it were possible; but that, so far as the moral value of actions is concerned, it is not possible, for reasons which I will shortly state; that even for the appropriation of punishment in the construction of laws,—the

purpose for which the author mainly intended it,—it is far from completely executed, or perhaps capable of being completely executed; but that the attempt to execute it in a complete and systematic manner, over the whole field of human action, led to many useful and important remarks on schemes of law and of punishment; and that these, along with the air of system, which has always a great effect upon men, not unnaturally won for Bentham great attention, and even gave a sort of ascendancy to the rough and distorting pleasantry which he exercised towards opponents. I may afterwards speak of his merits as a jurist and political philosopher, but I must first explain why, as I conceive, his mode of estimating the moral value of actions cannot suffice for the purposes of Morality.

Let it be taken for granted, as a proposition which is true, if the terms which it involves be duly understood, that actions are right and virtuous in proportion as they promote the happiness of mankind; the actions being considered upon the whole, and with regard to all their consequences. Still, I say, we cannot make this truth the basis of morality, for two reasons: first, we cannot calculate all the consequences of any action, and thus cannot estimate the degree in which it promotes human happiness;—second, happiness is derived from moral elements, and therefore we cannot properly derive morality from happiness. The calculable happiness resulting from actions cannot determine their virtue; first, because the resulting happiness is not calculable; and secondly, because the virtue is one of the things which determines the resulting happiness.

These assertions are, I think, tolerably evident of themselves; but we may dwell upon them a little longer. First, I say the amount of happiness resulting from any action is not calculable. If we ask whether a given action will increase or diminish the total amount of human happiness,

it is impossible to answer with any degree of certainty. Take ordinary cases. I am tempted to utter a flattering falsehood: to gratify some sensual desire contrary to ordinary moral rules. How shall I determine, on the greatest happiness principle, whether the act is virtuous or the contrary? In the first place, the direct effect of each act is to give pleasure, to another by flattery, to myself by sensual gratification: and pleasure is the material of happiness, in the scheme we are now considering. But by the flattering lie, I promote falsehood, which is destructive of confidence, and so, of human comfort. Granted that I do this, in some degree,—although I may easily say, that I shall never allow myself to speak falsely, except when it will give pleasure, and thus, I may maintain that I shall not shake confidence in any case in which it is of any value; but granted that I do in some degree shake the general fabric of mutual human confidence, by my flattering lie,—still the question remains, *how much* I do this; whether in such a degree as to overbalance the pleasure, which is the primary and direct consequence of the act. How small must be the effect of my solitary act upon the whole scheme of human action and habit! how clear and decided is the direct effect of increasing the happiness of my hearer! And in the same way we may reason concerning the sensual gratification. The pleasure is evident and certain; the effect on other men's habits obscure and uncertain. Who will know it? Who will be influenced by it of those who do know it? What appreciable amount of pain will it produce in its consequences, to balance the palpable pleasure, which, according to our teachers, is the only real good? It appears to me that it is impossible to answer these questions in any way which will prove, on these principles, mendacious flattery, and illegitimate sensuality, to be vicious and immoral. They may possibly produce, take in all their effects, a balance

of evil; but if they do, it is by some process which we cannot trace with any clearness, and the result is one which we cannot calculate with any certainty or even probability; and therefore, on this account, because the resulting evil of such falsehood and sensuality is not calculable or appreciable, we cannot, by calculation of resulting evil, show falsehood and sensuality to be vices; and the like is true of other vices; and on this ground the construction of a scheme of Morality on Mr Bentham's plan is plainly impossible*.

But the disciples of Bentham will perhaps urge that falsehood is wrong, even if it produce immediate pleasure, because the violation of a general rule is an evil which no single pleasurable consequence can counterbalance; and because, by acts of falsehood, we weaken and destroy our own habit of truth. And the like might be said in the other case. Now when men speak in this manner, they are undoubtedly approaching to a sound and tenable morality. I say *approaching* to it; for they are still at a considerable distance from a really moral view, as I shall have to show. But though when men speak in this manner, they are approaching to sound morality, they are receding from the fundamental principle of Bentham. For on that principle, how does it appear that the evil, that is the pain, arising from violating a general rule once, is too great to be overbalanced by the pleasurable consequences of that single violation? The actor says, I acknowledge the general rule;

* The impossibility of really applying the principle that we are to estimate the virtue of actions by calculating the amount of pleasure which they will produce, appears further, by looking at the rude and loose manner in which Bentham makes such calculations. Among the consequences of acts of robbery, for instance, which make them vicious, he reckons the alarm which such an act produces in other persons, and the danger in which it places them. And this alarm and danger are carefully explained, as to their existence (ch. XII. § viii.). But the probability of each is not at all estimated. This however is rather where he is looking at the grounds of judicial punishment than of moral condemnation.

I do not deny its value; but I do not intend that this one act should be drawn into consequence. I assert my right to look at the special case, as well as at the general rule. I have weighed one against the other: I see that the falsehood gives a clear balance of pleasure: therefore on our Master's principles, it is right and virtuous. What does the Master say to this? If he say, "you must be wrong in violating the general rule of truth—of veracity: no advantage can compensate for that evil;"—if he say this, he speaks like a moralist; but not like a Benthamite. He interposes, with an imperative dogma drawn from the opposite school, to put down the manifest consequences of his own principles. If, on the other hand, he allow the plea;—if he say, Be sure that your lie brings more pleasure than pain, and then lie, and know that you are doing a virtuous act;—then indeed he talks like a genuine assertor of Mr Bentham's principles, but he ceases to be a moralist in any ordinary sense of the term.

But let us look at the other reason against an act of falsehood, that by such acts we weaken and destroy our habit of truth. To this, the person concerned might reply, that a habit of truth, absolute and unconditional, is, on Bentham's principles, of no value; that if there be cases in which the pleasure arising from falsehood is greater than the pleasure arising from truth, then, in these cases, falsehood is virtuous and veracity is vicious; that, on these principles, the habit to be cultivated is not a habit of telling truth *always*, but a habit of telling truth *when* it produces pleasure more than pain. To this I do not know what our Benthamite could reply, except that a habit of telling truth so limited, is not a habit of veracity at all; that the only way to form a habit of veracity is, to tell truth always, and without limiting conditions; that is, to tell truth if we tell anything; not to tell falsehood. This again is teaching

quite consistent in the mouth of a moralist: but not consistent in the mouth of a Benthamite. It makes the regulation of our own habits, our own desires, paramount over anything which can be gained, pleasure or profit, by the violation and transgression of such regulation. Veracity comes first; pleasure and gain are subordinate. And this is our morality. But the Benthamist doctrine is, pleasure first of all things: veracity, good it may be; but good only because, and only so far as, it is an instrument of pleasure.

The other branch of the argument will be pursued in the next Lecture.

LECTURE XV.

BENTHAM—OBJECTIONS TO HIS SYSTEM.

[N the last Lecture, I stated that the Benthamite scheme of determining the morality of actions by the amount of happiness which they produce, is incapable of being executed for two reasons; first, that we cannot calculate all the pleasure or pain resulting from any one action; and next, that the happiness produced by actions depends on their morality. I have attempted to illustrate the former argument. I now proceed to the latter.

In the last lecture I tried to show that the Benthamite doctrine, that acts are virtuous in proportion as they calculably produce happiness,—that is, again, according to the Benthamite analysis, pleasure,—cannot be made the basis of morality, because we cannot for such purposes calculate the amount of pleasure which acts produce: and if we attempt to remedy the obvious defects of calculations on such subjects, by taking into account rules and habits, we run away from the declared fundamental principle altogether.

To shew further how impossible it is to found morality on the Benthamite basis, I now proceed to observe that we cannot derive the moral value of actions from the happiness which they produce, because the happiness depends upon the morality. Why should a man be truthful and just? Because acts of veracity and justice, even if they do not procure immediate gratification to him and his friends in other ways, (and it may easily be that they do not,) at least produce pleasure in this way;—that they procure him his own approval and that of all good men. To us, this language is intelligible and significant; but the Benthamite

must analyse it further. What does it mean according to him? A man's own approval of his act, means that he thinks it virtuous. And therefore, the matter stands thus. He (being a Benthamite) thinks it virtuous, because it gives him pleasure: and it gives him pleasure because he thinks it virtuous. This is a vicious circle, quite as palpable as any of those in which Mr Bentham is so fond of representing his adversaries as revolving. And in like manner, with regard to the approval of others. The action is virtuous, says the Benthamite, because it produces pleasure; namely the pleasure arising from the approval of neighbours;—they approve it, and think it virtuous, he also says, because it gives pleasure. The virtue depends upon the pleasure, the pleasure depends upon the virtue. Here again is a circle from which there is no legitimate egress. We may grant that, taking into account all the elements of happiness,—the pleasures of self-approval,—of peace of mind and harmony within us, and of the approval of others,—of the known sympathy of all good men;—we may grant that including these elements, virtue always does produce an overbalance of happiness; but then we cannot make this moral truth the basis of morality, because we cannot extricate the happiness and the virtue, the one from the other, so as to make the first, the happiness, the foundation of the second, the virtue.

This consideration of virtue itself as one of the sources of pleasure,—one of the elements of happiness,—is a point at which, as appears to me, the Benthamite doctrine loses all the clearness which, in its early steps, it so ostentatiously puts forward. Considering the pretensions of the system to rigorous analysis, I cannot but think there is something robustly rude in the mode in which these matters of self-approval and approval from others are disposed of. That self-approval, and the approbation of neighbours, are pleasures, cannot be denied. Accordingly, they are reckoned by

Bentham in his list of pleasures. But these sentiments involve morality—the very thing we are analysing into its elements: how are we to give an account of this ingredient of pleasure? How does Bentham make these into *elementary* pleasures? or if not elementary, whence does he take the moral *element* of these pleasures, having already professed to resolve morality into pleasures? As I have said, I think the answer to these questions is one which deprives Bentham's analysis of Morality of all coherence and completeness. In order to make an opening, by which Morality may find its way into the mind of the actor and of the spectators, he throws the theatre open to an unbounded and undefined range of external influences. He has recourse to the dimness of childhood and to the confusion of the crowd, to conceal his defect of logic. Whence does man get his grounds of self-approval and self-condemnation? “From *Education*.” Where reside the rules by which his neighbours applaud or condemn? “In *Public Opinion*.” And thus these two wide and loose abstractions, *Education* and *Public Opinion*, become the real sources of Morality. They are really the elements into which all Morality is analysed by Bentham:—those, which themselves need analysis far more than the subjects which he began to analyse, Virtues and Vices. For is not Education (moral Education) the process by which we learn what are Virtues and what are Vices? Is not Public Opinion the Opinion which decides what acts are virtuous and what are vicious? What an analysis then in this! Virtue is what gives pleasure. Among the principal pleasures so produced are self-approval and public approval. Self-approval is governed by what we have been taught to think virtuous: Public approval, by what the Public thinks virtuous. Surely we are here again in a palpable circle; as indeed we must be, if we want to have a Morality which does not depend on a moral basis.

That Bentham really does recur to Public Opinion, however loose and insecure a foundation that may be, for the basis of Morality, is indeed abundantly evident from the general course of his discussion of the subject. Among the *Sanctions* by which the laws of human conduct are enforced, he puts in a prominent place, and constantly and emphatically refers to, what he calls the *Popular or Moral Sanction*; that is his often-repeated phrase,—the *Popular or Moral Sanction*,—as an enforcing power, which stands side by side with legal punishment, physical pain, and the like. *Popular* and *Moral* with him, then, are, in this application at least, synonymous, or coincident. He cannot tell us what is moral, except he first know what is popular. Popular Opinion is, with him, an ultimate fact, upon which Morality depends. He cannot correct Popular Opinion in any authoritative manner, for it supplies one of his ruling principles; namely, one of the pleasures by which he determines what is right and what is wrong. If murder, sensuality, falsehood, oppression, be in any cases popular, this popularity tends to make them virtues, for it gives them the *reward* of virtue; and his virtue looks only *to* reward, and to such reward among others. True,—he may, in certain cases, say that the pain produced by such acts overweighs the pleasure, even including the pleasure of popular applause. But then, if the applause bestowed by popular opinion be strong enough, if the pleasure which it gives becomes still greater, the opposite pain may thus be overbalanced, and those acts are still virtues. That murder, sensuality, falsehood, oppression, may, by many men, be practised as virtues, on account of such applause, is, no doubt, true; but it cannot but sound strange to us, to hear *that* doctrine called Morality, which approves of them on this account. All mankind include in their notion of moral rules this condition;—that such rules, when delivered by a person who, being a moralist,

cannot allow himself to assent to popular errors and vices, shall correct and rebuke such errors and such vices. But this he cannot do if he depend upon Popular Opinion for one of the Sanctions of his Morality; and not only for one of these sanctions, but for the only one which is specially called *oral*.

Bentham does indeed attempt to make some stand against popular judgment, at one period of his progress: for he warns his disciples against the general tendency to decide the character of actions and springs of action, by giving to them names implying approval and disapproval;—what he calls *eulogistic* and *dyslogistic* names. But these eulogistic and dyslogistic names are part of the expression of public opinion;—part of the machinery by which the “popular or moral sanction” works. Men are deterred from actions that have a bad name;—led to actions that have a good name. It is not, on his grounds, fit that they should be so. If they are not, where would be the effect of this popular sanction? If names were not eulogistic and dyslogistic in their way of speaking of actions, how should they express that moral judgment which is an essential part of Bentham’s system—which is the broadest foundation stone of his edifice of Morality?

Of course, we too know that such names have their influence, and that, a very powerful one. We know that the popular voice on subjects of morality produces a mighty effect upon men. We rejoice in this influence, when it is on the side of true morality. We rejoice, too, to think that in general it *is so*;—that truth, kindness, justice, purity, orderliness, are generally approved by men; and that, in general, the popular voice enforces the moralist’s precepts. But we do not take from the popular voice our judgment as to what actions are truthful, kind, just, pure, orderly. Bentham might perhaps reply, but neither does *he* thus form

his judgments of actions ;—that he too has grounds on which he can correct the popular prejudices respecting actions. But still, he cannot but allow that, according to him, the popular prejudice does much to make those actions virtuous which it approves,—those actions vicious which it condemns : since it can award to the one class, honour, to the other, infamy : and where are there pleasures and pains greater than honour, and than infamy ? Now by the greatness of the pleasures, and the pains, resulting from actions, their virtuous or vicious character according to him is determined. So that, as we have said, virtue and vice depending upon pleasures and pain, and pleasures and pain again depending upon the popular opinion of right and wrong, we cannot here find any independent basis for virtue and vice, and right and wrong.

But it may be asked, does not the popular judgment of certain classes of actions as right, and certain others as wrong, depend upon an apprehension, however obscure and confused, that the former class are advantageous to the community, the latter disadvantageous ? To this I reply, that if by advantage be meant external tangible advantage, independent of mental pleasures, I conceive that they do not so depend : and if we take in mental pleasures, we are brought back to that independent moral element which the utilitarians wish to exclude. By if it be alleged that this (namely, general advantage) is the ground of the public opinion of the rightness and wrongness of actions, let it be shown that it is so. Let the Benthamite begin by analysing public opinion into such elements ; and let him use, in his system, those elements, and not the unanalysed opinion in that compound concrete form in which he calls it “the popular or moral sanction.” If Morality depend upon external advantage, both directly, and through the popular apprehension of it, let this advantage be made, once for all,

the basis of the system, and not brought in both directly in its manifest form, and indirectly, disguised as popular or moral opinion. But I think that Bentham has not so analysed public opinion; and has been unable to do so. And that he despaired of so doing, I judge from the impatience with which he speaks of the eulogistic and dyslogistic phraseology by which such opinion is conveyed. If he could have said, "the eulogistic terms imply a supposed tendency to the increase of human pleasure, and I will show you how far they are right;" these terms would have been useful steps to the exposition of his doctrine: instead of which, he everywhere speaks of them as impediments in the way of the truths which he wishes to disclose;—as disguises which tend to conceal the true bearing of actions upon the promotion of happiness. I conceive therefore that Bentham saw that public opinion concerning virtues and vices included some other element than that which he wished alone to recognize; and that he therefore accepted public opinion as implying something in addition to the elementary pleasures and pains which he expressly enumerates.

But again: It may be said that the public opinion of men, and of communities, as to what is right and wrong, is a fact in man's nature, and an important fact; of which all moralists must recognize the influence: and it may be asked whether Bentham ascribes to it more influence than justly belongs to it. And to this I reply, that the public opinion as to what is right and wrong is undoubtedly a very important fact in man's nature; and that the most important lesson to be learnt from it appears to be this:—that man cannot help judging of actions, as being right or wrong; and that men universally reckon this as the supreme difference of actions;—the most important character which they can have. I add, that this characteristic of human nature marks man as a moral being; as a being endowed with a

faculty or faculties by which he does thus judge; that is, by which he considers that right and wrong are the supreme and paramount distinctions of actions. That this is an important point we grant, or rather we proclaim, as the beginning of all Morality: and we say that if Bentham accepts the fact in this way, he gives it no more than its just importance. We do not require that this *Faculty* or those *Faculties* by which man thus judges of right and wrong should be anything peculiar and ultimate, but only that the *distinction* should be a peculiar and ultimate one. And if Bentham, finding that men do so judge of actions, and perceiving that he could not, consistently with the state of their minds, analyse this their judgment into any perception of advantage and disadvantage, was willing to leave it as he found it, and to make the fact of such a judgment one of the bases of his system; so far he was right, and did not ascribe too much importance to this judgment,—to this public opinion. But then, if taking the moral judgments of mankind in this aspect, Bentham puts side by side with this element, the other advantages, say bodily pleasure or wealth, which certain actions may produce, we say that he makes an incongruous scheme, which cannot pass for Morality. If he say, for instance, “public opinion declares lying to be wrong, and I have nothing to say against that; for I cannot analyse this opinion of a thing being *wrong* into any thing else. But recollect, that though it be what they call *wrong*, it may be very pleasant and profitable, and therefore you may still have good reasons for lying; and you *will* have such, if the pleasure and profit which your lie produces, to you and other persons, outweighs that disagreeable thing, *infamy*, which public opinion inflicts upon the liar;”—if he were to say this, he would hardly win any one to look upon him as a moralist. Yet this, as appears to me, is a rigorous deduction from the Benthamite doctrine, that the proper and ultimate ground

for our acting is the amount of pleasure and advantage which the action will produce, including popular approval as one among other advantages.

As I have said, the real importance of the great fact of the universal and perpetual judgments of mankind concerning actions, as being right and wrong, is, that such judgments are thus seen to be a universal property of human nature:— a constant and universal act, which man performs as being man. And it is because man does thus perpetually and universally form such judgments, that he is a moral creature, and that his actions are the subjects of morality; not because he is susceptible of pleasure and pain. And this is the reason why animals are not the subjects of morality;—they have no idea of right and wrong;—their acts are neither moral nor immoral. Animals may be indeed the *objects* of morality. We may treat them with kindness or with unkindness; and cruelty to animals is a vice, as well as cruelty to men. But cruelty to animals and cruelty to men stand upon a very different footing in morality. The pleasures of animals are elements of a very different order from the pleasures of men. We are bound to endeavour to augment the pleasures of men, not only because they are pleasures, but because they are *human* pleasures. We are bound to men by the universal tie of humanity, of human brotherhood. We have no such tie to animals. We are to be *humane* to them, because *we* are *human*, not because we and they alike feel *animal* pleasures. The Morality which depends upon the increase of pleasure alone would make it our duty to increase the pleasures of pigs or of geese rather than those of men, if we were sure that the pleasure we could give *them* were greater than the pleasures of men.

Such is the result of the doctrine which founds Morality upon the increase of pleasure. Such is a fair deduction from Bentham's principles. Do you think this an exaggerated

statement?—an argument carried too far?—Not so. He has himself accepted this consequence of his system. Thus he says (Ch. xix. § iv.) “ Under the Gentoo and Mahometan religion the interests of the rest of the animal kingdom seem to have met with some attention. Why have they not, universally, with *as much as those of human* creatures, allowance made for the difference in point of *sensibility*? Because the laws that are, have been the work of mutual fear; a sentiment which the less rational animals have not had the same means as man has of turning to account. Why *ought* they not? No reason can be given....The day *may* come when the rest of the animal creation may acquire those rights which never could have been withhelden from them but by the hand of tyranny....It may come one day to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons insufficient for abandoning a sensitive being to the caprice of a tormentor. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, a week, or even a month old. But suppose the case were otherwise, what would it avail! The question is not, can they *reason*? nor, can they *speak*? but, can they *suffer*?”

This appears to me a very remarkable passage, for the light which it throws upon Bentham’s doctrine, as he found himself bound by the nature of his principle to accept it, when logically unfolded. When he had not only made pleasure his guide, but rejected all that especially made it *human* pleasure, allowing no differences but those of intensity and duration; he had, and could have, no reason for stopping at the pleasures of man. And thus his principle became, not the greatest amount of *human* happiness,—as

he had arbitrarily stated it, with a baseless limitation, which he here rejects ;—but the greatest amount of animal gratification, including man among animals, with, it may be, peculiar forms of pleasure, but those forms having no peculiar value on account of their kind. But when the principle is thus stated, we are surely entitled to ask, *why* it is to be made our guide ?—why utility for such an end is to be made the measure of the value of our actions ? For certainly, that we are to regulate our actions so as to give the greatest pleasure to the whole animal creation, is not a self-evident principle. It is not only not our obvious, but to most persons not a tolerable doctrine, that we may sacrifice the happiness of men, provided we can in that way produce an overplus of pleasure to cats, dogs and hogs, not to say lice and fleas. Even those who, in the regions of Oriental superstition, have felt and enjoined the greatest tenderness towards animals, have done so, it would seem, in all cases, not because they considered that the pleasures of mere brutes were obviously as sacred as that of men, but because they imagined some mysterious community of nature between man and the animals which they wished to save from pain. That we are to increase human happiness where we can, may be asserted, with some truth, to be universally allowed, and in some measure self-evident : but that we are to make it an object equally important in kind, to increase the pleasures of animals, is not generally accepted as a rule of human conduct ; still less as a basis of all rules. If we are asked to take this as the ground of our morality, we must at least require some reason why we should adopt such a foundation principle. No such answer is given : and thus, the whole Benthamite doctrine rests, it seems, on no visible foundation at all. It is, as we hold, false to make even human pleasure the source of all virtue. We think that we have other things to look at as our guides, not overlooking this. But in order

to estimate the value of this standard, we have begun by allowing it to be true; and by denying only that it is either applicable or independent. But when we are required to take the pleasures of all creatures, brute and human, into our account, and forbidden to take account of anything else, we cannot submit. Such a standard appears to us not only false, but false without any show of truth. We can see no reason for it, and Mr Bentham himself does not venture to offer us any. Why, then, are we to take his standard at all? He himself shows us what its true nature is; and so doing, shows, as I conceive, that it is absurd, as well as inapplicable and self-assuming.

I say nothing further of Mr Bentham's assumption in the above passage, that because a child cannot *yet* take care of itself, and cannot converse with us, its pleasures are therefore of no more import to the moralist than those of a kitten or a puppy. We hold that there is a tie which binds together all human beings, quite different from that which binds them to cats and dogs;—and that a man, at any stage of his being, is to be treated according to his human capacity, not according to his mere animal condition. It would be easy to show what strange results would follow from estimating the value of children in men's eyes by Mr Bentham's standard as here stated; but I shall not pursue the subject.

There is another remark which I wish to make on Mr Bentham's mode of proceeding, which is exemplified in this passage, among many other places. Mr Bentham finding in the common judgments and common language of men a recognition of a supreme distinction of right and wrong, which does not yield to his analysis, is exceedingly disposed to quarrel with the terms which imply this distinction; while at the same time he cannot really exclude this distinction from his own reasonings; (as no man can;) nor avoid using the terms which imply it, and which he so vehe-

mently condemns in others. The term *ought* is one of these. In the *Deontology*, he says*, “The talisman of arrogance, indolence and ignorance is to be found in a single word, an authoritative imposture, which in these pages it will be frequently necessary to unveil. It is the word ‘ought’—‘ought or ought not,’ as the case may be. In deciding ‘you ought to do this’—‘you ought not to do it’—is not every question of morals set at rest?” “If,” he goes on, “the use of the word be admissible at all, it *ought* to be banished from the vocabulary of morals.” Yet he finds it quite impossible to banish it from his own vocabulary; and not only uses it, but uses it in the way in which it is so commonly used by others, as representing a final and supreme rule, opposed, it may be, to the existing actual habits of action. Thus, in the passage on the treatment of animals just quoted: “They are not treated as well as men. True as to the fact. But *ought* they not?” And he puts the word in italics to show how much he rests upon it. So in giving a description of an altercation between an ancient and a modern—he makes the former, with whom he obviously sympathizes—say, “Our business was to inquire not what people *think*, but what they *ought to think* :” again italicizing the word. Numerous, almost innumerable, other examples might be produced †.

* i. 31.

† So, *Principles*, Ch. xviii. Art. i. Classes of Offenses, Art. i. “It is necessary at the outset to make a distinction between such acts as *are* or *may* be, and such as *ought* to be offenses.”

So, same Chap. Art. xxv. note, he would call the person benefitted by a trust, the beneficiary, “to put it more effectually out of doubt that the party meant was the party who *ought* to receive the benefit, whether he actually receives it or no.”

So, same Chap. Art. xxvii. text and note: “The trust is either of the number of those which ought by law to subsist . . . or is not.” “What articles ought to be created [property], &c.” The whole page and note swarms with *oughts*.

So same Chap. Par. xlii. “Whether any and what modes of servitude ought to be established and kept on foot?” Again, Par. xlvii, lix.

Perhaps it may be worth while considering for a moment what may appear to be the reason for the extraordinary manner in which Bentham and the Benthamites have been in the habit of treating their opponents; for their perpetual assertions that the opponents' principles are unmeaning—are mere assumptions—perpetual beggings of the question—ipse dixit—vicious rounds of baseless reasons:—for this is their usual mode of speaking of opponents. They rarely quote them; and appear to conceive that men so extremely in error could not have injustice done them;—that any assertion might be made about them, for their absurdity was so broad that the most random shot must hit it. This appears to be the mood in which Bentham speaks of all opposing moralists. Now you may ask, whether any probable reason can be given why he should allow himself such liberties;—why he should be so incapable of seeing any sense or reason in any previous scheme of ethics. I do not pretend to explain the matter: but I think we may go as far as this:—That his mind was so completely possessed by his own system of thought, that he could not see any sense or reason in any differing system: and that it was this want of any sense or reason apparent to him in the opinions of others which raised him into his strange mood of arrogance, his intoxication of self-complacent contempt for adverse systems and arguments, which his admiring disciples held to be so overwhelming to all opponents. I think we may go further. We may see a little nearer why it was that he found no meaning in opposite systems. It appears to me to have been thus. He had set himself to discover and lay down a general principle of human action by which all rules of action must be determined. His principle was, that we must aim at a certain *external* end:—at happiness, as it is first stated:—but happiness is plainly not altogether external; happiness depends upon the mind itself. Divest, then, the object of this condition; make it

wholly external to the mind: it then becomes pleasure. Pleasure, then, must be the sole object of human action; and Pleasure variously transformed must give rise to all the virtues. If you are not satisfied with this, he cries, Show me any other external object which men either do care for or can care for. *Summum Bonum*, *Honestum*, *καλόν*, why should they care for these if they give them no pleasure? And if they do, say so boldly, and have done with it. Of course the answer is, that we are so made that we do care for things on other grounds than are expressed, in any common and simple way, by saying they give us pleasure. Men's care for justice, honesty, truth, and female purity, is not expressed in any appropriate or intelligible or adequate way, by saying that these give them pleasure. Men are so *constituted* as to care for these things. But this idea of a constitution in man, an internal condition of morality, was quite out of Bentham's field of view. No, he said: I want you to point out the thing which men get, and try to get, by virtuous action. If you will not do this, I cannot understand you. If you do this, you must come to my standard. And this habit of mind was, I conceive, in him, not affected, but real: and after a while, broke out, as I have said, in the most boisterous ridicule of all who differed from him.

In quitting these general considerations, and turning to detail, it would be unjust to Bentham not to allow that in that portion of Ethics in which his principle is really applicable, there is a great deal of felicity, and even of impressiveness, in the manner in which he follows out his doctrine. I speak of the virtues and duties which depend directly upon Benevolence. He enjoins kindness, gentleness, patience, meekness, good humour, in a manner which makes him conspicuous among the kindlier moralists. He has for instance such precepts as this: "Never do evil for mere ill

desert"* , with many other like precepts (209), &c. At the same time, it must be said that a great many of the precepts which he thus gives are rather rules of good manners than rules of morality. And though he extends his injunctions to the subjects of discourse and action in a wider view, he appears to be most at home in pointing out what Civility, or, as he calls it, negative efficient Benevolence, requires us to do, and to refrain from, in the very rudest provinces of good manners; and this he traces with a gravity and a technical physiological detail which are truly astounding†.

* *Deontol.* II. 193.

† *Ibid.* 237, &c.

LECTURE XVI.

BENTHAM—CLASSIFICATION OF OFFENSES.

I HAVE found myself obliged to speak with so much dispraise of Bentham's arrogance and unfairness, and of the narrow and erroneous basis of his moral philosophy, that you may perhaps not expect me to find in him anything which is valuable. This however is far from being the case. He laboured assiduously to reduce jurisprudence to a system; and such an attempt, if carried through with any degree of consistency, could hardly fail to lead to valuable results. In a body of knowledge so wide and various, all system-making must bring into view real connexions and relations of parts; and even if the basis of the system be wrong, the connexions and relations which it points out will admit of being translated into the terms of a truer philosophy. As Bacon says, truth emerges from error, sooner than from confusion. But Bentham's principle, of general advantage as the standard of good in actions, is really applicable to a very great extent in legislation; and covers almost the whole of the field with which the legislature is concerned. *Almost*, I say, not quite the whole: and even this *almost* applies only to the material and external limitation of *advantage*, to which Bentham professes and endeavours to confine himself. If we make such advantage the absolute and uncorrected standard of law, we shall find that we cannot advance to the highest point of good legislation. But still the consideration of general utility, as the object of laws, extends so far, that an arrangement of the whole field of law, formed on this principle, will not fail to be interesting and instructive in a very high degree. Accordingly, the parts of Bentham's writings where

he employs himself on this task, appear to me to be both the one and the other. In his mode of performing the task, as in the whole of his writings, there are great merits and great drawbacks. The merits are, system, followed out with great acuteness, illustrated with great liveliness, and expressed in a neat, precise, luminous style; for at the period of which I speak he was content to construct English sentences, and to use English words; limitations which he afterwards discarded. The drawbacks are, the arrogance and self-conceit of which I have spoken, which breaks out from time to time, even in the most tranquil portions of his discussion. Moreover, though affecting much systematic rigour, he is really unable to carry out his system consistently into every part of his subject. Professing to classify offenses, for instance, by which he calls an exhaustive method, namely a method which exhausts all the kinds of difference among the things classified, and is therefore necessarily complete, he is really obliged frequently to desert his exhaustive process, and to take the classes which are suggested by the common habits of thought and language on such subjects. Thus he says of one such group (ch. xviii. p. 54): "It would be to little purpose to attempt tracing them out *a priori* by any exhaustive process: all that can be done is to pick up and hang together some of the principal articles in each catalogue by way of specimen." And he has several times to say things of this kind, in excuse of his deviations from his professed method*.

I will now give some account of that Chapter of Bentham's *Principles of Morals and Legislation* which is entitled *Division of Offenses*. I shall consider it in some measure with reference

* So Chap. xviii. Par. x. note, Bentham laments: "But such is the fate of science, and more particularly of the moral branch; the distribution of things must in a great measure be dependent on their names: arrangement, the work of mature reflection, must be ruled by nomenclature, the work of popular caprice."

to the classification of Rights which I have myself given, as one of the steps of Morality, and the enumeration of Wrongs according to the English and Roman Law, which I have given as exemplifying the historical form which this subject necessarily assumes*. Bentham, on the contrary, professes to classify Offenses or Wrongs in a manner independent of history, and equally applicable to the Laws of all Nations;—a bold, and, as I have said, an instructive attempt: but one which, I think, we have good reason for deeming incapable of full realization. His scheme, however, may very well serve to suggest corrections and completions, of which any other may stand in need; and I shall use it for this among other purposes. I shall not attempt to give the exhaustive process by which Bentham obtains his results, but shall briefly consider some of the results themselves.

His first division of Offenses is into five Classes, which are,

1. *Private Offenses*, detrimental to assignable individuals.
2. *Semi-Public Offenses*, detrimental to a class or circle of persons, but not to assignable individuals.
3. *Self-regarding Offenses*, against a man's self.
4. *Public Offenses*, against the whole community.
5. *Multiform Offenses*, (1) Offenses by Falsehood, (2) Offenses against Trust.

We already see the incongruity of the character of the fifth Class, as compared with the other four; we see that the difficulty of a homogeneous and symmetrical classification has not been overcome by Bentham; and this he fairly acknowledges. And notwithstanding this defect, we may allow that the classification is so far, good, simple, and convenient. Bentham subdivides these classes according to the interests which are affected; and thus he finds as Divisions of Class 1,

* *Elements of Morality, including Polity*, Book iv. (2nd edition.)

Offenses against, 1, *Person* ; 2, *Property* ; 3, *Reputation* ; 4, *Condition* ; 5, *Person and Reputation* ; 6, *Person and Property*.

You will recollect that our Divisions of Rights were those of, 1, *Person* ; 2, *Property* ; 3, *Contract* ; 4, *Family* ; and 5, *Government*.

And to see how far these are parallel with the classification of Bentham, we may observe that Offenses against the rights of Contract are relegated by Bentham into another general class, that of Multiform Offenses, by an arrangement which he allows to be anomalous ; while both kinds of Rights in our scheme, those of Family and those of Government, are violated by Offenses against Condition : the term *Condition* being used by Bentham in a very wide sense, to include the Rights of Master and Servant, Guardian and Ward, Parent and Child, Husband and Wife. On this we may remark, that some of these *conditions* are rather expressed by *Rights of Contract* than by anything requiring a separate class. Thus the Rights of Master and Servant are, in this country at least, Rights of that kind of Contract called *Hiring and Service* ; while the principal conditions, as Parent and Child, Husband and Wife, are evidently expressed by *Rights of Family* : and though it may perhaps be true that other *conditions*, as Guardian and Ward, are not strictly included in the *Rights of Family*, still they may be classed with those of Family, as consequences, extensions, and analogous conditions. Other *conditions* again, as those of Patron and Client, may be more properly arranged with the *Rights of Government*. And it is plain, in fact, that the transition from the relations of Family to those of Government, that is, *constitutional* relations, must be gradual in most societies, and various in all, according to their history.

Proceeding further with the subdivision of the system, we come to what Mr Bentham calls the *Genera of Class 1*.

l these we may in the first place look at, in the result at
h he arrives. I will insert them in a note*.

* GENERAL OF PRIVATE OFFENSES.

enses against Person.

- 1 *Simple* corporal injuries.
 - 2 *Irreparable* corporal injuries.
 - 3 *Simple* injurious restraint
 - 4 *Simple* injurious compulsion
- { without confinement, banishment, robbery, extortion.
- 5 Wrongful confinement.
 - 6 Wrongful banishment.
 - 7 Wrongful homicide.
 - 8 Wrongful menacement.
 - 9 Simple mental injuries.

enses against Reputation.

- 1 Defamation.
- 2 Vilification.

enses against Property.

- 1 Wrongful non-investment of Property.
- 2 Wrongful interception of Property.
- 3 Wrongful divestment of Property.
- 4 Usurpation of Property.
- 5 Wrongful investment of Property.
- 6 Wrongful withholding of Services.
- 7 Wrongful destruction or endamagement.
- 8 Insolvency.
- 9 Wrongful obtainment of Services.
- 10 Wrongful imposition of Expence.
- 11 Wrongful imposition of Services.
- 12 Wrongful occupation.
- 13 Wrongful detention.
- 14 Wrongful disturbance of proprietary Rights.
- 15 Theft.
- 16 Embezzlement.
- 17 Defraudment.
- 18 Extortion.

enses against Person and Reputation.

- 1 Corporal insults.
- 2 Insulting menacement.
- 3 Seduction.
- 4 Rape.
- 5 Forcible Seduction.
- 6 Simple lascivious injuries.

This laborious and complex analysis of the possible forms of offenses is not without its interest. It is not however made, and I think cannot be made, the groundwork of a code of

Offenses against Person *and* Property.

- 1 Forcible (wrongful) interception of property.
- 2 Forcible divestment of property.
- 3 Forcible usurpation.
- 4 Forcible investment.
- 5 Forcible destruction or endamagement.
- 6 Forcible occupation of moveables.
- 7 Forcible entry (immoveables).
- 8 Forcible detainment of moveables.
- 9 Forcible detainment of immoveables.
- 10 Robbery.

Offenses against Condition.

a. Of Legal Institution.

Master.

- 1 Wrongful non-investment of Mastership.
- 2 Wrongful interception of Mastership.
- 3 Wrongful divestment of Mastership.
- 4 Usurpation of Mastership.
- 5 Wrongful investment of Mastership.
- 6 Wrongful abdication of Mastership.
- 7 Wrongful detrectation of Mastership.
- 8 Wrongful imposition of Mastership.
- 9 Abuse of Mastership.
- 10 Disturbance of Mastership.
- 11 Breach of duty in Servants.
- 12 Elopement of Servants.
- 13 Servant-stealing.

Servant.

- 1 Wrongful non-investment of Servantship.
- 2 Wrongful interception of Servantship, &c.
- 9 Abuse of Mastership.
- 10 Disturbance of Mastership.
- 11 Breach of duty in Servants.
- 12 Elopement.
- 13 Servant-stealing.

Guardian.

- 1 Wrongful non-investment of Guardianship.
- 2 Wrongful interception of Guardianship.

For the law is naturally led to describe offenses directly
he loss or damage which they occasion, without distin-

- 3 Wrongful divestment of Guardianship.
- 4 Usurpation of Guardianship.
- 5 Wrongful investment of Guardianship.
- 6 Wrongful abdication of Guardianship.
- 7 Detraction of Guardianship.
- 8 Wrongful imposition of Guardianship.
- 9 Mismanagement of Guardianship.
- 10 Desertion of Guardianship.
- 11 Dissipation in prejudice of Wardship.
- 12 Peculation in prejudice of Wardship.
- 13 Disturbance of Guardianship.
- 14 Breach of Duty to Guardians.
- 15 Elopement from Guardians.
- 16 Ward-stealing.
- 17 Bribery in prejudice to Ward.

Ward.

- 1 Wrongful non-investment of Wardship.
- 2 &c. *Parallel to the other.*

b. Of Natural Origin.

Parent.

- 1 Wrongful non-investment of Parentality.
- 2 Wrongful interception of Parentality.
- 3 Wrongful divestment of Parentality.
- 4 Usurpation of Parentality.
- 5 Wrongful investment of Parentality.
- 6 Wrongful abdication of Parentality.
- 7 Wrongful detraction of Parentality.
- 8 Wrongful imposition of Parentality.
- 9 Mismanagement of parental Guardianship.
- 10 Desertion of parental Guardianship.
- 11 Dissipation in prejudice of filial Wardship.
- 12 Peculation in prejudice of filial Wardship.
- 13 Abuse of parental Power.
- 14 Disturbance of parental Guardianship.
- 15 Breach of duty to Parents.
- 16 Elopement from Parents.
- 17 Child-stealing.
- 18 Bribery in prejudice of parental Guardianship.

Child.

- 1 Wrongful non-investment of Filiation (filiality).
- 2 &c. *Parallel to the other.*

guishing with any exactness the relation which is violated: as Bentham himself allows, when he has run to the dregs this head of *Offenses against Condition*. Thus (§ 55) he says, "If a baker sells bad bread for the price of good it is" (not an offense against his *condition* of baker,) "but a kind of fraud upon the buyer: and perhaps an injury of a simple corporal kind done to the health of an individual or a neighbourhood." "So if a man be disturbed in his trade, the offense will probably be a wrongful interception of the profit he might have been presumed to be in a way to make by it." These are obvious considerations, and show, among other things, how little is gained for legislation by Bentham's

Husband.

- 1 Wrongful non-investment of marital condition.
- 2 Wrongful interception of marital condition.
- 3 Wrongful divestment of marital condition.
- 4 Wrongful usurpation of marital condition.
- 5 Polygamy.
- 6 Wrongful investment of marital condition.
- 7 Wrongful abdication of marital condition.
- 8 Wrongful detraction of marital condition.
- 9 Wrongful imposition of marital condition.
- 10 Mismanagement of marital Guardianship.
- 11 Desertion of marital Guardianship.
- 12 Dissipation in prejudice of marital Guardianship.
- 13 Peculation in prejudice of marital Guardianship.
- 14 Abuse of marital power.
- 15 Disturbance of marital Guardianship.
- 16 Wrongful withholding of connubial services.
- 17 Adultery.
- 18 Breach of duty to Husbands.
- 19 Elopement from Husband.
- 20 Wife-stealing.
- 21 Bribery in prejudice of marital service.

Wife.

- 1 &c. *Parallel to the other.*
 Uncontiguous Relations (Uncle, Nephew, &c.)
 Rank.
 Profession.
 Copyright, Patentright.

classification of offenses, and especially by his class of *Offenses against Condition*.

Indeed the whole matter appears to me to become much simpler by the establishment of a Division of *Rights of Contract*, co-ordinate with the Rights of Property, and a Division of Offenses consisting of violations of these Rights, such as *Fraud, Breach of Contract*, and the like. As I have already said, Bentham puts Falsehood in an anomalous appendix at the end of his larger classes of offenses, allowing that he thus runs athwart the general division of the four other classes, but asserting that the incongruity rights itself in the sequel; which however it does not appear to me to do.

But let us look at that part of Bentham's system in which we may expect to find offenses of this kind:—his head of Offenses by *Falsehood*, one of the two divisions of his class of Multifform Offenses.

He takes Personation, Forgery and Perjury, as each obviously distinguished from other modes of Falsehood by certain special circumstances; and calls all other cases *Simple Falsehood*. But he attempts no subdivision of these cases, observing only that they may affect (§ 23) person, property, reputation, or condition, and thus run over the same ground which is occupied by the preceding classes (§ 24). And thus, we do not find among the offenses which he enumerates, any definite place for a vast body of cases, which constitute a large and very definite part of ordinary Jurisprudence, namely, Contracts and their kinds—as buying and selling—breaches of such Contracts, evidence of such Contracts, Fraud, Debt, and the like; nor do we find any distribution of Forgery into special cases. And as there is no discussion of Contracts concerning Transfer of property, so is there no discussion of the rules and conditions of Delivery of property so contracted for, or of what is called in English Law *Bailment*.

The incompleteness and inconvenience of Bentham's pro-

ceeding on such subjects appear from the mode of speaking on them when they occur in his way. Thus he says (§ 35), that wrongful interception of property, if the *collative event* (the event which gave you the right to such property) were an act by which the offender expressed it as his will that you should be considered by law as the legal possessor of a sum of money, is called *Insolvency*; though he allows, in a note, that this may appear a novel and improper way of looking at the subject; a prejudice which he tries to remove by arguing that payment is not a mere material transfer of money. He says also that when in the commission of various wrongs against property, falsehood (*wilful*, or rather, *advised* falsehood) has served as an instrument, we may call the offense *fraudulent* instead of *wrongful**. The scantiness and confusedness of the notices which Bentham bestows upon this subject contrast most unfavourably with the luminousness and precision which are exhibited in the portion of the Roman Jurisprudence which belongs to the same subject, and in the discussions of the Jurists who had drunk at the usual fountains of law.

The other kind of Multiform Offenses are *Offenses against Trust* (§ 25); on which subject however he allows that Falsehood and Trust are not co-ordinate, but altogether disparate (§ 30). Let us consider in what relation these offenses stand to his system and to ours. It may occur, he justly observes (§ 26), that a Trust is sometimes spoken of as a *property*, and sometimes as a *condition*, but it is really different from both. To which we may add, that *Private Trusts* approach nearer to *Contracts* than to either; while *Public Trusts* are a kind of *Office*, and therefore their Rights may rank with *Rights of Government*.

* The definition given of *fraud* (§ 35) is, that by which property is not fairly obtained—obtained by advised falsehood, and with the intention of not being amenable to law. This is *fraudulent obtainment* or *defraudment*: the 17th *genus* of offenses against property.

Thus the Trustees of a Marriage Settlement accept the Trust, and by so doing, contract to pay the annual proceeds of the Trust to the married pair, and to keep the principal from being dissipated. This is plainly a *Contract* between the *Trustors*, the *Trustees*, and the *Beneficiary* pair. On the other hand, the Trustees of a School or of a Charity, who are to bestow the funds upon indefinite persons, coming under the conditions, may be considered as *Officers* of the State for that purpose: the Founder having been allowed by the State to elect such an Office, and the State undertaking to enforce the Founder's will. It would seem at first sight that Mr Bentham might arrange such an Office among his *Conditions*, and make Offenses against Public Trust Offenses against Condition. But as he justly says, "The idea presented by the words *Public Trust* is clear and unambiguous: it is but an obscure and ambiguous garb that that idea could be expressed in by the words *public condition*." Indeed, the more we consider Mr Bentham's group which he calls *Offenses against Condition*, the more does it appear to be ill-defined and inconvenient; including many incongruous cases, as Offenses against Family Rights, and Offenses against Rights of Rank or Profession; and separating cases very close to each other, as Offenses against the Rights of a Profession and against those of a Trade. We, on the other hand, must grant that some of his Conditions, as, for instance, those of Guardian and Ward, are not rigorously included in either the Rights of Family or those of Government. But still, they will stand between the two, and nearer to the one or the other, according to circumstances: thus, a Guardian appointed by Will is an extension of the Rights of Family; a Guardian appointed by a Court of Justice is an application of the Rights of Government. In the consideration of such cases I find nothing but what confirms *our* general division of Rights.

I will make one other remark bearing upon the general value of Mr Bentham's scheme of classification.

Mr Bentham puts it forward (§ 59) as one of the advantages of his method, that by it "the very place which any offense is made to occupy suggests the reason of its being put there." And he observes (§ 35, note) that "Usury which, if it must be an offense, is an offense committed with consent, that is, with the consent of the party supposed to be injured, cannot merit a place in the catalogue of offenses, unless the consent were either unfairly obtained or unfreely; in the first case it coincides with defraudment, in the second with extortion." Mr Bentham afterwards wrote a work strongly condemning Usury Laws; and his disciples are in the habit of appealing to the indication of the absurdity of Usury Law afforded by the remark I have just quoted, (that they have no place in the systematic catalogue) as a triumphant evidence of the value of Bentham's system. But it is plain that the account which he has given of them is altogether different from that which has been entertained by the legislators who have enacted such laws. It is not as the remedy of wrong on the borrower, but as a part of the general guardianship of the State, that they are introduced. The State will not enforce contracts which are, on the whole, means of encouraging prodigality and gambling. There may or may not be, on such grounds, reason for Usury Laws. But there is no more difficulty in finding a place in a coherent system, for laws in protection of needy persons with precarious expectations, than in finding a place for laws in protection of minors or persons of imbecile understanding.

In order to assign the ground of my system, in a point in which it differs from his, I observe also, that Reputation, one of the heads of Mr Bentham's primary classes of Rights, is excluded from our *primary* division, as too factitious a right.

We are led then to the persuasion, by this examination of Mr Bentham's system, that our general arrangement of Rights, as Rights of the *Person*, of *Property*, of *Contract*, of *Family*, and of *Government*, with an Appendix for Rights of *Reputation*, is more symmetrical and complete than Bentham's arrangement of Offenses, into Offenses against Person, Property, Reputation, and Condition, with an Appendix for Offenses of Falsehood, and Offenses against Trust.

LECTURE XVII.

BENTHAM—CLASSIFICATION OF OFFENSES CONTINUED.

I HAVE been considering Mr Bentham's classification of offenses : the primary classes of that arrangement, Private Offenses, Semi-Public, Public, and Self-regarding Offenses, with an Appendix for Offenses of Falsehood and Offenses against Trust : and I have considered the Divisions of the First Class, according to his Heads, of Person, Property, Reputation and Condition. As I have already said, it appears to me that the Head of Condition, introduced by him, is not really very useful ; being included in other relations, especially those of Family and Government ; and that the Head of Contract, which he omits, is really necessary ; and thus we were led to prefer, to this arrangement of Offenses, the one which we have given, of Offenses against Person, Property, Contract, Rights of Family, and Rights of Government.

This disposes of Bentham's First Class, Private Offenses, or Offenses against Individuals. I have already said that his leading division, Private Offenses, Semi-Public, Public, and Self-regarding, is a good and convenient one. Each of these classes will undergo subdivision, according to the Heads already noted for Private Offenses ; namely, Person, Property, &c. But not any very large number of these genera require separate treatment, or indeed are really exact. A few examples only need be noted. The scheme is given below*.

* SEMI-PUBLIC OFFENSES.

- I. Against Person.
 - a. Through Calamity produced by imprudence or omission.
 - 1 Pestilence or Contagion.

(*Value of Classification of Offenses.*) Of the value of a complete systematic arrangement of Offenses in a natural

- 2 Famine, &c.
 - 3 Neglect of Idiots, Maniacs, Infants.
 - 4 Beasts of Prey, &c.
 - 5 Collapsion of walls, earth, &c.
 - 6 Inundation.
 - 7 Tempest.
 - 8 Blight.
 - 9 Conflagration.
- b. Through mere Delinquency.
- 1 Offensive Trades. Poisoning springs, destroying fences, &c.
 - 2 Simple Injurious restraint
 - 3 Simple Injurious compulsion
 - 4 Confinement
 - 5 Banishment
 - 6 Menacement against particular denominations, as Jews, Catholics, Protestants.
 - 7 Distressful, horrifying, obscene, blasphemous exposures.
- } as by threats for joining or forcing
} to join in illuminations, acclamations, undertakings, processions, &c.
} by spoiling roads, bridges, ferries, pre-copying carriages or inns, &c.
- II. Against Property.
 - 1 Wrongs against Property of a Corporate Body.
 - 2 Bubbles.
 - III. Person and Reputation.
 - None.
 - IV. Person and Property.
 - 1 Incendiarism.
 - 2 Criminal Inundation.
 - V. Condition in Marriage.
 - Falsehoods or offenses against Classes of Marriages.

SELF-REGARDING OFFENSES.

- I. Person.
 - 1 Fasting. On Continnence. Self-torture.
 - 2 Gluttony, &c.
 - 3 Suicide.
- II. Reputation.
 - 1 Female Incontinency.
 - 2 Incest.
- III. Person and Property.
 - 1 Idleness.

order, there can be no doubt. As Bentham himself says on this point, "The particular uses of *method* are various, but

- 2 Gaming.
- 3 Prodigality.

IV. Person and Reputation.

1. Sacrifice of virginity.
2. Indecencies not public.

V. Marriage.

Improvident marriage.

With regard to Public Offenses, Mr Bentham takes a wider range, and makes an independent arrangement (in a note to Par. LIV.)

I. Offenses against the external security of the State.

- 1 Treason.
- 2 Espionage in favour of foreigners.
- 3 Injuries to foreigners (Piracy).
- 4 Injuries to privileged foreigners (as ambassadors).

II. Offenses against Justice.

- 1 Against Judicial Trust, non-investment, interception, &c. (as before).

Breach of Judicial Trust. But "the offences are too multifarious and too ill-provided with names to be examined here."

Evils resulting from these offenses.

III. Offenses against the Preventive Branch of the Police.

- 1 Against *phthano-paranomic* trust.
- 2 Against *phthano-symphoric* trust.

IV. Offenses against the Public Force.

- 1 Offenses against the military trust, desertion, &c.
- 2 Offenses against the management of muniments of war *polemo-tamieutic* trust.

V. Offenses against the Positive Increase of the National Felicity

- 1 Against *Epikuro-threptic* trust: *Agatho-poieutic* trust.
- 2 Against *Eupcedagogus* trust.
- 3 Against *Noso-comial* trust.
- 4 Against *Moro-comial* trust.
- 5 Against *Ptocho-comial* trust.
- 6 Against *Antembletic* trust.

VI. Offenses against the Public Wealth.

- 1 Non-payment of forfeitures.
- 2 Non-payment of taxes.

a general one is, to enable men to understand the things that are the subject of it." And he mentions at the end of Chap. xviii. (§ 57) the reason why he calls his a Natural method, and the advantages which it procures:—namely, That it assists the apprehension and memory. 2. *That it makes general propositions possible.* (It is curious that Bentham could have stumbled upon that which is given by the best natural historians, Cuvier for instance, as the condition and mark of a *natural method.*) 3. That the place of an offense

- 3 Evasion of taxes.
- 4 Offenses against fiscal trust.
- 5 Offenses against demosisio-tamieutic trust.

VII. Offenses against Population.

- 1 Emigration.
- 2 Suicide.
- 3 Procurement of impotence or barrenness.
- 4 Abortion.
- 5 Unprolific coition.
- 6 Celibacy.

VIII. Offenses against the National Wealth.

- 1 Idleness.
- 2 Breach of the regulations made in the view of preventing the application of industry to purposes less profitable, &c.
- 3 Offenses against ethno-plutistic trust.

IX. Offenses against the Sovereignty.

- 1 Offenses against Sovereign trust.

X. Offenses against Religion.

- 1 Offenses tending to weaken the force of the religious sanction.
- 2 Offenses tending to misapply the force of the religious sanction.
- 3 Offenses against religious trusts.

XI. Offenses against the National Interest.

- 1 Immoral Publications.
- 2 Offenses against the trust of an ambassador.
- 3 Offenses against the trust of a privy counsellor.
- 4 Prodigality on the part of persons who are about the sovereign.
- 5 Excessive gaming on the part of the same persons.
- 6 Taking presents from rival powers without leave.

in the system suggests the reason of its being put there.
4. That this arrangement will serve for all nations. (§ 60.)

(*General Propositions respecting Classes of Offenses*). Bentham then proceeds to illustrate further his assertion that this natural method makes general propositions possible, by giving some of the leading distinctions of the *Classes* of Offenses. Thus the First Class (*Private Offenses*) when consummated, produce primary mischief (pain,) as well as secondary (alarm and danger;) they affect assignable individuals; they admit of compensation; of retaliation; they produce obvious mischief; are generally and constantly obnoxious to the censure of the world; are little able to require different descriptions in different countries and ages, &c. &c. The Second Class (*Semi-public Offenses*) produce no primary mischief; do not affect assignable individuals; do not admit of compensation or retaliation; the mischief produced is tolerably obvious, more so than that of Public Offenses; they require, in a greater degree than private offenses, different descriptions in different ages and countries; there may be grounds for punishing them when they do not occasion any mischief to any individual; satisfaction to an individual is not a ground for remitting punishment. And in like manner characters may be given of the other classes, *Public Offenses*, and *Self-regarding Offenses*.

In all this, there is much that belongs to a true philosophical method. The main defect of Bentham's scheme is the anomaly which he has himself noticed, of making a class determined by the *instrument* of the offense, Falsehood, co-ordinate with other Classes determined by the *persons* hurt by the Offense;—to which I add, as already stated, the further defect, connected in some degree with the former one, which arises from taking the term *Condition* so widely as he does; so widely, for instance, as to include Contracts of Hiring and Serving (Condition of Master and Servant): the only Con-

ditions which really require a place as such, being those of members of a Family and those of members of a State, or Government.

The methodical division and arrangement of Offenses, when once established, would of course be of use in various ways in legislation ; mainly, it is probable, in suggesting and regulating the language in which laws are enunciated. Such an arrangement would thus be a means of establishing a clear relation between offense and punishment ; and with a view to this purpose it was, that Bentham laboured so assiduously at this task of arrangement.

(*Punishment*). We are not to imagine, however, that there is or can be a Scale of Punishments, which will stand side by side with the Scale of Offenses, and correspond, article by article, with the list of offenses. Bentham has not pretended to establish any such parallelism as this, although the assignation of punishment to offense, is the main object of the work of which I am now speaking. He, more wisely, takes Punishment by itself, and attempts to classify its kinds and properties, according to the nature of the thing itself. This part of his labours also is pointed to with great admiration by his disciples ; but its merit appears to me to consist far more in a few pointed suggestions, than in anything which depends on the general method. He points out, as the objects of punishment—to prevent offenses—to prevent the worst—to keep down the mischief—and to act at the least expense ; and is thus led to various Rules concerning punishment. And though making the repression of the mischief of offenses the sole object of punishment, and thus not recognizing the moral quality of the act as any ground for punishment, he is still led—by that natural connexion of moral and social evil, which tends constantly to obliterate the sharp distinctions of opposite moral theories—to present the moral character of actions as one of their most important aspects.

Thus one of his Rules is (Ch. xvi. ¶ 23), that an amount of punishment, not otherwise permissible, may be allowed to exist as a moral lesson. And though the phrases in which these rules are presented is studiously divested of all moral colour, and thus made to sound harsh and mechanical, this view of law as a lesson, is partially applied in subsequent portions of Bentham's labours. (See particularly on Marriage—the reasons for marriage for life.)

As an example of his mode of dealing with this part of his subject (Punishment,) we may look at Chap. xvii. "Of the Properties to be given to a lot of Punishment." These Properties he states to be: 1 Variability, 2 Equability, 3 Commensurability, 4 Characteristicalness, 5 Exemplarity, 6 Frugality (in the amount of punishment), 7 Subserviency to Reformation, 8 Efficacy in disabling the offender from repetition, 9 Compensation, 10 Popularity, 11 Remissibility*. His attention to the subject of punishment led him at an early period to propose what he called a "Panopticon Penitentiary," of the successful operation of which he was exceedingly confident; and his suggestions were to a certain extent listened to by the Government.

(*Other Works*). I have hitherto spoken principally of the early work in English, the *Principles of Morals and Legislation*. Bentham afterwards pursued the subject during the whole of a long life: but all the main points of his general doctrines are, I think, to be found in this earlier production. Several of the works by which Bentham became

* To these he afterwards (see *Principles of Civil Code*) added another quality, Simplicity of Discipline.

It is noted by Dumont upon this passage, that Montesquieu had put forward, as the proper attributes of punishment, that they should be *drawn from the nature of the crimes*, should be *moderate*, should be *proportional to the crime*, and should be *modest*: and that Beccaria requires that punishment should be *analogous to the crime*, *exemplary*, *gentle*, *proportional*; and also *certain*, *prompt*, and *inevitable*. Howard also had continually in view the amendment of delinquents.

best known were published in French by Dumont, translated from the author's MSS. In this way appeared the *Theory of Rewards and Punishments*, and the *Treatises on Civil and on Penal Legislation*. These are now published in their English dress as the *Principles of the Civil Law*, and the *Principles of the Penal Law*.

(*Civil and Penal Law*). I have used the terms *Civil* and *Penal Law*, and I must now notice, what I think is one of the best attempts at definition and distinction which we find in Bentham's works; namely, his view of the relation of the *Civil* and the *Penal Law*. It occurs in the first place, in a note at the end of the *Principles of Morals and Legislation*. He observes that there is nowhere to be found a State which has had a Civil Code and a Penal Code, each complete. He asks how, if complete, these Codes would be distinguished: whether the civil code would consist entirely of civil laws, and the penal code entirely of penal laws. He answers that they would not: this would not be the relation. And he gives his own account thus:

Laws depend on Offenses. Offenses are forbidden by being Offenses. This is the *imperative* part of each Law. But besides that, there must be an *expository* part of the law, explaining the terms in which the offenses are described. Thus, stealing is an offense. But what is stealing? We may say, "The taking a thing which is another's by one who has no *Title* to it, and is conscious of having none." Here we are thrown upon the description of Titles, which requires laws enumerating how Titles may be acquired, and how they may be lost.

Now this being understood, the Penal Code contains the *Command* with the *Punishment*; the Civil Code mainly the masses of *expository* matter. We may express this perhaps more pointedly by saying that Wrongs are punished by the Penal Law, and Rights defined by the Civil Law.

This distinction is probably as good a one as can be briefly given, and falls in very well with most of the purposes for which the distinction of Civil and Penal Law is commonly referred to*. At the same time you may observe, that it does not really (as at first sight it seems to do and to profess to do) take the distinction of Civil and Penal Law out of the control of more popular and national notions, and give to it a scientific fixity and exactness. For, in the first place, if we thus say in a general manner that Wrongs are forbidden by the Penal Law, and the Terms involved in the definition of each Wrong expounded by the Civil Law; it is plain that the wrongs thus forbidden, and needing to be explained, will be *selected* from the general mass of human actions by the common popular habit of thought which has distinguished them by special names. Assault, Theft, Cheating, Adultery, Treason, and the like, are forbidden, suppose, by the Penal Law; and hence, the laws of Personal Status, Property, Contract, Family and Government, must be laid down by the Civil Law. But still, there must remain cases of which it is doubtful whether they do or do not come under any of these denominations. For instance, two men quarrel about a bargain: one accuses the other of Fraud, that is of a Penal Fraud, of Cheating; or perhaps each accuses the other of this. But it is possible that there may be a doubt or mistake about the bargain, and that neither of them may be justly liable, even to a *primá facie* charge of

* Penal Law is the Law concerning Offenses: Civil Law is the Law concerning Conflicting Rights. In criminal cases an offense is *charged* against the doer; it may be no offense, no crime, because the accused may have done only what he had a right to do; but it is charged as an offense, or a crime. In Civil Cases no crime is charged, but the Right is directly contested. Hence Penal Law assumes offenses, and legislates about them: Civil Law defines Rights. But the definition of Rights must be historical, for Rights have been established as they exist by past laws and transactions, public and private.

cheating: and yet the quarrel ought to be settled by Law: and if this be so, by the Civil, not the Penal Law. Here it is doubtful to which of the two bodies of Law the case belongs; and the head "Cheating," which we suppose now to be one of the "Titles" of the Penal Law, and which must necessarily be expounded (when expounded) into an extensive and irregular mass of offenses, is borrowed from the popular vocabulary, and must necessarily bring with it much of the confusion which belongs to popular thought, when it is made the starting point of our determination as to what is, and what is not, a *penal* kind of wrong.

But further: not only the *Heads* of the Penal Law, which are the starting points of the expository matter, of which the Civil Law consists, are strongly tinged with popular looseness of idea, and in some measure, with national differences of thought: but still more, all *the Terms* in which the exposition is given will, at every step almost, contain references to popular and national habits of thought, and to the primary events of the national history, including, of course, the history of its jurisprudence. You have seen this in the definition which I gave of *Theft*: that definition takes you at once to the term *Title*. Now the very term *Title* implies certain settled habits of possessing property and of justifying the possession of it, which exist in very different degrees and forms in different parts of the world. And when we come to enumerate, (as I observed we must have to do in order to carry out our exposition) the modes of acquiring Title to property; as Descent, Purchase, Prescription, and the like; we come to a series of events which have different aspects in different countries; and in many cases must, in order to be intelligible and applicable to actual cases, be described by different terms of a new order; and thus, give to the Civil Law of each country a national form and aspect.

(*Historical Element.*) And thus the Civil Law of each

country must be different, and in some respects, the Penal Law also, because it depends, as I have said, partly upon the Civil Law, and partly, directly upon the national habits. There is, in every national Code of Law, a necessary and fundamental historical element: not a few supplementary provisions which may be added or adapted to the local circumstances after the great body of the Code has been constructed: not a few touches of local coloring to be put in after the picture is almost painted: but an element which belongs to Law from its origin and penetrates to its roots:—a part of the intimate structure; a cast in the original design. The national views of personal status; property, and the modes of acquisition; bargains, and the modes of concluding them; family, and its consequences; government, and its origin:—these affect even the most universal aspects and divisions of penal offenses;—these affect still more every step of the expository process which the Civil Law applies to Rights in defining penal Offenses.

I conceive it to have been one of the great defects,—errors, I should venture to say—of Mr Bentham, that he was not well aware of this principle. He imagined that, to a certain extent, his schemes of Law might be made independent of Local Conditions. Thus, in speaking of the advantage of his classification of offenses, (C. xviii.) he says, (§ 56), “The analysis, as far as it goes, is as applicable to the legal concerns of one country as of another; and where, if it had descended into further details it would have ceased to be so, there I have taken care always to stop.” And he says further, (§ 60) that “this natural arrangement, governed as it is by a principle which is recognized by all men, will serve alike for the jurisprudence of all nations. In a system of proposed law, framed in pursuance of such a method, the language will serve as a glossary by which all systems of positive law might be explained; while the matter serves as

a standard by which they might be tried." This fancy of a systematic view of a subject, which shall supply an explanation of the terms of all national languages on that subject, and a standard of the justness of all national opinions, is a very seductive, but it requires no presumption to say, a very extravagant and impracticable notion; and such I conceive all modes of treating law, which leave out the historical element, must always be.

It is very true that Bentham does propose to consider the historical or national aspect of laws. He says in the passage just quoted (§ 56), "That the legal interests of different ages and countries have nothing in common, and that they have everything, are suppositions equally distant from the truth." But still, he desires, as appears by what I have quoted, to make his plan independently of all national habits and histories. He would not place the national historical element at the basis of the system, where, however, it must be. He has written an *Essay on the Influence of Time and Place in Matters of Legislation*; and in this, he gives many examples of the way in which local habits and circumstances modify the reasons for laws. But he applies the maxims which he thus gathers to the case in which laws are transplanted from one country to another: and, taking as his example the transfer of the English Law to Bengal, he is led rather to employ himself in vigorous sarcasms, both against the Law itself and against its effects as transferred, than in any discussions which can be considered as adding anything to the philosophy of the subject. There is, in this *Essay*, a good deal of the dogmatism and depreciation of adverse views, in which he so habitually indulges. There is however, it must also be said, much condemnation of dogmatism, and acknowledgement of the necessity and wisdom of doubt and hesitation in such matters; and several passages of considerable force and beauty. Thus, Chap. II.

p. 178, "By showing the real uncertainty of the most conclusive arguments that can be offered on the subject, it will prevent us from giving to less conclusive arguments more than their due weight: it will enable us to unravel the web of sophistry, and to humble the pride of declamation: it will be of service, in as far as the caution that accompanies a salutary doubt, is preferable to the rashness that may be the result of misconception. Such sort of instruction, indeed, brings little thanks to him who gives it: to be in doubt is to be unsatisfied; to be unsatisfied is to be uneasy. People in general had rather be decided, and in the wrong, than in the right and undecided."

The question, whether legislation is to be improved by framing a systematic code, or by proceeding with the elements of law which the national history supplies, has been much discussed in modern times, especially in Germany; and the two opposite Schools, the historical and the systematic, have each had adherents and assertors of great name. The question is a highly interesting and important one; and it may hereafter be very proper for us to pursue the discussion by the aid of the best lights which the literature of the subjects, both foreign and domestic, have furnished; but at present, looking at it only as it regards Bentham, I need not pursue it further. I have sufficiently indicated that I conceive one of his great defects is to be found in his neglect or misapprehension of the true place of historical legislation in Jurisprudence.

I may take the liberty of remarking that I have treated of this subject, the necessary existence and place of the historical element in legislation in the *Elements of Morality including Polity*, B. iv. (*Jus*) Chap. i. (*Rights in general*.)

LECTURE XVIII.

BENTHAM—DEFECT OF HIS SYSTEM.

HAVING thus noticed one great defect and error in Bentham's system, his depreciation of historical law, I must now notice another point in which I think him also altogether defective and erroneous; namely in not fully recognizing the moral object of Law. According to our views, Law has for its object to promote, not merely the pleasure of man, but his moral nature;—not merely to preserve and gratify, but to teach him:—not to enable him to live a comfortable animal life, but to raise him above mere animal life: in short, to conform to his nature as man:—not merely a sentient, not merely a gregarious, not merely a social creature, but a moral creature;—a creature to whose moral being and agency all mere material possessions, enjoyments, and advantages, are instruments, means and occasions. Punishment is to be, not merely a means of preventing suffering, but is also to be a moral Lesson (*Morality*, Art. 988). Bentham, on the other hand, professes to make the promotion of human happiness—such happiness as can be resolved into mere pleasure or absence of pain—the sole object of punishment. On this view, there is no difference between laws restraining men in consequence of some calamity in which they are involved with no fault of theirs, and punishments for crime. Quarantine is not distinguishable from imprisonment for theft. Restraints imposed on those afflicted with contagious diseases are punishments, as much as restraints on those who try to break into a house. Now this is contrary to all common notions, and to all real jurial philosophy. But the fact is, that such a view cannot be consistently carried through. And Bentham himself is obliged to defend laws which have no solid ground except their moral tendency;—their effect in teaching men good morality.

As an example of the results of Bentham's attempt to exclude morality, as such, in his legislation, let us look at what he says respecting the Laws of Marriage.

On this subject he argues strongly in favour of a liberty of Divorce by common consent. He condemns the law which makes marriages indissoluble, in the strongest terms: he calls it cruel and absurd: he says this law "surprizes the contracting parties in the tenderness of their youth, in the moments which open all the vistas of happiness. It says to them, 'you unite in the hope of being happy, but I tell you, you only enter a prison whose door will be closed against you. I shall be inexorable to the cries of your grief, and when you dash yourselves against your fetters I shall not permit you to be delivered.'" And as decisively condemnatory of this policy he says "The government which interdicts them [divorces] takes upon itself to decide that it understands the interests of individuals better than they do themselves." (*Civil Code*, Pt. III. c. v.)

Now upon this we may remark, that undoubtedly, in this and in many other cases, government, both in its legislation and administration, does assume that it understands the interests of individuals, and the public interest as affected by them, better than they do themselves. What is the meaning of restraints imposed for the sake of public health, cleanliness and comfort? Why are not individuals left to do what they like with reference to such matters? Plainly because carelessness, ignorance, indolence, would prevent their doing what is most for their own interest. Is there anything strange in assuming that legislation, looking at all the consequences of marriage to the individuals and to society, to their comfort, fortune, and moral being, should judge better of the conditions under which it ought to be contracted than the parties in that delirium of feeling which Mr Bentham describes? Does not indeed almost the whole of law suppose the government to understand men's interests on many points better than they do themselves? Mr Bentham is

very fond of using this sarcasm, (for such it is rather than an argument,) when he is disposed to disparage a particular law: but it is rather a sarcasm against laws in general.

But is Mr Bentham ready to apply consistently the principle which he thus implies, that in such matters individuals are the best judges of their own interests? Will he allow divorce to take place whenever the two parties agree in desiring it? As I understand him, he would not. Indeed such a facility of divorce as this, leaves hardly any difference possible between marriage and concubinage. If a pair may separate when they please, why does the legislator take the trouble to recognize their being together? Such an extension of Divorce seems to be inconsistent with the existence of Families. Accordingly it does not appear that Mr Bentham would carry divorce so far as this; although, for aught I can see, his argument just mentioned would. But he has other arguments on the other side*. He allows that the comfort and advantage of the parties, and especially of the woman and her children, requires that the duration of the connexion should be indefinite. Marriage for life is, he says, the most natural marriage: if there were no laws except the ordinary law of contracts, this would be the most ordinary arrangement.

So far, good. But Mr Bentham having carried his argument so far, does not go on with it. What conclusion are we to suppose him to intend? This arrangement would be very *general* without law, therefore the legislator should pass a law to make it *universal*?—This is not at all like his usual style of reasoning. The more general it would be without the law, the less need of the law, it would seem; and Mr Bentham, of all persons, is the last to deem constraint a good when it is not needed. Or shall we supply an additional step in the argument, and say that the general tendency of men to make the marriage contract a contract for life, shows that such a contract is most for their happiness?—This, again, is not in the usual style of Bentham's reasoning. He is not wont

* *Civil Code*, Pt. III. c. v.

to estimate the happiness resulting from a rule by any opinion of persons under special circumstances, this opinion being only implied and conjectured, not expressed. His method is rather to show how happiness is increased or diminished, by resolving it into its elements, and showing how these are affected. I say therefore that I cannot see how Bentham goes on from this point, or what his conclusion is as to the restraints which ought to be placed upon Divorce. "Love," he says, "on the part of the man, love and foresight on the part of the woman, all concur with enlightened freedom and affection on the part of parents in impressing the character of perpetuity upon the contract of this alliance." But what then? Does he say "let it be perpetual?" No. The very next sentence is employed in showing the absurdity of making the engagement one from which the parties cannot liberate themselves by mutual consent. And there is no attempt to reduce these two arguments, or their results, to a consistency: no indication how marriages are to be perpetual, and yet dissoluble at will: no provision for the case in which the fickleness may come on while the children still need the cares of both parents. The general good of families points one way: the inclinations of the man and woman may point the opposite way. There is no rule given or suggested, as to which influence shall prevail in any given case.

But suppose that one party wish for a separation while the other does not? Shall divorce then be permitted? Not, it would seem, without the consent of the other. But suppose the consent to be obtained by ill-treatment. Suppose the stronger party to maltreat the weaker for this very purpose. Is it fit that the legislator should aid him in carrying his purpose into effect? Is it fit that he should liberate the man because he has by cruelty, or fear, or importunity, induced the woman to allow him to abandon her?

Mr Bentham's answer to this case shows, it seems to me, how difficult it is for any writer, however strictly he may try to follow out the results of a theory—to get rid of the ordi-

nary moral impressions with which men look at actions. Mr Bentham's decision on this point is, that in such a case, liberty should be allowed to the party maltreated, and not to the other. If a husband wish for a divorce from a wife whom he hates, and ill use her so that she gives her consent to the divorce, she may marry again, but he may not. Now to this decision I have nothing to object: but I must remark, that the view which makes it tolerable, is its being a decision on moral grounds, such as Mr Bentham would not willingly acknowledge. The man may not take advantage of his own wrong: *that* is a maxim which quite satisfies *us*. But Mr Bentham, who only regards wrong as harm, would, I think, find it difficult to satisfy the man that he was fairly used. The man would say, 'You allow every one else to separate from ill-sorted partners on grounds of repugnance: you care for their happiness; you have no regard for mine. I cannot live with this woman without misery. By your own principle, that is a reason why I should not live with her at all. My happiness requires my union with another. My present wife has consented. Why do you interpose to make us all wretched? You say I obtained my wife's consent by ill usage. I did no more than was requisite to obtain it. I gave her no pain which was not necessary for this purpose, and so, for my own happiness: and in truth, for hers also, for what happiness can she have in clinging to one whom she makes wretched? But if she have aught to accuse me of in the way of ill usage, let that be punished in the ordinary way, not by this cruel prohibition;—a refinement of cruelty worthy of the great leaders of the ascetic school, rather than of the professed promoters of human happiness.' To this appeal, I do not see what reply Mr Bentham could make. We, as I have said, have no such difficulty. We say to the man, We cannot allow you to take advantage of your own wrong. His having ill-used his wife steels our hearts to his complaints. His having thought only of *his own* happiness makes his happiness of small account in our eyes. We exhort him to

try to find consolation and relief in promoting the happiness of others : to bend to the yoke of duty, instead of merely aiming at self-gratification.

Of course, no one can deny that such cases as this, and many other cases, are questions of great difficulty : nor do we say that the indissolubility of marriage is a rule which, on mere human grounds, must necessarily be the best. But we say that no good rule can be established on this subject without regarding the marriage union in a moral point of view ; without assuming it as one great object of the law to elevate and purify men's idea of marriage ;—to lead them to look upon it as an entire union of interests and feelings, enjoyments and hopes, between the two parties. With this view, the law prohibits polygamy, denies rights to concubines and illegitimate children, invests the Family with honours and advantages ; and with the same view, it only in cases of extreme necessity allows Divorce*.

But let us consider Bentham's argument against divorce on one-sided application a moment longer. He says that such a law as he proposes would prevent the husband who wishes for a divorce from ill treating the wife ; he would try to get her consent by fair means. But what I urge is, that if he fails in this, he has just the same reason to complain, which, on Bentham's grounds, both parties have who wish for a divorce and are not allowed by the law to obtain one. It is no fault of his that he is not odious to his wife, and that he tries in vain to make himself so.

In truth, I believe Bentham in this case, as in some others, to have been seduced by the apparently happy thought of finding an appropriate punishment for an offense, and thus, turning the edge of an adverse argument.

Indeed this part of Bentham's writings—the discovery of appropriate and effective punishments—the *Rationale of*

* I need not discuss Bentham's other arguments on this subject. They all, I think, admit of answer on the same principles as those to which I have referred. I have considered the principal of them in the *Morality*, Bk. v. c. 13.

Punishment, as he calls it, has been the work of great labour. It is full of invention and ingenuity, and, as I have already said, by being systematic, it necessarily brings into view a number of instructive relations among the matters considered. It is one of Bentham's great titles to consideration as a jural writer, though disfigured in some degree with his usual faults. But this part of his writings does not bear upon our subject, Morality, with so much closeness as to make it suitable to dwell upon them.

I have said that Bentham's system of law is defective in not giving due prominence to the moral purpose of laws. Still, we must not forget that his principle, that the promotion of human happiness is the object of good laws, is really in almost every case a valuable guide to legislation, even in its direct Benthamite interpretation, where happiness is understood as consisting merely of pleasures. The legislator, though not the moralist, may take this principle for his guide. The legislator will hardly be wrong if he makes his laws with an intelligent and comprehensive regard to the promotion of general happiness and the prevention of misery; though the moralist is very likely to be understood as teaching a low and scanty morality, if he tell men they must always aim solely at their own happiness. This I say on the Benthamite analysis of happiness. But if we take that wider sense of *happiness*, which agrees with the common feeling of mankind, and into which our Utilitarians have a perpetual tendency to slide—the happiness which includes moral elements—the happiness which arises from knowing that we neither do nor suffer wrong—the happiness which arises from the promotion of virtue in ourselves and others—the happiness of kindness, justice, honesty, veracity, purity, order—then indeed happiness becomes a perfect and unerring guide—if only we can discover which way her guidance points. But then, we invert the Benthamite analysis, and make happiness depend upon virtue, rather than virtue upon happiness. Yet to this way of understanding

the term *happiness*, the Utilitarian, if he be really a kind and virtuous man, is perpetually prone to recur, swept away by the sympathy of the general feelings of man. Thus when Bentham has to speak of the reasons why there should be laws against marriages between near relations, he says, (*Principles of Civil Code*, P. III. c. v.) "If there were not an insurmountable barrier against marriages between near relations, called to live together in the closest intimacy, this close connexion, these continual opportunities, even friendship itself and its innocent caresses, might kindle the most disastrous passions. Families, those retreats in which repose ought to be found in the bosom of order, and where the emotions of the soul, agitated in the scenes of the world, ought to sink to rest—families themselves would become the prey of all the inquietudes, the rivalries, and the fury of love. Suspicion would banish confidence; the gentlest feelings would be extinguished; and eternal enmities and revenges, of which the idea alone makes one tremble, would usurp their place. The opinion of the chastity of young women, so powerful an attraction to marriage, would not know upon what to repose, and the most dangerous snares in the education of youth would be found even in the asylum where they could be least avoided."

Here we find that the good to be aimed at has taken a moral tinge, and derives all its force from that. Friendship, innocence, repose in the bosom of order, rest for the emotions of the soul; the calamities of rivalry, passion, suspicion, mistrust, enmity, revenge; and finally, the opinion of female purity, are put forwards as the grounds of such a rule. I do not say that, even in this form, they appear to me to give a sufficient basis for his views; and still less when he carries them into detail. But they show, and especially the last phrase, how large a share moral considerations must have in such questions; as, in truth, such considerations must enter into the view of the moralist at one point or other. If morality is not to be a direct object of the law, it must still

be an object of the law on this account, that men care much about it. If the legislator can see no positive and independent value in female purity, still he must legislate to preserve it, since the opinion of it is so highly prized by men, and its loss is a ground of such bitter grief and indignation. If the legislator will not be himself an independent moralist, at least he has to make laws for moral creatures;—for creatures who think moral good and evil the most important and weighty form of good and evil. If he will not hear a moral voice in his own bosom, he cannot shut his ears to the moral voice which proceeds from the people at large; and thus, by refusing to give morality an independent place in his system, he makes his system depend upon the popular cry. If he will not acknowledge the moral rule as something which ought to command and control the popular prejudice, he must take moral elements from popular prejudices: if he will not place a moral monitor above the applause and vituperation of the popular voice, he must find one in the popular voice. If he has no moral sanction properly so called, he must have a *moral or popular* sanction as identical: and this, we have seen, Bentham has.

I have thus again brought my views of Bentham's morality to the same point to which I formerly conducted them; and this is, I conceive, the principal view which it behoves us to take of Bentham's morality. I shall not now think further consideration of this celebrated writer necessary.

THE END.

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