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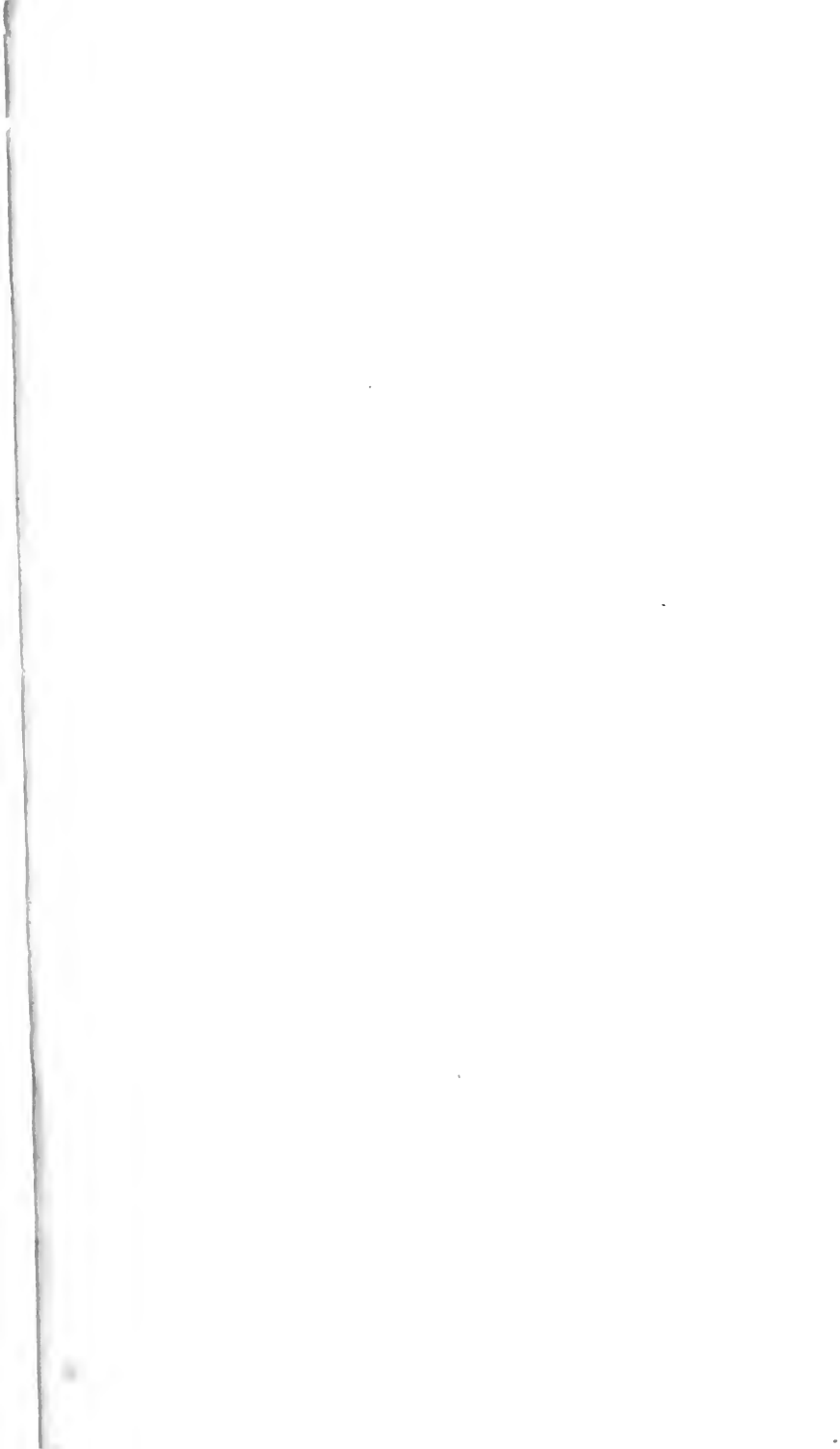
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**ELEMENTS**  
**OF**  
**MORAL SCIENCE.**



Philos  
& Ethics.  
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ELEMENTS  
OF  
MORAL SCIENCE;

BY JAMES BEATTIE, LL. D.

PROFESSOR OF MORAL PHILOSOPHY AND LOGIC IN THE MARISCHAL COLLEGE,  
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IN TWO VOLUMES.

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*THE THIRD EDITION.*

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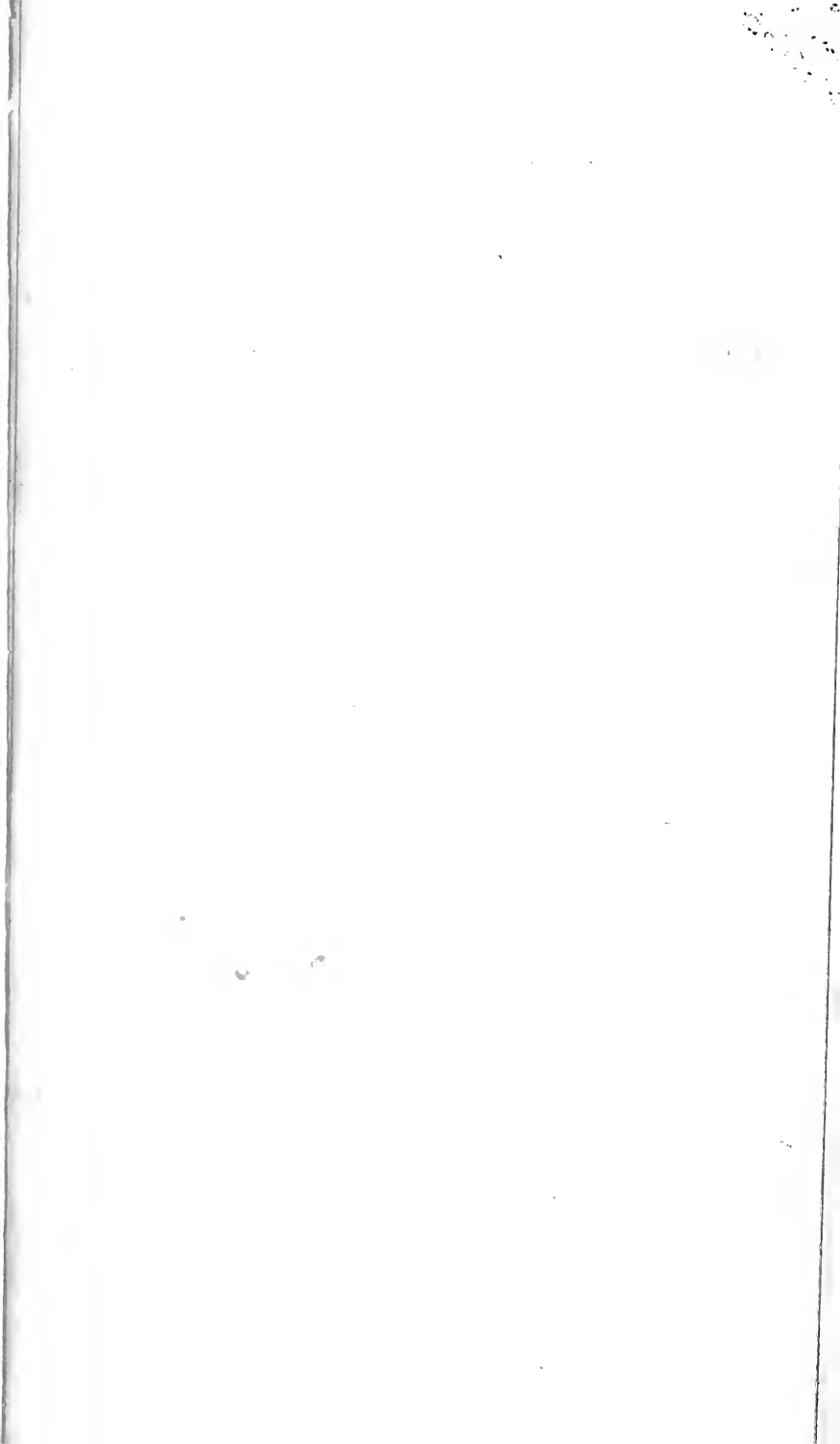


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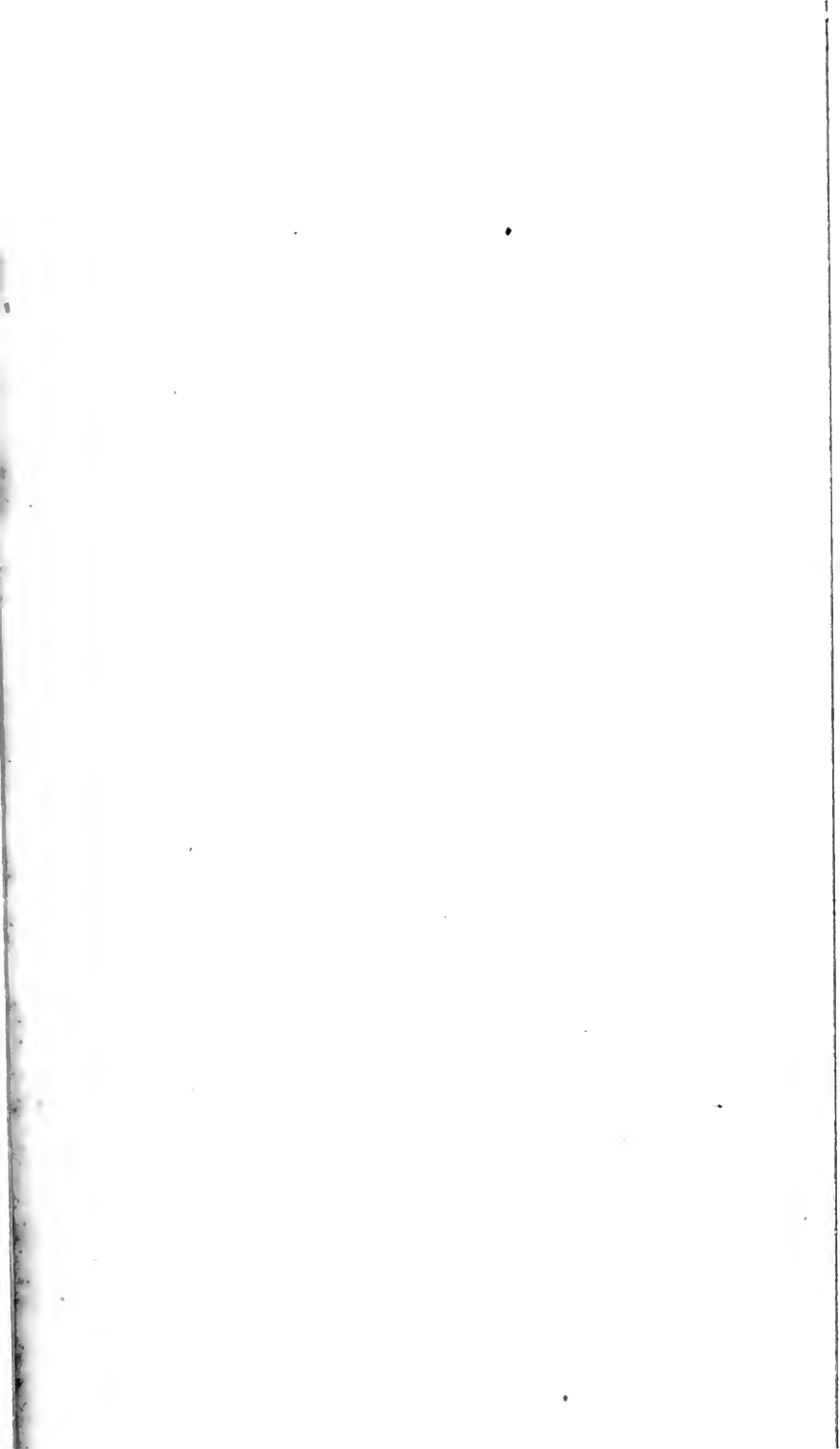
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ELEMENTS  
OF  
MORAL SCIENCE.

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MORAL PHILOSOPHY,

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PART SECOND.

OF ECONOMICS.

574. WE are now to consider human beings as members of a family, which is the foundation of all civil society, and comprehends the three relations of husband and wife, parent and child, master and servant. The duties belonging to these relations are so well, and so generally understood, that they need not be here specified; but connected with them are some controverted points, whereof I shall attempt a brief examination.— Among the inferior animals, the union of the sexes is temporary and casual; the passions that prompt

to it being periodical, and the young soon able to provide for themselves. But human infants being, of all animals, the most helpless, stand most in need of education and parental care. For man, in his conduct, is guided, not by unerring instinct, as the brutes are, but by his own reason; which, if well cultivated, will lead him right, but if neglected or perverted, may lead him wrong.

575. Of all this, man, being by nature compassionate, as well as endowed with reason, reflection, and foresight, can hardly fail to be sensible. It is therefore natural that he, even in savage life, should have a certain degree of attachment to his child, and its mother, and do what he can to assist and defend them. Hence, it seems reasonable to suppose, that marriage, under one form or other, would take place, even where not many laws had been established with regard to it: and this is in fact the case. Exceptions may perhaps be found, among the worst sort of savages: but those are not considerable enough to affect the present argument. In civilized nations, the matrimonial union must appear a matter of very great importance; being, indeed, the ground-work, not only of all decency and domestic virtue, but of all good government and regular society. Were we to hear of a nation in which there is no such thing as marriage, we should pronounce that nation to be in a state of the grossest barbarity.

576. The principles of this union may be reduced to five: first, that tendency, which belongs



to animal nature in general, towards the continuation of the species : secondly, that love or esteem, which arises from the view of good qualities in another : thirdly, benevolence or friendship proceeding from this love : fourthly, a natural affection to children : and, lastly, a regard to one's own happiness. As these principles are natural, and among mankind universal, and tend to produce this union, and actually have produced it in all ages, we must believe it to be the intention of Providence, that they should produce it : which will be still more evident to him who considers the peculiar and very different characters, whereby nature has discriminated the two sexes; and which, even in the amusements of male and female children, begin very early to distinguish themselves. The ends of this union are three. By means of it, Providence intended, first, that the human race should be continued, in a way not only consistent with, but conducive to, virtue, decency, and good government : secondly, to provide for the education of children : and, thirdly, to promote the happiness of the married persons.

577. It has been made a question, whether polygamy be naturally unlawful. Among christians, it cannot be lawful ; because our religion forbids it : but to the ancient Jews and patriarchs, it was not forbidden ; and seems, in some cases, to have been permitted, as a punishment for their intemperance, in desiring it. That it is not according to the ana-

logy of nature, may be proved, by this argument. The number of males that are born, is so nearly equal to that of females, (being as twenty to nineteen, according to some computations, or as fourteen to thirteen, according to others), that, if all men and women were married, there would not be more than one man to each woman, and one woman to each man. That more males should be born than females, is wisely ordered by Providence; men being exposed to many dangers, in war, for example, and at sea, from which the condition of the female is, in a great measure, exempted.—By some travellers, who affect to apologize for the polygamy allowed by the law of Mahomet, it has been said, that, in certain eastern nations, particularly in Arabia, the country of that impostor, there are three or four females born for one male. When this is clearly ascertained, (for as yet it seems to be doubtful), I shall admit, that, in those parts of the world, polygamy is not so inconvenient or so unnatural, as it undisputably would be in these.

578. It is inconsistent with that affection which married persons owe to each other. Where it prevails, the husband, whatever be the number of his wives, has commonly but one favourite wife; and the consequence is, that she is hated by all the rest, and he, on her account: in other respects, it is fatal to the peace of families. In Turkey, a husband must exercise over his household a sort of tyrannical authority; so that his wives are really

his slaves ; which destroys that friendship and mutual confidence, so essential to the happiness of the married state. To which we may add, that the natural affection between parents and children must be very much weakened by polygamy, and consequently, the right education of children neglected. And a number of children of the same father, by different living mothers, could hardly fail to become the rivals and enemies of one another.

579. That marriage may be a determinate object of law, it must, like every other express contract, be ratified by some form ; the neglect of which is to be considered as illegal, but not as sufficient in all cases to nullify the marriage : much, however, in regard to this matter, will depend on human laws. That the matrimonial union should be for life, appears from the very nature of friendship, which men never enter into with a view that it shall last only for a limited time. And the education of children requires, that the father and mother should be united for life. If this were not the case, marriages would be contracted with such precipitancy, as to preclude the hope of connubial happiness ; and the profligacy of individuals would introduce endless confusion into human affairs, and entirely destroy the attachments of kindred, and all the amiable virtues thence arising.

580. Plato is whimsical on this subject, as on many others. He thinks, that parents should not be entrusted with the bringing up, or with the

education of their children, which ought, in his opinion, to be provided for and conducted by the state ; and that children should never know who their parents are, but consider themselves as the sons and daughters of the republic. For he supposes, first, that parents become avaricious, in order to enrich their children : secondly, that persons united by the ties of blood are apt to conspire against the state, and promote rebellious insurrection : and, thirdly, that parents ruin their children by immoderate fondness. The arguments are as weak, as the scheme is unnatural ; though it must be allowed, that there is a defect in the policy of a country, in which the law takes no notice of the conduct of parents with respect to the education of their children.

581. There are not many instances of children ruined by parental fondness merely : a little knowledge of the world commonly wears off the bad effects of that fondness where it has been excessive. And if at their birth children were sent to a public seminary, and there brought up, ignorant of their parents, it is not unlikely that some of them might be ruined by bad example, or by the indiscretion or indifference of nurses and teachers ; for that all persons should act well, who act by public authority, is not to be expected. Besides, family attachments encourage industry, which ought to be encouraged ; but do not often incline parents to avarice, which is well known to be most prevalent.

in those who have no families; and conspiracies against the state are more remarkable for breeding dissension among relations, than for arising from their unanimity. But it is still more to the present purpose to remark, that the virtues one may acquire in domestic life; the love that one bears to parents, brethren, and kindred, and the many kind affections thence resulting, are among the most amiable qualities of our nature; and have a happy effect in producing a sense of honour, gentleness of manners, and tenderness of heart, which greatly promote the improvement of the mind, and the happiness of society, and which, under a scheme like Plato's, could hardly exist.

582. From these reasonings may be deduced the following definition of marriage. It is a strict and intimate union, for life, founded on mutual esteem, of one man and one woman, in one family, for the purpose of having children, educating them, and promoting the happiness of one another. This union being the foundation of regular society, all persons are bound in conscience to pay great regard to it; to account its laws sacred; and to do nothing to lessen it in the opinion of the public, or of individuals; remembering that it has been in the world from the beginning, and is of divine institution. But all persons are not obliged to enter into this estate. Want of prudence or of inclination, untowardly dispositions, immature age, and the indispensable duties annexed to certain

employments that one may be engaged in, may make it in particular cases improper. These are called natural impediments. Others there are of a moral kind, which render it unlawful.

583. The first is a prior contract. He who has married to two wives, both living, is by the laws of all christian countries punishable; and in some, particularly Sweden, is punished with death. He who marries one woman, after having given another reason to believe that he would marry this other, is guilty of a crime, which, though the law should not reach it, ought to lie very heavy on his conscience. Too near a degree of consanguinity is another moral impediment. A line of kindred is either direct or collateral. The direct line comprehends grandfathers, fathers, children, grandchildren, &c.; and in this line all marriages are accounted unnatural, and are accordingly forbidden by the laws of almost all nations. In the collateral line are brothers and sisters, and their descendants; among whom, by the laws of the Jews, the old Romans, and all protestant countries, all marriages are forbidden within the fourth degree, that is, between persons more nearly related than cousins-german.

584. The canon law, that is, the ecclesiastical law of the church of Rome, does also prohibit marriages within what is called the fourth degree; but their way of considering this matter is not the same with ours; for cousins-german, or even se-

cond cousins, of the Romish religion, cannot marry without a warrant from the pope. He indeed was wont to reserve to himself the privilege of determining what marriages are within the forbidden degrees, and what are not ; and thus he has had it in his power, especially in former times, to gratify those princes who were tired of their wives, by declaring their marriage unlawful from the first, and consequently null ; and to gratify others, by allowing them, for reasons of policy or interest, to form connections which among us could not be tolerated. It is not long since he granted a dispensation, whereby a queen of Portugal was married to her nephew.

585. It is not easy, nor perhaps possible, to ascertain, on philosophical principles, that precise boundary, in the collateral line of kindred, beyond which marriages are lawful, and within which they are incestuous. Our own law is in this respect very reasonable. And it is better to rest this matter on positive laws, than to attempt to settle it by general reasoning. That men should not be allowed to marry very near relations, answers many excellent purposes, and this in particular, (for the rest I do not care to specify) that it extends the sphere of kindred and friendship, and so connects society more closely together.

586. The superiority of the husband to the wife is so generally acknowledged, that it must be owing to some good and permanent cause : and that

it was so from the beginning, and so appointed of God, we believe on the authority of scripture. Considering the matter abstractly, we should say, that in the management of a family, that person ought to be superior, who has most prudence and virtue. But the exact degree of virtue and prudence it might be difficult to ascertain; and controversies on this subject between husband and wife would have disagreeable consequences. And therefore the superiority of one sex ought to be fixed by law as well as by custom. Supposing the two sexes equal in virtue and understanding, which, after making allowance for diversity of education, we should perhaps find to be the case, it is still right that the man should have the superiority. For his bodily strength, and his incapacity for some domestic duties, the nursing of children for example, not to mention other circumstances of a more delicate nature, make him better qualified, and leave him more at leisure, to guard the family from injury, and superintend all the members of it. However, the more the sexes approach to equality, the more will society be civilized. Savages are tyrannical to their women. In polite nations it is otherwise; and the superiority vested by law in the men is compensated to the women, by that superior complaisance which is paid them by every man who aspires to elegance of manners.

587. The duties of the married persons with



respect to each other are so well known, that it is unnecessary to give a detail of them in this place. They may all be reduced to those of mutual love, and mutual fidelity; the violation of which is in the wife and the husband equally immoral, though perhaps in a political view not equally ruinous. Parental authority is founded, first, in the need that children have of assistance and direction; secondly, in parental love, disposing fathers and mothers to assist and direct them; and, thirdly, in filial piety, disposing children to love, honour, and obey their parents. In the father's absence, the mother's authority may be supposed to be equal to his, because it has the same foundation; but when he is present, his authority must be superior, because all the family is subject to him. That mothers, when able, ought to nurse their offspring, is generally acknowledged, and might be proved, from many considerations, both moral and physical. The mother is by nature supplied with the means of yielding her infant that sort of nourishment which is best for it; the infant, by natural instinct, craves this nourishment; and mothers are inclined, both by instinct and by reason, to give it, and find exquisite delight in doing so. To which we may add, that not to comply with nature in this particular, is often attended with dangerous, and sometimes fatal consequences to both mother and child.

588. Parents owe their children the most tender

affection, which must neither degenerate into indiscreet fondness, nor be exercised with any partiality, except what may be due to superior merit. They ought, as far as is in their power, to provide for their children the necessaries of life, and such of its ornaments as befit their condition; but are not obliged to endow them so liberally as to encourage vice or idleness. They are bound by every tie of love, honour, and duty, to give them such education as may qualify them for acting their part aright in this world, and preparing themselves for the next: and, for this purpose, to employ all the proper means of instruction; moral and religious precept; prudent advice; good example; praise, in order to encourage; and reproof, and, if necessary, even correction, in order to reform. On education there are many books that deserve attentive perusal, but not many that ought to be implicitly followed: for too many writers on this subject seem more anxious to establish paradoxes, and fashion the young mind into a similarity to their own, than to give general precepts for training up good christians, and useful members of society. The topic being far too extensive for this place, I shall only make two or three remarks on it; in order that, by pointing out a few examples, not universally attended to, of improper management in the business of education, I may engage my hearers to *think* on the subject, and to think for themselves.

589. The present plan of education, as it is commonly (I do not say universally) conducted, seems to proceed on a supposition, that piety and virtue are not indispensable parts of duty ; for that the figure a man makes, and the gratifications he obtains, in this world, are of more value to him, than eternal happiness in the world to come. Accordingly, some pains are taken to cultivate his understanding, to adorn his outside, and to fit him for the common arts of life ; but the improvement of his heart, and the regulations of his passions and principles, are, comparatively speaking, but little minded. Children are too often treated rather as play-things than as immortal beings, who have a difficult part to act here, and a strict account to render hereafter. A man indeed is not a moral agent till he attain the use of reason. But before he can compare things together so as to draw inferences, he may contract habits of obstinacy or obedience, fretfulness or contentment, good or ill nature, and even of right or wrong opinion, which shall adhere to him through life, and produce important consequences. Therefore, let no one think that moral discipline, in the beginning of life, is of little moment : it can hardly begin too early.

590. Not few are the methods taken, even by parents who mean well, which would seem to teach children vice rather than virtue, and to create and cherish evil passions, instead of preventing

them. They are taught to threaten, and even beat those by whom they think themselves injured, or to beat other persons and things in their stead; and thus learn to be peevish and revengeful: and thus too their notions of merit and demerit are confounded; for how is it possible for them to learn any thing good, from seeing a stranger threatened, a dog punished, or a footstool beaten, for a fault committed by themselves, or by the nurse! —Their good behaviour is sometimes rewarded so absurdly, as to hurt their health, and teach them gluttony or sensuality at the same time.—They are frequently taught to consider strangers, especially those who are old and ill-dressed, as frightful beings, by whom they are in danger of being taken away: and thus they learn cowardice, dislike to strangers, disrespect to old age, and an abhorrence of poverty and misfortune, as if these rendered a man the object, not of pity, but of detestation.

591. They are from time to time entertained with stories of ghosts and other terrible things, which, they are told, appear in the dark; and hence receive impressions of terror which they find it difficult to get the better of, even when they come to be men. They are flattered, on account of their finery, and so become fond of a gaudy outside; a passion which, if they do not subdue it, will go near to make them ridiculous. When they being to speak, they are encouraged to speak

a great deal; and thus learn petulance, and want of respect to their superiors. They are sometimes threatened with dreadful punishments, and in the most boisterous language; and by this example of ferocity and passion are taught to be fierce and passionate. At other times they are, without sufficient reason, extravagantly caressed, which, while it enervates their minds, conveys a notion, that their parents act capriciously, and that they may do so too. The slightest foibles and greatest faults are often blamed with equal severity; and the most trifling accomplishment more warmly commended than a generous sentiment, or virtuous action. You may have heard them blamed more bitterly for making an aukward bow, than for telling a lie; and praised more for their dancing, than for alacrity in obeying their parents. Does not this absurd conduct tend to poison their principles, deprave their judgment, and even pervert their conscience?

592. What can excuse the parent, or teacher, who chastises a child for a natural weakness of memory, or slowness of apprehension? Would it not be equally reasonable to punish him, because Providence has given him a puny frame of body, or sickly constitution? And what notions of rectitude is a child likely to form, from seeing cruelty where there ought to be lenity, and from being punished because he cannot do what is above his strength? Many more instances might be given

of parents and teachers, who really mean no harm, inuring children to vicious habits, and teaching them to form licentious opinions, in matters which the world in general considers as of little moment. But very trivial matters call forth the passions of a child; and whatever does so is of serious importance, because it must give rise to virtuous or to criminal practice, and tend to form habits either good or evil.

593. Let children be taught, as far as their capacity will admit, to form right opinions; to consider clothes, for example, as intended more for use than for ornament; and food, as what is necessary to life and health, but must not be perverted to the purposes of sensuality. Let them be informed, that, by nature, all men are equal; a lesson which they will easily learn, as pride is one of those passions which they seldom or never acquire of themselves, (§ 305); and let them be made to understand, that a man is contemptible, not because he is old, or ugly, or poor, but because he is of indecent behaviour. Let them be accustomed to reverence old age; and for their parents to entertain the most profound respect, without repining at their commands, or venturing on any pretence to dispute their opinion. This will make them affectionate and dutiful; for the more they respect a parent or teacher, the more they will love him; this will also teach them to be modest, obedient, and docile; and soon impress them with a sense of their being

subject to moral discipline, and accountable for their conduct.

594. When vices are practised, or without disapprobation named, in the presence of children ; when a parent or teacher punishes at one time a fault which he overlooks at another, or neglects to take cognizance of a transgression whereof the child knows that he cannot be ignorant, these are so many lessons of immorality, which cannot fail to corrupt a young mind. To correct a child when one is in a passion, gives him an example of two vices at once, rage and revenge : for all correction of this kind is likely to be, and to the sufferer will appear to be, excessive ; and seem to have, and perhaps really has, something vindictive in it. To bodily punishment we are not to have recourse till all other means of reformation have been attempted in vain ; and let this last remedy be applied, if at all applied, with temper and solemnity, that the child may see we are driven to it against our will, from a regard to our duty and his good. Honour and shame are, as formerly observed, much more liberal motives ; and experience proves, that they may for the most part, if not always, be more effectual. These indeed may be employed, with good success, through the whole of life, as a preservative from vice, and a curb to every inordinate passion.

595. Whether a public school, or the privacy of domestic education, be preferable, has long been

matter of controversy, and is not likely to be soon determined. Experience will not settle the point; for men of every character, and of all degrees of genius and literature, have been formed both by the one method and by the other. Supposing the teachers in both equally conscientious, and of equal ability, one might say, perhaps, that the former is the best scene of discipline for this world, and the latter for that which is to come. In the former there are, no doubt, superior opportunities of acquiring habits of activity, a free and manly behaviour, with knowledge of the world and of human nature, as well as of making valuable connections in the way of acquaintance and friendship. But in the latter may be expected more modesty and innocence, stricter rectitude of principle, fewer temptations to irregularity, and less danger from bad company.

596. Perhaps, if the two methods were to be united; if they who frequent public schools were also to be continually under the eye of an attentive parent or tutor (which, comparatively speaking, could happen but to few), the objection to those crowded seminaries might in part be obviated. But without such private inspection, great schools, especially in great towns, would seem to be extremely dangerous. Horace informs us (*sat. i. 6*), that he was educated in a way similar to what is here proposed; that his father, though by no means wealthy, brought him from his native village to



Rome, and put him under the best masters; but did himself carefully inspect every part of his son's education and behaviour. What the poet has written on this subject merits particular attention, and does honour both to his father's worth and wisdom, and to his own gratitude and filial piety. A more amiable picture of a father and a son is hardly to be met with in pagan antiquity.

597. On the duties of children to their parents it is unnecessary to expatiate, they being in christian nations universally known. Next to that which is due to the Creator, children owe their parents the highest love, reverence, and gratitude; for to a good parent, in all ordinary cases, his child is more obliged than to any other fellow-creature. Children ought, as far as it is necessary and they are able, to support their parents, and to bear with their infirmities, do every thing in their power to make their lives comfortable, receive their advice with respectful attention, and obey all their lawful commands. It does not, however, appear, that in things so intimately connected with the happiness of life, as marriage, and the choice of an employment, parents have any right to force the inclinations of their children. Their best advice, in these and all other matters, parents are bound to give them; but in these their temporal welfare may be so deeply interested, that compulsion would be cruelty; nay, such compulsion, by irritating their passions, and unsettling their minds, might endanger their hap-

piness in a future life, as well as destroy it in this. It is indeed true, that habits of long acquaintance will sometimes overcome dislike ; but it is no less true, that some things and persons are so disagreeable, that we dislike them the more the longer we know them, and the more intimately we are connected with them. In the affair of marriage, the utmost a parent can claim is the validity of a negative ; and in many cases even that may be disputable. Nature intended mutual affection to be the principal motive to this union ; and therefore, marriage contracted from a different motive, where that is wanting, such as ambition, the love of money, or even implicit obedience to parents, is unnatural, and of course unlawful.

598. The relation of master and servant is founded on a contract or agreement, and is intended for the mutual benefit of the contracting parties. The peculiar duties belonging to it are settled either by the terms of the agreement, or by the common rules of equity, and the general practice of the country. The origin and reasonableness of this relation may be thus explained. Human creatures, though born equal in many respects, are, in respect of abilities and character, very unequal : and if, naturally, one man is enterprising, prudent, and active, and another irresolute, imprudent, and indolent, it will happen in process of time, supposing (what we call) Fortune equally favourable to all, that one shall acquire

much property without doing injury, and another little without suffering any. The former will of course have more things to mind than the latter, and will be disposed to hire persons to assist and serve him; and they who have little or no property will be willing to be hired for that purpose. And if the master be kind, and the servant faithful, that is, if each do what he ought to do, they will both be happier in this connection than they could have been out of it.

599. Besides, to make society comfortable, there must be established in it a number of employments, which cannot all be equally honourable, or attended with equal advantage. The richer sort, having the means of a better education, are better qualified than the poorer for the higher offices; and the poor, conscious of their inability, will have no other ambition than to gain a competence in those walks of life to which they have been from infancy accustomed: and thus, all the necessary professions will be filled with persons properly qualified for them, and the business of social life will go on with regularity and expedition. Far be it from me to insinuate, that low fortune is always the effect of mean parts, or a high one of the contrary. I only say, that the natural varieties of human character would in time produce varieties of condition, in the ordinary course of things. But let it ever be remembered, that the affairs of this world are governed by Providence, who, for the wisest and

most beneficent purposes, often brings down one, and sets up another, by such means as may to us appear inadequate and extraordinary. Hence, let the great learn moderation, and the lowly content. All are equally the care of Providence; and in every station a contented mind is happy. See § 152.

600. One cannot live without the necessaries of life, but he who has them may live without a servant; so that a master is more necessary to a servant, than a servant is to a master. It is therefore reasonable that the servant should acknowledge the master's superiority, and, over and above the stipulated service, pay him a degree of attention, which the servant is not entitled to expect in return. The master, on the other hand, ought to consider the dependent condition of his humble associate, and treat him with that lenity which a generous mind naturally exercises towards those who have been unfortunate or unsuccessful. In short, it is incumbent on each to do to the other what he could reasonably wish the other to do to him, if they were to exchange conditions. If they observe this rule, their relation will be a blessing to both.

601. A severer kind of service called slavery, has, I am sorry to say it, prevailed in many nations, and in many does still prevail; but its forms are so various, that one cannot express its general nature in a definition. Of that species of it which it is my design to consider, the following particu-

lars will convey a pretty just idea. 1. In establishing this kind of service, the will of the master only is consulted, and no regard had to that of the slave. 2. No efforts of virtue or ability can ever change the slave's condition for the better, without the master's consent ; which in all cases he may refuse, without assigning any reason. 3. The master may correct his slave as severely, and in other respects use him as cruelly as he pleases, provided he do not deprive him of his limbs or life ; and in many countries even these are not protected, except by some trivial punishment or fine, which, it is well known, neither is, nor can be, any effectual restraint on the passions of a tyrannical and wealthy master. 4. The slave labours for his master's benefit only ; and in some parts of the world, can acquire little or nothing for himself, but what his master, if he pleases, may, without being obnoxious to the law, contrive methods of taking from him. 5. The master buys a slave, and sells him with as little concern as we do an ox or piece of household stuff. 6. The children of slaves are born and bred in slavery, and their children, and all their posterity, for ever, unless it be the master's pleasure to give them liberty ; which he is seldom or never obliged to do, and which the laws of some countries will not, in certain cases, permit him to do. 7. The life or death of slaves, in the eyes of the slave-monger, is of no more value than the money for which they might have been sold :

of their health and welfare in this world he probably will, on his own account, take some care, but is not obliged to take much, and it is certain takes very little : their happiness or misery in the world to come, is a consideration in which he does not think himself interested at all.

602. After this account, which I believe is not exaggerated, it must be unnecessary to add, that slavery is inconsistent with the dearest and most essential rights of man's nature ; that it is detrimental to virtue and industry ; that it hardens the heart to those tender sympathies which form the most lovely part of the human character ; that it involves the innocent in hopeless misery, in order to procure wealth and pleasure for the authors of that misery ; that it seeks to degrade into brutes, beings whom the Lord of heaven and earth endowed with rational souls, and created for immortality ; in short, that it is utterly repugnant to every principle of reason, religion, humanity, and conscience. In protesting against such a practice, it is not easy to preserve that lenity of language, and coolness of argument which philosophy recommends : and one eminent author has not sought to preserve it, but explicitly declares, that he who can seriously argue in vindication of slavery, deserves no other answer than the stab of a poniard. I am not, however, so bloody-minded ; and shall endeavour to justify what I have said by an appeal to the reason, rather than to the passions, of mankind.

603. To my shame and sorrow, and to the disgrace of human nature, I must confess that slavery is of ancient date ; and that there are not many countries in the world, where, at one time or other, it has not prevailed. Among savages it probably took its rise, or among men half-civilized, who condemned their captives to this condition ; and might be afterwards adopted, in the way of retaliation, by more enlightened societies. We find in the Old Testament, and in Homer, that in early times it was customary to carry away into captivity, and sell for slaves, those who had been made prisoners of war. Those slaves, however, were not always barbarously treated in other respects, but, on the contrary, often became the favourites of their masters. Yet this was not universal. In Athens and Rome, in times somewhat later, slaves might lead lives that were not uncomfortable ; but at Sparta they were treated with a degree of rigour that is hardly conceivable, although to them, as their husbandmen and artificers, their proud and idle masters were indebted for all the necessaries of life. The Lacedemonian youth, trained up in the practice of deceiving and butchering those poor men, were from time to time let loose upon them, in order to shew their proficiency in stratagem and massacre. And once, without any provocation, and merely for their own amusement, we are told that they murdered three thousand in one night, not only with the connivance of law, but by its avowed

permission. Such, in promoting the happiness of one part of society, and the virtue of another, are the effects of slavery!

604. In arguing against slavery, it may perhaps be thought that I dispute without an opponent. But this is not the case. I have met with a native of Great Britain, a man of learning and some rank, who seriously maintained in my hearing, that the lower orders of people in this country ought still to be, as they once were, slaves, and to be annexed, as in some miserable parts of Europe they still are, to the soil, and bought and sold along with it. Many men, who, both as philosophers and as politicians, were pleased to think themselves wonderfully wise, have laboured to prove the lawfulness and expediency of this practice; which every person, worthy of the honour of being born a Briton, holds in utter abomination. I shall briefly examine their pleas, with regard, first, to slavery in general: and, secondly, to that of the African negroes in particular.

605. At the head of my opponents I must place Aristotle, who, in his first book of politics, argues thus:—‘ That men of great bodily strength, and deficient in mental abilities, are by nature destined to serve, and those of better capacity to command; that the Greeks, and some of the adjoining nations, being superior in genius, have a natural right to empire; and that the rest of mankind appear, from their innate stupidity, to be



‘ by nature intended for slavery and toil.’ Every body sees the absurdity of this reasoning, and that it is founded in national prejudice, and want of knowledge of mankind. The Greeks are not now a nation of either philosophers or heroes : in spite of the advantages they derive from climate and soil, and a happy temperament of bodily constitution, they are the ignorant and devoted slaves of Turkish tyranny ; while other nations, our own in particular, which Aristotle, no doubt, believed (if he ever heard of it) that nature had consigned to everlasting obscurity and servitude, have, in respect of genius, industry, fortitude, and the love of freedom, become equal to the most accomplished of mankind. To infer, because a people is now barbarous, that it never can be civilized, is not more wise, than to affirm, that an oak of ten inches long can never grow up into a tree, or that an infant can never become a man. But, whether ingenious or dull, learned or ignorant, clownish or polite, every innocent man, without exception, has as good a right to liberty as to life.

606. It has been said, that an institution so widely diffused as slavery, and so ancient, cannot be either unlawful or unnatural. This deserves no answer. Paganism and Mahometism have long been, and still are, the religion of many nations ; human sacrifices were once common in the north of Europe, and in many other parts of the earth : and there are Indian tribes, who, in the spirit of savage

triumph, eat those enemies whom they take in battle. Does it follow that we may lawfully eat men, or offer them in sacrifice to idols; that Mahomet was a true prophet; or that Jupiter and his Olympian rabble were the makers and governors of the universe?

607. The Romans tolerated slavery; and their laws give three accounts of it, which, as historical facts, may be true; but, considered as arguments to justify the practice, are, every one of them, absurd. First, it is said, that prisoners of war may be enslaved rather than put to death. But the most that a conqueror can justly claim from his prisoners is a security that they will do him no hurt, which may be obtained, and in civilized nations is daily obtained, without either putting them to death, or enslaving them. To kill, even in war without necessity, is murder: to enslave can never be necessary, and therefore must always be unjust; for every generous mind considers slavery as worse than death; and so in fact it is. Death affects the person only who dies, and who must soon die at any rate; but slavery may extend its baleful influence to the innocent children of the enslaved person, and even to their descendants.

608. Where captives have been reserved for slavery, it is plain there could be no necessity for killing them; and if it was not necessary to kill them, it was not lawful; and a punishment, in itself unlawful, can never be lawfully exchanged for

another punishment which is equally, or more than equally, severe. By the commission of crimes, a man may no doubt forfeit his liberty as well as life; which, however, is not slavery in the proper sense of the word, because such forfeiture of freedom descends not to children: but, where there is no guilt, no punishment, not even the smallest, can be lawful. Now, in fighting for his country, or in self-defence, what crime does the soldier commit? So far from committing any crime, it is universally allowed that he does his duty: and is a man to be punished as a felon, or is he to be punished at all, for doing his duty; that is, for doing what he would deserve punishment for neglecting to do?

609. The civil law supposes, secondly, that a man may sell himself for a slave; but this, as Montesquieu observes, can hardly be; for a sale implies a price, which he who consigns himself to slavery cannot receive, because the slave's property is supposed to be in the master's power. But might not a man sell himself for a price to be applied immediately for the payment of his debts, or in order to purchase some great good to another; to save, for example, the life or the liberty of a parent? This is possible, no doubt, and in some countries may have happened; and this, in him who could make such a sacrifice, would be an act of great magnanimity. But what could excuse the buyer, or render a transaction lawful, by which so noble an ex-

ertion of human virtue would be subjected to a lasting and cruel punishment ?

610. Thirdly, the civil law supposes that a man may sell his children. But all human beings who have never injured society have an equal right to liberty ; so that parents can no more sell their children, than children can sell their parents. Suppose the father to sell them, or give them away, rather than to see them perish with hunger, yet still the person who received or bought them, would, if he made them slaves, be without excuse. For helpless persons in want have a right to be supported by those who are not in want ; and the labour of a human creature is always of more value than his food and raiment, at least if he have strength to do the work of a slave : and if he be sickly as well as needy, he has a double claim to the compassion and gratuitous assistance of the wealthy.

611. It is impossible for a considerate and unprejudiced mind to think of slavery without horror. That a man, a rational and immortal being, should be treated on the same footing with a beast or piece of wood, and bought and sold, and entirely subjected to the will of another man, whose equal he is by nature, and whose superior he may be in virtue and understanding, and all for no crime, but merely because he was born in a certain country, or of certain parents, or because he differs from us

in the shape of his nose, the colour of his skin, or the size of his lips;—if this be equitable, or excusable, or pardonable, it is vain to talk any longer of the eternal distinctions of right and wrong, truth and falsehood, good and evil.

612. So repugnant is slavery to the British genius, that when, about two hundred years ago, a law was made in England condemning idle vagabonds to this condition, the spirit of the nation could not bear it; and it was soon after repealed. And now every slave, of whatever colour, from the moment of his arrival in Great Britain, and as long as he remains in it, is a free man, and a British subject, whether baptized or not; the law protects his person and his property; he has no more to fear from his master than any other free servant has; he cannot be bought or sold; but if he has bound himself by contract to serve his master for a certain length of time, that contract, like those entered into by apprentices, and some other servants, will be valid.—I wish I were warranted to add, that the same regard is had to the rights of human nature in all the British dominions. But I must confess, with anguish of heart, that it is not so; for that almost all the products of the West Indies, and some too of the East, are procured for us, by the sweat, the tears, and the blood, of miserable slaves. And this leads me to consider, in the second place, the origin, law-

fulness, and expediency, of the slavery of the negroes.

613. In evincing the unlawfulness of slavery, and protesting against the cruelty of it, I must not be understood to blame every person who is, or may have been concerned in it. My censure neither is, nor can be, levelled at any individuals, those excepted who are cruel and unjust to their slaves; and that all such deserve censure, every honest man will allow. The present race of American and West-Indian planters I cannot blame for the existence of a commerce which was established before their grandfathers were born. I cannot blame them for possessing those estates which they have acquired by fair means; or for not abolishing a traffic, which it is not in their power to abolish. Nor can I blame them for not giving liberty to their slaves, when I consider, that so many savage men, set free at once, might annul the property, and destroy the lives, of thousands of innocent persons, and perhaps involve the whole empire in confusion. The guilt of enslaving the negroes is to be imputed, not so much to individuals as to *the whole community*; those, however, excepted, who publicly condemn the practice, and would abolish it if they could. But to expose it in what I think its proper colours, is a duty which I owe to humanity and truth. Such attempts, though they cannot cure, may have a

tendency to alleviate, the evil; and perhaps contribute something, however little, to its final abolition.

614. The Spaniards, having taken possession of the West Indies, in the end of the fifteenth century, and being in great want of labourers to assist in cultivating their plantations, seized upon and enslaved such of the native Indians as came in their way; but finding them an indolent and weakly race of men, and hearing that the negroes of Africa had more activity, they encouraged Portuguese traders to bring them slaves from that country; and the same policy was afterwards adopted by other European colonies, that settled beyond the Atlantic. This was the beginning of the African slave-trade, which has continued ever since, and has become so extensive, that into the British American, and our West Indian settlements alone, there are now imported annually from Africa, and sold, thousands of negroes; MANY thousands certainly; how many, I know not; as the accounts I have received on this head are not consistent.

615. That many of these slaves come into the hands of good masters, and so lead lives that are not uncomfortable, I am very willing to believe: and it is well known, that those employed in domestic offices have not so much reason to complain as those who labour in the field; and that, in some of our colonies, they are less rigorously

used than in others. But it is in general true, and is proved by unquestionable evidence, that the methods by which they are forced from their native land, the hardships they suffer at sea, the dreadful punishments inflicted on them for slight offences, the excessive labour they are compelled to undergo, the scanty and unwholesome allotment that is given them of the necessaries of life, and the laws they are subject to, in some islands and provinces, are shocking to relate, and a disgrace to human nature.\* This, therefore, is a most infamous business; and, though slavery cannot all at once be abolished, it ought to be, and may be, and probably will be, discontinued gradually. The bad policy and inhumanity of it were lately, † in a very solemn and public manner, proved by irresistible reasoning, in strains of elocution, and with a warmth of benevolence, that have done immortal honour to the names of Pitt, Fox, Wilberforce, Montagu, and Smith; while, on the other side, nothing of the nature of argument was urged, that might not be resolved into a principle, which would vindicate half the wickedness of mankind; and which, if proposed in direct terms, every individual member of the illustrious assem-

\* See all this proved unanswerably, and, alas! by too many facts, in *An Abstract of the evidence delivered before a select committee of the house of commons, in the years 1790 and 1791*, London, printed 1791.

† This written in 1791.



bly I allude to, would reject with abhorrence;—namely, that practices whereby money may be gained ought not to be discontinued.

616. The most intelligent writers on this subject are of opinion, that, by our planters in the West Indies, free servants might be employed at less expence than slaves are; of whom, in that part of the world, and in North America, there is reason to apprehend, that, in consequence of the tyranny under which they groan, many thousands perish every year, over and above the number that would die in that time in the ordinary course of nature. For, otherwise, there could not every year be a demand for so many thousands; as black men and women are imported promiscuously; and it is very much the planter's interest that they should marry, and have children. In this country no annual importation of free servants was ever found necessary; because here, among people of almost every rank, those who are born are nearly equally in number to those who die. And so it would be in our colonies, if there the slaves were to be treated as free servants; and if masters did not, as it is well known they do, keep them in utter ignorance of moral and religious duty, and, by example and connivance, encourage them to wallow in beastly sensuality. Let us now examine the apologies, which those who think their interest promoted by the slavery of negroes, do

commonly make for it. They may, I think, be reduced to five.

617. FIRST, It is said, ‘ That the Africans, ‘ whom our planters, and their emissaries, buy ‘ for slaves, are publicly exposed to sale by their ‘ countrymen ; and that, if we did not buy them ‘ others would.’—In answer to this, I observe, in the first place, that it cannot be pretended, that *all* the negroes imported into our colonies from Africa are procured by sale in a public market ; for it is notorious, that many of them are stolen, or obtained by other indirect methods. Nor, secondly, can it be pretended, that the planter, who buys them when imported, makes any inquiry, either into their former condition, or into the legality of that power which the merchant assumes over them ; it being equally notorious, that, in every colony, the circumstances of their being black, and imported from Africa, are *alone* sufficient, in the eye of the law, to fix them in slavery for life, and to entail the same ruin upon their offspring.

618. Thirdly, Though ignorant and barbarous nations, like those of Guinea, should sell their prisoners, it will not follow that we have any right to buy them ; unless we did it with a view to deliver them from misery, to improve their manners, and to instruct them in the Christian religion ; purposes which, it is well known, never enter into the head of the slave-merchant. Fourth-

ly, It is strange, that merchants, who claim the privilege of purchasing whatever is offered at a price, should be so ignorant in their own trade, as not to know that those goods only are marketable for which there is a demand ; and that buyers, as well as sellers, are necessary in commercial intercourse. Will it be pretended, that the petty kings of Africa would continue to enslave their subjects and neighbours with the same alacrity as at present, if our West Indians and the North Americans were to purchase no more slaves ? As well may it be pretended, that the demand for tobacco would not be lessened, though all Europe, Asia, and Africa, were to discontinue the use of it.

619. But, passing this, let me ask, in the fifth place, Who it was that first taught the negroes of Africa to sell one another ? Who are they, who tempt those unhappy people, by every sort of bribery that can be supposed to have influence on them, to plunder and betray, every man his neighbour, in order to get together a multitude of human victims to answer the yearly demand ? Are not Europeans, and European planters, the first movers in this dreadful business ? Does it then become them to charge Africa with the whole guilt of a commerce, which, but for their cunning, cruelty, and avarice, would not now exist, and would never have existed ? This sort of casuistry may justly be termed diabolical : for it is thus that the

most malevolent of all beings is said, first to tempt and corrupt, and then to accuse.

620. I shall only add, with respect to the argument now before us, that goods are sometimes exposed to sale, which every trader knows it is not lawful to buy. He who purchases what he knows to have been stolen, is a partner in the guilt of the thief. He who buys a human being, with a view to reduce him to the condition of a wretched negro slave, does every thing in his power to destroy the soul and the body of that human being, in order to get money for himself. And he who tempts a poor barbarian king to punish with slavery the most inconsiderable trespass, and to involve the innocent in the same ruin with the guilty, that he may have men to give in exchange for the trinkets and luxuries of Europe, does every thing that with impunity he can do, to confound truth and justice; to introduce wickedness and misery into the dominions of that barbarian; and to promote the views, and extend the influence, of the great adversary of God and man.

621. SECONDLY, It is said, ‘ That the negroes are happier in our colonies than they were in their own country.’ Supposing this true, it will not follow that we are excusable in making them slaves, unless we did it with a sincere intention to make them happy, and with their free consent, founded on a belief that we mean to do so. If I, by oppression, reduce an innocent man to poverty,

and if Providence endow him with strength of mind to bear his misfortunes as becomes a Christian, it is possible he may be happier in adversity than ever he was in prosperity; but will this excuse me for what I have done? If it is unlawful to enslave an inoffensive fellow-creature, no unforeseen and unintentional good consequences, that may follow upon it, will ever render it lawful. The knife of the ruffian may dismiss a good man from the troubles of this life, and send him to heaven: but is it therefore lawful to murder a good man! If we estimate the morality of actions, not by the intention of the agent, but by the consequences, whereof, by the over-ruling care of a good Providence, they may be productive, we shall at once confound all moral principles.

622. In this plea of the slave-mongers there is something particularly shocking. By their cunning, and cruelty, and love of money, they have introduced many evils into the native countries of the negroes; which, according to the best historical information, were formerly regions of plenty and peace. And now, when they have stolen, or forced away, the unhappy victim into a distant land, and torn him for ever from the arms of consanguinity and friendship, and from every other comfort which remained for him in this world; and afterwards loaded him and his offspring with the chains of intolerable servitude, they are pleased to affirm, that he is obliged to them for deli-

vering him from calamities, which by their means he might have been exposed to in his own country. As if an enemy were first to fill every corner of my house with poisonous or inflammable materials, and then violently to seize and cast me into a dungeon for life, telling me, that in this he did me a great favour, for that, if he had not forced me from home, I might have been burned, or poisoned, in consequence of the snares he had laid for me. What answer is due to such reasoning!

623. But negroes are addicted to intoxication, and frequently entertain themselves with dancing and wild music; whence planters may be willing to believe, that they are happier with them than they could have been in a country where ruin is not known, except perhaps in the cottages of kings. Dancing, however, and drinking are very equivocal signs, and very inadequate means, of human happiness. How often do the most enlightened Europeans have recourse to them, in order to banish care, or bring on a temporary stupefaction! Even in those prisons they may be seen every day where the utmost misery prevails.

624. One man is not always a competent judge of another's feelings. But there are certain conditions and circumstances of life, whereof we say that they may make any reasonable man happy; and there are others which, on hearing them

described, we declare to be worse than death. What then shall we say of the condition of a negro slave? Let us make his case our own, and ask ourselves, whether death or it be more desirable. To be stolen, or decoyed, or forced from our native country, for no crime of ours, and by those whom we never injured; to be stowed, like lumber, amidst darkness, and death perhaps, and putrefaction, in the lower decks of a ship, sailing we know not whither; to be stripped naked, and sold like beasts in a market; to be driven away, by the scourge of the overseer, into hopeless slavery, in a strange land, where we find thousands of our countrymen in the same circumstances; to be compelled to labour, with little intermission or shelter, under the burning sun of a tropical climate; to be ourselves punished, and see our friends and innocent children punished, with unrelenting severity, for a slight offence, or merely to gratify the unmeaning rage of a merciless oppressor; to be subjected to laws, by which we are declared to be *brutish* slaves, and unworthy of a legal trial; \* to know that the same destiny awaits our posterity, and that death alone will deliver us and them from the horrors of this condition; to see our companions dying around us every day, in consequence of the miseries they undergo; and, what perhaps is worst of all, to be obliged to keep

\* See the laws of Barbadoes relating to slaves.

company with, and spend our lives in the service of our tyrants :—are these desirable circumstances? are they likely to make any rational being happy? are they not worse than a thousand deaths?

625. But can savages have sensibility to be affected, as we should be, with these circumstances? Not so much, I grant, as we have, but enough to make them very wretched. The African negro is not deficient in sensibility. Violent in anger, and terrible in vengeance, he is also warm in his attachment to his native country and kindred. In love, and in friendship, he has sometimes given proof of such generosity as would do honour to any hero of romance.—From the blacks themselves we may learn, what is their opinion of West-Indian slavery. Their frequent attempts to run away, though they knew not whither to run: the obstinacy of their behaviour towards those who use them cruelly; the cheerfulness with which they die, and that self-murder to which they too often have recourse, plainly shew, that they look upon their condition as miserable. And their notion of a future state is, that after death they shall return in freedom and happiness to their own country; which is a proof that they consider such a return as the most desirable of all things, and their being detained in slavery as the greatest of all calamities. It is possible, however, that there may be among them some who are not dissatisfied with their condition. But those are individuals,



who either have fallen into the hands of humane masters; or who, being in an uncommon degree stupid or profligate, are equally void of magnanimity and of reflection.

626. It is urged, *THIRDLY*, ‘ That the African blacks are so very wicked as to deserve no other condition than slavery.’ In answer to this, let me, in the first place, repeat a question formerly proposed,—How came they to be so very wicked? Their ancestors, before they were acquainted with Europeans, are known to have been a harmless race of men, just, friendly, temperate (as much as people in their circumstances might be supposed to be), and strangers to avarice and discontent. Such to this day they would probably have continued, if they had never heard of Europe, or of white men. Europeans, therefore, are chargeable with their present depravity; and that in three respects: First, by introducing among them intemperance and cruelty, and teaching them, by advice, example, and bribery, to be profligate, and enslave and sell one another: Secondly, by treating them with so much rigour; keeping them ignorant of religion and morality; behaving towards them as if they were more nearly allied to brutes than to men; and setting before them so many examples of wickedness: And, thirdly, by making them slaves.

627. For it is well observed, by the wisest of poets, (as Athenæus, quoting the passage, justly

calls him)—it is, I say, well observed by Homer, who lived when slavery was common, and whose knowledge of the human heart no person who understands him will ever call in question, that ‘when a man is made a slave, he loses from that day the half of his virtue.’ And Longinus, quoting the same passage, affirms, ‘That slavery, however mild, may still be called the prison of the soul, and a public dungeon.’ And Tacitus remarks, ‘That even wild animals lose their spirit when deprived of their freedom.’ Banish from the human breast hope and the sense of honour, (and what sense of honour, or what hope, can an enslaved pagan retain!) and you banish at the same time the noblest incentives to virtue. ‘Slavery,’ says Montesquieu, ‘is not useful, either to the master or to the slave; to the latter, because he can do nothing by virtue; to the former, because he contracts with his slaves all sorts of evil habits, inures himself insensibly to neglect every moral virtue, and becomes proud, passionate, hard-hearted, violent, voluptuous, and cruel.’ All history proves, and every rational philosopher admits, that as liberty promotes virtue and genius, slavery debases the understanding, and corrupts the heart, of both the slave and the master; and that in a greater or less degree as it is more or less severe. So that in this plea of the slave-monger we have another example of the diabolical casuistry above mentioned; whereby the

tempter and corrupter endeavours to vindicate or gratify himself, by accusing those whom he has tempted and corrupted.

628. That negro slaves should be fierce and savage is not wonderful ; it would be a miracle if they were otherwise. They are kept ignorant of their nature, duty, and final destination ; vitiated by the example of those who pretend to be wiser, better, and nobler, than they ; wantonly deprived of their inherent rights, whereof they have a sense as well as we ; hardened, and rendered furious by despair ; their condition is without help, and without hope. That minds, untutored like theirs, and actuated by strong passions, should maintain a cheerful, patient, or pliable temper, in the midst of such misery ; or be virtuous, when beset on all sides by bad example, and cut off from every opportunity of rational improvement, is absolutely impossible. With all the advantages we have derived from philosophy, religion, and the manners of civilized life, if we were to suppose our country invaded, and our rights violated, by the African negroes, as cruelly as their rights are violated by some European slave-merchants and planters, candour, I believe, would compel us to acknowledge, that we should be as untractable and revengeful as they. And yet we would hardly admit, in their vindication, that we are by nature so depraved as to deserve no other condition than slavery. On the contrary, we should say of them,

and with truth, that they were such barbarians as to deserve at our hands no other return than final extermination. And, if our power were equal to our wishes and privileges, and if our deliverance could be effected by no other means, we should arm ourselves with the rights of nature, and sweep our destroyers from the face of the earth. And if we did so, who would blame us!

629. Making those allowances that ought to be made for the education and habits of savage life, and for that warmth of temper which prevails among the natives of the torrid zone, we shall not find that the negroes of Africa are naturally more corrupt than other men. Their remote ancestors, if we believe history, were a respectable people. And they themselves are perhaps less corrupt than we should be in their circumstances: certain it is, that in general they are not more so than their masters. Their attachment to their children and parents, their gratitude to those masters who use them well, the warmth of their friendship, their superiority to pain and the fear of death, are evidences, that they inherit from nature a constitution of mind very capable of improvement. If, as we read in *Paradise Lost*, Eve's desperate contempt of life and pleasure seemed to Adam to argue in her something sublime and excellent\*, let us not be insensible to the merit of

\* *Paradise Lost*, X. 979-1016.

that poor negro girl, who refused to marry, ‘because,’ as she told Father Tertre, ‘though miserable herself, she would not bring into the world children, whose sufferings would be more insupportable to her than her own.’ Who will say that this creature was so depraved as to deserve no other condition than slavery!

630. For the white children committed to their care negro nurses are said to contract sometimes an extraordinary fondness; by which they have even been prompted to disclose conspiracies formed by their countrymen for the recovery of their freedom; for they could not bear to think that their little darlings, who had never offended, and whom, in their dialect, they distinguish by a name of peculiar endearment, should perish in the intended massacre. If this is thought to be an example of weakness rather than of magnanimity, it is, however, so amiable a weakness, and so truly feminine, as to do honour to the nature that is capable of it. So that, if we understand Homer’s computation literally, and suppose that the day which delivered them into bondage took away the half of their original worth, we shall be inclined to consider the negroes as a race of men who might do credit to humanity, if we did not debase and destroy them, and who are justly entitled to the privileges of rational beings.

631. FOURTHLY, The necessities of government and commerce have been pleaded in excuse of our

conduct towards black men. But he who believes that universal justice and benevolence would be unfriendly to our political and commercial affairs, must admit, either that injustice and cruelty become lawful when money is to be got by them, or that there is something in our commercial policy which ought to be rectified. For as that which leads to absurdity cannot be true, so that cannot be right which necessarily produces wrong. And to go on in an evil course, merely because it seems easier to do so than to return to duty, can never be excuseable in any man, or in any nation. I apprehend, however, that this plea is no better founded than the others. Good government is maintained by justice, moderation, industry, love to our country and our neighbour, and the fear of God. But the practice in question tends to eradicate these virtues, and therefore cannot be necessary to good government.

632. That the proprietors of West Indian estates would be, in any respect, materially injured by employing free servants (if these could be had) in their several manufactures, is highly improbable, and has indeed been absolutely denied by those who were well informed upon this subject. A clergyman of Virginia assured me, that a white man does double the work of a slave: which will not seem wonderful, if we consider, that the former works for himself, the latter for another; that by the laws the one is protected, and the other op-

pressed ; and that in the articles of food and clothing, relaxation and rest, the free man has innumerable advantages. In Jamaica, many slaves are kept for mere show ; and a gentleman from that island told me, that he had seen six of them loiter about a long morning in putting a house in order, which two English servants would have done to much better purpose in half the time. It may therefore be presumed, that if all who serve in the colonies were free, the same work would be performed by half the number, which is now performed by the whole ; which, even in a commercial view, would be of great benefit to the planter. And free servants, working as in England, with reasonable wages, rest on the Sabbath, and amusement on holidays, would live longer than slaves, have more children, and be at once better disposed, and better qualified, both for improving their country and for defending it.

633. The very soil becomes more fertile under the hands of freemen, and the fruits of the earth of a more generous nature. So says an intelligent French author (Le Poivre) ; who, after observing, that the products of Cochin China are the same in kind with those of the West Indies, but of better quality, and in greater abundance, gives for a reason, that the former are cultivated by freemen, and the latter by slaves ; and thence argues, that the negroes beyond the Atlantic ought to be made free. ‘ Liberty and property,’ says he, ‘ form

‘ the basis of abundance and good agriculture. I never observed it to flourish where those rights of mankind were not firmly established. The earth, which multiplies her productions with profusion under the hands of the free-born labourer, seems to shrink into barrenness under the sweat of the slave.’ The same sentiments are found in Pliny and Columella: who both impute the decay of husbandry in their time, not to any deficiency in the soil, as if the earth could be exhausted of its genial powers by long cultivation (which, it seems, was in their days the vulgar belief), but to the unwise policy of leaving to the management of slaves those fields, which (to adopt the words of Pliny) ‘ had formerly rejoiced under the laurelled plowshare and the triumphant plowman.’ And Rollin, with good reason, imputes to the same cause the present barrenness of Palestine, as compared with that fertility, which procured for it in ancient times the appellation of ‘ a land flowing with milk and honey \*.’

634. It may be thought, that the planter could not easily, at first perhaps not possibly, procure a sufficient number of free servants. But, let it be remembered, that the present scarcity of them in our colonies is owing to the wretched policy there established. For it is affirmed by Dr Franklin, whose testimony on this subject will be allowed to

\* See Columell. Præfat.—Plin. Hist. Nat. xviii. 3.—Rollin’s History of Arts and Sciences, vol. i.



have very great weight, 'that the negroes brought  
' into the English sugar-islands have greatly di-  
' minished the number of white men. The *poor*  
' whites,' says he, 'are by this means deprived of  
' employment; and those white men who have  
' slaves, not labouring but luxurious, are enfeebled,  
' and not so generally prolific.' So that, in those  
islands, if there were no slaves, it seems to be  
Franklin's opinion, that white men would be more  
numerous, more active, and more virtuous. Sure-  
ly, that cannot be good policy, which impairs the  
activity, corrupts the virtue, and lessens the num-  
ber, of white men.

635. If the negroes in Africa could once  
be satisfied, that on the opposite shores of the  
ocean they might live in freedom and plenty,  
may we not suppose, that many of them would  
be willing to leave their own country, and seek  
their fortune on the footing of free servants, in  
North America and the West Indies? For do  
we not see that to the same parts of the world,  
and with no better prospects, our own coun-  
trymen often choose to emigrate from a land  
which, except where merciless tyrants domineer,  
is a land of liberty and peace? So that, if slavery  
were no more, it seems not unreasonable to be-  
lieve, that in our colonies there would soon be ra-  
ther a superabundance of free servants, than a de-  
ficiency. Those regions, which were long thought  
to be, and, when first discovered, -really were, in-

hospitable, are now known to be pleasant, and healthy, and fruitful even to luxuriance.

636. But how, it may be said, would it be possible to satisfy the negroes in Africa that they might with safety remove to the new world? That could not be very difficult, if it be true, as the advocates for slavery affirm, that they are happier with them than they were at home. But this being false, I will admit, that for some time it might not be easy to persuade the Africans that they had any thing to expect from white men but treachery and torment. Yet were we to send among them, from year to year, some of their countrymen whom we had made free and happy, and who could with truth declare, that we wished to make others equally so, I cannot but think that their testimony would at least obtain belief: especially, when it was observed that they chose to return, and actually did return, with gladness, to the European colonies. And thus, among the nations on both sides of the Atlantic, a right understanding might in time be established; which would prepare the way for diffusing knowledge, civility, and true religion, over the whole face of the earth.

637. But while the present system prevails, this scheme is wholly visionary, and indeed impracticable. To give it a chance of being realized, the first step to be taken is, to prohibit, under the severest penalties, the importation of slaves from

Africa into the British colonies. This would instantly change the condition of our negroes for the better, by making their lives of much greater importance to the planter, and consequently obliging him, for his own interest, to make their labour moderate; their food wholesome, and in sufficient abundance; their habitations and raiment comfortable; their children and families objects of general concern; their freedom attainable by good behaviour; their education such as befits a Christian servant; and by enforcing upon them the laws of wedlock, and restraining that unbounded sensuality, which, I am told, their masters at present do not discountenance, but rather, by connivance and bad example, encourage.

638. As money is not by all men accounted the chief good, and there are some who think virtue and happiness of more value, it is not impertinent to remark further, that, if the products of the Indies were to be procured by the labour of freemen, planters would themselves lead happier lives than they ever can do under their present plan of policy. For, as matters now stand, they are in perpetual danger of assassination; and must know, that it is fear alone that restrains their miserable negro brethren from exerting all the power that can be derived from superiority of number, in regaining that liberty which they never forfeited, and to which the Author of Nature gave them a perfect right. Free servants may be faithful as-

sociates, and are often the best of friends; but from a slave, what is to be expected? Montesquieu informs us, in the following words; to the truth of which the history of mankind, and the feelings of every generous heart, bear testimony. ‘ A slave sees a society happy, whereof he is not even a part; he finds that security is established for others, but not for him; he perceives that his master has a soul capable of self-advancement, while his own is violently and forever repressed. Nothing puts one nearer the condition of the beasts, than always to see free men, and not to be free. Such a person is the natural enemy of the society in which he lives.’ Grant that, by means of his slaves, a planter, or owner of a plantation, may acquire ten thousand pounds *sooner* than by being attended and served by freemen (which, however, I believe would not be the case);—yet, might not the tranquillity of such a state; the satisfaction of being surrounded with faithful hearts and smiling eyes; the circumstance of having escaped from a scene of misery and carnage; the approbation of a good conscience, and the hope of future reward, be accepted as equivalents for a little superfluous gold and silver?

639. If nothing will satisfy the slave-monger, but sudden and enormous acquisitions, and if free servants be a tax upon his rapacity;—let freedom, however, take place, and let him indemnify him-

self, by raising the price of his manufacture. Sugar and rum (thank Heaven!) are not necessary either to life or to virtue; and if they were to become somewhat dearer, where would be the great harm!—But (to bring this head to a conclusion), though all these reasonings should be rejected, I will not admit that any benefits derived from the trade of the western world, though they were ten thousand times greater than they are, can ever justify our enslaving and destroying black men. Nor will I admit, that this plea deserves the least notice, till it be first proved to my conviction, that gold and silver are of greater value than Christianity; that tobacco is a more glorious attainment, and more essential to happiness, than justice and brotherly love; and that it is better for a man to live luxuriously in this world, than to be saved in that which is to come.

640. The FIFTH argument that I have heard in favour of negro-slavery is founded on this principle, that negroes are animals of a nature inferior to man; between whom and the brutes they hold as it were, the middle place. But, though this were true, it would not follow, that we have a right, either to debase ourselves by habits of cruelty, or to use them ill: for even beasts, if inoffensive, are entitled to gentle treatment; and we have reason to believe, that they who are not merciful will not obtain mercy. Besides, if we were to admit this theory, we should be much at a loss to deter-

mine, whether the negro does really partake so much of the brute, as to lose that right to liberty which, unless it be forfeited by criminal conduct, is inherent in every human, or at least in every rational, being. And further, in the same proportion in which black men are supposed to be brutes, they must be supposed incapable of moral notions, and consequently not accountable for their conduct; and therefore, to punish them *as criminals* must always be in a certain degree both absurd and cruel. But this plea I do not think will ever be urged by our planters. Both negroes and mulattoes they know too well to have any doubt of their being men. For this notable piece of casuistry we are, I believe, indebted to those ingenious modern philosophers, who never find any difficulty, or want of evidence, in paradoxes unfriendly to the Christian religion.

641. The only credible account extant of the origin of mankind is that which we have in Scripture. And if we acquiesce in it, we must believe, that all the nations of men upon the earth are 'of one blood,' being descended of the same first parents. Nor can we reject it on rational grounds, till we have first proved, either from more authentic records, or from the nature of the thing, that it is not true. More authentic records it will hardly be pretended that there are; for we have no genealogical table whereby it can be made appear that negroes are not descended from Adam

and Eve. We must argue therefore from the nature of the thing, if we argue at all on this subject. And I think there is nothing in the nature of the negro, in his soul, or in his body, which may not easily be accounted for, on the supposition that he and we are of the same family.

642. As to his soul; it is certain that he has reason, risibility, and a capacity of improvement; that he possesses the faculty of speech, and consequently of forming, what philosophers call, general ideas (see § 20); that he perceives, as we do, a difference between beauty and deformity, truth and falsehood, virtue and vice, lawful authority and oppressive power (see § 520); that he has an idea, though no doubt a very imperfect one, of a Supreme Being and a future state, and may, by suitable education, be trained up in the exercise of religious, as well as of social, affections; and that, undisciplined as he is, he has frequently given proof of an elevated and generous mind, and of great ingenuity in those arts and manufactures to which he has been accustomed to attend. These particulars, together with those of erect form, human shape, and human features, passions, and infirmities, amount to a demonstration, either that his soul is human, or that ours is not human.

643. But are not some negroes remarkably stupid and perverse? Yes: and the same thing is

true of some white men. In respect of understanding, as well as disposition, do we not often see parents differ exceedingly from their children, and one brother from another?—But blacks have not our delicacy of sensation, and can laugh and sing in the midst of torments which we tremble to think of. And were not Lacedemonians, though white men and Europeans, equally magnanimous, or, if you please, equally insensible? In moral sensibilities, in love, friendship, and natural affection, the African savage is not deficient. And, while we value ourselves on our compositions in prose and verse, let us remember, that, not many years ago, a poor female negro slave in Jamaica wrote some poems in the English tongue, which were published, and allowed to have considerable merit\*.

644. I was once, about twenty years ago, engaged in this argument with a very eminent naturalist, who maintained that negroes are of a species inferior to the human; and gave this reason among others, that not one of them had ever learned to speak distinctly. It was easy to answer, as I did, that such of them as were grown up to manhood before they conversed with our people could not possibly acquire a good English pronunciation, even though pains were taken to teach

\* See on this subject much acute and authentic observation in *Letters on Slavery*, by my benevolent, candid, and learned friend, Mr Dickson.



them; because their organs had been too long inured to a different language; and that the children of our slaves could not learn to speak well, because they associated from infancy with people of their own condition, among whom a barbarous dialect had long prevailed, which their masters rather encouraged than endeavoured to rectify; but, if a negro from his earliest years were to keep company with English people, I did not see that any thing could hinder him from speaking as well as they did. (See § 44, 45). This did not satisfy my opponent, who insisted, that negroes are naturally and utterly incapable of distinct articulation, and must therefore be of a race inferior to the human. But I happened, a few days after, to see his theory overturned, and by conjecture established, by a negro girl about ten years old, who had been six years in England, and not only spoke with the articulation and accent of a native, but repeated to me some pieces of poetry, with a degree of elegance, which would have been admired in any English child of her years\*. Since that time I have conversed with several African negroes, who spoke English well; much better indeed than the greater part of the common people of Yorkshire, Lancashire, and Scotland.

645. But if negroes be really of the human

\* She was in Lord Mansfield's family; and at his desire, and in his presence, repeated those pieces of poetry to me. She was called Dido, and I believe is still alive.

species, why are their skins black, lips thick, noses flat, and hair woolly? The question cannot be directly answered, because we have little certain knowledge of the negro, previous to the discovery of the West Indies. But from a variety of analogies in nature, it is easy to shew, that these are no extraordinary appearances; and that, though we had never seen or heard of black men, our knowledge of the effects of climate and cultivation, upon animals and vegetables, might have inclined us to admit the existence of such men to be neither impossible nor improbable. For, between the skin and features of our fairest ladies, and those of our swarthy and grim-visaged men, is there a greater difference, than between the latter and an African black or Indian? Do not noses as flat, and lips as thick, as those of the negro, sometimes appear among us, without raising any suspicion of a foreign kindred? And may not several varieties of crisp and sleek hair be seen in the same parish, and even in the same family.

646. Let it be remarked further, that towards the north the whitish colours seem to prevail, and the tawny towards the equator. Hares, foxes, and some other animals, that are russet in this country, become whiter as you go nearer the pole. Danes and Russians are generally white-haired, and the more southerly Europeans of a dark complexion. Nor is there, perhaps, a greater diversity, in this respect, between Italians and Ethiopi-

ans, than between the Danes and Italians. There appears, too, to be something of a vegetative nature in the hair, and even in the flesh, of animals: and it is well known, that great changes may be produced in vegetables, by a change of cultivation and soil. The colour of roses, tulips, and daisies, may be altered, and the new colour made hereditary by art; and a small field-poppy metamorphosed into a most luxuriant and gaudy flower.—Need we wonder, then, that men, originally white (as there is reason to believe they were), living naked and savage in the torrid zone; inhabiting smoky and dirty hovels; obliged to smear their bodies to defend them from insects and other evils that naked men are exposed to; or perhaps inclined, from some principle of superstition, or barbarous policy, to disfigure or disguise themselves artificially; and eating such food, and drinking such liquors, as to us are utterly unknown, should, in a long course of ages, lose their primitive complexion, and become black, or tawny, or copper-coloured, according to the peculiarity of their circumstances? Is this more surprising, than that Arabian horses should, by a change of climate and provision, dwindle into Shetland ponies; or than the varieties, in respect of size, tail, horns, and wool, which sheep, of the same flock originally, may be made to undergo, by being sent into different countries?

647. The Ethiopian colour was, by Aristotle,

Strabo, and most of the ancient philosophers, ascribed to the heat of the sun merely; a notion discoverable in the etymology of the word (*Αιθιοψ*), and countenanced by the fable of Phæton. But it may be presumed, that the other causes above mentioned have contributed to the same effect.—As to the opinion of those who derive this colour from the curse pronounced upon Ham, the wicked son of Noah, it is sufficiently confuted by Sir Thomas Brown, in a learned dissertation upon the blackness of negroes, in the sixth book of his *Inquiries into vulgar and common errors*.

648. It has been objected, that the descendants of white men, who have inhabited the torrid zone for two or three hundred years, do still retain the colour of their fathers; and that therefore the effects of climate, in changing the human features and complexion, cannot be so great as this account supposes. But it may be answered, that the condition of the European planter is not at all similar to that of the original natives of Africa and America. He never goes naked, nor eats the food of savages; he is not obliged or inclined to smear or otherwise disfigure his body; nor is a small and smoky hut his habitation. And, though they were to live savage and naked in those latitudes, I know not whether three hundred, or even six hundred years would not be too short a period for transforming white into black men. It is, however, observed, that the negroes who are settled in Europe do in

time lose a little of their native blackness ; and we may presume they would lose more of it, if they were to be more exposed, than they are, to the influences of a northern climate. I have been assured by a gentleman of observation and unquestionable veracity \*, that, in the island of St Christophers, where he lived for some years, the legs and feet of those white servants who wear no shoes or stockings, become in time of the exact colour of the negro. And it is generally believed, that the descendants of white parents, by intermarrying with blacks, and the offspring of negroes, by intermarrying with whites, may, in a few generations, lose their ancient colour and features, and become, the former black, and the latter white ; which, if they were really different species, would be as great an irregularity in nature, as if complete asses or horses were to be found among the descendants of a mule.

649. I remember that, in the course of the debate with my friend the naturalist, he produced two skulls, the one, as he told me, of a white man, and the other of a black ; and he desired me to observe, when he set them down, that the skull of the white man rested with the chin touching the table ; while the other leaned a little backwards, and left the space of an inch or half

\* The late Mr Patrick Wilson of Aberdeen, one of the most learned and worthiest men I have ever known ; and one whose opinion of negro slavery was the same with mine.

an inch between the table and the point of the chin. His inference was, that the two skulls could not belong to the same species of animals, and that therefore the negroes were not perfect men, but beings of a lower order. But I was as little satisfied with this as with his other arguments. The horizontal position of the one skull did not seem to me to imply superiority, nor the oblique inclination of the other to betoken inferiority. Or, granting the attitudes in question to be thus significant; here were but two individual skulls; and there was no evidence that the same peculiarity would universally distinguish the skull of a white man from that of a black. Or, if it should, I had heard of nations who moulded the heads of their infants into a certain artificial form, which in process of time came to be (if we believe Hippocrates) hereditary and natural. Or, admitting that this had never been done by negroes, I did not see any absurdity in supposing, that the influence of soil and climate, or a certain temperature of the blood, might dispose some parts of the human body to be more raised, and others more depressed, in some tribes of men, and in some parts of the earth, than others: since it was found in fact, that some families are distinguished by aquiline, some by flat, and some by crooked noses; that deformities, and elegancies, and other peculiarities of shape, in the parent, are often transmitted to the child; and that the cheek-bones

of the Highlanders of Scotland are generally thought to be more prominent than those of Englishmen. I added, or I might have added, that many varieties yet more observable appear in the brute creation, particularly in dogs; which, however, are all referred to the same species, notwithstanding that, in shape, colour, hair, and size, they are diversified almost without end.

650. To conclude this part of the subject: We have, I think, the fullest evidence, that the souls of negroes are human souls: and we have no evidence that the bodies of negroes are not human bodies. We have therefore every reason, that the case admits of, to believe, that all the men upon earth, whatever be their colour, are our brethren, and neighbours; and if so, both reason and Scripture declare, that it is our duty to love them, and to do unto them as we would that they should do unto us. And if national peculiarities of *shape* and *stature*, as well as of *colour*, may be accounted for, as I think they may, from the foregoing principles; it follows, that Laplanders, Samoeydes, Esquimaux, the Hurons, the Chinese, and the American and Asiatic, as well as African Indians, and, in a word, all the inhabitants of this globe, who have reason, speech, and erect figure, must be considered as one great family, and as informed with souls of the same order, whatever slight varieties may appear in their bodies. So that though there are many nations and tribes of men, it can-

not be said with truth, that there is more than one species. Indeed, if every variety in the visible part of the human frame were to be ascribed to a difference of race, the species of men would be too numerous for computation, and we should be obliged to refer to different originals those whom we knew to be of the same kindred.

651. The human body, like every other corporeal system, must be subject to the physical laws of nature; and the soul of man, liable to be affected by every thing that essentially affects the body, must be subject, in a certain degree, to the influences of soil and climate, food and drink, and other modes of living. This we all feel, or may feel, in ourselves. The effects of bright and cloudy skies, on the soul as well as the body; of violent heat and violent cold; of a damp and a dry situation; of light and gross food; of weak and strong liquors; of a cleanly and a slut-tish economy; are known to many men by experience; or, at least, are so generally acknowledged, that we need not scruple to affirm them to be real and important. And if causes that are but temporary produce sensible effects, the same causes when permanent must produce effects still more sensible, as well as durable. If a month of excessive heat or cold disqualify us for many of our customary exertions, years and ages of such heat or cold must disable the human soul and body in several of their faculties.



652. In several, I say ; but not in all. Man's body is of earth, but his soul is from heaven. He depends on outward things for convenience and pleasure ; but his happiness is from within. In all climates and conditions, he perceives a difference between truth and falsehood ; may act a virtuous or a vicious part ; improve his nature to a certain degree, or debase it ; obtain knowledge of those things that lie within his reach, or by prejudice or neglect harden himself in error and ignorance. When I speak of the power of climate over the human faculties, it is with a view to those more conspicuous operations chiefly that are felt in society, and claim the notice of the historian.

653. Extremes of all kinds are hurtful : our minds and bodies thrive best in moderate circumstances. Hardship and opposition, when such as may be overcome, rouse the soul, and improve all the human powers, by exercising them ; but, when excessive, render men stupid or desperate. And the warmth and plenty of some countries diffuse a languor through the human frame, and promote sensuality, while they debase the understanding.—But, in forming national characters, other circumstances concur, besides those of soil and climate. Had the states of Greece been separated by inaccessible mountains, or impenetrable forests, like some provinces in America, or by seas which cannot be passed without difficulty, like many of the islands in the Pacific, Atlantic,

and Eastern oceans ; or had they been immured in the centre of the African or Asiatic continent ; we should never have heard of Athenian elegance or Spartan valour. Nations, like individuals, are improved by emulation, activity, and mutual intercourse. From danger they learn vigilance and fortitude ; by preparing their own superfluities for exportation, and importing those of other countries, they become industrious, ingenious, and acquainted with the varieties of human manners ; and the necessity of uniting against a common enemy teaches them policy and the discipline of war.

654. The arts of writing and of working in iron are so essential to the attainment of knowledge, and to many of the most important professions, particularly navigation and agriculture, that, without them, we can hardly conceive how, in our sense of the word, any people should become civilized. And let it be observed, that these arts, though known in Europe from very early times, were till of late unknown in the southern parts of Africa, and throughout all the islands and continents of America. To which we may add, that the eastern regions of Europe, from their vicinity to that part of Asia which produced the first men, enjoyed the advantage of being soon peopled, and no doubt of deriving from their progenitors of the human race a great deal of traditionary information, which, in the long wanderings of other tribes,

to the extremities of the earth, might be totally forgotten. And the Mediterranean sea, winding along so many shores, with a gentle undulation, and in a temperate climate, supplied the best opportunities of improving the navigator, extending the influence of the merchant, quickening the industry of the artisan, and gratifying the curiosity of the traveller.

655. By these and the like considerations, that superiority, which has hitherto distinguished the inhabitants of Europe, and of the adjoining countries, may be accounted for, without supposing the rest of mankind of an inferior species. Were two brothers of equal genius to be brought up, the one in the metropolis of England, with every advantage of education and company, the other in St Kilda, without any of those advantages; it is probable they would differ no less in accomplishments and general character, than African or American savages differ from Europeans. And thus, our former conclusion is still further confirmed, and every plea in favour of slavery proved to be frivolous.

656. But what would you have us do? Must all persons concerned in colonies, where slavery is tolerated, be branded with the epithets *cruel* and *unjust*, if they do not immediately give freedom to their slaves, and so relinquish one half of their property, and make the other useless? I do not say so: I am very far from thinking so. I have

known gentlemen return from the West Indies, after a long residence there, with untainted minds, tender hearts, and of the strictest probity and honour. Many persons are proprietors of slaves, who have come innocently by them, and whom it would be difficult to indemnify, if a general emancipation of slaves in our colonies were immediately to take place. And both to them and to the whole British empire, it might be so dangerous, as to be politically impossible, to overturn all at once an establishment so widely diffused, and of so long standing\*. See § 637.

657. Yet humanity requires, that something should be done for our unfortunate brethren: and

\* These pages on slavery contain in brief the substance of a treatise, composed in the year 1778, from materials which I had been gradually collecting for almost twenty years. I then had thoughts of publishing the whole; but was prevented, partly by my not having at that time access to all the books I wished to consult; and partly by the fear of having misrepresented some things, in consequence of false or partial information. I find, however, since this matter, having attracted the notice of the Legislature, came to be minutely investigated, that my information was in general but too well founded. It may be said, that these remarks of mine come too late, now (1792) when the commons of Great Britain have passed a vote for the abolition of the *slave-trade*. But, as *slavery* is not yet, nor likely to be soon, abolished; and as I think myself responsible, first to my own conscience, and secondly to the public, for what I teach, I wish to be known what for these thirty years and upwards I have been publicly teaching on the subject of slavery.

much might be done, not only without danger, but even without difficulty. The same power that makes can unmake a law; and laws that contradict the plainest principles of reason and justice, one would think it more difficult to establish than to abrogate. Let those laws, then, and customs be abrogated, which forbid a master to give freedom to his slave; which put the health, and too often the life, of a black in the power of a white man; which refuse to admit, in a court of justice, a black man's testimony against a white, and of course nullify every criminal law that exists in favour of black slaves; which authorize at all times unnatural severities, and too often unjust condemnations\*; which give countenance to the

\* The following is, I hope, a singular fact, but was certainly a real one.—A clergyman, an intimate friend of mine, went to Jamaica, to recover a legacy left him by his brother. While he was there, he happened to be present at a trial of three negroes, a woman and two men. After witnesses were examined, a person in the court asked this gentleman what was his opinion of the prisoners. My opinion, said he, must be that of every body else; these people are as innocent as I am. Aye! replied the other; but, for all that, if you were to live a while in Jamaica, you would see the necessity of making an example now and then. The slaves were accordingly condemned, and dragged to instant death; gibbets being erected at the door of the house. The two men met their fate with a stern courage, and spoke not a word. The woman, mounted on an empty hogshead, with the rope about her neck, told her executioners that she was willing to die if they would only tell her what the crime was for which she must

crimes of the man stealer, and of those incendiaries, who bribe the petty tyrants of Africa to execute schemes of plunder and carnage, in order to force their subjects or neighbours into slavery; and which consider the black colour of the Africans, and the circumstance of their having been imported, as a sufficient reason for making them and their posterity slaves.

658. Let the clergy in our colonies undergo reformation; and, if nothing short of compulsion can prevail, let them be compelled to do their duty, or resign their offices. At present it is the fashion among them to take no notice of the negroes: nay, I am informed, that in those countries (in some of them at least, I hope it is not so in all), if a clergyman were called to visit a dying negro he would think himself as much affronted as if he was summoned to attend a sick ox. This I give, on the authority of a gentleman who was a planter in Grenada, and justly complained of it as a most infamous neglect of duty on the part of those clergy. Nay, one who was himself a clergyman in Virginia, and perhaps is so still, assured me, that there no attempt is ever made to instruct a black in the Christian religion; and that if he, or any other churchman, were in this re-

suffer; but, instead of receiving any answer, she was instantly turned off. This story I give from the report of an eye witness, whose testimony I could no more doubt than that of my own senses.

spect to depart from the established mode, he would be *ridiculed by all his brethren*. In Jamaica, I have too good reason to believe that not a few of the priesthood affect to be infidels; and that many of them will refuse baptism to those black men who desire it, unless a fee be paid (three pounds twelve shillings sterling, if I am not misinformed), which very few slaves can afford to pay\*. In behalf of those clergy, I have heard it said, that the planters will not permit them to preach the gospel to the negroes. But this I do not believe nor think possible. Supposing it however true, I hope I shall give no great offence by saying, that when a planter's prohibition, and the express command of Jesus Christ, happen to contradict each other, it may be worth a clergyman's while to consider which of the two deserves the preference.

659. Let the labour required of the negro be proportioned to his ability, and consistent with his health: let him rest on the Sabbath, and receive a Christian education: let a sufficiency of the ne-

\* About three years ago, a friend of mine was present, in a dining party in Jamaica, when a churchman told, with many expressions of contemptuous merriment, that their bishop had sent over some pious books for the edification of the negroes; and, added he, I have been entrusted with a parcel of those books, and shall take good care of them; for they are in my house, safe under lock and key; and there they shall remain. The story was well received, and the man who told it—not censured at all.

cessaries of life, with reasonable wages, be allowed him; and when he has served his master faithfully for a certain time, let him and his innocent children be free. All this West Indians may do; and reason and religion declare it to be no more than their duty. And when this is done, the African will be happy in his exile; his master may grow rich without a crime; and those plantations will become like paradise, which are now—places of torment.

660. The enemies of our religion long pleased themselves with a conceit that the Indians of America were not of the human species, because in the early ages there could be no means of conveying into that part of the world colonies from Europe or Asia. One French writer positively affirms, that between Asia and America an ocean roars of eight hundred leagues in breadth. But from late discoveries we learn, that the eastern extremity of Asia is separated from the western extremity of America by a straight, which has islands in it, is generally frozen in winter, and not more than forty miles over. So that, we may as easily conceive how America might have been first inhabited by emigrants from Asia, as how Great Britain could have been peopled, as we have reason to think it was, by colonies from Gaul.



# MORAL PHILOSOPHY.

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## PART THIRD.

### OF POLITICS.

661. WE are now to consider the origin and nature of Policy or Civil Government; which is of all *human* institutions the most important and complex. As an introduction to it, some things must be premised concerning the general nature of law. For the end of just government is public good: and to public good human actions are directed by means of laws. What then is a law? What are the notions comprehended in it? What are the rights, the duties, and the obligations that arise from it? The science that contains an answer to these questions, and to others that depend on these, is sometimes called *Jurisprudence*, *Prudentia juris*, the science of right or of law. Hitherto, since we entered on the practical part of the abstract philosophy, Human *duty* has been the chief object of our in-

quiry; we are now to attend chiefly to what is called *right*, a word often correlative to duty, but not always strictly so; as will appear afterwards.

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## CHAPTER I.

### OF THE GENERAL NATURE OF LAW.

662. IF we were to give an account of the laws of any particular country, we might begin with this definition.—Law is a rule of civil conduct, prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong\*. But, taking the word *law* in a more general sense, and considering ourselves as subject to the laws of God, as well as of man, we may rather say, that law is the declared will of a person or persons in authority (that is, having a right to govern), commanding some things, and forbidding others, with a promise, expressed or implied, of reward or convenience to those who obey, and a denunciation of punishment or inconvenience to those who disobey. The good thus promised, and the evil thus denounced, are called the sanctions of the law. They who obey the law enjoy the

\* Blackstone.

advantage of being protected by it, and sometimes other positive rewards. They who transgress are liable to the punishment or penalty denounced. That, under equitable government, the protection of law is an unspeakable advantage, will appear to those who consider, that a good citizen has the whole power of the state engaged on his side, to vindicate his rights, and guard him from injury.

663. Laws may be divided into those of God, and those of man. The law of God is subdivided into the natural or moral law, and the positive or revealed. The former may be discovered by a right use of reason, the latter is made known by revelation. To appropriate certain portions of our time to the offices of religion, is a moral duty, discoverable by reason, and founded on the same principle that recommends those offices; time being necessary to every work of man. To set apart one day in seven for this purpose, is a positive duty, which man did not know till it was revealed to him. When moral and positive duties interfere, so that we cannot perform the one without a temporary neglect of the other, moral duties generally deserve the preference. To rest from our ordinary business on Sunday is not so strictly incumbent as to relieve distress on that day, even though, in doing so, we should be obliged to labour from morning to night. The sanctions of the divine law are, first, Future reward or punish-

ment ; secondly, the approbation or disapprobation of conscience ; and, thirdly, the advantages and disadvantages annexed even in this life to virtuous and vicious conduct.—The divine moral law, which is also called the law of nature, regulates, or ought to regulate, the intercourse of independent nations with respect to one another ; and in this view it is commonly called the law of nations.

664. Those laws, whereby human authority regulates the policy of any particular nation, are called the civil or municipal laws of that nation. Both these epithets are derived from the Latin ; the one from *civis*, which denotes a person who is a member or citizen of any political community : the other from *municipium*, which anciently denoted a community dependent on Rome, but possessing the right of enacting laws for the regulation of its own policy.—And here it may be proper to explain two or three terms of the Roman law. A proposal for a law, which in the British parliament is termed a bill, the Romans called *rogatio* ; because, when the magistrate put this question to the Roman people, *Velitis jubeatisque, Quirites hoc fieri ?* if the people answered, *Uti rogas*, this made the bill a law. Hence *ferre rogationem*, and sometimes *ferre legem*, answered to our parliamentary phrase, *to bring in a bill* ; with this difference, that the *rogatio* was brought before the Roman people, who were the legisla-

tors : whereas, with us, the bill is brought before the parliament, which forms our legislature ; as will be particularly described hereafter. *Legem seu rogationem antiquare* answered to our phrase, *to throw out the bill*, not to suffer it to pass into a law. *Legem abrogare* signified to repeal a law : *legem jubere, sancire, figere, or accipere*, to make or enact a law. *Legem refigere* is the same with *abrogare*. When by a new law a clause of a former law was annulled, the phrase was *de lege derogare* : when by a new law a clause was added to a former law, it was *legem surrogare*.

665. Human laws may ascertain, and in some cases limit, the law of nature, but ought never to contradict it : for that would be setting up the will of man in opposition to the authority of God : and the more that human laws deviate from the law of nature, the more unjust they become. In countries subject to monarchical government, where a distinction of ranks, for reasons to be given hereafter, is essential to the good of the state, the law may oblige a father of a certain fortune and station to leave the greatest part of his estate to his eldest son ; who becoming his father's representative, and inheriting his rank, is liable to incur more expence than any of the younger children : this is reasonable, because it imposes no unnatural hardship on any body. But were the law to require a father to leave his fortune to his eldest son, without making any provision, or a suitable

provision, for his younger children, such a law would be unjust, because contradictory to the divine law, both moral and positive.

666. The laws of the ancient Romans, as collected by the Emperor Justinian, have been called emphatically the civil law. In Scotland; and some other countries, this law serves as a kind of supplement to the municipal law of the land, and great regard is had to its authority; but in England it is no more regarded than that of any other foreign nation.—Municipal law is divided into common law and statute law, the former is founded in ancient and immemorial custom; the latter is contained in written statutes or acts of the legislature. I know not whether any British statute could be produced which forbids murder or theft, or gives a man the disposal of his own estate. But these things have always been so; and this circumstance gives them the full force of laws. The common law of England was collected, about five hundred years ago, by Glanville; that of Scotland is contained in a book called *Regium Majestatem*, from the two first words of the book. On comparing these two collections, we find, that anciently the common law was pretty much the same in both kingdoms. But considerable alterations have been introduced since that time.

667. The canon law was compiled from the decrees of the popish councils, and from the *rescripts*, or written determinations of the popes.

Except within the pope's own dominions, great liberties are now taken with it, even in popish countries. Among protestants it has no authority. Yet in our ecclesiastical law many of its principles are discernible. But these derive their authority among us, not from the church of Rome, but from acts of our own legislature, whereby they have been adopted and ratified.

668. A law must be promulgated to those who are to obey it; and, when promulgated according to the established forms, no pretence of ignorance is admitted as a *legal* excuse for transgression. If it were, every transgressor would plead ignorance, and so the law would be of no effect; and people, trusting to this plea, would not give themselves the trouble to inquire what those laws are, by which they must regulate their conduct. However, in a particular case, unavoidable ignorance would no doubt be admitted, in *equity*, as an alleviation of the transgressor's fault. Different forms of promulgation have taken place in different nations. Where printing is practised, and newspapers circulate, the matter is very easy. Among us, when a law is made that particularly concerns the lower orders of the people,—with respect to them, as not being supposed to be conversant in newspapers, or in general conversation, an interval of time is allowed, during which the law, though made and promulgated, does not take effect.

669. The moral law of nature is promulgated to man by his reason and conscience; and is ascertained, illustrated, and enforced, by revelation. Conscience, considered as the promulgator of this law, has been, by some writers, divided into certain, probable, dubious, and scrupulous. When we are sure that the law is good, and that our conduct is conformable to it, this is called certain conscience. When our conduct is conformable to a rule, but we are not certain of the conformity of that rule to the law of nature, it is probable conscience. When we are doubtful both of the rectitude of the rule and of the conformity of the action, it is dubious conscience. And when the ground of doubt is of small importance, conscience is called scrupulous, from a Latin word, signifying a stone small in size, but troublesome when it gets into the shoe of the traveller.—This division is neither correct nor material; and in its stead we might put a good rule of Cicero,—Never to do that, of the lawfulness of which we are doubtful. Certain conscience alone is that which a man may safely act upon. Scrupulous conscience, though perhaps the effect of weak understanding, is, however, entitled to reverence; as nothing can be unimportant to a conscientious man, which he believes to be his duty.

670. What *is* the moral law of nature? is a question that has often been proposed. That (I would answer) is incumbent on us by the law of



our nature, which, after candid inquiry, our reason and conscience declare to be right. Other answers have been given. Some speak of seven precepts of Noah, from which the whole law of nature is deducible; but of this there is no evidence. Some have thought that the law of nature is nothing else than the general consent of all nations. And it is true that, with respect to the principal points of the law of nature, all civilized nations are of the same opinion. But though there were only one nation, one family, or one person upon the earth, certain duties would be incumbent on that nation, family, or person; which duties would result from, and be a part of the law of nature: so that there is a law of nature previous, not only to the consent, but even to the existence, of nations. Others have said, that the law of nature is that rule of conduct which men would observe in a state of perfect virtue. In such a state, no doubt, the law of nature would be obeyed; but in such a state there would be no room for many duties incumbent on men by the law of nature; those particularly that regard the regulation of such passions, as a sense of injury is apt to render excessive. For in such a state there would be no injury, and consequently no room for forgiveness, placability, and mercy, which yet are duties enjoined by the law of nature.—The conceit of Mr Hobbes, that in the nature of things there is no distinction between just and unjust,

right and wrong; and that in civil society the will of human governors is the sole standard of duty, and consequently of the law of nature; this conceit, I say, we need not stop to examine. For Hobbes and his paradoxes are now forgotten, as they deserve to be: and Dr Clarke, in his excellent work on the Evidences of Religion, has proved, that this paradox is both absurd and self-contradictory, as well as impious.

671. Laws respect future actions. For it would be unreasonable to make a law declaring a past action unlawful, which at the time it was performed was not unlawful: a law with a retrospect, as it is called, would be a very odious thing. ‘Where there is no law (divine or human) there is no transgression.’—Every law is a precept or command; and every *precept* implies *permission*. That law, for example, which *commands* men not to steal or murder, *permits* men to enjoy their property and life. From the *permissive* part of law, arises *right, jus*; which is defined a power, allowed by law, to have, do, or require, from another, some certain thing. From the *preceptive* part of law arises *obligation*; what the law commands I am obliged to do; and if I have a *right* to a thing, there is an *obligation* on others not to violate that right; and if I am under an *obligation* to do a thing, others have a *right* to require that I should do it. Obligation and right, therefore, do mutually imply each other, and are both compre-

hended in every law. The former restrains liberty, the latter secures it. They may be further distinguished thus.—We may dispense with a right, but not with an obligation; we may forgive a debt due to us, but of a debt which we owe, we can acquit ourselves in no other way than by paying it.

672. The obligation of law has been divided into moral and natural. We are under a moral obligation, that is, we are bound in conscience, to obey every good law. We are said to be under a natural obligation, that is, we are determined by prudence, to obey even those bad laws which we cannot transgress without incurring a penalty. Bad laws, however, we ought not to obey, if our conscience declare it criminal to obey them: and such laws seldom exist in regular society. All the divine laws are good, and guarded by the most awful sanctions; so that to obey them we are under the strongest obligations, both natural and moral. Laws generally concern a whole class of people. Yet a law may be made, that points at one person; and this sort of law, whether made out of favour, or out of resentment, the Romans called *privilegium*, from *privus* and *lex*. The English word *privilege* has a different meaning, and always implies favour, or something which it is better to have than not to have.

673. Equity is distinguished from strict law. All the divine laws are equitable and good. But

it may happen, that a human law, though good upon the whole, shall in a particular case be oppressive. Now, when a judge moderates the rigour of the law, by departing from the letter of it, and giving judgment according to humanity and the peculiar circumstances of the case, he is said to decide according to equity. It is generally thought that inferior courts ought to be courts of strict law, because from them an appeal may be made to a higher court; and because the judges in them are not supposed to have that extensive knowledge of the law and of human affairs, which the higher judges probably have. But supreme courts must be courts of equity; always, however, adhering to law when that can be done without oppression. The Scotch court of session, though not a supreme court, claims the privilege of deciding according to equity, as well as according to law. The court of chancery in England is a court of equity. And the house of lords must be considered as a court of equity, as well as law; because its sentence is final, and must stand, whether it be according to law or not.

674. When out of special favour a person is exempted from the obligation or penal sanction of any law, it is called dispensation; and is the work of the lawgiver, as equity is of the judge; for in the law the dispensation must be specified. With regard to human laws, dispensations may be allowable and reasonable. But to grant a dispensation,

exempting one from the obligation of the divine law, or stating an inconsiderable penalty as an atonement for a transgression of it, though by the church of Rome this has been done, is absurd and impious ; because it sets in opposition the will of man to the law of God.

675. Every variety in the states or conditions of men may occasion some variety in their rights, and consequently in their laws. Now our states or conditions depend upon our connection, first, with things irrational and inanimate, and secondly, with our fellow men. From the former connection are derived innumerable rights and obligations respecting the acquisition and enjoyment of property ; from the latter arise all the social duties, and all the laws that relate to government, commerce, war, and peace.

676. That state, in which men may be supposed to live before the institution of government, has been called the state of nature, to distinguish it from the political state, which is an artificial thing. In the state of nature, supposing it to take place, there would be society, because man is a social being ; but there would also be perfect freedom, equality, and independence, and men would be subject to no law, but the law of God ; which, however, if they could know it, and were willing to obey it, would make the state of nature very happy, and render human government unnecessary. But men, being liable to ignorance and er-

ror, and much inclined to wickedness, would find the state of nature exposed to great inconveniences, which could be prevented in no other way, than by establishing government, subordination, and human laws.—The state of nature is not wholly an imaginary thing. Independent nations, who acknowledge no superior but God, are in a state of nature with respect to one another. And a number of persons, mutually independent, thrown by shipwreck into a desert island, would at first be in the state of nature; though, no doubt, they would soon find it necessary to make regulations which would introduce a sort of government.

677. Human rights, as vindicated by laws, have been divided into perfect, imperfect, and external. Those are called perfect rights, which, being necessary to the *existence* of society, may be vindicated by force, or by legal prosecution. Such is our right to life, to health, to property, to reputation, to liberty: whence there is an obligation on other men, not to take our life, hurt our bodies, invade our property, deprive us of liberty, or injure our reputation.—The rights called, in contradistinction to the former class, imperfect, are necessary to the *happiness* of society, and in themselves most sacred, but cannot be vindicated by force, or by legal prosecution. Such is a benefactor's right to the gratitude of the person to whom he has done good; the poor man's right to charity; and the right which all men have to the

common offices of humanity. It has been questioned whether these be properly called *imperfect*; and whether they be *rights* at all. Not having time to enter into controversy, I shall only say, that the *common* use of language will warrant their being denominated *rights*; and that the word *imperfect*, as here applied and explained, can lead into no mistake. Those have been called external rights, which, though in some respects hurtful in society, are yet vindicated by the law, in order to prevent greater evils. Such is the miser's right to that money which he hoards up to the injury of his relations, the community, and the poor. And such is the right, which a creditor may have to exact rigorous payment from an unfortunate debtor.

678. Rights have also been divided into alienable and unalienable. The former may be transferred to others, and when transferred may be useful: such is our right to property. The latter cannot be transferred; and, though they could, would be of no use: such is our right to life, to health, to innocence, to the performance of moral and religious duty. These unalienable rights we are not only entitled, but bound in conscience to maintain.—Rights are also divided into natural and adventitious. The former belong to all men, in consequence of their being men; the latter belong to men on the supposition of their being placed in certain circumstances, and having made certain acquisitions. The duties correspondent to the former

are, 'hurt nobody; do all the good you can:' the duty answering to the latter is, 'give every man his own.'—Adventitious rights are subdivided into original and derived. When a man, by some lawful deed of his own, acquires a right to something, to which nobody had a right before, this is original adventitious right. When a man derives his right from another who formerly had it, this is derived adventitious right. Examples of both will be given by and by.

679. The chief of these adventitious rights is property; which may be defined, the right of possessing and using a thing, and of excluding others from the possession and use of it. The origin of property may be explained as follows.—All the things in this world may be reduced to three classes, rational, irrational, and inanimate. Of rational beings, for reasons formerly given, it is unlawful to make property, so as to buy or sell them, or give them away into the absolute disposal of another. Inanimate things may be made property of; because without them we could not subsist; and because they would be useless, if we and other animals did not use them. Irrational animals may also be appropriated both for labour and for food; provided it be done in such a manner as to promote the good of man, who is the chief inhabitant of this world, without doing injury to them.

680. To be a little more particular on this last point. Animals that would destroy us if they could



we have a right to destroy in self-defence. To many others of a milder nature our protection is a great benefit, and death, with little or no pain, is a less misfortune than a lingering death would be. The endless multitudes of some irrational creatures, as of certain sorts of fishes and fowls, are a proof, that they were intended by the Creator for food to man and other animals. For that one animal should be supported by preying on another of a different species, is agreeable to the general economy of nature: even those that feed on grain or grass cannot devour either, or quench their thirst with water, without swallowing living things, which must all die before that grass, grain, or water can be converted into aliment. And in many situations, as in barren islands, large towns, and sea-voyages, men could not be supported without animal food. To which we may add, that if the usual slaughter of animals for food were to be discontinued, they would soon multiply to such a degree, as to become an intolerable nuisance, both to mankind and to one another; and whether we used them for food or not, we should be obliged in self-defence to destroy them. But let it be remembered, that they are percipient beings, and ought to be treated with no unreasonable or avoidable rigour, and to suffer as little pain as may be; and when we have occasion to kill them, we ought to do it, if possible, in an instant. Such a death, to animals which do not know that they are to

die, and cannot even conceive what death is, and have nothing to fear in consequence of it, can hardly be called an evil. It does not clearly appear, that the use of animal food was permitted to the antediluvians. The first grant that we read of with respect to it was made to Noah after the flood; whereas the use of herbs, and fruit, for food, was granted immediately after man was created. See Genesis i. 29. and ix. 3.

681. All things are at first in a state of what has been called negative community: in other words, if men were living in the state of nature, every man *at first* would have a right to every thing, and no man would have a right to exclude another from the use of any thing. This is what Cicero means when he says, in the beginning of his discourse on Justice (De Off. i. 7.), *Sunt autem privata nulla naturá*. In this state we are at present, with regard to those things which are common, and cannot be appropriated as air and light. But with respect to other things, men could hardly remain in this state for a single day, because property must soon be acquired, in the article of food at least. Now original property may be acquired in two ways, by *occupancy*, (*occupatione*), and by *accession*. Observe, that original property is that which a man makes his own by some lawful action, and which he derives not from any former proprietor.

682. Occupancy is the act of seizing on some-

thing which belongs to nobody, and of seizing on it in such a way as to shew that he or she who seizes intends by so doing to make it his or her own. If I find a thing which has no owner, I make it my own by seizing on it. If I, with other independent persons, were thrown by shipwreck into a desert island where there was plenty of ripe fruit, I should make myself the proprietor of some part of that fruit by seizing on it, or by climbing a tree, or otherwise exerting myself, in order to get it: and if, on coming down from the tree, I were to be assaulted by another who had done nothing, and to have my fruit taken from me, it would be injustice, and a violation of property. Those things may be made property of which may be exhausted by use and improved by labour. Water, air, and light, are not things of this kind, and therefore cannot be appropriated, but remain always in a state of negative community: your right to them is as good as mine, and mine as good as yours. Where water is exhaustible and improveable, as in towns and very dry climates, it may be appropriated and bear a price. And where running water is valued on account of the fishes that are in it, it may be bought and sold in like manner.

683. Property in food, being at all times necessary, must take place even in the rudest forms of society. That would probably be appropriated first which is most easily come at, as the fruit of

trees and bushes, and other vegetables ; then perhaps men would think of preying on beasts, and fishes, and fowls ; and in many countries this must have been their first provision, and consequently, hunting, fishing, and fowling, their first employments. Afterwards, finding that a provision of animal food might be secured for some length of time, by bringing the more tractable animals together, and keeping them in flocks and herds, men would betake themselves to pasturage in countries where it was practicable. And this we learn, from the history of the patriarchs, to have been one of their earliest vocations.

684. In a good soil and climate, the digging of the ground, and the rearing of useful herbs, would no doubt be practised in the beginning of society, both as a recreation and as a profitable art. But agriculture, in a more enlarged sense of the word, as it depends on several other arts, especially those of working in wood and metal, could hardly take place, till after those arts were invented. And the appropriation of land, or territory, except for the purpose of self-defence, in order to keep enemies at a distance, would hardly be thought of till after the establishment of agriculture. In Genesis, we find the patriarchs moving from place to place with their flocks and herds, for the convenience of pasture, and claiming property in wells, because they had dug them before they thought of making property of the soil. For the countries in

which they sojourned were at that time thinly inhabited ; and, though productive of grass, were rather deficient in water. In many parts of the east the herbage is still said to be in common, on account of its abundance, and the comparative fewness of the people.

685. To what has been said of the origin of agriculture, it is no objection, that one of Adam's sons was a tiller of the ground. For the condition of the antediluvians must have been so different from that of all other men, that in a matter of this kind we cannot argue from the one to the other. Their lives were much longer than ours ; they probably derived their knowledge of the most necessary arts from the first man, who was no doubt in many respects enlightened by inspiration ; and probably the earth was more easily cultivated, and the seasons milder, in those early days, than they have been at any time since. This we know, that after the flood the life of man was exceedingly shortened.

686. Some labours instantly repay the labourer. He who digs a cave, or builds a hut, enjoys the shelter of it, to which his labour gives him a right, provided he has not encroached on any body. Other labours do not immediately repay the labourer : it is autumn that compensates the toils of the spring. Now man is made for labour ; and to it must have recourse for recreation, if he is not driven by necessity ; for without it he cannot be

either happy or healthy : and the earth and other things require labour to make them useful ; and we are prompted by reason and foresight to provide for future as well as to remove present wants. And hence mankind would in time learn to lay claim, not only to present use, but also to permanent property ; not in moveables only, and other artificial things, but also in the soil or territory.

687. Permanent property, when acquired, continues till the owner relinquish it, or sell it, or give it away. If given away, or sold, it becomes permanent in him to whom it is sold or given ; if relinquished, it again becomes common, and falls to the first occupant as before. A man's children, if the first witnesses of his death, are naturally the first occupants of the property he has left ; and the municipal laws of all enlightened nations allow them to be his natural heirs. From a passage in the history of Abraham (Gen. xv. 2, 3.) it would appear, that in those early times when a man died childless, his servant (perhaps his chief servant) became his heir ; probably, because being present at his death, he was of course the first occupant of the property left. Of the reasonableness of admitting the validity of testaments, I shall have occasion to speak afterwards.

688. From the view of things now given, it has been supposed by some authors, that the progress of human society, from rudeness to refine-

ment, consists of four periods or stages : that, in the first, men lived by hunting or fishing, or on such fruits and plants as the earth produces without culture ; in the second, by pasturage ; in the third, by both these, in conjunction with agriculture ; and, in the fourth, by all these, in conjunction with commerce, which gives rise to arts and sciences, and every other elegance of life. In some countries, particularly our own, this may have happened, but could not in all : some being so barren as not to admit of agriculture ; many so peculiarly situated, as to be incapable of commerce with the rest of the world ; and some so destitute of territory, and so beset with the sea, as to oblige the natives, from the beginning, to live by fishing, or practise commerce. Examples will readily occur to those who are conversant in history and geography.

689. Of original property a man may occupy as much as he has occasion for, provided he do no injury to others : and the same rule, a little extended, may determine the limits of occupancy, where states or nations are the occupants. If one man, or a few men, were to land in a desert island, it would be unreasonable that they should appropriate the whole, unless the whole were necessary to supply their wants. But men, acting as the servants of a nation, might, in the name of that nation, or of its sovereign, take possession of

the whole, unless it were very extensive ; because the government which they serve may send colonies to people it, or in self-defence may find it necessary to hinder foreigners from settling in it. As to the right which some nations have assumed, of exterminating or driving away the people of any country, that they might have room to settle in it ; it is just such a right as my neighbour's family have to murder or drive me out of my house that they may have it for themselves. The instance of Joshua taking possession of the land of Canaan is no objection to this principle, as will appear afterwards.

690. Some things, when appropriated, belong not to any one individual, but to a society. Of this kind, in the Roman law, are, *bona universitatum*, property belonging to communities ; as market-places, public halls, public walks, and such lands as may be bought by the community, or given to it. Of this kind also are, what the Roman lawyers called *res sacras*, as temples ; *res sanctas*, as the walls of a city ; and *res religiosas*, as the sepulchres of particular families. These were improperly termed *res nullius*, things belonging to nobody. It is true they belong not to any individual, but they are the property of certain communities or societies. Highways and public bridges are, by the civil law, considered as the property of the state : with us, they are supposed to belong to the king, as the representative of the



state ; and hence we call the public road the king's highway.

691. It is a maxim in the civil law, *Quod nullius est, fit occupantis* : what belongs to nobody, becomes the property of that person who seizes on it. But in most of the modern monarchies of Europe the maxim is, *Quod nullius est, fit domini regis*. Things found, when the owner cannot be discovered, belong, by the law of nature, to the finder or occupant ; but on this right of property the laws of different countries have laid different sorts of restriction. The Jews gave found treasure to the owner of the ground in which it was found ; the Roman law gave it sometimes to the finder, sometimes to the landlord, and sometimes to the public treasury. In Great Britain it has commonly been considered as the property of the king ; and formerly it was criminal not to give him notice of it when found ; but now he never claims it, because it is not worth his while, and so it remains with the finder. How the king should have a claim upon it will appear afterwards, when we come to speak of those feudal institutions which gave rise to the modern monarchies of Europe.

692. When a man throws away his property, or neglects it so as to give reason to believe that he does not mean to reclaim it, the first occupant has no doubt a right to it. In commercial countries the law commonly fixes a time, before which, if a man does not claim his property, having it in

his power to do so, he is supposed to have relinquished it, and loses his right by what is called prescription. The terms of prescription are different in different countries, and with respect to different sorts of property. Many corporations and individuals enjoy their estates by prescription; that is, the law permits them to enjoy those things now, because their predecessors had possessed them undisturbed for many years. This is not unreasonable. Many things happen, by which charters and original grants may be destroyed; and if a man and his forefathers have enjoyed an estate undisturbed for many years, it is presumed that no legal objection can be made to his right, and consequently that his right is good. If objections have been made from time to time, according to the established forms of law, that will alter the case. A tradesman may by prescription lose his claim against his debtor: that is, as the law stands at present, if he does not present his bill for payment within five or six years after it falls due. This too is reasonable. It imposes no hardship on the creditor to oblige him to present his bill; and it prevents claims from being brought against the debtor of so old a date as that he can hardly know whether they be just or unjust.—So much for occupancy, the first way of acquiring original property. See § 681.

693. The second way is by what is called *ac-  
cession*; by which we acquire the original pro-

perty of something, in consequence of its being strictly connected with another thing which belongs to us. Of these accessions the lawyers enumerate several. The proprietor of money lent is entitled to the interest of it, and the owner of a tree or a cow, to the fruit or the calf: this is called *fructus*. He who buys a growing wood is proprietor of all the additional increase of the trees: this is termed *incrementum*. Another is denominated *alluvio*; when ground is by a river brought over from the proprietor on the one side to the proprietor on the other. If this be done gradually, it is properly accession, because the former owner might have prevented it; but if a large piece is brought over at once, it seems reasonable, as such a thing could be neither foreseen nor prevented, that the proprietor should not lose his right. New islands sometimes rise in seas and rivers. If the sea or river belonged to any person or people, the new island also belongs to that person or people: if this was not the case, the new island may be appropriated by occupancy; unless the neighbours have reason to think they may be in danger from foreigners getting into it; in which case the right of self-defence will justify their interposing, in order to obtain an equitable settlement.—Other accessions are mentioned by the names of *commixtio*, *confusio*, *specificatio*, &c. every question relating to which may be solved by any person of common sense.

694. The sea was mentioned as property; absurdly, it may be thought, as that should be open to all the world. And this is in general true; though the same right of self-defence may authorise exceptions. A maritime people have an undoubted right to hinder from coming within a certain distance of their coast foreigners suspected of hostile purposes; as well as those, who, by fishing, would deprive the natives of part of that provision to which nature gave them right; for that to the fishes found on *our* coast, for example, *our* people have an exclusive right, will hardly be denied; unless there be such plenty as may serve others as well as ourselves. Contraband adventurers too may be prohibited from approaching too near, on pain of forfeiting their cargoes.

695. The right of property comprehends these five rights, First, the right of possession: secondly, the right of using: thirdly, a right to exclude others from possession and use; for, without this, the two former rights would be nothing: fourthly, the right of recovering our own when lost: and fifthly, the right of transferring what is alienable. The duties and obligations corresponding to these rights are obvious and universally understood.

696. I come now to the second class of adventitious rights (see § 678), which are derived from some deed of a former proprietor. They are divided into personal and real. A personal derived

right terminates in some person: thus a master has a personal right to the service of him whom he has hired; and thus a creditor may be satisfied with a personal or general security from his debtor, as a bill or a bond, without demanding a right, by a pledge or otherwise, to any particular part of the debtor's goods. These personal rights are *real* in one sense of the word, that is, they are not fictitious, but genuine. But, in contradistinction to these, those derived rights have been called real which terminate not in a person, but in some thing; for the word *real* (in barbarous Latin *realis*) is derived from *res*. If I have lent money to a man who gives me some part of his goods, in the way of pledge, to be kept by me if the debt is not paid, I am said to have a real right.

697. There is a derived real right to partial property, and a derived real right to full property. In the former case, one is proprietor along with another, or with others; in the latter, one is sole proprietor. The following are examples of derived real rights to *partial* property. First *bona fide possessio*. When a man innocently becomes possessed of what belongs to another, as in the case of finding what is lost, he is a presumptive proprietor, a *bona fide* possessor, and has a right to keep what he has found from every person but the owner; who, on receiving it back, is bound to indemnify him for any trouble or expence he may have incurred in preserving it, and in finding

out the person whose property it is. If the finder have received benefit from it, let him make the owner an amicable compensation; if it have perished through no fault of the finder, he cannot be liable in damages. There is no difficulty in determining any case that may be supposed to occur in a matter of this kind.

698. Secondly, the right of *entail*; or that right which one may have to a thing, an estate for example, after a certain number of years are past, in which case one is said to have the right *in reversion*; or after the death of certain persons, in which case one is said to have it *in remainder*. One may leave one's property, or give it away, to another; or in the event of his death, or not performing conditions, to a second; or in case he should die, or not perform conditions, to a third, and so forward; and every one of these persons has a right of entail. Or a man, disposing of an estate of his own acquisition, may leave it for so many years to one person, for so many subsequent years to another, for so many more to a third, &c. Such disposals are in general not unreasonable, as the right of making them results from the very nature of property: but municipal law may limit such rights where the public good seems to require it. There is another sort of *entail* very common in this country. A man possessed of an estate in land, who can prove that he has no debt, may, if he pleases, by a deed called an entail, executed

according to certain legal forms, settle that estate upon his heirs, in such a manner as to make it impossible for them to diminish it. So that he, who inherits an entailed estate, cannot have credit to borrow more money than he can satisfy his creditors that he can pay during his life, or that his heir can pay without encroaching on the inheritance. Such entails lay a restraint on luxury, and secure the perpetuity of estates as far as that can be done by human policy; but they throw incumbrances in the way of private business, and seem to be rather detrimental to a commercial nation. And it often happens, in consequence of these entails, that the younger children of people of fortune are poorly provided for.

699. A third derived right to partial property is *jus emphyteuticum*, or the right of holding in fee, or, as it is sometimes called in Scotland, *in feu*: which takes place, when a man possesses as his own a certain improveable thing, as a piece of ground, on paying a yearly tribute to his superior, that is to the person from whom he derives his right. It differs from a lease, which gives one the use of a house or piece of ground for a limited time only. The holder in fee is the proprietor of what he holds; and may sell it to another; though he is commonly subject to some restrictions with respect to the mode of alienation. The ancient and technical name of this sort of right is derived from the Greek *εμφυτεύειν*, to plant or ingraff. Anciently,

it seems, this tenure was, and indeed it is still, found to be a good encouragement to the cultivation of barren ground. A man who possesses a field as his own, and knows he may dispose of it to advantage when he has improved it, willingly incurs the expence of improvement; which he who holds by lease, unless it be a very long one, is in ordinary cases under little or no temptation to do. To the truth of this remark, many fine fields in this neighbourhood bear testimony. In the memory of persons not much older than I am, most of them were wild heath, or watery and rocky desart.

700. A fourth derived right to partial property is, *pignus*, and a fifth is *hypotheca*. When, as a security for a debt, a certain piece of goods is put by the debtor into the hands of the creditor, to be kept by him till the debt is paid, this is *pignus* or pledge. When either the law, or a deed of the debtor, transfers to the creditor, as a security for a debt, not the property itself, but a legal right to some part of the debtor's property, this is *hypotheca*; and is sometimes in the Scotch law termed *hypothec*, as in French it is *hypothèque*: the English word *mortgage* comes near it in signification, but is not the same. If in Scotland a farmer become bankrupt, his landlord has a *hypothec* on his crop for payment of the rent; that is, may insist, without ranking himself among the other creditors, that as much of the crop shall be given



him as will pay the full rent of that crop. In like manner, house-carpenters, and ship-wrights, have a hypothec on the house or ship repaired, for the materials and other charges of reparation; and shipmasters, on the cargo for their freights. Pledges and hypothecs being real rights, the law considers as preferable to personal ones. They are better securities for the payment of debt, than bills or bonds.

701. A sixth derived right to partial property is called *servitus*, or servitude; which is a right to some small use of another's property, or to some influence over it. Thus, in the country, I may have a right to drive my cattle to water through a neighbour's field; and in a town, if I am building a house, I may have a right to fasten some of the beams in my neighbour's wall; and he may have a right to prevent my building so near or so high, as to make his house dark or unhealthy. The Roman law divided *servitutes* into *urbanæ* and *rusticæ*.

702. The last of these derived rights to partial property that I shall mention is *feodum*, or the right of holding in *fief*, that is, of possessing an estate as one's own, on condition of rendering homage and personal service to the superior. This sort of tenure was introduced by those nations, who in the fourth, fifth, and sixth centuries, came from the northern parts of Europe, overturned the Roman empire, and established themselves in

France, Spain, Italy, and the other countries which they conquered. They were called by different names, Goths, Huns, Vandals, Franks, Normans, &c. but seem originally to have been the same people; or at least to have very much resembled one another in manners, laws, and government. They left their own countries, probably because they found them uncomfortable, and had heard that in the southern parts of Europe the necessaries of life might be more easily obtained, and in greater abundance; and actuated too, perhaps, by a spirit of ambition and conquest: and whole nations of them emigrated at once, without any view of ever returning. Such emigrations were in former times not uncommon. Cæsar\* gives a particular account of a projected emigration of the Helvetii; which he opposed, from an apprehension that they would molest the Roman province, and some other nations in friendship with Rome; and having defeated them in several battles, and killed two hundred and fifty thousand of them, compelled the remaining hundred and ten thousand to return to their own country. And about fifty years before this period, the Cimbri and Teutones emigrated from the northern parts of Germany, with a view to settle in the Roman province, or in Italy, and were overthrown by Caius Marius, with a slaughter that amounted almost to final extermination.

\* Bell. Gall. lib. 1.

703. But to return to the subverters of the Roman empire : they, like their predecessors in emigration, were a bold and hardy race of men, lovers of liberty and independence, and fond of military enterprize. When they had conquered a country, their plan was, not to destroy the natives, but to settle among them, and introduce their own laws and customs. To their commander, who at first was chosen by them, and afterwards became their king, they made a present of all the conquered territory, on condition of his dividing it among them ; which he did in the following manner.

704. He retained as much of it as was thought sufficient for the support of his dignity ; and what he possessed he held of no superior. It was, therefore, property of that sort which afterwards came to be called *allodial* ; from two northern words, *all*, which signified then what in our language it does now, and *odh*, property. The rest of the conquered territory he divided among the officers of his army, who were afterwards considered as nobility, and who held their lands of the king, and held them as their own, on condition of rendering him personal service, and attending him in war, at their own charges, when summoned for that purpose ; all which they swore to perform, declaring themselves at the same time his *men*, *homines* ; whence was derived the barbarous Latin word *homagium*, and our English term *ho-*

*mage*. This sort of tenure was called *feodum*, *feod*, and by corruption *feud*; from two northern words, *fee*, reward, and *odh*, property; which intimated, that these nobles held their lands in *property* as a *reward* for military service. And hence the government, laws, and customs, introduced by these people, are called *feodal*, or feudal.

705. The nobility of a feudal kingdom were the king's immediate *vassals*; a word which did not signify slaves, but persons who held their lands of a superior, from whom they were supposed to derive them. The nobles had also their vassals, who, in after times, and in some countries, were called *armigeri*, armour-bearers, or *esquires*, bearers of shields; which last term comes from the French *escu* (probably from *scutum*) or *ecu*, which formerly signified a shield: and the esquires held their lands, each of his immediate superior, and by the same feudal tenure, according to which their superior held his lands of the king. Thus the whole conquered territory was divided among the conquerors; and the king, on summoning his nobility to war, was instantly attended by them, and they by their vassals the esquires, and these by their vassals (for the greater esquires had their vassals, as well as the nobles); so that all the military part of the nation was in arms at once. No plan of policy could, in those days, be better contrived for securing a conquest. And European nations, who had not been subdued by the north-

ern warriors, adopted in process of time the same policy; either because they admired the wisdom of it, or because they wished to be like their neighbours. Thus the feudal government became almost universal in Europe. Into England it was first introduced in its full extent, about seven hundred and twenty years ago, by William the Conqueror, who brought it from his own country of Normandy.

706. All human institutions are liable to change. The feudal system soon became a different thing from what it had been originally. Arms being, in the opinion of these people, the only honourable profession, the lower orders of men, including husbandmen and artificers, were not permitted to be soldiers, and were really slaves, though the condition of all was not equally servile. The nobles at the same time were growing more and more powerful. Their lands at first were held during the king's pleasure, and their titles of honour were only for life: but both lands and titles became hereditary; and certain offices of great power and profit were held in the same manner; as, in Scotland, those of high constable, earl marischal, high admiral, &c. And then, by legacies, lucrative marriages, and other lucky incidents, some of the nobility acquired so great wealth and influence, each having a separate jurisdiction within his own territory, that they began to consider themselves as almost equal to the king him-

self; which made them regardless, both of him and of the authority of the law. The history of those times contains, for some centuries, little more than contests between the kings and nobles; the former striving to regain the privileges they had lost, or imprudently given away; and the latter endeavouring to secure advantages, to which, because they had long enjoyed them, they thought they had a good right. Circumstances, however, some of which will be mentioned hereafter, concurred at last to better the condition of the common people, to enlarge men's notions on the subject of liberty, to repress the insolence of the nobles, and to strengthen the authority of the kings and of the law. And thus, the feudal system was at last broken down, in some countries later, in others earlier. But, to this day, feudal laws, feudal manners, and feudal language, prevail more or less in almost every country of Europe.—So much for derived rights to partial property.

707. A derived right to full property (see § 697) may take place in these four ways—First, *at the death* of the former proprietor, and *with his consent*:—secondly, *at his death*, and *independently on his consent*:—thirdly, *during his life*, and *with his consent*; — fourthly, *during his life*, and *independently on his consent*.

708. In the first way, namely, at the death of the former proprietor, and with his consent, a de-

rived right of full property is conveyed, by testament. A testament is a declaration of our will, made according to certain forms, to this end, that it may have no effect till our death, and may then determine the appropriation of the property we may leave behind us. It would be unwise in a lawgiver to discourage industry; one great motive to which is, that we may do good to our surviving relations and friends: and it would be cruel to expose men to the inconvenience that might attend the alienation of their property during their life. And if the validity of testaments were not allowed, there would in many cases be no sufficient security for the payment of the debts of the deceased; which, as life is uncertain, would be injurious to every man's credit. That testaments should be valid, is therefore most reasonable; and is admitted by the laws of all polite nations. Whether they derive their validity from natural or civil law, is a question with which men of theory may amuse themselves, but is not material. It is true, that a dead man can have no influence on any of the furniture of this world; but it is equally true, that by the law of nature he has the disposal of his property as long as he has life and reason; and if so, he may dispose of it before his death, on this condition, that the person who is to inherit shall not have it, nor use it, while the other lives: he might even exact from his heir an oath to this purpose, which oath would certainly be binding by

the law of nature. The forms, according to which valid testaments are to be made, it must be left to the law of the land to determine. They are, accordingly, different in different countries, and as they relate to different sorts of property ; but, in general, they ought not to be, and in this country they are not, very complex, at least with regard to moveables. Forms, however, are necessary, to prevent forgery, and other frauds ; and to give legal authority to those who are to execute the will of the testator.

709. Secondly ; when a man dies *intestate*, that is, without making a will, the law, *independently on his consent*, determines the succession to his property. This too is reasonable, as well as necessary. For most men know, or may know, the persons whom the law would make their heirs. If a man wish his legal heir to be his real heir, he needs not make a will ; and if he has made none, it may be presumed that this was his wish. A man's natural heirs are his children, or nearest relations, among whom the law of nature would give preference according to the degree of consanguinity, without respect to age or sex ; and would provide as liberally for the youngest daughter as for the eldest son. But here municipal laws interpose, and regulate inheritance according to the exigencies of different governments. In republics, where the citizens are supposed to be equal, or nearly so, and where the preservation of this



equality tends to the preservation of the government, the children of the same father ought all to inherit equally. But in monarchy it is otherwise. (See § 665).

710. Thirdly; a real right to full property may be transferred *during the life, and with the consent*, of the former proprietor, by means of *contracts*. The Roman law distinguished between *contractum* and *pactum*; limiting the former to matters of commerce, and the latter to other covenants, to marriage, for example. But in our tongue this distinction is unnecessary. A contract is the consent of two or more persons, in the same design, mutually expressed or signified, in order to constitute some right and obligation. They are necessary in human affairs; for without them we could neither supply one another's wants in a way equitable to ourselves, nor depend on one another's services. They may be expressed in words, or by any other signs to which the persons concerned agree to give the same meaning. Written contracts have this advantage, that, being more within the reach of the law, they are more easily enforced than such as are not committed to writing. These, however, may be equally binding on the conscience. The rights conveyed by contracts are perfect rights (§ 677); for the promiscuous violation of them would overturn society. If in themselves lawful, they cannot be annulled but by the consent of the contracting parties; and some

of the more solemn covenants, as marriage, cannot be made null without the authority of the law. Contracts differ from resolutions; for these, in many cases, we may alter without blame, and they confer no right on others. They differ also from those promises which, whether declared to be conditional or not, are universally understood to be such. A man promises to come to me to-morrow; but death, sickness, and many other accidents, will justify his not coming; a man promises to leave me a legacy; but my misbehaviour, or a change in his circumstances for the worse, may excuse his not doing it. However, it is the duty of every man to avoid rash promises, to take care not to deceive or disappoint others, and to shun the appearance of fickleness.

711. The validity of contracts may be affected, first, by the understanding, and, secondly, by the will, of the contractors, and, thirdly, by the matter of the contract. First, by their understanding. A contract implies consent; and consent implies the use of reason, and some knowledge of the nature of those things in regard to which the consent is given. To fit a man for managing his own affairs, a certain maturity of age is necessary. What that is, and how far the validity of contracts may be affected by the contractor's immaturity of age, it belongs to human laws to determine. With us, minority ceases, and a man is supposed capable of managing his own affairs, when the twen-

ty-first year is completed ; but a private person, from prudential considerations, may prolong for some years the minority of his heir ; and an act of parliament may shorten that of the heir of the crown, and make him capable of legally discharging all the functions of royalty at eighteen, or even earlier. By the civil and Scotch law, males before fourteen, and females before twelve, can do nothing in their own affairs, which the law holds to be valid ; but their parents, or, if these are dead, their guardians, act for them : and, during this period, they are said to be in the state of pupillarity. After these years, and till they be one-and-twenty, they are minors ; and, while they are so, may, if their parents be dead, choose *curators* to manage their business, unless *curators* have already been appointed for them by their father.

712. With respect to marriage, and the age at which it may be legally contracted, the laws of different countries differ greatly. In Scotland, minors may marry without the consent or knowledge of either parents or guardians ; and marriage contracted even by pupils becomes valid, if the parties agree to live together after their minority commences. The English law resembles the Roman with regard to marriage. In England, all marriages, celebrated without the regular publication of *banns* in the parish church, where either of the parties, not being a widow or widower, is under the age of twenty-one, and celebrated with-

out consent of the father, or, if he is dead, of the mother and guardians,—are null, and the children of such marriage illegitimate. If the consent of the mother and guardians be unreasonably withheld, the matter may be determined by the lord chancellor; but no power can force the father's consent; or, if he is alive, make up for the want of it. If the law of England be too rigid in this particular, as some think it is, that of Scotland is undoubtedly too little so. In this particular, however, the English law is easily evaded. If the persons who wish to marry can make their escape into Scotland, and get the nuptial ceremony performed there, though within half a mile of the English border (a thing often, and with no great difficulty accomplished), the marriage, in the judgment of the British legislature, is valid. Surely, either the English law with respect to legal marriage is wrong; or to tolerate, in this way, the evading of it, is mere mockery of legislation.

713. How far imprudence or mistake may invalidate contracts, is in general well enough understood, though not easily expressed in few words. One thing is clear, namely, that all fraud ought to be discouraged. Contracts, made with idiots, with mad men during their phrensy, or with drunken men when the drunkenness is apparent, ought not to be valid; because, without a fraudulent purpose, nobody would transact business with such a person. In the case of drunkenness, however,

there may be exceptions to this rule. All drunk men are not equally incapable of managing their affairs ; and all sober men are not equally acute in discerning the state of another man's mind. And there are some contracts, marriage, for example, which ought to be binding even upon drunk men, and in fact are so. Let those who think there is any hardship in this be careful to keep themselves always sober ; a circumstance of which no man will ever have occasion to repent.

714. Secondly, whatever affects the freedom of the will may affect the validity of contracts. In general, extorted contracts are not valid. But to this maxim there are many exceptions. If an army is forced into a treaty by a victorious enemy (which often happens), that treaty must be sacredly kept : if it were not, the evils of war would be remediless and endless. Extorted promises ought to be fulfilled, when by so doing the public good is promoted, and the person who promises not materially injured. If a pirate sets me at liberty on my promising a ransom, I ought to pay that ransom if I can ; not because he has any right to it, but because, if I did not, he might be more unrelenting to other prisoners. In all cases of this kind, the person from whom the promise is extorted, ought to consider how far his non-performance may affect, first, the public good, and, secondly, the dignity of his own character. See the story of Regulus, and Cicero's remarks upon it,

in his third book on moral duties: see also the tenth chapter of the first book.

715. Thirdly; valid contracts must all be possible and lawful. Contractors, however, may sometimes be mistaken with respect to this possibility and lawfulness: if the mistake was unavoidable they should suffer no loss; where fraud appears let it be discouraged. Of inconsistent contracts with the same person, the first is null, and the last valid; with different persons, the first is valid, and the last null. If I hire a servant, at a certain rate of wages, and afterwards agree to give him more, I am bound by the last agreement. If a man marry a second wife while the first is living, the first marriage is valid, the last is both null and criminal.

716. Some contracts are intended for the benefit of one only of the contracting parties, and these are called gratuitous, and said to be three; *mandatum*, when one without reward undertakes to do business for another; *commodatum*, when one allows another, *gratis*, the use of a thing for a certain time; *depositum*, when one undertakes, without asking any thing for his trouble, the charge and keeping of some part of another's property. These contracts are common, and the rights and obligations arising from them universally understood.

717. Those other contracts, which are intended for the equal advantage of the contracting parties,

have in Scotland been called *onerous*. The general rule with regard to them is, that equality be preserved. All the persons, therefore, concerned in them, ought to have the same opportunities of knowing the *value* of those things in regard to which the contract is made. Now those things have value, which are useful or agreeable; and the price of a thing is in proportion to the difficulty of obtaining it, and the demand there is for it. Difficulty of obtaining a thing may be occasioned many ways; as, if there be but a small quantity of it in the world; if any accident make that quantity less than ordinary; if much labour, learning, or genius, be required in the labourer or artist who produces it; or if the persons employed about it are, according to the custom of the country, obliged to live in an expensive manner\*. —Value and price are not the same. For some things of great value bear no price: such are church benefices, which the law forbids to be bought or sold; and such are those good things which cannot be appropriated, as air and light. On the other hand, things of little use may bear great price, if much desired and rarely met with, as gold and diamonds. Nay, in some savage nations, things of no value at all, as red feathers and glass beads, will be thankfully received in exchange for hogs and other articles of provision.

718. The most ancient and most obvious sort

\* Hutcheson.

of commercial contract is barter, or the exchange of goods for goods. But where there is no other sort of commerce, contracts of barter must be liable to great inequalities. I may want, for example, a thing of small value which my neighbour can spare, as a pair of shoes, and have nothing that I can spare to give for it, but a thing of great value, which cannot be divided, as a horse. Or it may be necessary for me to carry some of my property from home, to support me on a journey; and yet I may find it inconvenient or impossible to move my sheep, oxen, grain, or a sufficiency of other provision, for that purpose. For managing commerce, therefore, with ease, and in order to preserve equality in buying and selling, letting and hiring, and other contracts of the same nature, it will be necessary to contrive some sort of standard goods, universally desired and valued, which every man may be willing to take in exchange for what he sells, because by them he may procure whatever he wants to buy. These standard goods must be of great price, that they may be easily carried about, and that a small quantity of them may be an equivalent for a great quantity of other goods: they must also be durable, and of a firm and tough consistency, and not liable to be either broken or much worn by use; and they must be capable of being divided into very small parts without losing any of their substance. These properties belong to the precious



ous metals of gold and silver, which are accordingly used, in all commercial countries, for money; that is, for a general standard of value or price.

719. Money was anciently dealt out by weight: we still speak of a *pound* sterling, and of *expence* and *expending* money; words, which in their etymology refer to weighing. But this method of reckoning money is both troublesome and unsafe; for the metal, though sufficiently heavy, may not be sufficiently pure; and of the purity of metal few people are judges. Coin, therefore, or stamped money, was introduced; whereof the value is known at sight, and the purity attested by the stamp; which the public only has a right to affix, or the sovereign acting by public authority: so that he who counterfeits the legal coin incurs the punishment of high treason, because he usurps one of the rights of sovereignty. This at least is the punishment of him who in Great Britain is convicted of coining gold or silver money, which is our true, ancient, and current coin; copper money not having been introduced into South Britain till the reign of Charles II. By the law of England, the counterfeiter of copper coin is guilty, not of high treason, or of felony, but of a trespass, or misdemeanour, punishable, however, with two years imprisonment, and other inconveniences.

720. Pure silver or gold, not stamped into coin,

is called bullion. Coin stamped and the same weight of bullion ought to be as near as possible of the same value, the expence of coining being but a trifle. If coin bear a higher value than the metal is worth, foreign nations would not take our money at the price we pay for it; and our people would find their account in carrying their goods to a foreign market, where they would receive coin of more intrinsic value than could be had at home. If the bullion were more valuable than the coin: if, for example, a crown-piece melted would sell for more than five shillings, (which is said, but I can hardly believe, to have been the case with our old crown-pieces, many of which are affirmed to have been worth five shillings and four pence), people would be tempted to melt the coin, and sell it for bullion, or to send it abroad, and dispose of it there; and the more cash there was in circulation, the more would government be a loser.

721. Money, like other things, is more or less valuable, as it is less or more plentiful. Since South America was discovered, more than a thousand millions sterling have been imported, in gold and silver, from that country into Europe. The consequence is, that our money has been continually, and indeed rapidly, sinking in its value: that which is now bought for twenty shillings would not perhaps have cost twenty pence, three hundred years ago. This means, not that the thing has

become dearer, but that money has become cheaper: a man's labour or food being as valuable then as it is now. The necessaries of life, though their price is not always the same, have at all times the same value nearly; some differences may indeed happen in a time of plenty or of scarcity, but those are not considerable in a computation that includes a number of years: and seasons of great plenty or great scarcity are not frequent. For seventy years before the year one thousand seven hundred and eighty-two, there was not in North Britain a season of extraordinary scarcity.

722. Upon the principle now laid down with respect to the necessaries of life, we may form conjectures concerning the value of ancient money, and of our own money in former times. If, for example, in this country, three hundred years ago, an ordinary ox was sold for five shillings, and if such an ox is now sold for five pounds, we infer, not with certainty, but with probability, that a shilling of that time must have been equal to one of our pounds: as the intrinsic value of the ox, whether used for food or for labour, must have always been nearly the same. And if at Rome, in the time of Augustus, an ox was sold for a certain number of sesterces, we may, by an easy calculation, form a conjecture concerning the value of a sesterce of that time in our present money.— In England, in the year twelve hundred, a horse was sold for twelve shillings and five pence; an ox

for four shillings and eight pence ; a hog for three shillings ; a sheep for twenty pence. In Scotland, about the year thirteen hundred, a hen was valued at one halfpenny, or six *pennies* Scotch ; a Scotch pint (two English quarts) of French wine at three pence ; a cow at five shillings ; an ox at six shillings and eight pence.

723. Notes or bank bills that pass for money are to be considered as personal securities on trading companies, for the payment of certain sums of gold or silver. The value which the company receive for the note when issued they oblige themselves to give for it when returned upon them. And in nations where stamped leather or paper is used for money, these things, being in themselves of no value, must be supposed to derive what value is annexed to them from a contract, whereby the public, that is the government, obliges itself to give for them what it received. Money made of the baser metals must be bulky in proportion to the cheapness of the metal. Lycurgus, in order to abolish commerce at Sparta, made a law, that all the current coin should be of iron, which in that country was very cheap. Hence the Lacedemonian money was so unwieldy that nobody cared to have any thing to do with it, and the little traffic they had was in the way of barter.

724. In commercial society, it is sometimes necessary to fix, for certain commodities, a *pretium legitimum*, or legal price, which cannot be ex-

ceeded. This is particularly the case with those things in regard to which the seller has it in his power to take advantage of the buyer. If they who lend money, that is, who sell the use of it for a limited time, could exact any price, that is, any rate of interest for it they pleased, the lender might in many ways take advantage of the borrower's necessity. A certain rate of interest, therefore, is fixed by law; and those money-lenders, who exact or accept of more, are liable to a prosecution for *usury*, which in England is a trespass punishable by a fine not less, I think, than thrice the amount of the sum lent. The interest of money is greater or less, according to the scarcity or plenty of money in any country; and according to the greater or less risk there may be of insolvency on the part of the borrower. In ancient Rome, the sum lent was supposed to be divided into a hundred parts, one of which was payable monthly, as interest; so that the rate was at twelve *per cent.* In England, under Henry VIII. and Queen Elizabeth, the legal interest was ten *per cent.* and eight in the reign of James I. Under Charles II. it was reduced to six; and by a statute, still in force, of Queen Anne, it was further reduced to five *per cent.* which is the highest interest that the law now allows to be paid or exacted. Money lent on mortgage may be had at four *per cent.* the security being so good that there is little or no risk of losing it; and a considerable part of

the money lent to government pays only three *per cent.*, because, while the government lasts, there is no risk at all of this kind.

725. Whether it be lawful to lend money on interest, has been made a question. The canon law, and, as some think, the law of Moses, declare it to be unlawful; and Aristotle is of the same opinion, because money, being naturally barren, cannot without absurdity be made to breed money. But, in answer to Aristotle, it may be said, that a house is as barren as a shilling; for we never heard of houses breeding houses, or shillings breeding shillings; yet if I were to allow another man the use of my house for a year, it would hardly be equitable to forbid my accepting any rent from him. With the canon law we have not much concern, as protestants deny its authority. And as to the law of Moses, it expressly allows interest to be exacted from a stranger, though (for reasons peculiar to the Jewish policy) not from an Israelite. Much profit may be made by the use of money; to lend it is generally attended with some risk and inconvenience: and if, by means of my money lent him, a man get a hundred pounds, which without my money he could not have gotten, it is surely as reasonable that he should allow me part of his gain, as that I should give wages to a servant, or pay freight to a shipmaster.—To elude the laws relating to usury is, I believe, neither difficult nor uncommon: but usury

is so hateful a thing, that no man who regards his character will ever incur the disgrace of it.

726. When a man sets a greater value on a thing than it is worth; because he has had it long; because it has been peculiarly useful to him; or because he got it from a friend; the price at which he rates it is called *pretium affectionis*. If he is to sell it, he ought to let the buyer know that he overvalues it; and then the bargain will be fair. But if I take a liking to any part of a man's property which he is willing to sell, and if I set a higher value on it than the seller does, or than it is worth, he ought not to take advantage of my fondness or ignorance. Sometimes, by the consent of all parties, a sale may be agreed on, which no inequality between the value of the thing sold and the price given shall be allowed to nullify. Such is the sale *by auction*, where the price is not fixed by the seller, but by the best bidder, who is the purchaser. The Romans called it *auctio*, probably because every successive bidder (*auget*) increases, or raises the price. It was also called a sale *sub hasta*; because a spear was stuck in the ground at the place where the *præco* (or auctioneer) took his station.—Of this sort of contracts, that are opposed to gratuitous (see § 716, 717), and intended for the equal advantage of the contracting parties, there is a great number in commercial society, as barter, buying and selling, letting and hiring, insurance, partnership, &c. in-

to the detail of which we need not enter, as their laws, to all those who are concerned in them, are well enough known.

727. Contracts are enforced in various ways, by pledges, mortgages, penalties, securities, &c. They are also enforced by oaths. The design of an oath is, not to induce the Deity to be more attentive; or give him any new right of punishing falsehood; but to impress ourselves with the strongest motives to veracity, by aggravating the guilt of untruth; perjury, and every other sort of false-swearing, being both dishonest and impious. An oath, being an act of devotion, ought to be administered, and taken, with solemnity. It comprehends the import of these words.—‘ In thy presence I stand, O God of truth: thou knowest that what I say is true: if I speak falsely, I know that I justly forfeit thy favour, and deserve punishment.’ In such a declaration, uttered with sincerity, and a clear conscience, can there be any thing unchristian, or prejudicial to society? Surely not. Christians are warranted to swear, in confirmation of the truth, not only by the laws of all Christian countries, the necessity of the thing, and the many examples of solemn swearing recorded, without being blamed, nay, with approbation, in the Old Testament; but also, by the example of St Paul, in several parts of his epistles: and, by still higher authority, that of our Saviour himself, who, when adjured by the high priest,



condescended to return an explicit and immediate answer;—which, among the Jews, was one form of administering and taking an oath.

728. That evangelical precept, therefore, ‘Swear not at all,’ either must be understood to refer to unnecessary and profane swearing, which in the decalogue is called ‘taking the name of God in vain,’ or may be thus interpreted.—‘Adhere so scrupulously and habitually to truth, that men, knowing your veracity, and confiding in it, may have no occasion to make you confirm your *yes* or *no* by an oath.’ This whole subject is explained with the greatest accuracy and perspicuity in the fourth volume of Archbishop Secker’s sermons. As the obligation of oaths is most sacred, and every sort of disregard to them tends to the destruction of society, all practices ought to incur punishment, which lessen men’s reverence for an oath, and for the adorable name of the Supreme Being. Such a practice is common swearing, of which it is shocking to consider, how slightly it is animadverted on by the law, and how scandalously encouraged by the magistrate;—for all those crimes the magistrate must be supposed to encourage, which he either perpetrates himself, or against which he refuses, or neglects, to put the law in execution. This crime is wholly inexcusable; no natural propensity prompts to it; in his first attempts to acquire the habit of it, a man must be actuated by affectation, as well as impiety.

729. It also tends to lessen the reverence due to oaths, when they are too frequently, and on trivial occasions, exacted; or when they are administered, or taken, without due solemnity. In these two respects, I can pay no compliment to the laws and customs of this country. It is, however, just to acknowledge, that, of those who take and administer oaths, there are among us some individuals who know what they are about, and make the spectators *feel* that they know it. The words of an oath ought to be, and, if the framers of it understand their own language, and have any skill in grammar, always may be, so plain, that the sense cannot be mistaken: and he who swears, and he who administers the oath, should understand them in the same sense. If the swearer, taking advantage of the unavoidable imperfection of language, affix, to any word or phrase of the oath, a meaning which he would be unwilling to declare to the world, and which he knows to be different from the intention of the person who exacts the oath, and prescribes the form of it;—this is perjury, of the most dangerous and criminal nature; and as much worse than ordinary false-swearing, as poisoning, which cannot be foreseen or prevented, or in common cases detected, is worse than ordinary murder.

730. Perjury being a proof of extreme wickedness, and tending, more immediately than theft, robbery, and many other crimes punishable with

death, to the destruction of society, it may be thought that in all nations it should be considered as a capital crime. And indeed, if we attend merely to the enormity of the guilt, we could hardly call those laws severe that should punish it in every instance with death. But, were this the case, it might be apprehended, that many persons, called to give testimony on oath, would, from the fear of incurring such a punishment, be too much intimidated to declare their mind freely, and would rather keep out of the way of examination, than appear in the cause of truth and justice. False-swearing, therefore, though nobody pretends to extenuate its guilt, is considered as one of those crimes which in many cases it is sufficient to punish with infamy. In the case indeed of an innocent man losing his life, in consequence of the perjury of witnesses, the delinquents ought certainly to be put to death; because they are guilty, not only of wilful murder, and the most audacious impiety, but of entailing, as far as in them lies, infamy on the memory of the sufferer, and anguish, and perhaps disgrace, on his friends and relations.

731. A strict regard to truth in every thing we say or do is an indispensable duty. All men have a right to expect it from us; for, without it, speech, instead of a blessing, would be a snare and a curse, and the comforts of social life at an end. On some occasions, however, when we do

not even pretend to declare the truth, and where it is not expected from us, as in composing an instructive or amusing fable, there is no deviation from integrity, because we mean no deception, and in fact nobody is deceived: which is also the case in those complimentary forms of speech, that are universally known to express a great deal more than they mean; as when we address a man of a certain rank by the title of lord, or subscribe ourselves the humble servants of a person whom perhaps we should not think it incumbent on us to obey in any thing. In very large towns, too, where people have so numerous an acquaintance, that if they were to admit every visitant, they could have no time to look after their own affairs, it cannot be blameable to deny their being at home, if the phrase conveying the denial be generally understood to mean nothing more, than that they are not at leisure. It were better, no doubt, if these deviations from the literal use of language were fewer; but in complying with a custom, that softens the harshness of refusal, does no harm in society, and neither offends nor deceives any individual, there can be no great evil.—To use the words of deception, in order to do good to the person deceived, may be not only warrantable, but a duty. Were a physician always to tell his patients that they were in danger, when he thought them so, his visits might do more harm than good. To quiet a sick person's mind, to pacify a

madman, to defend the helpless from an enraged adversary, deviations from strict truth, if there be no other way of accomplishing the benevolent purpose, are undoubtedly lawful.

732. It is another great duty in the use of speech, to make it not only pleasing to others, but also profitable ; by giving good advice, correcting error, allaying the violence of passion, enforcing good principles, and discountenancing bad ; by encouraging the timorous, comforting the afflicted, re-proving in meekness the transgressor ; and always using such words as may neither raise evil thoughts in others, nor give proof of any indelicacy in ourselves. The Cynics of old, and some of the Stoics, maintained, that in *words* there is no indelicacy ; that there can be no harm in speaking of any thing that is natural ; and that, if we may speak without blame of any one crime, or any one part or function of the human body, we may, in like manner, of any other. But this is vile sophistry\*, tending to the utter debasement of man, and founded in the grossest ignorance of human nature and human language.

733. Words may do much harm as well as much good. Many of them not only convey the speaker's meaning, but also exhibit the disposition of mind wherewith he speaks ; and, in the hearer, not only raise ideas, but stimulate passions : and

\* See Cicero de Officiis, I. 35.

that which either stimulates bad passions in us, or sets an ensnaring example of them in others, is surely no matter of indifference. There are functions and parts of our bodily frame which may be signified by two sorts of words; first, by those that express the meaning and nothing more, and such are the words that anatomists and philosophers use; and secondly, those that express the meaning, together with a sensual and profligate inclination, or some other indelicacy in him who speaks. Words of this last character are called obscene; and prove the speaker to be equally destitute of good principles and good breeding. Words there are too, expressive of crimes, that signify on the part of the speaker either disapprobation, or no disapprobation; of the former sort are *adultery*, *murder*; of the latter, *an affair of gallantry*, *an affair of honour*, and those other sneaking circumlocutions, whereby modern profligacy endeavours to confound the distinctions of right and wrong. And among robbers and thieves there is said to be a similar jargon, to notify certain crimes to those of the gang who have been initiated, and at the same time to insinuate, that to those crimes the speaker has no disinclination, but considers them as tools pertaining to his trade.

734. Fourthly, and lastly (see § 707, 710); A derived right to full property may be obtained during the life of the former proprietor, by the force of laws, independently on his consent; and

this may happen, in consequence, first, of lawful, and secondly, of unlawful actions. First, In consequence of lawful actions. He who is named the executor of a testament, and in every testament an executor must be named, is, by accepting that office, obliged to pay the legacies and debts of the deceased, as far as the property left is sufficient for that purpose. And he whose business has been managed, in his absence, or during his minority, by friends who had no formal commission to do so, is under an obligation to indemnify the managers, and ratify every contract prudently entered into by them for his advantage. Obligations of this sort are said to be *quasi ex contractu*, as if they arose from a contract; and they are often called *quasi-contracts*.

735. Secondly, In consequence of unlawful actions. He who does injury is obliged to repair it, or is otherwise punished for it. The doctrine of injury, and reparation of crimes and punishments, forms a most important part of jurisprudence; but is so extensive, that, considering the shortness of the time allotted to this part of our academical course, and the great variety of subjects that are still before us, I cannot think myself at liberty to enter, however briefly, into the detail of it. I shall therefore conclude this head with a few miscellaneous observations; after referring, for further particulars, to Blackstone's Commentaries on the Laws of England; in which not only the English

law, but also the principles of general jurisprudence, are explained with singular ingenuity, precision, and elegance. The jurisprudence of Hutcheson and Grotius on the law of peace and war, may also be read with great advantage.

736. That to the utmost of our ability we ought to repair any damage we may have done to others, is self-evident : and it is no less evident, that we must not promote our own interest to the detriment of another, or if any necessity force us to this, that we ought to make good his loss as soon as it is in our power. Laws prohibiting injury would be of no effect, if the injurious were not obliged to indemnify those they have injured : and society would not be safe, if they who are inclined to be injurious were not restrained by the fear of punishment. He may be deemed the author of injury, and is liable to be punished accordingly, who has, either by himself, or in compact with others, been instrumental in doing it : but the contrivers, advisers, or leaders, in such injury, are the greatest delinquents, and ought, if possible, to be in the first place animadverted on. In criminal cases, all the agents are liable to punishment : six persons equally concerned in the murder of one ought all to suffer death ; because equality of guilt requires equality of punishment ; and if any one of the six be punished or pardoned, there is no reason why every one should not.

737. Damage, which he had accidentally done



to another, without any evil purpose, a generous man will repair, if he is able, but can hardly be obliged by law to repair. Yet such damage the law ought not to overlook; for people, from the fear of consequences, as well as from more liberal motives, should always be on their guard against the commission of injury. Damage, unavoidably, and without injurious intention, done by persons acting, duly authorised, in the service of their country, as by soldiers, constables, magistrates, &c. should be repaired by the community. Damage done by free servants, if the master is entirely innocent, ought to be repaired by themselves. Damage done by slaves, cattle, or dogs, ought to fall upon their owner, if it was possible for him to have foreseen or prevented it.—No provocation should make our enemy cease to be the object of our benevolence. When the injury is repelled, and compensated, and we have established our right, and obtained security against like injury from the same person for the future, our animosity towards him ought to be at an end.

738. If the injurious party, notwithstanding remonstrances, persist in injury, violence may be used to compel him to be quiet, and grant both indemnification for the past, and security against future injury. Hence the origin of just war; which may also be made for the prevention of injury, when there is reason to believe that injury is intended, and that nothing but force can prevent

it. Wars are either public or private. The former are undertaken by a state, and in name of the body of a people, or of the sovereign, as the representative of that people : the latter are those which have sometimes taken place among private persons. Public wars have been divided into *solemn* and *civil*. Solemn wars are formally declared, and authorised by one state against another, or by regular societies against pirates, or other avowed and formidable enemies of mankind. Those are called civil wars, which take place between different parties in the same community, contending for power, privileges, &c. and these, of all forms of hostility, are the worst ; as being the most unnatural, the most ruinous, and the most effectually subversive of private and public virtue.

739. Private wars between individual men in the state of nature, are nearly in their principle, though not in their extent or consequences, on the same footing with public wars between nations ; for it was already observed, that independent nations are in the state of nature with respect to one another. Every gentle method should be tried, every reasonable offer of pardon and accommodation made, and a spirit of forgiveness manifested, before men have recourse to measures so violent ; but if these be necessary after all, they are justifiable on the plea of necessity, and the right of self-defence ; a right, which belongs equally to private persons, and to communities ; and which neither these nor

those can dispense with, or relinquish, without endangering the existence of the human race. All this is agreeable to reason ; and is besides warranted by those passages of Scripture, that enjoin submission to government, celebrate the virtues of patriotic warriors, or speak without disapprobation of the military life. Passages of this sort are numerous in the Old Testament, and may also be found in sufficient abundance in the New. See particularly the eleventh chapter of the epistle to the Hebrews ; the second chapter of the first epistle of Peter ; the fourteenth verse of the third chapter of Luke ; the tenth chapter of Acts of the Apostles, &c.

740. In the state of nature, men may defend their perfect rights by force, if gentler methods are ineffectual. But in civil society we are understood to have committed the right of violent defence to the law and the magistrate ; they being at once more equitable defenders, and more powerful : and therefore, in civil society, legal prosecution takes place of what in the natural state would be force. But if we be in such a situation as to derive no protection from the law or the magistrate, and no aid, or no sufficient aid from one another ; as in the case of being attacked by thieves in the night, or by robbers, the right of self-defence justifies our repelling force by force. A good man, however, will be tender of the lives of his fellow-men, even of the most injurious ; and rather submit to be

robbed of such a sum as he can spare, than put the robber to death; but when there is no other alternative than either to kill or be killed, or ruined, we owe it both to ourselves and to society, to defend our property and life, though the consequences to the aggressor be fatal.

741. It belongs to this place to consider what may be said for and against duels. For them little, I think, can be said, except that they promote polite behaviour, by making men afraid of one another; and that the abolition of them would be difficult, and might be attended with evil, by furnishing profligate men with a temptation to assassinate. But these are weak apologies. The Athenians and Romans were in their better days as polite as we; much more so, indeed, we must acknowledge them to have been, if we take into the account the grossness of their religion, and the purity of ours: yet they were strangers to duelling, as well as to those ridiculous notions of honour which give rise to it; and it is impossible to mention a single instance of their unpoliteness, which duelling, if it had been fashionable among them, would have prevented. Nor do we find, in our days, at least among the enlightened part of mankind, that persons who do not fight duels are less distinguished for elegance of behaviour than those that do: with some exceptions, the contrary will perhaps be found to be the case. And it is not very honourable to human nature to suppose,

that nothing but the fear of death, or of disgrace, can prevail on persons in the higher ranks of life to practise the common rules of good nature and civility.

742. That it is difficult to prevent duelling I shall be willing to admit, when I have seen any legislature attempt the prevention of it, seriously, and yet unsuccessfully. But this has not happened as yet, so far as I know. A more despicable mockery of legislation there cannot be, than that pretended prohibition whereby our law is said to discourage it. For surely those laws, or those customs established in defiance of law, which grant not only indemnity but honour to the transgressor, and punish obedience with infamy and ruin, must mean either nothing at all, or nothing but public mischief.—As to assassination: it is true, that in modern Italy, where duels are rare, it is very common; but it is impossible to prove, that the infrequency of the one enormity, occasions the prevalence of the other. Two or three centuries ago, when the point of honour, in regard to single combat was carried to a very extravagant height, assassinations were in most parts of Europe common to a degree that fills us with horror. In fact, it is not unnatural, that he, to whose mind one species of murder is become familiar without being shocking, should, without great difficulty, be able to reconcile himself to any other. To plead in behalf of duels, that they prevent assassination, is

not less absurd, than to plead in behalf of robbery, that it prevents theft.

743. The aim of penal law ought to be to prevent crimes, and deter from injury, by the fear of punishment. In most countries where the government has been of long standing, penal statutes are generally too many and too severe; and some of them, it is to be feared, (though the law and the magistrate ought to be exempt from passion), even vindictive. One reason may be, that they were made when society was disorderly, and perhaps but half civilized; the natural consequence of which would be a sanguinary temper in the lawgiver, and in the person inclined to injury a degree of fierceness which nothing could intimidate but the apprehension of severe punishment. In some states of society some crimes may be more, and some less prevalent or dangerous than others; and different degrees of legal severity become necessary, according to circumstances. The time was when theft was more dangerous than at present, because the means of securing property were less to be depended on; and then, to hang a man for stealing a sheep might not be so unreasonable as it would be now. The time now is, when forgery is perhaps more dangerous than at any former period; for now men seem to be more inclined to it than formerly; and now the credit, and consequently the existence, of commercial nations, would be at an end, if that wickedness were not

most severely punished : and accordingly, though nobody doubts the king's right to remit the punishment due even to this crime, it is not now pardoned, and certainly ought not.—From these considerations it seems to follow, that in every nation the penal law ought from time to time to be revised, and alterations made in it, according to the change of circumstances.

744. That there ought to be, if it were possible, as many degrees of punishment as there may be of guilt in the criminal, and of danger in his crime, is undeniable. But human wisdom will never be able to regulate this matter exactly ; for, after all that fallible lawgivers can do, some punishments will be too severe, and others too mild. It has been doubted, whether capital punishment be in any case allowable ; and proposed, that slavery, hard labour, and other severities, should be substituted in its room. That it should be seldom inflicted ; that in general it is more frequent than it ought to be ; and that to the community the labour of convicted criminals might be more serviceable than their death, is readily admitted. But both reason and Scripture seem to declare that some crimes deserve it, particularly murder : ‘ Whoso sheddeth man's blood, by man shall his blood be shed,’ is a very ancient law ; and it would not be easy to prove it unreasonable. Severe punishments, however, have not always the consequences that one would expect from them ; when immo-

derately severe, they counteract themselves, because the public humanity refuses to execute them: it is the certainty rather than the severity of punishment, that most effectually restrains the injurious.

745. From the prevalence of sensuality, dissipation, gaming, atheism, irreligion, and that unbounded licentiousness of the press, which gives almost the same encouragement to the most abominable, and the most useful publications,—capital crimes, and of course capital punishments, are in this country frequent to a most lamentable degree. Yet punishments unreasonably severe cannot be said to be frequent in this country. Where the letter of the law would authorise them, juries, humanely, and I hope conscientiously, mitigate the offence, or acquit the prisoner; or judges, and other persons of influence, recommend him to the royal mercy, which, in our time, has never been withheld, except where the public good required that it should be withheld.—As to slavery, proposed as an exchange for capital punishment,—it suits not the genius of our people, (See § 612). To see, in every parish perhaps, enslaved convicts, would be an intolerable eyesore to a true Briton. Solitary imprisonment, with hard labour, has been projected as a substitute for capital punishment: but it may be doubted, whether that is not worse than death; and whether, by preying on the spirits of the delinquent, and tainting his imagination, it



might not too often terminate in phrensy and self-destruction.

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## CHAPTER II.

### OF THE ORIGIN AND NATURE OF CIVIL GOVERNMENT.

746. HAVING premised these few things concerning law in general, I proceed to consider the origin and nature of civil government, and the laws essential to the several forms of it. (See § 661). Civil government, or policy, or (as it was formerly and more properly called) polity\*, ‘is human society ‘moulded into a certain form by human art.’ Different forms of it are found in different nations; and one form of it is supported by one system of laws, and another by another. The study of politics, properly conducted, tends not a little to the improvement of the human mind. It makes history and law intelligible; enlarges our acquaintance with human nature and human affairs; and qualifies men for rational conversation. In this country it is peculiarly necessary; because, without some knowledge of politics, it is impossible for us to understand that system of government under

\* From πολιτις.

which we live ; the constitution of Great Britain being the most curious, the most complex, and the most excellent, form of human policy, that ever appeared in the world. This is said, not from any blind partiality to it, which, however, might be pardoned in a British subject: all this has been admitted by the most enlightened foreigners. Few foreigners indeed understand it. But those who do, unanimously admire it. That it is perfect, I do not affirm : I know of no work of man that is so. But its imperfections are fewer, and less grievous, than the discontented, the turbulent, and the visionary, are willing to believe ; and their alleged bad consequences will, to a candid and intelligent observer, appear to exist rather in the imagination of the theorist than in reality.

747. Man is the only political animal ; that is, the only animal capable of government. Many sorts of beasts, birds, insects, and fishes, herd together, and take pleasure in one another ; man only has a notion of public good, and legal subordination. Some brutes acquire pre-eminence among their fellows, by superiority of strength ; man alone has an idea of authority, or a right to govern, and of the duties and obligations thence arising. Some animals, as ants and bees, are guided by instinct to live together, and assist one another ; and this, by a figure of speech, has been called their *government*. But in the proper sense of this word, government is an art which one

learns in no other way than by studying it : it is the effect of reason, foresight, and moral principle united, and must therefore be peculiar to rational beings.—In treating of it, I shall consider, first, the origin and general nature of government ; secondly, the several simple forms of it, and their fundamental laws ; and, thirdly, the structure and principles of that excellent system of policy, the British constitution.

### SECTION I.

#### *Origin of Government.*

748. THE origin of government is a subject which may be said to comprehend answers to these two questions.—First, For what reasons, and by what steps is it probable, that men, not subject to government, would think of it, and submit themselves to it? Secondly, What may reasonably be presumed to have been the actual origin of government among men, according to the best lights that may be had from history, tradition, or conjecture?—With respect to the first question, it is to be observed, that, before the institution of government, men would live in what is called the state of nature, perfectly independent, equal, and free. But some would have more strength, more activity, and more wisdom, than others ; and it may be presumed, that they who were conscious

of their own weakness in these particulars, would look up for advice and assistance to those who were able to assist and advise them; and would thus, gradually, and voluntarily, confer on them some sort of authority, or lawful pre-eminence. Hence one motive to political union, arising from the diversity of human characters, and from our natural admiration of superior abilities. In respect of abilities, indeed, both of mind and of body, men are born so unequal, and their fortunes, with regard to the acquisition of property, are so different, that a variety of ranks and conditions, in social life, is plainly agreeable to the intentions of Providence, as well as beneficial to mankind.

749. Another motive to political union would arise from the inconveniences of the natural state; in which men, being fallible, must often mistake their rights, and disagree about them. When this happens in the political state, the law decides the matter, and the power of government enforces the decision. But in the state of nature, man would have nothing but his own strength and caution to defend him from injury; and of course, when injured, would retaliate, which would hardly fail to produce more retaliation, and more injury, and so end in confusion. Suppose him to submit himself and his cause to an arbiter mutually chosen by him and his adversary, yet if either party prove refractory, the matter was just where it was; there being no power to enforce the sentence. Hence one

source of evil in the natural state, arising from mens mutual independence, and perfect equality with respect to their rights. Of this evil the obvious and the only remedy is government, or political subordination.

. 750. But men being wicked as well as fallible, the evils of the natural state must be much greater than I have hitherto supposed. We see them injure one another in spite of the sanctions of both divine and human law. Remove these, and they would be still more injurious. It is melancholy, but it is nevertheless true, that men are never so apt to throw off all regard to decency, as in the time of some great public calamity, when cities are overturned by earthquake, or depopulated by pestilence; for then the law loses its power, because the magistrate no longer retains that vigour of mind which is necessary to put it in execution. In short, we may presume the disorders incident to the natural state would be so great, that if it were to be at all, it could not be of any long continuance. Now as these would arise from the equality and independence of the members, they could be remedied in no other way, than by abolishing, or limiting, that equality and independence. Hence the necessity of mens divesting themselves of the freedom of the natural state, uniting in society, appointing a sovereignty, entrusting it with certain powers for the public good, and supporting it in the exercise of those powers. And all the members of a poli-

tical body, thus uniting their strength, and acting in one direction, are able to repel injury, and defend one another, much more effectually, than it is possible to do in the state of nature.

751. Though we here set government in opposition to the natural state, we must not call the former unnatural: *artificial* is the epithet which it derives from the contrast. Man is born naked; but clothes, though artificial, are not unnatural. Government, being an art useful to man, and indeed necessary to civilized man, must be agreeable to the intention of Providence, who made man what he is, and rendered him capable of moral and intellectual improvement. And those governments that most effectually promote human happiness are to be accounted the most sacred, and the most agreeable to the divine will.

752. All human arts are in some degree imperfect, and government as well as others: but its advantages greatly overbalance its imperfections. A subject of the best government must give some of his property in the way of tax, to defray the public expence; and in certain cases may be obliged to expose himself to danger in defending the community. But then his connection with government enables him to defend himself and his property at less expence, with less danger, and more effectually, than is possible in the state of nature. His right of punishing injury he must resign into the hands of the magistrate. But this cannot appear a hard-

ship to those who consider, that revenge hardens the heart, exposes the soul to the ravage of tempestuous and painful passion, and tends to the confusion of society ; that to inflict punishment seems to a generous mind to be a work equally tormenting and debasing ; and that no man is an impartial judge in his own cause. Government promotes benevolence, justice, public spirit, security, and the cultivation of arts and sciences. People are generally civilized, in proportion as the arts of government are understood among them.

753. The independence and equality of men in the natural state, being alienable rights, may be parted with, for valuable considerations. Men quitting that state, in order to establish policy, would accordingly part with them ; and either expressly or tacitly enter into a mutual agreement to the following purpose. First ; every individual would engage to unite himself with the rest, so as to form one community ; whose conduct in matters of public concern is to be determined by the will of those who shall be entrusted with the sovereignty. Secondly ; it must be further agreed, that the government shall be of some one particular form ; that is, that the sovereignty shall be lodged in the body of the people, which is democracy ; or in the more distinguished citizens, which is aristocracy ; or in one man, which is monarchy ; or that the government shall be made up, as ours is, of two or more

of these forms mixed together. For different forms of government are supported by different systems of law; and therefore, till the form be ascertained, it cannot be distinctly known what laws would be expedient. Thirdly: The form being agreed on, they who are entrusted with the sovereignty would become bound to provide for the common interest, and the subjects would be bound to allegiance and obedience. And from this contract would arise the sovereign's right to command, and an obligation on the rest of the community to obey.—Observe, that I here use the word *sovereign* to denote the supreme power of a state wherever placed; whether it be in the hands of one, or of many; whether lodged in the whole people, as in democracy; or in a senate, as in aristocracy; or in a king, as in monarchy; or in a king and senate jointly, as in the constitution of Great Britain.

754. Observe further, that the foregoing, and some of the following reasonings, are purely *hypothetical*; that is, are founded on the *supposition* of what rational beings would probably do, if they were to make a transition from the state of nature to that of policy. But these reasonings are not on that account chimerical: for they do in fact lead us to discover the end, the utility, and the fundamental principles of government. Geometry may be considered as a hypothetical science; but it is not for that reason the less useful. The geometer does not inquire, whether there be in nature ma-



thematical lines, circles, or right-angled triangles; but on the *supposition* that there are or may be, he proves that such and such must be their properties. I do not inquire, whether men ever made such a transition, as is here supposed, from the natural to the civil state; but *supposing* them to make it, and to make it rationally, and of choice, I say, that they would probably be determined by the views and motives above specified.

755. A community acts in one direction, and as one person; by agreeing that the will of the majority, or of a certain proportion greater than the majority, as two thirds or three fourths, shall determine the whole. If it were not for this, communities could never act but when they are unanimous; which in political matters is not often to be expected.—In all just government, the interests of the sovereign and of the people are the same; public good being the aim of both. Government will soon cease to be just, where an opposite maxim is adopted. Tyrannical governors cannot be happy, because they live in continual fear and danger; and people who licentiously invade the rights of the sovereign, must have an unsettled government, and therefore cannot enjoy security or peace.

756. Men agreeing to quit the state of nature and establish policy, must be supposed to have the good of their children as much at heart as their own. Their children, therefore, have a right to the privileges of their fathers; unless they declare

when grown up, that they do not acquiesce in the determination of their fathers, but choose rather to relapse into the state of nature, or to alter the form of government. If the whole or greater part of the community agree in this, it must be done. But if that is not the case, the right of self defence, which belongs to all, and to societies as well as individuals, will authorize the government to lay such restraints on these refractory people, as the public safety may require; and even to punish them, if they should breed disturbance, or transgress the law. However, where public good is not concerned, it would be unreasonable to hinder inoffensive people from going away in peace, in order to better their fortune elsewhere. And thus we see, how laws and the obligations of government, though it were to be formed in the way here supposed, might be transmitted from generation to generation. Every man is under ties of gratitude to the government that protects him, and protected his forefathers: and whoever lives in a country, or retains property in it, obliges himself, in so doing, by a contract either express or tacit, to obey the laws of it.—Thus far, arguing hypothetically, I have considered, ‘ For what reasons, and by what steps, ‘ men, not subject to government, would probably ‘ think of it, and submit themselves to it.’ See § 748.

757. Of the *actual origin* of government, the second thing proposed to be considered, history

gives little information. For policy is almost coeval with the world; and, in the first ages, it is not probable that men would think of writing history. Without written records, it is wonderful to observe, how soon human affairs are forgotten; and hence the history of every ancient people, the Jews excepted, becomes more uncertain, the further back it goes, and ends at last, or rather begins, in fable. Ignorant nations have erected pillars, mounds of earth, and heaps of stones, to perpetuate the remembrance of great events. They thought, perhaps, that those structures would always raise curiosity, and that tradition would never be wanting to gratify it; but posterity were too much engrossed by their own concerns, to inquire into those of their ancestors; the great events of the present time obliterated the memory of the past; and the monumental pile, having become familiar to the eye, was looked at with little wonder, and less curiosity. And when people came afterwards to be improved by letters, to aspire after historical information, and to study the antiquities of their native land, they could learn very little from those rude memorials; which, having no definite meaning, could convey no distinct knowledge. In this country, there is not a province, there is hardly a parish, in which several of these monuments are not still to be seen; some whereof the neighbours endeavour to account for by fabulous tradition, while others baffle all conjecture.

758. That, in the first ages of the world, government may have arisen from parental authority, is very probable. The first man lived nine hundred and thirty years. In this long track of time his sons and daughters and their offspring, who were equally long-lived, or nearly so, must have increased to an exceeding great number, and peopled all the adjoining regions, if those were sufficient for their accommodation. It was surely natural for them to look up with extraordinary veneration to their common ancestor, who having been created pure, and having no doubt received much knowledge by inspiration, would probably retain, notwithstanding his fall, a greater portion of wisdom and virtue than any other of his contemporaries. Equally reasonable it is to suppose, that after his death, the oldest of his children, as being then the oldest man upon earth, would be considered as his successor in that part of the world where he resided; and among those who had settled in remote parts, it would come to be a thing of course, that he who had the pre-eminence in years and wisdom, should be the sovereign of those who were within his reach. The patriarchs, we find, in after times, exercised in their own household a sort of kingly authority; which was no doubt vested in them partly on account of their age and virtue, and partly because it had been customary before their time.

759. But, to prevent mistakes on this subject,

it is necessary to remark, that the authority of a parent is very different, both in kind and in degree, from that of a sovereign. In some respects, indeed, they are similar. The magistrate is bound, by the most sacred ties, to consult the happiness of his people, and it is equally a parent's duty to promote the good of his children. Both the one and the other are entitled to respect and obedience as long as their commands are reasonable; and no sound is more pleasing to the ear of a good sovereign, than to be called the father of his country. But, though children, through the whole of life, ought to reverence their parents, there is a time when the parental authority ceases, and the child becomes as free as the parent; namely, when the former leaves his father's house to establish a family of his own. Whereas the sovereign may enact laws to continue in force through ages, and whose authority is indeed perpetual, unless they be abrogated by the same sovereign power that made them.—Besides, the legislature may both denounce and inflict capital punishment; but no man is supposed to have this right vested in him on his becoming a parent; and if fathers in ancient Rome had such a right, they derived it, not from the law of nature, but from the municipal law of their country. The sovereign may in all lawful cases *command*: the parent, in many cases, can only *entreat* or *advise*. The child becomes, or may become, a parent in his turn; the subject does not

in the same manner grow up into a sovereign. If therefore parents have in the early ages become the sovereigns of their descendents by any *just* title, it must have been, not merely by virtue of their parental authority, but by the consent of their descendents, expressly or tacitly given for that purpose.

760. Many governments have been founded in conquest. Such were of old the Assyrian, Persian, and Macedonian empires; and such, though more gradual in its progress, was the Roman. Such in later times was the Turkish tyranny; and such the first feudal governments established in the southern parts of Europe. England was conquered by the Romans, the Saxons, the Danes, and at last, in the eleventh century, by the Normans under William duke of Normandy, commonly called the Conqueror. The effects of this last conquest are still discernible in the British constitution; and our royal family is descended from William, though indeed it justly claims an origin still higher and nobler: his majesty being the great-grandson of George I. who was great-grandson of James VI. of Scotland, who was descended from Malcolm III. commonly called Malcolm Canmore, by Margaret the sister of Edgar, whose ancestors had been kings in England several hundred years before the Norman conquest.

761. That conquest alone conveys no *just* right to sovereignty, is self-evident. Great Britain, for

example, has no more right to conquer Spain, than Spain has to conquer Great Britain; or than any man has to plunder me, and make me a slave, merely because he is stronger than I. Yet all governments founded in conquest are not unlawful. Joshua's conquest of Canaan was lawful, because authorized by the Deity himself, who has the supreme disposal of all his creatures, and who commanded that the Canaanites should be destroyed in this manner, on account of their abominable wickedness. If a conquered nation, admiring the abilities of their conqueror, and in order to avoid greater evils, shall make choice of him for their king, he has a right to be so: and it was by a title of this kind that William the Conqueror, who was a man of abilities, became the rightful sovereign of England: Edgar, the only surviving heir to the crown, having relinquished his claim in favour of William, and all the people assembled at William's coronation having repeatedly declared, when the question was put to them by the archbishops of Canterbury and York, that they chose him to be their king.

762. If a nation be troublesome to its neighbours, and after frequent defeats refuse to be quiet, the victor may pursue his advantages till he has subdued them. But he must not punish the innocent with the guilty; and therefore he must not make them slaves, or establish among them arbitrary power. For that would be to inflict pu-

nishment, not only on the women and common people, many of whom probably had no hand in the public injuries, but also on their young children, and unborn descendents, who certainly had no hand in them. All governments, therefore, founded in conquest, are not unlawful. But every government is unlawful in some degree, which deprives men of their *freedom*, or of that *political liberty* which promotes prosperity and virtue. And here it is proper to ascertain what may reasonably be understood by the term political liberty, which is used in many different senses, and most used, perhaps, by those who least understand it. In this question I take it for granted that Britain is a free state, which no man of sense denies; which Montesquieu, the greatest political genius that ever lived, acknowledges; and which they, who are most dissatisfied with the administration of our affairs, seem to admit, when they say, that our liberty is in danger; for in danger that cannot be which does not exist.

763. Does liberty, then, consist in the power of doing what we please? No: for if every body had this power, there could be no liberty at all; because our life and property would be at the disposal of every man who was able and willing to take them from us. In a free country, every violation of law is an attack upon the public liberty. The laws of God and our country are our best and only security against oppression; and there-



fore liberty can exist amongst us no longer than while those laws are obeyed. Milton, who loved liberty as much, I believe, as any man ever did, has truly observed, when speaking of it, that 'who loves that must first be wise and good.' See his twelfth sonnet.

764. Does liberty consist in our being governed by laws of our own making? I know not how many political writers have laid this down as a first principle, and a self-evident maxim: and yet, if Britain be a free government this maxim is grossly absurd. Who are they who can be said to be governed by laws of their own making? I know of no such persons; I never heard or read of any such, except, perhaps, among pirates and other banditti, who, trampling on all laws, divine and human, refuse to be governed in any other way than by their own licentious regulations. The greatest part of the laws by which we are governed were made long ago: I should be glad to know how a man co-operates in making a law before he is born. But are we not instrumental in making those laws, which are made in our own time? Granting that we are, which is by no means the case, these are not the only laws by which we are governed: we must obey the common law of the land, which is of immemorial standing, as well as the statutes made in the last session of parliament.

765. The British laws are enacted by the king,

lords, and commons, who may amount in all to about eight hundred persons: the inhabitants of Great Britain, who must obey these laws, are computed at eight millions. In Britain, therefore, not to mention the rest of the empire, are more than seven millions of persons, who are governed by laws which they neither make nor can alter: and even the king, lords, and commons, are themselves governed by laws which were made before they were born. Nay more: if the majority of the lords and commons agree to a bill, which afterwards receives the royal assent, that bill is a law, though the minority vote against it; and the minority in both houses might comprehend three hundred and eighty persons; so that a law to bind the whole British nation might, according to the principles of our constitution, be made, even contrary to the will of three hundred and eighty members of the legislature.—Nay, further; in the house of commons, forty members, in ordinary cases of legislation, make a house, or quorum; the majority is twenty-one, which, deducted from five hundred and fifty-eight, the number of members in that house, leaves five hundred and thirty-seven: so that a bill might pass the house of commons, if the house happened to be very thin, contrary to the will of five hundred and thirty-seven members of that house; and yet, if such a bill were afterwards ratified by the lords, and assented to by the king, it would be a law.—

Surely, if we are a free people, liberty must be something, that does not consist in our being governed by laws of our own making.

766. It is said, indeed, that every British subject has influence in the legislature by means of his representative freely chosen, who appears and acts for him in parliament. But this is not true. There are not, in this island, one million of persons who have a vote in electing parliament-men : and yet, in this island, there are eight millions of persons who must obey the law. And for their conduct, as lawgivers, our parliament-men are not answerable to their electors, or to any other persons whatever. And it not often happens, that in making laws they are unanimous ; yet the minority in both houses must obey the laws that are made against their will.—Besides, we are all subject to the law of God, and are free in proportion as we obey it ; for his service is perfect freedom. But who can say that man is the maker of God's law !—We see, then, that our liberty does not consist, either in the power of doing what we please, or in being governed by laws made by ourselves.

767. They, who are hindered from doing what the law allows, or who have reason to be afraid of one another, even while they are doing their duty, cannot be said to enjoy liberty. Where this is the case, there must be in the hands of certain individuals some exorbitant power productive of oppression, and not subject to law ; or there must

prevail in the state a spirit of licentiousness which the law cannot controul.—Nor can men be said to be free, who are liable to have oppressive laws imposed on them, or to be tried by tyrannical or incompetent judges. In Great Britain, by a contrivance to be explained hereafter, our laws are made by men whose interest it is to make them equitable; and who, with a very few exceptions of little moment, are themselves subject to the laws they make. In Britain, too, by the institution of juries, our judges, in all criminal and in many civil causes, are our equals: men, who are acquainted with our circumstances, to whose prudence and probity we have no objection, and who are favourably inclined towards us, on account of our being their equals. In Great Britain, therefore, an honest man has nothing to fear, either from the law or from the judge.—Neither can those people be accounted free, who dare not complain when they suffer injury, or who are denied the privilege of declaring their sentiments freely to one another. In both these respects our freedom is secured by the liberty of the press, of which I shall speak afterwards.

768. Political liberty, therefore, I would describe thus. ‘ It is that state in which men are so  
‘ governed by equitable laws, and so tried by  
‘ equitable judges, that no person can be hindered  
‘ from doing what the law allows, or have reason  
‘ to be afraid of any person so long as he does his

‘ duty.’ This is true liberty ; for this is the only sort of liberty that promotes virtue and happiness ; and surely no wise or good man would ever wish for any other : and this is a degree and a perfection of liberty, which I know not that any other people on earth ever enjoyed. How the several parts of the British constitution are contrived, and adjusted, so as to secure this liberty, I shall afterwards endeavour to explain.

769. The Jewish policy was of divine origin, and some of the Jewish kings were appointed by a command from heaven. Hence some writers have taught, that kingly government in general is of divine origin ; and that kings, deriving their authority from God, are accountable to him alone, and must not be disobeyed or resisted by their people on any pretence whatever. This was called the doctrine of passive obedience and non-resistance. Formerly it made a noise in this country ; but the minds of our people on the subject of government are now more enlightened ; and the following brief remarks will be a sufficient confutation of it.

770. First ; Law is the declared will of a person who has a right to command. But no magistrate can have a right to violate the law to the oppression of his people, or to command them to do what God forbids. Were a sovereign to do either, his will, because not founded in right, would not be a law, nor, consequently, entitled to obedience.

Secondly ; The right of self defence will justify a man in resisting that power which is unlawfully exerted to destroy him, or to deprive him of his perfect rights. Thirdly ; Public good is the end of just government ; and therefore that is not just government which promotes public evil. Fourthly ; Kings and other lawful magistrates derive their authority immediately, though by divine permission, from the laws of their country ; and no sovereign, some of the Jewish kings excepted, was ever appointed by express command from heaven.

771. But, fifthly, The person of a good sovereign is as sacred as any thing human can be ; and while the king executes the law, he does what the law requires of him, and it is absolutely unlawful to resist or disobey him. And in all government there must be some supreme power, in whatever person or persons it may be lodged, which every subject must obey : for law cannot contradict itself ; which, however, it would do, if it were to require obedience, and excuse disobedience. Let it be observed, too, that resistance to government is always attended with danger and bloodshed, involves many an innocent man in ruin, and many a worthy family in misery, and may in the end produce anarchy, or tyranny, more intolerable than any of the evils which it might have been intended to remove. To a remedy so desperate a good man will not have recourse, unless both he, and the greater and wiser

part of the nation, are morally certain, that it will be productive of good.

772. And therefore, when a government is established, and upon the whole tolerably mild, though it should fall short of the perfection of that under which we have the happiness to live, a good man will be careful not to breed disturbance in it; but will, on the contrary, as far as he is able, promote concord and peace, even though he should have reason to disapprove of many things in the conduct of his superiors. To his relations, friends, and fellow-subjects, he owes the great duty of benevolence; and would therefore be extremely sorry to see them involve themselves in civil war, which of all human calamities is the worst, which leads to the perpetration of innumerable crimes, and the event of which it is impossible to foresee. As to those who foment dissention in a state, in order to enrich or distinguish themselves, or to gratify the rancour of party-spirit, what can be said of them, but that they are public incendiaries, and the enemies of their country and of mankind!

773. The doctrine of the divine right of kings to do what they please, was no doubt contrived by their flatterers, who wanted to make their court to the monarch, by magnifying his power, and enslaving his people. When Alexander had murdered Clytus, and was in an agony of remorse for what he had done, Anaxarchus, a fellow who attended the king, and called himself a philosopher,

endeavoured to give him comfort by telling him, that whatever was done by the supreme power was right, and that it was unworthy of Alexander to be afraid of the law, or the tongues of men ; for that his will was the law of his subjects, and ought to be to them the measure of right and wrong. By this doctrine, says Plutarch, he alleviated the king's grief, but made him withal more haughty and unjust ; and insinuated himself into the royal favour much more than he had been able to do before. The same doctrine was taught in England, in the last century, by Mr Hobbes and others. But kings were never obliged to those who taught it. If it make them more tyrannical, which it will certainly do if they listen to it, it will also make them more insecure and more wretched. The only happy princes are they who govern according to law ; for the law is their excuse for every thing that is done : and, if there should be dissatisfied persons, which, though an angel from heaven were to be king, there always would be, such princes are sure of the affection of the greater and more respectable part of their people. Cruel and arbitrary sovereigns are unhappy while they live, and often come to an untimely end. In no other country on earth is the deposition of princes so common as in Turkey, where the sovereign is despotical, and the people are slaves : and let it not be forgotten, that of the twelve Cæsars eight were tyrants and usurpers, and six of the eight perished by assassination.—So much



for the origin of government. I proceed to consider, in the second place, its general principles and simple forms. See § 747.

774. It was already observed, that independent states bear to one another the same relation which individual men would bear to one another in the state of nature; and that their conduct with respect to each other ought to be regulated by the law of nature; which, as applied to independent communities, is called the law of nations. They are all equal in their rights, whatever be their extent, and whether they be called empire, kingdom, or republic; even as in the natural state all men are equal in their rights, whatever be their name or size. The rights included in sovereignty have been divided into greater and less. The greater rights are three, the legislative, or the right of making laws; the judiciary, or the right of deciding differences and trying criminals; and the executive, which enforces the laws within the kingdom, and manages the business of the state with foreign nations. In our government, for very good reasons to be mentioned hereafter, the executive power belongs to the king; who also possesses those prerogatives called the less rights of sovereignty, which are those of coining money, conferring nobility, knighthood, and other dignities, erecting corporations, pardoning condemned criminals, and the like. How our judiciary and

legislative powers are disposed of, will be seen by and by.

775. As individuals in private life enjoy extraordinary rights on extraordinary occasions, the supreme power of government may also lay claim to extraordinary privileges, when any uncommon or pressing emergence renders them necessary to public good : as if the government were to seize on the ships of a subject for the transportation of troops, in time of war ; or on his lands in order to fortify some important pass or harbour. The urgency of the case might vindicate such a measure, even though the subject were to refuse his consent ; because the safety of the nation might be endangered by delay, or if his refusal were allowed to be valid. But, in all such cases, the person, whose property is thus invaded for the public good, is entitled to full indemnification, or something more.

776. Government must possess authority, or a right to command ; and power, to render its commands effectual. Without authority, it would be unlawful ; without power, insignificant. In the first institution of policy, authority would no doubt depend on moral virtues and intellectual abilities ; which alone render one man *naturally* superior to another, and which, as I remarked already, would probably point out the person who was to be entrusted with sovereignty. In the more advanced states of society, government derives its authority

from law, from custom, from the tacit or express consent of the people, and from its own beneficial tendency, which creates an obligation upon the consciences of the subjects to unite for its defence, and avoid rebellious or turbulent practices.

777. The form of government is naturally determined by the distribution of property, that is, of power. For from property power arises; as he who can hire ten persons to co-operate with him in any work, may exert himself with the force or power of eleven persons. Now of all property the most permanent is property in land: for it is fixed, and it produces (what there must always be a demand for) the necessaries of life.—Hence, if a man possess all the land of any country, or the greater part of it, and depend on no superior, he will be, or he may be, the absolute sovereign of it; because there is no other power in it sufficient to hinder the operation of his. Hence, if the property of a country be equally divided among the inhabitants, or nearly so, and if they be mutually independent and hold of no superior, they must all have equal power, and the government will be, or may be, democracy. Hence, if the whole, or the chief part of a territory be divided among a few persons, who are equal among themselves, or nearly equal, and hold of no superior, the power will be in their hands, and the government will be aristocracy. But if those persons derive any dignities, or be supposed to derive their lands, from one person,

who by law or universal consent is considered as superior to them all, that person will be king, and the government will be monarchy; but such a monarch will not be absolute, because the power possessed by his subjects will be a check, to oblige him to govern according to law. In those commercial states that possess little land, as Venice, property in money will have similar effects on the form of government. Such states are commonly aristocratical; for it rarely happens, that the profits of an extensive commerce come into the hands of one person, so as to make that commercial chief a king; though, where commerce is extensive, there may be a considerable number of rich people, and must also be a great number of people who are not rich.

778. These remarks may show, why it becomes a principle in politics, that the form of government is determined, in any country, by the balance of power, and the balance of power by the balance of property, especially of property in land. If it should anywhere happen, that the form of government is not according to the distribution of property; that those who have little property have great power, or those who have great property little power; the government of that nation will be unsteady, and continually tending to a revolution, till either the balance of power produce its natural form of government, or till the established form of government get the better of the balance, and alter

it. Those great lawgivers, who had the address to change the government of their country from one form to another, have generally begun their operations, by making a change in the general distribution of property. When Lycurgus wanted to introduce democratical principles into the constitution of Sparta, he prevailed on the citizens to give up their lands to the public, and then divided them equally: and, to render these principles permanent, made a law establishing the use of iron money, which amounted to an abolition of commerce; and he enacted, that Sparta, whatever victories she might gain in war, should never enlarge her territory, nor even pursue the vanquished enemy beyond the field of battle.

779. The Greek politicians divided the simple forms of government into three; which they said were all good in themselves, but liable to become evil by being corrupted. First, monarchy, or government by one man; the corruption of which is tyranny. Secondly, aristocracy, or government by nobles; the corruption of which is called oligarchy, and takes place when a few of the nobles engross all the power, to the exclusion of the rest. Thirdly, democracy, when the sovereign power is in the body of the people; the corruption of which is anarchy, or confusion arising from want of government, and disregard to the law and magistrates. Montesquieu gives a better division of the simple forms, proceeding upon a more extensive view of

human affairs, and juster notions of the nature and principles of law. That great author divides the simple forms of government into *REPUBLIC*, which comprehends aristocracy and democracy; *MONARCHY*, or government by one man according to law; and *DESPOTISM*, or government by one man whose will is the law.

780. Whether any one of these simple forms does really take place in any nation, is no part of the present inquiry. Supposing any one, or all of them, to take place, which is possible at least, their essential laws must, from the nature of the human mind and of human affairs, be similar to those I am going to specify. My reasonings, however, on this subject, will not be merely hypothetical, but from history will derive considerable evidence. In as far, for example, as the government of ancient Rome was democratical; so far will the Roman laws and customs be found to coincide with those which will be proved to be essential to pure democracy. Most governments are mixed, and unite in themselves the principles of two or more of the simple forms: but the only way we can take to come at the knowledge of a complex object, is by analyzing it, and examining its component parts separately. The British government, for example, which unites in itself the principles of monarchy, aristocracy, and democracy, we cannot distinctly understand, till we have

formed a notion of what is essential to pure monarchy, pure aristocracy, and pure democracy.

781. The government of ancient Rome under the kings was an elective monarchy, mixed with aristocracy, and something too, but very little, of democracy: under the consuls, it was a mixture of aristocracy and democracy, unless when a dictator was in office; for his power was absolute: about the time of Marius and Sylla it became an oligarchy; which grew every day more and more apparent, and, by a mode of degeneracy natural to that corruption of government, came at last to terminate in absolute monarchy; which though the forms of the old republic were still nominally observed, fell nothing short of despotism. Athens, Sparta, and Carthage, were mixed republics, compounded of aristocracy and democracy, but partaking most of the former. Most of the modern monarchies of Europe, as Spain, Portugal, Prussia, &c. are composed of monarchy and aristocracy, but, from the want of democratical principles, and from the discretionary power which the kings have with respect to the laws, have a tendency towards despotism. In Great Britain, we enjoy the advantages of monarchy, aristocracy, and democracy united, with, I believe, as few of their disadvantages as it is possible, in a free and commercial state, to guard against. In short, none of the simple forms can be said to have taken place in any nation, except perhaps despotism: and even in

the most despotical governments the will of the prince is not the only law ; being subject to many limitations, from religion, from customs of long standing, and from that fear of the violence of his people, of which the most tyrannical prince, who values his own safety, cannot entirely divest himself.

## SECTION II.

### *Of Democracy and Aristocracy.*

782. IN treating of the laws essential to the several simple forms of government, Montesquieu judiciously observes, that three things are to be attended to; first, the *foundation* of the form, or that peculiarity in the circumstances of any people which determines them to adopt one form of policy rather than another: secondly, the *nature* of the form, or its particular structure; and thirdly, the *principle* of the form, or the human passion by which it is supported, and made to act. This, says that great writer, is a very important distinction, and serves as a key to an infinite number of laws.

783. The foundation of a pure DEMOCRACY is an equal distribution of property, especially of property in land, among all the citizens; that is, among all those who, as members of the com-



monwealth, have influence in it. This, for a reason already assigned, will give to every citizen an equal share of power, and consequently of weight in the government, either directly by himself, or indirectly by his representative freely chosen. All the citizens, for the same reason, must be considered as of equal rank; for titles of honour inspire pride, command respect, and stimulate ambition, and of course tend to destroy democratical equality. Men who are thus on an equal footing with respect to wealth and condition, do generally pique themselves on their equality, and are unwilling to acknowledge any superiority in their neighbour: and if, together with his haughty spirit of independence, they be temperate, frugal, and lovers of labour and of their country, the democracy, once established, may subsist for some time. But if a desire of wealth or superiority arise, inequality will soon appear; some will acquire more, and be more distinguished, than others, and possess a more elevated mind; and both will transmit to their posterity a portion of their own spirit: so that he whose father was ambitious and successful will inherit the same towering genius; and they whose ancestors could never emerge from obscurity, will suit their views to their condition, which it will seem impossible for them to exchange for a better. And favourable accidents, superior virtue, and superior ability, will all conspire to raise some individuals; and

opposite circumstances, to depress others. Hence some must acquire greater power than they ought to have; which will necessarily deprive others of part of that power to which they have a right. And so the democracy will gradually resolve itself into aristocracy; and this, by a similar, and almost unavoidable, degeneracy, into oligarchy; which will probably end in despotism. These vicissitudes have in a greater or less degree been experienced in all democratical states, and it seems to be impossible to prevent them. For this form of government is ill suited to human nature, and not at all to the modern state of human affairs.

784. Commerce, which, as accompanied with good or ill fortune, has so powerful a tendency to create inequalities among mankind, must be dangerous to this form of government; unless the profits of it are to be, not appropriated to individuals, but deposited in the public treasury. In the early times of the Roman republic, the riches obtained by conquest were generally disposed of in this manner. Cincinnatus, after subduing the Equi, resigned the dictatorship, which he might have retained for five months longer, and returned to his plough and four acres of land, as poor as when he went from them. And Paulus Æmilius, at a later period, having conquered the wealthy kingdom of Macedonia, brought all the spoil into the Roman treasury, and, to adopt the words of Cicero, carried nothing to his own house but the eternal remembrance of his name.

785. Neither to ornamental and elegant arts is the genius of democracy favourable; they also tending to rouse emulation, and give splendour to genius. The Lacedæmonian citizens were satisfied with the homeliest food, and the coarsest furniture; they practised no commerce, except, perhaps, a little in the way of barter; they gave no countenance to any fine art, except music; their music was of the simplest kind; and it was contrary to law to make any improvement in it. Laws must also be made in this government for preventing the accumulation of wealth by testaments and doweries. A father's estate must be divided equally among his children; and the wife's dowery adapted rather to the husband's fortune than to her own; and adapted so, that the richer the husband the smaller must be the wife's dowery; and the poorer the husband the greater the dowery.

786. The citizens, being equal in other respects, must also be equal in this; that every man who appears worthy of such a trust, shall have a chance of being a magistrate in his turn; and the term of magistracy must be short. For if public offices be engrossed by one party of the citizens, to the exclusion of the rest, equality is at an end, and the state aristocratical; and if any one citizen remain in office too long, he will acquire too many clients, and consequently too much power.—It will be further expedient, where offices of public trust are to circulate through the whole

body of a people, that every citizen receive such an education as may qualify him for serving his country as a magistrate, as well as a subject. For this reason all the citizens should receive the same education; as different plans of discipline would undoubtedly create diversities of genius and capacity. It would seem then that, in this government, education ought to be the care of the public; not because domestic discipline is likely, as Plato thinks, to give rise to avarice and immoderate fondness in parents, or to form confederacies of near relations that may be dangerous to the state; but because the masters of different families might, if left to themselves, prefer different modes of education; or because some parents might be careless, in regard to this matter, and others attentive; which would produce too many varieties of character and ability among the citizens. But I have shewn, in another place, (§ 581) that to dissolve the attachments of consanguinity, by making children the care of the public, and not of their parents, would be detrimental to the best interests of mankind. If this, therefore, be necessary in democratical government, it supplies still further evidence, that democracy is unnatural, and unfriendly to virtue and happiness.

787. In order to preserve the foundation of this government, laws must be made for preventing ambition; and to prevent it still more effectually

ally than by laws, all temptations to ambition must be removed; which might possibly be done, where the territory of the state is small, where the number of citizens is fixed and known, and where no citizen is allowed to have more land than is necessary to his support. At Rome, four acres for one citizen were deemed a competency, in the earlier times of the republic; and as long as they thought this enough, they were temperate and laborious, and gloried in their poverty, holding luxury and riches in supreme contempt. But the number of Roman citizens was never fixed; and their territories they were continually enlarging; whence wealth was introduced, individuals grew avaricious and fond of power, the public assemblies became tumultuous, and the democratical part of the constitution disappeared.

788. It is the opinion of the best politicians, that where a democracy is to be established, the territory must be small. For this not only prevents ambition, and makes frugality and moderation necessary, but puts it in the power of the citizens to be mutually acquainted, which produces mutual attachment; as well as to perceive the interests of the community, which it is proper that every citizen should understand, because in his turn every citizen may be a magistrate. And not democracy only, but republic in general, seems to be, in an extensive empire, an impossible establishment. For where many provinces are under

one government, public affairs must be so complex, and so liable to change from a number of unforeseen accidents, that unless there be in the state a principle of sovereignty distinct from popular deliberation, they will soon run into disorder. For popular deliberation is slow ; whereas the will of a monarch, who has the executive power in his hands, may change as often, and as suddenly, as the public exigencies require. Though Rome had a senate, which, without consulting the people, could make temporary decrees, and, in times of great danger, create a dictator with absolute authority ; yet when the empire became very extensive, despotism ensued, and the republic was merely a name. In a wide empire, there cannot be that unanimity, that mutual attachment, or that idea of a common interest, which are essential to republic, and which in a small nation may subsist for a long time. And a successful commander, entrusted with a powerful army, in a remote province, where he is daily acquiring vast wealth and influence, will not be willing to take his orders from a set of men at home, who are in law his equals, and whom he has it in his power to make his inferiors, by means of that force, and that influence, of which they cannot deprive him without his consent. Here is such a lure to ambition, as it is not easy for an enterprising genius to resist ; especially when he knows, what every great officer in a republic must know, that

the more successful he is abroad, the more obnoxious he will be to the malevolence of party at home.

789. The history of Julius Cæsar seems to exemplify these remarks. His long wars, and extraordinary success, in Gaul and Germany, had taught him that he was the greatest commander, and his army the bravest and best disciplined, in the world. The splendour of his actions, his long absence from Rome, and some dissatisfactions that had formerly prevailed against him, made him the object of envy and jealousy to a very powerful party among the patricians, who set up in opposition to him Pompey, a person whom, though of great ability and very great ostentation, Cæsar knew to be no match for him, either in policy or in war. Means were used to draw some of Cæsar's legions from him, on pretence of sending them against the Parthians; but when they arrived in Italy, they were given to his rival, whose army the senate ordered to be further augmented with new levies. Cæsar at the same time was required to disband his troops, which he agreed to do, provided Pompey would do the same; but this not being complied with, he saw the senate had resolved on his destruction; so that, as he had the means of self-defence in his power, it is no wonder that he passed the Rubicon, and began that war which set him at the head of the Roman empire. By him, however, the liberties of Rome

were not finally subverted; his administration being, as far perhaps as the circumstances of the times would permit, both mild and munificent. He had great things in view for advancing the prosperity of his country; and, if he had been permitted to live, would no doubt have executed them; for it was not his way to relinquish the plans he had once adopted.

790. I return from this digression; and shall conclude the subject of democracy, with a few remarks on its *nature* and *principle* (§ 782). The people in a democracy are the sovereigns, because they make their own laws, and choose their own magistrates; they are also the subjects, because they must obey the laws and magistrates that they themselves have made. They exercise their sovereignty, by means of their votes; whereof the majority, or a fixed proportion greater than the majority, as two thirds or three fourths, must be understood to be the will of the whole. Laws for the regulation of votes are therefore essential in this government; and the number of voters, or citizens, must be fixed and known: otherwise persons might vote who have no right to that privilege; and it would be impossible to know how many votes made a majority. The Athenian citizens were twenty thousand; those of Sparta, ten thousand; at Rome the number was never fixed, which gave rise to many troubles.

791. In a small state, the people may be quali-



fied for making laws ; because they can hardly be ignorant of their own interest : and for choosing magistrates ; because the character of every citizen is known. But, even in a small state, the people cannot execute the laws, or deliberate, or reason, concerning them in a public assembly ; because they are too numerous, and every man has his own business to mind. A senate, therefore, to deliberate on public affairs, and prepare them for the popular assembly, and magistrates to execute the laws, are in this government necessary, and must be chosen by the people. If the senate become hereditary, and independent on the people, as the Roman senate was, it will have influence sufficient to change the government to aristocracy.

792. In making laws, and electing magistrates, the citizens must give their votes, when they are assembled in some public place. They cannot be always assembled ; for that would put an end to all private business : and yet the exigencies of government are continually changing ; and a law may be necessary this year, which was not necessary last year ; and sometimes it may be proper to make trial of a law, before it is absolutely established. The senate, therefore, should have power to make temporary decrees ; which, however, must not become laws, till ratified by the people. This was the case at Athens and Rome. A *senatus consultum*, or resolution of the senate, was in force

for a year, and sometimes longer; a *plebiscitum*, or statute enacted by the people, was a permanent law.

793. For regulating votes, the people, if very numerous, must be divided into classes or tribes; each class to have one vote, or a certain number of votes, in the popular assembly. If, in making this division, more regard is had to the wealth and rank of individuals than to their number, which was the case in the arrangement of the Roman people by Servius Tullius, the government will be aristocratical; that is, the richer sort will have great influence in the popular assembly, and the poorer sort, little or no influence. For holding this assembly, a certain place must be fixed by law, and a certain magistrate appointed for calling it together; and it must not be held to be a legal assembly, unless it be regularly summoned, and meet in the legal place, and with the legal formalities: otherwise, different bodies of the people might meet in different places, each calling itself the popular assembly, and claiming the power of legislation, and so make unconnected and inconsistent laws, and produce universal confusion.

794. Votes may be given either publicly or secretly: in the former way the voter's determination is known; in the latter it is concealed. Public votes may be liable to undue influence; as when a man is unwilling to offend by his vote a person whom he fears to disoblige. Yet in many cases,

as in that of a deputy acting for constituents, where it is proper that the constituents should know what part the deputy has acted, secret votes would be dangerous; whence, in our parliament, in all matters of legislation, votes are given openly, and all the nation knows, or may know, on what side of any question every member has voted. When elections to office are determined by lot, nobody is offended, but too much is left to what we call chance; unless where none are admitted as candidates but persons of approved ability, who are to be answerable for their conduct, as was the case at Athens, in electing to some high offices.

795. Neither democracy nor aristocracy can long subsist uncorrupted, unless the citizens have a love to their country, and a spirit of moderation, superior to all views of private interest. These are the *principles* of republican government: and excellent principles they are, and might safely be relied on, if men were what they ought to be. Without these, bad laws will be made, bad magistrates appointed, ambition and discord will prevail; and either the nation will be ruined, or the form of government will change to one better provided with the means of counteracting the degeneracy of human nature. In these governments, therefore, in order to maintain public virtue and a spirit of moderation, care must be taken to prevent the accumulation of wealth, and to render luxury, and all the arts that minister to it, unfashionable

and dishonourable; and censors are very useful for the inspection of morals, and a senate of grave and wise men, to promote virtue by their example. In a democracy, this order of senators should remain in office for life, because old age renders even virtue more venerable; whereas the other senate, constituted for the purpose of making temporary decrees, and preparing matters of legislation for the popular assembly, should not hold their offices for life, lest they acquire too much influence. The Roman censors had great power: they could even degrade senators, and all orders of men were liable to be brought before their tribunal.

796. The foundation of aristocracy is such a distribution of property as puts the balance of power in the hands of a few, who are equal, or nearly equal, among themselves, and depend on no superior. Here the common people, having no influence in the government, are the subjects of the nobles: and the nobles, like the people in a democracy, are the sovereigns in one respect, because they make the law, and the subjects in another, because they must obey it. And here almost the same laws take place with respect to the nobility, as in a democracy with respect to the people. If ambition prevail among the nobles, the government will change, as that of Rome did in the decline of the republic. Aristocracy is the more equitable the nearer it approaches to demo-

cracy; and the more corrupt as it verges to oligarchy. To genius and the cultivation of elegant arts, it is more favourable than democracy. It is liable to much inconvenience from the animosities of faction; which would have destroyed the consular state of Rome soon after its commencement, if it had not been for that privilege, which the senate had, of creating, in cases of great public danger, a dictator, whose power for a certain limited time, commonly six months, was superior to the laws. To this despotic principle, and to auguries and some other superstitions, rather than to the wisdom of its policy, the Roman republic owed its continuance; and yet can hardly be said to have lasted above four hundred years, reckoning from the first consulship to the times of Marius and Sylla, when the oligarchy began.

797. Republican government has produced great men; for it calls forth into action all the human faculties, and gives encouragement to military and political genius; so that men of these talents can hardly fail to make a figure in it. But, on account of the contentions that prevail in it, and are the more formidable, because all parties think themselves equally entitled to supremacy, it does not seem favourable to public happiness, nor is it friendly to private virtue. At Athens, a citizen no sooner became eminent for great abilities, or even for great integrity, than his countrymen began to look on him as dangerous on account of his popularity,

which they thought might give him too much influence ; and then it was customary to banish him for ten years, by a vote, not of the majority of the citizens, but of six thousand, not quite a third part: this was called *ostracism*, from the shells (*ostraka*) on which, on those occasions, they used to write their votes. At Rome, the lower orders of people suffered incredible oppression from the higher. In the latter times of the republic, and indeed not long after the beginning of it, the Romans of rank and wealth, many of them at least, were immoderately attached to riches, and unmercifully severe in the treatment of those debtors who were not able to pay ; whom they often punished with scourging, and slavery, and sometimes even with death.

798. A republic cannot act with expedition or secrecy ; because many people must be consulted before it can act at all. In modern times, therefore, when the arts of printing and navigation have promoted a rapid circulation of intelligence, a republican state opposed to a monarchy ; or a free monarchy, like Britain, opposed to an arbitrary one, as France formerly was, must labour under considerable disadvantages. Accordingly, in the beginning of our wars with France, we were generally unsuccessful ; such being the influence of the democratical principles of our constitution, that the executive power was unwilling to pursue decisive measures, till it should know, what could not at first be known, that the nation in general wished

it to do so. Whereas in France, at that time, the king was so absolute, that his will, though individuals might murmur at it, was constantly submitted to by the people. In respect of government, those ancient rival nations of Rome and Carthage were on unequal footing, both being republican. These considerations, joined to what was formerly said of the natural inequality of mankind in respect of abilities and character, seems to prove, that republic, especially as the world is now constituted, is neither a desirable, nor a natural form of government. Such for the last thirty years of my life, has been my opinion; and the further I advance in the study of history and of human nature, the more I am confirmed in it. Whether some late revolutions will prove that I am mistaken, time will show: as yet \* they have not made any change in my sentiments. If they ever should, I shall most willingly acknowledge it.

799. About the middle of the seventeenth century, a party in England of republicans, or rather of those whose meaning was to level all distinctions of men in political society, murdered the king, abolished the peerage, and endeavoured to introduce their favourite form (I know not whether to say) of government, or of anarchy. But the experience of a few years proved the scheme to be absurd; partly, from the impossibility of the thing itself; partly, from the ambitious views of the ringleaders

\* 1792.

in the rebellion, who, when they had advanced to power, would not return to republican equality; and partly, no doubt, from the extent of the empire, which made it impossible to collect the sentiments of the whole people; and unsafe to take that for a majority, which might have only the appearance of one. Even now, there are not wanting among us persons, who not only affect to admire republican government, for which nobody would blame them (as simple admiration can do no political mischief), but insinuate, that our monarchy ought to be subverted, and republic established in its room. But before this conceit, so fraught with confusion, robbery, and massacre, be allowed to influence a quiet Christian, or a prudent man, he will seriously consider, whether republic, or such a constitution as the British, be, in these days, and in this part of the world, the preferable form of policy: whether, and on what occasions, the religion of the New Testament authorizes the destruction of lawful rulers and dutiful subjects: and how far the teachers of this doctrine may be actuated by disappointed ambition; a turbulent spirit; attachment to a party or to a theory; envy of those in superior station; or a desire to gain, either a name, by vending paradoxes; or popularity, by endeavouring to provoke the censure of the law.—To clamour against the inequality of conditions in monarchical government, may be a popular topic: and among people fond of novelty and speculation, and among



those who know not that political equality is impossible, and though possible, would not be expedient, it may have influence. But if diversity of ranks contribute to public good, as in monarchy (I mean free monarchy) it certainly does,—to exclaim, ‘Why should that fellow walk before me and be called *Lord*, while I am only *Sir*; or plain *Thomas*,’ is not magnanimity, but the peevish pride of an envious and little mind; *qui stupet in titulis et imaginibus*; which instead of undervaluing these distinctions, as it pretends to do, shews that it admires and immoderately overvalues them.

800. I have heard modern republicans declaim on the prosperity of Rome under its consuls, and of England under Oliver Cromwell. But that the Roman republic was generally a tumultuous government, and owed its preservation (as already observed) to a despotic principle, which happened fortunately to be interwoven in its constitution, is well known. And it is also well known, that England in the interval between the death of Charles and the restoration of his son, owed its prosperity, not to the freedom of its government, but to two other causes entirely different; to the great abilities of a few individuals, as Cromwell, Blake, and some others, and to the usurper’s arbitrary administration. What was republican in the state, if there was in it any thing republican, had no effect, at least no good effect; what was despotic in Cromwell happened from the circumstances of that

time to have very great effects. In fact, England was never less republican than under Cromwell.

### SECTION III.

#### *Of Despotism.*

SO1. I SHALL NOW make a remark or two on DESPOTISM. Where it prevails, the will of the prince is the law; and therefore the government must always be bad, and would indeed be intolerable, if he were not afraid of his people, and if there were not some established customs, which supply the place of laws, and which even a tyrant dares not violate. A despotic prince is generally ignorant, sensual, and idle. He is therefore inclined to commit the management of his affairs, not to many persons, for that would give him too much trouble; but to one person, to whom he transfers his power, and who has long been distinguished in Mahometan governments, which are all despotical, by the appellation of *Visir*. In some of these governments, the sovereign declares himself the heir of all his subjects, and seizes on a man's estate the moment he dies, and often before; which effectually destroys industry, as well as domestic happiness. In others, he is satisfied with a certain proportion, as three, four, or five, *per cent.* on the value of inheritances. There being no law but his will, the right of the successor to the crown is frequently uncertain. Sometimes, how-

ever, it is settled by the order of birth ; and sometimes by the will of the former prince. If there be competitors for the crown, a civil war ensues, and victory determines the succession. And the new sovereign, to prevent like trouble for the future, removes his brothers and near relations out of the way ; by imprisoning them for life, or murdering them, or putting out their eyes, or making them swallow drugs that deprive them of reason.

802. Extensive empires have a tendency to become despotical : for the sovereign must keep a great military force, which makes him, if not strictly limited by law, master of the lives and fortunes of his people. The great extent of the Roman empire was one chief cause of that despotism, which came at last to prevail in it. In warm and fruitful countries, unless where a spirit of commerce and manufactures takes place, there is seldom that activity which we find in more temperate climates : and this indolence of the people inclines them to submit to despotic government. And where are very wide continents, as in the northern parts of Europe and Asia, the natives of the inland provinces, having little intercourse with the rest of the world, and being for that reason very ignorant, remain satisfied with their own bad government, because they have never heard of better. Besides, nothing but force is necessary to establish despotism ; whereas a free monarchy like ours, is a work of the greatest art.

803. In many parts of Europe there has been, from very early times, a spirit of activity, and a love of freedom, which may have been owing, partly to the climate and soil making industry necessary, and so giving scope to the exertions of genius; and partly, perhaps, to the situation of the several countries; divided from one another, as they are, by seas and mountains, which break them into distinct nations, and yet, by rendering commerce and mutual intercourse easy, give rise to emulation and the various arts of life. I would not impute the characters and fates of nations to climate, soil, and situation merely; I only say, that these things may have influence. But Providence varies the characters of nations, and raises one, and brings down another, in order to accomplish its own good purposes: and we find, that the characters, governments, laws, and manners of nations are not fixed, but perpetually changing. How different are the modern inhabitants of Greece and Italy, and, I may add, of our own country, from the ancient!

804. The *principle* of despotism, I mean the human passion that supports it, is fear; for when the people throw off their fear of the tyrant, he is undone; and if he were not afraid of them, his tyranny would be intolerable. Now fear is a passion that depresses the mind, and makes it inactive: and this may be given as one reason for the long duration of some despotical governments. The re-

ligion of Mahomet is another. It was brought in by a tyrant, and whithersoever it goes, tyranny and ignorance go along with it.

## SECTION IV.

*Of Monarchy ; and the British Constitution.*

805. MONARCHY is ‘ government by one person who is subject to law.’ Between the condition of a king, and that of the common people, the distance is so great, that if both were to have influence in the government, and if there were no other order of men in a nation, they would never agree ; the people would be suspicious of the king, and the king afraid of the people : whence contention would arise, and continue, either till the king made himself master of the people, which would establish despotism ; or till the people got the better of the king, which would introduce republic, or anarchy. To free monarchy, therefore, a nobility is essential ; as an intermediate order of men between the king and the people. It is their interest to maintain the privileges of both. For, as they derive their dignities from the king, it may be supposed that they will be particularly attached to him ; and as they must in general be persons of wealth and influence, the king by their means is enabled to defend himself against the encroach-

ments of the people. At the same time, it is the interest of the nobles, both to be on good terms with the people, who are always a formidable body; and also to support the power of the king, because the continuation of their own dignity depends on that of his. The same house of commons that put Charles I. to death voted the house of lords to be useless: and we lately saw in France, when the people had imprisoned their king, that they immediately resolved on the abolition of nobility.

806. A well-balanced monarchy, consisting of a king, nobility, and commons, and in which all men, the king himself not excepted, are subject to law, seems to have many advantages over the other forms of government. With respect to foreign nations, it may, by vesting the executive power in the king, act with more secrecy and expedition than any of the republican forms; and it is less liable to dangerous contentions at home; because it is the interest of all ranks of persons in it mutually to maintain the privileges of one another; and because the executive power in the hands of one person can operate with more energy, than when it is committed to a senate, or to a number of magistrates.

807. Monarchy is either elective or hereditary. In the former, the king is chosen by the nobles; in the latter he succeeds by inheritance. Elective monarchy is liable to continual faction, and on the

death of every king to dangerous convulsions. And an elective monarch is under strong temptations to be oppressive, because he has now an opportunity of enriching his family; the interest of which he will be apt to consider as unconnected with that of the nation. Hereditary monarchy is not liable to these inconveniences, and does not permit any of its subjects to aspire to sovereignty, which is entirely beyond their reach; and the king and his family can have no interests separate from those of the community. Most of the European monarchies are hereditary. The pope is an elective prince, and his subjects are said to be the most wretched in Europe.—It seems to follow, from what has been said, that ‘the best form of government is hereditary monarchy, regulated by law.’ This, it is presumed, will appear with undoubted evidence, when with the forms of policy above mentioned we compare the following brief account of the British constitution.

808. If all the rights of sovereignty were committed to the same man, or to the same body of men, there could be no liberty; because the most oppressive measures might be adopted, and laws made to warrant them: and the effect would be despotism. In order, therefore, to constitute a free monarchy, the rights of sovereignty, especially the greater rights (§ 774), the legislative, executive, and judiciary, must be committed to different men, or different bodies of men; and so dis-

posed, as that the executive and legislative powers shall mutually be a check on each other, so far at least as to prevent abuse and encroachment. In Great Britain, they are so disposed: the executive power being in the king only, and the legislative in the parliament.—Of the judiciary power I shall speak hereafter.—To constitute a free monarchy, it is further necessary, that the interest of those who make the laws shall be so connected with the interest of those who must obey them, that there shall be no danger of oppressive laws being made. That this is according to the spirit of our constitution will appear from what follows.

809. Our laws are made by the parliament. The parliament consists of the king, the house of lords, and the house of commons. The house of lords consists of the lords spiritual and the lords temporal. The spiritual lords are the two English archbishops, and the twenty-four English bishops; who, though not peers, are called lords of parliament, and who sit and vote with the peers or temporal lords. The peers are, all the English nobility, and sixteen Scotch peers who are chosen as representatives by the nobility of Scotland. The house of commons consists of five hundred and fifty-eight persons, who are freely chosen by the people of Great Britain, to represent them in the legislature, and to vote and determine for them. So that our government comprehends the principles of monarchy, aristo-



cracy, and democracy united: a state of things which never took place in any other country; which Tacitus, one of the most profound politicians of antiquity, seems to have considered as impossible; but which Aristotle thought, if it could be established, was likely to form the most perfect policy\*. The passage of Aristotle referred to is however somewhat obscure.

810. It may be supposed, that the British nobility, on account of their rank and privileges, will be obnoxious to the jealousy of the people. If, therefore, the representatives of the people, that is the house of commons, could make laws without consent of the nobles, they would divest them of their privileges, or render them insignificant, that is, would abolish the order of nobles; the consequence whereof, for reasons already given, would be a dissolution of the monarchy.—If the king and nobles could make laws without consent of the commons, the people would be ruined, and the government become, like most other European monarchies, a wretched mixture of despotism and aristocracy;—if the lords and commons could make laws without consent of the king, he would be nothing; and the government would be republican: and if the king alone could make laws, it would be despotism.—With us, therefore, no law can be made, abrogated, or amended, without the

\* Arist. Pol. II. 4,

joint authority of the king, the lords, and the commons.

§11. The people of this island, being too numerous to meet in one assembly, and having each man his own business to mind, cannot appear in the legislature in any other way than by their deputies or representatives freely chosen. Now it is neither necessary nor expedient, that every one of the people should vote, or have a right to vote, in the election of representatives. They who depend on another person for their subsistence, would not venture to offend that person, by voting contrary to his will; and therefore in public affairs could not be said to have a will of their own: so that their voting would give them no influence, and serve only to give too much influence to the person on whom they were dependent. It is to be observed, too, that all the lowest orders of the people are in all nations ignorant of the interests of their country, as well as of the nature of the government; and, on these as well as on other accounts, very unfit for choosing lawgivers: and in a nation so populous as this, if every individual had a vote in choosing the members of the house of commons, elections would be public grievances, and the collecting of votes impracticable.

§12. In England, a freeholder of forty shillings a year is entitled to vote; that sum, when this law was made, about three hundred and fifty years ago, being equal in value to at least thirty pounds

of our present money (§ 721), and therefore sufficient to make a man independent with respect to the necessaries of life, and consequently to give him in public matters a will of his own. In Scotland, those freeholders only can vote, who hold their lands of the crown, that is, who do not hold them of any subject; and whose *valued rents*, that is, whose rents as stated in the registers of the kingdom, amount to something more than thirty-three pounds sterling a-year. This at least is the general rule; but there are many exceptions, too minute to be mentioned here. It appears then, that the constitution of England is more democratical than that of Scotland; which indeed appears from many other circumstances, that will be mentioned hereafter. If therefore in Scotland there be too few voters, in England there seem to be too many. In Yorkshire alone are twenty-five thousand: which is more than thrice as many as there are in all Scotland.

812. According to the spirit of our laws, which, however, in this particular is too often eluded, the representatives of the people, who must all be men of considerable fortune, ought to be chosen, each by the freeholders of that district wherein he resides or has property: that so his interest and that of his electors may be the same; that they may be acquainted with the character of the person whom they elect; and that he may know the circumstances and concerns of the district for which he is elected. Yet, when elect-

ed, he is not to consider himself as concerned for that district only, or even chiefly ; for the party-spirit of individual corporations or provinces ought not to find its way into the great council of the nation. He is one of the lawgivers of the whole empire, and is not obliged to be determined, in his parliamentary conduct, by the opinion of his electors ; nor is he answerable to them, or to any body, for what he may do in parliament : though no doubt he may think it in many cases prudent, and in some cases his duty, to pay a particular regard to the sentiments of those who elect him. In short, it is understood, that to their representatives freely chosen, the people who choose them commit their whole legislative authority, without keeping back any part of it. If it were not for this, when the people of a town or province were dissatisfied with the conduct of their representatives, contentions, law-suits, and insurrection, might happen, and lay restraint on the freedom of the legislative assembly ; and thus we should be exposed to the turbulence and unsteadiness of republican government.

814. The representatives of the several shires, that is, of the landed interest, are called knights of the shire : for anciently they were knights ; and, in allusion to that circumstance, they must at their election wear a sword. The cities and boroughs of the kingdom send also to parliament their representatives, who are called citizens and burgesses, and represent the commercial interest.

Learning is not overlooked in the general representation: each of the two English universities sends two members to parliament. But all the members of the house of commons, whatever they represent, are, when met in parliament, perfectly equal, and in the house may speak their mind freely on all matters proposed to their consideration. And the king must not take notice of any thing that is said in either house of parliament, unless a report be made to him by order of the house: nor is any member answerable, when out of the parliament-house, for any thing he may have said in it, unless the house itself declare what he has said to be illegal. The obvious meaning of all this is, that both houses shall be perfectly free to speak, debate, and deliberate, as they please, without having reason to fear any person, or any human power whatever.

815. When one is told, that the representatives of the commons of England and Wales are five hundred and thirteen, and those of Scotland forty-five, and recollects the appearance of these countries in the map, one is at first apt to think, that the representation is unequal, and to Scotland very unfavourable. But it is not so much so as one would imagine. England is much more fruitful, wealthy, and populous, than North Britain; and pays two millions of land-tax, when Scotland pays of *land-tax* only forty eight thousand pounds. And it seems not unreasonable, that in the legislative

assembly that part of the nation should have most influence, which contributes most to the public expence. If, therefore, by the articles of the union, Scotland was too little favoured in one way, by being allowed so few representatives, it seems in another way to have been sufficiently favoured, by being required to pay so small a proportion of *land-tax*. In fact, Yorkshire alone pays as much land-tax as Scotland does.

816. Yet, when we come to particulars, it is no doubt unequal, that an English borough of three or four hundred people should send two members to parliament, for some such boroughs there are; when Edinburgh, which contains eighty thousand inhabitants, sends only one member, and when Glasgow, which contains forty thousand, is only one of five boroughs that are all represented by one member. But inequalities equally great may be found in England. The cities of London and Westminster, which contain eight hundred thousand people, send only six members; and some boroughs still continue to send two, which have fallen to decay so totally, as to be reduced to a few houses. The law that regulates these matters was thought reasonable when it was made; and from the fluctuating nature of manufacture and commerce, it must happen, that, in a course of years, some towns from being small will rise to opulence, and that others which were formerly considerable will dwindle away. And it is per-

haps better that inequalities of this kind, as long as they are not *very material* to the public, should remain as they are, than that fundamental laws of long standing should be altered. The Romans were taught to look on the institutions of their forefathers with religious veneration: *more majorum* was among them a phrase of very solemn import.

817. A more equal representation is however wished by many; and has several times been attempted of late years in the house of commons, though rejected by a considerable majority: and much might be said, and high authorities quoted, both for and against it. Against it, one might say, that, if boroughs were to be stripped of their privileges merely because they have become poor, the people, considering the fundamental laws as variable, would lose their confidence in the government: a circumstance, which, in a nation like this, where every thing depends on public credit, and the idea of a steady constitution, might be attended with great danger. That these inequalities have little or no influence on public prosperity, may appear from this; that several flourishing towns in England, as Manchester, Birmingham, Halifax (which have risen to great opulence within these few years), send, as towns, no members to parliament, and do not, so far as I know, consider the want of this privilege as a grievance.

818. The commons meet in one house, and the lords in another ; for as their business and privileges are different, their places of meeting must be so too. When the king appears in parliament, he sits on a high seat in the house of lords, in his royal robes, and with the crown on his head ; and the commons are then summoned to attend in the same house ; and he never appears there, unless to meet the parliament when it convenes in the beginning of the session ; or to give his assent to such bills as have been agreed to by both houses ; or to prorogue the parliament ; or to dissolve it. When he cannot conveniently go himself, he may do all this by commissioners duly authorized by him for that purpose : and he may prorogue, or he may dissolve the parliament, by proclamation. When he meets the parliament in the beginning of the session, and prorogues it at the end, he commonly makes a speech, relative to the present state of affairs. His proclamations, if founded in law, or tending to enforce it, have the authority of laws. But sometimes they may be necessary to prevent public evils, against which the law cannot make suitable provision ; as in the case of laying restraints on commerce, in order to prevent the importation of the plague. Such proclamations, though not founded in law, are allowed from the necessity of the case ; and the first thing the legislature does, when it meets after their taking effect, is to make a law to ratify them, and declare



those persons blameless who were concerned in them.

819. Each house of parliament has certain privileges of its own, whereof it holds itself to be the sole judge, and wherewith no other power in the kingdom can intermeddle. These are not all defined by our laws. For if it were certainly known how far privilege of parliament extends, a tyrannical king, say our lawyers, might oppress those members who opposed his measures; and do this in such a way, without violating the law of privilege, that parliament could not legally relieve them: which would infringe the freedom of the legislature. As individuals, however, members of parliament are subject to the law as well as other men; only while it sits, and for a certain time after it rises, they cannot, because their service as lawgivers may be wanted, be imprisoned for debt; which is a privilege that lords of parliament enjoy at all times; they being considered in law as the king's counsellors. Some others of their privileges are fixed and known; such as that of freedom of speech within the house. And a claim of peerage, and a contested election of a Scotch peer, can be settled by the house of lords only; as contested elections of commoners are settled by the house of commons.

820. A proposal for a law is called a bill. A bill approved by the commons falls to nothing if rejected by the lords; and, though approved by

the lords, is null if rejected by the commons : and though it should pass both houses, is nothing without the king's assent, which he may withhold, without assigning any reason. But there has been no instance of a royal negative since the reign of William III. The king and parliament generally understand one another in matters of this sort ; and decency requires that there should be no opposition of the one to the other. It would be vain to attempt to make a law contrary to his will ; because the parliament, as legislators, can do nothing final without his consent ; and because he may at any time interrupt their proceedings, by proroguing or dissolving them. Thus our constitution is so balanced, that not one of the three powers can make any legal encroachment on either of the others.—All bills take their rise either in the house of commons, or in the house of lords. For the king has no other share in the legislature than the right of ratifying by his assent, or of annulling by his negative.

821. When a bill is approved by both houses, and has obtained the royal assent, it is a law, and is called an act of parliament, and must continue in force, till it be abrogated or amended by the same powers that made it, that is, by another act of parliament. And it may bind every person in the nation, the king himself not excepted. Sometimes, when a bill has passed one house, the other house makes amendments or alterations in it ; to

which, however, both houses must agree, otherwise the bill comes to nothing. But if it be a money-bill, that is a proposal for raising money by act of parliament, it must take its rise in the house of commons, and the lords, though they may reject, cannot make any alterations in it. The reason usually given for this jealousy of the commons, with respect to money bills, is as follows.

822. The great engine of government is money, without which political affairs cannot be carried on. Now the nobility being more connected with the king than the commons are, it is supposed, that they might be willing to gratify him, by imposing taxes which, though to them not burdensome, on account of their great wealth, might be oppressive to the people. But this reason does not account for the jealousy above mentioned; as nothing that the lords could do with respect to money-bills, or any other bills, would be valid without the consent of the commons. This therefore may be considered as one of those old customs, whereof there are some in every nation, which are allowed to have all the force of laws, though they cannot be fully accounted for. Anciently perhaps it may have been supposed, that the commons were better qualified than the lords, to judge of the expediency of money-bills, and manage the business connected with them; and hence it is

possible, that the practice may have arisen. But this is only conjecture.

823. All the people of Great Britain may be divided into three ranks, the king, the nobility, and the commons. As a commoner is tried by a jury of commoners, it is reasonable that the nobility should be tried by persons of their own rank. Accordingly, in all criminal cases, the lords are tried by the house of lords, and condemned or acquitted by the majority of votes. Before this house, too, all persons must be tried who are impeached by the commons, that is, against whom the house of commons brings a public and criminal accusation; and, in all matters of property, the house of lords is our highest court of judicature, from which there is no appeal, and whose decisions admit not of either amendment or revisal. This too is reasonable. A supreme court there must be somewhere; and the lords of parliament, on account of their dignity and wealth, must be least liable to undue influence; and, at the same time, by their great advantages in respect of education, must be supposed to have the best opportunities of being well instructed in the laws of the land. In determining appeals, this house commonly decides according to the opinion of those who are called the law lords, that is, of those peers who fill the highest stations in the law; and who at all times have, or may have, the opinions of other English judges of high station, particularly those of

the courts of king's bench and common pleas, of barons of exchequer of a certain rank, and of the masters of the court of chancery. It is not likely that persons of such rank and learning, and who in matters of law may have recourse to such authorities, will give a wrong sentence. Certain it is, that the sentences of the house of lords are less complained of than those of any other court. It is true that complaint would avail nothing; but for all that, people will complain who think themselves injured. At Athens, the supreme court of judicature was no other than the assembly of the people, which might consist of twenty thousand persons; many of them, we may suppose, very ignorant, and very many liable to undue influence. A poor man, therefore, opposed to a rich one; or one who had little popularity opposed to one who had much, could hardly fail to lose his cause.

824. If the executive power were in the hands of a person who had no vote in the making of laws, the legislative power might, by new laws, encroach on it so far, as to take it into their own hands; which, for reasons already given, would destroy the monarchy, and introduce republic, in Great Britain; therefore the executive power belongs to the king, on whom no legal encroachment can be made, because without his consent no law can be either made or altered; and it is not to be supposed, that he will ever consent to any bill which would divest him of his privileges,

and reduce him, from being the first person in the nation, to a state of insignificance. In the exercise of this executive power, he cannot be checked *directly* ; he may declare war, or make peace, when he pleases, and employ his military force in any service he may think proper : for in matters of so great moment, it would not be right that the public business should be liable to interruption. And if the parliament could *directly* hinder him from doing these things, the executive power would be in them, and not in him ; which would destroy the constitution. *Indirectly*, however, they may hinder him, or at least be a check upon him ; as will be seen by and by.

825. Further : if the executive power were in the hands, not of one person, but of many persons, they might pursue different measures, or disagree in opinion : at any rate, if they made a bad use of their power, the people would not know on what person or persons they might lay the blame ; or how they could obtain security against future inconveniences of the same kind. But when the executive power is in the hands of one person, on whom the eyes of the whole community are fixed, no inconvenience of this sort can happen. Let it be observed too, that this person must be at the head of the military force ; which is never effectually commanded except by *one* person. When the Roman senate required Cæsar to disband his army, he refused to do so,

unless Pompey, his rival and enemy, would also disband his: when Queen Anne ordered the duke of Marlborough, the most successful general of modern times, to resign his commission, he did it instantly; well knowing, that his army, who had always considered their sovereign as their commander-in-chief, would have abandoned him if he had not. Innumerable examples, from both ancient and modern history, might be brought to shew, that military commands, where there is not a commander-in-chief, distinctly specified and acknowledged, are generally unsuccessful.

826. Further still: if the executive power were in the hands of one person, who is elected into that high office from time to time, any ambitious man might flatter himself that one time or other he might be chosen: which would give rise to those contentions for supremacy, which have always disturbed the peace, and often endangered the existence, of republican governments. But our laws have wisely vested the executive power in the king only: no other man, or body of men, can ever have it, so long as our laws exist: and at such a distance above every other dignity have they raised his, that no subject, let his wealth or abilities be ever so great, can *raise himself* to the rank of royalty. The state of the king of Great Britain is very great: the noblest peers in the realm are ambitious of holding offices in his household; and his children, grandchildren, brothers, and uncles, who

are called princes of the blood royal, have precedence before all other subjects. This is not the effect of pride or vanity, either in the nation, or in the monarch: these high privileges are secured to the royal family by law; and all is the effect of true political wisdom. For, by thus raising the king so high above every other person, all those ambitious attempts at sovereignty, which have bred so great and frequent disturbance in the world, are prevented, as far as human prudence can prevent them.

827. But in his executive capacity the king is not absolute: the commons have *indirectly*, though effectually, a check upon him in these two ways. First, by the right of raising money from year to year, or of refusing it; without which money he could not act; because his fleets and armies would not be paid: and secondly, by the right of calling his ministers to account for their administration, and impeaching them before the house of lords; in consequence of which they may be liable to punishment, if they shall be found to have deserved it by giving the king pernicious counsel. For our law supposes, that the king himself can do no wrong; and it is certain, that without corrupt ministers and evil counsellors, a king who is subject to law cannot do much wrong. And therefore, to try the king for a crime is illegal, and while the constitution lasts, impossible. For any other power in the kingdom, the house of commons, for ex-



ample, would, by laying hands on the king, both usurp the executive power, and also annihilate one branch of the legislature ; and so overturn the government. In matters of property, however, they who act by the king's authority may be prosecuted in a court of justice, and obliged to pay damages, if they shall be found to have done wrong ; which, in a country like this, where so many questions arise relating to the public revenue, must sometimes happen.

§28. The parliament should not be always assembled, for this would be a hardship on the members ; nor should it have too long vacations, for that might be injurious to the public. For reasons formerly given, the king is the only person who can call this assembly together. And he may, when he pleases, prorogue, or even dissolve it ; for it cannot be a parliament without his consent. If it could, it might throw such difficulties in the way of public business, as would amount to an usurpation of the executive power ; as Charles I. found to his sad experience, when he rashly consented to a law empowering (what was called) *the long parliament* to sit till it should dissolve itself. A dissolution of parliament, when made by the king's authority, in consequence of their opposition to his measures, is nothing more than the king appealing from the commons to their constituents the people. If the people be satisfied with the conduct of their representatives, they will re-elect them, and the

king will be obliged to change his measures and his ministers; if the people choose other representatives, it is a proof that they were dissatisfied with the last parliament, and approve of the measures that the king was pursuing when he found himself obliged to dissolve it.

829. He puts an end to every session, by proroguing the parliament, that is, by dispensing with its attendance for a certain time, commonly about six weeks; and when these are elapsed, it must meet again, unless prorogued a second time by proclamation, or oftener, according to the king's pleasure. In this way, the convenience of the members and the interest of the public are both attended to. But he is obliged by law to hold parliaments frequently; and for this great while one has been held every year; which must continue to be the case, as long as supplies of public money are granted from year to year. The adjournment of the parliament is the continuation of the session from one day to another, and is done by the parliament's own authority. The one house may be adjourned when the other is not adjourned; but prorogation dismisses both houses.

830. As the law has stood since the year one thousand seven hundred and sixteen, the parliament, if not dissolved by royal authority, is dissolved by law at the end of seven years; and then, as in the case of its being dissolved by the king, a general election takes place, of members to sit in the house

of commons, and of the sixteen representatives of the Scotch nobility. Formerly parliaments were triennial, that is, were dissolved by law at the end of three years; and these are thought by some to be more favourable to liberty than septennial ones; for, it is said, if the king's ministers want to obtain by bribery undue influence in parliament, they may more easily, and at less expence, bribe once in seven years than once in three. . But it may be answered, that, if parliaments are willing to be bribed, a triennial one is as little as a septennial to be depended on; the only difference will be, that the former will be satisfied with a smaller bribe. In fact, the corruption of parliaments is only a party-word; it is a charge which the minority generally bring against the majority who vote with the minister. We are not to suppose, that members of parliament have less integrity than other men. Even more integrity and a more delicate sense of honour are to be expected from them, considering the station they fill, and the very important trust reposed in them. Elections are attended, especially in England, with much dissipation and neglect of business, and therefore ought not to be frequent. And a man who has sat in parliament five or six years is likely to be more expert in the business of it, and to have his parliamentary character better known, than one who has been a member two years only or three.

831. Supplies of money, for defraying the pub-

lic expence, are granted by act of parliament from year to year ; because the public expence may be greater one year than another ; and because the executive power, which cannot act without money, should in this indirect way be dependent on the legislative. It is true, that many of our taxes are perpetual. But it is no less true, that some of our greatest articles of public expence are perpetual too ; as the payment of the interest of the national debt, whereof I shall speak by and by. Before the revolution in the year one thousand six hundred and eighty-eight, the king paid his fleets and armies out of his own revenue, which for that reason was then much greater than it is now. But, since the revolution, from a principle more favourable to economy, as well as to liberty, money for the support of military force has been granted by parliament from year to year ; and more or less is granted, as more or less is thought necessary.

832. No person can sit in either house of parliament, who is under twenty-one years of age, who is not a native of the British empire, who is not a protestant, who is not of such fortune as makes him independent, and who is not well affected to the present constitution. And thus, we have no reason to fear, that imprudent laws, proceeding from ignorance or want of education in the lawgivers, or detrimental to our civil and religious rights, will ever be made. And there is always in both parliament houses, what we call *the op-*

*position* ; who watch with a jealous eye the conduct of their opponents in the ministry, and are acute to discern, and happy to expose, any mistake or inadvertence in the administration of affairs ; which is another security of the same tendency. And, in all ordinary cases, between the time of bringing in a bill into either house, and passing it into a law, several days must intervene ; and the bill itself is not only considered and corrected in committees, but is also three several times publicly read in each house, and may at each reading be argued upon, though this is commonly done at the second reading : and a copy of it is generally printed, and information conveyed concerning it, by means of newspapers, into every part of the kingdom ; so that, if any bill should be very offensive to the nation, remonstrances may be made against it, which, if urged with decency and founded in reason, will undoubtedly be attended to, and incline the legislature, if the bill be already passed into a law, to repeal or amend that law in a future session of parliament.

833. The sovereign of the British empire may be either a king or a queen ; but women do not succeed to the crown, except on failure of males. By common law and immemorial custom, the crown is hereditary in the person who wears it, and descends to his or to her nearest heir. But this right of inheritance may be limited, or even changed, by act of parliament ; so that, if at any time the

heir-apparent should be an idiot, or declare himself an atheist, a Mahometan, or a Roman catholic ; or avow any other opinions, which the law forbids such a person to entertain ; or if the king were to resign the crown ; or if the royal line were to fail ; an act of parliament might alter and determine the succession. Thus we are secured, as far as human wisdom can secure us, against the evils both of tyrannical and of elective monarchy.

834. The chief duty of the sovereign is, to govern according to law. The king, therefore, or the queen, must, at his or her coronation, take a solemn oath, that he, or that she, will govern the people according to law ; will execute justice in mercy ; and will maintain the laws of God, and the protestant religion as by law established. This oath comprehends the whole duty of a British sovereign ; and as the people on their part are bound to allegiance, here is plainly a covenant or contract between the sovereign and the people.

835. The king can do nothing but what the law authorises, or permits him to do ; but his prerogative is as extensive as any sovereign, who has a regard to the rights of humanity, can desire. His person the law declares to be sacred ; and it is a capital crime to intend his death, even though the intention should not be executed. He can make war and peace, send and receive ambassadors, enter into treaties with foreign nations, raise armies, and furnish out fleets ; and to all his mi-

litary officers by sea and land he grants commissions, and may recal them at pleasure. He is commander-in-chief of all the military force in his dominions; he chooses his own council and ministers; and appoints all the great officers of church and state, and all judges of the rank of sheriff and upwards. He is the source of honour, and may create peers and knights, and introduce new orders of peerage and knighthood. He gives currency to the coin; he is the general conservator of the peace of the kingdom; all criminal prosecutions are carried on in his name, as all crimes are supposed to be committed against his peace. Some other parts of the royal prerogative were formerly mentioned.

836. The expence of our government is defrayed by taxes imposed by act of parliament. Some of these are regulated annually, as those on malt and land; which last is more or less according to the exigencies of the state. Others are perpetual, on account of a perpetual demand which there is on government for certain sums of money; but were this demand to cease, or become less, parliament would abolish, or lessen the perpetual taxes. These are, the customs paid on goods exported and imported; the excise, paid on goods made use of, and on some goods sold by retail; the salt duty; the various stamp duties; the postage of letters; the taxes on houses, windows, horses, wheel-carriages; and many others. The produce

of these perpetual taxes, after paying the expence of collection and management, amounts to upwards of thirteen millions sterling annually ; which sum is applied to several necessary purposes, one of which is the payment of the yearly interest of the national debt.

837. That this may be understood, it is to be observed, that soon after the revolution, the expence of government was such, that King William's ministers did not choose, for fear of disgusting the people, to raise by taxes so much money as was necessary ; the government being at that time not thoroughly settled, and rebellions being apprehended in favour of the abdicated family. The ministry, therefore, thought proper, in imitation of the Dutch policy (for which it may be supposed that William, as prince of Orange, would have a predilection), to borrow great sums of money to answer the present expence, giving the credit of government as a security for payment ; and raising by taxes no more than was necessary to pay the interest of these borrowed sums : leaving it to their successors, either to pay off the debt, or to continue to pay the annual interest, as should be found most convenient.

838. This was the origin of the national debt ; which, instead of being paid off, was increased by the expensive wars of Queen Anne, and has been increasing, almost from that time to this. For succeeding ministers adopted the policy of King



William's ministry; and chose rather to pay the interest, and even add to the capital debt, than to pay off the latter. Part of it has, however, been paid off at different times. Between the conclusion of the war in 1763, and the breaking out of the American war in 1775, ten millions of it were paid off; and nine or ten millions have been paid since the commencement of the present peace. But it was said to amount last year to no less a sum than two hundred and forty millions: to pay the interest of which, the perpetual taxes are mortgaged by act of parliament. The yearly interest of this debt, including the expence of management, amounted last year (1791) to nine millions and one hundred and sixty-three thousand pounds. For the creditors of the public are satisfied with less than five *per cent.* for their money lent to government; one reason of which was already mentioned (§ 724), and another will appear by and by.

839. In the year 1701, the national debt is said to have been fourteen millions; at Queen Anne's death, in 1714, fifty millions; in 1722, fifty-five millions; in 1726, fifty-two millions; in 1739, forty-seven millions; in 1763, one hundred and forty-six millions; in 1775, one hundred and thirty-five millions; and now it is said to be what is mentioned above. Hence some apprehend that it can never be paid; and that, of course, the nation must be bankrupt. But this is a mistake.

For, by computations, which cannot be said to be perfectly exact, but which have been made by persons of candour and intelligence, it is found, that the annual income of the people of Great Britain, including the profits arising from commerce, agriculture, manufactures, &c. amounts to about one hundred and twenty millions a-year : so that, supposing the debt to be double this sum, that is, two hundred and forty millions, and supposing things to continue as they are, the nation is in no greater danger of bankruptcy, than that man would be, who, with an estate in land of one hundred and twenty pounds a-year, had two hundred and forty pounds of debt. It is possible, indeed, that the national debt might for some time increase if a war were to break out ; but it is also both possible and probable, that, by our improvements in agriculture, commerce, and manufacture, the national income may also increase ; which has actually been the case for many years past. And if we are permitted to live in peace, it cannot be doubted, that the plans now in agitation for lessening the debt will soon be made effectual ; as indeed some of them have been already, within these few years, to a degree that far transcends expectation. Whether the public debt might not, by more compendious methods, be paid off or lessened, it is not for me to determine. I no doubt have, as others may have had, favourite notions, or whims, on this subject ; but am too little con-

fidest of my abilities as a projector, to lay them before the public : at any rate, they could not appear with propriety in this place.

840. If the half, or three-fourths, of the debt could be paid, it would not perhaps be expedient to pay off the rest. That this may be understood, it is necessary to observe, that he who has lent his money to government, and receives for it annually a certain interest, may sell the debt to another, who thus becomes entitled to the yearly interest, and is also the proprietor of the money lent. This purchaser may in like manner sell the debt to another, and he to a third, and so forward : and thus, among those to whom government owes money, there is a perpetual shifting of property, which promotes a circulation of credit, that is found to be not a little advantageous to a commercial people. Many persons choose to become the creditors of the public. Such a credit they who deal in these matters know how to turn to account in various ways. And they consider government security as the best ; or as equal at least to any other. For, while the constitution stands, that security must be good ; and were it to be overturned, all other sorts of property would be equally insecure.

841. Yet the creditors of the public have not always the same confidence in government security. While public affairs prosper, they are free from apprehension ; and if they were then to sell their

property in the funds, which is called *stock*, would exact a high price for it. But, in a season of bad news, they are more timorous, and many of them choose to sell at a lower price than they would have exacted a few days before. Hence it is, that stocks are said to rise and fall. He who, from superior sagacity, or better intelligence, gets notice of good news before it be generally known, immediately thinks of buying stock at the present price, knowing, that when the good news becomes public, the price will rise, and that he may then sell it for more than it cost him. They, in like manner, who foresee bad news, sell off their stock as fast as they can, knowing that, when the bad news is published, the price will be lowered. Thus the dealers in stock sometimes gain a great deal, and sometimes lose; so that it is no wonder that so many persons employ themselves in this way. We see how eagerly some people, especially those who love money, or have little to do, engage in play; the hope of success, and the varieties of fortune and contrivance, give an agitation to their minds, which when it becomes habitual, delights them more than any other. Similar are the circumstances and the feelings of those who deal in stock; which is indeed a sort of gaming. And much it is to be regretted, that this, like every other sort, is not carried on with strict integrity. They who are concerned in it contrive pieces of good or bad news, in order to sink the price of stock when they in-

tend to buy, and to raise it when they purpose to sell: which is one cause of the many articles of false intelligence that we read in the newspapers.

842. The rising and falling of stock is by no means an evidence of the real strength or weakness of the nation; it depends on the hopes and fears of those who deal in stock; and there may be much fear where there is little danger, and a general panic where there is no danger at all. And when a public disaster happens, it may raise great apprehensions in the minds of men, and yet, as compared with the collective power of the nation, be inconsiderable.—That a certain proportion of national debt, by creating a species of property which is easily transferred, may be useful in a trading country, and tend to strengthen government, by interesting so many people in its preservation, is generally allowed. But it cannot be denied, that our national debt is far greater than can be consistent with any views of public convenience; and therefore it is much to be wished, that it could be lessened. For, in order to raise money for paying the interest of it, many heavy taxes must be laid on the people. It deserves our notice, however, that, notwithstanding the present amount of this debt, the trade and manufactures of Great Britain, and its credit with foreign nations, were never before so high as at present.

843. The money raised by the several taxes, that it may be managed the more easily, is thrown into

two or three great funds, one of which is mortgaged by law for paying the king's own revenue ; which is commonly called *the civil list*. Formerly this depended in part on casualties, but generally amounted, at least during the last two reigns, to about one million. His present majesty, soon after his accession, dispensed with all those casualties in favour of the public, and only asked that the funds should pay annually to the crown eight hundred thousand pounds ; which was thought a very generous proposal, being a saving to the nation of about two hundred thousand pounds a-year. An addition was lately made to the civil list, by act of parliament ; and now it amounts to nine hundred thousand pounds. Out of this sum are paid, the salaries of all the officers of state and judges ; the appointments to ambassadors ; the revenue of the queen and royal children ; the expence of the king's household ; and his private expences ; besides a great deal of money that must be laid out, in procuring intelligence from all parts of the earth ; and in other operations that belong to the executive power.

844. When the parliament have agreed to raise a sum by any particular tax, they consider how much the tax will probably produce ; and borrow money to that extent, to be repaid with interest when the tax is collected. Now of many taxes, it is impossible, before collecting, to calculate the exact amount. That this may not be attended with inconvenience, they always compute the *probable*.

amount of the tax *lower* than there is reason to think that the *real* amount will be. And thus, upon several of the taxes, there are every year considerable savings, which form a fund called the sinking fund, because intended for the purpose of sinking, or paying off gradually, the national debt. In the time of peace, this fund has sometimes yielded two millions a-year.

845. It was mentioned, that the perpetual taxes amount to thirteen millions annually and upwards; if to this we add almost three millions raised by the annual taxes on land and malt, it will be found, that the money paid in taxes by the people of Great Britain exceeds sixteen millions sterling a-year: a striking proof of the extent of our commerce, and the industry of our people. Our gains as a nation must be very great, when so much can be spared annually for the support of government, while, notwithstanding, many are growing rich, and the greater part enjoy a competency.

846. If the abolition of taxes were possible, which it plainly is not, would it be desirable? certainly, would be the answer of many: for what encouragement would that give to the industrious, what a resource to the indigent, what an addition to the national wealth and strength! But it is not clear that taxes, while supportable, tend to the diminution of either national power or private happiness. *Labor omnia vincit Improbus, et duris urgens in rebus egestas*, says a poet, who understood

human nature well, and was not unskilled in politics. The necessity of industry promotes industry; the conveniences attainable by the idle encourage idleness. In Liege there is ampler provision for the poor than in any other part of Europe; an opulent prince of that territory having formerly, it seems, in order to compound with heaven for a profligate life, bequeathed his revenues to the poor of all nations. The consequence, as a gentleman who long resided there told me, is, that no other part of Europe is so infested with beggars; who not only solicit, but often in vast multitudes extort, pecuniary donation, both from individuals and from the magistracy.

847. Industry, where it is encouraged, as among us it seldom fails to be, yields not only competence, but happiness also, by giving continual impulse to the active mind of man; while in situations favourable to indolence, there is seldom such employment as can either exercise or amuse the human faculties. The truth seems to be, that labour such as man can bear is good for man; and that taxes, such as human industry can pay without being dispirited, rather rouse human exertion than repress it. ‘The thing to be wished and aimed at in a land of liberty,’ says the wise and learned Blackstone, ‘is not the total abolition of taxes, but wisdom and moderation not only in granting, but also in the method of raising the necessary supplies; by contriving to do both in such a manner as may be



‘ most conducive to the national welfare, and at the  
‘ same time most consistent with economy and the  
‘ liberty of the subject ; who, when properly taxed,  
‘ contributes only some part of his property in  
‘ order to enjoy the rest.

848. There is no right of which the people of these kingdoms are more jealous than the liberty of the press. In many other nations one cannot publish a book, or paper of any kind, without leave from some person in power, who is supposed to have read it and found in it nothing that he thinks exceptionable ; and even in Great Britain this was the case till the year one thousand six hundred and ninety-four. But since that time, within the British dominions, any man may publish any thing he pleases, without asking any person’s leave. Indeed, if he publish treason, blasphemy, defamation, or any thing which the law declares it a crime to publish, he is liable to the legal punishment. But still he may publish any thing, if he is willing to take the consequences.

849. This is a good security against oppression, and answers many other excellent purposes. If a man be injuriously treated, in a case in which the law can give him no redress (which will sometimes happen), he may punish the injurious person, by laying the matter before the public. And this teaches men to be attentive both to their own conduct and to the rights of their neighbour. And hence, every British subject, who can express his

thoughts in writing, may be considered as having some influence on public affairs, and on the policy of his country. Public measures he may blame, if he do it with decency; which every man will do, who does it with a good design. Plans of improvement he may propose, and advice he may suggest to the greatest persons in the kingdom. And, if his reasons be good, they cannot fail, in a free country like this, to draw attention.

§50. It is true, that this liberty of the press, like health, strength, genius, and many other good things, is liable to be, and at present is, grossly abused. But the abuse is not without remedy; the licentiousness of the press does in some degree counteract and cure itself. If wicked books are published, which often happens, they may be answered, and criticised, to the shame of their authors. And worthy characters, and good measures of government, will always meet with general approbation, in spite of printed falsehoods; which are now become so common in newspapers, and some anonymous publications, that no body, who knows how these things are made, pays any great regard to them. Anonymous abuse, indeed, merits no regard, and among the intelligent part of mankind obtains none. The great prevalence of it is disgraceful to the age, but does little harm to individuals; no person of respectable character ever lost a friend by it. This, however, will no more excuse the malignity of those who contrive and publish it,

than missing his aim will vindicate the assassin, who in the dark makes a push with his knife at the inoffensive passenger. I shall conclude this subject with a few very brief remarks on the judiciary power of the British government. See § 774, 808.

851. The most formidable part of the judiciary power is that which relates to criminal prosecution; for on this the characters and even the lives of men may depend. This is not exactly on the same footing in England and in Scotland. But in both countries one important regulation takes place, namely, that in all ordinary cases no person can be imprisoned without a legal warrant founded on authentic information. In riots, indeed, and assaults, and in some other circumstances in which the criminal could not be imprisoned at all, if people were obliged to go through the formalities of a legal warrant, proceedings of this kind may be more summary. But in general, the liberty of a British subject is considered by the law as a very delicate matter; and persons guilty of imprisoning without sufficient cause are liable to severe penalties.

852. In England the person imprisoned has a right to make himself be brought before one of the twelve judges; and if that judge, after considering the case, find that the offence is bailable, the person is admitted to bail; and the law declares, that excessive bail shall not be required. This privilege of the prisoner is called his *habeas corpus*; from two remarkable words in the written deed that is exe-

cuted on these occasions. Sometimes, when there is great public danger, as in the case of rebellion within the kingdom, the *habeas corpus act* may be suspended by act of parliament, and the king empowered to imprison suspected persons for a time, without bringing them to any trial: which, as far as it goes, is a sort of dictatorial power; necessary to the public safety, but such as cannot endanger liberty, as it never happens but in extraordinary cases, and by the authority of the whole legislature. In consequence of this regulation, the subjects, as Montesquieu and Blackstone observe, only lose their liberty for a little time that they may retain it for ever. The *habeas corpus act*, being made in the reign of Charles II. before the two kingdoms were united, does not extend to Scotland. But in Scotland, there is an institution, which partly answers the same purpose, though not so effectually, or so speedily: the person imprisoned for a crime may force his prosecutor to bring him to a trial within a certain number of days, sixty, if I mistake not: and if the crime be such as to admit bail, the sheriff must grant it on reasonable terms.

853. Even to be tried for a crime, though one is both innocent and acquitted, is attended with shame, expence, and inconvenience. And therefore, in every county in England, they have what is called the grand jury, consisting of twelve persons at least, and not exceeding twenty-three, oc-

casionally named and brought together by the sheriff. One part of their business is, to judge, after examining witnesses, whether it be reasonable that the person charged with a crime should be brought to a trial for it. If their verdict is negative, they are said not to find a bill against him, and he is dismissed; liable, however, in some cases, to be again called to account before a subsequent grand jury. If it is affirmative, they are said to find a bill against him; and he must be tried in presence of twelve persons, who are his peers or equals, and to whose judgment and impartiality he cannot offer any valid objection; for, if he can do this, the persons objected to are set aside, and other jurymen appointed: and in all cases he may object to a certain number, without assigning any reason.

854. These twelve persons, in contradistinction to the others, are called the petty or little jury; and their business is the same with that of the jury of fifteen in Scotland. They attend the examination of the witnesses, and in open court hear counsel both for and against the prisoner; and according to their verdict, finding the prisoner guilty or not guilty, the judge or judges, who preside at the trial, must condemn or acquit: so that the jury are the real, and indeed the sole, judges of the guilt or innocence of the prisoner. And this jury can never by its long standing acquire undue influence, because it is no permanent body; being chosen from time to time, according to certain legal forms,

from among the most respectable of the people. And thus, the most terrible part of the judiciary power, that I mean which dispenses punishment, becomes almost invisible; and no man can have reason to fear the criminal law of his country so long as he does his duty.—Or, supposing the jury to condemn rashly, which no doubt may have happened, the condemned person has time allowed him to get the matter laid before the king; who may change the punishment from a more to a less severe, as from death to banishment; who may reprieve, that is, suspend the sentence of the law, for a longer or shorter space; or who may grant a full and free pardon. It is not easy, nor I believe possible, to imagine a constitution of things, which, without danger to the public, could more effectually disarm of its terrors the most formidable part of the judiciary power.

855. In England, the petty jury must in their verdict be unanimous; and if any one of them should die before they agree upon it, the prisoner will be acquitted. In Scotland, the verdict given by the jury of fifteen is determined by the majority of votes. In England, juries are allowed in civil, as well as criminal prosecutions; which is a very great advantage in the policy of that country. In Scotland, they are not allowed in civil causes, except in the court of exchequer, which is modelled according to the English forms, and decides in matters relating to the public revenue. In

Scotland, we have no grand jury, which is another, and a very great defect in our constitution: whether our criminals shall be tried or not depends in a great measure, at least for the most part, on the lord advocate, that is, on the person who in the king's name prosecutes criminals. It is certainly consonant to the principles of both liberty and justice to lodge this important privilege in a jury, rather than in a single person. If the petty jury in England, and the jury of fifteen in Scotland, find the prisoner guilty, or not guilty, the verdict is called general, and it is final. But sometimes they return what is called a special verdict, that is, they find such and such things proved, but do not take upon them to decide concerning the precise amount of the crime implied in those things. When this is the case, the matter is left, in England, to the determination of the twelve judges; in Scotland, to that of the court of justiciary.

856. In Great Britain, there is no such thing as torment now used, to extort the truth, or for any other purpose; the accused are presumed to be innocent, till the evidence of their guilt appear to the court; and they are allowed persons learned in the law to plead their cause for them. These indulgences are granted for very good reasons; and from this humane and wise principle especially, that it is better that many guilty escape punishment, than that one innocent person suffer. In Britain too, capital punishment is in most cases, I

may say in all, attended with as little pain as possible to the unhappy sufferer. It is true, that, in executions for high treason, the bodies of criminals suffer some indignities, which it would be not improper to abolish : but executions for high treason are very rare ; and those indignities do not take place till the body is insensible. Cruelty and torture are the engines of arbitrary power. Their aim is, to frighten the subject ; and they always proceed from fear in the sovereign, and shock humanity, and render government unpopular, without answering any one good purpose.



## PART FOURTH,

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### OF LOGIC.

857. **LOGIC** is the second division of the practical part of the philosophy of mind (§ 8. § 470); and teaches the method of improving our intellectual faculties, in *remembering* and *communicating* truth; and *judging* of it according to *evidence*. It therefore consists of three parts; one of which, the art of *memory*, has been considered already. The two other parts are, *rhetoric*, or the art of conveying our thoughts to others by word and writing, and *judgment* (the word is ambiguous in this connection, but will not lead into mistake when I say that I mean by it) the art of *judging* between truth and falsehood, by attending to evidence. I begin with *rhetoric*;

## CHAPTER I.

## OF RHETORIC.

## SECTION I.

*Of Tropes and Figures.*

§58. WE formerly went through the *theory of language*, from the formation of articulate sound, to the investigation and arrangement of the essentials of human speech (§ 22. § 53). This was the first part of rhetoric. I now proceed to the second ; and propose to consider words as they may be employed for *ornament* as well as for *necessary use*, and to explain those things that constitute elegance of language. This is an entertaining part of science ; and is in two respects useful : first, by enabling us to form a good style of our own ; and secondly, by preparing us for reading the works of elegant writers with proper taste, and distinguishing what is good or beautiful in their style from what may be inelegant or faulty. Now language may be improved in two respects, either in the choice of *single words and expressions*, or in the *general structure and composition of the style*. First, therefore, I shall consider the nature of tropes and figures ; that is, of the words, phrases, and

forms of expression, whereby language may be ornamented ; and secondly, I shall treat of the composition of style, both in prose and in verse.

859. OF TROPES AND FIGURES. A trope is the name of one thing applied emphatically to express another thing : a figure is a phrase, expression, sentence, or continuation of sentences, used in a sense different from the original and proper sense, and yet so used as not to occasion obscurity. Tropes affect single words chiefly ; figures affect phrases and sentences. Tropes are divided into primary and secondary. The primary tropes are commonly reckoned four, *metaphor*, *metonymy*, *synecdoche*, and *irony*. These and many other terms in rhetoric, as well as the term *rhetoric* itself, are Greek ; the Grecians having been the first who treated of rhetoric as a science.

860. When the name of one thing is applied to another on account of a supposed or real *resemblance* between the two things, it is a metaphor ; and called by Latin authors sometimes *metaphora*, which is the Greek name of the trope, and sometimes *translatio*, which is the correspondent term in Latin. It is a sort of similitude expressed in one word. It may be founded on a *comparison*, first, of the qualities of a man with those of a beast ; as when we call a crafty and cruel man *a fox* : secondly, of one inanimate thing with another ; as when we say, *clouds of dust*, *floods of fire* ; thirdly, of a man with an inanimate thing ; as when Homer calls Ajax a *bul-*

*mark* of the Greeks ; fourthly, of inanimate things with what has life and feeling ; as when Virgil calls a plentiful crop a *joyful* one, *lætas segetes* : fifthly, of the qualities of mind with those of matter ; as when we say, a *solid* judgment, a *fiery* temper, a *hard* heart, &c. To this head may refer a number of metaphors common in Holy writ, which convey, in such a way as our finite natures can comprehend, some faint idea of the operations of the Supreme Being ; as when God is said to *hear*, to *see*, to *repent*, to *be angry*, to *stand afar off*, to *hide his face*, to *open his hand*, &c. ; phrases which nobody understands in the literal sense. The use of metaphors is frequent in discourse ; more frequent among persons of a scanty elocution, than among those who have appropriated words for all their thoughts ; and more frequent with those who speak of things beyond human comprehension, as of spirits and the economy of unseen worlds, than with such as talk of the common affairs of life.

861. The trope which changes the names of things by putting the adjunct or quality for the whole subject, the effect for the cause, the cause for the effect, the matter for the form, or the form for the matter, is called *metonymy*. First, the adjunct for the subject ; as, clothed in *purple*, meaning purple garments. Secondly, the effect for the cause ; as, he lives by the *sweat* of his brow, that is, by his labour, of which *sweat* is the effect. Thirdly, the cause for the effect ; or the instrument employed

in making, for the thing made ; as, I read *Cicero*, that is, the writings or works of Cicero ; I know his *hand*, meaning his hand-writing. Fourthly, the matter for the form, or rather for the form and matter united ; as I have no *silver*, meaning silver coin ; ‘ *Sonorous metal* blowing martial sounds ;’ ‘ *Musam meditaris avena ;*’ *Stridenti stipula misererum disperdere carmen.*’ Fifthly, the form for the matter, or the thing signified for the sign ; as when we say, pointing to a picture, *that is So-crates.*

862. *Synecdoche* is a trope which we use, when we put the name of *the whole* for that of a *part*, or that of a *part* for *the whole*. Now there are several sorts of *wholes*, and consequently of *parts* ; and hence a variety of *synecdoches*. A whole *genus* is made up of its several *species* ; a whole *essence* of its *matter* and its *form* ; a whole *system* of its several *parts* or *members* : whence three *synecdoches* when we use the name of the whole for a part ; and other three, when we use the name of a part for the whole : so this trope may be used in six different forms. The first is when the name of the *genus* is put for that of one of the *species* comprehended under it : as when we call a *dull man* a *stupid animal* ; as when in Latin the general term *virtus* is used to signify the particular virtues of *valour* and *public spirit*. The second is, when the name of a *species* is put for the *genus* ; as when we speak of a *garrison* being put to the *sword*, that

is killed by warlike weapons in general ; or when a man is said to get his *bread* by his industry, that is, to get the *necessaries of life*, whereof *bread* is only one species. The third form of the synecdoche is, when the name of the whole essence is put for one of its constituent parts, as in epitaphs, Here lies *such a man*, that is, the *body* of such a man. The fourth form is, when the name, of one of the constituent parts, or of the matter, or of the form, is put for the whole essence ; as, I cannot change your shilling, for I have no *copper*, that is copper coin. Thus in many languages *soul* is put for person : this town contains fifteen thousand *souls*. We say too, a good *soul*, a dear *soul*, a merry *soul* ; and Horace has *candidæ animæ*. In the same tropical sense the Romans used *lepidum caput* ; and we speak of thirty *head* of cattle. This last mode of speaking, in which the noun does not take the plural termination even when plurality is signified, we use of beasts only, or of men in contempt ; as when Pope says, ‘ A hundred head of Aristotle’s friends ;’ where a double contempt is intended : first, that the commentators on Aristotle were as dull as oxen or cattle ; and secondly, that, as individuals, they were so insignificant, and had so little character, that they deserved to be reckoned by the dozen only, or the hundred. The fifth form of the synecdoche is, when the name of a part of any material system is put for the whole : we may say *a sail*, instead of a ship at sea ; and the

Romans used *carina* or *puppis* for *navis*. The sixth form of the synecdoche is, when the name of a whole system is put for that of a part of it; as when in ancient authors (as in Luke ii. 1.) the Roman empire is called the *world*.

863. When our words convey a sense contrary to what we express, but agreeable to what we mean and are understood to mean, the trope (or rather the figure) is called *irony*: as if with a peculiar look and accent we were to say, he is a wise man indeed, meaning, that he is the reverse. Irony is sometimes entertaining, by giving variety and vivacity to discourse, but becomes offensive when too frequent. It may be employed with success in exposing folly and absurdity; and has accordingly been used by teachers of respectable, and even of sacred characters. There are several instances of it in Holy writ. See 1 Kings xviii. 27.; Eccles. xi. 9.; Mark vii. 9. Socrates used it so happily, for the instruction of his friends, and the confutation of the sophists, that he got the name of *ὁ εἰρων*, or the ironical philosopher. And from this in part results that pleasantry so remarkable in the Socratic philosophers, particularly Xenophon, who endeavoured, in this as in other respects, to imitate the manner of his master.—Care should be taken, in the use of this trope, that there be such a choice of words, and such an accent in pronunciation, as that our meaning may not be misunderstood. And with respect to all other tropes and figures, care should

be taken, that our meaning be cleared and enforced, but never obscured or weakened, by the use of them. These are the primary tropes.

864. Those called secondary may for the most part be resolved into one or more of these.—As, first, *antonomasia*, a sort of synecdoche; which we use, when we put a general term for a proper name, or a proper name for a general term: as when Aristotle calls Homer, as he often does, *the poet*; as when we call a great warrior *an Alexander*, a great orator *a Demosthenes*, a great patron of learned men *a Mæcenat*. This trope may also be used, when we intend to convey a lively image to the mind; as in that line of Milton, ‘O’er many a ‘frozen, many a fiery *Alp*.’ The frequent use of it, however, makes language obscure and affected, and shews a needless ostentation of learning. It is an essential rule in the application of this trope, that the character of the person or thing alluded to, be known to those to whom our discourse is addressed, and be well ascertained, and generally acknowledged. If it is not known to our audience, we shall not be understood; if it is doubtful, we may be misunderstood.

865. *Communication*, another secondary trope, takes place, when a speaker or writer assumes his hearer or reader as a partner in his sentiments and discourse, saying *we* instead of *I* or *ye*. This trope may be a sign of the writer’s or speaker’s modesty, and of the respect he bears to his readers or hear-



ers. If a clergyman is reproving the faults of his congregation, it may be a proof of his complaisance and humility to speak of himself as liable to the same infirmities, and say, *we* ought to be more obedient, more grateful, &c. instead of *ye* ought. By the former expression he shews that he thinks himself sinful as well as them; by the latter he would seem to exclude himself out of the class of sinners: the former, therefore, is more agreeable, because more true, as well as more polite, than the latter. But if he is reproving a crime of which he is not, and cannot be supposed to be, guilty, as atheism, infidelity, swearing, and the like, his politeness should not be carried so far, as to make him speak of himself as an associate in their wickedness. As this trope puts *many* for *one*, it may be considered as a sort of synecdoche.

866. Another of these secondary tropes is *litotes*, or extenuation, (from *λίτος*, *tenuis*), which is used, when we do not express so much as we mean, and which therefore may also be resolved into the synecdoche; as if one were to say, ‘I cannot commend you for that,’ meaning, I greatly blame you; ‘I am afraid the news I have to communicate will not be very agreeable,’ meaning,—will be very disagreeable. This trope may be of use in softening harsh expressions. Akin to it is *euphemism*, which may be applied to the same purpose. When it is said of the martyr St Stephen, that ‘he fell asleep,’ instead of—he died, the euphemism

partakes of the nature of metaphor, intimating a resemblance between sleep and the death of such a person. The king's death being a very painful consideration to a loyal subject, we sometimes express it by these words, 'the demise of the crown, which is a mixture of euphemism and metonymy. A Roman expressing a strong dislike to a person or thing would say *valeat*, fare it well; which is a kind of ironical euphemism.

867. *Catachresis, Abusio*, improper use, is any trope, especially any metaphor, so strong as to border on impropriety, by seeming to confound the nature of things. This trope is used, when we call the young of beasts 'their sons and daughters,' or the instinctive economy of bees their 'government;' when the shepherd in Virgil calls his goat *vir gregis*, the 'husband' of his flock; when Moses calls wine the 'blood of the grape;' for nothing but an animal can have blood; and sons, daughters, husbands, government, belong to rational beings only. We sometimes use this trope from necessity, because we have no other way so convenient to express our meaning; as when we say a *silver candlestick*, a *glass inkhorn*. It is often used, especially in poetry, to give strength to an expression, or to make an image lively. Horace speaking of the amusements of children, says, *Equitare in arundine longa*; which literally means to *ride on horseback* on a long stick. The expression is stronger than our verb *to ride*, and implies that the

child rides in imitation of horsemen, and with a degree of satisfaction equal to theirs. An English poet has a similar figure, in describing the three witches in Macbeth, ‘*Horsed on three staves they posted,*’ &c. A catachresis is sometimes allowed in one language, which could not be allowed in another. ‘I turned to see the voice that spake with me,’ says St John in the Apocalypse, (i. 12.) where, however, the trope may be considered as a metonymy; *voice* being put for the *person speaking*, that is, the adjunct for the subject. *I feel a smell*, is a catachresis common in Scotland; but the English never use it, and think it as absurd as, *I see a sound*, or *I hear a colour*.

*Hyperbole* represents a thing as greater or less than it really is; greater, as when we call a tall person a *giant*, or *steeple*; less, as when we say of a lean man, that he is a *mere shadow*, or that he is *nothing but skin and bone*. The former is called *auxésis* or exaggeration, the latter *meiosis* or diminution. This trope sometimes gives vivacity to expression, and sometimes entertains by presenting a ludicrous image. There are people who affect it greatly in common discourse; which, however, like every other sort of affectation, is offensive to persons of taste; and the frequent use of it offends on another account; because it seems to imply a disregard to truth. Care is to be taken, in the use of it, not to lead others into any mistake concerning the real nature of things. It seems in ge-

neral to partake of the metaphor and synecdoche. So much for *tropes*.

896. A *Figure* of speech, in Greek called *σχημα*, is a mode of expression different from, and more emphatical than the ordinary way of expressing the same sense. Many figures are enumerated by rhetoricians: my plan obliges me to confine myself to a few of the more important figures. When a metaphor is continued till it become a description, and that description is carried on, agreeably to the literal, as well as figurative, sense of the words, the figure is called *Allegory*. We have an example in the two first verses of the twenty-third psalm, and in the eightieth psalm from the eighth verse to the sixteenth. In conducting an allegory, care must be taken to introduce nothing unsuitable to the nature, either of the thing spoken of, or of the thing alluded to. Some allegories are short and others long. The *Pilgrim's Progress*, by John Bunyan, is an allegory continued through a whole volume; in which the commencement, procedure, and conclusion, of the Christian life, are ingeniously illustrated by the similitude of a journey. The following is a very short one, from the conclusion of the second book of the *Georgic*: ‘Sed  
 ‘ nos immensum spatii confecimus æquor. Et  
 ‘ jam tempus equum fumantia solvere colla.’ A great deal of Homer's and Virgil's *machinery*, that is of the use they make of gods and goddesses and other fictitious beings, is allegorical. Thus it is

Apollo that raises the plague in the first book of the Iliad, agreeable to the old opinion, that the sun, by drawing up noxious vapours from the earth, is the cause of pestilence. Thus it is Juno who instigates Æolus, in the first book of the Æneid, to raise a storm for destroying the Trojan fleet; which intimates, that a certain disposition of the air, over which Juno was supposed to preside, is the cause of wind. Thus when Pallas, in the beginning of the Iliad, appears to Achilles, and forbids him to draw his sword against Agamemnon, it is an allegory; and the meaning is, that Achilles was restrained on this occasion by his own good sense; Pallas being the goddess of wisdom. And when Virgil tells us, that Juno and Venus conspired to decoy Dido into an amour with Æneas, it signifies that Dido was drawn into this amour, partly by her love, and partly by her ambition. Venus being the representative of the one passion, and Juno of the other.

870. *Hyperbole* was mentioned as a trope; when extended into a description, it becomes a figure. With proper management it may give rise to sublimity, but in the hands of an unskilful writer seldom fails to become ridiculous. It may be, as Quintilian says, *ultra fidem*, more than we can believe, but must not be *ultra modum*, beyond all bounds of moderation. It is particularly useful, when a poet has occasion to imitate the language of violent passion; for all violent passions express

themselves hyperbolically. An angry man speaks in exaggerating terms of the injury he has received, and the vengeance he is going to inflict : and a scornful man, speaking of that which he despises, adopts the diminishing hyperbole ; which is also used by a brave man recounting the dangers he has undergone, and by every man of sense when obliged to speak of his own merit. Slight absurdities in sentiment or behaviour, and slight incongruities in any visible appearance, when described in concise and clear language, and with some degree of exaggeration, give rise to what is called *humour* ; which, in him who possesses it naturally, is an agreeable talent, and makes writing and conversation very entertaining. Humour and wit, though they both may occasion laughter, are different things. Wit, as formerly observed, consists (§ 207.) in the sudden discovery of resemblance between things supposed to be very unlike. As examples of humorous description of the most exquisite kind, see Addison's account of the character and conversations of Sir Roger de Coverly, in the Spectator. Delicate humour, proceeding from moderate exaggeration, and conveying no offensive ideas, was a distinguishing talent of that excellent author. Smollett, Sterne, and many other humorous writers, raise laughter by excessive exaggeration ; which is a work of no difficulty, and differs as widely from the humour of Addison, as bombast differs from sublimity. Swift

might have equalled Addison in this respect, or even surpassed him, if it had not been for the virulence of his temper, and the indelicacy of his imagination.

871. *Prosopopeia*, or personification, is a figure which we use when we speak of things as if they were persons, and capable of action and sensation : which it is often natural for us to do ; and which, when done with judgment, may give force and elegance to language, and convey many ideas in few words. In poetry, accordingly, and even in conversation, this figure is used. ‘ The sea rages, the storm threatens, the ground is thirsty,’ are familiar examples : more elevated ones are such as these ; ‘ The floods clap their hands, the valleys smile, ‘ the sun rejoices to run his race, the hills and ‘ trees break forth into singing,’ &c. We personify also abstract ideas and human passions ; as when we speak of ‘ frowning disdain, pale fear, ‘ blushing shame, meek-eyed contentment, &c. ; ‘ and we call fortune blind,’ and consider love and hope as having wings, and time under the appearance of an old man with an hour-glass and scythe, and death under that of a walking skeleton with a dart in its hand. And thus we form a great variety of allegorical *persons*, where in strict philosophical language *things* only would be spoken of.

872. *Apostrophe* is a sudden change in our discourse ; when, without giving previous notice,

we address ourselves to a person or thing different from that to which we were addressing ourselves before. This figure is not much used, except in poetry, and other compositions intended to move the passions; but, when judiciously used, has a very pleasing effect. See *Æneid*, iii. 710, where *Æneas*, mentioning the death of his father, suddenly breaks out into an affectionate address to him, as if he were alive and present. See the same poet's apostrophe to *Nisus* and *Euryalus*; ix. 446. See *Eve's* address to *Paradise*, in the eleventh book of *Paradise Lost*, ver. 268. And see an example still finer in the fourth book of the same poem, ver. 724; the hint of which is taken from *Virgil*, *Æneid*, viii. 293. You may also consult the following passages, in which this figure has a very happy effect: *Georg.* iv. 465; *Æneid*, ii. 241, 431, 664. To make the apostrophe natural, the speaker must be supposed to regard the object, whom he thus suddenly addresses, with some strong emotion, as admiration, sorrow, love, indignation, &c. It is true, that poets use it even where no passion is expressed; (see *Virg. Ecl.* ii. 54); but they then use it for the sake of their verse, or merely to give variety to the composition.

873. Similitude, comparison, or simily, is ranked among the figures of speech, but I think improperly. For it occasions no change in the discourse, nor does it put one expression for another. It only says that one thing is like another.



When I say, he is bold as a lion, he is pale as death, he is hot as fire, I use words in their proper sense without any figure, except, perhaps, the hyperbole. Similies, however, and comparisons, when judiciously applied, are very useful in discourse, or in writing, and are particularly ornamental in poetry. We have from our earliest years a propensity to compare things together, to trace our resemblances, and to describe one thing by saying that it is like another. Hence the origin of similitudes. They may be expressed in two or three words, and sometimes they extend into a description. They are useful in three respects:—they lead us to compare things together, which is an agreeable exercise to the mind:—they illustrate, explain, and beautify the subject; and they are a source of amusement, by suggesting a variety of grand and beautiful images, that otherwise could not have been introduced. Homer's similies tend greatly to the embellishment of his poems; the composition of them is generally more elaborate and correct than that of his other verses; and most of them have been borrowed by Virgil and other epic poets. You may consult the following passages, to which I refer, not as the best of Homer's and Virgil's similies, but as very fine ones. *Iliad*, ii. 144, 460; iv. 422, 452; vi. 504; viii. 551; xi. 41, 278; xiii. 137, &c. *Georg.* ii. 279; iv. 511; *Æneid*, i. 148, 430; ii. 304, 626; vii. 378; xi. 492; xii. 331, 684, 908, &c. Persons agitated by strong passions are very apt to

speak figuratively, and to use the hyperbole, metaphor, and apostrophe; but never make long similies, because the hurry of their thoughts gives them no time for it; it is therefore unnatural when dramatic poets put long similies in the mouths of such persons; which, however, is often done in modern tragedies; three or four examples might be quoted from Cato. To judge of the propriety of similitudes, we must attend to that point of likeness on which the comparison turns; for two things may resemble each other in one respect, which are in all others very unlike. A man, for example, is not like a rock; but to compare, as Homer has done, the irresistible force of Hector rushing to battle, to a vast rock rolling from the top of a mountain, may be very proper, and even sublime. Iliad, xiii. 137.

. 874. OF THE USE AND ABUSE OF TROPES AND FIGURES. They are in many respects useful. Frequently they are necessary; for to them we must have recourse, when we either do not know, or do not choose to mention, the real names of things. And that language may not be endless, and the labour of acquiring it insurmountable, we often, in speaking of one class of things, make use of words that properly belong to a different class; which in many cases may be done without inconvenience. So to the mind and its qualities we apply, *tropically*, epithets, that properly belong to matter and its qualities; as when we speak of a *grave* disposition, *solid* judgment, *profound* discernment, *fiery* temper, &c.

875. They are favourable to delicacy, and to harmony, of language. We are sometimes obliged to speak of things, which one would not care to mention by the *proper* names ; in which case, a trope or figure well chosen may convey our meaning without giving offence. And in poetry, it is often necessary to introduce what would seem to fall below the dignity of the composition, if it were not expressed figuratively : and in order to make out their verse, or avoid a harsh expression, poets are often obliged to use figurative instead of *proper* language. Tropes and figures promote also brevity of expression ; which is generally elegant, when it occasions no obscurity, or harshness. ‘I read Cicero,’ is more concise, and not less significant, than, ‘I read the writings of Cicero.’ When we say of a man, that he is a saint, or a devil ; when Virgil calls Scipio a thunderbolt of war ; when Homer calls Ajax a bulwark of the Greeks ; a great deal of meaning is conveyed in one word.

876. All passions that violently agitate the soul make us speak figuratively ; and therefore, when a poet imitates the language of such passions, he must have recourse to figures, if he would make his imitation like nature. Those emotions, on the contrary, which depress the mind and check the fancy, as grief, repentance, humility, &c. do for the most part express themselves in plain and simple words without any figure. Hence another use

of figurative language, that the application of it may be employed in imitating violent passion; and the want of it, in imitating emotions, or states of mind, which are not violent.—There are some professions in life, which, by keeping men at a distance from the rest of the world, confine their attention to one set of objects, and frame their language accordingly. Such men, even when talking of things remote from their trade, are obliged to use figuratively the words of it; which may now and then be entertaining, and which the writers of comedy sometimes imitate: as when they introduce a mariner at land using the language of the sea, that is, applying figuratively the words of his own business to things quite different.

877. Lastly: Tropes and figures, by alluding to objects of external sense, often make that clear which would otherwise be less clear, and sometimes give great energy to particular expressions. The following common phrases, and such like, are for this reason very significant; *hardened* in wickedness, *inflamed* with anger, *thunderstruck* with astonishment, *wallowing* in sensuality, a cheek *burning* with blushes, &c. But observe, that these figures, though they are strong, and may be elegant, are not always to be used; for too many of them give reason to suspect, that the writer or speaker is labouring and straining to give force to his language, more than is necessary. Every thing in composition should appear to be easy,

like the exertions of a strong man: violent efforts are in themselves awkward, like a weak man trying to do what is above his strength, and should therefore be avoided, at least on ordinary occasions, lest they breed a suspicion of weakness.

878. With respect to the application and use of tropes and figures, the following rules may deserve notice. They should always be intelligible to those to whom they are addressed; for if they are not intelligible, they are good for nothing. Now a trope or a figure may sometimes be very significant in one language, which is not so in another. The Romans, as a metonymy for peace, sometimes used the word *toga*: that being the name of an upper garment, which the richer sort wore when they were not in arms. But with us the word *gown*, used metonymically of men, would put one in mind of a clergyman, or a judge, or some other man who wears a garment of that name. A shepherd is a mean person with us; but in the eastern countries of old, where the wealth of nations depended on their flocks and herds; where, to take proper care of those flocks, attention, prudence, and even valour were sometimes necessary; and where the sons of kings, and other great men, took care of them, it was an office of great dignity. We need not then wonder that in Homer, kings are called shepherds of the people. In Scripture, the Deity himself is sometimes spoken of under the same denomination; as

in the twenty-third psalm. When we use this metaphor in a dignified sense, as when clergymen are called pastors, and their people a flock, we allude rather to the customs of antiquity, than to our own.

879. Tropes and figures should all be adapted to the strain of the composition ; serious, if that be serious ; cheerful, mournful, ludicrous, or elevated, according to the subject. Every serious writer is supposed to write as he thinks, and to be interested in it ; and therefore the ornaments of his language should refer to such things as might be supposed to occur to him, while his mind was intent upon his work. Consequently, figures are blameable, when they give reason to think that the author's mind is wandering, or not so attentive as it ought to be. This at least is the case in serious matters. When one writes or speaks in order to make others laugh, the utmost playfulness of fancy is allowed, provided a due regard be had to decency. Figures are also blameable, when they have little meaning, or no meaning ; or when they darken the sense, instead of clearing it ; or when they lead the mind to base, trifling, or indelicate ideas. In the language of satire indeed, in order to raise a laudable abhorrence to vice, images may sometimes be presented that are to a certain degree indelicate. Such is that passage of Solomon, so remarkable for its energy and propriety : ‘ As a dog  
‘ returneth to his vomit, so a fool’ (that is, a

wicked man) 'returneth to his folly.' Yet even in satire this must be done discreetly, and with moderation, and always with a view to accomplish some good purpose. According to this rule, some disagreeable allusions in Pope might be vindicated, and some must be condemned; and many things in Swift and Juvenal are in a very high degree censurable. These three authors seem indeed to have had a peculiar and unaccountable satisfaction in thinking of images physically impure. A nice man, says Swift, is a man of nasty ideas. He probably knew this by his own experience, for he was very nice in the care of his person.

880. Tropes and figures should not be far-fetched; that is, should seem to rise naturally out of the subject, without being sought for. A writer who hunts after remote figures, as Cowley does on every occasion (at least in his poems) will never satisfy us that he is interested in his subject. He looks like a man who makes jesting the business of his life; or who calls your attention to what he is going to say, and then speaks in such a manner as to shew that he is not attending to it himself. Quintilian gives the following example of a figure of this kind: *Jupiter hybernas cana nive conspuat Alpes*, Jupiter makes the Alps white in winter by spitting them all over with snow; which is both far-fetched and indelicate. Speaking of Joas, a young man who early in life had attracted public notice, or, as we more familiarly say, had

made a noise in the world, Cowley has this remote and ridiculous figure, ‘ In life’s fair morn his  
‘ fame did early *crow*.’ Similar examples are these that follow, to which many more might be added, from the same author: ‘ A strange hell  
‘ pour’d down from heaven there came;’—‘ His  
‘ large black eyes, fill’d with a sprightful light,  
‘ Shot forth his lively and illustrious night;’—  
‘ Stars at th’ approach of day *Cashier’d* by troops  
‘ at last drop all away.’

881. Inconsistent figures should not be mixed together; things that have no connection in nature should have none in language. Take an example from a very respectable writer.—‘ Silence and dark-  
‘ ness, solemn sisters, twins from ancient night,  
‘ who nurse the tender thought to reason,’—so far is very well; silence, darkness, thought, reason, are personified, and the allegory well enough preserved: but, in the sequel, this reason, which had been *nursed* by two sisters, becomes on a sudden the *pedestal of a pillar*; and ‘ on reason build re-  
‘ solve, That *column* of true majesty in man.’ In Pope’s *Odyssey* we find these two lines, which have been much admired; ‘ But from the breezy deep  
‘ the blest inhale, The *fragrant murmurs* of the wes-  
‘ tern gale.’ A gale may be fragrant, but a *murmur* can no more be so, than a *smell* can be *sonorous* or *splendid*; murmur being perceived by one sense, and fragrance by another.—When a figure alludes to a *visible* object, the image expressed by



it should be such as might be *painted* in a consistency with the nature of the things alluded to. This rule is very well illustrated in the five hundred and ninety-fifth paper of the Spectator, where there is a curious specimen of inconsistent figures in the form of a letter.

882. The nature of the thing expressed by the figure should not be confounded with that of the thing which the figure is intended to illustrate. When Penelope, in Pope's *Odyssey*, calls her son a *pillar* of the state, the figure is good, because it signifies that he assisted in *supporting* the government ; but when she complains, in the next line, that this *pillar* had *gone away* without *asking leave* or *bidding farewell*, there is a confusion of the nature of a pillar with that of a man. ‘ Now from my fond  
‘ embrace by tempest torn, Our other column of  
‘ the state is borne, Nor took a kind adieu, nor  
‘ sought consent.’—Flame is used metaphorically for the passion of love : but to say, of a lover, that he whispered his flame into the ear of his mistress (meaning that in a whisper he gave her intimation of his love), would be faulty ; because it is not the property of *flame* to be blown into the *ear*, nor of a *whisper* to convey *flame* from one place to another.—I have heard of clergymen, in their intemperate use of figurative expression, in public prayer (in which it should be used as little as possible), committing strange blunders of this kind : as of one who prayed, that God would be a

*rock* to them that are afar off upon the *sea*; and that the *British navy*, like mount *Zion*, *might never be moved*.

883. Figures should not be taken from things little known, or known only to the learned: if they are, they make language obscure, and perhaps betray a foolish ostentation of learning. To say of gaming, that it has been the *gulf* of many a man's fortune, is clear and significant, because every body has seen a gulf, and knows that things may be swallowed up and lost in it: but to say, that gaming has been the *Charybdis* or the *Syrtis* of many a man's fortune, would be affected and obscure; because many people, who know a gulf very well, know nothing about *Syrtis* or *Charybdis*. In the six hundred and seventeenth number of the *Spectator* are some affected verses (probably contrived on purpose to exemplify this fault), in which, among other things of the same kind, heaven in the day-time, having but one light or eye, is called a *Cyclops*, and in the night, having many eyes, or stars, is termed an *Argus*: and an empty hogshead thrown into a bonfire is called *the cynic's rolling tenement*; which they only can understand, who recollect, that *Diogenes the cynic* is said to have lived in an empty cask.

884. Figures should not be too frequent. *Blackmore*, speaking of the destruction of *Sodom*, says, 'The gaping clouds pour lakes of sulphur down, Whose livid flashes sickening sunbeams drown.'

What a noble confusion! says a witty critic; clouds, lakes, brimstone, flames, sunbeams, gaping, pouring, sickening, drowning,—all in two lines! See the *Art of Sinking* in poetry; in which the abuse of figurative language is well illustrated in a great variety of examples. Figures are ornaments. A few ornaments may do very well in most things, but too many are worse than none at all.

885. Figures should not be pursued too far, or hunted down, as the critics say: that is, we should not seek to trace out a great number of resemblances between the thing illustrated by the figure and the figure itself. For this would shew, that the writer's mind is wandering, and less intent upon sense, than upon wit; which, when the matter requires seriousness and simplicity, is always offensive. The sun, moon, and stars, are sometimes called, in Scripture, 'the host of heaven.' A pious and ingenious author, whom exuberance of fancy frequently leads into the fault now under consideration, prosecutes this figure so far, as to describe the heavenly bodies in every period of their military progress; 'Who *marshals* this bright *host*, *enrols* their names; 'Appoints their *posts*, their *marches*, and *returns*, 'Punctual at stated periods? Who *disbands* These 'veteran troops, their final *duty* done, If e'er *disbanded*? He, whose potent word, Like the loud 'trumpet, *levied* first their *powers* In night's *inglorious empire*, where they slept In beds of darkness; *arm'd* them with fierce flames, *Arranged*

‘ and *disciplined*, and *clothed in gold*, And call’d  
‘ them out of chaos to the *field*, Where now they  
‘ *war* with vice and unbelief.’—Genius regulated by correct taste, is sparing of allegories, and brief in description; and, instead of fatiguing the attention with unnecessary circumstances, chooses rather to leave many things to be supplied by the reader’s fancy; and is always too much engrossed by its subject to have leisure to look out for minute similitudes.

886. In the eighth and ninth books of Quintilian’s Institutions, an account may be found of other tropes and figures; but the narrow limits prescribed to my plan will not allow me to enter further into this detail: which, therefore, I conclude with remarking, that in poetry and animated language, these rhetorical ornaments are more allowable, because more necessary, than in history, or common conversation; that in pure science they should be used as little as possible, and in mathematical proof not at all. I shall only add, that, as a man’s chief merit is in his mind and moral character; as a person of known worth will always be esteemed, though his attire be coarse, and his features homely; and as no degree of elegance or of ornament will ever reconcile a considerate mind to the wicked or the worthless; so the chief merit of what is spoken or written, lies in the thoughts. Good thoughts will be valued, though expressed with little elegance; and those that are absurd or

trifling, can never please a man of taste, though, in setting them off, all the tropes and figures should be employed, and every other ornament of diction.

## SECTION II.

### *Of a Sentence.*

887. A SENTENCE is a complete declaration of a thought : and may be either short, or moderately long. I formerly made some remarks on it (see § 66); I shall now make some others. Short sentences are recommended by their perspicuity, long ones by their dignity. Many short sentences in succession make a style harsh, and too many long ones make it tiresome. The English writers of the last century were apt to run into long sentences ; as may be seen in Clarendon's history, Milton's prose writings, and the theological works of Bishop Taylor, Dr Barrow, and others : the modern French writers, and their imitators, affect short sentences. The best way is to unite the two methods, by intermixing shorter sentences with longer : but this must be done so as to appear the work of chance, rather than of design : and when it is done judiciously, the effect will be pleasing even to those who do not see the contrivance ; the long sentence exercising the attention, and the short one relieving it. The *Pollio* of Virgil begins with seven

short sentences, each consisting of one hexameter verse; which forms an agreeable contrast to the pomp and harmony of what follows: of this whole eclogue, however, the sentences are rather short than long; that being suitable to pastoral simplicity; but in the Georgic, where the poet employs all his art to the best advantage, the sentences are often long, and in the composition elaborate; though nothing of straining or artifice appears. Sentiments, either in prose or verse, that are intended to make a sudden and strong impression, and to remain in the memory, ought to be expressed in short sentences, or at least in short clauses: which is intimated in that rule of Horace, *Quicquid præcipies, esto brevis*. And it will not perhaps be easy to find a better exemplification of this rule, than in the following words of the angel to Adam in *Paradise Lost*.—‘Nor love thy life, nor hate; but what thou  
 ‘livest Live well; how long or short, permit to  
 ‘heaven.’ Of words so plain, so simple, and so replete with important admonition, one instantly feels the force, and can hardly lose the remembrance.

888. But it is not in moral sentences only that conciseness is emphatical: brevity is also, as Shakespeare says, the soul of wit. If you wire-draw wit into paraphrase, you deprive it of all its energy. ‘As the sky in the morning gradually loses its  
 ‘gloomy hue, and assumes a ruddy and more  
 ‘cheerful colour, so the lobster, when it has for  
 ‘some time been immersed in water made to fluc-

‘ tuate by the operation of fire, puts off that dark  
‘ appearance which it had when alive, and becomes  
‘ of a crimson or scarlet die.’ One may laugh at  
the *bombastic verbosity* of this sentence; but the  
wit of Butler’s couplet, ‘ Like a lobster boil’d,  
‘ the morn From black to red began to turn,’ is  
entirely lost. (See § 207). Cæsar’s account of  
the rapid success of his arms, *Veni, vidi, vici*, loses  
something of its energy, when we only prefix the  
pronoun to each of the verbs; I came, I saw,  
I conquered. That short sentences often give vi-  
vacity to narrative, will readily occur to any per-  
son who is conversant in the historical parts of  
Scripture.

889. Words of principal signification have some-  
times a peculiar elegance, because they strike the  
mind with peculiar energy, when they are placed  
in those parts of the sentence or clause in which  
they are likely to be most taken notice of, that is,  
at the beginning or end; which by some critics  
have been called the posts of honour in a sentence.  
‘ Silver and gold have I none,’ said Peter to the  
lame man who was expecting an alms; which is  
much stronger than, I have no silver or gold; the  
money, on which the poor man’s attention was  
fixed, being mentioned first, and the negation last,  
as serving to introduce what follows; ‘ but such as  
‘ I have I give thee; in the name of Jesus Christ  
‘ of Nazareth, rise up and walk.’ A similar energy,  
arising from a similar arrangement, appears in the

following sentences.—Go I must; remain here I dare not; ‘Great is Diana of the Ephesians;’ ‘His sail-broad vans He spreads for flight;’ ‘Your fathers, where are they? and the prophets, do they live for ever?’ ‘So started up, in his own shape, the fiend;’ ‘Me, tho’ just right and the fix’d laws of heaven Did first create your leader.’—This has sometimes been termed transposition, and artificial arrangement; but it is often more natural, and as such, more expressive, than what is called the grammatical order. Our language, however, from the fewness of its inflections, does not often admit of it, especially in sentences of length.

390. All the words and clauses of a sentence should be so disposed, as that the reader or hearer may instantly perceive the meaning and connection, without confusion or ambiguity. Relative pronouns therefore should, especially in those languages that have few cases, be placed as near their antecedents as possible, that we may immediately perceive to what antecedent each relative refers. ‘I am going with a letter to the post-office which I have in my pocket,’ would not perhaps in any language be ambiguous, because every body knows that in a pocket a post-office cannot be contained; but the order is very improper; the relative pronoun being subjoined to an antecedent to which it does not belong: which on many occasions would produce ambiguity. Adverbs, too, and those other



parts of speech that limit or ascertain the signification of words, should be placed as near as is convenient, to the words to which they are related. From some Latin exercises that I have seen, which had been composed by young persons in this country, it would seem to have been prescribed as a rule to those who were to write them, that the arrangement which disordered the words most was the most elegant. But every order of words, both in Latin and English, is faulty, which either hinders the meaning from being immediately perceived, or makes it in any degree ambiguous. That order is the most elegant, which conveys the meaning with the greatest energy.

891. A sentence should have unity of design ; that is, should express some one thought ; and when that is completely expressed, the sentence is at an end. Incidental thoughts, however, that are subordinate to the principal thought, or strictly connected with it, may be introduced ; which will make complex, as well as simple, sentences, necessary ; and complex and simple sentences, judiciously intermixed, have, for a reason already given, an agreeable effect on the mind. Instead of seeking to put too much meaning into a sentence, which young writers of lively fancy are very apt to do, we should be careful not to heap our thoughts confusedly upon one another ; but should deliver them gradually, beginning with what is easiest, and go-

ing on step by step to what is more difficult. Unpractised writers will do well not to attempt very long sentences, for it requires a great deal of art to manage them properly.—Sometimes even when you understand a subject, you may be at a loss to know, when you attempt to write upon it, where to begin. In this case, suppose that you are going to write a letter, in order to explain it to one who knows little or nothing about it. This supposition will be a help to you ; for most people know how to begin a letter. Let it be continually kept in mind, that we cannot convey our thoughts intelligibly to others, unless we first understand them ourselves, as well as their arrangement, and the dependence of one upon another.

892. At the end of every sentence and clause, the voice, in speaking, naturally makes a stop ; which is longer or shorter, according as the contiguous sentences or clauses are more nearly, or more remotely, connected in meaning and syntax. In modern writing, the place and duration of these stops are partly regulated by colons, commas, and other points : I say, partly, because a good reader will often find it proper to make a short pause, even where there is no point : and sometimes to pass quickly from one clause to another, even when they are separated by a point that would seem to require a longer pause. But this is a matter of nicety, and can hardly be determined by rules ; as it will in a great measure depend on the reader's

feelings, and on the significancy of the words he is pronouncing. One rule, however, may be given. Before a word or clause of great importance, it may be proper that the voice pause a little, because this rouses the hearer's attention; and, after such a word or clause, a longer stop than usual may be made, to give him, as it were, a little time to reflect upon it. Points, such as we have, are a modern invention; and, in modern language, for reasons I have elsewhere specified (*Theory of Language*, part 2, chap. 4), seem to be necessary. What we write, therefore, ought to be correct in punctuation, as well as in other respects. The Greeks and Romans had no points like ours, and seem not to have suffered any material inconvenience from the want of them.

893. When in the same sentence the same thing is affirmed of more individuals than one, they are commonly joined by the connective *and*, if there be but two of them; if there be three or more, we put the connective between the two last; and if the things whereof the same affirmation is made be of different classes, each class is referred to a clause by itself: as in this example: 'The sun, moon, and stars; the earth and its furniture, animal, vegetable, and unorganized; and especially the constitution of the human body and soul, do all declare the glory of God.' Sometimes the omission of the connective, by bringing particulars more closely together, may make a de-

scription or narrative more lively ; as in Cæsar's *veni, vidi, vici*, and in Cicero's *abnt, excessit, evasit, erupit* : and sometimes, the conjunction prefixed to each individual clause may, by strongly impressing on the mind the import of that conjunction, and of the clause that follows, give energy to the several members of a complex sentence ; as in this quotation from a very eloquent writer : ‘ I am  
‘ persuaded, that *neither* death, *nor* life, *nor* angels,  
‘ *nor* principalities, *nor* powers, *nor* things present,  
‘ *nor* things to come, *nor* height, *nor* depth, *nor*  
‘ any other creature, shall be able to separate us  
‘ from the love of God.’ See also Genesis viii. 22.

894. Some have said, that a sentence ought not to end with a word of weak sound, or little meaning. Indeed, when such a word is emphatical, it has, at least in English, an effect that disappoints the ear ; as in this of Cowley, ‘ Tell me what kind of thing  
‘ is wit, Thou who master art of—it.’ But it is not so in every sort of writing, nor in all languages. When little words in the end of sentences are not emphatical, they often give an air of facility and freedom, which would be lost if every sentence were to conclude with words of solemnity or importance. Read in the second volume of the *Spectator*, the vision of Mirzah, which is one of the most elegant and affecting compositions in our, or in any language ; and you will find, that many of the sentences end with pronouns, and other words of no distinguished emphasis ; and you will probably be sensible, that

from this very circumstance the piece derives not a little of its ease and vivacity. Nothing could have a worse effect in style, than to follow in the structure of sentences any one uniform plan.

895. When we have written a few sentences, it will be proper, after such an interval as may make us in part forget them, to give them a revisal, and consider whether the choice and order of the words may be altered for the better, that is, so as to make the sense clearer, and the sound more harmonious: and then, let every word be expunged, that may be spared without injury to the sense. We shall find on these occasions, that there are in the expression superfluities, and harsh combinations too perhaps, whereof we were not sensible when we wrote them. Conversation abounds in superfluous words. Hence we are apt to make the first draught of what we write too verbose. The adverbs possibly, probably, much, very, greatly, certainly, surely, and the like, we often introduce where there is no occasion for them, and where for that reason they should not be. And here it may be proper to make a remark or two on some of the superfluities of language.

896. When the same sense is repeated in different words, it has been termed tautology. This may be seen in these passages. ‘The spacious firmament *on high*, *With all the blue ethereal sky* :’— ‘The dawn is overcast,—*the morning lowers—and heavily in clouds brings on the day* :’— ‘Divide and *part the sever’d world in two* :’— ‘He gained the

‘ *universal* love of all men :’—‘ He vanquished *and* *overcame* his enemies :—I *pray and* beseech you :’—‘ He is a *jealous and* suspicious man :’—I read ‘ your letter with much pleasure *and* *satisfaction,*’ &c. I have heard a clergyman bless his congregation in these terms ; ‘ May the grace of God *rest, remain, and abide* with you, &c. ; and lengthen out that expression of Moses, ‘ Thou art glorious ‘ in holiness and fearful in praises, doing wonders :’ into, ‘ *alone* doing *great and mighty* wonders.’ Such tautologies have no other effect than to weaken the sense, by incumbering it with unnecessary words. Sometimes, however, tautology is elegant, because emphatical ; when it serves to raise more than ordinary attention, as in these words, ‘ Verily, *verily,* I say unto you ;’ or when with peculiar energy it impresses an event or image on the mind, as ‘ The whole nation perished, *men, women, and children ;*’—‘ An old *old* man with locks ‘ all hoary grey,’—‘ O dark, *dark, dark,* amidst the ‘ blaze of noon.’ This last mode of speech is often used by children ; a proof that it is natural.

897. When words are used which, though they do not repeat the sense, add nothing to it, the impropriety is called Pleonasm : as, ‘ they returned *back again* to the town *from* whence they ‘ came *forth ;*’ in which sentence, though short, there are four unnecessary words : for the whole meaning is no more than this ; ‘ they returned to ‘ the town whence they came.’—‘ The everlasting ‘ club,’ says the Spectator, ‘ treats all other clubs

‘with *an eye of* contempt;’ where the words *an eye of* are both a pleonasm, and a mixed figure:— ‘looks on the other clubs with an eye of contempt’ would have been better, but is still somewhat pleonastic. The pleonasm, as well as tautology, is sometimes emphatical, and therefore may be elegant. ‘*With these eyes* I saw it.’—‘We have heard *with our ears*, and our fathers have declared ‘to us,’ &c.—Perdition catch my soul, but I *do* ‘love thee,’ says Othello, eagerly looking after Desdemona.

898. There are writers, who use words and phrases which, though they cannot be said either to repeat the sense, or to add nothing to it, are yet faulty, because they occasion prolixity and languor, and weaken instead of strengthening language. The fault has been termed verbosity; and is very often found in those compositions that are called paraphrases. Buchanan’s Latin paraphrase of the Psalms is full of it; which is the less pardonable, because the original is so remarkably concise and emphatical. Paraphrase may have its use; but should never be employed to interpret that which needs no interpretation; and therefore, in general, though I will not say always, paraphrases of Scripture are unnecessarily verbose. The same thing is true of most of our poetical translations of ancient poems: ‘Blessed is the man,’ &c. says the author of the first psalm: ‘That man hath ‘perfect blessedness,’ say the Scotch versifiers;

where the word *perfect* is superfluous, and the phrase, ‘hath blessedness,’ for ‘is blessed,’ is both prolix and awkward. ‘The heavens declare the glory of God,’ says David: Tate and Brady, by a paraphractical antithesis ill expressed, introduce obscurity into this plain aphorism: ‘The heavens declare thy glory, Lord, which that alone can fill.’ Instances of injudicious verbosity are innumerable in Tate and Brady. Their hundred and fourth psalm, from this cause as well as others, is one of the worst pieces of composition in our language; and the original is one of the noblest in any language. For further particulars on tautology, pleonsam, and verbosity, as well as on the structure of sentences, the reader is referred to Dr Campbell’s learned and ingenious work on the Philosophy of rhetoric; to which I am indebted for not a few of these remarks.

899. Before you begin to write a sentence, be sure that you distinctly know what you mean to say in it; and let it be your next care to give it a right arrangement. He, says Horace, who makes choice of a subject of which he is master, will be at no loss, either for expression, or for method. Having run over your subject in your mind, and disposed, in a certain order, the several parts of it, write a few short notes to assist your memory; that you may neither omit any part, nor introduce any part in an improper place. When this is done, begin to write; and, in the first draught, be not



scrupulous in the *choice* of words; but write on as fast as you can, till you get to the end of some one division of the subject. When your thoughts are thus laid on paper, you can review them at leisure; and then is the time for correcting and improving the language. In perspicuity it is better to exceed than to fall short. We should study, says Quintilian, not only to be understood in what we speak or write, but to make it impossible for the attentive to misunderstand us.

900. Of some complex sentences the meaning remains suspended till we come to the last word, and if we stop sooner the sentence is incomplete. These have been called periods. In other complex sentences, there will always be found, before the end, one place at least, at which if we stop, the construction of the preceding part will render what we have said, or written, a complete sentence. For this sort of sentence we have no particular name. The following is an example of a period. ‘ To those who love learning and mankind, it is a matter of humiliation and regret, that so many doctrines of high renown and ancient date should, when traced to their first principles, be found to derive their origin from verbal ambiguity.’ An example of the looser sort of sentence we have in these words. ‘ He set out on his return—but before he had gone two miles his horse stumbled—and threw him on the

‘ground—by which accident he dislocated his  
‘wrist—and broke his arm.’ The period is the  
more complete sentence of the two, and in its  
structure the more elegant ; but must not be often  
attempted, especially in the modern languages, as  
it would fatigue the reader’s attention, and give  
unnecessary trouble to the writer. In Greek and  
Latin it is more frequent, than with us it ought to  
be ; the numerous inflections of those languages  
leaving it in the writer’s power to vary, in many  
different ways, with equal perspicuity, the order of  
his words.

### SECTION III.

#### *Of Style.*

901. As each man has peculiarities in his way  
of thinking, so has he in his manner of speaking,  
and consequently in his style. For style may be  
defined, that particular way in which a man  
chooses, or is accustomed, to express his thoughts,  
by speech or writing. Every style must be gram-  
matical ; but one mode of grammatical style may  
differ from another ; and, in the same language,  
two or more styles may be very different, and yet  
all very good. Cicero, Cæsar, Sallust, and Livy,  
wrote each of them an excellent style, and yet dif-  
fer greatly in this respect : and the same thing

may be said of Virgil, Horace, Ovid, and Lucretius. It is a proof of correct taste and of skill in language, when a reader can distinguish an author by his style ; so as to know, without being informed by his memory, when he sees an anonymous quotation, whether it be from Virgil, Horace, or Ovid ; from Cicero, Cæsar, or Livy.

902. Style, in order to be good, must be not only grammatical but perspicuous. Language, not understood, is useless ; not easily understood, or liable to be misunderstood, is faulty. I have frequently had occasion to say, that in every language the most perspicuous writers are the most elegant ; and that obscure writers, whatever other merit they may have, are not elegant, and therefore not to be imitated. In poetry, however, on account of its ornamented language, its brevity, and the art that must be employed in adapting the words to the measure, we do not expect the same perspicuity as in prose. Yet poetry is faulty, when it seems obscure to those who are acquainted with the poetical dialect. Poetical imitations of the style of prophecy must also, in order to be natural, have some degree of obscurity ; as in Gray's incomparable ode on the massacre of the Welch bards. For prophecy must be obscure ; because if it were to be fully understood before it is accomplished, it would interrupt the course of human affairs, by restraining the liberty of the human will. In the language of passion too, which the poet must sometimes imitate, we do not

expect great perspicuity; it being the nature of violent passion to unsettle the mind, and make men speak incoherently. Yet even the language of passion should, in the imitation, be so far perspicuous, as to let us know what is in the speaker's mind, and what he means to say or do.

903. That we may speak and write perspicuously, it is necessary: 1. That we perfectly know our own meaning; which is not always so easy a matter as one would imagine: 2. That we thoroughly understand the words we make use of, with those nice varieties of sense, which often distinguish words apparently synonymous: 3. That we unfold our thoughts gradually, and in a natural order, beginning with the easiest and most evident: 4. That we admit no words that are uncommon, or not generally understood; unless we have occasion to introduce new ideas that were never before expressed in our language: 5. That we avoid digressions, and all those parentheses that do not easily fall into the sentence: 6. That we use no foreign phrases, unless we write in a foreign tongue, or have occasion to quote a foreign author in his own words; and lastly, as was said already, that we study to be rather too perspicuous than too little so; always bearing in mind, that others cannot be expected to enter so readily into our thoughts and views of things as we ourselves do.

904. The beauty of language does not consist in learned or uncommon phrases, but in the use of such plain words as are understood by every body, and yet not offensive by their meanness. A famous comic poet (Moliere, if I mistake not) is said to have read each of his plays, before he published it, to an old woman his housekeeper, and to have altered every word which she did not understand. The example may be of use to writers in general, especially to those who write for the instruction or amusement of the people. Sir Thomas Brown, a writer of the last century, the author of *Religio medici*, and an *Inquiry into vulgar errors*, affected much the use of uncommon words, derived from the Greek and Latin, which, notwithstanding his great learning and genius, make his English so uncouth and obscure, that none can understand it thoroughly, but those who are conversant in the classic tongues. His style, however, has found imitators; especially of late years, since the rage commenced of disfiguring and debasing our language by innovation. Such writers, instead of *brittle*, would say *fragile*, instead of *fruitfulness*, *feracity*, and *humectate*, *steril*, *desiderate*, *ablactate*, *indigitate*, &c. instead of *moisten*, *barren*, *desire*, or wish for, *wean*, *point out*, &c. Brown has words still more extraordinary, as *feriation*, for *keeping holiday*, *dedentition*, for *falling of teeth*, *dequantitate* for *diminish*, *commensality*, for the state of living at the same table, *diaphanty* for *transparency*, *dissenta-*

*neous*, for *inconsistent*, and many others. I need not tell you that these strange words are all bad, and that no elegant and unaffected writer or speaker will ever use them.

905. Excessive brevity of expression is hurtful to perspicuity ; as may be seen in Aristotle, Tacitus, Florus, Marcus Aurelius, and some few passages of Horace, who candidly says, *Brevis esse laboro, obscurus fio*. Too many words, and too much illustration, have sometimes the same effect, by confounding the reader, and making him inattentive : of which I have often been sensible in reading Locke on the Human understanding ; and still more, in toiling through Shaftesbury, who, in the art of conveying little meaning in many words, exceeds all the authors I am acquainted with ; Bolingbroke, in his *Idea of a patriot king*, excepted : for this is *vox et præterea nihil*. Of perspicuity without defect or redundance, with hardly one word too many or too few, we have admirable models in Cæsar and Xenophon, particularly the former. The same thing might be affirmed of Thucydides and Sallust, if their style were less artificial. Cicero, though in praise of his composition we can hardly say too much, has often more words than are necessary ; which indeed is commonly the case with professed orators. Swift, in some of his best pieces, is very correct in this particular, and has seldom a word too few or too many : and the same thing may, for the most part,

be said of Addison; whose style, however, is, upon the whole, much more pleasing and harmonious than that of Swift. Allusions to facts or customs little known, make language both obscure and pedantic; a fault very conspicuous in Persius and Suetonius; who, as they are among the most difficult, are also to be ranked with the most inelegant, of ancient authors.

906. Secondly: Style, in order to be good, must be harmonious; that is, agreeable to the ear, and easily articulated. Of harmony in verse I shall speak hereafter. Harmony in prose depends on two things chiefly; *sweetness* of sound, and *variety* of sound. The former quality we may attain, if we admit no words of difficult pronunciation, where their place can be supplied by others of easier sound, and equally significant; and if we arrange our words so, as that too many harsh sounds may not be produced by their union: For in every tongue some words are more easily pronounced than others; and, as words may both begin and end with consonants, and as the sound of some consonants does not easily coalesce with that of others, we shall hurt the harmony of style, if we bring too many harsh consonants very near one another. To give one familiar example: *vast strength* is harsher than *great strength*, because not so easily pronounced; for in the former we have five consonants in succession, S T S T R, which must all be articulated, and in the latter there are four only. These things,

though trifling, claim notice. But observe, that sense must not be sacrificed to sound, even in verse, far less in prose.

907. Variety of sound will be attained if we make contiguous sentences, and clauses, of different lengths, some longer and others shorter; and if we vary the syntax, wherever it may be varied consistently with perspicuity and the laws of the language, and without any appearance of affectation, or of too much art. Words of similar termination coming near one another, especially if the sound is remarkable, have a bad effect in prose, at least in modern language. ‘ I acknowledge  
‘ with humility the sterility of my fancy, and the  
‘ debility of my judgment,’ is neither so harmonious, nor in any respect so elegant, as, ‘ I acknowledge with humility, that my fancy is barren,  
‘ and my judgment weak.’ ‘ In a declamation on  
‘ the state of the nation, he made this observation,’ would be intolerable: better thus: ‘ In a  
‘ declamatory discourse on the state of the nation,  
‘ he made this remark.’ The Greeks and Romans were more attentive, than most moderns are, to the harmony of their prose. Indeed, it was much more in their power; their languages being more musical, and admitting, as I have often occasion to repeat, greater variety in the order of words. The most harmonious prose-writers of antiquity are Plato, Demosthenes, Isocrates, Cicero, and Livy. Our best model, in this and many other respects, is Addison.



908. Thirdly: Style, in order to be good, must be pure; that is, must be according to grammar, and to idiom. It is the business of the grammarian to teach how language is made grammatical. But words may be according to grammar, which are not according to *idiom*; for this last term denotes peculiarity. *Quid hoc sibi vult* is pure Latin; but 'what would this to itself' is not English. 'An useful member of society' is good English; but *utile membrum societatis* would be bad Latin. To this diversity of idiom it is owing, that many things, which are elegant in one language, cannot be literally, and at the same time *purely*, translated into another. It is true, that in English we have Hebrew, Greek, and Latin idioms; which, from having been used by our best writers, and in our best books, are become part of the language. But the English tongue is now so completely formed, and so copious, that, unless new arts and new ideas be invented, this liberty must not be taken any more. For, if any person might at pleasure introduce new words and phrases, the language would soon change, and in a few years the best part of our literature be lost. In writing, therefore, and in speaking, we ought always to attend to the practice of former writers, especially of those who are of some standing, and whose style has been generally approved. At present, as I formerly remarked, and every day observe with great concern, there is an unaccountable propensity, among many of our

people, to bring in new words, and French, American, West Indian, and Scotch idioms, and other uncouth phrases; not only without necessity, but to the great inconvenience of those who adhere to the genuine English language, and who now, in newspapers and other recent publications, often meet with expressions which they cannot understand. If this propensity should continue to prevail, and become general, our speech must in a few years be barbarous. But this, every person of taste, who loves his country, understands its language, and wishes well to its literature, will do every thing in his power to counteract.

909. Scotch people of education find it an easy matter to avoid broad Scotch words; and this we should all be at pains to do; because the habit of using barbarous language debases the taste; taints the mind with a peculiar sort of indelicacy; and makes a man appear, especially among strangers, to very great disadvantage. We have also in North Britain a number of improper idioms, which have been termed *Scotticisms*, and which it is more difficult to guard against, as many are apt to mistake them for good English. A list of about three hundred of these was published some years ago in an anonymous pamphlet; which, though no doubt extremely defective, was well received, and, there is reason to believe, of some use.

910. Lastly: Style, in order to be good, must be simple. Simplicity of style is not easily acquir-

ed, or described: it is the effect of much practice, a clear understanding, and a great knowledge of the language. A simple style is perfectly easy, natural, and perspicuous, without either defect or redundancy: it admits of ornament; but all its ornaments seem, as it were, to present themselves of their own accord, without being sought for. It conveys the idea of great plainness and candour in the writer, and looks liker the work of chance than of art, though in reality it is the effect of great art: *ut sibi quivis speret idem, sudet multum—ausus idem*. But it is only by studying the best authors, for they in every language are in style the simplest, that one can either understand this simplicity, or practise it. Of the ancients most remarkable for it, are Homer, Xenophon, Herodotus, and most of the Greek historians, Cæsar, Terence, Virgil, the epistles of Horace, the descriptive parts of Lucretius, and the narrative parts of Ovid. Of the English, who excel in this way, are Dryden and Pope in their prose writings; Swift in his best pieces, particularly his three first voyages of Gulliver, his letters to a young clergyman, and to a young lady on her marriage; Mrs Montagu, in her Essay on Shakespeare; Secker, Porteus, and Hurd, in their sermons. But I hope I shall give no offence by saying, that in simplicity, as well as harmony, Addison is still our best model. The style of Scripture, especially in the historical parts, and in the Psalms, is majestically and inimitably simple.

## SECTION IV.

*Of Prose Style,—Historical,—Common,—Rhetorical,—  
Philosophical.*

911. So much for style in general. It is divided into prose and verse. Prose may be subdivided into historical, common, rhetorical, and philosophical. Historical prose may be subdivided into true history and romance; which last resembles history in the style, but in respect of invention belongs to poetry. Of these, I shall give as many particulars as can be admitted within the narrow limits prescribed to my plan.

912. The style of history must be clear, simple, harmonious, elegant; but not so much ornamented, as to give ground of suspecting the author to have been more attentive to his language than to the truth. In this respect, as in some others, Florus is a faulty writer, his language being obscure, and affectedly poetical: Tacitus has the same fault, though in general an excellent and instructive author. The historian should avoid strange words, and allusions to customs little known; or, if he must mention these, it is his duty to explain them. Suetonius is to blame in this respect, as well as for the harshness of his style, and the inde-

licacy of many parts of his narration. The historical style ought further to be grammatical; and solemn, but not pompous; and without any attempts at wit or satire, which are beneath the dignity of the historian's character. Voltaire is often affectedly witty in his histories; Swift's account of the four last years of Queen Anne is a mere political satire, without even the appearance of candour. Bishop Burnet, though an entertaining and valuable writer, is often ostentatious in his manner, and in his style not uniformly grammatical; and Clarendon, according to the fashion of his age, is apt to exceed in the length of his sentences. But for dignity and fulness of narrative, and especially for a lively display of the characters of men, Clarendon's History of the Rebellion is a work of the highest merit; and, by those who have studied it, is considered as one of the most precious monuments of political wisdom that ever appeared in the world. Lord Lyttleton's History of Henry II. is, in respect both of style and of exactness, one of the best models of historical writing in our language. Hume's and Robertson's histories are also elegant and instructive. And Gibbon's History of the decline and fall of the Roman empire would have deserved much praise, if the style had not been disfigured by affectation (for of Tacitus, whom he takes for his pattern, he imitates the faults more successfully than the beauties); and if his prejudices against

religion had not led him into some misrepresentations of fact, which, though they have been frequently confuted, he has not yet thought proper to rectify.

913. It has been made a question, whether an historian should confine himself to facts only; without either making reflections, or relating any thing which he does not believe to be true. Surely it is his duty to relate facts, and speak truth. Yet some of the best historians have introduced moral and political reflections; have made speeches for some of their personages; and have added, no doubt, little circumstances of their own invention, in order to render the story more entertaining and instructive. Nor can they be blamed for these liberties, provided they take care, that what they may thus invent shall in itself be so inconsiderable, as to lead the reader into no mistake.

914. Herodotus, the most ancient Greek historian now extant, is remarkable for a pleasing simplicity of style, and for a very agreeable manner of telling a story. He travelled into Egypt and other countries, in order to qualify himself for instructing mankind; and many curious pieces of ancient history are to be found in his works. His chief, and indeed his only fault, is credulity. I am far from suspecting, that he meant to impose on his readers; but it is impossible to believe that he was never himself imposed on. What he *saw*, for example, in Egypt, I am willing to admit; but

they who know ancient history cannot acquiesce in some things that *were told him* in Egypt concerning the duration of the Egyptian monarchy. However, the beauty of his style, and his having had the honour to exhibit the first specimen of Greek history, ought to endear his memory to every lover of learning.

915. Thucydides began to write the history of the Peloponnesian war at the time the war began. His information was good; his testimony is unexceptionable, and, I think, has never been controverted. He excels all writers almost in strength and brevity of expression; which however has nothing of either the quaintness of Florus, or the ambiguity of Tacitus. His speeches, some whereof may be authentic, though others seem to be of his own composition, are masterly pieces of eloquence; and his descriptions beautiful and highly finished. In what esteem his work was held by the best judges may appear from this; that Demosthenes is said to have transcribed it eight times, and to have got the greater part of it by heart. It is certain that the orator often imitates the historian, and sometimes copies his phraseology.

916. Xenophon, a disciple of Socrates, is not more celebrated for his philosophical dialogues, than for his history of Greece, and of the famous retreat of the ten thousand Greeks. Of this extraordinary transaction he was an eye-witness, and had a principal hand in conducting it. The truth

of his narrative was never called in question: and the beautiful simplicity of his style has not been exceeded or equalled, except perhaps by Cæsar. Of his Cyropedia I shall speak afterwards.—Polybius also was a military man; and his account of that war, between the Romans and Carthaginians, which happened in his own time, is allowed to be more authentic, and is certainly more intelligible, than what we have from the Roman historians. His chief talent lies in describing battles, and other operations of war; for which reason he has always been a favourite author with military men of learning. His language is his chief defect; for he was born in Arcadia; and probably, from being early employed in business, never had an opportunity of frequenting those parts of Greece, in which the Greek tongue was spoken with the greatest propriety. There is also, now and then, a little confusion in his narrative.

917. The Parallel Lives of Plutarch are very instructive and entertaining. The author employed twenty years in travelling, to collect materials for this great work. He possesses, beyond most writers, the art of selecting those little incidents in the lives of men, which make one intimately acquainted with their characters. ‘For,’ as he himself justly remarks, in his introduction to the life of Alexander, ‘it is not always in the most distinguished achievements that men’s virtues or vices may be best discerned; but very often an action of small note, a



‘ short saying, or a jest, shall distinguish a person’s  
‘ real character, more than the greatest sieges or  
‘ most important battles.’ This author’s aim was  
to give, not a complete detail of all the actions  
wherein his great men were engaged; but such  
an account of their conduct in public and pri-  
vate life, as might exhibit a distinct view of their  
virtues and vices, abilities and temper. In this he  
has succeeded wonderfully well. After reading one  
of his lives, we think we have been revising the his-  
tory of a particular friend or old acquaintance. In-  
deed the knowledge of battles and sieges, births  
and deaths, dissensions between parties, and de-  
bates among senators, however interesting to sol-  
diers, antiquaries, genealogists, and politicians, is  
not the most useful part of history, nor is it uni-  
versally entertaining. But those histories that un-  
fold the passions and characters of men, the con-  
sequences of their virtues and vices, and the rise  
and procedure of their purposes and projects, are  
not only entertaining, but in a very high degree  
useful. By laying open, as it were, the human  
heart, they enable us to discover, both our own  
characters, and those of other men; which is a  
very important part of knowledge. Every philo-  
sopher, and every scholar, ought to make himself  
intimately acquainted with the lives of Plutarch.

918. Of Roman historians Livy is the greatest,  
and in some respects the best. He wrote the his-  
tory of Rome, from the arrival of Æneas in Italy to

his own time, in one hundred and forty-two books ; whereof only thirty-five remain, and a few fragments. Never was there a more entertaining writer. In his style and manner he often imitates Virgil ; and, like that great poet, excels particularly in description ; setting before our eyes every object he describes, and making us present in every event he relates. His eloquence is inexhaustible ; his language concise, elegant, harmonious, and often uncommonly beautiful. He is not so accurate as Polybius in describing military affairs : whence it may be presumed, that he was not a military man. His battle of Cannæ is not very intelligible ; that of Polybius is almost as distinct as if it had been written by Cæsar. The critics have charged him with provincial improprieties of style ; but no critic was ever able to point them out : and it is hardly to be supposed, that a person of rank and learning, born at Padua, and not further from Rome than York is from London, could find any difficulty in avoiding provincial barbarism. He also has been blamed for recording omens and auguries. But it should be remembered, that an attention to these formed a part, and a part not inconsiderable, of the Roman policy ; and often gave rise to important transactions. The college of augurs at Rome were much attended to, and public matters of moment seldom undertaken contrary to their advice. It was indeed an engine of government ; and therefore an historian would not give a distinct view of the Ro-

man affairs, if he were to omit their omens and auguries. Read Livy with care; when you are masters of his language, you will read him with extraordinary delight; and when you have read him, you may with reason think, that you have made no little proficiency, both in the history of Rome, and in its language.

919. Julius Cæsar prefixed to his account of the Gallic and civil wars, the modest title of *Commentarii*; as if he had been only setting down from day to day, as a help to memory, a summary of his affairs in a *journal*; for this is the meaning of the word. But every competent judge will rank Cæsar in the highest class of historians, for the singular exactness, brevity, and perspicuity of his narrative, and the unequalled simplicity of his style. He writes like a man who had all his life been accustomed to the most polite conversation, and to every sort of public business; and he describes his own great actions with a modesty which every man truly great will be ambitious to imitate. Cicero has declared, that no person in his senses will ever undertake to improve Cæsar's narrative. Roger Ascham is still more explicit. 'Thus justly,' says that able critic, 'I may conclude of Cæsar, that whereas in all other, the best that ever wrote in Greek or Latin (I except neither Plato, Demosthenes, nor Tully), some fault is justly noted; in Cæsar only could never yet fault be found.' 'Others know,' says a historian who had been his secretary, 'how

‘ elegantly and how correctly his *Commentarii* were  
‘ composed ; I also know how easily and quickly  
‘ he composed them ; and therefore, though others  
‘ admire them much, I must admire them more.’  
To make a reader, who is not a military man, com-  
prehend the detail of battles, must be, I should  
think, a matter of no small difficulty to the histo-  
rian. Of our modern engagements, especially at  
land, I can make nothing ; and of many ancient  
ones not much. But Cæsar’s battles are more in-  
telligible, as they were generally more decisive.  
Even that with the Nervii, which must have been  
a scene of extraordinary confusion, I think I un-  
derstand ; and while I read it, am at a loss to de-  
termine which is more admirable, the elegant pre-  
cision of the journalist, or the astonishing abilities  
of the commander. I wish it were more the fa-  
shion among historians to imitate this author. But  
the quaintness of Tacitus, and the pertness of  
Voltaire, are much more easily copied than the na-  
tural and graceful simplicity of Cæsar.

920. Cornelius Nepos is an historian whom we  
ought not to undervalue because we learned him  
at school, or because he is very brief in his ac-  
count of things. His style is simple, and often  
elegantly so ; and he sometimes gives, in few words,  
a pretty distinct view of the characters of men. He is  
not so full, so entertaining, or so moral, as Plutarch ;  
but he has considerable merit notwithstanding. Some  
historical facts are found in him which we find no-  
where else ; and his lives of Epaminondas and Pom-

ponius Atticus are very well written. He was esteemed by Cicero, with whom he sometimes corresponded by letter, and who, in one of his epistles to Atticus, speaks of him as a man whose name would go down with honour to posterity.—Of Sallust nothing has come to us entire, but the conspiracy of Catiline, and the war with Jugurtha; two pieces so highly finished, and with so much judgment, that nothing in history can be preferred to them. He imitates Thucydides in his style, which is very concise and emphatical, but has perhaps too much the appearance of art and labour. The history of Alexander by Quintus Curtius is very entertaining; but this author is fond of marvellous things, and his language, though elegant, is rather too poetical for history. Arrian's Greek history of Alexander is more authentic; but the author's ostentation is somewhat disgusting.—Justin wrote an abridgement of a history of the world, which had been originally composed in Latin by Trogus Pompeius. Trogus is lost, but Justin remains. He tells a story very well; and is sometimes elegant, but unequal.

921. In these brief remarks on the historical style, I have not distinguished history, properly so called, from biography, or the history of lives. Nor have I made a distinction between general histories of nations, such as those written by Livy and Herodotus, and those other histories which regard only particular transactions, or periods of time;

like Thucydides, on the Peloponnesian war, Xenophon's retreat of the ten thousand Greeks, or Lord Lyttleton's age of Henry II. These, and the other divisions and subdivisions of history, it would have been necessary to mention, if I had intended a treatise on the art : but for that I have not time, nor is this a proper place. See, in the second book of Bacon's *Advancement of Learning*, a particular account of the *genera* and *species* of history.

922. A subordinate kind of history are annals, *memoires*, and travels; of which, no more is expected than that they shall record things perspicuously, and with a strict regard to truth. Of the historical edifice, the historian is, as it were, the architect; annalists and memoir writers, are those who collect and prepare the materials of building. It is true, that some books, bearing the name of annals, are so well written, as to deserve the appellation of history: such are the *Annals of Tacitus*, and Sir David Dalrymple's *Annals of Scotland*; which last, as far as it goes, is the most authentic account extant of the affairs of North Britain. Henuault's abridgement of the *History of France* is an excellent work of the same nature. But we must not judge of books by their titles, nor confound an elegant historian, though he should assume the humble name of annalist, with the common herd of compilers and memoir writers.—The French are remarkable for the number of those writings which they call *memoirs*. It is said that almost every

French officer writes the memoirs of his campaign; and that in the library of the king of France there are, relating to the civil wars only, more manuscript works of this kind, than one man could read in four hundred years, at the rate of sixteen hours a-day. These writings, we may suppose, are not much read, except by those who love to collect anecdotes, or who read with a view to qualify themselves for writing history.

923. Books of voyages and travels are very amusing, and may be very useful. First, by promoting the knowledge of nature, they extend the bounds of natural history and physics. Secondly, by making us acquainted with all the parts of this globe, they improve navigation, open new sources of commerce, supply materials for new arts and sciences, and prepare the way for a general circulation of civility and truth. And, thirdly, by displaying the varieties of human manners, opinions, and laws, they throw light on the human character, and so give greater extent and stability to the political sciences. Some books of this sort are elegant as well as instructive; particularly Anson's voyage round the world, by Robins; and Cook's voyages, as written by himself. The voyages compiled by Hawkesworth are written with more art than those of Cook, but with less simplicity. Cook puts me in mind of Cæsar, Hawkesworth of Quintus Curtius.

924. OF FABULOUS HISTORY. To convey truth

under the disguise of allegory and fable, is an ancient practice, and may be very useful. The common people cannot attend to long reasonings, or abstract investigation: a short proverb which is easily remembered, or a little allegorical tale, founded on the appearances of the visible universe, has much greater weight with them. Accordingly, in ancient times, when mankind were more illiterate than they are now, moral precepts were generally delivered in the form of proverb or aphorism, and public teachers had frequent recourse to fictitious narrative, in order to exemplify and enforce their doctrines.

925. Many of those fables that bear the name of Æsop are no doubt modern; but some are ancient, and well suited to the purpose above mentioned, being brief and simple in the style, and for the most part contrived with some regard to the real nature of things. And this rule should be observed in fables. Things irrational and inanimate may, from the necessity of the case, be allowed to speak and think; but, with this exception, the laws of nature should be as little as possible violated. The picture of Cebes the Theban, and the story of Hercules conversing with Virtue and Vice in the second book of Xenophon's *Memorabilia*, are elegant and instructive allegories, but formed on a more extensive plan. The *Cyropædia* of this author is a mixture of history and invention; the great incidents in the story being



true; but many circumstances added, to exhibit, in a variety of lights, the character of Cyrus the Great, whom the author intended as a model of a good and wise king. The eastern nations have long been famous for fabulous narrative. The lazy life led by their princes and great men, makes them have recourse to story-telling as an amusement. But probability and moral instruction they seldom think of: being too ignorant to desire the first, and too voluptuous to relish the last. Their supreme delight is in adventures, that are not only astonishing but incredible.

926. Modern prose fable may be divided into four sorts: 1. The historical allegory: 2. The religious and moral allegory: 3. The poetical and serious prose fable: 4. The poetical and comic prose fable.—I. The historical allegory gives a view of some part of history disguised by feigned names and fabulous adventures. It is either serious or comic. Barclay's *Argenis* is an example of the former: Arbuthnot's *History of John Bull* of the latter. The former, which is written in good Latin, though rather unequal in this respect, alludes to the civil wars of France in the time of Henry III. John Bull is in the burlesque style, and gives a ludicrous representation of the state of parties in Queen Anne's reign.

927. II. Religious and Moral Allegories were frequent in Europe two or three centuries ago, and assumed a dramatic form, and were acted on

the stage under the name of moralities. The acting of them ceased in England about the time of Shakespeare, but had a longer continuance in Spain and Italy. The *Pilgrim's Progress*, by John Bunyan, is a religious allegory, and has been much read. It was written about a hundred and thirty years ago, while the author, who had been a tinker, was in prison in Bedford, where he was confined twelve years. Some false notions in theology may be found in it, and the style is vulgar, and savours of the author's trade; but the fable is ingenious and entertaining. *Gulliver's Travels* is a moral or rather a political allegory. As far as the satire is levelled at human pride and vanity, at the abuses of learning and the absurdity of projectors, so far the author deserves great praise; for the tales are well conducted, and the style is beautifully simple. But the last of the four voyages contains a fable which is at once unnatural, indecent, and impious. The *Tale of a Tub*, by the same author, is also, in the narrative parts, allegorical; being intended to typify the reformation from popery. It is one of the wittiest, and most humorous, performances in any language. But there are in it many gross indecencies; the satire is too much exaggerated; and a bad effect upon the mind it cannot fail to have, by forming ludicrous associations of the meanest ideas with the most awful truths of religion. If the author meant well to Christianity and the church of England, as I

hope he did, this work betrays great ignorance of human nature. But the habitual joker spares nothing; and this is supposed to have been Swift's first work. And candour requires me to add, that he never put his name to it, or owned it as his.

928. III. IV. To the poetical prose fable, which is poetical in the invention though prose in the style, may be referred all those writings that have been termed romances. They might be divided into serious and comic. In explaining their origin and nature, it is necessary to introduce some particulars, that will throw light on the history of modern literature, and of the manners of modern Europe.—The subversion of the Roman empire, in the fourth and fifth centuries, was followed, or accompanied, with a total neglect of learning, which continued four or five hundred years. During this period, the world being very ignorant, was very credulous. Of ancient times, of foreign countries, and of nature in general, they knew little; and of course were easily induced to adopt absurd superstitions, and to admit as probable, or even as true, the most ridiculous fables, of enchantment, magic, giants, dragons, and other monsters.—Here it will be proper to recollect what was formerly mentioned of those northern nations, who destroyed the Roman empire, and introduced the feudal government; of the nature and gradual corruptions of that government; and

of the contests and other disorders which, in consequence of these corruptions, took place between the kings and nobility of Europe. See § 702—706.

929. Among the expedients contrived by the kings for checking the turbulence of the feudal nobility, and giving them employment abroad, that there might be peace at home, we may reckon the crusades. These were military expeditions into Palestine, undertaken by Christian princes, with a view, as they gave out, to drive the Saracens and other infidels from that holy land. They were well suited to the military genius and superstition of the times; and served to inflame that passion for adventures, war, and wandering, which was the foundation of chivalry. This was partly a military and partly a religious profession. The disorders of the feudal system, owing to want of authority in the kings, and to the obstinacy and pride of the nobles, having risen to such a height, that the greatest outrages were every day committed, and it was hardly possible to bring a criminal to justice, as the law had little or no effect; the institution of chivalry was by no means absurd, but on the contrary served in some measure to make up for the want of law and public justice.

930. The person who made choice of this profession, after receiving the honour of knighthood from one who was himself a knight, went up and down in complete armour, and on horseback, in

order to defend the weak, punish the injurious, and deliver those who were oppressed. He was also the declared champion of the catholic faith against all Saracens, and other unbelievers. He wished, above all things, to be considered as the defender of the weaker sex, who, in those days, were subject to frequent injuries, and often destitute of the means of self-defence, as well as of redress. And he bound himself by the most solemn vows to discharge the duties of his profession, in opposition to every danger.

931. Another peculiarity in the character of these knights was their courtesy. The feudal policy divided mankind into various ranks, some high and others low. Yet it happened, that, under the influence of this policy, persons of all ranks would often meet together, and remain in company for a considerable time; for the castle of a feudal baron contained many people, and the great hall of the castle was a place of general resort. In circumstances like these, men naturally become courteous, from standing in awe of one another; while those of better rank study to recommend themselves by affability, and their inferiors by respectful behaviour. Hence it is, that monarchy, where there must be different orders of men, and where the example of the better sort must extend its influence to their inferiors, has generally been found, at least in modern times, more favourable to elegance of manners, than republican governments

are, in which all the citizens are *supposed* equal and independent; which, however, they never were in fact, nor can be.

932. It is to be observed too, that the knights of chivalry, especially those who were errant, or wandering knights, were brave and fierce, jealous of honour, and continually in arms. Single combat was so familiar to them, that they often had recourse to it as an amusement; whence in the histories and fables of those times we read of tilts and tournaments, at which kings and nobles, and even ladies, were present, to be entertained with the show, though men were sometimes killed in those encounters. Reproachful words, therefore, especially if they reflected on the faith or courage of a knight, or on the character of those ladies whose champion he professed himself to be, were immediately resented in a hostile manner. Hence the origin of duels; on which I have declared my sentiments in another place. See § 741, 742.

933. Knight-errantry, though at first respectable, soon became a nuisance. This was owing, partly to the changes gradually introduced into the feudal system, whereby the kings acquired more power, and the law more influence, which made this profession unnecessary; and partly to the outrages committed by the knights themselves, or by persons assuming that disguise, in order to practise robbery and other enormities. For the armour of

that time was a complete covering to the whole person; so that a man, as long as he was not vanquished, could easily keep himself unknown. The law, therefore, was obliged to interpose; and in some countries knight-errantry was expressly prohibited. But the spirit of it was kept up by the romances of those times, which described the adventures of errant knights in the most extravagant style of fable. The first books that appeared in modern language were chiefly of this kind; and could not fail to draw attention, at a time when books were rare, and mankind ignorant and credulous.

934. That part of the south of France, which was anciently called *Provincia Romana*, and still bears the name of *Provence*, was about this time the most civilized country in Europe. It no doubt retained something of the old Roman discipline, and probably of the Greek too; Marseilles, a great city in it, having been a Grecian colony. Here it was that the first specimens appeared of composition in a modern tongue. They were made in verse, by persons who, in the language of that country, were called *troubadours*, that is, poets; for the term has the same etymological sense with the Greek word poet, both being derived from verbs signifying to *make*, or *invent*. These verses were sung by artists called *jongleurs*, who travelled through Europe, and gained a living, partly by singing them, partly by playing on musical instruments, and partly by feats of activity and slight

of hand. This last part of their trade suggests the origin of our word *juggler*. The subjects of these poems were various; love, panegyric, satire, novels or tales, fragments of history, and even theological controversy; but, whatever the subjects were, the poems gave great entertainment, and made the Provensal tongue, which was a mixture of the French and Italian of that time, fashionable in many parts of Europe. Then it was that the neighbouring nations began to imitate the Provensals, and to try how their respective languages would appear when committed to writing. This was the commencement of modern literature; and it is not much more than five hundred years since this great event took place.

935. The Italian tongue was the first that came to perfection. For in Italy, soon after the period above mentioned, several men arose of great genius and learning, particularly the poets Dante and Petrarch, and the novelist Boccace, who raised the character of the Italian language and poetry so high, that the Provensal was neglected and almost forgotten. The first romances in prose, at least the first of any great length, appeared in Spain and France, and by their extravagance, so well adapted to the taste of those times, encouraged the phrenzies of chivalry, and at the same time retarded the advancement of classical learning; which, however, not long after the time we speak of, began to gain ground in Europe; the taking



of Constantinople by the Turks, about the middle of the fifteenth century (which is also the era of the invention of printing with moveable types), having occasioned a general dispersion of learned men, most of whom took shelter in Italy, and brought along with them what remained of the Greek and Latin literature. But while a taste continued for the extravagance of the old romance, we may well suppose, that the natural simplicity of the classics would not be relished except by a few men of judgment, who thoroughly understood them.

936. At last, in the year one thousand six hundred and four, Cervantes, a Spaniard, a man of great humour and learning, published what he called the history of Don Quixote; in which the absurdities of the old romance and of knight-errantry are exposed in the strongest light, and in the most ridiculous attitudes. Chivalry instantly disappeared; for all Europe read and admired this performance, and saw that more entertainment might be found in a book written with simplicity and sense, and a regard to nature, than had ever been conveyed in the monstrous fables of chivalry. This book not only banished knight-errantry, but served to promote a good taste in literature; so that the publication of Don Quixote forms an era in the history of both modern learning and modern manners. It destroyed the old romance, and brought in the new, in which, as far as it has been

cultivated by good writers, probability is as much studied as in the other it had been neglected.

937. The new romance, if it were worth our while to analyse it, might be divided into the serious and the comic; and each of these subdivided into, 1. Those that follow the *historical* order of events, and give an account of a man's life from his birth to the conclusion of his adventures; and, 2. Those which are formed according to the *poetical* mode of arranging events (whereof I shall speak afterwards), comprehend but a short space of time, and are taken up chiefly in describing some one event, with the subordinate events that operated in producing it. Robinson Crusoe is an example of the serious historical romance; Gil Blas is historical and comic. The novels of Richardson are serious, and in the structure of the fable poetical. Fielding's Amelia is poetical and comic.—But it is time to leave this subject.

938. Romances are a very unprofitable study; most of them being unskilfully written, and the greater part indecent and immoral. Robinson Crusoe, however, and the novels of Richardson, are exceptions; and it is with great pleasure that I also except those of Mr Mackenzie, and of the amiable and accomplished author of Cecilia. Other exceptions, no doubt, I might have found, if I had not for many years, by want of time and of inclination, been restrained from this sort of reading. Of Fielding, as a novelist, I admire the hu-

mour; and his artful contexture of fable; in which last respect I think he has no equal among the moderns: but his morality and delicacy are not what I wish they had been; and his style, though in general excellent, especially in his latter works, is not always free from bombast, and sometimes betrays an unnecessary ostentation of learning. To contract a habit of reading romances is extremely dangerous. They who do so lose all relish for history, philosophy, and other useful knowledge; acquire a superficial and frivolous way of thinking; and never fail to form false notions of life, which come to be very hurtful to young people when they go out into the world. I speak not rashly, but with too good evidence, when I affirm, that many young persons of both sexes have, by reading romances, been ruined; and that many of the follies, and not a few of the crimes, now prevalent, may be traced to the same source. If, therefore, I have enlarged a little on the rise and progress of this sort of writing, it was not from any partiality to the main subject, but on account of some more important matters that seemed to be connected with it. So much for historical prose. See § 911.

939. The next kind of prose may be called common; whereof the simplest form is that which we use in conversation. It should be perfectly plain, without hard words or strong figures, or any thing that looks like a studied harangue; and

the words should flow easily, without either hurry or hesitation. If a man be naturally witty or humorous, that will appear without any care of his; and a delightful effect it will have, especially when recommended by the candour and good nature of the speaker. But wit and humour, that seem to be studied, or intended to give pain, are very offensive. All inelegant words and barbarous idioms ought to be avoided. Even common proverbs should not be frequent, because they have a vulgarity about them; and because they shew, in him who often uses them, a want of invention, and that he has little to say, but what he has got by heart. Allusions to foreign languages, and to learning in general, are unseemly, unless our company be all as learned as we. To force upon others our own concerns and studies, and theories, or the business of our profession, is intolerable; and has been branded with the name of pedantry. Let him who is called on to explain any point of literature, do it in the plainest words, avoiding terms of art as much as possible. To tell long stories, to make long speeches, or to seem ambitious to engross the general notice, make a man a disagreeable companion. If he be a person of rank, or of eminent abilities, he will be as much attended to, as any reasonable man can desire.

940. Avoid dispute; or, if it cannot be avoided, conduct it with good humour, and bring it as soon as you can to an end; without shewing any desire

of victory, or any triumph if you should obtain it. More earnestness may, however, be expected from us, if we are obliged to speak in defence of virtue, religion, or an absent friend: but let us never betray symptoms of passion. Calmness, on these occasions, gives double energy to every thing we say, interests the audience in behalf both of us and of our cause, and prevents all the disagreeable effects of contention. To promote the happiness of those with whom we converse, to comply with their innocent humours, and never give way to moroseness or ill-nature, are moral duties, as well as essential to good breeding. I need not add, that detraction, defamation, falsehood, and all uncharitableness and indecency of speech, are not only contrary to good manners, but exceedingly flagitious. See more on this subject, § 213, 214, 224, 225, 226. See also Cicero *de Officiis*, 1. 37.

941. Young men, in order to acquire a command of words, and a habit of speaking easily, and with presence of mind, sometimes form themselves into clubs, or small societies, and practise extempore declamation. This may be of use; if they are careful not to contract a disputatious temper, or a habit of diffuse, prolix, and declamatory talk. They will do well to remember, that to converse and to declaim are quite different things and, when in general company, must never forget themselves so far, as to think they are at the club. It was formerly the custom in all schools of learn-

ing, and in some it still is, to dispute on all subjects, and in opposition to the plainest truth, and the most awful doctrines of religion. It was permitted, nay commanded, to argue against the truth of revelation, and the being of God. For thus it was supposed, that the student would most effectually make himself master of the subject, and of every argument both for and against the truth; and at the same time improve himself in an art, then valued more than any other, the art of disputation. But I cannot conceive it possible, that the human mind should be in any respect improved by arguing against conviction, or by endeavouring to make others believe a doctrine which we ourselves not only disbelieve, but perhaps abhor. Such an exercise seems to me likely to make men rather hypocrites than philosophers; rather unprincipled than wise. If people will argue for the sake of argument, let them choose some indifferent topic, on which they have not formed any settled opinion, and in regard to which they may without inconvenience adopt either the one side of the question or the other: and many such topics there are in history and politics, as well as in philosophy. But let no man argue against his own conviction, or urge any reasonings that may have a tendency to hurt the moral or religious principles of those who hear him. And let all such wrangling matches be confined to schools, or clubs, or private apartments, and never introduced into

company, where they generally promote ill humour, and destroy all the *rational* pleasures of social intercourse.

942. The second sort of common prose is that which is used in letters, or familiar epistles. This in simplicity and plainness should come very near the style of conversation ; be free from all barbarism, impropriety, and ambiguity ; and have nothing in it that looks like the effect of elaborate study. If a letter of business be sufficiently intelligible, and comprehend every thing your correspondent wishes you to write about, it can hardly be too short. But do not affect brevity too much, lest it lead you into obscurity, or an uncouth bluntness of expression, or make you overlook something that should have been minded. However, in regard to the propriety of your epistolary style, as well as the length of your letters, much will depend on the nature of the business you write of, the rank or station of your correspondent, and the degree of acquaintance that may subsist between you and him.

943. If you have many things to write of, set down the several heads on a separate paper, before you begin your letter ; which will make it both complete and methodical ; a single word may be a sufficient hint for each head. Every rule of good manners must be carefully observed ; and therefore one should make one's self acquainted with the customary forms of address that are used to

persons of different ranks and conditions. It is a good rule to answer every letter that requires an answer as soon as you have read it, or as soon after as you can : many people perplex themselves exceedingly, by delaying to answer their letters. In matters of business delay is generally dangerous.

944. Of this sort of style, the epistles of Cicero are excellent models, being equally remarkable for brevity, politeness, and perspicuity : those of the younger Pliny have also considerable merit. The epistles of Seneca are of the nature of moral essays, and are not to be considered as models of letter-writing. Some French authors are admired for their talents in this way ; the voluminous collection of letters ascribed to Madame Sevigné, is deservedly celebrated. But Voiture and Balsac, though they have their admirers, seem to me to be trifling writers, and to abound in affectation and false wit. Pope imitated or translated some of Voiture's letters, and published them with the title of Letters to several ladies ; but his reputation would lose nothing if they were to be expunged from his works. His correspondence, however, with Swift, Bolingbroke, Addison, and others, contains many letters that may be considered as models of the epistolary style. Lord Chesterfield's letters, if the four volumes, by being cleared of exceptionable matter, were reduced to two or three, I should recommend as excellent in the style, and not uninteresting ; but in their present state I cannot recom-



mend, being of Dr Johnson's opinion, that they teach the manners of a fop, and the morals of a harlot. I know not in the English tongue any collection of genuine letters more elegant, or more entertaining, than those of Gray, which a few years ago were published by Mason. The letters ascribed, fictitiously I believe, to Sir Thomas Fitzosburn, are rather verbose, and in the composition too elaborate, but in other respects of very considerable merit.

945. The third sort of common prose is the written dialogue, which imitates polite conversation, and should therefore have all possible ease, simplicity, and elegance. It is either comic or serious. Of the former sort the dialogues of Lucian, and some of those of Erasmus, are particularly excellent. The character of these authors is well known. Both are witty and learned; but Lucian despised all religion; whereas Erasmus was a pious divine, and, by some moderate satire well pointed at the church of Rome, contributed to bring on the reformation from Popery. Neither of them lived in an age of eloquence, yet the language of both is very good: I know not whether any other modern can vie with Erasmus in the fluency and classical simplicity of his Latin style.—Of the serious dialogue, in which points of philosophy, politics, and criticism, may be discussed, there are many elegant models. Those of Xenophon and Plato have long been admired, for po=

liteness of address, and of composition. Many of Cicero's philosophical works are in the form of dialogue. He seems to have made Plato his model. His three books, *De Oratore*, are transcendently elegant, and the best example, perhaps, now extant of this sort of writing. In England, however, it has been attempted with good success. Lord Lyttleton's *Dialogues of the dead*, with the three dialogues subjoined by Mrs Montague, all, or most of which belong to the comic species, are excellent both in matter and in style. Hurd's *Political and moral dialogues*, which are serious, have also distinguished merit. To this work the learned author has prefixed an essay on the written dialogue, to which for further information I refer you.

946. The third kind of prose I called rhetorical (§ 911), which I divide into three sorts, the popular essay, the sermon, and the oration.—The popular essay has flourished more in England than in any other country; but is not peculiar to England; some of Seneca's epistles being compositions of the same character. The first series of popular and periodical essays that appeared in England, the first at least of any great name, are those which we have under the name of the *Tatler*, a paper of which the first number is dated in April 1709, and which was published thrice a-week. It was projected and begun by Sir Richard Steele, who soon received a powerful coadjutor in Addison. The

Tatler was followed by the Spectator ; one paper of which was published every morning, Sunday excepted, for about two years together. Steele and Addison were the principal writers of the Spectator also, as well as of the Guardian, that succeeded it ; but some materials were communicated by other authors, particularly Budgell, Pope, Lord Hardwicke, afterwards chancellor of England, and Dr Pearce, late bishop of Rochester. The next remarkable publication of this sort is the Rambler, written by Dr Johnson, and published on Tuesdays and Saturdays in 1750 and 1751. This was followed by the Adventurer, the work of Dr Hawkesworth, Dr Johnson, Mr Warton, and others ; and it was succeeded by the World, written by Mr Moore, Mr Jenyns, Mr Cambridge, Lord Chesterfield, Horace Walpole, now earl of Orford, Sir David Dalrymple, and others. All these, as well as the Idler by Dr Johnson, and the Mirror and Lounger, which were written by Scotch authors, and have been very favourably received by the public, deserve an attentive perusal ; as they contain much beautiful morality, sound criticism, delicate humour, and just satire on the follies of mankind.

947. But of the whole set the Spectator seems to me to be the best ; and of all our periodical writers Addison, I think, deserves the preference, both for style and for matter. ‘ As a describer of life and manners, he must,’ says Dr Johnson,

‘ be allowed to stand perhaps the first of the first  
‘ rank. His humour is so happily diffused as to  
‘ give the grace of novelty to domestic scenes and  
‘ daily occurrences. He never *outsteps the mo-*  
‘ *desty of nature*, nor raises merriment or wonder  
‘ by the violation of truth. His figures neither di-  
‘ vert by distortion, nor amaze by aggravation.  
‘ He copies life with so much fidelity that he can  
‘ be hardly said to invent; yet his exhibitions  
‘ have an air so much original, that it is difficult  
‘ to suppose them not merely the product of ima-  
‘ gination.—As a teacher of wisdom he may be  
‘ confidently followed; his religion has nothing in  
‘ it enthusiastic or superstitious; his morality is  
‘ neither dangerously lax, nor impracticably rigid.  
‘ —His prose is pure without scrupulosity, and  
‘ exact without apparent elaboration; always equa-  
‘ ble, and always easy.—Whoever wishes to attain  
‘ an English style, familiar but not coarse, and  
‘ elegant but not ostentatious, must give his days  
‘ and nights to the volumes of Addison.’—See  
more on this subject in a Preface to an edition of  
Addison’s papers, printed at Edinburgh in 1790, in  
four volumes.

948. The popular essay, being addressed to the people in general, ought to be simple in the style, that it may be understood by every reader; and elegant, that it may please the learned. Great closeness of matter and conciseness of expression are necessary, because the work itself is short, and

intended to be read at some moment of leisure.— In Great Britain, we have multitudes of popular essays on the subject of politics; and seldom see a newspaper that does not contain one or more of them. Some of these have been collected, and published in volumes, with various titles; but I cannot recommend them to your perusal, as they are dictated by party spirit; and not to be depended on, either for truth of narrative, or candour in argument. Addison's Freeholder must, however, be exempted from this censure. Many of its papers are in the author's best manner, though all are not equally excellent. It was published in 1715, with the laudable purpose of removing the prejudices which some at that time entertained against the royal family; and I have been told that it did much good; which could hardly fail to be the case, the humour being irresistible, and the arguments unanswerable.—We have seen even religious controversy discussed in popular essays. The Independent Whig, by Gordon and Trenchard, is a work of this nature; has some merit in the style, and is not deficient in vivacity. But, though the authors profess to point their satire at the church of Rome, they are by no means favourable to that of England, and seem to take unbecoming liberties with Christianity itself. For this reason, and on account of the ludicrous manner in which the most venerable topics are occasionally treated in it, I would not recommend the In-

dependent Whig to the perusal of young persons.

949. I am to blame for not having mentioned sooner the Essays of Lord Verulam; which were among the first examples of the popular essay that appeared in England; and which, for sound philosophy, and accurate observation, have not been exceeded, nor perhaps equalled. They deserve to be not only read, but studied; being fraught with maxims of wisdom, expressed with great energy, though not always elegance, of style. The author published them also in Latin, with the title of *Sermones Fideles*. I need not remind my hearers of the character this noble author bears in the literary world; they know that he was the great reformer of philosophy, and that to him science is more indebted, perhaps, than to any other person. Yet I know not whether any part of his works discovers greater force of mind, or a more original way of thinking, than his Essay. He says of them himself, and very justly, ‘Although they handle those things wherein both men’s lives and their persons are most conversant; yet I have endeavoured to make them not vulgar, but of a nature whereof a man shall find much in experience, and little in books; so as they are neither repetitions nor fancies.’ And in another place he expresses himself on the same subject thus: ‘I do now publish my Essays, which of all my works have been most current, because, as it seems,

‘ they come home to men’s business and bosoms.’ He appears to have had a high opinion of these essays: ‘ I do conceive,’ says he, ‘ that the Latin volume of them’ (meaning the edition he published in Latin), as it is the universal language, may last as long as books last.—‘ I dedicate them to ‘ you’ (says he to the duke of Buckingham), ‘ being of the best fruits, that, by the good increase which God gives to my pen and labours, ‘ I could yield.’—A work, so much a favourite of the great Lord Verulam, is surely entitled to the attention of every lover of learning.

950. The second species of rhetorical prose is the Sermon, which is supposed to be delivered by a clergyman, in order to instruct his people in the doctrines of religion, and animate them to the practice of it. No other composition has an end so important as this; its purpose being to lead men to happiness, both in this life and in that which is to come; and the doctrines it delivers are, or ought to be, founded on the dictates of infinite wisdom. The aim of the preacher is quite different from that of the ancient orators of Greece and Rome; and therefore his manner ought to be quite different. They addressed the people, the senate, or the judges, with a view to obtain their immediate consent to some political measure; if they could do this, they gained their end; and they were not solicitous whether they gained it by speaking truth, or affirming plausible falsehood; by convincing the reason of the audience, or in-

flaming their passions. But the preacher declares the truth, and nothing but the truth; and ought to declare it so, as to convince the understanding, and improve the heart, not by a temporary impression merely, but by establishing permanent principles of piety, rectitude, and obedience. Let it be remarked further, that his business is totally different from that of the player; and that the gestures and declamation of the stage would in the pulpit be intolerably absurd. The player means nothing more than to please by imitating nature; the preacher seriously and humbly expounds the word of God. There are not in earth two professions more incongruous. How absurd then is it for a preacher to imitate the gesture and pronunciation of a player! He might with equal reason put his sermon in verse, because poets make verses; or sing them to a tune, because musicians adapt music to words.

951. To attain excellence in the art of composing and pronouncing sermons, the following qualifications seem to be necessary. 1. The preacher must be a man of piety, and one who has the instruction and salvation of mankind sincerely at heart. If this is not the case, he will not be able to touch the hearts of his hearers; and if he cannot do that, he will preach in vain. In the utterance of him who speaks what he believes to be true, and of infinite importance, there is an earnestness, a simplicity, and an energy, of which



every man of sense who hears him feels the effect, and which recommends a preacher more than any other accomplishment. To which let me add, that though hypocrisy be at all times, and in men of all professions, a most hateful vice, in a clergyman it is peculiarly atrocious, and must be accompanied with such corruption and baseness of heart, as cannot fail to render him not only useless in his calling, but absolutely detestable.

952. 2. A preacher must be a man of modest and simple manners; and in his public performances and general behaviour conduct himself so, as to make his people sensible, that he has their temporal and eternal welfare more at heart than any thing else. Without this disinterested love to the souls of men, he will never gain the confidence of those under his care, if they be people of sense: they may wonder at his talents, but will not profit by his ministry. Reason, as well as Scripture, declares, that a Christian minister ought to preach, not himself, but the gospel; that he ought to be much more anxious to promote the knowledge and love of Christianity, than to gain applause by an ostentatious display of his address, eloquence, or learning. He must, in the third place, be well instructed in morality and religion, and in the original tongues in which the Scripture was written: for without these talents he can hardly be qualified to explain Scripture, or to teach religion and morality. Yet, as men are more effectually led to virtue

by example than by precept, it must be owned, that a holy life and good sense may make a clergyman very useful, even though his learning and genius be not great.

953. He must, fourthly, be such a proficient in his own language, as to be able to express every doctrine and precept with the utmost simplicity; and without any thing in the diction, either finical on the one hand or vulgar on the other. I have been told, that candidates for holy orders are usually examined on their knowledge of ancient language: this is undoubtedly right: but they ought, in my humble opinion, to give proof that they are also masters of their own. An elegant simplicity of style is more necessary in a sermon than in any other composition. For to men of all ranks and capacities the preacher addresses himself: and if he does not make what he says intelligible to all, and in respect of style not offensive to any, he may chance to do more harm than good. Plain language, therefore, he must speak; otherwise the vulgar cannot understand him: and any thing which tends to debase his subject he must not utter; lest he offend both the learned and unlearned part of his audience. If he introduce uncommon words, to shew his learning; violent figures, to display his wit; poetical flourishes, to make people admire his fine fancy; or theatrical looks and gestures, to intimate, that he is not unacquainted with players and playhouses; ignorant people may be amazed at

him ; but every person of sense will see, that the instruction of his hearers is with him but a secondary consideration.

954. A sermon should be composed with regularity, and unity of design, so that all its parts may have a mutual and natural connection : and it should not consist of many heads, nor should it be very long. If these rules are not observed, it may make a slight impression while it is heard, but will quickly be forgotten. One can remember all the parts of a regular machine, and their connections, on once seeing it : but had those parts been laid together in a heap without connection or method, they would have taken no hold of the memory. (See § 128.) The human mind can attend for a certain space ; but if it be over-fatigued with attention, what it hears will do it harm without doing good. And let it be considered, that the common people are less capable of strict attention than the learned are, because less used to it ; so that very long sermons can answer no end, either to learned or unlearned hearers, except to wear out the spirits of the former, and raise in the latter a foolish admiration of the preacher's powers, both which ends are very remote from the views of a conscientious minister of the gospel. —I shall only add, that a sermon ought to be pronounced with gravity, modesty, and meekness, and so as to be distinctly heard by all the audience. Let the preacher therefore accustom himself to ar-

ticulate slowly, and deliver the words with a distinct voice, and without artificial attitudes or motions, or any other affectation.

955. The third and last species of rhetorical prose is the oration; delivered to judges from the bar, to wise men in a senate, or to the people in a *forum*. This I must omit; partly, because it is not of general use; partly, because it is a subject too extensive for the time I should have to bestow on it; and chiefly, because it has been illustrated at large by Cicero and Quintilian, with whom every scholar will be careful to make himself acquainted. Two things are especially necessary to enable a man to excel in it. The first is, a ready eloquence; which is in some measure the gift of nature, but may be much improved by practice in speaking, and habits of recollection, and accurate study. The second is, an exact knowledge of the laws and constitution of one's country, and a perfect acquaintance with that business, whatever it may be, which is to form the subject of the oration.

956. The last sort of prose composition is the philosophical (§ 911): which may be subdivided into mathematical, physical, and moral. In the mathematical style, the utmost perspicuity and exactness are necessary; with such an arrangement of propositions and arguments, as cannot be altered but for the worse; and all tropes, figures, and other embellishments of diction, are prohibited. Euclid is the best model, especially in the original;

which is the easiest Greek book in the world, and a good preparative to the studying of the language; all his words being used in their proper signification, and without any mixture of a figurative meaning. I need not say any thing of the advantages of mathematical study: you have, in another place, heard them explained to better purpose than I can explain them; and are, I doubt not, sensible, that they must be very great. Not to mention the importance of mathematical science, as the foundation of astronomy, navigation, surveying, gunnery, fortification, mechanics, and other useful arts, I would only observe, that it is of singular benefit in improving the understanding of the student, by engaging his attention, inuring him to accuracy and method, and making him acquainted with one species of reasoning which is liable to no exception. Two cautions only I would suggest to him; and those are, 1. Not to waste his time and talents in those geometrical speculations that are not connected with practice; and, 2. Not to apply the rules of mathematical reasoning to other parts of knowledge; or expect the same mode of arrangement, and form of proof, in theology, morality, and history, which he has been accustomed to in the mathematical sciences.—The philosophy of bodies, as far as it is connected with geometry, ought also to be delivered in the plainest words, and without any figurative embellishment. But those physical inquiries which are not strictly mathematical, may admit of

rhetorical decoration, and should be as entertaining as possible. Perspicuity, however, and exactness of method, should never be sacrificed to elegance ; for the philosopher ought always to remember, that his chief concern is, to find out and explain the truth.

957. All the doctrines of moral philosophy, including logic, are founded in a careful observation of the human mind. Now to human creatures nothing is more interesting than that which relates to human passions, feelings, and sentiments : and therefore it is the teacher's fault, and not the fault of the subject, if every part of moral philosophy is not made very entertaining. The phenomena of human nature, which are the facts whereon this science is built, ought to be illustrated by examples from history and common life ; and these should be frequent, that attention may be continually engaged, and the subject, notwithstanding its abstract nature, made level to the capacity of every person who can observe what passes in his own mind, and in the world around him. Those parts of moral science that relate to our improvement in virtue, and the regulation of the passions, ought to be not only entertaining, but also enforced with that simple and expressive eloquence, which touches the heart, and disposes it to form good resolutions.

958. In this, as in every other science, accuracy of arrangement, and perspicuity of expression, are indispensable. Ambiguity of language is particu-

larly to be guarded against ; or, where ambiguous terms must be used for want of better, which will sometimes be the case, let care be taken to explain or connect them so, as that the reader and writer may understand them in the same sense, and distinguish them from other terms of the same or similar sound, but different signification. To give one example. If we have occasion to use the words *taste*, *smell*, *sight*, or the like, let us do it in such a way as that the reader may instantly discover whether we mean the thing perceived, the faculty perceiving, or the perception itself as distinguished from both. For, as I formerly observed, all these, however different, are both in common and in philosophical language, frequently denominated by one and the same word.—Had this rule been duly observed, we should have been free from a great deal of erroneous reasoning, which has appeared in the world under the respectable name of moral science.

959. When I affirm, that all moral inquiry ought to be perspicuous and entertaining, it may be thought that I forget to take into the account those speculations concerning power, infinity, space, duration, innate ideas, &c. which in some moral systems take up great room, and which, being of an abstruse nature, admit of few or no illustrations from common life, and are therefore attended with unavoidable obscurity. I confess that these things are not entertaining ; I fear they are not always intelligible. From science, therefore, I would exclude

them; as they do harm, and cannot do good. They do harm: because they consume precious time; exhaust the vigour of the understanding in vain controversy; pervert reason, by encouraging sophistical wrangling; and dispirit the mind in the search of truth, by presenting to it nothing but uncertainty. And they cannot do good: because they lead to no principles that can be applied to any useful, or indeed to any practical, purpose. Every science, and moral science especially, ought to refresh the mind with the knowledge of truth, and give strength to the human faculties, by establishing rules for the regulation of human conduct, both in common life and in the pursuits of literature. But this speculative metaphysic can answer no end, that is not either bad or frivolous; and therefore shall never form a part of my moral system, or attract the notice of any person, who in these matters is willing to be determined by my advice. Plain, practical, and useful truth, ought to be the sole object of philosophical inquiry.

#### SECTION V.

##### *Of the General Nature of Poetry.*

960. THE design of the following remarks on poetry is, not to teach or recommend the practice of the art, but so to explain the principles of it,



as to shew its connection with the human mind ; and to raise, if I can, in those who hear me, as much curiosity concerning it as may incline them to read the best ancient and modern poets ; a study which will be found equally amusing and profitable. (See § 911). The *essential* rules of this art, as well as of every other, are to be inferred from its end or destination. (§ 233). That one end of it must, in all ages, have been to give pleasure, can admit of no doubt. For why should a man take the trouble to put his thoughts in verse, which is a work of some difficulty, if he did not hope, by so doing, to make them more agreeable than they would have been in prose ? or why should he contrive fables, if he did not think that they might have in them something which people would take pleasure to read, or to hear ?

961. History and philosophy aim at instruction as their chief end, and if they accomplish this are allowed to have merit. But verses, however instructive, have no poetical merit, unless they be in other respects agreeable. The philosopher and historian are at pains to please their readers, that they may the more effectually instruct them : the poet instructs, that he may the more effectually please. Instruction, therefore, is one end of poetry, but it is a secondary end ; and we never estimate the degree of poetical merit by the quantity of instruction conveyed in the poem : every body knows, that the most instructive books in the world

are written in prose.—It has been asked, whether poetical or prose composition be the more ancient? The question is not material, and hardly admits of a general answer. If the book of Job be older than the Pentateuch, as some think it is, poetry will claim the priority; if Moses wrote the Pentateuch before Job was written, the precedence must be given to prose. In ancient Greece, and in Provence at the revival of letters (§ 934), there is good reason to think that prose was posterior to poetry. Whether verse, that is regular measure, be essential to this art, will appear afterwards. I call it *poetry*, after the example of most of our late writers; but am sensible, that its ancient name *poesy* is more proper.

962. It is said that the poet instructs with this view, that he may the more effectually please. That this may be understood, it is to be observed, that the human mind, when it is not biassed by prejudice or passion, generally prefers virtue to vice, and truth to falsehood. That, therefore, which tends to corrupt the heart, or which can do it no good, or which plainly proceeds from a bad heart, must always offend the most respectable part of mankind; as that whose tendency is to make the heart better must please in the same proportion. It is true, that vicious characters may in poetry be introduced speaking and acting viciously: but if that be done in order to deter from vice, by exhibiting its deformity and fatal consequences, we may be instructed or

improved by it, and consequently pleased. It is also true, that poems, and other fictions, have been popular, in which it was attempted to exhibit vice under a seductive disguise; or as the object, not of disapprobation, or ridicule (§ 199), but of that sort of laughter which breeds a liking to the ludicrous object. But this is repugnant to the end of the art, as well as to the practice of all genuine poets. And the popularity of such things cannot be lasting; as it will be found to arise from a temporary cause; from the *novelty* of the things themselves; from the *fashion* of the age; from the influence of *patrons*; or merely from the *inadvertence* of the public, who were not at first aware of the real nature of the novelty that caught their attention.

963. The poet is not, like the historian and philosopher, obliged to adhere, in his narrative, to truth: he may invent as many incidents as he pleases, if by so doing he can make his work agreeable; the chief end of the art being to give pleasure. The word *poet* means *maker* or inventor; as if fiction were in some sort necessary to distinguish this art from that of those who are obliged to confine themselves to reality. But poetical fictions cannot be agreeable unless they are natural. For to the laws and appearances of nature we are so much accustomed, that we cannot relish any thing which apparently contradicts them. What we call unnatural we always in a certain degree

dislike. Now, in order to have the quality expressed by the word *natural*, the fictions of poetry must be, first, conformable to the *general experience* of mankind, or, at least, not contrary to it; or, secondly, conformable to the opinions entertained concerning nature by the persons to whom they are addressed; or, thirdly, consistent with themselves at least, and connected with probable circumstances. In short, fiction, in order to give pleasure, must be probable, or plausible, or something which, if it is not true, is so like the truth as not to seem unnatural to those for whom it was invented. We are, indeed, easily reconciled to any fable (provided it be consistent with itself), in which the appearances of the universe, as perceived by our senses, and the operations of the human mind, as suggested by reflection, are naturally represented. For these are things which every person is more or less acquainted with; and concerning which, mankind have in all ages been nearly of the same opinion.

964. Different nations have differed in religion; and in their notions of those invisible beings, whom they supposed to have influence in conducting human affairs. The Greeks and Romans believed in, or at least worshipped, Apollo, Jupiter, and other idols; and in latter times, when Europe was more ignorant than it is now, many Christians believed in magic, enchantment, witches, fairies, ghosts, &c. All these things are now disbelieved.

by people of sense. And, therefore, if a poem were now to be written, in which these imaginary beings appeared as agents, we might be diverted with it, or laugh at it; but our heart and affections could not be seriously interested. In Homer's fable, however, and in Virgil's, we are interested, notwithstanding that heathen gods are introduced; because we make allowance for the opinions of the people for whose amusement Homer and Virgil wrote, and we are willing from time to time to suppose ourselves in their situation, and to have the same views of nature which they had. In the same way we make allowance for similar fables in other *ancient* poets. Yet it must be owned, that we are seldom or never interested in those *parts* of a fable which directly contradict our own opinions. We are not, for example, interested in the squabbles of Homer's gods; though we may be in those adventures of the Greek and Trojan heroes which are represented as the consequences of what passed in the palace of Jupiter; because in the joys and sorrows of our fellow-men, in whatever way brought about, we must always participate, when they are naturally described. *Telemaque*, notwithstanding the beauty of the sentiments, is not an interesting tale; the language and style will not permit us for a moment to suppose it ancient; and we cannot think a Christian archbishop in earnest, when he tells us that Minerva, in the shape of an old man, accompanied his hero.

965. The action of *Paradise Lost* (by the *action* of an epic poem is meant the series of events related in it) is supposed to have happened at the beginning of the world; when we have reason to believe that good angels might have been employed in conducting certain events, and that evil spirits exerted themselves too successfully in corrupting our first parents. That part, therefore, of Milton's machinery, in which angels are concerned, has still sufficient probability to interest us; and among Christians will always have it. By the word *machinery* is here understood the use that a poet makes of superior beings and supernatural events. But Milton has transgressed the rules both of probability and of possibility, and that in a very blameable degree, when to the Supreme Being he ascribes long imaginary speeches full of theological controversy.

966. History and philosophy represent nature as it is. But we may imagine a state of things, not better upon the whole, for all the works of God are good, but more amusing to the human mind, than what we see in the world around us. We may imagine a finer landscape, and a more magnificent town or palace, than any we ever beheld; and a heaven more beautifully adorned with stars, than that glorious firmament which is over our heads. The best man we ever knew is not so good as we may imagine a man to be, or as a man ought to be. Now, as the end of poetry is to

please, and as that poetry is best which pleases most, it seems to follow, that poetical descriptions are to be framed, not so much after those appearances of nature which really exist, as according to that general idea of excellence, which it is possible for the human mind to conceive within the limits of probability.—To take an example from a kindred art. If a painter were to draw such a human figure as every body would acknowledge to be completely beautiful, he would not copy any one individual person; because there are few or no individual figures so beautiful as to have no blemish; and because any one, though admired by some, might not be equally admired by all. But he would, after observing a number of beautiful figures, and comparing them with one another, collect a general idea of beauty, more perfect perhaps than could be seen in any one person; and this general idea he would express in his picture. And Pliny tells us, that an ancient painter made a famous picture of Helen in this very way. The example may serve to illustrate the nature of sublime and elegant invention, both in painting and in poetry.

967. It appears then that poetry, in order to be completely agreeable, must be, not what history is, a representation of real nature, but rather an imitation of nature in that state of perfection in which we may suppose nature to be. (§ 189). And this is the idea of poetry, which is given by Aristotle in

his Poetics, and by Bacon in his Treatise of the Advancement of Learning.—But it must be observed, first, that we are here speaking of what is called the higher poetry, that is, of the epic poem and tragedy : for in explaining the essential rules of an art, we must always allude to that art in its most perfect state. In the lower sorts of poetry nature may be exhibited as it is, and clowns, for example, introduced speaking clownishly, and acting accordingly. And in farces, and other poems intended to raise laughter, nature may be exhibited in a state of degradation, that is, more imperfect than it really is. The higher poetry is analogous to *historical* (it should rather be called *poetical*) painting; the lower, to *portrait painting*; and farce, to *caricature*.—Observe, secondly, that when, in speaking of the higher poetry, we call it an imitation of nature improved, we do not mean, that nothing is to appear there but what is beautiful and morally excellent. For, in an epic poem, a person may be introduced, of a worse moral character, perhaps, than ever appeared on earth; and scenes of horror may be described, more dreadful than ever were beheld by mortal eyes. Satan and hell, as we find them in *Paradise Lost*, are examples of this. While we speak of nature being improved in poetry, we mean little more than that the appearances of things are exaggerated with respect to both good and evil, so as most effectually to gratify and improve the reader.



968. One of the most important and most difficult parts of poetical fiction is, to invent and support a variety of characters; that is, to introduce in the story, or in the play, a number of persons of different tempers and talents, speaking and acting, each according to his or her character, and within the bounds of probability. Of the difficulty of this sort of invention, Horace is so sensible that he rather dissuades it, and advises that characters in the drama be taken from the ancient poets, or from tradition. And, indeed, though many have made the attempt, Homer, Shakespeare, and Milton, are almost the only poets who have succeeded in the invention of such characters as are at once natural, adapted to the strain of the composition, and different from all that had appeared before.

969. To make every poetical character wise and virtuous is not necessary, and would be improper. For, first, this would not be like nature; as all men have their frailties both moral and intellectual. Secondly; it would be easy for us to foresee what part a good man would act in any given circumstances; so that his actions would produce no surprise: and the reader's surprise, as it imparts vivacity to every emotion connected with it, is much sought after by the writers of fiction, who, with this view, give such a turn to their fable as makes one expect events different from those which they intend to bring about. Thirdly; we receive plea-

sure and instruction, not only by contemplating the beauty and rewards of virtue, but also by observing the deformity and bad consequences of vice; and therefore in a poetical fable, good men should be exhibited as a pattern to us, and ill men as a warning. Fourthly; distress is necessary in fable to draw forth our pity; this being a good and salutary affection, and attended, as formerly observed, with a very peculiar sort of pleasure. But distress, except when it arises from some degree of vice or imprudence, pains us too exquisitely even in fable; and therefore some of the characters in a poem must be to a certain degree vicious or imprudent, in order to bring about, by probable means, such events as, by drawing forth our pity, may both please and improve us. The most beautiful and most instructive incidents in Homer and Virgil are those which arise from vice and imprudence. The Trojan war, and all the adventures it occasioned, were owing to the wickedness of two persons, and the folly of some others; the most pathetic episode in Virgil, the despair and death of Dido, is also the effect of imprudence and guilt; another tale in the same poet, inimitably tender and interesting, the story of Misus and Euryalus, has, in consequence of youthful temerity, a fatal termination; and Milton's divine poem would not have been either so affecting or so instructive, if it had not described the fall of man, as well as the state of innocence.

970. No ancient poet has displayed so great a

variety of natural characters as Homer. In his persons, not two of whom are alike, good and evil, prudence and imprudence, and different talents and passions, are blended, as we find them in real life. Courage is a prevailing character among his heroes, but not two of them have the same sort of courage. In one it is united with rashness, in another with prudence, in a third with modesty, in a fourth with ostentation; one is brave and merciful, another brave and cruel; one is brave from principle, another from insensibility to danger, or from confidence in his massy arms; one is brave in the defence of his country, another in order to gratify himself. Almost every species of heroism may be found in Homer. His good characters have for the most part some weakness in them; and none of his bad ones are totally destitute of good qualities; which generally happens to be the case in life. Nor is it heroism only that the poet diversifies. Nestor and Ulysses are both wise, and both eloquent; but the wisdom of the former is the effect of experience; that of the latter, of genius; the eloquence of the one is copious, and, like that of old men, not always to the purpose, and apt to degenerate into story-telling; that of the other is close and emphatical, and accompanied with a peculiar modesty and simplicity of manner, bordering on awkwardness. His female personages the poet varies with equal skill: Helen, Andromache, Penelope, are all interesting and ami-

able ; but they are quite different. Andromache is amiable, as an affectionate wife and mother ; Penelope, as a prudent matron, of unshaken fidelity ; and Helen, as an accomplished and beautiful woman, guilty of one enormous trespass, but candid, grateful, and submissive. Homer's superannuated heroes are well and naturally distinguished : how unlike is Nestor to Priam ! how different Laertes from both ! In the celestial, I should rather say Olympian, personages, Jupiter, Apollo, Mars, Juno, Minerva, Venus, the attentive readers of this wonderful poet are entertained with varieties of character not less remarkable.

971. All those persons in whose fortune the writer of fable wishes his readers to be deeply interested, must have agreeable qualities to recommend them in some degree to our regard : for who could bear to read the adventures of a person completely worthless ! But agreeable qualities should never be given to a fabulous character in such abundance as to make us entertain any partiality for vice ; a fault, however, which in modern plays and novels is very common. Writers of genius, who have that love of virtue which generous minds always have had and will have, know how to give in this respect the proper direction to our passions, and without any confusion of right and wrong, to make the same person raise within us very different emotions, pity and hatred perhaps, admiration and horror. The Achilles of

Homer, for example, we admire, we esteem, we hate, and we pity. We admire his great qualities, his generosity, his valour, his superiority to the fear of death : we esteem his good qualities, the warmth of his friendship, his affection to his parents, his love of truth, his hatred of tyranny, his attention to the duties of hospitality, his gentle and compassionate behaviour to his enemy Priam : we hate him for his cruelty, obstinacy, and violent temper : and we pity him on account of that circumstance in his poetical destiny, which makes him foresee that he must be cut off in the flower of his youth.

972. Neither in the arrangement of his fable, nor in the variety of his characters, has Virgil attempted to rival Homer ; having been sensible no doubt of his inferiority in these two branches of the art ; though in some others he is equal to his great master, and in some events superior. His characters indeed are very few. Dido, however, Turnus, Mezentius, Evander, and one or two more, are well drawn, and skilfully distinguished. Milton's plan did not admit many characters ; but most of those whom he has introduced are formed and discriminated with consummate propriety. Satan is astonishingly superior to all the other fiends ; among whom there are different forms of impiety and malevolence, notwithstanding that all are malevolent and impious. Of the blessed spirits, Raphael is characterised by affability, and pe-

cular good-will to the human-race; Michael by majesty, but such as commands veneration, rather than fear; Abdiel is distinct from both. It required great judgment to vary, with so much probability and nature (if I may so speak), the characters of three angelic beings, who in goodness and greatness are almost equal. ‘ Adam and ‘ Eve, in the state of innocence,’ as I have in another place observed, ‘ are characters well imagin- ‘ ed, and well supported; and the different senti- ‘ ments, arising from difference of sex, are traced ‘ out with inimitable delicacy, and philosophical ‘ truth. After the fall the poet makes them re- ‘ tain the same characters, without any other ‘ change, than what the transition from innocence ‘ to guilt might be supposed to produce: Adam ‘ has still that pre-eminence in dignity, and Eve ‘ in loveliness, which we should naturally look for ‘ in the father and mother of mankind.’ Samson in Milton’s *Agonistes* is a species of the heroic character, not to be found in Homer, distinctly marked, and admirably supported: and Delilah, in the same tragedy, is as perfect a model of an alluring worthless woman as any other to be met with in poetry.

973. But the only poet, modern or ancient, who in the variety of his characters can vie with Homer, is our great English dramatist; of whom the elegant and judicious Lord Lyttleton boldly, but with no blameable exaggeration, affirms, that

if all human things were to perish except the works of Shakespeare, it might still be known from them *what man was*. He has greater variety in this and in other respects, than Homer could have; for Homer was confined to heroic manners, and the uniform dignity of the epic muse; whereas the more ductile nature of the drama permitted the English poet to indulge himself, without restraint, in comedy and farce, as well as in tragedy. In exhibiting different forms of heroism, he shews not the ability or the art of Homer; but he shews very great ability: Hotspur, Henry prince of Wales, Macbeth, and Othello, are heroes, totally unlike one another, and each so natural, and so well distinguished, that we think we know him as thoroughly as if he had been our intimate acquaintance. What diversities of comic humour appear in the same Henry, in Falstaff, Benedick, Mercutio! of feminine loveliness, in Miranda, Juliet, Desdemona, Rosalind, Ophelia! of laughable absurdity, in Dogberry, Juliet's nurse, the Host of the Garter, Sir Hugh Evans, Mrs Quickly, Shallow, Slender! &c.—But it would require volumes, and the labour of years, to give a just analysis of the characters of Shakespeare.

974. There is a considerable difference between the historical and poetical arrangement of events; the aim of the former being to adhere to truth and chronology; that of the latter, to produce surprise and other pleasurable emotions. In history

some events are recorded, merely because they are true, though their causes be unknown, and their consequences unimportant. But of all poetical events, the causes should be manifest, for the sake of probability, and the consequences important, that the reader may be interested. A history may be as long as you please; for, while instructive and true, it is still a good history. But a poem must not be very long: because it is addressed to the passions, which cannot long be kept in violent exercise: because, in order to be suitably affected with the poet's art, one must have a distinct remembrance of the whole fable; which could not be, if it were very long; because poetical composition is difficult, and because events in poetry, that they may have the proper effect upon the imagination and passions, ought to be described with some degree of minuteness; so that a poem, if it were to comprehend many events, would shoot out into an immoderate length.

975. The poet, therefore, commonly fixes on some one great event, as the subject of his work, to the bringing about of which, every material part of the action ought to contribute. Thus, in the Iliad, every thing relates to the wrath of Achilles; which in the first words of the poem is proposed as the subject, and which every part of the fable tends to display, in its rise, progress, and consequences: and when that wrath is extinguished, the poem is at an end. Some critics have thought, that, as the anger of Achilles ended with the life



of Hector, who is killed in the twenty-second book, the poem ought to have concluded with that book; and that the following events, being unnecessary, violate the unity of the fable. But the anger of Achilles was not extinguished by the death of Hector: he had vowed to treat the dead body with indignity, and continued to do so, till Priam prevailed on him to allow it the honours of sepulture. Hector's funeral, therefore, being the proof and consequence of the extinction of the hero's anger, is very properly made the concluding event. The subject of the *Æneid* is the establishment of the Trojans in Italy: to this the poem continually tends: and when this is effected by the death of Turnus, the only remaining person who opposed that establishment, the poem naturally concludes.

976. It was hinted that every material part of a poetical fable tends to bring about or illustrate that event which forms the subject of it. Digressions however may be introduced so as to have a very pleasing effect; and though they have little connection with the subject, never fail to be applauded, if they be eminently beautiful in themselves. Digressions of this sort in an epic poem are called episodes. The most beautiful in the *Æneid* are the despair and death of Dido, in the fourth book; the account of Elysium, Tartarus, and the *Lugentes campi*, in the sixth; the death of Cacus in the eighth, and the story of Nisus and Euryalus in the ninth. The finest in the *Iliad* are the parting of

Hector and Andromache, and the description of the shield of Achilles. In the *Georgic* are some digressions of transcendent beauty: the prodigies that attended the death of Julius Cæsar, in the first book; the praises of a country life, in the second; the plague among the beasts, in the third; and the story of Orpheus and Eurydice, in the fourth. But nothing of the kind is finer than the apostrophe to light in the beginning of the third book of *Paradise Lost*.

↙ 977. The historian takes up his narrative at the beginning; but the poet begins in the middle of the subject, or rather as near the end as possible. Though the *Iliad* contains the most important particulars of the war of Troy, the action of the poem opens in the ninth year of the war, and lasts little more than forty days; and we are informed occasionally of the previous events by the conversation of the persons who bear a part in the action. The *Æneid* contains the affairs of seven years; but the first thing related in it is the departure of the Trojan fleet from Sicily, which happened but a few months before the death of Turnus: and the previous part of the story we learn from a narrative which the poet puts in the mouth of Æneas, who at the request of Dido relates his adventures. This contrivance, of beginning in the middle of the subject, has in poetry several advantages. By giving compactness to the fable, it makes it be easily remembered; and, by putting it in the

poet's power to begin the action as he pleases, it enables him to rouse the reader's attention and curiosity, by setting before him, in the commencement of the work (which in history is generally languid), some great event, or interesting combination of images. It is also agreeable to the order in which most things strike our senses. For it rarely happens, that we see the whole of any great event from beginning to end. Such things are most apt to draw our attention some time after they are begun; and what went before, we learn from other people, or perhaps make out for ourselves, from the conversation of the persons engaged in the action. This poetical arrangement of events is followed not in epic poems only, but also in regular tragedies and comedies, and sometimes in romances and narrative ballads. Fielding's *Amelia*, and Goldsmith's *Hermit*, are conducted according to this plan.

978. Of the language of poetry. As poetical fiction imitates improved nature (§ 967), so poetical language is an imitation of natural language, improved to that degree of perfection, whereof, in a consistency with probability, we may suppose it capable. Natural language and good language are not always the same. Language is good, when it is according to rule; it is natural, when suitable to the condition, circumstances, and character of the speaker. In history, the historian is supposed to speak from beginning to end. Now the

historian assumes the character of a person who is capable of instructing mankind, and must therefore be supposed capable of telling his story agreeably and with elegance. His style, therefore, in order to be natural, that is, suited to his supposed condition and character, must be uniformly elegant, even although he should have occasion to record the sentiments and speeches of illiterate persons; which is no more than we should expect from a good speaker recapitulating, in any solemn assembly, the speech of a clown.

979. In the epic poem, the poet, or his muse, is supposed to speak from beginning to end. As he lays claim to inspiration, and unfolds even the thoughts of men, and the transactions of superior beings, his language, adapted to this his supposed character, must be elevated, far above that of history, into the highest elegance possible. And in this he must uniformly persist, even when he relates the sentiments and sayings of persons from whom, if they themselves were to speak, we should expect no elegance at all.—In tragedy and comedy the poet never appears; the several persons being themselves introduced, speaking and acting suitably to their respective characters and circumstances. It is natural, however, that the language of tragedy should be more elevated than that of comedy. For in the former the persons are supposed to be in the higher ranks of life, and employed in affairs of importance; whereas in co-

medy they are for the most part taken from the middle and lower ranks, and employed in business of a more trivial nature.—In the lower sorts of comedy, which are called farce, nature, as I already observed, is represented as rather degraded than elevated, the author's chief purpose being to raise laughter; and therefore clowns are introduced speaking clownishly, and foreigners speaking imperfectly in a barbarous dialect; and, in general, whatever is ridiculous in life is made more ridiculous than it is in reality. There is, for the most part, a great deal of farce in comedy. Critics may mark the difference between them, but poets seldom mind it. Terence indeed writes pure comedy, as Menander probably did; there is a great proportion of farce in Plautus, and in Aristophanes hardly any thing else.

980. Poetical language is 'natural language improved as far as may be consistent with probability.' Natural language is improved in poetry, first, by the use of poetical words; secondly, by tropes and figures; and, thirdly, by versification. In most cultivated tongues, perhaps in all, there are words and phrases, which, because they often occur in poetry, and seldom or never in prose, are termed poetical. Many of these were once in common use, but are now little used, and, except in poetry, are obsolete. Such in English are the words *trump* for trumpet, *helm* for helmet, *morn* for morning, *lore* for learning, *rue* for regret, &c.

Some poetical words are common words lengthened, and some are common words shortened, for the convenience of the versifier; as *affright* for fright, *dispart* for part, *distain* for stain, *eve* and *even* for evening, *illum* for illuminate, &c. The Latin poets, in a similar way, and for the same reason, shortened *fundamentum*, *tutamentum*, *munimentum*, &c. into *fundamen*, *tutamen*, *munimen*. Many of our poetical words, which cannot be called either obsolete or old, are borrowed from other languages, as *philomel*, *radiant*, *refulgent*, *redolent*, *verdant*, *zephyr*, &c. For more particulars on this subject, see an *Essay on Poetry and Music as they affect the mind*, part ii.

981. The poetical dialect of the Greeks is probably that form of the language which was in common use in the days of the first Greek poets, Hesiod and Homer; or perhaps in the time of those who lived a century earlier, and whose style it is probable that Homer imitated, as Orpheus, Linus, Amphion, and Museus, of whose works nothing now remains. This style in after times was gradually discontinued in common life, and used by those writers only who imitated the ancient poets. Such changes happen in all cultivated languages. The English now written is in many respects different from what Spenser wrote two hundred years ago; and the difference is still more remarkable between Spenser's language and that of Chaucer, who was two hundred years before

him. The advantages arising from the use of poetical words are these two. First, they make the language of poetry more musical; most of them being agreeable in the sound, and easily put in verse. And, secondly, they make it more solemn: for those words which we never meet with but in very elegant writing, do as naturally acquire dignity and elegance, as other words become vulgar, by being used on vulgar occasions. Such is the effect of association.

982. In what respects tropes and figures are ornamental to language, we have seen formerly: I therefore proceed to make some remarks on versification. Poetry, being intended to give pleasure, must be agreeable in the sound, as well as in every thing else. Harmony in prose is ornamental; in verse, necessary. It has been much debated among critics, whether verse or regular measure be essential to the poet's art. Without recapitulating what has been said by others, I shall give what I take to be the truth; that 'to poetry verse  
' is not essential, but is necessary to the perfection  
' of all poetry that admits of it.' It is to this art what colours are to painting. A painter might draw beautiful and exact figures by means of one colour: and some sorts of drawing admit no more; but pictures are not perfect, unless there be in them as many colours as are seen in the originals. So a poem may be in prose; but, in order to be perfect, most kinds of poetry must be

in verse.—Let it be observed here, that in prose the measures of verse are extremely improper. Such composition looks like neither prose nor verse ; one might call it, in the words of a witty author, *prose run mad*. It resembles the gait of a man who walks sometimes naturally, and every now and then in a minuet step. Always to avoid poetical measure in prose is not easy ; nor is it worth while to be continually on our guard against it ; but in general it ought to be avoided, as it very judiciously is, by our translators, in the poetical, as well as in the other parts of Scripture. In some pretended translations of ancient poems, it is affected as a beauty, and no doubt has its admirers ; but it will not gratify an ear that has been long accustomed to the best ancient and modern authors.

983. In comedy, which imitates the language of conversation, verse would seem to be unnatural, and consequently improper. Yet the Greeks, the Romans, and the French, have comedies in verse ; which must be allowed where it is the fashion, but would not now suit the English taste ; unless it were verse so carelessly modulated, that the measure could appear to the eye only, and not to the ear. Fielding's *Amelia* is an epic poem of the comic species, and would be spoiled if it were turned into verse : *Telemachus* is a sort of serious epic poem, and would not be improved by being versified. To the lower kinds of poetry, such as pas-



torals, songs, epigrams, and the like, verse seems to be essential, because they have little else to distinguish them from prose. Very sublime poetry, especially if very ancient, has sometimes a better effect in a literal prose translation, than it would have in verse ; because the ornaments essential to the modern poetic measures would be hurtful to its simplicity. Every attempt to versify the book of Job, the Psalms, and the other poetical parts of Scripture, takes away from the beauty and the grandeur of those sacred compositions.

984. The principles of versification are in different languages different. In Greek and Latin, the measure of verse depends on the *quantity* of the syllables ; that is, on their being long or short. With us it *may* depend on the same thing, but does not so always, or essentially. The following line consists of a short and long syllable five times repeated :

Despair, remorse, revenge, torment the soul.

But this other line, though of the same sort of verse, consists of nine short syllables and a long one :

The busy bodies flutter, tattle still.

In fact, English versification depends on the alternate succession of emphatic and non-emphatic syllables. And though the emphatic syllable is often long, it is not always so. In the word *despair*, the last syllable is emphatic and long ; in *body*, the first is emphatic and short.

985. In most languages the measure of verse

depends on a certain proportion which one verse bears to another, in respect either of the time, or of something else that affects the pronunciation. That *proportion* should be agreeable, is not surprising, and has formerly been accounted for. It suggests the agreeable idea of skill and contrivance: and when we have heard a few verses, we expect the same measures to return; and this expectation, and the gratification that follows it, give a pleasing exercise to the mind. In the same manner we might account for the pleasure derived from the rhymes of modern verse. The Greeks and Romans supposed a line of poetry to consist of a certain number of parts, which the Latin grammarian calls *feet*. A foot consists of two syllables at least, and no more at most than three or four. A foot made up of two long syllables was called *spondeus*; of a long and short, *trocheus*; of a short and long, *iambus*; of a long and two short, *dactylus* or *finger*; of two short and a long, *anapestus*; and of two short syllables, *pyrrichius*.

986. In order to understand the measures of English verse, it is sufficient that we fix in our mind a distinct notion of the trocheus, iambus, and anapestus; for in our language the spondeus is not frequent; and those measures are also uncommon, in which the dactyle predominates; the more usual measures of our verse being reducible to three, iambic, trochaic, and anapestic. Adapting ancient terms to English prosody, we may call

an emphatic and non-emphatic syllable, forming one foot, a trocheus, as *gentle, purple, body*; a non-emphatic syllable followed by an emphatic one, an iambus, as *revenge, depart, attend*; two non-emphatic syllables succeeded, in the same foot, by an emphatic syllable, an anapestus, as *undertake, understand, entertain*; and an emphatic syllable followed in the same foot, by two non-emphatic ones, a dactyl, as *thunderer, multitude, profligate*. Of all poetical measures the iambic is the most natural; for, as Aristotle observes, we often fall into it in ordinary discourse. Trochaic and anapestic measures are more artificial.

987. Of English iambics there are five or six species (I divide them into species according to their different lengths), whereof these that follow are the most common.

I. The good alone are great.

II. The hand that made us is divine.

III. I live in hope that all will yet be well.

IV. For thou art but of dust, be humble and be wise.

V. The Lord descended from above, and bow'd the heavens high.

Observe, that the second of these lines is the same measure with the iambic *dimeter* of the ancients, whereof you will find examples in the Latin prosody, as, *Æternitatis janua*; the third is the English heroic verse; the fourth, which is called *Alexandrine*, for what reason I know not, corresponds in measure with the iambic *trimeter* of the ancients, of which the following line of Horace, when rightly pronounced, is an example;

Beatus ille qui procul negotiis :

and the fifth is now for the most part broken into two lines, the one containing four feet and the other three.

988. Of English trochaics there are four or five species; whereof these two are the most common. In each of them, an emphatic and non-emphatic syllable are disposed alternately, so that this measure is the reverse of the former :

- I. Come and trip it as ye go  
On the light fantastic toe.
- II. O'er the dreary waste they wander.

This second verse, with the former subjoined to it, makes the measure of an excellent English ballad, known by the name of Hosier's Ghost, which begins thus :

As near Portobello lying, On the gently swelling flood,  
At midnight, with streamers flying, Our triumphant navy rode.

Examples of the same measure may be found in the Greek tragedies; and we have it in a Latin poem called *Pervigilium Veneris*, commonly ascribed to Catullus :

Ver novum, ver jam canorum, Vere natus orbis est.

Of anapestic verse, there are in English four or five sorts; the two following are the most common :

- I. With her mein she enamours the brave.
- II. If I live to grow old, as I find I go down.

In both sorts the first foot is often, indeed, generally, an iambus :

- I. Despairing beside a clear stream.
- II. The bright and the balmy effulgence of morn.

989. It is not the *measure* merely of verses that deserves attention ; poets have studied to vary the sound, and the motion of their numbers, according to the subject : which has produced what the critics call imitative harmony. But such imitation neither is, nor can be, nor ought to be exact : it is enough, if there be a remote resemblance between the sound and the sense, and if the versification vary as the subject varies. Articulate sounds may imitate other sounds ; and the slowness or rapidity of poetical rhythm may imitate other slow or quick motions. On this principle, harmonious poets may imitate *sounds* that are sweet with dignity,—sweet and tender,—loud,—and harsh ; and *motions*, that are—slow in consequence of difficulty,—slow in consequence of dignity,—swift and noisy,—swift and smooth,—uneven and abrupt,—quick and joyous. An unexpected pause in the verse may also imitate a sudden failure of strength, or interruption of motion ; or give vivacity to an image or thought, by fixing the attention longer than usual upon it. See examples of all these, and of other things relating to this subject, in *Theory of Language*, part i. chap. 4 ; and in an *Essay on Poetry and Music as they affect the Mind*, part ii. chap. 2. There are poets who have very little of this imitative harmony, and not much variety in their numbers ; as Ovid, Waller, Lansdowne, Roscommon, &c. But the great poets, especially the epic, lyric, and

didactic, have much of it; and, with respect to their degrees of excellence in it, those I am best acquainted with may be thus arranged: Homer, Virgil, Milton, Tasso, Spenser, Gray, Dryden, Pope. Horace, in some of his odes, particularly *Tyrrhena regum progenies*, and, in some passages of his epistles, shews a very correct ear for poetical harmony; but the general tenor of his compositions did not often admit of this beauty. Nor does tragedy often admit of imitative modulation. Yet some noble examples of it might be quoted from Shakespeare.

990. I shall conclude this subject with an attempt to enumerate the *genera* and *species* of poetry. The genera may perhaps be reduced to seven. First, Epic, or narrative; secondly, Dramatic, which is made in order to be acted, or in imitation of what is acted; thirdly, Lyric, which is, or may be, accompanied with music; fourthly, Elegiac; fifthly, Didactic; sixthly, Descriptive; and lastly, Epigrammatic. Each of these kinds may be subdivided into several species or sorts. A complete enumeration I do not pretend to give.

991. *Narrative* poetry comprehends, 1. The Regular Epic Poem of Homer, Virgil, Milton, and Tasso; the general nature of which may be pretty well understood from what has been said: 2. The Mixed Epic poem; such as the Fairy Queen of Spenser, and Ariosto's Orlando Furioso; in which are less probability, less unity, and great extrava-

gance of invention. 3. The Historical Poem; in which the events are generally true, and arranged in the historical order; as the Pharsalia of Lucan, the Punic war of Silius Italicus, and Addison's Campaign. 4. The Heroic Tale; which is either wholly fabulous, or nearly so, has more unity and regularity than the former, and turns for the most part upon some one event. Such are many of the tales in Ovid's *Metamorphoses*; and such are most of the serious pieces in Chaucer's *Canterbury Tales*; particularly *Palamon and Arcite*, which is very well modernised by Dryden. 5. The Didactic Epic; in which there is more philosophy than narrative. Such is Milton's *Paradise Regained*, an excellent and instructive poem, much less read than it ought to be. 6. Serious Romance; of which enough has been said already. The *Adventures of Telemachus* is of this species; if it may not rather be called an epic poem in prose. 7. Comic Epic Poetry comprehends the comic romance, and the comic narrative poem. *Don Quixote*, *Amelia*, *Cecilia*, are examples of the one, and *Hudibras* of the other.

992. *Dramatic Poetry* comprehends many species. 1. The Ancient Greek Tragedy of Eschylus, Sophocles, and Euripides; the plan of which is very well imitated in the *Samson Agonistes* of Milton, and the *Caractacus* of Mason. 2. The Modern Regular Tragedy of five acts, without the chorus, which to the former species is essential. Of this sort are the tragedies of Rowe, Racine, the *Cato* of Ad-

dison, Congreve's Mourning Bride, &c. 3. The Ancient Comedy of the Greeks, whereof nothing but Aristophanes remains; which is grossly satirical, in many respects indecent, and in some abominable. This form of the drama has never, I think, been, and I hope will never be, attempted by the moderns. 4. The Ancient Satiric Drama, so called from the satyrs, which, together with heroes and clowns, appeared in it as actors; a sort of licentious farce, which Horace seems to have thought susceptible of reformation, and has proposed some very sensible rules \* for reforming. Whether these were ever applied to practice is not known. Fortunately, every thing of this sort has perished, except the Cyclops of Euripides, which is a vile production. 5. The New Comedy, as it was called, of Menander and Terence, which has no chorus, and is written with great elegance and politeness. Plautus would belong to this class, if there were not too much farce in him and low humour. 6. The Modern Regular Comedy of five acts, such as the Drummer by Addison, the Conscious Lovers by Steele, the Merry Wives of Windsor by Shakespeare, the Clandestine Marriage by Garrick and Colman. These are excellent comedies; Shakespeare's Merry Wives is probably the best in the world. 7. The Farce: a kind of short comedy, sufficiently characterised already: we have numbers of them, by Fielding, Garrick, Foote, Murphy, and others. . 8. The Historical Tragi-comedy; the

\* Epist ad Pison. v. 220—50.



nature of which is expressed in its name : such as Shakespeare's Julius Cæsar, Henry IV. Richard III. &c. Shakespeare is the only author who excels in this sort of drama ; which in his time was called History : Ben Jonson attempted it without success. 9. Poetical Tragi-comedy ; whereof the best examples extant are Othello, Hamlet, Macbeth, and Lear, by the same great author. This species is generally founded in fiction, or very obscure tradition : the former, in the detail of the *historical* events, and delineation of the *real* characters, departs not materially from historical truth. 10. The Ballad Opera ; a sort of comedy or farce, with songs or ballads in it ; such as the Duenna, Love in a Village, the Padlock, &c. The first thing of this kind that appeared among us, was the Beggar's Opera ; one of the vilest pieces of low and profligate humour that ever was known, at least in modern times ; which has done more harm than any other dramatic exhibition since the age of Aristophanes ; and which could never have acquired popularity, if it had not been for the songs, and some other causes formerly specified. (§ 962). 11. The Serious Italian Opera ; which, as reformed by Metastasio, is a tragedy of three acts, with odes or songs interspersed, and which from beginning to end is accompanied with music. There is also a Comic Italian Opera ;—but I confine myself to those sorts of poetry with which we are best acquainted. 12. The Pastoral ; such as the Idyls of Theocritus, the

Eclogues of Virgil, the Pastorals of Pope and Phillips, and the Eclogues of Spenser; all which I refer to the dramatic species, because they are commonly in the form of either dialogue or soliloquy. Milton's *Lycidas*, and Mason's *Monody* on the death of Pope, are also of this species, though more ornamented in the style, and more allegorical in the manner. 13. The Dramatic Pastoral; a sort of comedy, or tragi-comedy, in verse, with songs or odes interspersed, and in which the persons are supposed to be shepherds, or people living in the country. The *Pastor Fido* of Guarini, and the *Aminta* of Tasso, are of this sort; elegant in particular passages, but unnatural in the manners, and in the invention extravagant. Ramsay's *Gentle Shepherd* has more nature and probability; and would be a good poem in its way, if it were not debased by a barbarous dialect, and the worse than rustic coarseness of several passages. 14. The Masque; a sort of tragic poem\*, which admits greater wildness of invention, and a style more highly ornamented, than would be allowed in a regular tragedy. Milton's *Comus* is the finest specimen extant. He seems in it to have copied the manner of Eschylus; as in *Samson Agonistes* he imitates Sophocles. Alfred, by

\* By a tragic poem is meant, not a poem that ends unhappily, but a drama in which the persons are of an elevated character. See § 979.

Thomson and Mallet, is a masque of very considerable merit.

993. Of *Lyric* poetry also there are many sorts. 1. The Pindaric or Dithyrambic Ode ; which was originally accompanied with music and dancing, and admits of bolder figures, and requires a greater variety of harmony, than any other composition. The odes of Pindar belong to this class. The best examples in our language, and better than any thing of Pindar now extant, are Dryden's Alexander's Feast, and Gray's Odes on Poetry and the Death of the Welch Bards. The choral odes in the Greek tragedies, and in Mason's Elfrida and Caractacus, are of this species. 2. The Horatian Ode ; which has more simplicity than the former, and less wildness of invention and of harmony. Horace is the greatest writer in this way. The fragments of Sappho, though much more ancient than Horace : and Gray's Odes, on the Spring, on Adversity, and on Eton College, belong to the same class ; as well as many of the odes of Akenside ; though this poet sometimes imitates Pindar. 3. The Anacreontic Ode, invented probably by Anacreon, is still simpler than the Horatian ; Anacreon himself is the only author who excels in it : in attempting to imitate him, Ambrose Philips and some others have made themselves ridiculous. 4. The Descriptive Ode, which paints the beauties of nature. The two finest examples are the Allegro and Penseroso of Milton ; which are exquisitely

harmonious and beautiful. 5. The Song; a short composition, accompanied with music, which does not so much tell a story, or present poetical images, as express some human passion, as joy, sorrow, love, &c.: there are multitudes of them in every language. 6. The Pastoral Ballad, nearly allied to the former, but which refers more particularly to the events and passions of rural life. Of this sort is Shenstone's Ballad in four parts, and Rowe's 'Despairing beside a clear stream.' Lastly, the Epic Ballad, which is narrative, and describes actions or events, either warlike or domestic; as Chevy Chase, Hardiknute, Hosier's Ghost, Edwin and Angelina, Percy's Friar of orders grey, &c. Some of these divisions, particularly the Song, would admit of several subdivisions.

994. Elegy may be divided into,—1. The Mournful Elegy, expressive of sorrow; as Pope's Elegy on an unfortunate lady; and Tickell's Elegiac epistle to the Earl of Warwick on the death of Addison.—2. The Moral Elegy, expressive of moral sentiments, with an air of dignity and melancholy. Of this species Gray's Elegy in a Church-yard is the best that ever was written.—3. The Love Elegy. Ovid, Tibullus, and Hammond, are great writers in this way; elegant indeed in the style, but in the sentiments often unnatural and insipid.—4. The Epistolary Elegy; expressive of various matter in the form of a letter in verse, with a mixture of complaint and tenderness. Many of Ovid's epis-

bles are of this class. Pope's *Eloisa to Abelard* is the finest in our language, or perhaps in any language.—5. Young's *Complaint* belongs to the elegiac genus, and must be considered as a species by itself; for I know of no other poem of the same nature. It has much sublimity and pathos, much elegant description, and much devout and moral sentiment, delivered frequently with uncommon energy of expression. But the sublimity suffers no little debasement from the superabundance of the poet's wit: and the pathos is too long continued, and often too apparently artificial, to produce the intended effect: I can easily believe those who have told me, from personal knowledge, that Young, while composing the *Night Thoughts*, was as cheerful as at other times, and not melancholy at all. The lines of the poem, considered separately, are agreeable in the sound, but follow one another with little art of composition; and seem to correspond with Voltaire's notion of blank verse, which was, that it is nothing more than verse without rhyme. One cannot but wonder, that Young, who was an enthusiastic admirer of blank verse, should have attended so little to the structure of Milton's numbers. But it is impossible in few words to give the character of so extraordinary a poem as the *Night Thoughts*.

995. *Didactic* poetry is intended to give instruction in philosophy, natural or moral, and derives its name from a Greek word signifying *to teach*.

1. The first species of it may be called the philosophical poem ; of which the following are examples.—Hesiod's *Works and Days*, the subject whereof is rural affairs ; and from which, though rude, Virgil has not disdained to borrow several passages, and to honour them with a place in the *Georgic*. Lucretius *de rerum natura* illustrates what has been called the Epicurean philosophy ; is elegant in the style ; and beautiful and harmonious in the descriptive parts ; but in the reasoning mere sophistry, and frequently nonsense. Lucretius was a great poet, and a master of the Roman language ; but the philosophy of Epicurus seems to have turned his brain ; for, on this subject, he speaks like a child, though, on many others, like a man of sense. Such forms of disordered intellect are not so very uncommon as one would be apt to imagine. Virgil's *Georgic* treats of agriculture, trees, vines, cattle, and bees ; and is without doubt the most highly finished, and most beautiful poem in the world : every scholar should not only study it, but have it by heart. In the *Art of Preserving Health*, by Armstrong, there is much good poetry, and good sense ; though there are also some unguarded expressions. See § 552. *The Pleasures of Imagination*, by Akenside, is not deficient in elegance ; but often obscure, and too full of words ; faults into which the poet was probably led by imitating Plato and Shaftesbury. Pope's *Essay on Man* has many beautiful and sublime pas-

sages; but is founded on an erroneous system, whereof Bolingbroke was the author, and which it appears that Pope did not distinctly understand. The first draught of it in prose, in Bolingbroke's hand-writing, has been seen by persons now alive. Cyder, by John Philips, and the Fleece, by Dyer, are didactic poems of considerable name; but these authors are more eminent for knowledge of their respective subjects, than for poetical ability.

996. 2. The second species of didactic poetry is the *Comic Satire*; a *miscellaneous* sort of poem, (for this the word *satura* implies) which exhibits the follies of mankind in such a light as to make them ridiculous. Horace excels in it, and has been well imitated by Dryden, Pope, and Young, in several of their compositions. Persius also imitates Horace; and there are a few good lines in him: but he is an affected, obscure, and harsh writer, hardly worth reading. 3. The third sort of didactic poetry is the *Serious Satire*; which inveighs against the crimes of mankind; and is accordingly more vehement and solemn than the other. Juvenal is the first writer of this class; and Pope, in some of his pieces, is hardly inferior. Dryden, as both a serious and a comic satirist, shews distinguished ability in his Absalom and Ahitophel; which is a poem of a mixed nature; partly narrative, and partly, with a surprising felicity of allusion, allegorical. 4. The fourth sort is the *Moral Epistle*; which treats of various topics of philosophy, criti-

cism, and common life. Horace is the greatest master in this way: his epistles to Augustus, and to the Pisos, are so excellent, both in language and in sentiment, that almost every line and phrase of them has, among true critics, become proverbial. Boileau and Pope have attempted the same mode of writing, and succeeded well. 5. The fifth species of didactic poetry is the Moral Apologue, or fable, intended to illustrate some one moral truth by a short allegorical tale. Æsop was famous in this sort of writing; but he wrote in prose. Phædrus, Gay, and Fontaine, have written fables in verse, with considerable applause. The style of Phædrus is elegant, but some of his fables are trifling, and his versification is incorrect.

997. *Descriptive* poetry is employed in describing the appearances of external nature, and is to be found more or less in every good poem; but didactic poetry, like Virgil's *Georgic*, stands most in need of it, to supply in some measure the want of narrative. Accordingly, in the *Georgic*, the pictures of nature are very frequent, and the finest and most interesting that can be imagined. Thomson's poem on the seasons is uniformly descriptive, or nearly so, for which it has been blamed by some critics, who maintain, what is indeed true, that description, though highly ornamental in a poem, ought not to form the essence of it. However, this is a delightful work, and deserves to be studied, especially by young people; for it draws



their attention to the beauties of nature, and abounds in sentiments of piety and benevolence. In some passages the style is a little verbose, and the versification somewhat harsh; which, on account of the great merit of the poem, ought to be excused; but which young writers will do well not to imitate: Milton is our best model in blank verse. Thomson's *Castle of Indolence* has not these faults: in both style and versification it is excellent, and is indeed one of the most pleasing poems in our language. It is of a mixed character; descriptive, narrative, allegorical, and moral.

998. The word *epigram* properly means inscription. Inscriptions on public buildings and sepulchral monuments ought to be in plain and few words, without any attempts at wit or poetical embellishment; and to contain nothing but what is true. In this view they seem to belong to history rather than poetry. Epitaphs in verse are seldom good: Pope wrote several, but they added nothing to his reputation. When one is burying a beloved friend, or erecting a monument to his memory, one must be supposed to be taken up with thoughts very different from those that incline people to make verses\*. Some of our epitaphs are partly verse and partly prose, and some

\* What mourner ever felt poetic fires!  
Slow comes the verse that real woe inspires.  
Grief unaffected suits but ill with art,  
Or flowing numbers with a bleeding heart.

partly Latin and partly English. All this has the appearance of affectation, and is very different from the practice of the ancients, who greatly excelled us in the art of inscription, and were as studious of brevity and plainness, as we seem to be of quaintness and verbosity. The epigram, strictly so called, is a short copy of verses, written on some occasion not very important, and ending with an unexpected turn of wit. In most languages there are volumes of epigrams, but very few worth notice. The most voluminous epigrammatist of antiquity is Martial; an author whom it would be a great hardship to be obliged to read from beginning to end. A few of his little poems are tolerable, multitudes are trifling, very many are bad, and some are infamously so. He says of them himself; *Sunt bona, sunt quædam mediocria, sunt mala plura.*

999. In this arrangement of the *genera* and *species* of poetry the poetical parts of Scripture are not comprehended. They are indeed of so peculiar and so elevated a character, that I cannot class them with human compositions. The book of Job is a sublime poem; partly epic, as far as it relates facts; partly dramatic, because persons are introduced in it speaking in their own characters; partly moral and argumentative; and in some passages allegorical. The Psalms are odes of the lyric kind, and were from the first intended to be accompanied with vocal

and instrumental music. The Song of Solomon is dramatic and pastoral, and, in the judgment of many divines, allegorical. The prophets are generally poetical, and often sublime in the highest degree.

1000. There are many sorts of poetry whereof the end is to raise laughter; and which are of so various kinds, that it would be difficult, and perhaps not worth while, to reduce them into classes. There are mock epic poems, mock-tragedies, mock-pastorals, and ridiculous epitaphs. Any serious writing may be turned into burlesque, or made ludicrous, by preserving the manner, or the phraseology; and changing the matter, from important and solemn, to frivolous and vulgar. Of mock-epic poems the best are, the Battle of the Frogs and Mice, erroneously ascribed to Homer; the Dunciad, and Rape of the Lock, by Pope; the Rape of the Bucket, by Tassoni; the Lutrin, by Boileau; and the Dispensary, by Garth. Fielding's Tom Thumb is a mock-tragedy; Gay's pastorals are a burlesque on the eclogues of Virgil; and his art of walking the streets of London is a ludicrous sort of didactic poem. Prior's Alma is ludicrous, didactic, playful, and replete with exquisite humour. Scarron has burlesqued the whole *Æneid*; but I should think it impossible to read such a thing to an end. Things of this kind ought to be short; otherwise they debase the taste, by perverting the imagination.

## CHAPTER II.

## REMARKS ON EVIDENCE.

1001. NOTHING now remains, but that I should make some remarks on the philosophy of evidence; which is the last part of logic, according to my mode of arrangement. I begin it with a brief account of the ancient logic; which I hope will serve as an apology for my not treating this subject in the way the ancients did. Logic took its rise in Greece. The Athenians in their national character differed much from the Lacedæmonians; and in this particularly, that the latter were a grave and silent people; whereas the former were very talkative, and fond of what we call clubs and conversations, in which they debated and declaimed extempore on either side of controvertible topics. This practice gratified their natural loquacity, and at the same time prepared them for speaking readily in the public assemblies; which, in a republican state like theirs, was a profitable accomplishment; or, at least, if it did not always eminent service to the state, made individuals be taken notice of, and put them in the way of rising to wealth and honour. The Athenian Sophists therefore made it their business to teach dialectic,

or the art of reasoning plausibly in defence of either truth or falsehood : an art which Socrates perceived to have so bad effects on the human understanding, that he exerted himself to the utmost in confuting them, and bringing their profession into discredit ; which irritated them so much, that they became his mortal enemies, and by their influence procured that sentence against him, which deprived the heathen world of its brightest ornament.

1002. To the dialectic of the Sophists, Aristotle made a great addition by his logic, wherein he explained with singular acuteness all the varieties of syllogism or demonstrative proof. But this logic, though ingenious in itself, did no good to literature ; nay it did much harm. For its aim was, not so much to improve the judgment, or prepare it for investigation, as to qualify a man for dispute, and for expressing common things in an abstruse and uncommon way. Indeed, a considerable part of what he delivered as logical science, was little better than grammatical observations on some Greek words. It was, however, esteemed by his countrymen, because suitable to their disputatious temper ; but the Romans, in their better days, seem to have paid little regard to it, as it had no connection with life or manners, or with, what they much valued themselves upon, the arts of policy. His other works, I mean his Natural History, and his treatises on rhetoric, poetry, morality, and

government, are very valuable, and prove him to have been a man of observation and uncommon ability. But his logical writings are such, that the world would probably have been not less wise than it is, if they had never existed.

1003. During the ages of ignorance that followed the downfall of the Roman empire, these writings, either in the original Greek, or more probably in some bad translation, were brought into the western parts of Europe; where they attracted the attention of all who could read them; and did it the more easily, because at that time nobody thought of studying nature, or of acquiring any learning, but that which enabled monks, and other recluse and ignorant men, to puzzle one another with verbal disputes. These works of Aristotle, translated into barbarous Latin, formed the groundwork of what has been called the philosophy of the schoolmen; who never rightly understood Aristotle, and enlarged and disfigured his logic by endless and insignificant commentaries. The school-logic was taught in all universities before the reformation, and in not a few of them since. It was, indeed, almost the only thing that was then taught in some seminaries: and so eagerly was it run after, that Duns Scotus, a great teacher of it at Oxford, is said to have had at one time twenty thousand scholars. This is not probable; and, if true, can be accounted for in no other way than by supposing, that in an ignorant age, the man

who could dispute, or speak fluently, would be admired as a prodigy, and might acquire among the common people what influence he pleased. It is to be observed, too, that the school-logic was found to be a good support to the Romish religion, and was by the church of Rome patronised accordingly. For this logic, by confining men's minds within the narrow circle of its own rules, and making them more attentive to words than to things, and totally regardless of nature, checked all freedom of inquiry; and, by promoting a habit of arguing against one's belief, as well as for it, had a tendency to prevent serious thinking, to harden the heart, to pervert the understanding, and to make men indifferent about the truth.

1004. After the invention of printing, however, some ingenious men began to study nature, and try what experiment and observation could do. Indeed before that era a great deal had been done in this way by Roger Bacon, who flourished in the thirteenth century, and is to be considered as the father of experimental philosophy; but who met with more persecution than encouragement, being looked upon as a person who had intercourse with evil spirits, and dealt in unlawful arts. Soon after his time, some learned men took a fancy to distinguish themselves as the opponents of Aristotle, whose logical fetters had so long held in bondage the human understanding. But he who brought the schoolmen into utter discredit in this nation,

was Francis Bacon Lord Verulam ; who taught, that the business of the philosopher is, not to wrangle about words, but to interpret nature ; and that philosophy is nothing else than the knowledge of nature applied to practical and useful purposes. In his *Novum Organum* he explains the method of conducting philosophical inquiry : and in his great work on the Advancement of Learning, which, that it might be useful abroad as well as at home, he published both in English and in Latin, he gives à view of all the sciences, divides and subdivides them with the greatest accuracy, and shews what parts had been cultivated, and what neglected. And since his time, and by his method, every part of useful science has been improved to a degree that raises the astonishment of all who are acquainted with the history of literature.

1005. Reason, judgment, or understanding, by which we perceive the difference between truth and falsehood, is the gift of God : but all men have not this faculty in an equal measure : and in some it is perverted by inattention and prejudice, as in others it is much improved by regular and accurate study, and by habits of deliberate and candid investigation. Independently on the knowledge of logical rules, all rational beings perceive the difference between truth and falsehood by the native vigour of their faculties ; and where reason is naturally weak, logic will not make it strong. The best logician is not more sensible of the truth or



falsehood of propositions, than the man of good sense who never heard of logic; and the latter may reason as fairly as the other, though perhaps not so fluently. Philosophical truth is discovered, not by dispute, but by meditation; and by observing the energies of nature, as they appear in the suggestions of the human mind, and in the phenomena of the visible universe. The talent of speaking readily on either side of any question may be of use to lawyers, whose business it is to say for their clients every thing that can be plausibly said; and to senators, who ought to discuss all political matters so accurately, as that the public may from their debates learn every thing material that may be urged on either side of any political question. But since philosophy has been reformed, this is not a necessary talent, either to the philosopher or to the generality of mankind. On the contrary, to defend doctrines which one does not believe, can hardly fail, as formerly observed, to have a bad effect upon the mind both of the speaker and of the hearer.

1006. Different sorts of truth are supported by different sorts of evidence. Were one to endeavour to prove any truth by arguments unsuitable to that sort of truth, one would necessarily fall into error and false reasoning. If, for example, I were to attempt to prove, by the geometrical method, any truths in morality or in history, the attempt would be unsuccessful, and I should probably

speak nonsense. Yet moral and historical truths may be proved by *satisfactory* evidence, though that evidence must be of a different nature from geometrical demonstration; for that justice is praiseworthy, and that Charles I. was beheaded, we believe with as full assurance, as that the three angles of a triangle are equal to two right angles. The human understanding may, therefore, be improved, and in its investigations directed by a philosophical account of the several sorts of evidence. Of this part of logic, which is both useful and curious, some idea may be formed from the following brief observations.

1007. Truth is that which the constitution of rational nature determines rational beings to believe: or it may be defined, the conformity of propositions with the nature of things. A definition of it is, indeed, unnecessary; for every man knows what he means when he says of one affirmation, that it is true; and of another, that it is not true.—Some truths are certain, others only probable. It is certain that we are alive just now; it may be probable, but is not certain, that we shall be alive an hour hence.—Some truths, both of the certain and of the probable kind, are perceived intuitively, that is, without investigation or proof. Thus, *I exist, the sun will rise to-morrow*, are intuitive truths; the first certain, the last in the highest degree probable. Neither of them can we prove by argument; but the certainty of the one, and the

high probability of the other, strike us irresistibly the moment we hear the words pronounced. \* If the man who sees me were to doubt of my existence, it would be a sign of his want of understanding; and if any body were to say, that he doubted whether the sun would rise to-morrow, we should account him whimsical at least. In this case it would be natural for us to ask, whether he knew of any cause that would hinder the sun's rising? if he answered that he knew of none, and yet persisted in his doubt, we should think him a fool. Other truths are not self-evident, but require a proof, and admit of it; and it is essential to every proof, to be clearer or more evident than the thing to be proved. Thus, many of the propositions of Euclid, which at first hearing one might be inclined to doubt, or even to disbelieve, are shewn to be true by proof, argument, or reasoning: but the axioms of geometry, *common notions*, as Euclid calls them, *κοιναι εννοιαι*, are intuitive principles; for they need no proof, and admit of none; being in themselves so clear, that nothing can be more so.

1008. All the objects of the human understanding may be considered as either *abstract notions of quantity and number*, or *things really existing*. Of the relations of those abstract notions all our knowledge is certain, being founded on mathematical evidence. Of things really existing we judge either

\* See an Essay on Truth, page 77, 4to. edition. Campbell on Miracles, pages 13, 14, second edition.

from our own experience, or from the experience of other men. Judging of real existence from our own experience, we attain either certainty or probability. Our knowledge of real things is certain, when supported by the evidence of external sense, consciousness, and memory, and when from effects we infer causes. Our knowledge of real things is probable, when from facts whereof we have had experience we infer facts of the same or of similar kinds not experienced. Judging of real existence from the experience of other men, we have the evidence of their testimony. And thus it appears, that all sorts of evidence, productive of real knowledge, may be reduced to seven. 1. *Mathematical evidence.* 2. *The evidence of external sense.* 3. *The evidence of consciousness.* 4. *The evidence of memory.* 5. *That evidence which we have when from effects we infer causes.* 6. *Probable evidence.* 7. *The evidence of testimony.* In exhibiting the following remarks in a connected series, I foresee that I must repeat observations formerly made; but I shall be as brief, and use as little repetition, as I conveniently can.

1009. Of MATHEMATICAL evidence there are two sorts, intuitive and demonstrative. Every step in a mathematical proof must either be self-evident, or have been demonstrated formerly. Both intuition and demonstration produce absolute certainty without any mixture of doubt; the contrary of mathematical truth being not only absurd, but in-

conceivable. Yet the conviction arising from demonstration does not strike the mind so forcibly, as that which attends intuition. For, first, though no doubt remains after demonstration, there may have been doubt before it; but in regard to intuitive truth we never doubt at all. Secondly, the evidence of demonstration is complex, being made up of the evidence of intuition, memory, and former demonstrations; whereas, that of intuition is perfectly pure and simple. And, thirdly, there are persons who cannot comprehend long demonstrations; but the force of intuitive evidence is felt by every rational being who understands the words in which the axiom is expressed. One writer endeavours to shew, that mathematical demonstration is not to be depended on, because it rests partly on the evidence of memory, which he says often deceives us. But we never suppose our memory fallacious. We may doubt whether we remember a thing or not; but if we are conscious that we distinctly remember, we hold ourselves to be absolutely certain; and absolute certainty admits not of degrees.

1010. There are two sorts of mathematical demonstration. The one is called direct, and takes place when a conclusion is inferred from principles which render it necessarily true; and this, though a more perfect, or more simple sort of proof, is not more convincing than the other; which is called indirect, apagogical, or *ducens ad absurdum*, and which takes place, when, by supposing a given

proposition false, we are necessarily led into absurdity. Now that must be true which we cannot, without absurdity, suppose to be false. And therefore both sorts of demonstration are equally good, being equally productive of absolute certainty.

1011. All mathematical proof is founded in axioms, or self-evident principles, the contraries of which are inconceivable. And this sort of proof seems to be peculiar to the sciences that treat of quantity and number; and therefore in no other science is the mathematical method of proof to be expected. For in the other sciences, in most of them at least, truth and its contrary are equally conceivable. That Julius Cæsar died a natural death may be as easily conceived, as that he was murdered in the senate-house. I feel a hard body, I do not feel a hard body, I see a white colour, I do not see a white colour, are all equally conceivable, and yet may be either true or false, according to circumstances. We may conceive, that the sun, after setting to night, will never appear again, or that any particular man will never die: and yet we consider death as what must inevitably happen to every man, and the rising of the sun to-morrow as so certain that no rational being can doubt of it. Though, therefore, mathematical proof is to be found in the mathematical sciences only, satisfactory proof may be found in any other science; and is actually found in every part of knowledge that deserves the name of science.

1012. Geometry is partly an hypothetical science. It does not say, that there are in nature geometrical lines, angles, triangles, &c. but *supposing* them to be, it demonstrates that such and such must be their properties and mutual relations. Some have said that the axioms of geometry are capable of proof, and ought to be proved to those who desire it. Admitting this to be the case, and that some of the axioms may be resolved into others, and thus the number of them reduced (which I believe might without difficulty be done), yet, as reasoning cannot extend downwards *in infinitum*, we must at last come to a few first principles, or to one at least, which can neither require proof, nor admit of it. This is not peculiar to geometry. Every investigation takes its rise from some intuitive principle, either of certain, or of probable evidence. It is, however, peculiar to the first principles of geometry, that they are simpler, perhaps, than any other, and that in every case their contraries are inconceivable. They who think, that all mathematical truth is ultimately resolvable into identical propositions (of which the subject is the same with the predicate), must suppose that all the axioms, and consequently all the science, may be resolved into *whatever is, is*; or, *it is impossible for the same thing to be and not to be.*

1013. The evidence of EXTERNAL SENSE produces also absolute certainty, but in a different way. I formerly mentioned that unaccountable

conceit, of some ancient and some modern philosophers, of the mind perceiving, not outward things themselves, but *ideas* of outward things; which ideas were supposed to be in the same place with the mind, that is, somewhere in the inside of the human body, and therefore in a condition of being perceived by the mind; which those philosophers imagined that outward things could not be, on account of their distance from the mind. But, notwithstanding the great names who have patronised this hypothesis, a considerate man, who is not a slave to authority, and is resolved to think for himself, cannot hesitate in rejecting it as unintelligible. We perceive outward things themselves; *how* we perceive them we cannot explain; nor could the Platonist explain *how* the mind perceives, by means of sight, touch, hearing, taste, and smell, the ideas of outward things. When I say, ‘I see the sun with my eyes,’ I distinctly understand each word; but when a Platonist, a Cartesian, or a disciple of Berkeley, says, ‘I perceive with my eyes the idea of the sun, which idea is either in my mind, or contiguous to it,’ it is not possible for me to affix to these words any sense, of which I could give a rational account.—External things we believe to be what our senses represent them; and we cannot believe otherwise. That fire is hot, snow white, ice cold, and a stone hard; that we have a head, body, and limbs; and that the other bodies we see



around us exist, and are what we see them to be, we believe with the fullest assurance; and with as little doubt as we have when we say, that two and two are four. I do not mean, that these truths are of the same kind; but I mean, that we believe both with equal assurance. We can prove neither by argument, for they are too clear to admit of proof; but the law of our nature makes it equally impossible for us to doubt of these truths, and of our own existence.

1014. Some modern philosophers, misled by the visionary theories of the ancients, thought that a great discovery was made, when they found out, that body has two sorts of qualities, primary and secondary. The primary qualities of body are magnitude, solidity, figure; of which those philosophers allow, that they belong to bodies at all times, whether those bodies are perceived or not, and are, in a word, essential to body. In this they are no doubt right; for that a shilling locked up in a miser's chest, so as to be neither felt nor seen, must instantly lose its magnitude, solidity, and roundness, and regain them when the chest is opened, it would be difficult to make the miser, or any body else, believe. The secondary qualities were said to be those which gave rise to certain feelings in us, when they are presented to our senses; as the heat of fire, the coldness of snow, and smells, tastes, and colours in general; of which the same authors taught that they exist, not

in the bodies themselves, but in the mind that perceives them. So that, a fire in an empty room can have no heat, notwithstanding that it might melt lead, or burn the house; at the poles, if there be no animals, there can be no cold, notwithstanding the quantity of ice; and a red rose, in a wilderness where there is no animal to smell, taste, or look at it, has no colour, taste, or smell!

1015. To make this, if possible, a little plainer: put your hand near the fire, and you feel heat; put it still nearer, and you feel pain: if you say, there is heat in the fire, why do you not also say, there is pain in it? and if it be absurd to say this, must it not be equally absurd to say the other? And are not heat and pain sensations in the mind that perceives them? Thus argued these philosophers, unanswerably, as they imagined; but the answer is easy. The question is really a question about words; though they, mistaking words for things, wanted to extend it further. The word *heat* denotes two things; a sensation in the mind of him who perceives heat; and a quality of an external thing fit for raising that sensation in the mind of him who approaches the hot body. We use the word in the first sense when we say, I feel heat; for nobody imagines that fire feels heat or feels any thing: in the last sense we use the word, when we say there is heat in the fire; for nobody imagines that there is in the human

mind, or in the inside of the human body, any thing that can melt lead, or make a pot boil.— Whereas the word *pain* denotes a sensation only, and never an external bodily quality; and therefore he who says there is pain in the fire, violates the laws of language, and indeed speaks nonsense. It was for not attending to the exact signification of words that the philosophers I speak of were led into the absurdity of affirming, and as they thought of proving, that the secondary qualities of body exist only as ideas, or perceptions, in the mind that perceives them.

1016. This having been supposed to be proved of the secondary qualities, Berkeley, with equal courage and equal success, applied the same mode of reasoning to the primary qualities. For what is magnitude, solidity, figure, but something perceived? And what is a thing perceived but a perception? And what is a perception but something, you may call it an idea, in the mind of him who perceives? And thus it was found out, that all the qualities of body, both secondary and primary, exist only as perceptions or ideas in the minds that perceive them, and have no other existence whatever, and consequently, that all the things and persons we see around us, and all the parts of the visible universe, the sun, moon, and stars, not excepted, are nothing but ideas in our minds; and have no more of substance or body in them, than those thoughts have which occur to us in sleep.—

With the same success, and courage still greater, the same modes of reasoning were afterwards applied by Mr Hume to mind or spirit and its qualities. And so it was at last discovered, that there is no such thing as either mind or body in the universe; all being an immense heap of ideas or perceptions, without one substance to perceive them!

1017. With respect to the objects of sense, an important though obvious distinction was formerly mentioned, between the act of perceiving, the percipient power, and the thing perceived: a distinction familiar to every man, who can distinguish between the strength that enables the blacksmith to strike his iron, the stroke itself, and the iron that is struck; and no three things in nature are more distinguishable. The blacksmith may have this strength without exerting it: the iron may lie on his anvil without being struck; and his strokes he may make either many or few, or suspend altogether. What would be thought of the philosopher, who should say, that the power of striking, the act of striking, and the iron struck, are all one and the same thing, and that whatever is true of the one is true of the other?—For example, that because the smith can put an end to the act of striking, he can also annihilate, and does at the same time annihilate, the iron which he struck, and the strength that enables him to strike!

1018. Now it happens, in English as well as in

some other languages, that the act of perceiving the percipient power, and the thing perceived, are often, as was observed formerly, called by the same name. Hence it was inferred, that what is true of any one of these three things is true of both the other; and that, if the act of perceiving exists in the mind only, and only while it is exerted, the same thing must be true of the power perceiving, and of the thing perceived. Which being granted; it follows, that I, by shutting my eyelids, annihilate the whole visible universe, as well as my faculty of seeing it; and that, by opening them again, I humanely restore and create anew the whole system of visible things, and also prudently revive in myself the extinguished faculty of seeing them. One may well be surprised, that any time, or a single sentence, should be employed on such absurdities. But, within these thirty years, the principles that lead to this conclusion were admired as profound and wonderful philosophy; and the use to which they were applied by some, by ONE at least, of those who taught them (for Berkeley and Locke, though not exempt from error, were good men), was to vindicate atheism. Never was there a stronger confirmation of the Psalmist's aphorism, 'The fool hath said in his heart there is no God;' for grosser folly than such poor quibbles as these, and the sophistries founded on them, it is not in the power of man to conceive.

1019. It was formerly observed (§ 103), that our perception of external things is attended with an irresistible belief that they exist, and are what they appear to be. When I see a man, or a horse, I can no more doubt of his existence than of my own; and my own I believe with as full assurance, as that two and two are four. The existence of body is a self-evident fact: it needs no proof, for to disbelieve or doubt of it is impossible; and it admits of none, because we know of nothing more evident to prove it by.

1020. Some philosophers have made a noise about the fallacy of the senses. Our senses, say they, continually deceive us; but reason enables us to find out the deceit, and correct it; therefore we do not believe in our senses, unless reason warrant their testimony. Consequently, the evidence of sense is not intuitive, but requires reasoning, either to confirm it, or to prove it fallacious. I plunge a straight stick in water, keeping the upper part dry, and my sight informs me it is crooked. Very true; but how do you know it is straight? Turn away from it, without handling or looking at it; and you may reason about it as long as you live, without ever knowing whether it be straight or crooked. This we know by the information of our senses, that is, of our sight and touch; and this we should never know, if we did not believe our senses. They may indeed be improved, or assisted, by telescopes, microscopes,

ear-trumpets, &c. ; and accurate observation is more to be depended on than what is inaccurate. But if we did not believe in our senses, these, and all other means of information with respect to outward things, would avail us nothing.

1021. There is a difference between the imperfection, if it may be so called, and the fallacy of sense. We cannot see a man on the top of a mountain twenty miles off; but we do not consider this as a proof that no man is there; and of course are not deceived by it. When a distant tower, which we believe to be fifty feet high, appears to our eyes to be not six inches high, there is no opposition between the sensation and the belief; for the word *high*, applied to the fifty feet, denotes tangible magnitude, that is, magnitude ascertained by mensuration; and, applied to the six inches, denotes visible magnitude, which changes with every change of distance, while the other remains invariably the same. There is no more opposition here than in saying, I see a white body, and I believe it to have a sweet taste; for whiteness and sweetness are perceived by different senses; and so are visible and tangible magnitude. All reasonings whereby we rectify the deceptions, and all means whereby we supply the imperfections of sense, proceed on a supposition, that our senses are not fallacious, and that things are what our senses represent them. And this the law of our nature compels us to believe instinctively, and without proof; and without this belief we could

never obtain any knowledge or experience at all. Were it possible that a man could disbelieve his senses, he would be as helpless and ignorant as if he had none, and mankind would not consider him as a rational being.

1022. The evidence of internal sense or CONSCIOUSNESS, does also, as was formerly observed, produce absolute certainty. That we have within us a thinking and active principle, called a *soul* or *mind*; which is the same thing to-day it was yesterday; is conscious of its own thoughts; and exercises a variety of faculties, different in their objects and manner of operation; and that the nature of those faculties, of memory, for example, of imagination, of conscience, and of our several passions, appetites, and affections, is such as, by attending to what passes in our minds, we perceive it to be: these are all of them suggestions of internal sense, consciousness, or reflection, which we believe, because we feel them to be true; and which, if we were not to believe them, would bring on us the charge of irrationality.

1023. The evidence of MEMORY does also produce absolute certainty. A child believes, without any doubt, that what he distinctly remembers to have seen or heard, he really did see or hear. And he believes this, not because he has been told that he may safely trust his memory, but because the law of his nature determines him of his own accord to believe his memory, as well as his senses. Indeed, if we were to distrust our memory, or to



consider it as a fallacious faculty, our senses would be of little use to us, and we should be incapable both of knowledge and experience, and also of reasoning; for we cannot be satisfied with a proof, unless we remember the steps of it, and believe, that on this remembrance we may depend. Thoughts remembered may decay through length of time, and at last vanish; but of an event or object, that part which we distinctly remember, we believe to have been real. We may forget the whole subject of a book, and yet remember, and consequently believe, that we read it. We may forget the proofs of a proposition, and yet remember that it was formerly proved to our satisfaction, and acquiesce in it accordingly. If, in conceiving any event or object, we be uncertain whether we remember, or only imagine, belief is suspended, and we remain in doubt: but no sooner are we conscious that we remember, than belief instantly takes place; and we say, I am certain it was so, for now I remember it distinctly.

1024. The law of our nature determines us to believe, that WHATEVER BEGINS TO EXIST PROCEEDS FROM SOME CAUSE. If, on going home, I should find on my table a book which I never saw before, it would occur to me, as absolutely certain, that some cause had brought, and some person made it. For if I were to be told, that nobody brought it, and that it never was made, I should without hesitation declare such a thing to be not only absurd, but impossible; and there is not one rational be-

ing who in this would refuse to concur with me. Even children think in this manner ; and some of them are very inquisitive into the causes of things ; a proof, that it is not experience merely, which leads us to infer the cause from the effect. If the book, which I supposed myself to find, contained wise observations, and was well printed, and elegantly bound, I must of necessity believe, that the author, printer, and binder, were possessed of wisdom and skill equal at least to the effect produced. That Being, whom we believe to have proceeded from no cause but the necessity of his own nature, and to be self-existent, and on all other beings independent, we must also believe to have existed from eternity, or, in other words, to have had no beginning. For if every thing which has a beginning proceeds from some cause, that which proceeds from no cause can have had no beginning. See § 411, 412.

1025. The nature of PROBABLE REASONING, founded on a supposition that the course of nature will continue to be in time to come as it has been in time past, was formerly explained (§ 452,—455) ; and therefore, to avoid unnecessary repetition, I shall say nothing further of it in this place. There is another sort of probable evidence, which is termed ANALOGICAL, and which makes us expect SIMILAR events in SIMILAR circumstances. For example, we think it probable that the planets are inhabited, they being in all other respects so like our earth. The force of an argument from ana-

logy is in proportion to the degree of likeness that there is between the case *from which* we argue and the case *to which* we argue. In the example given, the case from which we argue is, the circumstance of this earth being a planet, warmed and enlightened by the sun, and inhabited by many varieties of living creatures; and the case to which we argue is, that of the other planets, which being in all other respects so similar to our earth, we think it highly probable that they must resemble it in this respect too, of being the habitations of percipient beings. A man who thinks, as Epicurus did, that they are no bigger than they appear to his eye, can have no notion of their being inhabited, because to him they must appear in every respect unlike our earth. And if we were to argue with him, in order to bring him over to our opinion, we should begin with explaining to him those particulars wherein the earth and other planets resemble each other. As soon as he understands these particulars as well as we, he will of his own accord admit the probability of our opinion.

1026. I conclude with a few remarks on the evidence of TESTIMONY. It is natural for man to speak as he thinks; and it is easy, like walking forward. One may walk backwards, or sideways; but it is uneasy, and a sort of force upon nature; and the same thing is true of speaking one thing and thinking another.—It is also natural for us to believe what others seriously tell us. We trust the word of a man of whose veracity we have had

experience; but we also credit testimony previously to such experience; for children, who have least experience, are most credulous. It is from having had experience of the dishonesty of men, and of the motives that tempt them to it, that we come to disbelieve or distrust what they say. In general, when we doubt a man's word, we have always some reason for it. We think, that what he says is incredible in itself;—or, that there is some motive or temptation which inclines him in the present case to violate truth; or, that he is not a competent judge of the matter in which he gives testimony; or, lastly, we distrust him now, because we know him to have been a deceiver formerly.

1027. Faith in testimony often rises to absolute certainty. Of places and persons whom we never saw, and of whom we know nothing but from the testimony of others, we believe many things as firmly as we believe our own existence. This happens, when the testimonies of men concerning such places and persons, are so many, and so consistent, that it seems impossible they should be fictitious. When a number of persons, not acting in concert, having no interest to disguise what is true, or to affirm what is false, and competent judges of what they testify, concur in making the same report, it would be accounted folly to disbelieve them; especially if what they testified were credible in itself. Even when three, or when two witnesses separately examined, and who have had

no opportunity to concert a plan beforehand, concur in the same declaration, we believe them, though we have had no experience of their veracity; because we know that, in such a case, their declarations would not be consistent, if they were not true.

1028. With regard to an impossible thing, we should not believe our own senses, nor consequently human testimony. If we were to see the same man double, or in two places at the same time, we should think, not that it was so, but that something was wrong in our eyes, or that the appearance might be owing to the *medium* through which we saw it. Miraculous facts are not to be ranked with impossibilities. To raise a dead man to life, to cure blindness with a touch, to remove lameness or a disease by speaking a word, are miracles: but to divine power, as easy as to give life to an embryo, make the eye an organ of sight, or cause vegetables to revive in the spring. And therefore, if a person, declaring himself to be invested with divine power, and saying and doing what is worthy of such a commission, should perform such miracles, mankind would have the best reason to believe, that he was really sent of God, and that every thing he said was true.

1029. As the common people have neither time nor capacity for deep reasoning, and as a divine revelation must be intended for all sorts of men, the vulgar as well as the learned, the poor as well as the rich, it is necessary, that the evidence of

such a revelation should be fit for commanding general attention, and convincing all sorts of men; and should therefore be level to every capacity. Now there is no kind of evidence, consistent with man's free agency and moral probation, which is likely to command universal attention, and carry full conviction in religious matters to the minds of all sorts of men, except the evidence of miracles, or extraordinary events. Some facts seem extraordinary which are really not so. Such are the tricks of jugglers, of which, when we are told the contrivance, we are surprised to find it so easy. Other facts seem extraordinary to those only who are ignorant of their causes: and such are many things in electricity, magnetism, and chemistry. But the miracles recorded in the Gospel are quite of a different kind. They were such as no power of man could accomplish, and of so particular a nature, that every person present at the performance, who had eyes, ears, and common sense, was as competent a judge of them as the most learned philosopher could have been. Of these miracles our Saviour not only performed many, but also imparted to his disciples the power of doing the same. If it be asked, what evidence is sufficient to establish the truth of a miraculous event, I answer, that every event admits of proof from human testimony, which it is possible for a sufficient number of competent witnesses to see and to hear.

THE END.

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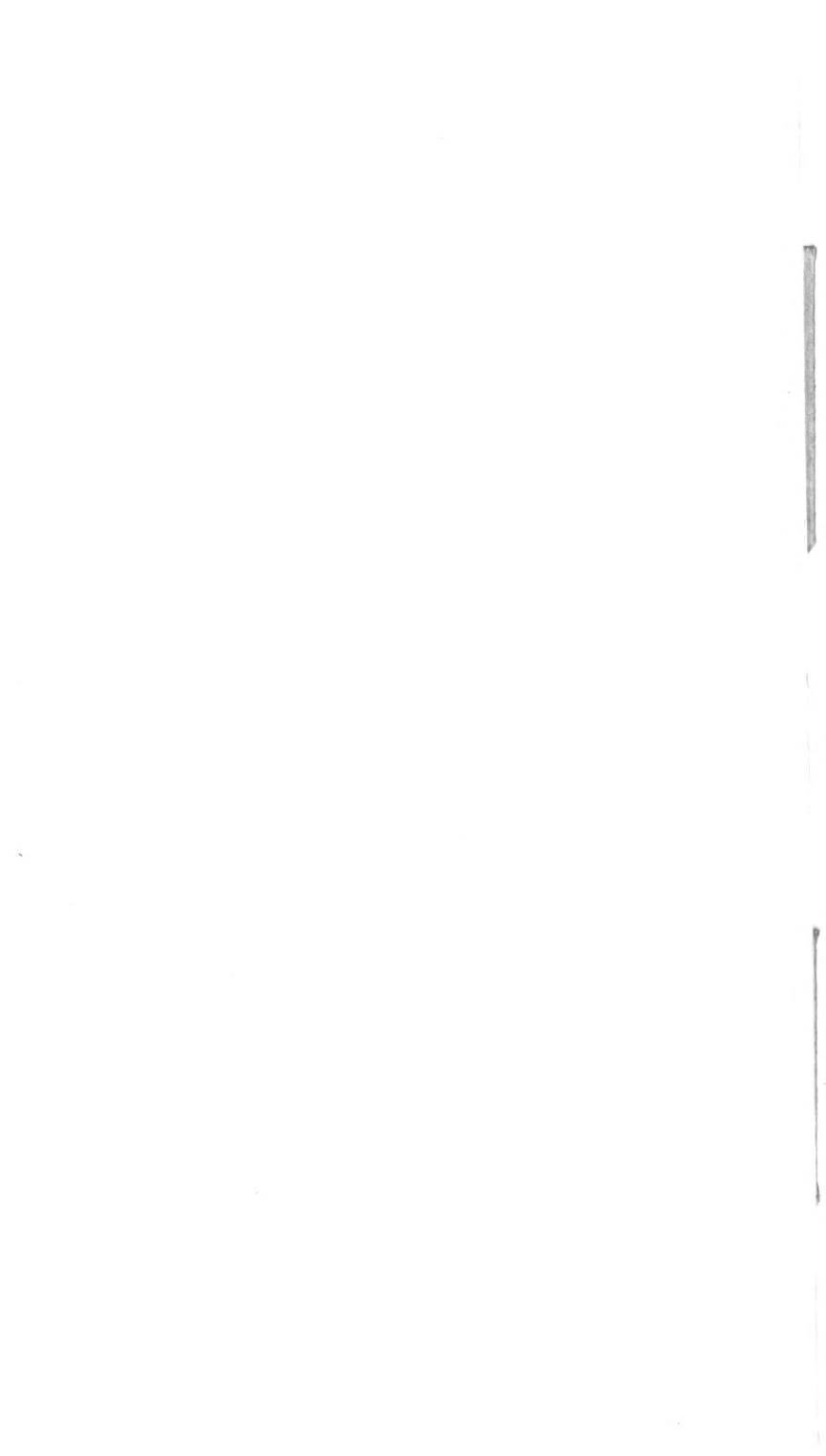
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