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**The Works Of the late Right Honorable Henry St. John,
Lord Viscount Bolingbroke**

In Five Volumes, complete.

Bolingbroke, Henry St. John

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VI.

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VI.

LET us take things then as we find them, more curious to know what is, than to imagine what may be. Let us turn our eyes on ourselves, and consider how we are made. We shall not find either the immediate or mediate illumination, that is supposed to come to us from without, and independently on which it is supposed that the human mind can exercise no act of intelligence: but we shall find, that there is such a thing as natural reason, implanted in us by the author of our nature, whose progress and operations are known to us intuitively, and by the help of which we are able to acquire, not only moral, but every other human science.

EXPERIENCE and observation require time; and reason that collects from them, and is improved by them, comes slowly to our assistance. It would come too slowly, and want much of the power it has, weak and imperfect as that is, to regulate the conduct of human life, if the alwise creator had not implanted in us another principle, that of self-love, which is the original spring of human actions, under the direction of instinct first, and of reason afterwards. The first direction is common to all animals, even to those that microscopes alone can make visible to the eye. The second we say is peculiar to man, and so we may say properly enough, whether we conceive this faculty in man and beast to be wholly different in kind, or whether we conceive it to be vastly transcendent in man.

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"Homo

“ Homo animans quidem est,” Grotius speaks*, “ sed ex-
 “ mium animans, multòque longiùs distans a cæteris omnibus,
 “ quam caeterorum genera inter se distant.” I do not take
 this proposition to be entirely true. It is impossible to ob-
 serve the rest of the animal kind, and not discern, in many of
 them, certain actions and rules of conduct that denote not
 only a more extensive and surer instinct than we are conscious
 of, but something that appears rather a lower degree of reason,
 than a higher degree of instinct; if we are able by observa-
 tion alone, and without any communication of their ideas,
 to distinguish so accurately. In all cases, and in what manner
 soever it has been ordered by infinite wisdom, there would be
 no difficulty in refuting, by particular facts, the general asser-
 tion of GROTIUS, nor in shewing that the difference in this
 respect, between some men and some other animals, is na-
 turally less than that between different species of animals,
 and even between animals of one species, between man and
 man at least. Superior beings, who look down on our intel-
 lectual system, will not find, I persuade myself, so great a
 distance between a Gascon petit maitre and a monkey, or a
 German philosopher and an elephant, whatever partiality we
 may have for our own species, as they will find between those
 men who are born to instruct, and those who are born inca-
 pable of instruction. GROTIUS might have allowed other ani-
 mals much more intelligence than he did; tho he allows them
 in a note, and on the authority of PHILO and others, a little
 more than in his text. What the authorities of antient au-
 thors signify in a matter so notorious, and so much within
 the observation of every age, I know not. But I know still
 less what he means, when he says, “ quod in illis quidem pro-

* De Jure Bel. & Pac. Proleg.

“cedere credimus ex principio aliquo intelligente extrinseco, quia circa actus alios istis nequam difficiliore par intelligentia in illis non apparet.” If he had said from an inward principle, “ex principio intrinseco,” as he has been made to say in some editions, he would have been intelligible, and would have meant very plainly a directing instinct, or a reasoning faculty, much inferior to that of man, and variously implanted in the animal kind, to direct their actions to their different ends: but this would have been inconsistent with his argument, and he would have contradicted himself. He said therefore “ex principio extrinseco:” and what could he mean by that? An outward force that impels or restrains them, and directs their conduct occasionally, but not uniformly? This would be too absurd. Could he mean that immediate or mediate illumination from above, which the rabbins speak of, and suppose that animals receive from thence the intelligence they want, in certain cases, to fulfil the law of their nature; whilst they are left destitute of any intelligence, in others? This would be still more absurd. Might it not be deemed prophane too among those, who fear to prostitute the divine action, as men who make hypotheses in theology and philosophy are apt to do?

THE surest way of avoiding such absurdities is to be neither dogmatical, nor even over curious: and there is the less temptation to be either, on this subject, because the principles of the obligation of natural law, as far as we are concerned to know them, are extremely obvious. Instinct precedes reason in man. It supplies the want, or the imperfection of it in other animals. Should we venture to refine a little further on appearances, we might guess, that as the reason of man grows up out of habitual instinct, by experience and observation, so does that facul-

ty, which I fear we must call by the same name in beasts. Some of these have instinct and reason far above others; and man has reason far above them all: because tho' they have senses more acute than men very often, and several, perhaps, of which we have no ideas; yet the very contrary is true as to mental faculties, which are plainly less imperfect, and more numerous, in us than in them. They perceive ideas both simple and complex that come in by the senses, and they retain them too, as we do. That they compare these ideas, in some degree, is certain. How far they compound them, by any intellectual operation, I much doubt. But this seems to be out of doubt, that they want totally the great instrument of human knowledge. I do not say abstraction, which I take to be, as it is understood, a mere "ens rationis," and to deny them which, is to deny them nothing; but I mean the wide extended power of generalising the ideas they have, without which there can be no ratiocination, nor knowledge sufficient to constitute moral agents.

As divines have impudently, and wickedly, assumed (give me leave to use on this occasion, which deserves it if any can, the style they employ on every dispute) that there is a law of right reason common to God and man; so lawyers have advanced, most absurdly, that the law of nature is common to man and beast. "Jus naturale est," say the compilers of the digest, "quod natura omnia animalia docuit. Nam jus istud non humani generis proprium, sed omnium animalium, etc."

THAT the history and law of MOSES is favorable to this opinion likewise, and that beasts, as well as men, are repre-

represented and treated therein as accountable creatures, must not be denied, whatever shifts and evasions commentators have invented. God is made to say, in the 9th. chapter of Genesis, speaking to NOAH and his children, " sanguinem animarum vestrarum requiram de manu " cunctarum bestiarum, et de manu hominis, etc." The text is plain. Shall it be evaded by saying, on some rabbinical authority, that the antediluvian tyrants kept wild beasts to destroy men? and if they did so, who was to suffer, the tyrant or the beasts? not the beast certainly, unless they had both the same law: and yet the beast was accountable by it, as well as the tyrant. Thus again, in the 13th. of Deuteronomy, God is made to say in the supposed case of idolatry..... " percuties habitatores urbis illius in ore gladii, et delebis eam ac omnia quæ in illa sunt, usque ad pecora." Will it be sufficient to say that this order was given to shew the heinousness of a crime, by the punishment of creatures who neither were nor could be guilty of it? Among the judgments denounced, in Leviticus, against those who should copulate with beasts, the punishment is to be inflicted on the beast as well as on the man or woman. " Qui cum jumento & pecore coierit morte moriatur: pecus quoque occidite. Mulier quæ succubuerit cuilibet jumento simul interficietur cum eo: sanguis eorum fit super eos." The Jews are said to have dispensed with this punishment, when the boy was under nine, and the girl under three years of age; because they did not suppose children so young to be capable of such pollution. But was the beast that copulated with a man or a woman, at any age, capable of knowing the crime? Mr. SELDEN brings a passage or two out of the Misna to shew that the beast was not put to death for sinning against any law, but in order to blot out the memory of so great a scandal. He adds, that the
death

death of the beast was deemed a punishment on the owner, who should have kept him with greater care; and from hence he concludes, "adeo ut poenam ob jus aliquod violatum ad bestiam attinere neutiquam ullatenus admittant, nec jure aliquo eam teneri." But it will not be hard to prove, from what Mr. SELDEN * himself admits in this very chapter, that the Jews made beasts accountable, like moral agents, whatever their rabbins might pretend, to mitigate the absurdity. The saducees brought some such accusation against them. MAIMONIDES answers it by denying that the beast, who had killed a man, was put to death, "ad poenam ab illa exigendam." He was put to death, "ad poenam exigendam a domino;" for it was not lawful to eat the goaring ox, after he had been stoned. But if this was so, how came the ox to escape when he had killed a gentile, and to be stoned irremissibly when he had killed a Jew? How came the same rule to be observed in the case of bestiality? In short is it not plain, and would it not be allowed to be so, in the case of any other nation, that the Jews imagined the law of nature to be common to man and beast; that they understood and executed their own law accordingly, and that notwithstanding the distinction made between the law of the gentiles and the law of the Jews, with respect to the punishment, they must have proceeded in the cases here mentioned without any principle, at all or on this principle that beasts are by nature accountable for crimes, and even able to discern between the greater crime and the less? I know nothing more absurd than this, except a custom or law at Athens, that was however less cruel. The weapons by which a murder had been committed were brought into court, as if they too were liable to punishment; and the statue that had killed a man by it's

* Lib. i. c. 4.

fall, was, by a solemn sentence of that wife people the Thafii founded on a law of draco, cast into the sea.

THE principle of this jurisprudence cannot be reconciled to right reason. But the definition of the roman lawyers may be shewn to be rather too short than false. As far as an instinct, common to all animals, directs the conduct of men, this instinct may be called the law of nature, and this law may be called the law of the whole kind. But in the human species, where instinct ceases, reason is given to direct; a second table is added to the first, and both together compose the law of nature relatively to man. Instinct and reason may be conceived as different promulgations of the same law; one made of a part only by nature herself, immediately and universally; the other marked out by her in the whole extent of the law, and to be collected from these marks or notices by reason, which is right or wrong as it promulgates agreeably to them or not.

THERE is a sort of genealogy of law, in which nature begets natural law, natural law sociability, sociability union of societies by consent, and this union by consent the obligation of civil laws. When I make sociability the daughter of natural law, and the granddaughter of nature, I mean plainly this. Self-love, the original spring of human actions, directs us necessarily to sociability. The same determination of nature appears in other animals. They all herd with those of their own species, with whom they sympathise more; whose language, perhaps, whether it consists in signs or sounds, they understand better, and from whom if individuals do not receive much good, they may have less evil to apprehend. This instinct operates, at least, as strongly in man. I shall not contradict what

TULLY

TULLY says*, in his offices, that if we were not sociable "propter necessitatem vitae," on account of our mutual wants, if they were all supplied by providence and without any human help, "quasi virgulâ divinâ," yet still we should fly absolute solitude, and seek human conversation. I believe we should. But even in this imaginary case, self-love would be the determining principle still. That friendships may be formed, and maintained, without any consideration of utility, I agree, and hope I have proved. There is a sort of intellectual sympathy, better felt than expressed, in characters, by which particular men are sometimes united sooner, and more intimately, than they could be by mere esteem, by expectation of good offices, or even by gratitude. I know not, to say it by the way, whether there is not a sort of corporeal sympathy too, without the supposition of which it is impossible to account for the strong attachments which some men have had for the least tempting and in all respects the least deserving women, and some women for the least tempting and least deserving men.

BUT this is not the case of general sociability. To account for that, we have no need to recur to occult qualities. Instinct leads us to it, by a sense of pleasure: and reason, that recalling the past, foresees the future, confirms us in it, by a sense of happiness. Instinct is an inferior principle, and sufficient for the inferior ends to which other animals are directed. Reason is a superior principle, and sufficient for the superior ends to which mankind is directed. The necessities, the conveniencies of life, and every agreeable sensation, are the objects of both. But happiness is a continued enjoyment of these, and that is an object proportioned to reason alone. Neither is obtained out of society;

* CIC. Lib. 1. c.

and sociability therefore is the foundation of human happiness. Society cannot be maintained without benevolence, justice, and the other moral virtues. These virtues, therefore, are the foundations of society: and thus men are led, by a chain of necessary consequences, from the instinctive to the rational law of nature, if I may speak so. Self-love operates in all these stages. We love ourselves, we love our families, we love the particular societies, to which we belong, and our benevolence extends at last to the whole race of mankind. Like so many different vortices, the center of them all is self-love, and that which is the most distant from it is the weakest.

THIS will appear to be in fact the true constitution of human nature. It is the intelligible plan of divine wisdom. Man is able to understand it, and may be induced to follow it by the double motive of interest and duty. As to the first, real utility and right reason coincide. As to the last, since the author of our nature has determined us irresistibly to desire our own happiness, and since he has constituted us so, that private good depends on the public, and the happiness of every individual on the happiness of society, the practice of all the social virtues is the law of our nature, and made such by the will of God, who, having determined the end and proportioned the means, has willed that we should pursue one by the other. To think thus, is to think reasonably of man and of the law of his nature, as well as humbly and reverently of the Supreme Being. But to talk, like CUMBERLAND, of promoting the good of the whole system of rational agents, among whom God is included, and of human benevolence towards him, is to talk metaphysical jargon and theological blasphemy. He confesses that he uses these expressions in an improper sense, and explains, most unintelligibly, to any man who has right conceptions of the majesty
of

of the all perfect Being, what he means. His meaning, which he takes from TULLY, and which TULLY took from the stoicians, is expressed by the roman philosopher in the first book of his laws. He says there, that "nothing is more divine than reason; that reason grown up to maturity and perfection is called wisdom; that nothing being better than this reason, which is in man as well as in God, the first society that man has is in this community of reason with God; that from this community of reason there arises a community of law, so that the whole world is to be deemed one city or state, composed of gods and men.*" Much might be said to shew the absurdity and impertinence of such doctrines as these, and some reflections to this purpose have been made occasionally. But I content myself to observe here, how unnecessary these doctrines are to explain what the laws of nature are, and what the authority is by which they are made laws, even in the strictest sense of the word. We say, that the law of nature is the law of reason: and so it is in this sense, and thus far. A right use of this faculty, which God has given us, collects this law from the nature of things, as they stand in the system which he has constituted. Reason can look no higher, nor will right reason attempt it; for surely no disquisition can be more vain and needless than that which examines, whether actions are lawful or unlawful, "debiti aut illiciti," because they are commanded or forbid by God; or whether they are such "per se," independently on God, and therefore necessarily, "necessario," commanded or forbidden by him. GROTIUS† adopts the last of these notions: and the general current of metaphysical refine-

* Quum adolevit atque perfecta est. . . . Eaque et in homine et in Deo. Una civitas communis deorum atque hominum existimandus. CIC. de Legib.

† GROTIUS. De jure Bel. Pac. & Lib. i. c. i.

ment runs that way. It assumes in man a community of reason with God, and then it seems consequential to assume, that men, such men at least as these reasoners imagine themselves to be, are able to discern natures and to judge of things antecedently to actual existence, and abstractedly from it; whereas perhaps, to think rightly, we must think that these natures and things, considered abstractedly from the manner and the relations in which they exist, are nothing better than imaginary entities, objects of ill chosen speculation not of knowledge. He who thinks thus will be apt to ask, what would become of justice if we supposed a system wherein there was no property; or what of temperance, if we supposed one wherein there could be no excess? such questions, and many other objections, would not be easily answered: and the sole effect of this hypothesis must be, as I think it has been, to render our notions of natural laws disputable and indeterminable in many cases. This disquisition is therefore not only vain but hurtful. It is needless too, absolutely needless; for will any man deny, that however indifferent actions may be, "per se" and simply considered, they cease to be so when they are connected with a system, and cannot be separated not even in imagination from the relations they bear to other parts of the system, nor from their effects on the whole? the system to which we belong, like every other system, was made by the will of God, and therefore all the natures contained in it, both physical and moral, were ordained by the same will. It has been said with shocking impiety, by schoolmen and others, that if things were made as they are by the mere will of God, and not according to the essential differences and eternal independent natures of things, God might have made our obligations by the law of nature to be contrary to what they are. He might have made it our duty to blaspheme not to adore him,

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and

and to exercise injustice not justice in our dealings with other men. But this is one instance, and not the least, of that habitual presumption which men contract in the schools of metaphysics and theology, where they are accustomed to reason about what infinite wisdom and power might, or should have done, instead of contenting themselves to know what they have done, and pronouncing it, for that reason, fittest to be done. In creating man, God designed to create not only a rational, but a social creature, and a moral agent: and he has framed his nature accordingly. If he had designed this world to be the habitation of devils, he might have made us by nature, what we say that they have made themselves by rebellion. But, as we ought not to presume to measure the divine perfections, nor the proceedings of infinite wisdom, by our scanty and precarious ideas, so it is worse than presumption to ascribe, even hypothetically, to the all perfect Being any thing that is evidently repugnant to our ideas of perfection. Once more, therefore, let us be content to know things as God has been pleased to shew them to us, and to look no further than our nature for the law of it. In that, we shall find this law coeval with our system, if not with the author, and as immutable as the system, if not as immutable as God.

THEY who affect to carry their search further, fall into different absurdities. Some are intent on such abstractions, as have been mentioned, abstractions of eternal essences, intelligible independent natures, by which both natural and moral differences were constituted, before there was any natural or moral law, any natural or moral agents. Whilst these men pretend to consult the dictates of right reason, they leave reason no rule to go by. Every man assumes that his own is right: and ethics become as intricate, as uncertain, and as contentious a science, as theology. Whilst these men misapply and abuse
their

their reason, there are those who seem to have no want of it, in order to discover the law of nature. They affirm that they have (and the sole proof in this case, as in the case of abstraction, is affirmation) a moral sense, that is an instinct by which they distinguish what is morally good from what is morally evil, and perceive an agreeable or disagreeable intellectual sensation accordingly, without the trouble of observation and reflection. They bid fair to be enthusiasts in ethics, and to make natural religion as ridiculous, as some of their brothers have made revealed religion, by insisting on the doctrine of an inward light.

THE last of these wild men, that I shall mention, are such as ANAXARCHUS, and our HOBBS. If the former had been guilty of nothing worse than that which GROTIUS lays to his charge, he would have been less liable to censure than GROTIUS himself. This great lawyer and divine distinguishes between the law of nature, and the positive law of God, or man. By the last, he understands a law of will^a. By the first, a dictate of right reason^b, that shews the moral turpitude^c, or the moral necessity there is in every action, that is, a supposed morality, or immorality independent on any positive law. Thus he distinguishes, and therefore blames ANAXARCHUS for speaking too indistinctly^d of law. But this distinction must not pass for true. The law of nature, which he allows divine in one sense, is in every sense as much as any other a positive law of God, enacted as truly by the divine will, and promulgated by the divine authority not only as truly, but more evidently and more universally, as well as immutably. The fault of ANAXARCHUS lay here, that to flatter ALEXANDER, when he had

- a) Jus voluntarium. b) Dictatum rectæ rationis.
 c) Moralem turpitudinem, aut necessitatem moralem.
 d) Nimium indistinctè.

killed

killed CLITUS *, he attributed to this prince the power that the poets attributed to Jupiter, the power to make particular and even occasional rules of right and wrong by will. The fault of HOBBS lay here, he put the supreme Being out of the case entirely, ascribed no legislative authority or no exercise of it to him, assumed all actions to have been indifferent not only before our system was created, but even after it was so, and till the civil magistrate had made a difference between them, by commanding some and by forbidding others.

MANY such general and fundamental absurdities as these are to be found in the writings even of those who have writ with the most applause on this subject; besides a multitude of particular questions, as frivolous as any that the schoolmen ever broached. I pass them all by with the neglect that they deserve, except one; some further notice of which is necessary to connect with what has been said, and to carry on my train of thoughts.

VII.

THE presumption of those, who pretend to deduce our moral obligations from the moral attributes of God, has so much theological authority on it's side, that the absurdity of it cannot be too often exposed and censured. There is fraud too, which I did not observe before, in this pretension; and fraud so manifest, that we may sometimes suspect it to be wilful. Instead of transferring from God to man, to use a phrase of CICERO, they transfer from man to God; and whilst they boast that man is made after the image

* PLUT. in ALEXAN,

of