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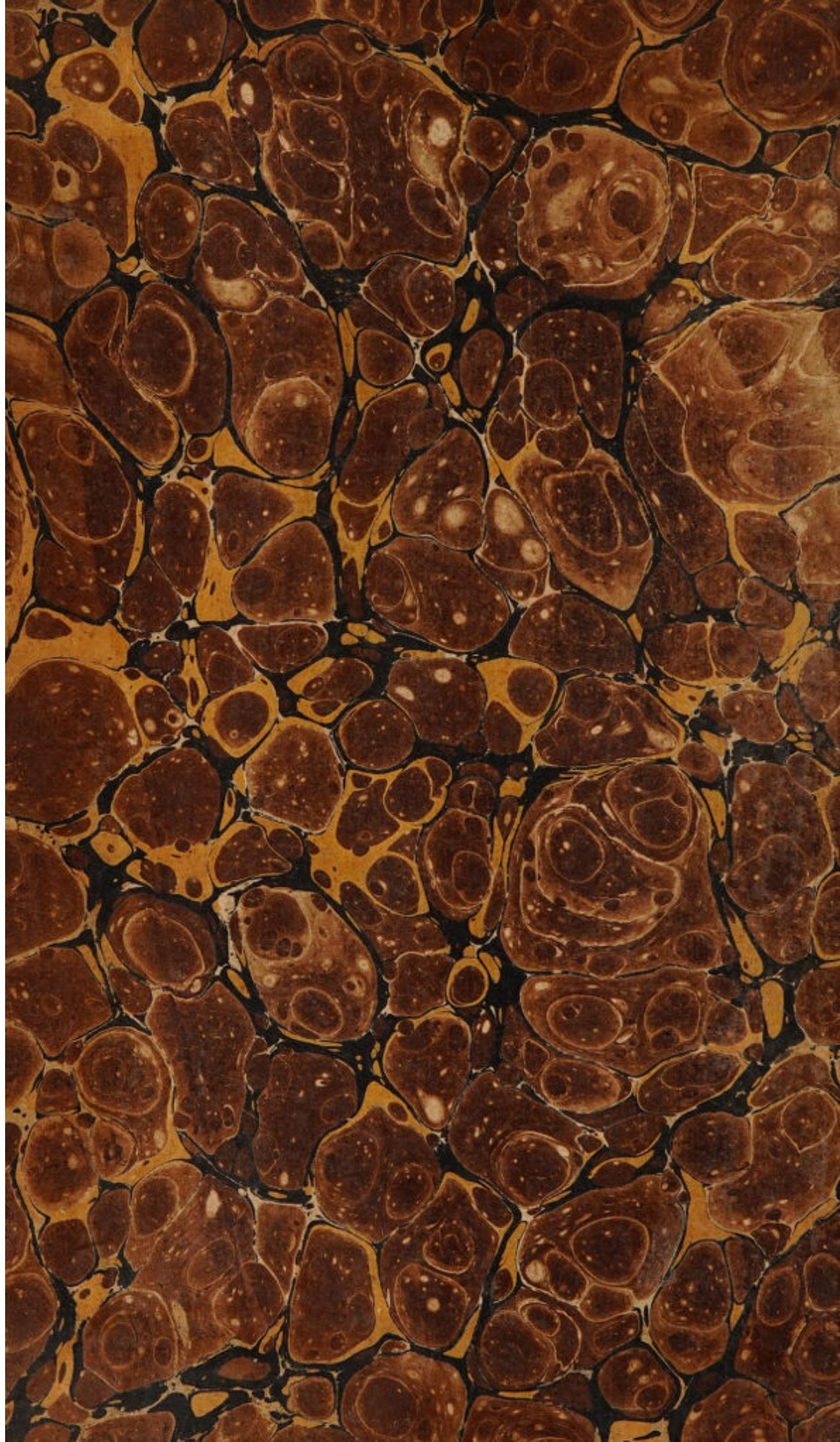
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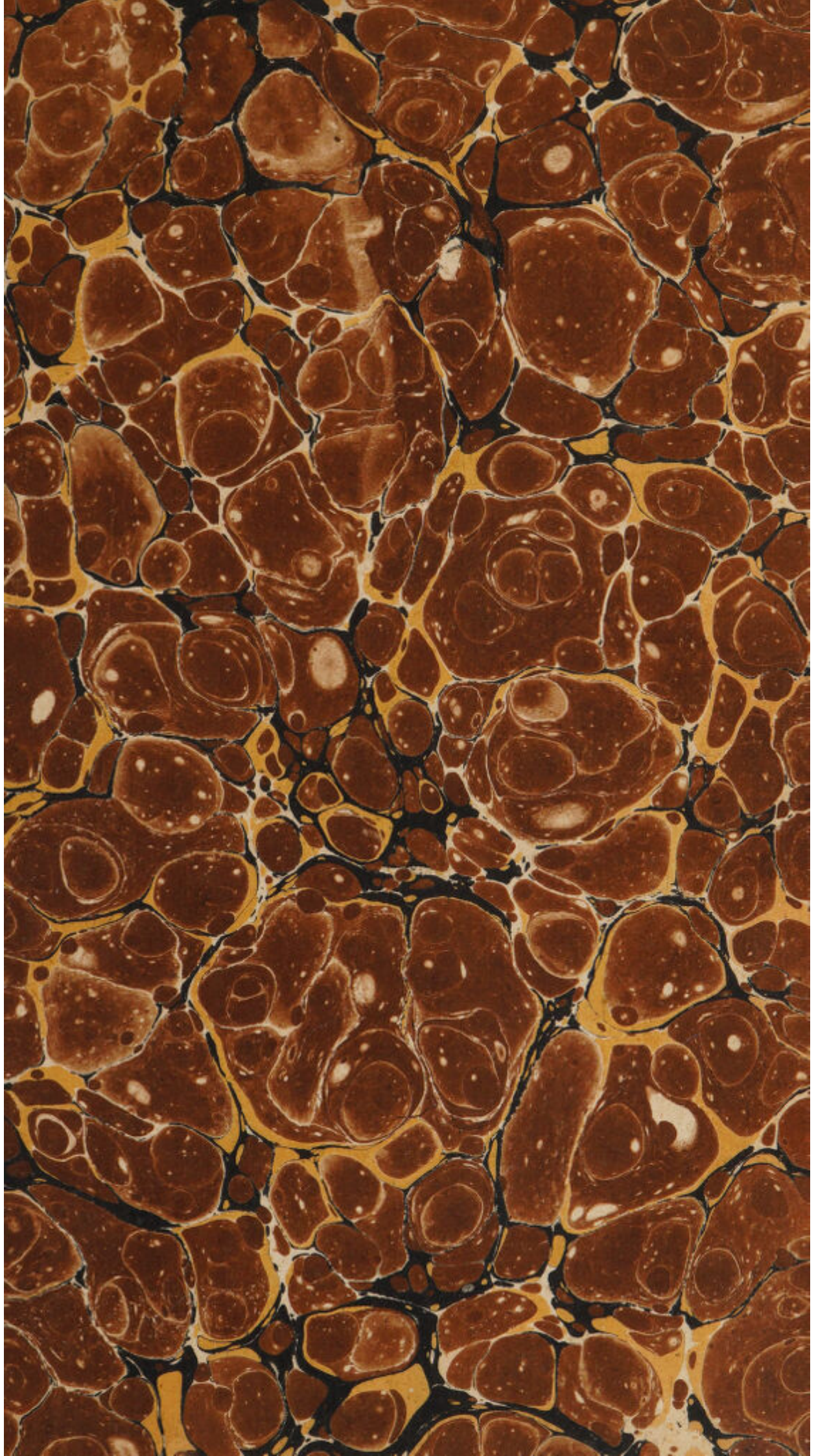
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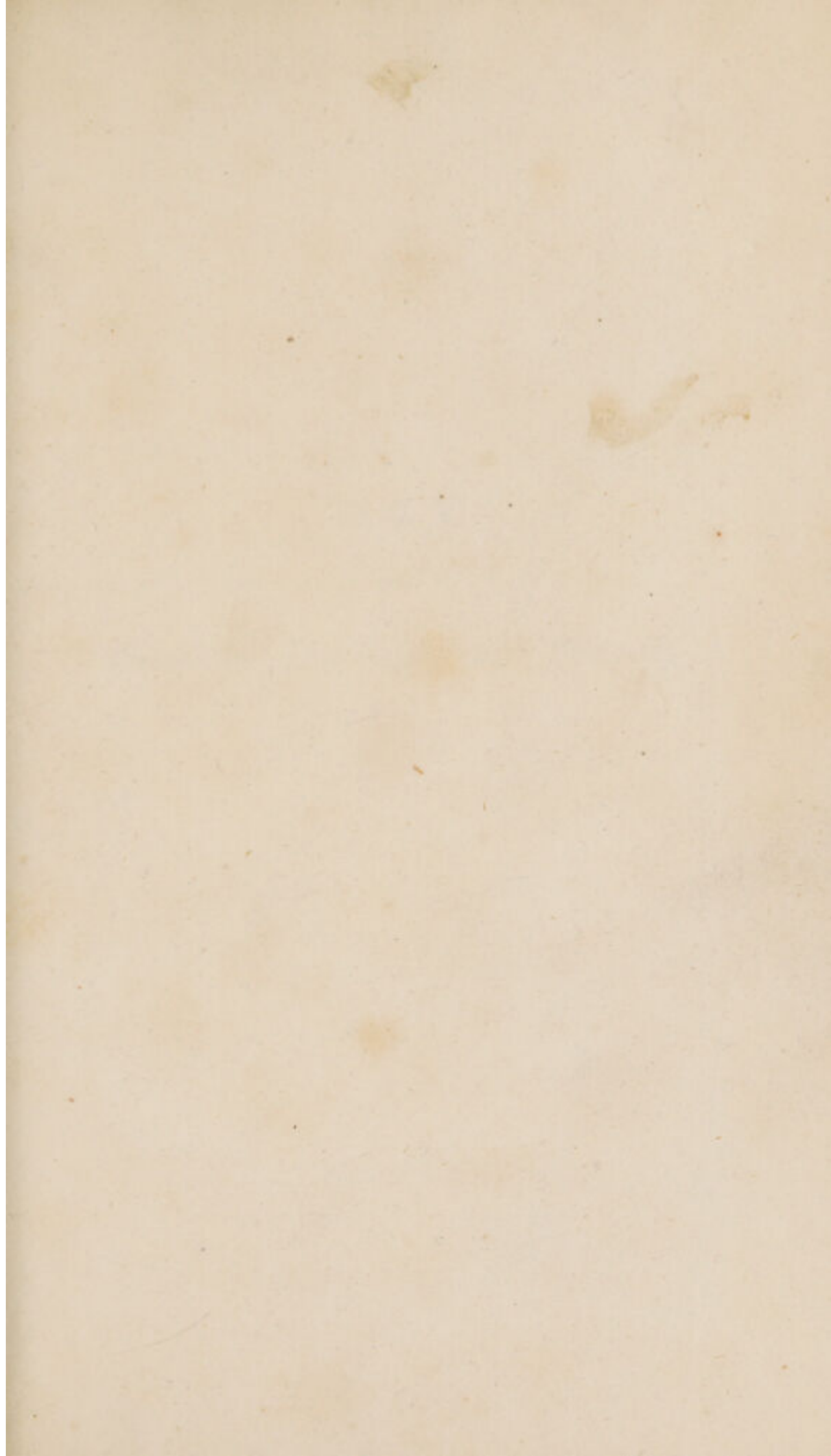


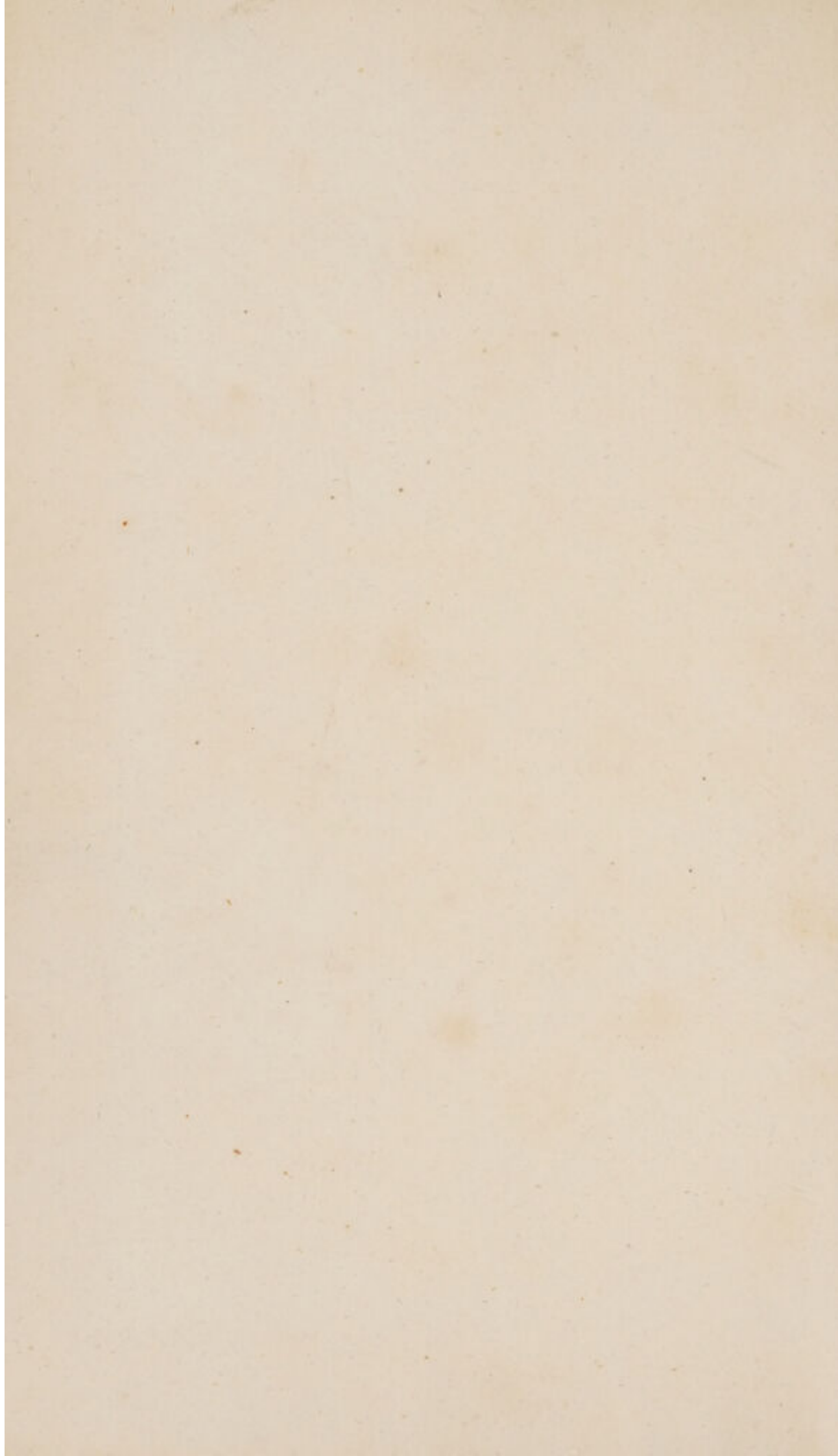
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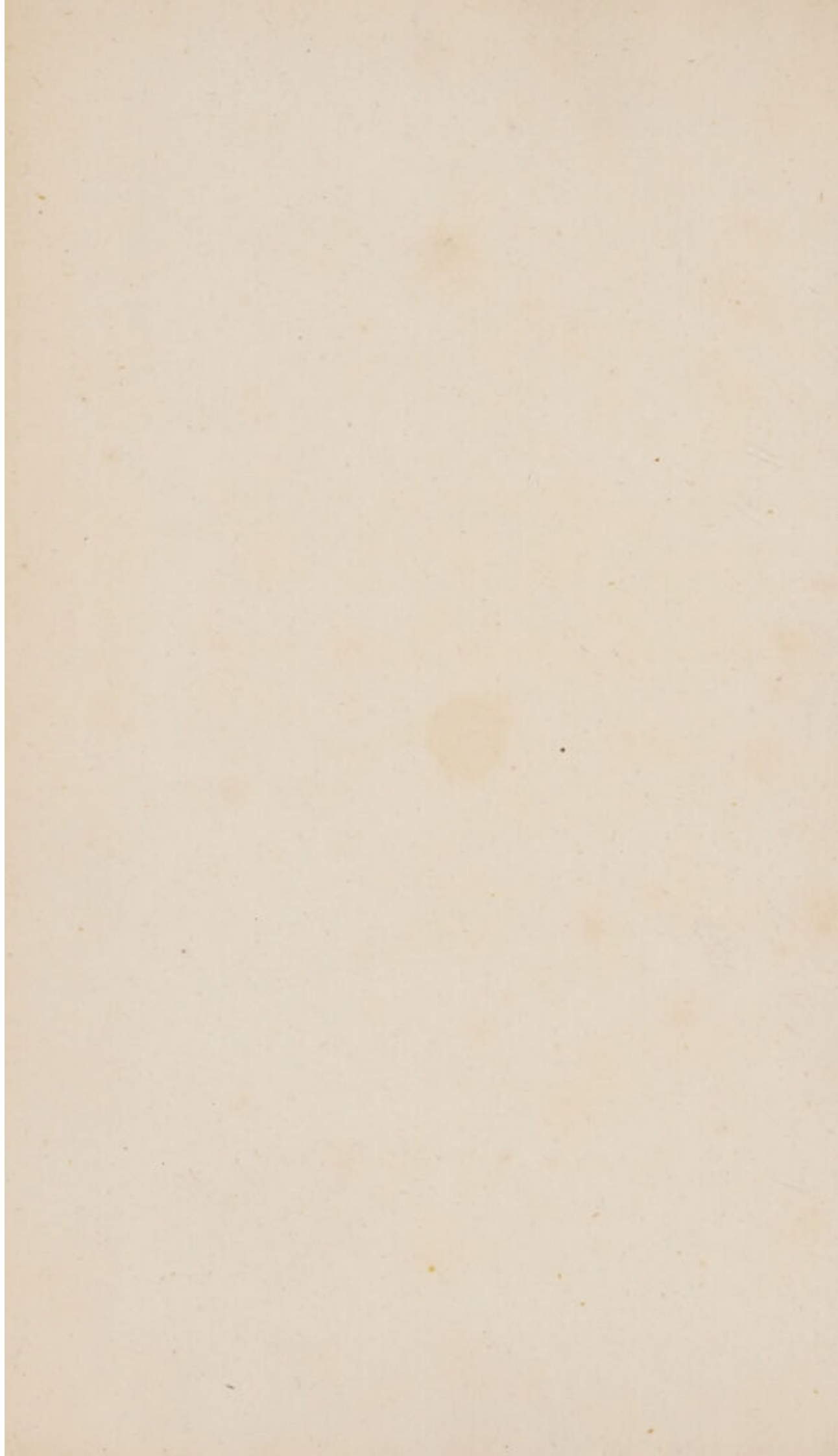




H B Y

*Gaming, Duelling, and Suicide.*





THREE  
DISSERTATIONS;

ON THE  
PHYSICAL EFFECTS

OF  
GAMING;

OF DUELLING; AND OF SUICIDE.

H E Y

BY APPOINTMENT ON

*Gaming, Duelling, and Suicide.*

BY RICHARD HEBY Esq. LL.D.

PROFESSOR OF MEDICAL JURISPRUDENCE  
IN THE UNIVERSITY OF CAMBRIDGE.

Printed and Sold by J. N. P. & Co. Stationers,  
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1812.

HEY

or

Gaming, Duelling, and Suicide.



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FIRST PUBLISHED IN 1783, 1784, 1785,  
BY APPOINTMENT; AS HAVING GAINED,  
IN THE  
UNIVERSITY OF CAMBRIDGE,  
THE  
THREE PRIZES OF AN ANONYMOUS DONOR.

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BY RICHARD HEY Esq. LL.D.;

THEN FELLOW OF MAGDALEN COLLEGE,  
FORMERLY FELLOW OF SIDNEY SUSSEX COLLEGE.

~~~~~  
*Revised and Corrected, in 1811, by the Author.*  
~~~~~

CAMBRIDGE:

Printed by J. Smith, Printer to the University;  
AND SOLD BY J. HATCHARD, PICCADILLY, LONDON;  
AND J. DEIGHTON, CAMBRIDGE.

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1812.

THREE  
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WITH EPILOGUE OF MESSRS. COLLEGE.  
PERMANENT RECORD OF HIGHER SCHOOL MASTER

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1812.

## PREFACE.

### GENERAL CONTENTS.

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✍ For the particular CONTENTS of each Dissertation,  
see the End of each.



## GENERAL CONTENTS.

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 The Reader is requested to correct with his pen the Errata placed at the end of the Volume.

1 ----- GAMING.

88 ----- On Dealing.

177 ----- On Stealing.

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 For the particular Contents of each Dissertation, see the End of each.

## PREFACE.

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**T**HE present re-publication is principally owing to the late, much-lamented, Edward Pearson D.D. Master of Sidney College: who, after some fruitless attempts, had, a short time before his death (which was in August 1811), arranged the plan pursued in the re-publishing. And I request the Syndics of the University Press to accept my acknowledgments, for the credit done to the Work by their directing a liberal assistance from the funds of the University.

In justice to Mr. William Smith must be mentioned his re-publication, in 1801, of the Dissertation on Duelling: which made the second Edition of it. He then lived in Durham; but his present abode I have endeavoured in vain to discover. He believed me to be dead: and I am persuaded that his motive, in the re-publishing, was a wish to do good. When a great part was re-printed, he discovered that I was living: and he immediately communicated to me the state of the case; leaving it in my choice, whether he should proceed. This I did not refuse, notwith-



standing the great incorrectness with which so much of the work had been printed. Where the blame of that chiefly lay, I will not decide. Errors excepted, the second Edition (I think) copied the first. He was, till that time, perfectly unknown to me : but his conduct on the occasion convinced me of an intire disinterestedness on his part.

The original publication, of each of the three Dissertations, was necessary as a condition of obtaining the prize of fifty guineas adjudged to each. The name of the Donor, who sacrificed thus largely to the hope or wish of producing some good effects, was concealed from the Public and from myself: and I am authorized to say, that it remains so by his desire.

Where expressions occur which have reference to the *time* of writing, I have thought best to leave them unaltered, rather than attempt to accommodate them to the present Edition of 1812. An instance is in page 85; "at present". Such expressions as this are therefore to be understood with reference to the times of writing the original Dissertations: that is, between some point of time late in 1782 and the end of 1784. Of the Notes written or altered in 1811, those are so dated which seemed to require the distinction.

I beg the indulgence of the Reader, in mentioning to him, that, when I wrote the first



Dissertation, I did not know that the subjects of Duelling and Suicide would be proposed. But I hope this has not occasioned much offensive Repetition. On throwing the three into one volume, I was struck (but too late for the press) with the appearance of the running titles over the pages 71, 73, 75, 77, 79. A person, opening the book accidentally at any of those pages, might, for a moment, suppose that he had opened to the Dissertation on Duelling, or on Suicide. Which makes me ask the favour of the Reader, that he would correct those running titles to *Duels, from Gaming, and Suicide, from Gaming*. Perhaps he will also take the trouble of altering the Titles of the Sections (in p. 70 and 74) to, *Duels; as an Effect of Gaming, and Suicide; as an Effect of Gaming*.

I am unwilling to disgust any Reader by Egotism. The few particulars following contain only a kind of information which, in reading, I usually find myself desirous to possess, concerning the Writer:—whether singly from a hope of elucidation, or with a mixture of idle curiosity. On this apology I rest the mention of the facts here subjoined. I was of Magdalen College, Cambridge, when (at or about the usual age) I took the degree of B. A. in January 1768; of Sidney College, when I took that of M. A. in the spring of 1771,

and (with a view to the practice of Doctors' Commons) that of LL.D. in December 1778 ; was called to the Bar, in the Middle Temple, in November 1771 ; and obtained in 1778 the Fiat of the Archbishop of Canterbury for my admission into Doctors' Commons. The failure of such admission, and the failure of success at the Bar, have (such, I believe, is the *fact*) drawn more or less of blame upon me from some persons. What I have to allege, in defence and in extenuation, would here be misplaced and tedious. My Fellowship in Sidney College expired in April 1778, by the College Statutes ; which exclude Laymen after a certain period. In Magdalen College I held a small Fellowship from 1782 to 1796, without any residence. From 1779 (and especially till 1796) I have lived in retirement ; and, for the most part, with small access to books.

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In the arrangement for this re-publication (of 1812), it was understood and expected, that considerable Corrections or Alterations were to be made. I trust, what have been made are, in respect of quantity, sufficient to answer an expectation of that



nature. But, though the principal origin of them was in the criticisms of some friends, given in the kindest manner; and though these criticisms pointed out, in many cases, particular passages, as wanting improvement, and, in some, suggested a *mode* of improvement; yet I must by no means *presume*, that, on the whole, the Dissertations *are* improved. Of which I may remind the Reader for this reason: namely, that the Judges of the prizes are no longer, after such alterations, responsible for the preference which they (or some appointed number of them) thought right to give to the Dissertations as originally written. The Judges stand acquitted, in the present case; howsoever inferiour I may have rendered the compositions, in attempting to improve them.

And, as real Improvement, where attempted, is not presumed, so neither have I *attempted* a complete re-examination of the matter and substance of what was originally written. I do not profess to have so examined these that I can, in strictness, be said to confirm, at my present age, every thing which I now leave as it stood nearly thirty years ago. I have not thought all the thoughts over again. This would have required an attention, a length of time, and an access to books, such as were not well compatible with my present situation. In addition to a diligent examination of the written



remarks of my friends, I have attempted improvement where any obvious want of alteration has occurred to me; but have not weighed the subjects, afresh, as if original compositions upon them had now been called for.

It has, I believe, been thought by some of my friends, and therefore probably by some others, that considerations of *Religion* have not been sufficiently introduced into the *Dissertations*. To this charge I do not plead guilty; although averse from involving myself in a regular and intire defence. Be the following observations construed as they may, in these respects; at least, an opportunity is offered for some discussion of a point necessarily of an interesting nature, to those who diligently study the grounds of their *Duty*.

This point may be thus proposed as a question. Is it admissible, to pursue sometimes a moral Investigation without intermixing, or super-inducing, such a view of it as is expressly, in its language, religious? That it is admissible, is my own opinion. At the same time, I enter my full protest against placing Religion and Morality in any hostile opposition to each other. *Morality*, in its largest acceptation, I consider as co-extensive with *Duty*. The science of *Morals* delineates the *Duties* of life. If, from a correct general principle, I do a



moral action, that is, if on such principle I discharge an act of Duty ; or if I examine an action, in order to determine whether it be morally good or evil, that is, whether my Duty be, to perform or avoid it ; am I to be accounted necessarily defective in *religious* consideration, because I do not see the specific action distinctly pointed out in some particular passage of the holy scriptures, or because I do not describe the nature of it expressly from the words of Revelation ?

Let us hear the opinion of a distinguished Divine \*. “ Men consult Scripture for what is not “ to be found in it ; an accurate description of “ their rights and duties ” : or the words of a Prelate of our church †, introductory to his valuable comment upon a precept, eminently practical, enjoined by our Saviour ; “ though the utmost Care were taken “ to specify to us our several Obligations, we must “ be left after all to find out many of them ourselves, by deducing them from general Rules.” And the fact is, that men are placed in a vast variety of circumstances not specified in Scripture, and for which we do not there find particular express directions to guide our conduct. This sufficiently indicates, that some investigation of our Duty is

\* Archdeacon Balguy, in a Consecration Sermon preached 12th Feb. 1769 ; 4th paragraph. Edit. of that year.

† Archbishop Secker’s Sermon on Matt. vii. 12 ; 1st paragraph. In the seven volumes of his Sermons, Edit. of 1771 ; vol. 7.

left to the exercise of the faculties which have been given to us.

Nor are passages wanting, in Scripture itself, which appear to encourage us in such exercise of our faculties. The Apostle says\* ; “ Prove all things ; hold fast that which is good ” :—hold fast, in every instance, that which shall appear, to your own judgment, to be good, after you shall have proved or tried or examined the best evidence you can command, relative to the matter before you. And, when instructing the Corinthians, he says† ; “ judge ye what I say.” Again : he represents the invisible things of God, even his eternal power and Godhead, as clearly seen ; “ being understood by the things that are made ” : so clearly, that he holds those to be without excuse who, being thus capable of knowing God by their natural powers, glorified him not as God‡. Our Saviour, in addressing the people, reproves them for not applying (or not successfully) their faculties, to discern things connected with his mission§. “ Why even of yourselves judge ye not what is right ? ”

“ There was a time,” says the judicious Divine|| first above quoted, “ when both the origin and the form of government, the extent of authority and

\* 1 Thess. v. 21.      † 1 Cor. x. 15.      ‡ Rom. i. 20, 21.

§ Luke xii. 54 to 57.    || Same paragraph of Balguy's Sermon.



“ degree of subjection, were determined, not from the  
“ reasons of things, or the laws of particular nations,  
“ but from the precedents and precepts contained in  
“ the Bible ; a book never intended for such pur-  
“ poses, and indeed much injured by the artifice  
“ and violence with which it has been pressed into  
“ a foreign service.” Probably much harm has  
been done, to the joint cause of Religion and  
Virtue, by applying to specific purposes (howsoever  
good) such words of Scripture as can scarcely be so  
applied, even by the most religious, with a perfect  
concurrence of their calm judgment.

Whereas, if, on examining any rule of action,  
I can evince to the candid inquirer that it would be  
beneficial or pernicious to mankind, on a general  
adoption of it; can any man, looking to the “ one  
“ God and \* Father of all” with due sentiments of  
piety and veneration, doubt that such rule of action  
(unless Revelation say otherwise) is accordingly  
right or wrong, — conformable or opposite to the  
will of that almighty and beneficent Being? And,  
is this conclusion either more or less just, because,  
whether from judgment or negligence, I omit to  
subjoin the express mention of a basis and sanction  
common to *all* acts and rules of Duty ; namely,  
the Will of God? But, were it allowed that such  
omission were from negligence or wrong judgment ;

\* Eph. iv. 6.

the charge would still amount only to this, that the discussion was incomplete ; not that, as far as it went, it was wrong in itself.

Even from the pulpit we frequently have the advantage of receiving details of the Benefits of particular virtues, and of the Mischiefs of particular vices. Does any one, whose Religion is not strongly tinged with fanaticism, blame the admission of these topics, to some considerable extent? And, if the admission of them be just, in the pulpit, and upon *acknowledged* virtues and vices ; can it be too much to affirm, that, in the case of a mere *Dissertation*, and upon some action whose guilt or bad tendency is controverted by no inconsiderable number of persons, such a discussion as *proves* the guilt or bad tendency, either from the correct theory of the action or from the mischief shewn to accompany it, may be admitted *singly* ? Such discussion may be considered as one Part of a whole system. And, if the remainder be left to some different department,—to the persuasive force of exhortation, to the commanding influence of denunciation, the religious eloquence of the pulpit, or the descriptive and pathetic powers of poetry ; does this imply any fault in the *Dissertation*, which has confined itself to its proper business of *disserting* upon the nature of the action contemplated ?

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upon my first Edition, jointly with other publications), that the essential guilt of Duelling consists chiefly in “a deliberate preference of the favour of  
“ man, before the favour and approbation of God,  
“ *in articulo mortis*, in an instance, wherein our  
“ own life, and that of a fellow-creature are at stake,  
“ and wherein we run the risk of rushing into the  
“ presence of our Maker in the very act of offend-  
“ ing him.” These topics are weighty, if urged to dissuade or deter from Duelling, when its guilt is *supposed*. But, are we to understand them as an argument to *prove* the guilt of it? The guilt of preferring the favour of man before the favour and approbation of God, is indeed incontestible. And it is the greater, when the approach or risk of *death* is strongly present to the apprehension; as *then* demonstrating a mind more hardened and daring in guilt. Moreover, the idea of rushing into the presence of our Maker, in the very act of offending him,—or, to speak more properly, I think, and more religiously, (for we are *always* in our Maker’s presence,) the idea of thus rushing, from a state of Probation, into a state of Judgment, where all repentance is closed, — is an idea most seriously alarming. But, if Duelling (considered independently of this argument) should be in itself *right*, what would come of the argument? It must fall to the ground. When you argue with any



one against Duelling, you are to suppose that he thinks it right, and to endeavour to convince him that it is wrong. Whilst he *does* fully think it right, his fighting a Duel does not evince a “preference of the favour of man, before the favour and approbation of God”; any more than fighting in an army. Nor can you be allowed to assert unconditionally that he is offending his Maker, whilst he declares solemnly that he believes the action to be right. The Guilt of Duelling being established, *then* indeed comes the opportunity of *inforcing* upon the Reader (supposed to be convinced of that guilt) the heinousness of so preferring man to God, and the madness of so rushing into our Maker’s presence — or rather, of cutting off all repentance — in the act of offending him. But this topic, urged with one who asserts the rectitude of Duelling, could not in any degree have *proved* the guilt of the practice.\*

\* When the Dissertation on Duelling was re-printed in 1801, as mentioned (p. v.) above, without the two others, I prefixed a few pages in answer to some observations of Mr. Wilberforce. What has now been said appears sufficient on the present occasion: and the present Preface is extended, by including remarks more general and which relate to all the three. Also one passage in those observations of Mr. Wilberforce has appeared, not only to myself but to some friends, difficult of comprehension: in the discussion of which the Reader might find an uninteresting piece of controversy. I mean the words in p. 219; “sometimes it has been opposed” &c, to the word “revenge”.

To return to the present volume, as a whole. The contrasting and opposing of Religion to Reason, or to Virtue, is like attempting to set at variance the firmest friends. Reason instructs us to obey Religion: a truly religious principle bids us make use of the Reason conferred upon us by the God to whom our religious feelings are directed. In that Scripture which contains the whole of our revealed Religion, a *reasonable*\* service is required of us. The “dictates of his own reason” and† the “authority of reason”, are not to be taken as either opposing Religion, or even implying that its doctrines and authority are overlooked.

Every real Virtue is sanctioned by Religion: every just religious sentiment is Virtue. Why, on the mention of either Religion or Virtue, should the other be supposed to be excluded? When this volume speaks of‡ *your* effecting a reformation in yourself, there is no intention to imply that the Christian doctrine, of assistance from above, is to be set aside. We are commanded to work out our own salvation; although we are informed that it is God which worketh in us§. Nor is that same doctrine, in any degree, meant to be excluded, as a *Cause* of the right || state of mind mentioned. He

\* Rom. xii. 1.

† In this volume, page 194, last line; and 195, l. 5.

‡ Page 226, 227.

§ Phil. ii. 12, 13.

|| Page 235.



who concludes, from the verbal omission of that Christian doctrine in passages of this kind, that it was meant to be set aside, might as well (or more strongly) conclude that the doctrine of a Providence is meant to be set aside, when an *Accident* is mentioned in conversation, or in a familiar epistle. Yet I believe we have the word *Accident* so used by men of undoubted religious principle, and even of scrupulous attention to their words in this respect. I have suffered it to stand in several places\*.

Even in the writings of the inspired Apostles, addressed to Converts, and establishing and explaining Christianity as a new religion, instances are found, of moral precepts enjoined without reference there made to divine assistance. The Romans † were so instructed by Saint Paul; in a series of precepts, divine indeed as to the fountain from which they flowed, whilst almost their intire contents are simply moral. And to the Philippians ‡ he wrote; “if there be any virtue, and if there be “any praise, think on these things.” Upon which words we may, further, put this question. Are we not obeying the injunction, when, in candour and simplicity, we pursue any moral discussion?

Repentance is, by Saint Mark §, so connected with remission of sins, that a reader might, for the

\* See, in the Index, *Accident* and *Accidental*.

† Chap. xii. from ver. 9.

‡ Chap. iv. 8.

§ Chap. i. 4.

moment, suppose it singly (or joined with baptism) to be all that is necessary for such remission. But who will dare, on reflexion, either to conclude that Mark was ignorant of the Atonement of a Redeemer, as necessary for the remission, or to blame him as for *omitting* that without which our repentance must be inefficacious? The inference is, that, when one thing is mentioned, without another which is closely connected with it, this other cannot therefore always be considered as either denied, forgotten, or blameably omitted. The same inference would be deduced from our Saviour's words\* : by which he adjudges simply to those who have *done good* the resurrection of life; not annexing, at that time, either the heavenly aid enabling us to do good, or his own sacrifice of himself, by which he purchased, for those who do good, that high reward.

It appears, then, to me, that a Dissertation upon a moral subject — upon a question of Duty — is, in some cases, admissible without express mention of religious considerations. In the same manner even a Sermon may, *in some cases*, be truly Christian, without express mention of the name and deeds of Christ our Saviour. I conclude with quoting the Prelate mentioned above : from whose works, I believe, the already well-instructed Christian may

\* John v. 29.



derive much edification \*. “ It is not therefore  
“ naming Christ ever so often, or exalting his Com-  
“ passion to the fallen Race of *Adam* ever so much,  
“ or describing his dreadful Sufferings ever so  
“ movingly, that is, preaching him as we ought, if  
“ all be not directed to make us become like him.  
“ His own Sermon on the Mount is almost entirely  
“ filled with precepts of Duty; of the common  
“ Duties of common Life. And so may other  
“ Sermons too, yet be truly Christian, even with-  
“ out mentioning Christ expressly, provided the  
“ Necessity of his Aid and his Merits be understood  
“ throughout them; and the great Design of his  
“ coming, the Reformation of the Hearts and Lives  
“ of men, be closely pursued in them.”

RICHARD HEY.

*Hertingfordbury,*

*near Hertford;*

Feb. 1812.

\* Secker's Sermon on 1 Cor. i. 22, 23, 24; towards the end of 1st Head. In vol. I; see p. xi. above.





A  
DISSERTATION  
ON  
THE PERNICIOUS EFFECTS  
OF  
GAMING.

~~~~~  
*First Published in 1783.*  
~~~~~

BY RICHARD HEY.

—◆—  
*THIRD EDITION.*  
—◆—

M.DCCC.XII.





## INTRODUCTION.

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COULD we for a moment suppose it to be the Duty of any man, from some positive injunction, to make the Gaming Table an Occupation ; — if he should obey the injunction with alacrity and cheerful perseverance, supporting an even temper through the great and sudden changes of fortune which he should experience, we might with confidence applaud him. A duty of such difficulty, so well discharged, could not fail to command our Respect and Admiration ; as denoting a spirit of laudable philosophy and real virtue.

But take away the circumstance of his being *injoined* to pursue this mode of life, and the case is altered. Whatsoever impression we receive from his equanimity, we must lose our respect for one who is daily exposing the firmness of his mind to the severest shocks, without any laudable End to allege in excuse of his temerity. — Does he affirm that it is unnecessary to allege any End besides the Enjoyment found in the pursuit itself? And does he speak this seriously? He has forgotten, then, the ample fund of enjoyment provided for Man ; who possesses such a variety of powers, capable of being exerted in such a variety of ways. To see a Being thus furnished, who yet relinquishes all his



own powers, and flies to a contemptible succession of events accounted merely fortuitous; affording neither gratification to his natural appetites, pleasure to his imagination, nor rational exercise to his ingenuity, is to behold an object which might justly excite our Ridicule.

Ridicule, however, must give way to serious reflexions upon the Imprudence of him who risks his Property on the throw of a Die. And these will be lost in reflexions yet more serious, if we attend to the Evil which the Gamester personally suffers; debarred from many common enjoyments, or disqualified for partaking of them, and harassed by violent Agitations. Here we might rest, in a sentiment of compassion towards a person thus wretched; were we not led still further to view him as abandoning the genuine principles of Benevolence and universal Duty, and thence involving in misery those who are connected with him by private or public ties;—closing perhaps the tragedy, which he has been acting, with an untimely Death, by the hand of some reputed friend, or by his own.

Such are the *general* ideas arising from a view of the Gamester's life. But it is necessary to descend to Particulars. In doing which, although there might be abundant room to expose the practice of Gaming as in itself trifling and ridiculous, for the employment of a Being like Man, yet it seems proper to follow more closely the Subject proposed, which confines us to the *Effects* of Gaming.



## PART I.

### *Property.*

WE take first the Effects upon the Gamester's *Property*, with his Imprudence in exposing it to them.

That *no Limit* is known by that species of expenditure which consists in money lost at Play, is a distinguishing mark of it. Examining other sorts of prodigality, you discern something of a natural boundary, beyond which the prodigal, unrestrained by Principle, has no Temptation to proceed. The man who, either from sensuality or ostentation, adds to the food upon his Table, has not afterwards the same temptation to make a further equal addition. It not only is true, but must be clearly perceived by the most sensual and the most vainly ostentatious, that their respective enjoyments would not be so much increased by the second addition as it was by the first; nor even in proportion to the increase of expense. Or, if this and further additions be contended for, yet, without fixing where the limit is, we may safely affirm that there is one, beyond which all expense would be totally lost as to the end proposed by it, and would appear ridiculous even to the most extravagant. This is applicable to other kinds of expense.

But when it is Money staked, all Limit seems to vanish. If we conceive a person to play through



Avarice, he is naturally led on by reflecting, that according to the sum he puts down will be his gain when he takes up ; if in order to make a display of Wealth, he constantly feels that his apparent importance is proportioned to the number of pieces deposited. Or, if he play without any distinct motive, through mere habit or blind infatuation, the same power which has carried him one length will carry him another, if *he* is weak enough to be carried on by it : there is not a check in the nature of the thing itself, as there is in other expenses. So long as he has the means to command supplies, the numerical sum for which he may play is unlimited, like the figures expressing it : and the advance from a smaller stake to a larger appears as natural in the region of thousands, as in that of hundreds or units.

In vain would the Gamester evade this reasoning, by alleging, that the prudent man will risk no sum of which the loss will materially affect his property, and that, if the imprudent man does otherwise, he is to be blamed as imprudent rather than as a Gamester. It is notorious that there are persons imprudent enough to pursue, each his particular line of expense, to any length to which they are solicited by successive temptations. If then there is one line of expense, which leads, in succession, to temptations without number, and presents no necessary obstacle to their influence ; this must be, in its nature, deserving of censure : and imprudence here committed is not to be confounded with imprudence charged, in general terms, upon the character. Nor can the Gamester rationally



expect a greater self-command, to stop at any predetermined point, than the profuse in other things. A different opinion might be formed by him who should, in cool theory, examine the nature of Play; which clearly holds out no encouragement to the fair player, to expect Gain upon the whole:—but confirmed experience evinces, that the temptations of the Gaming Table are equally powerful, at the least, with those of any other species of prodigality.

A *Fallacy* is observable, which regards the playing upon an Equality of Chance, or laying the Odds which are justified so far as calculation is concerned. Every risk being adjusted to the deductions of mathematical demonstration, your Play may be thought to incur no charge of Imprudence. To prove the fallaciousness of this conclusion, an Instance, with numbers, may be of use. And the instance of a Wager may easily be applied, in point of general principle, to other sorts of Gaming. A person, possessing six thousand pounds, lays an even wager of half that sum, in a case in which an even wager is sanctioned by calculation. In one view, the wager is merely without advantage or disadvantage: winning, he adds a certain sum to his property, or, losing, he deducts the same sum from it. But, observe the *proportion* in which his property varies. If he win, it becomes nine thousand pounds; bearing to his former property the proportion of three to two. If he lose, it becomes three thousand; reduced in the much larger proportion of two to one. Here is a manifest and



great *Disadvantage*; that the chance of augmenting his property in one proportion, is only the same as that of diminishing it in a much larger. He is, no doubt, upon fair, and even equal, terms with his adversary; so far as those terms are general, and independent of the situation of each party in life. But the truth is; each of them, in respect of his own increase or diminution of Happiness (to which, ultimately, all maxims of Prudence must be referred, after Calculation has done its part), has a decided *Disadvantage*.

As this is a point of importance in the subject, and not (that I recollect to have seen) discussed by any writer; such proof of it as occurs is here subjoined, at some length. And let us, in the way of argument, suppose that a person could, in a case where he has equal chance of winning and losing, lay a wager upon such terms (which certainly no adversary would grant) that, winning or losing, he should respectively raise or reduce his property in the same proportion, namely of three to two; raising it to nine thousand, or reducing it only to four. If we can make appear, that, even upon this supposition, his wager is a gaming to *Disadvantage*, when referred (as it ought to be) to his real Enjoyment or Happiness, and that therefore it is an Imprudence; then, that it is so in the usual case of an even wager, will follow of course, and the more strongly.

That we may judge whether the winning would add to his enjoyments as much as the losing would take from them, the simplest and fairest method seems to be this. Conceive him to have hitherto



expended (in the way most productive of whatever he regards as happiness) the yearly produce of his former property; and, this one alteration being made, by the gain of *three* thousand pounds or the loss of *two*, to begin then a new expenditure, — the yearly produce of his property as augmented or diminished. If he lose, one third of his former expenditure is gone. His Habits and Expectations, gradually formed, and become natural, meet now perpetual checks and disappointments. We are, all, creatures of Habit and Custom. Our usual food, apparel, and service from dependents, such habitations, conveniences, and even ornaments, as we have been accustomed to, we daily expect; and so expect, that we frequently receive from them less of positive happiness, than we find, in the privation, a sense of Poverty, Vacuity, and even positive Misery. And above all these, perhaps, is the being obliged, either to quit the society of Equals, or else to remain amongst them as amongst acknowledged Superiours; whilst we must admit as Equals those whom hitherto we have been intitled to consider as Inferiours. Which result, if it should not always follow with full and glaring effect from such loss as here supposed, cannot be wholly evaded; and must, from greater losses, be an inevitable and open consequence.

There are indeed those who can, and with cheerfulness, descend from their station, and arrange themselves in one more humble; — who, with a certain dignity of contentment, can enter into a new character, and, with a good grace, seem to forget that they ever had higher claims. But,



to discover merit of this stamp, you must look amongst men reduced by their Misfortunes, not by their Follies. He who, by any species of Gaming, has wantonly resigned, into the hands of the imaginary Being termed *Fortune*, what she in her caprice is supposed either to restore to him or give to another ; — *he* has no internal support under his distress : he cannot, like the innocent and merely unprosperous, indulge in reflexions soothing and gratifying to his sensibility ; nor openly allege facts, to solicit the regard of the compassionate. Such seems, in the Instance proposed, the consequence of *losing*.

On the other hand, if the *winning* will produce additional enjoyment equivalent to the distress just now contemplated, the wager must then be allowed to be a Gaming without disadvantage. But the contrary will appear, on reflexion. Money is not happiness. It is not, in general, the immediate *Means* of happiness : but is employed to procure certain things, which are the Means if duly applied, or are so reputed. And it is to be remarked, that the Prices of the reputed means of happiness advance much more rapidly, as you rise successively to those articles of expense which belong to the successively higher orders of men. So that, to enable two persons, having possessions of very different magnitude, to vary their modes of life equally, to the eye of the world, very different additions are required. And, although the nature of the thing admits not demonstrative calculation, it may be asserted, upon strong probability, that the requisite addition to the larger property will not



be less than in proportion to the property itself. Consequently, in the case proposed, the gain of *three* thousand pounds is not to be accounted more than equivalent to the loss of *two* thousand, as to Effect produced upon the external and reputed means of happiness.

But it is found *less* than equivalent, if we appeal to real Enjoyment as our test. Previous to the extracting from any object the enjoyment attributed to it, a certain Disposition, or perceptive Power, is requisite. Here, again, we are the creatures of Habit and Custom. In vain is any one enabled to purchase pictures (for instance) of the first excellence, if they be not rendered, by his own Habits and Ideas, more productive of pleasure than those of inferiour merit. And thus, in books, in music, in the accommodations of life, a person may want the power of deriving from what is highest in its kind, and obtained with difficulty, a more lively Gratification than from the same things in that degree of excellence to which he has been habituated. If such a person gain only the means of procuring the same things in a higher degree of excellence, he gains nothing. This is peculiarly applicable to a change of Rank or Society. By an elevation of this sort, a person may frequently experience a Loss of real gratification, instead of an Acquisition.

It is, however, not to be denied, that an increase of Property may, by a discreet application, become productive of an increase of Enjoyment. But it seems clearly to operate much more feebly and uncertainly towards that end, than a diminution



operates in producing a contrary effect. Upon the whole, then, it is just to conclude, that the Evil suffered by losing the Wager, in the case proposed (where the terms were more favourable than can ever be supposed, otherwise than for argument,) is greater than the Good acquired by winning it. The Evil caused by the loss of even the two thousand guineas is more to be shunned or deprecated, than the Good derived from the gain of the three thousand is to be sought or desired. Much more strong will be the application of this to the case of an Even Wager in its usual form. In which case, therefore, if the two persons are situated in all respects alike before the decision, the Loss of the loser, while nominally the same with the Gain of the winner, is virtually and really far greater. And the incontrovertible consequence to be drawn is, that there is a Disadvantage inherent in the nature of the thing. Although each party is upon even terms with his adversary, yet each, in point of prudence or happiness, games to Disadvantage.

There is the same Fallacy in laying Odds. Though you adhere strictly to the deductions of mathematical calculation, which deductions proceed with absolute certainty; yet, if you adventure a material part of your property, you are, by the principles of the above reasoning, guilty of a clear and decided Imprudence. There is no fallacy in the mathematical deductions: but you impose a fallacy upon yourself, by applying them to something which is beyond their province. Whether the gain of one sum and the loss of another would produce equal effects upon your happiness, is not a subject of arithmetical



investigation. Known and certain calculations can justify you in risking those sums only which may be considered as nothing in comparison of your whole property. If, in this comparison, the sums adventured rise to any importance, the Evil of losing becomes greater than the Good of gaining. In laying Odds, this Imprudence is still higher than an even wager; because a greater property is at stake. (Here we suppose the amount of the two sums adventured, by the two persons who lay the wager, to remain the same.) And to *take* the Odds must be a *less* Imprudence, than the even wager. Whilst all the three, alike, are justified as far as arithmetical investigation is concerned, or can be applied.

If, instead of a single stake or wager, a number of smaller sums won or lost, at different times, be the supposition, the Fallacy exposed is the same; provided that the aggregate of loss or gain goes to the same extent. If a continued life of Gaming carry it further, the stronger becomes the reasoning, and the more important the consequences.

In the *reduced Gamester* a melancholy picture is presented. Conceive a person, of high rank by birth, and once habituated to the receipt of large sums in annual return, now reduced to some pittance which, in his days of prosperity and prudence, he should have considered as simply sufficient to answer the trivial demands coming daily upon him. The power of maintaining his rank with Independence, is vanished. If he maintain his rank, it must be either through means at which honour



and honesty would blush, or through some casual acquisition, which, as being casual, could not be relied upon previously, without consummate imprudence.

If, on the contrary, he submits without evasion to the Evil which he has voluntarily incurred, and takes his station effectually in a subordinate rank; this presents his real Condition; this gives the just estimate of his Loss, and is to be contrasted with the situation to which he would have attained, had his success been reversed. In every article of expence, in every accommodation, he finds a disgusting change. His habitation, his apparel, his food, officiously meet his eye with an aspect of humiliating sordidness, and incessantly keep awake in his mind an anxiety little relieved by hope. Should he be so rational as to say, “I have yet  
“ enough for nature, I have more than thousands  
“ have, whom I see following their daily labours  
“ with cheerful content”; the acquired cravings of Habit feel nevertheless a perpetual Void, and, bidding defiance to the rational theory, render him in reality miserable. His loss of Property excludes him, as it were, from Society:—from that to which he has been accustomed, by the inferiority of his present rank; and from that which he might now claim, by the discordance of his own manners and ideas with those of such associates. His time, which had been dedicated to the Gaming Table, now punishes him by its vacuity; or, if it be transferred to some labour, mental or corporeal, for the sake of procuring an addition to his slender support, the punishment may to him be little less



grievous. And what was his original prospect of gain, wherewith to balance the risk of reducing himself to this abject condition? What but the equal chance of attaining that which, to an effective Abundance already possessed, could only add a dazzling Profusion, of uncertain value? And the Reduction might have gone yet further. It might have deprived him of his whole property. To such reduction no acquisition on the other side, by any series of success, could possibly have corresponded, or can be considered as proportionate, even in mere calculation of numbers.

The *Frauds* by which the fair Player is liable to be assailed, form an additional, though only occasional, exposure; independent of the natural and inherent Disadvantage pointed out in the strict Essence of Gaming. It is true, that no situation in life can afford a perfect security from the arts of the dishonest and fraudulent: but the Gaming Table is a scene of action eminently inviting to them; consequently, one upon which the honest and unsuspecting should not enter till they have learnt a lesson of extreme caution. A treacherous Apparatus, applied with such dexterity as we see publicly exemplified by adepts in the art called Sleight of hand, gives, to the unprincipled Gamester, an advantage from which the fair player may find it impossible to be always secured: and the former, having once conquered the difficulty of admittance amongst men of honourable principles, will make ruinous depredations upon the property exposed to the exercise of his talents. The fair player would



do well to remember, that the loss, proceeding from this cause, resembles not a series of play merely unsuccessful ; which may happen to be compensated by subsequent success. If afterwards he plays with persons honourable as himself, still he then is only upon even terms with his adversary ; which, in no degree, constitutes a compensation.

The *Imprudence*, on the whole, is sufficient to astonish any person of cool reflexion. Compare the maxims of the Gamester, — for he professes to act by rule and calculation ; — compare his maxims with those of men usually accounted prudent. In commercial concerns, every risk not requisite, for the particular end in view, is studiously avoided ; and every mode of diminishing the risk, which commercial transactions admit and suggest, is adopted. As a necessary evil, but only as such, it is admitted ; for the sake of a greater good connected with it. But the Gamester has the appearance of seeking the Risk for its own sake : and, so far as the Balance has been shewn to be against him, he acts like the man who should for mere amusement trust a share of his property to the waves, or to pirates, without hoping for any return.

The *incidental* expense cannot prudently be overlooked by him who, through the medium of Gaming, is brought to associate with persons greatly superiour in property. Yet is he liable to overlook it, when his attention is engrossed by sums so large as to make this expense appear trivial. Which renders it necessary to remind him, that, whatsoever



be his fate in other respects, this is a constant tax upon him, a clear and certain deduction from his gain, or addition to his loss: and that the Imitation into which he will naturally be drawn, — the Imitation of expenses really unimportant to his superiours, and therefore meriting from them but slight attention, — may be, to himself, of serious consequence.

The *Extortion*, lastly, with all its artifices, practised upon men thus suddenly necessitous, in supplying them with money upon usurious terms, must not be omitted. Experiencing, beyond the common lot of humanity, sudden and important reverses, they precipitately subject themselves to the inordinate prodigality of complying with the exactions of the usurer; and afford an example of singular weakness, in accepting supplies upon terms so injurious, for a purpose which we have shewn at large to be so ruinous.

Here we close the consideration of *Effects* produced upon the *Property* of the Gamester.

## PART II.

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### *Personal Suffering.*

**T**HE Effects *personally* endured by one who yields to a Habit of Gaming, present a copious misery, arising from a perverseness worse than childish. We discover a Being endued with reason, to whom is indulged some power of choice in life's mingled store of Good and Evil, disdaining what is valuable, and selecting diligently what must render him wretched.

*Degrees* indeed there are, of this misery ; as will appear. The whole is not the consequence of Gaming when pursued under some restraint of caution and reflexion. It follows in a more equitable manner the perverse choice of him who draws it upon himself. Let no one, having had even a large portion of it, conclude that there is not more heavy in reserve, and fearlessly bid adieu to restraint.

This misery we trace, partly from a variety of miscellaneous Sources ; partly, from the Agitation of the mind by different passions.



## SECT. 1.

*Personal Suffering from various Sources.*

*Health* is a blessing without which many of the usual means of happiness lose their effect. Repeated and serious Gaming impairs it. This it does, in common with some other causes, by taking possession of those hours which would better be assigned to manly exercise, or those which are evidently intended for refreshing, by sleep, every power of the human frame. But the Employment which Gaming gives to the Mind, is peculiarly detrimental to Health. Anxiety and other perturbations, besides the immediate pain of them, do moreover, through the certain though inexplicable connexion of body and mind, consume insensibly our corporeal vigour; and, not improbably, introduce direct attacks of disease. Should such disease not ensue, yet behold the Gamester returning fatigued, languid, and disconsolate, from his midnight toils and cares, at an hour when a wiser part of mankind rise from salubrious repose to cleanliness and action. Can the frequent repetition of this be a matter of indifference to Health? Can that person be readily brought to acquiesce in it, who has habitually experienced the alertness and elasticity of the faculties, when, from natural refreshment, they wake to new exertions?

*Relaxation*, though an end which we might suppose to be in view, is not procured by Gaming



pursued, as it frequently is, so as to become decidedly a serious occupation. So pursued, it produces the hurtful effects of occupations the most serious and severe, although destitute of their good consequences. The pleasures of the Imagination are, with peculiar propriety, recommended for the purpose of relaxing. What so strong a contrast to them, as deep Play? Not even the mechanical employments, by which men earn their daily bread. These admit oft a momentary brightness lighted up in the Imagination. But the rigid Silence required in deep Play, and the exclusion of ideas not closely connected with its technical and uncouth terms, debar the mind from those exhilarating ideas which a free and cultivated Imagination would ever supply; and leave it chained to a labour, for which the galled Slave might hesitate to exchange his fate. — “I must drown thought,” says the Gamester; “I must fly to the friendly dice.” In vain. One species of Thought you may exchange for another: but severe and painful Thought will attend you; and the Recreation which possibly you hope for, you will feel more need of at the conclusion of your play than at the commencement.

But the *Enjoyments*, furnishing Recreation to the generality of mankind, are destroyed by a habit of Gaming, or diminished. Experience bears witness (strange as it might appear to a cool spectator) that Play attaches its votaries with a singular force. And it is well known that a forcible attachment to one object is apt to detach the attention from others. By what objects, then, can you hope to fix the



Gamester, that his conceptions shall not wander perpetually to the scenes which with such ardour he frequents? What felicity, or what calamity, can you present to his ideas, which shall appear so momentous as the successful or unsuccessful throw of a die? Invite him to view and dwell upon the beauty or sublimity exhibited in the face of nature, or in the works of the great masters of painting; invite him to charm his ear and harmonize his feelings by the sweet sounds of music, or to dispel a gloom of solicitude by the mild cheerfulness of easy conversation: — what is your prospect of success? Not much greater than if you should invite the benumbed and crippled Paralytic, to partake of those pleasures which without sound health are unattainable.

To form a just estimate of the loss of the Gamester, by appreciating the numerous Enjoyments from which his passion for Play excludes him, — some arising from nature, others supplied by art, some attainable by each Individual, others resulting from the connexions of civilized society, — would appear to exceed our limits. One instance occurs, than which perhaps no one could more forcibly evince the interference of this artificial passion with our natural resources.

The society of the *other Sex* yields an Enjoyment which, we trust, comes so near to the claim of universality, that he who is perfectly insensible to it must be accounted, as it were, a Monster of his species. The degrees however, in different men, of the refinement and delicacy which give to this its value, are innumerable. Should it be remarked, that frequently those men who have



appeared most strongly attracted by the conversation of the other sex, have fallen peculiarly under the dominion of a passion for Play ; a full solution of this would perhaps be accounted not sufficiently connected with our subject, to warrant the digression : but, in order to prevent any conclusion (by association of ideas) in favour of Gaming, we may recur to a well-known position, applicable to the most valuable Dispositions, as to other things the most excellent in their kind, — that, being abused, they are apt to become the worst.

How disgusting, to see a young man of good birth and education, of strong understanding and quick sensibility, of high accomplishments in person and mind, intractably rejecting what these qualifications so well enable him to enjoy, — the society of accomplished Women in the same station ; whilst he reserves himself to gaze only on the revolutions of a wheel turned (he conceives) by the capricious Fortune whom he invokes, adores, and curses ! How absurd the self-punishment, by which he loses the refined and approved enjoyment of whatever in the sex is elegant, graceful, sprightly, exhilarating, tender, soothing ! Yet more deeply must be lamented, that he forfeits the manly though soft temperament, of a mind elevated and roused to action whilst humanized and made happy, which attends the honourable and successful pursuit of some Individual of that sex : — one suited to him by nature, education, and rank ; one formed to accompany him through life, the partaker of all his joys and all his sorrows.

But, without quitting the society of Females, he



can deprive himself of the Enjoyment of it. If one the most amiable and accomplished become his Adversary or his Partner, at the card-table, he can, by force of habit, or by the incidental influence of depending wagers, engage himself so deeply as to forget all distinction of Sex. Whilst his eyes have before them an object naturally adapted to inspire the softest and most pleasing emotions of the mind, he can attach himself to the austere and cheerless ideas of chance and calculation. Thus does he defeat the charms which should diffuse a sweet animation through his frame; and thus does this factitious appetite (for so we may properly term the Love of Play) absorb the natural inclinations, and perceptions, which were designed to conduct him to his earthly felicity.

*Conversation*, at large, has also its pleasures, which, with the Gamester, are in like manner lost or impaired; when he suffers the ruling Passion for Play to engross the whole man, and in consequence to subdue those emotions and those powers which create the enjoyment. Whensoever the mind happens to be deeply engaged by one train of ideas, it enters imperfectly into the variety of subjects occurring in ordinary conversation. When the ideas are so forcibly impressed, so formed into habit, as must be those of the Gamester, impelled by incessant infatuation, and highly interested by the probable fluctuations of his property; in vain we look for that sportiveness of Imagination which diffuses innocent gaiety, and which co-operates with and invigorates the social



attractions of man to man. All this is ungenial, to the rigidly serious and busied mind of the Gamester; although, to the man of cheerful virtue, whose thoughts have been exercised in some species of beneficial industry, it becomes a rich and a wise recreation.

*Domestic Affections* (the conjugal, the parental, and others) compose one Source of such felicity as this world affords; a richly-flowing Source, directly supplied from the constitution of man and the nature of human life. Its pure but silent streams are suffered, by the devoted Gamester, to pass untasted; or, through intermixture of ingredients dropped from his noxious cup, to him they become waters of bitterness. The mildness of these enjoyments is by some confounded with insipidity; and the value of their Frequency is not duly estimated. Both pains and pleasures which are vehement and rare, seem not uncommonly to be over-rated in the comparison with those which are gentle but frequent. In a virtuous and well-regulated Family, numberless slight touches of endearment pass between the members of it, in their ordinary intercourse, besides the more lively sensations caused by a mutual participation in the greater events which happen to each. Such endearments, unimportant as they may separately appear, create, by their frequency, a valuable fund of gratification; better to be relied upon than more transporting joys. And, by long repetition of them, attachments most pleasing and beneficial are generated, or confirmed and drawn closer.



But all is overlooked or rejected by the man who makes Gaming his occupation. Absent frequently from the placid scenes of his own mansion, he also renders himself incapable, although present, of receiving pleasure from them. A restless impulse towards the Dice, ever increasing its power, cannot fail to loosen his domestic attachments. His ruffled spirits subside not readily into a Calm : else might his own tranquillity of mind invite him to rest in the satisfactory enjoyment which he could command, rather than wildly to pursue abroad the tumultuous and uncertain joys of successful Play.

Again : the Consciousness of a past neglect of those friends who have the most natural claim to his society, will operate as a suspending power ; preventing his social feelings from being fully surrendered to a mingling of happiness with the most affectionate circle. If they receive him with marks of coolness, he is sensible of it as a deserved punishment ; if with kindness, he must (unless generosity be extinct in him) feel, that his treatment of them in return is contemptibly ungenerous. But when, moreover, he has intrenched upon the Income which ought to be their support, or diminished the Patrimony which they expect, in due time, to possess ; we wonder not, if henceforward even the sight of persons, supposed to be the first objects of his affection, offend and repel him,—if he dread to point his steps to his own threshold, as a Criminal, after an escape, to return to his fetters and his jail.



*A degrading Society*, of far different description, the Gamester will frequently substitute, rather than abandon the object which has engrossed him; forsaking those amongst whom he ought to seek his pleasures and consolations. He flies to persons so little suited to him in situation and acquirements, that, had an union with them in the way of common intercourse been required of him, his whole composition would have revolted. Where no advantage is possessed from birth, station, or wealth, the personal merit of an individual may yet be such, that his society shall be acceptable to the most elevated, and bring no disgrace upon them. But, if his merit is found to be wholly comprized in the science and practice of the Gaming Table, those who are much his superiours cannot associate with him without an abasement which wounds their feelings, or ought to do so. The nature of Play demands a footing of Equality, so far as Play is concerned. This makes an opening through which a man, in whom humility of station produces no humility of mind, is led to assume an Equality also on other occasions, where it ceases to admit apology. Which, in the supposed character, possessing solely a Gamester's merit and no other, must, in frequent repetition, inflict upon the superiour, who endures it, a punishment neither slight nor unjust. At war with himself, he abhors or despises, in his reflecting moments, those with whom yet again he associates, as if drawn by personal or local enchantment, or by magic power in the implements of Play.

If our thoughts pursue this to an extreme, we



may represent to ourselves a person, who has exhausted every pecuniary resource and is thereby excluded from his ancient places of resort, yet so infatuated with the vice of his prosperous days, that he shall ignominiously stake, with the populace in the streets, a last pittance which should for one day sustain his life.

His *Reputation* too, though we should pass over the extreme case last mentioned, must be lowered by these degrading associations. Having, however, accustomed himself to endure, for the sake of his pursuit, the coarse ideas and obtrusive familiarity of worthless Inferiours, he will also perhaps affect a disregard of the opinion of the World, respecting the Society to which he attaches himself. But, in such a point, who can command an indifference to Reputation? No one who has not, by length of time, worn off a sensibility common, in some degree, to all. To bear reproach both unmerited and temporary, demands fortitude. He who boasts of indifference under the just and permanent reproach of disreputable connexions, does (if not already profligate) impose grossly upon the world, or upon himself.

But *higher Dangers*, consequences of the first magnitude, are yet in reserve; although the Society, in which any one becomes engaged by Gaming, should affect him neither in his immediate feelings nor through the medium of his reputation. His pursuit may connect him with men devoid of every moral principle, and prepared to perpetrate every villainy. To men of this description,



whether single or combined, the Gaming Table supplies many of those Opportunities which they are ever seeking, for the accomplishment of their nefarious machinations. For instance, should a man thus unprincipled entertain a passion for your Wife or Daughter, (such a passion as the unprincipled *can* entertain;) he will not scruple, though against every dictate of real affection, to ruin her fortune in order to possess her person: much less will he scruple, in order to this, to ruin you who are her support. Assuming the mask of friendship, he lulls your suspicions; and, remorseless, conducts your unwary steps in the path pointed out by his corrupt wishes. If repeated losses awake no conjecture of his treachery, he gradually reduces you to a state which may enable him to mould you and yours to his purpose. Stripped of your property, and convinced of his design, if you offer resistance or threaten punishment, the consequence may be, that you pay your life as the last forfeiture to this pretended Friend. Nor will a man, capable of these atrocities, insist upon risking his own life in order to take yours. When you are involved thus intricately, in the pernicious Effects traced up to that extensive Cause, the practice of Gaming, account not yourself secure from the baseness of poison or assassination.

Is there a *Compensation* for all the Dangers and Losses, which have been stated? Can we construe as such the Gratification attending the pursuit? The liberal store of Happiness which the Gamester perversely rejects, and the abundant sources of



Misery which he opens upon himself; — will it be maintained that these are over-balanced, by the Indulgence of the Propensity which actuates him? And will it be urged that this is proved to be so, by the Force of the propensity? The Proof is insufficient. We see persons, whose powers of perception are in a temporary debility through Intoxication, impelled as forcibly to liquor placed before them as a person having a natural thirst: and yet it is scarcely to be doubted (the impulses being supposed equal) that, in the act of drinking, his gratification exceeds theirs. And, in many other instances, the Pleasure of enjoying an object appears by no means correspondent to the strength of the Propensity towards that object. Consequently the Proof alleged is fallacious.

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## SECT. 2.

### *Personal Suffering from Agitation of Passions.*

WE come now to consider the Agitation of the mind through different Passions naturally excited by the practice of Gaming; and to which he who has not resisted that practice is not likely to oppose a firm and effective resistance.

The *Violence* of the agitations, in itself, forms a presumption unfavourable to them. The enjoyments which are found by experience to constitute the chief happiness of mortals, are placid and moderate. We catch occasional Raptures of

delight: but he who expects a succession of them in the ordinary and continued course of things, betrays an ignorance of human life. Now the feelings of the Gamester, as they depend upon events highly interesting, without doubt, where a large property is at stake, are likely to be often violent, whatsoever be their kind. Hence, by mere Analogy, arises a Conjecture, that they will not be such as upon the whole produce much happiness. And moreover all violent emotions, whether agreeable or painful, are found to fatigue and harass the mind: which deducts something from the Good they yield when of the agreeable sort, and adds to the Evil of them when painful.

• The *Complication* of the passions jointly agitating the mind, is a circumstance not wholly to be unnoticed. By opposition they distract; or, by co-operation, they may impel to a wild extravagance. The modes in which these may be combined (like the combinations of feelings in other men) are infinitely varied, and therefore cannot be enumerated. But we shall obtain some idea of them, if we examine several of the principal passions singly, as the Materials out of which the Compositions are made.

*Hope* unwarranted, attracts first our attention: being somewhat mild in its nature. The unguarded Gamester is apt to betray himself into Hope which cannot stand a scrutiny, because flattering him beyond the calculations formed upon the certain principles of mathematical investigation. Supplied, when he enters the lists, with no more



than a moderate stake, he shall be weak enough to admit a Hope of returning enriched with multiplied treasure. Nay, if bad success have already wasted a substantial patrimony, "this small sum in my hand", he says, "shall restore all." Seduced by such Hope, he casts the die:—then sinks, overwhelmed in disappointment. In life, Hope is a spring of action; and, though it should transgress probability, may cause exertions not wholly useless. But, in the toss of a Die or the dealing of Cards, the exertion of human talent has no place,—no tendency to procure success: except we include the iniquitous mysteries of the art; which are no more to be reckoned here, than Forgery or other illicit practices would deserve to be reckoned if we were estimating the advantages of Commerce.

Hope, it may be urged, is pleasing in itself, to whatsoever Evil it may tend. But Hope, thus forcibly seized, in contradiction to the plainest evidence, can only be a strong instance of Self-deceit; a cloak under which a man hides even from himself his excessive love of Play. Nor can we think, that he shall so effectually hide it as to reap the satisfactory pleasure of calm and steady Hope. Such wild expectations must rather produce, in his breast, a tumult which agitates instead of enlivening; whilst, having a confused suspicion of his own folly, he fears to turn his eyes inwards in order to examine it minutely, and rushes on, dissatisfied with himself, affecting a cheerful confidence in his Fortune. Happy would be the exchange of all such Hopes, although buoyed up by events, for the Hope uniform and invigorating, attendant upon



gradual success in some ordinary occupation, and accompanied by a consciousness of being yourself (under Heaven) the Cause of your success, — the virtuous, prudent, and industrious Cause.

Alternate *Elevation* and *Depression* of mind, from great and sudden changes of situation, much impair man's tranquillity and happiness. But the greatness of these changes, at the Gaming Table, far exceeds what usually happens in life: and a Reverse which attracts little notice in the circle of mutual Adversaries, would elsewhere engage a wide attention and impress a deep commiseration. The Gamester, indeed, assumes a Stoical indifference. Probably, however, the Apathy is most frequently confined to the Countenance. With a smooth brow and muscles preserving their situations, the mental frame can answer, in disguised trepidation, to every cast of the dice; or, though more robust and practised, may yet silently give way when good or bad success has some continuance. But we are not always left to conjecture, concerning the emotions of the breast. The words, the countenance, the gestures, are often sufficiently expressive; and convince us, that persons thus wantonly exposing their firmness to trial are not free from extravagant exultation in prosperity, and depression in adversity. Deplorable must be the sensations of him who, having (perhaps more than once) reduced himself to poverty, and sunk under a culpable incapacity of bearing it with temper, cannot yet suffer himself to learn a lesson of frugality; but, on one more return of success, weakly risks again his new acquisition, rather than reserve it for the purposes of prudence or honesty.



The *Eagerness*, with a tumultuary *Impatience*, of the Gamester, yields not to the experience which he dearly purchases; but impels him still, as if hitherto his extravagant hopes had been justified. Agitations such as these are a severe, but natural and common, punishment of our irregular desires indulged. And every man is the more exposed to it, as he has the further departed from duty and prudence in his indulgence of natural propensities, or in his own creation of such as may be termed artificial. The Gamester, having deserted the ample field of enjoyment spread before him and sanctioned to his use, for the ungenial provinces of chance and created appetite, is peculiarly obnoxious, in this manner, to unceasing punishment. And, when repeated losses have brought him to the verge of ruin, he displays a singular and absurd *Impatience*, even yet to push forward, and plunge into ruin irretrievable.

*Anxiety* is nearly allied to this painful *Impatience*; yet distinct from it. Listen to the language in which every person deprecates the pain of *Anxiety*, *Suspense*, *Uncertainty*; and you might conclude it impossible that any one, professing to seek amusement or pleasure, should purposely throw himself into situations remarkably productive of such disquietude. The situations most apt to produce anxious expectation are those in which, besides the Importance of the event depending, all Exertion is excluded, (for exertion alleviates the oppressive weight of *Anxiety*,) and in which the decision is to be awaited in a state of inactivity. In these situations the Gamester is ever placing himself. By



the rules of fair Play he is incapable of contributing to the fortunate casts to which he looks with anxious eye, and remains on the rack of eventful Uncertainty, chained down from every effort, the sport of the inanimate dice; suffering a torture which might have added reputation to the sagacious inventors of cruelty.

Anxiety, perhaps above all other passions, receives force from frequent Repetition. Hence its peculiar vehemence at the Gaming Table. Where, no sooner is one state of Suspense brought to an end than another is sought for, with an avidity which might put us upon questioning whether to be anxious were not to be happy. That it is not, is evinced, as soon as the new state of Suspense is entered upon, by the avidity to bring this also to a termination.

*Suspicion* and *Peevishness* arise naturally amongst the passions which agitate the Gamester. His pursuit is sufficiently serious to keep him awake to Suspicion. And he knows there are those to whom Gaming is but a mode of theft and plunder: whose Prey he dreads to be, not only on account of his property, but also of his reputation. Nor will he conceive it impossible, that an Adversary hitherto fair, and possessing an ordinary strength of virtuous principle, should gradually, through bad success, be overcome by temptation, and seize some alluring advantage. Even the Apprehension arising from a general danger of fraud, if followed by losses, may create a painful Peevishness: which closes not always its influence with the pain it gives during the existence of a temporary cause; but, if oft



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consolation or compassion, the sense of its being unmerited silently undermines and frustrates that friendly support.

The dread indeed of cold indifference in those around him, of their contempt or ridicule, may have power to stifle a tear bursting from the eye, may force a smile into a melancholy countenance, or suppress the noisy exclamations of louder Grief: but these efforts will produce in the breast contention and perturbation, ending in lassitude and dejection.

And, when the restraining cause is too feeble to produce its effect, what is the language in which the fallen Gamester laments his past affluence? Not that of him who submits with firmness to inevitable casualty, through which his fortitude and resignation become the more illustrious. Not that of the magnanimous defender of his country; who, in time of imminent danger, has stood forward with his patrimony and his person, and yields at length with unbroken spirit to the public calamity. Not that of the private friend; whom a zealous compassion, disproportioned to the occasion, has urged beyond the limits of prudence.

No. The supports upon which these may repose an unfortunate bosom, and may even console an erroneous judgment or unguarded impulse, are to him unknown. Expressions, alternately, of idle Lamentation and bitter Self-reproach, escape from him. Or he dwells, in Melancholy, upon his former state of prosperity, as though he wished the self-torment of contrasting it with his present condition. Or again, he affects to buoy himself up by accusing his associates, by wildly calling his unprotecting



stars to account, by execrating the unconscious dice :—only a different mode of Regret and Lamentation, for the happiness spilt, by himself, upon the ground. All is disconsolate : all is the language of Misery.

But, if not now effectively warned, he must sink to misery still deeper. Whilst, then, he has yet some residue of this world's blessings, let him at length open his eyes, and turn his feet towards the path of honour and felicity. Does he persist blindly to rush on, till property, reputation, domestic comfort, and peace of mind, are gone wholly and beyond hope of recall? Passions of horrible potency now seize him, as their warranted prey.

Sullen *Despair*, turbulent *Rage*, a confused gloom of *Horror*, an overwhelming *Sense of Ignominy*, await him. Under these he endures a torture such as might have been supposed fatal to the human frame. Every object of the imagination, perhaps of the senses, can assume a terrifying aspect. Averse from the footsteps of his own species, afraid to meet the eye of man, he abandons himself to his internal tormentors, and appears to invite his exquisite misery. Under anguish thus complicated and severe, an event may in one view be acceptable, which, originating from such causes, makes humanity shudder : — but, to the suffering wretch, individually and in respect of present torment, we may conceive an acceptable exchange even in *Madness*.

## PART III.

### *Injury to other Persons.*

THE scenes hitherto contemplated claim our Commiseration of the Gamester, although himself the culpable cause of his wretchedness. Those which will now open upon us must excite sentiments of a different kind. We shall observe him accountable for the misery which he brings upon *others*.

### SECT. 1.

#### *From Principles corrupted, and specific Vices promoted.*

IF those Principles which are the source of moral conduct be corrupted, the impurity of the stream derived will occasion no surprize. Let us, then, first attend to the influence which the Gamester's pursuit may have upon his Principles of duty, —both generally, and in causing or augmenting some particular Vices; before we enter into any detail of the immediate Effects of his conduct, upon distinct Individuals and upon the Public.

Man, by the constitution of his nature and by the circumstances in which he is placed, is an active



Being. If he act not after one uniform preconceived plan, he pursues in a more desultory manner a variety of purposes at different times: if concerns of moment secure not his attention, lower objects attach him. Consequently, to engage in any pursuit, is not to do that instead of *nothing*, but instead of some *other* pursuit or pursuits. He who applies himself to a course of Play, is thereby withdrawn from something else; in his application to which, certain Habits and Powers would have sprung up and acquired stability. These he loses. We might instance in any virtuous or benevolent purpose which could have employed the time spent at the Gaming Table. Not only the pursuit of this good purpose is lost, with the prospect of some valuable end to be accomplished; but also the attainment is forfeited of those Habits of Virtue and Benevolence, to which the pursuit itself would have given birth and growth.

If we grant that opportunities will remain to him for the formation of habits benevolent and in every view laudable, notwithstanding a portion of his time sacrificed to Gaming, and that he does actually apply another portion of his time to some express pursuit, conspiring with and gently aiding every good affection and disposition; yet here also the influence of this practice stands in the way; its general tendency and spirit blast our hopes. By experience it is known to take strong possession of the mind. And, when this possession is acquired by any passion, directly pernicious or merely frivolous and apparently despicable; in vain we look for a harvest of so delicate growth as



that of sentiments which are intitled to love and respect. Every stem is nipped in early vegetation, and attains not the firmness and vigour necessary to its maturity.

But a sense of Duty, and every distinct moral Feeling, require to be exercised; even if we would merely preserve them in the state of vigour which they have already attained. When the exercise of them is interrupted by the overpowering prevalence of any interfering attachment, a subsequent Corruption of Principle is to be expected. Let no one, howsoever impressed hitherto by the most vigorous habits, of the most correct and approved quality, indulge a hope, that, after permitting a passion for Gaming to assume an ascendancy, he shall long preserve unimpaired his regard for whatever is amiable and estimable in human character.

And the *contagious morals* of the Society in which the slaves to this passion frequently mix, will greatly promote the unfriendly influence, upon virtuous Principle, essential to the practice of Gaming.

*Idleness* and *Prodigality* are amongst the specific Vices caused or augmented. The prodigal and idle fall easily into Gaming; and Gaming renders them more idle and more prodigal. Thus are these vices first the Cause, then the Effect. Nor is this an unusual phænomenon in the moral world. And the remark is applicable to other Vices which will be mentioned.

But, can Idleness be an Effect of that which is pursued with seriousness and intenseness of



thought? Yes. Reflect upon the ordinary acceptation of the terms *idle* and *industrious*: which usually imply some secret reference to the End or Purpose for which any thing is done. No intense-ness or length of application, bestowed on frivolous objects, will repel the charge of being idly employed: the greatest labour and fatigue, undergone in midnight revels, give no title to the appellation of industrious. The Gamester is powerfully urged on. But, to what purpose? His Motive may be described in the expressive words of Horace, "*Strenua \* nos exercet Inertia*". But, if in the ardour of his pursuit, he may be termed idle, much more in the intervals: when, with exhausted faculties, and destitute probably of every impulse to benefit mankind, dispirited by disappointment, irritated by vexation, or stimulated by a restless impatience to re-commence the business interrupted, he appears disqualified for commencing any work of laudable Industry.

An erroneous Lenity is indulged, sometimes, to Idleness and Prodigality, with some kindred vices; under an idea, that they are detrimental to him alone who is guilty of them. Which deserves the more to be noticed here, because the same Lenity may perhaps by some be extended to Gaming itself, as well as to these two Vices which are in the train of its pernicious Effects. The plea is false: a man cannot be prodigal and idle, without causing various evils to others as well as to himself. And, when these Vices become confirmed habits, they nearly incapacitate him for the

\* Ep. I. 11. 28. *'Tis Idleness intense that spurs us on.*



discharge of every duty to society. If he retain a pleasing or fascinating manner in conversation, or a vaguely complying good-nature towards persons who can mistake that for friendship; what are these, compared to duties discharged steadily upon Principle? In which, is usually required some degree of exertion. And it is not to be expected, that he, whom his own immediate concerns cannot incite to action, or restrain within limits, should exert or restrain himself for the sake of others.

*Selfishness* finds not the same indulgence; and certainly deserves it not. This Vice intimately accords with Gaming, and receives great accession of strength from it. Persons assembled at the Gaming Table, instigated by the commanding objects of contention, commence a state of hostility; in which the only concord is the observance of certain rules, which are their laws of War. A despotic Self-interest rules the scene of contest; and infuses into every man an acrimony against his neighbour. Each is taught, with a contracted heart, to rejoice maliciously in the misfortunes of those whom benevolence and an intercourse of mutual utility would have instructed him to commiserate and relieve. Hence is formed a Habit of Selfishness, influencing the ordinary actions of life.

*Insensibility* to others' woe, with consequent *Cruelty*, is produced by the continued operation of a selfish spirit. Very much of the Cruelty which is to be found in the world, seems owing to such negative qualities as Insensibility, Carelessness, and Inattention to the feelings of others, rather than



to any disposition positively vicious. Actions productive of misery, and justly denominated cruel, do not imply, in their Motives, a positive desire of causing misery as such. Any Motive is adequate to the effect, if Sensibility and other restraints be absent. That one human Being should with indifference view misery suffered by another, is indeed repugnant to our nature. But, suppose any one advanced thus far; and he is prepared, when stimulated by interest or other motive, for the direct commission of Cruelty,—for the actual inflicting of the misery: although he may have no direct wish of misery, as such, to the Being upon whom he inflicts it. Thus linked together are Selfishness, Insensibility, and Cruelty.

If *Loss of the Sense of Shame* succeed, this forms a high aggravation. Even after the Vices mentioned may have established themselves in the breast, still a regard for Reputation, a dread of ignominy, can perhaps preserve some remains or resemblance of moral principle, or may operate faintly as a Substitute. But even the low degree of benefit thus obtained is liable to vanish, if the Gamester persevere in his course—adapted singularly to harden the heart and contract it within itself. At length he shall become callous to Infamy, or (with equal injury to the cause of virtue) shall *act* as if he were so. Absorbed wholly in a passion for one object, and determinately attached to such gratification of it as the world has long condemned, he necessarily bids defiance to the voice of the world, and dismisses all external regard to his Reputation.

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doubt, a person educated in the paths of rectitude and honesty, having also a character to sustain and a respectable station to fill, may, with some internal struggles, long resist the danger. But danger it is, even to the best fortified. And the man, of all the world, proudest of the sentiments springing from an education in which a truly honourable Principle has been instilled, or from a sense of Station and Character, may tremble for his fortitude, if he expose it voluntarily to such powerful attacks.

Moreover, the fair player, if deeply engaged and resolutely persevering, treads a path pointing to poverty; as before \* has been explained at large. Conceive a person conscious of sinking by his folly into poverty, and subdued by his own obstinacy beyond all rational hope of retrieve: he loses much of that sense of Station which contributed to fortify his Honesty. Conceive him conscious of a reputation declining through his mode of life: and the sense of Character will cease to give him its former support. These auxiliaries removed, the genuine internal Honesty imbibed from Education will not be likely to sustain itself, amidst that general destruction of moral principles, which has been shewn to be a probable consequence of deep and continued Gaming.

Enfeebled thus within, he is assailed by temptation from without. Supplies are requisite, to answer his general wants; but peculiarly requisite, as the means of indulging his predominant and insatiable passion. His virtue is subdued. He submits finally to a conduct which, if proposed to

\* Part I.



him when first he entered his career of Gaming, he would have indignantly rejected ; would have spurned as a degradation to which, by no events, he could ever be humbled. He has recourse to Fraud. He acquires art in preparing the implements of Play, iniquitous dexterity in handling them, and founds a species of merit upon his progress in these once detested practices. This being known, or suspected, his former friends have reason to withdraw the confidence they had reposed in him. Prudence bids them shun a man liable to be carried into every Dishonesty, whilst seeking the accomplishment of any object which engages him ; one who is capable of being worked up to employ without reserve the grossest Falsehood and Treachery.

*Envy*, and *Revenge*, perhaps less strictly connected with the Gaming Table than the Vices which have been particularized, must nevertheless be included in a full view of the subject ; as either originating in the pursuit, or finding in it their proper food, which yields them nourishment and promotes their strength. Envy rises, in minds not well guarded, at the sight of others' success : nor can it be supposed to exist in a low degree, when a competitor sweeps away that property which, if he risk it no more, may place him in riches for life. Revenge has already \* been mentioned ; not as a Vice contracted, but as a Pain endured. Nevertheless it is a Vice ; and, as generated or acquiring force in the practice of Gaming, ranks amongst its moral bad Effects. The evils derived upon society, from this Vice, are of such magnitude and notoriety,

\* P. 35.



that it necessarily imprints a stigma upon every practice likely to produce or nourish it.

*Suspicion* and *Peevishness*, in like manner, noticed above \* under the personal Suffering of the Gamester, demand our observation here. Formed into Habits by repetition, they constitute no small degree of Vice or moral Evil in his breast, and thus become the frequent cause of unhappiness to those with whom he is united.

*Female* Merit and Principle incur great danger, by indulgence given to a passion for Gaming. Conceive, on the one hand, the delicacy, the sensibility, the prompt benevolence, the sympathizing timidity, the susceptibility of every tender and affectionate emotion, — in youth the cheerful and unsuspecting innocence which attracts and exhilarates, in riper years the soft and placid mildness which conciliates and consoles : — conceive all these qualities such as we attribute them to Females of the first excellence, the examples of their sex. Conceive, on the other hand, the harsh, the rigid, the chilling, and austere character, which appears, in some sort, as a qualification necessary to a serious and earnest pursuit of Gaming: conceive the gradual consequences to be dreaded from a perseverance in deep Play, — the habits of suspicion, peevishness, avarice, and dishonesty, the selfish and uncommiserating heart, guarded against the intrusions of benevolence, as against hostile invasion, by a sordid passion possessing every avenue of approach.

\* P. 34.



Let these and those be contrasted: and the inference is easily deduced, that, to become a *Gamester*, is to cease to be a *Woman* in the highest and best sense of the word. It is to cease to be that *Being* which is capable of conveying, to the virtuous of the other sex, the most exalted of all felicity springing from sublunary and external causes. It is to stop the ear to the voice of nature, wisdom, and duty; to turn away from the path to which they all point, and, by continued deviation, to augment continually the distance from them.

The appropriate duties of a *Female*, in every station, are hence interrupted, feebly discharged, or wholly deserted. The impetuosity of *Gaming* breaks the bonds of consanguinity, and the yet more endearing ties of conjugal union. The fond and fostering *Mother* learns, in time, to disregard the cries of infancy imploring her aid and protection; and, engaged in far other solitudes, she departs from the truly feminine character; she is worked up to rancorous envy, to masculine revenge, to indecorous violence. Nor ought the most guarded of females, possessing unsullied reputation, to rest in a security, that, whilst she exposes herself to every difficulty attending a variety of circumstances at the *Gaming Table*, she shall always maintain inviolate the *Chastity* which is accounted the necessary foundation whereon to build all female excellence.



## SECT. 2.

*Injury to distinct Individuals.*

WE have seen, then, what the power of Gaming is in the corruption of Principle, and the promotion of a train of Vices necessarily threatening the happiness of all around the Gamester. But we must descend from *Principle* to *Action*. We must trace the Effects on private persons, and on the Public. There are some distinct Individuals, especially in the domestic establishment, whose distresses, arising from his conduct, call our peculiar attention.

The *married state* singularly displays this species of the pernicious Effects of Gaming. Imagine a Woman possessing accomplishments and every good quality of the mind; beauty also, if requisite, and that sensibility which so forcibly tastes the sweet and the bitter ingredients of the mixed cup of life. Her affections are won by a man who appears in all respects worthy of them. Her person and her property she resigns into his hands, intrusting him with the most extensive powers over her happiness. In entering her married life, she congratulates herself upon the acquisition of an affectionate protector, an attentive guardian of her interests, a companion, a friend, to whom, even in absence, many of her daily actions may bear some kind of reference.

For a time the prospect remains unclouded.



Allowance being made for the general character of this world and its best inhabitants, her experience answers to the expectation. After some interval, a change becomes perceptible. She finds no longer, though possibly ignorant of the cause, equal satisfaction in their social intercourse ; somewhat of coolness in his affections damps her joy, notwithstanding his efforts to maintain the same appearance ; actions performed at his request, or directed to gratify him, produce not the desired effect. Presently, she discovers in him a new and growing attachment, or an ancient one hitherto successfully concealed. The object of it is the Gaming Table : an object which could create in her no just alarm, were its attractions and her own brought into a fair competition, for the free choice of a taste unvitiated, of a judgment not perverted by factitious propensities. But she finds in fact, contrary to all rational conjecture, that this object attaches him with a force bidding defiance to her united powers of pleasing.

In brief, the Foundation of her happiness is undermined, and the Superstructure gives way. Had detached misfortunes occurred, remedies or alleviations would not have been wanting, in the domestic system on which she has rested her hopes. But the system becomes defective in a part peculiarly essential to it. He is faithless, to whom she resigned herself for life : he who was expected in every sorrow to console her, becomes the source from which is derived a ceaseless current of affliction. He breaks her hours of natural rest ; or absents himself for the night ; and buries himself in



sleep, when she might expect his presence at the social meal, or hope to see him actively and cheerfully employed.

When he has thus far deserted her happiness, and his own; attentive no longer to bestow and to partake the daily pleasures and consolations of conjugal society; he may be easily conceived to become negligent of her Interests, and lavish of the Property to which she looks for a subsistence. The employment of his time, and the exercise of his talents, will no longer be guided by a wish for her prosperity. As the terrifying consequences approach, her apprehensions augment their violence. For herself, for the offender even now perhaps not unbeloved, for a tender offspring, enjoying the present moment in unsuspecting playfulness before her eyes, she endures an overwhelming misery; which presents no prospect of mitigation before the dissolution of the marriage bond by death, but may indeed sink her to an early grave.

His *Children*, for whom her apprehensions are so acute, have not sufficient hold of him to stop his course. Natural affection, mingled with a consciousness of injuring those whom to love and to benefit are amongst his highest duties, may distract and lacerate his breast. But, if this immediate punishment is ineffectual to his reform, it tends but to augment the pernicious consequences derived, from his ungoverned propensity, upon helpless infancy or unreflecting youth. Sensible that he ought to love and watchfully guard them, and sensible also that he cannot do it without a self-denial to which his courage is inadequate, he sees



them as obstacles retarding his pursuit; and, in contradiction to nature, suffers a sentiment of aversion, instead of affection, to be excited by them. Hence they are deprived of a Parent's anxious care over their Education; hence the Property, which now and in future might have been subservient to their welfare, loses its security; hence their powers of advancing themselves are abridged; hence their integrity, their industry, every virtue in which they might have been confirmed, is exposed to more numerous temptations, and prepared with a more feeble defence. A gloom is cast over their prospects; they enter the scene of human action with deadening disadvantage; and, in subsequent failures, lie under temptation to cover with imprecations that head which, had its hoary hairs been those of wisdom and fatherly kindness, they might have joyfully crowned with veneration, gratitude, and filial love.

The *Parent* also, of a devoted Gamester, highly interests us by his sufferings. Parental tenderness is commonly found to exceed the reciprocal regard of the Child; and so as not unfrequently to degenerate into a pitiable or blameable weakness. What then must the Parent feel, who has for years watched with a solicitous eye over the education of his Son, indulging the fondest hopes of his future accomplishments and actions, and who finds at length, for all the fruits of his care, that the Son has devoted himself to the Gaming Table? Divided between a desire of granting to him the suitable supplies for every laudable purpose, and a fear that these supplies may be converted into the wretched



amusement of a few days, he is all perplexity and hesitation; and is compelled to act with a defensive caution, where he had hoped to place unsuspecting reliance upon a warm and secure friend.

He fondly expected love, confidence, obedience, and respect: he finds a cold reserve, disregard of advice, disobedience to command, the evasions of a deceitful school-boy with a rigid master, solicitations guided by no principle of moderation, by no regard for the wants of the Parent, or of those who look to the same fountain of supply. And, if any external respect is kept up, it can be accounted little better than mockery; so long as, in the conduct of the Son, no real compliance with the will of the Parent is discoverable. The prospect, moreover, of that poverty, infamy, and misery, to which the Son is likely to reduce himself, when his patrimony comes into his own management, and of the consequent disgrace which may in some degree attach to the other descendants of the same disappointed Parent, will, as he advances in age and infirmity, be a source of afflicting and melancholy reflexion.

Through *other* connexions of blood, in like manner, and those of affinity, might be traced the pernicious Effects of Gaming. But a fear of prolixity forbids.

Dependent *Orphans*, though pleading neither of those connexions, have a title to our attention. This unfortunate case will indeed virtually comprize, in some sense, all whose property has been intrusted, by their parents or themselves, to any



person addicted to Gaming, in the hope of his benevolent care and management of it. The parent of a now helpless Orphan, had before his decease pitched upon a Friend, as he thought, to whom he might intrust the education and property of his child. This Friend accepts the charge, with some general intentions of doing what is right. But such intentions are a frail defence against the temptations and casuistry of the Dice. "I have ruined myself", he says. "Here is, indeed, the money of the poor Orphan: — but that is not my own. Yet, Fortune has now long frowned upon me: it is time that she should begin to smile, and a little perseverance in courting her favours may draw her over to me. A small adventure, from this money, may secure the whole of it; may preserve me from all temptation to convert it to my own support." How slight the Covering! How gross the self-deceit! Thus he faintly conceals, or casts a shade over, this indefensible deed. If the adventure succeed, Fortune is called propitious, and the beginnings of success are to be followed up. If it fail, a second adventure is justified like the former. Either way, the Gaming Table is not deserted. And the most probable event, sooner or later, is, that the property of the dependent Orphan is swallowed up after that of the faithless Guardian: who then perhaps, but too late, sees, as in broad day-light, his own treacherous dishonesty.

The *Creditors* of the confirmed Gamester have reason to be apprehensive for their just claims.



Debts of Honour, as he calls them, he may discharge to the utmost of his ability: but this forms no presumption, that he will attend to his other debts with the same scrupulousness. The discharge of the former concurs with his mode of life, and is necessary to it: but the claims of the Tradesman and Mechanic stand in opposition to it. So do those of persons who, in the apparently prudent disposal of their money, have deposited it with the Gamester; not suspecting his propensity, or not aware of its pernicious consequences. All these claims are supported only by justice, and other considerations equally obsolete in the ideas of him who is under the dominion of eager Play. They are intrusions and impertinences. They call for the money which is wanted to stake at the Gaming Table; or to defray the concomitant expenses, of continued indulgence and dissipation. It is found expedient to forget the express or implied promise of payment, in reliance on which, one person has bestowed that time and labour, and another has delivered those goods, which are their respective means of subsistence.

If urgent demands, or the commencement of a compulsory process, remind the man who possesses only this counterfeit Honour, he can then condescend to seek a subterfuge in the arts of Evasion. Although these should fail of giving him the complete relief, from the claims of justice, which he has in view, they may yet be highly detrimental to the person demanding what in right is his own. And, whatsoever be the fate of any individual Creditor, resulting from the



general good or bad payment of the debts due to him, every one contributes something towards his ruin, who, by unreasonable delay, by evasion, or by direct refusal, deprives him, either finally or for a time, of any one just debt. He who, with the cold insensibility to be expected from the devoted Gamester, neglects every payment to which he is not compelled, is morally chargeable, in a due proportion, with those consequences which must follow if others were equally negligent. Persons of this description may uphold a kind of party, by mutual complimentary appellations of Gentleman, the man of Honour, and the like; but, even while we suppose them perfectly honourable towards each other, yet their conduct, taken in the whole, betrays, to the steady eye of reason, a selfish and impervious heart, a gross violation of duty, and a most narrow and defective application of the principle of Honour. This, when correctly formed and justly directed, is never seen to act but as the friend and coadjutor of those upright and beneficent principles, which pay regard to the rights and the wants of all.

And the temptations or difficulties of the Gamester may be so pressing, or the agitations of his mind may have so deprived him of self-command, that he shall desert his boasted rule of Honour, even with the party towards whom he professes to observe it; and, in Gaming, incur a debt beyond his ability to discharge. A clear act of Injustice, no doubt. But, since the sufferer may ascribe his loss to his own folly, which conducted him to the Gaming Table, our



commiseration will reasonably be lower than for the honest Artisan, or others, equally plundered.

*Friendship*, in its pure state, has ever been considered as the growth of a virtuous soil. Can we then expect it to flourish in a mind perpetually vitiated by the exercise of malevolent passions, in the practice of Gaming? The singular tendency of that practice to shut up the heart, and by induration to keep it closed, is directly inimical to the soft emotions, the open, disinterested, and expansive sentiments, of Friendship. If your Friend devote himself to a life of Gaming, soon will be lost or injured the reciprocation of such feelings; which, unless they be reciprocal, will begin in *your* breast also to subside. And thus will *his* attachment to a despicable pursuit embitter, to you, one of the principal sources of refined pleasure to which mankind have access.

But this is not all. If you expect from him any services of the grosser kind, which even a more vulgar friendship demands; that you may not prepare a disappointment for yourself, look for them only in subordination to the prior claims of the Dice. Is it a portion of your Friend's Time that you solicit, or a loan of Money, or Labour, Advice, or Attention? At the best, you can hope for these only if the time and the money are not demanded by the favourite object, if the fatigues and bad success of Play have not disqualified your Friend for exertion, or if the eager expectation of it, and the impatient hope of favourable success, have not pre-occupied the



powers of the mind. Your experience of a few instances of this sort, shews you in what light he sees the duties of friendship: and, when the evidence against him is become so strong that he can no longer maintain appearances, a dissolution of the Friendship ensues. From which time you entertain towards him, and he towards you, sentiments much less pleasing than towards indifferent persons: and the once happy connexion terminates perhaps in the most distressing, or fatal, dissension.

Let two professed Friends, assiduous frequenters of the Gaming Table, be supposed to meet and stake large sums against each other. And let it be judged (from all that has been said upon the nature of the transaction, and upon the probable character of the confirmed Gamester) whether the intercourse between them is likely to be, in any degree, of a friendly complexion. Or some judgment may be formed from what occurs sometimes in the use of Cards, when employed for mere recreation or pastime. Let the smaller excesses of the passions, there observable, be magnified in a just proportion; the difference being considered between the sums usually adventured there, and those known to be adventured in deep Play. It will easily be conceived, that, where instead of an unimportant sum a valuable property is at stake, the accustomed sympathy of Friends, the warm and affectionate regard for each other's interest, will be converted into the most unfriendly competition. And the one will not only submit to accept an acquisition through



the ruin of the other ; but will learn even to rejoice at that ruin, and, like an infernal Being, to smile where he should weep.

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### SECT. 3.

#### *Injury to the Public.*

EXCLUSIVE of the distinct charges from Individuals, against the character and conduct of the Gamester, there are others which the Community, as a body, is intitled to bring.

The *Confounding of Ranks* is one. The useful distinction of men into different orders, which the common course of things introduces, and which Civil Society finds expedient to maintain, is counteracted by the practice of Gaming, as sometimes prevalent. It is lamentably true, that there are men of rank and refined education, ready to associate with Inferiours whose qualifications extend not beyond the Gaming Table, and the attendant life of dissipated idleness. The injury arising to the Community from this mixture of discordant parts, is traced in its effects both upon the higher ranks and the lower.

There is a cast of thought adapted to each situation, which leads a man to act in it habitually with a certain propriety and decency. And, if a person of elevated situation receive into constant familiarity those who, in education as well as rank, are greatly his Inferiours, it is a probable consequence, that his habitual train of ideas will



be materially affected, and, as it were, sunk below the just level. It appears indeed fairly admissible, that persons of widely different stations should mix, even to intimacy, upon the ground of personal qualifications. But the qualifications requisite are not such as may reasonably be expected in the Gamester; if above his character and situation have been faithfully described. That men of such description should associate with those who belong to the highest orders of the state, must ever be deprecated as an Evil to the Community.

The effect upon the Inferiours also, in this familiarity between very distant ranks, deserves to be watched by the Public with a jealous eye. By means of the connexion, they become so conversant with ideas of affluence and independence, and with consequent habits and expectations, that they begin to despise and desert the humbler conceptions adapted to their own condition. They receive a wrong bias; and are less qualified to serve the Public in their inferior but necessary stations.

The actual *Change of Station* is yet a greater Evil to the Community, than the forming, from different stations, an incongruous intermixture of persons. The sudden and irregular transfer of property, through the medium of Play, raises or depresses men in the scale of social subordination. Conceive a person eminently placed, and possessed of suitable acquirements, the fruit of culture and experience; enabled thus to render important



service to his country, either by discharging some office of distinction and utility, or by promoting peaceful industry and orderly conduct extensively around him. If he be deprived of his property and independence, he is, comparatively, lost to the Public. His specific powers of usefulness are annihilated. Should he retain the wish to be useful, yet other powers, the qualities requisite for his new station, may require time for their acquirement; and, acquired, are likely to operate much more feebly towards the public Good. We omit, at present, the pernicious courses to which it is possible that he may be impelled.

Were his powers of usefulness transferred with his property, the calamity would be only private: but, far otherwise, the acquisition of the property by his adversary may be a distinct injury to the Community. If it be acquired by a person merely unqualified to fill the situation into which he is raised, one who, after commencing Gamester, exhibits the unhopèd example, of a return to a discreet use of money; yet, besides the property being far less serviceable to Society than before, the Public is injured by the removal of the new possessor from his proper sphere. If moreover the new possessor be one who hesitates not at fraud or extortion, his acquisition is obviously the acquisition of so much power to do harm, and consequently is an Evil which the Community is concerned to suppress.

*Commerce* has gain for its object; and so far resembles Gaming. But the spirit of one



is directly opposite to that of the other: and nothing perhaps could more effectually ruin the Commerce of a nation, than an universal prevalence of Gaming; accompanied, as usual, by Idleness, Prodigality, and other vices. Habitual Industry sobers the mind, and prepares it for every virtue which enters into the composition of a good member of society. Habitual Gaming does the reverse. Wisely, therefore, has its prevalence been opposed by our Legislature; which has manifested, in particular, a solicitude to remove the spirit of Gaming from all commercial transactions. Insurances have been encouraged and protected by the Law, so far as they are serviceable for the purposes of Trade, and the security of our possessions; the Law supports Contracts relating to the public funds, where made for the effectual transfer of property: but both have been prohibited, wheresoever they advance into the province of Gaming. All Lotteries (not specially authorized by the Legislature) are declared to be, what Gaming Houses are at common law; namely, public nuisances. In the statutes respecting them, we find a particular attention to the Trade of the kingdom; which is usually alleged as a principal reason for the provisions enacted: and the Lotteries are treated under the notion, and indeed under the appellation, of Games. Throughout the whole, this very just idea prevails; that, although men should be weak enough to trust the improvement of their money to schemes which are considered as depending on mere Chance, instead of employing it in



Commerce or Manufactures, it is for the public good that they should be restrained from so doing.

And it seems worthy of our notice, that the line is not so drawn as to attempt to exclude prudent Risk in the exchange or transfer of property; nor even an appeal to Lot, except where idle and unnecessary. This appears from the general countenance given to Commerce by the Laws, as some degree of Risk is unavoidable in commercial transactions; and also particularly from one \*Act, which confirms all legal partitions of property made by the method of Lots.

The *Time and Talents* of the Gamester are engaged, in various degrees, by his pursuit. So far as they are thus engaged, he is precluded from rendering service to the Public: and, in some instances, it amounts to a total preclusion from public utility. In the higher orders of men, possessing enlarged powers of doing good, from education, property, and connexions, the absorption of Time and Talent is a heavy loss to the Community. This is seriously true, even when such men have been in fact directing their endeavours to their mere individual interests, and barely not infringing upon public rights. For even thus is the general Good greatly promoted. Much more is the loss to be lamented, when such men had hitherto pointed their exertions, virtuous, vigorous, and prudent, immediately to the public welfare, and now suffer a diversion of

\* 12 Geo. 2. c. 28.; made expressly against excessive and deceitful Gaming.



their valuable Talents and Time into an unprofitable channel.

Nor, in the lower orders, can we expect, from one addicted to Gaming, a discharge of those duties which respect the Community. Uniform regard to peace and good order, settled sobriety of behaviour, employment subservient to the public good, or not injurious to it; these are points in the worthy member of Society, not to be found in the usual character of the Gamester,—agitated by a tumult of passions, and attached blindly to one grand object.

*Crimes* may succeed, in natural course, to this state of inutility. Gradual decay of Property and gradual corruption of Principle, are not improbable consequences of the Gamester's life: and, combined, they readily lead to the commission of heinous Crimes. Conceive him approaching to poverty, through bad success or the fraudulent dexterity of adversaries. What course shall he take, to retrieve his finances?

Shall he intrepidly quit at once all pretensions to that more affluent state, which is no longer his true place in Society, and form himself to industry and frugality? This is more to be wished than expected. This were not the exercise of a *moderate* virtue,—sufficient to carry a man reputably through life, so long as he treads the smooth ground of success and plenty. The more exalted principles, requisite for this extensive change of conduct, pertain not to men such as the confirmed Gamester.



Shall he persist in a hope, that fortunate throws yet await him? Shall he, therefore, attempt to recover his wealth by playing for more than his funds can now pay, in case of bad success again repeated? Perhaps his situation is so well known that no person shall venture Play with him to such amount. Or (such is the inconsistency of man) it is possible that he may be withheld from the attempt by a regard for his reputation in the society of Gamesters; though he should not retain that regard for it, elsewhere, which should prevent him from contracting other debts without a prospect of discharging them.

Shall he then, in his turn, seek his remedy in fraudulent Play; and attempt to repay himself by plundering those who are acting the same imprudent part which he has acted? Great difficulties may occur here also. He may be hitherto a stranger to the management of a die, and the nimble conveyance of a card, with other arts and artifices of the fraudulent; the acquisition of which may be too tedious to answer his purpose. And the dread of detection in a gaming circle may operate more powerfully, than the dread of being detected where, through the civil Power, a death of open ignominy might follow. He has recourse, therefore, to those criminal expedients which will forfeit his life to the injured Public. By Forgery he reduces to poverty one with whom he has lived in friendly communication; or, by the same crime, he bereaves the commercial man of a sum essential to the prosperity of his affairs, and, in consequence, to the welfare of many connected



with him. Or, again, possessing a confidential situation with an employer, and thereby having access to supplies, he absconds with a similar depredation. And every member of the Community is exposed to loss of property, accompanied frequently with terror, and with danger to his person; by means of a Miscreant who has sunk himself in ruin, and who now, to procure an iniquitous subsistence, infests the public highway or breaks into a dwelling.

*Public situations* augment the ability and opportunity of injuring the Community. Is the public money intrusted to one over whom Dice acquire a dominion? What will be its fate? Against his rapacious hand we find no security in prudence, reputation, friendship, natural affection. Will he, who breaks through these restraints, be swayed by the comprehensive and abstracted consideration of doing good to an aggregate mass, composed of innumerable beings individually indifferent to him? Remains of genuine patriotic fire, in a breast in which can live no other noble flame or benignant warmth, were surely a paradox. Or, if feebly alive, under an accumulation of sordid passions, it can diffuse no effective heat.

But there is a faint shadow of reasoning, by which a man not abounding in honesty, and not *totally* devoid of it, may argue himself into the commission of a public theft. He who could throw a Covering, though slight, over the



spoliation of a destitute \* Orphan, intrusted by friendship to his immediate care, will not want the subtilty requisite for palliating the invasion of a public purse. “Of the treasure displayed before me, a trivial portion may serve to turn the tide of my success at the Gaming Table. If it should fail, the loss will not be felt by a nation. But I feel forebodings of the returning smiles of Fortune. I will borrow for one day, and punctually restore the loan.” With these words of shallow honesty in his mouth, and with sacrilegious hands, he seizes the required portion. This vanishes. He accuses the ideal Fortune, as faithless; or possibly, suspecting Fraud, he changes the scene. But the deceitful reasoning is repeated;—again, and again. It becomes more complicated. Further sums must be taken, in succession, for the purpose of *Honesty*,—to reimburse the Public. Also, by this, a Discovery is to be prevented. And, the greater is the amount of former borrowings, the less proportion will an additional one bear to them. Should a discovery ensue, perhaps the Depredator is punished and yet the plunder not restored to the Community. Thus may the public treasure be lavished upon the most idle of purposes. And, since this particular expense is distinguished as knowing no natural † Limit, we cannot indulge a hope, notwithstanding the argumentation of the plunderer, that the loss to the Public will be inconsiderable.

Further. The prosperity and adversity which

\* P. 54.

† P. 5.



depend upon the success of the Gaming Table, and are, in part, constituted by it, are so detached from the prosperous and adverse state of national concerns, that, on this account also, the Gamester could not, without manifest impropriety, be appointed to a share in conducting the affairs of a nation. Were we to overlook the Negligence which must necessarily follow from his attention being attracted and commanded by his domineering attachment, yet the single circumstance of his being insufficiently connected with the Public in one common interest, is abundant reason for excluding him from any public situation of eminence. To-day he is possessed of an ample property : and, were he soberly disposed to preserve it from rapine, he would see the stability of the national welfare to be a principal security to himself; and, if in office, would act as one interested in the end to which his official labours have reference. But to-morrow his property is fled; the national welfare is but a theory,—an idea : and, when he is called upon to advise in public measures, his object is not to suggest what may most promote the nation's good, but to adhere to that party which will best supply his own immediate wants. He gives a forced assent to such measures as the ambition or bad policy of his party may happen to dictate.

But, why speak of a forced assent ? He will lead the way ; should it be in his power, and likely to answer his private purposes. A man whose property and principles alike are laid waste, (no improbable conclusion of a perseverance in Gaming,) will expose thousands of his fellow-citizens to



impoverishment, will lay a nation open to ruin, for the chance of replenishing his own private treasury. He will plunge his country into the calamities of war, in hopes of reaping some incidental benefit; and will view, not only with insensibility, but with the gay insulting air of prosperity, that mischief, to the Public, of which his own conduct has been the pernicious cause.

## PART IV.

*Two distinguished Effects, reserved.*

*Duels* and *Suicide*, when originating from Gaming, are so conspicuous among its pernicious Effects, that they have been reserved, in that single view of them, for consideration apart from the rest.

### SECT. 1.

*Duels.*

THE principle of Honour, misconceived and misapplied, leads to the fatal practice of Duelling. And this principle the Gamester is very apt to claim, as well as to misconceive and misapply. The pretensions which his conduct and character have to be termed honourable, must be ill founded, if these have here been justly delineated. And the operation of this principle has, by a considerable party in the world, been confined to a narrow compass; and has been made, above all, to attend upon one single virtue, namely, Courage. Which



virtue, in conjunction with the imperfect conception of Honour, has moreover, by the same party in the world, been inlisted in some services to which neither other virtues, nor the principle of Honour rightly conceived and applied, can give any countenance. These particulars can only be hinted at here: a discussion of them would lead us too far from our subject. It seems more pertinent, to examine whether Gaming be not a fruitful source of those dissensions, and those occurrences, which frequently terminate in Duels.

It has a tendency to promote a contentious and irascible Disposition. The exercise of the Gaming Table awakens such passions as put a man off his guard, and dispose him to take offence on trivial occasions. Eager to engage in Play, vehement in pursuing it; anxious for the fate of sums depending, which, by the arbitrary decision of the Dice, will carry him to wealth or to poverty; elevated beyond the bounds of sober courage by a series of good success, or by bad success rendered peevish; preyed upon by suspicion of fraud in some, and stung with envy at riches carried off by others; — prepared by these passions, he catches fire from the smallest spark, no self-command presents a timely obstacle, and the flame burns without controul. By frequency these emotions have a durable effect upon the Temper. An habitual petulance and captiousness are to be expected: from which the passions are, in Gaming or in ordinary life, excited with greater frequency and with greater violence.

The Disposition thus prepared, Gaming further



promotes contention by a fertility in Subjects for it. The most obvious one is money lost at Play, should the payment be refused, evaded, or deferred. And, being so obvious, we may dismiss it. But, at the Gaming Table, men meet as avowed Enemies. And, in concerns of such moment, no circumstance is suffered to escape the attention. Superfluous ceremony ceases. Those rules must often give way, which, under the terms, politeness, civility, complaisance, form a system conducive to peace and harmony, and, even where not issuing from the principles which form an intrinsically good character, produce some of their effects. The least suspicion of unfair play, or some unfavourable appearance purely accidental, may cause a hasty assertion, such as, when made, is to be supported by the point of the sword: whilst, in the Adversary, the consciousness of playing fairly, or a different view of a matter of accident, may produce as hasty a contradiction of the assertion, and bar all hopes of accommodation. If on these grounds a man is to expose his person and his life, it follows that he exposes them, in a continued manner, by habitual Gaming; where is no object that warrants the exposure, no claim to praise or to sympathy.

Can we too much abhor that practice through which a person of rank, wealth, and merit, is liable to expose first his property to the arts of the fraudulent and abandoned, then his morals to the contamination of their society, and lastly his life to the sword of one who, whether merit, wealth, or rank be considered, exhibits an impressive contrast?



If the principles of Duelling had been, in any circumstances, admissible, would it yet be tolerated, in a Community regulated throughout by strict Equity, that the life of one of its members, qualified by situation and ability for rendering to it services of a superiour nature, and hitherto disposed to render them with zeal, should be hazarded at the call of one, whose polluted character ought to exclude him from every circle in which even decency of manners and connexion is professed?

It is contrary to the public Good, that Life should at all be risked, where there is not a justification from some special cause. So far as Gaming is the cause, in any instance, we find no justification: but the contrary. It is not simply indifferent, but highly prejudicial to the Public; as has been shewn at large. In the Cause no Good exists, to counterbalance or diminish the pernicious Effect; but to one decided Evil another is superadded. With reason, therefore, the Legislature has taken particular notice of quarrels derived from this origin. One of the principle Acts\* against Gaming has provided a special punishment for every Violence done to the person on account of money won by Gaming, and for all Challenges given on that account.

The Apprehension is not to be forgotten, which is kept alive in the Friends of a Gamester, by this natural tendency, of his ruinous and depraving course of life, to a tragical termination. Which remark can easily be applied also to our next and only remaining topic. Let no one, who has not

\* 9 Ann. c. 14.



experienced and reflected upon the pain of continued Apprehension, speak lightly of it. Even where the event apprehended is trivial, experience testifies, that, in some circumstances, we can be considerably agitated by the Apprehension. What then must be its pain, where the event dreaded is the Death of a Friend, his sudden death, a death of violence, in the very act of a murderous attempt upon another, or in the perpetration of the deed upon himself?

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## SECT. 2.

### *Suicide.*

TO the long train of pernicious Effects which have presented themselves, the Death of the Gamester by his own hand may add the final mischief, and the final guilt. Exclusively of all reasoning, such Death shocks the leading instinct of our nature, Self-preservation. And, on reflexion, it appears, in him, a pusillanimous escape from the complicated difficulties in which he has involved himself, a treacherous dereliction of persons to whom he has been bound by the strongest ties of duty, interest, and affection; and a crime against an offended Community, claiming its rights in the preservation of its members.

If a man who has wasted his Property and destroyed his Reputation, who has choked up his natural sources of Enjoyment, who is harassed by tormenting Passions, who is conscious of multiplied



injuries towards persons looking to him for acts of love and kindness, who, in reviewing time past, is pierced by remorse, and, in the future, can scarcely discern a ray of hope;—if this Being is disposed to resign life, and would compound for the quietness of a silent grave free from all perception, no surprize is excited. But, before he take the awful and irrecoverable step, let him pause and ponder: let him aid his own reflexions by those of others, let him ask himself what duties he owes to persons whom he would leave behind, let him turn one sober thought to the incalculable punishment into which a moment of ungoverned impulse may plunge him. A general discussion of the crime is not the object before us. The situation of the enraged or despairing Gamester, whose moral principles are debased, and self-government debilitated, is replete with temptation to it: and those observations alone seem to have place here, which arise out of his situation and state of mind.

It may appear a vain hope, that any consideration of the Interest of others, any sense of Duty towards them, should restrain him who is not deterred by the fate which threatens himself. Yet who can know whether some latent remains of principle and sensibility, even in a Gamester, may not be worked upon by such motives? Let him, therefore, when meditating this escape from the troubles which oppress him, attend to the particulars of that distress which may follow the execution of his purpose. He is probably aware, that, by the laws of England, Suicide causes a forfeiture of his personal property to the supreme Power of the



State. And, although an excess of tenderness in a Jury may occasion a verdict more favourable than, if unbiassed, they would deduce from the evidence before them, — although the forfeiture may happen to be thereby prevented, — yet on this he has no right to place a previous dependence. He incapacitates his surviving Friends from urging a legal claim which he might have left secure to them in due time. And, if the property is suffered to reach them, they are indebted, for it, whether to a Jury culpable or otherwise, certainly not to *him*.

But it may be said, that the property of a Gamester, impelled to an act of Suicide, is nothing ; or too small to deserve our attention. Which indeed may frequently be the case : and let that case be now supposed. Reasons against deserting his station may yet be found ; and such as have great influence upon generosity and true honour.

The condition of a Widow is usually spoken of with sympathy ; as implying loss or difficulty, in one degree or other. To be cast into it by the act of the Husband, and through such depravation of his mind as a Gamester's life may have effected, must heighten greatly the misery of every disconsolate idea pertaining to such a condition. For, in instances of the mere separation of affectionate friends by death, we frequently see, that the survivor, after time and other aids have a little worn down the edge of the affliction, can cherish a recollection of the friend departed, with a sorrow admitting a mixture of pleasure. But, in the instance before us, revival of the memory of the



deceased must ever be attended with a shock which suppresses all pleasing emotions.

When a man has reduced his family to poverty by the vices of a Gamester, he cannot be considered as at liberty to separate his own interest from theirs. He lies under an obligation to exert himself in their behalf; to apply his time, his labour, and all his faculties, towards reinstating them in their former situation. If that be irrecoverable, he remains bound to contribute, in every possible way, to such relief as is practicable. All this duty is discarded by him who, so circumstanced, cuts short the thread of his life. Forgetful or regardless of the distresses of others, attentive to his own alone, he betrays a cast of sentiment illiberal, base, and contemptible, which ill accords with that lofty honour the frequent boast of the Gamester.

If he, who would justify his tragical purpose, can allege that he should leave no Widow, no fatherless Children, to bemoan his fate and their own loss; perhaps he has staked the money of some Orphan or Friend, deposited with him, or what was in truth the property of some needy Creditor; and his death might destroy all hope of redress. His obligation to discharge the debt, includes an obligation to preserve his life, as the necessary means of discharging it.

But, set aside all immediate claims of this kind. Is he such an insulated Being, that consanguinity and friendship shall not comprize a number of persons to whom his death, procured by his own hand, would cause distressing sensations? Whether they would deplore the event as natural or moral



Evil, whether dwell more upon his imprudence or his guilt, or upon the disgrace attaching to his memory, and possibly, by some, extended, in a secondary view, to themselves; let him (from his boasted Honour, if no other sentiment can avail) remain in life as long as permitted, in order to obliterate his Disgrace, and to mitigate all the Evils of which he has been the cause, rather than add to them the irretrievable one of an infamous Death.

Were it however possible for him to be insulated from every private connexion, how would he evade his duty to the Community, to which his life has been so highly injurious? Here, likewise, not Flight, but Reparation, is required: of which the means are, by his death, rescinded. And the violence robs the Community of a constituent member, as if committed against the life of another;—and robs it, not of an Individual taken promiscuously, whose life might happen to be a good or harm to the Public, but of that one Individual, namely himself, of whom alone he could with certainty guide the efforts, to attempt reparation of the injuries which he has committed. If death eludes all direct Punishment of the act which has procured it, the crime will not appear the less, on that account, to an enlarged and liberal mind. But, since the mind of the Gamester is the reverse of all that is liberal and great, or gradually sinks into that character, he is not one whose conduct is likely to be influenced by such a conception, howsoever equitable. And, if with his Character we combine the Situation of distress



to which his footsteps not improbably lead, the whole will induce us to expect from him, more perhaps than from any other, this contradiction to the instinctive love of life, this pusillanimous and destructive Crime.

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INTRODUCTION.

A

DISSERTATION

ON

DUELLING.

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*First Published in 1784.*  
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BY RICHARD HEY.

—◆—  
*THIRD EDITION.*  
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M.DCCC.XII.

D I S S E R T A T I O N

ON

DUELING

First Published in 1784

BY RICHARD HENRY

THIRD EDITION

LONDON



## INTRODUCTION.

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**D**UELLING has been treated by so many Writers and of such reputation, that the Author of the following pages hopes it will not be imputed to him as a fault, to have omitted or but slightly touched upon some of those Topics which are most *common*. On the other hand, although he has endeavoured to think for himself, he has found it indispensably necessary to such a discussion of the Subject as may be required of him, to insert many things of which the substance may be found in volumes already given to the Public.

The Prevalence of the custom, at present, renders the subject interesting, to every one whose sensibility causes him to lament the errors, the vices, or the sufferings, of Mankind. It would be a melancholy apprehension, and, we hope, not a just one, that the present Age is relapsing into the disordered state existing about two centuries ago, and for a long time afterwards. The fury of this barbarism was not then satiated with bringing distress upon a few particular Families, but became a public calamity, and rivalled the epidemic madness of Civil War. This was more directly true of a neighbouring kingdom; but the Contagion was caught by our own nation, and spread to an alarming extent.

In the reign of James the first, it became an object of attention to the Government. There was, in particular, a Prosecution instituted against two persons; against the one for sending a Challenge, and the other for carrying it. In which prosecution, the lord chancellor Bacon, then attorney general, made a full and methodical speech upon the subject of Duels\*. One Remedy proposed by him, and by him accounted “the most prudent and best applied”, was a Banishment† from Court “for certain years”. What good effect this might have produced, was probably never tried. A remarkable instance occurs, in which we may reasonably doubt its having been applied: the person who had given a fair opportunity for the experiment, received, on the contrary, many honourable distinctions. It was Sir Edward Sackville, who afterwards succeeded to the Earldom of Dorset. He had killed the lord Bruce, in a Duel attended with the strongest marks of premeditation. His appearance at Court seems not to have been interrupted: and he was promoted, in the reign of James I. and the following, to a great variety of successive honours and public offices of importance.

In France, the pernicious example of Francis the first had drawn after it the most fatal consequences. Being charged with a breach of faith by the Emperor Charles the fifth, he gave him the Lie in form, and challenged him to single combat.

\* State Trials, by Mr. Hargrave; XI, 112, &c.

† Ibid. p. 113.



The difficulty of providing for two such Combatants a field with sufficient security, and of adjusting other circumstances, prevented the combat itself:— but the mischief of the *Example* was completed. The use of Duels, which, as matter of judicial process, had been under the direction of the Magistrate, began now to prevail without the civil authority, and to take place on the most trivial occasions.

The affair of Francis with Charles, happened about the year 1528. In the latter part of the same century, when France was torn with the most violent convulsions, the rage of Duelling mixed itself with the animosity of civil and religious Parties, and contributed largely to depopulate the country. Nor was its fury abated by the cessation of the civil commotions: it seems even to have increased, not a little, in the reign of Henry the fourth. It has been computed\* that, from his accession to the year 1607 (a period of eighteen years), no fewer than four thousand French Gentlemen were killed in Duels.

In 1578 † a combat was fought in France by six persons, three against three. From Brantome ‡ we learn, that only two of the six survived: and one of the survivors was killed in a subsequent §

\* See a Note in Sully's Memoirs; for the year 1608.

† Henault.

‡ Mémoires de M. de Bourdeille, Seigneur de Brantome: vol. on Duels; p. 100. Edit. of Leyden, 1722. He wrote in the reign of Henry IV. of France.

§ Ibid. p. 109, 110.

Duel, which had a connexion with the former. In the reign of Louis XII, thirteen French fought with thirteen Spaniards; and this, more from playfulness of \* spirit than any other reason, — it being in time of a truce. And Brantome, after mentioning various instances of combats, stops himself; intimating the length to which he should be led, even in speaking of those only which had been *signalized*. “I should never have done”, he says †. In 1600 a private combat was fought ‡ between twenty French and as many Flemish. The Principal, on one side, *sought* Duels; and, for them, absented § himself from the Court of France. Voltaire || informs us, that the combat of the La Frettes, four against four, in 1663, determined Louis the fourteenth to pardon Duelling no longer. And it is esteemed a singular honour to that Monarch, that his edicts effected what those of his Predecessors had attempted without success, in giving a check to this barbarous custom.

England, with other Nations of Europe, had the wisdom to imitate the good example of France in a partial Reformation, which however was a very considerable one. But, till the *Principles* be eradicated, which give authority to the practice of Duelling, we must not hope for the intire abolition of it: nay, we have the greatest reason

\* “Et ce plus de gayeté de cœur, que pour autre subject”. Ibid. p. 97.

† “Je n’aurois jamais fait”. p. 133.

‡ A note in Sully’s Memoirs: at the end of Book XI.

§ Ibid.

|| Siècle de Louis XIV. Chap. 29, near the middle. Vol. 3. p. 156. Lond. Edit. of 1788.



to be apprehensive of its gaining ground. The punctilious nicety of that Honour which the Duellist takes for his guide, is apt to refine itself perpetually by framing new distinctions. If to take offence at every unjust imputation, at every instance of neglect or contempt, be indeed a Virtue, or the Mark of a virtuous mind; a person *may* feel a stronger consciousness of virtue, in proportion as he finds himself more easily offended. Hence every person of quick sensibility, who does not disapprove of Duelling, will be rather inclined to *add* something to the niceties of the fashionable Honour; and no one, with whose principles that Honour is consistent, will dare to think of retrenching its influence. Upon the whole, therefore, we must expect, that, if left to itself, it will gather strength rather than decline.

The science of quarrelling was studied with great accuracy, in the sixteenth century. The lord chancellor Bacon (in his speech above-mentioned) takes \* notice of some French and Italian pamphlets upon the doctrine of Duels; which, he gives us to understand, contained such regulations as it was necessary for those to observe who professed the Honour then fashionable. It is said, that Cases of Honour were collected with great minuteness, that Lies were distinguished into thirty-two different sorts, and that the precise Satisfaction suited to each was marked out.

Compared with this, the Honour at present fashionable shews but a moderate degree of Refine-

\* State Trials, XI. 113.

ment: yet we cannot too strongly guard against its natural tendency to multiply pernicious Subtilties, and to spread its influence in the world. The most recent Experience presses upon our attention numerous instances, affording strong proof of such a Tendency, and exciting an anxious curiosity after the Consequences.

Every Attempt to place the Principles, good or bad, of human actions, in a just light, must be favoured by the wishes of all who have the Good of mankind at heart. To remove a false glare from a dazzling Vice, to restore to its ancient lustre a species of Virtue which lies buried in the rust of neglect; these are works which, if they could be accomplished, would not fail of approving themselves to the thinking part of the world. The Author makes an attempt of this nature with the greater confidence, because, if he should come before the public eye, it would be under such a sanction as would relieve him from much of that Doubt, which must have attended his single unsupported judgment.



## PART I.

*Duelling considered with reference to Equity between  
Individuals.*

“ **W**HAT can be more equitable, than *fair*  
“ fighting? I detest every idea of foul play: but  
“ let the man who has done me an injury meet me  
“ upon even terms, and I am perfectly satisfied  
“ with this Reparation; let the man who thinks  
“ I have injured him call me out on the same  
“ footing of equality, and I attend his call with  
“ the utmost readiness.”

To a person professing these sentiments, we need not be afraid of allowing, most amply, that Assassination is odious, nor the odiousness of every unfair practice that partakes of the same base nature. We do not dispute the superiority of his principles over those of the Assassin. We give, without scruple, a decided preference to the man who inviolably adheres to a system of rules (however badly constructed) which carry any appearance of Fairness, compared to him who, professing the same system, is mean enough to take advantages which those rules pronounce unfair.

But, is it enough that a man's Principles are better than the worst which can be conceived? Is he to be satisfied with the Equity of his proceedings, because he is indisputably superiour to men who know not what it is to decline an action as inequitable, but indulge themselves in every thing which their

Passion or Interest prompts them to, if they can hope to do it with Safety? He who can satisfy himself with so low a degree of excellence, must have but little of the ambition of virtue within him. It were much more laudable to inquire whether his present rule of conduct be not capable of amendment, than to sit down contented with a mere *comparative* merit; especially where the comparison is made with a conduct base and despicable in the extreme.

We will therefore take the liberty of inquiring, whether even the greatest *Fairness* observed in fighting can justify the action itself; and how far the *even Terms* upon which men are often said to meet, deserve to be so called; whether, in proposing to *do yourself Justice*, by calling a person out into the field, you take a Method likely to accomplish your End; and how far, in obeying the summons of another for the like purpose, you can be said with propriety to *give him Satisfaction*; and lastly, if Duelling should appear in other respects equitable, whether it can include that particular species of Equity which consists in proportioning the Punishment to the Offence.

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### SECT. 1.

*Fairness in fighting; and, fighting upon even Terms.*

LET us imagine one who has received a mortal wound, addressing himself to a few persons collected about him: with his last breath, he says,



“ My Antagonist has killed me *fairly* ; tell this to  
“ my friends, tell it to the world ; bear witness to  
“ my last words, when you are called upon, that I  
“ die by the hands of a man of Honour.” Into what  
a perplexity of distracted feelings do these few  
dying words throw our minds ? We pity ; nay, we  
admire ; but yet we blame : and, what may help  
to convince us that all is *not* right in this idea of  
*Fairness*, we feel — before we know any thing of  
the merits of the case — we feel our indignation rise  
much higher against the Conqueror than against  
the Conquered ; if indeed *every* harsh sentiment  
towards the dying man is not intirely suppressed  
for the present, by the helpless condition to which  
we see him reduced. Whereas, in reality, when  
we have lost the image of distress presented to us,  
and return to cool reflexion, we can discern no  
difference in point of blame between the Victor and  
the Vanquished, setting aside the merits of the  
particular case ; which may indifferently be in  
favour of one or the other.

But, to come to the point. The idea of Fair-  
ness seems to be totally misapplied, when it is in  
such a manner joined with the idea of fighting  
upon private quarrels, as to suggest that this kind  
of fighting is justifiable. The true and proper  
idea of Fairness seems to have nothing to do with  
the Right or Wrong, either of fighting in general,  
or of fighting upon any particular cause of quarrel :  
but, the Combat itself being already admitted, the  
Fairness takes place in the observance of those  
Regulations to which the combat is subject, by  
express law, general equity, or other admissible



authority. Because a man is ready to conform to certain rules prescribed, in a *Duel*, under the denomination of fair Play, it does not follow that he lies under no restraint which may forbid the *Duel* itself as inequitable. Let a man be called upon by the Laws of his country to fight a single combat, and let a *fair* conduct mark every part of it: in this case we commend him both for the fighting, and the *Manner* of it. But if, in defiance of the laws under which he lives, he attempt the life of any person upon a private quarrel, without other authority than his own, he has lost one half of his commendation. Though he should observe in the most honourable manner every rule of Fairness, we can only commend the *Manner* of his fighting, while we utterly reprobate the fighting itself. (*Why* we reprobate it, we hope to make appear further in the course of our observations on the subject before us.)

If two maritime Powers be at War, and a vessel of one of the nations attack a vessel of the other, making use of no stratagems, no means whatever, but such as are allowed by the laws of war, the action is in all respects commendable. But if it fight under foreign colours, or throw red-hot balls into the enemy's ship, this must be *unfair*, though the attack itself incurs no blame. On the other hand, if the two nations be at Peace, and a vessel of one attack a vessel of the other, observing even strictly the rules prescribed to warlike operations, this Proceeding, though in one sense it is to be called *fair* fighting, is totally unjustifiable. Whether we may chuse to deno-



minate this *unfair*, or to confine the ideas of fair and unfair to the *Manner* of fighting, seems immaterial. The distinction is real and evident between these two questions; one of which is, whether, in any particular case, Fighting be admissible and equitable; the other, whether, in any particular combat, the Means used by the combatants, on either side, are to be deemed fair or unfair. And therefore the Inference is intirely precluded, which some seem desirous indirectly to draw; namely, that, because the *Manner* of fighting is fair and honourable, the Combat itself must be just and equitable between man and man.

There is an account\* of a Duel between two French Gentlemen, of the names of Chelais and Beguin. Chelais, who gave the challenge, came to the combat covered with armour, (concealed, we are to understand, under his dress.) Beguin's sword was broken in the attack; after which he was stabbed by Chelais, who was condemned, for this murder, to be broken upon the wheel. It cannot be doubted that Chelais deserved punishment for his *Treachery*, independent of the simple intention to kill, which he had in common with innumerable others who have fought Duels: but it does not follow, that, if he had killed his Adversary *fairly*, as it is called, he would have deserved no punishment.

But let us consider a little, whether, with all this boasted Fairness, the Combatants in a Duel

\* Gentleman's Magazine, Oct. 1769, p. 505.

can properly be said in general to meet upon *even Terms*.

Two Gentlemen meet to decide a controversy by the Sword. Both have had the education of Gentlemen, including the use of the Weapon. Both are men of Courage, of moderate Strength and Agility ; and they differ not materially in Age. Here are several circumstances in which they approach nearer to an equality, than would be held quite necessary for the purpose. But it seems best to put the case thus strongly, in order to shew more clearly how fallacious the pretence is, of meeting upon even Terms. There is still abundant room for such Differences between the two combatants, as may leave a balance in favour of the one or the other of them, far too great to be neglected. We may even allow them both to *excel* in the use of the sword : yet the Degrees of excellence are so various, that in this single article there may still remain Difference enough to constitute a clear Superiority.

This Superiority will be much increased, if it should happen, as it easily may, that the person on whose side it lies has also the advantage in most of the *other* circumstances which were left undetermined. A small advantage in Skill, added to a small one in Strength, and another small one in Agility, will easily constitute together a Superiority sufficient to destroy all idea of Evenness in the Terms.

There are also *temporary* Disadvantages, which might render a person clearly inferiour to his antagonist ; though they were such as would not



be allowed in excuse for declining a challenge. A small degree of Indisposition, not sufficient to hinder him from going about any ordinary employment, might make his arm feeble or unsteady. A Trepidation (intirely distinct from any defect of Courage) arising from some secret doubts about the rectitude of the action in which he is engaged, might somewhat enfeeble every exertion, to defend or to assault.

Pistols, however, are often used: which, it must be owned, bring the combatants somewhat nearer to an Equality. But here too there is room for Skill: there is advantage in a steady Eye and a steady Hand; and in the Coolness arising from a long and familiar use of fire-arms, which is distinct not only from natural Courage but from a general habit of acquired Courage. Nor ought we to overlook the different Sizes of the human body; by which one man is a better mark\* than another. *Temporary* Disadvantages also are to be taken into the account, in the use of Pistols as well as Swords. A very material one may arise from a bad Habit of Body; which will cause the same wound to be much more dangerous, as well as painful, to One, than it is to his more healthy Antagonist. We may add, that sometimes a valuable and happy life, partaking of the happiness

\* If a combatant having six feet in height meet an antagonist having only five, and if they are shaped alike and placed alike, the mathematical Reader will see (from similar figures) that the plane surface presented by the taller is greater than that presented by the lower, in the proportion of 36 to 25, or (nearly) 3 to 2; which makes no *slight* Disadvantage.



of surrounding Friends, is staked against the life of a solitary Being, to whom no endearing Connexions have given the true enjoyment of himself, and who, if he fall, falls unpitied and unlamented.

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## SECT. 2.

*Doing Justice to yourself; and, giving Satisfaction to another.*

WE will, however, now suppose, for the sake of argument, that, in the ordinary practice of Duelling, men do really meet upon even Terms. Or, it will amount to the same, in *general* reasonings upon the subject, if we suppose the advantages to fall indiscriminately to the share of the Aggressor and the Aggrieved; so that it shall happen equally often that they are on the side of him who is in the right as of him who is in the wrong. Take either of these suppositions; (for indeed they coincide, in abstract argumentation, though to each Individual taken singly they are widely different;) and it is evident that *Chance* must be the arbiter of every Duel; unless we either understand that the Deity will interpose in behalf of the injured, or else that the Consciousness of a good Cause will be sufficient to insure success.

As to the Interposition of the Deity, it was indeed the doctrine of the barbarous ages, when judicial Combats were in common use. But it seems now superfluous to argue that point at large: since it appears to be fully agreed between the



advocates for Duelling and the opposers of that practice, that there is no foundation for an injured man to call out his enemy upon the strength of any expectation of this kind.

Indeed no man, engaging in a Duel, has a right to make a supposition so favourable to himself as that a blind *Chance* will be the arbiter of the event. No man has a right to assure himself, that the divine Providence will not secretly interfere, to punish him, by the immediate event, for an action so guilty as this will be shewn to be. And, if this punishment be by Death, the thought of that death, as irrecoverably introductory to the future punishment expectant on all guilt, should be sufficient to make the stoutest heart pause and weigh well the nature of the action. The use, therefore, of the word *Chance* is not meant to exclude the supposition of unknown interpositions by Providence. But, since they are to us unknown, our general reasonings may assume Chance as the arbiter of a Duel; in order to shew, that, even on that ground, the practice cannot stand the test of examination.

Or, shall we except the Consciousness of a good Cause? Is that sufficient to insure success? Such a Consciousness most undoubtedly will in many cases inspire a man with Fortitude, and enable him to execute what he would in vain attempt if he laboured under a Consciousness of being in the wrong. But this effect has its limits; and those not very widely extended. The experience of all ages and countries puts it beyond a doubt, that vice has very often prevailed over virtue, the injurer



over the injured, the faithless villain over the man of veracity and integrity.

He who would fortify himself in the Consciousness of a good Cause, should be conscious also of a Rectitude in the *Means* used by him to effect his purpose. In which point we apprehend that this inward support must often fail the person who has recourse to a *Duel*, for redress of an injury. Indeed it has appeared evidently from a number of instances, that a person, carried away by the tyranny of what he would call *Honour*, has suffered himself to fight, at the same time that in his own mind he has condemned the custom of *Duelling*. In such a case, though he may know himself to be the injured person, yet how can we imagine him to receive any such internal strength from the Consciousness of his Cause, as will support him in the field against his antagonist?

Again, let us allow him to be ever so firmly persuaded of the rectitude both of his Cause and the Means he makes use of to redress himself; this will avail him nothing, if his antagonist has the same persuasion on the other side:—a supposition which we have no difficulty in making. The Judgment is so easily warped where Self is concerned, that it gives us not any surprize to find two persons, who are engaged in a quarrel with one another, persuaded, each, that he is in the right and his adversary in the wrong. Therefore, when they come to decide the dispute by combat, though one of them must be in the wrong, yet, if each be persuaded that he is in the right, such a Persuasion, or (if we may so term it) such a Consciousness of



Rectitude, will be of no service to either, being balanced by a like Persuasion or Consciousness on the other side.

Having then arrived at this Conclusion, (which will certainly hold in general, though it may admit a few exceptions,) that the Consciousness of a good Cause, in the subject of the quarrel, will not secure Victory; we return to what was before advanced, that, if men are supposed to meet upon even Terms, *Chance* is the arbiter of the Combat. And, upon this idea, we are to inquire whether, in proposing to *do yourself Justice*, by calling a person out into the field, you take a Method likely to accomplish your End.

But, while we have been clearing the Way for the inquiry, we have finished, in effect, a principal part of it. For there seems no great need of words to convince any one, that, if he has received an injury and is looking out for redress, to apply to Chance for that redress is something very unlike doing himself Justice. Even if the Decision happen to be in his favour, he appears yet very far from having had Justice done to him. Justice, in its nature, requires to be awarded by Design: and the Good which comes to any man without being purposely adjudged, howsoever valuable, partakes not at all of the nature of Justice done for an injury received.

All this might be said, even if Victory could be considered as the Acquisition of something beneficial. But, when we reflect that it is only a Harm done to another man, we may affirm, that, though you should effect all you can propose to yourself



in a Duel, you would not be advanced a single step nearer to the End aimed at, of doing yourself Justice. You may have inflicted great Mischief upon your Adversary; which moreover he had perhaps deserved: but this has nothing in it of the *Nature* of doing Justice to yourself. As far as it was Design, it was only exposing yourself and him to equal mischief. The *Chance* of harm which each of you has incurred, may be conceived as equivalent to a determinate degree of harm actually sustained, or a specific loss which might be estimated: and the effect is of the same nature as if, in a law-suit, instead of Damages awarded to be paid by the Defendant to the Plaintiff, it should be awarded that the Plaintiff and the Defendant should pay equal sums into the public treasury. In such a case as this, it would be very difficult to see the *Justice* which had been done to the Plaintiff. And if, in a prosecution for a robbery or other crime, the Prosecutor should be condemned to the same gibbet with him who had committed the crime, we should not easily persuade the world that this Sentence had been passed by a Court of *Justice*.

If, in this way of seeking Redress, you have no prospect of doing yourself Justice, you can have none of giving what can properly be called *Satisfaction*, to one whom you have injured. These are Counterparts to one another; and the same Reasoning applies to both. Indeed, if a Gentleman, who, upon receiving an injury, has lodged the contents of one pistol in the body



of him who did the injury, and received those of another in his own,—if *he* chuses to declare himself *satisfied*, we cannot deny his Affirmation: every man is the proper judge of what satisfies himself. But this we can safely assert, that he has not received any thing which in its nature contains the essence of a Reparation or Satisfaction.

Put the case, that you have reflected too freely in conversation upon some person's Character. He calls upon you to give him Satisfaction. You attend his summons: you wound him; perhaps mortally. He kills or wounds you, or otherwise, as it may happen. He declares now, that he is satisfied. This Declaration, no doubt, we must admit; as expressing that he does not look for any thing further to be done. But he who should infer, that you have given your adversary any true and proper Satisfaction, would be under an egregious mistake.

There are two ways in which the Injury may have operated: one, by the simple diminution of your adversary's Character; the other by some *consequential* Harm. An instance of the latter might be this: if your charge against him had taken such effect with the object of his attachment, or her friends, as to defeat his hopes of a desirable Marriage. The proper Satisfaction in such a case, (if we suppose you to have exceeded the truth,) would be, immediately to confess to those on whom such effect had been produced the injustice of your charge, and thus to reinstate him in their favour: or, if all power of



that precise Reparation should be gone past recovery, your business would be, to take every opportunity of promoting his prosperity; till, if possible, you had conferred upon him an equivalent for the injury before done to him. And, as to the mere Defamation, or, as it was called above, the simple diminution of his Character, you ought to ask his pardon for the Offence, and to atone for it by making your Confession as public as the Accusation had become.

This behaviour contains in it evidently the real nature of a Reparation or Satisfaction. But it is not easy to see what this method has in common with the other; in which, by way of Satisfaction to your adversary, you attempt his life, with permission for him to attempt yours. And if one who has had his character aspersed thinks, that, after he has silenced his Accuser by giving or receiving a wound, he may rest satisfied, he betrays very defective notions of *Character*; which, if it be restored at all, must be restored by expedients of a different kind.

Perhaps he objects, that he has recourse to a Duel rather with a view of compelling his Accuser to make that direct Reparation which we have been speaking of, than because he thinks there is any positive Satisfaction in the Combat itself. We might answer, that, if he say this, he has changed his ground: we were arguing with one who declares himself satisfied, merely with having *fought*. But a further answer occurs; which is, that any concessions from his accuser, made through Compulsion or Fear, will not be



adequate to the end proposed; *Character* being, in its nature, so delicate, that nothing short of a free and unconstrained Revocation will be able completely to wipe away the stain, and convince the world that all is as it should be.

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### SECT. 3.

#### *Proportioning the Punishment to the Offence.*

THE last part of our inquiry, under the head of Equity between Individuals, is, whether Duelling, even if right in other respects, can include that particular species of Equity which consists in proportioning the Punishment to the Offence. This is always looked for in Codes of Law: and every flagrant defect in it is loudly complained of. Now, if the practice of Duelling could be allowed to take the place of Laws, in the remedy of any particular injuries, we should at least require this Equity in the Code of its regulations.

In this Code, what is the punishment for seducing your Wife from her fidelity? Death. In the same Code, what is the punishment for some little unfair artifice, by which you have been defrauded of a Partner at an assembly? Death. It is here immaterial whether the offended person in these two cases would be considered as under a *Necessity* of fighting: it is enough, for the present, to observe, that, *if* he take this method of redressing himself, the



Punishment inflicted, or attempted (which is the same thing in the Punisher), is Death in both cases. Will any one affirm that these two Offences are equal, that they are *nearly* equal, or that the less of the two is heinous enough to call for capital Punishment? If not, it follows that the practice of Duelling is chargeable with the want of that Equity of which we are speaking. If it be urged, that neither does the *greater* of the two Offences mentioned deserve capital Punishment, this serves but to shew the practice of Duelling still more inequitable: which not only makes two very different Offences equal in the Punishment, but inflicts upon the smaller of them a Punishment too severe for the greater.

It will be said perhaps, that Duels are often fought with a greater or less degree of Obstinacy, according to the nature of the Offence; that in some cases the discharge of a single pistol on each side will be sufficient, whilst in others it is held necessary for one of the Parties to fall; and that this plainly constitutes a difference, and a very great one, in the Degrees of Punishment; since every greater *Chance* of Death is to be considered as a heavier Punishment, every less Chance as a lighter. The answer to this, is, that in every Duel there is *some* chance of Death; and therefore that, if it actually ensue, where the Offence does not deserve it, the person who has inflicted it is strictly chargeable with the Excess of punishment: because he knew beforehand that it might happen, and yet intentionally brought his antagonist into that situation which exposed him to



the fatal stroke. But does not Death sometimes befall the injured and innocent person? Here the Punishment is severe beyond all proportion; for the sufferer has deserved *no* punishment.

It may be argued further against us, that it is trifling to mention *Degrees* of punishment, where unavoidably, by the very nature of the thing, the highest punishment is to be suffered, or a chance of it incurred. No institution whatsoever is to be blamed for not providing what is absolutely impossible, what is contradictory to the original idea and supposition upon which it was framed. Should any one chuse to apologize by this argument, for the Disproportion between the Offence and the Punishment, in the practice of Duelling, let him observe the force of his apology. In order to refute one particular charge brought against that practice, he makes use of an argument which discovers the total absurdity of the practice itself. He shews clearly the absurdity of introducing Duels, as a mode of redressing injuries; by shewing them incapable, from their nature, of admitting what is indispensable in penal Laws, namely, a just Proportion between the Punishment and the Offence.

## P A R T II.

*Duelling considered with reference to the good  
Order of Society.*

WITHOUT entering minutely into the original Formation of Societies, we discern with ease one idea common and essential to them all: which is this; that the Individuals composing a Society are not, cannot be, at liberty to follow their own inclinations, in the same manner and degree as if the Society had not been formed. There is a public Voice, more or less distinctly heard, to which must be allowed *some* Authority in controlling the caprice of private inclination, checking the sudden impulses of revenge and other mischievous passions, and regulating the actions of Individuals with a reference to public Good. Unless something of this kind has taken place, there is in fact no Society formed; every one is merely a single and separate Being:—there may be a number of Individuals collected into one place, but not *associated*.

*Laws* therefore are to be established: for Laws are only the particular restraints imposed upon Individuals by the authority of the State. In the next place, it follows of course that *Obedience* to the laws is to be required: for otherwise the laws were framed and established to no purpose. Any one who violates the laws counteracts, as far as his disobedience extends, the



regulations by which the good Order of Society is upheld; and, in so doing, he counteracts, to the same extent, the very Institution of Society itself.

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### SECT. 1.

*Duelling being supposed forbidden by the Laws.*

SUPPOSE then that the Laws, under which we live, forbid the practice of Duelling. This is the case in England: where, not only, if one man kill another in a Duel, the Law adjudges it to be Murder; but the mere fighting (at least if it be in a public place) is punishable by fine and imprisonment, though no mischief actually ensue\*; and also both the sender and the bearer of a Challenge are punishable in the same manner†. Here it is the duty of every good Citizen to abstain from this method of redressing any injuries done to him, even though he should happen to think it justifiable in other respects.

Should any one contend that the Law of England is not so severe as we have stated it to be; insisting that the Law is not to be sought for merely in books of Theory, but also in the Verdicts of Juries, and that these Verdicts have commonly reduced the crime to Manslaughter,

\* Blackstone's Commentaries; B. IV. Ch. 11. 5. (p. 145. Edit. of 1775.)

† Same Chapter; 12th head or section (p. 150.)



if they have not intirely acquitted the person accused; it may at least be maintained, that, wherever the Theory of the Law is clear and express, Juries exceed their powers, if they do more than determine to what description, in the Theory, the Facts brought before them correspond. The Law is clear and express in its Theory, that to kill a person in a deliberate Duel is Murder: and, if at any time the Facts produced and proved to a Jury shew the death of a person to have been caused in this manner, there appears no foundation for them to step beyond their line and give a direct contradiction to the Law.

Men who are desirous to conduct themselves as good Citizens, and are ambitious of *deserving* that protection, from the Laws, which they wish to receive and can submit to accept, ought by no means to shelter themselves, in doing what the Laws forbid, under the mercy of Juries who, through mistake or otherwise, exceed the commissions intrusted to them. Persons of Rank and Fortune, who have been found the most apt to offend against the laws in the point under consideration, incur a peculiar blame in offending: both because, having a greater share of property and dignity to be protected, they are more deeply indebted than other men, for the protection which they receive from the laws; and again, because by their station they are qualified to set an example to others, and, through this example, rather to teach Juries what their duty is and what are the Laws of their country, than to seek a refuge for themselves in an erroneous verdict. And it may



not be amiss for them to reflect, whether, by this encouragement given to the maxims of illegal violence, especially in Courts of Judicature, they do not run a risk of making such lawless principles of action descend among the lower orders of men, as may be productive of the most extensive bad consequences.

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## SECT. 2.

*Duelling being supposed to be not forbidden.*

LET us now vary the supposition; and see what will be the part of a good subject and citizen, if Duels be *not* forbidden by the Laws of his country. We hope to prove, that, in this case also, he will think it his duty to abstain from the use of all such Violence. For, though there be no express prohibition in the Code of Law, yet there is necessarily an implied and virtual prohibition in the constitution of every Society.

To shew this, we must recur to what was said in the first paragraph of this Second Part\*; from which it appears, that, if Individuals make use of violence at their own pleasure, they do what is intirely inconsistent with the nature of Society. The Principle (if it can be called a Principle) upon which they proceed, is directly subversive of every social Institution: and, if we do in fact continue to enjoy the benefits of Society, notwithstanding the prevalence of Duelling, it is because

\* Page 108.



the Principle is not carried to its extent, and is adopted only by a small number of persons, in every civil Community, compared with the whole Body.

If the Sword or Pistol is to decide upon one Right, why not upon another? If it is to depend upon the sword's point, between you and me, which of us has the better pretensions to her whom we both love, why may not the same mode of decision determine to which of us this field or that house belongs? Pursue but your Principle and be consistent; and you will presently find yourself involved in the most extravagant as well as the most pernicious consequences. Whether, for instance, you are to command at the head of your regiment, and I in the ranks am to discharge my piece at your command, or whether we must change places, will depend upon the superiority of one of us in single combat. And, whilst we are settling the Right in this manner, one of us may be killed and the other disabled; by which means our country will lose the service of us both. Or, if you escape unhurt by my arm, you will be equally liable to be called upon by every soldier in the regiment. Your prospect therefore of surviving will be truly small. Probably many more in succession will fall after you: and, before it be finally settled who shall command the regiment, there will be but a very small regiment to command.

You object, that, as a *Gentleman*, you are not liable by any laws of Honour to be called upon in the manner above mentioned, by persons so far



your Inferiours. But your Principle, of using private Violence, if pursued, goes to the subversion of all Society, destroys the rank of Gentleman together with all other ranks, and levels you with the lowest of the people.

You object again, that we overlook the high Authority from which your commission is immediately derived: you call it a very wild supposition, to imagine that any person ever thought of questioning that Authority, and of requiring one in your situation to defend his commission by the test of personal merit. In return, you must be reminded that we are now tracing the Consequences of your principle, which permits the use of private force to Individuals. The Principle, pursued to its extent, will lead us on to this most extravagant length, that even the exalted rank of Majesty will not be able to protect itself as the Good of Society requires; but that the very Exercise of royal Authority which placed you in your station, as well as every other Exercise of it, will fall into a precarious dependence on such qualities as personal courage, bodily strength, agility, and expertness in the use of weapons.

In short, there is an end of Government; there is an end of Society; and from no other cause than the consistent Extension of that Principle which is supported, within certain arbitrary limits, by many who would pronounce it inadmissible, if pushed as far as just reasoning would extend it. The case is different with other vices. Gaming, for instance, though highly pernicious in its



effects, does not dissolve the bands of Society. An unrestrained commerce between the Sexes, though replete with inconveniences, and destructive of Happiness, does not necessarily disqualify persons for being Members of a civil Community. Nor is this effect produced by the base and detestable arts of Dishonesty: for the great crimes even of Forgery and Perjury, either by acting under some cover of law, or by using some artifice to evade the law, confess evidently its power and authority, and seem as if they could not be carried to such a length as to annihilate all civil connexions. But the use of private Force by Individuals tends *directly* to the dissolution of Society: and it would actually produce this dreadful effect, did not the Passions and Interests of men, which take place in the various scenes of life, counteract its operations and confine it within some limits.

But it is time to quit this general argument. We will subjoin a few particular Observations, which may shew further how repugnant the practice of Duelling is to the good Order of Society.

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### SECT. 3.

#### *Further Observations.*

**A**N Injury is either one for which the Law has assigned a Remedy, or not. If the Law has assigned a Remedy for it; to reject the prescribed mode and seek redress by private Force, argues



a contempt of the Law and the legislative Power. It implies a persuasion, or assumption, that the Remedy provided by the Legislature is inadequate; and that this appears a sufficient apology for him who provides a private Remedy of his own. Or else it implies, that, from mere caprice, without deigning to pay attention to that legislative Authority which gives daily protection to our persons and property, we chuse to assume (in our own cause) the several capacities of legislator, judge, witness, and executioner.

If the Law has *not* assigned a Remedy for the injury, it is then natural for the injured person to consider how he may provide one. And in fact this is frequently done by Individuals; who, in the smaller and more private concerns of life, provide Remedies of various kinds, suited to the occasions which call for them. But it ought to be done always with submission to the supreme Power of the State. Now, with regard to Duelling, the question is, whether that supreme Power can ever be supposed to intend a permission, that Individuals should punish *capitally* an offence for which it has not itself assigned any punishment at all. If not, then, to punish such an offence capitally (which is either done or attempted in every Duel fought on account of such an offence), is to insult the Law, as in the former case, and to shew a very indecent contempt for the Legislative Power.

In the next place, it is repugnant to the good Order of Society, that the offending person and



the offended should be equally exposed to the punishment inflicted for the offence. How inequitable this is in respect of the *Individuals* themselves, fell under the subject of the preceding Part: but we ought also to recollect the Interest which the *Society* at large takes in the lives of all its members, and the Protection it holds forth to every good citizen. If the Offender prevail over the Offended, and take away his life, there is a violation of civil justice, not only in the Punishment inflicted on him to whom a reparation ought rather to have been awarded, but also in the Escape of him who had deserved a punishment. And every Duel which terminates in this event, is equivalent to two unjust sentences in a court of judicature; one of which acquits a guilty person, and the other condemns an innocent one.

We need not fear any argument to be drawn from the use which has been made of single Combat in the forms of Justice. The absurdity of such a practice, used as a mode of Trial, is now universally confessed. It is indeed so glaring, that even the Barbarism of the ages, in which this custom prevailed, is not enough to account for a direct introduction of it. But the Simplicity and Inexperience of those ages render it, in the first place, sufficiently probable that a person, accused of any crime, might be allowed to clear himself of it by a public and solemn Oath; as it might originally appear incredible that a person in such a situation durst venture to perjure himself. The contrary of this becoming evident from repeated experience, it *then* seems not unnatural for bar-



barous nations, familiar with violence and private revenge, and governed by superstitious notions, to adopt the judicial Combat as a remedy for the repeated and notorious Perjuries of criminals. And it appears not at all improbable that a judicial Combat might frequently be regarded, both by the spectators and the combatants, rather as an exhibition of gladiators, a competition of strength, of skill, and of courage, than as a mode of deciding a Right or bringing a criminal to Punishment: an idea which would tend strongly to conceal the absurdity of the practice from those who made use of it. It would be trifling with the Reader's patience, to dwell upon a point so evident as the impropriety of this antiquated mode of trial. We have only to observe, that the total and long disuse of it in England, where the laws respecting it have never been formally repealed, shews how repugnant it is to the common sense of mankind.

But, howsoever glaring may be the Absurdity of the judicial Combats, and whatsoever plausible arguments may be produced by ingenious men, to reconcile us to the common practice of private Duelling, when those Combats are exploded; yet at least no one will deny, that, in the particular light in which we are at this moment viewing our subject, they may claim the preference. They were permitted; the private Duels are forbidden: those were even appointed by Law; these are not only contrary to particular Laws, but tend to the subversion of all Law whatsoever.

We return then to our Observations upon private and unauthorized Duels, as the proper subject



of our disquisition; and shall purposely avoid clogging the observations, as they arise, with remarking upon every one of them how far it might be applied to the judicial Combat.

Besides the impropriety of exposing the offended person to the punishment which, in the original conception of it, must be designed for the Offender alone; it is plainly inconsistent with the good Order of Society, that *two* unconnected persons should be exposed, each to distinct punishment, for an offence committed singly by *one*. The Punishment, taken in this view, exceeds its just measure. There is an inequitable waste, or surplusage, of punishment.

Indeed it has not often happened that the event has proved fatal to both parties; as it did in the case of the Duke of Hamilton and the Lord Mohun\*, in the year 1712; the latter of whom died on the spot, and the Duke as his servants were conveying him to his carriage. And, in the reign of Charles IX, when two persons in France passed over in one boat into the island of the palace, to fight, and, on landing, said to each other "Let us make haste, for here are gentlemen coming over to separate us", they killed each other in four thrusts, fell down opposite ways, and were found breathing their last†. It has been

\* Tindal's Continuation of Rapin's History; 18th vol. 8vo, 6th of Continuation; Edit. of 1763. p. 32, &c.

† Brantôme's Memoirs of Duels (as in p. 87. above) p. 108. At *Naples*, indeed, he asserts it to have happened even frequently, that the Principals and the Seconds were all four killed; the Seconds, though friends, chusing to fight rather than be mere spectators. p. 96.



no very uncommon case, that one of the parties has been killed and the other severely wounded. The instance, in 1613, of Lord Bruce and Sir Edward Sackville, is remarkable in this as well as in other respects: and there are instances of later date. The instances in which both parties have been wounded, are many. In which case it may easily happen that the punishment shall be *excessive*, and on that single account to be rejected in Society, though it were admissible on other accounts.

This Excess of punishment in some instances, will not be corrected by a Defect in others: which happens (for example) when both parties escape unhurt, if either has been at all culpable. It would be a very weak justification of the Civil Power in any country, to say, that, though it was too rigorous in its punishments in some instances, it was too mild, or inflicted no punishment at all, in others; and that, in the whole, it inflicted precisely such a quantity of punishment upon the subjects of the state, as was due to their guilt in the aggregate. It is the Duty of the Civil Power, as it is the Interest of the Society at large, to provide that upon every separate Offence the proper degree of punishment be inflicted. Rigour, or a too great lenity, in one instance, if it be any argument on either side of the question, would rather tend to justify the like rigour or lenity in other instances.

By the same way of reasoning, we try any institution or custom which sets itself up in the place of the Civil Power; as, the practice of



Duelling. In which the enormous Inequality of Punishments eventually inflicted, for equal Offences, is a manifest and flagrant violation of the good Order of Society.

Under this head occurs the great Difference, in personal merit and other circumstances, which sometimes appears between the combatants. The Differences that call directly for our notice here, are those which make a man more or less valuable to the civil Community. You are upon a footing of equality (we must suppose) with your antagonist, whilst you are considered merely as one Gentleman opposed to another: but this leaves room for great Inequalities. *You* perhaps have a property which gives you an influence over the happiness of a large number of your fellow-subjects: whilst *his* income barely enables him to associate with gentlemen, and his death would scarcely find a dependent to bewail it. *You* have been blessed with abilities which are a foundation for every species of merit, and a happy education has built upon them the most useful as well as the most splendid accomplishments; *he* has received originally a capacity suited merely to ordinary life, and this too has been cultivated with but moderate attention. Your experience and virtues, joined to such accomplishments, qualify you eminently to give advice to your King, to preside over the finances of your country, or to serve the Public in other departments of the first importance: *his* indolent and unvaried life has left his mind unfurnished with knowledge; his



faculties for want of exercise are feeble and torpid, and the consciousness of an useless existence has weakened every sentiment of virtue within him. If there be a Law (of Honour be it called, or by any other name) which would oblige you to stake your life against the life of such a man, under an idea of your being upon a footing of equality with him; is there any propriety discernible in such a Law? Does it appear to have been dictated with any regard to the Peace of Society; to that Order and Harmony which are essential to its prosperity?

We might have made the Inequality much greater, without transgressing the bounds of probability. For we might have supposed your antagonist abandoned in his Principles, and disgraced with every Vice which does not exclude a person from the society of gentlemen. But we have refrained from making such a supposition, because it was by no means necessary to our conclusion.

Force is the last appeal of Sovereign Princes, who acknowledge no superiour upon earth. He who takes upon him to decide his private quarrels by private Force, puts himself in the place of an independent Sovereign. To be consistent, he ought to resign the privileges which he enjoys by his dependent state in Society. If all should effectually resign them, who claim the privilege of settling their disputes by the sword or pistol, we should have a crowd of independent Sovereigns, without subjects indeed, and moreover in want of



what are usually reckoned the mere necessities of life. But where must they exist? Having given up all claim to protection from the civil Power, and declared themselves openly in favour of Force, they could no longer remain in the civilized parts of the world, with safety to themselves or others. They must retire to the woods and uncultivated mountains: where, as Sovereigns, they might command their own actions; as Gentlemen, they might live free from the ignominious tyranny of Laws; and, as Savages, they might range in the deserts for their daily food, till they should die a *natural* death; *natural* in their situation, whether it were by famine, by wild beasts, or by the hands of each other.

If a man wish to be a member of Society, let him accept the advantages of that dependent state: but he must conform also to its regulations. If he wish rather to be an independent unconnected Being, let him renounce at once the benefits of Society, and boldly rest his protection and his happiness on his own single arm. But let him not imagine that any Community can be willing to afford him at the same time the privileges of the social state and the independent one. And, though *in practice* he should find them in some degree reconcileable, he is not thence to conclude that the Community of which he is a member gives a *tâcit* approbation to his conduct. He needs only to reflect that the Vices of the many, seconded by the general Imperfection of human affairs, are able, in opposition to the Virtues of the few and the best Laws (hitherto formed), to



establish customs which cannot have our approbation, and which *in theory* are totally incompatible with the regulations of social life.

The question, in short, is this; whether the advantages (whatever they may be), arising from the practice of Duelling, are greater than those resulting from Society. If they be, no objection remains, from *this* topic, to the full establishment of that practice. Let it descend to all ranks of men, and take place in the decision of all rights and the reparation of all injuries. But if not, let it be abolished wholly and without exception; not merely on account of the partial Mischief experienced from that degree of it which actually prevails, but also as it involves Principles destructive of all good Order and even of all Society.

### PART III.

*Duelling considered with reference to Courage.*

**C**OURAGE is a power of the mind which supports us under a sense of Danger. When it is spoken of as a Virtue, it means that power exerted in such a manner as to merit Approbation. But it is frequently spoken of more largely, so as to denote that power exerted in any manner whatsoever, or even without exertion, conceived as latent and habitual in the mind.

It merits Approbation when it enables us to encounter a smaller immediate Danger, in order to avoid a greater which is at some distance : as in facing a wild beast which there is a greater probability of terrifying by an undaunted behaviour, than of escaping by flight ; or, in opposing a body of pirates in their attempt to land upon the coast, who, if not repelled by a timely opposition, would soon render themselves more formidable. There are also other causes for meeting danger, besides the purpose of avoiding greater danger in future, which will stamp a Merit upon our Courage. Instances of a more exalted kind, are, when we voluntarily expose ourselves in order to protect the innocent, to relieve a friend, to serve our country.

But in many cases it merits no Approbation,



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evidently culpable. And as for its *Acquisition*, he has no reason to expect from us any favourable conjectures on that head: so much of his Courage as is not simply natural disposition, has probably been acquired without the exercise of much Virtue.

The exposing of ourselves to Danger, therefore, is not always, and of itself, laudable. Much less will Courage render the whole of an action laudable, or even justify it as admissible, by being one amongst a number of motives which impel a man to it. To fight a Duel requires undoubtedly a degree of Courage,—in *one* sense of the word; and Courage, in another sense of the word, is certainly a Virtue: but we must not confound these two senses. Before the action of fighting a Duel can be approved or admitted, the Duellist must shew us that at least there is nothing wrong or forbidden in it; before we allow his Courage to be a Virtue, he must convince us that it is employed to a good purpose.

“But is there no such thing as an erroneous  
“Virtue? If some Error mixes itself with my  
“generosity, my compassion, or the exercise of  
“a civil authority committed to me, am I there-  
“fore not generous or compassionate? Have I *no*  
“merit as a supporter of justice and public peace?”  
No doubt, you may claim a degree of praise, as consistent with the mixture of Error. But, if it be on this ground that you defend the Courage which is exerted in a Duel, the dispute between us quickly comes to an issue. You acknowledge your Error: but your excuse, howsoever



good for what is past, cannot stand as a plea for transgressing in future. Nor can it avail any persons except those whose judgment, like your own, has been misled; and that only till they have an opportunity of discovering their mistake.

There are some actions of such a nature, that they require a degree of Courage in the execution, and consequently the declining of them may proceed from Cowardice; but nevertheless the fact *may* be that it proceeds (in this or that instance) from Courage, and of an elevated kind. A number of riotous persons, bent on some unlawful purpose, meet a couple of passengers, and desire their assistance in the execution of the projected mischief. One of the passengers, aware of no danger besides that which attends the prosecution of this unlawful design, dares not engage in it, but declines through Cowardice. His companion is sensible of another danger, which is immediate and perhaps greater, from the fury of the crowd, if he refuse to comply; and yet, under a sense of his Duty, he has the Courage to refuse. They act alike in the refusing; but one of them is a Coward, the other a Hero. The rioters proceed to threats and violence: the Coward is seized, and, being now made sensible of his immediate danger from the multitude, is impelled by the greater fear; — is impelled by his Cowardice to the commission of those crimes which he had not Courage to undertake.

There is another instance in Suicide. It requires some Courage without doubt, at least in most situations, for a man to destroy himself. It



may happen therefore that he is restrained from it by nothing better than fear and cowardice. On the contrary it may be, that, although he expects in the remaining part of his life misery worse than many deaths, he shall yet have the Courage to await that misery rather than in such a manner make his escape from it.

Thus it is in Duelling. One man has no scruples, or is ready to suppress every scruple that rises, about sending or accepting a Challenge : he even wishes to do one or the other, for the sake of his reputation or reception in the world ; but he has not the Courage to fight. Another has not only the Courage requisite for fighting, but, if no other objection appeared than the mere Danger to himself of losing his life or suffering pain from a wound, would prefer it without hesitation to the consequences of refusing a challenge ; and yet, from a full conviction of the absurdity and guilt of Duels, he has the Courage to refuse. He is fully aware of difficulties into which his conduct may bring him : he may be exposed to the Insults of persons whom fear alone usually restrains from offering insults, and (what affects him more sensibly) the Contempt of others whose good opinion he values, though he is satisfied that their judgment in this point is erroneous. He dreads as strongly as any man the keen reproach of Cowardice ; but, conscious that it will be unmerited, and aware that he cannot avoid it otherwise than by the commission of what he esteems a Crime, he derives hence an invincible Courage ; which enables him to encounter even *this* danger, though to his eye it



appears more formidable than the arms of a battalion levelled at his breast.

If this then is evident, that Courage *may* be a man's principle in refusing a challenge, it is plain that Cowardice *may* be his motive in sending or accepting one. Therefore he who concludes that by fighting a Duel he shall be certain to wipe off or prevent an imputation of Cowardice, makes a conclusion which we cannot grant him. If we know or have reason to believe, that, in fighting, he acts under a conviction of guilt, or merely without a sufficient persuasion of a freedom from it; it is natural to inquire what may be the motive which thus overcomes his sense of right and wrong. If this should be discovered to be the fear of disgrace (which is probably one of the most common motives), he is so far from having evinced his claim to Courage, by the action in which he has engaged for that purpose, that this very action proves him deficient in Courage: for it proves that he has not *dared* to assert his natural right of acting agreeably to the persuasion of his own mind, but has suffered himself to be driven by *Fear* into the commission of what he disapproves.

The Duellist may urge, that contempt and insult and derision form a most severe trial to the feelings; that, to arm a man against these there is required a degree of *passive* Courage, of Courage unaided by the stimulus of present emotion, greater than can be expected in ordinary minds; but that *every* man should be expected to possess the Courage requisite for fighting a Duel when he is called upon. We may allow him to plead this



as an *Extenuation* of his blame: for such is every Difficulty attending the practice of virtue. But, at the same time, it confirms what has just been advanced; as it is a confession that his Courage is only of an inferiour kind, and must yield the palm to that Fortitude which enables a man, fearless of all consequences, to brave the terrors of unmerited reproach and infamy.

This is not a fortitude merely in Idea. There have been many instances of men who have suffered an affront to pass or declined a challenge, who have yet been men of undoubted Courage. We need not insist upon the practice of the Ancients, who found it unnecessary to admit the common usage of private Duels: much less have we occasion to rest upon a few particular instances of refusal amongst them; such as by Augustus Cæsar, who (before he was Emperor of Rome) was twice challenged to single combat by Mark Antony\*. There have not been wanting instances in modern times; which are more to the purpose, because in direct opposition to a prevalent Custom. For these, we must refer every one to his own memory and the ordinary channels of information. But it may be worth remarking, that, in the beginning of the seventeenth century, when Duelling was at its height in France as well as England, the Duke de Sully, prime minister of France, who, though best known in that capacity, had also signalized himself by his military valour, was not afraid to oppose in the most open manner

\* See Plutarch's Life of Antony; before the fight of Actium, and afterwards in Egypt.



the prevalence of that sanguinary practice: which he did both by addressing himself particularly to individuals \*, and by procuring edicts † from the throne.

The Courage required for fighting a Duel, when a person is prompted by Revenge or some other motives, is of so low a kind, that a surprize may justly be excited on observing a peculiarly solicitous attention to preserve the reputation of it. Personal Bravery strikes the vulgar apprehension, and captivates the judgment of the thoughtless; but, with men of reflexion and experience, it never gives the idea of elevated merit to a character in which it is the distinguishing quality, overpowering or obscuring all others. That it is common, is evident from the Dangers so frequently encountered by men taken from the ordinary occupations of life, and from the lowest of the people; men who cannot be supposed to act under the influence of a nice sense of Honour. Such are the private soldiers of an army.

There is no difficulty in finding men qualified, in *this* respect, to fill the most eminent and perilous situations. But when that cool, uniform, persevering Fortitude is required, the exercise of which lies in surmounting a series of successive Difficulties; in stemming a torrent of Faction; in maintaining useful Discipline amongst inferiours; in bearing the tacit Sullenness or open Reproaches of friends and dependents, for whose good you are

\* See his Memoirs; for the year 1605.

† Ibid. for 1602, and 1609.

exerting yourself, but who are offended by some unfavourable appearance which the present circumstances forbid you to explain; or, lastly, in supporting an honourable conduct in public life, under the disadvantages of misconception, wilful misinterpretation, and party opposition:—when the Courage for these and the like actions is called for, a long search may be required before we meet with a person possessed of such a qualification. Kings have behaved in the most undaunted manner in the Field, who have shewn themselves pusillanimous in the Closet: abroad they have exposed their persons with the meanest of their subjects, though at home they have not dared to suppress the insolence of a favourite minister, or to bear up against the threats of a woman.

The inference is, that men ought not to value themselves so highly as they are apt to do, upon that Courage which a Duel can prove them to be possessed of; and that, in reality, a greater degree of comparative merit, than is usually allowed, is comprized in the Courage which discovers itself on those other more important and more noble occasions.



## PART IV.

*Duelling considered with reference to Magnanimity.*

FROM Courage we rise a step higher to Magnanimity. There are many persons, in the world, who have the Strength of mind to encounter danger; there are but few who have the Greatness of mind to despise it; — to look down with contempt upon the terrors of life as well as its allurements.

The display of this Greatness is principally seen in those situations which are the most interesting; where life itself is hazarded, or the highest concerns of life are in agitation. Thus, in a Duel, there is frequently room for the exercise of this and other qualities which have an affinity with it; Generosity, a punctilious Fairness in observing the rules of combat, and a Tenderness over a vanquished and wounded enemy. These have been eminently displayed, in some instances\* of Duels; and, in the narration, they carry us back for a moment to the times of romantic chivalry, when every good quality of the human heart was supposed to be connected with military prowess.

But we must not suffer ourselves to be led away by a few enchanting ideas, into any such conclusions as the following: that what has given an

\* Various *Courtesies* are related by Brantôme, as having taken place in particular Duels. Page 133 &c; of 331, which make the volume.



opportunity to some men for exercising those great and noble qualities, will argue the same to exist in all who have the same opportunity ; or that the very persons who have shewed in a Duel that they are possessed of such virtues, are, by the exertion of them, justified in the action itself of fighting ; or lastly, that, *because* they have fought, they are *therefore* to be accounted magnanimous, punctilious in every nicety of fair conduct, generous, and tender-hearted. If conclusions like these be admitted, we shall find no difficulty in justifying the lawless invaders of the most sacred rights, or in proving the perpetrators of the blackest crimes to be, *as such*, in the number of amiable and respectable characters.

The question then of the Right or Wrong of Duelling is left wholly undecided, whilst we allow that great and heroic qualities have sometimes been displayed by the combatants ; either in the previous circumstances, in the combat itself, or in the behaviour immediately subsequent. Which gives us full liberty to inquire a little more particularly into the nature of Magnanimity ; in order to see how far it can be conceived to enter into the action of fighting a Duel.

Magnanimity is seen in overlooking some things, as trifles, which affect many persons as evils deserving their serious regard. Whether they proceed from accident, from the inattention of the careless, from the rude impertinence of an inferiour, or the mean pride of a superiour, the great Mind looks down upon them with a cool neglect which disarms them of all power to hurt him. We would



not be understood to recommend a total Insensibility, where a design to offend is manifest: but there are certainly many things, appearing to indicate offensive design, which a manly and noble spirit will chuse to pass by as unobserved. Sometimes what has the Appearance of an intended affront, is in reality purely accidental; at other times the action is owing to nothing worse than inadvertence; and, even where Design does exist, there may be some alleviation from the heat of passion, from misapprehension, or wrong information. Nay, where none of these can be urged in excuse, still the offence seems often accompanied by so low a degree of bad Intention, so little of Virulence, that, if the offended person could but look into the offender's breast without the intervention of any deceitful medium, he would be surprized to find how small is the object which has formed so large a picture upon his imagination. Now the Greatness of mind, which we are contemplating, has the property of enabling a man to enter simply and with ease into the feelings and passions of others, without discovering any thing worse in those passions when directed against himself than when directed against an indifferent person. By his enlarged conception he comprehends the whole of Mankind in one view, and sees himself only as a single Individual among that vast multitude.

How will the captious and quarrelsome bear the test of a comparison with this character? Does any one pride himself upon the maxim, of never putting up an affront? It is not the maxim of a great Mind. What is a single person, that he must



require all others in every situation, in the eagerness of business, in the career of pleasure, in the absent moment of distracting care, in the dejected season of grief and melancholy, to be always so guarded and so attentive to *him*, as to be guilty of nothing which can be construed into an affront? A transgression of Etiquette, a haughty Look, a particular Emphasis in pronouncing words otherwise harmless, are offences against the ludicrous majesty of a self-important Being, such as cannot be passed over unnoticed. They must either be immediately expiated with blood; or, if some of the slightest kind are not judged to require so severe an atonement, they are at least carefully registered in the memory; that, if further occasion offer, they may be brought to account\*. And when a person has been so unhappy as to irritate a captious man, by a number of these minute offences which are scarcely capable of being estimated or described; it is sometimes thought necessary, by the offended person, to put a direct and unequivocal affront upon the original offender, for the mere purpose of bringing matters to extremities.

Where is the Magnanimity of all this minute-

\* Lord Bacon says "Nay, I hear there be some counsel learned of duels, that tell young men when they are before-hand, and when they are otherwise, and thereby incense and incite them to the duel, and make an art of it." State Trials, by Mr. Hargrave; XI. 114. Brantôme's volume on Duels abounds with passages which accord with this idea, of making an art of Duelling: and he concludes it with a hope of writing further upon the subject,



ness and precision, in exacting what is thought to be due? Though we should allow that a man does not exact more than is due to him in strictness; yet, to act upon such a system, is to forget the universal Imperfection of every thing human, and to set up *Self* as an object to which the world is required to pay an attention greater than it pays, or can be expected to pay, to the generality of individuals.

But let us now imagine a great and substantial Injury offered; such that no man can be supposed insensible of it without a reproach upon his feelings, and such as both the safety of the Individual and the good of the Public require to be punished, in order to prevent a repetition of it. That Duelling is totally improper as the means of Reparation or Punishment, with respect both to the Individual and the Public, we have attempted to shew in the first and second Parts of this Dissertation. Therefore the only inquiry here is, how far it is agreeable to true Greatness of mind, to fight a Duel from the mere impulse of Resentment, distinct from all rational views of reparation or an equitable and useful punishment.

Resentment, thus separated from every good motive, is no other than the mere spirit of *Revenge*: which is intirely the vice of a little mind, and a direct contrast to that generosity of sympathy which prompts us to rejoice in the happiness of others, and to weep over their distress. Revenge may suit the confined and abject notions of a Savage, who lives in a state of perpetual war with men and

brutes, and whose highest ideas of happiness and glory rise not higher than to victory over an enemy. But a civilized Education teaches men, with the absurd exception only of those cases in which the reputed point of Honour is concerned, to suppress every indication of this passion, to lay aside all ferocity of manners, to shew a forwardness in conferring favours, and an abhorrence of committing an injury ; nay even to express a constant Attention to the interests and the feelings of others, studious at the same time to moderate the appearance of anxiety about their own. And it is astonishing to see men, who in their ordinary behaviour demonstrate a great and generous turn of mind, recurring suddenly, for a single purpose, for a single action, to the mean and contemptible principles of the untutored Barbarian.



## PART V.

*Duelling considered with reference to Virtue in general.*

### SECT. 1.

*Mutual Interference of different Virtues.*

**F**REQUENTLY different Virtues counteract each other in their operation. Generosity to a person in distress, opposes itself to the provident care which you owe to your family. Time employed upon one good purpose, is taken from another: you cannot, in most instances, give yourself up, at the same time, to the service of your Friend and your Country. The regularity of martial, of parental, of scholastic Discipline, cannot always be maintained without stifling some emotions which arise from the social and natural affections.

In all these cases, the nearest approach to perfection which the most virtuous character can make, is, after weighing the contending Virtues in a just balance, to act agreeably to the preponderance. Or, if the idea of *contending Virtues*, the bare supposition of *any* Virtue being obliged to give way, should be offensive; we may say, that, where any two Actions (or Principles of action) interfere, each of which is virtuous separately taken, the one which upon the whole is better

omitted, ceases to be a Virtue. Whether we speak of *Virtues* counteracting each other, or of Actions separately virtuous, but one of them ceasing to be such by their Interference ;——in which of these two ways we shall express ourselves, seems rather a matter of verbal propriety than the foundation of a distinction essential to the discussion before us : for which reason, we shall not insist upon the one or the other of them.

Let it be allowed for the present, notwithstanding what has been already advanced, that the Virtue of Courage shines in its full lustre in a Duel, and that there is even a degree of Magnanimity implied in it : still there is a regard due to other Virtues. Although you rank, in Courage, with the greatest hero of antiquity, or the most renowned knight of romance ; yet, if you indulge this Virtue at the expence of justice, humanity, compassion, benevolence, a regard for the peace of society and the laws of your country, you act like the prince who overlooks all his subjects except a single favourite ; and, because he knows that favourite to have *some* merit, thinks he cannot value or reward his merit too highly, though to the injury of many worthy competitors.

Is it nothing to allege, to the ardour of that Courage which impels you into the field, that the offence you have received is so slight as cannot, without affront to every principle of justice and equity, be punished with Death ? Though you should have been more grievously offended, may you not plead with this impetuous Virtue, that the



act to which it prompts you is forbidden by all Laws divine and human, except a peculiar code which has obtained as its title, *Laws of Honour*? Might you not, without offence to this arrogant favourite, urge that you are a *Man*; and, as a *Man*, that you cannot divest yourself of the feelings of humanity for an amiable *Woman* and a family of tender Infants, the wife and children of your Friend, of whose happiness within his domestic circle but yesterday you were both a witness and a partaker, and whom to-morrow (at the instigation of this favourite) you purpose to send to his grave, followed by a desolate *Widow* and helpless *Orphans*?

Should this domineering principle stimulate you to decide by combat a point of *Rivalship* in love, might you not suggest, that it would be a higher mark of respect to the *Object* of that love, to rest the decision upon her *Choice*; and that by a victory you could demonstrate only such qualities, that she who should make her choice from them alone, to the intire exclusion of all others, would not be an object worthy of your pursuit?

A kind of *Gradation* is observable among the different *Virtues*. Those which raise us but little above the excellence of *Brutes*, or bear a strong resemblance to qualities of which they are found to be possessed, appear naturally in a lower rank than those which exalt man into some similitude to *Beings* of a superiour order. And even *Virtues* which pass under one and the same name, will yet, as exerted on different objects and in different

situations, belong to different heights in the scale of excellence.

The Generosity which always gives money to the first object that presents itself, without regard to proportions or circumstances, cannot be placed on a level with that public virtue which, like a superintending Providence (as far as its knowledge reaches), has an eye in every action to the good of all. Courage, in general, is naturally inferiour to a humane and benevolent disposition; and *that* Courage, in particular, which is but just sufficient, when aided by resentment and a sense of reputation, to carry men forward against the danger of a sword or pistol, is, beyond comparison, inferiour to that divine Magnanimity which can forgive an injury, which keeps a man cool and collected whilst his adversary is in a rage of disappointment with being unable to provoke him, and which is so free from all mean resentment against that adversary as to admit a sentiment of pity in his behalf.

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## SECT. 2.

### *Change of reputed Virtues.*

IN this Section we will assume, though contrary to fact, that Duels are universally, or commonly, approved in the present age; that, on certain occasions, it is accounted not only allowable, but commendable and necessary, to fight; in short, that Duelling is a *reputed Virtue*.



Virtue ought always to be honoured and esteemed. This is certain. But, that an action at present esteemed and honoured as virtuous, must be accounted virtuous in future ages, or that it deserves to be so accounted, is an erroneous conclusion. In one age and nation an action has been approved as a virtue, which in another nation or age has been barely permitted as indifferent, or else condemned as a Vice. And, in whatsoever country we live, we may be allowed to *presume* that there are some actions, approved in it, which do not merit approbation.

The practice of exposing Infants, an ancient practice in Europe, a modern one in China, appointed by law in Sparta, in other states permitted, is, in the very idea, shocking to the feelings of an European parent in our own times. In Athens it was lawful to marry a Sister (by the father's side) : in our own age and nation this would be disapproved, not simply, as a thing forbidden, but with vehemence, as unnatural. The horrid crime of Suicide was approved by the ancient Romans : they even exalted it into a point of Honour.

After the same manner, Duelling, in the degree, and in many of the cases, in which it was fashionable, a century and a half or two centuries ago, is now become ridiculous in the eyes of all. The fictitious character of colonel Bath, as described by Fielding in his *Amelia*, appears totally extravagant : yet the principal features of it are to be discerned in a real character ; that of the first Lord Herbert of Chirbury \*, in the reign of James

\* See his Life, written by himself.



the first. Lord Herbert was a man of merit and abilities ; he discharged with great credit the office of ambassador to France ; his reputation as an author too, has been very considerable. Yet his conduct in every thing which was judged to affect the point of Honour, was carried to an excess of captious refinement. Which shews evidently that the maxims of Duellists in that age were much more extravagant than in the present.

The notions of the French, in the same age, may be gathered from a single expression of Lord Herbert's, in his own Life ; where, speaking of the French, he says \*, “ there being scarce any man “ thought worth the looking on, that had not killed some other in duell”. In addition to this, we may mention the embassy which, in the year 1621, the Duke de Luines, constable of France, caused to be sent to England ; when he resented an affront from Lord Herbert, who as ambassador to France had negotiated with him. The duke's brother was sent ambassador extraordinary, with a train of officers ; of whom, so it was signified to King James, there was not one who had not killed his man †. Would it be thought decent, in the present age, to send such an embassy, and to declare thus publicly the reason for which those particular persons had been pitched upon to attend an ambassador ?

The pleasure with which Brantôme appears to have written, upon the various instances given by him of Duels, both public and private, has found

\* Page 63, 4to Edit. of 1770. The whole is 173 pages.

† Biographical Dictionary, Edit. of 1761, 1762 ; 8vo vol. VI. p. 370 ; under HERBERT, Lord Herbert of Cherbury,



(we trust), or could have found, very little sympathy in English readers two hundred years afterwards, about the end of the eighteenth century. It is not the language of a mind humanized by education, even the ordinary education diffused through Great Britain, to say, with him, of the sanguinary fight of six persons in 1578, mentioned before \*, “ This combat † was very fine”. What civilized breast could entertain the satisfaction he expresses in the mutual infliction of wounds ‡? Two soldiers “ fought § and wounded well each the other”. He says the same of two other soldiers; who were bent upon mutual mischief, instead of reserving themselves to act against the common enemy: and, in compliment to their having escaped, for this purpose, from the command of a General who had forbidden their fighting, he adds; “ spirited contrivance || certainly, and gallant courage also of these two gallant men.” A mixture of ridicule and horror is excited, by the respect and attention with which he speaks of duellist writers, good duellist doctors or teachers, refined duellists, gallant discoursers on combats, duellist laws, punctilios, theories, practices, and the like ¶.

\* Page 87.

† “ Ce combat fut tres-beau”. Brant. p. 100.

‡ The number of those who can witness with pleasure the wounds and mutilations of the present bruising-matches, is, we hope, too small to afford any important objection to what is here said. 1811.

§ “ se battirent & se blessèrent fort bien tous deux.” p. 227.

|| “ Brave invention certes, & brave courage aussi de ces deux braves gens.” p. 175.

¶ “ les Escrivains Duellistes”, p. 95; “ Docteurs Duellistes.”



The preceding observations furnish matter for reflexion. If some actions, which have been formerly approved or permitted, are now held to be criminal, disgraceful, or absurd, the like Change may take place in other actions, unless we are to suppose the present age perfect in its theory of morals. The approved custom of Duelling (for in this Section it is assumed to be an *approved* custom) may in a future age be looked upon as so criminal, that no person, appearing to be guilty of it, shall have a hope of evading the regular punishment prescribed by law; and so disgraceful, that, where a legal punishment fails for want of Proof, a strong Suspicion of having fought a Duel shall be sufficient to exclude a man from all reputable company. If the absurd maxims of Duelling, which about the end of the sixteenth century met with a serious approbation, would make the person ridiculous who should adopt them towards the close of the eighteenth; why may not the remaining absurd or pernicious maxims of the eighteenth also be exploded in the nineteenth or twentieth century, and every species of Murder meet with impartial punishment and unsoftened infamy?

It is the business of every man, but particularly of men distinguished by rank, abilities, character, and accomplishments, to forward the improvement of the world in Morals, by opposing the false

listes". Ib. and p. 219; "de bons Docteurs duellistes", p. 196; "les bien raffinez & entendus Duellistes", p. 172; "braves discoureurs des combats", p. 141; "loix duellistes", p. 107; "leurs pointilles", "les theoriques & pratiques", p. 179.



Virtues which have unjustly obtained a sanction from Custom. In the early periods of the English history, we read of private hostilities perpetually carried on between the barons, aided on each side by their vassals. Acts of Violence were every day committed, and with Credit to the perpetrators, which would *now* consign them unpitied to the ignominy of a halter. Among those Virtues (once in our island reputed such), robbery, murder, insulting cruelty, violation of women, burning of houses, and wasting of lands, it is remarkable that the only one which maintains its credit at this day, is Murder; — and this only according to certain prescribed rules. It would be a glory to the present age, to prevent the disgrace which must be cast upon it when its murderous maxims shall be exploded by posterity; — to strike out instantly this one more crime from the list of Virtues falsely so reputed, and thus to advance us one step higher towards a perfection in Morals.

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## SECT. 3.

*The Principles of Virtue, undermined.*

A PERSON who thinks it necessary to fight upon such occasions as are commonly made the subject of a Duel, must never intirely lose sight of the possibility of being drawn into a situation, in which he cannot (according to his own ideas) avoid fighting. There is scarcely any intercourse



between man and man, so simple or so trifling, as not to be capable, through accident or misapprehension, of laying the foundation of a quarrel. The unremitting Attention which is to be paid on this account to every article of behaviour, will at least be the cause of a settled habitual Principle, or System of Principles, in the mind.

The question is, whether this Principle, this Habit, will be useful or hurtful; whether it will have a desirable or a pernicious Effect upon a man's conduct. Is it not desirable, you may say, that men should pay a constant regard to each other, and avoid every degree of offensive behaviour? And what is so likely to produce this effect as the being scrupulously careful to give no offence, and being always prepared to repress every tendency of that kind in others? This might perhaps be answered by saying, that, if the Principles of the Duellist contribute in some cases to the peace and harmony of the world, by intirely preventing offence from being given, yet in other cases they have a contrary effect, by magnifying an offence already given, and by teaching a person not to recede from any pretensions, for fear of an imputation upon his Courage. Perhaps this answer might be sufficient: but we are able to give one of a more comprehensive nature.

It is not peculiar to the Principles of the Duellist, to teach a peaceable behaviour in society. The same is taught by the Principles of Virtue; whether as received from Revelation, or as traced more minutely in the additional and attentive search, into the particulars of our Duty, which



appears to be required at our hands by our great moral Governor. Here then are two Systems of principles: the one springing from the allowance of Duelling, as an universal security for correct conduct; the other flowing from a just and extensive sense of Virtue or Duty. The two Systems are at present viewed as tending in common to an end confessedly good. If they do not coincide, the question becomes, to which of them we must adhere. For there would be an absurdity in attempting to follow the one on this occasion, the other on that: which would be, either to act upon no Principle at all, or to fly to some third System, in order to know in every particular case which of the two we should make use of, and thus in effect to discard them both.

That these two Systems do not coincide throughout, but on the contrary differ widely in points of the first consequence, is sufficiently evident (it is hoped) from that examination, of the principles of the Duellist, which has been made by referring them successively to the ideas of Equity, of good Order in Society, of Courage, of Magnanimity. Which then of the two Systems will you take for your guide? There is but one answer to be given by him who has not the courage to renounce all virtuous principles collectively. If this you dare not do, you must reject at once the whole System of principles which the Duellist has substituted in the place of genuine Virtue, and not attempt to reconcile incompatible theories.

Should you resolutely adhere to the party of the Duellist, we might be tempted, in an obvious

course of reasoning, to pronounce you void of every Principle truly and purely virtuous. But our daily experience of human nature will not warrant such a strictness of conclusion. Man is full of inconsistencies. If he adopt a virtuous plan of action, we see him repeatedly drawn from it by his passions; and if he receive an erroneous plan, he has not strength and consistence to follow always the errors of his Judgment, but is often biassed by secret good Habits, and surprized into the commission of virtuous actions which his theory had scorned or reprobated.

But this however we may venture to affirm; that the System which you have embraced (besides leading you, perhaps, immediately into a crime most heinous) will take off your attention from the pure maxims of Virtue, will accustom you to see in a favourable light a conduct which you ought to regard as criminal, and will thereby undermine in you those Principles by which you ought to regulate every action of your life.



## P A R T VI.

*Duelling considered with reference to Honour.*

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## S E C T. 1.

*General Idea of Honour.*

THE Foundation of all the senses in which the word *Honour* is used, seems to be Reputation, or Opinion. In some of its acceptations, this is more evident; in others, less. Honour has been distinguished \* (and, as it seems, with good reason) into a Motive or Principle of action, and an End or Reward. Where it is spoken of as a Reward, there is not, in general, any difficulty in the conception. The Honour or Fame conferred directly upon any particular Merit, is an idea sufficiently familiar to all. Sometimes however the Reward is so separated from the Merit which has deserved it, that there is a difficulty in tracing the connexion between them. And again, the *Motive* is sometimes spoken of in so abstract a manner, as seated in the breast of him whom it incites to action, that one does not immediately perceive what reference it has to Reputation or Opinion.

With regard to that case in which the Reward is so far separated from the Merit, and which may

\* Adventurer, No. 61.



be instanced in the Honour annexed to rank, family, and office ; though it seems capable of being explained under the idea of a *Reward*, as referred to the Merit of the Ancestor who acquired the rank, or elevated the family, or as due to the qualifications which are always in theory supposed, and often in fact found, in the person who fills an office ; yet, since it seems not immediately relative to our subject, we pass it by without being more particular.

But, how it is to be understood that Honour as a *Principle* is always founded in reputation or opinion, is a point which it seems not impertinent to consider with some attention. A nice sense of Honour is sometimes mentioned as synonymous to a refined sense of Virtue : and men are represented as performing noble and worthy actions from this sense of Honour, where the eye of the world cannot observe them, and where not even a single friend can be admitted as a spectator. This is a noble Principle ; but it is to be distinguished from a sense of Virtue or Duty, and may be traced up to the fountain of Opinion or Reputation.

A nice sense of Virtue is that by which we make ready and accurate distinctions between what is virtuous and what is vicious : but this is not to be confounded with the *Motive* which impels us to pursue the Virtue or avoid the Vice. This Motive is in one person the Hope of reward or Fear of punishment in this life ; in another, it is the like hope or fear respecting a future life ; in a third it is Benevolence joined to a persuasion that what he does will contribute to the Good of mankind ; and



(not to attempt a complete enumeration) in a fourth it is a regard to his Character in the world.

The Influence of these Motives does not, in every single instance, proceed from a distinct view of the reward or punishment, from an immediate contemplation of the good which may be hoped for, or of the effect which a man's conduct is likely to have upon his character. Attention to such points in particular cases, by frequent repetition, produces an habitual Principle, a Sensibility, which becomes a new faculty in the mind. And such seems to be the Origin of a sense of Honour. A person sees an action to be virtuous or vicious : from a regard to his Reputation, he accordingly determines to perform or forbear it. As often as it occurs, he forms the same determination : till he acquires, by degrees, an habitual Sensibility ; which, without waiting for the Judgment, and sometimes without observing whether there be any Spectators to approve or condemn, impels him immediately to whatever is virtuous, as something reputable, and restrains him from whatever is vicious, as something disgraceful.

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## SECT. 2.

### *Laws of Honour.*

**D**ID a Sense of Honour never operate otherwise than in strict conformity with the general idea of it just now explained, it would appear in



no other light than as an auxiliary Principle, engaged together with other Powers, in the cause of Virtue. Had it always enforced the rules of Virtue, we should never have heard of the *Laws of Honour*. The expression itself would have had no use ; if Honour had enacted nothing new, but only added a sanction to what was already prescribed.

But, unhappily, the Approbation of mankind is frequently divided : what one person approves, another disapproves. Hence it is evident, that, if you would guide yourself by the opinion of others, you must first determine *who* they shall be whose opinion you will follow :——the voice of the World is nothing, till it is known who are to be considered as constituting the *World*. If the persons, whom you select under that title, approve a number of Vices and condemn some Virtues ; by your choice you profess obedience to Laws which, not coinciding with those of any other known code, require a distinct appellation. They may with propriety be called, *Laws of Honour* ; not because they prescribe actions which your sense of Honour, if duly regulated, would prompt you to ; but because the sense of Honour, such as it exists in you, *does* prompt you to the actions which those Laws prescribe.

It is easy to perceive that the Laws of Honour, thus constituted, may differ widely from the rules of Virtue, by the wrong Approbations which must arise from error in opinion and the bias of passion. And we ought likewise to bear in mind, that sometimes the approbation is probably in appearance



rather than reality : — that marks of Honour are bestowed upon what we must believe to be inwardly condemned, by persons who will affect also to treat contemptuously what their secret judgment will be supposed to approve. Their *external* Approbation (if we may be allowed the expression) goes beyond the real sentiments of their hearts, towards the side of Vice ; and makes the Laws of Honour to differ more widely from the Rules of Virtue.

If these ideas of the Laws of Honour be just, there will be no wonder that different and contradictory Laws of Honour have prevailed, in different ages and countries. What is called *fashionable*, in customs and manners, has found its way amongst opinions : and there are fashionable opinions (both merely speculative, and also such as have an immediate effect upon action) which spring up, flourish, and die away, like a particular shape of a garment, or the posture and motion made use of to denote respect.

In ancient Rome, a Blow brought no infamy upon the person receiving it : no Law of Honour obliged him to revenge it by the death of him who had inflicted it. A modern European Gentleman resents a Blow, not for the pain which it gives him, nor to prevent the disorders in society which would follow from such violence being suffered to go unpunished, but because a Blow *dishonours* him. When the judicial Combat was in use, it was a point of Honour and the distinction of a Gentleman, to fight on horseback and covered with complete armour ; at present it is no disgrace, in



a Duel, to persons of the highest rank, to be on foot; and defensive armour is totally set aside by the Laws of Honour.

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### S E C T. 3.

*Disputes settled by amicable Explanation between the Parties.*

**T**O settle a Dispute by the laws of Honour, is an expression frequently made use of, to signify the putting an end to a quarrel by fighting a Duel: which, in reality, is to pass over the matter in dispute, and to pursue an expedient tending to shew a degree of Courage in both parties, but leaving the merits of the cause undecided. A man of nice feelings, and whose sense of Honour is not perverted by a weak compliance with the errors of the world, cannot satisfy himself with this method of ending a dispute. If any part of his conduct has had an unfavourable appearance, he is anxious to remove that appearance; and is fully sensible that his courage, and his dexterity in the use of a weapon, cannot evince, to unprejudiced and thinking men, the rectitude of his conduct. Though he may have courage to brave every danger, and even so much ambition of shewing his courage as to be glad of an honourable opportunity of doing it, yet his strong sense of Honour cannot be satisfied with offering a proof of that single Virtue as a proof of his innocence in every point in which he may be accused. Artifice is beneath



him: he cannot stoop to such an attempt, as that of diverting the attention of the world, by the ostentatious exhibition of one popular Virtue, from an inspection into other points of his conduct; but is convinced, that, for clearing his Honour, there is no other possible way than that of appealing to the *Judgment* of those who survey his actions.

An appeal then to the Judgment of others (instead of an appeal to the sword or pistol) is, singly taken, far from being evidence of Cowardice: and nothing can give it that effect, whether to a greater or less degree of probability, except some ground of conclusion, equally probable, that he who makes the appeal acts from no better motive. What, then, should prevent a man, who has imbibed correct principles of Honour, from attempting to satisfy the mind of his adversary or himself by *conviction*? As we prosecute an inquiry into the modes of doing this, we shall see with more minuteness of proof, that he may do it in perfect consistence with the nicest Honour, correctly understood; and that such method of proceeding is in truth more honourable, than a rigid determination to postpone the attempt to convince, till a Duel has taken place. We will examine, separately, two Modes of pursuing this rational, laudable, and honourable object. One is, an amicable Explanation between the two parties; the other, a Submission of the cause to some person or persons unprejudiced.

You conceive a person to have offended you. We will not suppose that either of you has the



courage, directly to decline a Duel ; but that, in other respects, both of you are actuated by the nicest sense of true Honour ; and that both are willing to try *first* what can be done towards an amicable termination of the affair, in the way of Explanation. The supposed offender gives you the most explicit account of his conduct : he removes, we may suppose, the clouds which hung over it, and sets it before you in full day-light, free from every spot of unfavourable appearance. *His* Honour of course is perfectly cleared : and your own sense of Honour prompts you without delay to make the most open declaration, that your suspicions are at an end. If you have erred so far as to publish your suspicions before you had candidly inquired into the foundation of them, the the same principle of Honour teaches you to correct that error, as far as lies in your power, by publishing also the change in your sentiments.

It may happen that some fact, necessary to the full explanation of this person's conduct, is such as cannot be revealed with propriety, or without doing an injury to some friend. If difficulty arise from a case of this nature, it will not so probably be owing to the nicety of true Honour on either side, as to the want of that mutual Confidence which a just sense of Honour, widely diffused and fully established in the world, would inspire. Suppose this Confidence ; and the difficulty is gone. The party giving the explanation reveals all that his Duty and his Honour permit : the party receiving it accepts a declaration that these forbid more.

But we need not dwell upon this particular case ;



in which a full disclosure of facts militates with some known obligation. For, even if such case were allowed to be any real difficulty in our theory, instances of it occur not so often as to make any substantial objection to general reasonings upon the subject. If the method of amicable Explanation were but as fully established by the laws of *fashionable Honour*, as it is consonant to those of *true Honour*, these instances would not be thought sufficient to form an exception to a general rule.

And, whatever may here be said in favour of amicable Explanation between the parties, it is hoped that nothing will be understood as any encouragement to the one party to interrogate further than he may be justified; or as any apology for the other, if, through a mere abject *Fear*, he should submit to answer. Where such fear is the Motive, the action proceeding from it is, in a moral view, totally different from the same action proceeding from a sense of Duty or of Honour. And, though it is perhaps for the general good, as well as a proper respect paid to the individual, to *presume* his Motive right and honourable, till the contrary shall appear; yet circumstances may be so strong as to shew, that he possesses no Honour which would retain him from sacrificing his adversary, if he were not checked by Fear from endangering himself. In circumstances like these, if a person submit to answer whatsoever is peremptorily demanded of him, he merits undoubtedly the contempt of every man of Honour. On the other hand, he who asks an Explanation, if he guide himself by a just sense of Honour, will

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accuser. The only Honour which either of you could have acquired, would be that which is due to mere personal Courage.

In the use of the judicial combats the conqueror acquired *something*: his conduct was cleared, or the accusation which he had brought was made good, by a supposed decision of Heaven in his favour. But, in the present use of Duels, it is equally honourable to kill and be killed: and, as it is impossible that both parties should be proved to be in the right, it follows of course that neither the one nor the other can receive any vindication whatsoever of his Honour, respecting the original ground of the dispute.

It is scarcely to be conceived that two persons, each of whom is led by his sense of Honour to presuppose, as far as appearances will permit, an honourable conduct in the other, and to give to the other every information in his power;—it is scarcely to be conceived that two such persons, conferring openly and amicably together, should not, in the generality of cases, arrive finally at some determinate state of the affair between them. On the present supposition, namely, that you have received a real offence, the result of the Explanation is this; that the other person appearing now in the light of an offender, and being actuated by a true principle of Honour, confesses freely his fault, and asks pardon of you whom he has offended. It is humiliating, no doubt, to a man of Honour, to find that his conduct has been in any degree culpable: but the most natural, the most effectual, and the most honourable way of removing



the humiliating sensation, is an ingenuous confession, attended by such a behaviour as may demonstrate the sincerity of it. And *your* sense of Honour, in return, will accept in the readiest and most ample manner this liberal submission of the offender.

Thus, whether it appear upon inquiry that the person has really offended you, or that you have unjustly suspected him, the affair is terminated not only without personal harm to either, and with Honour to both, but with *much greater* Honour than the Courage displayed in a Duel could possibly have conferred. Duelling therefore is so far from being necessary amongst men of Honour, that nothing more than a just sense of Honour is required to prevent it. You whom we have supposed to be actuated by that noble principle, and engaged in a quarrel with a person like yourself, have found no necessity of recurring to so indecisive an expedient.

Had you fought first, and afterwards explained ; what must have been the consequence ? If it had then appeared that your suspicions of your adversary were injurious, you had, to one injury, added a greater, by an attempt upon his life ; with no better apology than that you had been willing to expose your own life, rather than forego the opportunity of taking away his. If this apology be sufficient to constitute a man of Honour, the highwayman may claim the title : who exposes his life both to a pistol and a halter ; and that, without



intending an equal mischief to the person whom he attacks.

What Honour can be comprehended in so ridiculous a scene, as a combat entered upon with eager seriousness, on account of a supposed offence, and followed by an Explanation which makes it appear that the offence never existed? Had you both rushed into such a scene, blinded for a moment by the inflammatory power of resentment, how must you have been ashamed, when your clear discernment had been restored, to see that you had rashly deserted your principles of Honour, that the object of your dispute had been merely imaginary, and that nothing was wanting but your ordinary discernment, to have prevented the danger which you incurred, and to have saved the Honour which you forfeited?

In such an Explanation, subsequent to a Duel, had it appeared that you had received a real offence, this must have placed your *Adversary* in a dishonourable light. Conscious of a fault, he ought to have begged your pardon with the spirit of a *Gentleman*, who scorns every false appearance: or otherwise, if he believed himself to be in the right, his duty both to you and himself directed him to justify his conduct by an Explanation. Instead of doing the one or the other, he has met you in the field with the sullen Courage which dares either to defend what is wrong, or at least to condemn the reputation of true Honour.

## S E C T. 4.

*Disputes settled by Submission to an Award.*

THE question remains yet behind, what is to be done if the parties cannot come to an amicable conclusion by the method of Explanation between themselves. We cannot hope that such a conclusion will always be the result of an Explanation, if the parties are taken from the generality of mankind, or even of those who, claiming the rank of Gentlemen, claim along with it the privilege of deciding their differences by the sword or pistol. Passion and prejudice will sometimes distort the judgment of the noblest minds; much more, of such as rise not above the ordinary level. A Resource therefore is wanted, when, after the parties have endeavoured to convince each other, the one continues to feel himself an injured person, and the other is not become sensible of having committed an injury.

Many of the offences which are the common occasions of Duels, are such as the courts of Law take no cognizance of. Others, if brought into a court of Law, seldom meet with an adequate reparation. The trifling damages, often awarded by a jury, tend to discountenance prosecutions, by casting a degree of ridicule upon the complainant. The courts of Honour in England are fallen into contempt; and of course could be of no use, if



a dispute should be referred to them. The authority which is itself despised, cannot, by any decision, repair injuries the essence of which is contempt and disgrace. What might be done, either by the mode of amendment in the courts of Law, or by re-establishing a court of Honour, with such circumstances of dignity as might render an appeal to it reputable, or by any other mode, we do not undertake to particularize. We commit these points to the wisdom of those who frame our laws, and those who apply and enforce them; and to that high Power, in the state, which, being the legitimate and acknowledged source of distinctions of Honour, appears to possess peculiar advantages for the correction of errors and crimes caused by corrupt ideas of Honour, or continued in existence by them.

In the mean time, is there any expedient more obvious, after a fruitless discussion between the parties, than to refer the point in dispute to some third person, or to a number of persons, who are men of honour, judgment, and experience, not connected with either party, or equally connected with both? In a point of Honour, the Appeal (in theory) seems to be to the world at large. But, as it is impossible either to convey the requisite information, to the world at large, or to collect their suffrages, it is proper to select some individuals qualified for the purpose. It were most eligible that these should be appointed by public authority: but, *if* this cannot be done, or till it *be* done, it seems a natural wish for a man of true Honour, that any dispute, in which he may be involved, should be laid



without disguise before some person or persons privately chosen, who should make a **Decision** and award any requisite **Reparation**.

A moment's cool reflexion must convince any man, that it is more honourable to refer his quarrel to an equitable and well-informed **Judge**, than to decide upon it himself. Even were he so extraordinary a personage as to be able to judge impartially in his own cause, the very appearance should be studiously avoided by a man of **Honour**. We are ashamed to reason with any person as if we thought it possible he should really be of opinion, that a decision awarded by his own voice, and carried into execution by his own sword, could repair his injured **Honour**. If any one confess, or boast, that he looks upon such a decision as adequate to the reparation, we cannot avoid concluding him to be blinded by prejudice or resentment. If he be not influenced by **Resentment** for some particular injury suffered, we must conclude him to be under the power of a **Prejudice** which, before it was known to exist, must have been held incredible; namely, that, in order to preserve or acquire the reputation of **Courage**, he may be allowed to disregard the sentiments of mankind concerning him in all the other parts of his character.

If a dispute upon a point of **Honour** be referred to any particular persons, their **Decision** in favour of the injured party, is, by the nature of the thing, a **Reparation**. For, the injury in question being merely relative to **Honour**, which is founded in opinion, a decisive opinion in favour of one party, is



the very end which he must have aimed at in referring the dispute. The precise mode of acknowledgment or concession appointed to be made to him, is mere form and ceremony : the essence of the Reparation is in the decisive Opinion awarded ; and the principal effect is produced, although the sentence should never be executed.

Should the Judges of the cause think proper to award even a Combat, still the parties would have had at least this merit ; of submitting, to the decision of others, that which it would have been indecorous in each to decide on his own authority. The injured party would have obtained a nominal Reparation, and such as the Judges have esteemed a real one. In other respects, this appeal to violence and uncertainty has been shewn \* to be so criminal, and to involve principles so absurd and pernicious, that we could not easily exculpate those Judges to whom such Award could appear in the light of an equitable decision.

\* Throughout Part I. and II.

## CONCLUSION.

**I**T would be superfluous to answer separately the Arguments which are brought in favour of Duelling. A practice which is repugnant to all Equity between Individuals, which is forbidden by positive Laws and tends to subvert all Law and Society, which destroys the mutual Adjustment of different Virtues, and undermines the Principles of Virtue in general, which is even inadequate to that effect of which it makes its peculiar boast, the Reparation of injured Honour; — such a practice, although it should be allowed to be productive of some few good consequences, could not be tolerated for the mere purchase of these.

To say that it accustoms men to the idea of danger, and thereby diffuses a spirit of valour which forms the strength of a nation; to say that it prevents some great injuries which might be likely, from circumstances, to escape legal punishment, and many smaller ones which the law overlooks or punishes ineffectually; to say that it suppresses rudeness of manners, that it makes men respectful and attentive to each other in the common intercourse of life; to say all this, and much more, in favour of Duelling, would be saying nothing effectual to its support, while it stands exposed to the charges which we have brought against it.

These charges constitute an irrefragable Answer



to the arguments urged in its favour. And a further Answer is comprized in a general remark, which we shall therefore dwell upon a little ; that the most favourable light, in which the practice can be seen, is that of a private Vice producing a public Benefit. No one will deny that it is in general a crime to take away the life of a man without the public authority : but we may conceive it possible to be argued by some, that, in particular circumstances, such an act may be vindicated on account of the advantages resulting from it.

The celebrated position, that private Vices are public Benefits, is of so pernicious a nature, that it provokes a refutation wheresoever it occurs ; and a short one here will not perhaps be construed as a trespass upon the Reader's patience.

The principal way in which any vice can be a benefit to the Public, is by removing or counteracting another vice. The avarice of some, as well as the commendable frugality of others, contributes to repress in their inferiours that spirit of dissipation which, if indulged, leads to every excess ; and, where unable to effect this, still, by counteracting, diminishes the bad consequences of it. The vicious luxury of the rich, co-operates with their virtuous luxury (if that expression may be allowed for the sake of brevity), in removing the barbarous sloth which overspreads the bulk of mankind when not immediately stimulated to action. The like obtains in other instances.

The praise due to Vices thus opposing each other, is precisely that which we owe to two robbers who, happening to meet, attack and



destroy each other. Each of them, intending only mischief to an individual, does incidentally a good to the community, by removing out of it a man whose life was already forfeited. But this incidental good is no justification, either of their general course of life, or of this particular act of violence which was the immediate cause of the good produced. It had been much better for Society, that neither of them had fallen into that course of life: and, one of them being supposed to be already engaged in it, the other is so far from receiving a commendation for attacking him, that, if he himself had escaped a mortal wound, he would have been punished for killing the former, as for murder.

The same is the case of two contending Vices. It were much better for society, that neither of them existed: and, if one of them has already taken place, this forms no excuse for the admission of the other. To allow such an excuse, would be to grant a general licence to almost every Vice which can be named; as almost every one would introduce itself under a pretext of destroying or counteracting its opposite.

Perhaps, however, it will even be urged, that some private Vices are *directly* beneficial to the Public; that the vice of Luxury, for instance, promotes every useful art and a general civilization of manners. But, whatsoever good may in fact arise from any Vice, it is enough to see that the same good might be produced by other means, if all Vice were taken out of the world. Remove the vicious pride which exalts some above employing themselves; remove the idleness which sinks



others below the desire of doing good ; remove all the distracting passions which take off men's attention from their duties and their enjoyments : it will then be found that the social affections, together with the natural and acquired tastes of men whose feelings are uncorrupted, and whose hearts are not sunk by debasing consciousness, are sufficient, without the aid of Vice, to create an universal activity. The arts will rise, disengaged from incumbrance and interruption, till they reach a height unknown to the most improved ages : and that refinement of manners which now shines, as an external ornament, with such distinguished lustre, in a *few*, will have its seat in the heart ; and will become a spring of action producing effects above our present conceptions, by being common to *all*.

Arguments therefore in favour of Duelling must be nugatory, even if they can prove that it counteracts the operation of other Vices, or is directly productive of some good Effects. This is a kind of reasoning which gives a countenance to Vice in general, and must retard the improvement of the world in morals. The way to improve the world, is to remove the Vices which are in it ; not, to add new ones. The way to remedy the pernicious Effects of the Vices which have taken possession of it, is to remove the Causes, the Vices themselves ; not to introduce other Vices, which, though they be sometimes found to prevent the former, or to mitigate, or render harmless, *particular* effects of them, have certainly this *general* agreement with them, that each brings misery upon mankind.



Or, if *Legislators* ever judge it necessary to connive at one Vice in order to suppress some other (a necessity which we do not here mean either to concede or contravene), yet at least with private persons a strict adherence to *every* Virtue is the only safe and admissible rule of conduct.

All the good Effects ascribed to Duelling might be produced by other means: and therefore it remains strictly chargeable with all the evil derived from it, without any allowance to be made for a casual mixture of good. There is a selfishness in it which causes a man to rate his own importance too high, and to set up his own reputation above the interests of his family and his country. These have large claims upon him: and a proper attention to their claims would not only point out to him clearly the vanity of risking a life valuable to them, for every the slightest breath of dishonour upon himself; but would produce that manly spirit of national defence, which is sometimes reckoned among the good Effects of Duelling. It is not to be conceived, that the selfish and excessive regard, paid by the punctilious Duellist to his own private feelings of disgrace, should inspire him with a patriotic valour, comparable to that which he might derive from domestic attachments united with a generous love of his country.

In like manner, whatsoever effect the practice of Duelling can be supposed to have in deterring men from giving offence where they are not exposed to legal punishment, or from the commission of crimes where circumstances might afford a hope of impunity; whatsoever its efficacy may be in



polishing the manners of the world; it is enough to say, that there are other and better means for answering the same good purposes. If the Laws be defective, let them be improved; and let not their defective state be a pretext for countenancing a practice which tends to subvert all Law and Society. But, whether any Improvement be made in the laws or not, whether they be *capable* or not of receiving improvement, the duty of a private individual lies clear before him.

Let him carefully cultivate in himself the general principles of Virtue and Benevolence. Let him be cautious not to imagine that this is finished as soon as begun; that every thing is accomplished, in the first moment in which he forms some virtuous resolutions for the rule of his conduct. Let him persevere in the study and practice of the lower as well as the higher duties of life. This discipline exercised upon himself will soon convince him that it is not an unprofitable labour; and continued cultivation will advance the fruits of it to a happy maturity, whilst pleasure accompanies the growth of every benevolent sentiment. By Habit, the minuter attentions of social intercourse will gradually become easy and familiar; till at length they will be the mere gratification of a desire to please. Such are the steps by which he may arrive at the substance of all that is truly refined in manners; though he may not fall into the particular mode of refinement which prevails in one age or nation.

As far as his influence extends, let him promote in others the cultivation of the same fundamental



principles. And, if he still observe a number of persons guilty of those Vices to which he would apply Duelling as a remedy, let him recollect that he is an *Individual*, that the correction of those Vices in his own breast is his proper and immediate business, and that the most sincere ardour of Reformation will not justify him in the commission of such a crime for the sake of teaching other men their duty.

If he have a share in forming the minds of the rising generation, this opens the fairest prospect for the success of his endeavours. Let him check the first appearances of a haughty self-importance, and in its place inculcate the most humane and observant regard for the interests of a fellow-creature. Let him instruct those whom his instructions reach, to pay respect to the opinions, tastes, and feelings of others : and, that he may give effect to his instructions, let him accustom those whose conduct he regulates, to *act*, in matters of great and small importance, under the constant influence of such impressions. Thus will he contribute his part to destroy every pretext of utility in the practice of Duelling, to convince all doubtful minds that this private Vice is not wanted as a public Benefit, and to reduce it to its merited abhorrence. Thus will he contribute to undermine a selfish and degenerate Honour; and to lay a solid foundation for a superstructure of comprehensive Benevolence, virtuous Honour, refined Manners, and universal Happiness.

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ON

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PART I.

A

DISSERTATION

ON

SUICIDE.

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*First Published in 1785.*  
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BY RICHARD HEY.

—◆—  
SECOND EDITION.  
—◆—

M.DCCC.XII.

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## PART I.

### *Preliminary Observations.*

**I**T is sometimes the fate of a good Cause, to suffer prejudice from the intemperate Zeal of its advocates. Although persuaded of its rectitude, they may be tempted to substitute for argument a declamatory and metaphorical language; and may thus cover a latent Indolence, which is found compatible even with warmth of zeal. But the vigilant inquirer after truth will be apt to suspect a deficiency in the Merits of the cause. If these be sufficient to convince the understanding, he will ask, Why this profusion of oratorical art?

Many of those who have maintained the criminality of Suicide, have indulged an intemperance of zeal, a bitterness of expression, which are ill suited both to the teacher and the investigator of moral science; and which tend to cast unfavourable suspicions, as well upon the Reasoning as upon the Reasoner. It is time that we cease to injure our cause by an injudicious defence of it. Were it only that we wished to impel men to their duty by influencing their Passions, we ought to be cautious of acrimony in our language: much more, if we wish to lead them into the right path by the free exercise of their own Discernment.

There is a singular impropriety in using a severity of address to the persons whom we would retain from the commission of Suicide.



The state of mind in which this crime is *usually* committed, requires gentleness of treatment; as far as may be consistent with an open and full representation of the truth. Wherefore all unnecessary harshness is to be studiously avoided, as tending in a peculiar manner to defeat our principal purpose.

We may remark a kind of conclusion (not uncommon in moral disquisitions) which might often be just, if man were perfectly *consistent* in his actions; but which, from the known inconsistency, frailty, and variableness of human agency, must be rejected. The nature of it is this; that, because a person is guilty of one vice, he would be guilty of any other, if urged to it. For example; it is said that he who is guilty of Falsehood would not scruple to perpetrate any crime, towards which he might be impelled.

Now, there is certainly that connexion, in Principle, between the transgression of duty in one action and another, that, if we were to reason upon mere theory, we might frequently adopt this kind of conclusion. But consult experience. You will find it difficult to mention a Vice which has not been committed by men whose general characters have been indisputably good, or a Virtue which has not been practised by persons infected with a number of vices.

With respect, then, to the instances of Suicide which are said to have been committed by men of integrity and virtue, we are not solicitous to deny the fact. There is no absolute necessity of concluding, from the commission of one crime, that



these persons did not merit the reputation of virtue which they acquired : nor, if we allow that men of virtuous character have finished their lives by Suicide, will it follow that the action is innocent.

Cato is represented by historians as a man of strict integrity, and regular in the practice of many other virtues. But, if we would form a comparison between him and a person who, in the present age, is the intentional cause of his own death, we ought to argue in some such manner as the following. Cato lived at a time when Suicide, *in certain cases*, was by many accounted laudable. To form a due judgment of the nature of Suicide, he must have surmounted difficulties greater than we can be aware of, without some reflexion : and still greater perhaps would have been those which must have obstructed him in acting up to that judgment. In matters of mere *Speculation*, to form a judgment (deliberately and upon good grounds) different from the commonly received opinions, is considered as arguing a firmness above the vulgar mind. But, in points immediately relative to *Action*, although such a judgment were completely formed, there would yet be required a constancy of resolution, to reduce it to practice.

Nothing of this extenuation can be pleaded, in favour of one who assumes a right over his own life, in the present age. Since the days of Cato, the world has had the experience of eighteen hundred years, to evince the pernicious Effects, and consequently the Guilt, of Suicide. During this period, the subject has employed the thoughts and the pens of many ; and the invention of Printing



has increased the communication of sentiments in an abundant proportion. And, in fact, the sentiments of mankind, on this particular point, have undergone a great Change. Notwithstanding the frequency of Suicide, it evidently meets with the general disapprobation. He therefore who, in this more enlightened age, may give himself a mortal wound, imagining that he *imitates* Cato, is not wholly unlike a person who should cast himself from a precipice, *in imitation* of a benighted traveller, to whom, through want of light, it had been fatal.

It is not our intention to maintain, that Suicide was universally approved by the Ancients. Its warmest patrons amongst them intirely disapproved it *in some cases* : and Seneca (the great panegyrist of Suicide) allows that there were persons, ranking themselves amongst the Learned, who held the action to be unlawful \*. But we are desirous to offer some apology for the smallness of the advantage which we can hope to derive from the ancient Authors, in the cause which we have undertaken. We would speak with a due diffidence, yet with a decision suited to an intire persuasion of the truth ; in declaring openly, that the practice and opinions of Antiquity do not, in reality, afford us that degree of support which some modern writers (with more zeal, it is feared, than judgment) have attempted to derive from them.

Plato and Aristotle are introduced, as champions, to combat the practice of Suicide. Two passages,

\* “ Invenies etiam professores sapientiam, qui vim afferendam  
“ vitæ suæ negent, et nefas judicent ipsum interemptorem sui  
“ fieri.” Ep. 70 : about the middle.



in particular, are quoted from each. To have intirely overlooked these authorities, might have been construed as inattention to our subject: but candour obliges us to confess, that they seem not to bear so strong an interpretation in our favour as has been put upon them by some who have quoted or translated them, or commented upon them. It were fruitless, however, to engage in a diffuse controversy of criticism with any modern writer (with whom at the same time we are agreed as to the criminal nature of Suicide), for the mere purpose of shewing that the passages quoted, though containing *something* in our favour, are *less* forcible and conclusive than they have been represented. But the stress, which has been laid upon them, rendered it necessary that we should apologize for trusting our cause to the weapons of Argument and Reason; rather than to the names, howsoever respectable, of ancient Authors who have but briefly, or incidentally, treated the subject\*.

\* One of the passages is taken from the noted Phædo of Plato, (Plat. Op. Edit. Serrani, Tom. 1. p. 62;) ὁ μὲν ἔν ἐν ἀπορρήτοις, λεγόμενος, &c: or, the scope of the passage may be better seen by taking the context so far back as (p. 61.) Ταῦτα ἔν ᾧ Κέβης Εὐνήν φράζει, &c. It is well known that Cato is said to have read this dialogue, of the Phædo, before he put an end to his life. The same is said of the philosopher Cleombrotus of Epirus. Cic. Tusc. 1. 34. — The other passage of Plato is in his treatise de Legibus, Lib. 9. (ut supra, Tom. 3. p. 873;) τὸν δὲ δὴ πάντων οἰκειότατον, &c. One of the passages produced from Aristotle, is in his Ethic. ad Nicom. Lib. 3. Cap. 7. (Edit. Hanov. 1610.) at the end; Τὸ δ' ἀποθνήσκειν, &c. These words indeed directly condemn the cowardice of flying from the ills of life. But this was condemned also by the Stoics, the avowed patrons of Suicide. Even Seneca says (Ep. 58. near the end) “ Imbe-



Cicero likewise has been referred to, as condemning Suicide. And, undoubtedly, there are passages in his treatise de Senectute and the Somnium Scipionis, which, taken alone, might seem intended to condemn it universally. For instance, where he says that Pythagoras forbids us to quit life without the command of God \*. But, if we consult his other works, we shall find exceptions at least, if not contradictions, to those general assertions †.

The prejudice which a cause must receive from

“Imbecillus est et ignavus, qui propter dolorem moritur.”—The remaining passage from Aristotle, is, without doubt, immediately to our purpose; more especially as mentioning a *Punishment* of Suicide. It is Ibid. Lib. 5. Cap. 11, (i. e. ult;) from Πότερον δὲ ἐνδέχεται (which in the above Edit. is the beginning of the chapter) to these words, ὡς τὴν πόλιν ἀδικεῖντι. He represents the Self-murderer as doing an Injury to the State; and says, Therefore the State punishes him, and some Disgrace is fixed upon him. But the observation is confined to a *single* injury consequent from Suicide, — the injury to the *State*. Neither does Aristotle mention that this custom of the punishment was *every where* received; as Grotius seems to have understood him, de Jure B. et P. Lib 2. Cap. 19. Par. 5. 1. Nor yet does he subjoin *Reasons* why Suicide is injurious to the state: although one might be led to think that he did, by Bishop Taylor’s manner of expressing himself in quoting this passage, in his Duct. Dub. B. 3. Ch. 2. Rule 3; where he says, “from whose service and profit they subtract themselves,” &c.

\* More fully: “vetatque Pythagoras injussu imperatoris, id est, dei, de præsidio et statione vitæ decedere.” De Senect. 20.

† See the case of Cato excepted by Cicero in his Tusc. Dip. 1. 30. See also Ib. 5. 40, 41; and De Fin. 1. 15 and 19; Ib. 3. 18. And see some observations relative to Cicero’s idea of Suicide, in the Theory of Religion, by Dr. Law, Bishop of Carlisle; in a Note, p. 111, 112. 3d. Edit. 1755.



so injudicious a reliance upon these Authorities, is evident from this consideration. He who examines the question with a full desire of profiting by the opinions of others upon it, as one step towards discovering on which side the truth lies, will (if enabled) consult the Originals to which the writers on the subject refer him. When he finds passages inattentively quoted, translations, given professedly as such, yet imperfect, paraphrases and comments made without sufficient regard to the context or design of the author; is he merely where he was at setting out, — at the same distance from the solution of the question? No; he is thrown back in his inquiry. Where he discovers the foundation to be so bad, he may suspect that a good one could not be found to build upon.

With regard to the Punishments inflicted upon Suicide by the Ancients (besides what has already \* been mentioned from Aristotle), an Athenian † law seems best to deserve our notice; ordaining that the Hand, which had done the deed, should be cut off and and buried apart from the rest of the body ‡. The Punishment of the Milesian virgins § was probably temporary; intended to arrest the progress of a peculiar and unaccountable phrenzy. Of the same temporary nature, and to prevent the further desertion of a public work, seems to have been that inflicted, by

\* See the latter half of the Note on p. 183; in 184.

† *Æschin. in Ctesiph. §. 22. secundum Taylor.*

‡ More may be seen concerning the Grecian Burials, in cases of Suicide, in *Pot. Antiq. B. 4. Ch. 1.*

§ *Aul. Gell. Lib. 15. Cap. 10.*



Tarquinius Priscus \*, on the plebeians whom he had wanted for the execution of the work, but who killed themselves to avoid the great labour of it.

The Roman Civil Law appointed confiscation of property in one case of Suicide. It had become a custom with persons, likely to be condemned for any crime of which confiscation was the legal punishment, to have recourse to Suicide for preventing the condemnation: by which means they preserved the property to their families. It was therefore enacted †, that, if a person accused of such a crime killed himself through fear of the impending prosecution, his property should be confiscated. The object of the law was not to prevent Suicide as a Crime, but to prevent one particular Effect of it, the depriving the imperial treasury of a criminal's property. Howsoever great the Guilt of the action might really be esteemed, this *Law* expressly disclaimed the idea of punishing it on account of that guilt ‡. If the previous crime was not one which caused a confiscation ||, or if the criminal killed himself through mere *tædium vitæ* or for some other causes mentioned §, no notice was taken of the act of Suicide. Or even if a Defence were undertaken by the family of the deceased, the confiscation did not take place unless the crime was proved ¶.—

\* Plin. Nat. Hist. Lib. 36. Cap. 15.

† Dig. 48. 21. 3. princip.

‡ “Non enim facti sceleritatem esse obnoxiam”. Ibid.

|| Dig. 48. 21. 3. 3.

§ Dig. 48. 21. 3. 4; and Dig. 49. 14. 45. 2.

¶ Dig. 48. 21. 3. 8.



In Soldiers, whose importance to the state, or to the supreme magistrate, is more obvious than that of common citizens, the *Attempt* to commit Suicide was punished by the Civil Law \*. According to the Motives from which the attempt appeared to be made, the punishment was death, or dismissal with ignominy.—If a person in custody killed himself, the punishment fell upon the soldier to whom he had been committed †.

The preceding observations will, we hope, be a sufficient apology for dwelling but little upon the few scattered passages which can be collected from the Ancients, in our favour. But we would also give a caution against adducing any *contrary* opinions or practice of the Ancients, as authority in opposition to the voice of Reason; to which we make our final appeal.

It will be worth a moment's attention, to recollect the peculiar manner in which Suicide is spoken of, by those writers among the Ancients who have favoured it. Seneca, in the language of his sect, mentions it usually as an action established by common approbation. What is singular, he declines (with some trifling exceptions) all *Argumentation* upon the subject; as if forgetful of the respect due to those who might differ from him in opinion. Accordingly, as if speaking of any confessedly great and heroical action, he expatiates upon it by panegyric, by a display of its advantages, by examples. He frequently mixes and

\* Dig. 48. 19. 38. 12; and Dig. 49. 16. 6. 7.

† Dig. 48. 3. 14. 3.



confounds it in such a manner with that contempt of death which is truly laudable (and which we scarcely think of *proving* to be so), that it is difficult to distinguish which of them he means, and whether he does not intend to include both of them alike.

The same general idea is observable in others of the ancient writers, where they happen to mention Suicide \*. Had they thought proper to *argue* upon it, we might have listened to the Arguments, and admitted the force which each should have appeared to possess. But we live in an age which is happily so far advanced, in true knowledge, as not to acquiesce implicitly in the mere *Assertion* of any Philosopher.

The Romans were eminent for a particular virtue, the love of their Country. Are we thence to conclude, that their practice, throughout the whole circle of moral actions, is a pattern for our Imitation? Not to insist upon the fierce spirit which mixed itself with that patriotic fire in the times of the republic, we may discern a barbarity amidst the refinements of imperial Rome, when the *Virtues* of their ruder state had long been undermined by luxury and dissipation. In order to justify the bloody act of Suicide, are we to be told of a people who could crowd with delight to a public spectacle, where the diversion was purchased by the blood of their own species, nay actually con-

\* Epictetus, in mentioning the death of Socrates, has expressed himself in such a manner as to occasion a difficulty of the kind we have been remarking. See a Note in Carter's Epictetus, upon a passage in his *Discourses*, B. 1. Ch. 29. §. 5.



sisted in beholding the carnage? Such an exhibition, offered in a British theatre, would be rejected with the utmost indignation and abhorrence\*.

And, certainly, we are not to be guided in our practice by the customs of barbarous Gauls and Indians. If we are informed†, that in ancient Marseilles a public poison was kept for persons desirous to die; if the Soldurii‡ among the Gauls shewed a savage kind of attachment to their leader, by putting an end to their lives rather than survive him; if even the tender sex among the Indian nations§ have demonstrated their conjugal fidelity by throwing themselves with alacrity upon the funeral piles of their deceased husbands, (which custom is mentioned by modern writers as still subsisting||;) are *we*, from these barbarous Examples, to deduce a right over our own Lives?

\* This, we are fully persuaded, may be truly asserted; notwithstanding the partial and furtive prevalence of the disgraceful exhibitions of Boxing. Out of the few who can with repeated pleasure frequent these, a large proportion would still, we hope, turn away with disgust from the more bloody and murderous scenes of ancient Rome. Even were it *not* so, yet the paucity, we trust, is such that we need not admit the disgrace as *national*, nor need retract what has been said. 1811.

† Val. Max. 2. 6. 7.

‡ Cæs. de Bell. Gall. Lib. 3. 22.

§ Val. Max. 2. 6. 14; and Cic. Tusc. 5. 27.

|| This is confirmed by accounts given since the first publishing of this Dissertation. See Sketches relating to the History &c of the Hindoos; said to be by Crawford. Page 259 to 263; Edit. of 1790. Also p. 34 of the Chronicle in the Asiatic Annual Register, of 1800; and p. 16 of ditto 1801; and p. 336 of Misc. Tracts in the As. Reg. of 1800.



Upon such grounds any action whatsoever might be justified. Instances, in great numbers, are to be met with, as well in civilized as ruder nations, both of actions altogether criminal, and of actions which, though proceeding in some measure from amiable sentiments, are not admissible as the modes of expressing those sentiments. Attachment to a general in war, and conjugal fidelity, are laudable; but cannot authorize every capricious mode of expressing them. It is laudable to risk all that a man is possessed of, when some signal Duty calls for such a hazard; but this has no tendency to justify the same risk at the Gaming Table.

If Gaming be pernicious in its Effects, a firmness of mind in any particular Gamester, shewn in bearing a reverse of fortune, cannot alter the nature of the practice. If Suicide be an action which ought to be abhorred in its Principle and Consequences, it is vain to urge examples of Moderns or Ancients; (some of whom may possibly have pitched upon it as a mode of expressing a sentiment of heroism). Whether Suicide *be* such an action, we are now to examine.

It may be of use to illustrate by an instance a fallacious manner, on either side, of referring to Example or Opinion. The example of Brutus may be brought in defence of Suicide: but we readily answer, that, in the earlier part of his life, when at leisure to philosophize, he intirely condemned it, even in Cato. This Opinion of his might be urged on the other side: but we should be answered with equal readiness, that afterwards



he approved \* the action and finished his life by it. Let us explore some firmer ground to tread upon.

A caution, of a confined nature, shall conclude this Preliminary Part. If these pages should happen to be perused by any one who may doubt a future state, let him remember, that this can be no excuse for inattention to considerations which lay before him the nature of Suicide, or indeed any other action, in a moral view. Were he ignorant, even *without blame*, of future rewards and punishments, this Ignorance would not give him a license to violate the Duties of life. Those rewards and punishments are the *Sanctions*, not the *Proofs*, of our duty. "It is not Foreknowledge of the Punishment, which renders obnoxious to it; but merely Violating a known Obligation †."

\* His Life by Plutarch. See there his answer to Cassius: at  $\frac{3}{4}$  of the whole Life, or a little before.

† Bishop Butler's Preface to the second Edition of his Sermons; (p. xx. Edit. of 1729). Which Preface, by this masterly Writer, may be consulted more at large.

## PART II.

### *The Guilt of Suicide.*

THE Subject before us may be resolved into two principal inquiries. Is man *at Liberty* to quit life of his own accord? And, How far can it be the *Interest* of any man to hasten his departure out of life? In other words, we are to inquire into the *Guilt* of Suicide; and, into the *Folly* or *Imprudence* of it.

Its Guilt will appear more fully, by being seen in various lights. If, in one view, Suicide is perceived to be really and essentially Murder; if, in another, it discovers a train of pernicious Effects, consequent upon the Commission of it; if, in a third, the mere Approbation or Toleration of it in the mind (though not always formal and determinate), appears likely to have a malignant influence upon the Principles of action, and to be the cause of Vice long before it ends in actual Suicide; each of these views will enable us to pronounce, that a person is *not* at Liberty to quit life of his own accord: and the conclusions, separately drawn, but concurring in the end, will be a confirmation of each other.

But there is one consideration, distinct from all these, which ought not to be omitted in shewing the Guilt of Suicide. Although we should fail in every article of our proof, although it could be made *probable* that Suicide is void of Guilt; yet this would not afford sufficient ground to *act* upon.



Let him who on the strength of mere probability has the hardiness to proceed to such an act,—let him, before he strike the fatal stroke, reflect a moment whether even the slightest *Doubt* that can remain in his breast ought not to restrain his hand. There are many cases, in moral conduct, in which a person is pressed by difficulties on both sides: he can neither advance nor retire, without a danger of doing harm. So circumstanced, he can only use caution and diligence to discover on which side the bad consequences preponderate, and guide himself ingenuously by the resulting probability. If still he *doubt*, he is free from blame. But, in the present case, there is no such dilemma. Suicide, we apprehend, is not committed from a persuasion, or suspicion, that it is wrong to continue in life. The only *Doubt*, if any remain, must be, whether it be wrong to hasten our death. Until a *Certainty* can be procured, that Suicide is innocent, it must retain, from the single circumstance of *Doubt*, a degree of Guilt.

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### SECT. 1.

*Suicide is Murder.*

IT seems not impossible that a person, attending solely to the usual term, *Self-murder*, should think it unnecessary for us to prove the action, so denominated, to be Murder. But we are to proceed with caution, if we would avoid being deceived by words. The appellation is certainly just, after it has been determined that the action of a man in



killing himself comes within the idea of Murder: but, this being a point of the first importance in the consideration of our subject, it seems incumbent upon us to prove rather than assume it.

Murder is an offence against the person murdered, and against the community of which he is a member. As to the offence against the Community, no difference appears, whether the action be committed by the person himself whose life is taken away, or by another. In this respect, therefore, Suicide is evidently Murder.

With regard to the offence against the Individual, it may be thought, that, so far as he alone is concerned in the event of the action, he has a right to do or omit it at pleasure. But, whatsoever difficulty or perplexity might be raised upon the meaning of the word *Right*, he certainly can have no such right as would free him from blame in committing the action. In moral considerations, is there any more common ground of blame, than the yielding to an impetuous passion or appetite in opposition to the dictates of cool reason? Whether the consequences of an action thus committed affect the agent alone, or involve others, may be a further consideration, for investigating the *particular nature* of the vice, but cannot be necessary in determining the action to *be* a vice. Drunkenness, and other vices similar to it in this that their principal and immediate effects terminate in the Agent, derive not their character of Vice merely from the concomitant bad effects which extend to Society. Their pernicious effects upon the agent himself, together with his weakness in being drawn into them in opposition to the dictates of his own reason, are



always accounted sufficient to stamp them with that character. The Murder of one man by another, is (in the breast of the Murderer) the victory of revenge or some other inordinate passion over the authority of reason. The action by which a man kills himself, is also the victory of some irregular passion over the same authority. Or, if Suicide be ever attributed to a blameless error of judgment alone, the same account may be given, with equal justice, of the Murder of others. The numerous instances of antiquity, in which one friend has killed another (either with or without his express *Consent*, but yet as doing an act of *Kindness* to him), may be imputed to an error of judgment as fairly as any instance in which Suicide can receive that palliation.

The aim then of our argument is this; that, both in respect of the community and of the individual, Suicide and the Murder of others agree in moral essence; — are the same action, in reference to abstract principle, to general views of duty or morals. The conclusion to be deduced, is a most important one: that, wheresoever we meet with a *general* prohibition of Murder, Suicide is to be understood as comprehended in it. Therefore when the Deity, in revealing his will to mankind, prohibits Murder, he *thereby* prohibits Suicide.— It has been left to the labour and sagacity of man, to investigate more minutely the Particulars of moral conduct. But should any, who have undertaken this task, have omitted the separate consideration of an action so unnatural, an action which frustrates the great principle of self-preservation;



yet *their* general prohibition of Murder must also be understood, from the reason of the thing, to include Suicide as a species of it.

Experience is intirely consonant to this Theory. There are upon record numerous instances, in which Suicide has been accompanied by the Murder of others: and Principles favourable to Suicide have caused or attended a relaxation of that abhorrence in which the Murder of others ought ever to be held. He who will not scruple to procure his own death when life becomes burdensome to him, is apt to think that he may administer the same desperate remedy to others, when the distress of their situation appears to him incapable of other relief. Could we hear Virginius the Roman defending the Murder of his daughter, perpetrated by his own hand \*, we should probably find him using the same topics as those by which he would justify Suicide. Such an action, occurring in the history of a nation remarkable for this fatal practice, excites not so much astonishment as horror.

In other nations also, there has evidently been the closest connexion between Suicide and the Murder of others. Mithridates, king of Pontus, having been defeated by the Romans, and afterwards deprived of his kingdom by a favourite son, and dreading the insults he might experience from the Romans or his own subjects, prepares to make his escape by a voluntary death. He administers

\* Year of Rome, about 304: before Christ, about 450.



poison to his wives, his daughters, and himself\*. Indeed, in accounts of this kind, we are sometimes at a loss, from the words of the historian, to pronounce whether the action is properly a Suicide with the aid of a friend, or a Murder, in supposed kindness, by the hand of that friend. In either of these lights, perhaps, may be seen this death of the wives and daughters of Mithridates. Such narrations shew how intimately the ideas of Suicide and Murder were often connected, in the minds of the Ancients; whilst in some cases they could approve a right assumed by the private individual over another's life, as well as his own, though in other cases they reprobated both. In the case of Mithridates himself, there was a decided intentional act of Suicide; by poison, and a subsequent enfeebled exertion with his sword: and the remains of life were extinguished, at his intreaty, by a soldier, who from compassion performed the office †.

It is almost too horrid to relate, that a Woman, on the loss of her husband by his own hand, and of her state of royalty, and apprehensive probably of further calamity, slew her own daughters, and then herself; and that the king's brothers added to the catastrophe, by setting fire to their houses, and, with their families, perishing in the flames. Yet we are informed that all this happened in the island of Cyprus ‡; in the deaths of Nicocles, of Axiothea

\* Universal History (Ancient), Chap. xxvii. In Edit. of 1779 to 1781, vol. VIII. p. 472, 473. Before Christ, 64.

† Ibid.

‡ Ibid. Chap. xxii. Sect. vi. Vol. VII. p. 141. Before Christ, 311.



his queen, and of his brothers. The like sanguinary method is said to have been made use of, in later times \*, by an inhabitant of Sicily, to preserve his daughters and their mother from a Turkish slavery : having done which, he rushed into a crowd of armed foes, and secured himself by death from the same dreaded calamity.

These remoter instances were imitated by a private mechanic and his wife in this kingdom, in the year 1732 †. Having resolved upon putting an end to their own lives, they first murdered their infant child, and then proceeded to a joint act of Suicide ; which they executed with full effect. In a letter, left by them, they professed a belief of an omnipotent God and a future state ; and they justified as well the Murder as the Suicide. If we may form a conjecture from the verdict of Self-murder being so rarely brought in by a jury, it seems not at all improbable that, in the present instance, this verdict might be occasioned rather by the Murder of the child than by the Suicide. Yet Motives of one kind seem to have produced the two actions ; and these, examined as the actions of *moral* Agents, present themselves under one general idea. — We could mention a more recent instance, of Murder coupled with the *crime* of Suicide ; though not with the *effect*. This failed in the attempt ; and the Murderer was reserved a victim to the laws of his country.

The Roman Law, regardless as it was of Suicide

\* Montaigne, Liv. II. Ch. 3 ; near the middle.

† Gentleman's Magazine, of April in that year.



in general, yet, in a particular case in which it has annexed a punishment to the *Attempt*, has expressed a strong apprehension, appearing evidently to arise from a conceived connexion (in the mind of the agent) between Suicide and the Murder of others. In the case specified, the person attempting his own life, without actually killing himself, is to be punished, *because* he who has not spared himself will much less spare another\*.

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## SECT. 2.

### *Pernicious Effects of the actual Commission of Suicide.*

GENERAL reasonings upon moral subjects are liable to be evaded, when a person is urged by passion or apparent interest to act in opposition to them. If an abstract Theory be allowed, yet Casuistry is at hand to point out an escape under some specious pretext, and represent the most extensive conclusions as inapplicable to a particular case proposed.

On this account, it seems not sufficient to have shewn that the abstract idea of Suicide concurs with that of Murder, so as to constitute one species of that most abhorred crime. It seems necessary, further, to note the pernicious *Effects* of Suicide: lest, if any one should persist in denying that it ought to be ranked in the same class of crimes with Murder, he should hastily conclude that it is no

\* Puniendus est : qui enim sibi non pepercit, multo minus alii parcet. " Dig. 48. 2). 3. 6.



crime at all. Those Effects which follow from the *actual Commission* of the crime, shall first be taken into consideration; afterwards, the Effects properly attributed to the *Principle* which justifies or permits the action.

*Confiscation of Property*, when annexed to Suicide as a Punishment, becomes one of the Effects after which we are inquiring; as bringing distress upon those friends who, in the usual course of things, had a well-grounded expectation of the property confiscated. Upon the equity and wisdom of this punishment, we will hazard a few observations in another place\*. For the present we may remark, that the man, who draws down this punishment of his own crime upon his innocent family, cannot exculpate himself by laying the blame upon the Laws. Whether the laws are well or ill constituted in this respect, he knows what is appointed as the consequence of his violent death; and he knows how to prevent that consequence,—by abstaining from the forbidden action. It becomes not him as an individual member of society, to arraign the laws of the state; any more than, as a man, to call in question the laws governing inanimate nature, which may happen to bring inconveniences upon his most beloved friends. In respect of both, it is *his* part to consider what relief he has a power of procuring for those who are dependent upon him, and to exert himself accordingly; avoiding always whatsoever the operation either of human Laws or

\* Part V; about the middle.



physical Causes may render prejudicial to those objects of his care.

But, in our own nation, the Confiscation of Property is frequently avoided by a verdict of Lunacy. What does this shew? That a certain number of persons, strangers perhaps to a Widow and her Children, whose interests are involved in their determination concerning the deceased, will sometimes, in compassion to private distress, violate the public laws; when the Husband and Father could not be induced, by the same motive, to obey those laws. It will be said perhaps, he knew, or had good reason to expect, that the jury *would* pay this regard to those whom he deserts. But, whence this expectation? From observing that the like has happened in past instances. Which brings us back to the former idea; that juries have set themselves in opposition to law, in order to exercise an extraneous compassion which, in the deceased person, both law and private duty had called for in vain.

The *Ignominy* to a surviving Family, so far as such Ignominy does actually exist, admits a reflexion upon it similar to one which was made upon the Confiscation of Property. It is not the part of a husband, a father, a brother, to argue thus; “If my voluntary death bring a reproach upon my widow or family, let it be charged to the account of those who, with such manifest impropriety, cast a reproach on others, which cannot belong to any person besides myself.” No; let him, with more justice and more generosity, argue in the follow-



ing manner. “ It is true, the Ignominy of an action  
“ of which I am the sole author, must be due to my-  
“ self alone : and they who extend it to my surviving  
“ friends, shew an ignorance or disregard of the  
“ plainest principles of equity. But, if the  
“ manners of the age and country, in which I live,  
“ are such, — if some part of the ignominious  
“ gloom, which must cover my memory, will, in  
“ fact, be spread, though more faintly, over those  
“ whom I leave behind me, — it is idle for me to  
“ remonstrate. Where the blame lies, is a separate  
“ question : it is enough for me that I have a power  
“ of averting the unmerited calamity ; *I will* do it ;  
“ *I will live.*”

The *Sorrow* which arises upon the Loss of a Friend, is heightened to the most pungent distress, if he has perished by his own hand. The most calm and gentle death, attended with every alleviation to the dying person, and even to his friends, is yet to these usually no small shock. Minds of the firmest contexture, and retained in the best discipline, if not void of common sensibility, cannot at once reconcile themselves to the change. Add but the circumstance of *Violence*, either accidental or by the lawless attack of the assassin ; and the shock is redoubled upon the survivors : even the robust constitution may long experience its effects ; weaker and more delicate frames are sometimes thrown into a state of disorder from which they never perfectly recover. But, if the violence proceed from the hand of him who falls by it, a certain amazement is superadded to the



more common sensations: and while sorrow, commiseration, apprehension, abhorrence, contend for possession of the mind, they spread devastation over the scene of their mutual conflict.

This Distress of mind naturally falls upon the persons who are likewise exposed to the Effects mentioned above; Confiscation of Property, and Ignominy (so far as it exists). Is it possible for us to combine them all, and afterwards to hesitate a moment in determining, whether the premeditated cause of such accumulated misery can be an action free from Guilt? If this *were* possible, we might further reflect upon the ties of duty and affection, by which the author of this misery was bound to have conferred, upon the same individuals, all the happiness in his power. To have brought this distress upon persons merely indifferent, would have been cruel and inhuman: to bring it upon one who has claims from the most intimate of all connexions, from the most solemn engagements, cemented by long familiarity and mutual good offices, — to bring it upon those whom natural affection and their dependent state have made the objects of a fostering care; — this is a Guilt which requires not the eye of a philosopher to discern it, but must be evident to the youngest disciples of a rude morality.

*Injuries demand Reparation.* And, whatsoever it be that prevents the reparation, this may, from that time, be considered as a cause of the subsequent evil which originates from the injuries committed. Here we distinguish a very common Effect of Suicide. That it puts a stop to the



Reparation of any injuries which may have been committed, is manifest. But experience informs us, further, that the most frequent instances of it (in the present times, at least) are among the persons whose lives have been replete with injury, in their social connexions.

Nor is this repugnant to Theory. It is an acknowledged truth, that men contract an affection for those on whom they have conferred benefits: it seems equally true, that those whom they have injured become objects of aversion and disgust. If then we see a person, who, instead of *Duty*, has made *Pleasure* (as he falsely terms it) his rule of life, who has every moment sacrificed the interests of all around him, together with his own, to the meanest gratifications, — who, by a perseverance in this course, has involved himself in one common ruin with those for whom he once had the most tender regard; — if we see such a person flying from all whom he has thus injured, as disgusted with the sight of them, we observe nothing contrary to the analogy of experience. Two paths are presented to him. The one would lead him, through a laborious and humiliating Reparation of injuries, to a recovery of lost honour and serenity. The other, withdrawing him from every perception besides that of his own present sufferings, points him to Despair, — to Suicide. In our imagination, we instantaneously direct him to the former path: but the accurate observer of mankind bids us be prepared to find him in the latter.

Under the head of Injuries, and amongst those which in the utmost strictness of justice demand



reparation, are the Debts which a person has contracted. Though he could be supposed on all other accounts at liberty to quit life at his own option ; yet, if his continuance in life, with the proper application of his time and talents to procure the means of payment, afford the only prospect of relief to his creditors, his escape by voluntary death is direct Injustice. He appears equally guilty with the dissolute and lawless vagrant ; who, rather than submit to honest labour, seizes to his own use whatever he can seize with impunity.— But we hasten to considerations which are more general.

*Prevention of Good* comes within the idea of Guilt. Let it be allowed that a man has committed no injuries, contracted no debts ; let us exclude the confiscation of property, with the other Effects of Suicide, mentioned above. Yet, to throw away at once every possible opportunity of doing Good, appears inconsistent with the character of philanthropy. Duty to our fellow-creatures must extend to positive exertions for their happiness or relief, as well as to a simple abstinence from injury. Although a person may leave his dependents in prosperous circumstances, yet his continuance in life might add to their prosperity. Although it should be denied that an increase of their Affluence would yield an increase of Happiness, yet, like other men, he has the power, in a variety of methods in which riches are not immediately concerned, to relieve the accidental sufferings of those with whom he lives, to assist them in difficulties, to



console them under cares and anxieties, to heighten their pleasures and enjoyments.

But it is alleged, “ I have no dependent family, “ no attachments to detain me ; it is to no purpose “ that I should continue in life against my inclination ; let others submit to this restraint, who “ have connexions that may require it of them.” This plea, if real and sincere, is founded in ignorance. The claims which the particular connexions of every man have upon his services, are not to be conceived as in contradiction to the claims of mankind in general. There is indeed a sufficient reason why he should study the prosperity of some persons in preference to that of others ; which is, that such a Rule of action, established in the world, tends upon the whole to promote the public Good. The Aggregate of human happiness must be greater, if every one exerts himself in behalf of those with whose circumstances, interests, and inclinations, he is best acquainted, those whom his own situation gives him the best opportunities of assisting, and whom he will serve both most effectually and with the greatest pleasure to himself, on account of the affection which mixes with the sense of duty : — the Happiness of men will rise higher upon this system of action, than if each person either labours for the interests of the whole human race, taken collectively, or selects a few individuals with an arbitrary caprice. But, should it happen that any one has no remaining connexions by blood or friendship ; it is true, he no longer has the particular objects of his attention so clearly pointed out to him : yet his general duty to mankind



remains; and he must use a prudent discretion in selecting objects proper to supply (in some degree) the place of those whom he has lost. If his station and talents do not empower him to comprehend a world or a nation in the scope of his labours, he may find various methods of employing himself to some useful though less extensive purpose.

But perhaps it will be further supposed, that a person lies under a total Inability of discharging the duties of life; and that his case is such as admits no Relief. The plea of Inability, if at the time true in fact, cannot be allowed, as disproving the Guilt of Suicide; unless, in the first place, the conclusion can fairly be drawn, that the person will never recover the capacity of doing good. With what reason either supposition, of present or future Inability, can be made, will fall under notice afterwards \*. Let the supposition of both, however, be now made; as affording an opportunity of shewing that it cannot exempt Suicide from Guilt. The case (if ever it exist) must not only be rare, but extremely difficult to ascertain. The limits which separate it from cases pretending to be the same, cannot be defined with the precision necessary in marking out an Exception to a general rule of moral conduct.

*General Rules* are of the utmost consequence, they are absolutely necessary, for the guidance of human actions. Were no kind of action to be accounted wrong, further than in those particular instances in which, taken separately, the harm resulting from it could be made to appear, this would open a latitude of judging and acting which might

\* Part III; last two paragraphs.



end in unlimited licentiousness. What is proved to be *usually* pernicious, must be *universally* prohibited. If every person were allowed in his own case to make Exceptions to general prohibitions, we should find a theft justified by one from his extreme necessity ; another would justify a murder, as a benefit to mankind in cutting off a pestilent member of society ; and even persons who, in forming a judgment, might intend to be ingenuous, would often be led to make Exceptions which could not be warranted.

There is probably no state of mind, there are perhaps no circumstances, which will more strongly incline a person to make an unwarrantable Exception to a general Rule of conduct, than those which prompt men to Suicide. A deep melancholy, a fit of jealousy, a sudden reverse of fortune, disturb the powers of the mind ; and expose us to be deceived by our own perceptions. Under such influence as this, the reasoning faculties ought not to be intrusted with a point so delicate, as that of excusing ourselves from a Rule which is to continue binding upon the rest of mankind.—No allowance therefore can be made, in behalf of persons pleading the peculiarity of their situation : but Suicide must stand *universally* condemned.

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### SECT. 3.

*Effects of the Principle which permits Suicide.*

THE pernicious Effects of Suicide, actually committed, might have been drawn out to a much



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real abhorrence of the arts of deceit had precluded the use of them as a security from detection.

In like manner, though a person have Suicide in his eye, as a Resource in case of extreme distress, it may happen that he shall never be reduced to what he calls a *Necessity* of removing himself out of the world: but he may nevertheless, by his confidence in such a resource, be incited to an irregular and pernicious conduct. If we can make this to appear, the Guilt of Suicide will be not a little confirmed. And the harm derived from this particular origin, may be called, the bad Effects of *the Principle which permits Suicide*.

It is not meant that every one, who *acts* upon the *Principle* thus expounded, has formed a full and determinate resolution to die when his affairs are brought to any certain crisis, or when life becomes an evil in his estimation. Nor, of those who may keep an eye more or less distinctly directed to such a Refuge, is it probable that all have similar sentiments. *One* has reasoned himself into a persuasion of its Rectitude: *another* has possibly fixed his resolution in opposition to a full conviction; or he has combatted and suppressed a nascent belief of the Guilt, or forced away his attention from a latent Doubt. And the degrees of doubt are infinitely variable. But men, in their general conduct, give proof of little foresight or thoughtful predetermination. Wherefore it is probable, that those who have made a formal (though only eventual) resolution to take refuge in Suicide, are but few in comparison of those who, without a similar resolution, would actually put a



period to their lives in similar cases ; and who, by their habitual state of mind, being at the mercy of conspiring circumstances, which may impel them to Suicide, are to be conceived as acting from the *Principle* now under discussion.

But here again is an infinite variety of persons, of whom this habitual state of mind may be predicated. Some would *sooner* be reduced to the commission of the crime ; others with more difficulty. Some, thinking it allowable *in general* to quit life at pleasure, would yet refuse to do it when they distinctly foresaw consequential injury to surviving friends. Others, with the cruelty of cowards, would knowingly plunge the innocent survivors into the deepest calamities, rather than abstain from this unnatural outrage upon themselves. It appeared necessary to hint at this great variety of cases : lest we should be understood to apply the following observations indiscriminately to all of them ; and, in so doing, should be thought too severe towards persons in the lower degrees of blame, or too mild with those in the higher.

And, first, may be mentioned an inferiour Effect ; more confined and less flagrant than some remaining to be noticed afterwards. But the consideration will have its weight with a generous mind :—a mind capable of commiserating in others the pain of anxious suspense ; the *continued* Fear of an event which yet may never happen. If a person is known or suspected to have embraced the *Principle* here condemned, he becomes the cause of serious distress to those who are naturally interested



in every thing that regards him. Apprehensions for his fate cannot be intirely suppressed, even while his circumstances wear a face of prosperity. But, when clouds obscure his prospects, when disappointment has given a shock to his sensibility, when heavy calamities threaten or oppress him, his friends then tremble with anxiety, endeavouring with painful attention to prevent the dreaded catastrophe, but sensible that prevention is not altogether in their power.

Although this were the only accusation which could be brought against Suicide, we are confident there are to be found persons of so generous and enlarged sentiments, that, to restore a peaceful serenity of mind to their anxious friends, they would disavow every idea which could give just cause of Apprehension. But accusations of a higher nature claim to be heard.

If a person, who admits Suicide as a Resource, should analyze his inmost thoughts with impartiality, and utter them without reserve; we might hear him expressing himself to the following effect. “I am told by solemn and supercilious preachers  
“of morality, that the Being who placed me in  
“this world intended me for purposes of a nature  
“superiour (as they pretend) to the mere enjoyment of my life. I shall not undertake a  
“laborious investigation, to examine the ground  
“and proof of their assertions. Time presses on;  
“and that short portion of life which alone affords  
“enjoyment may easily be wasted in the speculation.  
“I feel within me an impulse to pursue my im-



“mediate Happiness; and I will not check that  
“impulse. Why may I not presume it to be the  
“voice of my Creator, dictating the conduct which  
“I should pursue? Why should I perplex myself  
“with the artificial and fallible deductions of  
“*Reason*, whether my own, or of other men?  
“Here, then, I consign to oblivion those dull  
“maxims; which, under the title of Virtue, would  
“teach me to distract myself by an assiduous  
“attention to the rights and interests of others,  
“instead of giving myself freely to my own gra-  
“tification; or, under the name of prudence, to  
“lay in a stock of health and riches, before the  
“approach of that season in which I must expect  
“the vigour of all my powers and capacities to  
“abate. Be these the maxims of persons who  
“conceive themselves to be imprisoned here by a  
“tyrant! I have no other dread of poverty, disease,  
“or old age, than as putting an end to my enjoy-  
“ments. Against a continued suffering, under  
“such evils, I am fully provided. Secure of a  
“retreat from every misfortune, I will exhaust my  
“wealth upon such objects as it can procure for  
“me, while my mind and body retain the vigour  
“which alone can stamp a value upon those objects.  
“Why should I shackle myself with the fetters of  
“frugality? Why be my own tormentor, in  
“reserving this pelf to a season when impotence  
“and insensibility must render it useless to me?  
“Or, why should I lay the tax of an abstemious  
“temperance upon my pleasures, under pretence of  
“preserving my health and faculties? Life is of  
“doubtful duration. Why should I, in hopes of



“future enjoyments still more uncertain, spare my  
“bodily constitution; when, for this end, I must  
“deny myself what is present and certain? In  
“what service can this mortal frame better be worn  
“out, than in administering to my immediate  
“Happiness? When it is no longer able to answer  
“this purpose, I can readily procure my own  
“dismissal; after having compressed into the  
“space of a few years all the Good which others,  
“by intermixing it with the misery of labour,  
“temperance, and discipline, expand into a much  
“more tedious length of time. When I have  
“extracted from life all that makes it worth pre-  
“serving, I will release myself; secretly exulting in  
“triumph, over those who imagine themselves  
“bound to drag on an old age of disease, pain,  
“stupor, and infirmity.”

Who does not see that this is a language which leads to a general dissoluteness of manners, a contempt of all the obligations which arise in social life? And who, that sees this, will afterwards maintain that the *Principle*, permitting Suicide, is a matter of small consequence, though it should not end in the Act itself?

But this is a point which, by its importance, merits a further illustration. And let it not be thought an offence against the seriousness of the subject, that, with this view, we descend to a particular Instance. In which, also, if the case be stated with something more of a determinate and theoretical precision, than is to be found in real facts; as this will not imply the Assertion of any thing contradictory to experience, so by its simpli-



city will it be better suited to the purpose for which it is adduced.

Suppose then a person, at the age of twenty years, entering into life ; who looks forward to his resources, and to the particular manner in which he should desire to pass through the world, with more accuracy than is perhaps very usual at that age. He finds upon his survey, that, with a moderate degree of industry in some particular profession, joined to the annual produce of his patrimony, he shall be able, not only to procure all the advantages of life which his birth and early habits can demand, but also to provide an honourable and indulgent retreat for old age. But he finds, on the other hand, that, if he will break through the limits of his annual income, and enter upon the substance of his paternal property, he shall then be able, *without* the aid of his own industry, to supply himself, during the space of twenty years to come, with a plentiful share of those luxuries in which he esteems Happiness to consist. The question is, whether he shall take the former method, become an useful member of society, content himself with that moderate and mixed enjoyment which the natural course of things allows to men, and continue his life as long as he is permitted to live ; or shall take the latter method, banish from his thoughts the interests of society, give himself up to his own private enjoyments, and put an end to his life when he has thus exhausted the means of continuing it in riot and debauchery.

If he adopt the former method, it will be no unnatural supposition to conceive that he lives to



the age of sixty years : in which case he will have been an useful member of society, for the space of forty years, from the time when he formed his resolutions and plan of life. If the latter method be his choice, he perishes after having existed (from the same time) a noxious member of society during twenty years.

It is immaterial to the main conclusion, whether he completes the period of time which he had fixed upon, and carries his predetermined Suicide into execution, or, after a considerable portion elapsed, is called away by an earlier death. For, in either case, the continued injuries committed, the duties neglected, through a course of years, and the Guilt by these means contracted, have arisen from the *Principle* upon which a scheme of action, so inequitable and so ungenerous, was planned.

To see distinctly and fully the pernicious nature of such conduct, the way would be to conceive *every* person as embracing it : that is, every person who is unable to command, by the annual produce of his patrimonial property, so much of the industry of other men as is requisite for his wishes ; but who can command it during some certain portion of time, if he be willing to exhaust that property. The number of persons in this situation is great. Should they all pursue a dissolute course of life so long as their finances would support them in it, depending upon Suicide as the means of escaping poverty and distress ; the consequences would be extensively felt. Society must be burdened with a number of useless Beings ; whose industry is lost



to the public, not merely for that portion of time by which their lives are shortened, but even while they remain in life.

But the *Principle* under consideration leads to actions more highly pernicious, than such as are usually comprized within the general description of a dissolute life. The connexion between *Murder* and *Suicide*, both in theory and experience, we have already seen \*. In other actions also to which the municipal laws have annexed capital punishments, men who are fearless of Death, though not insensible to the Ignominy of a public execution, are freed from restraint, when once they have determined to become their own executioners in case of immediate danger from the civil power.

That there are men *perfectly* fearless of death, may be doubted. But what comes to the same thing, in the present argument, will readily be granted: which is, that there are men in whom the fear of death is not strong enough to restrain them from the commission of crimes. And it will also be easily granted, that the fear of Ignominy is frequently found more powerful than the fear of Death; (howsoever inconsistent this may appear, where death is considered as the introduction to future Punishment.) Upon the whole, then, it may sometimes happen, that a person, with whom the fear of Death has lost its effect, of restraining him from the commission of a capital crime, may yet be restrained from it by the fear of Ignominy; unless this latter fear has been removed by a con-

\* SECT. 1.



fidence in voluntary death, to prevent the ignominy.

But, whensoever a person has, by this confidence, armed himself with a security against the Ignominy, which is all that *he* sees sufficiently terrible, in Death, to restrain him from crime ; we may apprehend Effects of a most alarming nature. With respect to him, capital punishments are annulled. Mankind have the same reason to dread from him every violation of their rights, as if the laws which affix the punishment of death to certain actions had never been established. Augment the *Number* of such persons ; and the first purposes of society are destroyed. Security is fled ; life and property are precarious ; perpetual consternation and alarm cast a damp upon private felicity, and check the happy progress of civilization. But what presents this terrible aspect, when conceived as prevailing to a great extent, is equally reprehensible, in respect of mental depravity, howsoever small the *Number* of those who adopt it. And the Principle which has a natural tendency towards crimes so flagitious, ought to meet with a peremptory exclusion, when, under the most specious pretences, it solicits admittance into the human breast.

It is evident that all these Effects are distinct from the consequences of Suicide itself, and may arise without the actual Commission of it. But, since all moral evil has its existence in the mind rather than in external action, and since the Guilt of Suicide is therefore to be looked for in the



Principle, Sentiment, or Passion, from which it proceeds; for this reason, *all* the Effects of the Principle (provided they appear to follow from the nature of it, and not to be merely incidental) are properly taken into the account, as well as the final act, in estimating the Guilt of Suicide.

## P A R T III.

*The Folly or Imprudence of Suicide.*

HAVING gone through such observations as have occurred, tending to prove the *Guilt* of Suicide, we shall now endeavour to shew the *Folly* or *Imprudence* of it. By which we must be understood to mean something different from the Imprudence taken as a consequence of the *Guilt*. All *Guilt* is *Imprudence*. Every man is imprudent as well as vicious, when he indulges any propensity to vice: the punishment annexed to it will outweigh the advantage he can derive from it.

This consideration, if not too simple and evident to be enlarged upon, yet, being common to all the different species of *Guilt*, cannot with propriety receive a minute discussion when we are confined to a single one. But we may remark something peculiarly forcible in the reflexion, that Suicide (where immediately effective) is the concluding action of a man's life. It would be contrary to our intention, to give even the shadow of an encouragement to any crime whatsoever, by making a distinction between Suicide and other crimes; as if *they* might be safely committed, upon the strength of a deliberate intention to repent of them afterwards and repair their bad effects. Yet it is obvious to remark, that even this weakest of all pretences, under which men may transgress their duty, is wanting in Suicide. It is indeed a



modesty becoming the imperfection of human knowledge, to decline pronouncing decisively, upon every individual who falls by his own hand, that he is necessarily consigned to punishment in a future state. Nevertheless, an action which closes finally the opportunities of rectifying what is wrong, ought to make us shudder at the very idea of an approach to it. — But we are now to suppose that Suicide is indifferent in respect of moral good or evil ; in order to shew the Imprudence of it, as distinct from its Guilt.

In the first place, howsoever low may be the importance of this life estimated alone, yet, if considered as preparatory to a future life, of endless duration, instantly it appears highly important. Though we suppose ourselves *at Liberty* to finish our present life when we are desirous, can it be our *Interest* to cut off any portion of the time which we believe capable of producing to us an immensity of happiness? The happiness which exceeds our conceptions even by its Duration alone, must, in receiving an addition, large or small, to its Intensity, be *increased* also in a proportion which will exceed all our conception. To submit therefore to every possible suffering in the present life, will be consonant to the strictest Prudence ; if we may, in this view of the matter, consider the additional suffering as a price paid for the acquisition of such addition to our future felicity. Can it be our Interest to throw away voluntarily any opportunity of making this acquisition ? There is no *Certainty*, we confess, that a person, in prolonging his pre-



sent life, will lay up an addition of happiness against futurity : but we presume it will be allowed us to assert, that, if he does not, it must be his own neglect. No situation in life can be found, which does not give occasion to the exercise of many Virtues : and, in the situations in which Suicide is most frequent, virtues of a most elevated kind are demanded. And were the prospect, of adding to our future happiness, no more than such Probability as is independent of our own actions ; yet the magnitude of the object makes it rashness and folly to reject even this prospect, howsoever small.

If *this* life alone be considered, melancholy minds will be apt, in some situations, to pronounce that there is no room for argument : — they see evidently, they feel, that Annihilation is more eligible than the existence to which they have here been doomed. But let them at least suspend their judgment, till they hear what may be urged on the opposite side : otherwise, even if their opinion were right, they must incur the charge of being prejudiced. Though we are arguing upon the supposition that Suicide is allowable, and, for the present, have even excluded the consideration of a future state, we by no means despair of evincing, that the privilege of Suicide is far from being so desirable as some dejected and melancholy persons are prone to imagine.

One principal mistake seems to be, that they are disposed to think the evils, under which they labour, irremediable and perpetual, when in reality they have no just ground for such a conclusion.



In bodily diseases, it is true, we are able frequently to form a reasonable conjecture, respecting their continuance. Yet, even in these, relief is sometimes experienced, beyond all expectation. — But the distress which is attributed to the disorder of the Body, and conceived as originating in something wholly extraneous, seems often, in a great degree, owing to the wrong state of the Mind. Men give way to passions and habits which either directly bring on bodily disease, or co-operate with external causes to produce it, or, lastly, render the sufferer unequal to the burden of a distempered body: and yet, when sickness makes an attack, the compounded distress is imputed to a simple and accidental disturbance of the corporeal machine.

Now, with regard to so much of this distress as ought to be referred to the Mind, and with regard to all evils purely mental, the dejected and melancholy are greatly apt to despair of a remedy without sufficient reason. They seem to forget the vast powers of the mind, in wearing off gradually its most inveterate habits and acquiring others more suited to its situation; in correcting its sentiments, inclinations, and aversions, and in rectifying the errors of opinion. They are so occupied with their present sensations, that they neglect to look forward to the resources which are provided for them.

The mere diminution of Sensibility, which usually happens in the prolongation of mental distress, will operate as a partial remedy. The Sensibility of the sufferer is as properly included in our idea of the *Cause* of his misery, as any external cause that can be assigned. And a di-



minution of his sensibility will operate as effectually towards removing the evil, as a diminution or partial removal of the external cause.

A change of Opinion may intirely remove the evil. For example, I am overwhelmed with disgrace; which I have incurred amongst a particular class of men. Their unanimous condemnation subdues me: my feelings and my judgment give way, as if I had been actually culpable in doing that for which I am condemned. I abhor myself, I shun the face of every human creature, I loathe my food, I detest the earth, the air, whatever was designed for my benefit or gratification, and am preparing to plunge a dagger into my bosom. Some accident interposes a delay; which gives me leisure to inquire into the nature of the action whence my disgrace has arisen. Upon cool reflexion, I find nothing culpable in the action: nay, it appears commendable. I am confirmed in my change of Opinion by the concurrence of some persons in whose discernment and principles I can confide. The change in my sentiments is even so great, that I glory in the imputation thrown upon me by men whom I no longer esteem, and whose praise (I am *now* convinced) would be real ignominy. The evil from which I was flying, is gone. I cast away my dagger, and live a grateful and contented Being.

All this, perhaps you say, is but negative: it holds forth to you no positive happiness, which might induce you to bear up against the ills of life; it only points out a possibility, or, at best, a pro-



bability above your expectation, of being delivered from the misery of which you complain. You require a reason, why you should wait these uncertain events, rather than immediately secure your ease by means which are in your own power. Is then the natural Love of Life extinguished? If indeed that great principle, which was implanted in you, actuate you no longer, have you candidly examined whether it be not through your own fault?—But we will not refuse to give you an important reason, why you should for your own sake wish to prolong your life.

It is, the Pleasure to be derived from the exercise of Benevolence. Render yourself useful to mankind. Attend to the misfortunes of others. Deliberate, as if the business were your own (which in reality it is), how you may administer relief to the miserable who fall under your notice: conceive yourself in their situations, and sympathize with their sorrows. Be assured it will divert that strict attention to your own misery, which forms no inconsiderable part of the misery itself, and will supply you with a source of positive enjoyment, to which your most private thoughts and coolest reflexion will give a reiterated approbation.

You answer, that the object here presented to your pursuit, is not an object which can put you in motion. Benevolence you have regarded as a Duty, not as a Pleasure: or, if there was a time when it gratified some finer sensibilities within you, ere man's ingratitude had worn them down, the remembrance is too faint to counterpoise your present languor and dejection. You still



insist that you are doomed to a misery which admits no relief, but by removing yourself out of the world.

Weigh well this reply : that, if you have lost the sentiment which makes the exercise of Benevolence to be a delight, you have lost one of the noblest characteristics of humanity. Beware of placing confidence in the dictates of your Judgment ; which must certainly receive a wrong bias from so disordered, so depraved, a state of the Affections. Make it your first business, to replace what is essential to the just constitution of your mind ; in order to recover the free and complete use of your reasoning faculties. If a piece of mechanism have lost one of its principal parts, you do not think of applying it to the purposes for which it was constructed, till you have supplied the defect. No more ought you to confide in your mental powers, as the guide of your actions, while you remain destitute of that natural Sentiment which impels us to do good to our fellow-creatures, as hunger impels us to seek our food.

When you have effected this reformation, when you have, as it were, put the machinery of your mind in order ; you may then, but not till then, ask yourself the question, Is Suicide desirable ? You will reject the idea with horror. You will congratulate yourself upon your escape from an unnatural and depraved state of mind ; you will rejoice in the recovery of those sensations, whose final cause is so strongly marked by the misery of surrounding objects ; and, howsoever ready to obey the summons of death, you will find an attachment



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in favour of Suicide, on the very narrow ground on which we are at this moment going, you ought to keep well in mind, that it would be *only* on this narrow ground; which excludes the *Guilt*, and therefore the principal *Imprudence* also, namely, that of hazarding the punishment to be dreaded in a future life. Were it then, on this most limited supposition, conceded, that, when you appear to yourself to have lost irrecoverably the Power of doing effectual good to others, the remaining *Imprudence* is done away;—that you can *then* quit life with prudence, as to any direct interest you have in so short and doubtful a part of your existence, taken alone;—still you would not gain permission to execute your rash purpose, whilst the *Guilt* and the consequent principal *Imprudence* remain unconfuted charges. Nor could we forget your loss of this preparatory life, with regard to future happiness \*. The concession, if made, yet being so made on the one narrow ground, must not be transferred to the general question. But, even adhering to the above limited supposition, of the interest you have in this present life, without looking beyond it, we must yet remind you of human ignorance, and of your arrogance in presuming to discern, as with the eye of Omniscience, all the effects which your present faculties and opportunities are capable of producing; and to decide upon so much as a *probability* that no future events will restore to you copious powers of usefulness.

The *Œconomy* of this world forms too large an object for the human eye to receive within its view;

\* See p. 221.



and the secret movements of the system are too minute for man's intellectual vision. Had you the modesty suited to human comprehension, you would acknowledge yourself totally incompetent to judge, in what various modes and to what extent you are connected with those of your own species, or to determine how widely the consequences of your actions may diffuse themselves. Commit every thing of this nature to him who alone can alike comprehend, with perfect facility, what is simple and what is complicated ; who alone is able, without embarrassment, to pursue an unity of design through the most intricate mazes, and to produce from Parts apparently the most discordant a harmony of the Whole. Your imitation of that Being reaches not to these departments ; but may find ample scope in what has been now recommended, the exercise of Benevolence.

## PART IV.

### *Some Objections answered.*

LET us now turn our eyes to the opposite side of the question: lest a total neglect, of those who have argued in behalf of Suicide, should indicate, either a greater contempt of them than mere opposition of sentiments can warrant, or a consciousness of some defect in our own cause. At the same time it is necessary to recollect, that this subject will open into a spacious field of controversy: which no Reader can be supposed willing to explore, beyond a moderate extent.

To the pen of *Hume* is ascribed an Essay on Suicide, wearing the appearance of regular argumentation; and undertaking to shew, that it may be consistent with our duty to God, our neighbour, and ourselves. Under the first of these three heads, the argument is drawn out to a considerable length: but the principal position of it seems comprized in the following sentence \*. “As on the  
“one hand, the elements and other inanimate  
“parts of the creation carry on their action without  
“regard to the particular interest and situation of  
“men; so men are entrusted to their own judgment and discretion in the various shocks of matter,  
“and may employ every faculty with which they

\* Page 8. Edit. of 1783.



“are endowed, in order to provide for their ease,  
“happiness, or preservation.”

To admit the truth of this position, is not to subscribe to the truth of every thing which is advanced in the proof of it. Be the principle allowed; in order to shew the fallacy of the conclusion drawn from it. The passage quoted is a general assertion; and one which must evidently imply many tacit Exceptions. All the laws of religion and morality are so many abridgments of man's liberty, in the exercise of his judgment and discretion for his own happiness. The question remains intire, whether one of the Exceptions to the general assertion be not a prohibition of Suicide. Accordingly our Author, having drawn his conclusion, in favour of Suicide, adds\*; “In order  
“to destroy the evidence of this conclusion, we  
“must shew a reason why this particular case is  
“excepted”.

Abundant Reason for the exception has already been assigned, if the proof given †, of the Guilt of Suicide, be valid. An action shewn to be (in various respects) an infringement of the laws of our Creator, cannot be one in which he has left us at liberty to exercise our Discretion. The general assertion, therefore, which this Author has laboured to establish, is at length merely nugatory, as to his purpose: since the particular case, for which alone it is adduced, appears to be one of the Exceptions from its truth and universality.

In the second place he examines, whether Suicide

\* P. 10, 11.

† Part II.



be \* “ a breach of our duty to our *neighbour* and “ to *society*.” He begins with saying ; “ A man “ who retires from life does no harm to society : He “ only ceases to do good ; which, if it is an injury, “ is of the lowest kind.” On the contrary, several *positive* Injuries have been mentioned above †, as consequent upon Suicide.

His argument proceeds upon this principle ‡ ; “ All our obligations to do good to society seem to “ imply something reciprocal.” And he asks, “ when I withdraw myself altogether from society, “ can I be bound any longer ? ” Here a latent Fallacy may be detected. The good which a person does to society, and that which he receives in return, are not uniformly diffused throughout his life. At one time, in a helpless state, he receives benefits without conferring any ; at another time, he confers much more than he receives. It may happen, that a person who wishes to quit the world stands deeply indebted, upon the whole, to society. And this not only *may* happen, but is exceedingly *probable*, with the generality of those persons who lie under the usual temptations to Suicide. Whether they be the victims of unavoidable misfortune, or suffer from their own dissolute and vicious course of life, they have probably been for some time in a situation to receive rather than to bestow. Or, if to avoid the *appearance* of such a situation, they have anticipated their resources, their *real* situation is to be considered as having been equally necessitous. It would be a Principle very prejudicial to the interests of mankind, that every one should

\* P. 18.

† Sect. 2. of Part II.

‡ P. 18.



be left to his own discretion to abandon life whenever he might judge himself to be no longer indebted to society : — much more, that every one should be at liberty to do it at his arbitrary pleasure. The consequence might be, that a person would convert that season of life in which he could principally be useful, into a season for receiving benefits ; by making the age of action an age of ease and enjoyment. This exchange effected, he would desert society ; when, of course, he must be deeply its debtor.

The remainder of what is advanced under the second head (that which respects *Society*), goes upon the arrogant presumption already \* noticed ; namely, that Man, ignorant and blind as he is, has such a knowledge of causes and effects, such an insight into futurity, as to be a competent judge of his present, and even future, capacities of doing good.

Under the third head, the Author of the essay before us maintains, that † “ Suicide may often be “ consistent with interest and with our duty to “ ourselves”. If what has been advanced in a preceding Part ‡, concerning the Folly or Imprudence of Suicide, be just, no further answer may seem requisite. Yet a remark may be offered, upon this part of the Essay.

It is asserted § ; “ I believe that no man ever “ threw away life, while it was worth keeping.

\* Page 227 or 228 ; to the end of Part III.

† Page 20.

‡ Part III.

§ Page 21.



“ For such is our natural horror of death, that  
“ small motives will never be able to reconcile us  
“ to it ”. We might as well assert, that we believe  
no man ever threw away his riches ; which are  
*always* thought worth keeping. And we might,  
with equal plausibility, assign the reason ; such is  
our horror of poverty, that small Motives will never  
be able to reconcile us to it. What then are the  
Motives of the Gamester, whom no losses can  
reclaim from his favourite pursuit ? What are the  
Motives of the luxurious and extravagant in a thou-  
sand different ways ? Are all these persons in-  
fluenced by great and weighty Motives ? Do they  
act under a settled persuasion, that their temporary  
enjoyments are cheaply purchased by throwing  
away all that they are possessed of, and reducing  
themselves to poverty ? Nothing is further from  
the truth. Repeated victories gained by passion  
and appetite, give these such force, that Reason,  
their natural governor, loses the habitual command  
of them ; and those inferiour parts of the constitution,  
wanton with excess of liberty, bear a man to his  
ruin, with his eyes open. If he throw away his  
wealth, or throw away his life, it is not, necessarily,  
because his Judgment informs him that either of  
them is not worth keeping. He may not have  
lost his horror of poverty, or of death : but his  
noble faculties have lost their natural authority over  
those which were placed in subjection to them ;  
and these latter impel him, in each case, with a  
violence which the more noble and constitutionally  
superiour faculties, now enfeebled and degraded by  
vice, are no longer able to govern.



The Fallacy seems to consist in this. A conclusion is drawn from the mind supposed in its *right* state ; in which every faculty, propensity, and aversion, has its due proportion of strength ; and in which (it is agreed) the natural horror of death will secure a man from throwing away a life which is worth keeping : and this conclusion is applied to a *depraved* state of the mind, in which it can by no means hold ; when, by long indulgence or otherwise, the passions and appetites exercise an authority to which they have no claim, — when the dictates of the Judgment are not obeyed, — when all is anarchy and confusion. If in this vitiated state of the internal constitution a man throw away his life, his doing so forms no proof that he thought not his life worth keeping, much less that it *was* not worth keeping.

*Montesquieu* has written a letter \*, in the character of a Persian resident in Europe ; which is answered by himself in the succeeding letter. Almost the whole substance of it is included in the above-mentioned Essay ascribed to *Hume*. Which seems sufficient to remark upon it here.

Much of *Rousseau's* argumentation also, which a letter † of his *Nouvelle Heloïse* contains, is, in effect, comprehended in the same Essay. And the arguments there used have received a refutation from *Rousseau* himself, in the letter immediately subsequent. But since, in the former of these two letters, the whole question is reduced to one fundamental proposition, this may deserve here

\* Lett. 76. of *Lettres Persanes*.

† Lett. 1. of vol. 3. Edit. of 1764.

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time would be egregiously mis-spent, in giving an answer to a defence so wild, so diffuse, and so weak, of the fatal practice under consideration.

What *Montaigne* has advanced upon the subject, seems in a great measure taken from Seneca or other ancient authors. He writes, in general, in the spirit of those authors; so far at least as to *take for granted* that Suicide is not of itself, and universally, wrong. Of course he does not dwell much upon topics of argumentation, to *prove* the rectitude of it; but launches out into panegyric on the heroism of braving Death in various forms; or displays the Advantages of death, as releasing or securing us from the miseries of this life: or he makes distinctions among the different cases in which Suicide may occur; or relates accounts of remarkable Instances, in which it has happened. To all this, what answer can be given? The heroism of braving Death is allowed on all hands, and deserves high panegyric: but this has nothing to do with the point in debate, whether it be right for a person to procure his own death. Suicide, like other crimes, admits a variety of cases, some implying more guilt, others less; and probably we should blame *the most severely* those cases in which *Montaigne* or some ancient writers would allow a *degree* of blame: but this is intirely foreign to the general question, is Suicide lawful?

*Donne* (who is said to have died about 1630) wrote a treatise to prove, “that Self-homicide is “not so naturally Sinne, that it may never be “otherwise”:—a point which he labours very strenuously and very copiously. But, after all, his



argumentation amounts to little more than that it is praise-worthy to shew a contempt of life, in the discharge of our duty, in the execution of noble and beneficent enterprizes. Or, however, he so confounds this with direct Suicide, that it is not always easy to discover the end or aim of his reasoning, and perhaps less easy to perceive the force of it. From some of his expressions, and from the numerous instances which he quotes, we might be led to conclude that he meant to justify Suicide as the Privilege of the unfortunate. On the other hand, he says expressly \*, “ I agree with S<sup>t</sup>. *Augustine* “ here, That neither to avoid occasion of sinne, nor “ for any other cause, wherein my selfe am meerely or “ principally interested, I may doe this act.” Upon the whole, the design of the book and the execution of it, together, betray such confusion of ideas, that our time and attention would seem very ill employed in the examination of it.

Objections to the reasonings which condemn Suicide, or Arguments in its favour, are also found dispersed in the writings of various Authors. Some of these objections, the most specious, it may be well now to answer.

One of them is deduced from the right, of the civil magistrate, to inflict capital punishments. This right, it is said, can be derived only from the Consent of all the Individuals who compose a state: which Consent can be of no force unless each Individual has a right to dispose of his own life ; since

\* Page 99.



it is a maxim, that no one can assign over to another a right not already in himself. Either Suicide is justifiable, or capital punishments must be unjustifiable.

This is an artful Objection, to involve us in a difficulty foreign to our subject. The only perplexity into which it could bring us, would be that of solving a question with which we have no concern; Whence comes the right of the magistrate to inflict capital punishments? This question has received, from those who have thought upon it, more solutions than one: nor does a necessity appear, that some one, and no other, should be satisfactory. We contend, no less than the patrons of Suicide, that the magistrate *has* a right of punishing with death: but, because we may happen to differ from them in the manner of *accounting* for that right, must it follow that an action such as Suicide, always pernicious in its Tendency, commonly injurious in its manifest Consequences; — must it follow that such an action changes its nature, and becomes an innocent exertion of prudential foresight?

Let those who wish to see a solution of the curious and interesting question, concerning the right of punishing with death, consult the writers who have treated the origin of government and the nature of civil authority. That question forms no part of our inquiry. It respects the right of another person, to inflict death upon me as a *Punishment* and *against my will*: the present subject relates to my own right, of making death a *Privilege* and flying to it *at my own pleasure*.



The magistrate, if he act by commission from the individuals, acts by the joint commission of *all*: he who is the cause of his own death, acts upon the single authority of *one*; he defeats the intent of the laws, and opposes himself to the authority of the magistrate, in the same manner (with respect to the Public) as if he took away the life of some other individual. The questions are too widely distant, to be brought within the same view.

A second Objection to the condemnation of Suicide, is this. Life is a *Gift*. Therefore, when it ceases to yield enjoyment, the obligation to keep it ceases also; when it causes misery, the resigning of it is allowable. Such is the nature of all Gifts. If they be not worth acceptance, the refusal of them cannot be blamed. If after acceptance they cease to be worth keeping, the rejection of them must be permitted.

The error lies in conceiving that to be a *mere* Gift, which has a further idea annexed to it. The life of man is, further and more materially, to be conceived as a state of moral Discipline; in which he is placed, without his own consent, by a Power which he is unable to resist, and by a Wisdom whose designs and systems he cannot penetrate. It is to be conceived as a life of preparation for one, more perfect, which is to succeed it. In respect of the present enjoyment which it affords, it is indeed a Gift, and calls for gratitude. At the same time, in respect both of enjoyment and suffering, in respect of every opportunity of *Action*, it is to be considered as the test of virtue, the trial whose event must determine the future condition of the



Agent ; and, as such, requires an attention of a very different nature from that which, as a mere Gift, abstracted from every other consideration, it could demand. Virtue may be put to the proof as effectually when life is become a burden, as while it is desirable for its own sake. Wherefore, notwithstanding it may become burdensome, this cannot, either in Duty or Prudence, justify the laying it down.

A third Objection, or Argument, is founded upon the right of migrating from one country to another. It is urged, that every man has a right to leave his native country ; and that, as he may leave *any one* country, he may with equal reason leave *every one* : therefore he may leave the world.

The right of Migration, though it were granted in its largest extent, could prove nothing more than that Suicide is consistent with the duty we owe to our country. That which we owe to mankind remains in full force. If I am left to chuse my place of residence within any kingdom, there is no one place in it which I may not quit ; but it will not follow that I am at liberty to depart from the kingdom. By parity of reasoning, if I am indulged with the choice of all countries upon the earth, this cannot discharge me from my general obligations to mankind.

A fourth Objection is the only remaining one which occurs, as meriting particular notice in the present discussion. It is alleged, that a privilege of escaping by death, from all difficulties, is an Incentive to great and heroical enterprizes ; from



which men might be deterred by the prospect of torture, of captivity, or, in brief, of any calamity presenting an aspect more terrifying than a ready and voluntary death. Hannibal, the Carthaginian general, might perhaps never have ventured into the heart of Italy, where he gained such victories over the enemies of his country, had he not been constantly provided with poison against every emergency.

But is not the Privilege (if so it must be called), of Suicide, an incitement to *bad* as well as to *good* actions, — to enormous crimes, as well as to extraordinary instances of real heroism? When criminals, under apprehension of an ignominious death, torture, or the wasting misery of a loathsome dungeon, fly to Suicide; is it not obviously probable, that some previous dependence upon this resource has been one among the secret springs of action, to instigate these pests of society?

Again. If this Privilege, or Refuge from danger, be contended for, as an aid to heroism; it is implied that the heroism which stands in need of it is inferiour, to that which can support itself without such aid. If Cato, Brutus, and others of the Romans, braved the dangers of war, upon a fixed resolution to die by their own hands rather than submit to a conqueror; their fortitude shines with a diminished lustre, when compared with that of Regulus: who, to keep his faith pledged to an enemy, is said to have returned in the most voluntary manner into captivity; where he expected severities more cruel than death. Considered in this view, the eminent and magnanimous exploits of the Ancients excite applause and admiration less



forcibly than similar atchievements of the Moderns; with whom it has been much less in practice to make a reserve of Suicide, as a security from every calamity worse than death.

Brevity has been studied in this *controversial* Part of the Dissertation; especially, because more copious Answers to the Objections stated would have led to a repetition of what had been advanced in the preceding Parts. Wherefore it is hoped, that, if any of the answers given should appear deficient through their brevity, reference will be made to the direct and principal discussions of the subject.

Were controversy our business, an extensive field lies still open. But we are willing to spare our Readers and ourselves the irksome task, of a serious attention to frivolous arguments and impotent declamation, in favour of a practice which (while marked with the characters of *Guilt* and *Imprudence*) no Eloquence can render amiable, no Reasoning can justify.

## P A R T V.

*The Prevention of Suicide.*

THE crime of Suicide, when the act has taken its full effect, places the criminal beyond the reach of human Laws. Notwithstanding, it has been thought not altogether superfluous to enact laws for the Punishment or Prevention of this crime. If the design of all human Punishments is to remedy certain disorders existing in the world, to prevent the continuance or repetition of them, rather than to inflict misery upon the Offender; why should not this salutary end be aimed at, in Suicide, as well as other crimes, provided the accomplishment of it do not appear impracticable? Call the thing a *Punishment*, or not, as you please:—if the *End* of punishment can be obtained, what should forbid the enacting of such laws as may secure it?

The sentiments of compassion may seem to stand in the way. Is it not cruelty to involve the innocent family of a criminal in the punishment of his guilt? Is it not *more* cruel, to throw the *whole* punishment upon the innocent, for no other reason than because the guilty person has made his escape from it? On the other hand, are the ruling powers of a state to remain inactive, when they see the community losing the members which constitute its strength? Are they to abstain from all exertions for the public good, because a few private persons must suffer by the means applied to remedy the



disorder complained of? It were greatly to be wished that satisfactory answers could be given to these questions. A few thoughts, in answer, will now be offered: their pertinence must of course be left to the judgment of others.

Let us first turn our attention to the person disappointed in his expected patrimony, by the Confiscation inflicted as a punishment on the Suicide of his parent.—You complain of a hardship, in the confiscation of property, which you would call yours, for a crime committed by your father; who, by the very commission of it, has escaped from human jurisdiction, and left you the innocent sufferer. Whether the Law which operates to this effect be a wise and prudent Law, whether it be the best that could be contrived for preventing the crime; these are questions which may furnish matter for your general speculation, but, whilst you are intent upon the particular case in which you are so deeply interested, were much better suspended. If you are desirous of examining whether you can be said to receive any *Injury* from such a law, we are ready to attend you in this inquiry.

He who presents you with a Gift, does you no Injury by with-holding any thing which was further in his power to bestow; or by making larger donations to others than to yourself. Now, every thing that you possess may be conceived as, in effect, the Gift of the Laws under which you live. Suppose all these Laws at once abolished. From this instant, you have neither the right nor the power of excluding others, from the mansion



which you have hitherto denominated your *own*, or the lands which you have cultivated in confident expectation of reaping the fruits of them. All the established modes of transferring property, lose their force; nor do the goods which were possessed by your father belong to you any more than to a stranger. Represent to yourself fully the nature of such a situation: trace out in your conception the consequences of being thus reduced to a state of nature; where you are not only destitute for the present of the accommodations of life, but incapable of *acquiring* the permanent enjoyment of them. Though you should maintain an idea of *Property* in a state of nature, yet *Protection* is certainly vanished. In vain would you plead, against the idle and improvident, a right founded upon labour: the first necessitous person (howsoever idle and improvident) who might discover the fruits of your labour, would partake of them without ceremony; and you would find no appeal for redress.

When you have sufficiently impressed upon your mind such considerations as these, return to the contemplation of civilized life, and ask yourself whether you would not accept with thanks any portion whatsoever of property, without thinking yourself injured in receiving no larger share; nay, whether you would not rejoice in the mere privilege of acquiring by your labour what might be secured to you by the authority of the state.

The legislative Power has appointed, for the public good, that, in general, a father shall be allowed to transmit his property to his children; but with some exceptions, intended likewise for the



public good, one of which is in the case of Suicide. Had your father waited a natural death, conducting himself as a good member of society, the Law would have given to you what it had given to him ; that is, all that he possessed. But, now, it gives you only a *Part* of that property :—(we speak according to the *English* law.) It takes nothing from you : therefore it does you no Injury. The Legislature is evidently under no obligation to pay a peculiar attention to *your* interest, above that of any other individual ; and it has made such regulations as it has judged conducive, upon the whole, to the public good : therefore it has discharged its duty to you and to the rest of the society. The nature of human affairs is such, that it is frequently impossible to consult the good of the Public without neglecting that of some Individual.

Your father's situation, in respect of you, was very different from that of the Legislature. He was bound by an especial tie, to make a provision for you. It is *he* therefore who has done you the *Injury*. We commiserate you deeply, as suffering a heavy calamity ; while against him alone lies your just complaint ; against one to whose memory you would more naturally pay the tribute of love, reverence, and esteem : but you cannot, consistently with equity, be permitted to transfer your accusation, and to cast the blame upon the sovereign Power of the state.

What regards the Public, must now be considered. The crime under contemplation, it may be thought, does and must elude the Legislator's



power: but the prevalence of it cannot prove that the means applied to prevent it are without effect. The same argument would prove that the punishments are ineffectual which are inflicted upon other crimes. But he who would render this argument conclusive, must make it probable that there are as many crimes actually committed, as there would have been if no punishments had been inflicted.

In the first place, we will venture to affirm that Suicide is justly considered, by the Legislator, as *capable* of Punishment. No one will understand the meaning of the assertion to be, that any human punishment can affect a person after his death. Its meaning will become sufficiently evident, whilst we are endeavouring to establish the truth of it.

It is a fact supported by good evidence, that men are frequently influenced in their actions by Hopes and Fears of what may happen, after death, to their memories, or to their bodies, even in a world from which they will then have been removed. This appears strongly in the anxious care with which some persons give directions for the future disposal of a lifeless corpse. And there are probably but few, of whom it can be said, that they are perfectly indifferent to the treatment which their bodies may receive after death. The desire of a surviving Fame is common, with men whose eminence gives them any reasonable ground to hope for it: nor is the desire, or the hope, always confined to this description of men. The dread of a stain upon the memory, is perhaps universal. It would be accounted a remarkable instance of indif-



ference or insensibility, if a person, whose name had suffered by unjust suspicions, were found to neglect a commodious opportunity offered, of clearing his character before his decease. This dread of Infamy, intirely separated from the consciousness of deserving it, has been known more powerful than the menaces or attacks of the most acknowledged evils. Lucretia was not to be overcome by threats of Death; but surrendered to her brutal lover, when he artfully superadded a circumstance of Infamy to his threats.

But all this, it may be said, is mere weakness and absurdity. Whence this conclusion? Is it, because no *Reason* can be assigned for such hopes and fears? But is not man actuated by a variety of principles whose operation is previous to all Reasoning, or independent of it? This point, however, as not essential to the present purpose, may be waved. Grant but the Fact (which is evident from experience) that men *are* thus influenced; and the manner of solving it may be omitted. Call it weakness or natural instinct, reasonable or unreasonable. The simple fact is sufficient for the argument.

The Legislator, possessed of this fact, considers how he may make it subservient to the public good. And it is obvious, from what has been said, that he must find here a real and solid foundation for a Law, to prevent the commission of Suicide \*. He sees that this crime admits, if not Punishment strictly

\* "Satis enim est id quod mortuis accidit à vivis metui, ut hoc pacto à peccato retrahantur." Grot. de Jure B. et P. Lib. 2. Cap. 19. Par. 5. 1.



and properly so called, yet something equivalent in respect of civil society. He perceives himself armed with the same kind of influence, to deter a person who meditates the crime of Suicide, as to deter one who is under temptation to commit theft, murder, or treason ; namely, the denunciation of what is known, from experience, to be terrible to human nature. And the Punishment (properly so termed or not) of a criminal, of this peculiar species, has a tendency to restrain those who see or know it, similar to the tendency perceived in the punishment of other crimes, and produced in the very same manner ; namely, by exhibiting to public view a scene which gives a shock to the natural feelings of man, and which causes him to dread and abhor the action drawing after it such consequence.

We do not contend, that the Legislators influence over the crime of Suicide is equal, in *degree*, to that which he possesses respecting other crimes : but that it is the same in *kind*, that it is real, and that it is founded on those natural, or universal, or at least ordinary, Feelings, whose operation he may regard as perpetual ; so far as to be justified in framing Laws upon the expectation of it. Wherefore this crime is justly considered, by *him*, as capable of Punishment.

\* The Confiscation of Property has been here omitted ; for reasons to be now explained. No doubt, the natural affection of a parent may in some cases avail, to restrain his hand from a crime which may reduce his family to poverty. But this species

\* Referred to in page 200.



of Punishment seems liable to material objections. The Survivor, suffering this disappointment of expected property through the crime of the deceased, has been addressed \* at some length; to evince to him that *his* duty is acquiescence in the Law which operates to his disadvantage, and that no *Injury* is done to him by it. But, whether the institution of such a Punishment be equitable and judicious in a Legislator, is a distinct consideration.

The good Consequences to be expected from it are mixed with bad, and perhaps outweighed by them. If a number of innocent individuals be cut off from the enjoyment of that property which they have had the utmost reason to expect, and with a view to which the habits and attainments of their education have been regulated, such things cannot be matter of indifference to the Public. Persons educated to higher expectations, and suddenly depressed to an inferiour condition, at a time when their qualifications were on the point of being brought out into the world, are lost from the rank which they have quitted; they render perhaps but feeble service in that to which they are fallen; and, upon the whole, are much less capable of contributing to the public stock of happiness in the Community, than if they had kept their original situation. Add to this, the distress which falls upon the Individuals themselves: and the whole inconvenience or misery, suffered, becomes an object of very serious attention to a Legislator.

In every instance in which the good Consequences of the punishment fail, it is evidently

\* Page 245 to 247.



pernicious. The question is, whether the opposite instances, in which it produces the desired effect, are sufficient to overbalance the mischief of it, and recommend it as a general Rule or Law of society. Now it would probably but seldom happen, that a person insensible to marks of Ignominy, such as a legislator has a power of affixing to Suicide, would be restrained by tenderness of affection towards a dependent family, or a delicacy of honour in his attention to their interests. Who are the persons in whom this mixture of delicacy and insensibility can be expected? A few perhaps, who, without a general depravation of sentiment, have been led into an idea that Suicide is free from Guilt; and have employed a counterfeit kind of philosophy, to banish the ordinary sense of shame respecting the reputation which may survive them. The number of pretended philosophers who correspond to this description, is, we may presume, extremely small. Therefore it is not only allowable, but requisite, to neglect them, in framing a Law which is to be applied indifferently to every class of men: and all Confiscation of Property seems justly excluded from the Punishment of Suicide.

An additional argument is drawn from the experience of our own country: where it is seen, that the persons appointed to decide upon the evidence of the crime, in particular instances, will commonly evade the Law at all events, rather than enforce a Punishment which *appears to them* so inequitable, so severe upon the innocent. Howsoever culpable the Juries may be in their evasion of the law, it is nevertheless a consideration with a Legislator, that



the Laws which he enacts be not only salutary *if* executed, but such as are likely to *be* executed.

One question yet remains : whether the Punishment ought to be universal ; or to admit Exceptions, in favour of persons who may be supposed incapable of whatever is criminal in Suicide.

That they who do not enjoy the use of their Reason ought to be considered as incapable of committing a crime, is, substantially, a fair and equitable maxim ; but, if literally taken, is liable to abuse. The English Law, which adopts the maxim in general terms, expressly excludes one particular case ; namely, when the deprivation of reason is caused by *Intoxication*. This temporary frenzy is held, not to excuse, but rather to aggravate, every crime which it occasions. And what is the difference, between this frenzy and any other which a man brings upon himself by his own fault ? None, certainly, which can render one more than the other an excuse for crimes.

But does it appear that frenzy, madness, or lunacy, (for these terms are frequently taken as synonymous, in an extensive signification,) is ever brought upon a person by his own Fault ? That it ever is so, may not be equally *evident* in lunacy, or madness commonly so called, as in the short-lived madness of *Intoxication* : but there seems to be sufficient ground for asserting a strong probability, that such is sometimes the case. Lunacy appears frequently to arise from a distempered state of the body. And what more common causes can be assigned for the distempers of the body, than in-



temperance, riot, and frequent repetition of irregular and extravagant passion? Lunacy, again, seems often to have its origin in calamitous events, loss of property, disappointment of hope. Are not these, in some instances, caused by our Vices or Indiscretions? Are they not, when so caused, the most severely felt? May it not happen, in other instances, that a misfortune which would have been supported by a well-prepared mind, firm in the regular practice of its duties, and vigorous by the constant exercise of its faculties, will overwhelm an unprepared, corrupted, enervated mind, and dethrone the reigning powers of reason and judgment? The desponding melancholy which not uncommonly terminates in the desperate act of Suicide,—is it not a natural consequence of that indolent and torpid life, which shuns the efforts of activity as a degrading servitude, which indulges every craving of appetite, and prematurely exhausts all the sources of pleasure,—which, in short, reduces Man to the state of an useless, not to say noxious, Reptile?

We have, therefore, a very probable conclusion, that Lunacy may often be attributed to the Fault of the Lunatic himself. May we not go further? It has been accurately remarked by men of observation, that Lunacy is sometimes a *partial* disorder; that is to say, a person is lunatic in respect of some particular objects, while in respect of others he retains the use of his mental powers \*. Upon this idea, the proof of one action, or a few separate actions, implying an alienation of mind, will not

\* The case of Mr. Simon Browne is remarkable to this purpose: mentioned by Hawkesworth; in the *Adventurer*, N°. 88.



amount to a proof that in the act of Suicide a person knew not what he was doing, or that he did not retain the faculties which constitute a moral agent.

Nay, the very act of Suicide appears in a manner to imply some, or all, of those faculties which distinguish a rational and accountable Being, from inferiour creatures. For it is notorious that brutes do not destroy themselves \*. And, as far as the author has been able to gain information, there is no instance of Suicide committed by *Idiots*: who, though Men in their external form, yet, having never had from their birth the use of reason, cannot with propriety, be denominated rational.

But, after all, we fear not to meet the objection which possibly some may persist in maintaining, that any Punishment is cruelty to the Lunatic. For a moment's recollection will shew that this cruelty cannot take place, upon the principles which we have laid down. These principles exclude all Punishment of Suicide, except such as may consist in some peculiar treatment of the body, or such as may in some other manner expose the memory of the deceased to a degree of Ignominy. And these Punishments (that is, the previous Apprehension of them) cannot affect a person who is *totally* deprived of his reason; nor, if the idea of *partial* lunacy be admitted, can they affect any person otherwise than as he possesses a power of reason to comprehend them. In any case, there-

\* This we may safely affirm, notwithstanding the phenomenon of pelicans, and of bees, by which Dr. Donne has attempted to establish exceptions to the general position. See his Treatise on Self-homicide; p. 46.



fore, he is not exposed, by their operation, either to injustice or cruelty.

Upon the whole, then, we would, with all diffidence, make this brief suggestion: that the Confiscation of Property, as a Punishment of Suicide, be abolished \*; that no regard be paid to Lunacy, but that, in all cases, alike, some certain mode of treating the Body of the deceased be invariably observed, and some certain marks of Ignominy affixed to his memory. This *general* idea is all that we shall presume to offer.

If any appointed treatment, of the body or memory of the deceased, affect the sensibility of surviving Friends; let these recollect, that whatsoever is most conducive to the good of the Public, or so adjudged by legitimate authority, demands their patient acquiescence; that, if the deceased was really free from blame, all who are aware of this will see every affixed mark as stamping no real Ignominy, in this instance; whilst, in all instances, the treatment may deter those who have enough of intellect to comprehend it.

We will not conclude without a brief address to the person who is, in some degree, dissatisfied with his present life; but who truly wishes a timely and secure Prevention of the crime in himself, by his

\* This Punishment of Suicide has been abolished in France:—as noticed in the Edition of 1785; with a quotation from the *Encyclopédie*, under the article *Suicide*, near the end, mentioning the *new* jurisprudence. Whether any thing on the subject has taken place in France, *more new*, the author does not know.  
1811.



own most laudable exertions ; by restraining an unnatural propensity, — by disabling it from acquiring a force which might one day render it fatal to him.

The Remedy which you have the wisdom, and the honesty, to inquire after whilst you retain strength and inclination to apply it, may perhaps be comprized in the following particulars.

Acquaint yourself intimately with such Disquisitions as paint in true colours the crime which you are studious to avoid. A *single* examination, of the nature and consequences of Suicide, may be sufficient to convince your Reason : but this conviction will not (it is to be feared) immediately create a settled aversion, will not inspire at once that firmness of resolution which may in future be necessary to you. It is therefore the *Repetition* of these reflexions, that we recommend ; the dwelling upon them in your mind, and making them familiar. When the circumstances actually arrive, which will put you to the proof, it may be too late to *reason* ; too late even to recall, in an effectual manner, the reasoning which had once convinced you, but which had lost its influence for want of repeated recollection.

But the most settled Abhorrence of the crime, founded on the clearest Conviction, will not authorize you in esteeming yourself invincible. It will therefore be advisable, in the next place, that you should decline every unnecessary Trial of your Firmness. For this purpose, you may exercise your sagacity in looking forward to all the probable events of your situation in life ; and employ your



prudence in steering, amidst threatening rocks and sands, a course as remote from each as the surrounding terror of the rest will admit. It is not a valour of the noblest kind, that wantonly provokes danger: nor must he who has involved himself in perilous circumstances, be surprized to find his fortitude diminished by the reflexion, that he has been the rash cause of his own difficulties.

These two directions may be applicable to the generality of criminal and vicious actions; but are not equally so to all; and to none perhaps with the same propriety as to Suicide. When the despair, the melancholy, the furious passions, the extremities of affliction, which are the usual causes of Suicide, have already taken possession of the mind, you would in vain *begin* to prepare for so severe a trial: nor will the most early and deliberate Preparation be a sufficient security, if you lay aside all caution with respect to external circumstances.

But confine not yourself to acting upon the defensive. You are furnished with weapons to combat the unnatural propensity to Suicide. Suffer them not to lie unemployed. To give them every advantage, endeavour to preserve all your natural powers in their most vigorous state. Remember always the strict union, or mutual relation, of Mind and Body; the connexion (frequently perceptible, howsoever mysterious) between the disorders of the one and those of the other. This will be a motive to the practice of temperance, and of all the other methods which are recommended for giving and preserving due vigour to the bodily machine. It will also make you careful to watch



and suppress every irregular motion of your mental principles of action. The mind and the body require your attention, not merely each on account of itself, but likewise each on account of the other, from their reciprocal and powerful influence.

Thus prepared, regulate your course of life in such a manner that the active portions of your time may create a relish for those assigned without scruple to enjoyment, and that the portions allowed to enjoyment may prepare you for a return to those of action. Place not the Action and the Enjoyment in such opposition to each other, that the one shall appear to be the happiness of your life, and the other its misery : but consider them as together forming, in harmony, the highest degree of happiness permitted to mortals in their present imperfect state.

The pleasures which have a tendency to dissipate and enervate, should be used with a prudent reserve ; lest they should introduce an habitual lassitude and depression, which may degenerate into melancholy. But there are other pleasures in which you may indulge more freely ; taking with you always this caution, that we live not here in a continued scene of exalted felicity, and therefore that the expectation of it is a certain cause of disappointment. With expectations duly moderated, you may discover in this world a fund sufficient for producing, at the least, all the attachment to life which can be requisite for the discharge of your Duty.

Above all, indulge your propensities of the benevolent kind. It is impossible, indeed, that you should be engaged without intermission in conferring

benefits of the first magnitude: but there is a serene spirit of Benevolence, mixing itself with every social intercourse, which smooths the ruggedness perpetually raised by the clashing of petty interests. Encourage in yourself this spirit: look upon a human Being, not as a foe, but as a friend. Give scope to your natural affections: yet temper them with a mild discretion. Apply yourself, in the retired path of domestic life, to alleviate the anxious labours, to promote the innocent enjoyments, of all around you. But, when some favourable situation presents you with an opportunity of relieving deep distress, of conferring a great and durable benefit, seize it with avidity. The immediate Gratification will transport you beyond the bounds of ordinary pleasure: and, which is more important, the future Retrospect will cheer the disconsolate hour of your dejection; will heighten your appetite for this natural food of the humane and benevolent mind; and will give life some estimation in your eye, so long as a single object remains whose misery you can diminish, or whose happiness you can augment.

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246	7	..... nature	particulars.

*The Reader is also referred to the fifth paragraph of the Preface.*

# ERRATA

Page	Line	Correction
10	10	For the word "the" read "a"
11	10	For the word "the" read "a"
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The reader is also referred to the full paragraph of the  
 Preface.



