

Another maxim which deserves examination, is this:—"That it is better that ten guilty persons escape, than that one innocent man should suffer." If by saying it is better, be meant that it is more for the public advantage, the proposition, I think, cannot be maintained. It would, I believe, be an easy task to prove that this conclusion is wrong on Paley's own principles. We are, at least, certain that it contradicts the moral feelings of mankind, and this is quite enough to condemn it.

No man perhaps ever used the disjunctive form of reasoning with more advantage than Paley. It sometimes however led him into error. The worst example of this kind has been considered in a former page of this discourse*: another occurs in the chapter just quoted. *There are (he observes) two methods of administering penal justice—The first method assigns capital punishments to few offences, and inflicts it invariably—The second method assigns capital punishments to many kinds of offences, but inflicts it only upon a few examples of each kind.* All this is true—But when he argues as if there never had been, or could be, any other methods besides these two; his conclusions (whether true or false) are not derived from any rules of sound logic, and are open to a charge of sophistry. This last remark is not however of much importance, and bears not directly on my present object.

From all that has been stated above, we may conclude, that Paley was wrong in overlooking the innate moral capacities of our nature—that the principle of utility is derived from false reasoning—that it places man in a false position—lowers his standard of right and wrong—and inevitably leads him,

* See above, p. 62.