

ON THE UTILITY OF OATHS.

abundant proof of the inefficiency of political oaths, whether taken by the people to their rulers or by the rulers to the people."

It is the duty of all subjects to bear allegiance to their rulers, and the anomaly is a curious one, discoverable no doubt in all societies, of requiring a man to swear to perform that duty, which he not only ought to be presumed, but which the very fact of his being a subject compels him, to observe to his Sovereign. Somewhat similar is the peculiarity remarked by a surprised Frenchman of certain of our Irish brethren joining together and agreeing to be loyal; agreeing to be what they ought to be, agreeing to do their duty, and therefore considering themselves worthy of all praise, as faithful observers of political morality. Ordinary civilians are not called on to take the oath of allegiance, yet it behoves them to be equally as loyal as the soldiers who swear an oath, which even when they hear they hardly understand.

(2.) Then as to the oaths of fidelity in the discharge of public duties, they have never stopped the unworthy at the threshold, and the worthy did not require them to quicken their sense of duty. Such oaths seem to be in the nature of contracts, which might be entered into in a manner much more satisfactory than by embodying them in their present form. With a writer of the year 1834, quoted by the Commissioners, it is only common sense to hold that—

"No man should ever be called on to promise to do what he is bound by the duties of his office to perform, on the contrary, it should, in every way, be declared that every man has already promised to do his duty by the very act of accepting office.*"

There are two motives, or, to use a perhaps more correct phrase, two sanctions for the observance of the class of oaths we are now considering, namely, the sanction of interest and the sanction of religion. Now, if an enlightened self interest does not impel to honesty in the discharge of a duty, it is very questionable whether the religious sanction will secure faithfulness in the office. The oath will not generate a conscience, and, where this is wanting, happiness here or hereafter ceases to persuade, and Hell offers no terrors. Even a tendency to superstition, which we too often shamelessly encourage, can have no place in one devoid of the moral sense. Worldly gain, present or prospective, is the sure reward of faithfulness. But, it may be said, a little wrong, scarcely possible of detection, may be done with advantage to the wrong-doer, and in such case self-interest inclines to the doing of it. The proposition may be questioned; but admitting the force contended for, the moral sense of right and wrong should be potent to resist the temptation, and, if it be not so, an oath cannot strengthen the weak conscience. As to the sanctity of the oath (a phrase which

is scarcely intelligible) in what does it consist, since the practice is recognized of taking the oath as a matter of form, and disregarding its whole spirit? Oaths and declarations taken by officers of the army against the payment of money for commissions may be mentioned; these, however, common decency abolished some years ago, and the Report points out some other oaths which were, and are, taken not to be observed. Examined from whatever point of view, an oath must be found not to possess in itself any sanction whatever for the due observance of the duty sworn to be faithfully performed.

2. Passing away from oaths of office we come prepared in some degree for an examination of judicial oaths, or that class of oaths to the breaking of which penalties are attached by law.* A witness is sworn in a Court of Justice to tell the whole truth; should he lie, a temporal punishment is imposed on his being found guilty of the offence, and further, say the clergy, he has earned punishment hereafter for having laid perjury to his soul. We shall not stop to examine the feeling of certainty or uncertainty as to this latter reward, that may be present to the mind of him who swears falsely; the question is not one of importance to the object aimed at in this paper.

Stripped of the legal sanction, this class of oaths is very similar to that we have been considering. It is every one's real interest to speak the truth,† and should any motive induce one to swerve from it the oath has no charm to prevent if conscience be dead to the sacred character of truth itself. If motive and conscience be acting in contrary directions the repetition of no formula can give power to the latter. A lie is a lie on the street or on "Change, as much as in a Court of Justice, and why should its utterance be considered more heinous in the one place than the other? As great interests depend on the honest dealing of man with man as on speaking truly before a judge and jury. But if we exalt truth in the one ease by investing it with a sort of specially made garment, of necessity its position in the other case is altered, and it becomes a less crime to tell your neighbour such a lie as may enrich you and impoverish him than to swear falsely to some insignificant fact in a Court of Justice. A lie, we are in effect told, is not so bad a thing in our every day contracts, but in a Court of Justice is something awfully wicked. Yet wherein does the difference consist? A lie has been told in the presence of God as deliberately in the one case as in the other. But truth has received in a Court of Justice a fictitious importance,

* With this class the Commission was not concerned.

† It being more easy to tell the truth than a lie, some writers speak of a natural sanction for truth, meaning that it is more natural or easy to draw upon the memory, than the imagination.

"From the mouth of the most egregious liar," says Bentham, "truth must have issued at least one hundred times for once that wilful falsehood has taken its place." (Ev. 82.)