

negative or the affirmative side of the proof, nor can we concur in this way of establishing the principle of utility generally. It hardly consists with the faultless logic displayed by the author every where else, to assume in this case the basis of his deductions as true, even *ad interim*, while the formidable problem of the existence of evil remains confessedly unsolved, and rises up like a brazen wall before him.

But although Mr. Austin has not been more fortunate than others in advancing the principle of utility as an index, we know no author who has done more to recommend and vindicate it as a standard. His explanation of the way in which this principle ought to be applied to practice, and his reply to the objections against it, are in the highest degree felicitous and instructive. Much of what he says on this head if not absolutely original, is at least more strikingly illustrated, and reaches the real difficulty more effectually, than any thing which we have ever seen before.

Some objectors imagine that they are required to appeal to the principal of utility directly in their constant practice, and to preface every action by a specific calculation of the resulting happiness or misery in each individual case. But Mr. Austin points out that such a necessity would rarely arise, even though the principle were universally recognized and acted upon. For one of its primary dictates is, that general rules shall be formed determining the good or bad tendency of classes of actions; and when such general rules have once been lodged in the memory, it is the rule which forms the ordinary test and guide of individual behaviour—not the ultimate principle from which the rule is derived. This latter is to be directly appealed to only in those cases of exception, where the specific evil of observing the rule would be great enough to counterbalance the general evil of breaking it. Such exceptions are rare; and will become rarer still as the derivative rules are improved and perfected.

Nor is the principal of utility at all inconsistent with that quick and earnest feeling which is indispensable as a constant force to operate on human behaviour. The grand desideratum is, that the occasions on which moral sentiments arise, as well as their comparative vivacity and character, should be predetermined by a judicious education, so as to coincide with the dictates of utility. Mr. Austin has set in the clearest light the legitimate alliance of calculation and sentiment towards the formation of the virtuous character; and he renders material service to the principle of utility considered as a standard, by dis-joining it from the immediate view of utility considered as a motive. He has faithfully conceived, and accurately exhibited, the mode in which the principle of utility, under a perfect system of teaching, would exercise its sovereign empire—sometimes to appearance invisible, but never dormant or inoperative—often governing by deputy, but never either disobeyed, or superseded, or disowned.

In unfolding the essential properties of a law, Mr. Austin finds it necessary to lay open fully the idea both of political society and of sovereignty. Following the traces of Mr. Bentham's Fragment on Government, he has furnished a copious analysis of these two important ideas. We owe to him the elucidation of a perplexing