

**LIBERTY AND NECESSITY: IN WHICH
ARE CONSIDERED THE LAWS OF
ASSOCIATION OF IDEAS, THE
MEANING OF THE WORD WILL, AND
THE TRUE INTENT OF PUNISHMENT**

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Liberty and Necessity: In Which Are Considered the Laws of Association of Ideas, the Meaning of the Word Will, and the True Intent of Punishment by Henry Carleton

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HENRY CARLETON

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TRUE INTENT OF PUNISHMENT.

BY

HENRY CARLETON,

LATE ONE OF THE JUDGES OF THE SUPREME COURT OF LOUISIANA.

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P R E F A C E .

ALL questions in sciences founded on facts, are settled by an appeal to the facts themselves. Hence our knowledge of Astronomy, Optics, Chemistry, Geology and Mechanics, is continually enlarged by the discovery of additional facts, while in the department of Theology, the question of Liberty and Necessity still rests on hypothesis where it stood two thousand years ago.

The disputants on both sides ascribe every action to the agency of a power they call the Will; but what determines the Will to act, is the point upon which the whole controversy turns.

On one side it is affirmed that nothing determines the Will—that it determines itself—that it is a spontaneity which can act without cause of action, and can choose among motives without reason or preference.

The necessarians do not understand this logic. They affirm that the Will is always determined by the strongest motive, or judgment of the mind, which they say is the only guide of conduct vouchsafed to man.

The difficulty lies in substituting hypothesis for facts, under the belief that facts could not be affirmed of mind as well as of matter, whereas we know nothing of matter but from a consciousness derived through the senses, and from the same consciousness only, do we know what takes place in the mind. The evidence of fact in both cases is the same. There is no true knowledge but in consciousness.

That we feel pity, love, hatred, malice and resentment, are as truly facts as that iron sinks in water, or that rain falls from the clouds, and unless we are conscious of these and all other facts we possess, we could have no knowledge of them whatever.

When a jury is convinced by the testimony of a witness, their conviction is as much a fact, as the existence of the witness himself.

The sensations caused by the light and heat of the sun, are as truly facts as the existence of that luminary in the heavens.

That the features of one person do necessarily remind us of those of another, merely by the force of resemblance, is a fact known to every man from his own experience.

So the existence of any judgment, opinion or belief, attested by consciousness, is as truly a fact as any occurrence in the external world.

All phenomena of mind, therefore, being so many facts, every question in mental philosophy may be settled as in other sciences, by an appeal to the facts themselves. Moreover, the immediate antecedents to these phenomena, are sensations, ideas and their combinations, which can be distinctly traced from their first elements up to those perceptions and judgments of the mind, that are the true and sole causes of action.

I do not pretend to have discovered what was not known

before. My aim has been to direct attention to truths we already possess : and if, as I trust it shall appear, that all phenomena of mind are so many facts ; that ideas act upon the mind, and not the mind upon ideas ; that all their combinations are formed by their own laws of aggregation, and that the mind cannot command or originate an idea for itself, then all further doubt upon the question of Liberty and Necessity must cease.

If I possess any knowledge of my subject, it is mostly the fruit of twenty-five years experience at the Bar, and of observation while on the Bench.

The Bar is one of the best schools for the study of the mind —an argument is but a train of associated ideas ; conviction, judgment, execution are its direct consequences.

For the first just hint on the association of ideas and the true meaning of the word Will, I am indebted to a treatise on the Mind, by James Mill ; and if it should appear that he has fallen into an occasional error, yet there is enough of truth in his work, if followed to its legitimate results, to place him among the first metaphysicians of any age.

Weary of theory and hypothesis, and shut out from the free use of books from a defective vision, I sought and attained the truth in the phenomena of my own mind. Every man possesses the same means of information within himself. All books written on the Mind from the time of Aristotle until now, can teach him nothing beyond what his own consciousness attests to be true. When he is thirsty he drinks ; the desire for water he knows to be the sole cause of action. This is nature. Such an agent as the Will is defined to be, has no place in the human mind.

If in the following pages I have necessarily employed the

term *Will* in the sense in which it is used by writers and in common speech, it was that I might show that the true causes of action existed independently of its agency.

Whether or no I have truly stated the phenomena of mind as they occur, is merely a question of fact, to be tested by every man's own consciousness, and not by argument.

OF THE ASSOCIATION OF IDEAS.

CHAPTER I.

OF THE ELEMENTS OF KNOWLEDGE.

WRITERS agree that external objects act of necessity through the senses, and that all the elements of knowledge are thus forced upon the mind by laws it cannot resist.

Impressions from without are called sensations, and when revived in memory, are called ideas; and although the original stock may be small, yet will it appear inexhaustible when we consider that colors, sounds, and tastes, afford gradations almost without end; that there is no limit to the variations of form which are but the inflections of a line; that all the varieties of plants on the globe are composed of four constituent gases; that the multiplied modes of architecture, of machinery, or of the vehicles in which we traverse sea or land, are shaped of timber cut from the forest, of marble from the quarry, or of iron dug from the earth; that the continual addition of an unit will measure the dis-

tance to the sun; that of twelve digits only, four hundred and seventy millions of combinations may be formed; that the varied sounds of all languages, all the wisdom and learning of man, can be expressed by the combinations of the letters of the alphabet; that twenty-four bells would yield a greater number of sounds than could be struck in the longest life; that the science of geometry is reared upon a few definitions, each succeeding problem standing on its predecessor, and however lofty the fabric, that the same elements are discoverable at the summit that entered at the base; that the profoundest investigations of the mathematician or astronomer, the highest conceptions of the poet or orator, those ever varying modes and forms of speech that instruct and delight, may all be traced to a few primary thoughts, common alike to the ignorant and the wise. From the same humble sources, genius continues to draw new and elevated beauties, although Ovid complained that preceding poets had appropriated all the graces of speech to themselves, and left none for their successors.

COMBINATIONS NOT INVENTIONS.

A clock or telescope is said to be an invention; but when examined in its details, the