

THE BENTHAM NEWSLETTER



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FOREWORD

This Newsletter has two objects. First, to report from time to time on the progress of the Collected Works of Jeremy Bentham which is being published under the auspices of an Anglo-American Committee promoted by University College London and edited by Professor James Burns of that institution and Dr. John Dinwiddy of Royal Holloway College. Secondly, to give publicity to information and research which has arisen in the course of this undertaking and from the work of other scholars.

This edition is a very ambitious enterprise. Jeremy Bentham is internationally outstanding in the history of thought in a wide area comprising Jurisprudence, Political Science, Moral and Epistemological Philosophy, Educational Theory and Economics. In his own day his intellectual influence was very extensive both at home and abroad; and he must be regarded as the founder of a tradition which has been conspicuous, either by attraction or the reverse, ever since. But, in spite of this, after all these years there is no adequate edition of his works. The collection which was published by his executor, John Bowring, is notoriously slovenly and inaccurate; it fails to include even works published during Bentham's lifetime to which he, the executor, took exception. Add to this that there exists at University College and elsewhere an enormous amount of material hitherto unpublished - complete works or drafts omitted from earlier publications - and there is no need to elaborate the urgent case for a thorough scholarly publication of all material and correspondence covering Bentham's wide range of interests. The plan for a complete edition comprises at least forty volumes. It is safe to say that nothing more extensive has been projected in these fields of humanistic and legal studies this century.

This plan has now been in operation for some years. Six volumes have already appeared and several more are approaching publication. In the course of the work which has thus been involved - the search for new documents at home and abroad, the sorting of existing manuscripts (at University College alone there are almost two hundred boxes), the deciphering of Bentham's often nearly unreadable calligraphy - much material of relevant interest has emerged; and the work of the various editors and commentators on the volumes already published has thrown new light on many aspects of this wide subject.

In the belief that there is now available a flow of information valuable to international scholarship not merely about the progress of this edition but also regarding the whole context of the intellectual and political activities in which Bentham and the Benthamites were involved, the Editorial Committee have decided to issue this periodic Newsletter. It is hoped that it will be of value, not only to libraries but also to individual scholars pursuing researches in these subjects. It is also hoped that it will evoke helpful comments concerning fields in which further prospecting may be useful.

Robbins
Chairman of the Bentham Committee

EDITORIAL

This Newsletter has been produced in response to a growing interest in all aspects of Bentham Studies. The primary task of publishing a definitive edition of Bentham's works on which the Committee has been engaged, though of major importance, is only one of many contributions that scholars are making in this field. To publicise these contributions and to give scope for further research will be the main function of the Newsletter. It is hoped that the enterprise may result in the formation of a Bentham Studies Association.

It is intended that the Newsletter should include articles, notes, reviews, bibliographical material, reports on work in progress, and requests for information. The present intention is to publish one issue each year and the cost will be £1 per annum (including postage). The first issue is being distributed free, but subscriptions for the second and subsequent issues should be sent to:

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I would like to draw attention to the Conference to be held in University College London on 9 and 10 July 1979, a programme of which is given in this issue.

The Committee wishes to acknowledge the valuable services of Miss Joan Oliver, Miss Janet Marks, and the Reprographic Section of the School of Oriental and African Studies, in the production of this Newsletter.

Claire H. Gobbi
Editor

REVISIONISM IN BENTHAM STUDIES

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Whenever a new body of information about a thinker becomes available for the first time or is used more intensively, it is inevitable that established interpretations of his work and thought will be challenged and perhaps displaced. In the case of Jeremy Bentham, this sort of challenge has been slow to develop out of the closer study of his manuscripts at University College London and in the British Museum. Work done on the manuscripts has been fruitful in a number of ways, for example in falsifying some popular notions about his life and in demonstrating that his thought - notably his theory of law - was more subtle and rigorous than many of his Idealist and Marxist critics had suggested.¹ But to a large extent that work has confirmed rather than overturned the interpretations favoured by the more sympathetic and thorough students of his thought, especially Elie Halévy. Halévy was of course one of the first to make some use of the manuscript collections, and the Bentham he described in The Growth of Philosophic Radicalism is recognisable in the man who appears in The Education of Jeremy Bentham or as the author of Of Laws in General. Gradually, however, a number of dissents from Halévy's views have been accumulating, and it is my purpose here to examine some of those concerning Bentham's social and political theory, and to try to assess their accuracy.

Halévy saw Bentham as a utilitarian philosopher concerned (like the Philosophical Radicals who coalesced around him) with reform in three distinct fields, juristic or legal, economic and political. As an eighteenth-century utilitarian, however, Bentham acquired his interest in political reform later than the other parts of his programme, for in politics the early utilitarians were "sceptics and authoritarians", and their doctrine "was behind the age".² He remained even slower to develop a political programme than many others of the school, for they responded positively to the French Revolution while he "maintained a position of systematic hostility to the equalitarian and democratic principle" and 1789 marked the beginning of "as it were a pause in the history of Bentham's thought."³ It required his bitter disappointment at the failure of his Panopticon and other schemes, combined with the influence of the "advanced Whig" James Mill, to convert him "to the cause of liberalism and then to political radicalism" in 1808-09.⁴ He was necessarily committed to certain varieties of rationalism and individualism for these, Halévy argued, were the intellectual foundations of the utilitarian philosophy. Its rationalism was a belief that "a rational and mathematical science of pleasure is possible";⁵ its individualism was a belief that all individuals "have an approximately equal capacity for happiness" and ultimately that each individual is "elementally egoistic" and that "all the disinterested inclinations [are] so many transformations of this primordial egoism."⁶ Within this mode of thought, Halévy identified two "distinct principles which [were] in a sense in competition within the system", a principle of the artificial identification of individual interests which underlay the juristic programme that Bentham took over from Beccaria, and the natural harmony of interests which underlay the economic programme that he took over from Adam Smith.⁷ The history of Bentham's philosophy was essentially, for Halévy, the working-out of the competition between the two principles, and their relative dominance at different points of time.

A part of Halévy's interpretation that now looks very vulnerable is his suggestion that there was "a pause" in Bentham's thought after 1789. There are grounds for thinking that the 1790s were in fact the most fruitful decade of his working life. Besides the writings prompted by the

French Revolution, he produced in those years most of his serious work on economics and large amounts of material on the administration of the police, the poor laws, the Church, the administration of the naval dockyards and the details of his Panopticon scheme. Most of this involved new thinking and was imaginative both in conception and in the working-out of the argument. (Halévy was aware of the existence of most of this material, and knew something about its contents, but found it of little interest, probably because he was more concerned with the boundaries of Bentham's programme than with the filling in of its details.) But Mary Peter Mack has tackled Halévy on his own ground, arguing that Bentham's attitude to the French Revolution was far from negative. Relying to a considerable extent on unpublished works that were also known to but discounted by Halévy, she has contended that Bentham's conversion to radicalism should be attributed to the Revolution and the Revolutionary period and not to his falling under the influence of James Mill nearly twenty years later.⁸ She characterised the intervening period not as a pause but as a "Fabian retreat" in the face of public and official hostility to radicalism during the Terror and the war against Revolutionary France.⁹ The general tendency of her argument was to represent Bentham's political radicalism as not only earlier but as also more spontaneous, more liberal in character and more closely related to the rest of his thought than Halévy had suggested.

A few years later Gertrude Himmelfarb also claimed to see a close relationship between Bentham's political programme and another part of his thought, but her argument did not directly contradict Halévy's, and the implications that she drew from it were very different from Mack's picture of Bentham. Halévy had associated Bentham's radicalism with the artificial identification of interests rather than natural harmony: he had pointed out that the application of the former principle required the existence of a sovereign, and that Bentham and his friends had radicalised their doctrine by attributing "sovereignty to the whole people or at least to the majority."¹⁰ He had remarked, too, that the Panopticon scheme represented a very clear and ruthless application of the principle of artificial identification to a narrow problem.¹¹ Himmelfarb combined the two points, drawing an analogy between the Panopticon and the political system, and between the contractor in the Panopticon-penitentiary and the sovereign-majority in the community.¹² In her view, "the Panopticon was nothing less than the existential realization of Philosophic Radicalism".¹³ Bentham's conception of the contractor "prohibited checks and balances in the democratic state." His utilitarian principle, Himmelfarb concluded, "was as inimical to the idea of liberty as to the idea of rights."¹⁴ The natural harmony of interests almost disappears from this account of Bentham's thought.

The importance of that principle has been questioned on other grounds by students of Bentham's economic thought.¹⁵ The "laissez-faire" Defence of Usury, it has been argued, was not a characteristic work: the economic problems that most interested Bentham were in the fields of money and banking, where obvious gaps appeared between private and public interests and where Bentham did not hesitate to recommend intervention by governments in order to serve the public interest. His generalisations, such as his famous advice to governments to "be quiet", were accordingly carefully qualified. But the theme of natural harmony has been revived again in David Lyons's interpretation of Bentham's early work, especially the Introduction to the Principles of Morals and Legislation.¹⁶ Lyons has

identified one or two passages in which Bentham might have committed himself explicitly (if rather obscurely) to the idea of natural harmony; more generally he has argued that the idea can reasonably be attributed to Bentham, on the ground that it makes coherent what might otherwise be incoherent in Bentham's moral theory, namely the competing demands on rulers of "private ethics" (or self-interest) and "the art of legislation" (or the public interest). Lyons thus locates the principle of natural harmony in Bentham's moral and legal theory, which Halévy had seen as dominated by the rival principle of artificial identification.¹⁷

In constructing his argument, Lyons has also challenged, or at least varied, Halévy's account of Bentham's utilitarianism and equally his account of Bentham's individualism. He has denied that Bentham embraced a "universalistic" principle of utility which would require that the interests of all persons should be taken into account in calculations of the greatest happiness. Instead, according to Lyons, Bentham's fundamental principle of utility was the proposition that "one should always serve the interests of those under one's governance",¹⁸ and this yielded a dual standard "with community [not universal] interest as the test within the public or political sphere, while self-interest is to rule in 'private' matters."¹⁹ And Lyons has characterised Bentham's theory of psychology as hedonism but not egoism, as a belief that one's actions are determined by pleasures and pains but without any implication that one's actions are always self-centred. He has agreed that towards the end of his life Bentham believed that men were generally self-centred, but has argued that in the 1780s he allowed much greater scope for sympathy, benevolence or altruism as motives or modes of conduct.²⁰

In denying that Bentham adopted egoism as the psychological basis of his theory, Lyons was substantially in agreement with Bhikhu Parekh and Mary Mack. Parekh has extended the argument to locate in Bentham's thought a social theory and "philosophy of history" that look very different from the individualism that Halévy reported.²¹ In Parekh's view, Bentham saw social motives as falling into regular patterns and believed that they might develop and be cultivated under appropriate conditions. In particular, according to Parekh, Bentham saw philosophers and members of the middle classes as the most likely hosts for the social motives, the former through enlightenment, the latter primarily through love of reputation.²² His "political strategy for creating a good society" therefore included, besides law and punishment, measures "to develop benevolence and love of praise."²³ Indeed, in Parekh's account, punishment and even the state have become almost subsidiary elements in Bentham's system. They were made necessary only by the fact that middle class attitudes and modes of behaviour did not everywhere prevail: "left to themselves [the middle classes] would not really need the machinery of government" for they would regulate each other's behaviour "by a delicate distribution of praise and blame, prestige and ignominy."²⁴ In this way Parekh has extended the scope of the principle of natural harmony (or more precisely, natural convergence) of interests in Bentham's programme. But he has not represented it as displacing the principle of artificial identification, for he has insisted that Bentham's programme necessarily included "a cunning combination of force, fraud and fun" administered by the state to prevent the lower classes from causing any mischief.²⁵

Of these several proposed amendments to Halévy's interpretation, that concerning Bentham's political economy can I think be dealt with most easily and quickly. The revisionist case is substantially correct.

Halévy's arguments concerning political economy were always the weakest part of his case, because he exaggerated the extent to which the classical doctrine was a theory of natural harmony. It is true that the idea of natural harmony played an important part in the doctrine, and especially in its differentiation from the theories of police and economy which had preceded it, but classical political economy always included elements of disharmony and even demands that the state should intervene to create an artificial harmony, for example in the theories of rent and population, and in Ricardo's campaign against the Bank of England and in favour of a national bank. Bentham in his economic writings recognised a similar mixture of natural harmonies and natural conflicts, and some opportunities for the state to substitute artificial harmony for natural conflict. The character of his views was partly obscured by the fact that he himself classified some of the conflicts of interest that troubled him (for example, those arising in the sale of poisons, the adulteration of food-stuffs, false advertising) as matters of police rather than political economy. I suggest, however, that as his serious work on political economy receded into the past, he may himself have paid less attention to some of the qualifications and subtleties in his arguments and may have come closer to endorsing a general theory of harmony in economic life than those arguments would in fact support.²⁶

There is also a good deal that is sound, I believe, in what Parekh, Mack and Lyons have said about Bentham's account of human psychology. As Parekh put it, Bentham adopted "the metaphysical theory that no human being can ever escape himself, or that the source of man's action must be located in himself"; but that theory "is congruous both with the view that man is essentially a selfish creature who can pursue his own interest as well as with the view that he is an altruistic being who consistently subordinates his interest to those of others."²⁷ In his formal theory of motives and pleasures in the Introduction, Bentham did not adopt exclusively either the one view or the other. He acknowledged the existence of pleasures to be derived from the interests and welfare of others, and the existence of corresponding motives and dispositions. In his later works, on different occasions he gave differing weights to "self-preference" and "benevolence" as human motives, but he rarely if ever sought to eliminate the latter entirely from his account. Even in the Constitutional Code, as Lyons has pointed out, he did not claim more than that "self-regarding interest is predominant over all other interests put together."²⁸ But I think that Lyons was mistaken when he suggested - relying partly on some loosely-phrased statements attributed by Bowring to Bentham himself - that "Bentham's belief in human selfishness... arose late in his career", that is at about the time that he drafted the relevant parts of the Constitutional Code.²⁹ Some thirty years before that time, for example, he was referring to "the universal, necessary, and undisputed, and not even to be lamented property in human nature, the predominance of the self-regarding affections over the social."³⁰ In practice, too, in his eighteenth-century works he paid an enormous amount of attention to harnessing or counteracting self-interested action, and clearly regarded it as "predominant" if not universal.

When we shift our attention from psychology to ethics, the case for revisionism becomes, I believe, much less cogent, although some of its abundant arguments are useful and enlightening. One point that can readily be accepted is Mack's observation that the Introduction to the Principles of Morals and Legislation, which is usually treated as the

definitive statement of Bentham's ethical views, was composed not as "a book on ethics, but rather [as] the opening chapters of a gigantic survey of the whole field of law."³¹ The chapters on ethics were therefore "offered merely as an introduction to an introduction." (But it is not true that they were offered "in obedience to the eighteenth-century literary convention which demanded that general or serious books begin with moral observations";³² they were prompted by a belief that law and politics had a moral dimension which no serious student of those subjects could ignore.³³) It can readily be accepted, too, that Bentham's utilitarian criterion in the Introduction was not "universalistic" but was at most "parochial" or relative to the boundaries of some particular community. The passages quoted by Lyons are perfectly clear on the point, and they are confirmed by Bentham's practice: in thinking about the greatest happiness he always had in mind a determinate person or community.³⁴

His references to individual or community have provided, of course, the foundation for Lyons's "differential" interpretation of his ethics. But as Lyons himself has pointed out, the words as they stand are open to at least two interpretations. One is that "Bentham basically wants one to consider the interests of all the members of one's community, but he believes that sometimes only the interests of a particular individual can be affected by one's actions, and then, of course, one need only consider the interests of that person."³⁵ The alternative, which is adopted by Lyons, is the differential interpretation that the individual and the community stand on an equal footing in moral terms and that the individual is thus entitled (or even has a duty) to seek his own happiness while the rulers or government have a duty to promote the happiness of the community. Lyons defends his choice at length, but it seems to me that his chain of argument relies on faulty links and must disintegrate.

His first (and I think) fundamental approach is through an attempt to correlate two distinctions that Bentham draws in the Introduction. The first is the distinction referred to immediately above, between the interest (or happiness) of an individual and that of the community, which appears in the first chapter of the Introduction. The second appears in the last substantive chapter (Chapter XVII) and is drawn between two "arts", the art of private ethics or self-government, and the art of government or legislation. "It seems reasonable to suppose", Lyons has argued, "that the respective parts of the two accounts correspond",³⁶ such that individual happiness is the criterion for private ethics and community happiness the criterion for the art of government. I want to dispute the rationality of the supposition, while agreeing that Bentham has provided some grounds for accepting it.

As I read Chapter XVII of the Introduction, it was not a return to the themes, "the more general theoretical questions", of Chapter I.³⁷ It was an attempt to answer some new theoretical questions, which had been partly prompted by, and could now be answered in terms of, the intervening material. It was not concerned with or based on differences in the interests involved or in the criteria to be employed. Its subject-matter was different ways of acting on individuals and inducing them to meet the utilitarian criterion. (This was what Bentham meant by an "art".) The argument between Chapter I and Chapter XVII had yielded the conclusion that there were practical limits to the use of law and punishment for that purpose; Chapter XVII substantially identified the boundaries of the art

of government with those limits, and pointed out that beyond them one must rely on "private ethics", that is on "self-government" or voluntary action in accordance with moral principles.

Lyons has contended that at some points the argument in the chapter employed the differential criteria. His evidence consists essentially of two passages drawn from the chapter (XVII, 8 and XVII, 20).³⁸ The second of them is, at first sight, the more convincing and indeed quite conclusive. In it Bentham undertook to "recapitulate" his account of the distinction between private ethics and legislation, and said that private ethics "teaches how each man may dispose himself to pursue the course most conducive to his own happiness." But there remains an objection to treating this as a commitment to differential criteria. It is that Bentham's statement did not accurately "recapitulate" his argument in the chapter, and especially what he had said in its paragraphs 3, 6 and 9. In paragraph 3 he defined private ethics not in terms of its object (happiness) but in terms of the person whose actions were being directed (the self); in paragraph 6 he insisted that, while in performing self-regarding actions a man had only a duty to himself, in performing other-regarding actions the same man had a duty to others or a duty to his neighbour; and in paragraph 9 he clearly made private ethics a mode of "interfering" with conduct in cases which were "unmeet for punishment" but where the public interest was involved. In paragraph 20, then, Bentham seems simply to have made a mistake - this was the one hypothesis that Lyons was never willing to admit - and what he said about his argument should not be preferred to the content of the argument itself.

The relevant part of the second paragraph to which Lyons appealed was a passage in which Bentham referred to the duty of "a private man ... to direct his own conduct to the production of his own happiness and of that of his fellow-creatures", and to his duty to do everything "which promises to be beneficial to the whole community (himself included)." But there was only one criterion being employed here, that of the whole community. Any version of the utilitarian calculus must include some allowance for the happiness or interest of each member of the community, including the potential actor. The actor's happiness is morally relevant in so far as it forms part of the aggregate calculation. Bentham, I believe, was saying no more than that and was employing a single (parochial) criterion throughout the paragraph.

If Bentham did not in fact employ differential criteria, most of Lyons's argument about the convergence or harmony of interests becomes from one point of view otiose. Lyons found it important to establish that Bentham "assumed that the interests of a 'private man' converge, at least in the long run, with the interests of his community",³⁹ because without that assumption the differential or dual-standard doctrine would appear to be incoherent. In the absence of the dual standards, the problem of coherence dissolves. But the question of convergence or harmony is sufficiently important in itself to justify a look at the evidence on which Lyons has relied. Moreover, if the evidence for Bentham's acceptance of the assumption is weak, there will exist additional (if circumstantial) grounds for rejecting the differential interpretation of his utilitarian criterion.

Lyons has offered his evidence in several different shapes. The first is positive, and consists of the second of the two passages from Chapter XVII of the Introduction which have just been discussed. Of this he has said that "if we wish to make any sense at all" of it, we must suppose Bentham to be saying that "a man who serves his own happiness will always serve the happiness of his fellow-creatures, and vice versa."⁴⁰ The rest of the evidence is negative, and amounts to an argument that those parts of Bentham's theory which seem to imply conflict and the artificial identification of interests, especially his theory of punishment, do not in fact do so. "In some other works", Lyons has said, "Bentham suggests such a view. But I only wish to claim that it is not expressed in, implied by, or required for the argument of his Introduction."⁴¹

Lyons's positive evidence, his reading of the passage in Chapter XVII, seems to me to be as erroneous in this context as it was in relation to the number of criteria that Bentham was using. The objection that I made on that occasion is also applicable here. Bentham was not talking about two distinct sets of happiness or interests which happened to converge. He was talking about a community interest in which individual interests had a place; but his mode of talking about it did not rule out the possibility or even likelihood of conflict at some point between a particular individual's interest and that of the community. In other words we can make sense of the passage without attributing to Bentham the belief in harmony.

The first part of Lyons's negative argument was sound as far as it went. That is, in the Introduction Bentham did not say that individual interests normally conflicted with the interest of the community, or that punishment was a means of changing some interests and thus harmonising them with ethics. But as he had no particular occasion to say those things, his silence was not especially significant. Lyons has gone on to consider whether Bentham's account of punishment "implied" or "required" conflict or artificial harmonisation. His technique was to ask whether punishment could have a function or functions in a legal system in the absence of long term conflict; his answer was that it could, and that therefore punishment did not imply conflict.⁴² Again the argument appears sound as far as it goes. But it is vulnerable to the argument from Bentham's silence on which Lyons has already relied. Bentham did not say in the Introduction that Lyons's subtle rationale for punishment in a conflict-free society was his rationale. In other words, Lyons's negative argument does not establish that Bentham assumed the principle of harmony in the Introduction; it merely shows that his words are not incompatible with such a principle. In these circumstances, it is appropriate to look at other evidence, and in particular at evidence relating to the views that Bentham expressed on other occasions. On this point we have seen that Lyons has admitted that in "some other works" Bentham assumed conflict and treated punishment as a means of harmonising interests, notably in his references to the principle of "the union of interest with duty." Lyons has referred, however, only to the appearance of that principle in works which were written after the Introduction, and which were mainly the products of the 1790s and later.⁴³ But his discussion was in this respect very incomplete. Bentham had adopted and written enthusiastically about the union of interest with duty (an eighteenth-century platitude) not later than 1778, in his View of the Hard Labour Bill: he clearly implied there an existing conflict between the duty (serving the community's interest) and the personal interest or

happiness of an official, and the bringing of interest into line with duty through the administration of reward or punishment.⁴⁴ His drafting of the Introduction followed closely on the composition of that pamphlet. A little later, probably in 1782, he was at work on drafts for his essay on "Indirect Legislation", in which the artificial reconciliation of interest and duty again played an important part. In his working papers for the essay he argued explicitly that "to make sure of a man's performing his duty, you must render it his interest to do so", and he concerned himself with the possible methods "of creating an interest for that purpose."⁴⁵ Thereafter, it was a theme to which he repeatedly returned, as in the works cited by Lyons. Lyons's hypothesis thus requires that in 1778 Bentham should have welcomed and endorsed the principle and its implications, that in 1779-80 he should have silently dropped it, that a year or two later he should have adopted it again as an "undeniable maxim" and that he should then have remained committed to it for the rest of his life. In the light of this sequence the hypothesis looks prima facie implausible, too implausible to be accepted unless it could be confirmed by the positive evidence that Lyons has not been able to supply. There is, in sum, no sound reason for modifying the established view that in his jurisprudence Bentham was uniformly committed to the principle of artificial harmonisation. Neither Lyons's positive evidence nor his negative evidence amounts to very much.

Bentham's writings on indirect legislation are also relevant to the issues concerning his political radicalism or liberalism. Here the views of Mack and Himmelfarb can conveniently be considered together, and a number of points can be agreed at the outset:

- (i) On general theoretical grounds, Halévy was right in seeing utilitarianism, and Bentham's utilitarianism, as not inherently a liberal doctrine. Liberty is at best a secondary good in utilitarian terms, and Bentham consistently treated it as such.
- (ii) Similarly Himmelfarb was correct in pointing to Bentham's hostility to most of the conventional devices of constitutionalism, and in pointing to his approval of what others have condemned as, potentially at least, the tyranny of the majority.
- (iii) At the same time, Mack was correct in dating Bentham's radicalism back to at least the pre-Jacobin phase of the French Revolution. The writings to which she has drawn attention were undoubtedly radical, and they expressed his real convictions.

The points remaining at issue concern the presence or absence of liberal elements in his thought and whether and in what way the Panopticon can be seen as a model for his treatment of politics and government.

Much of what Himmelfarb said about Bentham's financial motives and the oppressive character of the Panopticon regime was perfectly correct, but her interpretation of it was vitiated, I think, by one small but significant error. In maintaining that the design of the Panopticon scheme prohibited "channels of complaint or higher authorities" she was relying substantially on the character of the Penitentiary Act of 1794

(34 Geo.III, C.84). That Act, she remarked, "lodged entire responsibility for the 'care, management, superintendence and control' of the prison in the hands of a single contractor-governor. The Act was tailor-made to Bentham's specifications - as it might well be, since it was he himself who tailored it."⁴⁶ But while it is true that in 1793-94 Bentham drew up a projected Bill, he did not succeed in "tailoring" the Act to his specifications: the Bill which the Government introduced into Parliament was quite different from the one that he had drafted. The Government's measure was a mere skeleton which (as Himmelfarb suggested) paid very little attention to the management of the penitentiary and was directed mainly to establishing the minimum of legal powers and procedures for the acquisition of the necessary land and for the making of a contract.⁴⁷ Bentham's Bill was intended to provide a legal framework for the operation of the penitentiary itself, and one of the ways in which it most differed from the Government's measure was in subjecting the contractor-governor to higher authorities and in providing grounds and channels of complaint against him.⁴⁸

It imposed a series of obligations on the contractor, including the obligation to provide a surgeon and chaplain "properly resident on the spot", to allow each prisoner "a proper proportion of his earnings", and to set aside "a proportion thereof for a provision for old age."⁴⁹ The fourth of its fifteen Sections was devoted specifically to "Governor's Checks", that is checks on the governor.⁵⁰ It assigned primary responsibility for oversight and inspection of the prison to the Court of King's Bench, before whom the governor was to appear once a term for examination, to whom he must submit reports "exhibiting ... the whole state moral and medical of the Establishment," and who might inspect the prison at any time on their own initiative. The Court might summarily convict the governor of any misdemeanour they discovered, and might punish him "as for contempt." Alternatively they might suspend or remove him. The governor was required to publish, at his own expense, the reports that he submitted to the Court. He was also required to admit the local Justices to the prison when they wished to inspect it, and was authorised to admit other members of the public as visitors. Special arrangements were to be made for supervision during the Court's vacation.⁵¹ In sum, in Bentham's Bill the contractor-governor was not at all to be like a sovereign, but was to be assigned specific obligations and was to be subject to specific means of enforcing his obligations.

The reason why Bentham did not treat him like a sovereign was that he thought of him not as a sovereign but as an official or power-holder, and his indulgence towards sovereigns did not extend to individuals holding power, not even to the members of an "omnicompetent" legislature. For the same reason, Himmelfarb's characterisation of Bentham as hostile to liberty and rights must at least be qualified: while he did not undertake to secure rights or liberty against the sovereign-majority or to subject the latter to checks and balances, he was very anxious to make certain rights and liberties secure against the encroachments of "functionaries", and to provide "securities for appropriate aptitude" or "appropriate conduct" on the part of those same functionaries.⁵² The rights and securities included a series of conventionally-liberal devices whose presence in his programme could never be inferred from Himmelfarb's description of it: "the publicity of state proceedings" (or what we now call open government), freedom of assembly and freedom of the press.

His hostility to natural rights was accompanied, as he said, by a desire to establish important "real" (that is, legally-established) rights for members of the public.⁵³ And Mack was correct in arguing that Bentham's liking for these liberal devices was present in his thought long before he met James Mill, and even before the radical writings of the Revolutionary period. The latter were based - in this as in some other respects - on the "securities against misrule" that he had discussed at length in his essay on "Indirect Legislation".⁵⁴ If Mack erred at all here it was in treating too seriously Bentham's account of himself as a youthful Tory. For earlier still than "Indirect Legislation" were the writings on religion to which James Steintrager has drawn attention,⁵⁵ and the conditions of "freedom in a government" that he listed in the Fragment on Government, namely "frequent and easy changes of condition between governors and governed", "liberty of the press", and "liberty of public association."⁵⁶ The liberal strand in his thought, and perhaps even the democratic strand, went back a very long way, and Halévy's account of him needs to be modified accordingly. Himmelfarb's essay in revisionism was almost wholly astray, because she failed to detect - either in the Panopticon or in his political programme - his fear of misrule and the precautions that he persistently took against it.

The remaining matter that I want to discuss is Parekh's account of Bentham's "political strategy for creating a good society" and of the theory of behaviour and philosophy of history underlying the strategy. It is once more clear that the revisionist case rests on a solid base, that Bentham did in fact say the things and adopt the strategy that Parekh has attributed to him. He said many of those things and outlined much of the strategy, moreover, in the essay on "Indirect Legislation" to which I have just drawn attention. But I want to maintain that it was just one of the strategies that he adopted throughout his long life, and not the most characteristic one; that he espoused it in rather special circumstances which made his commitment to it, and especially to the theories underlying it, pretty weak; and that he progressively discarded it and increasingly concentrated on the destruction rather than the exploitation of class-determined and other socially-conditioned modes of behaviour.

The "special circumstances" were those that influenced his drafting of "Indirect Legislation" and the closely-related chapter on "Punishments belonging to the Moral Sanction" that between them supply the bulk of Parekh's evidence. Those works were a synthesis and distillation of eighteenth-century speculations about punishment, and in particular of the principles and measures of what was known at that time as preventive police; that is, the whole range of governmental activities (from the maintenance of police forces or fire brigades to the provision of facilities for the receipt of anonymous information and the provision of public amusements) that were directed to the maintenance of public order and the provision of welfare, especially in towns. The literature of preventive police, and to a considerable extent that of punishment, consisted of a body of devices and conventional wisdom, not a body of systematic theory. It necessarily had a certain theoretical content, but this shared the ambiguities, inadequacies and contradictions of eighteenth-century social theory as a whole, including its significant uncertainties about the relationship between laws and customs and its persistent adherence to a mythological account of human history as a progression from a primitive state of nature to the age of reason and of manufacturing industry. It was of course one of Bentham's contributions to social philosophy to

identify and to attack much of the mythology and ambiguity in the thought of his contemporaries. But that was not a task that he undertook in "Indirect Legislation" or in his speculations about the moral sanction. Instead of critically examining the theory, he concentrated on classifying (in a fashion that was, in its own terms, masterly) the devices and principles, along lines that would facilitate their incorporation in his own work.⁵⁷ So the strategy that he adopted was one that he had found in the literature; he did not derive it from his own speculations about human conduct.

This does not mean that he was not responsible for the theoretical views that he adopted or implicitly endorsed. But it does mean that he adopted some of them rather thoughtlessly, and without carefully considering their compatibility with other parts of his theory. And as time went on, the other and more individualist parts of his theory, and other strategies, became more important and their demands seemed more urgent to him.

A valuable clue to this trend in Bentham's thought was provided by Mack. She remarked that in his youth "his individualism was descriptive", but that as he grew older he became "strongly aware that government shapes the minds and hearts of its citizens through the traditions, laws, and subordinate institutions it sanctions", and that then "his individualism was prescriptive."⁵⁸ The shift in his thinking was expressed in and focused on the concept of "influence". This seems to have first appeared in his thought in the early 1780s (when it was a familiar element in Whig rhetoric), to have reappeared in the radical writings of the early 1790s, and then after 1802 and especially from 1809 onwards to have become the target of all his measures of reform, or the common factor in all his particular targets.⁵⁹ In the beginning he understood it in much the same way as the Whigs, that is as illegitimate power exercised by the Crown over Parliament, and as sustained by the corrupt granting of favours, places and revenues. But even then he was seeking to define it in more abstract terms, and in later years he gave it a much broader significance.⁶⁰ He then saw it as:

- (a) power exercised other than through the legal system;
- (b) a phenomenon not peculiar to the system of government, but existing and operating within society as a whole;
- (c) exercised not by the Crown alone, but by a number of distinguishable "aristocracies" (or elites) which were yet capable of acting together as a single sinister interest, hostile to the interests of the mass of the community;
- (d) exercised in the form of "will on will", that is through the subordination of one will to another, rather than through persuasion or rational argument;
- (e) sustained on occasions by the places and favours which the Whigs had denounced, but still more by all forms of status, prestige, conventional language, religious belief, fear, gratitude, or prejudice (including the "influence

of property" in the conventional sense) which might produce loyalty or compliance on the part of one individual towards another - what he called, and condemned as, "a state of habitual dependence."⁶¹

He attacked the sources of influence in Parliament, in the Courts, in the Church, in social and economic relations, in spoken and written communications. In doing so, he was attempting to extirpate all the instruments by which will might act on will, or in more positive terms to provide for the emancipation of all individual wills and for their free exercise throughout the political system. By this time he had seen that a radical reform of the parliamentary and electoral system was not sufficient to achieve such an emancipation; political reform in the narrow sense would have to be supplemented by reforms extending to every aspect of society which might create "a state of habitual dependence" by one will on another. At that point, as Mack saw, his individualism became prescriptive; he was aiming at the thoroughgoing individualisation of society, the destruction of its distinctively social forces and characteristics. This destruction must necessarily extend to the social forces, such as middle-class standards and modes of social regulation, on which he had been disposed to rely in "Indirect Legislation" and "Punishments belonging to the Moral Sanction", for they too were capable of contributing to dependence and influence. Individualisation became his fundamental strategy for creating a good society; any other strategy that was in any respect incompatible with it had to be discarded from his thinking. And this process was reinforced by the fact that he was simultaneously making more explicit (especially in his studies of language and logic) the individualism or nominalism of his logic and epistemology, and thus making it more difficult for himself to accommodate in his theory any forces and factors other than individual entities.⁶²

The strategy of individualisation was more or less neutral between the two principles of artificial identification and natural harmony of interests, at least after the necessary reform of society had been effected. Bentham saw the system from which influence had been ejected as a nearly self-sustaining one. But there was at least one point in it which he saw as a potential weakness and as justifying the tutelary shaping of opinions and attitudes by the state. This was religion, where as Parekh has said he generally took the view "that the government should educate people out of religious prejudices and, whenever possible, re-interpret religion along Benthamite utilitarian lines."⁶³ That view led him, in the drafting of the Constitutional Code to consider means of forbidding, or at least regulating, religious or moral education through the Minister for Education. What he was opposed to, as he explained, was the use of punishment or reward "to make profession of particular opinions on any subject, more particularly as to politics, morals or religion."⁶⁴ He saw that this involved him in curtailing, in the interests of individual emancipation, some of the freedom that he was elsewhere advocating. He tried to modify his position, in order to make it clear that he was supporting freedom of opinion, and to give the Minister for Education merely the power to issue warnings about opinions likely to produce mischievous acts.⁶⁵ In proposing thus to set up the Minister as a judge of and public commentator on opinions, he was moving a long way towards making the government not only the instrument but also the guardian of the system of popular sovereignty that he wanted to establish. In this respect it resembled much more the active government that Halévy found in

eighteenth-century jurisprudence, than the passive government that he found in eighteenth-century political economy.

SUMMARY

I have now looked at a number of different sorts of criticisms of Halévy's interpretation of Bentham.

I have concluded that some of these are pretty well-founded. Bentham's theory of psychology was not, as Halévy suggested, consistently or without qualification egoistic. It allowed a good deal of scope for social and semi-social motives. Similarly for a time his programme of social control relied less on individual responses and more on social forces, and his political economy was less committed to the idea of natural harmony than Halévy supposed. Again, his political radicalism was not the late and rather exotic growth, the product of James Mill's influence, that Halévy pictures it to be: he developed it nearly twenty years earlier than that, and it can be shown to have had still earlier and deeper roots in his thought, and always to have included a commitment to liberal measures if not to liberal views.

But these points amount to and call for a modification of Halévy's interpretation, not a rejection of it. It was sufficiently flexible to accommodate them. While arguing (correctly) that utility was not originally or essentially a liberal doctrine, Halévy was ready to admit that it could take on either a liberal or a radical character, and he found it a little difficult to explain why Bentham should have lagged behind other utilitarians in adopting radical views. To demonstrate that he did not lag behind them creates no real problem for Halévy. Most of the other new points create only minor problems for him. It is still appropriate to see Bentham as exhibiting throughout his career the two principles of the natural harmony and the artificial identification of interests. The former principle was not totally eliminated from his economics nor was it present to any significant extent in his jurisprudence. It is still appropriate, too, to describe Bentham as an individualist, if not quite in the sense that Halévy meant. Bentham did not, as we have seen, adopt an egoistic form of individualism in his psychology. But his logic and his epistemology pushed him towards an individualist account of social phenomena, and he did not repudiate that approach in his psychology or elsewhere. As he became more disenchanted with contemporary political life, and his radicalism became more urgent and seemed to confront more obstacles, he sought to eradicate most of the social motives and social forces which he had earlier been disposed to exploit, and sought to make society conform to an individualist pattern. His adoption of this "prescriptive" form of individualism provides, I believe, the key to most of his political thinking in the nineteenth century, and it constitutes one of his most important legacies to the liberalism of his successors, even if it did not invariably lead his own thought to liberal conclusions.

NOTES

1. See for example, on the first point, C.W. Everett's The Education of Jeremy Bentham (New York, 1931), and on the second, H.L.A. Hart, "Bentham on Sovereignty", The Irish Jurist, II (1967), 327-35.
2. E. Halévy, The Growth of Philosophic Radicalism, New Edition. (London, 1949), 4.
3. ibid., 153.
4. ibid., 255-56.
5. ibid., 492.
6. ibid., 502-03.
7. ibid., 508.
8. M.P. Mack, Jeremy Bentham: An Odyssey of Ideas 1748-1832 (London, 1962), especially 16-17. Lengthy extracts from Bentham's unpublished essays are included by Mack as appendices D-G, 448-66. For Halévy's assessment of Bentham's attitude at the time he wrote them, see The Growth of Philosophic Radicalism, 147-48 and 164-69.
9. Mack, M.P., Jeremy Bentham: An Odyssey of Ideas, 440-42.
10. Halévy, E., The Growth of Philosophic Radicalism, 506.
11. ibid., 82.
12. G. Himmelfarb, "The Haunted House of Jeremy Bentham", in Victorian Minds (London, 1968), 32-81.
13. ibid., 75.
14. ibid., 77-78.
15. The case has been set out most fully by T.W. Hutchison, in "Bentham as an Economist", Economic Journal, lxvi (1956), 288-306. Hutchison's assessment is based on Werner Stark's edition of Jeremy Bentham's Economic Writings, 3 vols. (London, 1952-54).
16. D. Lyons, In the Interest of the Governed: A Study in Bentham's Philosophy of Utility and Law (Oxford, 1973). I am concerned here only with the first part of the book, 1-105; the second part is an elucidation of Bentham's legal theory, like the work by Hart mentioned in n.1 above.

17. Lyons, D., In the Interest of the Governed, 62-63.
18. ibid., 82.
19. ibid., 20.
20. ibid., 62-69.
21. Bhikhu Parekh, "Introduction" to his collection Jeremy Bentham: Ten Critical Essays (London, 1974), pp.vii-xxvii.
22. ibid., p.xviii.
23. ibid., pp.xxiv-xxv.
24. ibid.
25. ibid., p.xxv.
26. My reason for making this suggestion is that Bentham took a fairly close interest in the preparation for publication by Dumont of the Théorie des Récompenses in 1811. Book IV of that work is devoted to political economy, and takes a rather more "laissez-faire" line, and gives more weight to natural harmony, than some of Bentham's writings from the 1790s. In particular it vigorously reasserts that "trade is limited by capital", a proposition that his reasoning in the late 90s had tended to undermine.
27. Parekh, B., Jeremy Bentham: Ten Critical Essays, p.x.
28. Lyons, D., In the Interest of the Governed, 68.
29. ibid., 69.
30. Quoted by Mack in Jeremy Bentham: An Odyssey of Ideas, 455, from his writings of 1790.
31. ibid., 6.
32. ibid.
33. So he argued in yet another unpublished but relatively familiar piece of writing, which was apparently designed to serve as a further introduction or covering-letter to his introduction to his code. It is in the Bentham Mss., U.C. xxvii, 153.
34. Lyons, D., In the Interest of the Governed, 27-29.
35. ibid., 28.
36. ibid., 31.

37. ibid., 29. Lyons does not actually say that the "theoretical questions" are the same in each chapter; but that is what I take him to be suggesting.
38. See Lyons, D., In the Interest of the Governed, 33 and 53.
39. ibid., 54.
40. ibid., 54-55.
41. ibid., 63.
42. ibid., 62-64.
43. ibid., 63 n.
44. See Bowring, iv, 12.
45. U.C. lxxxvii, 145. From internal evidence it is evident that this paper was written after, but not long after, 25 May 1782.
46. Himmelfarb, G., Victorian Minds, 66.
47. The Act was the measure cited as 36 Geo.III, c.84.
48. Bentham's Bill is in U.C. cxxiv, 37-178. It is summarised in pages 1-5 of the same box.
49. ibid., 39.
50. ibid., 50-52.
51. ibid., 53-54.
52. In the Constitutional Code (Bowring ix), the provisions for each office include a section or sections dealing with "securities", e.g. ch.vi, s.31 "Securities for appropriate aptitude" on the part of members of the Legislature. Ch.iv, "Ministers Collectively", includes four related sections (20-23) viz. "Insubordination Obviated", "Oppression Obviated", "Peculation Obviated" and "Extortion Obviated". The material on the Public Opinion Tribunal (ch.v, ss.4-5) also deals with arrangements designed to protect the public against the incompetence or mischievousness of "Functionaries".
53. The distinction between "natural" and "real" or "substantive" rights was a major theme in "Anarchical Fallacies", his famous attack on the "Declaration of Rights". See Bowring ii, 521-24.
54. They were gathered together in ch.xxi of the version of the essay that Dumont published in his Traité de Législation.
55. J. Steintrager, "Morality and Belief: The Origin and Purpose of Bentham's Writings on Religion", in The Mill Newsletter, vi, 2 (1971), 3-15.

56. A Fragment on Government, ed. F.C. Montague (Oxford, 1891), 216-17.
57. His principal classification of preventive police is in U.C. lxxxvii, 39-49.
58. Mack, M.P., Jeremy Bentham: An Odyssey of Ideas, 10.
59. For a sample of his thinking about influence in the 1790s, see ibid., Appendix F, 457-61. The earliest example of the notion that I have found is in U.C. xciv, 88. This was the marginal outline of an argument prepared for use in the chapter on "Limits" which eventually became Of Laws in General.
60. Most of his later writings on influence remain unpublished and incomplete. The most important of them was the second "book" of the major theoretical study of parliamentary reform that he drafted in 1809-10. The intended structure of the book is set out in U.C. cxxvi, 5-6 and 105.
61. U.C. cxxx, 102.
62. See Bentham's Theory of Fictions, ed. C.K. Ogden (London, 1932), 6-18. It should be noted that he regarded these studies in language and logic as part of his attack on influence which (he believed) was supported by the use of "delusive" language.
63. Parekh, B., Jeremy Bentham: Ten Critical Essays, p.xvi.
64. U.C. xlii, 71 (1823, Sept.28).
65. ibid., 73 (1826, May and June).

DREAMS AND DESTINATIONS:
JEREMY BENTHAM IN 1828

(The substance of a lunch-hour lecture delivered in University College London on 12 May 1978.)

When University College opened its doors in 1828, its non-founding father, Jeremy Bentham, was eighty years of age. At the end of September in that year, he wrote a fragment which he headed 'A Dream', and which begins as follows:

Once upon a time, no matter when - it can not have been
long ago - I - no matter who I am - dreamed a dream.

Methought I was in the Lecture Room of the London
University ... ¹

The continuation need not concern us. Bentham as dreamer is no doubt an unlikely figure. He was, surely, the most completely prosaic person who ever lived or wrote; and the things he wrote about poetry are such as cannot be read without acute discomfort by anyone who is sensitive to that dimension of the human spirit. Yet, oddly, the dream-conceit occurs at a number of places in Bentham's voluminous writings; and the coincidence of this alleged dream, located in this place and in that momentous year, seemed to me an apt peg on which to hang this lecture. The object of these sesquicentennial reflections is to consider what Bentham was doing in the year when the College effectively began its academic life; to determine the position he had by then achieved; and to measure that achievement against the hopes with which Bentham had embarked upon a course which was set for him by the early conviction that he possessed 'a genius for legislation'.²

Notoriously, Bentham was extremely reluctant to put the fruits of his genius to the test of publication. When he was forty - half the age at which he dreamed his dream about the London University, and almost twice the age at which he had first identified his own mission in life - he had published virtually nothing apart from the anonymous Fragment on Government. (In the context of that celebrated attack upon William Blackstone, it is worth remarking that the 1828 'Dream' fragment is itself part of a body of manuscripts headed 'Blackstone Familiarized'). He had already written, at enormous length, upon the principles of law and upon many applications of those principles. He was already committed to the writing of what he was later to call his Pannomion - a code of law complete in all its branches. His ambitions for this code, when it should be complete, were boundless: there still exists a substantial bundle, dating from around 1780, of what Bentham called 'Legislaturientes Epistolae' - letters drafted but never sent to sovereigns and statesmen of all kinds, urging the case for a systematic reform of the laws of all countries on the basis of the principle of utility.³ It is hard not to feel that in all this Bentham was indeed living in a dream-world; and it is not surprising to find that, among these 'Legislaturientes Epistolae' there is another fragment of manuscript recording one of Bentham's alleged dreams. 'My madness,' Bentham wrote (he was referring to the madness attributed by the world to 'all reformers and system-mongers')

has not yet, as far as I can perceive myself, gone beyond a dream. I dreamt t'other night that I was a founder of a sect; of course a personage of great sanctity and importance: it was called the sect of the Utilitarians.⁴

Over four decades, almost half a century later, could the prosaic dreamer look around him and see any substantial monument to his ambitious dreams?

One way to begin answering this question is to consider, as I have suggested, what Bentham was actually doing in 1828. That he was writing goes without saying, for he had written almost without intermission since coming of age in 1769. That he was writing on a wide range of different subjects is, again, only what we should expect: he had never been capable of that kind of narrow-mindedness which consists in doing one thing at a time. Even the roughest of checks through the catalogue of his papers shows that during 1828 he was at various times at work on a dozen projects at least. Yet one might well expect an octogenarian whose life-work had taken definitive shape almost sixty years previously and who had enjoyed financial independence free of any need to work for gain since 1792, to be engaged at most upon the finishing touches or final revisions of that work. No such thing. We find among the headings under which Bentham was still writing in 1828 all four of what had long been the essential elements in the Pannomion - the Penal Code, the Civil Code, the Constitutional Code, and the Procedure Code.⁵ And none - not one of these four pillars of the edifice Bentham had been trying to build since the 1770's - not one was completed and exhibited to the public in Bentham's lifetime. The Procedure and Constitutional Codes had to be edited wholly or largely after his death. The Penal and Civil Codes have never, even now, seen the light in anything like the complete and systematic form Bentham planned: the 'principles' of those two basic codes, as we find them in the Bowring edition of 1838-43, represent essentially the distillation from Bentham's manuscripts originally made by Etienne Dumont between 1795 and 1802. That recension, of course, could not incorporate any of the extensive material on penal and civil law which Bentham wrote during the last dozen years of his life.

To mention Dumont, however, is to bring to mind one aspect of Bentham's achievement which may be thought to have come within measurable distance of the peaks on which his eyes were fixed in the dreams of his thirties and forties. It was, it is true, in no small measure a vicarious achievement. Still, it was not Dumont's name but that of 'the grand Baintham' which the Spanish alcalde mentioned to George Borrow.⁶ It was Bentham's ideas, albeit transmitted through the prismatic medium of Dumont's French, that made their way into the Iberian peninsula in the wake of the Napoleonic invasion. By 1828 - when the last of Dumont's recensions, De l'organisation judiciaire et de la codification, was published - a whole series of such versions (Traité de législation civile et pénale, Théorie des peines et des récompenses, Tactique des assemblées législatives) each of them in more than one edition, all by this time having been translated into other European languages, notably Spanish - all this had given Bentham a genuine European reputation. His repute indeed was transatlantic as well as European; and though this transatlantic dimension was in 1828 more fully developed in Latin America than in what Bentham himself called the Anglo-American United States, the work of John Neal among others was before long to begin redressing the balance.⁷

Whether or not any of this amounted to the emergence of a 'sect of the Utilitarians', it could at least be claimed, in terms which Bentham himself had affected from quite an early stage in his career, that he had by 1828 in both Europe and America a small but not insignificant number of 'disciples'. That he had 'disciples' in England (and perhaps in Scotland and Ireland too) is also clear. Yet, comparatively speaking, he might well have felt - and he would have relished the scriptural allusion (even in the garbled form which occurs in the first sentence of Hazlitt's Spirit of the Age)⁸ - that 'A prophet is not without honour, save in his own country ...'. The point must not, of course, be exaggerated. The very fact that Hazlitt chose in January 1824⁹ to make Bentham the subject of the first of his essays on notable men of the time is significant, even if there is not much in the essay itself to gratify its subject apart from the fact that he was the subject of it. 'His works have been translated into French,' Hazlitt tartly observes - 'they ought to be translated into English.'¹⁰ Still, the essayist's choice of subject reflected the fact that Bentham was by then a known figure. Since his belated entry, in 1817 or so, into the world of radical politics and anti-establishment polemics, Bentham had certainly become a person of significance on the left wing of the reform movement. Five years before the date upon which this lecture is focused, the radicals who looked to Bentham as their inspiration if not their mentor had acquired that essential instrument of political activity in the early nineteenth century - a periodical review. The Westminster Review had, it is true, scarcely shaken the dominance of the Edinburgh and the Quarterly - and some of the reasons for that will concern us in due course - but at least it existed. 1823 had also been the publication in second editions of the two basic works of Bentham's earlier thought - A Fragment on Government and An Introduction to the Principles of Morals and Legislation. And the fact that Francis Place had been involved in preparing those editions shows that Bentham's 'disciples' now included figures of significance in radical politics. The same can be said of the prominent part played by James Mill in the launching of the Westminster Review; while a luminary of the next radical generation, John Stuart Mill, undertook the Herculean task of editing from a mountainous mass of manuscript the largest single work in the whole Bentham corpus - the Rationale of Judicial Evidence, which was published in five volumes in 1827.

Yet despite this massive addition to his published works, the curious bibliographical history of Bentham's voluminous writings still in 1828 reflected the ambiguity of his position as a thinker and a source of intellectual influence. Large tracts of his thought had still scarcely been exhibited to the public, and especially to the English-speaking public; while others had been displayed only in the doubly modified form of retranslation from Dumont's French - a form which was to persist to a significant extent even in the posthumous Bowring edition of Bentham's Works. Among things remaining almost wholly buried were some of the most original of his ideas - notably in the field of logic and linguistics. The basic theory of utilitarianism itself, the greatest happiness principle and its corollaries, had received, in what Bentham had published, little more than the compressed and unsatisfactory development provided in the early chapters of a book virtually completed as long ago as 1780 - the Introduction to the Principles of Morals and Legislation. It is true that one of the works to which Bentham was giving some attention in 1828 was intended to embody a fuller development and application of his moral

theory. But the Deontology - which is arguably in any case the worst book ever written on an important subject - was left for John Bowring to churn out two years after Bentham's death in a version which aroused the vehement indignation of both Francis Place and John Stuart Mill. To the extent that Bentham had disciples in 1828 they must at times have felt like hungry sheep who looked up and were not fed.

The Bowring version of Bentham's inchoate Deontology, though posthumous in its publication, is in any case symptomatic of an important if depressing element which is essential to an adequate picture of Bentham in 1828. In terms of intellect and in some respects at least in terms of public morality, John Bowring was the quintessence of the second-rate (and that is to put the matter charitably). His preponderant influence over Bentham in the latter part of his life reflects, it has to be said, the old man's susceptibility to flattery and toadyism - a susceptibility which is itself the reflection of the transformation of youthful ambition and middle-life confidence into senile vanity. There are few things in intellectual history more distressing than the spectacle of the aged Bentham - perhaps a man who had never had any real taste for bringing his ideas into the forum of debate with his intellectual equals - surrounded by those who were either two or three generations younger, or far and away his inferiors in mental quality, or both, and content to live thus as the hermit of Queen's Square Place with Bowring as his confidant and agent. The breach with James Mill - a man, like him or loathe him, of real intellectual force - and the consequent decline of the Westminster Review in the hands of Bowring and Perronet Thompson illustrate the deteriorating quality of Bentham's intellectual milieu. Such writings as the obsessive and paranoid account of his supposed 'war' with George III in the 1790's evince the lack of balance in his own mental development. It is striking, yet hardly surprising, that no one has even yet written a thorough biographical account of Bentham's later years - or indeed of the second half of his long life. To anyone in sympathy with his ideas such a task would often be painful; to anyone else much of it would be inexpressibly tedious.

Yet this is not of course the whole story. If we go back to that cursory review of Bentham's work in 1828, it will be impossible to remain wholly unimpressed by the intellectual vigour and vitality of a man of eighty who could still undertake all this, still look forward to the completion of long-meditated enterprises as well as launching new ones. It is not to be thought that Bentham merely tinkered with the works on which he was engaged. In some instances, it is true - the Deontology with a dozen and a half pages is a case in point¹¹ - the output for 1828 is modest. But in other cases it is substantial. There are, for instance, over 150 manuscript pages of a projected series of letters on law reform,¹² and over 100 on the problem of eliminating the practice of duelling.¹³ Almost 140 pages were written for the 'pasticcio' as Bentham sometimes called it, Official Aptitude Maximized, Expense Minimized.¹⁴ Most striking of all, there are over 300 pages of the work on Blackstone,¹⁵ which resumed a preoccupation with the author of the Commentaries on the Laws of England that had begun when Bentham first heard Blackstone lecture at Oxford, before he was sixteen. Anyone who has tried to read Bentham's manuscripts - especially his later manuscripts - must at times have echoed George III's remark to the author of The Decline and Fall of the Roman Empire: 'Scribble, scribble, scribble, Mr. Gibbon!'. And to penetrate the meaning

beneath the scrawl is often to be reminded of the same monarch's question about a somewhat greater writer - 'Is there not sad stuff in Shakespeare?' Yet scribble and scrawl and sad stuff though much of it may be, there can never in the end be less than a reluctant admiration for the sheer pertinacity of the man. As apt a comment as any on Bentham in 1828 was indeed made in that year by a first-hand observer:

He goes on writing at the rate of ten to twenty pages a day and is never discouraged by anything.¹⁶

That comment comes from a largely unknown source of information and illumination on Bentham's closing years, to which I want to give some attention in the last part of this lecture. Apart from any other consideration, it is a source which does something to modify and correct the picture of Bentham in those last years isolated in a world defined, as it were, by Bowring's flattery. In the library of the Royal Botanic Gardens at Kew are preserved diaries and a manuscript autobiography of Bentham's nephew George, the sole surviving son of his brother Samuel. George Bentham was to become a notable figure in the nineteenth-century history of botany; but in his late twenties he was reading for the bar and - more profitably in his uncle's eyes - working extensively for and with Jeremy Bentham at Queen's Square Place. Despite the fact that George is not mentioned at all in Bowring's memoirs of Bentham, the nephew was clearly in fact one of Bentham's principal associates from 1826 until his death. A substantial portion of his papers was bequeathed to his nephew and in the mid-1830's there was an acrimonious and litigious dispute between Bowring and George Bentham which among other things reflected the distrust and distaste felt by the nephew for the courtier. It is only fair to say that George Bentham himself had a significant material interest in courting his uncle's good will; but it is also the case that he was Bowring's intellectual superior and could appreciate aspects of Bentham's thought to which perhaps most contemporary critics were largely insensitive.

This point is well illustrated by two facts. First, several years before his permanent return from France (where Samuel Bentham and his family had settled) brought him into more lasting touch with his uncle, George had translated into French Bentham's Chrestomathia - a work which, apart from its educational focus, has much to do with problems of methodology, the classification of the sciences, and Bentham's logical and linguistic theories. Within six or seven months of establishing his more lasting relationship with his uncle (which can be dated from the autumn of 1826) George had completed for publication his Outline of a New System of Logic - a work avowedly based on Bentham's papers on the subject. But he was also working for Bentham directly in various other fields; and in the winter of 1827-28 he regularly spent several hours a day at Queen's Square Place.¹⁷ On Christmas Day 1827 there was a family party, attended by George Bentham's parents and sisters as well as himself. The hermit 'was quite delighted' and looked forward to a similar gathering 'on every future Christmas Day. This' his nephew remarked, 'is a great deal for him who could formerly never bear the idea of a family party.'¹⁸ There are a number of lighter moments of this kind: Bentham goes to the theatre, to see Edmund Keen in A New Way to Pay Old Debts in February 1827;¹⁹ and, with a nice touch (given his view of the legal profession) of impish humour, he had George Bentham, Edwin Chadwick, and one of his former secretaries

Richard Doane all to dine with him in their barrister's wigs and gowns. There was on 18 January 1932, less than a month before Bentham's eighty-fourth birthday.²⁰

In more serious vein, and apart from information about the extensive work he did for his uncle, George Bentham tells us a good deal not only of the more notable visitors to Queen's Square Place, but also of Bentham's reaction to them. Thus, early in 1828 Bentham 'had Brougham two or three times to dinner and a visit from Lord Lansdowne both of which pleased him; but' (the nephew comments rather wryly) 'he never has me to meet any of these people: he does not like more than one guest at once, for he likes to have each guest ... all to himself'.²¹ Hazlitt, interestingly, had made just the same observation in 1824:

The favoured few, who have the privilege of the entrée, are always admitted one by one. He does not like to have witnesses to his conversation.²²

In 1828 Brougham was very much one of the favoured few; but he was a problem to Bentham, as he was to most of those he had dealings with. George Bentham tells us that his uncle was 'much disappointed' with Brougham's speech on law reform in February 1828. The disappointment, needless to say, arose from Brougham's failure to invoke Bentham's name and ideas; but, as George sagely remarks, 'my uncle's name is still too much connected with party ideas to be usefully brought forward on such an occasion.'²³ Two and a half years later, when the Whigs came in, Bentham's disappointment in Brougham was the greater in proportion as his hopes had been higher - 'raised to the highest pitch', his nephew relates, by Brougham's having led him to expect that he, Brougham, 'should consider himself as his, Jeremy Bentham's mouthpiece in Parliament' on the whole issue of 'procuring the abolition of the principal abuses of the law as exposed by Jeremy Bentham'. To concert measures for this purpose Bentham was to have dined at Queen's Square Place. 'in the mean time however Mr. Brougham the independent member ... had ... become Lord Brougham the Lord High Chancellor who sent an excuse to Jeremy Bentham for not coming to the dinner and never after came near him'.²⁴

The always intriguing but exasperating figure of Henry Brougham has lured me out of my chosen year. Returning to 1828, we find George Bentham recording what must have been the last contact between his uncle and the man who had undoubtedly done more than anyone else - not excluding Bentham himself - to create Benthamism: Etienne Dumont. Dumont, who was to die in 1829, visited London in the spring of 1828, shortly after the publication of the last of his Bentham recensions. The earlier ones, despite the publication of several editions, were by then, George records, nearly out of print:

... indeed the *Traité de Législation* are scarcely to be had, but owing to the manoeuvres of the booksellers who have the few remaining copies in hand, a new edition cannot yet be printed. Of the others new editions will shortly be commenced. Spanish translation of them all has also a very large sale. In short my Uncle's reputation on the Continent, great as it has become, is spreading still more; and here where it has always been much more limited it is now gaining ground rapidly.²⁵

On 7 June 1828 there was an unusual dinner party at Queen's Square Place - unusual because for once Bentham consented to entertain a number of guests together, rather than keeping each interesting visitor to himself. George Bentham was there, as was John Bowring and two of Bentham's secretaries: John Flowerdew Colls, who was subsequently to make a violent attack on utilitarianism as an Anglican clergyman ('Poor Colls!' George Bentham had written to his sister nine months previously, 'how will a sermon ever issue from his brains? and if it does what will be its nature? May I never be condemned to hear it');²⁶ and Richard Doane, to whose editorial work after Bentham's death we owe in large measure the versions of the Constitutional Code and the Procedure Code we have in the Bowring edition. These 'inmates' were on this occasion suffered to dine with two visitors - the French political writer Félix Bodin²⁷ and 'Mr. Lawrence the American Minister'.²⁸ Lawrence, it seems, did not greatly impress George Bentham - 'Mr. Lawrence is a young man without any extraordinary brilliancy in way way. He is often at my Uncle's.'²⁹ This remark brings us back, in the end, to a point already made. Perhaps it would have been better for Bentham - and for Benthamism - if young men of 'extraordinary brilliancy' had been more frequent visitors at Queen's Square Place than they were. It is by no means inapposite to recall that this was the very period in which a group of such young men - some professing themselves to be utilitarians - were meeting in the London Debating Society to discuss issues which soon transcended what they felt to be the limits of a system such as Bentham's.³⁰ The intellectual history of the most brilliant of them all - John Stuart Mill - may be seen from one point of view as a series of endeavours to overcome the poverty of utilitarianism.

Perhaps the last word should be left with Hazlitt, in that shrewd assessment three or four years earlier than the year upon which I have concentrated here:

Mr. Bentham, perhaps, over-rates the importance of his own theories ... Mr. Bentham has shut himself up ... 'in nook monastic', conversing only with followers of his own ... and has endeavoured to overlay his natural humour, sense, spirit, and style, with the dust and cobwebs of an obscure solitude ... It is indeed the great fault of this able and extraordinary man, that he has concentrated his faculties and feelings too entirely on one subject and pursuit, and has not 'looked abroad enough into universality'.³¹

I said I would leave the last word to Hazlitt; but I see that he - for I have quoted the closing words of his essay - left the last word to Francis Bacon. Bentham, like other men of the Enlightenment, admired Bacon - though in this as in other cases it may be a matter of some doubt whether the Enlightenment understood what it professed to admire. At all events, however we may assess Bentham (in 1828 or sub specie aeternitatis), the 150th anniversary of the opening of an academic institution is perhaps an apt enough occasion on which to recall a greater than he, who, writing on The Advancement of Learning, reminded us of the importance of 'looking abroad into universality'.³²

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NOTES

1. Bentham MSS, University College London (hereafter U.C.), xxxi.200.
2. Bentham, Works, ed. Bowring, x,27.
3. U.S., clxix.14-127.
4. U.C., clxix.79.
5. Cf. U.C., iv.8-9, lxv.237-55, lxvii.99-113, liviii.103-111 (Penal Code); xxx.33-59 (Civil Code); xlii(b).812-25 (Constitutional Code); lvi.245-74 (Procedure Code).
N.B. these references are indicative only, not exhaustive.
6. George Borrow, The Bible in Spain, chp.xxx: ed. U.R. Burke, one-volume edn. (New York and London, 1899), 446-7.
7. John Neal (1793-1876) published at New York and Boston in 1830 Principles of Legislation: from the manuscripts of Jeremy Bentham...: this was the first version to appear in English of Dumont's Traité de législation civile et pénale. Neal had spent a considerable period with Bentham in 1826-27.
8. The Complete Works of William Hazlitt, ed. P.P. Howe, London and Toronto, xi, 1932, 5: "Mr. Bentham is one of those persons who verify the old adage, that "A prophet has most honour out of his own country."" Cf. Matthew 13:57, quoted below; also Mark 6:4 and John 4:44.
9. This is the date when 'The spirit of the Age, No.1' appeared in the New Monthly Magazine. The essay was thus presumably written in the latter part of 1823.
10. Hazlitt, Complete Works, xi, 15.
11. U.C., xiv.288-306: the quantity of material is somewhat larger than the number of MS pages might suggest, since a substantial part of it (xiv.297-305) is an analysis in shorthand of David Hume's account of the virtues. A transcription of this will appear in Professor Amnon Goldworth's forthcoming edition of the Deontology in The Collected Works of Jeremy Bentham.
12. U.C., lxxv.87-186; cxii.1-22.
13. U.C., xvi.133-244.
14. U.C., cxii.23-64, 229-318; cxiv.152-5.
15. U.C., xxx.60-123; xxi.42-229. Besides the title 'Blackstone Familiarized', mentioned above, these MSS have the alternative titles: 'A familiar view of Blackstone': 'Blackstone and Law familiarized'. There are also such subheadings as 'universal jurisprodnce', 'law civil and penal', and 'judiciary and procedure'.

16. George Bentham (1800-84), MS. Autobiography, Library of the Royal Horticultural Society, Kew, ii, 465. This, like most other quotations below from the Autobiography, is from a series of 'journal-letters' written (this one early in 1828) to George Bentham's married elder sister, Mme de Chesnel (Mary Sophia Bentham, 1797-1865).
17. Autobiography, ii, 461, quoting George Bentham to Mme de Chesnel, 29 October 1827.
18. Autobiography, ii, 463-4, quoting George Bentham to Mme de Chesnel, 26 December 1827.
19. Autobiography, ii, 392.
20. Autobiography, ii, 581. The 'journal-letters' to Mme de Chesnel for the period after July 1828 had been lost; but this episode is recorded in the entry for 18 January 1832 in George Bentham's diary, also preserved at Kew: '... to Q[ueen's] S[quare] P[lace] where by JB's desire Doane Chadwick and I dined with him in our wigs and gowns'.
21. Autobiography, ii, 465.
22. Hazlitt, Complete Works, xi, 6.
23. Autobiography, ii, 465-6.
24. Autobiography, ii, 542. George Bentham's diary entry for 23 November 1839 reads in part: '... Brougham was to have dined at QSP today but it seems he does not come & J.B. is much disappointed in the hopes he has conceived at Lord Brougham's appointment'.
25. Autobiography, ii, 468-9, quoting George Bentham to Mme de Chesnel in April 1828.
26. Autobiography, ii, 457, quoting George Bentham to Mme de Chesnel in October 1827, but with this subsequent comment: 'So I wrote, but after many years curacy at Hampstead his parishioners presented him with a handsome testimonial and he died at an advanced age incombent of a good living in Essex'.
27. Felix Bodin (1795-1837) was a member of the Chamber of Deputies under the Orleans monarchy for most of the time from 1831 until his death. During the 1820's he had published works on, among other historical and political subject, representative assemblies.
28. William Beach Lawrence (1800-81) was appointed secretary of legation in London in 1826 and acted as chargé d'affaires in 1827. Despite George Bentham's lukewarm reaction, Lawrence was in fact a man of considerable ability who later established himself as a jurist of some note, particularly in the field of international law.

29. Autobiography, *ii*, 474, quoting George Bentham to Mme de Chesnel, 7 June 1828.
30. For the London Debating Society, cf. J.S. Mill, Autobiography ed. J. Stillinger, (Oxford Paperbacks edn., 1971) esp. 76-8. Mill mentions members of 'the second generation of Cambridge Benthamites' as joining the Society in its second session, 1826-7. In 1828 and 1829, however, the most significant development was the advent of 'the Coleridgians, in the persons of [Frederick Demison] Maurice and [John] Sterling'.
31. Hazlitt, Complete Works, xi, 7, 15, 16.
32. Bacon, The Advancement of Learning, I.iii.6: 'The corrupter sort of mere politiques, that have not their thoughts established by learning in the love and apprehension of duty, nor ever look abroad into universality.'

THE BENTHAM PROJECT

The Bentham Project originated in 1959, when a committee was set up on the initiative of University College to supervise the planning and publication of the first comprehensive edition of Jeremy Bentham's writings and correspondence. Since 1966 the Bentham Committee has been chaired by Lord Robbins, who is being succeeded this summer by Professor H.L.A. Hart. J.H. Burns of University College (now Professor of the History of Political Thought in the University of London) was appointed General Editor of the Collected Works in 1961. In recent years he has been assisted on a part-time basis by F. Rosen of the London School of Economics and Political Science, who was Assistant General Editor, 1971-5, and by J.R. Dinwiddy of Royal Holloway College, who has been Joint General Editor since October 1977. The Bentham Committee meets once a year and an Executive Committee, chaired by Professor W.L. Twining, is convened more frequently. There is also an informal editorial committee which meets about twice a term and is attended by any participating editors who may be in London and by research assistants and others connected with the Project.

At present, with the intention of serving Bentham scholarship in general, the Project is embarking on one or two new ventures. The aims of the Newsletter are explained in the Editorial, and the provisional programme of the Bentham Studies Conference planned for July 1979 is announced elsewhere in this issue. But naturally the Collected Works remain the Project's basic concern and raison d'être. The nature and scope of the edition have been described by Professor Burns in the 'General Preface' which appeared in the first volume to be published (Correspondence, Vol. I, pp.v-viii), but one or two points may be worth repeating here. The aim of the Project is not to print everything that Bentham wrote. This would be a prodigious task: besides the nine closely printed volumes of Bowring's edition of the Works (of which in many cases the final manuscript versions do not survive), and the fifteen volumes of Bentham's correspondence and manuscript drafts in the British Library, the University College collection of his manuscripts contains at a rough estimate some twenty million words. Moreover, his habit of writing several versions of the same work, often with a substantial amount of repetition, makes some editorial selection almost inevitable. However, it is hoped that as well as a definitive edition of his correspondence it will be possible to publish editions of all those writings, whether previously printed or not, which constitute recognisable 'works'; and the texts will be derived wherever possible either from versions which Bentham himself approved for publication or from his own manuscripts.¹

The volumes of the Collected Works which have been published so far, by the Athlone Press of the University of London, are noted in the bibliography of recent publications on Bentham which is printed in this Newsletter. Further volumes which are close to completion are Correspondence, Vols. 4 and 5 (1788-1797), edited by A.T. Milne; Chrestomathia, edited by W.H. Burston; Deontology, edited by A. Goldworth; Constitutional Code, Vol. I, edited by J.H. Burns and F. Rosen; and Correspondence, Vol. 6 (1798-1802), edited by J.R. Dinwiddy and I.S. Asquith.

Several other areas of Bentham's work have been undergoing intensive study. James Steintrager, Professor of Politics at Wake Forest University, is editing the writings on religion and the church (which were not included in the Bowring edition of the works), and it is anticipated that these will constitute four volumes of the new edition. Pedro Schwartz, Professor of the History of Economic Thought at the University of Madrid, is associated with the Project as a Research Fellow and is engaged, with the assistance of Claire Gobbi, on a systematic investigation of Bentham's writings and correspondence relating to Spain, Portugal and Latin America. He has prepared a bilingual edition of Bentham's correspondence with Iberian and Latin American statesmen and others, which will be published shortly in Spain; and the original texts with Dr. Schwartz's annotation will be incorporated in due course in the appropriate volumes of the Correspondence series. He has also devoted particular attention to the substantial unpublished pamphlet Rid Yourselves of Ultramarina, which is envisaged as part of a possible volume of Bentham's writings on colonial problems and policy. Another major field, constituting a sub-project in itself, is Bentham's voluminous writings on evidence. An intensive investigation of these has been superintended by Professor Twining of the University of Warwick and they are expected to compose six or seven volumes of the Collected Works. But these writings overlap to a considerable extent with those on procedure and work on the former has been temporarily suspended until the latter can be subjected to similar investigation. Finally, several single volumes are in preparation. C.F. Bahmuelier and Hardy Wieting, Jr., are editing Bentham's essays on Indirect Legislation and On the Influence of Place and Time in Matters of Legislation. M.H. James, of La Trobe University, Melbourne, has recently undertaken to edit a volume comprising the Essays on Political Tactics and other writings on political institutions and reform dating from 1788 and the years of the French Revolution. J.R. Dinwiddy has started work on Correspondence, Vol. 7, which is expected to cover the years 1803-1809, and D.G. Long of the University of Western Ontario is examining the possibility of a volume based on some of Bentham's earliest writings, the unpublished manuscripts of the 1770s headed Preparatory Principles.

A number of important sectors of Bentham's work have not yet been assigned to prospective editors. But there is a recent development which promises to initiate work on some of these, and to give a new dimension to the Project and a notable stimulus to Bentham studies. In the spring of 1977 an agreement was made between the Bentham Committee and Tulane University, New Orleans. Under the terms of this agreement, it is planned that a Bentham Centre should be established at Tulane, which will be supplied with a complete photographic copy of the University College collection of Bentham manuscripts and will serve as a focus for Benthamic research in America. Scholars at the Centre will participate as editors in the Bentham Project, and Tulane will help to raise funds for the editorial and publication costs of the Project as a whole. Should a recent application for funding be successful, editorial work for the collected edition will be undertaken at Tulane by Professor Hoffman Fuller on the writings on procedure and judicial organisation; by Professor Warren Roberts on the poor law manuscripts; and by Professor James Davidson on the second and third volumes of the Constitutional Code.

The prospect that the Project will become, in a fuller sense than hitherto, an Anglo-American enterprise is an encouraging one. But certain problems are at present unresolved. On the financial side, the Project has received generous support from the British Academy, which adopted it as a major project in 1969, from the U.K. Social Science Research Council, and from University College, which has supplied accommodation and services as well as financial help; and other bodies which have provided valuable support at different times include the Rockefeller Foundation, the Pilgrim Trust and the Friends of University College. However, the Project has not had the benefit of funding on the scale enjoyed by some similar projects on the other side of the Atlantic, and it has hitherto been under-staffed. The General Editorship has not even been a part-time post, as Professor Burns has carried a full teaching and administrative load as a member of the University College History Department. One purpose for which finance is now being sought is the establishment of a full-time General Editorship, which will be particularly requisite in view of the large amount of editorial work which is presently coming to fruition or being undertaken. Also it may be necessary to raise substantial funds to subsidise the publication of future volumes, for although the sales of volumes hitherto published have more or less covered their costs of publication, the increasing expense of academic publishing makes it unlikely that this will remain possible. Another problem is that the University of London's need to make drastic economies is posing a threat to the survival of the Athlone Press, and it may be necessary for the Project to seek a new publisher. It is hoped that it will be possible to report some progress towards a resolution of these problems in the next issue of the Newsletter.

J.R. Dinwiddy

1. For a fuller discussion of the problems involved in editing Bentham's works, see J.H. Burns, "The Bentham Project", in J.D. Baird (ed.), Editing Texts of the Romantic Period (Toronto, 1972), pp.73-87.

WORK IN PROGRESS

Bentham's influence in Spain, Portugal and Latin America

The influence of Jeremy Bentham on liberals in the Iberian Peninsula and Latin America was deeper than is generally known. Also, the Spanish and Portuguese-speaking liberals changed the character of the Benthamic doctrine impelled by social circumstances and in some cases by philosophical arguments. These and many other details have come out of the work carried out at the Bentham Project in University College London.

In 1808, Bentham thought of settling in Mexico for reasons of health, and even went so far as to apply for a passport through the good offices of Lord Holland. This plan came to nothing, but soon Latin America was to reappear in his life, through his contacts with General Francisco Miranda, the Venezuelan rebel (1750-1816), whom he had met perhaps as early as 1798. In 1808, Miranda was trying to obtain the backing of the British Government for an expedition to the coast of Venezuela. He joined forces with James Mill, whom he had introduced to Bentham, to write an article on the Emancipation of Spanish America in the Edinburgh Review and asked Bentham to write a Code of Laws for what is today Venezuela and Colombia. This work Bentham never finished, because the first Colombian Republic was short-lived; Miranda ended his life at the prison of 'La Carraca' in Cadiz, and much later, Andrés Bello, the poet and legislator (1781-1865) who had been employed by James Mill to decipher Bentham's scribbled folios for Miranda, took ninety of them to Santiago de Chile, where I found them recently.

The intellectual connection with Spain started in 1808 through Lord Holland (1773-1840) and through the expatriate priest Joseph Blanco White (1775-1840). They both wished Bentham to write rules of procedure for the Spanish Cortes, then meeting at Cadiz. At first, Lord Holland thought that the Romilly, Trail and Wilson tract on procedure would do. Then Dumont proposed a translation of the 1789 Bentham MSS 'Tactique des Assemblées Législatives'. Finally Dumont started a revision which was to culminate in the publication of Tactique in 1816. This book was translated into Spanish by the future President of Argentina, Bernardino Rivadavia (1780-1845), and used as the rule book for the Buenos Aires Assembly, and with some amendments for the Argentinian legislature to the present day.

Bentham's first disciples in Spain are to be found among the illustres of the University of Salamanca at the turn of the century. The poet Meléndez Valdés (1754-1817) was the head of this group where the two most distinguished Benthamites are to be found, Ramón Salas and Toribio Núñez. Salas was to translate the Dumont Traités during his exile in France and published them with comments in 1821-22; this Spanish edition, which circulated widely in Latin America, is notable for presenting Bentham as a

conservative philosopher, for his defence of property in a country where the nationalisation of Church lands was a burning issue. Núñez was to print an extract of Bentham's social philosophy under the intriguing title Principios de la Ciencia Social (1820); he there proposed that a complete philosophy be built from a conjunction of Bentham's ethics with Kant's physics.

Spain and Portugal enjoyed liberal regimes for a short while from 1820-21 to 1823. In Spain his principal correspondent and translator was the poet and journalist José Joaquín de Mora (1783-1864), who was to be exiled to London in '23 and then take his liberal principles to Argentina, Chile and Perú-Bolivia from 1828. In Britain, Mora soon ceased to be a philosophical Benthamite, through the influence of the Scottish common-sense school: he could not accept the tabula rasa view of man, especially in the field of aesthetic sensibility. In Portugal Bentham corresponded mainly with José da Silva Carvalho, the Portuguese Justice Minister. In both countries Bentham published abundantly with works ranging from Three Tracts Relative to Spanish and Portuguese Affairs (1820) to the unfinished translations of the Dumont edition, sponsored by the Portuguese Cortes. Among his unpublished Spanish works the most interesting is 'Rid Yourself of Ultramarina' at present being edited at the Project.

After the collapse of the Spanish rule in America with the battle of Ayacucho (1825), Bentham's attention turned to America again. I have noted his relationship with Rivadavia and the seeds sown by Mora in the southernmost part of the continent. His influence was most deeply felt however in what today are Colombia and Guatemala. After entertaining illusions about Simon Bolívar (1783-1830) Bentham found a true disciple in Francisco de Paula Santander (1792-1842), Vice-President of Great Colombia and later President of the segregated Nueva Granada. Bolívar had banned all works by Bentham after the attempt on his life at Bogotá in 1828. Santander re-introduced them as texts for law students in 1833: in the 1860's a battle was still being fought between Benthamites and Church educators about the suitability of 'heathen Bentham' for youthful minds. In Central America, the great disciple was the last President-elect before the break-up of the Federation, José Cecilio del Valle (1776-1834). The only extant portrait of Valle shows him against a background of books where Bentham's Preuves judiciaires is prominent, and sporting Bentham's ring on his right hand.

I shortly hope to write a much more detailed piece on Bentham's influence in the Iberian world for publication in the Newsletter.

Pedro Schwartz

THE BENTHAM BIBLIOGRAPHY

The Bentham Newsletter plans to correct a major omission in Bentham scholarship by producing a comprehensive bibliography of writings on Bentham. In the first instance, we present this working bibliography covering the period 1945-60. A second instalment for the period 1965-75 will appear in issue two of the Newsletter.

The bibliography, itself, was produced by Mr. Donald Jackson of Algoma University College, Ontario. Mr. Jackson graciously allowed the bibliography to be reproduced here. Minor additions were made to this end.

David Lieberman
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I Bentham Works

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THE CONFERENCE

The first Bentham Studies Conference is to be held on 9 and 10 July 1979 at University College London. The following timetable and programme have been proposed and we invite comment upon it.

Papers will be read by:

Professor James Steintrager of Wake Forest University.

Professor Warren Roberts of Tulane University.

Dr. Fred Rosen of the London School of Economics.

It is hoped that the fourth paper will be given by

Professor David Lyons of Cornell University.

These will take place at 11.30 am and 2.30 pm each day.

From 4.45 pm to 6.15 pm each day there will be 'workshop sessions' led by Dr. Pedro Schwartz and Dr. John Dinwiddy. These will give visitors a chance to exchange opinions and information about their work in Bentham studies; and we hope that participants will send in points they wish to raise.

A formal dinner will be held on the first night after which Professor H.L.A. Hart, Chairman of the Conference, will speak. We will also hear from Professor J.H. Burns about the progress of the Bentham enterprise over the past two decades. A report on the Conference and publication of papers given will form a subsequent issue of the Newsletter.

Notes and News

Visitors to the Bentham Project this summer will include Professor Ammon Goldworth of San José State College, California and Professor Gerald Postema of Johns Hopkins University.

Recent requests for information have come from:

Mrs. Tessa Murray,

96 Melvista Avenue,

Nedlands,

Western Australia 6009.

Topic: Bentham on International Law and Politics.

Mr. Pippa Norris,

Faculty of Business and Management Studies,

Newcastle-upon-Tyne Polytechnic Precinct,

Tyne and Wear, NE1.8SJ.

Topic: Human nature in the thought of James and J.S. Mill.

Mr. Rodney Mace,

13 Brief Street,

London, S.E.5.

Topic: Bentham and the construction of the West India Dock.

Further requests for information will be printed if sent to the editor, as will any additions or corrections to the Bibliography.

The 150th anniversary of University College is being celebrated and an exhibition is being held to commemorate this. Apart from Professor Burns' lecture, printed in this issue, the Project's contribution forms two cases of manuscripts and other items ('Benthamiana!') on the themes of 'Utility and Reform' and 'Citizen of the World'. To coincide with these celebrations the College Library has also given money for a start to be made on the mammoth task of repairing the Bentham manuscripts here. For this to be completed, however, much larger funds need to be available.

Bentham References

In connection with the manuscripts, the Committee wish to foster the adoption of standard methods of reference to published and unpublished Bentham material. It would be useful generally if all scholars would employ the following conventions in material for the Newsletter:

1. For manuscripts at University College London, the letters U.C. followed by Roman numerals for the number of the box and Arabic numerals for the number of the sheet. e.g. U.C. lxxv. 164.
2. For manuscripts at the British Library, Department of Manuscripts, the letters B.L. followed by the abbreviations Add.Mss., with the volume number in Arabic numerals and the prefix fo. before the folio number. e.g. B.L. Add.Mss. 33,545, fo.146.
3. For the Bowring edition of the Collected Works of Bentham the title followed by Bowring followed by volume number and pages. e.g. J. Bentham, Essay on Logic, Bowring viii, 213-293.
4. For the Committee's edition of the Collected Works, the title followed by (C.W. and the editor). e.g.
J. Bentham, Of Laws in General (C.W. ed. Hart).
J. Bentham, Correspondence, Vol. I (C.W. ed. Sprigge).