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CONTENTS

	<u>Page</u>
Editorial	1
 <u>OBITUARIES</u>	
Professor W.H. Burston	2
James Steintrager	3
Bentham on Voter Rationality Michael James	4
Bentham, Say and Continental Utilitarianism Evert Schoorl	8
A Possible Location of Missing Letters of Jeremy Bentham Ian Christie	19
The Papers of Jeremy Bentham in the United States of America M.J. Smith	21
Jeremy Bentham and Blackstone's Lectures Ian Doolittle	23
Work in Progress: Volumes II and III of <i>The Constitutional Code</i> L.J. Hume	26
 <u>BOOK REVIEWS</u>	
L.J. Hume, <i>Bentham and Bureaucracy</i> S.E. Finer	30
Charles F. Bahmueller, <i>The National Charity Company.</i> <i>Jeremy Bentham's Silent Revolution</i> J.R. Poynter	35
A Note on the Bentham Bibliography and Chronological Table of Printed Works Donald Jackson	41
Chronological Table of Bentham's Printed and Published Works	42
Bibliography	47
Bentham Sesquicentenary Conference Programme	55

EDITORIAL

Readers will see from the list of contents that 1981 was a fruitful year for Bentham scholarship in terms of publications. It was particularly gratifying to see the appearance of Alexander Taylor Milne's volumes of correspondence (volumes four and five in the *Collected Works*) covering the period from October 1788 to the end of 1797. These volumes contain much new information about Bentham's writing during this period, particularly his work on the Panopticon and his writings on French affairs. They also reveal much about his domestic life, and the changes brought about by Samuel Bentham's marriage and his appointment as Inspector-General of Naval Works in 1796. The past year has also seen the publication of a chronological re-ordering of the original Milne catalogue of the Bentham manuscripts at University College, for which Douglas Long of the University of Western Ontario has been responsible.

Unfortunately we have to record, with great regret, that 1981 also saw the deaths of two editors - W.H. Burston, editor of *Chrestomathia*, and James Steintrager, editor of Bentham's religious writings. Work on Professor Burston's volume has been completed by Dr. Martin Smith, a former member of the Project; and plans are being made to continue Professor Steintrager's work in due course.

Meanwhile the interests of Bentham scholarship were served in another sphere. On Saturday, 10 October 1981, a group of Benthamites, including two editors from Australia, visited Forde Abbey. (Those who do not recognise immediately the significance of that name should see Dr. Dinwiddy's article in issue No.2 of this journal.) On seeing the Abbey's magnificent setting and beautiful grounds, it was easy to appreciate why Bentham should have chosen this as his summer retreat for several years.

We were greeted by Forde Abbey's present owner, Mr. Mark Roper, who very kindly gave us a most informative and enjoyable guided tour. We were able to identify many of the parts of the house to which Bentham refers specifically in his correspondence. Undoubtedly, though, the highlight of the tour was our visit to the library (formerly the upper refectory) where, browsing amongst the books, Dr. Michael James made a most significant discovery. Chapter X of the *Constitutional Code* was printed (but not published) as a separate work in 1830, and until our visit to Forde Abbey only one copy was known to be in existence, and that in the Library of Congress. Finding a second copy here, on English soil, provided great excitement not least for Dr. Len Hume who is currently editing volume two of the *Code* and whose family had been the prime instigators of our visit. A most successful afternoon was brought to a pleasant conclusion when we joined Mr. Roper and his family for tea.

Finally, may we draw readers' attention to the proposed one-day seminar to be held at University College on 8 July 1982, to mark the 150th anniversary of Bentham's death, a programme for which can be found on page 55. All those who wish to attend are encouraged to make an early booking.

PROFESSOR W.H. BURSTON

Hedley Burston, at the time of his death in April 1981 at the age of 65, was Head of the History Department at the Institute of Education, University of London, and was editing *Chrestomathia* for *The Collected Works of Jeremy Bentham*. A graduate of the University of Bristol, he taught at the Institute of Education for 33 years, and wrote several works on the teaching of history in schools. The title of Professor of Education was conferred on him in 1972. His main contributions to the study of Utilitarianism related to James Mill. In 1969 he published a book entitled *James Mill on Education* (Cambridge University Press) which contained the texts of Mill's article on 'Education' written for the *Encyclopaedia Britannica*, and his 'Schools for All, in preference to Schools for Churchmen only' published in the *Philanthropist* in 1812. In 1973 he followed this with a valuable monograph entitled *James Mill on Philosophy and Education* (Athlone Press). Before his death he had prepared drafts of the introduction and footnotes for the new edition of Bentham's *Chrestomathia*. The editorial work on this volume has been completed by Dr. Martin Smith, and the book is expected to appear in 1983. It is much to be regretted that Hedley Burston did not live to see its publication. He is remembered with affection by many friends in the University of London, in English schools, and at the Reform Club, where he lived for many years.

J.R. Dinwiddy

JAMES STEINTRAGER

1936-1981

The sudden death, last July, at the tragically early age of 45, of Jim Steintrager was one of those events which, because of their utter unexpectedness, do not immediately establish their reality for those who learn of them at a distance and after some delay. To all who knew him and had worked with him the sense of loss is, nevertheless, severe. It would be impertinent to say anything here of what the loss must have been to those who were closest to him - to his colleagues, to his students at Wake Forest University, and above all to his family. To all of them one can only express sincere condolence and the hope that one more tribute, to be added to many others, of respect and affection may be of some little comfort in an irreparable loss.

Certainly the world of Bentham scholarship shares in that loss. Certainly those who had the privilege of knowing Jim Steintrager in that context will remember him with affection and respect. I myself met him at a very early stage in his own work on the Bentham manuscripts; and I had the privilege of proposing to the Bentham Committee that he should be invited to edit the projected four volumes of Bentham's extensive and peculiar writings on religion and the church. Jim approached the mass of that rebarbative material with a kind of wry resilience - with that awareness of both the importance and the eccentricities of the material which (it seems to me) is the only guarantee of integrity in Bentham studies. Perhaps, paradoxically, only someone with the kind of religious commitment which Bentham would have rejected could approach with equanimity the unravelling of that particular entanglement. It is the gravest possible loss to the edition that Jim Steintrager was not able to complete the projected volumes, and he will not readily be replaced in that assignment. His place in Bentham scholarship, however, remains secure; for he published in 1977 what at once established itself and will surely long remain the best short book on Bentham as a political thinker.

Yet even in the impersonal world of scholarship it is, as always, the personal loss that is felt, the personal recollection that survives most vividly. What I remember above all is the humour and the friendliness, the sharp intelligence and the solid integrity of a man whom it was a privilege to have known: one of those who reassure us all that the idea of 'humane letters' is more than a mere technicality.

J.H. Burns

BENTHAM ON VOTER RATIONALITY

Michael James
La Trobe University

In recent years, some members of the 'rational choice' school of political science have turned their attention to a phenomenon which at first seems impossible to explain in rational terms. Why does the average citizen voluntarily record his vote at political elections, when the chance that his vote will appreciably affect the outcome is normally so small as to be not worth the effort of casting it? Other schools of thought have been content to invoke such non-rational motives as party allegiance and citizen duty. The difficulty arises only for the rational choice school (of which Bentham was perhaps the most important ancestor), since the ambition of that school is to explain all political behaviour in terms only of the utility maximizing calculations of the individual. One member of the school has recently argued that the only possible rational explanation of widespread voluntary turn-out at elections is that the costs of voting are very small, with the result that most citizens find it just worth the effort to add their individually insignificant votes to the common pool.¹

This note brings to light Bentham's own attempts to analyse voter rationality. It is hardly surprising that Bentham should have made some such attempt in his extensive writings on parliamentary reform. But, although he referred at various times to all the elements essential to a complete theory of voter rationality, he seems never to have brought together all these elements in a systematic way. As a result, his treatment of the subject remains incomplete and unresolved.

Bentham treated the role of voter, like other political offices, as a *trust*. A trust existed 'where there is any particular act which one party, in the exercise of some *power*, or some *right*,² which is conferred on him, is bound to perform for the benefit of another'. In the case of the right to vote, the beneficiaries of the trust included all the members of the community,³ so that the elector was bound to use his vote to promote the interests of the community as a whole. But in so doing the elector was not debarred from promoting his personal interest also. On the contrary, Bentham's principle of the union of interest with duty would suggest that only the prospect of personal gain would induce the elector to observe the terms of his trust. The crucial question for Bentham's theory of voter rationality then was: how can the elector's personal interest be made to coincide with the public interest?

In his earlier radical phase, Bentham answered this question by reference to the 'social' motives. In a manuscript on British parliamentary reform (c.1790), he wrote:

Three principles, the selfish, the dissocial and the social, share the dominion of man's conduct. When the two first are out of the way, the latter will carry everything before it. No matter how weak it is, it will shape completely the course of every man's conduct, while it acts alone. What should hinder a man from voting for the candidate he deems the fittest, when there is no advantage to be got by voting for any body else?⁴

But how could the selfish and the dissocial motives, which were so much stronger than the social, be neutralized? This could be brought about, so Bentham believed, by the secret ballot. The prevailing mode of open voting was defective in that it exposed the elector to bribery and intimidation and so tempted him to vote from non-social considerations. The secret ballot, however, would eliminate corruption of this kind, since no bribe would be forthcoming, or any threat made, if it were impossible to ascertain the elector's choice. Then, protected by secrecy from non-social influence, the elector would be impelled by his social motives to vote for the candidate he 'deems the fittest'. As Bentham put it in the same manuscript, 'While he acts in secret it is in his power to do what he thinks right and for his interest (which in this case are but two phrases for the same thing)'.⁵ This reliance on altruism was, of course perfectly consistent with Bentham's model of individual rationality, since the pleasures and pains arising from the social motives were direct sensations of the elector himself, and determined his behaviour in exactly the same manner as pleasures and pains arising from the selfish motives.

However, after his second, definitive conversion to the cause of radical reform, Bentham began to lose faith in the efficacy of the social motives and came to rely much more on the self-regarding motives to provide the link between private and public interest. This issue came to a head in 1819, when Sir James Mackintosh published a scathing attack on Bentham's *Plan of Parliamentary Reform* in *The Edinburgh Review*. Mackintosh put forward a number of arguments against the secret ballot, the most important of which identified a serious flaw in Bentham's reasoning. Bentham had analysed the situation of the elector who had already arrived at the polling booth and was in the process of choosing among the candidates. The real problem, however, was how to ensure that the elector *turned out to vote*. According to Mackintosh, the secret ballot, designed as it was to eliminate the excitement and celebration of partisanship which the open mode encouraged, would remove the sole incentive to electors to exercise their right to vote:

Every blameable motive of interest, every pardonable inducement of personal partiality, are, indeed, taken away. But what is left in their place? Nothing but a mere sense of public duty, unaided by the popular discipline which gives fervour and vigour to public sentiments. A wise lawgiver does not trust to a general sense of duty in the most unimportant law. If such a principle could be trusted, laws would be unnecessary. Yet to this cold feeling, stripped of all its natural and most powerful aids, would the system of secret suffrage alone trust for its execution. At the poll it is said to be sufficient, because all temptations to do ill are supposed to be taken away. But the motives by which electors are induced to go to a poll, have been totally overlooked.⁶

Bentham's response, which he prepared in a manuscript entitled *Defence of the Ballot against Edinburgh Review*, was to appeal once again to the social motives, and to argue that they would, if unclouded by selfish motives, be sufficient to ensure that the elector would exercise his right. But he appealed also to the elector's self-regarding motives, arguing that these could be directed toward the elector's *share* of the public interest:

But to his sense of duty I add the sense of the universal interest; and to show the more clearly what it is I say it is the sense of the share that men have in the universal interest, for example the interest of not paying the part of any unnecessary tax; and thus social as it is personal interest at the same time; and if learned and other gentlemen are not tired of the phrase cause him to mix business and bosoms.⁷

Bentham amplified this line of reasoning in a passage in *The Book of Fallacies*, where he explicitly drew attention to the costs of voting in terms of the benefits forgone:

If, then...the value of his share of the universal interest, in his eyes, is such as to overcome the love of ease - the aversion to labour - he will repair to the place, and give his vote to that candidate who, in his eyes, is likely to do most service to the universal interest: if it be not sufficient to overcome that resisting force; he will forbear to give his vote; and though he will do no good to the universal interest, he will do no harm to it.⁸

But these arguments can be shown to be quite inadequate from the standpoint of Bentham's own assumption of individual rationality. For what the rational elector needs as a sufficient incentive to turn out to vote is, not merely an appreciable stake in the outcome, but also a guarantee that his vote will materially affect the outcome: a condition which is of course rarely fulfilled. The value of a vote is determined not by the intensity of the elector's preference but by the ratio of that vote to the total number cast.

Curiously, Bentham was aware of this. In a manuscript on French constitutional reform, written in 1789, he argued that electoral districts should not be too large, since '[T]he larger the Districts, the more numerous the voters in each district, and the less value which a voter will be disposed to set upon his vote'.⁹ Five years later, by which time the course of the French Revolution had driven him back to a defence of the unreformed British Constitution, he used the same point as an argument against universal suffrage: 'The more perfect the constitution in point of equality of right of suffrage, the less valuable the right of suffrage, the less being the influence and value of each man's vote'.¹⁰ It remains something of a mystery why he did not solve the problem of his later works on parliamentary reform by the simple device of making electoral abstention a legal offence, with an attached punishment harsh enough to ensure that electors turned out to vote.

In several ways, compulsory voting would have been more consistent with Bentham's overall democratic theory than the voluntary system he espoused. In the first place, it would have made more sense of his view that the right to vote was a trust, since he stipulated that trusts involved powers whose exercise was obligatory rather than discretionary.¹¹ Secondly, it would have satisfied more effectively what Bentham called the 'universal-interest-comprehension principle'¹² (i.e., the principle that the interests of each member of the community should be advanced and considered). If the system failed to provide a sufficient incentive to vote, it could con-

ceivably be corrupted by the sinister interests of groups of dedicated voters taking advantage of general voter apathy. Thirdly, it would not have impaired the efficacy of the secret ballot in eliciting the elector's genuine view of the public interest, since, although there would be an *obligation* rather than a *right* to vote, the elector would be no less free to choose from the available candidates, and the resulting espousal of the public interest would be no less legitimate.

And yet, in the event, Bentham has not been proved wholly wrong, nor Mackintosh wholly right. Most electors in democratic systems do volunteer to vote, apparently needing neither alcohol nor punishment to motivate them. But whether this phenomenon can be explained in terms of strict rationality remains open to question.

NOTES

1. Michael Laver, *The Politics of Private Desires*, 1981, pp.110-11.
2. J. Bentham, *An Introduction to the Principles of Morals and Legislation* (C.W. ed. Burns and Hart), pp.205-7.
3. *The Book of Fallacies*, *Bowring* ii, p.453.
4. UC cxxvii.11.
5. *Ibid.*
6. *The Edinburgh Review*, vol.31, 1819, p.195.
7. UC cxxxia.43.
8. *Bowring* ii, p.454.
9. UC clxx.141.
10. UC clxx.178.
11. J. Bentham, *Of Laws in General* (C.W. ed. Hart), p.296.
12. *Plan of Parliamentary Reform*, *Bowring* iii, p.462.

BENTHAM, SAY AND CONTINENTAL UTILITARIANISM*

Evert Schoorl
University of Amsterdam

One hundred and fifty years ago, Jean-Baptiste Say passed away, a few months after his 'digne ami et cher Maître' Jeremy Bentham, who was his senior by 19 years. During his lifetime, the only master whom the French economist recognised among the dead had been Adam Smith, and among the living it was the philosopher of Queen's Square Place. In 1817 he wrote to Dumont in Geneva: 'In my small sphere I have made efforts that some justice be rendered to our great Bentham and to his worthy interpreter'. In the same year, when some letters and books from Francis Place and Bentham had suffered two months' delay in reaching him, he wrote to the former:

At last I have them, and I thank you for them, as well as our friend from Ford Abbey. I am convinced that you have not wasted your time with him; the service which his friends could render to him, would be to extract from his works that which is *directly useful*, and to translate this into ordinary language. In less bulky volumes, easier to read, and cheaper to buy, it would circulate more easily and produce more immediate effects. If this excellent man lived more in the world, he would notice that the people, carried away by the turmoil of interests (public and private) of the moment, scarcely have the time to read and to reflect. So that task must be facilitated for them. This is what I have tried to do for France, by putting into one leaflet, the substance of *The Parliamentary Reform*, of which I send you some copies.

From Say's discussions with Ricardo, Malthus and Sismondi, it is well known that he was not ready to recognize other minds as superior. This makes his tribute to Bentham all the more remarkable. At the end of his life he wrote in the *Essai sur le principe d'Utilité* (probably his very last article): 'The *Principle of Utility*, precisely proclaimed by Jeremy Bentham in his *Treatises of Legislation*, for lack of correct understanding has given occasion to uncharitable statements and accusations'.

In view not only of Say's good relationship with Bentham, but also of his efforts to promulgate his ideas, it is curious that he is almost

* The manuscript sources for this piece consist of the Say papers, shortly to be deposited by his descendants at the Bibliothèque Nationale in Paris, the Bentham manuscripts at University College London, and the Place papers in the British Museum; a few letters by Say from the Dumont papers in the Bibliothèque publique et universitaire, Geneva, are quoted. For more convenient reading, I have translated most of the French quotations in the text. Of course I am responsible for any misinterpretation which may be caused either by this or through my transcription of Bentham's difficult hand.

entirely absent from Benthamic literature. This can be explained partly by the fact that most of the sources for this story have not yet been published. However, from Sraffa's *Works and Correspondence of David Ricardo* already a clear picture emerges of their meeting and of Say's familiarity with the English intellectual scene of the period.

In the following, I am trying to supplement the accepted views with some remarks about (I) The meeting and correspondence of Bentham and Say; (II) Their circle/s or network/s, and (III) Utility in Say's economic and political thought.

I

From the middle of September till the end of December 1814, Say travelled through England and Scotland as a kind of official spy for the Restoration government, to report on the state of the industrialisation of Great Britain. Having visited England before 1789 and enjoying a reputation as an economist and as an opponent of Bonaparte, he was well chosen for this job. In addition, having been a cotton spinner himself, he was equally well equipped for the technical side of the task.

After staying in and around London for one month, he travelled up to Glasgow, returning to London by the beginning of December. One of the first Englishmen to whom he paid a visit was William Godwin, who introduced him to Francis Place.¹ Only through the persistent efforts of this intellectual broker could a meeting between Say and Bentham, Mill and Ricardo be arranged. On the 6th of December he wrote to Mill at Ford Abbey: 'How pleasant it is my Dear Friend to have to talk of such person as Mons. Say - and Mr. Ricardo,² and Mr. Bentham, instead of those of whom we are obliged to say so much'. As Say 'dislikes travelling much at this season of the year', Place had hoped to arrange a meeting with 'you all' in London. But the departure of the French economist was in sight:

I feared this might prevent a meeting I am most desirous to promote so I was resolved to take no denial, I said all I believed of you of Mr. Bentham, and of Mr. Ricardo - and I took the journey with him upon my maps - and the result is he goes to Gatcomb on Saturday by the Coach - I must you see have the credit of inducing him to go - he really feels himself honoured by the notice you have taken of him and but for this I should not have prevailed upon him - he says I must make two conditions for him, that he shall not stay more than one clear day at Gatcomb and one at Ford Abbey - to this I say I undertake they shall not detain you but I caution you against making arrangements which will allow you no more time for if you do depend upon it you have laid up a store of regret - his second proposition I have promised for you - namely that he shall see Bath, & Bristol including Clifton - it is the manufactories - Glass Houses and Potteries at Bristol he wishes to see - a Bristol Guide price 2/6 will point them out and save time'.

The addressee of this letter had also claimed the honour of arranging the meeting, in a letter to Ricardo of November 24th:

Mons. Say, the author of the excellent book with which you are well acquainted, entitled *Economie Politique*, is in this island. It would be a thousand pities that you and he should not see one another. I have therefore been endeavouring to plan a meeting between you. ... On mentioning to Mr. Bentham my project of bringing together you and Mons. Say, he started an idea which is perfection itself. If you can prevail upon M. Say, said he, to go to Mr. Ricardo's, perhaps we may prevail upon both Mr. Ricardo and Mr. Say to come here. I am persuaded *you* will not think much of the journey. It is little more than 50 miles hither from Bath; and if Mr. Say should here leave you to go to London, the Bath and Exeter Stage passes at a few miles distance every day, so that you can return any way that you chuse. It would be a high treat to me to see you here, and to see you along with Say. To him I have no doubt it will be an object to meet with Mr. Bentham; and I am sure you will³ be gratified to be made acquainted with him.

Neither of these two organisers left much to chance, so Place also announced the visit in a letter to Ricardo of December 7th, describing Say as 'rather an elderly man of a plain appearance he possesses much simplicity of character, and the ease of a well bred gentleman'.⁴

After Say's visit to Gatcomb and Ford Abbey, Ricardo gave his impression of him in a letter to Malthus: 'He intends seeing you before he quits this country. He does not appear to me to be ready in conversation on the subject on which he has very ably written, ... yet he is an unaffected agreeable man, and I found him an instructive companion'.

Bentham's first impression is recorded in a letter to Koe: 'Ricardo and Say came here yesterday at dinner unexpected; whether they go, however, or no, tomorrow, as was originally intended, I know not. Both very intelligent and pleasant men, and both seem highly pleased'.

Despite the fact that it is only recorded at second hand, Say's opinion seems the liveliest of all these; Place gave it to Mill as follows: 'He spoke with rapture of you all, Mr. Bentham's Philosophy, and, as Mr. Say expressed it, "his heart full of benevolence in every thing" made his eyes sparkle as he pronounced the words.- You and Mr. Ricardo are, he says, profound economists, from both of you, he says, he has learnt much that will be useful'.⁵

With this visit, Say plunged right into the prime circle of English social thinkers, but he could have had some previous idea of what to expect from the meeting with Bentham. Some twenty-five years earlier, he had been on the staff of the younger Mirabeau's *Courrier de Provence*, where Bentham's reputation was already established. And just before leaving France, he had written to Dumont, acknowledging the receipt of the *Théorie des Peines et des Récompenses*: 'Pensées justes, neuves et utiles, style remarquable par sa clarté, sa précision, sa force. Que veut-on de plus?'

Of course he was anxious, after meeting as well as reading Bentham, to exchange thoughts with him from time to time. In the Bentham manuscripts, this is documented by half a dozen letters from Say, written between 1820 and 1824. In the Say papers, there are ten letters from Bentham, dated 1818 to 1828. Many other references to this relationship are to be found in the nineteen letters from Say to Francis Place, written between 1817 and 1827.

Besides showing a regular exchange of books and articles, these letters make reference to many other practical problems. Some contain introductions for well and lesser known persons, visiting Paris and London. Others deal with a parcel of books and letters, to be sent via Say in Paris to Sir Samuel Bentham in the south of France, and with Richard Doane who was on his way to the same destination. In an undated note (written after 1825), Bentham enquires about the greatest thickness of plate glass available in France, for the possible grinding of a reading lens. This was not the first occasion on which his eyesight and handwriting troubled Say.

He made a transcription of all the letters preserved. In 1819 he wrote in one of these that he had given Bentham's original letter to Count Orloff.⁶ But in September 1824, his eyes and inspired guessing failed him in reproducing one of the master's requests. So he decided to consult Place about Bentham's intentions:

I have the liveliest desire to execute the commission he gives me; but I cannot cope with deciphering his letter and I do not believe there is anyone in the whole of Paris, capable of finishing that job. I do not dare to send it back to him with the request of having it copied fair, for fear of disobliging him; consequently I have chosen to confide it to you and to beg you to have a *well written* copy made of it. After you will have sent me back the original letter and the copy, I shall make haste to fulfil his intentions as best I can. We owe this respect, my friend, to his age and his genius; so I flatter myself that you will excuse my importunity.⁷

One month later, he plucked up courage to make a similar appeal to the genius himself:

However jealous I am to possess your handwriting, you would do me a great favour having your letters copied by your secretary, who is much more skilful than I am in deciphering it. The fear of missing even a few words of what you are telling me, makes me hazard this request.

From this reply, we can also learn the subject of Bentham's request; this had been the first time he asked for a thick piece of glass to be sent from France. Say promptly ordered it from the manufacturers of St. Gobain measuring about six by four inches, and one inch thick. The fact that he could offer advice on the polishing of it into a lens, and on his own experience in the combined use of a lens and glasses in reading, may have

helped him to overcome his hesitation to ask for the copying of letters. Now his only problem was how to smuggle this piece of 'contrebande' through the English customs, by means of a reliable intermediary.

When found, such middlemen mostly had to carry contraband of little or no material substance: letters and messages. If Say did not fully use such an opportunity, he was duly blamed. In March 1820, Bentham firmly rebuked him:

For mere letters of kindness we have neither of us any time. For letters about politics from me to you, there is no use. Why? because here there is everything being published in a certain sense freely, there is no *dessous des cartes*, or at least none which you would care about. The opportunity being *first rate* sure [Say read: *favourable* ...], I would have been very grateful for a short view of the state of public opinion in Paris. You gave me nothing at all: and Swediaur nothing about that.

This tone however is uncharacteristic of their correspondence; in general it is friendly and the letters contain informal comments on a variety of topics. Bentham wrote in April 1818: 'I am making converts in the H. of C. and these respectable ones. The Whigs are falling off from one another, and sinking lower and lower every day'. In August 1823, he was in a more sarcastic vein: 'To all visitants, who have neither any thing to say, nor any thing to hear, my door is necessarily and inexorably sealed. Count Ionesco is all astonishment that so great a man as he is should make no exception. But had he been King Ionesco instead of Count Ionesco, the obduracy would have been the same'. He only wanted to see 'the few honest men that are to be found in this wicked world'. Titles were treated with irony; in 1828, asking Say for an introduction to Lafayette for Leicester Stanhope, he wrote: 'In a letter I gave him once for Dumont, I spoke of the disadvantage he labours under, in respect of birth and parentage, adding, with equal candour and discernment, the observation that this was no fault of his, he could not help it. Dumont received this *tout bonnement*: he took my illustrious friend for a bastard, or something of that sort'. The lifelong republican Say held the same opinion about nobility; in 1821, speaking of D'Argenson, he added 'qui pour le dire en passant ne fait aucun cas de son antiquated title of marquis'. In general, his tone was more bitter than Bentham's. In vain he tried to match his style in describing the 'beautiful examples of the utility of religion' in France in 1823. He saw the ministry of education in the hands of jesuits 'who make all our children imbeciles or hypocrites'.

These examples may give some general idea of the Say-Bentham-Place relationship. In the following, I try to categorise their personal contacts into three groups.

II

When the names mentioned in the correspondence are put together, three broad categories can be distinguished. In the first place, there are the British thinkers and politicians who can (or could at some stage of their careers) be labelled as philosophic radicals. Secondly, there

is a number of younger people, who were often to be conditioned by a visit to the continent or by a certain apprenticeship. And finally there is a group of French names, often belonging to French Huguenots and Swiss Protestants, which it is intriguing to consider as some kind of continental 'utilitarian network'.

It is clear that Say belonged to, or was at least very much *regu* in the first circle. This is apparent from John Bowring's letter of August 31, 1832:

Here is the souvenir of our illustrious deceased. He has bequeathed this testimony to twenty people in the whole world - of whom you are one. Will you please confirm to me the reception of this memento of his friendship and esteem.

Already in the previous month Sarah Austin had reported her impressions of Bentham's deathbed to Say, and inquired about the dispatch of the ring which Bentham had bequeathed to him.

When Say and Place were planning to publish the former's correspondence with David Ricardo in 1825, he mentioned Mrs. Austin as someone who might help with the translation; but in 1826 he dropped the idea of this edition. The relationship with the Grotes was more intimate. After Say's death in 1832, Harriet Grote continued to write to his son Horace and grandson Léon Say until 1878.

Of somewhat greater importance in Say's correspondence were James Mill and David Ricardo. What Donald Winch has written about Mill seems almost as applicable to Say:

On one topic, namely the law relating to the freedom of the press, Mill with his practical experience as a journalist had much to offer Bentham. As a lifelong propagandist who placed great faith in the power of reason and the written word, the freedom of the press was of particular interest to Mill. He believed that a free press was an essential adjunct to a working democracy, for by this means public men could be brought under the constant pressure of public approval or disapproval. It follows from this attitude that in his eyes the worst crime a man could commit was that of misleading the public. He constantly sought new 'means of obtaining access to the public mind', new channels through which the 'truth' could be put before a large audience.

As any reader of his son's *Autobiography* must be aware, James Mill held strong views on education. He was the schoolmaster *par excellence*.⁸ In 1789, the first publication of the twenty-two-year-old Jean-Baptiste Say was the pamphlet *De la liberté de la presse*. For the next five years he was a journalist; in 1794 he became editor of the *Décade philosophique, littéraire et politique, par une Société de Républicains*, a post he held for five years. In his papers, unexecuted plans are drawn up for popular publications and periodicals on economic subjects. And any reader

of the *Cours Complet d'Economie politique* must be aware that he is being lectured to in much the same way as the students of the *Conservatoire des Arts et Métiers*, where the schoolmaster Say taught from 1820. His lasting friendship with Mill led to John Mill's stay at Say's house in Paris in 1820, and to their joint visit to McCulloch in Croydon during Say's last sojourn in England in 1825.

The relationship with Ricardo was ambiguous. Through him Say became the first foreign member of the Political Economy Club in 1822. The economist of Gatcomb Park was a supporter of Say's Law, but also his most formidable opponent in the debate on value. Feeling uneasy about the outcome of their discussion, Say gives the impression that in his writings after 1823 he is still struggling with the ghost of Ricardo. So in October 1823, he must have read Bentham's opinion with some pleasure:

Meantime I have to thank you for your pretty little eloge of David Ricardo. Coulson in the *Globe-and-Traveller* said that on morals and politics he had taken his principles from me: which through the medium of Mill was exactly true. Till he knew Mill he was not distinguishable from other Stockjobbers. Mill egged him on till he made him get into Parliament: purchase money £4000 of the Earl of Portarlington in Ireland the borough for which he sat.

A propos of a certain work, not a syllable is there in it which I did not think I never have on any occasion in my life said in print any thing I did not think: and scarce any thing out of print. But assuredly on that occasion I did not say all I thought. What use would there be in it.

The 'pretty little eloge' must have been the obituary of Ricardo in the *Tablettes Universelles*, which Sraffa has shown to be the same as the 'Notice sur Ricardo' in Say's posthumous *Mélanges et Correspondance*. I leave it to others (Hollander, for example) to judge about Bentham's influence on Ricardo's economics.

The names of Stanhope and Swediaur have already been mentioned. Doctor Swediaur was introduced to Place by Say in 1818 as a particular friend of himself and of 'our great Bentham': 'He thinks like him and like us on all points, and you can regard him as worthy of the most illimited confidence'. When in Paris in 1817, Ricardo had dinner with this much-travelled medical man.

In July 1819, Bentham mentioned to Say that he had recently expressed some of his views through the medium of the *Morning Chronicle*. In the next year James Perry, the owner of this journal, in a letter commenting on Say's *Letters to Malthus* offered hospitality in his columns to him 'in the present oppressed condition of the French press'.

Among the more practical politicians, Joseph Hume was an acquaintance of Say's. And in 1814 Say had met Romilly, who as a member of a Huguenot family was a likely contact. Soon after his death in 1818, Say - on his

own initiative - dedicated to him a memorial lecture before the *Société des amis de la liberté de la press.*. He did not fail to mention Romilly's help for the French Protestants of the Languedoc in 1814; through his initiative in parliament their persecution was halted (Wellington's troops still being in France). Many details for this lecture had been provided by Francis Place jr., who had collected most of his information from Bentham.

Then there were the members of younger generations, sent or introduced to Say by Bentham and sometimes by others. In 1818 he gave a letter of introduction to Peregrine Bingham, 'a newly acquainted and most valuable disciple of mine'. In 1819, at the instigation of Francis Place, he asked for Say's help in Paris, to get Richard Doane into the diligence for Toulouse on his way to Sir Samuel Bentham. And in the next year he announced the coming to Paris of John Mill.

Despite his apparent interest in Say's work, there is no mention of Bingham in relation to him other than the following quotation from Bentham's letter of introduction:

He is already in possession of most of my ideas respecting morals politics and legislation, without effort becomes a master of every thing as soon as he looks at it, and is in a condition to preach it, and apply it, every where. He is perfectly acquainted with your great work, admired it upon the whole, but finds two or three points on which he [is] prepared to battle with you.

Bentham announced the dispatch of the young Doane to his brother almost as if he were shipping an object:

On Monday I reckon to dispatch to him from hence, by the diligence to Paris, and from thence to Toulouse, by the like conveyance, a little boy, age about fourteen, his name *Richard Doane*, for him to manufacture and fit up for my use, and in the course of about 3 or 4 months, with a little *talkable*-french in addition to the little *grammar*-french he has got, together with a few *et ceteras* such as shall be found obtainable.

Judging by the letter Doane wrote to Say after his return, early in 1820, he must have been very kindly received in Paris on his way back, for he found himself 'infinitely obliged to Mrs. Say and to your whole family'.

Writing a sequel to this letter, Bentham announced John Mill's visit to the continent:

Your young protégé being returned, I am going to send to my brother another boy to manufacture: the eldest of Mill's. R D impoverished you: you may get rich by shewing J M at 6 francs a piece. Fasten to his shoulders a pair of goose's wings. You shew him for an Angel, and you will meet with no unbeliever. Don't be angry with him or

me: he understands political economy as well as you: but this is but a drop in the ocean of his intelligence. Amongst other things, he understands abundance that neither you nor I have any notion of. I send him to my brother that he may be dealt with as Joseph was dealt with by his brethren, and then be sold to the Algerines. I will send you by him a copy of a letter of his to my brother who was desirous of being informed of his progress since 1814. Farewell.

According to Say's diary, John stayed with him in Paris from the 23rd of April till the 19th of May 1821. The young Mill's recollection of this visit is well known from his *Autobiography*. He described Say's existence as 'a quiet and studious life, made happy by warm affections, public and private'. When Say's wife died in 1830, he wrote a letter of condolence.

The only letter from Godwin in the Say papers contains an introduction for Henry Rosser:

The gentleman who will put these lines into your hand is a very particular friend of mine, & you will exceedingly gratify me by any attention it may be convenient to you to pay him. He is the author of a pamphlet in defence of my Answer to Malthus: & whatever you may think of the merit of my book, I am satisfied the defense written by my friend, the bearer, Mr. Henry Rosser, is an able one.

This confirms the strong suspicion, pronounced by Sraffa, that Rosser was the author of the anonymous *Detection of the Gross Blunders and Absurdities of the Article on Mr. Godwin's Enquiry concerning population* (1821). The sad story of Henry Rosser is told in a letter of Bentham to Ricardo, and in a comment of Place on that latter. Bentham says that first 'The destination of Henry Rosser was - to serve perfumery behind his Father's counter'; but when the father found out about his intellectual aspirations 'He declared that his son should be a Gentleman, and for that purpose should be first a University man, and then a Barrister'. Place's comment was: 'All that it can be necessary to say in addition to the facts contained in your letter to Ricardo is that he pursued his studies successfully, and during the vacation went to Paris to perfect himself in french conversation when bathing with another young man he was drowned'.⁹ This happened in July 1822, and Godwin's letter was written in May of the same year.

Of course Say himself also wrote letters of introduction within this circle. In 1817 he sent his son Horace to Dumont in Geneva, describing him as 'able to answer all questions you might consider to ask him about our political situation, on men and affairs, and with much more frankness than one can put into a letter'.

Real help was needed for his son-in-law Charles Comte in 1823. This liberal lawyer in 1815 had founded the journal *Le Censeur*, together with the economist Ch. Dunoyer; in 1817 they changed the name to *Le Censeur Européen*. In that year they were arrested for publishing the *Manuscrit*

venu de Sainte-Hélène, d'une manière inconnue, which had already been printed in English in London. In 1818 Say wrote to Place about the possibility of a *coup d'état*, in which case 'you will no longer be informed about our situation through the press'. And in 1820 Comte fled to Switzerland with his young family, to escape prosecution on a libel charge. But even there he found no rest. As Say wrote to Bentham in October 1823:

And again from there those man-eaters in the name of God, who call themselves *Holy Alliance*, have thrown him out. I hope England will offer him a safe refuge. He is one of your pupils, my worthy Master; cover him with your wings; incite your influential friends to his favour. Liberty will smile at you from the high skies and I shall erect an altar for you in my heart. Comte is a particular friend of Lafayette who kept him hidden for months in his chateau de la Grange.

A letter to Place on the same subject prompted more practical advice on how to make a living. But the Comtes had to wait another two years before they could return to France.

As a *citoyen de Genève*, Say could write to Dumont and Sismondi as *concitoyen*. He certainly belonged to a Protestant (Huguenot) 'network', which to some extent can be said to overlap with utilitarian relationships.

In London in 1814, Say visited Romilly, and a number of people with French names, among them his friend Michel Delaroche, director of a trading house in Le Havre. The Delaroches originated from Geneva, like the Delesserts, and both families were related to the Says. Delessert was Ricardo's banker in Paris. Horace Say wrote about the 'salon' of the older Mrs. Delaroche around the turn of the century:

The salon of Mrs. Delaroche the mother was then what had been, some years before, the one of Mrs. Necker; she did the honours with grace and dignity; scientists and men of letters were welcome, the conversation was varied and interesting, but, it must be said, strongly contained by a certain puritan austerity.¹⁰

Also in London, Say met the Protestant minister, Th. Abauzit, who in 1830 wrote to him from Geneva about his *Cours Complet*. He was anxious that Say should give more attention to religion in the last volume, and reminded him of 'the great service which the famous Lancaster drew from religion'. This letter was forwarded by Séguin, a nephew of Dumont, 'of whom you undoubtedly have deplored the loss, together with all the true friends of humanity'. When in 1824 Say introduced an old friend, Scipion Mourgues, to Place, he called him 'a friend of enlightenment and liberty', but also expressly mentioned his Protestant faith. Whether these Protestant contacts were incidental or not, it is not the utility of religion, but the creed of utility which still deserves some attention.

III

In Say's economics, utility is the *premier fondement* of value. He

had a clear notion that only the addition of the (non-material) quality, utility, could truly be called production. Excluding the *richesses naturelles* from economic theory, he may be said to have lacked a correct notion of scarcity. Yet he embraces a modern subjectivist viewpoint, namely that every man can judge best for himself what is most useful. The second flaw in his value theory is, that he cannot reconcile his positivist/empiricist attitude of measuring 'facts' (like market prices), with widely different individual utilities. To solve this problem, he pretends that market prices are equal to some average of individual utilities. He sees economics as a social science, in which values can only be measured through market prices.

Bentham as an economist, in the opinion of Stark, 'is much concerned to define the term utility which, incidentally, refers to the individual rather than to society, so that Bentham is, from the very outset, driven to an atomistic conception of social life'.¹¹ Leaning heavily on Bentham in his *Essai sur le principe d'utilité*, Say admits having neglected the individual needs of *l'homme isolé*.¹² Continuing on the subject of utility and self-interest, he attempts to answer the question whether utilitarianism is perhaps just epicureanism. This may be true, he thinks, if utility is interpreted as a matter of crude self-interest, but not when it is seen as enlightened interest. 'Well designed laws are the best guides one can give to those who are not enlightened enough to know their true interests.'¹³ As schoolmaster and political scientist, Say followed and imitated Bentham. In the *Censeur Europeen*, he reviewed the *Tactique des Assemblées législatives*, and summarised the *Plan of parliamentary Reform*, which was also distributed separately as a pamphlet, *De l'influence ministérielle sur les élections en Angleterre*.

Altogether, Say's tribute to Bentham is many-sided. One would like to believe that it was based on the same grounds which to many scholars still make Bentham a modern author.

NOTES

1. P. Sraffa, ed., *The Works and Correspondence of David Ricardo* Cambridge, 19 vols., vi, 158n.
2. B.L., Add. Mss 35152.
3. Sraffa, vi, 156-7.
4. *Ibid.*, vi, 160.
5. *Ibid.*, vi, 161.
6. This must have been Gregor-Vladimirovitch Orloff, who lived in France for a long time; his *Mémoires historiques ... sur le Royaume de Naples* were edited by Say's old friend and *Décade* colleague, Anaury Duval.
7. All of Say's original quotations are in French.
8. D. Winch, ed., *James Mill, Selected Economic Writings*, Chicago, 1966, pp.14-15.
9. Sraffa, viii, 114-6.
10. H. Say, *Notice sur M. Michel Delaroché, ancien négociant au Havre*, Paris, 1854, p.11.
11. W. Stark, ed., *Jeremy Bentham's Economic Writings*, London 1952, p.11.
12. J.B. Say, 'Essai sur le principe de l'utilité', in *Mélanges et Correspondance*, Paris 1834, pp.279-309. Say's value theory is treated at length in Ch.I of my thesis *Jean-Baptiste Say* (in Dutch), Amsterdam, 1980.
13. Quoted by J. Valynseele, *Les Say et leurs alliances*, Paris, 1971, p.47.

A POSSIBLE LOCATION OF MISSING LETTERS OF JEREMY BENTHAM

Ian R. Christie
University College London

At a general conference on 'Books in Russia to the middle of the nineteenth century', held in Leningrad on 23-25 April 1981 under the auspices of the Library of the Academy of Sciences of the USSR, D.A. Sitnikov reported a find which points to the possible location of further letters of Jeremy Bentham.¹ A list of the small library (75 titles) which Samuel Bentham left behind him on his return to England from Siberia in 1791 has turned up in the Tobolsk section (*filiale*) of the archives of Tyumenskaya Oblast. This list has not been reproduced in the report; nor is it indicated whether it is Samuel's hand. The general description of its contents corresponds with what is known about the collection from the references to books being requested, or received, in the letters Samuel wrote to his brother during the 1780s,² though some additional items are also indicated. The library included theoretical works on chemistry, physics, mathematics and mechanics, practical treatises on shipbuilding, on the management of ships, on mining and metallurgy, copies of Arthur Young's *Annals of Agriculture*, accounts of exploration, works by Voltaire and Rousseau in the original French, and novels by Smollett. Sitnikov appropriately comments that the light cast upon Samuel Bentham's interests and preoccupations while he was in Russia is considerable (though there are also other sources of information about this);³ and he suggests that still more might be learned, if some of these books were to be traced in libraries in the Soviet Union - a possibility which he thinks should not be dismissed - especially if, when discovered, the volumes were to bear annotations by Bentham and anyone else who had used them.

The discovery of this list of books raises the question, whether it forms an item in a cache of Samuel Bentham's papers surviving in some section of the archives of Tyumenskaya Oblast. Such a cache might include some or all of the large corpus of Jeremy Bentham's letters written to his brother during the 1780s, which are known only from references to them in Samuel's replies. At the very least there would appear to have been at least forty of these, but there could well be double that number.⁴ If discovered they could be expected to throw appreciable light on Jeremy's life and on his intellectual interests during that period.

NOTES

1. 2-a Vsesoyuznaya Nauchnaya Konferenziya, 'Kniga v Rossii do seredini XIX veka. Biblioteki. Chitatel.' Leningrad 23-25 Aprelya 1981 g. Tezisi dokladov (Biblioteka Akademii Nauk, Leningrad, 1981), pp.50-1.
2. *Correspondence*, vol.III (C.W. ed. Ian R. Christie), *passim*.
3. For Samuel Bentham's activities in Russia see: Matthew S. Anderson, 'Samuel Bentham in Russia, 1779-1791', *American Slavic and East European Review*, XV (1956), 157-72; and, in chronological order of theme: Walther Kirchner, 'Samuel Bentham and Siberia', *Slavonic and East European Review*, XXXVI (1957-8), 471-80; K.A. Papehl, 'Samuel Bentham and the Sobesednik, 1783', *ibid.*, XLVI (1967-8), 210-19; Ian R. Christie, 'Samuel Bentham and the Western Colony at Krichev, 1784-1787' and 'Samuel Bentham and the Russian Dnieper Flotilla, 1787-1788', *ibid.*, XLVIII (1969-70), 232-47, and L (1971-2), 173-97; K.A. Papehl, 'The Regimental School established in Siberia by Samuel Bentham', *Canadian Slavonic Papers*, VIII (1966), 153-68.
4. *Correspondence*, vol.III, pp.xvii-xix, xxx-xxxii.

THE PAPERS OF JEREMY BENTHAM IN THE UNITED STATES OF AMERICA

M.J. Smith

The purpose of this note is to highlight some recent discoveries of Bentham material which have been made in the United States. Previous inquiries there, some dating back to 1965, unearthed a considerable quantity of such material, the most important collections being held by the New York Public Library, Yale University, the Historical Society of Pennsylvania, and the University of Illinois. However, only a fraction of the vast number of libraries and repositories in America were approached then, with the result that Bentham material is still being actively sought by the Committee, and continually found.

One recent development was the discovery of fourteen letters written between 1818 and 1826 in the papers of Richard Rush, the American minister in London from 1817 to 1825. His papers are now deposited in the library of Princeton University. Most of the letters are from Bentham, and they furnish the originals of several copies or drafts of letters to Rush which are located largely in UC xii.

The Library of Congress in Washington DC has proved especially significant for Bentham material. Among the papers of James Madison is the original of the letter of 1811, partly printed in *Bowring* iv, 453-67, in which Bentham offered to codify the laws of the United States. The original contains a number of passages omitted from the Bowring version, including the list of ten books relating to American law which Bentham possessed at the time, and the list of Bentham works which were forwarded to the President. The papers of James Monroe in the same library contain the extract of a letter of 1823 written by an unknown correspondent to Bentham, which was forwarded to the President by Rush, containing information about Russian intrigues in Caribbean politics. The papers of Nicholas P. Trist, who was briefly private secretary to Andrew Jackson, are also in the Library of Congress. They contain two letters of Bentham's which were written to President Jackson in June 1830. Both letters have been printed in John Spencer Bassett's *Correspondence of Andrew Jackson*; and one of them was printed in *Bowring* xi, 39-42 as two separate letters erroneously dated 10 January and 26 April 1830. Along with these communications, Bentham forwarded the rough manuscript of his 'Anti-Senatica Papers' (which is not extant in either the Trist or the Jackson papers) and almost thirty printed works.

The failure of Bentham's initiative of 1811 in approaching Madison concerning the codification of American law led him to adopt a different strategy: to circularise the governors with an offer to codify the laws of their respective states. Although his offer eventually came to naught, it did receive sympathetic consideration from two governors, Simon Snyder of Pennsylvania and William Plumer Sr. of New Hampshire. The papers of Albert Gallatin in the New York Historical Society contain three letters from Bentham written in 1814-15 relating to his codification offer. Gallatin's papers also contain the draft of his letter to Snyder, dated 18 June 1814 and printed in *Bowring* iv, 468, which prepared the way for Bentham's overture. The papers of William Plumer Jr. in the New Hampshire State Library contain three letters from Bentham written between 1818 and 1824 to Plumer Jr., a congressman who was the son of the Governor of New Hampshire. One of these letters contains Bentham's invitation to

Plumer Jr. to come and live at Queen's Square Place and assist him in the work of law reform (an offer which was politely declined). The collection also includes an eighteen-page document in Plumer Jr.'s hand relating to Bentham's codification offer and entitled 'Jeremy Bentham's proposal to furnish a complete body of laws for the use of the State'.

The most recent discovery has been the location of the papers of Edward Livingston in the possession of the John Ross Delafield Foundation, New York. Livingston was commissioned by the Louisiana legislature in 1821 to revise the penal law of the state, and his elaborate penal code, which was presented in 1825, was greatly influenced by Bentham's writings. Livingston's papers contain five Bentham letters written between 1820 and 1831, including the original of the letter of 23 February 1830, extracts of which were printed in *Bowring* xi, 35-6. This particular letter was accompanied by the outlines, in chapters and sections, of the Constitutional Code and the projected Penal and Procedure Codes. There are also two documents detailing the lengthy list of publications which Bentham forwarded to Livingston.

Besides these more significant holdings, other Bentham papers have been located elsewhere in America. For example, one letter written in 1825 to Lafayette surfaced in the archives of Knox College, Galesburg, Illinois, while the Carl H. Pforzheimer Library in New York produced one sheet of Bentham manuscript dated 1828 and three miscellaneous letters, including the original of the letter of 23 December 1804 from Samuel Parr which is printed in *Bowring* x, 416-18. Also, a signed copy of the *Essay on Political Tactics* is among the Thomas Jefferson papers in the Library of the University of Virginia.

For every one collection that produces Bentham material, there are many more that do not. For instance, the papers of the Virginian lawyer, Francis Walker Gilmer (who wrote to Bentham in 1818 and who published a pamphlet countering the *Defence of Usury*), which are divided between the Virginia State Library, the University of Virginia and the Missouri Historical Society, contain no Bentham letters. At the same time, the papers of several other Americans who were in contact with Bentham remain untraced, including those of John Neal (the writer who stayed with Bentham in 1825-7), Louis Maclean (the American minister in London in the late 1820s and early 1830s), William Beach Lawrence (the American chargé d'affaires in London in 1827), and Henry Wheaton (the American minister in Copenhagen, 1827-33). Writing to President Jackson on 14 June 1830, Bentham described himself as 'at heart more of a United-States-man than an Englishman'. In the light of this comment, any further discoveries of Bentham material in America could not fail to add considerably to our knowledge of Bentham's influence, and interest, in the United States.

JEREMY BENTHAM AND BLACKSTONE'S LECTURES

Ian Doolittle
Christ Church, Oxford

Jeremy Bentham's early writings on the law were principally, even obsessively, concerned with one work - Sir William Blackstone's enormously influential *Commentaries on the Laws of England* (1765-9). Both in his unpublished *Comment on the Commentaries* and his *Fragment on Government* (1776) Bentham laboured hard to expose Blackstone's alleged complacency about the virtues of the Common Law and refute his arguments point by point. Everything-as-it-should-be Blackstone had remorsefully to be demolished before the projected *magnum opus* on *Legal Polity* could be tackled; and though this and a number of other plans remained stillborn Bentham never lost sight of the *Commentaries* and their author. At the very end of his life he was contemplating a work entitled *Blackstone Familiarized* or *A Familiar View of Blackstone*.¹

Not surprisingly, therefore, considerable interest has been aroused by the fact that Bentham as a student at Oxford attended the lectures which Blackstone gave as the first Vinerian Professor of Common Law and which formed the substance of his *Commentaries*. This was in 1764-5 when Bentham was still a member of the Queen's College, though already studying the law at the Inns of Court in London. Bentham recalled the experience in the following words:

I attended with two collegiates of my acquaintance... They both took notes; which I attempted to do, but could not continue it, my thoughts were occupied in reflecting on what I heard. I immediately detected his fallacy respecting natural rights; I thought his notions very frivolous and illogical about the gravitating downwards of *hereditas*; and his reasons altogether false, why it must *descend*, and could not *ascend* - an idea, indeed, borrowed from Lord Coke. Blackstone was a formal, precise, and affected lecturer - just what you would expect from the character of his writings: cold, reserved, and wary - exhibiting a frigid pride. But his lectures were popular, though the subject did not then excite a wide-spreading interest, and his attendants were not more than from thirty to fifty.

In another passage Bentham declared that he 'heard the lectures: age, sixteen: and even then, no small part of them with rebel ears. The attributes [accorded by Blackstone to the King], I remember, in particular, stuck in my stomach. No such audacity, however, as that of publishing my rebellion, was at that time in my thoughts.'²

Hindsight and partiality, of course, make these comments less than reliable; and his correspondence, otherwise so illuminating, is unhelpful on this point. It is fortunate, therefore, that there survive in the Queen's College Library (Ms.401) the notes taken by the young Bentham at the celebrated lectures.³ Apparently they have not been noticed in print before. They are contained in a quarto-sized volume which bears a large 'Jeremy' on the inside cover. The hand has been authoritatively identified as Bentham's.⁴ Some 110 folios have been used, on the recto side only,

with some additions and references on the blank pages opposite. One or two of the sheets have false starts with fair versions following. Whether the notes are those taken at the lectures themselves is hard to determine. The fluency may well have been due to the lecturer's deliberation and lucidity; and there is certainly a Blackstonian flavour to the writing. But it is possible that Bentham reconstructed his rough notes later. The text was undoubtedly subjected to some amendment and amplification, but there is no sign that Bentham used the published *Commentaries* for this purpose.⁵ He seems to have discarded his notebook as soon as the first edition appeared in November 1765.⁶

The notes cover the first ten of the sixty or so lectures Blackstone delivered each year. They correspond to sections 2-4 of the Introduction and the first eight chapters of Book I (that is, up to and including the discussion of the King's prerogative and revenues). It was of course the general review of the principles of law and the British constitution which subsequently aroused Bentham's deepest indignation. With Blackstone's more prosaic exposition of the different branches of the Common Law in Books II-IV he had little to do. This of course bears out the recollection that he attempted to take notes 'but could not continue it'. However the manuscript betrays nothing of the reasons for putting down his pen. Whether he really did hear the lectures 'with rebel ears' is impossible to say. There is only one independent personal addition to the faithful script. This relates to Blackstone's famous definition of 'municipal' law (Book I, p.44): 'a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong'. On the opposite page (f.2v) Bentham has added the most anodyne of interpolations: 'so Dr. Bl[acksto]ne or rather commanding what *shall* be right, and forbidding what *shall* be wrong: for what is naturally right and wrong, is already predetermined by the laws of God and nature. [Bentham here appends a quotation already given by Blackstone] it is defined by Justin [ian]: *Jus civile, quod quisq[ue] sibi populus constituit*'. Otherwise the notes are silent on the young Bentham's own views. This is a disappointment. It is unfortunate too that the notes are not full enough for use in a comparison between the views Blackstone expressed in his lectures and those he published in the *Commentaries*. For that it is necessary to turn to other versions.⁷ Nonetheless, as an historical curiosity and as at least partial corroboration of Bentham's recollections of his student days, his lecture notes deserve attention.

NOTES

1. See the introduction to *A Comment on the Commentaries and A Fragment on Government* (C.W., ed. Burns and Hart).
2. Both quotations are taken from *ibid.*, xx-xxi.
3. I am grateful to the Librarian of the Queen's College for permission to publish these findings and to Miss H. Powell, the Assistant Librarian, for her help.
4. Dr. J.R. Dinwiddy was good enough to confirm this.
5. For example, at the equivalent of Book I, p.309, it is stated that Prynne not Pym was the proposer of the excise tax in 1643. Blackstone corrected the confusion in a footnote to his published text.
6. Bentham followed the printing of the *Commentaries* with interest and acquired a first edition, presumably as soon as it appeared; Burns and Hart, *op.cit.*, xxi n.l. The November publication date is mentioned by James Clitherow in his biographical introduction to Blackstone's posthumous *Reports and Cases* (2 vols., London, 1781), p.xvii.

NOTES (continued)

7. Principally those listed and discussed by Professor Holdsworth in his *History of English Law*, XII (London, 1938), pp.747-50, but also others which have turned up since he wrote.

WORK IN PROGRESS: Volumes II and III of *The Constitutional Code*

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In an article in an earlier number of this Newsletter, Dr. F. Rosen explained how the new edition of the *Constitutional Code* would be arranged, and he described some of the principal problems encountered in editing it.¹ Since he wrote, he and Professor Burns have delivered the complete text of Volume I (including Introduction, Collations and Index) to the publishers. The purpose of this note is to carry the story a little further, by describing what progress has been made and in what form the problems have emerged in the editing of Volumes II and III, for which I have accepted responsibility. It is a report on what was discovered and achieved in the twelve months from December 1980 to December 1981, which my employers (the Australian National University) enabled me to spend in Britain.

In practice, I shall be saying more about problems than progress. This is largely a consequence of my methods of working. A resident editor, or one who could look forward to frequent trips to London, might have decided that his best course, when he had a year at his disposal, would be to go on directly to consider the text and to draft the editorial notes for Volume II. But after 1981 I shall have to work mainly or wholly in Australia, and I judged it best to concentrate first on collecting information that I could not easily acquire there and that I could take back with me. This meant, above all, learning as much as I could about the Ms sources for Chapters XI-XXXII. Accordingly, much of my year was spent in working through those parts of the University College and British Library collections which are relevant to those chapters - especially UC Boxes xl-xlii - and trying to build up a more complete picture of their contents and of how they had been used by the previous editor, Richard Doane. I was able to draw here on a considerable amount of work done in the past by Professor Burns, Dr. Rosen and other members of the Project, but I had to make myself familiar with what they had learnt as well as to discover things for myself. It was only in the summer of 1981 that I began to grapple seriously with the text of Volume II.

My concern with Doane's use of the Mss is connected with a point brought out by Dr. Rosen, namely that the editor of these two volumes has two sorts of material to work with in addition to the familiar text prepared by Doane and printed in Bowring's ninth volume.² Chapter X (the bulk of Volume II) and some brief extracts from Volume III were printed in Bentham's lifetime and at his request. At the same time, not much of the Ms that was used in Chapter X, and not much more that bears upon it, has been found. For the rest of the Code, no earlier printed version is known to exist, but a large mass of Ms has survived and been identified. Thus for about three-quarters of Volume II, the editorial task is similar in principle to that undertaken in Volume I: it is to use the earlier printed version as a sort of benchmark with which Doane's version may be compared. For the remainder of Volume II, and nearly all of Volume III, a different approach must be adopted.

The dominating fact here is that the later chapters of the work were very incomplete when Bentham died. He had drawn up a plan of chapters and sections for the whole Code, and drafts or notes had been allocated or were allocable to nearly every section. But these did not add up to a continuous text or anything like one.³ The definitive plan was only the last of a series of such schemes, which differed a good deal in many of

their details - in numbers of chapters, numbers of sections within a chapter, titles (and, often, therefore, the scope) of chapters and sections, and sometimes the location of argument or topics within chapters or sections. The papers allocated or relevant to any one section had often been drafted for a different purpose - perhaps for a different section or for a section whose scope or whose function in the chapters had changed. For this and for other reasons, the materials for many of the sections were fragmentary, overlapping, repetitive or, at best, not fully integrated. In some sections they consisted mainly of first (and very untidy drafts), in others mainly of marginals or copies, and in some of a combination of these different sorts of papers which still left gaps or repetitions in the argument. For some sections there were sequences of drafts (composed typically at intervals of a year or more), in which the later neither wholly replaced nor neatly supplemented the earlier ones, because in each of them Bentham approached the topic in a different way or included a different range of subject-matters.

It follows that it was never possible to prepare an edition of the Code that would reproduce or reconstruct Bentham's text of its later chapters, since that text did not yet exist. The only alternatives were to produce a set of working papers or to construct a continuous text for the first time, by selecting material from among the competing drafts where more than one existed, and by welding them together with the help of new material and the elimination of repetitious passages and of other passages which disrupted or diverted the flow of the argument. The latter course was the one that Bentham himself had adopted in producing the early printed version of the first ten chapters of the Code. It was also the course that Doane followed in completing the work. A new edition of the later chapters might differ from Doane's in many respects, but - unless it degenerates into a set of working papers - it must be a synthesis or artefact in the same sense as his was.

My work on the text in the second half of 1981 has brought out some additional points concerning these two kinds of editorial tasks, and has modified my original attitudes to them.

On a closer examination it turns out that the early printed version of Chapter X ('Defensive Force') is not an entirely satisfactory benchmark. It was edited - in some sense - for Bentham by T. Perronet Thompson, and he was a distinctly less careful editor than Doane. He did not take much trouble to adopt a single set of printing conventions or to iron out inconsistencies in terminology, punctuation or cross-references. He evidently did not bother to acquaint himself with the latest versions of the practices and chapter and section-titles that Bentham adopted in the course of drafting, and thus the cross-references even to other parts of Chapter X are often inaccurate and misleading. (Doane usually corrected these, silently.) He also failed to correct simple errors and to fill in gaps left by Bentham, and he probably introduced - or allowed the printers to introduce - a fair number of further errors. But he did stick more closely than Doane to Bentham's spelling, his use of capitals and above all his punctuation where (as Dr. Rosen has again pointed out) Doane introduced many well-intentioned but unhelpful changes.⁴ As he presumably had access to Bentham's Mss for the chapter, and as Doane seems to have worked from this text rather than from the Mss, it appears reasonable to treat Thompson's version of the chapter as a base, much as Professor Burns and Dr. Rosen have treated the '1830' edition of Volume I as a base, but to be ready to make changes in it where sense or Bentham's known practices and decisions suggest that they should be made.

In relation to the rest of the Code, I am inclined similarly to adopt Doane's text as a base, but to expect to follow it rather less closely than Thompson's text of Chapter X. Except in relation to spelling, punctuation and other minor matters, I have considerable respect for Doane as an editor. I have come to believe that he could assess Bentham's intentions and meaning pretty accurately and that he undertook to convey them accurately. I also suspect that he had access to more Mss than we have, including corrected copies of some of the surviving drafts. For these reasons I am inclined to place the burden of proof on myself when I am considering a possible change in his text, and to avoid making changes unless some good reason for doing so appears in the Mss. Such good reasons might include an apparent mis-reading of the text, the possibility of an alternative ordering of the material in order to produce a more smoothly-flowing argument, or the possibility of restoring material that Doane had dropped but that is not obviously redundant. In practice, I have found some places in Chapter X where, I think, good reasons (including some reasons advanced originally by Dr. Rosen) do exist for making changes. So I expect that the new text will, in places, differ a good deal from (or at any rate, look rather different from) Doane's. And I have been persuaded that the Mss, however defective they may be, should be accorded priority, and that where I retain Doane's amendments to them the fact should be recorded, probably by the use of square brackets and similar devices.

Although Chapter XI ('Ministers Severally') is undoubtedly very important in the structure of the Code, it is relatively short and it resembles quite closely an ordinary legal instrument. For these reasons it seems unlikely to require many explanatory or informative notes except those recording editorial decisions or determining the state of the Mss sources. Chapter X contains much more argument, and both Bentham and Thompson put into it many references to books, their authors, other persons and events, and they included a fair number of technical terms and expressions in foreign languages. Many of these will be obscure to modern readers, especially to those who are not well informed about military history and the military and naval professions. They do, accordingly, require elucidation and verification. Similarly, it would be desirable to identify the informants to whom Bentham referred when he cited an alleged fact but whom he declined to name (usually in order to avoid embarrassing that person, and sometimes by agreement with him). But it has proved less easy than I had hoped to provide these identifications and elucidations. In protecting his informants, Bentham covered his tracks quite effectively - perhaps more effectively than he really intended. A 'diplomatic source',⁵ for example, could be any one of a number of people whom he had known fairly intimately. And 'a person high in rank and character who...was about the person' of the Duke of York in the 1790s, and whom Bentham knew in 1802,⁶ could be any one of a rather larger group of individuals. In other cases Bentham supplied no source or authority at all for his claims about military practices or terminology (especially French and American practices) or he supplied a vague reference ('the newspapers in the last week in July, 1828')⁷ or referred to the fact itself in vague terms (an unnamed statute enacted 'towards the close of the last century - the exact year is scarce worth searching for'). On some occasions, too, he misled the reader and editor by getting some of his facts a little wrong, for example by referring to 'General Puttenham' when he meant 'General Putnam'.⁸

To untangle such puzzles is of course the kind of problem that an editor must expect to face, and it is the kind of activity that gives the editor's task much of its interest. It is, nevertheless, very time-consuming, and in practice it has prevented me from getting beyond the middle of Volume II in my first draft of this edition before I have had to suspend work in order to return to Australia.

NOTES

1. *The Bentham Newsletter* No.2 (March 1979), pp.40-3.
2. *Ibid.*, pp.41, 42.
3. *Ibid.*, p.41.
4. *Ibid.*, p.42.
5. *Bowring* ix, 346n.
6. *Ibid.*, p.362n.
7. *Ibid.*, p.361n.
8. *Ibid.*

L.J. Hume, *Bentham and Bureaucracy* (CUP 1981), xii, 319pp. £22.50.

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Bagehot said that the only way to cure an admiration for the House of Lords was to go and look at it and likewise the only cure for an admiration of Bentham's Constitutional Code is to try and read it. This monstrous and rebarbative parallopipedon of a book runs to 647 double-columned pages of fine print, some 600,000 words on a rough reckoning, and rarely are more than 200 of these readable at a time. For all that, its reputation is immense as a programme, long before its time, for structuring the branches of government in the way we see them in the Western European-type democracies of today; in short as a forerunner of Weberian rational-legal institutions, set on a firm parliamentary base. One obvious puzzle concerning this book therefore is how a recluse writing a century and a half ago could have come to anticipate the principles of Fayol, Urwick, and Weber. Another question, really a corollary, is whether, and if so how, the Code's notions and prescriptions were consciously adopted by nineteenth-century reformers. Again, since even a cursory glance at the Code reveals an astonishing number of proposals which, with the utmost generosity, can be described only as bizarre, what kind of intellectual process was at work that could generate, with such apparent indifference, so many admirably practical ideas alongside such very fantastic ones?

Book I of the Code, running to 146 pages, lays out Bentham's general principles. The Code proper commences with Book II. It is entitled '*State of [] : its constitutional code*'. In short it was devised so that it could be adopted indifferently by any nation in the world - Greeks, Spaniards, Algerians, Frenchmen - on all of whom at some time or other Bentham had lavished (often gratuitously) his constitutional advice. Successive chapters in this book deal with, first territorial arrangements, then the constitutive authority, then the legislature and so on right through every branch and sub-branch of government including the numbers, duties, establishments and even the architectural arrangements and furniture of each administrative department. In every chapter the matter is arranged uniformly; an 'enactive' clause is followed (or sometimes preceded) by an 'expositive' paragraph, explaining the reasons for the enactment. The first chapters, up to IX (apart from Chapter I) were published in 1927 and what is now Chapter X in the Bowring edition appeared in 1830. The remainder never appeared until the entire work was brought together as Volume IX of the Bowring edition of his works, published in 1843.

Dr. Hume is much to be commended for taking a close look at this Code. In my youth when I was much under the influence of the Webbs' historical works and was privileged in my brother Herman's house to mix and talk with their latter-day disciples among the political scientists of the LSE, the Code was regarded by them with a sort of holy awe; it was seen as the very *fons et origo* of the kind of democratically-sanctioned bureaucratic state to which their Webbist Fabianism was conducting them. I was told delightedly how Jeremy Bentham had, for instance, anticipated in this Code the Departments of Education, of Police, and of Public Health. However, when a little later I was working on Chadwick Mss in the Library of University College London and called for a copy of the Code, I found to my amazement that the volume I held in my hand and which Chadwick had owned since 1843 and had willed to the Library consequent to his death in 1890, had never once been looked at by Chadwick or by anybody else at all - for every page was uncut!

Well, Dr. Hume has perhaps over-amply compensated for such neglect. His interests are not, or at least are only parenthetically concerned with the kind of questions raised earlier; his book is very much in the 'history of ideas' tradition and is, it may be said at once, none the worse for that. The kind of questions he addresses are, for instance: Why did the Code ever get written at all? In what way was it put together? Was it, and in what ways, consistent with Bentham's earlier thinking? What were his central ideas? A catechism of this kind and the 'short answers' are contained in the Introduction, and are recapitulated with careful elaboration and qualification in the Conclusion. In between lie the chapters which convincingly and with exhaustive, sometimes exhausting, but meticulously scrupulous scholarship, trace in fine detail the progress of his interests, his thoughts and his writing until at the end of the day these are all consummated in the work before us.

His analysis runs, briefly, like this. Bentham began with a stock of widely accepted eighteenth-century ideas. Running through them were two general themes. One was utilitarianism and the second, rationalism. Bentham adopted these ideas in three main phases, the first practically complete by 1782, the second in the 1780s and the third which overlaps these two, beginning in the 1770s but continuing into the last decade of the century and ending in 1802, at the same time that his Panopticon project collapsed. By that time, says Hume, practically all the elements that were to appear in the Code had been developed. These elements he summarises as:

In the first [phase] he adopted and embraced the philosophy of legal-rationalism, which provides the common thread running through his jurisprudence, and drew from it some immediate implications for the nature of government and the character of its operations: the primacy of legislation in government and in society, the legal status of government as a trust, the nature of governmental powers and similar points. In the second phase he produced more detailed material about institutions and processes as he explored some of the notions to which he had committed himself (such as crime, punishment, reward, indirect legislation), and began to speculate about the principles and instruments of enforcement and the conditions on which these could be made to work. At the same time he carried further his attempts to fit government into his account of law. Finally, he sought to apply his principles and more particular ideas in a practical way, by drawing up detailed plans for concrete institutions, ranging from prisons to naval dockyards.

As he proceeds to unwind the tangled skein of the events and writings that went to make up, finally, the whole cloth of the completed Code, Dr. Hume tells us, or at least helps tell us, things pertinent to the questions raised in our first paragraph. Not, be it noted however, pertinent to our first question - whether the Code directly inspired any nineteenth-century reformers. My guess would be that it did not. The negative evidence is strong. Contemporary allusions to the Code are almost non-existent, and again, the course of administrative and constitutional reform, now charted with authority by Sir Norman Chester, suggests pragmatic incrementalism as the characteristic mode by which the archaic eighteenth-century structures were slowly amended into our present-day rational-legal 'machinery of government', a term which to the best of my knowledge was first officially

coined by Sir Charles Trevelyan in 1850.² Of course, this is not to say, that the Code or the numerous *pièces d'occasion* preceding it and on which it came to draw, were not without influence. It is quite certain for instance that Chadwick (who had helped in the final ordering of the Mss in 1830-1832) thought of himself as the practical exponent of Bentham's ideas. The way the general ideas and even specific projects were transmitted to a wide and influential audience probably followed the paths I suggested in my paper, 'The Transmission of Benthamite Ideas'.³ At any rate, nobody seems to have come up with an alternative hypothesis.

But Hume does much to help us answer some of the other questions: for instance, how so many oddities came to be commingled with so many practicable ideas, and how Bentham came to anticipate Weber. It seems to me that the root of an answer to both questions alike lies in two features of Bentham's way of thinking. The first of these is substantive. At the risk of immense over-simplification (to which the reader will find Dr. Hume's book the valuable and necessary corrective), I would say that Bentham started off accepting the then widespread notion of enlightened despotism. He was a great 'improver' and the range of supervisory and police activities he was eager to entrust to government (see Hume, p.95, for a short list) would not have been uncongenial in contemporary Prussia. Until 1808-9 his efforts were, we could say, devoted to rationalising and simplifying the way in which this despotism should be exercised. After 1808-9, for reasons which are still controversial (see Hume, pp.75-6) Bentham became frenetically radical, espousing, among other things not merely the disestablishment of the Anglican Church but such horrendously democratic ideas as annual parliaments, universal manhood suffrage and secret ballot. This did not alter the basic paradigm. All that happened was that, while still espousing despotism he was now trying to make it 'enlightened'. He decided that the only sure way to do this was to transfer it from the corrupt hands of the Establishment (Church, Aristocracy, Judges, Ministers) into those of the people. But the notion of despotism - i.e. subordination to the commands of a superior - remained intact. It developed into an expanded form in which government, now styled 'The Operative', consisted of a unicameral legislature directly elected by the people to which the Judiciary and the Executive were directly answerable - in short to our familiar system today where the administrators were indirectly answerable to the people via the elected parliament. The root of Bentham's thought here, is the notion of ruler-ruled, of command-obedience and this is the quintessential of hierarchy. It is no accident that the Egyptians who invented the pyramid also invented pyramidal government. Of all models of government, this is the simplest and most intelligible. The divine Pharaoh appointed a Vizier and under him the nomarchs - all supervised and all subservient. What could be simpler? *Ditto* Max Weber's principles of bureaucratic hierarchy. Merely substitute an elected (unicameral) Parliament for the Egyptian God-King as Jeremy Bentham did, and we can see why he was able to anticipate Weber; briefly, because, like him, he wanted a legal-rational order and all that was wanting to him was the lack of this fancy name.

The second feature of his thought that helps to explain why so much quaintness is intermingled with such good sense, is his intellectual method. Bentham quite surpasses Aristotle in his nominalism and his passion for classifying things. It is no accident that he greatly admired Linnaeus. He is the taxonomist par excellence and I dare to say that if the American political scientists of the 'functionalist' schools, like Gabriel Almond, had looked through the Code they would have found their checklist of 'ess-

ential governmental functions' vastly enlarged and much refined. In this respect no more instructive contrast can be made than between Chadwick and Bentham, his master spirit. Chadwick proceeded by collecting and digesting great numbers of reports and practical examples, and building up his proposals inductively from this basis. Bentham did indeed read newspapers and reports and sometimes would consult specialists if engaged on a specific reform, as it might be Naval Dockyards, or Defence matters. But his essential method can be described only, I think, as intense and wholly private *ratiocination*, conducted, more often than not, in the quiet of an empty room, staring at a blank sheet of paper. 'What', we can imagine him saying to himself, 'does "government" consist of? What are its elements?' And then coming up with the answer, 'It consists of two elements: the power to command, and the power to make use of' (or as he called it in his neologistic fashion, 'imperation' and 'contractation'). He could not look at any term without dissecting it into as many elements as it would go, and he used the method - entirely familiar to us in the age of the binary computer and the flow-charts and algorithms based on it - of dichotomising, re-dichotomising and so on until there was nothing left but irreducible components. Hence his long lists of components of all and every organ, process or structure under examination, till the mind faints and we gasp, 'What! Will the line stretch out e'en to the edge of doom?' (as it frequently seems to do). Similarly with, say, the notion of 'misrule'. What are its components? And hence what remedies will be suitable for each of these? This mode of thought does not operate without previous practical knowledge or general observations, but it is not founded on these. It smells and indeed it is, 'of the lamp'; it consists of participles elaborated in solitude. Since his proposals match this almost wholly intellectual elaboration it is not surprising that their practicability is so hit-and-miss. The symmetry that is so congenial to the mind, the characteristics of simplicity, orderliness and uniformity so besought by it, do not necessarily exist in the outside world of *noumena* and events. 'The mind is sharp; but life is hazy.'

This brings me to yet a third part of the explanation of Bentham's limitations: he lacked a sociology. This aspect is well brought out by Dr. Hume's work. Bentham conceived society as consisting of so many atoms with no associative ties at all except their all and every one of them being obedient to a common central power. This does relate them to one another, but only in the way that the players in an orchestra are related to one another and make sweet music solely by virtue of the fact that they are all watching the conductor. On this hypothesis, Bentham believed that all human inter-relationship could be rationally ordered *via* the command of their common superior, i.e. by the positive law. But then, after his disappointment over his King Charles's Head, the panopticon, he began to believe that he had been frustrated by an *extra*-legal set of bondings and associative ties - a conspiracy of the established Church, the aristocracy, the Crown and many others, all reticulated into a great web of 'sinister interests'. Hume shows with what passion Bentham began to develop this demonology and how, once he had discovered this extra-legal conspiracy, he bent his thoughts towards devising a *legal* response, to confine or abolish it. The essence of the response was to subject every holder of public office to parliament and parliament to the people. Providing these were educated, that the press was free, the government was open and that legal steps were taken to correct their 'obsequiousness', these rational individuals would perceive their true self-interest and would, in a general election, automatically cancel all sinister interests. The vanity of this solution forms a *locus classicus* in John Stuart Mill's *System of Logic*: I

mean, his devastating attack on what he styled 'the geometrical method', to be found in Book VI, Chapter III. Implicit in Mill's criticism - and notably relevant to Bentham's 'electoral' solution of the sinister-interest problem - is his insistence that society embodies all manner of social ties and emotions, many of them non-rational or even irrational, and is in no way composed of atoms of individual self-interest.

Dr. Hume's book is not an easy one, but it is rewarding. It was high time the Code was subjected to analysis of this scrupulous and high standard. In his acknowledgement, Dr. Hume pities his poor wife and family who had, over so many years, to submit to the omnipresence of the ghost of Jeremy Bentham. I sympathise with them but can assure them that neither they nor anybody else's children are now likely ever to have to subject themselves to this torment again.

NOTES

1. Sir Norman Chester, *The English Administrative System, 1780-1870* Oxford 1981.
2. 'The working of these great establishments' he wrote [i.e. the Departments], 'would be watched by the Treasury as a master manufacturer watches his machinery', in 'Memoranda on some Branches of the Business of the Treasury, dated in March and April 1850', *Papers relating to the organisation of the Civil Service*, London 1855, p.433.
3. G. Sutherland, (ed.), *Studies in Nineteenth Century Government* London 1972, pp.11-32.

Charles F. Bahmueller. *The National Charity Company. Jeremy Bentham's Silent Revolution.* University of California Press, Berkeley, Los Angeles, London 1981. xi + 272pp. £17.50. \$31.25.

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The larger part of Jeremy Bentham's writings on poverty and indigence remains unpublished, and readers of the printed word have access only to the attenuated *Pauper Management Improved*, to the *Observations* on Pitt's Bill, to occasional passages or sections in other published works (such as the *Constitutional Code*), and to a few smaller items. There is even room for disagreement over how many separate works on the subject Bentham planned or executed - whether, for example, the *Principles of Legislation and Management relative to the subject matter of the Poor Laws*, identified by Professor Warren Roberts (*Newsletter* No.3, p.31), is more than an early variant of the main two-part project, *Pauper Systems Compared: - Pauper Management Improved*. No doubt, in due course, the relevant volume of the *Collected Works* will resolve most of these issues, and it will be possible to explore the breadth and depth of Bentham's writings on this topic, one of the great issues of his age, without entering the labyrinth of the surviving Mss.

Dr. Bahmueller's is the first book-length study of this aspect of Bentham's thought to be published. It is based on his Harvard dissertation of 1975, 'The End of Contingency: Bentham on Poverty', and is, in intent, a critical dissection of Bentham's views rather than a general exposition of them. The book is focused, as its title shows, on the specific scheme of Poor Law reform Bentham prepared in 1796-7, most (but not all) of which was published as *Pauper Management Improved*. Dr. Bahmueller is clearly familiar with the unpublished works, but he deals with them for the most part in their relationship to the plan for the pauper panopticon, and scarcely discusses Bentham's later references to pauperism and indigence. He does not address the difficult question of Bentham's alleged influence on nineteenth-century Poor Law reforms.

Dr. Bahmueller asserts - it is central to his thesis - that 'the National Charity Company was Bentham's Welfare State', and is concerned to assess how far the plan was 'historically progressive' (pp.108, 2). Although he has 'tried in this book to give Jeremy Bentham his due' (p.ix), he was clearly shocked by much of what he found in Bentham's writings on poverty:

Bentham's Poor Law Reform was replete with a repressiveness so pervasive, so soul-destroying, and with so little regard for either the civil liberties or the emotional sensitivities of those whose health (moral as well as physical) and happiness it set out to promote and protect, that its administrative progressiveness pales in the comparison (p.2).

Dr. Bahmueller does not hesitate, moreover, to question whether Bentham always meant what he wrote and to speculate on his unstated motives. It is, for this field, an unusually passionate book, a quality especially noticeable in comparison with L.J. Hume's modestly judicious *Bentham and Bureaucracy*, which includes discussion of some aspects of Bentham's pro-

posals. Dr. Bahmueller sometimes weakens his case by indignant overstatement. It is, however, more important to consider whether his central concept of 'Welfare State' and 'historical progressiveness' are appropriate for his purpose of critical dissection.

The heart of the book consists of three chapters discussing Bentham's proposed National Charity Company, under the headings 'Benevolence Incorporated', 'Social Control in an Alternative Economy' and 'The Making of Utilitarian Man'. Bentham proposed a chain of pauper panopticons equally spaced throughout England, under a single all-seeing and closely-regulating authority, employing the pauper population at such a peak of efficiency that the Company could not only relieve the country of the Poor Rates but also finance a whole series of 'collateral benefits' to society at large. This was indeed the most elaborate and bizarre of all the 'solutions' to the problem of pauperism in the eighteenth century, or beyond. Dr. Bahmueller's analysis is always lively and frequently perceptive. He does not have the space to provide samples of the inimitable flavour of Bentham's own style of analysis, and it is a pity that the only illustration is on the dust-jacket, since the plan is probably the most thorough combination of physical and social engineering ever devised.

The context of its devising is discussed in the opening chapters - on Bentham's earliest writings on pauperism, on the crisis in relief in the mid-1790s, on the Panopticon scheme and its vicissitudes, and on Bentham's defence of the principle of the relief of indigence by law. Inevitably, in a short book, the treatment is selective; characteristically, the interpretation of what is selected is emphatic. Discussing the correspondence with Shelburne in 1781 on Anderson's views of the state of the poor in Scotland, Dr. Bahmueller already discovers ulterior motives in Bentham's response - 'one need not be very shrewd to guess' that he envied Scotland for its freedom from poor rates, and that far from heeding the cries of the poor, he had, in preparing his plan, the interests of the ratepayer 'primarily in view' (pp.14-15). He goes on to find, in Bentham's *Essay on Indirect Legislation* of 1782, early examples of his concern to maximise productive labour and to justify the compulsory employment of the 'dishonest or suspicious' poor, concluding that 'what Bentham proposed in embryo in 1782 and carried to completion in his reform schemes of 1796-7 was nothing less than a variety of anti-parasite laws of the most brazen kind' (pp.15-17). Perhaps so; but neither here nor later is there adequate treatment of Bentham's position in the complex discussion of vagrancy and 'police', that long-existing hinterland between crime and misfortune in which concepts of correction and of relief competed, and which historians too often overlook. Nevertheless, Dr. Bahmueller is right in complaining that Bentham tried too hard to define his way out of his dilemma. The chapter concludes with Bentham's attack, orthodox enough for its time, on the Laws of Settlement. It is unlikely that the 'reform' of 1795 really made lack of labour mobility 'a thing of the past' (p.26); and neither Dr. Bahmueller nor, perhaps, Bentham go deeply enough into the arguments for and against both local and national rating systems. Bentham believed he could expunge Poor Rates altogether; Dr. Bahmueller believes it to be obvious that a 'national' system of relief would have been a truly 'progressive' reform in the 1790s, and accordingly finds Bentham's national administrative structure the only unalloyed good in his whole plan. The praise is misplaced. As Dr. Hume has shown, there is a great deal that is prophetic in Bentham's insights into administrative structures, but the merest glance at the long history of the New Poor Law shows that central authority never succeeded in gaining full control over local administra-

tion, confirming that Bentham's proposal for an all-controlling authority in the 1790s was absurdly unrealistic.

The chapter on 'The Poor Law in Crisis' covers ground which is generally familiar, though always difficult to sum up in a few pages. If the London Corresponding Society is to be included, so should the Society for Bettering the Condition and Increasing the Comforts of the Poor, since Bentham was influenced by the new philanthropic doctrines as well as by the atmosphere of political repression (pp.34-5). Dr. Bahmueller does not suggest that the fate of Whitbread's and Pitt's Bills was undeserved, but he analyses Bentham's *Observations on the Poor Bill* with some suspicion and hostility. Bentham attacked Pitt, he suggests, because 'the intention of the bill and Bentham's obsession with eliminating every grain of public waste were at loggerheads', and because Bentham believed in 'forcing the poor to diligent labour' and was (in discussion of the apprenticeship clause) 'quite literally calling for a cost-benefit analysis' (p.46). He later accuses Bentham of 'quite deliberately' misrepresenting one clause in the Bill to mislead the reader - an extraordinary claim in view of Bentham's habit of laying bare too much rather than too little (pp.51-2). The reasons for such behaviour Dr. Bahmueller finds in Bentham's psyche, in his 'distrust even of brotherly love', his suppression of human feelings to 'a muscular and unbending pragmatism, rule-governed to the last' (p.48). He also finds that Bentham 'retained much of the common eighteenth-century notion that poverty is the fault of the pauper' (p.47), as a reason for rejecting 'home provision' and insisting that deterrence was a necessary element in a system of relief. The same concern with Bentham's hidden motives and preoccupations colours the discussion of wages, Dr. Bahmueller arguing that although Bentham did indeed say he was in favour of high wages, he really believed that 'excessive wages sapped moral fibre and encouraged drunkenness'. Bentham certainly showed contemporary disapproval and indeed fear of idleness, partly from moral prejudice but also in recognition that the habit of industry was an essential component in any economic system which might improve production and bring real increase in comfort to those prudent enough to work and postpone consumption. This was the 'progressive' doctrine of the day, replacing the goad with carrot as the instrument of economic discipline, and the only major political economist to concede that the poor might rationally prefer idle indigence to labour was Ricardo - and then only with reference to the Irish.

Dr. Bahmueller's account of the 'Panopticon in both its branches' usefully adds new material to the familiar story. He rightly finds in Bentham's schemes a 'far-flung ambition, a burning will to power', though his identification of a 'messianic self-image' in the biblical elements in Bentham's style is strained (p.66). In the account of Bentham's allies, something of Rumford's association with the SBCP would have been more relevant than the account of Coram's Foundling Hospital, and Hume has shown that Bentham's involvement with Colquhoun, and the whole question of police, is more complex than appears here.

Dr. Bahmueller's claim that Bentham was 'the first systematic defender of the Welfare State, (p.214 and cf. pp.104, 108) dominates his fourth chapter, in which the unpublished *Essays on the Poor Laws* are discussed in the context of contemporary debate. His definition of 'Welfare State' is perfunctory (p.103), and if he means by it what I think he means, I do not believe that Bentham either envisaged or defended it. He did envisage an institutional organization which he believed could be so productive that it

would bring unprecedented benefits to society. What he defended, consistently, was a narrowly defined obligation to provide, by law, minimum sustenance to those unable by their own labour to provide it for themselves - relief to the indigent, not the poor, and not by natural or traditional right (and above all not from moral desert) but from an obligation of government. His particular plan was for a specific time and place, and other arrangements might be appropriate elsewhere. He nowhere envisaged a society wealthy enough to relieve the indigent effectively by direct welfare payments to individuals, living in ordinary society, as in later 'welfare states'. It is time that this term was restricted in use to those few decades of the twentieth century for which it can be given concrete meaning.

In discussing Bentham's defence of a legal provision, Dr. Bahmueller selects the views of Porteus and Townsend to introduce the abolitionist arguments Bentham rejected, in their pre-Malthusian form. That early debate was indeed moralistic, and Dr. Bahmueller sees Bentham's response as 'secularised Protestantism...shot through with the psychology of sin' (p.87). This interpretation colours his discussion of Bentham's central theoretical concepts - the distinction between poverty and indigence, and the less-elegibility principle. Dr. Bahmueller does not seem interested in Bentham's writings on political economy; in that context the *Essays* (and *Pauper Systems Compared*) assume a different significance, not overtly moralistic, and remarkably close to the preoccupations of second-generation Malthusian political economists of the 1830s. The 'subtly conservative implications' (p.5) against the elimination of poverty by the redistribution of wealth are in fact explicit. Bentham, and other political economists, believed existing systems of redistribution (especially the Poor Laws, and in due course the Corn Laws) to be almost entirely regressive, and their abolition to be progressive indeed. Bentham was an abolitionist for any Poor Law but his own. It is a pity he did not write more about post-Malthusian issues. Dr. Bahmueller's account of his views on sex, including the extraordinary experiment proposed to establish the optimum age for early marriage, is interesting and relevant, though I am not sure he is right in identifying references to homosexuality in some passages in which Bentham seems rather to be referring to masturbation and what Malthus darkly called unnatural practices within the marriage bed.

Dr. Bahmueller finds Bentham a 'most perplexing and contradictory figure' in his oscillation between sensitive sympathy and callous manipulation (p.28). He underestimates the reasons why Bentham rejected home provision, the obvious form of relief for suffering, as both ineffectual and harmful to the fabric of society; and he therefore looks for inner, psychological reasons for Bentham's insistence on deterrence and institutional relief. He finds it difficult to accept as real the dilemma Bentham felt, the apparent need to suppress obvious philanthropic instinct if the problem of pauperism was to be tackled effectively. One of Dr. Bahmueller's criticisms of Bentham's plan was that it would have diminished the existing legal rights of the poor rather than added to them, writing as if the continuance of those rights was not the central issue. Like the reformers of the 1830s, Bentham revived the principle of deterrent relief as the only solution in England at that time, for the dilemma of how to guarantee relief without corrupting society by tempting labourers into dependence. There is no reason to doubt Bentham's pleasure that his 'invention' of the panopticon could provide all those ancillary services as well, which Dr. Bahmueller praises: the poor man's inns, the employment gazette, reliable banks for savings, reduced mortality, improved education, and so on. Against these, however, are the horrors - the 'imprisonment' of

beggars, compulsory child labour, humiliating dress, onerous rules, above all constant observation or unremitting control within the pauper panopticons themselves. How could Bentham refer to any human beings as 'that part of national livestock which has no feathers to it and walks with two legs'? (*Bowring*, viii, 366-7). Dr. Bahmüller sees this as the true outcome of Bentham's overweening paternalism, his passionate ambition to control, his contempt for the habitual pleasures of the lower class, his determination to make pauper labour profitable, and (less persuasively) his concern to relieve the upper class of the burden of the rates and to bind the lower in political submission, a 'silent revolution' to divide and control.

Certainly the plan was extraordinary, though whether one is appalled or amused by its absurd excesses depends on how seriously one takes it. Perhaps we should indeed take it as seriously as Bentham did. If so we should also accept, and not dismiss as 'odd (not to say dishonest)', Bentham's own definition of the liberty he believed his paupers would enjoy.

If security against everything that savours of tyranny be liberty, liberty, in the instance of this hitherto luckless class of human beings can scarcely ever have existed in anything near so perfect a shape... But liberty, in a favourite sense of it, means *lawless power*: in this sense there will not only be no liberty, but in plain truth there will be none'. (*Bowring* viii, 436.)

This position was quite consistent with Bentham's utilitarianism, even if it is not the utilitarianism Dr. Bahmüller would prefer. There was always tension between Bentham's intellectual belief in the existence of a field for spontaneous action and his own urge to control. Each resolution was pragmatic, but the Poor Plan was indeed at one end of the spectrum. And the 'alternative economy' identified by Dr. Bahmüller as one of the chief ends of the plan, can be seen rather as a virtuoso attempt to devise an instrument of positive social action, existing within a generally free economy. Did Bentham leave unfinished that part of the proposal because he lacked information, or because he realized he had argued himself into inconsistencies he could not resolve?

If anachronistic terms are indeed permissible, the Bentham of the Poor Plan is a radical conservative, in terms of his time and place. He is conservative in defending relief by law against the increasingly fashionable progressive notion of total abolition, but radical in rejecting traditional justification on grounds of natural or traditional right or moral desert. He is radically conservative indeed in incorporating into his own plan so many old-fashioned devices, discredited by the 1780s. Farming the poor, badging them, the notion of achieving economies of scale in large institutions, above all the workhouse with its 'test' to ensure that only those with no other recourse would seek relief - all these he had to justify against contemporary opinion which saw them as discredited and morally questionable. The aim of employment at a profit, above all, was an ambition so recurrent in the old Poor Law that it had taken a century of accumulated disillusion to discredit it. Bentham was worried by the theoretical objections to competing with the free market, but confident of his abilities to create a profitable enterprise where so many had failed. But for all his ingenuity there is no evidence to suggest that anyone, at that time or since, really believed he could have succeeded. When the workhouse test again became fashionable, in the 1820s, there were no illusions

about profitable employment: Bentham's Pauper Plan had characteristics of both the eighteenth and nineteenth centuries, but the totality was as idiosyncratic as Bentham himself.

Dr. Bahmueller clearly enjoys exploring Bentham's ingenuity in devising proposals in fields which can be seen as enhancing rather than diminishing human dignity, and there is some excellent discussion of these aspects of the plan in the later chapters. Read in modern times, the balance between horror and fascination will vary from reader to reader, though the urge to both is strong. Dr. Bahmueller is a knowledgeable and stimulating guide even if at times his twentieth-century preoccupations and terminology prevent him entering as far as he could into Bentham's own priorities for concern. When more of the works are published, ordinary readers - if any such read Bentham - can draw their own balance of admiration and distaste.

The book is generally well printed, but no scholarly press should issue such a work without a bibliography.

A NOTE ON THE BENTHAM BIBLIOGRAPHY AND CHRONOLOGICAL TABLE OF PRINTED WORKS

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The Chronological Bibliography of Secondary Sources Relating to Bentham and the Chronological Table of Bentham's Printed and Published Writings were developed as aids and appendices to a 'theoretical biography' of Bentham which I began researching almost a decade ago.

Several years ago the Bibliography, and recently the Table, were offered to the Bentham Project in hopes of their being of use to fellow Benthamists. Thanks to the kind efforts of John Dinwiddy, Claire Gobbi, and their colleagues at the Project they have been improved and have appeared in the *Bentham Newsletter*. I am especially grateful to David Lieberman for assistance with the Bibliography 1945-1965 and 1965-1978, and to Martin Smith and Stephen Conway for assistance with the Bibliography 1901-1945 and 1800-1900. Their patient checking of my entries along with their emendations and additions produced greatly improved listings.

At the time the originals were commenced, the only recent Bentham bibliography I was able to locate, apart from those offered in the standard works on Bentham, was Gerhard Lomer's 'List of Writings About Jeremy Bentham' (unpublished manuscript, 1960) compiled from the bibliographical resources of the University of Ottawa, a copy of which was deposited in the Bentham Collection at University College. Though useful, it was limited and arranged alphabetically. The Chronological Table was developed in consequence of the frustrations experienced working under the limitations of Everett's 'Chronological List of Bentham's Works' (1928) appended to Morris's translation of Halévy.

Both the Bibliography and Table are far from complete. Happily, many colleagues have already offered valuable suggestions for which I thank them. Hopefully, improvements will continue to be made as Bentham scholarship advances, its paths perhaps smoothed somewhat by the contributions herewith offered.

CHRONOLOGICAL TABLE OF BENTHAM'S PRINTED AND PUBLISHED WORKS

The following table offers a summary view of Bentham's writings based on the dates of writing as determined by direct and circumstantial evidence. Titles have been abbreviated, as have some spellings and punctuation. Dates of writing and title are followed by the dates of first printing and first publishing. Only the publication date is provided for works printed and published in the same year. These are followed by the edition used in this study.

As will be noticed, in many instances it has been difficult to provide precise determinations. It is hoped therefore that as Bentham scholarship advances, further clarifications will be made.

<u>Date Written</u>	<u>Title (abbreviated)</u>	<u>Print/Pub</u>	<u>Edition Used</u>
June/61	<i>Sperne Voluptates</i>	1968	<i>Corr. ii ed. Sprigge</i>
Dec/70-Mar/71	<i>Letters Irenius</i>	1770-1771	<i>Gazetteer</i>
Jan/74-Jun/74	<i>Preface to The White Bull</i>	1774	J. Bew
Oct/74-Nov/75	<i>A Comment on the Commentaries</i>	1928	C.W. ed. Burns and Hart
Nov/75-Mar/76	<i>A Fragment on Government</i>	1776	C.W. ed. Burns and Hart
/75- 85	<i>Rationale of Punishment</i>	1811	<i>Bowring i</i>
Jul/76-Aug/76	<i>Letters Hermes</i>	1776	<i>Gazetteer</i>
Jan/77- /77	<i>Translation of Marmontel</i>	1777	P. Elmsley
Mar/78	<i>A View of the Hard Labour Bill</i>	1778	<i>Bowring iv</i>
/78-Dec/80	<i>I.P. Morals and Legislation</i>	1780/1789	C.W. ed. Burns and Hart
/81- /82	<i>Of Laws in General</i>	1945	C.W. ed. Hart
Jan/82- /82	<i>Letter to Lord Ashburton</i>	1945	C.W. ed. Hart
/82- /82	<i>Essay on Indirect Legislation</i>	1802	<i>Bowring i</i>
/82- /82	<i>Essay on the Promulgation of Laws</i>		<i>Bowring i</i>
/82- /82	<i>Essay on the Infl. of Time and Place</i>	1802	<i>Bowring i</i>
/82- /82	<i>Gen. View of a Complete Code of Laws</i>	1802	<i>Bowring iii</i>
/82- /87	<i>Rationale of Reward</i>	1811	<i>Bowring ii</i>
/83- /83	<i>Translation of Bergmann</i>		
/85- /86	<i>Principles of the Civil Code</i>	1802	<i>Bowring i</i>
/86- /90	<i>Principles of International Law</i>		<i>Bowring ii</i>
Sep/86-Dec/86	<i>Panopticon Letters</i>	1791	<i>Bowring iv</i>
Jan/87-Apr/87	<i>Defense of Usury</i>	1787	<i>Stark i</i>
	<i>Of the Levelling System</i>		<i>Bowring i</i>
Nov/88-Dec/88	<i>Libel: Noblesse</i>		
Jan/89-Jun/89	<i>Essay on Political Tactics</i>	1791	<i>Bowring ii</i>
Feb/89-Apr/89	<i>Essay on Representation</i>	1901	Halévy ed.
May/89-Jun/89	<i>Letters Anti-Machiavel</i>	1789	<i>Bowring x</i>
/89- /90	<i>Colonies and Navy</i>		<i>Stark i</i>
Jan/90-May/90	<i>Judicial Establishment in France</i>	1790	<i>Bowring iv</i>
	<i>Usury: Postscript</i>	1952	<i>Stark i</i>
/91- /91	<i>Panopticon: Postscripts One and Two</i>	1791	<i>Bowring iv</i>
Dec/92	<i>Truth vs Ashurst</i>	1823	<i>Bowring v</i>
Jan/93	<i>Emancipate Your Colonies</i>	1783/1830	<i>Bowring iv</i>
Mar/93-May/93	<i>Protest Against Law Taxes</i>	1793/1795	<i>Bowring ii</i>
/93- /95	<i>Manual of Political Economy</i>	1838-1843	<i>Stark i</i>

<u>Date Written</u>	<u>Title (abbreviated)</u>	<u>Print/Pub</u>	<u>Edition Used</u>
Apr/94	<i>Financial Resources</i>	1952	<i>Stark i</i>
Aug/94	<i>Battersea 'Memorial'</i>		
Oct/94- /95	<i>Supply Without Burthen</i>	1795	<i>Stark i</i>
/94- /95	<i>Tax With Monopoly</i>	1838-1843	<i>Stark i</i>
/94- /94	<i>Proposal for a Mode of Taxation</i>	1952	<i>Stark i</i>
/94- /95	<i>A Plan for Augmentation of Revenue</i>	1952	<i>Stark ii</i>
Oct/95-Oct/96	<i>Anarchical Fallacies</i>		<i>Bowring ii</i>
/95- /96	<i>Paper Currency Proposal</i>	1952	<i>Stark ii</i>
/96-	<i>Observations on the Treason Bill</i>	1796	<i>Bowring x</i>
/96- /97	<i>Panopticon Amending Bill</i>		
Feb/97	<i>Observations on the Poor Bill</i>	1838-1843	<i>Bowring viii</i>
Sep/97	<i>Situation and Relief of the Poor</i>	1797	<i>Bowring viii</i>
/97- /98	<i>Outline of Pauper Management Improved</i>		<i>Bowring viii</i>
/99	<i>View of the Thames Police Bill</i>		<i>Bowring x</i>
/00	<i>Circulating Annuities</i>	1838-1843	<i>Stark iii</i>
/00	<i>Abstract of Circulating Annuities</i>	1952	<i>Stark ii</i>
/00 /01	<i>Paper Mischief (Exposed)</i>	1952	<i>Stark ii</i>
/01	<i>The True Alarm</i>		<i>Stark iii</i>
/01	<i>Of the Balance of Trade</i>		<i>Stark iii</i>
/01	<i>Defence of a Maximum</i>	1954	<i>Stark iii</i>
/01- /04	<i>Institute of Political Economy</i>	1954	<i>Stark iii</i>
/02 Feb/03	<i>A Picture of the Treasury</i>		
Nov/02-Dec/02	<i>Panopticon Versus New South Wales</i>	1802/	<i>Bowring iv</i>
	<i>A Plea for the Constitution</i>	1803/	<i>Bowring iv</i>
/03- /12	<i>Rationale of Judicial Evidence</i>	1837	<i>Bowring vi and vii</i>
Jan/05-Aug/15	<i>A Table of the Springs of Action</i>	1815/	<i>Bowring i</i>
/06- /07	<i>Scotch Reform</i>	1807/1808	<i>Bowring v</i>
/06- /21	<i>Book of Fallacies</i>	1824/	<i>Bowring ii</i>
/07-Jan/08	<i>Summary View: Court of Lords' Delegates</i>	1808	<i>Bowring v</i>
Feb/09-Jan/10	<i>The Elements of the Art of Packing</i>	1810/1821	<i>Bowring v</i>
/09- /09	<i>Catechism of Parliamentary Reform</i>	1817	<i>Bowring iii</i>
/09- /12	<i>Intro. View of Rationale of Evidence</i>	1812/	<i>Bowring vi</i>
Mar/10	<i>Defence of Economy Against Burke</i>	1817	<i>Bowring v</i>
Apr/10-May/10	<i>Defence of Economy Against Rose</i>	1817	<i>Bowring v</i>

<u>Date Written</u>	<u>Title (abbreviated)</u>	<u>Print/Pub</u>	<u>Edition Used</u>
/11- /31	<i>Essay on Logic</i>	1838-1843	<i>Bowring</i> viii
	<i>A Fragment on Ontology</i>	1838-1843	<i>Bowring</i> viii
	<i>Essay on Language</i>	1838-1843	<i>Bowring</i> viii
	<i>Fragments on Universal Grammar</i>	1838-1843	<i>Bowring</i> viii
/11- /31	<i>Nomography; the art of Inditing Laws</i>	1838-1843	<i>Bowring</i> iii
/11- /17	<i>Papers on Codification and Public Inst.</i>	1817	<i>Bowring</i> iv
/12- /13	<i>Swear Not At All</i>	1813/1817	<i>Bowring</i> v
/12- /17	<i>Church of Englandism</i>	1817/1818	E. Wilson
/13- /23	<i>Not Paul, But Jesus</i>	1823	J. Hunt
/13- /15	<i>Chrestomathia: Part One</i>	1815/1816	<i>Bowring</i> viii
Oct/14	<i>Logical Arrangements</i>	1838-1843	<i>Bowring</i> iii
/15- /17	<i>Chrestomathia: Part Two (Appendices)</i>	1817	<i>Bowring</i> viii
/16	<i>Official Aptitude Maximized; Exp.Min.</i>		<i>Bowring</i> v
Dec/16-Apr/17	<i>Introduction to Plan of Parl. Reform</i>	1817	<i>Bowring</i> iii
	<i>Introduction to Plan of Parl. Reform</i>	1818	T. Wooler
/19	<i>Radical Reform Bill</i>	1819	<i>Bowring</i> iii
Nov/19-Apr/20	<i>Radicalism Not Dangerous</i>	1838-1843	<i>Bowring</i> iii
Mar/20	<i>The King Against Edmonds and Others</i>	1820	<i>Bowring</i> v
Mar/20	<i>The King Against Wolseley and Harrison</i>	1820	<i>Bowring</i> v
/20- /27	<i>Principles of Judicial Procedure</i>		<i>Bowring</i> ii
Sep/20-Oct/20	<i>Liberty of the Press and Public Discussion</i>	1821	<i>Bowring</i> ii
/20-Nov/20	<i>Three Tracts on Spanish and Port. Affairs</i>	1821	<i>Bowring</i> viii
/20- /20	<i>Observations on the Commercial System</i>	1821/1843	<i>Stark</i> iii
/20- /22	<i>Rid Yourselves of Ultramarina</i>		
Sep/21-Oct/21	<i>Letters to Count Toreno</i>	1822	<i>Bowring</i> viii
/21	<i>Summary of Not Paul, But Jesus</i>	1821/	
	<i>Influence of Natural Religion</i>	1822	R. Carlile
/23	<i>Leading Principles of a Const. Code</i>	1823	<i>Bowring</i> ii
Jul/22	<i>Preface Intended for Fragment on Govt.</i>	1822/1838	C.W. ed. Burns and Hart
Jun/22	<i>Junctiana Proposal</i>	1838-1843	<i>Bowring</i> ii
/22	<i>Codification Proposal</i>	1822/	<i>Bowring</i> iv
May/22-Sep/24	<i>Anti-Senatica</i>	1926	Everett ed.
Aug/22-Feb/23	<i>Securities Against Misrule</i>	1838-1843	<i>Bowring</i> viii
/23- /32	<i>Constitutional Code (Vol. One)</i>	1827/1830	<i>Bowring</i> ix

<u>Date Written</u>	<u>Title (abbreviated)</u>	<u>Print/Pub</u>	<u>Edition Used</u>
/23- /32	<i>Constitutional Code (additional)</i>	1838-1843	<i>Bowring ix</i>
Apr/25-May/25	<i>Observations on Peel's Speech</i>	1825	<i>Bowring v</i>
May/25-Jul/25	<i>Indications Respecting Lord Elton</i>	1825	<i>Bowring v</i>
Oct/26	<i>On Mr. Humphreys' Real Property Code</i>	1826	<i>Bowring v</i>
/27	<i>Codification Proposal: Supplements</i>		<i>Bowring iv</i>
Dec/28-Feb/29	<i>Justice and Codification Petitions</i>	1829	<i>Bowring v</i>
Jun/29	<i>Utilitarianism (long and short)</i>	1834	Bentham Project ed.
/29- /30	<i>Equity Dispatch Court Proposal</i>	1830	<i>Bowring iii</i>
Dec/29- /31	<i>Equity Dispatch Court Bill</i>		<i>Bowring iii</i>
Oct/30	<i>J.B. to his Fellow Citizens of France</i>	1830	<i>Bowring iv</i>
Dec/30	<i>J.B. to France: On Death Punishment</i>	1831	<i>Bowring i</i>
/30	<i>Preface to Official Aptitude etc.</i>	1830	<i>Bowring v</i>
/30-Jul/30	<i>Outline of General Register Plan</i>	1832/1843	<i>Bowring v</i>
Sep/31	<i>Lord Brougham Displayed</i>	1832	<i>Bowring v</i>
/31	<i>Pannomial Fragments</i>	1838-1843	<i>Bowring iii</i>
	<i>Deontology</i>	1834	Longmans

I. BENTHAM WORKS WITH SUBSTANTIAL EDITORIAL COMMENTARY

1821

BOWRING, John, ed., *Observations on the Restrictive and Prohibitory Commercial System. From the MSS. of J. Bentham*, London: Effingham Wilson.

1827

MILL, John Stuart, ed., *Rationale of Judicial Evidence, specially applied to English practice. From the manuscripts, 5 vols.*, London: Hunt and Clarke.

1830

NEAL, John, ed. and trans., *Principles of Legislation from the Manuscripts of Jeremy Bentham*, by M. Dumont, New York: G. and C.H. Carvil; Boston: Wells and Lilly.

1834

BOWRING, John, ed., *Deontology; or the Science of Morality*, 2 vols., London: Longman; Edinburgh: Tait.

1838-43

BOWRING, John, ed., *The Works of Jeremy Bentham*, 11 vols., Edinburgh: Tait.

1843

BURTON, John Hill, ed., *Benthamiana: or, Select extracts from the works of Jeremy Bentham. With an outline of his opinions on the principal subjects discussed in his works*, Edinburgh: Tait.

1864

HILDRETH, Richard, ed. and trans., *The Theory of Legislation*, London: Trübner.

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BENTHAM SESQUICENTENARY CONFERENCE

To commemorate the 150th anniversary of Bentham's death a one-day conference will be held at University College on 8 July 1982. The inclusive cost will be £11.00, and cheques (payable to University College London) should be sent as soon as possible. All papers will be given in the Gustave Tuck lecture theatre.

- 10.00 am Professor David Raphael (Imperial College, London)
 'Hedonistic v. Ideal Utilitarianism'
- 11.15 am COFFEE (South Cloisters)
- 11.45 am Dr. Shirley Letwin
 'Bentham on the Law'
- 1.15 pm LUNCH (Old Refectory)
- 2.30 pm Dr. Ross Harison (King's College Cambridge)
 'The People is my Caesar'
- 3.45 pm TEA (South Cloisters)
- 4.15 pm Dr. David Lieberman (St. Catharine's College, Cambridge)
 'Recent Bentham Scholarship'

TO BE FOLLOWED BY A PANEL DISCUSSION

The conference will close with a cheese and wine reception in the Haldane Room which is located off the North Cloisters.