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THE BENTHAM NEWSLETTER

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## EDITORIAL

In the year past there were a number of significant events in the world of Bentham scholarship generally and at the Bentham Project at University College London specifically. 1982 marked the one hundred and fiftieth anniversary of Bentham's death (June 6, 1832) and to commemorate the occasion a Bentham Conference was held at University College London on July 8. Papers were read by Professor David Raphael of Imperial College London, by Dr. Shirley Letwin, by Dr. Ross Harrison of King's College, Cambridge, and by Dr. David Lieberman of St. Catherine's College, Cambridge. This was followed by a panel discussion on which Professor H.L.A. Hart of University College, Oxford, Dr. Frederick Rosen, of the London School of Economics, and Professor William Twining, then of Warwick University, participated.

On the following day at the annual meeting of the Bentham Committee Professor Hart stepped down as Chairman of the Bentham Committee and was succeeded by Professor Twining, who in January of this year, became Quain Professor of Jurisprudence at University College London.

In the Autumn two important events occurred. First, the Bentham Executive Committee announced the appointment of Dr. Rosen as the new General Editor of the *Collected Works* to succeed Dr. J.R. Dinwiddy who has decided to relinquish the position from October 1983. Dr. Rosen, formerly Assistant General Editor and a long time member of the Executive and full Bentham Committees, will be the first full-time General Editor in the history of the *Collected Works*. At the same time the Bentham Project lost the services of Claire Gobbi, who left after more than six years service as Research Assistant. Her contributions not only to the edition but also to Bentham Scholarship generally were considerable. Among them were the inauguration and editing of the *Newsletter*, services too numerous to mention for many Bentham editors, the creation of a central file of Bentham scholars whom she endeavoured to keep in contact with each other, and able assistance to the Assistant General Editor in organizing the Sesquicentenary Conference. She did much else besides, and her assistance with the work of the Project is badly missed.

Several notable publications also took place - first, Professor Hart published his volume *Essays on Bentham: Jurisprudence and Political Theory* and secondly, the first volume of the *Collected Works* to be produced by the Oxford University Press appeared in April when the first of three volumes of the *Constitutional Code* was published, edited by Dr. Rosen and the former General Editor Professor J.H. Burns. Thirdly, Dr. Rosen's study of the *Constitutional Code* titled *Jeremy Bentham and Representative Democracy* appeared in May, to be followed shortly - in July - by two further volumes in the *Collected Works*, the *Deontology* edited by Professor Amnon Goldworth and *Chrestomathia*, edited by Dr. M.J. Smith and the late Professor W.H. Burston.

Finally an important meeting of the Bentham Committee was recently held at which a comprehensive plan for finishing the edition by the end of the century was submitted. Among the features of the plan were a proposal that information technology be exploited to expedite the production of volumes and a budget that would require substantial new funds to be raised if the plan is to have a reasonable chance of success. The plan, which was approved by the Bentham Committee after considerable discussion, will further require new sources of funds, both in the United Kingdom and internationally, and the next stage will be the identification of these sources and the recruitment of editors for future volumes.

Charles F. Bahmueller, Editor



## BENTHAM AND THE VARIETIES OF UTILITARIANISM

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Among Bentham's manuscripts are two versions of an essay on Utilitarianism. One or both of them must have formed the basis of the essay called 'History of the Greatest-Happiness Principle', written by Bowring and included in his edition of the volume called *Deontology* (1834). The text of the two manuscripts has been edited by Amnon Goldworth, together with the actual work entitled *Deontology*, and will shortly be published as a volume in the *Collected Works of Jeremy Bentham*. The printed version, with its annotation, is not available at the time at which I write this article (a revision of a paper read to the Bentham Conference of July 1982), but I have been able to see a typescript of the text of Bentham's essay.

Bowring's title is a fair enough description of the main theme. The longer version of Bentham's essay begins by announcing itself as 'a short history of the 'adventures' of the greatest happiness principle, and the briefer version refers to eleven 'epochs' in the history of utilitarianism: (1) Horace, (2) Phaedrus, (3) Hume, (4) Hartley, (5) Helvétius, (6) Priestley's *Essay on Government*, (7) Bentham's *Fragment on Government*, (8) Bentham's *Introduction to the Principles of Morals and Legislation*, (9) Bentham's *Chrestomathia*, (10) Bentham's *Table of the Springs of Action*, (11) Bentham's *Codification Proposal*.

The term 'epoch', if taken in its modern sense, would be oddly grandiose as a name for what Bentham has in mind, stages in the development of the idea of utility as the standard of right and wrong; especially odd when the first two 'epochs' refer simply to the use of a phrase and when the last five all occur in the life of one man, the very man who is recounting the history. But Bentham is of course not using the word as most people would use it today, or even as most people would have used it in his own day. He uses the word in its old sense of a fixed point. This is, I think, one of the many places in which we have to remember that Bentham's knowledge of Greek and Latin was more prominent in his consciousness than it usually is for those who have had a classical education but are not professional classical scholars. That is why he was ready, at the drop of a hat, to coin a new technical term, derived from Greek or Latin, in order to replace ambiguity and vagueness by precision.

One such neologism coined by Bentham is the word 'deontology', which has some relevance to the subject of this article and which has come, by an irony of linguistic history, to mean the direct opposite of what Bentham intended. Bentham invented the word, a straightforward combination of Greek terms, to mean the theory of duty or, as he himself puts it, 'the knowledge of what is right or proper'.<sup>1</sup> He then applied it to what he took to be the true history of ethics, utilitarianism, so that later in the work entitled *Deontology* he writes of 'the deontologist' and means simply the follower of a utilitarian theory of ethics. The full title of the book is: 'Deontology; or the science of morality: in which the harmony of duty and self-interest, virtue and felicity, prudence and benevolence, are explained and exemplified'. The modern meaning of the term stands this one on its head. The Oxford intuitionists of the twentieth century, H.A. Prichard, Sir David Ross, and E.F. Carritt, did not themselves use the terms 'deontology', 'deontological', 'deontologist', but that is how their theory was and is described by others. It is a theory of duty independent of consequences and so it is explicitly opposed to utilitarianism. The leader of the group, H.A. Prichard, stood

out particularly against the idea that duty coincided with interest. It seems that this modern application of the concept arose not long after Bentham's invention of the word. The *Oxford English Dictionary* records J.H. Stirling in 1867 describing the later Stoics as the founders of 'deontological schemes' of ethics.

This article resembles Bentham's essay in giving a thumb-nail sketch of the history of utilitarianism. Bentham's purpose was to recall the influences of his own thought and the changes in his own formulation of the principle of utility. My purpose is rather to outline the history of the doctrine so as to see more clearly the place which Bentham's utilitarianism occupies in the history of philosophy. I have taken my account only as far as the ideal utilitarianism of H. Rashdall and G.E. Moore in the early years of the twentieth century. There have been more recent developments, notably the distinction between act and rule utilitarianism, and the proposed substitution of preference for pleasure in the utilitarian calculus. I do not myself think that these suggestions make any major advance. What is now called rule utilitarianism first appeared in Hume and arose from his reflection on the rules of law. It makes more sense in that guise than as a theory of ethics generally. As for preference utilitarianism, it may well be an advance on Bentham's hedonistic utilitarianism for the purposes of economics but not for ethics and jurisprudence. It certainly is of no help for meeting the objections to utilitarianism put forward by the opposed tradition of deontological ethics, and it can hardly deal with the place that Bentham rightly gives to animals in the ethical scheme of things. However, these are matters to be discussed on another occasion. I have chosen not to extend this article so as to take in the more recent adaptations of the utilitarian philosophy.

In the ancient world there was no utilitarian theory of ethics. In both versions of his essay on the principle of utility, Bentham refers to two Roman poets, Horace and Phaedrus. He is thinking in each case of a single line of verse. The one from Horace is quoted also in *Deontology*.<sup>2</sup> It is a well known line from Horace, *Satires*, I.3:

*Atque ipsa utilitas iusti prope mater et aequi.*

This is not an expression of utilitarian doctrine. It connects utility only with justice and equity, not with the whole of ethics; and even so, the inclusion of the word *prope* makes it fall short of giving a strictly utilitarian account of justice. The verse from Phaedrus (*Fables*, III.17) is even further removed from utilitarian doctrine, since at best it implies that utility is a necessary, not a sufficient, condition of admirable action:

*Nisi utile est quod faceris, stulta est gloria.*

The two verses are quoted by Bowring in his 'History of the Greatest-Happiness Principle', but he rightly adds that in both poets the mention of utility is more or less accidental. 'In neither case does it occupy the position of a great and important principle.'<sup>3</sup>

I repeat that in the ancient world there was no utilitarian theory of ethics. There was rivalry between Stoics and Epicureans, and the spirit of those rival traditions has been continued in natural law doctrine, Kantian ethics, and deontology on the one hand and in legal positivism and utilitarianism on the other. In this perspective, utilitarianism follows the Epicurean tradition; but this does not mean that Epicureanism is a form of utilitarianism. Epicureanism is a doctrine of egoistic hedonism, while utilitarianism (of the classical hedonistic variety) is a label for universalistic hedonism. That is to say, Epicureanism treats the happiness of the agent as the basic value or the fitting end of any man's action, while utilitarianism takes the

end of action to be happiness as such, the happiness of anyone and everyone. Passages can be cited from Bentham to suggest that he went along with Epicureanism so far as private life is concerned; but then the kind of ethics that mattered for Bentham was public ethics, the end of legislation.

Utilitarianism began in the seventeenth century. Curiously it began with a natural law man, Richard Cumberland. Although a firm adherent of natural law doctrine, Cumberland can be called a utilitarian because he says that 'the fount of all natural laws' is 'a single precept' or 'the supreme law', namely that the practice of maximum benevolence by each towards all produces 'the happiest state of each and of all'.<sup>4</sup> He argues, as professed utilitarians were to argue later, that the obligation to follow particular virtues, such as keeping faith, gratitude, and affection, can be deduced from his one supreme law because their moral force rests on 'the purpose of obtaining some part of human happiness'. He also argues, as professed utilitarians were to argue later, that an egoistic theory of the ultimate end leads to self-contradiction and that this constitutes a proof of the universalistic alternative.<sup>5</sup>

How did a natural law theorist manage to reach this position? I think it was the effect of Christianity. The key term in Cumberland's form of utilitarianism is not 'happiness' or 'the common good' but 'benevolence', which he equates with 'love'. He tells us<sup>6</sup> that he prefers the term *benevolentia* to *amor* both because *benevolentia* clearly signifies an active willing of good and because *amor* has acquired a 'bad sense', meaning no doubt that *amor* tends to suggest sexual passion. But in principle Cumberland is relying on the Christian doctrine that all virtue is comprehended in love.

The same thing is true of the next, and the first explicit, utilitarian, Francis Hutcheson. Hutcheson is the chief exponent of the moral sense theory of ethics. When an agent or an action is said to be virtuous, the concept of virtue, according to Hutcheson, reflects a natural reaction of approval by a spectator. The natural tendency to feel approval and disapproval is what Hutcheson means by the moral sense. What then is the object of approval? Hutcheson's answer is benevolence, and he acknowledges that he is following Cumberland in using this word for 'the internal spring of virtue'.<sup>7</sup> Like Cumberland and like later utilitarians, he argues that other virtuous motives derive their virtue simply from their contribution to public good.<sup>8</sup> Unlike Cumberland, however, he distinguishes different kinds of benevolence, wider or narrower in their scope, and notes that the approval of the moral sense is warmer for the more extensive type. Since the intention of benevolence is to bring happiness (or remove misery), and since approval increases with the degree and extent of that happiness, it follows that 'that action is best, which procures the greatest happiness for the greatest numbers'.<sup>9</sup> Many readers of *The Bentham Newsletter* will know the fascinating paper by Professor Shackleton which traces the history of the utilitarian formula from its emergence in Hutcheson through French and Italian thinkers to the English translation of Beccaria (1767) in the form 'the greatest happiness of the greatest number', which is almost certainly where Bentham first came across it, presumably in 1768.<sup>10</sup>

The point I want to make is that Hutcheson's explicit, like Cumberland's implicit, utilitarianism depends upon the Christian doctrine that love (St. Paul's *agape*) is not simply first among the virtues but comprehends all virtue. Hutcheson's ethics, unlike Cumberland's is a secularized version of the Christian doctrine. Orthodox heads were shaken at his teaching young Presbyterians that the goodness of virtue was not a necessary truth (as it was in Cumberland's natural law theory) but depended on the contingent truth that human nature includes a moral sense. Nevertheless the content of his

view of virtue coincided with Christian teaching and was probably derived from it. In fact the idea of love was so pervasive in the first edition of Hutcheson's *Inquiry* that he tended to confuse the moral motive of benevolence with the moral judgement of approval. He thought of both as manifestations of love. Virtuous actions are motivated by love (benevolence) and then arouse love (esteem) for the agent in the hearts of spectators. I do not recall that Hutcheson himself relates his theory to the Christian doctrine of love (or 'charity'), but his pupil Adam Smith seems to have done so. For when Adam Smith distinguishes between the 'amiable' and the 'respectable' virtues, he is implying that the ethics of 'humanity' or benevolence, which he learned from Hutcheson, needs to be supplemented by the Stoic ethics of 'self-command', and he identifies the former with the Golden Rule of Christianity:

As to love our neighbour as we love ourselves is the great law of Christianity, so it is the great precept of nature to love ourselves only as we love our neighbour, or what comes to the same thing, as our neighbour is capable of loving us.<sup>11</sup>

John Stuart Mill, advocating Bentham's ethical theory in his essay *Utilitarianism*, claimed that 'In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility'.<sup>12</sup> The sentence sounds odd in the mouth of an avowed infidel defending another avowed infidel. But the earlier history to which I have referred shows that it is not so odd after all. However, Bentham's utilitarianism does differ in one important respect from that of Cumberland and Hutcheson, and is cut off thereby from the Christian doctrine. Cumberland and Hutcheson think of the object of virtue as the good of others. They do indeed talk as if this were identical with the 'public good', and Hutcheson betrays some awareness of the inconsistency when he says that a moral agent considers himself as included in the universal system of beings capable of happiness, 'so that he may be, in part, an object of his own universal benevolence'.<sup>13</sup> The paradox shows that when the ethics of benevolence turns into the ethics of utilitarianism it has cut off its roots in Christian love.

Utilitarians will say that the revised doctrine is an improvement because it is both simpler and more rational. It is simpler because it does not have to juggle with two different values, the moral virtue of benevolence and the (non-moral, non-virtuous?) value of prudence. It is rational because it counts everyone for one, as uniformly equal, agent and patient alike. But simplicity, including the simplicity of arithmetical uniformity, confers merit on a theory, whether philosophical or scientific, only if it does not distort the facts. The empirical facts that form the basic evidence for a philosophical theory of ethics consist of the moral judgements which people commonly make and which they confirm on reflection. There is genuine difference of opinion whether the rational pursuit of self-interest is approved as a moral virtue or simply as the best means to a natural end which is independent of morality. But there is no question of its being set on the same level as service to others. For the moral consciousness untainted by a preconceived theory, what an agent can do for himself is simply not in a same league as what he can do for others.

You do not have to be a Christian to see that the simple utilitarianism of Hutcheson is too simple to cover the facts of moral judgement. David Hume accepted Hutcheson's view for what he called the natural virtues, the motives which Hutcheson classified together under the name of benevolence. They are immediately attractive to the so-called 'moral sense' and their tendency is to add to human happiness. But Hume saw that there are other virtues, other approved practices, which may not always be useful, either



to society or to the agent himself. These Hume called the artificial virtues, because he thought that approval of them is the result of convention rather than instinct. The most prominent, though not the only one, of these artificial virtues is justice. Respect for the rights of property, or the repayment of debts, may not be useful in particular instances. And so, in his *Treatise of Human Nature*, Hume produced an elaborate and perceptive explanation of our approval of the artificial virtues which did not depend on utility alone, although utility certainly came into the matter as the initial reason for the growth, and for our approval, of institutions like promises, contracts, property, the bonds of allegiance, and those of marriage.

Since Hume's qualifications on these matters arose from his attention to jurisprudence, it is perhaps surprising that Bentham failed to see the point. In the *Fragment on Government* (1776), Bentham noted that Hume had 'effectually demolished' the theory of an Original Contract to explain the obligation of political allegiance. He then turned aside in a note to say more about Hume's *Treatise of Human Nature*, including these two sentences:

That the foundations of all *virtue* are laid in *utility*, is there demonstrated, after a few exceptions made, with the strongest force of evidence: but I see not, any more than Helvétius saw, what need there was for the exceptions.

For my own part, I well remember, no sooner had I read that part of the work which touches on this subject, than I felt as if scales had fallen from my eyes.<sup>14</sup>

The latest editors of the work, Professors Burns and Hart, evidently think<sup>15</sup> that the 'exceptions' in Hume which Bentham dismissed were not the artificial virtues but those aspects of the natural virtues which were approved as 'agreeable' rather than 'useful'. This seems to me unlikely. Hume's distinction between the 'agreeable' and the 'useful' is a distinction between that which gives immediate pleasure (to self or others) and that which is a means to the production of pleasure in the future. Surely Bentham would not have regarded the first of these as an exception to the principle of utility on his understanding of the term. It is more probable that he could not see the point of Hume's elaborate discussion of artificial virtue on the ground that some instances of keeping the rules of justice are approved despite their not being the most useful actions which can be taken.

It is hard to say whether this interpretation is strengthened or weakened by a reference to Hume in *Deontology*.<sup>16</sup> Bentham is there criticizing Hume's acceptance of a moral sense theory, and in the course of criticism he makes a qualified concession,

Hume was a man to get glimpses of truth. He brought in the light of *utility* to show what was the motive and the merit of *justice*.

But he stopped there, as if unconscious of the value of his discovery.

This suggests that Bentham failed to appreciate both the extensive role of utility in Hume's theory and Hume's qualifications about utility in relation to justice.

The fact is that Bentham is rather slapdash in his treatment of the principle of utility as the sole foundation of moral approval. Hutcheson's invention of an excessively simple theory is intelligible because his concern was to refute the even more simple theory of egoistic hedonism advocated by Mandeville. By the time that Hume came upon the scene it was clear, from critics of Hutcheson, that his universalistic hedonism could not accommodate all the relevant facts and especially some awkward facts about the concept of justice. But Bentham had no patience with all this. Utility or the greatest happiness

principle was the key to everything. Having found it - in Hume or Priestley, or Helvétius, or Beccaria - he thought it unnecessary to inquire further about the ultimate foundation of morals and legislation. He brushed aside all alternative theories of ethics, empiricist and rationalist alike, with rhetoric and ridicule. He did not trouble to ask why Hume, who had seen the importance of utility, nevertheless retained (in the *Treatise*) the term 'moral sense' and said a great deal about sympathy. When Bentham came to deal with the philosophy of law, he could be as pernicky as Hume in thinking of difficulties and in pursuing a winding trail of complexities to avoid the difficulties. And in the application of his theory of ethics, he could spend time enough classifying different kinds of pleasure and pain, and different kinds of intention and motive. This was because Bentham was interested in (so to speak) the applied and not the pure science of ethics.

Like so many thinkers of the eighteenth century, Bentham aspired to be the Newton of the moral sciences. But whereas Newton's achievement in physical science was theoretical explanation, Bentham's idea of a Newtonian advance in moral science was practical reformation. To be sure, he thought he was emulating Newton in proposing a mathematical calculus for measuring the felicific consequences of action, and perhaps also in using the principle of utility to unify policy in all the social studies. The purpose of these explanatory advances, however, was Baconian rather than Newtonian, knowledge for the sake of practical improvement rather than for the sake of understanding. In the Preface to the *Fragment on Government* Bentham writes:

Correspondent to *discovery* and *improvement* in the natural world, is *reformation* in the moral; if that which seems a common notion be, indeed, a true one, that in the moral world there no longer remains any matter for *discovery*. Perhaps, however, this may not be the case: ... with so little method and precision have the consequences of this fundamental axiom, *it is the greatest happiness of the greatest number that is the measure of right and wrong*, have as yet developed.

Be this as it may, if there be room for making, and if there be use in publishing, *discoveries* in the natural world, surely there is not much less room for making, nor much less use in proposing, *reformation* in the moral.<sup>17</sup>

Bentham's utilitarianism was practical, while that of his predecessors, and of many of his successors, was theoretical.

Theoretical utilitarianism is like pure science. Its aim is to reach truth, to explain for the sake of understanding. Hutcheson reached his utilitarian theory almost by accident. He set out to show the falsity of Mandeville's egoistic theory of moral motive and moral judgement. In analysing the nature of the altruistic motive of benevolence, Hutcheson worked out the utilitarian formula for right action. His theory is an explanation of morality in terms of psychology, of motivating desire and of approving feeling. Hume developed this scientific (psychological) explanation by seeking a unifying cause of the moral motive of benevolence and of moral judgement. Both benevolence and approval, he suggested, are the result of sympathy. As agents, we become benevolent, ready to pursue the happiness of others, and then of society or mankind in general, by sympathizing with the pleasure and pain of other people. As spectators of action, we come to feel approval of benevolence by sympathizing with the pleasure that it gives to those whom it affects. Hume goes on to give a more complicated psychological explanation of moral motive and moral approval in the case of artificial virtues; he again brings sympathy into the picture but also the association of ideas. The procedure is analagous to that of pure or theoretical science in that it seeks causal



explanations, first suggesting causes of given phenomena and then looking for causes of those causes, with the hope that the later stages will show a tendency towards unification of the underlying causes.

The utilitarianism of Helvétius and Beccaria, especially the latter, was more like practical or applied science. Helvétius was one of the Frenchmen who popularized Hume's philosophy on the Continent. In adopting Hume's utilitarianism, however, Helvétius ignored the psychological subtleties of Hume's account. He saw in utilitarianism a practical tool of social change. The aim of government is the happiness of society. Governments compel their subjects to pursue this aim by means of legislation. Were it not for the force of law, men would tend to pursue their own interest, and private interests are liable to clash with each other. Helvétius's idea of human psychology is nearer to that of Hobbes and Mandeville than that of Hume. He concentrates on Hume's concept of artificial virtue but with a cruder psychology. Justice is artificial; it consists of rules which are useful but which men would not follow naturally because their natural tendency is to be selfish. Helvétius ignores what Hutcheson and Hume said about the connection between the general happiness and the natural tendencies of benevolence and sympathy. Helvétius presents utilitarianism as a sort of social technology, in which legislation produces an artificial identity of interests.

Beccaria followed up the idea with particular reference to crime and punishment. The way in which legislators arrange for law to promote utility is by calling socially harmful actions crimes and by punishing such actions in order to deter people from doing them. Since men pursue pleasure and avoid pain, they will avoid actions which bring pain; the object of punishment is to make men avoid socially harmful actions by annexing pain to them. Beccaria was a reformer. He was not content simply to explain the purpose of the penal system; he wanted to rationalize it where it served that purpose ill. Excessive penalties, he argued, were tyrannical. Certainty rather than severity of punishment was the most effective sanction. Beccaria consequently denounced torture and advocated the abolition of capital punishment.

This kind of reforming zeal is not a necessary feature of a utilitarianism that emphasizes punishment. It was possible, even in Bentham's time, for utilitarianism to be presented as quite the opposite of a radical programme. The theologian William Paley produced his *Principles of Moral and Political Philosophy* in 1785, between the first printing of Bentham's *Introduction to the Principles of Morals and Legislation* in 1780 and its publication in 1789. Paley's work contains a theory of theological utilitarianism, with a schema of punishment and reward, in principle similar to the basic idea of Beccaria, but with no reference to political and social action. According to Paley, men are wholly selfish; so there is no room in his theory for a benevolent human legislator. The only benevolent being is God. God's end is the happiness of the human race, but all men pursue their own happiness alone. In Paley's theory, God takes the place that Beccaria and Bentham assigned to human legislators. Morality represents the laws of God, who compels men to do his will, promotion of the general happiness, by fear of punishment in hell and by hope of reward in heaven. 'This solution', says Paley, 'goes to the bottom of the subject, as no further question can reasonably be asked'.<sup>18</sup>

It was of course the practical form of utilitarianism that appealed to Bentham. He wanted to press on from the groundwork laid by Helvétius and Beccaria to clarify the nature and purpose of law and to improve the penal system. From this point of view, detailed consideration of the basic theory of ethics was a waste of time; it had no practical purpose. The broad truth of the utilitarian doctrine was so obvious that there was no need to worry about niggling objections which were irrelevant to social reform.

Later utilitarians, however, were more ready to return to the minutiae of theoretical ethics, and it was then that the distinction between hedonistic and ideal utilitarianism took shape. It begins with a development of Bentham's theory proposed by John Stuart Mill in Chapter 2 of his essay *Utilitarianism*. I have already made a brief mention of Mill's comparison between utilitarian ethics and the Golden Rule of the Bible. This occurs in Mill's reply to the objection that utilitarianism is a doctrine fit only for pigs. Mill wants to show that the ethics of utility is as lofty as any that the critics of Bentham would invoke. The charge that hedonism makes men out to be no better than pigs is an old one. It was levelled against Epicureanism in the ancient world, and Horace playfully calls himself, in one of his *Satires*, 'a pig from the sty of Epicurus' (*Epicuri de grege porcus*).

The objection, when spelt out less tendentiously, is that hedonism attaches value and disvalue only to experiences, pleasure and pain, which men share with other animals; it leaves out of account higher values which human beings can attain but which are far beyond the ken of animal experience. Mill's answer to the objection has two parts. First, he notes that hedonists, both ancient and modern, have always taught the superiority of mental, or specifically human, pleasures over the bodily pleasures which we share with other animals. Mental pleasures are preferable to bodily because they last longer and are less liable to be followed by pain. Simply in the quantitative terms of the Benthamite calculus, the pleasures of Socrates have a greater value than the pleasures of a pig. Secondly - and this is Mill's own development of the doctrine - utilitarianism can and should admit a qualitative as well as a quantitative difference among pleasures. It can allow that the pleasures of the intellect or the imagination are superior in kind to the pleasures of the body. This addition to the doctrine, says Mill, is quite compatible with Benthamite hedonistic utilitarianism.

Critics have protested that it is not compatible. Mill's addition, they say, is certainly a more acceptable view but it is inconsistent with pure hedonism. It is a different form of utilitarianism, ideal instead of hedonistic. It accepts the ideal values of knowledge and beauty, in addition to the hedonist's sole value of pleasure. If you say that the pleasure of philosophy or poetry is qualitatively superior, better in kind, than the pleasure of food or of sex, then you imply that this is true independently of the quantity of pleasure. It follows that the value of philosophy for Socrates is higher than the value for a pig of gorging itself on potato peelings or rolling in the mud, even though Socrates gets from his philosophy a smaller amount of pleasure than the pig gets from its feast or its mud-bath. Mill himself admits as much, the critics suppose, when he says: 'It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied'.<sup>19</sup>

I think the critics are mistaken in charging Mill with inconsistency. Mill draws a distinction between happiness and content or satisfaction. He follows Bentham in regarding happiness as a sum of pleasures. Content or satisfaction is a state of having *all* your desires satisfied. Socrates is dissatisfied because there is so much more that he wants to know. The fool and the pig are satisfied or contented because they have no unsatisfied desires; they have obtained all that they want. But this does not imply that the happiness or pleasure which Socrates enjoys from such knowledge as he has acquired is less in amount than the pleasure of the fool or the pig. As I interpret Mill, he thinks that Socrates is happier than the fool, although less satisfied. So it is possible for Mill to maintain, as he does, that it is quite consistent with hedonism to say that the pleasure of



philosophy is better in kind than the pleasure of rolling in the mud - so long as he also maintains that the qualitatively higher pleasure is superior in quantity as well.

This is not the place to explain how Mill thinks he can maintain the latter position, that pushpin never is as good as poetry, because never as pleasurable. It all depends on Mill's test of preference by those who have experienced both pleasures, and then one needs to think about the analysis of preference that Mill would give.<sup>20</sup> In my view, Mill retains consistency but not plausibility. He says that it is better to be Socrates dissatisfied than a fool or a pig satisfied, and if the fool and the pig are of a contrary opinion this is because they only know one side of the question. That is to say, the fool and the pig are not in a position to judge the pleasure of philosophy, for they have not experienced it. Socrates has experience both of the pleasure of philosophy and of the pleasures that the fool and the pig enjoy. But Mill has to allow that some people who have experienced both the pleasures of the mind and the pleasures of the body do not give their preference to the mental. This, says Mill, is because they have not had enough experience of the mental pleasures, or because they have allowed their capacity for mental pleasure to atrophy. Could not the fool and the pig retort in kind? Socrates knows all about mental pleasures but not enough about bodily. The pig has no capacity to enjoy philosophy, but Socrates has spent so much time on philosophy that he has not given rolling in the mud a decent chance. He does not know the exquisite pleasure that it can bring to those who go in for it in a big way.

Henry Sidgwick, the clearest of the utilitarians, accepted the usual view that Mill's addition of ideal values was inconsistent with hedonistic utilitarianism. But where other thinkers regarded Mill's theory as sounder than Bentham's, Sidgwick disagreed. He reverted to Bentham's doctrine and maintained that degree of goodness depends solely on degree of pleasure, with propinquity, duration, fecundity, etc., taken into account. He argued for this conclusion as follows. (1) Nothing is called good out of relation to consciousness or feeling. If we consider the things usually regarded as ideal goods - virtue, truth, beauty - we find that they are not desirable apart from consciousness. (2) Therefore desirable consciousness is alone ultimately good. (3) Sidgwick says that by 'pleasure' he means 'desirable consciousness or feeling of whatever kind'.<sup>21</sup> (4) Therefore pleasure alone is ultimately good.

The trouble with this argument is that Sidgwick has given an arbitrary definition of pleasure so as to encompass all that other thinkers would call ideal goods distinct from pleasure. If we are to take 'pleasure' as meaning 'desirable consciousness of any kind', then the conclusion 'Pleasure alone is ultimately good' is equivalent to 'Desirable consciousness alone is ultimately good'. This, of course, is what the second step in the argument asserted. Ideal utilitarians would mostly go along with the statement that only desirable states of consciousness are intrinsically good, but they would say that these include the exercise of virtue, the pursuit and acquisition of truth, the creation and contemplation of beauty. They would want to distinguish these states of mind (or at least some aspects of them) from the enjoyment of pleasure. Why should they accept Sidgwick's arbitrary definition of pleasure so as to include all these things? They would say that Sidgwick is in fact accepting *their* doctrine but disguising this by a peculiar use of language.

Formal arguments of this kind tend to be unsatisfactory in ethics. A more persuasive method of arguing for hedonistic utilitarianism as against the ideal version is to show how far the value attributed to ideal goods depends

on pleasure. Right from the start utilitarians have connected the value of natural virtue with its aim of producing happiness for other people. The virtue of conscientious action is a disposition to do what is right, and according to utilitarians right action is always useful action, so that the value of conscientiousness depends upon the utility of the action which it produces. Knowledge is valued mainly for its utility but also for the pleasure which it can give in satisfying curiosity. If a particular piece of knowledge is not useful and does not give any significant satisfaction to the person who acquires it, then it should not be valued, in the opinion of the hedonistic utilitarian; the idea that any knowledge whatsoever is good for its own sake is mistaken. Again, the value of beauty and art depends upon the pleasure which it gives to those who contemplate it or will do so in the future, and on the satisfaction that an artist has in creating a work of art.

So far as Sidgwick is concerned, the weakness of his formal argument for hedonism does not minimize the importance of his theory in the history of utilitarianism. What is most impressive about Sidgwick is the way in which he fits together the morality of common sense with utilitarianism. He does not deny that commonsense thinking about ethics often looks non-utilitarian, and indeed he allows that intuitionism (what is now called deontology) gives an accurate picture of it. But he presents utilitarianism as the underlying foundation in a theory which once more follows the analogy of natural science. In this case, however, the inspiration came from biology, not physics. Sidgwick offers an evolutionary theory, a hypothesis in which utilitarian thinking is unconscious in the early stages of society but then comes gradually into consciousness. The character of the scientific influence is obviously due to the prominence of evolutionary theory in the latter part of the nineteenth century. If Newton seemed the obvious model to follow in the eighteenth century, his place was taken by Darwin in the nineteenth.

Nevertheless Sidgwick's utilitarianism is not only theoretical or explanatory, like that of Hume. Sidgwick retains the practical spirit of Bentham. Besides reverting to Bentham's hedonism, he thinks that moral philosophy has a reforming job to do. The task of the moral philosopher is to speed the process of evolution, to help bring into the clear light of awareness the process of utilitarian thinking that has been going on unconsciously.

Such a practical aim is absent from the ideal utilitarians who succeeded him, Rashdall and Moore. They argued that hedonistic utilitarianism was too narrow. Beauty and truth were ideal values apart from pleasure. Rashdall added virtue and indeed gave it the highest place in his list of values. Moore went instead for the value of love as a state of mind. I think that some of their arguments have force, others not. They rely on intuitions, which can vary. For example, Moore insisted in his first book, *Principia Ethica*, that beauty has value even if it is not and never will be contemplated by any mind. Later, in *Ethics* and in *The Philosophy of G.E. Moore*, he retracted this opinion and agreed with Sidgwick that questions of good and bad can arise only when a state of consciousness is involved. The case for ideal utilitarianism is at its strongest on the value of beauty and art. It is hard to defend the view that the degree of value attributed to beauty varies concomitantly with the degree of pleasure produced.

But even when Moore and Rashdall seem convincing, they are remote from matters of practical concern; and I must say that when I read them nowadays I have a great deal of sympathy with the impatience that Bentham displayed towards the disputes of theoretical ethics. Bentham scores in emphasizing the practical implications of ethical theory. That is why he attracted to his banner so many leading thinkers in related branches of knowledge. The

defence of Benthamite utilitarianism against the ideal variety is not complete, especially concerning the value of beauty and art. But on the other side hedonistic utilitarianism is more sensible than ideal in its robust attitude to the value of knowledge or conscientiousness. Knowledge and the pursuit of knowledge, says the hedonistic utilitarian, are valuable chiefly for their utility and partly for the pleasure that they bring in satisfying curiosity. Inquiry which is useless and which gives little satisfaction to the inquirer (one can point to many examples in these days of overblown 'research') is not valuable; it is trivial rubbish. Again, a pointless sense of duty which makes a St. Simeon Stylites sit on the top of his pillar, doing no good to anyone, and still more, a perverted sense of duty in a Hitler or a Khomeini, which can kill myriads of people for the sake of a crazy ideal, deserves no respect whatsoever for an alleged intrinsic goodness.

All forms of utilitarianism are defective, in my opinion, for missing out an important function of justice and for concentrating on abstract happiness or abstract good instead of thinking about persons and the aims and claims of persons. But as between hedonistic and ideal utilitarianism, or as between theoretical and practical utilitarianism, Bentham's approach can take the knocks better than its rivals.

#### NOTES

1. *Deontology* (ed. Bowring, 1834), i.21.
2. ii.85.
3. *Deontology*, i.290-1.
4. *De Legibus Naturae*, I.4; in the translation of D.D. Raphael, *British Moralists 1650-1800* (1969), s.107.
5. I.7, V.16; *British Moralists*, ss.110,115.
6. I.4; *British Moralists*, s.107.
7. *Inquiry concerning Moral Good and Evil* III.6; Raphael, *British Moralists*, s.331.
8. II.1; *British Moralists*, s.315.
9. III.8; *British Moralists*, s.333.
10. Robert Shackleton, 'The greatest happiness of the greatest number: the history of Bentham's phrase', *Studies on Voltaire and the eighteenth century*, xc (1972), 1461-82.
11. *The Theory of Moral Sentiments*, I.i.5.5; Raphael, *British Moralists*, s.782.
12. Chap.2, para.18; *Collected Works of J.S. Mill*, x (1969), p.218.

13. *Inquiry*, III.6; *British Moralists*, s.332.
14. *A Comment on the Commentaries and A Fragment on Government (CW)* ed. J.H. Burns and H.L.A. Hart (1977), p.440.
15. *Ibid*, editorial note 2.
16. ii.71-2.
17. Ed. Burns and Hart, p.393.
18. *Principles of Moral and Political Philosophy*, II.3; Raphael, *British Moralists*, s.850.
19. *Utilitarianism*, chap.2, para.6; *Collected Works*, x.212.
20. For a full account of this interpretation, see D.D. Raphael, 'Fallacies in and about Mill's *Utilitarianism*', *Philosophy*, xxx (1955), 344-57.
21. *The Methods of Ethics*, 7th ed. (1907), p.402.



## WHICH BENTHAM WAS MILL'S BENTHAM?

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My general subject is intellectual influence; the more particular aspect, influence through writings; the special case, Bentham and Mill. A troubling initial question, one that I have asked myself and heard *sotto voce* from others, a question that has increasingly many answers as the great Bentham edition emerges from the manuscript boxes and texts going back 200 years, is: What is the influence of place and time<sup>1</sup> on one's judgement of what Bentham's ideas were? Let me try to explain, if not answer, the much easier question that results from substituting Mill for Bentham.

Since the publication in 1945 of MacMinn's edition of the scribal copy of Mill's bibliography of his own published writings, it has been possible for scholars to know with near completeness (just how near we can never know) what he published (not what he wrote). Most commentators on Mill - philosophers, political scientists, and non-specialists (historians, especially economic historians, and literary scholars generally make wider reference) - give little evidence of having looked at the bibliography; for them, Mill's writings fall within a limited compass. (I speak here only of what they are apparently aware of, not of the even narrower range of what they use.) For instance, judging merely by their references, a few distinguished philosophers apparently think that Mill wrote *Utilitarianism*, but nothing else worth reading, at least on ethics. (One can substitute political scientists and *On Liberty*.)

With some, analytic bibliographers and literary scholars especially, the question goes beyond - sometimes absurdly beyond - works to words. Not only which edition or version, but which words - need I add commas? - within a version. (They can matter a great deal sometimes.) I am not here praising or condemning, but merely describing, when I say many scholars don't know or bother to find out which edition they are using. Interpretation depends on editions, even with Mill: see, for example, the well-known different treatments of socialism in his *Principles of Political Economy*, and the virtually ignored variants in his discussion of ethics in his *System of Logic*. The thoroughly modern editor is, by creed and profession, a fanatical believer in text: we want to get it right! (The questions we ask are: 'What is *it*, anyway?' and 'What is *right*?' We leave unanswered, usually, 'Why do we want to get it - whatever it is - right - whatever right is?')

However one may value the pursuit of differences among texts for study of an author's ideas, those differences are important when one looks at influences and responses.<sup>2</sup> One should ask at least these questions: By any one reader, at any one time (or place - think of the rarity of books in some places), what was Mill known to have written? Which version (if more than one existed) was that person using? Was that version in fact only a selection or an interpretation in a secondary source?

Now think of Bentham. A truth that should be universally acknowledged is that to mention an author is not to guarantee an intimate knowledge of his works. References - at least general references - are a currency that doesn't pay full value on demand: like James Mill, we all know what poor Kant would be about. When someone asks, Was Austin really an Austinian, I find it better to try to look wise than to try to answer. So when someone simply mentions 'Bentham', the signifier is more particular than the signified. 'Bentham's philosophy of law' or his 'theory of morals' implies more, but is

still a shorthand that usually resists expansion. We of course need these 'vague generalities', but they invite many questions, one of which is, How do people come by them? The usual route is by secondary sources, oral (from teachers) as well as written, including quoted passages (especially in nineteenth-century reviews).

Even when titles are mentioned, there may have been no actual reading.<sup>3</sup> I am sure, for example, the *Book of Fallacies* has been more often referred to than read in its entirety, or even held in the hand; many probably know it only through reading Sydney Smith's 'Noodles Oration'. I leave out of the account the sad distortions of misreading, misquotation, and fading and faded memory.

In short, I believe - and I know it is not a startling statement - that if one were able closely to examine the thousands of references to 'Bentham' (let alone 'Benthamism' and 'Benthamites') in the nineteenth century (I shall let others speak of the eighteenth), very little actual accurate recollection of reading would be involved. And then of course comes the question specially crucial in Bentham's case: Even if the reading were accurately recalled, what was it a reading of? The Bentham of the *Fragment* and the *Introduction*, an author like most others in that the printed text derived directly from his manuscripts? or the Bentham of Dumont, redacted and translated (later sometimes translated back)? or the Bentham of his many editors during his lifetime? or the Bentham edited posthumously in the *Works* of 1838-43? (To extend the question to our own time gives it even more poignancy. When the great edition is finished - I tolerate no 'ifs' - a new Bentham will have been created; even as the edition proceeds, the skin of the Auto-icon is being shed, and a born-again Jeremy is emerging. He is, of course, a Jeremy never seen before, not even by himself. But as I said earlier, we editors want to get it right, even if - especially if, and even because - our authors did not get it right.<sup>4</sup> But this is surely what Bentham would have thought a metaphysical digression, and I shall abandon it.)

Which was J.S. Mill's 'Bentham'? Surely the Utilitarian messiah knew well his spiritual father's word. In an Appendix to Vol. i of Mill's *Collected Works* (henceforth *CWM*), I brought together what evidence I had of his early reading. I here give only the title, date of the work, and the date of Mill's reading of it; the evidence is in *CWM*, i 572-8: *Chrestomathia* (1816), June, 1820; *Traité de législation*, ed. Dumont (1802), 1821; *Introduction to the Principles of Morals and Legislation* (1789), 1821-22 (read under John Austin's tutelage); *Fragment on Government* (1776), after winter, 1821-22, but seemingly before the end of 1822 - this date holds for the following works as well, *Panopticon* (1791), *Table of the Springs of Action* (1817), *Tactique des assemblées législatives*, ed. Dumont (1816), *Théorie des peines et des récompenses*, ed. Dumont (1811), and *Traité des preuves judiciaires*, ed. Dumont (1823).<sup>5</sup>

I now propose to go chronologically through Mill's references to Bentham's writings, simply identifying the works he mentions or quotes, and commenting on any special features. (I use all the identified references in the published volumes of *CWM*, plus those already located in volumes in preparation, including xx-xxv; nothing is here from his writings on India or some miscellaneous items.) The first reference subsequent to those I have just mentioned is a queer one, only inferentially having anything to do with Bentham.

If men known to the world for their exalted qualities would do this [leave their own bodies to the surgeons] the prejudice might in time be removed. Such provisions by will have occasionally been made, but from their rarity they are still considered as eccentricities.<sup>6</sup>

One should not perhaps think of Bentham's will as a document available to Mill in 1823, but presumably the matter had been discussed.

Next (in Mill's attack in 1824 on the *Edinburgh Review*) came a quotation (from *Elements of the Art of Packing*) in a quotation (from Brougham) that Mill probably recognized, and a reference to Dumont's *Traité de législation*.<sup>7</sup>

The *Parliamentary History and Review*, edited by Peregrine Bingham, the editor of the *Book of Fallacies*, was dedicated to analysis of parliamentary debates on the basis of Bentham's outline of fallacies; and, though the evidence is not strong elsewhere in the *Parliamentary History and Review*, part of Mill's 'Ireland' (1825)<sup>8</sup> reveals a knowledge not only of Bingham's prefatory essay, but of the *Book of Fallacies* itself, to which Mill also refers in his review of Whateley's *Logic* on 1828.<sup>9</sup> In the interval between those two we can be sure that Mill read very carefully one of Bentham's works, for indeed he wrote part of it - the *Rationale of Judicial Evidence*. (I have not yet looked through Mill's editorial chapters and notes for signs of his reading other of Bentham's writings.)

Only one of Mill's extant debating speeches has explicit references to Bentham; these involve clearly the *Influence of Time and Place* (defended by Mill against Sterling), and suggest a knowledge of his writings on civil and penal codes.<sup>10</sup> A letter of the same year (1829) to Gustave d'Eichthal refers to the argument of *Supply without Burden* (1795), as does a newspaper article of 1832, and the *Principles of Political Economy* (1848).<sup>11</sup> In the *Examiner* early in 1830, and again in the *Monthly Repository* in 1834, there are passages that allude, I infer, to Bentham's discussion of the dangers of divided responsibility in the *Rationale of Judicial Evidence* and *Principles of Penal Law*.<sup>12</sup> In 1831 there is mention in the *Examiner* of Bentham's attack on capital punishment, again indicating knowledge of the *Principles of Penal Law*.<sup>13</sup> Following G.C. Lewis, Mill mentions in 1832 Bentham's approval of natural over technical procedure, which appears in several places, of which perhaps *Letters to Lord Grenville on ... Civil Justice in Scotland* (1808; Bowring, v) is the best pre-Bowring source.<sup>14</sup>

It may be thought that this is a meagre record, given that the early part of this period is that of Mill's confessed sectarianism, but of course, as I have said elsewhere, he was busy 'contributing articles made from Bentham's opinions in James Mill's tones'<sup>15</sup> and - as I now add - without often mentioning either of them. Explicit references are not the test of his discipleship in this period. And in any case he did not cancel his allegiance, for he continued to use such terms as 'sinister interests' (1830, 1831), which we loyally refer to the *Rationale of Judicial Evidence*,<sup>16</sup> 'vague generalities' (1831),<sup>17</sup> and 'cognoscible' (1832)<sup>18</sup> - which we attribute to *Nomography* (and probably shouldn't); these all occur during the period at the turn of the decade when he wrote little except on French politics.

Then comes the first of Mill's writings specifically on Bentham, the obituary in the *Examiner* (10 June 1832). Here he concentrates initially on Bentham as reformer and theorist of jurisprudence and legislation, mentioning in this section explicitly only the *Fragment*; he then identifies Bentham as, in the field of 'general politics ... the first name among the philosophic radicals' (p.371), but mentions no writings. Turning to morals, Mill says that 'at least in his published works' (p.371) Bentham did not go into details; what he here praises Bentham for is clearing away the 'rubbish of pretended natural law, natural justice, and the like' (p.372) - a clear reference to the *Introduction to the Principles of Morals and Legislation*, Chap. ii, sect. 14n. which is for Mill the single most important passage in Bentham's writings.

Here I must pause to cite the places where the *Introduction* is mentioned.<sup>19</sup> The *Autobiography* refers to it specifically as central to Mill's conversion experience (p.67). We have already caught glimpses of the passage in Mill's reading with Austin, and his attack on Jeffrey in 1824, and it is the basis of a long note he inserted in his edition of Bentham's *Rationale* (i. 126n-7n). After the obituary, the passage is referred to in his anonymous contribution to Bulwer's *England and the English* (where he is, in my judgement, at the furthest reaches of his temporary apostasy), saying that Bentham's treatment of other believers in other moral principles is 'not fair'.<sup>20</sup> In his great article of 1838 he sees the passage, which he quotes, as showing both the strengths and weaknesses of Bentham, and says that few would think the opinions of Bentham's opponents are as empty as Bentham thought them.<sup>21</sup> It was in this period that Mill asked Burton to remove his footnote concerning the passage from the *Rationale*; had the edition been prepared later, I suspect he would not have objected to its inclusion, but in his 'Whewell' (1852), the passage is quoted at even greater length, and without qualification,<sup>22</sup> and in the *Dissertations and Discussions* reprint of 'Bentham' (1859), the adverse comment is much softened (p.86). (In these years, it should be recalled, Mill wrote the first draft of his *Autobiography*.)

Now let me return to the obituary, where, it will be remembered, Mill says 'at least in his published works' - thus revealing how impossible is the endeavour I am engaged in: To which - if any - of the masses of manuscript on ethics is Mill referring? Or, indeed, is he referring to matters raised in conversation - and if so, were the conversations between Bentham and himself, or reported second- or third-hand? I shall not stay for answers.

In concluding his part of the obituary, Mill mentions, in traditional manner, Bentham's 'principal works', the *Introduction*, the *Fragment*, the *Rationale of Judicial Evidence*, *The Book of Fallacies*, the *Plan of a Judicial Establishment* (he notes that it was 'printed in 1792, but never regularly published' - another quick glimpse into the dark area where lies the answer to the question: What of Bentham could Mill - as distinct from others - have read prior to Bentham's death? Another, slightly different version of the question would substitute 'prior to Bowring's edition?') - the list continues with the *Defence of Usury*, *Panopticon*, and concludes, 'and many others: besides the excellent treatises ... edited by M. Dumont ...' (p.372). Having looked again at this list, I believe it, with the comments I have not here quoted, is strong evidence that Mill knew the cited works first-hand - and I think I should have used it, rather than my own informed guesses, to determine which works Mill intended in his *Autobiography* as 'the most important' of Bentham's (p.71). (Interestingly, Mill does not in the obituary mention *The Rationale of Reward*, which appeared in 1825, or *The Rationale of Punishment*, both edited by Richard Smith, of whom Mill denied all knowledge in 1838<sup>23</sup> - it seems odd that he could have been so completely ignorant, when his own editing nearly overlapped with Smith's.)

Mill's next piece on Bentham, the Appendix to Bulwer (1833), in addition to explicit mention of the *Introduction*, refers to Bentham's work on 'a Code, or complete body of law', and its essential parts, 'the Civil Law, the Penal Law, and the Law of Procedure' (CWM, x. 10-11). With reference to Civil Law, he cites the *Vue générale d'un corps complet de législation* in Dumont's *Traité*s; concerning Penal Law he gives no titles, but mentions Bentham's 'philosophical classification of offences' (implying *Introduction*, Chap. xviii, and *General View*, Chap. vi [in Dumont]), and says he left the theory of punishments nearly complete (implying *Introduction* and *Principles of Penal Law* [in Dumont]). 'The theory of Procedure' also was virtually perfected by Bentham, says Mill (p.11), perhaps referring to *Justice and Codification Petitions* (1829), or to the short discussion in Dumont; the



main treatment was then in MSS, published in Bowring as *Principles of Judicial Procedure*. Further, Mill adds, Bentham worked to simplify legal procedure, and to establish the principles of a good judicial establishment (implying *Plan of a Judicial Establishment*).

Concerning ethics, Mill refers, in addition to the Introduction, only to *A Table of the Springs of Action* (p.12), and quotes from the *Book of Fallacies* to illustrate Bentham's view of selfishness (p.14).

About politics, the discussion is vague as to source in mentioning that Bentham's theory of government insists on representative government (p.16); one may easily assume a knowledge on Mill's part of the *Plan of Parliamentary Reform* (1817). Also in this context Mill here accepts what must have been Sterling's criticism, in the debate of four years earlier, of Bentham's ignoring the differences between various states of civilization - and so does not mention the *Influence of Time and Place*.

In the years between the Bulwer appendix (1833) and 'Bentham' (1838), Mill is most prolific as a writer of articles, there are several semi-explicit references: in 1834 to the *Rationale of Punishment*,<sup>24</sup> to the *Deontology* (in a letter of 1834, where he says, as he was so often to do, that the work is bad and is Bowring's),<sup>25</sup> in 1835 to the *Introduction* (the only reference to Bentham is his 'Sedgwick', from which, however, his father made him delete passages that seemed to attack him and Bentham),<sup>26</sup> and procedure and judicial establishment (implying works cited above).<sup>27</sup> In 1835 he also uses the phrase 'appropriate aptitude, as Mr. Bentham was accustomed to style it'<sup>28</sup> - a vague enough reference to have allowed me indulgently to footnote it by quoting Bentham.<sup>29</sup> In 1835 he also quotes Bentham's advice that the words of a law ought to be weighed like diamonds (*View of a Complete Code of Law* [in Dumont]).<sup>30</sup>

In the only reference of 1836, Mill again characterizes (without inverted commas or mention of Bentham) a board as a screen.<sup>31</sup>

It seems more than likely that in 1837 he looked carefully over, if he did the *Rationale of Judicial Evidence* in response to J.H. Burton's letters about its republication; his recollection at any rate was vivid enough for him to add a prefatory note apologizing for the 'air of confident dogmatism' he had shown as editor a decade earlier, and to suggest or acquiesce in several textual changes.<sup>32</sup> He also reveals intimate knowledge of the *Introductory View of the Rationale of Evidence*, which he thought should not be included in the *Works* (it was, in Vol. vi).

In 1838 Bowring's edition began to appear, and with it the tactics of the game I am outlining change, though not in easily elucidated ways. To assume that henceforth references are to that edition is foolish - people do not throw away their old editions.<sup>33</sup> In any case, Mill's article of 1838 on Bentham purports to be a review of the first four parts of Bowring's edition (those parts were eventually published as Vols. i and iv, not i and ii), containing: Part I: the *Introduction*; *On the Promulgation of Laws*; the *Influence of Time and Place*; *A Table of the Springs of Action*; the *Fragment*. Part II: *Principles of the Civil Code*; *Principles of Penal Law*. Part III: *View of the Hard-Labour Bill*; *Panopticon*; *Postscript to Panopticon*; *Panopticon v. New South Wales*; *A Plea for the Constitution*; *Draught of a Code for a Judicial Establishment in France*. Part IV: *Bentham's Draught for the Organization of Judicial Establishments*; *Emancipate Your Colonies*; *On Houses of Peers and Senates*; *Papers relative to Codification and Public Instruction*; *Codification Proposal*.

Did Mill bother to read all these for the review? (Mostly, as we have seen, it would be rereading.) He explicitly refers in his review to the *Fragment*,

the *Introduction* from which, as noted, he quotes what I have referred to as the key passage for him), *Table of the Springs of Action*, *Principles of the Civil Code* (which Mill calls *Principles of Civil Law*, and *Influence of Time and Place* (which he now again praises), and he quotes the *Essay on the Promulgation of Laws* - these are all in the Parts reviewed. But he also refers to the *Defense of Usury* (Bowring, iii), the *Book of Fallacies* (Bowring, ii - also quoting a phrase), the *Deontology* (not in Bowring), the *Constitutional Code* (Bowring, ix - completed), and quotes phrases that we attribute to the *Rationale of Reward* (Bowring, ii), as well as from the *Rationale of Judicial Evidence* (Bowring, vi-vii) - none of which are in the Parts reviewed - and he also refers to the exclusion of Bentham's religious writings, of which he implies more than a passing knowledge. His account of Bentham as a legal reformer also suggests again close acquaintance with writings that had not yet appeared in the *Works*. When the edition was completed (1843), he said he had not read, and had no intention of reading, the *Memoirs*, as nothing Bowring could say of Bentham was of the slightest interest to him.<sup>34</sup> The actual volumes in what remains of Mill's library are not of help in determining what precisely he read, as there are no significant marginalia - but absence is not significant either, as he wrote little in the margins (except 'x's and lines) or on the fly leaves (except page numbers) of any of his books.

From this point I shall move quickly through the remaining references. In 'Coleridge' (1840), there is only one, to the *Principles of the Civil Code* (again called the *Principles of Civil Law*);<sup>35</sup> Mill's vindication of his father against the comments of Empson and Bowring refers of course to Vol. xi of the *Works*, but to nothing else of Bentham's.<sup>36</sup> In the *System of Logic* (1843) there are references to the *Rationale of Judicial Evidence*, the *Book of Fallacies*, the *Fragment*, and (implicitly) the *Introduction*.<sup>37</sup>

The *Principles of Political Economy* (1848) includes references to *Supply without Burden* (already noted) (1795; Bowring, ii), *Principles of the Civil Code* (this a somewhat uncertain reference), *Rationale of Reward* (Bowring, ii), *Nomography* (Bowring, iii) (this time 'incognoscibility'), and the *Defence of Usury* (Bowring, iii).<sup>38</sup>

Mill's 'Whewell' (1852), a defence of Bentham against an institutionistic attack, in following Whewell's argument, dwells mainly on the *Introduction* (pp.177-8, 185, 186; with, as mentioned above, a long quotation of the key passage), contemptuously dismisses the *Deontology* as not being Bentham's (p.174), makes a return to the *Influence of Time and Place*, now again in its defence (p.195), gives a quotation concerning marriage and divorce (borrowed from Whewell) from the *Principles of the Civil Code* (p.197), and cites Bentham's saying that some people 'draw from a double fountain'.<sup>39</sup>

Because I am proceeding chronologically (or, as a student of mine once wrote, chonillogically), here is the place to deal with the *Autobiography*, as the relevant passages (not significantly altered for my purposes) appear in the Early Draft of 1854-55. Once more, this is not the place to dwell on Mill's general estimation of Bentham, but I should like to mention some matters not directly bearing on Bentham's writings, as indicating what would be required in a full assessment. In connection with James Mill's training of him, Mill says he made 'marginal contents' of the MS of James Mill's *Elements of Political Economy*, as Bentham did on all his own writings (p.64): I detect here evidence of actual observation of this process, and so of acquaintance with some of Bentham's MSS (even before Mill worked on the *Rationale of Judicial Evidence*). The next matter is one that to me suggests a good research project: Mill says that much of the public impact of Bentham's ideas on legal reform came through John Black (and James Mill's coaching of

Black) in the *Morning Chronicle* (p.90). A study of this avenue of influence might be very enlightening - I think it has not been done. A third passage bearing more directly on my discussion is that in which Mill refers to the apparent vacillation in his published judgements of the value of Bentham's thought; his defence is, basically, that he wanted always to offer a word in season, and the weather changed as the seasons progressed (pp.227, 228). (He deals with this theme also in the Preface [1859] to *D&D*, where the most important of his judgements of Bentham first appeared under his name - though of course the 'Bentham' of 1838 was widely known to be his).<sup>40</sup> Finally, on these unspecific references - or should this one be specific? - it is worth mentioning, because it has received minimal attention - Mill attributes to Bentham one of his own themes on which there has been much recent comment, 'the great problem of modern political organization', 'the combination of complete popular control over public affairs with the greatest attainable perfection of skilled agency' (p.265).

Now to the specific references in the *Autobiography*: the most important unquestionably is the account of the effect of Dumont's *Traité de législation*, with its version of the doctrines of the *Introduction*, especially the classification of offences, and its concluding 'Vue prospective' from Dumont's version of the *Influence of Time and Place* (pp.66-70). You will recall the annoyingly vague reference to his reading 'the most important of the other works of Bentham' (p.71), on which I have already commented. He also emphasizes the importance to him of editing the *Rationale of Judicial Evidence* (pp.116-18), and of studying the *Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind* (p.72), which he re-read just before writing the Early Draft. Other references are incidental to the argument - *The Book of Fallacies*, the *Fragment*, *Plan of a Judicial Establishment* (1790 - or derive from the quotation of phrases - *The Book of Fallacies* again, *Plan of Parliamentary Reform*, and *Rationale of Reward*. All in all, taking into account the weight as well as the number, this is an impressive record of influence.

In *Three Essays on Religion*, two of which were written at about the same time as the *Autobiography* (1854-55), there is mention again of matter in the *Introduction*, and *Analysis of the Influence of Natural Religion* (1822), and to one of Mill's own notes to Bentham's *Rationale*.<sup>41</sup>

One phrase only is quoted in *On Liberty* (1859), 'preappointed evidence', which I have given an 'e.g.' reference to *An Introductory View of the Rationale of Evidence* (Bowring, vi).<sup>42</sup> *Considerations on Representative Government* (1861) yields more, but not much: a reference to *Leading Principles of the Constitutional Code* (Bowring, ii - another 'e.g.' reference), a specific attribution to Bentham of the term 'sinister interests', a reference to Bentham's acceptance of sexual equality, an explicit citation of Bentham for the phrase used by Mill twenty-five years earlier, 'Boards ... are screens' (*Letters to Lord Grenville*, Bowring, v), and a notice of Bentham's view that local people should have the power not of electing judges, but of removing them (*Judicial Establishments*, Bowring, iv. 360).<sup>43</sup> That *Utilitarianism* (1861) has few references to Bentham may appear startling, but it (like *On Liberty*, *The Subjection of Women*, and *Three Essays on Religion*) is almost without reference to - especially specific citation of - anyone. A knowledge of the *Introduction* is implied, and what Mill calls 'Bentham's dictum, "everybody to count for one, nobody for more than one"' is cited (we give a reference to *Plan of Parliamentary Reform*, Bowring, iii).<sup>44</sup>

'Austin on Jurisprudence' (1863) pays general obeisance to Bentham on the philosophy of law, but contains specifically, as attributed to Bentham, only 'cognoscible' and 'substantive law', the latter probably coming from *Principles*

of *Judicial Procedure* (Bowring, ii.5; in Dumont), or *Constitutional Code* (Bowring, ix.8).<sup>45</sup> Two years later, in *Auguste Comte and Positivism*, we find 'fictitious entities' (*Introduction*)<sup>46</sup> and, in the *Examination of Sir William Hamilton's Philosophy*, 'the relation between the Absolute and the Infinite is (as Bentham would have said) a tolerably close one, namely a relation of contrariety'.<sup>47</sup> I cannot forebear mentioning that in a letter of 1869 he refers to Helen Taylor's having built a 'vibratory' for him at the Avignon house.<sup>48</sup> And finally, in four other letters (1869, 1870, 1871, 1872), there are references to the *Rationale of Judicial Evidence*, the *Introduction*, Dumont's editions and the *Works*, and the *Book of Fallacies*.<sup>49</sup>

It will be noted how often what Mill is remembering in these works of his maturity are phrases - what he sometimes calls 'happy' phrases. These do not suggest a re-reading or constant consultation but rather what is implied also by his continued general and almost always eulogistic references to Bentham the man and the thinker, namely that Mill had absorbed, incorporated, adapted to his own ends, those parts of the corpus he required (further uses of the dead to the living). There was little need then to qualify, to explain or explain away, but rather a need to call attention to Bentham's place in the history of reform and the history of thought; there are such references, for example, in Mill's review of Grote's *Plato* (1866), in one of his parliamentary speeches in that year (I rather expect to find more when I look more closely at those speeches), and in his *Inaugural Address* (1867).

I have no time here to look at the long string of references throughout Mill's career to Bentham himself, as man or reformer, or to tease out the tacid evidence of Benthamite ideas in Mill's public and private career.

Where does all this detail leave us? One generalization I feel fairly safe with: Bentham will emerge as the hero of the cumulative index of Mill's works. The record is an extraordinary tribute from one thinker to another, the like of which elsewhere I do not know. 'From the winter of 1821, when I first read Bentham, ... I had what might truly be called an object in life; to be a reformer of the world.' The record here outlined bears out the assertion in the *Autobiography* (p.137).

But are there broader generalizations relating to the questions with which I began? Mill could be used as a benchmark for Bentham's influence on others. His allusions reflect, of course, his own interests, and thereby distort Bentham's - but perhaps not very much. (Here one would have to consider those of Bentham's works to which Mill does not refer, and also those of Mill's works in which there is no reference to Bentham.) Furthermore, since Mill was recognized as a main conduit for Bentham's ideas, and a principal interpreter of them, Bentham must have been, and still is, for many - and for ill or for good - what Mill made of him. In a study of Bentham's influence, then, one would have to determine whether the references of others subsequent to Mill derive from him.

There is also the question of influence through conversation. Mill makes much of the effect his father had through personal contact, and there can be little doubt that he himself had in early and late life power of the same sort. It should also be mentioned that he quotes a few remarks from Austin in conversation that had significance for his thought. Perhaps many of the phrases we have attributed to Bentham's writings were actually used in conversation - though one must constantly remember that no matter how precocious Mill was, there was a difference of fifty-eight years in their ages.

What can be said about the editions Mill read? On this evidence, I would suggest that the Bowring edition makes no appreciable difference in our understanding of Bentham's influence on Mill. Its first Parts occasioned his fullest assessment of Bentham, but he did not concentrate his attention on what appeared in those Parts; he makes no special allusions to the qualities of the edition; and almost certainly he would have written a major essay on Bentham had the *Works* not been published. Bowring's edition also occasioned his defence of his father in the *Edinburgh Review* (1843), but it leads to no new judgement of his reaction to Bentham.

One can say, however, that Dumont's *Traité*s did make a difference - even perhaps because written in French, his newly-acquired second tongue. I would hazard - no more at this stage - that the proper route to an unravelling of the matter would begin, after a preliminary look at the 'Chrestomathic Tables' (not unimportant because of the appeal of their expansive range for a brilliant boy looking for a vocation), with Dumont, then back to the English *Introduction*, the *Fragment*, the *Book of Fallacies*, the *Analysis*, the *Influence of Time and Place*, and probably the *Constitutional Code*.<sup>50</sup> The important points on the trail will then, I conjecture, have been touched. After 1830 Mill may have read - at least read with any important effect - nothing of Bentham's that he had not already read carefully, and though he may have (I emphasize *may* have) consulted again certain of Bentham's writings, it is quite likely that he reread carefully only the *Analysis*. If forced now to answer the question - 'Which Bentham was Mill's Bentham?' - I should have to say 'Dumont's'.<sup>51</sup>

Now Mill is unquestionably a special case in such studies - but also a monitory one. He certainly knew much of Bentham well, and, one might say, directly. And he ignored a good deal, especially in Bowring's edition. But we have seen that the greatest impact was a result of Dumont's careful redaction, which is a translation, and of course many of Bentham's works that he read were edited by others. (I'm not implying any unfairness to Bentham here - after all, it was his idea and desire that others tell him what he thought, like Dickens' Mr. Bagnet in *Bleak House*). We need to address the questions with which I began: What works? In which version? Was anything available not read? When was the reading (or should one say 'studying') done? This last is asked with reference to the reader's career, as well as that of the writer's books.

But enough of this avalanche of questions. Or not quite enough: Can you answer them? And add more?

#### Notes

1. Note on not getting it right: when reading this paper to the Bentham seminar at University College, I said 'time and place', following the order of the well-known Bentham title; I needed and got correction from Charles Bahmueller, whose edition will get those terms in Bentham's order, not that of his earlier editor.
2. Some or all of these questions are important in Mill's case when considering, e.g., his *Principles of Political Economy* and *A System of Logic* (Leslie Stephen, for example, used the 4th ed.), newspaper writings, periodical essays (how many knew their authorship before *Dissertations*

and *Discussions*, and which ed. of it was used, 1859, or 1867?), *Autobiography*, *Three Essays on Religion*, 'Chapters on Socialism', and the essays (mostly signed) in *Dissertations and Discussions* IV, which appeared posthumously.

3. A vile Englishman once introduced us to a confessional game as evening fell over a lake in Northern Ontario. Each in turn had to admit to having falsely claimed to have read a classic. As the light faded, the admissions became more and more scandalous - but at last night fell.
4. A few years ago Enoch Powell was scheduled to give a speech at a Conservative luncheon in the City of London. The text of his speech, released in advance, so disturbed the organizers that he did not deliver it. 'It' - or at least part of it - had an effect, but it will present a textual as well as ontological problem to the editor (perhaps eponymous) of Powell's 'Speeches'.
5. Appendix B in J.S. Mill, *Autobiography and Literary Essays*, ed. John M. Robson and Jack Stillinger, *Collected Works of John Stuart Mill*, i (Toronto: University of Toronto Press, 1981), 551-81. All further citations of Mill's works, unless they have not yet appeared in *CWM*, give the volume and page number of the Collected Edition only; subsequent citations appear in parentheses in the text.
6. 'Resurrection Men', *Morning Chronicle*, 1 Sept., 1823, p.2.
7. *CWM*, i. 298, 325. Though both dates and subjects are significant to my argument, to reduce the bulk of footnotes I shall omit both in the notes when the reference is to *CWM*.
8. *CWM*, vi. 78-80.
9. *CWM*, xi. 31.
10. 'Notes of My Speech Against Sterling, 1829', in *Autobiography*, ed. Harold J. Laski (London: Oxford University Press, 1924), pp.300-9, *passim*.
11. *CWM*, xii. 34; unheaded article on French affairs, *Examiner*, 12 Feb., 1832, p.104; *CWM*, ii. 220.
12. Unheaded article on French affairs, *Examiner*, 16 Jan., 1831, p.41; *CWM*, vi. 278.
13. 'Attack on Literature', *Examiner*, 12 June 1831, p.370.
14. *CWM*, xviii. 11.
15. 'John Stuart Mill and Jeremy Bentham, with Some Observations on James Mill', in *Essays in English Literature from the Renaissance to the Victorian Age*, Presented to A.S.P. Woodhouse, ed. M. MacLure and F.W. Watt (Toronto: University of Toronto Press, 1964), pp.253-4. In that article, p.262, I summarize the direct citations of Bentham in Mill's writings explicitly on Bentham.
16. *CWM*, xii. 62; *Examiner*, 6 Mar. 1831, p.147.
17. 'The Spirit of the Age, no. 2', *Examiner*, 23 Jan. 1831, p.52.



18. 'Austin's Lectures on Jurisprudence', *Tait's Edinburgh Magazine*, ii (Dec. 1832), 345.
19. In the main I summarize my remarks in the essay cited in n. 15 above.
20. *CWM*, x. 5.
21. *CWM* x. 85-6, where the 1838 readings are given in variant notes; the text is that of *Dissertations and Discussions* (1867).
22. *CWM*, x. 177-8.
23. *CWM*, x. 369.
24. *CWM*, vi. 258.
25. *CWM*, xii. 236.
26. *CWM*, x. 54.
27. *CWM*, vi. 306.
28. *CWM*, vi. 303.
29. See *ibid.* and 'John Stuart Mill and Jeremy Bentham', p.254.
30. *CWM*, xviii. 36.
31. *CWM*, vi. 324; the reference derives from Bentham's *Letters to Lord Grenville* (1808), Bowring, v, and from the *Rationale of Judicial Evidence*.
32. *CWM*, xii. 361n., 362; Bowring, vi. 203.
33. Perhaps some readers have shared my petulant annoyance at scholars who continue to refer to what I must consider outmoded editions of Mill. In the *Mill News Letter* we alter contributors' references if they do not cite *CWM*, but I have noticed an increasing, and of course salutary, tendency to use *CWM*, perhaps only because old copies are wearing out, or because other editions have gone out of print.
34. *CWM*, xiii. 601.
35. *CWM*, x. 154.
36. *CWM*, i. 533-8.
37. *CWM*, vii. 598, 627; viii. 695, 742, 823; 732; 890; see also 876.
38. *CWM*, iii. 809, 862, 883, 923; see also ii. 392.
39. Again I have benefited from the Bentham seminar: I said I had not located this image, and subsequently David Lieberman wrote to say it appears in *Letters to Lord Grenville, Justice and Codification Petitions*, and the *Rationale of Judicial Evidence*: Bowring, v. 14, 512; vii. 308-9, 339 - indeed it appears in Burton's index under 'double-fountain'! How had I failed to find it? In spite of my deep gratitude to that index, I had not thought it possible that such an image would appear there (it is, after all, not a concordance). Such vagaries are common-

place in some indexes, Palmer's *Index to The Times* being the supreme exemplar (for example sometimes - but not always - you will not find Gladstone in the Gs, but in the Ms, under 'Mr.').

40. *CWM*. x. 494.
41. *CWM*, x. 394, 406, 413-14, 470.
42. *CWM*, xviii. 294.
43. *CWM*, xix. 390, 441, 481, 521, 527.
44. *CWM*, x. 257.
45. *Dissertations and Discussions*, iii. 214, 219.
46. *CWM*, x. 271.
47. *CWM*, ix. 37.
48. *CWM*, xvii. 1548.
49. *CWM*, xvii. 1558, 1765, 1782, 1812, 1897.
50. *CWM*, xi. 387.
51. There is a major implication here that makes me a bit uneasy: i.e. that Mill's Bentham is the Continental (and indeed international) Bentham. Was there, in Bentham's lifetime at least, a significant English Bentham (one not seen through Dumont)? Further, when in the discussion I raised the question of the readership of the Bowring edition, Stefan Collini pointed out that Henry Sidgwick's 'Bentham and Benthamism in Politics and Ethics' (*Fortnightly Review*, May 1877) seems to imply a need to explain to a generally informed audience just what Bentham was all about.

## THE PEOPLE IS MY CAESAR

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My title, as you no doubt expect, is taken from Bentham but, unless you know it already, you may be slightly surprised to learn that it does not date from the later, democratic, Bentham, but is taken from a series of isolated thoughts extracted by Bowring from Bentham's commonplace book for 1774-5 (Bowring, x. 73). However, and possibly this does mark it as early, the sting is in the tail; for Bentham promptly adds, 'I appeal from the present Caesar to Caesar better informed'. Much of Bentham's work at this time reads like the work of a man in search of an audience, that is, with a problem of to whom to appeal and how. Designed for an uncertain audience, and hence often uncertainly designed, among the manuscript material of the 1770s and 80s are both draft letters to specific individuals, intended to accompany copies of the great work, and also draft prefaces. Among the former let me quote part of the draft letter designed for the reigning English monarch, George III:

if it were pardonable to suppose your majesty might have prejudices I should fear that they would not be in favour of this book. Accordingly, though I have the boldness to offer it to your majesty, I must confess it is not with any very sanguine expectations of its being acceptable ...' (UC clxix. 119).

This is hardly likely to convince or persuade; and yet Bentham is in a genuine problem here, a rhetorical problem, a problem of persuasion. Both in his particular inclination and also according to the tenets of utilitarian theory, the point of theory was practice. The only purpose in thinking or writing was to get things done. There was no point producing perfect analyses of the law as it was and of the law as it ought to be unless this was a step towards putting the law as it ought to be into effect. In the eighteenth century this meant an appeal from the *philosophe* to the enlightened despot: George III was neither enlightened nor a despot, but the above fragment of an appeal lacks all conviction. Furthermore, even the supposedly enlightened despots were, according to Bentham's psychology, as driven by self-interest as criminals or managers of workhouses or panopticons. Moving on into the nineteenth century, and the struggle to reform the House of Commons, we get the same general problem, even if there is a change in the *dramatis personae*. Here, for example, is Bentham writing in 1816 in the Introduction to the *Defence of the Economy against Burke*. He says that the following treatise has its

principles ... in a state of irreconcilable hostility to the personal interest of that class of persons which form the subject of it - to which it cannot but look for the greatest number of its readers - and without whose concurrence ... it could not at any time be in any degree carried into effect. (Bowring, v. 279).

Again, given the axiom of unrelenting pursuit of self-interest, what chance of persuasion has Bentham?; and yet, unless he can persuade, what is the point of a utilitarian minded person writing? So, for Bentham, what use was an appeal either to a present Caesar or to a Caesar better informed?

For Bentham, *philosophe*, member of the eighteenth century enlightenment, the centre of this appeal was an appeal to reason. The whole object, as he famously put it at the start of the *Introduction*, was to 'rear the fabric of felicity by the hands of reason and of law'. Felicity and law are the Helvétian or Beccarian ends and means, but the keynote is reason; the use of reason rather than passion. So earlier in the *Fragment*, Bentham calls utility

'the path of plain reason'. Or, later, in *Evidence*, he says that a thing is 'reasonable, i.e. conformable to the principle of utility'. In a pamphlet written in the year of his death, whose anniversary we celebrate today, Bentham typically more long windedly declares:

I stand pledged to the public never to propose or advocate - never to oppose or combat - any law or institution actually established, or proposed to be established, without attaching to it an accompaniment, composed of *reasons* ...' (*Real Property*, Bowring, v. 418)

and the plan for a perpetual commentary of reasons attached to laws was standard throughout his life. So the problem of persuasion would seem to become for Bentham the problem of getting people to follow reason instead of passion. In typically enlightenment metaphors or ideas, the idea was to give them clear view and understanding; an insight into what they ought to do which, when once acquired, would lead them to do it.

The problem with which I am concerned in this paper is the general rhetorical problem which Bentham faces: the problem of persuasion. Given what has just been said about reasons, it can be broken into two (possibly connected) parts. Firstly there is the problem of the status of the principle of utility, Bentham's master principle, even to an ideally rational, enlightened or disinterested observer. Bentham starts the *Fragment* with the immediate claim that 'it is the greatest happiness of the greatest number that is the measure of right and wrong', which he says is the 'fundamental axiom'. However, unlike Euclid it is not an axiom on which everyone agrees; and the very preface which starts with this bold claim ends with the comment that some of the positions to be advanced 'promise to be far from popular', adding that

he that is resolved to persevere without deviation in the line of truth and utility, must have learnt to prefer the still whisper of enduring approbation to the short lived bustle of tumultuous applause.

This, of course, in Bentham's eyes, is no doubt because people are not motivated by reason. But this just introduces the second part of the problem, which is that even if Bentham's conclusions are supported by reason, what significance, if any, this could have for the persuasion of actual flesh and blood people. As in the *Commonplace Book* remark with which I started, once the audience has moved forward to people better informed, or to the whisper of Bentham's reputation in the present century, then the problem of the persuasion of the actual people, of the actual Caesar, has been passed by.

So to the first problem, the problem of whether the axiom of utility is really the deliverance of reason, whether or not this means that anyone should bother about it. To save time for the second problem, I shall treat it fairly briefly. However, it clearly is a problem, as can perhaps best be seen by the role that the principle of utility has to play in Bentham's thought as a whole. The motto of the good citizen, to obey promptly and to censure freely, indicates that Bentham needs a principle of censure or evaluation; and one which is available to any citizen independent of authority. This relates to the sharp, and frequently expressed, distinction between *is* and *ought* in Bentham; for example the distinction between expository and critical jurisprudence. So the principle has to be normative rather than descriptive, and have some independent force with which the historically acquired thicket of abuses and anomalies in the law can be swept aside. However, the natural independent standpoint is the standpoint of natural law; this is, for example, how Locke managed to achieve an independent, critical, standpoint. Yet when he is not attacking authority, custom, or parts of the common law tradition, Bentham is attacking natural law. Spurred by the slogan of making reason, rather than custom, his guide, he does not use what

others held to be the natural deliverances of reason. 'The law of reason' or 'right reason' are explicitly listed in the *Introduction* as two of the principles adverse to utility. So the problem is: to what can Bentham appeal? The separation between *is* and *ought* means that he cannot give a naturalistic reduction of ethics, making it part of psychology or, more generally, part of an empirically based natural science. Yet the detachment from authority, and the desire for an independent standpoint of criticism available to every citizen, means that he cannot rely on authority, texts, history. Moreover, the independent use of reason to establish critical standards seems to be pre-empted by the use of natural law, from which Bentham also wishes to distinguish himself. So how, even if he were only in pursuit of the still whisper of enduring approbation, can he do it?

Well, rather like Mill's 'considerations ... capable of determining the intellect', while refusing to give a direct proof of the principle of utility, Bentham does provide in the *Introduction* a set of considerations designed to make someone relish the principle. The form is that of indirect proof, that is by the elimination of rival principles through *reductio ad absurdum*. The theme of reason enters not so much by way of providing reasons for the principle of utility as by the claim that only with the principle of utility can reasons be provided. Otherwise there is mere caprice or despotism. The central idea, I think, is that, if there is to be a publicly usable language of moral debate, that is of critical political discussion, then there has also to be publicly available reasons for particular moral positions. As Bentham puts it in the *Fragment*, utility provides 'a visible and explicit issue' (492) on which discussion, or even disagreement, can turn. He notes there that 'all else is but womanish scolding and childish altercation which is sure to irritate and never can persuade' (491). So: the argument has two parts, (1) there have to be publicly available standards; (2) only utility can provide them. The first of these claims is more plausible than the second. Not only is proving a uniqueness claim notoriously difficult, but in this particular case other alternatives seem to be readily available. However, Bentham can help himself with two further considerations. The first is that analogy to his work in expository jurisprudence which is introduced with the idea of clarification. Just as Bentham provided analyses of rights, duties, and so on which made them clear (indeed, in his eyes, gave them whatever meaning or truth they possessed), so also he says of *utility* and *ought* that 'when thus interpreted, the words *ought* and *right*, and *wrong* and others of that stamp, have a meaning: when otherwise, they have none' (*IPML*, 13). Here it looks as if the same kind of analysis should apply, an analysis in which (as I interpret it) the central idea is that the analysis gives the verification of the expression to be analysed. That is, it gives in more directly perceivable terms (in terms of such things as pleasure and pain) what has to be true if the expression being analysed is to be true. However, it cannot just be an analogous provision of such clarification or analysis in this particular case of evaluative terms otherwise the distinction between *is* and *ought* would be lost: the normative principles would be verified just like factual ones. So the point, I think, is rather the following: the principle of utility, which shifts so much of the weight of discussion to the factual area, gives material for the discussion to work with, while remaining itself normative. The terms with which it works are such that anyone can understand and apply them. As Bentham says, no one needs to go to a lawyer to find out the meaning of pleasure or pain. Hence these terms provide a language in which general discussion is possible and in which verification of the truth of propositions containing such terms is possible. This is not to verify the moral truths themselves, but it is to verify those states of affairs which, on the principle of utility, provide reasons for things being good or bad, provide reasons for action.



The second point with which the general argument can be bolstered can be approached by asking how general, critical, public discussion is possible on evaluative matters. If, as Bentham puts it in the *Introduction*, 'nothing will serve you, but that you and he must needs be of the same mind' (29n), then immediate moral sentiments or impressions must be overcome. As he puts it: 'it is for you to get the better of your antipathy'. A natural part of such a process is the attempt to attain an impartial standpoint, in which one person's views count no more than anyone else's. Enlightenment corrects by giving a more extensive vision: by showing other possibilities and other points of view. Then, as Bentham puts it later in the *Introduction*, 'the dictates of utility are neither more nor less than the dictates of the most extensive and enlightened (that is well-*advised*) benevolence' (117). The idea of enlightenment, or of being well-*advised*, is question-begging, but the idea of extent is much more specific and important. Utility coincides with benevolence when benevolence considers not just one or two people but, rather, all points of view; when, that is, it is applied in the most extensive possible manner. So this gives another lead to the possibility of agreement which can arise when first impressions are put aside and thought is applied. For if the content of this thought is to consider not just how the thing appears from the point of view which the person considering happens to occupy but instead from all possible points of view, then this more extensive treatment can result in enlightenment which changes the initial view. To consider something from other points of view is to consider what other people want, or think important, or what is in their interests. Hence considering it from all points of view is to consider all interests. So an extensive treatment consists in consideration of the interests, or happiness, of all; extensive benevolence results in adoption of the greatest happiness principle. One's own point of view no longer looks special. This is an important key to how agreement in principle could be possible about the greatest happiness principle in a way that it could not for other principles. For if no particular point of view is special in it, then it is a position on which people starting from different, incompatible, particular points of view can converge. Just as the idea of an absolute scientific language which describes things from no particular point of view offers the possibility of convergence or agreement for people starting with different, and possibly incompatible, sense impressions, so also does the idea of an absolute moral language offer the similar possibility of agreement to people starting with different moral impressions.

Extensive benevolence is impartial benevolence. No position is special. Starting from anywhere the final position reached would be the same. Bentham declares at the start of the *Constitutional Code* that

in the eyes of every impartial arbiter, writing in the character of a legislator, and having exactly the same regard for the happiness of every member of the community in question, as for that of every other, the greatest happiness of the greatest number of the members of that same community, cannot but be recognised in the character of the right and proper and sole right and proper end of government (Bowring, ix. 6).

The point made here in terms of impartiality could be made in terms of the possibility of agreement by asking what would be necessary if a legislator, a sovereign, and his people were to agree on the standards of legislation that ought to be adopted. If the legislator merely proposed his own interests as setting the standard and each of the groups of the subject people similarly proposed theirs, then, clearly, there could be nothing but what Bentham calls 'childish altercation' and we would be in the situation described in the informal argument of the *Introduction* where when any two groups have said 'I like this' and 'I don't like it', there is nothing more

to say. So the reason for the principle of utility is that only with it can there be proper discussion and argument; that is a discussion and argument in which there is (at least in principle) the possibility of convergence on an agreed answer.

If this, however, is a sketch of an answer to the first part of the general problem, that is an answer to the problem of how the principle of utility could be in accord with the dictates of reason, it just seems to make the second part of the general problem worse. For if utility is what would emerge from impartial benevolence, from consideration of issues with one's own particular point of view suppressed, then what possible chance can the principle have when the additional psychological assumption is made that everyone is motivated only by their own interests? Given a real world with inequality of power between sovereign and people, each group with, and motivated only by, its own interests, how could such agreement as just described be possible? Yet if the agreement remains merely ideal, it can be of no more than theoretical interest, of no purpose in the practical business of actually producing legislation or actually creating real institutions and making them work.

We could put this point by asking who Bentham's legislator is and what he is supposed to be doing. In the early work he tends to be mysterious and shadowy figure, a mere expository device by means of which an account can be given of what ought to happen when things are organised so as to promote the greatest happiness of the greatest number. So Bentham can remark in *Of Laws in General* that he only writes for such legislators; or he can expect in the *Defence of Usury* that, unlike the bulk of mankind, the legislator will not be frightened by the sound of the word 'usury'. Here the legislator is automatically expected to do his duty and have an unusual, or unnatural, ability to attend to reason and ignore prejudice; the legislator is all attention, and cares as much as Bentham himself that the right answer be reached. So, to move on a decade to a time when the developments of the French Revolution made Bentham somewhat suspicious of popular reaction and belief, the fact that 'the dictates of reason and utility are the result of circumstances which require genius to discover, strength of mind to weigh, and patience to investigate' (*Escheat*, Stark, i. 335) is not a problem; the legislator is just such a patient, attentive, genius, who will suppress none of the evidence, and show the same genius in legislation as Bentham had for legislation. However, once Bentham turned his attention from how the legislator could get interest in line with duty for the normal citizen by means of the criminal law to how he could create institutions such as prisons and workhouses where interest was to be made to be in line with duty not only for the inmates but also for the officials, then new problems arose. In this decade of the nineties he realised that institutions had to be planned so that they would actually run as they were meant to, by making the interests of the officials coincide with their duty. No one was supposed to be sufficiently heroic that he could be entrusted with the unadorned performance of his duty. This idea can then be generalised to the state as a whole, and once it is then the same problems apply to the legislator himself. No more can he be taken to be the disinterested, heroic, genius, creating the law as his duty. He also will be seen as possibly interested, and so he also will be seen as subject to prejudice and inattention. By the time of the *Fallacies*,

if there be any one maxim in politics more certain than another, it is, that no possible degree of virtue in the governor can render it expedient for the governed to dispense with good laws and good institutions. (1824 edition, 122)

On the contrary, since power corrupts, since 'power, in whatever hands lodged, is almost sure to be more or less abused' (188), the governor needs to be



watched more carefully than anyone else. Hence it is not surprising that although Bentham said that his great work on *Evidence* was designed for a legislator, he said that it was designed for a legislator yet to be formed, namely one who 'neither is under the dominion of an interest hostile to that of the public, nor in league with those who are' (*Rationale of Judicial Evidence*, i. 23). Again we get the appeal not to the present Caesar but to a Caesar better informed.

So the general problem, early or late, can be expressed by asking who the legislator is. Once it is supposed that he is mortal, subject to the same effects of self-interest as everyone else, then it seems that there is no more point making moral recommendations to him than anyone else. On the other hand, as long as he is merely a fictional device designed to give expression to what ought to be done, this does not help at all in the actual persuasion of actual people to do actual things. So even if it can be shown that the principle of utility follows from reason, this will not necessarily help in the persuasion of people. It does mean that argument can be mounted instead of mere assertion, but this will not help unless the people in power are open to argument. Even if, as was proposed in answer to the first problem, it is shown that the ground principles are true, this will not necessarily help since they may not be recognised as such and so acted on. Even if it is shown that they are demonstrable, this may not help since no one may bother with the demonstration. Even if the ground principle were self-evident (which it is not), even this would not necessarily help, since, as Bentham writes,

self-evident propositions must not be expected to be easily admitted, if at all, if the consequences of them clash with prevalent passions and confirmed prejudices. (*Colonies and Navy*, Stark, i. 212).

The problem is a problem about power. For Bentham to give effect to his plans he needs power. Yet he does not possess political power and, at least according to his view in the *Book of Fallacies*,

on no occasion, in no place, at no time, by no person possessing any adequate power, has any such end in view as the greatest happiness of the greatest number been hitherto entertained. (239)

So the power on which he has to rely is the power of persuasion, changing the ideas of those who do possess political power. The problem is how this is possible. The last note of Bentham's faithful disciple Dumont was that 'Mr Bentham's ensign leads neither to riches nor to power' (Bowring, xi. 24).

As Bentham's thought developed he changed his ideas in a way which makes this problem more difficult for him. Fifty years after his first preface for the *Fragment*, Bentham wrote a new preface in which he remarked that what at the time of the first edition he had thought not to be 'the effect of any worse cause than inattention and prejudice' he now realised was 'the elaborately organised and anxiously cherished and guarded products of sinister interest and artifice' (508). Before he thought that it was carelessness, later he realises that mistake or blindness is not accidental; that the sinister interests of statesmen mean that they add to their 'power, by means of *corruption* and *delusion*' (*ibid.* 513). There are echoes of such a view in earlier work but it is only after *Scotch Reform* that Bentham set out to show systematically how certain groups maintained their power by means of delusion. The lawyers were an obvious and longlasting target. Abuses and absurdities remained unreformed because they were in the interests of the lawyers. But the lawyers were only part of a more general class. We also have what Bentham calls 'ruling statesman's interest', and in the *Book of Fallacies* he examines how this leads to fallacy, that is to attempts to

mislead and delude the people. As he puts it in the preface to the second edition of the *Fragment*,

the consequence is a confederacy ... among the ruling few of all classes, to defend themselves and one another, against all endeavours, as, by service rendered to the universal interest, act thereby in necessary opposition to that particular and sinister interest. (539)

In other words, they defend themselves against all of Bentham's efforts. They have a sinister interest, distinct from the universal interest, which will lead them to mistake in belief and to the attempt to defraud other's belief, and so will block any attempt at achieving change by means of rational persuasion.

This is (to use more modern terminology) the theory of ideology and its associated sociology on which Bentham relies. Beliefs can be explained as being in the interests of groups of classes. Yet this itself seems to provide a problem. Someone's actions might be explained as being in their interests but beliefs are not like actions, to be chosen according to a cost-benefit calculation. For example, I cannot just decide, because of the pay-off, to believe that a certain drug is safe, although I could decide to make it safe, or to tell people that it was safe. So Bentham's sketchy sociology would seem to run into the problem of both needing and also not being able to provide an account of how interest influences belief.

This, however, is a problem which he can and does handle. In terms of his faculty psychology the question is how the will, which is subject to interest, can influence the understanding. The influence of human reason is the influence of understanding on understanding, he says; the influence of the will on the will is power or 'corruption' (e.g. *Packing*, Bowring, v. 96; *Fallacies*, 229). The problematic case is the influence of will on understanding, particularly since Bentham holds that, as he puts it in *Evidence*, 'judgement, opinion, persuasion, is in a very considerable degree under the dominion of the will' (*RJE*, iii. 360). However, although Bentham, particularly in late, incidental, despairing, remarks can claim that 'when interest closes the eyes, the whole force of reason cannot open them' (Bowring, xi. 73) or that 'interest appeals to the *will*, argument to the understanding. What can argument do against interest? The understanding is but the servant - the very slave to the will' (x. 511), Bentham in fact did not hold that it was just possible to choose to have particular beliefs if it was in one's interest to do so. He is quite explicit and clear about this in several places. For example, he says in *Fallacies* that 'it is impossible by reward or punishment to produce real and immediate belief' (65) (even though the whole point of punishment in Benthamite thought is that, by adjusting interest, it can create desired action). The particular case which occurs several times is that of religious belief: 'when a man has formed his opinion, can punishments make him change it? The very question is an insult to common sense' (*Traitéés*, iii. 135). Nor is it just that Bentham at various times gives varying and inconsistent remarks. He has in fact quite a sophisticated account both of how interest can influence, and of how this does not happen by direct choice of belief, even though it does operate via the will. This is given in the *Book of Fallacies*, though the main points are in the *Evidence* and elsewhere, if *Fallacies* is considered to be too unreliable a text. The key notion is that the acquisition or maintenance of belief depends upon the acquisition or availability of evidence; and the acquisition of evidence is an action which, like other actions, is unproblematically under the control of the will, and may be undertaken or otherwise according to the interest someone has in acquiring the evidence. Bentham notes that the probability of correctness of an opinion will be in the 'joint ratio of the sufficiency

of the *means* of collecting such information and the strength of the *motives* by which [someone] was urged to employment of those means' (*Fallacies*, 34). Removing ignorance demands labour and the 'quantity of mental labour' will be 'as the aggregate strength of the motives by which a man is excited to labour' (56). So interest influences belief by making people reluctant to attempt to refute beliefs in which they want to believe, if they have them, or eager to establish them, if they do not have them.

So far it seems that the Benthamite psychology leaves room for rational persuasion, even though it makes it difficult. On the one side attention must be gained to persuade, yet on the other people cannot just believe what they want even if it is in their interest to do so. So if interest leads to false or irrational belief, it must proceed circumspectly without revealing that this is what is happening. So illumination, enlightenment, exposure of the covert might be a possible way out of the problem. However, a more direct method may look more attractive, and this is to prevent the problem arising in the first place. For, if only the dictates of interest-begotten belief or prejudice coincided with what belief would be if it were perfectly rational, then the source of the belief would be unimportant. There would be no problem of persuasion, since people would have the correct beliefs already, albeit from the wrong sources. This coincidence is what would happen if there was a successful solution to the design problem of making duty (in this case, what people ought to believe) coincide with interest (in this case, what they in fact believe) at every point in the whole system or state. In orthodox Benthamite theory there is such a solution. It is a democracy, in which the self-interest of the greatest number leads them to promote the welfare of the greatest number, hence following their interest leads them to do their duty. In a democracy the interest of the majority would tend to lead them to have those beliefs which they ought to have, that is those beliefs which promote the greatest happiness of the greatest number. In this sense, once achieved, democracy would be a system in which the problem of persuasion would be less acute. However, this solution does nothing to solve Bentham's particular problem, since this is the problem of persuading people to bring about such a system, when they are not in it, not that of maintaining it if they are in it.

As long as Bentham thinks that interest rules totally, that influence is by will on will rather than by understanding, then the only advice can be, to quote Bentham from the Introduction to *Parliamentary Reform*,

before you put yourself to any expense in the article of *argument*, look first to the state of *interests*:- think to overcome the force of interest by the force of argument? think as well to take *Lisle* or *Mantua* by peas blown out of a pea-shooter' (Bowring, iii. 507).

However I think that this remark in isolation, and some of the above remarks, take Bentham in too crude a sense. The axiom that people follow self-interest is, I think, merely intended to be a general rule. It applies, more and more accurately, the larger the body. So even if it correctly delineates the beliefs and behaviour of groups, it does not necessarily do so for any one particular individual. The design of institutions so that duty coincides with interest is intended for the normal case. So it would be possible, even on Bentham's own principles, for a heroic individual to arise who had power. Such an individual, motivated by pure duty, could put all the Benthamite proposals into effect, including the institution of representative democracy. Arising, for example, in the course of a revolution, or as a liberator of a colonial territory, he would be a legislator in the classical mould, the creator of the state itself and of all its central institutions. However, although possible, such a heroic legislator would be rare; and, more importantly, there is nothing that Bentham or anyone else



could do to promote his appearance. Faced with practical problems, as Bentham constantly felt himself to be, the prescription of waiting for the hero to turn up is no prescription at all.

The actual situation is one in which the 'ruling few' had power, and yet in which, as Bentham saw in *Burke*, he had to appeal to these few to act against their interests. Given that, if they were only open to reason, this is what they would do, it follows that they avoid or elude the force of reason. The devices by which they do this are mapped in the *Book of Fallacies*, in which the arguments used by the ruling classes are systematically analysed and found to be fallacious. This exposes the interest that is at the basis of belief; apparent argument is stripped away and all that is left is the ideology. However, the problem is why this looking at interests, as recommended at much the same time in the Introduction to *Parliamentary Reform*, should help Bentham's cause. For this there would need to be some mechanism which meant that if the causes of belief are exposed, then this exposure itself will tend to change the beliefs. Such mechanisms have been proposed, for example in Freudian theory, but Bentham gives no sign of what he thinks their nature might be, nor is it easy to reconstruct something which seems to be both correct and to serve his purpose. Exposure of the causes of belief cannot be taken as sufficient in itself to change belief. After all, Bentham himself held, quite reasonably, that all beliefs were caused. Causation, that is, is not just something that only applies to false belief, so that, if it is discovered that a belief is caused, this would show that it was false, and hence provide a reason for changing it. On the other hand, true beliefs may sometimes be in the interest of the believer, so, again, showing that a belief was in someone's interest would not show it to be false. As Bentham puts it, '*veracity ... no less than mendacity is the result of interest*' (*Introductory View of the Rationale of Evidence*, Bowring, vi. 19); and what he says here explicitly about the expression of belief can be taken to hold also as his view about belief itself. So there seems to be no automatic mechanism by which the exposure of the causes of the beliefs of the ruling classes, as in the *Book of Fallacies*, should serve to change those beliefs, as by a kind of Freudian therapy; nor does the exposure of the causes show them to be false, that is, provide reasons against them. The most that it does, although this might be important, is to remove reasons in favour of the beliefs. The reasons are all found to be sham, fallacies. Hence, if someone does want to act on the basis of reason, he will not come to these beliefs. The exposure in *Fallacies* leaves the field open for utility, democracy, law reform, and so on once anyone is prepared to listen to argument. However, it does not by itself do anything which would make anyone listen to such argument.

If Bentham is to operate against power or interest, therefore, he needs more than mere exposure; and here the intriguing possibility opens up for using the exposed or tainted material, only now for good rather than bad ends. It has been noticed that one of the apparent paradoxes of the *Book of Fallacies* is that Bentham in it and elsewhere seems to commit some of the fallacies he castigates (Burns 1974; Ball 1980). For example, he holds it to be a fallacy to attack someone's motives rather than what he says; yet the whole business of exposing the fallacies as serving the interests of the 'ruling few' is to attack the motives behind the expressed beliefs of those few. Although this looks self-defeating, or self-convicting, once Bentham is in the mood that pea-shooters do not bring down town walls, that only power can talk to power, that corruptions produced by the will can only be met by influencing the will, then it has a brute, practical, point to it. The idea is to meet tainted material by tainted material, propaganda by propaganda; it is recognised that truth is the first victim in war, but since it is momentarily regarded as more important that the war be won, this is not seen

as an objection. Bentham himself was aware of, and addresses, the objection to the *Fallacies* made more recently by Professor Burns. Right at the end he claims that, since the mischievousness of the arguments that he has considered

is supposed to be sufficiently established on other ... grounds; the object in view now is, to determine by what means an object so desirable as the general disuse of these poisonous weapons may in the completest and most effectual degree be attained. (407)

In other words, since he knows from elsewhere that he has his hands on valid arguments and true conclusions, in the present work he is meeting poison gas by poison gas as the best means of getting rid of poisons altogether. Yet, particularly given Bentham's antipathy to poisons, opiates, this is at best a highly dangerous activity; the gas is liable to blow backwards on the wrong side.

A theoretical problem for many revolutionaries and reformers is how far they themselves feel permitted to make use of the institutions objected to before they are reformed. Practically, people rarely refrain from living on the social security services of states they are planning to overthrow; and certainly Bentham himself, at least in his later thought, seems to have little problem in feeling himself entitled to helping himself to any means that were available. In order to reform parliament and eliminate rotten boroughs in which seats could be purchased, for example, he wished that he had sufficient money to purchase enough seats to force his proposals through: 'had I some ten or twenty millions of money at my disposal ... I would buy liberty with it for the people' (*Parliamentary Reform*, Bowring, iii. 486). Nor is this in opposition to utilitarian principles: since consequences count, the end justifies the means, not in the crude sense that anything at all may be done to produce something good, but that something which is normally bad may be done on those special occasions on which it in fact produces more good. On this occasion something whose 'general tendency' is bad is justified by its good consequences. ('The end justifies the means' is, in fact, one of the fallacies identified in *Fallacies* (341); Bentham is always hostile to its unrestricted application.) However, in the particular case of the promotion of belief, there seems to be something peculiarly inappropriate in using any methods that there happen to be in order to produce good results; fallacies in order to procure true belief. Just after the above remark Bentham continues: 'with that money in hand, I could and would open honourable eyes ... I would enable them to see ... that liberty is better than slavery' ('honourable' here just means Members of the House of Commons). However, this is disingenuously put: the perceptual metaphor makes it appear that all that Bentham would be doing would be removing scales from people's eyes and allowing them access to the truth; whereas what he would be doing would be inserting belief, and inserting it by exactly the method elsewhere condemned. Even if true belief is caused just as false belief is, this by itself does not entitle Bentham to purchase opinion just because the opinion, for a change, happens to be true.

The danger and the problem inherent in any attempt of Bentham to use the contaminated material to his own ends is that he is liable to lose his grip on what is in fact true. If there is anything wrong about the use of fallacy, in that it leads to error, then Bentham's use of fallacy might well have the same result. If there is anything wrong in presenting fallacious instead of valid argument to the people, in that it is liable to teach them disrespect for argument, and so the method of reaching true belief, then once Bentham indulges, he is also liable to teach such disrespect. Part of Bentham's continuing objection to the lawyers' use of fictions, to the mire of mendacity in which he thought that they were steeped, is that it created

a disrespect for truth in the minds of the people. If disrespect for truth is created, then truth is less likely to be discovered. This is why use of the tainted means is much more serious with belief than with other things. For elsewhere the object aimed at and the method of reaching it can be kept distinct. If, however, Bentham departs from the method of arriving at the truth, the disinterested or dispassionate pursuit of argument, then he is in great danger of departing from the truth itself. Then he will merely be using fallacy to support his own, unargued, opinion; which is exactly the kind of tyrannical or despotical use of caprice which he condemned in the *Introduction*.

It might seem that once answers had been reached in such an ideal situation of argument such as described above, then these answers could be sold to the people at large by any means available, by will, power, fallacy, or whatever. However, this is to suppose too large a division between the esoteric doctrine worked out by the initiates and the exoteric doctrine sold to the people. Since the split is not perfect, since the two groups of people overlap, any technique of argument or persuasion used in the one is liable to have influence in the other. Hence it is better to use throughout the form of argument which would be used in the ideal, or esoteric, case. By this means, the chances are that respect for argument, and respect for truth, will get diffused throughout the community. Unless this happens, the positions based on argument can never properly get established. (What can be achieved by trickery or power can be undone by trickery or power.) Before his reference at the end of *Fallacies* to the elimination of the poison by any means, Bentham says that the use of the exposure he has created is that, if sincerity is an object of public trust, then the exposure might succeed in making men ashamed to utter and receive such fallacies (406). If it can be supposed that there is some concern for argument and for sincerity (else why would the fallacies be so keen to pass themselves off as genuine argument), then the hope can only be that this is extended so that the use of the understanding, in the Benthamite jargon, triumphs over the force of the will.

Bentham's last views about the possibility of change, as he adds to his petitions for justice and codification, is that relief depends upon the chance of men in the situation of legislators in which either 'a sense of moral duty has place'; or their interest appears to be 'so bound up with the general weal' that they have more to gain than suffer from adopting the proposals; or that they fear that 'the subject-many should, in sufficient number, concur in doing for themselves what ought to have been done for them' (1829, Bowring, v. 543). The first is again the hope for a hero, the second is unlikely if there really is a natural antipathy of interest between the subject many and the ruling few, so the force here is on the third where (just as in the more general criminal theory) the lack of a natural identity of interests is made up by one artificially constructed. Fear of the people will make it in the interests of the rulers to serve the people's interests rather than their own. So, in the parliamentary reform proposals, Bentham presents them as the only alternative to revolution: 'the country is already at the very brink: - reform or convulsion, such is the alternative' (Bowring, iii. 435).

The final argument, therefore, that can be used is appeal to the ruler's self-interest; and whether this has force or not depends upon the contingency of how much pressure there happens to be. Yet this cannot be taken just as a pure contingency. Since Bentham is asking for power to be given 'into the hands of those of whose obedience all power is composed' (*ibid.* 437), he is, as he reminds his reader, noticing that the master is created by the slave; without obedience there would not be power (sovereignty in Bentham is identified by the 'habit of obedience'). So, if groups in

general or in the long run act in their own interests, then, since it is in the interest of the people that they exercise power for themselves, in the long run it can be supposed that they will take it back for themselves. So pressure on a ruling few is not accidental. This means that Bentham can console himself with the fact that, even if persuasion fails, history is on his side; and because history is on his side, he can try persuading people that they should give way in their own interests, so that they can control the change rather than damming it up into a flood that will overwhelm them.

Of course, even if a representative democracy is instituted, whether by hook, crook, fraud, force, threat, reason, or whatever, Bentham is still not clear of the problem of persuasion. For the majority might make a mistake about its own true interests. Bentham, the disinterested, ideally rational man, might still be faced with the problem of how he could make them change their minds. However, this is just where the idea of a long run tendency becomes even more important. Although the majority might be wrong, the tendency in the long run is that they will get it right. Since they have an interest in discovering the greatest happiness, they have an interest in discovering mistakes, and so mistakes will tend to be self-corrected; just as the democratic system itself will tend to be stable, as being a position of equilibrium.

A law conformable to utility may happen to be contrary to public opinion; but this is only an accidental and transitory circumstance. All minds will be reconciled to the law so soon as its utility is made obvious. As soon as the veil which conceals it is raised, expectation will be satisfied, and the public opinion be gained over (*Civil Code, Traités*, ii. 100; Bowring, i. 324).

There are also two more specific considerations which can be added as to why there is a natural tendency for error in public opinion to correct itself in a democracy. The first is that since (on the pure Benthamite model) external sources of power which have sinister effects have been removed, there is more chance to reach a conclusion by discussion from equal positions of power. Argument being unconstrained by influence, errors are more likely to be detected. The second is that there is more chance for experience to accumulate. Bentham is concerned to show that the power of the ruling few is based upon a reliance on custom rather than reason; hence several of the fallacies he points out such as '*the wisdom of our ancestors; or Chinese argument*' (*Fallacies*, 69). With this influence removed, experience can be regarded, and so there is more chance of refuting false, customary, views. It will be remembered that the nonsense which Bentham thought to be on stilts was the idea of imprescriptible rights; he was always hostile to the idea of trying to build anything permanent, any constitutional checks, or indefeasible laws into an institutional or constitutional arrangement. The key note is openness to the future. However correct things seem, there must be the continuous possibility of refutation. Hence the importance of allowing argument to proceed continuously and of allowing indefinite accumulation of experience with the possibility of refutation. With both of these, of each of which there is more chance in a democracy, the natural tendency of errors in public opinion about the public interest to be self-correcting can operate.

So, to sum up, this is why the problem of persuasion is liable to be soluble in a democracy when the people are Caesar. The best way of trying to persuade undemocratic people to bring about such a state of affairs is to use the threat of what people *might* be as the Caesar as an argument for trying to mould what kind of Caesar they should be. And whether or not the actual, or even the possible, Caesar is persuaded, Bentham can still speak in a dis-

interested language of pure rational argument; speak, that is, to us who are uninvolved in his immediate problems, and who are sitting around here 150 years later tending the still whisper of his enduring reputation in the last quarter of the twentieth century.

#### Notes

Ball 1980: Terence Ball, 'Was Bentham a feminist?' *Bentham Newsletter*, no.4.

Burns 1974: J.H. Burns, 'Bentham's critique of political fallacies', in Bhikhu Parekh (ed.), *Jeremy Bentham: Ten critical essays*.

#### Note

This is almost exactly the paper as delivered at the Bentham Sesquicentenary Conference in London. Substantial portions of it are extracted from my forthcoming book, *Bentham*, to be published by Routledge and Kegan Paul as part of *The arguments of the philosophers* series, and are printed here by permission of the publishers.



THE MUSEUM IS WELCOME TO THEM - IF NOT LET THEM BE BURNT ...

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In his preface to the *Catalogue of Additions to the Manuscripts in the British Museum 1888-93*, Edward J.L. Scott, the Keeper of the Department, drew the reader's attention to Additional Manuscripts 33537-33564, among the literary and private correspondence and collections of note. He described them as

Correspondence and papers of the family of Bentham, chiefly of Jeremiah Bentham and his two sons, Jeremy, the philosopher, and Sir Samuel, the naval architect and and engineer; with numerous autograph notes, observations, etc. of Jeremy Bentham; 1744-1847, 28 volumes.

These manuscripts now belong to the British Library, but the Department of Manuscripts' own archives, which include the period when it was a part of the Museum, throw light on the piquant circumstances in which the Bentham papers were acquired.

These papers had been bequeathed by Jeremy Bentham to his nephew and emanuensis George Bentham, whose later achievements included the completion, with Sir J.D. Hooker, of *Genera plantarum ad exemplaria imprimis in herbariis Kewensibus servata definita* (3 vols., London, 1862-83). Respect for his uncle and no doubt unwillingness to destroy or part with papers which bore witness to his own labours, prevented George Bentham from disposing of the manuscripts during his lifetime. When it came to making a will, in 1883, George Bentham was faced with the problem of finding someone who would be willing to take on not only these papers, but his own considerable library, which included such rare, if esoteric, items as Samuel Bentham's collection of Russian books. The recipient he hit upon was his friend and collaborator Sir Joseph Dalton Hooker, the Director of the Royal Gardens at Kew:

I give to the said Sir J.D. Hooker in addition to the £250 given to him as executor a further sum of £250 and also all my furniture plate china linen and other household goods and effects and all my books portraits pictures manuscripts papers and correspondence as well as the copyrights stocks in hand and proceeds of my published works.

On the face of it this bequest must have seemed an attractive proposition, but if Hooker had been gifted with foresight he would certainly have refused it outright. As it was, the letter he had from Bentham in the following year (undated) must have given him pause for thought:

Of my father's writings and works connected with him there are 3 vols 8° lettered Memoirs of Col. S. Bentham being chiefly his letters to his father and brother from Russia during the years 1776 to 1790 (MS copies), 2 vols 8° of my father's printed papers, Suggestions on the Civil Management of the Navy drawn up from his papers by my mother at the age of 85 vol 8° - Memoirs of my father's life, 8° written by my mother at about the same age but published by my sister after her death. J. Richards Treatise on Woodworking machines 4° containing full accounts of my father's original inventions of these machines and of their importance. There are also in the 2nd vol. of Ch Dupin's Voyage dans la Grande Bretagne (3 vols 4°) details of my father's establishments in

Portsmouth Dockyard. In 3 or 4 4° vols there are copies of my father's letters from Russia - 2 or 3 incomplete series all written out by my grandfather ... I had originally intended the books and papers connected with my father to go with the residue of my property to my great niece ... [but he gave her a legacy instead] ... I have left the residue to trustees of which you are one to be applied to the promotion of botany ...

Mercifully Bentham recognised that his collection of his uncle's published works would only be an additional burden on Hooker, and he bequeathed them to another executor, T.D. Lindley.

Bentham made specific bequests too to the Linnean Society (£1,000), the Scientific Relief Fund of the Royal Society (£1,000), and a considerable sum for the preparation and publication of botanical works at Kew, and the development of its herbarium and library. He died of old age on 10 September 1884, and an application for probate was made on 4 December 1884. But Bentham's great niece, married to a French cavalry officer posted at Sedan, began a lengthy campaign to make sure that she secured the full value of the residue of his estate. This entailed blocking the legacies to Hooker, the Linnean Society, *et al.*, and these were not finally made until 1886. Hooker's onerous duties as Director of Kew and his own failing health led him to retire in 1885 from his official position, and concentrate on scientific work, moving to a house he had built at Sunningdale for this purpose. He found the Bentham books and manuscripts a considerable encumbrance, and left them at Kew, where the new Director and his staff found them a plain nuisance. The delay in paying the legacy was also a financial embarrassment to Hooker. His exasperation emerges from the file of Benthamiana he presented to the Library at Kew in 1907. He was torn evidently between the desire to get rid of the Bentham manuscripts, and the equally compelling desire to realise at least part of their market value. Whether on his own initiative, or on that of the new Director at Kew, the happy idea was hit on of approaching the British Museum. W.L. Thiselton Dyer, the Director, wrote on 9 February 1889:

My dear Sir,

There are stored here a quantity of papers and manuscripts formerly belonging to Jeremy Bentham. By him they were bequeathed to his nephew George Bentham the well known botanist. By him in turn they were bequeathed to Sir Joseph Hooker. I suppose I am right in thinking that the social and political influence of Jeremy Bentham upon his age would probably make these papers of sufficient interest to be worth preserving in the British Museum. Sir Joseph Hooker is quite willing that they should go there. But for reasons which I need not trouble you he feels himself unable to make them a free gift. I have undertaken then on his behalf to ask if the Museum would be disposed to purchase them, supposing of course that on a preliminary examination they proved to be of sufficient interest and value to be worth preserving at all ...

Edward Maunde Thompson, the Keeper of Manuscripts of that time, wrote to Hooker encouragingly, and Hooker named a price for the lot of £60. Thiselton Dyer wrote again to Maunde Thompson on 18 February 1889 describing the collection as best he could:

I see that there are large parcels of manuscript - apparently portions of Jeremy Bentham's speculative writings. These have evidently been worked upon by George Bentham who for some time acted as his uncle's private secretary. Then there is a great

great mass of correspondence. I saw numerous letters from Romilly and from Dumont who was Jeremy Bentham's French expositor and editor. I saw too a very curious scheme for erecting a building on Woolwich Common for controlling the studies of the cadets on the Panopticon principle, and a draft of a letter to Dr Priestley though I had not the curiosity to see what it was about. On the whole it seemed to me an even chance that the papers might prove extremely interesting or quite the reverse. However such as they are they will go to you tomorrow I hope. I find it absolutely necessary with our limited staff and space to clear out here everything that is not absolutely germane to our proper work.

Negotiations were complicated by Hooker's tendency to happen upon further Bentham material which he had carried off to Sunningdale. He wrote to Maunde Thompson from Sunningdale on 17 March 1889:

Dear Mr. Thompson,

I found a few more Benthamia (sic) books last week which I have sent to your address. They are I fear worthless but such as they are the Museum is welcome to them - if not let them be burnt and excuse my troubling you ...

Finally a price of £75 was agreed upon, and the British Museum took possession of the Bentham papers. But this is not quite the end of the story, for in 1896 Hooker donated further documents relating to Jeremy Bentham's family, and on 17 March 1897 Maunde Thompson wrote to Hooker,

I think it would be best if Lady Hooker would kindly send me the Benthamiana, and tell me what she values each item at. I ask as they would go to separate Departments ...

These were presumably non-manuscript items, as there is no trace of further additions of Benthamiana in the Department's records.

#### Note

All the documents quoted here are to be found in:

1. *Benthamiana 1849-97* file, from the archives of the Royal Botanic Gardens at Kew.
2. *Correspondence Relating to Purchases, etc., 1899-1981 and 1896-1897*, Department of Manuscripts, British Library.

I should like to thank Miss Lenore Thompson, Archivist at Kew, for her assistance in locating the file.

## RECENT ITALIAN PUBLICATIONS ON BENTHAM

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Between the middle of the nineteenth and the beginning of the twentieth century, Bentham's philosophy was well known in Italy; in fact many of the English philosophers' works were translated and his thought expounded and discussed in various essays. Beginning in the 1930s, however, interest in Bentham and Benthamism notably waned, reawakening only in the last few years, as shown by the numerous texts already published or being prepared.

Three anthologies have been published (a fourth, regarding juridical writings, by Professor Tarello of the University of Genova, for the publishing house Il Mulino, has not been completed). The first chronologically speaking is *Jeremy Bentham padre del femminismo* (Carucci, Rome, 1980, pp.147) by Lea Campos Boralevi. The author, in addition to having written some articles in English and a doctoral thesis for the European University in Florence, published a previous article in Italian ('Jeremy Bentham e l'utilitarismo come scienza sociale', in *Il pensiero politico*, XII, 1979, pp.361-71) in which she briefly examined the characteristics and functions of the utilitarian principle seen as a scientific and entirely secular instrument answering the varying needs and questions posed by a 'scienza dell'uomo e della società di tipo utilitaristico' (p.361) (a Utilitarian science of man and society). The anthology describes Bentham's thought regarding woman and her role in society. The texts, taken from various of Bentham's works and carefully and correctly translated, are grouped into three major chapters - Il pianeta donna; La donna nella famiglia; La donna nella società (woman's world; woman in the family; woman in society) - and as the author advises, are presented not in chronological but rather in logical order. In the Introduction, Ms. Campos Boralevi takes her cue from the defence of the weak and oppressed present in Bentham's works to point out how Bentham's writings on women not only can be defined as 'feminist' - considering, that is, the historical period they represent - but also can in certain ways present a subject 'ancor oggi stimolante e quasi immune dalla polvere dei due secoli che ci separano dalla loro stesura originaria' (p.12) ('still stimulating today and almost untouched by the dust of the two centuries which separate us from the original writing'). After having briefly set out the basic principle of utilitarianism and after having emphasized the originality of Bentham's position regarding women, the author concludes by reminding us that defining Bentham as the 'father' of feminism does not mean wanting at all costs to find in him an inspirer of the nineteenth century English feminist movement. It does mean, however, recognizing that Bentham's position on women - precisely because it was inserted between the Utilitarian and Radical debates - was widely known in an environment that witnessed the rise of such a movement.

The Campos Boralevi anthology has had the merit of reopening the discussion in Italy on Bentham, and opening it, furthermore, with a theme that can attract a public wider than the specifically academic one. But the two political anthologies edited by Professor Lia Formigari of the University of Messina have undoubtedly also contributed notably to the rebirth of interest in Italy in Bentham's thought. These two analogies were also preceded by an article ('Jeremy Bentham - un ragion-evole censore delle leggi, in *Quaderni dell'Istituto Galvano della Volpe*, Libreria Messina, 1979, pp.141-182) in which the author hinted at the content of the Introductions to the two anthologies. In the first of these (*Il libro dei sofismi*,

Editori Riuniti, Rome, 1981, 166pp.) Ms. Formigari translates large sections of the five parts of the *Book of Fallacies*; in the second (Il catechismo del popolo, Editori Riuniti, Rome, 1982, 152pp.) she translates the *Fragment on Government* (excluding the Preface, the Introduction and nearly all of the notes) and some pages of the *Constitutional Code*. The elegant, flowing translations are all taken from the Bowring edition (of the edition of *The Collected Works of Jeremy Bentham*, the author cites only the first two volumes of the *Correspondence* in her bibliography).

Formigari portrays Bentham as a reformer and 'a reasonable censor of law', spokesman in his general philosophical and more specifically political principles of the needs and aspirations of social classes emerging at that time, a theorist convinced of the need for representative democracy. In her writings, Ms. Formigari stresses the importance for Bentham of the legislator, 'vera e propria ipostasi della borghesia operante ormai anche politicamente' ('the true essence of the bourgeoisie by now also politically active') (*Sofismi*, ed. cit. p.10) and at the same time 'versione laica del sovrano illuminato' ('the lay version of the enlightened sovereign') (*Catechismo*, ed. cit. p.24). Touching on various aspects of the philosopher's intellectual formation and thought, Professor Formigari particularly emphasizes the vision of the state, which Bentham - undoubtedly a free trader in economics - does not consider as cut off from civil society; in fact, the state must actively concern itself with the defence of property as a positive right and consequently seizes the chance to eliminate the natural tendency towards idleness and to exalt the love of country and posterity.

In 1979, an essay by Professor Silvestro Marcucci of the University of Pisa appeared in which various judgements expressed by Bentham on the botanist Linnaeus and his classification system were examined (*Bentham e Linneo - un'interpretazione singolare*, Maria Pacini Fazzi, Lucca, 1979, 55pp.). Marcucci notes how in the *Deontology* Bentham, while observing that a Linnaeus as ethical classifier and reformer did not yet exist, in a certain sense assumed this role for himself. Bentham's generally positive references to Linnaeus are principally found in the Preface to the *Fragment* and recur in *Chrestomathia* and in *The Rationale of Judicial Evidence*; some critical notes are found in the *Essay on Logic*. Bentham traces in Linnaeus the need to classify and assign a 'scientific' and 'orderly' nomenclature; and Bentham's interpretation of Linnaeus shows itself, Marcucci maintains, because it 'porta chiaramente in luce "presupposti" extrascientifici, che si rivelano però "assiomi fondamentali" della stessa ricerca scientifica' (p.55) (because it 'clearly brings to light extrascientific 'presuppositions' which nevertheless reveal themselves 'fundamental axioms' of scientific research itself). Professor Marcucci (who promises in a note to write an *Introduction* on Bentham for the series the Laterza Publishing House has been producing for some years on the Great Philosophers) proposes the analysis of a neglected aspect of Bentham's writings, with an interpretation which, attempting to be 'committed' in an epistemological direction, permits the use of Jeremy Bentham's philosophy in a way that is not strictly historiographical.

We conclude our rapid panorama of recent Italian publications on Bentham by mentioning Lucio D'Alessandro's volume *Utilitarismo morale e scienza della legislazione - studio su Jeremy Bentham* (Guida, Naples, 1981, 131pp.). After a first chapter in which, with particular reference to the *Introduction* and to the *Deontology*, the fundamental motives of Bentham's utilitarianism are examined, the book treats more specifically legislative themes. In the second chapter, the author points out the 'crisis' of Bentham's illuminism, which finds its major expression in the *Constitutional Code*, where the theme of the natural harmony of interests is at last decisively

abandoned; where the protagonists of public life are no longer individuals but opposing groups of governors and governed; and where the scientific invention of politics is best developed. The construction of the new order as it emerges from the control mechanisms described in the *Code* only completes, says D'Alessandro, a theme already present in Bentham since the time of Panopticon, to which the third and final chapter of the book is not coincidentally dedicated. The problem of 'control' seems in fact to the author to be central in the legislative thought of Bentham, in search of 'un' utopia di un nuovo ordine, di un nuovo potere, di un suo nuovo modo di organizzarsi, del suo farsi invisibile, dolce e partecipativo, impersonale e scientifico' (p.121) ('a utopia of a new order, of a new power, of his new mode of organization, of his making himself invisible, kind and empathetic, impersonal and scientific') an order which finds expression at all levels, beginning with linguistics, and pervades all of society and individual and collective life, under the actual hegemony of the principle of utility.

D'Alessandro's book, whose author is informed about all the most recent bibliography of Bentham criticism, although not always clear in developing and expressing its ideas, has the merit of being the first monograph in Italian in the last several decades entirely dedicated to Bentham and of thus encouraging a more general reconsideration of his philosophy, at last taking into account the edition of the *Collected Works* and of the contributions to be obtained from the analysis of manuscript material.



H.A.M.J. ten Have, *Geneeskunde en Filosofie; de invloed van Jeremy Bentham op het medisch denken en handelen; (thesis in philosophy, Leiden) Lochem, 1983.*

(*Medicine and Philosophy; Jeremy Bentham's influence on medical thought and practice.*)

Who would be qualified to review the thesis of Henk ten Have who, at thirty-one, after completing the study of and a thesis on medicine, has now done the same in philosophy? Certainly not the present reviewer! - but he will do his best to be informative.

In Dutch writings on the history of philosophy, law and economics, Bentham has always been in the background as compared with J.S. Mill. In textbooks, his name is mentioned with the 'greatest happiness' principle, or (in public finance) associated with a linear progressive system of taxation. Very few Dutchmen when passing by the cupola prisons of Haarlem and Breda will associate them with the Panoptican project.

When comparing the thesis of Professor Frite van Holthoorn (*The Road to Utopia*, 1971; philos.) on Mill and the one of Professor Alida M. Bos (*Methods for the formation of legal concepts*, 1967; law - in Dutch) on Bentham, one is struck by their very personal testimony of an intellectual debt to their 'heroes'. None of this is to be found in ten Have's book, the style of which I have found rather academic and dry, in contrast to the rich and varied contents. Although the sub-title specifies Bentham's influence on medical thought and practice, it is not until the third chapter that Bentham's ideas are first examined.

In the first chapter, ten Have introduces two different approaches to epidemic diseases in the history of medicine, the contagious and the miasmatic. These approaches are elaborated in the third chapter, after a second one on the Industrial Revolution and cholera. The history of contagionism and miasmatism (if I may coin two words) is traced back to biblical antiquity and to the middle ages, the first type of theory stressing the danger of person-to-person transmission of illnesses, the second concentrating on the importance of the environment (good drinking water, person hygiene, etc.) for human health.

The fourth and fifth chapters give a summary of Bentham's philosophy and his practical intentions, especially his desire to create institutions that would put an end to pauperism. The primary core, it seems to me, without wanting to detract from the first five chapters, is found in chapters six and seven, on, respectively, Bentham's ideas about medicine and on his influence in that discipline.

Concerning the first, Bentham's *hygiastics* and his interest in preventive medicine are presented as quite modern concepts. His approach is a miasmatic one. Regarding his influence, the work of Chadwick and Southwood Smith in England is described. Later, in the second half of the nineteenth century, miasmatism counted fewer followers than contagionism, but it did not disappear as a movement in medicine.

The eighth and last chapter - almost one-third of the thesis - constitutes to me the secondary core of the book, which can (and should!) be fruitfully read by medical historians and philosophers alike, among others, as a separate essay. Here contagionism and miasmatism are presented as examples of more general ways of thinking in medicine, philosophy, and social sciences, namely

the 'biological' and the 'sociological'. A summary of present-day movements in philosophy is confronted with various approaches to alcoholism, cancer, the nature-nurture controversy and even linguistic theory. This is an admirable and truly interdisciplinary study.

One can be glad that ten Have's students at the University of Maastricht are confronted with these ideas. He has written an important book in the history and sociology of knowledge.

Finally - if a reviewer must be critical - two minor remarks: first, it is to be regretted that the English summary is so summary. English readers of Bos's thesis (which is not mentioned - is it too juridical?) get a fair seventeen page abstract, whereas ten Have offers a meagre three. Secondly, Bentham's bones (p.93) have not always been at University College.

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