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The subscription for The Bentham Newsletter, No.10 (1986) will be £5.00. Cheques should be made payable to 'University College London' and sent to the Bentham Project at the above address.

Past numbers of The Bentham Newsletter have been recently reprinted. Numbers 1-6 are now available at £5.00 per copy. Numbers 7 and 8 are still in print and available at £2.50 each.

EDITORIAL

This issue begins with an appreciation of the contribution to the Bentham Committee made by Lord Robbins, whose death was recorded in a brief obituary at the end of the 1984 issue. Those who knew Lord Robbins will be especially grateful to Professor J.H. Burns for his eloquent portrayal of the wisdom and leadership which distinguished his contribution to the establishment of the Bentham Project and to Bentham studies generally.

Two of the three main articles in The Bentham Newsletter this year have been adapted from recent Ph.D theses on Bentham. David Lieberman wrote his thesis at University College London under Professor Burns and James Crimmins completed his thesis under Douglas Long at the University of Western Ontario. The third contribution is by Paschalis Kitromilides, and represents an extension of material in his Harvard Ph.D thesis on the Enlightenment in Greece. These contributions from younger scholars are most welcome.

In 1984 two major developments took place to enhance the publication of Bentham's Correspondence. The first was the publication of Volume 6 (1798-1801), impeccably edited by Dr. J.R. Dinwiddy in the attractive new format designed by Oxford University Press. The second was the receipt of a grant of £105,000 from the Leverhulme Trust to finance the completion of the entire Correspondence within the Collected Works. This generous grant has enabled the Bentham Committee to appoint Dr. Stephen Conway as Correspondence Editor and Ms. Catherine Atkinson as part-time Research Assistant. An account of the new Correspondence Project appears in the present issue.

Of great interest to subscribers to the Newsletter will be the recent announcement of the formation of the International Bentham Society, the objects of which are 'to promote the study and advance the knowledge of the life and works of Jeremy Bentham including their historical context and the subsequent development of utilitarianism'. The Society will arrange meetings and conferences, negotiate the sale of volumes in the Collected Works and other publications to members at reduced rates, support efforts now being made to transform the Newsletter into a journal, and support the work generally of the Bentham Project. As The Bentham Newsletter will be available after 1986 only to members of the International Bentham Society, a letter explaining the new arrangements will be sent to each subscriber. It is hoped that the foundation of the International Bentham Society will mark the beginning of a new era in Bentham studies. The first public announcement of the formation of the Society was made by Professor Sir Jack Jacob at a distinguished gathering of lawyers, judges, and academics at University College London when the Law Faculty building in Endsleigh Gardens was renamed 'Bentham House'. This is the first building at University College to commemorate the man who perhaps played only a minor role in its foundation, but who has had a considerable influence on its character and development.

LORD ROBBINS: A TRIBUTE

J.H. Burns
University College London

Almost exactly twenty years before his death on 15 May 1984 Lionel Robbins delivered the Address to the Assembly of Faculties in University College London. He began by recalling with gratitude and admiration, as he never failed to do, what he had learned at the College from 'the great scholars of those days' during a brief 'taste of a university education before being engulfed in the first world war'. Yet it was not of those scholars and their work that he chose to speak in the main body of his address; nor did he reflect, as he might well have judged it appropriate to do, on a comparison between University College and that other great academic institution to which he had himself rendered such signal and devoted service, the London School of Economics and Political Science. Other topics must surely have occurred to him, in the light of the historic Report, published in the previous year, with which his name is inseparably associated, as fitting subjects for the occasion. Instead he chose as his theme 'Bentham in the Twentieth Century'. It was a choice that reflected a commitment and a contribution to Bentham studies which make Lionel Robbins an outstanding figure in the whole history of what we now call 'the Bentham Project'.

When, in 1959, the Bentham Committee was established - on the initiative of University College, though not then as a committee of the College - it was intended, as it still is, to embody, on a national and indeed an international level, authority in the appropriate fields of scholarship. In that context Robbins was a natural, even an inevitable choice. It does no injustice to other founder-members, moreover, to say that from the very beginning his contribution to the Committee's work was pre-eminent. He became a member of the Editorial Sub-Committee (chaired by Ifor Evans, then Provost of the College) which took the essential first steps in planning and inaugurating work on the new edition of Bentham's Collected Works. One of those steps was the appointment of the first General Editor; and I vividly recall the luncheon-party in the Whistler Room at which I underwent what I can only call (in a phrase from Kipling's Jungle Book) the necessary 'looking over'. It had been made clear to me beforehand that the essential scrutiny would be that of Lionel Robbins; and no one in my situation could have been unaware of the formidable personality behind the unfailingly courteous manner. It may - or may not - be to my credit that I ventured to disagree with him on a point of Bentham interpretation: it is certainly to his that he responded with complete candour and respect to an opinion he could not endorse.

After my appointment as General Editor, I found myself working as closely with Robbins as with anyone concerned in the formative stages of the edition. He set his mark on it in various ways - all of them, in my judgement, beneficial. When, in 1966, it became necessary to find a successor to Lord Cohen, the Committee's first chairman, there could be but one choice. For the next twelve years Lord Robbins was to be an outstanding and indefatigable chairman. They were years of some success, if hardly of triumph, and certainly at times of something like disaster. Latterly the period was one of increasingly severe financial difficulty with the pressures of inflation and the insertion of the end, thin though it must now appear in comparison with what has happened since, of the wedge that was to be driven into the fabric of academic life. One thing remained constant throughout: the chairman's resolute leadership, together with his unfailing helpfulness and his unshakable faith in the Project and its objectives. There were those - the General Editor among them - whose faith was

at times more like that of Peter before the Crucifixion than that of Peter after the day of Pentecost; and indeed there were moments when one felt that the entire Project was engaged in walking on the water. For Lionel Robbins, however, as for Queen Victoria during the Crimean War, there was 'no talk of defeat'.

The quality of Robbins' leadership during those years cannot be conveyed except in terms of personal experience. What strikes me most, in retrospect, is the unstinting readiness to help, the unfailing availability. There is no need to recall here the many burdens of responsibility he continued to carry at an age when most of us would hope to be at ease in an undemanding retirement. Yet he could always find time to talk about the problems the Project faced, to make suggestions, to indicate possible resources. Most impressive of all, he would come himself, climbing those taxing stairs to the History Department, to give his time and attention to some crisis or other - which always, after he had put it in the perspective of his immense experience, seemed to be at least a less desperate crisis than one had supposed. There are also indeed genial memories of lunches at the Athenaeum or the House of Lords; but what stands out most of all is that willingness to talk things over whenever he saw that this was what was needed - and needed there and then.

The qualities I have tried to convey thus far were surely qualities Lionel Robbins brought in full measure to all the many activities in academic and cultural life to which he was committed. If, as Samuel Johnson said, 'No man is obliged to do all that he can do', how much the greater is our indebtedness to those who never do less than they know they can, going beyond the bounds of obligation to a free giving of themselves and their talents. If, as I believe, there was some additional element in Lord Robbins' service to the Bentham Committee and the Project it sponsors - an element manifested throughout the quarter-century during which he was a member, - this was (I suggest) because he was himself a Bentham scholar. Bentham in the Twentieth Century could not be further removed from the world of lip-service to the presiding genius of an institution where one has been asked to deliver a ceremonial address. It was after all the work of a man who combined in a quite unusual way a command, both theoretical and practical, of the issues of economic policy and a profound conviction of the essential importance of historical perspective and not least of the history of ideas. Robbins had himself, in such works as The Theory of Economic Policy in English Classical Political Economy and his study of Robert Torrens in the context, again, of classical economics in the early nineteenth century, made substantial contributions to the history of the developing social sciences in the period of Bentham's lifetime. He approached Bentham's work, therefore, with first-hand historical knowledge of the milieu in which that work was carried out as well as with a lively sense of those issues in our own time to which some of Bentham's ideas seemed to him still relevant. Some, by no means all; for Bentham in the Twentieth Century is no mere panegyric: it is the product of a critical mind, fully aware of the limitations as well as the achievements of the mind under scrutiny. And Robbins was quite certain that neither the scope nor the limits of Bentham's thought could be properly assessed without the edition to which he looked forward as 'one of the outstanding scholarly monuments of the century'.

If much of this tribute has been couched in personal terms it is because I do indeed feel a deep personal sense of gratitude for the help and encouragement Lionel Robbins gave me - and for the privilege of having worked with him. When we gathered in St. John's, Smith Square, for his Memorial Meeting on 11 October last year, much was said that was fitting, eloquent, and deeply felt. Yet it was perhaps the music - the exquisite trio from Cosi fan tutte, 'Soave sia il vento', the sublime quartet from Fidelio, 'Mir ist so wunderbar' - that evoked most movingly the qualities of mind and spirit we had known in the man we had

met to commemorate. Here, perforce, words must suffice; and I end with words Lionel Robbins used, at the end of his 1964 Address. Expressing a hope for 'the men and women of this college', he applied the words to Jeremy Bentham: in applying them to Lionel Robbins himself, I express for all who are associated with the work of the Bentham Project the hope that we 'may long be imbued by the humble, rational, humanitarian spirit of this great man'.

BENTHAM'S DIGEST[1]

David Lieberman
University of California, Berkeley

Some of the most illuminating of recent contributions to Bentham studies, such as Douglas Long's fine study of Bentham on Liberty and Gerald Postema's suggestive analysis of 'Bentham's Early Reflections on Law, Justice and Adjudication', have drawn attention to the importance of Bentham's earliest work in legal theory and legislative policy.[2] Even on those occasions (as was often the case) when Bentham quickly moved beyond his own first thoughts, these initial explorations in jurisprudence continued to provide the framework and basic orientation for his later theorizing. The purpose of this essay is to consider one early episode in the legislative planning of the very young Bentham: his unfinished and abandoned Digest project of the mid-1770s.

The Digest scheme earned brief mention in Bentham's first substantial publication, the Fragment on Government (1776). There, in a concluding passage, Bentham cited among various reforms 'which public necessity cries aloud for', the making of 'a digest' for 'transforming...the body of the common law... into statute-law; for breaking down the whole together into codes or parcels, as many as there are classes of persons distinguishably concerned in it; - for introducing to the notice and possession of every person his respective code.'[3] Further evidence suggests that Bentham was actively engaged in producing a Digest at this time. A manuscript from the period setting out a 'list of Works projected for the improvement of the Law' is headed by a 'Proposal for a Parliamentary Digest: with a specimen of the work and another of the mode of operation'.[4] In May, 1775, Bentham reported to his brother, Samuel, of his steady progress on both the Digest and A Comment on the Commentaries; and while neither work was in fact ever completed, references to the Digest appear sporadically in Bentham's correspondence over the next three years. A letter of 1778 recorded that the 'Plan for a Digest of the Laws' remained 'in a rough state', and that Bentham was still 'every now and then touching it up and making little additions'.[5]

Much of this 'Plan for a Digest' survives in Bentham's papers.[6] Unfortunately, these manuscripts present major problems. Nothing of what does survive indicates the work was anywhere near as complete as Bentham suggested in correspondence. Indeed, the 1778 description of the plan as being in a 'rough state' appears misleadingly generous. The material is voluminous, but extremely fragmentary and repetitious, and there is no obvious way to assemble it as a coherent work. More seriously, it becomes clear that what Bentham described at this time as the 'Digest' actually referred to two distinct, though related, projects. The first was the project sketched in the Fragment on Government: the Digest for transforming common law into statute. The second project was a Digest of the statute law itself; what Bentham, following contemporary usage, also discussed as statute 'consolidation'.[7]

Virtually the whole of the existing Digest materials relates to the statute digest for consolidation, not the common law digest. This may of course reflect the accidents of manuscript survival. It is more likely, though, that Bentham embarked on the statute law digest first, viewing this as the easier operation. Once he had perfected the techniques of 'digestion' he could then turn to the more demanding task of 'digesting' common law. Thus, in the introductory remarks to his scheme for 'personal codes', Bentham

observed that he would begin with the 'Professional and Official codes', as these were 'all statute law'. 'The collection of materials under such Titles as are filled principally by the Common Law', he observed, was 'yet invisible' and could be 'brought together while the other structures are reared whose materials are at hand'.[8]

The Digest formed part of a more general conception of the science of legislation in which Bentham sought to distinguish the substantive policy of the law from its verbal expression: 'The excellence and efficacy of every system of Laws will depend upon the two grand points belonging to it: the policy matter and the purport of the laws, as it may be called; and the form and tenor of them'.[9] The two questions of 'matter' and 'form' had to be separated in order to achieve greater precision in the legislative science. But the two were firmly inter-connected in the Benthamic strategy for legal improvement. A perfect system of law could not be produced until a comprehensive scheme for legal arrangement had been constructed. The perfect system of legislation, moreover, would have to be communicated in a perfectly intelligible manner, a problem concerning legal 'form'. And because of the rarely perceived need to attend to both questions, Bentham distanced himself from other 'English Digesters' who ignored the problem of 'legal form' or 'law metaphysics'.[10]

Bentham apparently designed the Digest as a solution to the problems of legal form and expression. This in itself would serve an utilitarian purpose by increasing the knowledge of the law, and thereby the efficacy of the legal system. And Bentham also considered the Digest to be an important preliminary to any substantive reform of the law, since it was easier to identify 'defects' and supply 'the requisite corrections' once 'the scattered Laws' had been digested 'into one body'.[11] But, initially at least, the Digest was not intended as a vehicle for substantive law reform. As Bentham said of his model of a digested Turnpike Act, the proposed 'improvements' had been reached 'by the internal comparison of the points of the present Act', and not 'from any external lights'; he had not considered the law 'absolutely' as 'right or no[t]', but 'relatively' in order to render it 'consistent'.[12]

Bentham's published demand for a Digest to transform common law into legislation implied a dramatic re-ordering of the traditional priorities of common law jurisprudence. However, his support for a digest of the statute law itself was far from novel, so much so that in this specific reform proposal Bentham kept close to much that was strictly conventional in contemporary English legal thought. Complaints about the unnecessary volume and dangerous disorder of the statute book were a common theme of eighteenth-century legal writing; and the advocates of a thorough review and methodical redrafting of English legislation into orderly synthetic statutes included such weighty authorities as the legal antiquarians, Daines Barrington and Francis Hargrave; the author of the famous justices' handbook, Richard Burn; and the celebrated Commentator on the Laws of England, William Blackstone.[13] Moreover, in advancing the case for a systematic consolidation of the statute book the Hanoverian lawyers repeated arguments and embraced solutions that were well-rehearsed over a century before. The classic statement of this scheme of legislative renewal had been supplied by Francis Bacon in two reform proposals of the 1610s and in his lengthy discussion of legal certainty in the third chapter of Book 8 of De Augmentis Scientiarum. In these writings, Bacon urged the production of 'new digests of laws' on those occasions when laws had 'by accumulation' become 'so voluminous' or 'so confused' that 'it is expedient to remodel them entirely'. The object of these 'new digests' was not to alter the content of the laws, but only 'the manner of their registry, expression and tradition', by contracting them into 'a sound a manageable body' through the elimination of disused and repetitious legal provisions,

the abbreviation of all 'wordy or too prolix' laws, and the introduction of a clear and consistent terminology.[14]

In his own Digest plan Bentham echoed the vocabulary and objectives set by Bacon, and was quick to link his enterprise to the like-minded recommendations of his contemporaries, Burn, Barrington and even Blackstone.[15] Indeed, he appears to have conceived the substance of his Digest in terms roughly similar to the traditional genre of professional abridgments and manuals of English law. Bentham at this period was particularly struck by the clarity of synthesis achieved by Richard Burn in his justices' handbook, and he appropriated the text as an organising model for his own composition. 'A gross conception' of the Digest could be found in 'the Titles in Dr. Burn's Justices ... the limits of that Book... coincide nearly with those which in our first attempt we propose to prescribe to ourselves'.[16] Where Bentham distanced himself from the existing tradition of English legal digests was in his insistence that to serve its purposes any such work had to be legislatively enacted by parliament. As he noted of the numerous popularisations of English law entitled, 'Every man his own Lawyer':

> Whether it be possible for every man to be made a Lawyer by a book is what I shall not be positive about; but that I know, that if it be, it must be by a book of the Legislature's writing.[17]

The Digest was defined for Bentham in terms of its objective of 'making the Laws to be known, to be possessed'.[18] And this objective provided the point of unity between the two Digests Bentham projected at this time. The Digest was needed in the case of common law because as a fictitious system of legal rules it could never be known. In the case of statute law, it was needed because of the failures of England's legislators. This latter claim had figured in A Comment on the Commentaries, where Bentham sought to show that what Blackstone treated as the normal function of the judiciary as the 'interpreter' of English law was in fact a symptom of the defective state of the statute book. For Bentham virtually all the arguments supporting a liberal or equitable interpretation of the law could be translated into arguments for statute consolidation. It was 'the incapacity and inattention of Legislators only' that gave rise to 'any such rules' of construction as Blackstone provided.[19]

The 'inattention' of England's legislators was regularly invoked throughout the Digest manuscripts. In England, 'accident' was 'the parent of legislation'.[20] 'An act of Parliament' was 'a piece of work which different persons set about with different tools, none of them Masters of the whole set'.[21] It was not the 'exigency of the subject matter' which made English jurisprudence 'so voluminous', but the 'indolence and shortsightedness of the Legislator'.[22] It was 'only the having been born and bred under this System of elaborate confusion, that could have made the burthen tolerable'.[23]

The chief result of such legislative 'indolence' and 'incapacity' was to make it impossible for the subject to know that law which was to guide his conduct. Bentham likened the statute law to 'a vast Battery, of which the greatest part of the Balls are shot in vain for want of being levelled at the object'.[24] He estimated that 'the greatest part of the people' remained unaware 'of the very existence of 99 parts in a hundred of the Laws that govern them'.[25] 'In the present state of the laws', he concluded, 'the presumption is always... that an Offender knew nothing of the matter'.[26] In response to this abuse of the legislative office, Bentham (later) advanced his 'self-evident axiom' for legislators:

> The notoriety of every law ought to be as extensive as its binding force... No axiom can be more self-evident: none more important: none more universally disregarded ...Yet till it is attended to and the grievance remedied, the business of legislation is from the beginning to the end of it a cruel mockery.[27]

For the utilitarian moralist there was a direct correlation between the notoriety of the law and the legitimacy of the legal system as a whole. Since law functioned by coercing individuals through the threat of punishment, the system was only effective to the extent that individuals were aware of which actions the law declared punishable.[28] When such knowledge was lacking, the legislator was simply inflicting pain without the possibility of effecting correct social behaviour.[29] Because of this Bentham argued that the law could be 'of use no farther than as it is known'.[30] He further insisted that it was possible to double 'the sum of obedience' without adding to 'the quantity of rewards and punishments'. 'The way to double the sum of obedience' was 'to double the knowledge men have' of the law: 'the effect of a body of Laws is to be calculated, not from the quantity of what is extant, but from the quantity of what is known'.[31]

The Digest was to further the 'notoriety' of the law by perfecting two distinct legislative operations: composition and promulgation. The first, composition, referred to the 'verbal expression given to the ideas which the legislator means should be communicated to the people with relation to the conduct he wishes them to observe'.[32] The object of composition was 'to qualify that expression in every case for the faithful exhibition of those ideas'[33] in a style comprehensible to the 'meanest understanding'.[34]

Correct composition, or 'the maximum of comprehensive simplicity',[35] depended on the proper combination of four stylistic qualities: 'Precision, Apprehensibility, Brevity, and Amplitude'.[36] Most of the defects of English statutes could be traced to misguided attempts to achieve 'precision' and 'amplitude' at the expense of 'apprehensibility' and 'brevity'. Thus the legislature retained technical legal terms in the mistaken belief that this furthered precision, whereas its actual effect was to render the law incomprehensible. As Bentham said of the laws restricting 'benefit of clergy', 'to consider the manoeuvres of the Law-Givers on this head, one should almost suppose them to have considered that the perfection of the Laws consisted in their obscurity and to have regaled themselves with the thoughts that nobody should know what they are doing'.[37]

In addition to the failure of terminology, the great defect of statute law was its sheer immensity. The legislature sacrificed all other stylistic considerations to 'amplitude', leaving English law, as Bentham later put it, 'smothered amidst a redundancy of words'.[38] 'To judge from their works', it seemed never to occur to the legislature, 'that words could be too many, that discourse was susceptible [of] such a quality as Brevity..[and] that there were any limits to the capacity of men's understanding'.[39] For the most part, Bentham believed the verbosity of England's legislators to be unplanned as well as unnecessary. Hence the repeated emphasis on the legislature's 'indolence', 'shortsightedness' and 'wantonness'; and hence his general claim that it was not 'the nature of the subject itself', but the 'wanton waste of paper committed by Legislators' which rendered the Digest 'so voluminous a task'.[40] Bentham demonstrated the point graphically in A Comment on the Commentaries by reducing a statute against stealing sheep and oxen from 628 words to 46, and concluding from this example that 'the whole compass of the Statute Law' could be contracted in 'a proportion not very much inferior'.[41]

Furthermore, where this voluminousness could be said to have resulted from conscious legislative policy, Bentham argued that the policy was altogether misguided and self-defeating. By amplifying the descriptive phrases in a particular statute, parliament actually confused the import of its will, instead of achieving the desired 'precision'. As Bentham put it, once that will had been fully formulated, 'every word that comes afterwards is a nuisance'.[42] Nor did the legislature's eagerness to multiply the number of laws actually serve to make the law more comprehensive. The leading example of this mistake was found in the penal statutes. Parliament, in an entirely haphazard and impromptu manner, would simply expand the number of particular offences, rather than attempt to legislate over general classes of offences. To adopt Bentham's example, statutes were enacted against stealing turnips, against stealing potatoes, against stealing madder, and the list could be extended to include 'every article in Miller's Dictionary'. But in all this amplification and unnecessary particularity, the crime of Theft itself might never be systematically defined, and the law would fail to achieve actual comprehensiveness. Instead, the mass of penal acts received the 'reproach of inordinate severity', while labouring under the 'inconveniences of the opposite defect'.[43]

Bentham's principal solution to the problem of volume and verbosity was the traditional Baconian scheme of statute consolidation. 'The method of consolidation', he reported in A Comment on the Commentaries, 'has been happily adopted in a few instances and begins to get in use. The Law relating to one subject is gathered out of a number of Statutes... and reduced into one: the correspondent Statutes or parts of Statutes it is gathered out of are then repealed'.[44] As Bentham's own description suggested, in proposing consolidation he advocated a familiar technique which was already 'in use'. What distinguished his Digest was not the general notion of a 'consolidated' statute book, but rather the format the Digest required to achieve 'the maximum of comprehensive simplicity'.

Many of these suggestions were organised under the heading 'mechanical helps to perspicuity', and much of it illustrates Bentham's notorious, lifelong enthusiasm for the minutiae of law reform projects. Probably the most important of such 'mechanical helps' was the construction of a systematic apparatus for the arrangement, cross-reference, and indexing of the Digest. The absence of this sort of apparatus represented another crucial defect in parliament's enactments, which compared unfavourably with the better legal texts such as Burn's Justice of the Peace. Thus, in response to Blackstone's conventional ordering of English legislation into public and private acts, Bentham charged, 'Statutes themselves... are so thoroughly void of anything that bears the semblance of order or method or regularity, as to be incapable of any classification whatsoever'.[45] Not only did parliament fail to provide any satisfactory system for classifying its enactments, it likewise failed to provide any mechanism for distinguishing the separate contents of its enactments. According to the formalities of parliamentary procedure, the legislature enacted one single statute at the end of each session. Any organising of this statute into separate acts, chapters and sections was the work of parliament's printer, not parliament itself.[46] And in the absence of any official system of sectional notation, parliament adopted the verbose expedient of referring to other acts by citing those passages verbatim in subsequent enactments; what Bentham described as 'jumbling the most heterogeneous matter...at length in the Belly of a sentence'.[47] The result was a chaotic mass 'of terrific immensity',[48] which could be decisively contracted by applying a comprehensive system of cross-reference. As Bentham put it a few years later (by which time his conception of legal arrangement had advanced dramatically), among the required features of any body of laws was 'the ordinary apparatus of divisions and subdivisions, entitled by some such denominations as book, chapter,

section, paragraph, article, number, and the like'. This apparatus was found in 'didactic works of inferior importance' and in the 'codes of every civilised nation but one': 'as if every thing that savours of method ought to be studiously excluded from a work which stands more in need than any other of such assistances to render it intelligible'.[49]

The second function of the Digest was Promulgation, 'that essential and much neglected branch of administration by the abandonment of which the greater part of legislative matter that subsists is continually rendering itself worse than useless'.[50] Promulgation referred to how a properly composed body of digested statute was to be communicated in order to ensure maximum notoriety.[51] And, as in the case of legislative composition, Bentham thought he was furnished with a perfect model of how not to proceed in the example of parliamentary law-making. Past experience demonstrated that the English legislator lacked 'any more concern... about a Law than to see that it contained his sense about the matter, was full enough, and was entered in due form upon the Roll'.[52] Almost entirely neglected was the second operation of communicating the law, and it was this legislative failure that forced the subject to adopt the unsatisfactory expedient of relying upon unofficial legal abridgments and compilations for his knowledge of the law.[53] Indeed, Bentham believed that parliament's irresponsibility here had received full endorsement from no less a figure than Sir William Blackstone. In his Commentaries, Blackstone had maintained that although the law had formally to be 'prescribed', the 'manner in which this notification is made is a matter of very great indifference', a phrase which Bentham seized upon with evident relish:

> I must confess it seems a matter of very great importance. To notify to the people a Law, is to tell them of it. Now that it is a matter of great indifference... is what I should never have imagined. I should imagine the manner how they are told of it should be a manner as will answer the end of their being told of it[54]. else that they might as well not be told of it at all.

Bentham treated Promulgation as a strategy for adjusting two necessary and antagonistic features of any system of laws. In the first place, the law required a 'brevity' of expression if it was to be capable of being known. Much of this need would be met by consolidation which would radically reduce the size of the statute book. But even after consolidation the law would still require considerable 'amplitude' in point of 'matter' if it was to achieve its social purposes of preventing mischief and providing security for the subject. Promulgation reconciled 'brevity' and 'amplitude' by enabling the legislature 'to impose upon each man the task of being acquainted [with] just a number of [laws] as concerns himself and no more'.[55] This was achieved, as set out in the Fragment, by 'breaking down' the Digest 'into codes or parcels, as many as there are classes of persons distinguishably concerned in it', and 'introducing to the notice and possession of every person his respective code'.[56]

Bentham distinguished the production of these 'personal codes' from the process of consolidation itself. The Digest would comprise 'aggregate laws'; that is, laws consolidated according to subject-matter. For the promulgation of the Digest, the laws were to be re-consolidated into the 'personal codes'.[57] Provided the first process of 'aggregate' consolidation was performed under Benthamic principles, in a uniform manner of composition employing a systematic apparatus for indexing and cross-reference, it would be a simple procedure to reassemble the Digest into personal codes for promulgation.[58] These codes were then to be printed in the form of synoptic 'tables' and 'charts', and 'hung up at places wherever the respective Transactions to which they relate' occur. On this basis, Bentham assembled a cluttered vision of daily life decorated by the utilitarian promulgator:

> Laws relative to Parochial Affairs should be hung up... in every Vestry. Laws relative to Commercial contracts in general in the Exchange,...in the Halls of the several Companies, and [in] the counting [?] House or shop of every Trader... Laws relating to Travelling in general at every Turnpike House and every room of entertainment in every House of entertainment... Laws relative to the internal oeconomy of Houses to be stuck up in Houses...[59]

Bentham during this period drafted two specimens of such personal codes: a 'Builder's Act' and a 'Publican's Law'.[60] These are of interest not only as concrete applications of the Benthamic principles of scientific composition and promulgation. They also reinforce the limited character of the Digest project itself, and thereby go some way towards explaining Bentham's perplexing optimism in 1775 that the 'plan of a Digest' might be completed in a few months' time. For in both cases Bentham was merely refashioning existing examples of consolidation, rather than starting at the beginning with the undigested statute law.[61] His Builder's Act was based on a consolidating act of 1772 (12 Geo III c. 73); and the Publican's Law was composed from the relevant section of Burn's Justice of the Peace. What was new in these laws was not the actual 'digestion', but the method pursued to achieve maximum notoriety. Thus when Bentham described his Builder's Act in a draft 'advertisement' as 'digested after a method entirely new', he referred to the fact that it was 'printed in the form of a Table whereby persons of that business may see at one view all the Regulations which concern them', a typography designed 'to render the contents as concise as easily to be comprehended as possible, both to the eye as well as the understanding'.[62]

Given the condition of the relevant manuscripts it is doubtless impossible to arrive at any conclusive picture of the 'plan of a Digest of the laws'. It is probable that the strategies for composition and promulgation surveyed here were only parts of a larger programme.[63] But it does seem reasonably clear that the cornerstone of Bentham's Digest for 'making the laws to be known, to be possessed' was the consolidation of the statute book, the law reform endorsed by numerous legal writers and the reform which 'happily' was beginning 'to get in use'. And it was probably due to this sympathetic background that Bentham did not explore the concept of consolidation itself at any great length in these materials.

Absent from the material covered thus far was any indication of Bentham's expectations for securing the desired parliamentary implementation of his Digest. His frequent description of England's legislators as a 'motley herd' whose usual legal handiwork displayed such 'unfathomable nonsense' scarcely suggested a group likely to embrace his projected offering.[64] Bentham, it appears, did not entirely ignore the potential problem, devoting part of his Digest plan to an account of 'the obstacles to a reform in Legislation'.[65] Virtually all of the 'obstacles' so treated were conceived as 'resulting from the Interests and Prejudices of various classes of men'.[66] Accordingly, they would be overcome not through any institutional or administrative devices such as those which preoccupied Bentham in later years, but through a momentous raising of parliament's legislative consciousness. The first step to this end was already becoming a set-piece of Bentham's polemics. This was to reveal the extent to which the failures of English law served the professional interests of the legal profession at the expense of the rest of the community. Bentham liked to compare this exposé of the 'race of lawyers' and their 'jurisprudential superstition' to the philosophes exposing of 'priestcraft'.[67] Indeed, 'the forming a Digest of the Law' was 'to Lawyers, what the making of a translation of the Bible was to Church Men'.[68] For in law, 'the defects of the science' were the 'patrimony of the profession', and it could not be expected 'that the bulk of the profession should entertain a heartfelt desire to diminish these defects'.[69]

Bentham seems also to have appreciated the need for some broader ideological offensive to combat the conventions of legislative complacency. In one draft he isolated a set of popular assumptions he would have to rebut to demonstrate that the 'voluminousness' of English law was 'not irremediable':

> Inadequate and irremediable causes found out for it: First cause false, increase of vice. Second false, amplitude of dominion. Third cause inadequate, increase of trade. Fourth cause inadequate, care taken of liberty.[70]

Several of these points received fuller elaboration, particularly on the emotive question as to whether the quantity of law better served the liberty of the subject.[71] Generally, however, these themes remained undeveloped in the Digest papers, and Bentham was naturally little disposed to reckon the sentiments against statute reform to be so entrenched as to render his Digest a pointless enterprise. Thus, while acknowledging the awkward fact that the promptings of other consolidation proponents had not 'hitherto been attended with *any effect*', he confidently countered:

> I know there is a difference between wishing that a thing were done, and shewing in detail how it may be done; and in that difference is founded so much of excuse as hath hitherto been competent.[72]

For the purpose of 'shewing in detail' how the Digest was to 'be done', Bentham embarked on one further attempt at legislative drafting: the composition of a model Turnpike Act.[73] Again, he adopted a huge shortcut by choosing an area of law which had already been consolidated by parliament, and hence only required revising. Both the turnpike and highway laws had been consolidated in 1767 (7 Geo III c.40 and c.42), and were later repealed and re-consolidated in 1773 (13 Geo III c.78 and c.84).[74] The remains of Bentham's effort are in an even less complete and coherent condition than the unfinished Builder's or Publican's Acts. Still, enough survives at least to indicate the nature of his objectives.

Bentham's basic point was that the Turnpike Act would serve as a model of consolidation for the entire Digest. 'A treatise on legislation', he observed, 'would have been imperfect...without such a specimen as this'.[75] Moreover, the availability of such a model would have a direct impact on conditions in parliament. 'The supposed immensity' of the task would 'shrink into moderate dimensions' once the legislator came to realise 'that in seeing one [specimen], he sees them all'.[76] The Turnpike Act also offered a solution to the problems arising from 'the prolixity of the proceedings' in parliament, which were likely to frustrate any reform effort. Parliament would only have to debate once whether to enact a 'Digest of every Code' according to the method applied in the Turnpike Act. This achieved, 'the general method...agreed upon...will supersede, and cut off all debates concerning each one in particular'.[77] In taking the turnpike law as his example, Bentham had purposely chosen 'a fit rich[?] *specimen*' containing 'a great variety of articles' and comprising a 'branch of the law compleat within itself'.[78] Yet, while exploring this one *branch* of law in detail, Bentham stressed that he was also addressing the statute book in its entirety. 'What is here done', he maintained, was like 'the manner of those Chymists' who investigated a 'single parcel' of a mine 'but for the judgement that may be obtained from it of the whole'. ''Tis the whole map therefore of the Statute Law', and not 'this small fragment of it', that was being considered in the 'decomposing' of 'the old draught, and the recombining in the new one'.[79]

The model Turnpike Act thus represented the lynch-pin of the strategy for overcoming parliamentary indolence and inattention. And in failing to complete

the act and the Digest plan (by his own estimate) Bentham allowed England's legislators to continue to enjoy 'so much of an excuse' for their failings as had 'hitherto been competent'.

As so much remained to do on the Digest papers and as so very little of all he composed in the 1770s ever reached publication, no very elaborate explanation is perhaps required for Bentham's eventual abandonment of his plan. The project proved a useful opportunity to explore various techniques and methods of composition and promulgation which would become basic elements of his mature legislative theory.[80] In later years, he would again think of statute-digestion as a potential means for promoting his legislative talents.[81] Nonetheless, this is unlikely to be the full story of Bentham's readiness finally to leave his Digest papers in such a 'rough state'. As a scheme of law reform, it was a very restricted vehicle. Certainly, Bentham never appears to have viewed the Digest as a 'capital work' of the 1770s, comparable in scale and range of subject matter to his projected 'Critical Elements of Jurisprudence'.[82] Moreover, even in terms of its limited purpose as an exercise in legal 'form' and 'method', the Digest was soon overtaken by further developments in Bentham's jurisprudence. As he explained in the 1789 Preface and Concluding Note to the Introduction to the Principles of Morals and Legislation, a final resolution of questions of legal form and method demanded an examination of 'not the statute'[83] but of 'law' as 'the logical, the ideal, [and] the intellectual whole'. The shift in orientation, we now know, reflected the distance Bentham had covered earlier in the decade in his Of Laws in General. There he once more pursued the construction of a 'plan of legislation...perfect in point of method'.[84] But, significantly, the 'art of legislation' and 'plan of a complete and regular body of statute law' which then resulted from this pursuit no longer sustained the original 'Plan for a Digest' as an autonomous legislative project. Instead, it figured as very much a by-product to a more ambitious and comprehensive programmatic objective.[85] From this perspective, the fate of the 1770s Digest can be taken as a measure of the swiftness of Bentham's progress in this formative stage of his career.

APPENDIX - The Manuscript Sources

Given the condition of the relevant materials, it is extremely difficult to construct a general outline of the overall Digest plan or to locate with confidence all the manuscripts belonging to it. See UC lxxix. 1-2, for the most informative 'Digest. Plan/Table of Contents'. The projected chapter on 'Composition' is further outlined at UC xcvi. 85, 86-7, 88-97; another series appears at UC xcvi. 359. For the actual treatment of composition, see UC xcvi. 221, UC lxxa. 60-116, UC lxxix. 4-77; for promulgation, see UC lxxix. 4-77, UC xcvi. 233-45, UC cvii. 5-13.

For what appear to be working notes and plans on statute consolidation, see UC xcvi. 353-8, 363, 364-7 (using Owen Ruffhead (ed.), Statutes of the Realm, 8 vols., London, 1769); UC xcvi. 369-72 (using Richard Burn, The Justice of the Peace and Parish Officer, 1st edn., London, 1754); and UC xcvi. 373, 374-8 (using Nathaniel Forster, General Index to 12-17 volumes of the Journals of the House of Commons, London, 1778).

The specific attempts at statute drafting discussed in the text are located as follows: Publican's Law at UC lxxix. 78-103; Builder's Act at UC xcvi. 222-30; Turnpike Act at UC lxxix. 104-37 and UC xcv. 1-115 (entire box).

The only material Bentham assembled for the common law Digest relates to his 'New Year Books' programme for the publication of a series of authoritative law reports, as was proposed in the Fragment on Government (see Comment/ Fragment (CW), p. 499). The relevant manuscripts and plans are at UC c. 1-4, UC lxxa. 117-44, UC xcvi. 244 and UC clxix. 1 (items 1-5). Bentham conceived the 'New Year Books' publication as a necessary preliminary to the composition of a common law Digest.

Finally, it is worth noting that many of the themes discussed as part of the Digest plan were also developed by Bentham in other settings. Thus, for example, 'composition' and 'promulgation' appear in the 'Contents' headings of a work outlined at UC xcvi. 72, which does not appear to refer to the Digest. Given the resulting difficulty of isolating the Digest materials, I have taken the liberty of drawing on other contemporary manuscripts where these proved helpful in clarifying Bentham's intentions.

Notes to Bentham's Digest

1. The following essay is a revised version of material originally presented in my doctoral thesis The Province of Legislation Determined: Legal Theory in Eighteenth-Century Britain, London University PhD, 1982. I am richly indebted to Professor J.H. Burns for his generous and much needed supervision of this work. More recently I have become indebted to Dr. Fred Rosen for his many suggestions for revising my manuscript for presentation here.

2. Douglas G. Long, Bentham on Liberty, Toronto, 1977; Gerald J. Postema, 'Bentham's Early Reflections on Law, Justice and Adjudication', Revue Internationale de Philosophie, CXLI (1982), 219-41. The best summary of Bentham's major pursuits of the 1770s and '80s is given in the editorial introductions by J.H. Burns and H.L.A. Hart to A Comment on the Commentaries and A Fragment on Government (CW) and An Introduction to the Principles of Morals and Legislation (CW) hereafter IPML .

3. Fragment/Comment (CW), p.499.

4. UC clxix. 1-2. The list concludes with the note: 'Of almost all these works the leading principles are fixed upon. In several of them progress has been made.'

5. Correspondence (CW), i. 235 and ii. 114; also see i. 241 and ii. 62.

6. An account of the relevant manuscripts is set out in the Appendix above.

7. UC xcvi. 86.

8. UC lxxix. 11.

9. UC xxvii. 116; headed, 'Duo consideranda: policy and form'. This was a distinction Bentham retained throughout his legislative theory. For a late formulation, see 'Nomography; or the Art of Inditing Laws', Bowring, iii. 233-4.

10. UC xxvii. 122.

11. UC xcv. 32.

12. UC xcv. 32. See also UC scv. 10, where Bentham says he has noted only 'such defects as arose immediately and solely from Wordiness and the want

of System'; and UC lxxix. 1, where he observes, 'Form of the Law in contradistinction to substance, the subject of consideration in a Digest'.

13. See: Daines Barrington, Observations on the More Ancient Statutes, London, 1796, pp. 559-64; Francis Hargrave (ed.), A Collection of Tracts Relative to the Law of England, London, 1787, pp. xxxix-xli; Richard Burn, The Justice of the Peace and Parish Officer, 3 vols., London, 1764, i. viii and iii. 567-8; William Blackstone, Commentaries on the Laws of England, 4 vols., London, 1826, i. 8-12.

14. See Francis Bacon, De Augmentis Scientiarum in Works, eds. James Spedding, R.L. Ellis, D.D. Heath, London, 1858, v. 88-103; 'A Proposition... touching the Compiling and Amendment of the Laws' and 'A Memorial touching the Review of Penal Laws' in The Letters and Life of Francis Bacon, ed. James Spedding, London, 1869-72, v. 84-6 and vi. 61-71. For a valuable survey of statute consolidation before the Hanoverian period, see Barbara Shapiro, 'Codification of the Laws in Seventeenth Century England', Wisconsin Law Review, (1974), 428-65.

15. UC lxxix. 59, 55, and UC xcvi. 86.

16. UC lxxix. 77, and see UC xxvii. 110.

17. UC lxxa. 105, and see UC lxxa. 135, UC lxxix. 23.

18. UC lxxa. 96.

19. Comment/Fragment (CW), p. 160.

20. UC xcvi. 246.

21. UC lxxa. 112.

22. UC lxiii. 3.

23. UC lxxix. 53

24. UC lxxix. 63.

25. UC lxxa. 135.

26. UC lxxix. 69, and see UC lxxix. 63, 74.

27. Of Laws in General (CW) [hereafter OLG], p. 71; and see Comment/Fragment (CW), pp. 44-5.

28. OLG (CW), pp. 63-4.

29. UC lxxix. 74: 'A Law, be it ever so good in itself, becomes not only useless, but mischievous for want of Notoriety'.

30. UC lxxix. 64: 'That a Law may do mischief though it be not known: that it cannot be of use farther than as it is known: that a great part of our Laws are not known: that they cannot as things stand at present be known: and accordingly it is not to be wondered at if many of them are of little use... that there is a method whereby they might be made known: this method is endeavoured to be explained'.

31. UC lxxa. 119

32. Bentham, The Limits of Jurisprudence Defined, ed. Charles Warren Everett, New York, 1945, p. 193.

33. Ibid. p. 194.

34. UC lxxix. 57, and see UC cxl. 129.

35. UC lxxix. 57.

36. UC lxxa. 69. Bentham added 'Dignity' as another quality of 'inferior consideration'.

37. UC lxxix. 67.

38. General View of a Complete Code of Laws, Bowring, iii. 208.

39. UC lxxa. 74. Also see UC lxxa. 64 and 69: 'all has been sacrificed to Amplitude'.

40. UC lxxa. 62.

41. Comment/Fragment (CW), pp. 142-4.

42. UC lxxa. 73: 'There are no set of men who have greater occasion to pay so much attention to the precision and force of words, as Lawyers. There are no set of men who give so many words as Lawyers. Hence it becomes a notion [that] the precision of legal words is owing to their multitude...' See also UC lxxix. 85, for an illustration of this point.

43. UC lxxa. 95. Bentham's examples are hypothetical; he refers to Philip Miller, The Gardener's Dictionary, 2 vols., London, 1731-9.

44. Comment/Fragment (CW), pp. 154-5.

45. Ibid., p. 132.

46. Ibid., pp. 130-1, and OLG (CW), pp. 103-4n.

47. UC lxxa. 111.

48. UC lxxix. 61.

49. OLG (CW), p. 103n. For the corresponding discussion in the Digest material, see UC lxxa. 82-8, 135.

50. OLG (CW), p. 239.

51. UC xcvi. 243: 'Composition fits the law for man's apprehensions. Promulgation conveys it to their organs'.

52. UC lxxa. 74

53. UC lxxix. 5, 23.

54. Comment/Fragment (CW), p. 45.

55. UC lxxix. 30; see also UC lxxix. 15-16, 27.

56. Comment/Fragment (CW), p. 499.

57. See UC lxxix. 21: 'The Laws whose principle of unity is a certain Subject-matter or a Certain End... may be stiled the Aggregate Laws, in contradistinction to those whose principle of unity is a certain denomination of person; which latter may be stiled the Personal Laws'.

58. See UC lxxix. 118: 'the business is so to order these portions of a Code... whose bond of unity is a common subject-matter, that the collecting of them afterwards for the purposes of notification into a Code whose bond of unity is "person" may be an affair of mere mechanical juxtaposition'. See also UC lxxix. 86-7.

59. UC lxxix. 15-6; see also UC lxxa. 138.

60. The Builder's Act is at UC xcvi. 222-30; the Publican's Law is at UC lxxix. 78-103. A series of tables at UC xcvi. 364-7, 369-72, appears to be Bentham's working notes for the two acts.

61. See Bentham's note at UC xcvi. 222: 'Analyze thus all the reducing Acts which have been published... To get to work upon Acts not reduced would be endless work'.

62. UC xcvi. 222.

63. Further features of the Digest programme can be identified. See UC lxxix. 57, 115, 35-42, where Bentham discusses the need for a uniform style of expression in legislation; and UC xxvii. 124, where he suggests using the Digest to extend beneficial local acts throughout the kingdom. For promulgation, see UC lxxa. 85-8, where Bentham explores several graphic techniques for printing the personal codes; and UC lxxix. 72-3, where he suggests translating some of the codes.

64. UC lxxa. 130; and see UC cxl. 90.

65. See UC xcvi. 72, where 'Obstacles' appears as an appendix to the projected work; and UC xcvii. 1, for a very rough 'scetch' of the 'Obstacles' section. Most of the material on 'obstacles' or 'prejuges' is at UC xcvii. 1-54, though Bentham raises similar themes throughout his writings during this period.

66. UC clxix. 1 (item 20).

67. See UC xcvii. 94-5 and 101 (on 'Jurisprudential and Ecclesiastical Superstition').

68. UC xxvii. 124.

69. Ibid.; see also UC xxvii. 96, 102 and UC lxxa. 122, 125.

70. UC xcvi. 86.

71. See UC xcvii. 35 and UC lxxa. 90: 'Legislators, content to quiet themselves with the standing apology that complicated laws are a necessary part of the purchase as well as one cause of Liberty, hath hitherto made simplification of them no part of their concern...' On this general issue, see Long, Bentham on Liberty, pp. 65-83.

72. UC lxxix. 59.

73. UC lxxix. 104-37 and UC xcv.

74. Bentham appears to have used a draft of the 1773 act; see UC lxxix. 104-37.

75. UC xcv. 15; and see UC xcv. 16, 'If my method of composition be worth learning, there cannot be a more effectual way of teaching it'.

76. UC xcv. 9.

77. UC lxxix. 32. See also UC lxiii. 4-5 and UC xcv. 5.

78. UC xcv. 4. See also UC xcv. 15-6 and UC lxxix. 104.

79. UC xcv. 4.

80. See 'Nomography', Bowring, iii. 231-83.

81 See Correspondence (CW), iv. 429 (1793).

82. Correspondence (CW), i. 358-9, and the studies cited above, n.2.

83. IPML (CW), pp. 301, 5-9.

84. OLG (CW), p. 183.

85. OLG (CW), pp. 233-6.

BENTHAM'S RELIGIOUS WRITINGS: A BIBLIOGRAPHIC CHRONOLOGY

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The religious writings of Jeremy Bentham have rarely been thought to be of much interest.[1] Where they illuminate particular areas of his thought scholars have enlisted their support, but their concern can hardly be described as anything but incidental. Moreover, it has generally been supposed that Bentham's interest in religious matters was merely occasional and peripheral to the main themes of his thought. Yet if the amount of time and ink he expended on the subject is an indication of his interest, this assessment will require substantial revision. It is my purpose in this chronological survey of Bentham's published and unpublished writings on religion to lay the essential groundwork for such a revision; to indicate the precise extent and depth of his interest in the subject throughout the course of his long and industrious life.

When Bentham first wrote upon religious matters in 1773 it was fitting that his central theme should be the controversial topic of compulsory subscription to articles of faith.[2] The 'Subscription Controversy', which began among the dissatisfied masters of Cambridge in 1766 and subsequently engaged the pens of several eminent clergymen over the following eight years, would unquestionably have recalled to his mind his own qualms over subscription at Oxford. Graduation from the University at that time required that students subscribe to the Thirty-nine Articles of the Anglican Church. Being properly raised in religious observances one might have expected the young Bentham, like the rest of his university contemporaries, to take the Articles on trust and to subscribe without question. Instead he set out to examine that which he was being asked to believe. 'The examination', he recalled in later life, 'was unfortunate'. He could find little or no meaning at all in several of the articles, and obtained no satisfaction in settling his doubts from the master responsible for such matters.[3] Bentham signed but there is no question that the experience left an indelible mark upon him, and the compulsory imposition of oaths was a subject to which he was to return again and again throughout his long life. As he was to say on many future occasions, by imposing the practice of subscription, the Church made perjurers of its congregation. The beginning of Bentham's disaffection with official or organised religion dates from his subscription experience at Oxford, but it was to be another ten years before he attempted anything systematic on the subject. Sometime in 1773 he broke off from his work on Blackstone to jot down his thoughts on subscription, and though these have never been published, the substance of what he had to say found its way in later life on to the pages of 'Swear Not At All' (1817). These early jottings by no means constitute a cohesive work; the subject of subscription is interspersed with other related topics, the whole amounting to a series of disjointed thoughts and reflections. The manuscripts are to be found in UC v. 1-32 and xcvi. 263-341. The dating is uncertain since Bentham rarely dated his papers before 1800, but on at least one of the sheets (UC v. 28) there appears the date '5th august 1773'. The agitation for a relaxation of the terms of subscription to articles of faith, which came to a head with the 'Feathers Tavern' petition of 1771 and continued until 1774, and what we know of Bentham's writing on jurisprudence of the time (UC xcvii. 1-116) would seem to support this date. The manuscripts on subscription in UC xcvi are to be found amidst other writings on such topics as legislation (promulgation, appeal, prelude, evidence, certainty, indirect), gin drinking, penal laws for religious belief, and miscellaneous remarks under the heading 'Sabbath'.

That Bentham had abolition, or at the very least a major reform of the practice of subscription in mind in 1773, is clearly implied by his musing that his strictures may be 'out of Season' and might better 'serve for another parliament, or another Age' (UC xcvi. 266). There may have been several reasons for Bentham's reticence in completing the work, not the least of which could have been his desire to get on with his work on Blackstone; or this may be another example of his annoying life-long habit of leaving projects unfinished to be reconsidered and revised at a later date. A more interesting reason, however, may well have been his discovery of Joseph Addison's article on religion in volume V of The Spectator, No. 459 (Saturday 16 August, 1712). Bentham claimed that this left 'nothing for me to add', his reference appearing on a sheet containing a list of suggested chapter or topic headings relating to subscriptions and oaths, under the general title 'INTRO. Sanction Religious. Abuses debilitative of the Religious Sanction. Catalogue of' (xcvi. 138). But his critique is much broader than that set forth in Addison's brief four page analysis and it is doubtful whether his remark should be taken seriously. Certainly his own experience at Oxford and his comments on the University practice of subscription would have made interesting reading, and 'Swear Not At All' is surely a witness to this. Moreover, the matter had recently occasioned a heated public dispute and for a young man keen to make his mark in the world, this would appear to have offered an excellent opportunity to unite controversy with the sincere belief that there was a wrong to be righted. Nor, when so much had been published by clergymen on the subject and when so many had signed the petition for relaxation of the terms of subscription to articles of faith, would Bentham have had much to fear from the courts. However, whatever the reason he abandoned the subject and returned to his work on jurisprudence and to his study of Blackstone's Commentaries on the Laws of England (1765-69).

The text that eventually became A Comment on the Commentaries in 1928 was begun by Bentham in 1774 and largely completed by him within the year, with a few additions made over the following two years. Not that the subject of religion was completely cast out of his mind during this period. He published a translation of Voltaire's Le Taureau Blanc as The White Bull (1774) and utilised the preface in order to make a few short but sure hits in Voltairean fashion at the resistance to change of organised religion. Added to this, the important section of A Comment on Divine Law occupied much of his time and seems to have caused him some difficulty.[4] Nor had the topic of oaths been forgotten. Always adept at combining current interests with his study of the law, he turned aside from his main theme to score a general point against Blackstone and against Oxford where he had heard him lecture. Blackstone is marked down as typical of those 'nurtured in that Sanctuary of religion where a man steps not across a gutter but to break a Law, nor breaks a Law but he must break an oath....'[5]

The amount of time that Bentham spent on religion during this early period of his life has never been fully appreciated, nor has his attitude towards it and its place within his emerging utilitarian system received sufficient attention. His work on Blackstone, punishment, the penal code, and laws in general naturally led him to consider religion as it touched on these matters. For instance, in A View of The Hard-Labour Bill (1778) Bentham's desire to see an extension of relief for Nonconformists led him to advocate that a provision be made in the bill, allowing believers of all denominations the right to attend services administered by their own priests in the proposed 'labour-houses'.[6] Shortly after, in a letter of 30 March 1779 to the secretary of the Oeconomical Society of Berne, he indicates an uncertainty as to the appropriateness of including religious topics in his 'Plan of a Penal Code'.[7] does emerge during this time, however, is Bentham's antipathy towards ascetism.

Having briefly touched on the subject sometime in 1774 in connection with 'sexual nonconformity' (UC lxxiii. 90-100; lxxiva. 1-25), he returned to it in the 'Crit[ical] Jur[isprudence] Crim[inal]' manuscripts shortly after to give it a definite religious context (UC lxix. 1-42; cxl. 1-153; clix. 262-76, ca. 1774-76), and in 1778 he developed some of this material for An Introduction to the Principles of Morals and Legislation (printed 1780, published 1789). Whereas previously Bentham's hostility had been directed at particular Church practices and clerical abuses, here for the first time in print he argues that religion per se is responsible for mischief. His exhaustive analysis of the role of the religious sanction in legislation and in morals during the second half of the 1770s undoubtedly brought him to this stand against religious asceticism, and in the early 1780s he once again pondered the pernicious as well as useful consequences of religious belief in his writing on 'indirect legislation' (UC lxxxvii. 17-41).

At this point Bentham's interest in religion waned and from this moment on, miscellaneous fragments aside, there is no sustained commentary on, or critique of, religious matters for almost the next thirty years of his life. In 1785, it is true, he did look again and in more detail than previously at the subject of 'sexual nonconformity' (UC lxxii. 187-205; lxxiva. 26-34), but there is little here regarding religious asceticism that one cannot find in the manuscripts of 1774. Legislation, evidence, civil code, France, economic issues, Panopticon, the Poor Law, Scottish reform, these are Bentham's principal areas of concentration during these years, and references to religion are minimal. He occasionally touched on religious matters in these areas, as when he discussed the arrangements for Sunday service in the Panopticon prisons, or when he considered the use of oaths in courts of law, but these were of only incidental interest to him.

L.J. Hume suggests that Bentham began again to look critically at the Church in the last decade of the century, and that in this he may have been inspired by the anti-clerical measures of the French Revolution or possibly by the agitation of the Dissenters for repeal of the Test Acts in the years 1787-90 (a campaign to which his friend James Trail had drawn his attention in early 1787 while he was in Russia).[8] However, there is little to establish that Bentham took more than a passing interest in ecclesiastical affairs during these years. There are a few jottings on 'Church Establishments' (UC cviii. 108, ca. 1790-8) with reference to Edmund Burke's Reflections on the Revolution in France (1790), and there exists a single intriguing sheet of manuscript 'On Toleration' dated May 1789 (UC clxix. 152) which indicates some interest in the plight of the Dissenters. But it is difficult to find evidence of a more substantial nature testifying to an interest in religion at that time. The material cited by Hume (UC v. 33-9) seems to be closely related to most of the other manuscripts in the same box (UC v. 63-316) which date from 1812-13. Headed 'Church' or 'Church Contents' they include jottings on a wide range of topics, especially clerical abuses, Church liturgy, tithes, and the expense of maintaining a religious establishment, as well as on religious tests and penal laws designed to exclude Dissenters from public life. One sheet has the sub-heading 'Principles of Ecclesiastical Polity' (UC v. 33), and Bentham appears to have intended a section of this work on the Church to be a 'Plan for an Ecclesiastical reform in England' (UC v. 35). It is likely, therefore, that these manuscripts belong to a much later period, probably to the time when Bentham devoted so much of his energy to an analysis of the Anglican Establishment and to suggesting reforms of its institutions, which is to say between 1809 and 1817.[9]

When he turned his thoughts to religion again in 1809 Bentham was no longer concerned solely with its deficiencies as an agency of morality, as he had been in the Introduction, nor was he content to single out isolated features of

organised religion for special consideration, as in the early manuscripts on subscription. He now launched a general political attack in which the key concepts for the indictment of the Church were 'influence', 'sinister interest', and 'corruption'. The writings on religion of the period 1809-23 are paralleled by and intimately related to Bentham's concern for parliamentary reform; he saw them as two aspects of the same engagement to reform the constitution.

Bentham's interest in constitutional issues dates at least from A Fragment on Government (1776), but in the period after 1809 he was gripped with a fervour for reform which permeated all aspects of his thought. In the drafts for 'Parliamentary Reform' of 1809-10 we find him cataloguing agencies of corruption, including social and psychological sources of influence, under which he listed religious faith and the operations of laws imposing religious tests. He thought of these as instruments tending to corrupt morals and to create confusion in the minds of the people, which in turn facilitated the domination of the monarchy and the ministry (UC cxxx. 102). This was the beginning of Bentham's second period in which religious matters loomed large, for it was not long before he was busy sketching outlines and plans for voluminous works on the Church and its teachings. For the next fourteen years religion was to be a field of intense activity.

Four works constitute Bentham's total output on religion, and all belong to this later period: 'Swear Not At All' (completed sometime prior to the end of 1812, printed 1813, published 1817); Church-of-Englandism and its Catechism Examined (based on manuscripts dated 1812-17, published 1818); Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind (written mainly 1821-22, published 1822); and Not Paul, but Jesus (written 1813-17 with additions 1818-21, published 1823). These works were published at a time of uncertainty for Britain: the post-Napoleonic years proved to be a time of political and social unrest. But if one expected the wrath of the authorities to fall upon the author's head, one was to be disappointed. If ever four works of an author of repute 'fell stillborn from the press' these were they. Only Not Paul, but Jesus attracted any attention at the time of publication and occasioned replies from several justifiably peeved pastors.[10]

'Swear Not At All', the only one of the religious works included by Bowring in his edition of The Works of Jeremy Bentham, was also the first of them to appear in print and is particularly interesting in providing a link both with Bentham's early complaints about the Church and with his writings on evidence in the first decade of the nineteenth century. As we have seen, his first jottings on the subject of subscription to articles of faith occurred in 1773. Sometime between 1803 and 1811 he had occasion to return to the subject again when writing about judicial oaths for the Rationale of Judicial Evidence (completed in 1811, but not published till 1827), and 'Swear Not At All' was a product of this. The title-page to the published tract of 1817 claims that it was 'Pre-detached from an Introduction to the "Rationale of Evidence"'. It appears that Bentham extracted it from the material for Chapter IX of this work because it broke the thread of his discussion of the use of oaths in courts of law.[11] But if the date when this pamphlet was written remains uncertain, it seems likely that Bentham's interest in the subject was revived by the passing of the Toleration Act of 1812. Though he had little to say about the Act itself his dissatisfaction with its limited nature can be assumed. It is clear, at least, that he was not satisfied with the retention of the oaths required for the certification of Dissenting ministers, for in February of 1813 he was busy collecting information regarding the subscriptions demanded of clergymen (UC ix. 26-7).[12] The passing of the Unitarian Toleration Act in July 1813 only served to sharpen Bentham's interest. This he thought a most unsatisfactory measure, the imperfections of which, he claimed, were due to the sinister interests of the

Church Bishops who 'refuse to relinquish the power they have over the people'.[13] It failed to annul all previous statutes imposing penalties against 'impugners of the Trinity', did not extend its terms of relief to Ireland, and did nothing to alter the law regarding 'blasphemy'.[14]

The delay in the publication of 'Swear Not At All', some six years or more, has not been accounted for. In the Advertisement Bentham says that he was induced to publish because of 'the addition so lately made of the scourge of religious persecution to the yoke of despotism: - for a pretence for punishment as for blasphemy...; and, by men by whom the profession of piety has been converted into an instrument of power, the exertions so lately made, to bolster up by the force of their punishments the imbecility of their arguments'. Recent prosecutions for 'blasphemy', then, a 'catch-all' method commonly used by government to suppress literature deemed to be of a seditious or libellous nature as well as tracts aimed directly at the Church and Christian beliefs, would appear to have stirred Bentham to publish his attack on the laws requiring oaths and subscriptions. But why the gap of four years between the printing and the publication of 'Swear Not At All'? It may have been that Bentham intended to incorporate his arguments against oaths into Church-of-Englandism upon which he was engaged during these years, and the possible duplication of what he had to say may have stayed his hand. The 'Church' manuscripts in UC v. 94-316 (1813) contain lengthy sections on the causes and forms of intolerance and the problems posed by oaths. In the event the work on the Church dragged on and some provocative prosecutions by the Attorney-General encouraged Bentham to publish his long-held views on the practice of oath-taking.[15]

Church-of-Englandism had its birth in Bentham's more general disgruntlement with the Established Church. As early as 1809, when engaged on what was to become the Plan of Parliamentary Reform (1817), he had a work on the Church in mind (UC xxviii. 1-48).[16] According to a note dated July 1818 this work was 'written before Church of Englandism' but was 'not published or finished' (UC vi. 27). What remain are an outline (UC vi. 28-83) and the related text of Chapters II-VI (UC v. 94-316) under the title 'Church Part II Doctrines' which date from 1812-13. Some of this material made its way into Church-of-Englandism, but as the outline confirms it was planned as a much more extensive work than that which Bentham managed to produce in draft.[17] It was the Church's involvement in education that persuaded him to set about rearranging his material and to alter the focus of the work. Convinced that the Church had only founded the National Schools Society (1811) in order to thwart the efforts of the Dissenter Joseph Lancaster and others, including himself, to establish nonsectarian schools for educating the poor,[18] Bentham embarked on an expansive critique of the pernicious role of the Church in education and coupled this with his more general criticisms of the Anglican Establishment. The result was Church-of-Englandism and its Catechism Examined, a more scathing and far-reaching analysis of official religion than had initially been planned, but a work clearly rooted in the earlier manuscripts of 1813. That the published volume is a synthesis of two distinct bodies of work - the unfinished work on the Church and the later strictures on the National Schools Society, principally dating from 1814-16 - is to some extent revealed by its format. There are two Prefaces, a Plan of the Work, and two separate parts to the main text - 'Strictures on the Exclusionary System as pursued in the National Society's Schools' and 'The Church of England Catechism' - which in turn has five appendices.[19] There are four different series of pagination and footnotes which occasionally run on for several pages. These nearly 800 pages are, as L.J. Hume has remarked, 'perhaps the most chaotically arranged of all Bentham's publications'.[20]

On this occasion Bentham did not employ an editor to relieve him of the tedium of arranging his material. We can only wish that he had found someone to perform this task. Samuel Romilly was approached but his reluctance in even undertaking to proof-read the text, 'to note as he read such passages as to him should present themselves as dangerous' and to suggest amendments 'as he thought might ensure safety', is perhaps understandable. Bentham, however, did not think so. Romilly, he wrote,'has broken his word to me'. It was his opinion that Romilly baulked at the section on sinecures and the over-payment of offices which, as a Whig and an expectant of position, 'he toils to have his share in the disposal of', and then foreseeing the direction of the work read no more.[21] Though a friend and an admirer for many years, Romilly had a history of caution where Bentham's more radical and potentially offensive works were concerned. In 1793 he advised him not to publish Truth Versus Ashurst because it contained some praise of the French, and it did not appear until 1823.[22] In 1802, after reading Bentham's criticisms of the role of the Duke of Portland's ministry in the Panopticon affair, he warned him that to publish was to risk a charge of libel.[23] Again it was Romilly who persuaded him not to publish The Elements of the Art of Packing in 1810 for fear of prosecution by the Attorney-General, and Bentham agreed to delay publication until a more tranquil day should offer itself.[24] It eventually appeared in 1821. Already regretting the publication of the Plan of Parliamentary Reform[25] and believing that it could 'not fail to shock all persons who have any sense of religion', Romilly was quick to advise that Church-of-Englandism be suppressed. Bentham ignored this and also refused to listen to later requests that the work not be distributed.[26]

Francis Place shared none of Romilly's reticence where radical politics or the propagation of unbelief was concerned, and he readily busied himself looking for a publisher.[27] This proved to be no easy task. In the effort to suppress literature of a radical nature booksellers and publishers of anonymous tracts, declared 'blasphemous' or 'libellous' by the magistrate, were liable to prosecution under English Common Law. This may well have forced Bentham to abandon his original plan to publish Church-of-Englandism as the work of 'An Oxford Graduate'.[28] For a time, however, he was under the impression that the inclusion of his correspondence with the respected Unitarian M.P. William Smith on the subject of the Unitarian Toleration Act of 1813, in the form of a preface to the work, would be sufficient to lessen the risk of prosecution for a bookseller.[29] In the end only the author's name on the title page would do.[30]

Bentham was able to avoid such risks with the apparently less threatening Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind, given to the world under the pseudonym of 'Philip Beauchamp'. It was begun in 1815 and completed in 1821, but there is an outline dating from as early as 1811 (BL Add. MS 29807, fo.2) which shows that Bentham had the overall plan clear in his mind at the outset of his attack on the Church and its doctrines.[31] Moreover, its subject - the perniciousness of the belief in an after-life of rewards and punishments - was not new to Bentham. Whenever he wrote of law and the role of sanctions, from the early 1770s on, he added to the stockpile of his displeasure the mischief perpetrated by the religious sanction, and looked forward to the day when the legislator would no longer have to take the religious sensibilities of the people into account. The Analysis represents the systematic gathering together of all Bentham's previously stated grievances over the influence of the religious sanction in the temporal concerns of society. In fact there is no other piece of sustained writing, published or unpublished, in which he is more emphatic that individuals and communities in general would be happier if they could find a way of living without religion. In this respect the Analysis rounds off the political critique of the Church Establishment, its institutions and modes of

instruction, mounted in Church-of-Englandism.

There has been some controversy regarding the responsibility for the finished work. That the book is based on Bentham's manuscripts is not in dispute. The British Library has four volumes of manuscripts which were sent by Bentham to George Grote in November and December of 1821.[32] In the main they are in the hand of John Colls, Bentham's amanuensis of the time, or in the hand of Bentham himself. These were the manuscripts used by Grote to produce the Analysis. The DNB article on Grote records that a comparison between the finished work and these manuscripts 'shows the enormous amount of labour required to bring them into form. Grote had practically to write the essay leaving aside the greater part of the materials before him and giving to the remnant a shape that was his rather than Bentham's'. Sir Leslie Stephen concurs with this view: 'to me it seems clear that it owes so much to the editor, Grote, that it may more fitly be discussed hereafter'.[33] Such observations, however, are apt to mislead more than they inform. In a letter of 9 December 1821 Bentham introduces the manuscripts for Grote's 'tactical powers' to 'make good use of', and refers to them as 'a garden of good fruits'. The remainder of the letter then proceeds to give a general outline as to how Grote might set about his task.[34] In a second letter Bentham offered to look the manuscripts over and see whether he 'could do any thing more towards rendering the work more methodical, correct, clear, concise and comprehensive'. To which he adds: 'Should it be found necessary grudge not the trouble of recomposing...[I]f any considerable additions be found requisite, nobody can be better qualified for making them than yourself'.[35] In such manner Bentham authorised Grote to rewrite and, if necessary, to make additions to his original material. In the event, as a reading of the finished work proves, Bentham's directions of 9 December were very closely followed by Grote. In other words, he used the manuscripts according to the plan set out by Bentham. However important Grote's editorial duties, and these should not be underestimated given the bulk of material he was asked to deal with (Bentham's manuscripts were intended for a much larger study than the published work represents), we can be sure that the book truly reflects Bentham's opinions on the topic of the influence of the religious sanction on temporal happiness.

The book was eventually published in 1822 by Richard Carlile, who was already serving a six year sentence in Dorchester for publishing 'blasphemous' literature and unlikely to be prosecuted further for this, his latest affront to the religious beliefs of the English people. Though Bentham's authorship was not long a secret, Grote's hand in the work was not revealed till after his death. His wife makes no mention of the book in her life of her husband, but the reviewer of this biography let the secret out in the Edinburgh Review. The 1875 edition of the Analysis and the French translation of the same year both make clear Grote's involvement, the latter describing it as 'd'apres les papiers de Jer. B., par G. Grote'.[36]

Similar editorial questions surround the production of Not Paul, but Jesus, published in 1823 under the irreverent nom de plume of 'Gamaliel Smith', Gamaliel being the name of the master under whom Paul studied the Judaic Law. According to a note by Place in his copy of the work 'the matter of this book was put together by me at Mr. Bentham's request in the months of August and September 1817 - during my residence with him at Ford Abbey, Devonshire'.[37] But as Graham Wallas, Place's biographer, has pointed out, while the manuscripts are mostly dated 1817 in Place's hand there are some dated as late as 1818.[38] Entries in the diary of John Colls reveal that the manuscripts were passed to Place via Bowring in January of 1821, and the Summary View of Not Paul, but Jesus, published later that same year, announced that the work would be speedily published. Yet on 25 January 1823 Bentham was still enquiring of Place how the work was progressing (UC clxxiii. 92). Wallas claims that the manuscripts had 'been rearranged, condensed and "pulled

together" in making the book',[39] and perhaps Place had some hand in this. But it is difficult to substantiate that this is what actually occurred, since only a relatively small portion of the manuscripts upon which the published work is based are extant (UC cxxxix. 212-331). Most of the remaining manuscripts that go by the title 'Not Paul' contain material suppressed by Bentham or which he hoped would appear at some future date. This material includes the 'Church History from Jesus' Ascension to Paul's Conversion' (UC cxxxix. 445-531); an unpublished appendix with the title 'Paul's Inducements' (UC cxxxix. 332-444); suppressed material on the doctrinal differences between Paul and Jesus (UC clxia. 141-214); the intended second volume or part to Not Paul, but Jesus entitled 'Sextus', which is a discussion of asceticism (UC lxxiva. 35-222) and harks back to the early fragments on sexual nonconformity of ca. 1774 and 1785; and, finally, the planned third part of Not Paul, but Jesus, a continuation of part two entitled 'Asceticism: its repugnancy to the religion of Jesus', which was intended to prove by an analysis of the sayings and life of Christ that he was opposed to the doctrine of asceticism (UC clxib. 215-523). What remains of the material used in the published work accounts for only a few of its many sections; consequently, it is difficult to say precisely how much of a hand Place had in the book. In his Autobiography he explicitly attributes the work to Bentham and, even taking modesty into account, there is no reason to doubt him.[40] In a contrasting vein to the more rigorously argued Analysis the case against Paul is almost comic. The levity with which the subjects of Scripture, miracles, Paul's conversion, his motives and character are approached is beyond Place's capacity to produce lively prose.[41] As a confessed atheist he welcomed the publication of anti-religious literature and would have eagerly assisted in any such enterprise. But there seems little doubt that he played only a minor role as an editor.[42]

For one of Bentham's radical lieutenants, however, involvement in his writings on religion could not comfortably be assented to. Bowring's acquaintance with Bentham began in 1820 and for the last ten years of the life of the old sage they were constant companions: the one reminiscing and reflecting on the events of his long life, and the other jotting everything down and gathering together correspondence for a memoir of his master. His final tribute to Bentham was the publication of the Works, a significant portion of which are based on unpublished manuscripts. Bowring has been much criticised for the manner in which he assembled the volumes which go by the name of Bentham's Works, and rightly so. Perhaps more reprehensible still, however, is Bowring's complete disregard of Bentham's wishes in suppressing the admittedly vast collection of material on religious subjects, and particularly his refusal to include that which was already in a finished state and did not involve the time of an editor. It is true that Bentham had said on several occasions that it would be better if certain material was not published on the grounds that it would threaten any good that his other efforts might produce, but he also indicated that the unpublished religious writings should appear at some future date (UC clxia. 4). Why did Bowring not fulfil these wishes? John Colls's inference that he refused to publish the religious works because earlier editions remained unsold is hardly convincing.[43] This could be said of more than a few of Bentham's other tracts which were included in the Works. Surely the truth is that, though a radical in politics and a firm adherent of the utilitarian doctrine, Bowring could not find it within himself to apply the test of utility to Christianity itself. He saw that 'Swear Not At All' was an attack on Church authority and a blow in the cause of toleration, but the other religious works went too far down the road to infidelity for his liking. As a Unitarian, a founder member of the Non-Con Club (1817) established to promote the principles of truth and liberty, and of the Unitarian Association (1818) devoted to protecting the civil rights of Unitarians,[44] he could not possibly follow Bentham down this particularly blasphemous path.

Sadly there is no record in the Works or in Bowring's disappointing auto-biography of any exchanges between the two on religious matters.[45] Yet Bentham must have been aware of his young friend's beliefs. Sir Leslie Stephen is probably correct that Bowring 'judiciously agreed to avoid discussions upon religious topics with his master'.[46] Even so it seems extraordinary that while Bentham was planning to re-publish parts of Church-of-Englandism in 1825, Bowring was busy on a volume of hymns and prayers.[47] Yet this man of religion, this author of hymns and prayers, was the man to whom Bentham consigned writings which could not but be offensive to him. Just how offensive the neglect of the religious works during the past 150 years sufficiently indicates.

Certainly Bowring does not seem to have dampened Bentham's enthusiasm for attacking religion wherever the opportunity arose, and he never left off pondering religious questions right up to the end of his days. In 1830 he was still considering the problem of the 'utility of religion' (UC cxxxviii. 161-69). But Bentham's intentions vis-a-vis religion had been clear at least from the time he wrote the Introduction - in a society organised according to the dictates of utility it would have no place either in morals or legislation. With the publication of the religious works in later life the world could no longer be in any doubt as to Bentham's animosity towards religion, or the depth of his conviction that it should be abolished both as an institution and as a source of psychological influences working on the human mind. In the Constitutional Code, for example, he mentions religion hardly at all.

Auto-Icon; or, Farther Uses of the Dead to the Living, written in 1831 and printed for private circulation in 1842, provides a more unusual perspective on the place of religion in the secular Utilitarian society. Rarely noticed by scholars in the past, it is an odd tract rich in allusions of a religious nature, but designed, in part at least, to show the irrelevance of religion to mankind.[48] Being an unbeliever and a rigorous utilitarian, at some point in his life Bentham was almost bound to consider the question 'Of what use is a dead man to the living?' That this question should foster an entire thesis about the usefulness to be derived from corpses, particularly if they are the remains of men of some achievement and intellect, is also typical of Bentham. One of the more curious possibilities he suggests is the use of embalmed bodies or 'auto-icons' in a religious manner. 'On certain days', he writes, 'the Auto-Icons might be exhibited, and their exhibition associated with religious observances.[49] Every sect would choose its own exhibition day'. Bentham envisages Temples of Fame 'filled with a population of illustrious Auto-Icons', and Temples of Honour and Dishonour with the transference of auto-icons from one to another depending on the current state of public opinion.[50] Auto-icons, rich, poor, famous and infamous, are to replace the monuments of conventional religion in the churches, realising the Christian equality which escapes mankind in real life: all are 'on the same level' and 'the beautiful commandment of Jesus would be obeyed; they would indeed "meet together"...'[51] Finally, pilgrimages to the shrines of dead philosophers are suggested as fitting substitutes for the pilgrimages to the shrines of saints and martyrs.[52] For Bentham, however, such observances are purely secular; auto-icons serve a useful function entirely divorced from any spiritual or mystical considerations. They inspire, disgust, and are aids to instruction, but they cannot do any more than this. From the stories of their lives, their failings and achievements, their contributions to the public good and their crimes against the community, we can learn how best to conduct our own lives. But there is no use in our praying at their feet for guidance or forgiveness, for grace or salvation. In this they are impotent. 'Has religion anything to do with the matter?' asks Bentham.[53] 'Nothing at all. Free as air does religion leave the disposal of the dead'.

In Bentham's Memorandum Book for 21 June 1831 there is the query 'J. Be to draw up a plan for Church Reform?'[54] Nor was this entirely fanciful thinking, at least not for Bentham. Amongst his proposals of that year for the establishment of a Colonisation Society are interspersed several sheets on which ideas for a 'Book of Church Reform' are set forth (UC viii. 149-73). Though these were intended to be the beginnings of a critique of Robert Southey's Book of the Church (UC viii. 153), first published in 1824, it seems that Bentham ran out of steam and published in their place a collection of extracts from Church-of-Englandism.[55] No more on religion was to come from the hand of 'the Hermit of Queen's Square Place'.

From the timid and dutiful boy frightened by tales of ghosts and nightmares populated by images of the devil, to the Oxford student of first doubts, to the middle years of quiet unbelief and, finally, the zealous atheism of later life, Bentham's journey was characterised by the growing conviction that religion was not always what it professed to be, until his distaste for the doctrines, practices, and orders of religion became almost fanatical. The religious writings, published and unpublished, and his writings in other fields where they touch on religious matters, provide us with the documentation of this story. For too long, however, Bentham's views on religion have been neglected, and in the process a significant aspect of his thought has been forgotten or thought to be not worth exploring.

Notes

1. I have derived much assistance from the writings of the late James Steintrager, especially his 'Report on the Problems of Editing Bentham's Writings on Religion', Appendix B to the Report by the General Editor, 12 June 1967 (unpublished).

2. For a discussion of Bentham's interest in subscription see Crimmins, 'Bentham's Unpublished Manuscripts on Subscription to Articles of Faith', forthcoming in the British Journal for Eighteenth-Century Studies.

3. Bowring, x. 37.

4. A Comment on the Commentaries and A Fragment on Government, ed. J.H. Burns and H.L.A. Hart, London, 1971 (CW), introduction, p. xxxix.

5. Ibid., p.80.

6. A View of The Hard-Labour Bill, London, 1778 (Bowring, iv. 23-4).

7. Correspondence (CW), ii. 252.

8. George Wilson and James Trail to JB (26 Feb. 1787), ibid., iii. 527. See L.J. Hume, Bentham and Bureaucracy, Cambridge, 1981, p.112.

9. The reasons for Bentham's reluctance in making his views on religion known are explained by James Steintrager in 'Morality and Belief: The Origins and Purpose of Bentham's Writings on Religion', The Mill Newsletter, VI, No. 2, Spring 1971.

10. 'Ben David' [Rev. John Jones], A Reply to Two Deistical Works, entitled "The New Trial of the Witnesses", etc. and Gamaliel Smith's "Not Paul, but Jesus", London, 1824; Rev. T.S. Hughes, A Defense of the Apostle St. Paul against the Accusations of Gamaliel Smith, Cambridge, 1824, and On the Miracles of St. Paul, being Part II of A Defense of that Apostle, Cambridge, 1824; D.B. Wells, St. Paul Vindicated...A Reply to a Late Publication by Gamaliel Smith, Cambridge, 1824.

11. A precis of the main arguments of 'Swear Not At All' appears in Bowring, vi. 28-9.

12. There is a letter from Henry Brougham to JB (9 Feb. 1813) written in response to the latter's inquiries for information regarding clerical subscriptions at BL Add. MS 33545, fos. 26-7. For the particulars of the Toleration Act see Richard W. Davis, Dissent in Politics 1780-1830. The Political Life of William Smith, M.P., London, 1971, pp. 171-84.

13. Church-of-Englandism and its Catechism Examined, London, 1818, 'Preface on Publication', p. xxxvii.

14. Ibid., pp. xxvii, xxxix-xli. These issues are discussed in the exchange of letters between Bentham and the Unitarian M.P. William Smith at the front of Church-of-Englandism.

15. In a letter to William Smith (Feb. 1818) Bentham mentions the cases of William Hone and a man called Wright. The first was a notorious case which dragged on for many months in 1817 till Hone was eventually acquitted after three trials. Church-of-Englandism, 'Preface on Publication'.

16. At UC xxi. 75, dated 20 Aug. 1810, there is a list of 'Propositions on parish priests, how to improve their education and make them useful'.

17. The 'Church' MSS are without a doubt an early abortive start by Bentham on his great work on organised religion. However, while most of the material is to be found in the finished work, Church-of-Englandism, there are some important differences. For example, in the former writings Bentham intended to include sections on the history of Christianity (UC vi. 31, 35, 71), on the utility of religion (UC vi. 32, 33, 38, 41), on doubts about the divine mission of St. Paul (UC vi. 33, 38, 41), and on the popular antipathy to homosexuality (UC vi. 62, 63), which were all themes developed later in the Analysis, Not Paul, but Jesus, and the related unpublished MSS of these works.

18. In 1813 Bentham had made a start on an outline for a new curriculum, strong in natural science and void of religion, in an educational handbook, which he eventually published as the Chrestomathia, printed 1815, published London, 1816. To those afraid that instruction repugnant to religion would be given at the Chrestomathic School Bentham promised that 'no instruction...disrespectful to Religion in general, to the Christian Religion in particular, or to any one form of it, shall ever be administered'. Bowring, viii. 40.

19. UC vii. 1-160 are MSS intended for appendices to Church-of-Englandism but which were not included for want of space. Much of their substance is scattered about the body of the published text.

20. Hume, Bentham and Bureaucracy, p. 186.

21. JB to John Koe (7 Jan. 1818) and JB to John Koe (14 Jan. 1818), Koe MSS, from transcriptions at the Bentham Project, U.C. London. This contradicts the claim of Alexander Bain (James Mill. A Biography, London, 1882. p.452) that Romilly 'agreed with every tittle' of Church-of-Englandism.

22. Romilly to JB (Jan. 1793), Correspondence (CW), iv. 414-15.

23. Romilly to JB (1 Nov. 1802), Bowring, x. 399-400.

24. Romilly to JB (31 Jan. 1810), ibid., 450.

25. Entry for 20 May 1817, Memoirs of John Quincy Adams, ed. Charles Frances Adams, Philadelphia, 1874-77: 12 vols., New York, 1970, iii. 536.

26. See Memoirs of the Life of Sir Samuel Romilly, 2 vols., 3rd. edn., London, 1841, ii. 489-90. Romilly recorded Bentham's part in the Westminster elections of 1817 in his diary thus: 'Among the strange incidents which occurred during the election, was the decided part which my excellent friend, Jeremy Bentham, took against me. He did not vote, indeed; but he wrote a handbill, avowed and signed by him, in which he represented me to be a most unfit Member for Westminster as being a lawyer, a Whig, and a friend only to moderate reform'. Ibid., 512.

27. See JB to Place (14 Jan. 1818) and JB to Place (6 Feb. 1818), MSS inserted in the British Library copy of Church-of-Englandism, shelf mark 4106.bb.6.

28. JB to Place (6 Feb. 1818), ibid.

29. See Church-of-Englandism, 'Preface on Publication', pp.xiv-xliii.

30. JB to Place (6 Feb. 1818), MSS inserted in Church-of-Englandism, BL shelf mark 4106.bb.6.

31. BL Add. MS 29807, fos. 157-62 is a later and more detailed 'Plan of the Work' for the Analysis, which is reproduced by Steintrager in 'Report on the Problems of Editing Bentham's Writings on Religion', pp.9-10.

32. BL Add. MSS 29806-9.

33. Leslie Stephen, The English Utilitarians, 3 vols., 1900: London, 1950, i. 316.

34. BL Add. MS 29806, fo.1.

35. Ibid., 29807, fos. 12-13.

36. M.L. Clarke, George Grote. A Biography, London, 1962, p.32.

37. This copy is now in the Library at University College. It is inscribed 'From Mr. Bentham Sep 29, 1823, FP'. The Ogden Collection at U.C. London Library also contains another copy of Not Paul, but Jesus with copious annotations believed to be in the hand of S.T. Coleridge. It is indicative of the neglect of Bentham's religious views that these annotations by a noted opponent of Utilitarianism have neither been transcribed nor analysed.

38. See the note attached to Place's copy of Not Paul, but Jesus at U.C. Library.

39. Ibid.

40. The Autobiography of Francis Place (1771-1854), ed. with an introduction and notes by Mary Thale, Cambridge, 1972, p.8.

41. That Place's own writing is uniformly dull and humourless is testified by all hands. See the DNB article on Place, Thale's introduction, and Graham Wallas, The Life of Francis Place 1771-1854, 1898: 4th edn., London, 1951, p.89.

42. 'Ben David' had no doubts that Bentham was the author of Not Paul, but Jesus. A Reply to Two Deistical Works, pp.1 and 173n.

43. John F. Colls, Utilitarianism Unmasked, London, 1844, p.23.

44. Davis, Dissent in Politics, pp.202-3.

45. Bowring's autobiography reveals little about his relations with Bentham and nothing about their differences over religion. The following is his only comment about the vast quantity of Bentham's unpublished material: 'Many of his writings I have not deemed it safe to give to the world, even after his death, so bold and adventurous were some of his speculations....' Autobiographical Recollections of Sir John Bowring, London, 1877, p.339.

46. Stephen, The English Utilitarians, i. 225.

47. John Bowring, Matins and Vespers: With Hymns and Occasional Devotional Pieces, London, 1825; Bentham, Mother Church Relieved by Bleeding or Vices and Remedies extracted from Bentham's Church of, etc..., 1823: 2nd edn., London, 1825. The latter is a reprint of sections 9 and 10 of Appendix IV of Church-of-Englandism. In a letter to Place (29 Jan. 1823) headed 'Mother Church relieved by bleeding', Bentham asked his advice about reprinting 'the political part of Church of Englandism'. His purpose, he says, is that it might be useful to those interested in Joseph Hume's motions in parliament regarding Irish tithes. Church-of-Englandism, BL shelf mark 4106.bb.6.

48. For a discussion of the context in which this tract was written, verification of its authenticity, and other details concerning its printing and the execution of the terms of Bentham's will regarding his remains, see C.F.A. Mamoy, 'The "Auto-Icon" of Jeremy Bentham at University College, London', Medical History, II, No.2, April 1958.

49. Auto-Icon: or, Farther Uses of the Dead to the Living, written 1831, printed but not published 1842, p.3.

50. Ibid., pp.4,6 and 7.

51. Ibid., p.3.

52. Ibid., p.15.

53. Ibid., p.16.

54. Bowring, x. 69.

55. The Book of Church Reform, containing the most essential part of Mr. Bentham's Church of Englandism Examined, edited by one of his Disciples, London, 1831.

JEREMY BENTHAM AND ADAMANTIOS KORAIS

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During the first three decades of the nineteenth century Bentham's ideas found widespread appeal among intellectuals and political activists engaged in liberal causes around the world. His anticolonialism, his support for legal reform and institutional change, his prominent position in the reform movement in England and his leadership of 'philosophic radicalism' attracted the active interest and inspired the hopes of embattled liberals in distant and backward regions of the continent of Europe, such as Russia and the Iberian peninsula, in Latin America, and even in Northern Africa. The voluminous correspondence of the last period of his life bears ample evidence of this function of Bentham's political ideas. Bentham himself relished the interest aroused among reformers everywhere by his theories and never tired of encouraging it.[1]

Among the representatives of the liberation and reform movements, who approached Bentham at the height of his international renown during the last decade of his life, were some spokesmen of revolutionary Greece. The full story of Bentham's involvement in the politics of Greek independence in both Greece and England remains to be written. This paper attempts to bring together the surviving evidence of the relationship between Jeremy Bentham and the foremost personality in the Greek cultural revival of the late eighteenth and the early nineteenth centuries, Adamantios Korais (1748-1833). After his medical studies at Montpellier, the distinguished Greek classical scholar came to Paris in 1788. Here, he witnessed and commented upon the French Revolution while working on his editions of ancient Greek medical texts. His editorial work on the classics established him as one of the leading philologists of his time. From 1805 until the end of his life he dedicated himself to the publication of a collection of classical texts with long prolegomena in modern Greek, aiming at the cultural and moral preparation of his compatriots for their liberation from the Ottoman yoke.[2] This became the consuming care of his life. It was this pre-occupation that motivated his communication with Bentham in the early 1820s.

The relations between Jeremy Bentham and Adamantios Korais can be considered on two levels. Firstly, on a 'micro-historical' level one can attempt to reconstruct the contacts and exchanges, direct and indirect, which constitute the basic components of the relationship between the two liberal thinkers. Secondly, on a theoretical level one can trace and appraise the influences exercised by Bentham's political theory upon Korais's thought, which was generally receptive to influences emanating from European intellectual currents. The significance of the first type of research consists in the possibility it offers for the partial elucidation of Bentham's involvement in the politics of the Greek War of Independence in the early 1820s. From the perspective of Greek history the reconstruction of the details of the attempts by Korais and his associates to approach Bentham can throw new light on the ways in which they strove in all directions for the promotion of the Greek cause. The combined involvement of both Bentham and Korais in the Greek struggle possesses, in addition, particular interest in that it illustrates the practical dimension of the theoretical concerns of the two thinkers. Their sensitivity to the practical implications of political theory constitutes a salient trait of their work. What follows is an attempt to illuminate a brief phase during which their mutual practical concerns brought the two thinkers in touch with one another.

The interest of the second type of research proposed above does not consist primarily in the opportunity it offers to confirm once again Korais's eclectic tendency to glean theoretical arguments from different European intellectual currents in order to add force and persuasiveness to his views on Greek cultural and political problems. Tracing influences across cultural borders and between individual thinkers can also be of interest to the extent that it provides evidence of ideological attitudes and orientations at the receiving end of the relationship. It is precisely for this reason that it is worthwhile to trace the appeal of Bentham's thought during the 'age of revolution'.

Korais was acquainted with Bentham's work mainly through Dumont's 1802 edition of Bentham's writings. This is the source primarily cited by Korais in his political writings, although he also occasionally used the 1818 French edition of Théorie des peines et des récompenses, and he was familiar with several of Bentham's pamphlets in the original. The three volume copy of Dumont's 1802 edition in the Korais library at Chios bears unmistakable evidence of Korais's attentive study. Bentham's text is indexed in detail in Korais's handwriting on the inside of the back cover of each of the three volumes.[3]

Korais's original contact with Bentham's ideas might have been part of his preparatory work for the Greek edition of Beccaria's Of Crimes and Punishments,[4] which appeared in the same year as Dumont's edition. In his personal indexing of subjects in his copy of Dumont, Korais notes unfailingly all references to Beccaria in volumes I (pp.109, 111, 122, 152) and II (pp.37,385, 429). It is, however, doubtful that he consulted this particular source in connection with his project on Beccaria that appeared the very same year as the Dumont edition.

The evidence of Korais's writings seems to suggest that he read Dumont's edition at a considerably later date. Two aspects of Korais's Greek edition of Beccaria might be cited as evidence for this claim. First, a piece of external evidence is the absence of any reference at all to Bentham's work in the voluminous commentary that accompanies Beccaria's text. Second, the internal evidence of Korais's commentary likewise points in the opposite direction. Beccaria's text was interpreted by Korais as a pointer to a reformed political morality rather than as a model of rationalized legislation.[5] Only this latter reading of Beccaria could have turned Korais's attention to subjects that might have brought him in touch with Bentham's work at the time.

Apparently, Korais did not turn to Bentham's work until much later. The primary influences in his thought in the first two decades of the nineteenth century emanated from the intellectual milieu of the French Idéologues and these could not have directed his interest towards Bentham. Although contemporaries, the English utilitarians and the Parisian Idéologues generally ignored each other's intellectual projects. Bentham's correspondence offers no evidence of any ties or exchanges with the Idéologues, although he did maintain contact with other French liberals.[6]

Furthermore Korais's interests in the period up to the outbreak of the Greek War of Independence focused almost exclusively on philological, linguistic and cultural problems, and, therefore, he had little need for Bentham's ideas on politics and legislation. As with several other continental European and Latin American propagandists of Benthamism, Korais discovered the practical relevance of Bentham's work when the problems of state building and constitutional organisation impressed themselves with great urgency on his thinking as a consequence of revolutionary action in Greece.

The 'great tremour'[7] that shook Korais's soul upon hearing the news of the revolution provided the stimulus for the reorientation of his writing towards

political theory. The recovery of his older interests in this field provided the preconditions for a dialogue with Bentham's ideas. During the early 1820s, when Korais was seriously preoccupied with the appropriate constitutional organisation of newly liberated Greece, references to Bentham occur with remarkable frequency in his writings.[8] It was precisely during this period that the name of the English law reformer surfaces widely in ideological debates in revolutionary Greece.[9] This was largely the outcome of the propagation of his ideas by some of his disciples like Blaquiere and Stanhope who went to Greece seeking to assist the liberation struggle.

The pressing needs of the struggle and Bentham's favourable attitude towards the philhellenic movement encouraged certain officials of revolutionary Greece, as well as the ageing Korais, to appeal for his support for the Greek cause. Issues such as Bentham's involvement with the London Greek Committee, his communication with leading political personalities of revolutionary Greece such as Theodore Negris and Alexander Mavrocordatos, the mission of Orlando and Louriotis to London and their contacts with Bentham and the activities of Bentham's representatives, notably Leicester Stanhope in Greece, are beyond the scope of this paper.[10] The focus of the present analysis is on the contacts and exchanges between the two senior Enlightenment figures in the early years of the third decade of the nineteenth century. These contacts can be reconstructed on the basis of the evidence of four kinds of sources: (a) Bentham's unpublished correspondence; (b) the journal kept by Bentham's secretary, John Colls, in the years 1821-1825; (c) Bentham's personal notebook for the years 1822-1824; and (d) the surviving presentation copies of Bentham's works among Korais's books, now included in the collection of the Korais library at Chios. These unpublished materials, supplemented by other evidence that can be gleaned from published sources, provide a fairly complete record of the exchanges between Bentham and Korais and allow a reasonable appraisal of their respective motives and objectives during their communication between 1821 and 1824.

The initial contacts of Korais's circle with Bentham took place in August 1821 when Nicolaos Piccolos (1792-1865) arrived in London and approached Bentham in order to request his support for the Greek liberation struggle. In a letter dated September 1821 to his close associate Neophytos Vamvas, Korais refers to Piccolos's mission and specifies its purpose: 'we have recently sent the learned Piccolos to London in order to contact the local liberals and rekindle in our favour British public opinion, which is in disagreement with the attitude of their government'.[11]

According to John Colls, two Greeks visited Bentham on 22 August 1821. He mentions by name only Piccolos who presented a letter of introduction from John Bowring. On the following day Piccolos was invited by Bentham to dinner.[12]

The discussions that ensued led Bentham to believe that Korais's circle might be an effective conduit for the promotion of his ideas in Greece. The prospect of the application of his ideas in the organisation of the fledgling new state constituted Bentham's primary motive in the receptivity he showed to Piccolos's and Korais's approaches. At his next meeting with Piccolos at dinner on 30 August 1821 Bentham presented him with copies of four of his recently printed works, one of which had not yet been officially published. Colls notes that Bentham gave to Piccolos the following works: 1. Codification; 2. Commercial Observations; 3. Liberty of the Press; 4. Three Tracts.[13] In his conversations with Piccolos, Bentham expressed his interest in learning the modern pronunciation of Greek. Piccolos responded by offering to assist him in this project and sent to Queen's Square Place a set of pertinent instructions, which have survived in

Bentham's papers.[14] Piccolos dined with Bentham for a last time on 4 October 1821 shortly before his departure for Paris.[15] During their farewell meeting Bentham gave him two letters and a book for his friend, Frances Wright, in Paris.

Through Piccolos, Bentham contacted Korais indirectly for the first time by sending him a copy of one of his works. In his entry for 3 October, Colls mentions that on that day he delivered to Piccolos 'a copy of Church Cat[echism] and a copy of Judicial Establishment.'[16] A copy of the latter work, Draught of a New Plan for the Organization of the Judicial Establishment in France (1790), has survived among Korais's books at Chios.[17] On the title page it bears the following dedication in Jeremy Bentham's hand:

> To Doctor Coray
> from the Author.

We can safely conclude that this pamphlet was Bentham's gift to Korais. The Greek scholar made good use of Bentham's gift by citing it in his prolegomena to the second edition of Beccaria (1823) and in his commentary on the Provisional Constitution of Greece.[18] Both projects occupied his time in 1822, shortly after Piccolos's return from London.

In addition in Korais's library copies have survived of both On the Liberty of the Press and Public Discussion (1821)[19] and Three Tracts relative to Spanish and Portuguese Affairs with a continual eye to English ones (1821).[20] Copies of both of these pamphlets, as we just saw, were presented by Bentham to Piccolos. The two copies in Korais's library bear on the title page the following identical dedication in Bentham's handwriting:

> To Dr Coray
> from Jeremy Bentham.

It is not unreasonable to suppose that these books were brought back to Korais by Piccolos. After his return to Paris, Piccolos, in a letter dated 22 October 1821, transmitted his Mentor's warm thanks to Jeremy Bentham:[21]

> Monsieur Coray est très flatté du présent que vous lui avez fait. Il en sent tout le prix et vous prie d'en agréer ses remerciments.

A few months later Korais reciprocated Bentham's gesture by sending a copy of his recently published edition of Aristotle's Politics to the utilitarian philosopher. Korais had every reason to do this. Besides responding to Bentham's gracious initiative, by sending his edition of the Politics he could bring directly to the attention of the 'foremost contemporary teacher of political science'[22] his own use and acclamation of his work. Bentham certainly noted with satisfaction Korais's closing appeal in his long prolegomena to Aristotle whereby he recommended the translation of Bentham's writings into Modern Greek:[23]

> It is eminently appropriate to Greece's current circumstances to have a chair and distinguished professor of politics in its major schools, where the Politics of Aristotle should be taught, interpreted and compared with the political theories of modern philosophers. To this end it is necessary to translate the most important works of the latter and most essentially the writings of the wise law teacher Bentham. These works will benefit not only

> the teachers and students of higher schools but will furthermore be of use to men of good upbringing in all stations of life, but especially to those who follow politics as a vocation.

Bentham's subsequent activity suggests that he took to heart Korais's advice to the revolutionary Greeks. Korais's counsel to his compatriots may not have been unrelated to Bentham's expectation of a Greek translation of his work.

The dispatch of Korais's edition of the Politics to Bentham was effected again through Piccolos. The latter's letter of 27 January 1822 from Paris indicates clearly that he knew very well what might most interest Bentham in Korais's gift:[24]

> Monsieur,
> Je profite avec empressement de l'occasion de Mlle Wright pour vous transmettre de la part de Mr Coray un exemplaire de l'edition qu'il vient de donner de la politique d'Aristote. Il vous cite en plusieurs endroits et notamment dans l'avant dernière page de ses prolegomènes où il recommande la traduction de vos ouvrages. Il était tout naturel qu'en parlant de l'organisation politique de son pays, il puisât dans les ecrits de celui des philosophes modernes qui a le mieux connu la nature humaine.

From Colls's journal we learn that Piccolos's letter was delivered to Bentham by Frances Wright on 4 February 1822.[25]

Bentham's indirect communication with Korais through Piccolos and Wright continued in the following months. Returning Korais's gift Bentham sent him later in the spring of 1822 a copy of still another newly published work with Wright. Piccolos on his way to Greece transmitted Korais's thanks in a letter to Bentham dated 30 June 1822 from Marseilles:[26]

> Mon vénérable Monsieur,
> Je regrette vivement de n'avoir pu répondre à la belle et touchante lettre que vous avez fait l'honneur de m'envoyer par Miss Wright. J'ai reçu avec une égale reconnaissance vos nouvelles productions. Je les ai fait reunir aussitôt aux anciennes que je possède presque toutes. Mr Coray à qui j'ai remis l'exemplaire qui lui était destiné, m'avait chargé de vous offrir ses remerciments avec les miens.

On the basis of information in Colls's journal one could be led to suppose that Bentham's new gift to Korais might have been a copy of Supplement to Codification Proposal, eighteen copies of which were sent to Wright in Paris on 7 June 1822.[27] No copy of this work however has been preserved among Korais's books. On the contrary, in Korais's library one can find a presentation copy of Letters to Count Toreno on the proposed Penal Code, delivered by the Legislation Committee of the Spanish Cortes, (1822),[28] with the following dedication on the title page in Bentham's handwriting:

> To Dr Coray
> from Jeremy Bentham.

This could have been Bentham's new gift to Korais in the spring of 1822.

Bentham did not remain indifferent to Korais's gift, which attested to the appeal of his ideas among the intellectual leadership of a nation fighting for its freedom. In a letter to the distinguished scholar and philanthropist Dr Samuel Parr on 17 February 1823, he cited Korais's reference to his work as an encouraging sign of the increasing appeal of his ideas:[29]

> In a preface to his edition of Aristotle's Politics - a copy of which he sent me, forming the thirteenth volume of his Ellenica Bibliotheca, Paris, 1821 - Doctor Corai, a renowned literary leader of the Greeks a sojourner in Paris for the last thirty years, recommends it to his country to translate the works of Bentham, in preference to all others on Legislation. Having other intelligent disciples in that country, I have some reason to think something in that way has for some time been going on.

Bentham's enthusiasm must have been confirmed by Parr's response of 20 February 1823 which testifies to Korais's high standing in the European republic of letters at the time:[30]

> Dr Corai is a scholar of the highest class: I have two of his works, which I read with great delight. His sagacity is worthy of his erudition and his authority is very great among all men of letters.

In subsequent years, despite many other preoccupations, Bentham did not stop thinking about Korais's gift. His diary shows that exactly two years after receiving it, on 5 February 1824, he had not lost interest in Korais's scholarly activity. On that day Bentham asked Wright, who was about to leave on one of her frequent visits to Paris, 'to see Piccolo and through him Corai' and 'through both to have the plan of that work of which Corai has sent to J.B. vol. 13'.[31] Bentham was specifically asking for 'a general table of its contents in French and English'. Bentham was obviously seeking information on the renowned Hellenic Library, the series of classical authors edited by Korais since 1805. The thirteenth volume in the series was Aristotle's Politics (1821), which Korais had sent to Bentham in January 1822.

During the period of his active involvement with the London Greek Committee, Bentham's thoughts often turned to Korais, especially whenever he came in touch with Greek spokesmen arriving in London in order to negotiate the Greek loan or to mobilise philhellenic sympathies. Immediately after the exchange with Parr, Korais's name surfaces again in Bentham's correspondence. In a letter of 2 March 1823 to Edward Blaquiere, Bentham refers to Louriotis's mission to London and mentions the latter's intention on his way back 'not to stay in Paris any longer than is necessary for a rapid conversation with Dr Korai.'[32] All this movement that revolved around them made the two ageing Enlightenment figures appear as the poles of efforts to sustain the Greek cause in Western Europe. For his part Korais did not tire throughout 1823 to acclaim Bentham's work and to underline its significance as a guide to the organisation of the new Greek state. In the prolegomena to the second edition of Beccaria he once again recommends to his compatriots to study 'with extra care all the writings of the famous Bentham'.[33] It is not known, however, whether this new public praise by Korais was ever brought to Bentham's attention.

What is certain, nevertheless, is that Bentham did not forget Korais and continued to hope that the Greek classicist of Paris might contribute substantively to the propagation of his ideas in the Greek world. On the evidence of his correspondence for the first half of 1824, Bentham, despite

his old age, and his busy writing schedule, was engaged in a truly frantic cycle of contacts and communications designed to promote the adoption of his constitutional views in the organisation of the new Greek republic.[34] In that phase of his involvement in Greek affairs Bentham corresponded with Alexander Mavrocordatos, Theodore Negris, Orlandos and Louriotis as well as with his two utilitarian associates in Greece, Leicester Stanhope and Edward Blaquiere. Concurrently Bentham was actively at work on successive drafts of the Constitutional Code, which he hoped to project as a model not only of the prospective Greek constitution but as a blueprint for constitutional and political reform throughout the world.[35] His hope was that a version of this work might be translated into Greek by Korais. This expectation was expressed in a letter dated 27 March 1824 to Stanhope. Bentham explained that Korais would supervise the translation, which, after its completion, was to be printed in Greece.[36] The same expectation was repeated in a letter to Theodore Negris dated 12 July 1824:[37]

> Quant au Constitutionnel - un code, sur lequel j'ai travaillé à - peu - près deux années, manque peu d'être en état d'être envoyé en manuscrit à Paris, à votre excellent Docteur Corai, qui a eu la bonté de promettre d'en faire une traduction en Grec moderne, laquelle sera imprimée à Paris, et je crois avec l'Anglais à coté, pour les exemplaires en être distribués en Grèce.

For Bentham to talk about a promise by Korais to undertake the translation, something must have intervened since the rather indefinite expectation of the letter to Stanhope. The answer to this question is contained, I think, in the only known letter from Bentham to Korais, which constitutes the sole direct communication between the utilitarian philosopher and the Greek scholar. This letter, dated 12 August 1824, marks the culmination of the exchanges between Bentham and Korais. As the original draft in Bentham's manuscripts[38] lacks an address, postmark or docket, it is uncertain whether or not it was actually sent. This uncertainty has been compounded by the fact that no copy of the letter has survived in Korais's voluminous correspondence. A careful examination of the evidence of Colls's journal, however, can lead to more definite conclusions. In his entry of 13 August 1824, that is, on the day following the letter's date, Colls noted that Bentham sent a packet to Dr Coray in Paris through his Swiss editor and translator Etienne Dumont. According to Colls the packet contained the following:[39]

> Dumont with a packet for Dr Coray Paris, consisting of
> 1. J.B. to Dr C.
> 2. Copy of Negris to J.B. & J.B. to Negris
> 3. Copy of J.B. to Mavrocordato
> 4. Book of Fallacies
> 5. Nos 1 & 2 of West Minster Review
> 6. Radical Reform Bill corrected

The first of the contents of the packet may well be Bentham's letter to Korais. The strong external evidence of Colls's journal can be supplemented with the internal evidence of the letter itself in support of the identification. From Bentham's letter we learn that through John Bowring's good offices Korais had agreed to take charge of the Greek translation of the Constitutional Code, by selecting the translators and supervising their work.[40] In the letter Bentham adds the following:

> I avail myself of it [i.e. 'the present opportunity'] however so far as to transmitt a copy of a pamphlet of

> mine, printed a few years ago and now by corrections in manuscript, fitted up, so as to serve for an Election Code which may form a sort of Appendix to the Constitutional Code.

This pamphlet was the Radical Reform Bill (1819), 'corrected',[41] which appears as the sixth item in Colls's list. Bentham goes on to remark:

> Of the 12 Ministers whom the Constitutional Code establishes under the Prime Minister, (whose situation agrees for the most part with that of President in the Anglo-American United States) the Election Minister stands the first.

Bentham's observation on this issue, that had occupied him for some time, corresponds with the final formulation of his view in the Constitutional Code.[42] The Book of Fallacies which was also included in Bentham's packet to Korais as the fourth item was the most recent of Bentham's publications, having appeared earlier in 1824. Finally Bentham's references in the letter to copies of his correspondence with political personalities of revolutionary Greece, which he included in the packet, accord precisely with the evidence of Colls's list. The third item refers to a letter from Bentham to Mavrocordatos and this coincides exactly with the following sentence in the letter:[43]

> Another letter you will I hope receive by this opportunity is a copy of mine to M. in answer to the last he sent me by the two Deputies.

Colls's information about the second item on his list concerning the letters exchanged between Bentham and Theodore Negris, makes possible some clarification of Bentham's rather cryptic references to this correspondence in the last paragraph of his letter to Korais.[44] The coincidences between Colls's list and the text of Bentham's letter to Korais leave no reasonable doubt, in my opinion at least, that the surviving text of 12 August 1824 is the original draft of the letter entrusted to Dumont for the Greek scholar in Paris. It is unfortunate that the other items in Colls's list, and especially the two works by Bentham, have not survived along with the rest of Bentham's works in Korais's library.

Bentham's appraisal of the situation in Greece in his letter to Korais, was based on information passed on to him by Stanhope, either directly after the latter's return to London or indirectly through Stanhope's letters to Bowring. Bentham's letter alludes to some of the most characteristic details of the attempts by his disciples to propagate utilitarian principles and promote liberal ideas in Greece:[45]

> On his return hither from Greece, namely about the beginning of July my excellent Philhellenic friend the Honble. Leicester Stanhope gave me some information respecting some conversation of his with a distinguished functionary to whom he had learnt that you had sent a letter of good advice. That functionary acknowledged the having received a letter from you, and I believe, though not without reluctance shewed or read to him at first some extracts, and at length I believe the whole. Stanhope proposed his printing and publishing it: the proposition was not favorably listened to: on being urged, he consented to publish I know not what extracts, but refused to publish it entire. Stanhope said to me he expected (but I did not learn on what ground) that a copy would, from some other

> quarter, find its way to the press, and become visible in Greece: that the production may have been accomplished, or at least may be accomplished, is of course my hearty wish. Through the influence of that functionary as supposed, the publication of some paper of mine was, for some time evaded: evaded but in vain: Stanhope's urgency for the publication of it not being thought fit to be resisted. To some observation of S.'s in approbation whether of my works in general, or some work in particular, as applying or applicable to the case of Greece, "Good in theory, not for practice": was the reply: an observation as trite as it is self contradictory, and of which an exposure is given if I mistake not, in the Volume on Sophismes forming the 2d Volume of the Tactique des Assemblées Politiques.

The 'distinguished functionary' alluded to by Bentham as recipient of a letter from Korais was Alexander Mavrocordatos.[46] Stanhope held him responsible for the attempt to suppress the publication of a Bentham passage in Greek translation in the proclamation of the Hellenic Chronicle, the newspaper initiated in 1824 at Missolonghi by the Swiss Philhellene Johann Meyer with Stanhope's financial assistance. This was the first translation of a Bentham text into Greek.[47] The reference to this incident is an indication of Bentham's trust in Korais and of his belief that the Greek liberal scholar was on the same side as the Benthamites in the ideological and partisan alignments dividing those involved in one way or another in the politics of the Greek War of Independence.

With his letter to Korais, Bentham tried to confirm an arrangement which, he hoped, might lead to the Greek translation of his treatise on representative democracy. The Greek translation and dissemination of his work in Greece, Bentham believed, could lead to the establishment of a legitimate, that is, democratic form of government in the country. For this reason, he explained to Korais that many of those who favoured oligarchical political institutions resented and tried to obstruct the spread of their ideas among the fighting Greeks.

The project on which Bentham focused his hopes, however, did not eventually bear fruit. Korais's multiple preoccupations in the last decade of his life, especially the continuing publication of the Hellenic Library and the Parerga, his whole-hearted involvement in the politics of Greek independence, as well as the condition of his health,[48] did not finally make possible his collaboration with Bentham. Considering this outcome of the Bentham-Korais relationship, one might consider some points of convergence and divergence in their respective political theories. Instead of translating Bentham's constitutional project, Korais opted for the composition of a political text of his own, in the form of a commentary on the first Greek constitution, which had been voted at Epidauros on 1 January 1822 by the First Greek National Assembly.[49] Korais's decision was a conscious political act which gave authentic expression to his thought.

The existence of the two parallel commentaries on the 1822 Provisional Constitution of Greece by Korais and Bentham respectively offers a good possibility of a systematic comparison of their constitutional thought. Korais's constitutional and political ideas in his Notes on the Provisional Constitution of Greece[50] constitute a mature statement of his political thought. Confronted with the concrete needs and challenges of political action, Korais could not limit himself to the adaptation and transmission of European ideas into Greek culture through translation. With the explicit formulation of his political views, Korais was responding to the critical circumstances facing

his homeland, in a manner consonant with his classical moral sense. His constitutional commentary was an act whereby he fulfilled his public duty as a responsible citizen. Viewed in this perspective the final negative outcome and not the original objectives of the Bentham-Korais relationship is of essential significance for the understanding of the crystallisation of Korais's political thought during this period.

Their exchanges certainly confirmed the similarities in their political views, as may be seen by their common advocacy of a non-monarchical form of government and the subordination of the executive to the legislature. But Korais's political thought in this period differed fundamentally from that of Bentham. This is evident in the political attitude developed in his Notes on the Provisional Constitution of Greece. It is interesting to note that to the extent that he relies on Bentham in order to develop his arguments in this text, Korais does so by citing Bentham's early works. Nowhere in his commentaries do we find references to the writings of Bentham's later radical democratic phase, which, as we saw in this paper, reached Korais through Piccolos and Frances Wright in the early 1820s. On the contrary, Korais relies on considerably older works, reflecting Bentham's more orthodox, reformist, liberal phase, such as Draught of a New Plan for the Organization of the Judicial Establishment in France (1790) and Essay on Political Tactics (1791).

In this connection it is interesting to turn once more to the evidence of the surviving copies of Bentham's writings in Korais's library. Of the four presentation copies of works sent personally by Bentham to Korais only one, Draught of a New Plan, bears clear marks of having been read by Korais. Later works such as the brief pamphlet, Leading Principles of a Constitutional Code for any State, (1823)[51] which also survives in Korais's library has remained to this date with its leaves uncut. Korais seems to have bought also a copy of the French translation of Essais de Jérémie Bentham sur la situation politique de l'Espagne, (1823).[52] The copy of this book in his library contains a small handwritten signed note 'Pour Mr Coray', followed by some figures, which is apparently the receipt of the purchase. As noted above, however, of the Bentham works in Korais's library only the 1802 Dúmont edition seems to have been closely read by Korais. Furthermore, among the numerous notes of his readings that have survived among his manuscripts, only a very brief one records his studies of Bentham's texts. This is a note of a sentence from Théorie des peines et des récompenses, (Vol.II, p.155) which Korais took down in Greek translation: 'The only virtue is concern for the public interest.'[53]

Korais's failure to use Bentham's later writings may suggest an inability to study them in his old age, under the pressure of his heavy writing commitments and his political engagements. It is tempting, however, to connect this failure with a hypothesis concerning the crystallisation of his political outlook. By not following Bentham in the direction of the democratic evolution of his views, Korais was essentially confirming his own attachment to the older liberal principles that had guided his political thought since the French Revolution. His ties with the Idéologues had strengthened this attachment which remained the framework of his thought when the challenge of the Greek Revolution impressed upon him the need to specify his ideas in concrete political prescriptions. In this task Bentham's influence was operative but rather ancillary. The decisive influence came from the direction of contemporary French liberals such as Constant and especially the liberal republicans de Tracy, Daunou and Lanjuinais.[54] The latter's constitutional views in particular had a more decisive impact than Bentham's on the essentials of Korais's outlook.[55]

This was not after all surprising. The evolution of Bentham's theory was intimately connected with political and social conflicts in England, and all this was completely foreign to the cultural context and the political priorities of Korais's thinking. In French liberalism he found a more familiar vocabulary in which to express his advice to his compatriots in his old age. Korais's failure to respond to Bentham's initiative was thus linked to the Greek scholar's political theory remaining firmly attached to the tradition of Enlightenment liberalism rather than turning towards a more radical democratic vision.

NOTES

1. On the impact of Bentham's ideas cf. J.R. Dinwiddy, 'Bentham and the Early Nineteenth Century', The Bentham Newsletter, VIII (June 1984), 15-33.

2. Korais's social and political thought is analysed in my doctoral dissertation, Tradition, Enlightenment and Revolution: Ideological Change in Eighteenth and Nineteenth Century Greece, Harvard University PhD, 1978, pp. 229-50, 255-9, 409-62. I prefer the rendering 'Korais' which is closer to the Greek than the gallicized 'Coray', which was used by his contemporaries, including Bentham.

3. See Traités de legislation civile et pénale...par M. Jérémie Bentham, Jurisconsulte Anglais. Publiés en Francais par Et. Dumont, Paris, 1802, vols. I-II-III, Korais Library, Chios, Catalogue no. 1882. The Korais library at Chios possesses one of the richest collections of Bentham's works in Greece. Of the twelve titles six come from Korais's personal library while four others were included in the collection donated by Constantine Pitsipios, one of Korais's associates. This leaves basically only the brief pamphlet Leading Principles of a Constitutional Code for any State, extracted from The Pamphleteer, XLIV, London, 1823, with its provenance unaccounted for. It is likely that it too belonged to Korais. In the inventory of Korais's personal library, drawn up shortly after his death in 1833, the following titles of works by Bentham are recorded, without specification of the author's name:
   - Traité des preuves judiciaires, par Dumont, Paris 1823.
   - Tactique des assemblées legislatives par le même, 1816.
   - Théorie des peines et recompenses par Dumont.

   See P.K. Enepekides, Documents notariaux inédits sur Adamantios Coray tirés des archives d'une étude parisienne et des Archives de la Seine, Berlin, 1959, p.16. Copies of all three of these editions exist in the Library of Chios. For more details on Bentham's works in Korais's possession see P.M. Kitromilides, 'O Koraes meletetes tou Bentham', Mnemon, X (1985).

4. See Peri amartematon kai poinon politikos theoroumenon, trans. and ed. A. Korais, Paris, 1802.

5. The pertinent argument is developed in Tradition, Enlightenment and Revolution, op. cit., pp.428-33.

6. Bentham's most notable contact in France was General La Fayette. Despite his refusal to receive Benjamin Constant and Madame de Staël

in London, he did maintain some contacts with Constant to whom he sent some of his publications in 1824. Constant's acknowledgement is in UC x. 82. An exception among the Utilitarians in their attitude of indifference towards the Idéologues was James Mill, whose interest in psychology drew his attention to Cabanis's work. See Halévy, The Growth of Philosophic Radicalism, London, 1972, pp. 435-7.

7. See Aristotelous Politikon ta sozomena, ed. A. Korais, Paris, 1821, p. [142]. Numbers in square brackets refer to original Greek numbers.

8. Bentham is cited in the following of Korais's works: Aristotelous Politikon ta sozomena, op. cit., pp. [46], [98], [141], 290; Bekkariou peri adikematon kai poinon, 2nd ed., Paris, 1823, pp. [47-8], [49-51]; Semeioseis eis to Prosorinon Politeuma tes Hellados ed. Th. Volidis, Athens, 1933, pp. 65, 95, 109.

9. See Leicester Stanhope, Greece in 1823 and 1824, London, 1824, pp.24, 39-41, 50, 55, 61, 63, 84, 86-7, 90, 97, 173 and especially 196-200. Stanhope's utilitarian zeal led him to exaggerated assessments of the appeal of Bentham's ideas. A more balanced view is given by Edward Blaquiere, The Greek Revolution, its Origins and Progress, London, 1824, pp. 309-10.

10. Among relevant sources in English see Evan Vallianatos, 'Jeremy Bentham's Constitutional Reform Proposals to the Greek Provisional Government, 1823-1825', Balkan Studies, X (1969), 324-34; P.J. Zepos, 'Jeremy Bentham and the Greek Independence', Proceedings of the British Academy, LXII (1976), 293-307; and William St. Clair, That Greece Might Still Be Free: The Philhellenes and the War of Independence, Oxford, 1972, pp. 147-9, 159-63, 186-7, 205-23. On Bentham's involvement in the affair of the Greek loan, see G.F. Bartle, 'Bowring and the Greek Loans of 1824 and 1825', Balkan Studies, III (1962), 61-74. Part of the pertinent correspondence is published by Eugène Dallegio, Les Philhellènes et la guerre de l'independance. Lettres inédites de J. Orlando et A. Louriotis, Athens, 1949, pp.19-20, 157-75.

11. See A. Korais, Allelographia, IV (1817-1822), ed. C.Th. Dimaras et al., Athens, 1982, p.309. Piccolos's mission to London has remained a mystery to his biographers. See E.G.Protopsaltis, 'O Nikolaos Pikkolos kai to ergon tou', Athena, LXVIII (1965), 89-90. It is symptomatic of this state of research on Piccolos's life that the rich collection published by the Bulgarian Academy of Sciences, Dr Nicolas S. Piccolos. Etudes et documents inédits publiés à l'occasion du centenaire de sa mort (1865-1965), Sofia, 1968, is completely silent on Piccolos's visit to London.

12. Colls's Journal, British Library Add. MS 33563, fo. 85. On John Bowring's meeting with Piccolos and Korais earlier in 1821 cf. Autobiographical Recollections of Sir John Bowring, ed. with a brief memoir by Lewin B. Bowring, London, 1877, pp. 317, 323. Bowring's recollection of Korais (p.323) captures the perception of the Greek intellectual leader in contemporary Philhellenic circles and deserves to be quoted in full:

CORAY.

To geronti Korae, as he called himself. I saw him in August 1821. The sons of Greece were gathered round him, and he was

listening to the different tales they brought of the progress of the struggle with the Turks. 'I foresaw all this, but I believed it would take place when my pilgrimage was over. I foresaw it;' and tears flowed fast from 'the old man's' cheeks. 'No, no,' said the young men who were about him; 'you shall return to Greece, and we will build you a monument.' A smile of grateful joy played upon the old man's countenance, and every tongue had some accent of kindness and of congratulation. - 1822.

13. Ibid., fo. 87

14. N. Piccolos to Jeremy Bentham, UC xii. 43-4. Cf. BL Add. MS 33563, fo.89.

15. BL Add. MS 33563, fo. 89.

16. Ibid.

17. Korais Library, Chios, Catalogue no. 1806.

18. See Bekkariou peri adikematon kai poinon, A. Korais, 2nd ed.,pp. [49-51], and Korais, Semeioseis eis to Prosorinon Politeuma tes Hellados, p.109.

19. Korais Library, Chios, Catalogue no. 1716.

20. Korais Library, Chios, Catalogue no. 4449.

21. UC xii. 45.

22. Bekkariou peri adikematon kai poinon, 2nd ed., p.[47].

23. Aristotelous Politikon ta sozomena, p. [141].

24. UC xii. 47.

25. BL Add. MS 33563, fo.97.

26. UC xii. 84. On the relations between Korais and Piccolos at the time cf. Korais, Allelographia, IV, pp. 357-60.

27. BL Add. MS 33563, fo. 102.

28. Korais Library, Chios, Catalogue no. 1799. This is probably the work recorded in the 1833 inventory of Korais's library under the following title: Projet d'un code pénal. See Enepekides, Documents notariaux, p.16.

29. The Works of Jeremy Bentham, ed. John Bowring, 11 vols., Edinburgh, 1838-43, x. 535.

30. Ibid., 537.

31. UC clxxiii. 65.

32. UC xii. 103.

33. Bekkariou peri adikematon kai poinon, 2nd. ed., p. [51].

34. The relevant correspondence, which will appear as part of the new

edition of the Collected Works, is in UC xii.

35. On the history of the composition of the work, see Jeremy Bentham, Constitutional Code, vol. I, ed. F. Rosen and J.H. Burns, Oxford, 1983, (CW), pp. xi-xiv; note especially pp. xvi-xxxi on Bentham's involvement in Greek affairs.

36. UC xii. 268.

37. Bowring, iv. 586.

38. UC xii. 304-7.

39. BL Add. MS 33563, fo. 132.

40. UC xii. 304.

41. Ibid.

42. Cf. Constitutional Code, vol. I, (CW), p.171.

43. UC xii. 307. Cf. Bowring, iv. 589-92. For additional Bentham-Mavrocordatos correspondence see UC xii. 127-8, 289, 327.

44. UC xii. 307. Cf. Bowring, iv. 586-7 and UC xii. 283.

45. UC xii. 306.

46. Cf. Stanhope, Greece in 1823 and 1824, op.cit., p.82.

47. See Prokeryxis Hellenikon Kronikon, 18 December 1824. Cf. Stanhope, Greece in 1823 and 1824, op.cit., p.50. The journal's motto was a Greek rendering of the principle of utility. Bentham and his work are frequently mentioned in the pages of the Hellenic Chronicle. See especially no. 3 (9 January 1824), p. 3; no. 39 (14 May 1824), pp.2-3; no. 80 (1 October 1824), pp. 3-4; no. 81 (4 October 1824), pp.3-4; no. 82 (8 October 1824), pp.3-4; no. 83 (11 October 1824), pp.2-4; and no. 96 (26 November 1824), p.4.

48. See Bowring, iv. 586n.

49. For an English version of this text see, The Provisional Constitution of Greece, translated from the second edition of Corinth, accompanied by the original Greek; ... dedicated, with whatever profits it may produce, to the Greek committee by one of their members, London, 1823, reprinted Athens, 1975.

50. Korais worked on this text in 1822-1823, but it was never published in his lifetime. Its pronounced anti-monarchical bent caused it to remain unpublished until the establishment of the first Greek republic in the interwar period, when it was edited and published by Th. Volidis (Athens, 1933). A new edition by the author of this paper is forthcoming.

51. Korais Library, Chios, Catalogue no. 1720.

52. Korais Library, Chios, Catalogue no. 1800.

53. Korais Library, Chios, MS no. 375, fo.1.

54. Cf. Dominique Bagge, Les idées politiques en France sous la Restauration, Paris,1952, pp. 144-58, on the relevant ideological background. Korais's attitude is characteristically expressed by his active involvement in the efforts to bring out a Greek edition of Francois Daunou, Essai sur les garanties individuelles que réclame l'état actuel de la société, Paris, 1819, which eventually materialised with the publication of Ph. Phournarakis's Greek translation in 1825. For details of this project see Ph. Iliou, 'Sten trochia ton Ideologon. Korais-Daunou-Phournarakes', Chiaka Chronika, X (1978), 36-68.

55. See especially Constitutions de la nation française aven un essai de traité historique et politique sur la charte et un recueil des pieces correlatives par le Comte de Lanjuinais, Paris, 1819, vols. I-II, Korais Library, Chios, Catalogue no. 1802. Korais read this work closely as indicated by his notes which have survived as well as by his Greek translation of articles 1-17 of the 'Declaration des droits d l'homme et du citoyen' of 3 September 1791, which is based on the text published by Lanjuinais, vol. II, pp.165-7. See Korais Library, Chios, MS no. 306.

A NOTE ON BENTHAM AND KORAIS

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A recent search of works translated and edited by Adamantios Korais in the University College London Library has turned up five which were most probably presented by Korais through various intermediaries to Bentham.[1] These volumes are in a similar condition, still in original paper covers and often with pages uncut. The first is a Greek translation of Beccaria's Of Crimes and Punishments which bears no inscription.[2] The second is the version of Aristotle's Politics in which Korais recommends the translation of Bentham's works into Greek.[3] Some pages from the beginning and end of this volume are missing and a piece of paper has been inserted as a bookmark at the point where Korais makes his recommendation. This volume also contains no inscription, though it and the Beccaria volume were probably among the earliest gifts from Korais to Bentham.[4]

The third work is a version of Plutarch's Ta Politika, edited by Korais.[5] It is inscribed in Bentham's hand as follows:

> Jeremy Bentham
> 12 Feb 1825
> Left at QSP
> by an unknown
> hand

This work is followed by a version of Lycourgos, Logos kata Leokratous[6] which bears the inscription:

> Jeremy Bentham
> from the Editor
> Dr Corae
> 16 January 1827

Finally, volumes two and three of Atakta,[7] published in 1830, bear the inscription (perhaps in Korais's hand):

> Jeremy Bentham
> 22 May 1830

It has generally been thought that communication between Korais and Bentham came to an end after Bentham's letter of 12 August 1824 which Professor Kitromilides has discussed in detail. The existence of these volumes reveals some continuing contact between them extending at least to January 1827 and possibly even to 1830. By these dates, Bentham had ceased to believe that Greek versions of his Constitutional Code and other writings would be produced, but Korais might still have expected Bentham to act on behalf of the Greeks who continued to struggle for independence. It seems more probable, however, that Korais sent these volumes simply as a token of his respect for Bentham as a philosopher and reformer of international stature.

NOTES

1. In addition to the works discussed here, the library contains: Epictetus, Diatribon, ed. Korais, 2 vols., Paris, 1827, which is now bound, bears no inscription and may have been obtained by the UCL Library from a different source.

2. Peri Amartematon kai poinon, Paris, 1802.

3. Aristotolous Politikon ta sozomena, Paris, 1821.

4. To these might be added Korais's Mémoire sur l'état actuel de la civilisation dans la Grèce, Paris, 1803, inscribed: 'Au Philosophe Bentham du depart du l'Autumn', which may be found in the Chadwick Tracts in the British Library.

5. Including Korais's Peri ton Hellenikon sumpheronton dialogos, Paris, 1826.

6. Paris, 1826.

7. 3 vols., Paris, 1830.

THE CORRESPONDENCE: RECENT DEVELOPMENTS

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In the early days of the Collected Works, the correspondence volumes were considered to be 'an important - indeed a fundamental - part of the edition'. As more of the letters to and from Bentham appeared in print the validity of this initial assessment became clear. The correspondence provides essential background for Bentham's other writings, casts light on his wide range of contacts, and reveals much of his own personality. It is therefore pleasing to be able to say that 1984 was a good year for the Correspondence. In November Volume 6 was published, covering the years 1798-1801, a period dominated by Bentham's unsuccessful attempts to obtain the implementation of his Panopticon scheme. Edited by John Dinwiddy, this is the first Correspondence volume to be produced by the Oxford University Press, and its high quality has met with universal approval. Dr Dinwiddy has now turned his attention to Volume 7, which will contain the letters for 1802-8.

The publication of Volume 6 was not the only welcome development in 1984. Earlier in the year the Project received a favourable response to an application for the funding of the outstanding Correspondence volumes. The Leverhulme Trust has generously agreed to provide the necessary finance for a five-year period, during which time it should be possible to make significant progress towards the completion of this major component of the Collected Works.

It will probably take a further six volumes - including John Dinwiddy's Volume 7 - to bring the Correspondence to its conclusion. At present I am working on Volume 8, which will comprise the letters written between 1809 and 1816. This was a most interesting period of Bentham's life. It saw, inter alia, the final phase of the Panopticon saga and the payment of compensation; Bentham's renting of Ford Abbey; his codification offers to Tsar Alexander I, President Madison, Governor Simon Snyder of Pennsylvania, and Lord Sidmouth; his involvement in the proposed Chrestomathic school; and the writing, editing, printing, or publishing of many of his works, including Elements of the Art of Packing, 'Swear Not At All', Théorie des peines et des recompenses, An Introductory View of the Rationale of Evidence, Tactique des Assemblées législatives and Sophismes politiques, Chrestomathia, Plan of Parliamentary Reform in the form of a Catechism, A Table of the Springs of Action and the 'Defence of Economy' articles for The Pamphleteer. Among Bentham's correspondents in these years were Edward Blaquiere, Henry Brougham, Aaron Burr, Major John Cartwright, Pavil Vasilievich Chichagov, Prince Adam Jerzy Czartoryski, Albert Gallatin, Lord Holland, James Leigh Hunt, Sir James Mackintosh, David Ricardo, Peter Mark Roget, Sir Samuel Romilly, Jean-Baptiste Say, and Joseph Blanco White. There are also a number of letters from Bentham to his brother Sir Samuel and to his secretary John Herbert Koe, together with an illuminating correspondence with his editors, James Mill and Etienne Dumont.

A good deal of the preliminary work for Volume 8 and the subsequent volumes has already been undertaken. Thanks to the patient labours of past editors and research assistants, nearly all of Bentham's correspondence in the University College and British Library collections has been transcribed. So too have many letters from other libraries, record offices, and private owners. Dr Pedro Schwartz's provisional volumes of The Iberian Correspondence of Jeremy Bentham, 2 vols., Madrid, 1979, provide still more transcribed material. In addition, some valuable information has been gathered on various of the letter-writers and characters mentioned in the correspondence before 1813.

But although important steps have been taken, much remains to be done. The vast majority of the notes have still to be researched and written, and all of the transcripts have to be checked against the original manuscripts or xerox copies we have acquired. Where possible, words that proved illegible when the transcripts were made must now be inserted - a daunting task, especially for Bentham's later letters, many of which are written in a hand that must have imposed an almost intolerable strain on the patience of his correspondents and amanuenses. At the same time further enquiries will have to be made to locate Bentham letters which have so far eluded our detection. As our aim is to make the Correspondence volumes as comprehensive as possible, we are anxious to trace any letters, either to or from Bentham, however trivial they may appear.

Our endeavours in this last direction were given a fillip in August of 1984 when James Dybikowski of The University of British Columbia kindly brought to our attention the existence of three letters from Bentham to the French publicist and author Jacques Pierre Brissot de Warville (1754-93) he had found in the Brissot papers lately obtained by the Archives Nationales, Paris. One of these letters, dated 29 November 1791, is the original of the draft published in Bowring, x. 226 and Correspondence, iv. 341-2 (letter 821). The other two - one undated but written in either late 1782 or early 1783, the other of 10 July 1783 - are completely new to us. More recently we have also had cause to be grateful to Mr George Clive of Whitfield, Allensmore, Herefordshire, who has presented the Project with photocopies of several items of Bentham correspondence in his possession. Perhaps I can conclude this brief report by describing the provenance of these letters and their significance for our continuing efforts to track down other pieces of correspondence. The letters - eight to Bentham and two from him - were written between 1794 and 1832 and form part of the autograph collection of Caroline Clive (1801-73), the Victorian poet and novelist. It seems that they were given to her by George Bentham, Sir Samuel's son and Jeremy's nephew, presumably while he was living at Pontrilas House, Herefordshire. We are deeply indebted to Mr Clive for supplying us with photocopies of these letters, several of which are particularly interesting. Their emergence is welcome in another sense too: it has encouraged us to examine more closely George Bentham's connections, for if he was happy to give samples of his uncle's correspondence to his friend and *neigh*bour Mrs Clive, it is quite probable that he was equally generous in his dealings with other acquaintances. Perhaps more Bentham letters are lying undisturbed in country-house autograph collections?

ROBERT ROTH, PRACTIQUES PENITENTIAIRES ET THEORIE SOCIALE. L'EXEMPLE DE LA PRISON DE GENEVE (1825-1862), Librairie Droz, Genève, 1981.

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As in many other contemporary works, the scope and focus of Robert Roth's book are indicated more accurately by its sub-title than its title. It provides a detailed account of the debates surrounding the establishment, functioning and eventual dismantling of the Tour-Maîtresse prison built in Geneva after the canton had regained its independence at the end of the Napoleonic Wars. It can be regarded, as the author acknowledges in his opening remarks, as an exercise in local history. In this case, however, the broader title has a certain justification. The account of local events is set in a context of larger tendencies and forces, and M. Roth is particularly concerned to trace the relations between the two levels. He wants to deny, not to suggest, that those local events were quite autonomous, although he does want to argue that they were in some respects distinctive and made Geneva for a time a leader and innovator in penal practice, at least in Europe. The investigation of local issues thus leads him back to the broader issues of his title. The wording of the title also reveals another feature of his approach: although he wants to stress debates and ideas in Geneva, he also wants to maintain that practice (in this case penal practice) may be both a source of ideas and a force escaping from the control of the ideas which were its source. This last point is one of several in which he seeks to differentiate his position from that of Michel Foucault and his school.

Roth's stress on debates and ideas, and his consciousness of Geneva's distinctiveness, are reflected also in the way he approaches the task of relating the local and the general, and the kinds of general tendencies that he wants to take into account. He sees ideas as, at least, relatively independent in their appearance and development, and he sees them as being formulated, adopted and developed by individual thinkers. Accordingly he is a little scornful of those who want to explain ideas, and more particularly their appearance at particular times and in particular places, in terms of the economic, demographic or social 'infrastructure'; and he has little good to say of those who want to talk of ideas but are unwilling to proceed beyond the ideas of 'the bourgeoisie', the 'dominant class' or 'the power-holders'. In his own account we find the principal roles being played not by such forces or classes, but by groups of 'liberals', 'radicals' and so on, and especially by individual members of those groups. In his most concise formulation, his thesis is that the prison was the project of a closely-knit group of liberal intellectuals - Dumont, d'Ivernois, Bellot, Rossi, Sismondi and others - who acquired considerable political influence in Geneva after the expulsion of the French, and that its fortunes waxed and waned with theirs. But while he is unwilling to see them as merely the tools of the 'infrastructure' or the 'dominant class', he insists that they were not without antecedents. He sees his explanatory task, then, to relate their particular ideas and plans to previous and contemporary ideas about, or bearing on, the functions and the management of prisons. For that reason the first third of the book is mainly concerned with the history of ideas relating to prisons and like institutions, and of the experiences of those who operated them.

It is M. Roth's interest in the antecedents of the Genevan liberals that explains why his book should be reviewed in a journal devoted to the study of Bentham. For he finds that the most important single figure in the movement

which led to the building of the prison was Etienne Dumont, and that Dumont remained committed to the main features of Bentham's doctrines and prescriptions throughout his own - vigorous and productive - career as a legal and political reformer in Geneva. So Bentham himself appears as an actor in the creation of the Genevan prison. Moreover, although he was off-stage he was not merely a passive figure, influencing events only through his writings of thirty years earlier. Roth has explored the record in the Dumont papers (but not, apparently, in the British Library or at University College) of the continued intercourse between the two men after Dumont returned to Geneva, and has demonstrated that penal policy was one of the subjects on which they consulted and stimulated each other. Thus the history of the Tour-Maîtresse prison should find a place (along with the history of legal reform in Geneva) in a complete account of Bentham's influence on and contributions to the re-modelling of European institutions in the nineteenth century.

In his Conclusion, M. Roth goes so far as to suggest that the episode he has been describing can be seen as an application of the social policy of Benthamism. But while he gives prominence to Bentham and the Panopticon, he does not in fact maintain that Bentham was the sole progenitor of the Genevan liberals' plans, or that his ideas were faithfully followed in them. He is aware that, despite claims to the contrary, the semi-circular plan of the Tour-Maîtresse was not in accord with Bentham's architectural scheme and did not permit the full application of his inspection-principle and other aspects of his scheme of prison-management. He sees clearly, too, that in this as in other parts of his thought Bentham was not a wholly original thinker but was drawing on the common stock of ideas that had been built up earlier. And he argues convincingly that the several Genevan liberals - d'Ivernois, Bellot, Rossi and even Dumont - had independent access to that stock and drew on it in their own ways, and that they had access to other bodies of thought such as the Calvinist tradition in Geneva itself, recent speculation about the latest American experiments in prison-management, and the distinctive form of liberalism which was current in Mme de Staël's circle at Coppet. The members of 'l'ensemble liberal de la Restauration' were influenced by Bentham and shared ideas with him, but they were not controlled by him and (except for Dumont) they were not committed to him.

The reader of Practiques pénitentiaires et théorie sociale will find an admirable case-study (or exercise in local history) which succeeds in integrating general tendencies and particular events, initiatives and circumstances in a single and unified account. In doing this, it demonstrates that explanations which rely on the generalisations and abstractions that M. Roth seems to dislike - appeals to the infrastructure, the ideology of the dominant class, etc. - are bound to be inadequate when one is dealing with events that are distinctive or less than universal. But it does not, of course, demonstrate that appeals to such general forces or processes can be eliminated from all explanations of social or intellectual phenomena. Similarly it can be said that the critical remarks about Foucault and his followers which are scattered through the text, and which generally seem to be well-founded, do not amount to a thoroughgoing critique of or even dissent from Foucault's principal claims. As the author himself recognises, a case-study can have only a limited significance, however informative it may be.

To students of Bentham the work offers a modest collection of more specific things. One of these is a sound if rather limited account of his ideas about the Panopticon, and of their place in his scheme of thought: the limits are set, naturally, by what M. Roth needs for his own arguments about the general evolution of penal thought and Bentham's relationship and contribution to it. A more novel component is provision of information that is not readily available about Dumont's political activities and his collaborators in Geneva; and, incidentally, some pointers to sources of information about him and material produced by him in addition to the relatively familiar collection in the

Bibliothèque Publique et Universitaire. Perhaps most valuable of all is the detailed account that M. Roth provides of the way in which - in this case at least - Bentham's ideas were transmitted, disseminated and sometimes vulgarised through the network of personal contacts and quasi-disciples that he had built up during his long life.

LEA CAMPOS BORALEVI, BENTHAM AND THE OPPRESSED,
Berlin & New York, de Gruyter, 1984.

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Readers of the Newsletter will already be aware of the considerable current interest in Bentham among Italian scholars (cf. Annamaria Loche, above, May 1983, pp. 45-7). We now have a substantial and wide-ranging study by Dr. Boralevi, in which she takes as her theme Bentham's attitudes to, and utilitarian prescriptions for the treatment of, various groups whom he saw as being, in one way or another, oppressed by the society of his day. Women, 'sexual non-conformists', Jews, the indigent, 'native people of the colonies', slaves, and animals form the subjects of successive chapters. The list, as the author acknowledges, is by no means exhaustive of the theme. The Jews, for instance, are merely an illustrative example of the category of oppressed religious groups; and Dr. Boralevi refers to the extensive material available for a study of Bentham's attitude to Roman Catholics. Obviously, however, the outstanding omission from the list is that target of oppression which Bentham himself undoubtedly regarded as the most important of all - 'the subject many' oppressed by the 'ruling few'. As to this omission we are offered two explanations. In the first place, there is the practical argument: the theme would have involved the 'vast undertaking' of 'a reassessment of the whole of Bentham's political theory'. Secondly, however, it is suggested that there is a theoretical point also: whereas Bentham's 'subject many' is a group 'composed of individual citizens', to be understood in terms of Bentham's 'individualistic conception of the relationship between single citizens and the State', the more specific groups dealt with in the book constitute in each case an 'intermediate entity' between the state as a whole and the citizen as an individual. This, like much else in Dr. Boralevi's book, raises theoretical issues of first-class importance; and Bentham and the Oppressed is at its best when dealing with such problems. The most rewarding part of the book comes in the Conclusion, with its exploration of such matters as 'Oppression and Prejudice', 'Oppression and Toleration', 'Oppression and Liberty', 'Oppression and Benevolence'. These are the areas where Dr. Boralevi has made her main contribution to our understanding of Bentham's thought; and it is a contribution of substance and value.

The detailed presentation of the evidence is, it must be said, less satisfactory. Transcribing Bentham's manuscripts means entering a thicket in which all Bentham scholars have tripped up; and for one who embarks on it without a native knowledge of the language Bentham so often tormented the thicket is apt to become a minefield. At all events, the transcriptions here are not always accurate enough to be a safe guide to what Bentham said. Again, Dr. Boralevi's interpretations and hypotheses in the field of Bentham biography are not always happy. The book, however, is not to be judged either as biography or as a piece of textual editing. In its own proper terms it is surely to be welcomed.

ALAN RYAN, PROPERTY AND POLITICAL THEORY,
Oxford, Basil Blackwell, 1984.

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Though Ryan's book is not devoted to Bentham, it is still of some interest here. Bentham features in Ryan's argument in two important ways. Firstly, Bentham's theory serves as a paradigm example of an instrumental theory of property, that is, a theory which explains and justifies property rights in terms of their contribution to the satisfaction of individual desires, or the maximization of welfare. Bentham's theory serves as a point of comparison with self-developmental theories like those of Rousseau, Kant or Hegel, and with theories like Locke's which combine elements of instrumental and self-developmental argument. Secondly, Bentham's argument, as it appears in Dumont's Traités, serves as the main focus of Ryan's chapter 4: 'The Utilitarians: Security and Equality'. Though he also briefly considers William Godwin and James Mill here, he is chiefly concerned with the attempt by Bentham to resolve the tension between the egalitarian tendency of diminishing marginal utility and the need to secure expectation in order to encourage productive labour and industry. His argument is a straight-forward account of Bentham's subordination of equality to the primary end of Civil Law, the maintenance of security.

This interpretation of Bentham's argument is, nonetheless, open to criticism. Firstly, while recognising that Bentham allows for some welfare provision Ryan suggests that this provision is minimal. Bentham, on the other hand, does not actually fix any definite boundaries on the extent of this welfare provision. How far the boundaries can be drawn is left up to the ingenuity of the utilitarian legislator, given the other ends he must also accommodate. Secondly, Bentham does allow that in certain circumstances forced exchanges can be justified on utilitarian grounds, so long as compensation is provided for the expropriated. Again, it is the skill and ingenuity of the legislator which determines what actually constitutes a sufficient threat to security. It is not the case that redistribution is a threat to security sufficiently great to outweigh all other utilitarian considerations.

There is much more in Bentham's argument that is mentioned only in passing. This is excusable given the limited nature of Ryan's concern, yet it does leave out important features of Bentham's theory of property: the relationship between Bentham's rejection of natural rights and his account of substantive property rights; the connection between liberty and security of expectation; the relationship between the subordinate ends of security, equality, subsistence, and abundance and the principle of utility; and the place of property in his theory of Civil Law. The chapter is, however, a useful supplement to the scanty consideration that has been given to Bentham's theory of property.

SOME RECENT ADDITIONS TO THE BENTHAM BIBLIOGRAPHY

1982

LYONS, D., 'Utility and Rights', Nomos, vol.24, reprinted in J. Waldron, ed., Theories of Rights, Oxford: Oxford University Press, 1985.

ORTH, J.V., 'Jeremy Bentham the Common Law's Severest Critic', American Bar Association Journal, No.68, pp.753-64.

SINGER, J.W., 'The Legal Rights Debate in Analytical Jurisprudence from Bentham to Hohfeld', Wisconsin Law Review, No.6, pp.975-1059.

TAYLOR, B., 'A Note in Response to Itzkin's "Bentham's Chrestomathia: Utilitarian Legacy to English Education"', Journal of the History of Ideas, vol.43, pp.309-13.

1983

ANDERSON, B.A., 'Mill on Bentham: From Ideology to Humanised Utilitarianism', History of Political Thought, vol.4, pp.341-56.

BEDAU, H.A., 'Bentham's Utilitarian Critique of the Death Penalty', Journal of Criminal Law, vol.74, pp.1033-65.

BORALEVI, L.C., 'Jeremy Bentham's Writings on Sexual Non-Conformity, Utilitarianism, Neo-Malthusianism, and Sexual Liberty (including the hitherto unpublished University College Manuscripts)', Topoi: An International Review of Philosophy, vol.2, pp.123-48.

1984

THE BENTHAM NEWSLETTER, No.8:

BURNS, J.H., 'Jeremy Bentham: From Radical Enlightenment to Philosophic Radicalism', pp.4-14.

DINWIDDY, J.R., 'Bentham and the Early Nineteenth Century', pp.15-33.

TWINING, W.L., 'Why Bentham?', pp.34-49.

BORALEVI, L.C., Bentham and the Oppressed, Berlin and New York: Walter de Gruyter.

CANOVAN, M., 'Bentham, Thou Should'st be Living at this Hour', Politics, vol.4, pp.8-13.

CANOVAN, M., 'The Un-Benthamite Utilitarianism of Joseph Priestley', Journal of the History of Ideas, vol.45, pp.435-50.

DINWIDDY, J.R., 'Early Nineteenth Century Reactions to Benthamism', Transactions of the Royal Historical Society, 5th series, vol.34, pp.47-69.

JANIS, M.W., 'Jeremy Bentham and the Fashioning of International Law', American Journal of International Law, vol.78, pp.405-18.

RYAN, A., Property and Political Theory, Oxford: Basil Blackwell.

TWINING, W.L., 'Evidence and Legal Theory', The Modern Law Review, vol.47, pp.261-83.

1985

BURNS, J.H., 'Scottish Philosophy and the Science of Legislation', The Royal Society of Edinburgh Occasional Papers, No.3, pp.11-29.