Essays on Bentham and Coleridge

John Stuart Mill

1838

[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis . . . . indicates the omission of a brief passage that seems to present more difficulty than it is worth; except for two ellipses on page 49, which mark omissions by Mill in quotations from Coleridge. Longer omissions are reported between brackets in normal-sized type. —The division of each essay into sections with headings is not Mill's. —For Mill's later thoughts about these two essays of his, see his *Autobiography*, pages 147–8 of the version on the website from which the present text comes.

First launched: December 2018

Contents

Bentham **1**
Breaking the yoke of authority . . . 1
Bentham's method . . . 5
The strengths and weaknesses of Bentham's mind . . . 9
Review of Bentham's philosophy . . . 13
What Bentham's philosophy cannot do . . . 15
How English law became such a mess . . . 17
What Bentham did about it . . . 18
Some details . . . 19
The doctrine of codification . . . 20
Is majority rule essential? . . . 21
The principle of utility . . . 24
Over-weighting morality . . . 25
Bentham and poetry . . . 26
Bentham's writing style . . . 27

Coleridge **28**
Relating Coleridge to Bentham . . . 28
Oscillation between extremes . . . 30
The dispute about sources of knowledge . . . 32
The practical doctrines of the two schools . . . 36
Requirements for political stability . . . 38
Political rebuilding . . . 41
Learning from history . . . 42
Setting the scene for Coleridge: politics . . . 44
Setting the scene for Coleridge: religion . . . 45
Coleridge as a blessing . . . 46
Church establishment . . . 47
Coleridge on the constitution . . . 50
Coleridge's views on government . . . 53
Coleridge on morality and religion . . . 56
Conclusion . . . 58

Glossary

clerisy: 'A distinct class of learned or literary persons' (OED). This is the 'primary meaning' referred to on page 48.

Continent: The continent of Europe excluding Great Britain; similarly with 'continental'.

disinterested: Not self-interested.

entail: A legal device prohibiting the sale of a property to anyone not descended from the present owner.

induction: 'The process of inferring or verifying a general law or principle from the observation of particular instances' (OED); similarly **inductive**.

nationalty: Not a typo! See page 48 for an explanation.

peculiar: Someone's 'peculiar' qualities (opinions, skills, etc.) are ones that are unique to him, ones that no-one else has.

philosophes: French intellectuals of the 18th century.

point d'appui: Literally = 'fulcrum'; used on page 22 in its standard meaning of 'place where the troops are assembled before the battle'.

property: In some places, especially on pages 54–55, the word is used not as a concrete noun referring to things or stuff that are owned but as an abstract noun meaning 'ownership'. 'Can land be a subject of property?' means 'Can land be owned?'

sophistry: Logical trickery. Similarly **sophistical**.

speculation: Theorising.

sympathy: Fellow-feeling.

Bentham

There are two men, recently deceased, to whom their country is indebted not only for the greater part of the important ideas that have been thrown into circulation among its thinking men in their time, but for a revolution in its general modes of thought and investigation. These men, dissimilar in almost all else, agreed in being closet-students—secluded by circumstances and character from the business and intercourse of the world: and both were, through a large portion of their lives, regarded by those who took the lead in opinion (when they happened to hear of them) with feelings akin to contempt. But they were destined to renew a lesson given to mankind by every age, and always disregarded—to show that theoretical philosophy, which to superficial people appears so remote from the business of life and the outward interests of men, is in reality the thing on earth that most influences them, and in the long run outweighs every other influence except the ones it must itself obey. The writers of whom I speak have never been read by the multitude; except for the more slight of their works, their readers have been few: but they have been the teachers of the teachers; there is hardly to be found in England any individual of any importance in the world of the mind who (whatever opinions he may later have adopted) did not first learn to think from one of these two; and though their influences have only begun to diffuse themselves through these intermediate channels over society at large, there is already scarcely a publication of any consequence addressed to the educated classes that would not have been different from what it is if these persons had not existed. These men are Jeremy Bentham and Samuel Taylor Coleridge—the two great seminal minds of England in their age.

No comparison is intended here between the minds or influences of these remarkable men: this would be impossible unless there were first formed a complete judgment of each, considered apart. All I intend in this essay is to attempt an estimate of one of them; the only one a complete edition of whose works is still in progress, and who, in the classification that can be made of all writers into Progressive and Conservative, belongs to the same division as myself. Although they were far too great to be correctly designated by either label exclusively, still in the main Bentham was a Progressive philosopher, Coleridge a Conservative one. Bentham's influence has made itself felt chiefly on minds of the Progressive class; Coleridge's on those of the Conservative; and the two systems of concentric circles that the shock given by them is spreading over the ocean of the mind have only just begun to meet and intersect. The writings of each contain severe lessons to his own side, on many of the errors and faults it is addicted to; but to Bentham it was given to discern more particularly the truths with which existing doctrines and institutions were at variance; to Coleridge, the neglected truths that lay *in* them.

Breaking the yoke of authority

A man with great knowledge of the world and the highest reputation for practical talent and sagacity among the official men of his time once said to me that the questioning spirit, the disposition to demand the *why* of everything, that had gained so much ground and was producing such important consequences in these times was due to Bentham more than to any other source. He was not a follower of Bentham or of

any sect whatever; he was speaking on the basis of his own observations. The more this assertion is examined, the more true it will be found. In this age and this country, Bentham has been the great questioner of things established. It is by the influence of the modes of thought that his writings inoculated many thinking men that the yoke of authority has been broken, and innumerable opinions—formerly received on tradition as incontestable—are put on their defence and required to give an account of themselves.

Apart from controversies on points of detail, who before Bentham dared to speak with open disrespect of the British Constitution or the English Law? He did so; and his arguments and his example encouraged others. I do not mean that his writings caused the Reform Bill, or that the Appropriation Clause owns him as its parent; the changes that have been made in our institutions—and the greater ones that will be made—are the work not of philosophers but of the interests and instincts of large portions of society recently grown into strength. But Bentham gave voice to those interests and instincts: until he spoke out, those who found our institutions unsuited to them did not dare to say so, did not dare consciously to *think* so; they had never heard the excellence of those institutions questioned by men of acknowledged intellect; and it is not in the nature of uninstructed minds to resist the united authority of the instructed. Bentham broke the spell. It was not Bentham by his own writings; it was Bentham through the minds and pens that were *fed* by those writings, the minds and pens of men in more direct contact with the world ·than he was·, into whom his spirit passed. If the superstition about ancestral wisdom has fallen into decay; if the public are grown familiar with the idea that their laws and institutions are largely the product not of intellect and virtue but of modern corruption grafted onto ancient barbarism; if the hardiest innovation is no longer dismissed out of hand because it is an innovation—establishments no longer considered sacred because they are establishments—it will be found that those who have accustomed the public mind to these ideas have learned them in Bentham's school, and that the assault on ancient institutions has been and still is conducted mostly with his weapons. These thinkers have not been numerous or prominent at the head of the Reform movement; nor indeed have *thinkers* of any kind. But this is not important. All movements, except directly revolutionary ones, are headed not by •those who originate them but by •those who know best how to compromise between the old opinions and the new. The father of English innovation, both in doctrines and in institutions, is Bentham: he is the great *subversive* thinker—or, in the language of continental [see Glossary] philosophers, the great *critical* thinker—of his age and country.

I do not, however, consider this to be his highest title to fame. If it were, he would have to be ranked down among the negative or destructive philosophers; those who can perceive what is false but not what is true; who awaken the human mind to the inconsistencies and absurdities of time-sanctioned opinions and institutions but substitute nothing in their place. I have no desire to undervalue the services of such persons: mankind have been deeply indebted to them; and there will never be a lack of work for them in a world where so many false things are believed, and where so many that used to be true are still believed long after they have become false. But the qualities that fit men for perceiving anomalies without perceiving the truths that would rectify them are not among the rarest of endowments. Courage, verbal acuteness, command over the forms of argumentation, and a popular style, will make a considerable negative philosopher out of the shallowest man

who has a sufficient lack of reverence. Such men have never been lacking in periods of culture; and the period in which Bentham formed his early impressions was emphatically their reign, in proportion to its barrenness in the more noble products of the human mind. An age of formalism in the Church and corruption in the State, when the most valuable part of the meaning of traditional doctrines had faded from the minds even of those who retained from habit a mechanical belief in them, was the time to raise up all kinds of sceptical philosophy. Accordingly, France had Voltaire and his school of negative thinkers, and England (or rather Scotland) had the profoundest negative thinker on record, David Hume. The unique features of *his* mind qualified him to detect failure of proof and lack of logical consistency at a depth that French sceptics—with their comparatively feeble powers of analysis and abstraction—stopped far short of, and that only German subtlety could thoroughly appreciate or hope to rival.

If Bentham had merely continued Hume's work, he would scarcely have been heard of in philosophy; for he was far inferior to Hume in Hume's qualities, and was in no way fitted to excel as a metaphysician. We must not look for subtlety, or the power of intricate analysis, among his intellectual characteristics. In the former quality, few great thinkers have ever been so deficient; and to find the latter in any considerable measure in a mind anything like his we must have recourse to the late Mr. Mill—a man who united the great qualities of the metaphysicians of the 18th century with others of a different kind, admirably qualifying him to complete and correct their work. [This refers to James Mill, our author's father.] Bentham did not have these special gifts; but he had others, not inferior to them, that were not possessed by any of his precursors; gifts that have made him •a source of light to a generation that has far outgrown their influence, and (to repeat the phrase) •the chief subversive thinker of an age that has long lost all that they could subvert.

I shall speak of him first as a merely negative philosopher—as one who refutes illogical arguments, exposes sophistry [see Glossary], detects contradiction and absurdity. Even in that role there was a wide field left vacant for him by Hume—one that he has occupied to an unprecedented extent—namely the field of practical abuses. This was Bentham's peculiar [see Glossary] province, to which he was called by the whole bent of his disposition to carry the warfare against absurdity into things practical. His was an essentially practical mind. It was first turned to speculation [see Glossary] by practical abuses, the abuses of the profession that was chosen for him, that of the law. He has himself stated what particular abuse first gave that shock to his mind, the recoil of which has made the whole mountain of abuse totter; it was the custom of making the client pay for three attendances in the office of a Master in Chancery, when only one was given. The law, he found, on examination, was full of such things. But these were not discoveries of his: they were known to every practising lawyer, to every presiding judge, and they did not cause any apparent uneasiness to the consciences of these learned persons, or hinder them from asserting in books, in parliament, or on the bench, that the law was the perfection of reason. During so many generations, in each of which thousands of well-educated young men were placed in Bentham's position with his opportunities, he alone was found with sufficient moral sensibility and self-reliance to say to himself that these things, however profitable they might be, were frauds, and that a gulf should be fixed between them and himself. To this rare combination of self-reliance and moral sensibility we are indebted for all that Bentham has done. Sent to Oxford by his father at the unusually early age of fifteen, and required

on admission to declare his belief in the Thirty-nine Articles [stating the doctrines of the Church of England], he felt it necessary to examine them; the examination suggested scruples, which he sought to get removed; but instead of the satisfaction he expected, he was told that boys like him should not set up their judgment against the great men of the Church.

After a struggle, he signed; but he always felt that he had done an immoral act; he considered himself to have committed a falsehood, and throughout life he never relaxed in his indignant denunciations of all laws that command such falsehoods, all institutions that reward them.

By thus carrying the war of criticism and refutation, the conflict with falsehood and absurdity, into the field of *practical* evils, Bentham would have earned an important place in the history of intellect, even if he had done nothing else. He carried on the warfare without intermission. Many of his most piquant chapters and some of the most finished of his entire works are entirely devoted to it: the *Defence of Usury*; the *Book of Fallacies*; and the onslaught on Blackstone, published anonymously under the title *A Fragment on Government*, which, though a first production, and of a writer afterwards so much ridiculed for his style, aroused the highest admiration as much for its composition as for its thoughts, and was attributed by turns to Lord Mansfield, to Lord Camden, and (by Dr. Johnson) to Dunning, one of the greatest masters of style among the lawyers of his day. These writings are altogether original; though of the negative school, they resemble nothing previously produced by negative philosophers, and would have sufficed to create a special place for Bentham among the subversive thinkers of modern Europe. But these writings do not constitute the real distinction between him and them. There was a deeper difference, namely that they were purely negative thinkers, whereas he was positive: they only assailed error, he made it a point of conscience not to do so until he thought he could plant instead the corresponding truth. Their character was exclusively analytic, his was synthetic. They took for their starting-point the received opinion on any subject, dug around it with their logical implements, pronounced its foundations defective, and condemned it; he began afresh, laid his own foundations deeply and firmly, built up his own structure, and bade mankind compare the two; it was when he had solved the problem himself, or thought he had done so, that he declared all other solutions to be erroneous. Hence, what the purely negative thinkers produced will not last; it is bound to perish—much of it *has* already perished, along with the errors that it exploded; whereas what Bentham did has its own value, by which it must outlast all errors to which it is opposed. Though we may reject, as we often must, his practical conclusions, yet his premises—the collections of facts and observations from which his conclusions were drawn—remain for ever a part of the materials of philosophy.

So a place must be assigned to Bentham among the masters of wisdom, the great teachers and permanent intellectual ornaments of the human race. He is among those who have enriched mankind with imperishable gifts; and although these do not transcend all other gifts, nor entitle him to those honours 'above all Greek, above all Roman fame' which many of his admirers, by a natural reaction against the neglect and contempt of the world, were once disposed to heap on him, yet to refuse an admiring recognition of what he was, on account of what he was not, is a much worse error, and one which—pardonable in the vulgar—is no longer permitted to any cultivated and instructed mind. [The quoted phrase is from a poem by Pope.]

Bentham's method

If I were asked to say, in the fewest possible words, what I conceive to be Bentham's place among these great intellectual benefactors of humanity, what he was and what he was not, what kind of service he did and did not render to truth, I would say that he was not a great philosopher, but was a great reformer in philosophy. He brought into philosophy something it greatly needed, for lack of which it was at a stand-still. It was not his doctrines that did this, but his way of arriving at them. He introduced into morals and politics the habits of thought and modes of investigation that are essential to the idea of science; and the absence of which made morals and politics, as physics had been before Bacon, a field of interminable discussion leading to no result. It was not his opinions but his method that constituted the novelty and the value of what he did; a value beyond all price, even if we were to reject the whole (as we unquestionably must a large part) of the opinions themselves.

Bentham's method may be briefly described as *the method of detail*—treating

- wholes by separating them into their parts,
- abstractions by resolving them into Things,
- classes and generalities by distinguishing them into the individuals of which they are made up,

and breaking every question into pieces before trying to answer it. The precise amount of originality of this process, considered as a logical conception—its degree of connection with the methods of physical science, or with the previous labours of Bacon, Hobbes, or Locke—is not an essential consideration here. Whatever originality there was in the method itself, there was the greatest originality in the subjects he applied it to and in how strictly he adhered to it. Hence his interminable classifications. Hence his elaborate demonstrations of the most acknowledged truths. That murder, arson, robbery are harmful actions, he will not take for granted without proof; let the thing appear ever so self-evident, he wants to know the why and the how of it with the last degree of precision. He will distinguish into three orders all the different harms of a crime:

(1) the evil to the sufferer, and to his personal connections,
(2) the *danger* from example, and the *alarm* or painful feeling of insecurity, and
(3) the discouragement to industry and useful pursuits arising from the *alarm*, and the trouble and resources that must be expended in warding off the *danger*.

After this enumeration, he will prove from the laws of human feeling that even the first of these evils, the sufferings of the immediate victim, will on the average greatly outweigh the pleasure reaped by the offender; much more when all the other evils are taken into account. Unless this could be proved, he would judge the infliction of punishment to be unwarrantable; and for taking the trouble to prove this formally, his defence is:

> 'There are truths that it is necessary to prove, although no-one disputes them, so that an opening may be made for the reception of other truths that depend on them. This is how we provide for the reception of first principles, which, once received, prepare the way for admission of all other truths.'

To which may be added that in this way we also discipline the mind for practising the same sort of dissection on questions that are more complicated and of more doubtful issue [i.e. with less obviously right answers].

It is a sound maxim, and one that all rigorous thinkers have felt though no-one before Bentham ever so consistently applied it, •that error lurks in generalities; •that the human

mind cannot embrace a complex whole until it has surveyed and catalogued the parts it is made up of; •that abstractions are not realities *per se* but an abridged way of expressing facts, and should be traced back to the facts (whether of experience or of consciousness) of which they are the expression. Proceeding on this principle, Bentham makes short work of the ordinary procedures of moral and political reasoning. When these were hunted to their source, most of them seemed to him to terminate in *phrases*. In politics the catchwords were 'liberty', 'social order', 'constitution', 'law of nature', 'social compact', and so on. Ethics had its analogous ones. Such were the arguments on which the gravest questions of morality and policy were made to turn; not reasons but mentions of reasons, sacramental expressions by which a summary appeal was made to some general sentiment of mankind, or to some maxim in familiar use, which *might* be true but the limitations of which no-one had ever critically examined. This satisfied other people, but not Bentham. He required something more than opinion as a reason for opinion. Whenever he found a phrase used as an argument for or against anything, he insisted on knowing what it meant; whether it appealed to any standard, or indicated any matter of fact relevant to the question; and if he could not find that it did either, he treated it as an attempt on the part of the disputant to impose his own individual opinion on other people without giving them a reason for it; a 'contrivance for avoiding the obligation of appealing to any external standard, and for prevailing on the reader to accept the author's opinion as a reason, and that a sufficient one, for itself.' I shall let Bentham speak for himself on this subject: the passage is from his first systematic work, *Introduction to the Principles of Morals and Legislation*, and it vividly illustrates both the strength and weakness of his way of philosophising.

·START OF QUOTATION FROM BENTHAM)·

It is interesting to see the variety of inventions men have come up with, and the variety of phrases they have presented, in order to conceal from the world (and if possible from themselves) this very general and therefore very pardonable self-sufficiency.

One man says that he has something made on purpose to tell him what is right and what is wrong, calling it his '**moral sense**'; and then he goes to work comfortably, saying that x is right and y is wrong 'because my moral sense tells me so'.

Another man replaces 'moral' by 'common', and tells you that his '**common sense**' teaches him what is right and wrong, as surely as the other's moral sense did. By 'common sense' he means a sense of some kind or other, which he says everyone has—and the sense of those whose sense is not the same as his is disregarded as not worth attending to. This device does better than the other: a moral sense is a new thing, and a man may search within himself for a long time without being able to find it; whereas common sense is as old as the creation, and any man would be ashamed to be thought to have less of it than his neighbours. . . .

Another man says that he can't find that he has any such thing as a moral sense, but that he has an **understanding**, which will do quite as well. This understanding, he says, is the standard of right and wrong; it tells him so and so. All good and wise men understand as he does; if other men's understandings differ in any point from his, so much the worse for them; it is a sure sign that their understandings are either defective or corrupt.

Another man says that there is an eternal and immutable **rule of right**; that this rule of right dictates so and so; and then he begins giving you his opinions on anything that comes uppermost; and these opinions (you are to take for granted) are so many branches of the eternal rule of right.

Another man, or perhaps the same man, says that certain practices conform to the **fitness of things**, while others don't; and then he tells you, at his leisure, which practices conform and which don't, just as he happens to like a practice or dislike it.

A great multitude of people are continually talking of the **law of nature**; and when they give you their sentiments about what is right and what is wrong you are to understand that these sentiments are so many chapters and sections of the law of nature.

Instead of 'law of nature' you have sometimes 'law of reason', 'right reason', 'natural justice', 'natural equity', 'good order'. Any of them will do equally well. The last of them is most used in politics. It and the two just before it are much more tolerable than the others, because they don't explicitly claim to be anything more than *phrases*; they don't strongly insist on being seen as positive standards, and seem content to be taken as merely ways of saying that the thing in question conforms to the proper standard, whatever that may be. On most occasions, however, it will be better to say 'utility'; that is clearer because it refers more explicitly to pain and pleasure.

We have one philosopher [William Wollaston] who says that there's no harm in anything in the world but in **telling a lie**; and that if, for example, you murder your father this is a way of saying that he isn't your father. When this philosopher sees anything that he doesn't like, he of course says that it is a particular way of telling a lie. It is saying that the act ought to be done, or may be done, when in truth it ought not to be done.

The fairest and most open of them all is the sort of man who says: ' I am one of the elect [= "the chosen"]; God himself takes care to tell the elect what is right, doing this with such good effect that however much they struggle they *can't help* not only knowing it but doing it. So if you want to know what is right and what is wrong, come to me.'

·End of quotation from Bentham·

Few will contend that this is a perfectly fair representation of the state of mind of those who employ the various phrases so amusingly criticised here; but the phrases contain no argument except what is based on the very feelings they are supposed to justify, and this is a truth that Bentham had the eminent merit of first pointing out.

It is the introduction into the philosophy of human conduct of this method of detail—of this practice of never reasoning about wholes till they have been resolved into their parts, or about abstractions till they have been translated into realities—that constitutes Bentham's originality in philosophy, and makes him the great reformer of its moral and political branch. He himself ascribes everything original in the systematic and elaborate work from which I have quoted to the 'exhaustive method of classification', as he calls it; though it is only one branch of this more general method ·of detail·. The generalities of his philosophy itself have little or no novelty: to ascribe novelty to the doctrine that general utility is the foundation of morality would show great ignorance of the history of philosophy, of general literature, and of Bentham's own writings. He derived the idea, as he says himself, from Helvetius; and it was equally the doctrine of the religious philosophers of that age before Reid and Beattie. I never saw an abler defence of the doctrine of utility than in Brown's *Essays on the Characteristics*, a book written in refutation of Shaftesbury and now little read; and in Johnson's celebrated review of Soame Jenyns, the same doctrine—·that general utility is the foundation of morality·—is presented as something accepted by both the author and the reviewer. In all ages of philosophy one

of its schools has been utilitarian—not only from the time of Epicurus, but long before. It was by mere accident that this opinion became connected in Bentham with his peculiar [see Glossary] method. The utilitarian philosophers before him had no more claims to the method than their antagonists. Take for example the Epicurean philosophy, according to the most complete view we have of the moral part of it, by the most accomplished scholar of antiquity, Cicero. I ask anyone who has read his philosophical writings, *De Finibus* for instance, whether the arguments of the Epicureans do not, just as much as those of the Stoics or Platonists, consist of mere rhetorical appeals to common notions—picked up as it were casually and never examined closely enough to ascertain in what sense and under what limitations they are true, when they are true at all. The application of a real inductive [see Glossary] philosophy to the problems of ethics is as unknown to the Epicurean moralists as to any of the other schools; they never take a question to pieces, and join issue on a definite point. Bentham certainly did not learn his sifting and anatomising method from them.

Bentham has finally installed this method in philosophy; has made it henceforth imperative on philosophers of all schools. By it he has formed the intellects of many thinkers, who never adopted—or have since abandoned—many of his personal opinions. He has taught the method to men of the most opposite schools to his; he has made them perceive that if *they* do not test their doctrines by the method of detail, their adversaries will do so. He has thus (it is not too much to say) for the first time introduced precision of thought into moral and political philosophy. Instead of taking up their opinions •by intuition or •by reasoning from premises adopted on a mere rough view and stated so vaguely that it is impossible to say exactly whether they are true or false, philosophers are now forced to understand one another, to break down the generality of their propositions, and in every dispute to come to grips over something precise. This is nothing less than a revolution in philosophy. Its effect is gradually becoming evident in the writings of English thinkers of every variety of opinion, and will be felt more and more in proportion as Bentham's writings are diffused, and as the number of minds to whose formation they contribute is multiplied.

It will naturally be presumed that some portion at least of the fruits of this great philosophical improvement will have been reaped by its author. Armed with such a potent instrument, and wielding it with such singleness of aim; cultivating the field of practical philosophy with such unwearied and such consistent use of a method that is right in itself and not adopted by his predecessors; Bentham *must* by his own inquiries have accomplished something considerable. And so he has; something not only considerable, but extraordinary; though not much when compared with what he has left undone, and far short of what his hopeful and almost boyish fancy made him flatter himself that he had accomplished. His peculiar method, admirably suited to making thinkers *clear* and to making them *sure* [here = 'secure'] so far as their materials went, is not equally effective in making those materials *complete*. It is a security for accuracy, but not for comprehensiveness; or rather, it is a security for one sort of comprehensiveness but not for another.

Bentham's method of laying out his subject is admirable as a preservative against one kind of narrow and partial views. He begins by placing before himself the whole of the field of inquiry to which the particular question belongs, and subdivides it till he arrives at the thing he is in search of; and thus by successively rejecting all the thing's that are *not* it, he gradually works out a definition of what it *is*. This, which he calls 'the exhaustive method', is as old as philosophy itself.

Plato owes everything to it, and does everything by it; and the use made of it by that great man in his Dialogues is said by Bacon—in one of those pregnant logical hints scattered through his writings and so much neglected by most of his would-be followers—to be the nearest approach to a true inductive method in the ancient philosophy. Bentham was probably not aware that Plato had anticipated him in the process to which he too declared that he owed everything. His use of it makes his speculations eminently systematic and consistent; for him, no question is an insulated one; he sees every subject in connection with all the other subjects with which in his view it is related, and from which it requires to be distinguished; and as everything he knows that is even slightly related to the subject has been set out in an orderly manner before him, he does not—as do people who use a looser method—forget and overlook a thing on one occasion and then remember it on another. Hence there is probably no philosopher of so wide a range in whom there are so few inconsistencies. If he had come to see any of the truths that he did not see, he would have remembered it everywhere and always, and would have adjusted his whole system to it. This is another admirable quality that he has impressed on the best of the minds trained in his habits of thought: when those minds open to admit new truths, they digest them as fast as they receive them.

But this system, though excellent for keeping before the thinker's mind everything he knows, does not make him know enough; it does not make a knowledge of some of a thing's properties suffice for the whole of it, or make a steady habit of surveying a complex object (however carefully) in one of its aspects tantamount to the power of contemplating it comprehensively. To have *this* power, a thinker needs other qualities. Let us see whether Bentham had them.

The strengths and weaknesses of Bentham's mind

Bentham's mind, as I have already said, was eminently synthetical. He begins all his inquiries by supposing nothing to be known on the subject, and reconstructs all philosophy *ab initio*, without reference to the opinions of his predecessors. But to build a philosophy—to build *anything*—there must be materials. For the philosophy of matter, the materials are the properties of matter; for moral and political philosophy, they are the properties of man and of man's position in the world. An inquirer's knowledge of these properties constitutes a limit that he cannot pass as a moralist or political philosopher, whatever the powers of his mind. Nobody's synthesis can be more complete than his analysis. If someone omits any element from his survey of human nature and life, then wherever that element exerts any influence his conclusions will fail, more or less, in their application. If he has left out many elements, and those very important, his labours may be highly valuable; he may have largely contributed to that body of partial truths which, when completed and corrected by one another, constitute practical truth; but the applicability of his system to practice in its own proper shape will be of an exceedingly limited range.

Human nature and human life are wide subjects, and anyone embarking on a project requiring a thorough knowledge of them needs **a** large stores of his own as well as **b** all aids and appliances from elsewhere. His qualifications for success will be proportional to **a** the degree in which his own nature and circumstances furnish him with a correct and complete picture of man's nature and circumstances and **b** his ability to derive light from other minds.

Bentham failed in deriving light from other minds. His writings contain few traces of the accurate knowledge of any schools of thinking but his own, and many proofs of his

confidence that they could teach him nothing worth knowing. For some of the most illustrious of previous thinkers his contempt was unmeasured. In a passage in the 'Deontology' which. . . .is certainly Bentham's, Socrates and Plato are spoken of in terms distressing to his greatest admirers; and his inability to appreciate such men is perfectly in unison with the general habits of Bentham's mind. All moral speculations [see Glossary] to which his method had not been applied, or (which he considered as the same thing) were not based on a recognition of utility as the moral standard, he dismissed as 'vague generalities'. Whatever presented itself to him in such a shape he dismissed as unworthy of notice, or dwelt on only to denounce as absurd. The nature of his mind prevented it from occurring to him that these generalities contained the whole unanalysed experience of the human race.

Even the originality that can think for itself, and the courage that dares to do so, are not more necessary parts of the philosophical character than a thoughtful regard for previous thinkers and for the collective mind of the human race. If you reject that, you'll have to accept that mankind did not know anything until logicians taught it to them—that until the last hand has been put to a moral truth by giving it a metaphysically precise expression, all the previous rough-hewing that it has undergone by the common intellect at the suggestion of common wants and common experience is worth nothing. What has been the opinion of mankind has been the opinion of persons of all temperaments and dispositions, of all partialities and prepossessions, of all varieties in position, in education, in opportunities of observation and inquiry. No one inquirer is all this; every inquirer is either young or old, rich or poor, sickly or healthy, married or unmarried, meditative or active, a poet or a logician, an ancient or a modern, a man or a woman; and if the inquirer is a thinking person, he has in addition the accidental peculiarities [see Glossary] of his individual modes of thought. Every detail that gives a character to the life of a human being carries with it its peculiar biases, its peculiar facilities for perceiving some things and for missing or forgetting others. But, from points of view different from his, different things are perceptible; and those who do not see what he sees are the ones most likely to have seen what he does not see. The general opinion of mankind is the average of the conclusions of all minds, stripped indeed of their choicest and most specialised thoughts, but freed from their twists and partialities: a net result, in which everybody's particular point of view is represented, nobody's predominant. The collective mind does not penetrate below the surface, but it sees *all* the surface, which profound thinkers often fail to do. Perhaps they fail *because of* their profundity: their intenser view of a thing in some of its aspects diverts their attention from others.

So the hardiest assertor of the freedom of private judgment—the keenest detector of the errors of his predecessors, and of the inaccuracies of current modes of thought—is the very person who *most* needs to fortify the weak side of his own intellect by studying •the opinions of mankind in all ages and nations and •the speculations of philosophers whose modes of thought are most opposite to his own. That is where he will find the experiences denied to himself—the remainder of the truth of which he sees only half—the truths of which the 'errors' he detects are often merely exaggerations. If, like Bentham, he brings with him an improved instrument of investigation, the more likely he is to find ready prepared a rich abundance of rough ore, which was merely waiting for that instrument. A man with clear ideas errs grievously if he imagines that whatever is seen confusedly does not exist;

when he meets with such a thing, his job is to dispel the mist and fix the outlines of the vague form looming through it.

Bentham's contempt for all other schools of thinkers—his determination to create a philosophy wholly out of the materials provided by his own mind and by minds like it—was his first disqualification as a philosopher. His second was the incompleteness of his own mind as a representative of universal human nature. He had no sympathy [see Glossary] with many of the strongest and most natural feelings of human nature; from many of its graver experiences he was altogether cut off; and his deficiency of imagination robbed him of the ability to understand a mind different from his own and to throw itself into the feelings of that other mind.

Bentham was endowed with a certain amount of 'imagination' in the popular sense—command of imagery and metaphorical expression. He lacked poetical culture, and the images his fancy supplied with him were seldom beautiful; but they were quaint and humorous, or bold, forcible, and intense; passages might be quoted from him of playful irony and of declamatory eloquence seldom surpassed in the writings of philosophers. The 'imagination' that he did *not* have was what the best writers of the present day generally call by that name, namely the power by a voluntary effort to conceive the absent as if it were present, the imaginary as if it were real, and to clothe it in the feelings it would bring along with it if it were indeed real. This is the power by which one human being enters into the mind and circumstances of another. This power is what makes the poet a *poet*, in so far as he does anything but melodiously express his own actual feelings. It is what makes someone a real *dramatist*. It is one of the *historian's* powers, through which he enables us to understand other times; by it

- Guizot interprets to us the middle ages,
- Nisard, in his beautiful *Studies* on the later Latin poets, places us in the Rome of the Caesars,
- Michelet disengages the distinctive characters of the different races and generations of mankind from the facts of their history.

Someone who lacks this power doesn't know even his own nature beyond what has been called into play by actual circumstances, or the nature of his fellow-creatures beyond such generalisations as he has been able to make from observing their outward conduct.

So these are the limits of Bentham's knowledge of human nature. It is wholly empirical; and the empiricism of one who has had little experience. He had neither internal experience nor external; the quiet, even tenor of his life and his healthiness of mind collaborated in excluding him from both. He never knew prosperity or adversity, passion or satiety; he never had even the experiences that sickness brings: he lived from childhood to the age of 85 in boyish health. He knew no dejection, no heaviness of heart. He never felt life a sore and a weary burden. He was a boy to the last. Self-consciousness, that daemon [= 'in-dwelling spirit'] of the men of genius of our time—from Wordsworth to Byron, from Goethe to Chateaubriand—to which this age owes so much of its cheerful *and* its mournful wisdom, was never awakened in him. He did not know, and nor can we, how much of human nature slumbered in him. He had never been made alive to the unseen influences that were acting on himself or on his fellow-creatures. Other ages and other nations, considered as sources of instruction, were a blank to him. He measured them by only one standard; their knowledge of facts, and their ability to form correct views of utility and to merge all other objects in it. His own lot was cast in a generation of the leanest and barrenest

men England had yet produced, and when a better sort came in with the present century he was an old man. So he saw in man little but what the commonest eye can see; recognised no diversities of character except utterly obvious ones. Knowing so little of human feelings, he knew still less of the influences by which those feelings are formed; all the more subtle workings of the mind on itself and of external things on the mind escaped him; and probably no-one in a highly instructed age ever tried to give a rule to all human conduct, embarking on this project with a more limited conception either of the agencies by which human conduct *is*, or of those by which it *should be*, influenced.

This, then, is my idea of Bentham. He was a man of remarkable endowments for philosophy, and of remarkable deficiencies for it; fitted, beyond almost any man, for drawing from his premises conclusions that are not only correct but sufficiently precise and specific to be practical; but whose general conception of human nature and life provided him with an unusually thin stock of premises. It is obvious what such a man would be likely to achieve—what a thinker thus gifted and thus disqualified could do in philosophy. He could, with close and accurate logic, track half-truths to their consequences and practical applications, on a scale of greatness and of minuteness not previously exemplified; and this is what posterity will probably think about Bentham.

I express my sincere and well-considered conviction when I say that there is hardly anything positive in Bentham's philosophy that is not true; that when his practical conclusions are erroneous, which in my opinion they very often are, it is not because the reasons he gives are not rational and valid in themselves, but because some more important factor that he did not perceive supersedes those considerations and turns the scale. The bad part of his writings is his resolute denial of everything that he does not see, of all truths but those that he recognises. That is the only way he has exercised any bad influence on his age. He has been accused of creating a school of deniers, but that is an ignorant prejudice. What he has done is to put himself at the head of a school that exists always, though it does not always find a great man to give it the sanction of philosophy; he has thrown the mantle of intellect over the natural tendency of men in all ages to deny or disparage all feelings and mental states that they are not aware of in themselves.

The truths that Bentham's philosophy takes no account of are many and important; but his non-recognition of them does not put them out of existence; they are still with us, and we have the comparatively easy task of harmonising those truths with his. To reject his half of the truth because he overlooked the other half would be to fall into his error without having his excuse. *We* have a large tolerance for one-eyed men if their one eye is a penetrating one; if they saw more, they would probably not see so keenly or pursue so eagerly one course of inquiry. Almost all rich veins of original speculation have been opened by systematic half-thinkers; though whether these new thoughts drive out others as good, or are peacefully superadded to them, depends on whether these half-thinkers are followed by complete thinkers. The field of man's nature and life cannot be too much worked, or in too many directions; until every clod is turned up the work is imperfect; a whole truth has to come from combining the points of view of all the fractional truths, so it requires us to see what each fractional truth can do by itself.

The best way to show what Bentham's fractional truths could do is through a review of his philosophy; and such a review, though inevitably a most brief and general one, I must now attempt.

Review of Bentham's philosophy

The first question regarding any man of speculation is: what is his theory of human life? In the minds of many philosophers, any theory they have of this sort is submerged, and it would be a revelation to *them* to have it pointed out in their writings as others can see it, unconsciously moulding everything to its own likeness. But Bentham always knew his own premises, and made his reader know them; he did not leave to conjecture the theoretical grounds of his practical conclusions. Few great thinkers have provided the means of assigning with so much certainty their exact conception of man and of man's life.

Man is conceived by Bentham as a being susceptible of pleasures and pains, and governed in all his conduct partly •by the different varieties of self-interest and the passions commonly classed as 'selfish', partly •by sympathies (or occasionally antipathies) towards other beings. And here Bentham's conception of human nature stops. He does not exclude religion: the prospect of divine rewards and punishments he includes under the head of 'self-regarding interest', and the devotional feeling under that of sympathy with God. But the whole of the impelling or restraining principles that he recognises—whether of this or of another world—are either self-love, or love or hatred towards other sentient beings. There can be no doubt about what he thought on this subject: he has drawn out a 'Table of the Springs of Action', an explicit listing and classification of human motives, with their various names, laudatory, vituperative, and neutral. I recommend this table to the study of those who want to understand his philosophy.

Man is never recognised by him as a being capable of pursuing spiritual perfection as an end, of desiring for its own sake the conformity of his own character to his standard of excellence, without hope of good or fear of evil from any source but his own inward consciousness. Even in the more limited form of *conscience*, this great fact in human nature escapes him. Nothing is more curious than the absence of recognition in any of Bentham's writings of the existence of conscience as something distinct from •philanthropy, from •affection for God or man, and from •self-interest in this world or in the next. He carefully abstains from any of the phrases that others use to acknowledge such a fact.[1] When we find the words **a** 'Conscience', **b** 'Principle', 'Moral Rectitude' and 'Moral Duty', in his 'Table of the Springs of Action', it is among the synonyms of the 'love of reputation'; with an indication that **a, b** the first two phrases are also sometimes synonymous with the *religious motive* or the motive of *sympathy*. He seems unaware of the existence of the feeling of moral approval or disapproval, properly so-called, towards ourselves or our fellow-creatures; and neither the word 'self-respect' nor the idea to which that word is appropriated occurs even once, so far as I can remember, in his whole writings.

Nor is it only the moral part of man's nature, in the strict sense of the word 'moral'—the desire for perfection, or the feeling of an approving or accusing conscience—that he overlooks; he only faintly recognises, as a fact in human nature, the pursuit of any other ideal goal for its own sake:

> •the sense of honour and personal dignity—that feeling of personal exaltation and degradation that acts independently of other people's opinion or even in defiance of it;

[1] In a very few places the 'love of justice' is spoken of as a feeling inherent in almost all mankind. We cannot now learn what sense is to be put on casual expressions so inconsistent with the general tenor of his philosophy.

- the love of beauty, the passion of the artist;
- the love of order, of congruity, of consistency in all things, and conformity to their end;
- the love of power, not in the limited form of power over other human beings, but abstract power, the power of making our volitions effective;
- the love of action, the thirst for movement and activity, a force with almost as much influence in human life as its opposite, the love of ease.

None of these powerful constituents of human nature are thought worthy of a place among the 'Springs of Action'; and though for each of them an acknowledgment might be found in some corner of Bentham's writings, no conclusions are ever founded on the acknowledgment. Man, that most complex being, is a very simple one in Bentham's eyes. Even under the head of *sympathy* his recognition does not extend to the more complex forms of the feeling—the love of *loving*, the need for a sympathising support or for objects of admiration and reverence. If he thought at all of any of the deeper feelings of human nature, it was only as idiosyncrasies of taste that the moralist had no concern with, any more than did the legislator, except to prohibit any harmful actions they might happen to lead to. To say that man should or that he should not take pleasure in one thing and displeasure in another appeared to him as much an act of despotism in the moralist as in the political ruler.

It would be most unjust to Bentham to conjecture (as narrow-minded and passionate adversaries are apt to do in such cases) that this picture of human nature was copied from himself; that all those constituents of humanity that he rejected from his table of motives were lacking in himself. The unusual strength of his early feelings of virtue was, as I have shown, the original cause of all his speculations; and they are all guided and pervaded by a noble sense of morality, and especially of justice. But having been early accustomed to keep before his mind's eye the happiness of mankind (or rather of the whole sentient world) as the only thing that is desirable in itself or makes anything else desirable, he confused all disinterested [see Glossary] feelings that he found in himself with the desire for general happiness; just as some religious writers, who loved virtue for its own sake as much perhaps as men could do, habitually confused their love of virtue with their fear of hell. It would have required greater subtlety than Bentham possessed to distinguish from each other feelings that had always acted in the same direction; and his lack of imagination prevented him from reading the distinction in the hearts of others, where it is legible enough.

Accordingly, he has not been followed in this great oversight by any of the able men whose intellectual obligations to him have led to their being regarded as his disciples. They may have followed him in his doctrine of utility, and in his rejection of a moral sense as the test of right and wrong; but while repudiating it as such, they have joined Hartley in acknowledging it as a fact in human nature; they have tried to account for it, to assign its laws; and they cannot be fairly accused of undervaluing this part of our nature, or of being disposed to throw it into the background of their speculations. If any part of the influence of this cardinal error has extended itself to them, it is in a roundabout way through the effect on their minds of other parts of Bentham's doctrines.

Sympathy is the only disinterested motive that Bentham recognised. He felt its inadequacy as a guarantee of virtuous action, except in certain limited cases. He knew that personal affection is as liable to operate to the injury of third parties, and requires as much to be kept under government, as any other feeling; and *general philanthropy*, considered as a motive influencing mankind in general, he rightly regarded

as the very weakest and most unsteady of all feelings when divorced from the feeling of duty. There remained, as a motive by which mankind are influenced and may be guided to their good, only *personal interest*. Accordingly, Bentham's idea of the world is that of a collection of persons each pursuing his separate interest or pleasure, and the prevention of whom from jostling one another more than is unavoidable can be attempted by hopes and fears derived from **a** the law, **b** religion, and **c** public opinion. These three powers, considered as binding human conduct, he called 'sanctions': **a** the *political* sanction, operating by the rewards and penalties of the law; **b** the *religious* sanction, operating by the rewards and penalties expected from the Ruler of the Universe; and **c** the *popular* sanction—which he characteristically calls also the *moral* sanction—operating through the pains and pleasures arising from the favour or disfavour of our fellow-creatures.

What Bentham's philosophy cannot do

Such is Bentham's theory of the world. And now, in a spirit neither of apology nor of censure but of calm appreciation, I want to inquire how far this view of human nature and life will carry anyone—how much it will accomplish in morals, and how much in political and social philosophy; what it will do for the individual, and what for society.

All it will do for the conduct of the individual is to prescribe some of the more obvious dictates of worldly prudence, and *outward* probity and beneficence. I need not go on about the deficiencies of a system of ethics that •does not offer to aid individuals in the formation of their own character; that •recognises no such wish (perhaps even no such power) as that of self-culture as existing in human nature; and if it did recognise that great duty, •could provide little help in performing it because it overlooks the existence of about half the mental feelings that human beings are capable of, including *all* those of which the direct objects are states of their own mind.

Morality consists of two parts. One of these is self-education—the human being's training of himself, of his affections and will. That department is a blank in Bentham's system. The other and co-equal part, the regulation of his outward actions, must be halting and imperfect without the first; for how can we judge how many an action will affect even the worldly interests of ourselves or others, unless we include in the question its influence on the regulation of our affections and desires or of theirs? A moralist on Bentham's principles may get as far as this, that he ought not to slay, burn, or steal; but what will qualify him to regulate the finer shades of human behaviour, or to lay down even the broad strokes of morality relating to the facts in human life that are liable to influence the depths of character independently of any influence on worldly circumstances—such, for instance, as sexual relations, or family relations in general, or any other social and sympathetic connections of an intimate kind? The moralities of these questions depend essentially on considerations that Bentham never so much as considered; and when he happened to be in the right, it was always inevitably on wrong or insufficient grounds.

It is fortunate for the world that Bentham's taste lay in the direction of jurisprudential rather than of properly ethical inquiry. Nothing expressly of the latter kind has been published under his name. [Mill devotes nearly a page to a possible exception to that, a book called 'Deontology', which he regards as embarrassingly bad, is not sure is entirely by Bentham, and would be glad to see omitted from his collected works.]

If Bentham's theory of life can do so little for the individual, what can it do for society?

It will enable a society that has reached a certain state of *spiritual* development, and can remain in that state, to prescribe the rules by which it may protect its *material* interests. It will do nothing for the spiritual interests of society [Mill adds 'except sometimes as an instrument in the hands of a higher doctrine', without explaining this]; nor does it suffice even for the material interests. What causes any material interests to exist—the sole cause enabling any body of human beings to exist as a society—is national character; *that* is what

- •causes one nation to succeed in what it attempts, another to fail;
- •causes one nation to understand and aspire to elevated things, another to grovel in mean ones;
- •makes the greatness of one nation lasting, and dooms another to early and rapid decay.

The true teacher of the fitting social arrangements for England, France or America is the one who can point out how the English, French or American character can be improved, and how it has been made what it is. A philosophy of laws and institutions not based on a philosophy of national character is an absurdity. But what could Bentham's opinion on •national character be worth? How could he, whose mind contained so few and such poor types of *individual* character, rise to •that higher generalisation? He can only indicate means by which, in any given state of the national mind, the material interests of society can be protected; setting aside the question, which others must answer, whether the use of those means would have any injurious influence on the national character.

I have arrived, then, at a sort of estimate of what a philosophy like Bentham's can do. It can teach the means of organising and regulating the merely *business* part of the social arrangements. His philosophy can handle anything that can be understood or done without reference to moral influences; where those influences require to be taken into account, it is at fault. He wrongly thought that the business part of human affairs was the whole of them, or at least the only part that the legislator and the moralist had to do with. Not that he disregarded moral influences when he perceived them; but he rarely did so, because of his lack of imagination, small experience of human feelings, and ignorance of the connection of feelings with one another.

Thus, the business part is the only province of human affairs that Bentham has cultivated with any success; into which he has introduced any considerable number of comprehensive and enlightening practical principles. That is the field of his greatness; and in it he *is* indeed great. He has swept away the accumulated cobwebs of centuries—he has untied knots that the efforts of the ablest thinkers down through the centuries had only pulled tighter; and it is no exaggeration to say that over a great part of the field he was the first to shed the light of reason.

I turn with pleasure from what Bentham could not do, to what he did. It is an ungracious task to criticise a great benefactor for not being a greater—to insist on the errors of a man who has originated more new truths, has given to the world more sound practical lessons, than it ever received from any other individual, with a few glorious exceptions. The unpleasing part of my work is ended. I now have to show the greatness of the man: the •grasp that his intellect took of the subjects it was fitted to deal with; •the giant's task that was before him, and •the hero's courage and strength with which he achieved it. Don't regard his achievement as unimportant because its province was limited: man has to choose between going a little way in many paths or a great distance along only one. The field of Bentham's labours was like the space between two parallel lines; narrow to excess in one direction, in another it reached to infinity.

Bentham's speculations, as we are already aware, began with law; and in that department he accomplished his greatest triumphs. He found the philosophy of law a chaos, he left it a science; he found the practice of the law an Augean stable, and subjected it to a river which is mining and sweeping away mound after mound of its rubbish.

How English law became such a mess

Without joining in the exaggerated invectives against lawyers that Bentham sometimes permitted himself, or blaming one portion of society alone for the fault of all, we may say that circumstances had made English lawyers in a peculiar [see Glossary] degree open to Voltaire's description of lawyers as the 'preservers of ancient barbarous usages'. The basis of the English law was, and still is, the feudal system. That system—like all that existed as custom before they were established as law—was in some degree suitable to the needs of the society in which it grew up, that is to say, of a tribe of primitive soldiers holding a conquered people in subjection and dividing its spoils among themselves. Advancing civilisation had, however, converted this •armed encampment of barbarous warriors in the midst of enemies reduced to slavery into •an industrious, commercial, rich, and free people. The laws that were suitable to the first of these states of society were absolutely irrelevant to the second, which could not even have come into existence unless something had been done to adapt those laws to it. But the adaptation was not the result of thought and design; it arose not from any comprehensive consideration of the needs of the new state of society. What was done involved centuries-long struggle between the old barbarism and the new civilisation; between •the feudal aristocracy of conquerors, holding fast to the rude system they had established, and •the conquered, emancipating themselves from it. The conquered constituted the growing power, but it was never strong enough to break its bonds, though occasionally some weak point gave way. So the law came to be like the costume of a full-grown man who had never put off the clothes made for him when he first went to school. Seam after seam had burst, and as the gap widened the hole was darned, or patches of fresh law were brought from the nearest shop and stuck on, without *removing* anything except what might drop off of itself.

Hence all ages of English history have a meeting-point in English law; their various products may be seen all together, not interfused but heaped on one another, in the way different ages of the earth can be read in some perpendicular section of its surface, with the deposits of each successive period superimposed on—not substituted for—those of preceding periods. And in the world of law no less than in the physical world, every commotion and conflict of the elements has left its mark behind in some break or irregularity of the strata; every struggle that ever wounded the bosom of society is apparent in the disjointed condition of the part of the law that covers the spot; indeed, the very traps and pitfalls that one contending party set for another are still standing, and the teeth not only of hyenas but also of foxes and all cunning animals are imprinted on the curious remains found in these antediluvian caves.

In the English law, as in Roman law before it, the adaptations of barbarous laws to the growth of civilised society were chiefly made by stealth. They were generally made by the courts of justice, who could not help reading the new wants of *mankind* in the cases between *individual men* that came before them; but who, having no authority to make new laws for those new wants, were obliged to do the work covertly, evading the jealousy and opposition of an ignorant, prejudiced, and mostly brutal and tyrannical legislature.

Some of the most necessary of these improvements, such as the giving force of law to trusts, and the breaking up of entails [see Glossary], were carried out in actual opposition to the strongly-declared will of Parliament, whose clumsy hands—no match for the acuteness of judges—could not manage to make any law that the judges could not find a trick for making inoperative. The whole history of the contest about trusts may still be read in the words of a conveyance, as could the contest about entails, till the abolition of this whole business by a bill of the present Attorney-General; but the client paid dearly for the show-case of historical curiosities that he was obliged to purchase every time he made a settlement of his estate. The result of this way of improving social institutions was that new things had to be done in consistency with old forms and names; and the laws were improved with much the same effect as if, in the improvement of agriculture, the plough could have been introduced only by making it look like a spade. . . .

When the conflicts were over, and the mixed mass had settled down into something like a fixed state—a state that was very profitable and therefore very agreeable to lawyers—the natural tendency of the human mind led the lawyers to begin theorising on it, and they had to digest it and give it a systematic form. It was by induction [see Glossary] and abstraction from

> this thing of shreds and patches [a phrase from *Hamlet*], in which the only part that came close to order or system was the early barbarous part, already more than half superseded,

that English lawyers had to construct their philosophy of law, without having the logical habits and general intellectual cultivation that the lawyers of the Roman empire brought to a similar task.

What Bentham did about it

Bentham found the **philosophy** of law what English **practising** lawyers had made it; a jumble, in which 'real property', 'personal property', 'law and equity', 'felony', 'premunire', 'misprision', and 'misdemeanour',

- •words without a vestige of meaning when detached from the history of English institutions,
- •mere tide-marks to point out the line that the sea and the shore, in their endless struggles, had adjusted as their mutual boundary,

were all taken to mark distinctions inherent in the nature of things, in which every absurdity, every lucrative abuse, had a reason found for it. It wasn't often that the reason was even *claimed* to be drawn from expediency; usually it was a technical reason, one of mere form, derived from the old barbarous system. While the **theory** of the law was in this state, to describe what the **practice** of it was would require the pen of a Swift, or of Bentham himself. The whole course of a lawsuit seemed like a series of contrivances for lawyers' profit, in which the suitors were regarded as the prey. . . .

It may be fancied by some people that Bentham did an easy thing in merely calling all this absurd, and proving it to be so. But he began the contest a young man, and he had grown old before he had any followers. History will some day refuse to believe the intensity of the superstition which, until very recently, •protected this mischievous mess from examination or doubt, •passed off the charming representations of Blackstone's *Commentaries on the Laws of England* for a sound estimate of the English law, and •proclaimed the shame of human reason to be the perfection of it. Glory to Bentham that he has dealt to this superstition its deathblow—that he has been the Hercules of this hydra, the St. George of this pestilent dragon! The honour is all his—nothing but his

peculiar qualities could have done it. The task required his indefatigable perseverance, his firm self-reliance, needing no support from other men's opinion; his intensely practical turn of mind, his synthetical habits—above all, his peculiar [see Glossary] method. Metaphysicians, armed with vague generalities, had often tried their hands at the subject, and left it no more advanced than they found it. Law is a matter of business; means and ends are the things to be considered in it, not abstractions; vagueness was to be met not by vagueness but by definiteness and precision; details were to be encountered not with generalities but with details. Nor could any progress be made on such a subject by merely showing that existing things were bad; it was necessary also to show how they might be made better. No great man we read of was qualified to do this thing except Bentham. He has done it, once and for ever.

Some details

I cannot go into the particulars of what Bentham has done; hundreds of pages would be required to give a tolerable abstract of it. To sum up my estimate under a few heads. **(i)** He has expelled mysticism from the philosophy of law, and set the example of viewing laws in a practical light, as means to certain definite and precise ends. **(ii)** He has cleared up the confusion and vagueness attaching to the idea of *law* in general, to the idea of a body of laws, and all the general ideas involved in it. **(iii)** He demonstrated the necessity and practicability of *codification*—the conversion of all law into a written and systematically arranged code; not like the Code Napoleon, which doesn't contain a single definition and requires constant reference to earlier precedents for the meanings of its technical terms; but one containing within itself everything needed for its own interpretation, together with a perpetual provision for its own emendation and improvement. He has shown what the parts would be of such a code, and the relation of those parts to one another; by his distinctions and classifications he has done much towards showing what should be, or could be, its nomenclature and arrangement; and he has made it comparatively easy for others to do what he has left undone. **(iv)** He has taken a systematic view of the needs of society that the civil code is intended to meet, and of the principles of human nature by which its provisions are to be tested; I have already indicated that this view is defective wherever spiritual interests have to be taken into account, but it is excellent for the large portion of the laws of any country that are designed for the protection of material interests. **(v)** He found the philosophy of judicial procedure, including that of judicial establishments and of evidence,[1] in an even more wretched state than other parts of the philosophy of law; he carried it at once almost to perfection. He left it with every one of its principles established, and little remaining to be done even in the suggestion of practical arrangements.

These assertions on Bentham's behalf may be left, without fear for the result, in the hands of those who are competent to judge concerning them. There are now even in the highest seats of justice men to whom the claims made for him will not appear extravagant. Moreover, principle after principle of those propounded by him is seeping into the understandings that are most shut against his influence, driving nonsense and prejudice from one corner of them to another. The reform of the laws of any country according to his principles can only be gradual and may take years; but the work is in

[1] But excluding the subject of punishment, for which something considerable had already been done.

progress, and both parliament and the judges are every year doing something, and often something quite considerable, towards pushing it forward.

The doctrine of codification

I should take notice here of an accusation sometimes made against Bentham and against the principle of codification, namely that they require one uniform suit of ready-made laws for all times and all states of society. The doctrine of codification, as the word imports, relates to the *form* of the laws only, not to their *substance*; it does not concern itself with what the laws should be, but declares that whatever they are, they ought to be systematically arranged and expressed in a determinate form of words. His essay 'On the Influence of Time and Place in Matters of Legislation' is a complete answer to that accusation so far as it concerns Bentham. That essay shows that the different needs of different nations with respect to law occupied his attention as systematically as any other portion of the wants that make laws necessary—admittedly with the limitations set to all his speculations by the imperfections of his theory of human nature. Taking next to no account of national character and the causes that form and maintain it (as we have seen), he was precluded from giving much thought to the laws of a country as an instrument of national culture. This is one of their most important roles, and they must of course vary in how they play it according to the degree and kind of culture already attained; as a tutor gives his pupil different lessons according to the progress already made in his education. The laws that suited **a** our wild ancestors, accustomed to rude independence, would not have suited **b** a people of Asiatics bowed down by military despotism; the **b** slave needs to be trained to govern himself, the **a** savage to submit to the government of others. The same laws will not suit the English, who distrust everything that *does* emanate from general principles, and the French, who distrust whatever does *not*. To train a people to the perfection of their nature, getting them to constitute a united national and social polity, very different institutions are needed for •an essentially *subjective* people like the Germans from what are needed for an essentially *objective* people like those of Northern and Central Italy:

- •one affectionate and dreamy, the other passionate and worldly;
- •one trustful and loyal, the other calculating and suspicious;
- •one not practical enough, the other over-much;
- •one lacking individuality, the other lacking fellow-feeling;
- •one failing for lack of exacting enough for itself, the other for lack of conceding enough to others.

Bentham was little accustomed to look at institutions in their relation to these topics. The effects of this oversight must of course be perceptible throughout his speculations, but I do not think the errors it led into matter much in the greater part of *civil* and *penal* law: it is in the department of *constitutional* legislation that they were fundamental.

The Benthamic theory of government has made so much noise in the world in recent years, holding such a conspicuous place among Radical philosophies, with Radical modes of thinking participating in its spirit so much more extensively than any others, that many worthy persons imagine there is no other Radical philosophy extant. Leaving such people to discover their mistake as they may, I shall try briefly to discriminate between the truth and error of this celebrated theory.

There are three great questions in government. **(1)** To what authority is it for the good of the people that they should be subject? **(2)** How are they to be induced to obey that authority? The answers to these two questions vary indefinitely, according to the degree and kind of civilisation and cultivation already attained by a people, and their peculiar aptitudes for receiving more. **(3)** The third question is not liable to so much variation: by what means are the abuses of this authority to be checked? This third question is the only one of the three that Bentham seriously addresses, and he gives it the only answer it admits of—*Responsibility*. That is, responsibility to persons whose obvious and recognisable interest accords with the end in view, namely good government. This being granted, the next question is: in what body of persons is this identity of interest with good government—i.e. with the interest of the whole community—to be found? In nothing less, says Bentham, than the numerical majority; to which I add that it can't be found even in the numerical majority, because in no portion of the community less than *all* will the interest coincide always and in every respect with the interest of all. But, since power given to •all by a representative government is in fact given to •a majority, I am obliged to fall back on question **(1)**, namely, under what authority is it for the good of the people that they be placed? If the answer to this is *under the authority of a majority among themselves*, Bentham's system cannot be questioned. This one assumption being made, his 'Constitutional Code' is admirable. His extraordinary power of at once seizing comprehensive principles and scheming out minute details is brought into play with surpassing vigour in devising means •for preventing rulers from escaping from the control of the majority; •for enabling and inducing the majority to exercise that control unremittingly; and •for providing them with servants—·ministers·—with every desirable endowment, moral and intellectual, compatible with entire subservience to the will of the majority.

Is majority rule essential?

But is this fundamental doctrine of Bentham's political philosophy a universal truth? Is it, always and everywhere, good for mankind to be under the absolute authority of the majority of themselves? I do not say the *political* authority merely, because it is fanciful to suppose that whatever has absolute power over men's bodies will not arrogate [= 'illegitimately seize'] it over their minds—will not seek to control opinions and feelings that depart from its standard; will not try to shape the education of the young by its model, and to extinguish all books, schools, and combinations of individuals for joint action on society, which may be attempted for the purpose of keeping alive a spirit at variance with the authority's own. (It may do this not by legal penalties, but by the persecutions of society.) Is it, I ask, the proper condition of man in all ages and nations to be under the despotism of Public Opinion?

It is very conceivable that such a doctrine should be accepted by some of the noblest spirits at a time of reaction against the aristocratic governments of modern Europe; governments founded on the entire sacrifice (except when prudence and sometimes humane feeling interfere) of the community generally to the self-interest and ease of a few. European reformers have been accustomed to see the numerical majority everywhere unjustly depressed, everywhere trampled on, or at the best overlooked, by governments; nowhere having enough power to •extort redress of their most positive grievances, •provide for their mental culture, or even •prevent themselves from being taxed openly for the pecuniary profit of the ruling classes. To see these things and seek to put an end to them, by means (among other things)

of giving more political power to the majority, constitutes Radicalism; and it is because so many in this age have felt this wish, and have felt that the realization of it was an object worthy of men's devoting their lives to it, that such a theory of government as Bentham's has found favour with them. But though to pass from one form of bad government to another is the ordinary fate of mankind, philosophers ought not to make themselves parties to it by sacrificing one portion of important truth to another.

The numerical majority of any society whatever must consist of unskilled manual labourers—persons all standing in the same social position and having the same pursuits. I do not mean to disparage them; whatever I say to their disadvantage I say equally of a numerical majority of shopkeepers, or of squires. Where there is identity of position and pursuits, there also will be identity of preferences, passions and prejudices; and to give to any one set of these absolute power, without counter-balance from preferences, passions, and prejudices of a different sort, is the way •to make it impossible to correct any of those imperfections, •to make one narrow, low type of human nature universal and perpetual, and •to crush every influence that tends to the further improvement of man's intellectual and moral nature. There must of course be some paramount power in society; and that the majority should be that power is on the whole right, not as being outright just but as being less unjust than any other footing on which the matter can be placed. But the institutions of society should make provision for keeping up, in some form or other—as a corrective to partial views, and a shelter for freedom of thought and individuality of character—a perpetual and standing opposition to the will of the majority. All countries that have long continued progressive, or been durably great, have been so because there has been an organised opposition to the ruling power—plebeians to patricians, clergy to kings, freethinkers to clergy, kings to barons, commons to king and aristocracy. Almost all the greatest men who ever lived have formed part of such an Opposition. Wherever some such quarrel has not been going on—wherever it has been terminated by the complete victory of one of the contending principles, and no new contest has taken the place of the old—society has either hardened into Chinese stationariness, or fallen into dissolution. A centre of resistance, round which all the moral and social elements that the ruling power views with disfavour can cluster, finding shelter from the attempts of that power to hunt them out of existence, is as necessary where the opinion of the majority is sovereign as where the ruling power is a hierarchy or an aristocracy. Where no such *point d'appui* [see Glossary] exists, there the human race will inevitably degenerate; and the question of whether the United States (for instance) will in time sink into being another China (which is also a most commercial and industrious nation) is for me tantamount to the question of whether such a centre of resistance will gradually evolve itself or not.

These things being considered, I cannot think that Bentham made the most useful employment of his great powers when—not content with enthroning the majority as sovereign by means of universal suffrage, without king or house of lords—he exhausted all the sources of ingenuity in devising means for riveting the yoke of public opinion closer and closer round the necks of all public functionaries, excluding every possibility of even a slight or temporary exercise being had either by a minority or by the functionary's own notions of right. Surely when any power has been made the strongest power, enough has been done for it; from then onwards, care is needed ·not to strengthen that strongest power but· rather to prevent it from swallowing up all others. Wherever all the forces of society act in one direction, the just claims of the

individual human being are in extreme peril. The power of the majority is salutary so far as it is used defensively, not offensively—so far as its exercise is tempered by •respect for the personality of the individual and •deference to the superiority of cultivated intelligence. If Bentham had employed himself in pointing out the means by which fundamentally democratic institutions might be best adapted to the preservation and strengthening of •those two sentiments, he would have done something more permanently valuable and more worthy of his great intellect. If Montesquieu had had the lights of the present age, he would have done it; and we may be going to receive this benefit from the Montesquieu of our own times, M. de Tocqueville.

Do I then consider Bentham's political speculations useless? Far from it. I consider them only as one-sided. He has

- •brought out into a strong light,
- •cleared from a thousand confusions and misconceptions, and
- •pointed out with admirable skill the best means of promoting,

one of the ideal qualities of a perfect government, namely identity of interest between the trustees and the community for whom they hold their power in trust. This quality cannot be had in its ideal perfection, and moreover it must be fought for with a perpetual eye to all other requisites; but those other requisites must still more be fought for without losing sight of this one; and when it is even slightly subordinated to any other end, which it often must be, the sacrifice always brings with it some evil. Bentham pointed out how complete this sacrifice is in modern European societies: how exclusively ruling power is exercised there by partial and harmful interests, checked only by public opinion. (Because in the existing order of things public opinion constantly appeared as a source of good, he was naturally led to exaggerate its intrinsic excellence.) Bentham hunted this harmful interest of rulers through all its disguises, and especially through those that hide it from the very men who are influenced by it. Perhaps his greatest service to the philosophy of universal human nature is his illustration of what he calls 'interest-begotten prejudice'—the common tendency of man to make a duty and a virtue of following his self-interest. The idea was far from being peculiarly Bentham's: the tricks by which we persuade ourselves that we are *not* yielding to our selfish inclinations when we *are* had attracted the notice of all moralists, and had been probed by religious writers to a depth as much below Bentham's as their knowledge of the profundities and windings of the human heart was superior to his. But what Bentham has illustrated is selfish interest in the form of *class*-interest, and the class morality based on it—the manner in which any set of persons who mix much together and have a common interest are apt to make that common interest their standard of virtue, and the •social feelings of the members of the class are made to play into the hands of their •selfish ones; which is why history shows so many examples in which the most heroic personal disinterestedness [see Glossary] is combined with the most odious class-selfishness. This was one of Bentham's leading ideas, and almost the only one by which he contributed to the explanation of history, much of which must have been entirely inexplicable to him except so far as this explained it. The idea was given him by Helvetius, whose book *De l'Esprit* is one continued and most acute commentary on it. This, together with the other great idea of Helvetius, the influence of circumstances on character, will make his name live by the side of Rousseau when most of the other French metaphysicians of the 18th century will survive only in literary history.

The principle of utility

In the brief view I have been able to give of Bentham's philosophy, it may surprise the reader that I have said so little about its first principle, with which his name is more identified than with anything else—the 'principle of utility', or, as he afterwards named it, 'the greatest-happiness principle'. It is a topic on which much could be said if there were room, or if it were really needed for a just estimation of Bentham. On an occasion more suitable for discussing the metaphysics of morality, where it would be convenient to give the explanations needed to make an opinion on such an abstract subject intelligible, I would be fully prepared to say what I think on this subject. At present I shall only say that although (under proper explanations) I entirely agree with Bentham in his principle, I do not agree with him that all right thinking on the details of morals depends on its explicit assertion. I think that *utility* or *happiness* is much too complex and indefinite a goal to be sought except through various intermediate goals concerning which there may be, and often is, agreement among persons who differ in their ultimate standard; and about which there is in fact much more unanimity among thinking persons than might be supposed from their diametrical divergence on the great questions of moral metaphysics. As mankind are much more nearly of one •nature than of one •opinion about their own nature, they are more easily brought to agree in their intermediate principles. . . .than in their first principles; and the attempt to •make the relevance of actions to the ultimate goal more evident than they can be made by relating them to the intermediate goals, and to •estimate their value by a direct reference to human happiness, generally ends by attaching most importance not to the effects that are really the greatest but to the ones that can most easily be pointed to and individually identified. Those who adopt utility as a standard can seldom apply it truly except through the secondary principles; those who reject it, generally do no more than erect those secondary principles into first principles. It is when two or more secondary principles conflict that a direct appeal to some first principle becomes necessary; and then begins the practical importance of the utilitarian controversy; which in other respects is a question of arrangement and logical subordination rather than of practice—important mainly from a purely scientific point of view, for the sake of the systematic unity and coherence of ethical philosophy. Yet it's to the principle of utility, probably, that we owe everything Bentham did. It is probable that it was necessary to him to find a first principle that he could accept as self-evident, and to which he could attach all his other doctrines as logical consequences, because to him systematic unity was an indispensable condition of his confidence in his own intellect. And there is something further to be noted. Whether or not happiness is the goal to which morality should be related, that it be related to a goal of some sort and not left in the realm of vague feeling or inexplicable internal conviction—that it be made a matter of reason and calculation, and not merely of sentiment—is essential to the very idea of moral philosophy. It is in fact what makes argument or discussion on moral questions possible. That *the morality of actions depends on the consequences they tend to produce* is the doctrine of rational persons of all schools; that *the good or evil of those consequences is measured solely by pleasure or pain* is the whole doctrine of the school of utility, and is peculiar [see Glossary] to it.

So far as Bentham's adoption of the principle of utility led him to focus on the consequences of actions as the consideration determining their morality, so far he was indisputably on the right path; though to go far without

straying from it he needed more knowledge than he had of the formation of character and of the consequences of actions on the agent's own frame of mind. His lack of power to estimate this class of consequences, together with his lack of the degree of modest deference which those who don't have competent experience of their own owe to the experience of others on that part of the subject, greatly limit the value of his speculations on questions of practical ethics.

Over-weighting morality

He can also be accused of another error that it would be improper to pass over, because nothing has tended more to place him in opposition to the common feelings of mankind, and to give to his philosophy that cold, mechanical, and ungenial air that characterises the popular idea of a Benthamite. This error, or rather one-sidedness, belongs to him not as a utilitarian but as a moralist by profession, and he shares it with almost all professed moralists, whether religious or philosophical. It consists in treating the *moral* view of actions and characters, which is unquestionably the first and most important way of looking at them, as if it were the sole one; whereas really it is only one of three, by all of which our sentiments towards the human being •can be and •ought to be significantly influenced—and •must be, if we are not to crush our own nature. Every human action has three aspects:

(1) its moral aspect, or that of its right and wrong;

(2) its aesthetic aspect, or that of its beauty;

(3) its sympathetic aspect, or that of its loveableness.

Of these, **(1)** addresses itself to our reason and conscience; **(2)** to our imagination; **(3)** to our human fellow-feeling. According to **(1)** we approve or disapprove; according to **(2)** we admire or despise; according to **(3)** we love, pity or dislike. The morality of an action depends on its foreseeable consequences; its beauty and its loveableness—or the reverse—depend on the qualities that it is evidence of. Thus, a lie is *wrong* because its effect is to mislead, and because it tends to destroy the confidence of man in man; it is also *mean* because it is cowardly—because it proceeds from not daring to face the consequences of telling the truth—or at best is evidence of inability to achieve our goals by straightforward means, which is conceived as something that every person not deficient in energy or in understanding is able to do. The action of Brutus in sentencing his sons was **(1)** *right*, because it was executing a law essential to the freedom of his country, against persons of whose guilt there was no doubt; it was **(2)** *admirable* because it evinced a rare degree of patriotism, courage, and self-control; but there was nothing **(3)** *loveable* in it; it provides no presumption in regard to loveable qualities, or a presumption that they are lacking. If one of the sons had engaged in the conspiracy from affection for the other, his action would have been loveable, though neither moral nor admirable. It is not possible for any sophistry to confuse these three ways of viewing an action; but it is very possible to focus exclusively on one of them , and lose sight of the other two. Sentimentality consists in setting **(2)** and **(3)** above **(1)**; the error of moralists in general is to sink **(2)** and **(3)** entirely. This is pre-eminently the case with Bentham: he both wrote and felt as if the moral standard ought not only to be paramount (which it ought), but to be alone; as if it ought to be the sole master of all our actions, and even of all our feelings; as though it would be an injustice and a prejudice to admire or like (or despise or dislike) a person for any action that does neither good nor harm, or which does not do a good or a harm proportional to the feeling entertained. He carried this so far that there were certain phrases which, being expressive of what he

considered to be this groundless liking or aversion, he could not bear to hear pronounced in his presence. Among these phrases were 'good taste' and 'bad taste'. He thought it an insolent piece of dogmatism in one person to praise or condemn another in a matter of taste; as though men's likings and dislikings, on things in themselves indifferent, were not full of information about their character; as though a person's tastes did not show him to be wise or a fool, cultivated or ignorant, gentle or rough, sensitive or callous, generous or sordid, benevolent or selfish, conscientious or depraved.

Bentham and poetry

Connected with the same topic are Bentham's peculiar [see Glossary] opinions on poetry. Much more has been said than there is any basis for about his contempt for the pleasures of imagination, and for the fine arts. Music was throughout life his favourite amusement; as for painting, sculpture, and the other arts addressed to the eye, he was so far from holding them in contempt that he occasionally recognises them as means to important social ends; though his ignorance of the deeper springs of human character prevented him (as it prevents most Englishmen) from suspecting how profoundly such things enter into the moral nature of man and into the education of the individual and of the race.

But his attitude towards 'poetry' in the narrower sense, that which employs the language of *words*, was entirely unfavourable. Words, he thought, were perverted from their proper role when they were used in uttering anything but precise logical truth. He says somewhere in his works that 'quantity of pleasure being equal, push-pin is as good as poetry': but this is only a paradoxical way of saying what he would equally have said of the things he most valued and admired. Another aphorism attributed to him is much more characteristic of his view of this subject: 'All poetry is misrepresentation.' Poetry, he thought, consists essentially in exaggeration for effect, in proclaiming one view of a thing very emphatically and suppressing all the limitations and qualifications. This trait of character seems to me a curious example of what Mr. Carlyle strikingly calls 'the completeness of limited men'. Here is a philosopher who is happy within his narrow boundary as no man of indefinite range ever was; who flatters himself that he is so completely emancipated from the essential law of poor human intellect, by which it can only see one thing at a time *well*, that he can even turn round on the imperfection and solemnly condemn it. Did Bentham really suppose that it is only in poetry that propositions cannot be exactly true, cannot contain in themselves all the limitations and qualifications they need when applied to practice? We have seen how far his own prose propositions are from realising this Utopia; and even the attempt to approach it would be incompatible not merely with poetry but with oratory and popular writing of every kind. Bentham's accusation is perfectly true; all writing that undertakes to make men *feel* truths as well as *see* them does take up one point at a time, seeking to impress that one point, driving it home, making it sink into and colour the whole mind of the reader or hearer. It is justified in doing so, if the portion of truth that it is enforcing is the one called for by the occasion. All writing addressed to the feelings has a natural tendency to exaggeration; but Bentham should have remembered that in this, as in many things, we must aim at too much if we are to be sure of doing enough.

Bentham's writing style

From the same source in Bentham came the intricate and involved style that makes his later writings suitable for the student only, not the general reader. It was from his perpetually aiming at impracticable precision. Nearly all his earlier writings (and many parts of his later ones) are, as I have already remarked, models of light, playful, and popular style; a *Benthamiana* might made of passages worthy of Addison or Goldsmith. But in his later years and more advanced studies, he moved to a Latin or German structure of sentence that is foreign to the spirit of the English language. For the sake of clearness and the reader's ease, ordinary writers are content to say a little more than the truth in one sentence, and correct it in the next; Bentham could not bear to do this. All the qualifying remarks that he intended to make he insisted on embedding as parentheses in the very middle of the sentence itself. And thus the sense being so long suspended, and attention to the accessory ideas being required before the principal idea had been properly seized, it became difficult without some practice to follow the train of thought. It is fortunate that so many of the most important parts of his writings are free from this defect. I regard it as a *reductio ad absurdum* of his objection to poetry. In trying to write in a way that was not open to the same objection, he could not stop short of utter unreadableness; and even then he attained no more accuracy than is compatible with opinions as imperfect and one-sided as those of any poet or sentimentalist alive. Judge then what the state of literature and philosophy would be, and what chance they would have of influencing the multitude, if his objection were allowed and all styles of writing banished that did not stand his test!

I must here close this brief and imperfect view of Bentham and his doctrines; in which many parts of the subject have been entirely untouched, and no part done justice to, but which at least comes from an intimate familiarity with his writings, and is nearly the first attempt at an impartial estimate of his character as a philosopher, and of the effect of his labours on the world.

After every criticism of him—and you have seen that I have not been sparing in my criticisms—there remains to Bentham an indisputable place among the great intellectual benefactors of mankind. His writings will long form an indispensable part of the education of the highest order of practical thinkers; and the collected edition of them ought to be in the hands of anyone who wants to understand his age or take any beneficial part in the great business of it.

·FINAL FOOTNOTE·

Since the first publication of this paper, Lord Brougham's brilliant series of characters has been published, including a sketch of Bentham. Lord Brougham's view of Bentham's characteristics mainly agrees with the result of my more detailed examination; but he imputes to Bentham a jealous and angry disposition in private life, and I feel called on to contradict this and to give a relevant explanation. To have a correct estimate of any of Bentham's dealings with the world, one must bear in mind that in everything except abstract speculation he was to the last—what I have called him—essentially a *boy*. He had the freshness, the simplicity, the confidingness, the liveliness and activity, all the delightful qualities of boyhood, and the weaknesses that are the reverse side of those qualities—the undue importance attached to trifles, the habitual mismeasurement of the practical bearing and value of things, the readiness to be either delighted or offended on inadequate cause. These were the real sources of what was unreasonable in some of his attacks on individuals, and in particular on Lord Brougham in connection with his Law Reforms; they were no more the effect of envy or malice, or any really unamiable quality, than the freaks of a pettish child, and are scarcely a fitter subject of censure or criticism.