

## Bentham's Utopia: The National Charity Company

Bentham has been the subject of much controversy in recent years, a controversy which has illuminated an important area of English social history but has left obscure an essential part of Bentham himself. The main point at issue has been his influence as a social reformer — the extent to which he was personally or ideologically responsible for the reforms of the nineteenth-century, ultimately the extent to which any person or ideology was responsible for those reforms. But a prior issue has been largely ignored. This is the question of his character as a social reformer, the character and quality of the reforms which he proposed and which are presumed to have inspired, or not to have inspired, the reforms later adopted. The only aspect of this question which has been raised is the hoary one of whether he was primarily a laissez-fairist or government-interventionist. And even here his general pronouncements have been quoted more often than his actual proposals for reform. For the rest, it has been assumed that his reforms were humane, benevolent, philanthropic, enlightened, rational, progressive; the words recur with tedious predictability in one account after another. Even those critics who have found his philosophy unsatisfactory have been content, and more than content, with his practical efforts to promote the greatest happiness of the greatest number. But while we are often called upon to admire and emulate "the humble, rational, humanitarian spirit of this great man,"<sup>1</sup> we are rarely shown the actual working and practical results of that spirit — the reforms themselves.

R. H. Tawney once wrote: "There is no touchstone, except the treatment of childhood, which reveals the true character of a social philosophy more clearly than the spirit in which it regards the mis-

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1. Lionel Robbins, *Bentham in the Twentieth Century* (London, 1965), p. 15. Similar commendations of Bentham as a reformer, often joined with criticisms of him as a philosopher, may be found in Crane Brinton, *English Political Thought in the Nineteenth Century* (Cambridge, Mass., 1949), p. 15; John Bowle, *Politics and Opinion in the Nineteenth Century* (London, 1954), pp. 53, 66; John Plamenatz, *The English Utilitarians* (Oxford, 1958), p. 64; Peter Gay, *The Enlightenment: The Rise of Modern Paganism* (New York, 1966), p. 433. Other sources are cited in the course of this essay, and the list may be extended almost indefinitely.

fortunes of those of its members who fall by the way."<sup>2</sup> Bentham's plan for "Pauper Management" may serve as such a touchstone.

The plan has generally been taken to exemplify Bentham's benevolence, rationality, and above all his progressive spirit — a spirit so progressive that successive generations of commentators have credited him with being in advance not only of his own time but often of theirs as well. In 1841, the editor of his *Collected Works* remarked upon the "practical sagacity" which permitted Bentham to anticipate the "civilizing benefits" of reforms later incorporated into the New Poor Law of 1834 — "benefits which may then have appeared as the wildest Utopianism, but which have of late been on so large a scale practically and speedily realized."<sup>3</sup> A century later, the same judgment, even the same words, were echoed in an essay (the only such essay) on "Bentham and the Poor Law": "Besides anticipating specific nineteenth century reforms, [his pauper plan] indicates his grasp of essentials. It was of course much ahead of its time, and utopian in many ways . . . . Bentham clearly appears to have foreseen the civilizing benefits of his reforms . . . ."<sup>4</sup> His biographers have been equally enthusiastic. One has described it as a plan for "garden communities," in which paupers would enjoy the advantages of healthful labor, steam-heat, running water, and schools better than those available to the rich at that time; "I do not know," he added, "whether such a community is practicable, but at least I have seen one in operation, an ancient abandoned estate in South Carolina, converted by the Farm Security Administration into a beautiful community, for people who had been destitute."<sup>5</sup> A more recent biographer saw it as the realization of Bentham's "secular, scientific, practical, democratic bias": "Here was the principle of utility in practice, and he rejoiced to imagine thriving houses of industry filled with happy busy people."<sup>6</sup> More recently still a study-group on poverty was treated to this edifying example of reform and rehabilitation, which combined relief with "education and health care, assistance and insurance, and cooperative actions on the part of the self-maintaining poor."

2. R. H. Tawney, *Religion and the Rise of Capitalism* (New York, 1947), p. 222.

3. Jeremy Bentham, *The Works of Jeremy Bentham*, ed. John Bowring (London, 1838-43), VIII, 358.

4. M. I. Zagday, "Bentham and the Poor Law," in *Jeremy Bentham and the Law*, ed. G. W. Keeton and G. Schwarzenberger (London, 1948), pp. 64-65.

5. Charles W. Everett, "The Constitutional Code of Jeremy Bentham," in *Jeremy Bentham Bicentenary Celebrations* (London, 1948), pp. 14-15.

6. Mary Mack, *Jeremy Bentham* (New York, 1963), pp. 315, 212-13.

"It is doubtful," the speaker concluded, "that any contemporary [that is, present-day] ideas about the poor would have seemed novel to Bentham's circle."<sup>7</sup>

The project that has been so generally commended is *Outline of a Work entitled Pauper Management Improvement*. It was first published serially in 1798 in the *Annals of Agriculture* edited by Arthur Young.<sup>8</sup> Since Bentham had it reprinted twice during his lifetime (1802 and 1812) and towards the end of his life made plans to reissue it, it cannot be supposed to represent a passing fancy or momentary aberration on his part.<sup>9</sup> Several versions of it also appear in manuscript form; these clarify and elaborate upon the published work but do not alter it in any essential respect. Thus there was nothing private or recondite about the plan, no important detail that was not publicly available to contemporaries and to historians.<sup>10</sup>

*Pauper Management* was a companion piece to the *Panopticon*, Bentham's plan for a model prison, published seven years earlier.<sup>11</sup> The architectural design was basically the same: "circularly polygonal" rather than strictly circular, with the same inspector's lodge in the center permitting total visibility of the pauper's quarters, and such other familiar details as the chapel in the form of a stage lowered from the ceiling so that the inhabitants could watch and hear the religious services without leaving their rooms.

7. Robert J. Lampman, "The Anti-Poverty Program in Historical Perspective," paper presented to the U.C.L.A. faculty seminar on poverty, February 25, 1965.

8. Bentham originally intended to publish two works: *Pauper Systems Compared and Pauper Management Improved*. The first was to have been based on information he hoped to receive from two questionnaires printed in an earlier issue of the *Annals*. He never wrote this work, perhaps because the questionnaires called for information that was obviously unavailable — that would probably be unavailable even today. (Some partial returns are in the Bentham MSS. University College, London, CXXXIII, 42-46, 48, 51-54, 58.) And he never completed the "outline" of the second, so that the later editions continued to bear the word "outline" in the title. That outline, however, in spite of references to sections that were never written, was far less tentative than it sounded. It came to something like 70,000 words, and the manuscripts attest to the amount of thought and labor that went into its composition. The text in the *Works*, cited here, is identical with that in the *Annals*.

9. Bentham's manuscripts include title pages for a new edition as well as new copies of the text. They are dated from January 1828 to March 1831. Some are in Bentham's hand, others in the hand of a copyist. British Museum MSS. 33, 550, ff. 372-97.

10. To keep clear this public dimension of the work, in every case where I cite the manuscripts I shall explicitly identify them as such, at the cost of some stylistic awkwardness. The point about public availability must be qualified in one respect: see page 120 above.

11. Bentham, *Works*, IV, 39-172. I have described the Panopticon in "The Haunted House of Jeremy Bentham," *Victorian Minds* (New York, 1968), pp. 32-81.

But more interesting than the architectural similarities were the similarities of management. Like the Panopticon-prison, the Panopticon-poorhouses — “industry-houses,” Bentham called them — were to be under private ownership and management. What differences there were came from the difference of magnitude. The Panopticon-prison, a single unit containing at most two thousand prisoners, could be conveniently owned and managed by a single person (Bentham). The industry-houses, on the other hand, were to have “undivided authority” over the “whole body of the burdensome poor” throughout “South Britain” (that is, England and Wales). At the outset, 500,000 people would be accommodated in 250 houses; by the end of twenty-one years, the system would include a million people in 500 houses.<sup>12</sup> Since a single proprietor was obviously inappropriate for an institution on this scale, Bentham proposed the next best thing: a joint-stock company. The National Charity Company, as he tentatively named it, would be “instituted on mercantile principles” on the model of the East India Company, and managed, like the East India Company, by a Board of Directors elected by the share-holders.<sup>13</sup> It would have a capitalization of four to six million pounds raised by private subscription, preferably in shares of small denomination. It would also receive an annual subsidy from the government equivalent to the poor-rates.

Here, as in the *Panopticon*, Bentham was obliged to defend the idea of a private company in place of the public, government agency that most reformers were advocating. *Pauper Management* repeated his earlier arguments about the advantages accruing from private ownership — thrift, good management, and the like. But in his manuscripts he went further in justifying not only private ownership but also a private monopoly — the “undivided authority” that he proposed to give to the company. “The mind,” he recognized, “has a natural leaning towards the system of divided management.” And the English mind more than most. The English could conceive of three or four hundred individuals under one management, but boggled at the thought of half-a-million. Other countries were less inhibited. In Hindustan, for example, “you see twenty or thirty millions under the management, and much more absolute government of one Board, and those spread over a surface of country several times as large as South Britain.” What Hindustan could do, surely the English could do as well: “With equal length of experience, the government of such a concern as that of the proposed

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12. Bentham, *Works*, VIII, 369, 373-74.

13. *Ibid.*, pp. 369, 397.

National Charity Company would be but child's play to a Director of the East India Company."<sup>14</sup> Moreover only such a company — private and monopolistic — could do the job: "It is not in the nature of government to avail itself of this or any other head of economical advantage as long as it is possible to forbear: the race between the individual and government exertion in the line of economical improvement is the race between the greyhound and the sloth."<sup>15</sup>

Not only the company as a whole but each industry-house would be, in effect, privately owned and managed by means of a system of sub-contracting. The contract would be sold by the company "by auction to candidates possessed of certain qualifications." The highest bidder would become the governor of the house, his authority being "absolute over the whole establishment." "The price a man gives," Bentham reasoned, "will be a proof of the degree of his fitness, as far as depends upon inclination."<sup>16</sup> Again, as in the *Panopticon*, Bentham extolled the merits of the contract system. Only such a system, he argued, could effectively carry out the "Duty and Interest junction principle." Since the paramount, if not exclusive, motive of man was his personal interest, the only way of ensuring the performance of his duty was to make that duty consonant with his interest. Thus a contractor, liable to the "whole loss" or "whole profit" of the enterprise, was more apt to carry out his responsibilities than an official on a fixed salary.<sup>17</sup>

In his manuscripts, the argument was put more sharply and directed more explicitly against the prevailing opinion. There Ben-

14. Univ. Coll. MSS. CLIIb, 309. In quoting from the manuscripts, where Bentham provided alternative words or phrases, as he habitually did, I have selected those which seem to represent his final choice, or, failing some indication of that, those which most clearly convey his meaning. I have also occasionally simplified his punctuation, which was erratic and awkward.

15. *Ibid.*, CLI, 308. At one point Bentham conceded the possibility that in the distant future the government might be able to manage such an enterprise:

The present seems to be precisely the period for the establishment of an institution such as that proposed: the state of society and the progress made by political knowledge is up to the requisite pitch, and is not yet beyond it. The economy of the Joint Stock Company management is up to it, and the economy of Government management is not yet up to it. The rocks upon which Joint Stock Companies management was apt to split have been discovered and marked out by past calamities. . . .

Were the institution to wait for its establishment another century or even half century, it is possible that by that time the discipline of Government might have made such a progress, and to such a degree outgrown its present habitual disease of relaxation as that the business might be carried on in Government account instead of Company account. (*Ibid.*, CLIVb, 547.)

16. Bentham, *Works*, VIII, 386. In the first years of the company, the governors would be salaried employees, but thereafter they would be on a contractual basis.

17. *Ibid.*, pp. 380-81.

tham defended the contract, or "farming" system, by taking issue with those who had most vigorously criticized it: Montesquieu, Adam Smith, and Richard Burn (author of the influential *History of the Poor Laws*). He accused these of having made a "hobgoblin" out of the farmer of the poor. The common "delusion" on the subject of farming, he charged, came from the "strong tincture of envy" that made men suspicious and jealous of "the hands through which money passes." Men thought farming "abominable" when in fact it was "the best mode even under the existing system" and would be "still better under the new one" — "the strongest stimulation to what is good in management and the strongest check to what is bad."<sup>18</sup>

The reliance upon self-interest, in the concrete form of profit, was evident in such other details of his plan as the "life assurance principle," which gave the officials of the house a "pecuniary and never-ceasing interest" in the lives of their charges. Officials would receive "headmoney" for every year of every child's life; they would forfeit a specified sum for the death of every woman in childbirth; and they would receive an extra premium or "bounty" in particularly profitable years. Only by such devices, Bentham argued, could both economy and humanity be ensured:

This is the only shape which genuine and *efficient* humanity can take. The notion which insists upon *disinterestedness* (i.e. the absence of the species of motive most to be depended upon) as an indispensable qualification . . . is a notion respectable in its source, but the most prejudicial in its tendency of any that can be imagined. Every system of management which has disinterestedness, pretended or real, for its foundation, is rotten at the root, susceptible of a momentary prosperity at the outset, but sure to perish at the long run. That principle of action is most to be depended upon, whose influence is most powerful, most constant, most uniform, most lasting, and most general among mankind. Personal interest is that principle: a system of economy built on any other foundation is built upon a quicksand.<sup>19</sup>

Reinforcing the principle of interest was the principle of "publicity." In the *Panopticon* this had taken the form of a "visitor's gallery"; here Bentham spoke of a "concourse" of visitors "whose remarks may afford instruction and their scrutiny a spur to im-

18. Univ. Coll. MSS. CLIIb, 335, 336; CLI, 5.

19. Bentham, *Works*, VIII, 381. The term "headmoney" was commonly used at the time in quite another sense, to refer to child allowances as provided under the Speenhamland system.

provement and a check to abuse."<sup>20</sup> But much more important than the presence of visitors was the publicity afforded by an elaborate book-keeping system, a system that pervaded every aspect of the economy, management, and regimen of the industry-houses; indeed essential features of the plan are revealed only in the course of Bentham's description of these books.

The most obvious function of the book-keeping system was economic. Since the sheer size of the enterprise magnified the importance of every expenditure, every saving, and every item of income (the pettiest sum having to be multiplied by 250 houses and 500,000 people), a comparative analysis of costs and earnings would permit each house to profit by the experience of all. In this way the company would achieve the "highest possible pitch of perfection."<sup>21</sup>

More novel was the use of book-keeping for the administration of discipline and justice. His own ideal of justice, Bentham explained, was a "domestic tribunal" presided over by a "wise and good man." But the industry-house would surpass even this in "simplicity and perfection." By virtue of the publicity inherent in its mode of architecture, every act of delinquency would be known "the instance of its being committed." And by virtue of its book-keeping system (Complaint, Misbehavior, Punishment, and Merit books), all the stages of justice — "delinquency, complaint, trial, sentence, execution" — would be telescoped in time and place. (Execution of sentence as well, because the house would also serve as a jail.) The result would be the "unexampled perfection" of justice — literally, instant justice. Under this system the pauper would enjoy an "unexampled degree of protection."<sup>22</sup> At the same time, the governor would enjoy an "absolute" power that was also responsible. Since everything was recorded, everything was known; hence responsibility was total. And this responsibility involved no limitation on power.<sup>23</sup>

20. *Ibid.*

21. *Ibid.*, p. 392. The term, "pitch of perfection," familiar from the *Panopticon* (IV, 63-64), appears frequently in the manuscripts as well: e.g., Univ. Coll. MSS. CLI, 296, 317; CLIVb, 541.

22. Bentham, *Works*, VIII, 394. This "unexampled degree of protection" did not mean an exactly reciprocal relationship between pauper and official. A pauper could bring charges against an official of the house; but whereas the pauper would be punished for "groundless" complaints, the official would not. Similarly, in the Common (i.e., Pauper) Misbehaviour Book, the name of the offender would be cited, whereas in the Officer's Misbehaviour Book ("if there be one"), it would not. (*Ibid.*, p. 393.)

23. *Ibid.*, p. 386. Conversely: "The limits to power are the limits to responsibility." Univ. Coll. MSS. CLIIb, 393.

The book-keeping system would also ensure the proper discharge of the company's obligations to its stockholders, to the financial and industrial community, and to ratepayers in general. It would reveal, for example, whether the company was interfering or competing with other businesses. The Privy Council was to inspect these financial accounts and intervene if necessary to protect other interests. Only in such situations, however, was government intervention authorized. In matters affecting the paupers, there was no provision for intervention. "Visitors *ex officio*" — magistrates and clergymen — could examine the behavior books and interview paupers and officials of the house, but their power went no further than to add to the minutes of the books, which then became the exclusive responsibility of the board of directors.<sup>24</sup>

In this system of "pauper management," Bentham's primary concern was with "management"; the "pauper" occupied a secondary, adjectival position. Thus the book opened with an account of the "managing authority," and only in the course of describing and defining that authority did there indirectly emerge some idea of who was to be subject to that authority — the "pauper" as he appeared in the title, the "poor" in the opening sentence, the "burdensome poor" two sentences later, "working hands" later still.

The basic principle defining the "burdensome poor" — those coming within the purview of his scheme — was a corollary of the first principle of management as expressed in the opening sentence of the work: "The management of the concerns of the poor, throughout South Britain, to be vested in *one* authority, and the expense charged upon *one* fund."<sup>25</sup> Perhaps because Bentham himself directed attention primarily to the managerial implications of this principle, commentators have focussed upon what was a sufficiently radical idea at the time — that there was to be a single authority for the whole country rather than a multitude of independent authorities for individual parishes or unions of parishes. But there was an even more radical principle implied here, a principle Bentham made explicit later, almost in passing, when he stipulated that there would be "no relief but upon the terms of coming into the *house*, (i.e., an industry house)."<sup>26</sup> At a time when the bulk of relief was given in one or another form of "outdoor relief" (doles, wage supplements, family allowances, rent allowances, grants in kind, medical assistance, and various modes of employ-

24. Bentham, *Works*, VIII, 391, 371, 387.

25. *Ibid.*, p. 369.

26. *Ibid.*, p. 383.

ment), Bentham was proposing to create a single institution with responsibility for the entire management and distribution of relief, having at its disposal the entire sum available for relief, and functioning solely through the medium of industry-houses.

It was this total abolition of outdoor relief, in any form and for any purpose, that was the truly radical innovation of Bentham's plan. And it was this abolition of outdoor relief that would have transformed not only the administration of relief but also the conception and status of everyone receiving relief. In the existing amorphous and polymorphous system, where the laborer might derive part of his earnings from his own labor and part from the parish, or where an elderly person might have his rent paid by the parish but be otherwise self-supporting, there was no sharp line separating the "independent" poor from the "pauper." In Bentham's monolithic system, the line between the two would be sharp and unmistakable. Indeed the two groups would be literally, physically segregated. As a result, every recipient of relief would be cast into the unambiguous, unequivocal role of pauper.<sup>27</sup>

But even this assimilation of the whole of the existing body of "burdensome poor" did not exhaust Bentham's definition of pauper. For the National Charity Company was also charged with responsibility for particular groups among the poor who were not then burdensome, or at least were not a burden on the poor rates. Indeed the company was actively to seek out these groups and bring them within the confines of the industry-houses. For this purpose the company was granted specific "coercive powers":

Powers for *apprehending* all persons, able-bodied or otherwise, having neither visible or assignable property, nor honest and sufficient means of livelihood, and detaining and employing them . . . . Powers for apprehending non-adults of divers descriptions, being without prospect of honest education, and causing them to be bound to the company in quality of apprentices . . . . Powers for apprehending insolvent fathers of chargeable bastards and detaining them until they have

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27. The word "pauper" will be used in this essay in the sense in which Bentham used it in the title of his book — to refer to all those coming within the jurisdiction of the company and therefore within the confines of an industry-house. The scheme was "monolithic" in the sense of substituting a single system and mode of relief in place of the prevailing varieties of relief. Within the industry-house, however, Bentham did distinguish among the several categories of paupers: old-stagers and newcomers, temporary and permanent stock, the indigenous and non-indigenous, etc. But even here, the different categories were, with only minor variations, subject to the same basic principles: self-liberation, maximum employment, etc. And more important than any distinctions within the house was the overriding fact of their all being in the house.

worked out their composition money . . . . also mothers of ditto for a certain time.<sup>28</sup>

The company also had a parallel set of "obligations": the obligation of receiving and maintaining, on the condition of their working out the expense of their relief, the able-bodied and sick who applied for relief and the children on whose behalf relief was applied for.<sup>29</sup> It is interesting that the section on "coercive powers" should have preceded that on "obligations," for this bears out what the scheme as a whole confirms: that the pauper would be not only, or primarily, defined by his own action in applying for relief; he would also, and in the first instance, be defined by the company, who alone had the power to determine whether he had visible property, honest means of livelihood, or prospect of honest education, and therefore whether he should be confined to an industry-house.

Later in the work Bentham explained why the principle of "coercion" or "compulsion" was not only "justifiable" but also "indispensable" to his plan. Even under the system of outdoor relief, he explained, there were those who preferred begging to being "maintained in idleness" on parish relief. With the substitution of workhouse for outdoor relief, the incentive to take to begging would be even greater. In order, therefore, to prevent an increase in the number of beggars, it was necessary to make the "extirpation of mendicity" a matter of "compulsion."<sup>30</sup>

The logic of this argument explains the principle of exclusiveness ("one authority" and "one fund") as well as that of compulsion. So long as either alternative — outdoor relief or begging — was available, no one would apply for workhouse relief. To make the industry-house effective, it had to be the sole agency of relief, and not only for those actually applying for relief but for all those who had no honest and adequate means of support. If the former came into the house voluntarily, the latter had to be brought in compulsorily. And to make that compulsion effective, the company had to be entrusted with special coercive powers; indeed the exercise of those powers was part of its "obligations."<sup>31</sup> It was empowered, therefore, to apprehend those who had no honest and adequate means of support and then to commit them to an industry-house. The act of commitment was to be on the sole authority of the gov-

28. Bentham, *Works*, VIII, 370.

29. *Ibid.*

30. *Ibid.*, p. 401.

31. *Ibid.*, p. 370.

ernor or chaplain of the house and would not require the customary legal order issued by a magistrate: "Intervention of a magistrate (unless the chaplain should be nominated to the magistracy) would produce complication and delay, and might render the execution of the law less steady."<sup>32</sup>

If beggars had to be included in the plan, so did "habitual depredators":

The habit of depredation may be inferred with the most perfect certainty, and without the possibility of injury, from the want of honest means of livelihood (sufficient property as well as honest occupation included), coupled with the non-exercise of mendicity: for existence has no other means of support. What is *not* known is whether a man is a smuggler, a sharper, a coiner, a thief, a highwayman, or an incendiary: — what *is* known is that he is one or other of these, or several in one.<sup>33</sup>

If any of these crimes could be "proved in a legal way," the man would be dealt with as a criminal. He was a "depredator" only if the evidence was "indirect," "negative," not amenable to legal proof, but none the less imperative. "It would be a sad inconsistency," Bentham commented, "to extirpate the undangerous habit [begging], and leave the dangerous habit [depredation] untouched."<sup>34</sup>

If the habitual depredator was included, so must be the "stigmatized" depredator, who had been tried for a crime, found guilty, and had already served his sentence. And if the stigmatized, then also the "suspected" depredator, who had been tried and been acquitted. To be sure, unless the stigmatized or suspected depredators were also present depredators — in which case they would fall into the category of the habitual depredator and be treated as such — it would be unjust to punish them, the first having already completed his punishment and the second having been judged "unpunishable." But confinement in an industry-house, Bentham hastened to add, was not a "punishment." It was a "remedy," and one not likely to be abused since the genuinely reformed man or the genuinely innocent one would not be wanting for legitimate employment.<sup>35</sup>

The same logic, the same "necessity of compulsion," governed the families of the "disreputable classes." The wives and children

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32. *Ibid.*, pp. 401-02.

33. *Ibid.*, p. 403.

34. *Ibid.*, pp. 403-04.

35. *Ibid.*, p. 404.

of habitual, stigmatized, and suspected depredators were "presumed" themselves to be depredators by the simple fact of kinship (common-law wives by the fact of cohabitation). Therefore they too were to be confined in the industry-house. "The provision would be incomplete if the rising generation were left out of it; if it neglected the *many*, after providing for the few."<sup>36</sup>

Positive evidence of depredation being, by the nature of the case, unavailable, the only method of establishing such depredation was by interrogation. Suspicion warranted interrogation, and suspicious replies warranted commitment to the house. An accusation unacceptable in a court of law, an oath by a "person of character" testifying to his suspicions, "strangeship to the place" without evident means of support — all these would suffice for commitment.<sup>37</sup> To facilitate this process and give the plan "its utmost degree of efficiency," there would be instituted a "*universal register* of names, abodes and occupations." Since the government already exacted such information for taxation purposes from the "affluent and undangerous classes," Bentham saw no objection to requiring it of those from whom it would be "*doubly* useful."<sup>38</sup> Nor did he credit the objection that his procedure violated the laws prohibiting self-incrimination. Whatever the wisdom of those laws (and he left no doubt of his own contempt for them), the issue, he maintained, was not relevant. For here there was "no crime, no punishment, no crimination, no self-crimination."<sup>39</sup>

If the logic of compulsion required the commitment of one after another variety of depredator, the logic of extension — if one, why

36. *Ibid.*

37. *Ibid.*

38. *Ibid.*, p. 405. In his manuscripts, Bentham made it clear that he anticipated a good deal of objection to such a register. The English, he complained, were a "cold and misgiving and shamefaced people, subdued by the terror of scoffing ignorance, preferring the most inveterate mischiefs to the most simple and efficient, if unaccustomed, remedies." He himself preferred another mode of identification, but knowing how abhorrent it would be, he was loath to mention it even in the privacy of the manuscripts:

I refrain myself, and purposely withhold the mention of a remedy which . . . if proposed to be put to use would be shrunk from as horrible or laughed at as ridiculous — the utility of it as a moral preservative and political security of the very first order remaining all the while uncontested, because incontestable.

Only in a pencilled note in the margin was this described as an "identity wash." (Univ. Coll. MSS. CLIVa, 242-43.) The interesting thing is that Bentham had once before, and publicly, proposed the use of an identity wash. This was twenty years earlier, in his *View of the Hard Labour Bill*, when he proposed that chemical washes be applied to the face of every prisoner spelling out his name and jail. (Bentham, *Works*, IV, 20.) Perhaps it was because he was then severely criticized for this suggestion that he was now so reticent.

39. *Ibid.*, VIII, 404.

not another? — permitted the inclusion of still others: prisoners being transported and accommodated in the “strong-ward” of the houses; prisoners not being transported but better accommodated in the strong-ward than in an ordinary jail; the unruly apprentice, child, or wife committed at the instance of master, father, or husband; and “conversely” the victimized apprentice, child, or wife fleeing from a tyrannical master, father, or husband. (This was not quite the converse, since in each case it was the subordinate rather than the master who ended up in the house regardless of guilt.) Eventually, Bentham anticipated, “the whole system of imprisonment might be undertaken by the company,” the only groups not easily accommodated without additions for the purpose being “debtors and delinquents from the higher lines of life.”<sup>40</sup>

The expansiveness of the scheme depended upon the proposition, “No crime, no punishment,” which appears at crucial points in the published work and more often in the manuscripts. The double-barreled formula performed a double function: to enlarge the scope of the house to admit those who had not committed a “crime,” and at the same time to reduce or eliminate the usual legal procedures attaching to “punishment.” Bentham’s criticism of the vagrancy act then in force, which consigned vagrants to Houses of Correction upon the order of a Justice of the Peace, is instructive in this connection. The act was “incompetent,” he wrote, because it “violates justice by punishing, as for delinquency, without proof.”<sup>41</sup> In his manuscripts he elaborated upon this charge. The “palpable injustice” came from the pretense of legal commitment to a House of Correction: “Correction is punishment: no just punishment without conviction, conviction of delinquency in some specific shape.”<sup>42</sup> If there had been specific, provable delinquency, the culprit should have been committed not to a House of Correction but to a jail. Commitment to an industry-house, on the other hand, avoided this “injustice” by avoiding the whole question of justice — since delinquency was not charged and punishment not exacted, there was no need for legal proceedings and, by definition, no possibility of injustice.

With the purpose of the vagrancy act, the suppression of vagrants, Bentham had no quarrel. On the contrary, his boast was

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40. *Ibid.*, pp. 417-419. The manuscripts also provided for the commitment of “unchaste hands” — “prostitutes, mothers of bastards, loose women, procuresses.” Univ. Coll. MSS. CLI, 162.

41. Bentham, *Works*, VIII, 405.

42. Univ. Coll. MSS. CLIVa, 223.

that his proposal would accomplish the same end more efficaciously precisely by going outside the legal framework of crime and punishment: "Begging ought not to be considered as an offence: for to treat it as an offence is to annex punishment to it: and this is one of the cases where punishment is needless, for the practice may be suppressed without it."<sup>43</sup> For other reasons, he considered his plan preferable to the older statute binding the vagrant over to the service of a master: "The hardship of such an engagement, the odium consequently that could not fail to attend the attempt to impose it upon any man, in a country which piques itself so much in its regard for liberty, is a dissuasion capable of outweighing the utmost possible advantage that could be made from the exercise of such a power."<sup>44</sup> His own plan, he explained, where the master was not a single individual but a large, responsible establishment, was more lenient and therefore more enforceable.

Although Bentham was willing to use his countrymen's "regard for liberty" as an argument in his favor, he was frank to admit that he himself did not share that regard — and, indeed, that his own plan could be accused of violating the principle of liberty. In discussing one after another aspect of his plan, he anticipated and disposed of the same objection:

Objection — liberty infringed. Answer — liberty of doing mischief. As security is increased, liberty is diminished.<sup>45</sup>

That it [the Universal Register] would be an infringement upon liberty is not to be denied: for in proportion as security is established, liberty is restricted. To one branch of liberty — the liberty of doing mischief — it would be, not prejudicial only, but destructive.<sup>46</sup>

Public security commands it ["compulsion" in the case of "stigmatized hands"]. Justice does not forbid it.<sup>47</sup>

After all, in proposing compulsion in this instance [begging], it is not for the benefit of the persons proposed to be subjected to it that I propose it.<sup>48</sup>

Having disposed of the question of liberty, Bentham confronted another problem: How was the denial of liberty, the acknowledged fact of compulsion, reconcilable with the professed denial of punishment? Was not the denial of liberty in effect a punishment? Here Bentham's argument turned not only upon the security of

43. *Ibid.*, f. 179.

44. *Ibid.*, f. 216.

45. *Ibid.*, CXXXIII, 17.

46. *Ibid.*, CLIVa, 238.

47. *Ibid.*, CLI, 157.

48. *Ibid.*, CLIVa, 224.

society but also upon the nature of those who were properly subject to the coercion of society — and who themselves benefited from that coercion:

What is it then, if not a punishment? It is this: it is a measure of simple precaution and security, operating indirectly to the benefit of him who is the subject of it, taken for the benefit of the community at large. If measures of this nature were to be proscribed, because pain though unconventional be the result of them, security itself would be banished from society. It is not for punishment that the whole race of mankind is placed in a state of wardship — that is in a state of coercion — till its arrival at the prescribed period of intellectual maturity. It is not for punishment that the insane of all ages are committed to the custody of sounder minds. The persons in question are a sort of forward children — a set of persons not altogether sound in mind — not altogether possessed of that moral sanity without which a man can not in justice to himself any more than to the community be intrusted with the uncontrolled management of his own conduct and affairs.<sup>49</sup>

Once committed to the house, for whatever reason or in whatever circumstance, paupers, beggars, depredators, and their kin were all subject to the “self-liberation principle”: “No relief but upon the terms of coming into the house . . . and working out the expense.” And no one would be released from the house until his “self-liberation account” was fulfilled — i.e., when the “value of labor has balanced the expense of relief.”<sup>50</sup> As in the market-place, so in the industry-house: every man had to earn his keep.

Again the accounting system was the key to the existential reality of life in the industry-house. On the debit side of the self-liberation account were entered such incidentals as the cost of apprehending and conveying the pauper to the house, the reward that might have been paid for him, a charge for life insurance (to reimburse the company in case he should die before his account was balanced), and a sum equivalent to the “ordinary profit” on invested capital.<sup>51</sup> The major debit items — food, lodging, and care — were specified in some detail. The chief principles would be economy and suitability, to ensure that expenses be kept to a minimum and that the condition of the pauper in the house be no “more desirable” than that of the poorest man outside.<sup>52</sup>

49. *Ibid.*, f. 181.

50. Bentham, *Works*, VIII, 383, 369.

51. *Ibid.*, p. 402.

52. *Ibid.*, p. 384. One additional principle might serve as a “temporary” check on the other two. This was the “habit-respecting principle.” On the discretion of

Both principles worked to the same effect. Meat, "the great article of excess in the existing poor-houses," would be largely eliminated (if Hindus could get on without it, so could the English); bread would be replaced by cheaper substitutes; and experiments would be conducted to determine the minimum quantity and quality of food consistent with good health (possibly two meals a day instead of three).<sup>53</sup> Clogs would be worn rather than shoes, and uniforms of the most economical variety. ("Soldiers wear uniforms, why not paupers? — those who save the country, why not those who are saved by it?")<sup>54</sup> Beds would consist of large wooden frames drawn up on pulleys during the day or reversed to form tables and benches; each frame would sleep several persons, and they would be arranged in such a fashion that children "of an innocent and unobserving age" would alternate with adults — the total in one room, it would appear from the diagrams, being twenty-four single adults, or sixteen married persons and thirty two children.<sup>55</sup> An infirmary would be provided for the sick, with special huts for those suffering from "noisome or contagious" diseases. (At first Bentham spoke of these as individual huts, but after describing them in great detail, he discovered that by putting two or more together, the cost of construction could be reduced; and he ended with quadruple huts for venereal cases and double ones for other infectious cases.)<sup>56</sup>

In his book, these principles and their practical applications were presented as obviously and entirely admirable. But in his manuscripts Bentham admitted that some of his recommendations (about the diet, for example) might seem inhumane, particularly to other reformers:

I am fighting some of my best and most respected friends. I know it but too well. I cast myself on their forgiveness. Will this obtain it? I am fighting myself likewise.

What has been said of Dr. Johnson on the subject of infidelity, may not be inapplicable to myself on the ground of false humanity. The stronger my propensity to give way to it, the more strenuous my efforts to subdue it.<sup>57</sup>

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the company, "old-stagers" (paupers inherited from the existing profligate poor-houses) might receive somewhat better fare than the others if the rigors of the industry-house diet could not be borne by them. In order not to contaminate the rest, they would be separated from the others at meal-time.

53. *Ibid.*, p. 388.

54. *Ibid.*, p. 389.

55. *Ibid.*, p. 376.

56. *Ibid.*, pp. 376-77.

57. Univ. Coll. MSS. CLIIIa, 188.

On the credit side of the self-liberation account was the single item of earnings: the profit derived from the pauper's labor. (The annual government subsidy did not enter the calculation even to the extent of reducing interest charges or overhead costs.) The crucial maxim here was the "all-employing principle":

Not one in a hundred is absolutely incapable of all employment. Not the motion of a finger, not a step, not a wink, not a whisper, but might be turned to account in the way of profit in a system of such a magnitude. . . . A bedridden person if he can see and converse, may be fit for inspection; or though blind, if he can sit up in bed, may knit, spin, etc. Real inability is *relative* only — i.e., with reference to this or that species of employment, or this or that situation. In the situation in question employment may be afforded to every *fragment* of ability, however minute. On the part of the deaf and dumb, and the blind, the situation is *entire*; requiring only to be directed into particular *channels*. So, on the part of most classes of the *insane*, requiring only particular means for the *direction* of it.<sup>58</sup>

Other means of maximizing productivity included the division of labor, job rotation, employment at maximal capacity (a man not being used where a woman would do, or an adult in place of a child), piece-work payment, special prizes ("by paying one or a few victors, you get the result of the extra exertions of the whole multitude of competitors"), and honoraria (producing the same effect at no financial cost). Laziness would be discouraged by the "earn first" principle — the withholding of meals until the task was completed. And waste would be eliminated by consuming within the house whatever products were unfit for sale.<sup>59</sup>

The self-liberation account was meant to do for the pauper what the contract would do for the governor — effect the conjunction of duty and interest. It was to the pauper's interest, as well as duty, to work, since the harder he worked, the sooner he would be released. But there is a difficulty here that Bentham did not seem to recognize. While the principle of self-liberation implied that the pauper would be discharged as soon as his account was balanced, the principle of contract held out the promise of substantial profits from the pauper's labor over and above the "ordinary profit" on capital investment. The profits on labor were, on Bentham's calculations, substantial indeed, the cost of maintaining a pauper being no more than 4d a day for a man and 3d for a woman, while the

58. Bentham, *Works*, VIII, 382.

59. *Ibid.*, pp. 382-84.

yield from labor was no less than 1s and 6d respectively, with a "still more advantageous" differential in the case of the non-adult pauper.<sup>60</sup> One might think that the profit had to be larger in the case of the able-bodied in order to compensate for the non-able. But there were very few even of the latter, by Bentham's reckoning, who could not earn at least part of their keep; and sometimes he intimated that they were expected to earn all of it.<sup>61</sup> Even without taking into consideration the government subvention, the company's profit would evidently be larger than that required for the balancing of the pauper's account. As Bentham put it: "The Company need never be a loser, but may be a gainer if it pleases."<sup>62</sup> But if the company was the gainer, the paupers must have been the losers, their accounts having been more than balanced.

Bentham may have been unaware of this difficulty, but he was very much aware of another. While the rationale of the enterprise depended on its profitability, that profitability represented a threat to competing enterprises. Some of the features, and many of the anomalies, of the plan may be explained by Bentham's desire to minimize this threat while maximizing the profits. He sought, for example, to placate the industrial community by providing for government inspection of the company's accounts, by avoiding occupations that would bring it into competition with private industry, and by promising to pay lower wages than the prevailing ones so that the poor would be encouraged to seek employment outside the house. Although the last of these proposals might be regarded as of dubious benefit (would not the lower wages in the industry-house retard the fulfillment of the self-liberation account and so delay the pauper's return to the open market?), there is no doubt of Bentham's desire to conciliate commercial interests, if only to get his plan adopted. Indeed this desire may well have contributed to the unique character and peculiar focus of the plan. For the curious thing about it was that while it provided most ingeniously for beggars, depredators, and the like, it almost deliberately neglected the honest, "able-bodied" paupers. This neglect is all the more conspicuous because the latter group, one would think, were not only the obvious responsibility of a National Charity Company, but also the most obvious and lucrative source of profit. Yet Bentham went out of his way to disclaim any designs upon them and to belittle their importance to his plan.

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60. *Ibid.*, pp. 397, 370, 383, 418.

61. *Ibid.*, p. 370.

62. *Ibid.*, p. 383.

The able-bodied, he insisted, were to look on the industry-house as a "makeshift, a dernier resort." And the industry-house, for its part, was to look upon them as a minor part of its economy. They were only a portion of the "coming-and-going stock" of the house; and even the whole of that "coming-and-going" stock was relatively unimportant compared with the "longer-staying" and "permanent" stock. The latter groups were the substantial and stable part of the labor force of the house. And they were made up precisely of the unable. "Inability" was "the principal and fundamental part of the system"; "the refuse of the population, able as well as unable, is the lot best adapted to the situation of the company."<sup>63</sup> The manuscripts made the point more graphically:

Meanwhile what the Company gets of the national stock of industry and ability is all along but the refuse. But it knows what to do with that refuse. So many Industry-houses, so many crucibles, in which dross of this kind is converted into sterling.<sup>64</sup>

One can now understand why the appendages to the plan proliferated so rapidly as almost to obscure what might have been thought to be its initial purpose. One can appreciate the importance of the "all-employing principle," by which the sick, blind, lame, aged, and others who could not earn their keep elsewhere, were found "capable of earning more than a maintenance in this establishment."<sup>65</sup> By exploiting "every fragment of ability" and practising every possible economy, the industry-house and only the industry-house could make the disabled a source of profitable labor. And of permanently profitable labor: incapable of maintaining themselves outside the house, they were necessarily and permanently consigned to the house.

One can also now understand the importance of beggars and depredators. For these were indeed "best adapted to the situation of the company," being more capable of profitable labor than the physically disabled and, unlike the honest able-bodied pauper, neither coveting nor being coveted by outside employment. To be sure, beggars and depredators were not bound to the house in the same inexorable way that the sick or aged were. But Bentham remedied this defect by stipulating that unlike the others they were not to be released on the simple balancing of their accounts; instead they were to be retained until a "responsible person" engaged

63. Bentham, *Works*, VIII, 398.

64. Univ. Coll. MSS. CLIVb, 385.

65. Bentham, *Works*, VIII, 383.

to employ them for a specified length of time, after which they would be returned to the house — “and so *toties quoties*.”<sup>66</sup> In effect, beggars and depredators, although logically part of the coming-and-going stock, were potential members of the longer-staying and even permanent stock. The latter, therefore, included not only those permanently confined to the house “in virtue of their *natural* state and condition,” but also those who “by *positive* institution are proposed to be fixed within the pale of the establishment for a long and determinate time.”<sup>67</sup>

There was still another class, more numerous and important, which was in the house at least as much by virtue of “positive institution” as by their “natural state.” This was the “indigenous” class: those born in the house or entering it as minors and in either case obliged to remain in it until adulthood. His plan, Bentham observed, “would be incomplete if the rising generation were left out of it.”<sup>68</sup> Indeed, he provided for this rising generation so well that at the end of twenty-one years, he calculated, the indigenous class would equal in number all the other groups combined, thus doubling the size of the enterprise, necessitating the building of yet another two hundred and fifty houses, and bringing the total number of inmates to one million.<sup>69</sup> (His notes gave the population of England and Wales at the time as nine million.)<sup>70</sup>

This indigenous class, although it would seem to be the last link in the chain of pauperdom, was by no means an afterthought on Bentham's part. As beggars and depredators were more important to his scheme than the honest able-bodied paupers, so the rising generation was more important still, and was conceived to be such from the outset. One of the two questionnaires which preceded the first installment of his work was a “Non-Adult Value Table.” And the very first page of the book spoke of the “growing produce of the labor of all non-adult paupers” — the latter defined as minors presently on relief, those “applying” for relief (presumably orphans, abandoned children, etc.), and those “on whose behalf relief is applied for” (the children of adults receiving relief). All of these would “continue bound to the company in quality of *apprentices* — males, till twenty-one or twenty-three; females, till twenty-one or nineteen: without prejudice to mar-

66. *Ibid.*, p. 370.

67. *Ibid.*, p. 390.

68. *Ibid.*, p. 404.

69. *Ibid.*, p. 374.

70. Univ. Coll. MSS. CLIIa, 146.

riage."<sup>71</sup> (The latter clause, as will be seen, meant that they would be free to marry but that marriage would not free them from the bonds of apprenticeship.) The same category and conditions of apprenticeship applied to the children of beggars, depredators, and the other inmates of the house.<sup>72</sup> Whatever the cause of their being in the house and whenever their parents might have left, the children were to stay on at least until the prescribed age. In some cases, beyond that age: children who were beggars and depredators in their own right would start working out their self-liberation accounts only after the completion of their apprenticeship.<sup>73</sup>

Even more than the "refuse of the population," the apprentices were the heart of the plan; it was they who constituted "the chief basis of the company's profit-seeking arrangements."<sup>74</sup> The profit from apprentice labor alone, Bentham calculated, would be "still more advantageous" than the 300% profit anticipated from adult male labor, and would "more than equal the amount of the present poor rates."<sup>75</sup> (The poor rates, however, would still be paid annually to the company.) He was particularly pleased to compare the "negative pecuniary value" of a child in ordinary life with the "positive value" of the child in his scheme — a positive value to the company and "an inexhaustible source of wealth, population, and happiness to the state."<sup>76</sup>

In his book Bentham presented this aspect of his plan without apology or excuse — indeed as cause for pride. In his manuscripts, however, he felt the need to explain, if not excuse, the utilization of children for purposes of profit:

The children of individuals constitute a part of the property of the parents: to the parents belong what services they are able to extract and at the same time think fit to extract in the way either of profit or of pleasure from their [?] living treasures. . .

71. Bentham, *Works*, VIII, 369.

72. *Ibid.*, p. 385. In his manuscripts, Bentham proposed another measure for "augmenting the stock of apprentices": the admission of pregnant women, whether indigent or not, on condition that their infants be turned over to the company as apprentices. Univ. Coll. MSS. CLI, 290.

73. Bentham, *Works*, VIII, 404-05.

74. *Ibid.*, p. 390. Cf. Univ. Coll. MSS. CLI, 284:

In point of economy, as well as morality, the [?] relative to success is of the very essence of the plan. In this class consists the only sound as well as permanent strength of the establishment: the only part which can be depended upon: the only part on which calculations with regard to prudence can be grounded.

75. Bentham, *Works*, VIII, pp. 397, 385.

76. *Ibid.*, p. 390.

The children of the public, the children taken under charge by the public for want of parents able to bear the charge constitute as naturally a portion of the property of the public. To them belongs the profit derivable from whatever services it can contrive to extract from them during their non-age, saving in this case as in the case of the real parent the regard due to their own instincts and sensibilities. It has it in its power to reap the profit, and there is no reason why it should abstain from exercising that power. The greater this profit, the greater the extent that may be given to the service.<sup>77</sup>

The company could derive the largest profit from their children because it alone was in a position to maximize productivity and minimize costs. Self-supporting parents did not properly turn to account the labor of their children, "for want of time, opportunity, intelligence and capital";<sup>78</sup> while the poor-houses made the mistake of discharging the young as soon as they entered their most productive years.<sup>79</sup> Under Bentham's plan, by contrast, "the whole of the Apprentice Stock may be absolutely to be depended upon for a long series of years, including a year or two during which their ability in every point of view will be at the highest pitch."<sup>80</sup> The published work did not specify the age at which apprentices would start their labors, but the manuscripts put it at four in contrast to the customary fourteen. Four, Bentham wrote, was the age at which children were capable of work and at which their work could begin to show a profit. Anything later than this was a deplorable waste:

. . . Ten years, ten precious years, may be looked upon in the existing state of things as the waste period of human life, the period lost to industry. . . . Ten precious years in which nothing is done! nothing for industry! nothing for improvement, moral or intellectual!<sup>81</sup>

The manuscripts also disposed of the conventional argument against child-labor:

There is a degree of cruelty, I have heard it said, in shutting up children in a manufactory, especially at a tender age. But unless by the expression shutting up is meant unnecessary confinement, there is no cruelty in the case; the cruelty would be in not doing it.<sup>82</sup>

77. Univ. Coll. MSS. CLIIIA, 90.

78. Bentham, *Works*, VIII, 390.

79. Univ. Coll. MSS. CLI, 348.

80. *Ibid.*, f. 377.

81. *Ibid.*, CLIIIA, 107. The age of parish apprenticeship was sometimes lower than fourteen, but Bentham, to judge by this and similar remarks, seems to have taken that as the norm.

82. *Ibid.*, CLIVb, 317.

No less shocking to Bentham than the waste of the children's labor in those "ten precious years" was the wastefulness of their mode of life. The poorhouses, he complained, were even more culpable than the independent poor, serving meat more often than was the custom in private homes, sometimes allowing the boys as much as 4d a week pocket-money (which was more, he noted in his manuscripts, than had been available to him as a schoolboy at Westminster), and otherwise indulging the paupers in "luxurious and expensive" habits.<sup>83</sup>

The truth is, under the existing system of laws and under the prevailing system of sentiments and affections, not only these poor children, but the dependent Poor in general may be termed the spoilt children of the rich: benevolence the seed: mischief and misery the fruit.<sup>84</sup>

Under his system, by contrast, the young would be protected from corruption by being removed from the indulgent world of the independent poor. And even within the industry-house, they would be separated from their own fathers (who would be permitted to "view" them but not speak with them except in the presence of specified authorities),<sup>85</sup> and from older paupers and transients, "who might excite hankerings after emancipation, by flattering pictures of the world at large."<sup>86</sup> By preventing the development, let alone the gratification, of "unsatisfiable desires," the industry-house would be able to instill in them the proper habits of "systematical frugality."<sup>87</sup> "In this sequestered though public sanctuary," one manuscript noted, "habit is formed, fashion is unknown."<sup>88</sup>

Apart from these negative benefits, the apprentices of the industry-house would also enjoy positive advantages over children of private families, "even of the most opulent, much more of the indigent." Unlike the private family, where attention was apt "to be relaxed by casual want of affection, or to be misguided by ignorance, prejudice or caprice," the industry-house would function in a manner that was "uniform, systematical, governed by principle." Professional attendants, machinery, experiments, and a rational ordering of all the necessities of life would assure the infants of

83. Bentham, *Works*, VIII, 388.

84. Univ. Coll. MSS. CLIIa, 4; CLI, 397.

85. Bentham, *Works*, VIII, 405.

86. *Ibid.*, p. 373. The principle of separation, however, would not apply to working hours, the piece-work system making the principle of "aggregation" more desirable at those times. *Ibid.*, p. 372. Nor would it apply to sleeping arrangements, as described above (p. 95).

87. *Ibid.*, pp. 373, 385.

88. Univ. Coll. MSS. CLI, 133.

the "most advantageous" amount and form of exercise, fresh air, and food. Here as elsewhere, what was most advantageous was also most economical: a large number of infants would be rocked simultaneously in a single crib with the "slight exertion of a feeble hand," or aired simultaneously in a single carriage drawn by an ass or older child. Similarly every woman delivered of a child in the house would be given two to suckle, and mothers of bastards would be detained for an additional period for that purpose alone.<sup>89</sup> The manuscripts provide additional details, such as that the clothing of the pauper children would be made out of the discarded clothes of the poor ("old materials being preferable for this purpose to new on account of their softness"); that the cost of feeding a child of one year would be 2d a day, of two years 2d 1/2 . . . ; and that 140 infants and four nurses would be lodged in a single room.<sup>90</sup>

The utilitarian ethos, in regard to both children and paupers, was exhibited most clearly in the section on "Pauper Education." The subject was of the greatest importance, Bentham explained, because it affected not only the half-million apprentices over whom the company would have a "direct and all-commanding authority," but also the rest of society, over whom it would have an "all-prevailing, though less certain and immediate influence." Whereas customarily the education of the poor was shaped by the "remote and casual" example of the rich, it would now be shaped by the "direct and constant exercise of plastic power": "The influence of the schoolmaster on the conduct of the pupil in ordinary life is as nothing compared with the influence exercised by the company over these its wards."<sup>91</sup>

The effectiveness and nature of that "plastic power" derived not only from the concentration within the company of the powers of schoolmaster, parent, and employer, but also from an extension of the very concept of education: "The field of education comprises the whole of the individual's time"; "the proper end of education is no other than the proper end of life — well-being."<sup>92</sup> By the

89. Bentham, *Works*, VIII, 391.

90. Univ. Coll. MSS. CXXXIII, 14, 50.

91. Bentham, *Works*, VIII, 395.

92. *Ibid.* Cf. Univ. Coll. MSS. CXLIX, 92:

The business of education includes the business of providing occupations of one kind or another for filling up in some way or another the time of the individual to be educated.

In saying *the time*, I mean the *whole* time, the portion allotted to sleep itself not excepted.

The idea of education as embracing the whole of life might have been taken almost verbatim from Helvétius. Indeed it is probable that Bentham, a great ad-

same process of extension, well-being was taken to include not only "the individual to be educated," but also "the parties at whose expense and by whose care he is to be educated — viz. the proposed company."<sup>93</sup> And since all of society shared the interests of the company, the well-being of the company outweighed the more limited interests and well-being of the apprentices.

A similar calculus operated to proscribe or limit any aspect of "education" — which is to say, any aspect of life — which did not serve a multiple purpose. Thus comfort: "In particular, no portion of time ought to be directed exclusively to the single purpose of comfort." Exercise: best when "infused into the mass of occupation." Amusement: a child will not think an occupation less amusing merely because it has "the faculty of leading to *profit*." Sleep: "the least that can be made sufficient for health and strength." ("Sleep is not life but the cessation of life: lying a-bed without sleep is a habit productive of relaxation, and thence pernicious to bodily health: and in so far as it is idleness, pernicious to moral health.") Health and strength: "the natural, though but collateral results" of productive labor.<sup>94</sup>

The chief part of the child's life, encompassing and legitimizing all other activities, was "productive labor," which Bentham defined as occupations "having profit for their object":

In the choice of occupations (due provision being made for health and strength, as above-mentioned) productive labour ought to take the lead: and that to such a degree, that no part of the time allowed by religion to be employed in productive labour, ought to be employed in any occupation directed exclusively to any other object, the portions of time allotted in each day to repose, nutrition, cleanliness, and religion, only excepted.<sup>95</sup>

Since "health and strength" had earlier been described as the "natural though but collateral results" of productive labor itself, and since repose, nutrition, and cleanliness had earlier been allotted the barest minimum of time, the only substantial exception to productive labor was the time set aside for religion — presumably the Sabbath.<sup>96</sup> For the remaining six days of the week, by far the largest

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mirer of Helvétius, did adopt it from him. If he did not quote him in this context (as he did elsewhere), it may have been because Helvétius' conclusions were so different from Bentham's.

93. Bentham, *Works*, VIII, 395.

94. *Ibid.*, p. 396.

95. *Ibid.*

96. It might be thought odd that Bentham, who was notably lacking in respect for religion, should have been so solicitous of it in this connection. Here,

part of the pauper child's life was to be spent in productive labor. It was this ideal of "pauper education" that Bentham intended as a model for society as a whole. And it was this part of the plan that he described in his manuscripts as an opportunity to institute "a great system of national education — to substitute garden culture to barrenness or weeds."<sup>97</sup>

But what of education in the more conventional sense? Of the fifteen items listed as the ends of pauper education (of which the first was pecuniary profit), only two involved conventional learning: the tenth, "intellectual strength," and the fifteenth, "suitable instruction — instruction in all suitable points of art and knowledge." But the former was distinguished from "learning" which was "of little value" except so far as it could serve other ends. And the latter was made dependent upon the capacity of the child and the utility of any particular subject in his particular "situation." A footnote deferred to a later part of the book the question of "whether any instruction of the literary kind ought to be administered."<sup>98</sup> But the only later allusion to the subject appears in the list of "comforts" enjoyed by the company's apprentices, one of which was "exemption from intellectual exercise of the most painful kind," notably from the learning of languages.<sup>99</sup>

Here the manuscripts fill in some of the gaps in the text. Reading was stated to be "the ground work of everything else," so that it was evidently Bentham's intention to have this subject, at least, taught. And taught, moreover, "before the body is fit for profit-yielding occupations."<sup>100</sup> This raises other questions obscurely dealt with in the text: At what age should "intellectual education," such as it was, take place, and how much time should be devoted to it? The text says only that "instruction" should start at the earliest age consistent with "physical capacity," and that, together with other forms of unproductive labor, it should be largely confined to "the period preceding the birth of the faculty of productive labour,"

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as in the *Panopticon*, he was simply making his scheme conform to the existing law. He had once tried to modify that law, without success. In a tract written prior to the *Panopticon*, he had proposed that voluntary labor be permitted in prison on the Sabbath — a proposal that was rejected in the act subsequently passed. Himmelfarb, *Victorian Minds*, p. 50.

97. Univ. Coll. MSS. CLI. 284.

98. Bentham, *Works*, VIII, 397. In a memorandum on Irish Education written two years after *Pauper Management*, Bentham wrote: "At the public expense, men ought to be taught nothing but what is really *useful*. What is agreeable they will, in proportion as it is agreeable, teach themselves." Quoted by C. K. Ogden, *Jeremy Bentham* (London, 1934), p. 87.

99. Bentham, *Works*, VIII, 437.

100. Univ. Coll. MSS. CXXXIII, 104.

after which period it would be relegated to the Sabbath.<sup>101</sup> What the text does not specify are the age-limits within which the bulk of this instruction was to take place — the beginning of “physical capacity” on the one hand and of “productive labor” on the other. In regard to the latter, at least, the manuscripts are explicit; productive labor was to start at four. It would, therefore, appear that conventional lessons (in reading, for example) would be largely reserved for the period prior to the age of four, and after the age of four take place only on Sunday.<sup>102</sup> If this conclusion is startling, the fact that it is so may account for the peculiar evasiveness of the text. Having dwelt upon such matters as how the bed-sheets should be fastened to the bed, whether hats should have brims, and at what points garments should be reinforced, Bentham might have been expected to specify when instruction should start, how much time should be given to it, and what subjects should be taught. The omission of such obvious facts is itself a fact of some significance.

The manuscripts also contain a more systematic account than can be found in the text of the utilitarian principles justifying this minimal instruction. “Exercises of the mind lie under a special disadvantage,” he explained, since they involved “pain and pain only” in the present, and for a long time were “incapable of affording anything like pleasure.” Indeed, most of “liberal education” was not only painful to acquire but useless or pernicious once it was acquired: the study of languages signified a preference for words over things; poetry was “misrepresentation in meter”; oratory, “misrepresentation for the purposes of inflammation”; philosophy, “nonsense and quibbles upon words”; history, “of use to none but politicians.” The calculus of pain and pleasure was clearly unfavorable to such an education.<sup>103</sup> “Useful studies,” on the other hand —

101. Bentham, *Works*, VIII, 396-97.

102. The education plan described in Bentham's *Chrestomathia*, published in 1816, has the pupils starting at the earliest possible age and continuing to the age of fourteen — this on a daily basis. But that plan, as was specified on the title page, was intended for the “middling and higher ranks in life” engaged in the “higher branches of learning.” (*Ibid.*, p. 1)

103. Univ. Coll. MSS. CLIIa, 85, 111; CXXXIII, 104; CXLIX, 71. Other studies were also proscribed by this calculus: geography because it was only an appendage of history; astronomy because it was useless; law because it was too difficult; and “Rights of Man” because in so far as they were not part of law, they were against the law and thus a sanction for “treason, murder, personal violence, robbery, etc. (CXXXIII, 104) It is ironic that for all of Bentham's contempt for “dead languages,” his much prized “Nomenclature” should have been so largely derived from them. Thus in defending the name “Panopticon,” he explained that it would be unintelligible to those “who have not some little intercourse with living science or with dead languages.” (*Ibid.*, CLIVa 44.)

natural history, chemistry, mechanics, mathematics, agriculture, gardening, medicine (for veterinary purposes), and morality — should be taught, but only in their most concrete form. In chemistry, for example, the “domestic” branch should be emphasized — “the art of making the most of everything”; and in mechanics, only those propositions useful for such practical subjects as land-surveying and navigating, and the propositions only, not the theoretical demonstrations.<sup>104</sup>

The last of these “useful studies” — “morality” as it was called in some of his notes, “politics and constitutional law” in others — occupied Bentham at some length. This subject, he insisted, was not the “absurdity and extravagance” it might be thought. For it was essentially a sermon on the text, “Study to be quiet and mind your own business”.<sup>105</sup>

The grand object of the instructions to be delivered on this head to the class of pupils in question should be the practical one of disposing them to peace and quietness.

Two propositions to be inculcated.

1. That the condition they are doomed to is as good a one, i.e., as favorable to happiness as any other.

2. That if it were not, no efforts which they could use by the display of collective force would have any tendency to improve it . . .

The Government, such as it is, and whatever it be, is better than any other to the formation of which he can have any chance of contributing.<sup>106</sup>

Subjection, subjection not liberty, be it remembered, is the natural state of man.<sup>107</sup>

Every child during his period of weakness, every man for the first 16 or 18 years of his life, is a slave. Every family is by nature an absolute monarchy. The little monarchy like a great one may be limited, but if it be, and in proportion as it is, it is by government that it is limited, not by nature.<sup>108</sup>

Tear up the most salutary as well as deepest rooted habits, tear asunder every bond of society, democratize the whole face of the earth, die it with the blood of the inhabitants, still your republic if it has parents and children in it, will after all be but a cluster of little monarchies: still your code of the rights of man will be the most foolish as well as the most mischievous of all dreams.<sup>109</sup>

104. *Ibid.*, CXXXIII, 105, 120-23; CLIIIa, 123; CXLIX, 74.

105. *Ibid.*, CLIIIa, 123.

106. *Ibid.*

107. *Ibid.*, f. 139.

108. *Ibid.*, f. 140.

109. *Ibid.*, f. 141.

One art came under the purview of useful studies — music. And this to such an extent that in the manuscripts one of the collateral uses of the industry-house was as a “National Musical Seminary.”<sup>110</sup> Music, as it was here described, was a means for the promotion of morality. Since a primary function of education was to fill up the “vacuum in the mind” (“if not stocked with good, it will be with evil”),<sup>111</sup> music was one of the goods with which it could most usefully be stocked:

The use of God Save the King as an instrument in the hands of loyalty and public tranquillity, as a preservator of peace, . . . has been recently experienced on more occasions than one . . . . A song of this sort, implanted by the habit of half a century in the popular affections may be allowed a place in the inventory of national blessings.<sup>112</sup>

The proposition that “The man who has not music in his soul/Is fit for treasons, stratagems and spoils,” [has the] quality of a universal proposition . . . . The more occupied a man’s mind is with music and with the instruments of which music is most accustomed to be accompanied is so much the less exposed to the temptations of engaging in any such pernicious enterprises.<sup>113</sup>

Earlier in his work Bentham had insisted that the condition of paupers within the industry-house should be no more “desirable” than that of the poor outside.<sup>114</sup> But after making provision for the care and education of the children, he was so impressed by it all that he came to the conclusion that the condition of the company’s wards would be “obviously more eligible than that of the children of the self-maintaining poor, even in the highest classes.” So much more eligible, indeed, that Bentham expected parents of both the poor and the “superior classes” to enroll their children voluntarily as apprentices in the houses.<sup>115</sup>

Earlier, too, Bentham had denied to the apprentices any “comfort” not conducive to productive labor, and had insisted upon a regimen of austerity compared with which the existing poor-houses were “luxurious.”<sup>116</sup> Yet his last chapter on “Pauper Comforts” was

110. *Ibid.*, CXLIX, 54.

111. *Ibid.*, CXXXIII, 104.

112. *Ibid.*, CXLIX, 62.

113. *Ibid.*, f. 64. He disputed the popular notion that there was a connection between singing and drunkenness; on the contrary, he said, singing discouraged not only drunkenness but all “solicitations of promiscuous pleasure.” (*Ibid.* CXXXIII, 100)

114. Bentham, *Works*, VIII, 384.

115. *Ibid.*, pp. 422-23.

116. *Ibid.*, p. 388.

positively euphoric in tone. He found the gospel, "Blessed are the poor for theirs is the kingdom of heaven," peculiarly applicable to his paupers. And he characterized the comforts in store for them as "an offering not to be disdained by the altar of Beneficence."<sup>117</sup> These comforts were indeed remarkable:

1. Extraordinary security in respect to health — the first of all blessings, and without which all others put together are as nothing — better security not only than is to be found in a poor-house under the existing order of things, but than can be found within the circle of a private family, even in a high sphere, not to say the highest.
2. Consciousness of a superior probability of long life and health.
3. Security against want of every kind.
4. Consciousness of security against want.
5. Constant cleanliness and tidiness.
6. Employment favorable to health and recreation. . .

And so it went, through fifteen items, alternately mundane ("nights comfortable") and sublime ("a clear conscience brightened by religious hopes").<sup>118</sup>

But the comforts of the apprentices were still more impressive, for what they lacked of adult comforts (such as the "occasional faculty of visiting and being visited"<sup>119</sup>), would be more than compensated by special comforts of their own. To the adult pauper, for example, "tranquility" meant being spared the disturbing changes that went on in public institutions; to the child it also meant being spared the discomforts of being "boarded-out," particularly the "dreadful period" when he had to leave the country to return home: for the company's child, "it is all country — no transition from rural liberty to town confinement." Similarly, the "security against oppression from officers" was especially meaningful to the child, who would no longer have to suffer the "temper and humor," the "caprice and tyranny," the "undivulged oppression" of parents, schoolmasters, and other children: "*Here* no instance of any act of authority, or exercise of coercion, on the part of anybody towards anybody, but what will be immediately and universally known; therefore, humanly speaking, no possibility of abuse." And as the apprentice would be secure from abuse, so he would also be secure from punishment: "No cessation of inspection, no transgression; no transgression, no punishment."<sup>120</sup>

117. *Ibid.*, pp. 430-31.

118. *Ibid.*, pp. 431-32.

119. Bentham did not call attention to this deprivation; he merely omitted it from the list of comforts enjoyed by the young.

120. Bentham, *Works*, VIII, pp. 435-36.

The manuscripts took account of the objection that it might be considered a disadvantage to the child to be deprived of the "natural affection" of a real father. So far from being a disadvantage, Bentham argued, this was a positive advantage — and so considerable an advantage that it demonstrated once again the "perfectibility" of his plan:

The natural parent would have had an interest of his own, distinct from and oftentimes opposite to that of the child: the appointed Father has no such opposite interest. Fondness itself is a source of anger: and, in a rough mind of harshness. The mind of the appointed Father, whatever displeasure it may occasionally team with, draws none at least from this source. The affection of the parent, especially in rude and uneducated bosoms, is apt to be clouded by caprice: the deportment of the comparatively indifferent but . . . [?] cultivated mind of the appointed Father may not unreasonably be expected to be clear of such inequalities. Natural Fathers are of all characters: negligent as well as careful: rough and brutal as well as tender and affectionate. The appointed Father is but one, and of but one character: and that character selected for the purpose. The government of the natural Father is screened from observation, and practically speaking, without appeal; for though the law may punish flagrant injury such as mutilation or quick assassination, it cannot repress serious though silent injuries such as habitual cruelty and murder committed by degrees. The government of the natural Father then is hidden, and without account and without appeal. The management of the appointed Father is laid open purposely and studiously and as much as possible to observation, subject to account and to appeal . . .

The government of the natural Father, essentially arbitrary, essentially variable, essentially uncertain, can draw no improvement from experience. The government of the appointed Father, enjoys . . . [?] the attribute of perfectibility in common with the other parts of this branch of government, under [the?] constitution of which an extraordinary degree of perfectibility has been noticed and not without reason, as a characteristic attribute.<sup>121</sup>

A still more important advantage enjoyed by the company's apprentices was the "comforts of matrimony allowed at the earliest period compatible with health." That early matrimony was a comfort was established by the utilitarian calculus: Maximum happiness meant the maximum duration of any pleasure; maximum duration meant the earliest commencement of the pleasure; hence "every

121. Univ. Coll. MSS. CLIIIa, 93.

portion of time which . . . might have been passed in the social state and yet is suffered to pass away in celibacy is so much lost to happiness." In ordinary life, however, there were so many "inconveniences" attendant upon early marriage that they detracted from "clear happiness." But the industry-house was designed to eliminate just such inconveniences: the financial inconveniences by its regimen of frugality, employment, and child-care, and the moral inconveniences — the difficulty of embarking upon "family government" before attaining the maturity of "self-government" — by keeping the married apprentice in the same state of "subjection" as the unmarried one. There remained only the physical inconvenience — the possibility that a "too early sexual indulgence" might lead to a "premature termination" of the sexual faculty. But even here the industry-house would be helpful in determining the optimum period of sexuality:

Nature shows the commencement of the ability. Nature shows the commencement of the desire. How long must the ability continue useless? How long must the desire be a source of vexation, instead of enjoyment? . . .

*Fiat lux* were the words of the Almighty. *Fiat experimentum* were the words of the brightest genius he ever made. O chemists! Much have your crucibles shown us of dead matter: but our Industry-house is a crucible for men!<sup>122</sup>

Bentham himself was convinced, even before that "crucible for men" could conduct its experiments, that the most "exquisite" of pleasures was most intense and most productive at the very earliest age. The Chinese, he quoted one authority, married earlier than the Europeans, were harder working, less given to debauchery and disease, and more prolific. (He quoted the same source as having them "continue longer under the direction of their parents" —<sup>123</sup> which might have given him pause.) He also cited the case of France in its golden age, when royalty and the highest nobility were often married by fourteen. His own apprentices were to enjoy the ancient royal privilege that modern royalty had forfeited:

What, under the French monarchy, was the best privilege of the Prince, is in our Utopia the universal lot of the whole community. And to what would they be indebted for this gentlest of all revolutions? To what, but to economy? Which dreads no longer the multiplication of man, now that she has shown by what secure and unperishable means infant man, a drug at present so much worse than worthless, may be

122. Bentham, *Works*, VIII, 437.

123. *Ibid.*

endowed with an indubitable and universal value. Turn now to the palace, and behold what a fund it affords for pity, when confronted with our Industry-house. Princes unmatched, or late matched, or unprosperously matched, or incongruously matched. Princesses — five remaining — all ripe, but all too high, for happiness.<sup>124</sup>

This gamy image of five "all too high" princesses should not divert attention from the more sober implications of Bentham's paean to early marriage. Once again, the appendages to the plan were acquiring appendages of their own, the apprentices being encouraged to produce still another generation of apprentices.<sup>125</sup> Bentham did not elaborate further upon the economy that "dreads no longer the multiplication of man," except to repeat, in his manuscripts, the assurance that the only way of "promoting marriage without doing mischief" was by making the child a source of positive value: "In this way, so long as land lasts, you may go on increasing population without end and without expense . . . Give them a value and you may have them without end."<sup>126</sup> The industry-houses, at any rate, could have them without end, for only they could give the child a positive value.

But the revolutionary potential of this "gentlest of all revolutions" has not yet been exhausted. Beyond the satisfaction of material needs, beyond sexual gratification to an uncommon degree and fecundity in uncommon measure, the apprentices were to enjoy one other comfort that was even more remarkable: "No sense of deprivation, none of the pains attendant on the emotions of regret, discontent and envy."<sup>127</sup> This is surely the ultimate in revolutionary ideals — security against unrequited desire. And this ideal was to be achieved not, as might be thought, by requiting all desires, but by eliminating desire itself.

Again, this was not an afterthought on Bentham's part. Throughout the book, the elimination of desires had played an important part in the domestic economy of the industry-house; and the physical arrangements, including the elaborate provisions for the separation of old and young, indigenous and non-indigenous, were intended to serve the same purpose. What was distinctive about the final part of the book was the elevation of expediency into virtue.

124. *Ibid.*

125. The apprenticeship principle stated that no relief would be given to a minor "but on the terms of being bound to the company till full age." *Ibid.*, p. 385. Since the apprentices's child also received relief, this principle applied to him as much as to any other child.

126. Univ. Coll. MSS. CXXXIII, 94.

127. Bentham, *Works*, VIII, 436.

From being a means for the economic success of the enterprise, the elimination of desires became an end for the happiness of the apprentices themselves. The "efficient cause" of this blessing was simple: "Inexperience and ignorance for any fare more palatable than what they possess."<sup>128</sup> Inexperience and ignorance — these were the ultimate in felicity. The book concluded with a tribute to the apprentices who were so happily favored:

Compare now the lot of the Company's apprentices with that of any other class of the same age, the very highest not excepted — survey it in its whole extent — probe it to the bottom — and judge whether they are so much to be pitied as to be envied. . .

Desires not crossed, but prevented — obstacles not moral but physical — not terror but ignorance. . . .

In the article of diet, no unsatisfied longings, no repinings — nothing within knowledge that is not within reach. That he who has been habituated to poignancy and variety of diet suffers on being reduced to simple and insipid fare is not to be doubted; but that the enjoyment of him who has never known any sort but one, though it were the most insipid sort, does not yield in anything to that of the most luxurious feeder, seems equally out of doubt. In this way all the efforts of art are but a vain struggle to pass the limits set to enjoyment by the hand of nature.<sup>129</sup>

This, finally, was what Bentham was pleased to call "our Utopia."<sup>130</sup> Here too he was not indulging in idle conceit or casual afterthought. In his introductory letter in the *Annals*, he had described his work as "the Romance, the Utopia" — which, he hastened to add, meant not that it was unrealizable but only that it had not yet been realized: "In proportion as a thing is excellent when established, is it anything but romance, and theory, and speculation till the touch of the seal or the sceptre has converted it into practice?"<sup>131</sup> And in his notes he countered the objection that his proposal would be judged to be "too good — it is so good as to be *Utopian*." Unlike More's Utopia, he insisted, his plan provided for the efficient causes that would produce the desired effects.<sup>132</sup>

128. *Ibid.*

129. *Ibid.*, p. 439. Cf. Univ. Coll. MSS. CLIIb, 260:

It is by diminishing wants not by multiplying them that the capacity of population is increased. Of increasing wants there is no end. In withholding the means of gratification there can be no hardship where there is no desire.

130. Bentham, *Works*, VIII, 437.

131. *Ibid.*, p. 362.

132. Univ. Coll. MSS. CLI, 400.

If it was typical of Bentham to think that the only objection that could be raised against his plan was that it was "too good, . . . so good as to be Utopian," it was equally typical of him to think this the highest "pitch of perfection": "security against want of every kind," "consciousness of security against want," and finally, the ultimate in security, security against the consciousness of want. A more conventional mind might have protested that such securities were either unattainable or undesirable. But then a more conventional mind might have balked at describing any poorhouse, however excellent, as a Utopia.

It is in the light of this Utopia that the familiar image of Bentham must be reexamined — the image of the "Modest Utopian," as a recent commentator described him, who never permitted himself to indulge in the "glorious visions that his heirs made commonplace," who wanted nothing more than to "make it easier for men to live as they liked."<sup>133</sup> Enough has been said to suggest that his utopianism was not of this modest variety, that he was not nearly so libertarian in spirit, and that his visions were no less visionary, if perhaps less glorious and commonplace, than those of his heirs. Nor should it be necessary to comment on the idyllic images conjured up by his pauper plan — "garden communities" equipped with all modern conveniences, "thriving houses of industry filled with happy busy people," "civilizing benefits" and ideas so progressive that they are even today a source of inspiration and edification.<sup>134</sup>

One might argue, however, that Bentham's plan, while not particularly idyllic or progressive for our time, was progressive for his. The term "progressive" is notably imprecise, but in this connection it can be taken to mean that Bentham's plan would have been an improvement over the existing system of poor relief — more humane, liberal, meliorative, benevolent — and at least the equal, in these respects, of other reforms being proposed at the time. An adequate discussion of either the existing system or alternative proposals is obviously beyond the scope of this paper. What is interesting is that even without any independent knowledge of the contemporary situation, with only the internal evidence of the plan itself, there are grounds enough for comparison and judgment.

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133. Shirley Letwin, *The Pursuit of Certainty* (Cambridge, Eng., 1965), 183, 187-88. Jacob Viner has similarly described Bentham's plan as "comprehensive, radical and progressive without being visionary." Viner, *The Long View and the Short* (Glencoe, Ill., 1958), p. 309.

134. Pp. 80-81.

The most radical departure from contemporary practice was Bentham's proposal to abolish all outdoor relief and institute an exclusive system of workhouse relief. One might not know, from his book, just how pervasive outdoor relief was at the time; but one could have no doubt of his intention to abolish every vestige of such relief. Almost as radical — and this too emerges at the very beginning of the work — was the idea of vesting the entire system of relief in a joint-stock company. Here too he took issue with current practice and opinion when he defended first the principle of "one undivided authority" rather than the "mixed multitude of independent authorities . . . as at present"; and then the principle of a privately-owned company rather than a government agency. ("Why in a joint-stock subscription company, such as the Bank of England, East India Company, etc., rather than a branch of Administration, such as the Treasury Board, the Admiralty Board, etc.")<sup>135</sup>

As the details of the system unfolded, so there was also revealed a succession of divergencies from prevailing practices and opinions. To review these would be to recapitulate a good part of this essay: the defence of the contract or farming system in preference to public management; the profit incentive for officials in place of salaries; the rigorous and compulsory commitment to the industry-house of all beggars, depredators, and others; commitment by order of the governor or chaplain of the house rather than by a magistrate; the by-passing of the usual legal procedures by virtue of the "no crime, no punishment" formula; the strict regimen of the industry-house compared with the "luxurious" ways of the existing poor-houses;<sup>136</sup> the extraction of "positive value" from children presently of "negative value"; the inclusion in the house of children who, under the existing system, would have been boarded out, and their retention as apprentices long after the existing houses would have released them; and finally, the very idea of a "Utopia," signifying a scheme so radically different from the current one as to warrant that term.

So much, by way of contrast with the contemporary situation, is evident from a reading of the plan itself. But much more becomes clear from an independent knowledge of the existing system and of the work of other reformers. These two — the existing system and the alternative proposals for reform — were not as distinct

135. Bentham, *Works*, VIII, 369. (Italics omitted.)

136. By Bentham's standards, the meals in the existing workhouses were indeed luxurious. Many seem to have served meat about three times a week. One, whose menu was quoted by Eden, served meat six times during the week. Frederic Morton Eden, *The State of the Poor* (London, 1797), I, 286.

as might be thought, for in fact the system was constantly changing, in part because of administrative exigencies but also as a result of reforms initiated by a generation of reformers, and, even more, by the exposure of the evils of the existing system by those reformers. Bentham is often spoken of not only as the pioneer of social reform but more particularly of social reform grounded on empirical inquiry — the latter claim seemingly confirmed by the questionnaires prefacing *Pauper Management*. But the book itself, as has been said, was written without the help of those questionnaires. In fact, the pioneer work of inquiry, as well as of reform, had been done earlier, by Jonas Hanway, Thomas Gilbert, Frederic Eden, William Young, Thomas Bernard, and others. It was their revelations of living conditions and mortality rates in the poor-houses which had discredited the contracting system and had led to the establishment of parish-supported houses with salaried officers and public supervisors.<sup>137</sup> And even these houses were being by-passed in favor of other modes of relief: outdoor relief primarily, including the Speenhamland policy of aids-in-wages and family allowances, the boarding-out system for London children, lying-in hospitals for unwed mothers, the Magdalen Asylum for "penitent prostitutes," the Marine Society for indigent sailors.

Where Bentham would have extended the industry-house to take in these and other groups, the prevailing tendency of relief and the conscious efforts of most reformers were directed to precisely the opposite effect — to offer relief, as a recent statute had prescribed, "to any industrious poor person or persons . . . at his, her, or their homes."<sup>138</sup> And not only because of the evils associated with most workhouses — overcrowding, promiscuity, dirt, and disease; but also on the grounds of principle — the deprivation of liberty and the degradation of forced labor. A "gaol without guilt" was the way one reformer described the workhouse, and others were inclined to agree.<sup>139</sup> At the very time that Bentham was vaunting the merits of security over liberty,<sup>140</sup> Eden, in his *State of the Poor*, was urging precisely the opposite order of values: "A prisoner under the custody of his keeper, may perhaps be confident

137. The term "poorhouse" is used in this last part of the essay to refer to all the existing houses, including those which were partly or ostensibly work-houses; none was a "workhouse" in Bentham's sense. It should also be noted that there were still remnants of the farming system at the end of the century, but only remnants, and few writers on the subject defended the practice.

138. 36 Geo. III c.23.

139. The expression was used by William Young and quoted approvingly by Eden, *State of the Poor*, I, 403.

140. See above, pp. 93-94, 109-113.

of receiving his bread and his water daily; yet, I believe, there are few who would not, even with the contingent possibility of starving, prefer a precarious chance of subsistence, from their own industry, to the certainty of regular meals in a gaol."<sup>141</sup>

The workhouse and contract system were at the heart of Bentham's plan and provide the most dramatic contrast to the contemporary situation. But other details of his plan were equally at variance with recent developments. His proposal to bring all pauper children under the control of a single private company and to lengthen the term of their apprenticeship may be contrasted with legislation which had recently been passed shortening the term of apprenticeship (the longer term being regarded as onerous) and protecting apprentices against abuse by their masters.<sup>142</sup> Similarly, while he was making elaborate provisions for the commitment of "habitual," "stigmatized," and "suspected" depredators on the grounds of suspicion alone, Parliament had only recently amended the Act of Settlement precisely to eliminate suspicion as grounds for removal from a parish. And while he was insisting upon the compulsory commitment of vagrants of all descriptions, Justices of the Peace were adopting an increasingly lenient attitude towards vagrants, the most common punishment being a warning and the issuing of a pass authorizing the return of the vagrant to his parish.

So far from being "progressive," then, Bentham's plan could more justly be characterized as "regressive." For the attitudes and ideas it recalls are more nearly those of the late-seventeenth and early-eighteenth centuries than of his own or any later time. It was in that period that many reformers advanced schemes similar to Bentham's — schemes for the establishment of large-scale workhouses, some under the ownership and management of joint-stock companies, some even under the name of "Houses of Industry."<sup>143</sup> And the mercantilist principles inspiring those schemes were as clearly evident in Bentham's plan — the combination (which may otherwise seem anomalous) of private enterprise and government monopoly, the overriding concern with productive and profitable

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141. Eden, *State of the Poor*, I, 58-59. Cf. the often quoted remark of Joseph Townsend: "The terror of being sent to a workhouse acts like an abolition of the poor's tax on all who dread the loss of liberty." Joseph Townsend, *A Dissertation on the Poor Laws* (London, 1787), p. 71.

142. In 1802 a law was passed limiting the working hours of apprentices, in contrast to Bentham's proposal which would have lengthened them.

143. A bill of 1698, based upon the report of John Locke, provided for workhouses under the direction of joint-stock companies. Similarly the workhouses proposed by Thomas Firmin, Richard Dunning, John Bellars, Lawrence Braddon, and Charles Davenant were to have been privately owned and managed.

labor, the emphasis upon and encouragement of population growth, and in general the assumption that social arrangements could and should be regulated to the degree contemplated by Bentham. Even the legislation of the late seventeenth century was echoed by Bentham; his arguments for uniforms and an "identity wash" bring to mind the act of 1697 requiring paupers to wear badges with the letter "P." By the time Bentham was writing that act had long been a dead letter (it was repealed in 1810), as were much of the legislation and many of the institutions conceived in the same spirit.

But even these mercantilists did not go so far as Bentham. Most of the workhouses, including those known as Houses of Industry, were public institutions under the authority of parishes or unions of parishes. And the "Corporations of the Poor" responsible for the operation of most of these houses were not private corporations but rather public bodies, the most famous of these, the Bristol corporation, for example, consisting of elected, salaried officials. In these cases, the principle of productive labor was divorced from that of private profit, the profits, if any, being presumed to accrue to the nation rather than to private entrepreneurs. And of the privately owned workhouses, the best known of them, that of Thomas Firmin, did not net any profit and was clearly intended as a philanthropic venture. Moreover, none of these workhouses, whether private or public, and none of the proposals for the creation of such workhouses, was intended as the exclusive agency of relief. None contemplated, for example, the complete abolition of outdoor relief or the confinement of all recipients of relief to the workhouse.

Just how anachronistic Bentham's kind of scheme was may be seen by comparison with another proposal advanced shortly before his — Pitt's Poor Law Bill of 1796. The basic principle of the bill was stated in the preamble: relief should be a "matter of right and honour, instead of a ground for opprobrium and contempt."<sup>144</sup> In keeping with this sentiment, the bill provided for every variety of relief currently in use and several varieties that were novel and ingenious. It included allowances to supplement inadequate wages, family allowances, advances of capital for the purchase of a cow, the extension of relief to small property owners, Schools of Industry for children and in some cases for adults, waste lands to be reclaimed and reserved for the poor, insurance for sickness and old age, a further relaxation of the Law of Settlement, and an annual Poor Law budget to be submitted to Parliament.

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144. Hansard 32: 709-10 (12 Feb. 1796).

The bill is noteworthy on several counts: because it was so generous a measure of relief, because it was a government bill introduced by the prime minister himself, and because that prime minister, particularly at that time, was not regarded by most contemporaries (nor by most historians since) as notably "progressive." But what is even more important in the present context is Bentham's response to it. In a lengthy, unprinted critique of the bill (copies of which circulated in manuscript), Bentham attacked the policy of outdoor relief in general as well as each of its specific proposals. The measure, he predicted, would be injurious to property and industry and could only have the effect of "putting the *idle* and *negligent* exactly upon a footing in point of prosperity and reward with the *diligent* and *industrious*."<sup>145</sup> It was to counteract this bill that he put forward what he described as a "succedaneum" to it — *Pauper Management Improved*.<sup>146</sup> There is almost an invitation here to compare the humaneness or "progressiveness" of Pitt's bill with Bentham's substitute; but such a comparison would be, at this point, redundant.

Later Bentham claimed that Pitt's bill was withdrawn in response to his criticisms and in favor of the plan embodied in *Pauper Management*.<sup>147</sup> Neither claim seems justified. Even after the bill was withdrawn, Pitt continued to support legislation of a kind Bentham had criticized and bearing not the slightest resemblance to Bentham's plan. And the withdrawal itself seems to have been prompted by a variety of criticisms, most of them relating to the ineffectiveness of some provisions, the possible harshness of others (the possibility, for example, that the Schools of Industry might degenerate into workhouses), and above all the poor drafting of the measure, which made it imprecise in detail and inconsistent as a whole.

The most prominent critic of the bill was not Bentham but Malthus, whose *Essay on Population* appeared at the same time as the final installments of Bentham's work. Malthus's essay, which contained an explicit criticism of Pitt's bill, attained instant celebrity — in contrast both to Bentham's pamphlet, which was only published posthumously, and to *Pauper Management*, which was rarely referred to in the contemporary literature on poor relief or in the memoirs and correspondence of contemporaries. While Bentham

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145. Bentham, "Observations on the Poor Bill Introduced by the Right Honourable William Pitt," *Works*, VIII, 443.

146. *Ibid.*, XI, 102.

147. *Ibid.*, V, 422.

and Malthus were agreed in attacking Pitt's bill and the existing system of relief, this was all they were agreed on. Where Bentham advocated a vast expansion and institutionalization of the workhouse system of relief, Malthus argued for a total or near-total abolition of the whole relief structure, with the workhouse retained only as a last resort. The difference between them was unwittingly dramatized by Bentham himself when he described his industry-houses as a "domestic colony" dedicated to the proposition, "Colonize at home"; the houses, he explained, would provide all the advantages of colonization without the disadvantages attendant upon the ownership of foreign colonies.<sup>148</sup>

Nor could anything have been more antithetical to Malthus than Bentham's Utopia, with its inducements to early marriage and prolific breeding. Godwin's utopianism, which had provoked Malthus in the first place, was as nothing compared with Bentham's, since Godwin, at least, anticipated a future of diminished sensuality and the eventual cessation of propagation. It is interesting that although Bentham never repudiated this last section of his book (which had the misfortune to appear in print immediately after the publication of Malthus' essay), he was apparently sufficiently discomfited by it to delete it from the editions appearing in his lifetime.<sup>149</sup>

It could be fairly argued that in comparison with Malthus, at least, Bentham's plan was progressive, a workhouse system, however onerous, being better than no relief at all. But even if this were so, it must be remembered that on this one point, the abolition of relief, Malthus made few converts in the decade or two following the publication of his essay. His most enthusiastic admirers found

148. Univ. Coll. MSS. CLIVb, 544-45.

149. No mention was made of the deletion. In the case of the 1812 edition this was particularly disingenuous, since the work was described as a reprint from the *Annals* and had every appearance of being just that, even down to a footnote referring to a section that was never written. Since the rest of the work appeared intact, with all its anti-Malthusian implications, one may assume that Bentham deleted the last section only to avoid giving offense to those who might be put off by this blantly anti-Malthusian idyll. This last section was restored in the *Collected Works*, again without mention of its previous deletion. A careful reader of the latter might have had his suspicions aroused by the editorial note at the end giving the volume and page of the *Annals* where the final section had appeared. Bowring, it would seem, was well aware of the discrepancy between his version and the editions of 1802 and 1812. Later biographers and commentators, however, were evidently unaware of it. An exception is the recent work by J. R. Poynter, *Society and Pauperism: English Ideas on Poor Relief, 1795-1834* (London, 1969), p. 138.

This discrepancy, incidentally, requires modification of a point made earlier in this paper: that Bentham's plan was available to contemporaries and historians. Those who had read the editions of 1802 and 1812 would not have known of the final section. But contemporary readers of the *Annals* and historians relying on the *Works* (as most have done) should have known of it.

it possible to accept all his views except those on poor relief. Nor was there any significant change in social policy during those years. The liberalization of relief that had started in the 1780s continued until well after the end of the war, and if expenditure on relief dropped after 1818, it was largely because of improved economic conditions. This liberalization was reflected as much in the actual practice of relief as in legislative action.<sup>150</sup> Recent historians have confirmed what the Webbs (who were not otherwise well disposed to the "old poor law") have said of this period: "The statute law as to the Relief of the Poor became, from decade to decade, more exclusively generous and humane in character and intention."<sup>151</sup>

A somewhat different sense of "progressive" is implied in the claim that Bentham anticipated or inspired the New Poor Law of 1834. This is an ambiguous usage of the word, since the anticipation of a future course of action, while progressive in the literal, historical, or Marxist sense, is not necessarily progressive in any moral sense, the future course being possibly less liberal, generous, enlightened, humane, and whatever else is normally implied by progressive than the previous course. Indeed some of those commentators who have commended Bentham as the prophet of the New Poor Law would probably not have found the new law itself particularly commendable had they given it much thought.<sup>152</sup>

The issue of the New Poor Law and Bentham's relation to it is obviously too complicated to go into here. But without falling into the vast bog of controversy, one may surely say that whatever economic, social, or administrative justification there may have been for the new law, as far as paupers and the poor were concerned its immediate effect was restrictive, punitive, and illiberal compared with the old law. And the particular innovations of the new law which bear the most striking resemblance to Bentham's plan — the principles of less-eligibility and the substitution of workhouse for

150. As late as 1814, the Justices of the Peace of Cambridgeshire proposed the creation of an "Asylum for the Poor," which they described as a "place of refuge or desirable resort to all, in the several parishes so uniting, whose misfortunes, infirmities, or indiscretions have reduced them to wants which their labour cannot supply." E. M. Hampson, *The Treatment of Poverty in Cambridgeshire, 1597-1834* (Camb., 1934), p. 117.

151. Sidney and Beatrice Webb, *English Poor Law History* (New York, 1963), Part I, p. 422. Cf. Poynter, *Society and Pauperism*, and Raymond G. Cowherd, "The Humanitarian Reform of the English Poor Laws from 1782 to 1815," *Proceedings of the American Philosophical Society*, CIV (1960), 328-42.

152. E.g., Zagday, in *Bentham and the Law*, pp. 60, 65-66; Jennifer Hart, "Nineteenth-Century Social Reform: A Tory Interpretation of History," *Past and Present*, no. 31 (1965), p. 43; Maurice Bruce, *The Coming of the Welfare State* (New York, 1966), pp. 78-83; C. K. Ogden, *Jeremy Bentham* (London, 1934), p. 20; Charles W. Everett, *Jeremy Bentham* (New York, 1966), p. 11.

outdoor relief — were precisely those features of the law which have been most bitterly condemned as harsh and punitive. (Even here the differences are significant, the law allowing for some outdoor relief whereas Bentham would have had none, and the workhouse under the law intended as a “test” to discourage applicants rather than, as with Bentham, a device to ensure profits.<sup>153</sup>) Conversely, the one provision of the law which has been taken as most progressive — the establishment of a public board regulating all aspects of relief — was in marked contrast to Bentham’s plan.<sup>154</sup>

By way of epilogue, one further aspect of the plan must be considered. This is the question of Bentham’s personal and financial stake in it. In the case of his prison plan his stake was clear: he officially submitted a contract to the government naming himself as owner, manager, and chief jailer, and he spent years first pursuing that contract and then seeking restitution from the government when it was finally rejected. His pauper plan was less vigorously pursued but his interest in it was the same. In his memoirs he spoke of the two plans as parts of a single scheme: “the Panopticon in both its branches — the prison branch and the pauper branch.”<sup>155</sup> And he associated himself personally with both and in identical terms: “But for George the Third, all the prisoners in England

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153. The Poor Law Report of 1834 explicitly repudiated the intention of deriving any profit from the workhouses: “Profit is not to be expected from workhouse labour”: indeed even if such profit were possible it would not be desirable, “for every shilling thus earned in the house would be at the expense of a labourer out of doors.” *Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws* (London, 1834), p. 270.

154. Some historians have derived the idea for such a board from Bentham’s *Constitutional Code*, which was written towards the end of his life and published posthumously (published after the passage of the law but known in manuscript to Chadwick). The Webbs went so far as to see in the *Code* not only an anticipation of 1834 but also “a remarkable forecast of the twentieth-century machinery of government in a highly evolved state.” Webb, *English Poor Law History*, Part II, vol. I, 29. The *Code* gave responsibility for the execution of legislative ordinances and arrangements relating to relief to an “Indigence Relief Minister.” The Minister was specifically empowered

to exercise, in relation to all such institutions and establishments as, for this purpose, are or shall be on foot or in progress, at the expense or under the direction of any sublegislatures, individuals, or bodies of individuals, incorporated, or otherwise associated for this purpose — the *inspective, statistic, and melioration-suggestive* functions.

It is evident that Bentham did not at all envisage the kind of central board administering a single system and policy of relief such as was provided for by the Act of 1834. On the contrary, he clearly expected a multiplicity of institutions to continue under the direction of parishes, individual contractors and companies, the role of the Minister in relation to these institutions being supervisory, informatory, and advisory. The *Code* was thus entirely consistent with the operation of a National Charity Company. (Bentham, *Works*, IX, 441.)

155. Bentham, *Works*, XI, 103.

would, years ago, have been under my management. But for George the Third, all the paupers in the country would, long ago, have been under my management."<sup>156</sup> He even invented a title for the latter position: "Sub-Regulus of the Poor."<sup>157</sup> He drew up and circulated an appeal for funds, not for actual investment in the National Charity Company but for research and promotion — to collect the information necessary for the completion of the plan and to solicit support for it in Parliament.<sup>158</sup> Patrick Colquhoun's name appeared with Bentham's on this circular, although in some manuscripts Bentham spoke of organizing the company with the help of Count Rumford.<sup>159</sup> Beyond this little seems to have been done, perhaps because Bentham was too preoccupied with the prison plan, perhaps because the difficulties he encountered in that connection suggested to him how immeasurably more difficult would be the much more ambitious pauper plan.

In principle and in intention, then, although not in practice, Bentham was as personally involved in the pauper plan as in the prison plan. And on at least one occasion he paused to reflect on the implications of that involvement. Among his manuscripts dealing with beggars and the various types of depredators, there is one in which he considered the possibility that he might be accused of trying to profit from the misfortunes of others. His reply is curious and suggestive:

One thing I am fully conscious of — that in striving thus to break up these existing and but too flourishing pernicious trades, I am labouring with equal energy towards the destruction of by far the greatest part of my own destined trade. Placed in a situation thus peculiar, one of two things will at any rate be secure to me — the pride of success, or the melancholy and detested pain of failure.

When I courted the trade, it was as Juhu served Baal, in the hope of ruining it.

Should success crown my endeavors, thousands, many thousands a year, will not pay me for the loss. But I will avow my treachery — it was for the purpose of doing what

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156. *Ibid.*, pp. 96-97. Elsewhere he worded the complaint somewhat differently: "But for him, all the paupers in the country, as well as all the prisoners in the country, would have been in my hands." *Ibid.* X, 212.

157. *Ibid.*, XI, 103.

158. Univ. Coll. MSS. CLI, 102-05.

159. *Ibid.*, ff. 394-95. Count Rumford's own plan, a workhouse in Munich, was not unlike Bentham's, although on a far more modest scale. Colquhoun's views on poor relief, on the other hand, were quite different from Bentham's; he was opposed to workhouses and to the idea of joint-stock company. Instead he favored the creation of a Board of Commissioners appointed by the government with supervisory powers over parish relief.

by any imaginable means might be in my power towards the ruining of my trade that I courted it.<sup>160</sup>

If this passage were taken seriously, not only Bentham's pauper scheme but his entire philosophy would have to be discounted, since it totally contradicts the "Duty and Interest Junction principle" that was at the heart of both. All his arguments against "disinterestedness," all his devices for the utilization of self-interest in the interests of all, his image of the industry-houses as "crucibles" for the conversion of human "dross" into "sterling," and his elaborate calculations of the exact amount of sterling that could be extracted from each kind of dross — all this would be vitiated. For here Bentham was proposing the most radical disjunction of duty and interest, the social "success" of the enterprise being now made dependent upon his personal, financial "loss." In protesting that he was courting the "pernicious trades" (begging, etc.) only in order to destroy them, in the process ruining his own "trade" (the National Charity Company), he was denying what he had so painstakingly established: that the company would be a profitable enterprise, and not for a short period but for the foreseeable future, at least for the twenty-one years during which it would have doubled in size. So blatant a contradiction suggests grave misgivings on Bentham's part — moral qualms about his own role, and perhaps also doubts about the enterprise itself.

The latter, the suggestion of a flaw in the enterprise itself, is of more interest than intimations of moral qualms. For what Bentham seemed to be obliquely responding to was the objection not only that he himself would have unduly profited from the misfortunes of others, but also that so profitable an enterprise would itself be augmenting those misfortunes, would be perpetuating and enhancing the very evils it was designed to remove. The proposals of other reformers were predicated on the idea that their reforms would lead to a diminution of the problem of pauperdom — poor rates would be reduced, the number of paupers would be reduced, the period of dependence or pauperdom would be reduced. But Bentham's plan presumed an expanding enterprise with an expanding pauper population. The National Charity Company would have made of pauperdom a growth industry; the "domestic colony" would have had all the potentialities of an empire. A critical reader might well have suspected that Bentham was not solving a social problem so much as creating a new one, and one of greater magni-

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160. *Ibid.*, CLIVa, 231.

tude than the original. It was this suspicion that Bentham may have wanted to allay when he protested that he "courted the trade . . . in the hope of ruining it."

It is ironic that historians and biographers should have failed to display even this degree of uneasiness, that they should have had so few suspicions or qualms about a poor-law reform that would have ended with over ten per cent of the population in the poor-house. Perhaps more serious is the failure to inquire critically into the social philosophy from which this and similar reforms derived. A self-portrait by Bentham himself might serve as the epigraph for such an inquiry:

J. B. the most ambitious of the ambitious. His empire — the empire he aspires to, extending to and comprehending the whole human race, in all places, in all habitable places of the earth, at all future time. J. B. the most philanthropic of the philanthropic: philanthropy the end and instrument of his ambition. Limits it has no other than those of the earth.<sup>161</sup>

GERTRUDE HIMMELFARB

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161. Bentham, *Works*, XI, 72.