

BENTHAM¹

by John Stuart Mill

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

No comparison is intended here between the minds or influences of these remarkable men: this were impossible unless there were first formed a complete judgment of each, considered apart. It is our intention to attempt, on the present occasion, an estimate of one of them; the only one, a complete edition of whose works is yet in progress, and who, in the classification which may be made of all writers into Progressive and Conservative, belongs to the same division with ourselves. For although they were far too great men to be correctly designated by either appellation exclusively, yet in the main, Bentham was a Progressive philosopher, Coleridge a Conservative one. The influence of the former has made itself felt chiefly on minds of the Progressive class; of the latter on those of the Conservative: and the two systems of concentric circles which the shock given by them is spreading over the ocean of mind, have only just begun to meet and intersect. The writings of both contain severe lessons to their own side, on many of the errors and faults they are addicted to: but to Bentham it was given to discern more particularly those truths with which existing doctrines and institutions were at variance; to Coleridge, the neglected truths which lay *in* them.

A man of great knowledge of the world, and of the highest reputation for practical talent and sagacity among the official men of his time (himself no follower of Bentham, nor of any partial or exclusive school whatever) once said to us, as the result of his observation, that to Bentham more than to any other source might be traced the questioning spirit, the disposition to demand the *why* of everything, which had gained so much ground and was producing such important consequences in these times. The more this assertion is examined, the more true it will be found. Bentham has been in this age and country the great questioner of things established. It is by the influence of the modes of thought with which his writings inoculated a considerable number of thinking men, that the yoke of authority has been broken, and innumerable opinions, formerly received on tradition as incontestable, are put upon their defence, and required to give an account of themselves. Who, before Bentham, (whatever controversies might exist on points of detail) dared to speak disrespectfully, in express terms, of the British Constitution, or the English Law? He did so; and his arguments and his example together encouraged others. We do not mean that his writings caused the Reform Bill, or that the Appropriation Clause owns him as its parent: the changes which have been made, and the greater changes which will be made, in our institutions, are not the work of philosophers, but of the interests and instincts of large portions of society recently grown into strength. But Bentham gave voice to those interests and instincts: until he spoke out, those who found our institutions unsuited to them did not dare to say so, did not dare consciously to think so; they had never heard the excellence of those institutions questioned by cultivated men, by men of acknowledged intellect; and it is not in the nature

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of uninstructed minds to resist the united authority of the instructed. Bentham broke the spell. It was not Bentham by his own writings; it was Bentham through the minds and pens which those writings fed – through the men in more direct contact with the world, into whom his spirit passed. If the superstition about ancestral wisdom has fallen into decay; if the public are grown familiar with the idea that their laws and institutions are in great part not the product of intellect and virtue, but of modern corruption grafted upon ancient barbarism; if the hardest innovation is no longer scouted because it is an innovation – establishments no longer considered sacred because they are establishments – it will be found that those who have accustomed the public mind to these ideas have learnt them from Bentham's school, and that the assault on ancient institutions has been, and is, carried on for the most part with his weapons. It matters not although these thinkers, or indeed thinkers of any descriptions, have been but scantily found among the persons prominently and ostensibly at the head of the Reform movement. All movements, except directly revolutionary ones, are headed, not by those who originate them, but by those who know best how to compromise between the old opinions and the new. The father of English innovation, both in doctrines and in institutions, is Bentham: he is the great *subversive*, or, in the language of continental philosophers, the great *critical* thinker of his age and country.

We consider this, however, to be not his highest title to fame. Were this all, he were only to be ranked among the lowest order of the potentates of mind – the negative, or destructive philosophers; those who can perceive what is false, but not what is true; who awaken the human mind to the inconsistencies and absurdities of time-sanctioned opinions and institutions, but substitute nothing in the place of what they take away. We have no desire to undervalue the services of such persons: mankind has been deeply indebted to them; nor will there ever be a lack of work for them, in a world in which so many false things are believed, in which so many which have been true, are believed long after they have ceased to be true. The qualities, however, which fit men for perceiving anomalies, without perceiving the truths which would rectify them, are not among the rarest of endowments. Courage, verbal acuteness, command over the forms of argumentation, and a popular style, will make, out of the shallowest man, with a sufficient lack of reverence, a considerable negative philosopher. Such men have never been wanting in periods of culture; and the period in which Bentham formed his early impressions was emphatically their reign, in proportion to its barrenness in the more noble products of the human mind. An age of formalism in the Church and corruption in the State, when the most valuable part of the meaning of traditional doctrines had faded from the minds even of those who retained from habit a mechanical belief in them, was the time to raise

up all kinds of sceptical philosophy. Accordingly, France had Voltaire, and his school of negative thinkers, and England (or rather Scotland) had the profoundest negative thinker on record, David Hume: a man, the peculiarities of whose mind qualified him to detect failure of proof, and want of logical consistency, at a depth which French sceptics, with their comparatively feeble powers of analysis and abstraction, *stopped* far short of, and which German subtlety alone could thoroughly appreciate or hope to rival.

If Bentham had merely continued the work of Hume, he would scarcely have been heard of in philosophy; for he was far inferior to Hume in Hume's qualities, and was in no respect fitted to excel as a metaphysician. We must not look for subtlety, or the power of recondite analysis, among his intellectual characteristics. In the former quality, few great thinkers have ever been so deficient; and to find the latter, in any considerable measure, in a mind acknowledging any kindred with his, we must have recourse to the late Mr. Mill – a man who united the great qualities of the metaphysicians of the eighteenth century, with others of a different complexion, admirably qualifying him to complete and correct their work. Bentham had not these peculiar gifts; but he possessed others, not inferior, which were not possessed by any of his precursors; which have made him a source of light to a generation which has far outgrown their influence, and, as we called him, the chief subversive thinker of an age which has long lost all that they could subvert.

To speak of him first as a merely negative philosopher – as one who refutes illogical arguments, exposes sophistry, detects contradiction and absurdity; even in that capacity there was a wide field left vacant for him by Hume, and which he has occupied to an unprecedented extent; the field of practical abuses. This was Bentham's peculiar province: to this he was called by the whole bent of his disposition: to carry the warfare against absurdity into things practical. His was an essentially practical mind. It was by practical abuses that his mind was first turned to speculation – by the abuses of the profession which was chosen for him, that of the law. He has himself stated what particular abuse first gave that shock to his mind, the recoil of which has made the whole mountain of abuse totter; it was the custom of making the client pay for three attendances in the office of a Master in Chancery, when only one was given. The law, he found, on examination, was full of such things. But were these discoveries of his? No; they were known to every lawyer who practised, to every judge who sat on the bench, and neither before nor for long after did they cause any apparent uneasiness to the consciences of these learned persons, nor hinder them from asserting, whenever occasion offered, in books, in parliament, or on the bench, that the law was the perfection of reason. During so many generations, in each of which thousands of educated young men were successively placed in Bentham's

position and with Bentham's opportunities, he alone was found with sufficient moral sensibility and self-reliance to say to himself that these things, however profitable they might be, were frauds and that between them and himself there should be a gulf fixed. To this rare union of self-reliance and moral sensibility we are indebted for all that Bentham has done. Sent to Oxford by his father at the unusually early age of fifteen – required, on admission, to declare his belief in the Thirty-nine Articles – he felt it necessary to examine them; and the examination suggested scruples, which he sought to get removed, but instead of the satisfaction he expected, was told that it was not for boys like him to step up their judgment against the great men of the Church. After a struggle, he signed; but the impression that he had done an immoral act, never left him; he considered himself to have committed a falsehood, and throughout life he never relaxed in his indignant denunciations of all laws which command such falsehoods, all institutions which attach rewards to them.

By thus carrying the war of criticism and refutation, the conflict with falsehood and absurdity, into the field of practical evils, Bentham, even if he had done nothing else, would have earned an important place in the history of intellect. He carried on the warfare without intermission. To this, not only many of his most piquant chapters, but some of the most finished of his entire works, are entirely devoted: the 'Defence of Usury;' the 'Book of Fallacies;' and the onslaught upon Blackstone, published anonymously under the title of 'A Fragment on Government,' which, though a first production, and of a writer afterwards so much ridiculed for his style, excited the highest admiration no less for its composition than for its thoughts, and was attributed by turns to Lord Mansfield, to Lord Camden, and (by Dr. Johnson) to Dunning, one of the greatest masters of style among the lawyers of his day. These writings are altogether original; though of the negative school, they resemble nothing previously produced by negative philosophers; and would have sufficed to create for Bentham, among the subversive thinkers of modern Europe, a place peculiarly his own. But it is not these writings that constitute the real distinction between him and them. There was a deeper difference. It was that they were purely negative thinkers, he was positive; they only assailed error, he made it a point of conscience not to do so until he thought he could plant instead the corresponding truth. Their character was exclusively analytic, his was synthetic. They took for their starting-point the received opinion on any subject, dug round it with their logical implements, pronounced its foundations defective, and condemned it: he began *de novo*, laid his own foundations deeply and firmly, built up his own structure, and bade mankind compare the two; it was when he had solved the problem himself, or thought he had done so, that he declared all other solutions to be erroneous. Hence, what they produced will not last; it must perish,

much of it has already perished, with the errors which it exploded: what he did has its own value, by which it must outlast all errors to which it is opposed. Though we may reject, as we often must, his practical conclusions, yet his premises, the collections of facts and observations from which his conclusions were drawn, remain for ever, a part of the materials of philosophy.

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

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

Bentham's method may be shortly described as the method of detail; of treating wholes by separating them into their parts, abstractions by resolving them into Things, – classes and generalities by distinguishing them into the individuals of which they are made up; and breaking every question into pieces before attempting to solve it. The precise amount of originality of this process, considered as a logical conception – its degree of connexion with the methods of physical science, or with the previous labours of Bacon, Hobbes or Locke – is not an essential consideration in this place. Whatever originality there was in the method – in the subjects he applied it to, and in the rigidity with which he adhered to it, there was the greatest. Hence his interminable classifications. Hence his elaborate demonstrations of the most acknowledged truths. That murder, incendiarism,

robbery, are mischievous actions, he will not take for granted without proof; let the thing appear ever so self-evident, he will know the why and the how of it with the last degree of precision; he will distinguish all the different mischiefs of a crime, whether of the *first*, the *second*, or the *third* order, namely, 1. the evil to the sufferer, and to his personal connexions; 2. the *danger* from example, and the *alarm* or painful feeling of insecurity; and 3. the discouragement to industry and useful pursuits arising from the *alarm*, and the trouble and resources which must be expended in warding off the *danger*. After this enumeration, he will prove from the laws of human feeling, that even the first of these evils, the sufferings of the immediate victim, will on the average greatly outweigh the pleasure reaped by the offender; much more when all the other evils are taken into account. Unless this could be proved, he would account the infliction of punishment unwarrantable; and for taking the trouble to prove it formally, his defence is, 'there are truths which it is necessary to prove, not for their own sakes, because they are acknowledged, but that an opening may be made for the reception of other truths which depend upon them. It is in this manner we provide for the reception of first principles, which, once received, prepare the way for admission of all other truths.'² To which may be added, that in this manner also we discipline the mind for practising the same sort of dissection upon questions more complicated and of more doubtful issue.

It is a sound maxim, and one which all close thinkers have felt, but which no one before Bentham ever so consistently applied, that error lurks in generalities: that the human mind is not capable of embracing a complex whole, until it has surveyed and catalogued the parts of which that whole is made up; that abstractions are not realities *per se*, but an abridged mode of expressing facts, and that the only practical mode of dealing with them is to trace them back to the facts (whether of experience or of consciousness) of which they are the expression. Proceeding on this principle, Bentham makes short work with the ordinary modes of moral and political reasoning. These, it appeared to him, when hunted to their source, for the most part terminated in *phrases*. In politics, liberty, social order, constitution, law of nature, social compact, etc., were the catch-words: ethics had its analogous ones. Such were the arguments on which the gravest questions of morality and policy were made to turn; not reasons, but allusions to reasons; sacramental expressions, by which a summary appeal was made to some general sentiment of mankind, or to some maxim in familiar use, which might be true or not, but the limitations of which no one had ever critically examined. And this satisfied other people; but not Bentham. He required something more

than opinion as a reason for opinion. Whenever he found a *phrase* used as an argument for or against anything, he insisted upon knowing what it meant; whether it appealed to any standard, or gave intimation of any matter of fact relevant to the question; and if he could not find that it did either, he treated it as an attempt on the part of the disputant to impose his own individual sentiment on other people, without giving them a reason for it; a 'contrivance for avoiding the obligation of appealing to any external standard, and for prevailing upon the reader to accept of the author's sentiment and opinion as a reason, and that a sufficient one, for itself.' Bentham shall speak for himself on this subject: the passage is from his first systematic work, 'Introduction to the Principles of Morals and Legislation,' and we could scarcely quote anything more strongly exemplifying both the strength and weakness of his mode of philosophising.

'It is curious enough to observe the variety of inventions men have hit upon, and the variety of phrases they have brought forward, in order to conceal from the world, and, if possible, from themselves, this very general and therefore very pardonable self-sufficiency.

1. One man says, he has a thing made on purpose to tell him what is right and what is wrong; and that it is called a 'moral sense:' and then he goes to work at his ease, and says, such a thing is right, and such a thing is wrong – why? 'Because my moral sense tells me it is.'

2. Another man comes and alters the phrase: leaving out *moral*, and putting in *common* in the room of it. He then tells you that his common sense tells him what is right and wrong, as surely as the other's moral sense did: meaning by common sense a sense of some kind or other, which, he says, is possessed by all mankind: the sense of those whose sense is not the same as the author's being struck out as not worth taking. This contrivance does better than the other; for a moral sense being a new thing, a man may feel about him a good while without being able to find it out: but common sense is as old as the creation; and there is no man but would be ashamed to be thought not to have as much of it as his neighbours. It has another great advantage: by appearing to share power, it lessens envy; for when a man gets up upon this ground, in order to anathematise those who differ from him, it is not by a *sic volo sic jubeo*, but by a *velitis jubeatis*.

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

² Part I. pp. 161–2, of the collected edition.

4. Another man says, that there is an eternal and immutable Rule of Right: that that rule of right dictates so and so: and then he begins giving you his sentiments upon anything that comes uppermost: and these sentiments (you are to take for granted) are so many branches of the eternal rule of right.
5. Another man, or perhaps the same man (it is no matter), says that there are certain practices conformable, and others repugnant, to the Fitness of Things; and then he tells you, at his leisure, what practices are conformable, and what repugnant: just as he happens to like a practice or dislike it.
6. A great multitude of people are continually talking of the Law of Nature; and then they go on giving you their sentiments about what is right and what is wrong: and these sentiments, you are to understand, are so many chapters and sections of the Law of Nature.
7. Instead of the phrase, Law of Nature, you have sometimes Law of Reason, Right Reason, Natural Justice, Natural Equity, Good Order. Any of them will do equally well. This latter is most used in politics. The three last are much more tolerable than the others, because they do not very explicitly claim to be anything more than phrases: they insist but feebly upon the being looked upon as so many positive standards of themselves, and seem content to be taken, upon occasion, for phrases expressive of the conformity of the thing in question to the proper standard, whatever that may be. On most occasions, however, it will be better to say *utility*: *utility* is clearer, as referring more explicitly to pain and pleasure.
8. We have one philosopher, who says, there is no harm in anything in the world but in telling a lie; and that if, for example, you were to murder your own father, this would only be a particular way of saying, he was not your father. Of course when this philosopher sees anything that he does not like, he says it is a particular way of telling a lie. It is saying, that the act ought to be done, or may be done, when, *in* truth, it ought not to be done.
9. The fairest and openest of them all is that sort of man who speaks out, and says, I am of the number of the Elect: now God himself takes care to inform the Elect what is right: and that with so good effect, and let them strive ever so, they cannot help not only knowing it but practising it. If therefore a man wants to know what is right and what is wrong, he has nothing to do but to come to me.'

Few will contend that this is a perfectly fair representation of the *animus* of those who employ the various phrases so amusingly animadverted on; but that the phrases contain no argument, save what is grounded on the very feelings they are adduced to justify, is a truth which Bentham had the eminent merit of first pointing out.

It is the introduction into the philosophy of human conduct, of this method of detail – of this practice of never reasoning about wholes until they have been resolved into their parts, nor about abstractions until they have been translated into realities – that constitutes the originality of Bentham in philosophy, and makes him the great reformer of the moral and political branch of it. To what he terms the 'exhaustive method of classification,' which is but one branch of this more general method, he himself ascribes everything original in the systematic and elaborate work from which we have quoted. The generalities of his philosophy itself have little or no novelty: to ascribe any to the doctrine that general utility is the foundation of morality, would imply great ignorance of the history of philosophy, of general literature, and of Bentham's own writings. He derived the idea, as he says himself, from Helvetius; and it was the doctrine no less, of the religious philosophers of that age, prior to Reid and Beattie. We never saw an abler defence of the doctrine of utility than in a book written in refutation of Shaftesbury, and now little read – Brown's³ 'Essays on the Characteristics;' and in Johnson's celebrated review of Soame Jenyns, the same doctrine is set forth as that both of the author and the reviewer. In all ages of philosophy one of its schools has been utilitarian – not only from the time of Epicurus, but long before. It was by mere accident that this opinion became connected in Bentham with his peculiar method. The utilitarian philosophers antecedent to him had no more claims to the method than their antagonists. To refer, for instance, to the Epicurean philosophy, according to the most complete view we have of the moral part of it, by the most accomplished scholar of antiquity, Cicero; we ask any one who has read his philosophical writings, the 'De Finibus' for instance, whether the arguments of the Epicureans do not, just as much as those of the Stoics or Platonists, consist of mere rhetorical appeals to common notions, to εἰκότα and σήμεϊα instead of τεκμηρία, notions picked up as it were casually, and when true at all, never so narrowly looked into as to ascertain in what sense and under what limitations they are true. The application of a real inductive philosophy to the problems of ethics, is as unknown to the Epicurean moralists as to any of the other schools; they never take a question to pieces, and join issue on a definite point. Bentham certainly did not learn his sifting and anatomising method from them.

This method Bentham has finally installed in philosophy; has made it henceforth imperative on philosophers of all schools. By it he has formed the intellects of many thinkers, who either never adopted, or have abandoned, many of his

³ Author of another book which made no little sensation when it first appeared, – 'An Estimate of the Manners of the Times.'

peculiar opinions. He has taught the method to men of the most opposite schools to his; he has made them perceive that if they do not test their doctrines by the method of detail, their adversaries will. He has thus, it is not too much to say, for the first time introduced precision of thought into moral and political philosophy. Instead of taking up their opinions by intuition, or by ratiocination from premises adopted on a mere rough view, and couched in language so vague that it is impossible to say exactly whether they are true or false, philosophers are now forced to understand one another, to break down the generality of their propositions, and join a precise issue in every dispute. This is nothing less than a revolution in philosophy. Its effect is gradually becoming evident in the writings of English thinkers of every variety of opinion, and will be felt more and more in proportion as Bentham's writings are diffused, and as the number of minds to whose formation they contribute is multiplied.

It will naturally be presumed that of the fruits of this great philosophical improvement some portion at least will have been reaped by its author. Armed with such a potent instrument, and wielding it with such singleness of aim; cultivating the field of practical philosophy with such unwearied and such consistent use of a method right in itself, and not adopted by his predecessors; it cannot be but that Bentham by his own inquiries must have accomplished something considerable. And so, it will be found, he has; something not only considerable, but extraordinary; though but little compared with what he has left undone, and far short of what his sanguine and almost boyish fancy made him flatter himself that he had accomplished. His peculiar method, admirably calculated to make clear thinkers, and sure ones to the extent of their materials, has not equal efficacy for making those materials complete. It is a security for accuracy, but not for comprehensiveness; or rather, it is a security for one sort of comprehensiveness, but not for another.

Bentham's method of laying out his subject is admirable as a preservative against one kind of narrow and partial views. He begins by placing before himself the whole of the field of inquiry to which the particular question belongs, and divides down until he arrives at the thing he is in search of; and thus by successively rejecting all which is not the thing, he gradually works out a definition of what it is. This, which he calls the exhaustive method, is as old as philosophy itself. Plato owes everything to it, and does everything by it; and the use made of it by that great man in his Dialogues, Bacon, in one of those pregnant logical hints scattered through his writings, and so much neglected by most of his pretended followers, pronounces to be the nearest approach to a true inductive method in the ancient philosophy. Bentham was probably not aware that Plato had anticipated him in the process to which he too declared that he owed everything. By the practice of it, his speculations are rendered eminently

systematic and consistent; no question, with him, is ever an insulated one; he sees every subject in connexion with all the other subjects with which in his view it is related, and from which it requires to be distinguished; and as all that he knows, in the least degree allied to the subject, has been marshalled in an orderly manner before him, he does not, like people who use a looser method, forget and overlook a thing on one occasion to remember it on another. Hence there is probably no philosopher of so wide a range, in whom there are so few inconsistencies. If any of the truths which he did not see, had come to be seen by him, he would have remembered it everywhere and at all times, and would have adjusted his whole system to it. And this is another admirable quality which he has impressed upon the best of the minds trained in his habits of thought: when those minds open to admit new truths, they digest them as fast as they receive them.

But this system, excellent for keeping before the mind of the thinker all that he knows, does not make him know enough; it does not make a knowledge of some of the properties of a thing suffice for the whole of it, nor render a rooted habit of surveying a complex object (though ever so carefully) in only one of its aspects, tantamount to the power of contemplating it in all. To give this last power, other qualities are required: whether Bentham possessed those other qualities we now have to see.

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

Human nature and human life are wide subjects, and whoever would embark in an enterprise requiring a thorough knowledge of them, has need both of large stores of his own, and of all aids and appliances from elsewhere. His qualifications for success will be proportional to two things: the degree in which his own nature

and circumstances furnish him with a correct and complete picture of man's nature and circumstances; and his capacity of deriving light from other minds.

Bentham failed in deriving light from other minds. His writings contain few traces of the accurate knowledge of any schools of thinking but his own; and many proofs of his entire conviction that they could teach him nothing worth knowing. For some of the most illustrious of previous thinkers, his contempt was unmeasured. In almost the only passage of the 'Deontology' which, from its style, and from its having before appeared in print, may be known to be Bentham's, Socrates, and Plato are spoken of in terms distressing to his greatest admirers; and the incapacity to appreciate such men, is a fact perfectly in unison with the general habits of Bentham's mind. He had a phrase, expressive of the view he took of all moral speculations to which his method had not been applied, or (which he considered as the same thing) not founded on a recognition of utility as the moral standard; this phrase was 'vague generalities.' Whatever presented itself to him in such a shape, he dismissed as unworthy of notice, or dwelt upon only to denounce as absurd. He did not heed, or rather the nature of his mind prevented it from occurring to him, that these generalities contained the whole unanalysed experience of the human race.

Unless it can be asserted that mankind did not know anything until logicians taught it to them – that until the last hand has been put to a moral truth by giving it a metaphysically precise expression, all the previous rough-hewing which it has undergone by the common intellect at the suggestion of common wants and common experience is to go for nothing; it must be allowed, that even the originality which can, and the courage which dares, think for itself, is not a more necessary part of the philosophical character than a thoughtful regard for previous thinkers, and for the collective mind of the human race. What has been the opinion of mankind, has been the opinion of persons of all tempers and dispositions, of all partialities and prepossessions, of all varieties in position, in education, in opportunities of observation and inquiry. No one inquirer is all this; every inquirer is either young or old, rich or poor, sickly or healthy, married or unmarried, meditative or active, a poet or a logician, an ancient or a modern, a man or a woman; and if a thinking person, has, in addition, the accidental peculiarities of his individual modes of thought. Every circumstance which gave a character to the life of a human being, carries with it its peculiar biases; its peculiar facilities for perceiving some things, and for missing or forgetting others. But, from points of view different from his, different things are perceptible; and none are more likely to have seen what he does not see, than those who do not see what he sees. The general opinion of mankind is the average of the conclusions of all minds, stripped indeed of their choicest and most recondite thoughts, but freed from their twists and partialities: a net result, in which

everybody's particular point of view is represented, nobody's predominant. The collective mind does not penetrate below the surface, but it sees all the surface; which profound thinkers, even by reason of their profundity, often fail to do: their intenser view of a thing in some of its aspects diverting their attention from others.

The hardiest assertor, therefore, of the freedom of private judgment – the keenest detector of the errors of his predecessors, and of the inaccuracies of current modes of thought – is the very person who most needs to fortify the weak side of his own intellect, by study of the opinions of mankind in all ages and nations, and of the speculations of philosophers of the modes of thought most opposite to his own. It is there that he will find the experiences denied to himself – the remainder of the truth of which he sees but half – the truths, of which the errors he detects are commonly but the exaggerations. If, like Bentham, he brings with him an improved instrument of investigation, the greater is the probability that he will find ready prepared a rich abundance of rough ore, which was merely waiting for that instrument. A man of clear ideas errs grievously if he imagines that whatever is seen confusedly does not exist: it belongs to him, when he meets with such a thing, to dispel the mist, and fix the outlines of the vague form which is looming through it.

Bentham's contempt, then, of all other schools of thinkers; his determination to create a philosophy wholly out of the materials furnished by his own mind, and by minds like his own; was his first disqualification as a philosopher. His second, was the incompleteness of his own mind as a representative of universal human nature. In many of the most natural and strongest feelings of human nature he had no sympathy; from many of its graver experiences he was altogether cut off; and the faculty by which one mind understands a mind different from itself, and throws itself into the feelings of that other mind, was denied him by his deficiency of Imagination.

With Imagination in the popular sense, command of imagery and metaphorical expression, Bentham was, to a certain degree, endowed. For want, indeed, of poetical culture, the images with which his fancy supplied him were seldom beautiful, but they were quaint and humorous, or bold, forcible, and intense: passages might be quoted from him both of playful irony, and of declamatory eloquence, seldom surpassed in the writings of philosophers. The Imagination which he had not, was that to which the name is generally appropriated by the best writers of the present day; that which enables us, by a voluntary effort, to conceive the absent as if it were present, the imaginary as if it were real, and to clothe it in the feelings which, if it were indeed real, it would bring along with it. This is the power by which one human being enters into the mind and circumstances of another. This power constitutes the poet, in so far as he does

anything but melodiously utter his own actual feelings. It constitutes the dramatist entirely. It is one of the constituents of the historian; by it we understand other times; by it Guizot interprets to us the middle ages; Nisard, in his beautiful *Studies on the later Latin poets*, places us in the Rome of the Caesars; Michelet disengages the distinctive characters of the different races and generations of mankind from the facts of their history. Without it nobody knows even his own nature, further than circumstances have actually tried it and called it out; nor the nature of his fellow-creatures, beyond such generalisations as he may have been enabled to make from his observation of their outward conduct.

By these limits, accordingly, Bentham's knowledge of human nature is bounded. It is wholly empirical; and the empiricism of one who has had little experience. He had neither internal experience nor external; the quiet, even tenor of his life, and his healthiness of mind, conspired to exclude him from both. He never knew prosperity and adversity, passion nor satiety: he never had even the experiences which sickness gives; he lived from childhood to the age of eighty-five in boyish health. He knew no dejection, no heaviness of heart. He never felt life a sore and a weary burthen. He was a boy to the last. Self-consciousness, that daemon of the men of genius of our time, from Wordsworth to Byron, from Goethe to Chateaubriand, and to which this age owes so much both of its cheerful and its mournful wisdom, never was awakened in him. How much of human nature slumbered in him he knew not, neither can we know. He had never been made alive to the unseen influences which were acting on himself, nor consequently on his fellow-creatures. Other ages and other nations were a blank to him for purposes of instruction. He measured them but by one standard; their knowledge of facts, and their capability to take correct views of utility, and merge all other objects in it. His own lot was cast in a generation of the leanest and barrenest men whom England had yet produced, and he was an old man when a better race came in with the present century. He saw accordingly in man little but what the vulgarest eye can see; recognised no diversities of character but such as he who runs may read. Knowing so little of human feelings, he knew still less of the influences by which those feelings are formed: all the more subtle workings both of the mind upon itself, and of external things upon the mind, escaped him; and no one, probably, who, in a highly instructed age, ever attempted to give a rule to all human conduct, set out with a more limited conception either of the agencies by which human conduct *is*, or of those by which it *should* be, influenced.

This, then is our idea of Bentham. He was a man both of remarkable endowments for philosophy, and of remarkable deficiencies for it: fitted, beyond almost any man, for drawing from his premises, conclusions not only correct, but sufficiently precise and specific to be practical: but whose general conception

of human nature and life, furnished him with an unusually slender stock of premises. It is obvious what would be likely to be achieved by such a man; what a thinker, thus gifted and thus disqualified, could do in philosophy. He could, with close and accurate logic, hunt half-truths to their consequences and practical applications, on a scale both of greatness and of minuteness not previously exemplified; and this is the character which posterity will probably assign to Bentham.

We express our sincere and well-considered conviction when we say, that there is hardly anything positive in Bentham's philosophy which is not true: that when his practical conclusions are erroneous, which in our opinion they are very often, it is not because the considerations which he urges are not rational and valid in themselves, but because some more important principle, which he did not perceive, supersedes those considerations, and turns the scale. The bad part of his writings is his resolute denial of all that he does not see, of all truths but those which he recognises. By that alone has he exercised any bad influence upon his age; by that he has, not created a school of deniers, for this is an ignorant prejudice, but put himself at the head of the school which exists always, though it does not always find a great man to give it the sanction of philosophy: thrown the mantle of intellect over the natural tendency of men in all ages to deny or disparage all feelings and mental states of which they have no consciousness in themselves.

The truths which are not Bentham's, which his philosophy takes no account of, are many and important; but his non-recognition of them does not put them out of existence; they are still with us, and it is a comparatively easy task that is reserved for us, to harmonise those truths with his. To reject his half of the truth because he overlooked the other half, would be to fall into his error without having his excuse. For our own part, we have a large tolerance for one-eyed men, provided their one eye is a penetrating one: if they saw more, they probably would not see so keenly, nor so eagerly pursue one course of inquiry. Almost all rich veins of original and striking speculation have been opened by systematic half-thinkers: though whether these new thoughts drive out others as good, or are peacefully superadded to them, depends on whether these half-thinkers are or are not followed in the same track by complete thinkers. The field of man's nature and life cannot be too much worked, or in too many directions; until every clod is turned up the work is imperfect; no whole truth is possible but by combining the points of view of all the fractional truths, nor, therefore, until it has been fully seen what each fractional truth can do by itself.

What Bentham's fractional truths could do, there is no such good means of showing as by a review of his philosophy: and such a review, though inevitably a most brief and general one, it is now necessary to attempt.

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

Man is conceived by Bentham as a being susceptible of pleasures and pains, and governed in all his conduct partly by the different modifications of self-interest, and the passions commonly classed as selfish, partly by sympathies, or occasionally antipathies, towards other beings. And here Bentham's conception of human nature stops. He does not exclude religion; the prospect of divine rewards and punishments he includes under the head of 'self-regarding interest,' and the devotional feeling under that of sympathy with God. But the whole of the impelling or restraining principles, whether of this or of another world, which he recognises, are either self-love, or love or hatred towards other sentient beings. That there might be no doubt of what he thought on the subject, he has not left us to the general evidence of his writings, but has drawn out a 'Table of the Springs of Action,' an express enumeration and classification of human motives, with their various names, laudatory, vituperative, and neutral: and this table, to be found in Part I of his collected works, we recommend to the study of those who would understand his philosophy.

Man is never recognised by him as a being capable of pursuing spiritual perfection as an end; of desiring, for its own sake, the conformity of his own character to his standard of excellence, without hope of good or fear of evil from other source than his own inward consciousness. Even in the more limited form of Conscience, this great fact in human nature escapes him. Nothing is more curious than the absence of recognition in any of his writings of the existence of conscience, as a thing distinct from philanthropy, from affection for God or man, and from self-interest in this world or in the next. There is a studied abstinence from any of the phrases which, in the mouths of others, import the acknowledgment of such a fact.⁴ If we find the words 'Conscience,' 'Principle,'

⁴ In a passage in the last volume of his book on Evidence, and possibly in one or two other places, the 'love of justice' is spoken of as a feeling inherent in almost all mankind. It is impossible, without explanations now unattainable, to ascertain what sense is to be put upon casual expressions so inconsistent with the general tenor of his philosophy.

'Moral Rectitude,' 'Moral Duty,' in his Table of the Springs of Action, it is among the synonyms of the 'love of reputation;' with an intimation as to the two former phrases, that they are also sometimes synonymous with the *religious* motive, or the motive of *sympathy*. The feeling of moral approbation or disapprobation properly so called, either towards ourselves or our fellow-creatures, he seems unaware of the existence of; and neither the word *self-respect*, nor the idea to which that word is appropriated, occurs even once, so far as our recollection serves us, in his whole writings.

Nor is it only the moral part of man's nature, in the strict sense of the term – the desire of perfection, or the feeling of an approving or of an accusing conscience – that he overlooks; he but faintly recognises, as a fact in human nature, the pursuit of any other ideal end for its own sake. The sense of *honour*, and personal dignity – that feeling of personal exaltation and degradation which acts independently of other people's opinion, or even in defiance of it; the love of *beauty*, the passion of the artist; the love of *order*, of congruity, of consistency in all things, and conformity to their end; the love of *power*, not in the limited form of power over other human beings, but abstract power, the power of making our volitions effectual; the love of *action*, the thirst for movement and activity, a principle scarcely of less influence in human life than its opposite, the love of ease: – None of these powerful constituents of human nature are thought worthy of a place among the 'Springs of Action;' and though there is possibly no one of them of the existence of which an acknowledgment might not be found in some corner of Bentham's writings, no conclusions are ever founded on the acknowledgment. Man, that most complex being, is a very simple one in his eyes. Even under the head of *sympathy*, his recognition does not extend to the more complex forms of the feeling – the love of *loving*, the need of a sympathising support, or of objects of admiration and reverence. If he thought at all of any of the deeper feelings of human nature, it was but as idiosyncrasies of taste, with which the moralist no more than the legislator had any concern, further than to prohibit such as were mischievous among the actions to which they might chance to lead. To say either that man should, or that he should not, take pleasure in one thing, displeasure in another, appeared to him as much an act of despotism in the moralist as in the political ruler.

It would be most unjust to Bentham to surmise (as narrow-minded and passionate adversaries are apt in such cases to do) that this picture of human nature was copied from himself; that all those constituents of humanity which he rejected from his table of motives, were wanting in his own breast. The unusual strength of his early feelings of virtue, was, as we have seen, the original cause of all his speculations; and a noble sense of morality, and especially of justice, guides and pervades them all. But having been early accustomed to keep before his mind's

eye the happiness of mankind (or rather of the whole sentient world), as the only thing desirable in itself, or which rendered anything else desirable, he confounded all disinterested feelings which he found in himself, with the desire of general happiness: just as some religious writers, who loved virtue for its own sake as much perhaps as men could do, habitually confounded their love of virtue with their fear of hell. It would have required greater subtlety than Bentham possessed, to distinguish from each other, feelings which, from long habit, always acted in the same direction; and his want of imagination prevented him from reading the distinction, where it is legible enough, in the hearts of others.

Accordingly, he has not been followed in this grand oversight by any of the able men who, from the extent of their intellectual obligations to him, have been regarded as his disciples. They may have followed him in his doctrine of utility, and in his rejection of a moral sense as the test of right and wrong: but while repudiating it as such, they have, with Hartley, acknowledged it as a fact in human nature; they have endeavoured to account for it, to assign its laws: nor are they justly chargeable either with undervaluing this part of our nature, or with any disposition to throw it into the background of their speculations. If any part of the influence of this cardinal error has extended itself to them, it is circuitously, and through the effect on their minds of other parts of Bentham's doctrines.

Sympathy, the only disinterested motive which Bentham recognised, he felt the inadequacy of, except in certain limited cases, as a security for virtuous action. Personal affection, he well knew, is as liable to operate to the injury of third parties, and requires as much to be kept under government, as any other feeling whatever: and general philanthropy, considered as a motive influencing mankind in general, he estimated at its true value when divorced from the feeling of duty – as the very weakest and most unsteady of all feelings. There remained, as a motive by which mankind are influenced, and by which they may be guided to their good, only personal interest. Accordingly, Bentham's idea of the world is that of a collection of persons pursuing each his separate interest or pleasure, and the prevention of whom from jostling one another more than is unavoidable, may be attempted by hopes and fears derived from three sources – the law, religion, and public opinion. To these three powers, considered as binding human conduct, he gave the name of *sanctions*: the *political* sanction, operating by the rewards and penalties of the law; the *religious* sanction, by those expected from the Ruler of the Universe; and the *popular*, which he characteristically calls also the *moral* sanction operating through the pains and pleasures arising from the favour or disfavour of our fellow-creatures.

Such is Bentham's theory of the world. And now, in a spirit neither of apology nor of censure, but of calm appreciation, we are to inquire how far this

view of human nature and life will carry any one: – how much it will accomplish in morals, and how much in political and social philosophy: what it will do for the individual, and what for society.

It will do nothing for the conduct of the individual, beyond prescribing some of the more obvious dictates of worldly prudence, and outward probity and beneficence. There is no need to expatiate on the deficiencies of a system of ethics which does not pretend to aid individuals in the formation of their own character; which recognises no such wish as that of self-culture, we may even say no such power, as existing in human nature; and if it did recognise, could furnish little assistance to that great duty, because it overlooks the existence of about half of the whole number of mental feelings which human beings are capable of, including all those of which the direct objects are states of their own mind.

Morality consists of two parts. One of these is self-education; the training, by the human being himself, of his affections and will. That department is a blank in Bentham's system. The other and co-equal part, the regulation of his outward actions, must be altogether halting and imperfect without the first; for how can we judge in what manner many an action will affect even the worldly interests of ourselves or others, unless we take in, as part of the question, its influence on the regulation of our, or their, affections and desires? A moralist on Bentham's principles may get as far as this, that he ought not to slay, burn, or steal; but what will be his qualifications for regulating the nicer shades of human behaviour, or for laying down even the greater moralities as to those facts in human life which tend to influence the depths of the character quite independently of any influence on worldly circumstances – such, for instance, as the sexual relations, or those of family in general, or any other social and sympathetic connexions of an intimate kind? The moralities of these questions depend essentially on considerations which Bentham never so much as took into the account; and when he happened to be in the right, it was always, and necessarily, on wrong or insufficient grounds.

It is fortunate for the world that Bentham's taste lay rather in the direction of jurisprudential than of properly ethical inquiry. Nothing expressly of the latter kind has been published under his name, except the 'Deontology' – a book scarcely ever, in our experience, alluded to by any admirer of Bentham without deep regret that it ever saw the light. We did not expect from Bentham correct systematic views of ethics, or a sound treatment of any question the moralities of which require a profound knowledge of the human heart; but we did anticipate that the greater moral questions would have been boldly plunged into, and at least a searching criticism produced of the received opinions; we did not expect that the *petite morale* almost alone would have been treated, and that with the

most pedantic minuteness, and on the *quid pro quo* principles which regulate trade. The book has not even the value which would belong to an authentic exhibition of the legitimate consequences of an erroneous line of thought; for the style proves it to have been so entirely rewritten, that it is impossible to tell how much or how little of it is Bentham's. The collected edition, now in progress, will not, it is said, include Bentham's religious writings; these, although we think most of them of exceedingly small value, are at least his, and the world has a right to whatever light they throw upon the constitution of his mind. But the omission of the 'Deontology' would be an act of editorial discretion which we should deem entirely justifiable,

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

It will enable a society which has attained a certain state of spiritual development, and the maintenance of which in that state is otherwise provided for, to prescribe the rules by which it may protect its material interests. It will do nothing (except sometimes as an instrument in the hands of a higher doctrine) for the spiritual interests of society; nor does it suffice of itself even for the material interests. That which alone causes any material interests to exist, which alone enables any body of human beings to exist as a society, is national character: *that* it is, which causes one nation to succeed in what it attempts, another to fail; one nation to understand and aspire to elevated things, another to grovel in mean ones; which makes the greatness of one nation lasting, and dooms another to early and rapid decay. The true teacher of the fitting social arrangements for England, France or America, is the one who can point out how the English, French or American character can be improved, and how it has been made what it is. A philosophy of laws and institutions, not founded on a philosophy of national character, is an absurdity. But what could Bentham's opinion be worth on national character? How could he, whose mind contained so few and so poor types of individual character, rise to that higher generalisation? All he can do is but to indicate means by which, in any given state of the national mind, the material interests of society can be protected; saving the question, of which others must judge, whether the use of those means would have, on the national character, any injurious influence.

We have arrived, then, at a sort of estimate of what a philosophy like Bentham's can do. It can teach the means of organising and regulating the merely *business* part of the social arrangements. Whatever can be understood or whatever done without reference to moral influences, his philosophy is equal to; where those influences require to be taken into account, it is at fault. He committed the mistake of supposing that the business part of human affairs was the whole of them; all at least that the legislator and the moralist had to do with. Not that he

disregarded moral influences when he perceived them; but his want of imagination, small experience of human feelings, and ignorance of the filiation and connexion of feelings with one another, made this rarely the case.

The business part is accordingly the only province of human affairs which Bentham has cultivated with any success; into which he has introduced any considerable number of comprehensive and luminous practical principles. That is the field of his greatness; and there he is indeed great. He has swept away the accumulated cobwebs of centuries – he has untied knots which the efforts of the ablest thinkers, age after age, had only drawn tighter; and it is no exaggeration to say of him that over a great part of the field he was the first to shed the light of reason.

We turn with pleasure from what Bentham could not do, to what he did. It is an ungracious task to call a great benefactor of mankind to account for not being a greater – to insist upon the errors of a man who has originated more new truths, has given to the world more sound practical lessons, than it ever received, except in a few glorious instances, from any other individual. The unpleasing part of our work is ended. We are now to show the greatness of the man; the grasp which his intellect took of the subjects with which it was fitted to deal; the giant's task which was before him, and the hero's courage and strength with which he achieved it. Nor let that which he did be deemed of small account because its province was limited: man has but the choice to go a little way in many paths, or a great way in only one. The field of Bentham's labours was like the space between two parallel lines; narrow to excess in one direction, in another it reached to infinity.

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

Without joining in the exaggerated invectives against lawyers, which Bentham sometimes permitted to himself, or making one portion of society alone accountable for the fault of all, we may say that circumstances had made English lawyers in a peculiar degree liable to the reproach of Voltaire, who defines lawyers the 'conservators of ancient barbarous usages.' The basis of the English law was, and still is, the feudal system. That system, like all those which existed as custom before they were established as law, possessed a certain degree of suitability to the wants of the society among whom it grew up – that is to say, of a tribe of rude soldiers, holding a conquered people in subjection, and dividing its spoils among themselves. Advancing civilisation had, however, converted this armed encampment of barbarous warriors in the midst of enemies reduced to

slavery, into an industrious, commercial, rich and free people. The laws which were suitable to the first of these states of society, could have no manner of relation to the circumstances of the second; which could not even have come into existence unless something had been done to adapt those laws to it. But the adaption was not the result of thought and design; it arose not from any comprehensive consideration of the new state of society and its exigencies. What was done, was done by a struggle of centuries between the old barbarism and the new civilisation; between the feudal aristocracy of conquerors, holding fast to the rude system they had established, and the conquered effecting their emancipation. The last was the growing power, but was never strong enough to break its bonds, though ever and anon some weak point gave way. Hence the law came to be like the costume of a full-grown man who had never put off the clothes made for him when he first went to school. Band after band had burst, and, as the rent widened, then, without removing anything except what might drop off of itself, the hole was darned, or patches of fresh law were brought from the nearest shop and stuck on. Hence all ages of English history have given one another rendezvous in English law; their several products may be seen all together, not interfused, but heaped one upon another, as many different ages of the earth may be read in some perpendicular section of its surface – the deposits of each successive period not substituted but superimposed on those of the preceding. And in the world of law no less than in the physical world, every commotion and conflict of the elements has left its mark behind in some break or irregularity of the strata: every struggle which ever rent the bosom of society is apparent in the disjointed condition of the part of the field of law which covers the spot: nay, the very traps and pitfalls which one contending party set for another are still standing, and the teeth not of hyenas only, but of foxes and all cunning animals, are imprinted on the curious remains found in these antediluvian caves.

In the English law, as in the Roman before it, the adaptations of barbarous laws to the growth of civilised society were made chiefly by stealth. They were generally made by the courts of justice, who could not help reading the new wants of mankind in the cases between man and man which came before them; but who, having no authority to make new laws for those new wants, were obliged to do the work covertly, and evade the jealousy and opposition of an ignorant, prejudiced, and for the most part brutal and tyrannical legislature. Some of the most necessary of these improvements, such as the giving force of law to trusts, and the breaking up of entails, were effected in actual opposition to the strongly-declared will of Parliament, whose clumsy hands, no match for the astuteness of judges, could not, after repeated trials, manage to make any law which the judges could not find a trick for rendering inoperative. The whole

history of the contest about trusts may still be read in the words of a conveyance, as could the contest about entails, till the abolition of fine and recovery, by a bill of the present Attorney-General; but dearly did the client pay for the cabinet of historical curiosities which he was obliged to purchase every time that he made a settlement of his estate. The result of this mode of improving social institutions was, that whatever new things were done had to be done in consistency with old forms and names; and the laws were improved with much the same effect as if, in the improvement of agriculture, the plough could only have been introduced by making it look like a spade; or as if, when the primeval practice of ploughing by the horse's tail gave way to the innovation of harness, the tail, for form's sake, had still remained attached to the plough.

When the conflicts were over, and the mixed mass settled down into something like a fixed state, and that state a very profitable and therefore a very agreeable one to lawyers, they, following the natural tendency of the human mind, began to theorise upon it, and, in obedience to necessity, had to digest it and give it a systematic form. It was from this thing of shreds and patches, in which the only part that approached to order or system was the early barbarous part, already more than half superseded, that English lawyers had to construct, by induction and abstraction, their philosophy of law; and without the logical habits and general intellectual cultivation which the lawyers of the Roman empire brought to a similar task. Bentham found the philosophy of law what English practising lawyers had made it; a jumble, in which *real* and *personal* property, *law* and *equity*, *felony*, *praemunire*, *misprision*, and *misdemeanour*, words without a vestige of meaning when detached from the history of English institutions – mere tide-marks to point out the line which the sea and the shore, in their secular struggles, had adjusted as their mutual boundary – all passed for distinctions inherent in the nature of things; in which every absurdity, every lucrative abuse, had a reason found for it – a reason which only now and then even pretended to be drawn from expediency; most commonly a technical reason, one of mere form, derived from the old barbarous system. While the theory of the law was in this state, to describe what the practice of it was would require the pen of a Swift, or of Bentham himself. The whole progress of a suit at law seemed like a series of contrivances for lawyers' profit, in which the suitors were regarded as the prey; and if the poor were not the helpless victims of every Sir Giles Overreach who could pay the price, they might thank opinion and manners for it, not the law.

It may be fancied by some people that Bentham did an easy thing in merely calling all this absurd, and proving it to be so. But he began the contest a young man, and he had grown old before he had any followers. History will one day refuse to give credit to the intensity of the superstition which, till very lately

protected this mischievous mess from examination or doubt – passed off the charming representations of Blackstone for a just estimate of the English law, and proclaimed the shame of human reason to be the perfection of it. Glory to Bentham that he has dealt to this superstition its deathblow – that he has been the Hercules of this hydra, the St. George of this pestilent dragon! The honour is all his – nothing but his peculiar qualities could have done it. There were wanted his indefatigable perseverance, his firm self-reliance, needing no support from other men's opinion; his intensely practical turn of mind, his synthetical habits – above all, his peculiar method. Metaphysicians, armed with vague generalities, had often tried their hands at the subject, and left it no more advanced than they found it. Law is a matter of business; means and ends are the things to be considered in it, not abstractions: vagueness was not to be met by vagueness, but by definiteness and precision: details were not to be encountered with generalities, but with details. Nor could any progress be made, on such a subject, by merely showing that existing things were bad; it was necessary also to show how they might be made better. No great man whom we read of was qualified to do this thing except Bentham. He has done it, once and for ever.

Into the particulars of what Bentham has done we cannot enter: many hundred pages would be required to give a tolerable abstract of it. To sum up our estimate under a few heads. First: he has expelled mysticism from the philosophy of law, and set the example of viewing laws in a practical light, as means to certain definite and precise ends. Secondly: he has cleared up the confusion and vagueness attaching to the idea of law in general, to the idea of a body of laws, and the various general ideas therein involved. Thirdly: he demonstrated the necessity and practicability of *codification*, or the conversion of all law into a written and systematically arranged code: not like the Code Napoleon, a code without a single definition, requiring a constant reference to anterior precedent for the meaning of its technical terms; but one containing within itself all that is necessary for its own interpretation, together with a perpetual provision for its own emendation and improvement. He has shown of what parts such a code would consist; the relation of those parts to one another; and by his distinctions and classifications has done very much towards showing what should be, or might be, its nomenclature and arrangement. What he has left undone, he has made it comparatively easy for others to do. Fourthly: he has taken a systematic view⁵ of the exigencies of society for which the civil code is intended to provide, and of the principles of human nature by which its provisions are to be tested: and this view, defective (as we have already intimated) wherever spiritual

interests require to be taken into account, is excellent for that large portion of the laws of any country which are designed for the protection of material interests. Fifthly: (to say nothing of the subject of punishment, for which something considerable had been done before) he found the philosophy of judicial procedure, including that of judicial establishments and of evidence, in a more wretched state than even any other part of the philosophy of law; he carried it at once almost to perfection. He left it with every one of its principles established, and little remaining to be done even in the suggestion of practical arrangements.

These assertions in behalf of Bentham may be left, without fear for the result, in the hands of those who are competent to judge of them. There are now even in the highest seats of justice, men to whom the claims made for him will not appear extravagant. Principle after principle of those propounded by him is moreover making its way by infiltration into the understandings most shut against his influence, and driving nonsense and prejudice from one corner of them to another. The reform of the laws of any country according to his principles, can only be gradual, and may be long ere it is accomplished; but the work is in progress, and both parliament and the judges are every year doing something, and often something not inconsiderable, towards the forwarding of it.

It seems proper here to take notice of an accusation sometimes made both against Bentham and against the principle of codification – as if they required one uniform suit of ready-made laws for all times and all states of society. The doctrine of codification, as the word imports, relates to the form only of the laws, not their substance; it does not concern itself with what the laws should be, but declares that whatever they are, they ought to be systematically arranged, and fixed down to a determinate form of words. To the accusation, so far as it affects Bentham, one of the essays in the collection of his works (then for the first time published in English) is a complete answer: that ‘On the Influence of Time and Place in Matters of Legislation.’ It may there be seen that the different exigencies of different nations with respect to law, occupied his attention as systematically as any other portion of the wants which render laws necessary: with the limitations, it is true, which were set to all his speculations by the imperfections of his theory of human nature. For, taking, as we have seen, next to no account of national character and the causes which form and maintain it, he was precluded from considering, except to a very limited extent, the laws of a country as an instrument of national culture: one of their most important aspects, and in which they must of course vary according to the degree and kind of culture already attained; as a tutor gives his pupil different lessons according to the progress already made in his education. The same laws would not have suited our wild ancestors, accustomed to rude independence, and a people of

⁵ See the ‘Principles of Civil Law,’ contained in Part II of his collected works.

Asiatics bowed down by military despotism: the slave needs to be trained to govern himself, the savage to submit to the government of others. The same laws will not suit the English, who distrust everything which emanates from general principles, and the French, who distrust whatever does not so emanate. Very different institutions are needed to train to the perfection of their nature, or to constitute into a united nation and social polity, an essentially *subjective* people like the Germans, and an essentially *objective* people like those of Northern and Central Italy; the one affectionate and dreamy, the other passionate and worldly; the one trustful and loyal, the other calculating and suspicious; the one not practical enough, the other overmuch; the one wanting individuality, the other fellow-feeling; the one failing for want of exacting enough for itself, the other for want of conceding enough to others. Bentham was little accustomed to look at institutions in their relation to these topics. The effects of this oversight must of course be perceptible throughout his speculations, but we do not think the errors into which it led him very material in the greater part of civil and penal law: it is in the department of constitutional legislation that they were fundamental.

The Benthamic theory of government has made so much noise in the world of late years; it has held such a conspicuous place among Radical philosophies, and Radical modes of thinking have participated so much more largely than any others in its spirit, that many worthy persons imagine there is no other Radical philosophy extant. Leaving such people to discover their mistake as they may, we shall expend a few words in attempting to discriminate between the truth and error of this celebrated theory.

There are three great questions in government. First, to what authority is it for the good of the people that they should be subject? Secondly, how are they to be induced to obey that authority? The answers to these two questions vary indefinitely, according to the degree and kind of civilisation and cultivation already attained by a people, and their peculiar aptitudes for receiving more. Comes next a third question, not liable to so much variation, namely, by what means are the abuses of this authority to be checked? This third question is the only one of the three to which Bentham seriously applies himself, and he gives it the only answer it admits of – Responsibility: responsibility to persons whose interest, whose obvious and recognisable interest, accords with the end in view – good government. This being granted, it is next to be asked, in what body of persons this identity of interest with good government, that is, with the interest of the whole community, is to be found? In nothing less, says Bentham, than the numerical majority: nor, say we, even in the numerical majority itself; of no portion of the community less than all, will the interest coincide, at all times and in all respects, with the interest of all. But, since power given to all, by a

representative government, is in fact given to a majority; we are obliged to fall back upon the first of our three questions, namely, under what authority is it for the good of the people that they be placed? And if to this the answer be, under that of a majority among themselves, Bentham's system cannot be questioned. This one assumption being made, his 'Constitutional Code' is admirable. That extraordinary power which he possessed, of at once seizing comprehensive principles, and scheming out minute details, is brought into play with surpassing vigour in devising means for preventing rulers from escaping from the control of the majority; for enabling and inducing the majority to exercise that control unremittingly; and for providing them with servants of every desirable endowment, moral and intellectual, compatible with entire subservience to their will.

But *is* this fundamental doctrine of Bentham's political philosophy an universal truth? Is it, at all times and places, good for mankind to be under the absolute authority of the majority of themselves? We say the authority, not the political authority merely, because it is chimerical to suppose that whatever has absolute power over men's bodies will not arrogate it over their minds – will not seek to control (not perhaps by legal penalties, but by the persecutions of society) opinions and feelings which depart from its standard; will not attempt to shape the education of the young by its model, and to extinguish all books, all schools, all combinations of individuals for joint action upon society, which may be attempted for the purpose of keeping alive a spirit at variance with its own. Is it, we say, the proper condition of man, in all ages and nations, to be under the despotism of Public Opinion?

It is very conceivable that such a doctrine should find acceptance from some of the noblest spirits, in a time of reaction against the aristocratic governments of modern Europe; governments founded on the entire sacrifice (except so far as prudence, and sometimes humane feeling interfere) of the community generally, to the self-interest and ease of a few. European reformers have been accustomed to see the numerical majority everywhere unjustly depressed, everywhere trampled upon, or at the best overlooked, by governments; nowhere possessing power enough to extort redress of their most positive grievances, provision for their mental culture, or even to prevent themselves from being taxed avowedly for the pecuniary profit of the ruling classes. To see these things, and to seek to put an end to them, by means (among other things) of giving more political power to the majority, constitutes Radicalism; and it is because so many in this age have felt this wish, and have felt that the realisation of it was an object worthy of men's devoting their lives to it, that such a theory of government as Bentham's has found favour with them. But, though to pass from one form of bad government to another be the ordinary fate of mankind, philosophers ought not to

make themselves parties to it, by sacrificing one portion of important truth to another.

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

These things being considered, we cannot think that Bentham made the most useful employment which might have been made of his great powers, when, not

content with enthroning the majority as sovereign, by means of universal suffrage without king or house of lords, he exhausted all the resources of ingenuity in devising means for riveting the yoke of public opinion closer and closer round the necks of all public functionaries, and excluding every possibility of the exercise of the slightest or most temporary influence either by a minority, or by the functionary's own notions of right. Surely when any power has been made the strongest power, enough has been done for it; care is thenceforth wanted rather to prevent that strongest power from swallowing up all others. Wherever all the forces of society act in one single direction, the just claims of the individual human being are in extreme peril. The power of the majority is salutary so far as it is used defensively, not offensively – as its exertion is tempered by respect for the personality of the individual, and deference to superiority of cultivated intelligence. If Bentham had employed himself in pointing out the means by which institutions fundamentally democratic might be best adapted to the preservation and strengthening of those two sentiments, he would have done something more permanently valuable, and more worthy of his great intellect. Montesquieu, with the lights of the present age, would have done it; and we are possibly destined to receive this benefit from the Montesquieu of our own times, M. de Tocqueville.

Do we then consider Bentham's political speculations useless? Far from it. We consider them only one-sided. He has brought out into a strong light, has cleared from a thousand confusions and misconceptions, and pointed out with admirable skill the best means of promoting, one of the ideal qualities of a perfect government – identity of interest between the trustees and the community for whom they hold their power in trust. This quality is not attainable in its ideal perfection, and must moreover be striven for with a perpetual eye to all other requisites; but those other requisites must still more be striven for without losing sight of this: and when the slightest postponement is made of it to any other end, the sacrifice, often necessary is never unattended with evil. Bentham has pointed out how complete this sacrifice is in modern European societies: how exclusively, partial and sinister interests are the ruling power there, with only such check as is imposed by public opinion – which being thus, in the existing order of things, perpetually apparent as a source of good, he was led by natural partiality to exaggerate its intrinsic excellence. This sinister interest of rulers Bentham hunted through all its disguises, and especially through those which hide it from the men themselves who are influenced by it. The greatest service rendered by him to the philosophy of universal human nature, is, perhaps, his illustration of what he terms 'interest-begotten prejudice' – the common tendency of man to make a duty and a virtue of following his self-interest. The idea, it is true, was far from being peculiarly Bentham's: the artifices by which

we persuade ourselves that we are not yielding to our selfish inclinations when we are, had attracted the notice of all moralists, and had been probed by religious writers to a depth as much below Bentham's, as their knowledge of the profundities and windings of the human heart was superior to his. But it is selfish interest in the form of class-interest, and the class morality founded thereon, which Bentham has illustrated: the manner in which any set of persons who mix much together and have a common interest, are apt to make that common interest their standard of virtue, and the social feelings of the members of the class are made to play into the hands of their selfish ones; whence the union so often exemplified in history, between the most heroic personal disinterestedness and the most odious class-selfishness. This was one of Bentham's leading ideas, and almost the only one by which he contributed to the elucidation of history: much of which, except so far as this explained it, must have been entirely inexplicable to him. The idea was given him by Helvetius, whose book, 'De l'Esprit,' is one continued and most acute commentary on it; and, together with the other great idea of Helvetius, the influence of circumstances on character, it will make his name live by the side of Rousseau, when most of the other French metaphysicians of the eighteenth century will be extant as such only in literary history.

In the brief view which we have been able to give of Bentham's philosophy, it may surprise the reader that we have said so little about the first principle of it, with which his name is more identified than with anything else; the 'principle of utility,' or, as he afterwards named it, 'the greatest-happiness principle.' It is a topic on which much were to be said, if there were room, or if it were in reality necessary for the just estimation of Bentham. On an occasion more suitable for a discussion of the metaphysics of morality, or on which the elucidations necessary to make an opinion on so abstract a subject intelligible could be conveniently given, we should be fully prepared to state what we think on this subject. At present we shall only say, that while, under proper explanations, we entirely agree with Bentham in his principle, we do not hold with him that all right thinking on the details of morals depends on its express assertion. We think utility, or happiness, much too complex and indefinite an end to be sought except through the medium of various secondary ends, concerning which there may be, and often is, agreement among persons who differ in their ultimate standard; and about which there does in fact prevail a much greater unanimity among thinking persons, than might be supposed from their diametrical divergence on the great questions of moral metaphysics. As mankind are much more nearly of one nature, than of one opinion about their own nature, they are more easily brought to agree in their intermediate principles, *vera illa et media axiomata*, as Bacon says, than in their first principles: and the attempt to make

the bearings of actions upon the ultimate end more evident than they can be made by referring them to the intermediate ends, and to estimate their value by a direct reference to human happiness, generally terminates in attaching most importance, not to those effects which are really the greatest, but to those which can most easily be pointed to and individually identified. Those who adopt utility as a standard can seldom apply it truly except through the secondary principles; those who reject it, generally do no more than erect those secondary principles into first principles. It is when two or more of the secondary principles conflict, that a direct appeal to some first principle becomes necessary; and then commences the practical importance of the utilitarian controversy; which is, in other respects, a question of arrangement and logical subordination rather than of practice; important principally in a purely scientific point of view, for the sake of the systematic unity and coherency of ethical philosophy. It is probable, however, that to the principle of utility we owe all that Bentham did; that it was necessary to him to find a first principle which he could receive as self-evident, and to which he could attach all his other doctrines as logical consequences: that to him systematic unity was an indispensable condition of his confidence in his own intellect. And there is something further to be remarked. Whether happiness be or be not the end to which morality should be referred – that it be referred to an *end* of some sort, and not left in the dominion of vague feeling or inexplicable internal conviction, that it be made a matter of reason and calculation, and not merely of sentiment, is essential to the very idea of moral philosophy; is, in fact, what renders argument or discussion on moral questions possible. That the morality of actions depends on the consequences which they tend to produce, is the doctrine of rational persons of all schools; that the good or evil of those consequences is measured solely by pleasure or pain, is all of the doctrine of the school of utility, which is peculiar to it.

In so far as Bentham's adoption of the principle of utility induced him to fix his attention upon the consequences of actions as the consideration determining their morality, so far he was indisputably in the right path: though to go far in it without wandering, there was needed a greater knowledge of the formation of character, and of the consequences of actions upon the agent's own frame of mind, than Bentham possessed. His want of power to estimate this class of consequences, together with his want of the degree of modest deference which, from those who have not competent experience of their own, is due to the experience of others on that part of the subject, greatly limit the value of his speculations on questions of practical ethics.

He is chargeable also with another error, which it would be improper to pass over, because nothing has tended more to place him in opposition to the common

feelings of mankind, and to give to his philosophy that cold, mechanical, and ungenial air which characterises the popular idea of a Benthamite. This error, or rather one-sidedness, belongs to him not as a utilitarian, but as a moralist by profession, and in common with almost all professed moralists, whether religious or philosophical: it is that of treating the *moral* view of actions and characters, which is unquestionably the first and most important mode of looking at them, as if it were the sole one: whereas it is only one of three, by all of which our sentiments towards the human being may be, ought to be, and without entirely crushing our own nature cannot but be, materially influenced. Every human action has three aspects: its *moral* aspect, or that of its *right* and *wrong*; its *aesthetic* aspect, or that of its *beauty*; its *sympathetic* aspect, or that of its *loveableness*. The first addresses itself to our reason and conscience; the second to our imagination; the third to our human fellow-feeling. According to the first, we approve or disapprove; according to the second, we admire or despise; according to the third, we love, pity, or dislike. The morality of an action depends on its foreseeable consequences; its beauty, and its loveableness, or the reverse, depend on the qualities which it is evidence of. Thus, a lie is *wrong*, because its effect is to mislead, and because it tends to destroy the confidence of man in man; it is also *mean*, because it is cowardly – because it proceeds from not daring to face the consequences of telling the truth – or at best is evidence of want of that *power* to compass our ends by straightforward means, which is conceived as properly belonging to every person not deficient in energy or in understanding. The action of Brutus in sentencing his sons was *right*, because it was executing a law essential to the freedom of his country, against persons of whose guilt there was no doubt: it was *admirable*, because it evinced a rare degree of patriotism, courage, and self-control; but there was nothing *loveable* in it; it affords either no presumption in regard to loveable qualities, or a presumption of their deficiency. If one of the sons had engaged in the conspiracy from affection for the other, his action would have been loveable, though neither moral nor admirable. It is not possible for any sophistry to confound these three modes of viewing an action; but it is very possible to adhere to one of them exclusively, and lose sight of the rest. Sentimentality consists in setting the last two of the three above the first; the error of moralists in general, and of Bentham, is to sink the two latter entirely. This is preeminently the case with Bentham: he both wrote and felt as if the moral standard ought not only to be paramount (which it ought), but to be alone; as if it ought to be the sole master of all our actions, and even of all our sentiments; as if either to admire or like, or despise or dislike a person for any action which neither does good nor harm, or which does not do a good or a harm proportioned to the sentiment entertained, were an injustice and a prejudice. He carried this so far, that there were certain phrases which, being

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

Connected with the same topic are Bentham's peculiar opinions on poetry. Much more has been said than there is any foundation for, about his contempt for the pleasures of imagination, and for the fine arts. Music was throughout life his favourite amusement; painting, sculpture, and the other arts addressed to the eye, he was so far from holding in any contempt, that he occasionally recognises them as means employable for important social ends; though his ignorance of the deeper springs of human character prevented him (as it prevents most Englishmen) from suspecting how profoundly such things enter into the moral nature of man, and into the education both of the individual and of the race. But towards poetry in the narrower sense, that which employs the language of words, he entertained no favour. Words, he thought, were perverted from their proper office when they were employed in uttering anything but precise logical truth. He says, somewhere in his works, that, 'quantity of pleasure being equal, push-pin is as good as poetry;' but this is only a paradoxical way of stating what he would equally have said of the things which he most valued and admired. Another aphorism is attributed to him, which is much more characteristic of his view of this subject: 'All poetry is misrepresentation.' Poetry, he thought, consisted essentially in exaggeration for effect: in proclaiming some one view of a thing very emphatically, and suppressing all the limitations and qualifications. This trait of character seems to us a curious example of what Mr. Carlyle strikingly calls 'the completeness of limited man.' Here is a philosopher who is happy within his narrow boundary as no man of indefinite range ever was; who flatters himself that he is so completely emancipated from the essential law of poor human intellect, by which it can only see one thing at a time well, that he can even turn round upon the imperfection and lay a solemn interdict upon it. Did Bentham really suppose that it is in poetry only that propositions cannot be exactly true, cannot contain in themselves all the limitations and qualifications with which they require to be taken when applied to practice? We have seen how far his own prose propositions are from realising this Utopia: and even the attempt to approach it would be incompatible not with poetry merely, but with oratory, and popular writing of every kind. Bentham's charge is true to the

fullest extent; all writing which undertakes to make men feel truths as well as see them, does take up one point at a time, does seek to impress that, to drive that home, to make it sink into and colour the whole mind of the reader or hearer. It is justified in doing so, if the portion of truth which it thus enforces be that which is called for by the occasion. All writing addressed to the feelings has a natural tendency to exaggeration; but Bentham should have remembered that in this, as in many things, we must aim at too much, to be assured of doing enough.

From the same principle in Bentham came the intricate and involved style, which makes his later writings books for the student only, not the general reader. It was from his perpetually aiming at impracticable precision. Nearly all his earlier, and many parts of his later writings, are models, as we have already observed, of light, playful, and popular style: a Benthamiana might be made of passages worthy of Addison or Goldsmith. But in his later years and more advanced studies, he fell into a Latin or German structure of sentence, foreign to the genius of the English language. He could not bear, for the sake of clearness and the reader's ease, to say, as ordinary men are content to do, a little more than the truth in one sentence, and correct it in the next. The whole of the qualifying remarks which he intended to make, he insisted upon imbedding as parentheses in the very middle of the sentence itself. And thus the sense being so long suspended, and attention being required to the accessory ideas before the principal idea had been properly seized, it became difficult, without some practice, to make out the train of thought. It is fortunate that so many of the most important parts of his writings are free from this defect. We regard it as a *reductio ad absurdum* of his objection to poetry. In trying to write in a manner against which the same objection should not lie, he could stop nowhere short of utter unreadableness, and after all attained no more accuracy than is compatible with opinions as imperfect and one-sided as those of any poet or sentimentalist breathing. Judge then in what state literature and philosophy would be, and what chance they would have of influencing the multitude, if his objection were allowed, and all styles of writing banished which would not stand his test.

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

After every abatement, and it has been seen whether we have made our abatements sparingly – there remains to Bentham an indisputable place among

the great intellectual benefactors of mankind. His writings will long form an indispensable part of the education of the highest order of practical thinkers; and the collected edition of them ought to be in the hands of every one who would either understand his age, or take any beneficial part in the great business of it.⁶

⁶ Since the first publication of this paper, Lord Brougham's brilliant series of characters has been published, including a sketch of Bentham. Lord Brougham's view of Bentham's characteristics agrees in the main points, so far as it goes, with the result of our more minute examination, but there is an imputation cast upon Bentham, of a jealous and splenetic disposition in private life, of which we feel called upon to give at once a contradiction and an explanation. It is indispensable to a correct estimate of any of Bentham's dealings with the world, to bear in mind that in everything except abstract speculation he was to the last, what we have called him, essentially a boy. He had the freshness, the simplicity, the confidingness, the liveliness and activity, all the delightful qualities of boyhood, and the weaknesses which are the reverse side of those qualities – the undue importance attached to trifles, the habitual mismeasurement of the practical bearing and value of things, the readiness to be either delighted or offended on inadequate cause. These were the real sources of what was unreasonable in some of his attacks on individuals, and in particular on Lord Brougham, on the subject of his Law Reforms; they were no more the effect of envy or malice, or any really unamiable quality, than the freaks of a pettish child, and are scarcely a fitter subject of censure or criticism.