

THE NEW BENTHAM

JEREMY Bentham died on June 6th, 1832. According to his wish, his body was preserved for the obscure purposes of science; but his ideas, quickly forgotten by his unappreciative countrymen, enjoyed a merely oblique, though extensive, survival in the views of the few men whom he influenced directly and in certain reforms and tendencies towards reform in the legal system of England. What was mortal survived; what was immortal was buried and forgotten. But now, one hundred years later, though there is no suggestion that this grotesque skeleton were better underground, there is more than one suggestion that what was so thoughtlessly buried might be unearthed. Indeed, this business of exhumation has already begun. It remains to be seen, however, whether what comes to the surface is merely a corpse—a spiritual corpse to be set beside the still unburied skeleton—or a regenerate Bentham, a man with a new life and a new meaning. Nobody gets out of his grave exactly as he was put in, but unless there is some phoenix quality in the mind of Bentham, unless he was buried alive by his contemporaries, mere exhumation will do neither him nor us any good. My business is, then, to consider this attempt to rehabilitate Jeremy Bentham, to consider the skill with which it is being performed, and to consider whether the result is something alive and with a meaning for present consciousness, or just one more of these embalmed corpses with too many of which the world is already cumbered.

But first let us consider for a moment the Bentham who was buried, the old, unregenerate Bentham. At his death, to those who did not know him and to many who did, Bentham was, I suppose, little more than a figure of fun; an eccentric old gentleman who wrote much and published little. But to his intimates, to the 'School' which in later years he gathered round himself, he was a master, 'the great critical thinker of his age and country.' And by many others he was recognised as a figure of importance in the history of their time. Moreover, among those who have

left us their thoughts on the subject, there seems to have been a considerable agreement with regard to the character of his genius. By his friends he was known as a man of acute feeling; an affectionate man, extraordinarily sensitive to the pleasure and pain of others, 'passionately fond of flowers' and with a peculiar sympathy for animals. He was a man overflowing with benevolence towards the human race; the hero of Fénelon come to life. Further, it was recognised that, as far as his intellectual activity was concerned, 'the field of practical abuses' was his field. His genius, as he says himself, was for legislation. Bentham 'combined what had not yet been done, the spirit of the Philanthropic with that of the Practical. He did not declaim about abuses; he went at once to their root; he did not idly penetrate the sophistries of Corruption; he smote Corruption herself. He was the very Theseus of legislative reform—he not only pierced the Labyrinth—he destroyed the Monster.' And the great benefit which he conferred upon his age and country lay in 'the example which he set of treating law as no peculiar mystery, but a simple piece of practical business, wherein means were to be adapted to ends, as in any other of the arts of life.' He was 'the man who found Jurisprudence a gibberish and left it a science.' And he achieved this end because he combined with a considerable knowledge of English law a considerable contempt for its precedents, its prejudices and its irrationality. But Bentham was not, for his contemporaries, merely a reformer of the law and of jurisprudence; he was 'the great critical thinker of his age and country': and the lesson of his life was '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.' Bentham not only reformed the law so that (as Dicey says) 'the history of legal reform in England in the nineteenth century is the story of the shadow cast by one man, Bentham,' but he 'introduced for the first time precision of thought into moral and political philosophy.' And finally, according to the view which has been repeated by every writer on Bentham since Mill's astonishing essay appeared in 1838, 'it was not his *opinions* but his *method*, that constituted the novelty and the value of what he did.' Bentham founded not a doctrine but a method;

the 'method of detail,' 'of testing wholes by separating them into their parts,' the method of 'exhaustive classification.' He was primarily and predominantly a master of detailed analysis, the inventor of a method of thought destined to revolutionize every department of intellectual interest.

But the defects, no less than the merits, of Bentham's genius were recognised by his contemporaries. Mill, who at the age of fifteen 'embraced Benthamism as a religion,' later conceived some doubts about the competence of his master's philosophy to explain all things in heaven and earth. And particularly, Bentham's genius appeared to suffer from the fact that his life was 'secluded in a peculiar degree, by circumstances and character, from the business and intercourse of the world.' In English philosophy it had become (and to some extent still remains) a tradition to separate experience from reflection, and Mill saw Bentham as a master of reflection whose experience was peculiarly and fatally restricted. '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.' And consequently 'he was not a great philosopher, but he was a great reformer in philosophy.' And besides this defect, others saw in Bentham a man who 'did not appear to have entered very deeply into the metaphysical grounds of his opinions,' a superficial thinker, a man 'who enumerates, classifies the facts, but does not account for them,' a man whose thinking stops short of the satisfaction of thought. It is true that to Mill Bentham was a man who 'always knew his own premises.' But on this point Mill seems to have been misled by Bentham's contempt for established authorities, particularly the acknowledged authorities of Jurisprudence, into thinking that his master was 'critical' in a more profound sense. A hundred men are contemptuous of all the obvious and established authorities for one man who really begins to think for himself, for one who is an independent thinker; and Bentham certainly was not that one.

This, then, is the old Bentham, the traditional Bentham to whom all the old books (including the eleven volumes of the 'Collected Works') introduce us. Other writers during the last thirty years have extended the picture. Some, like Leslie Stephen and M. Halévy, have shown us the connection between

Bentham and his predecessors and contemporaries; others, like Professor Phillipson and Mr. Atkinson have given us a more detailed view of some special aspect of Bentham's work. But, in the main, what they have had to say has not seriously modified, though it has considerably extended, the story told by Mill and other of Bentham's contemporaries. But the new, regenerate Bentham, revealed to us in half-a-dozen recently published books, appears to differ radically from the old. We are given a new view of Bentham's life and character, and we are given a new view of the range and significance of his ideas. The real Bentham, we are told, did not live the restricted life of the legendary Bentham; and the real Bentham was a man of a far more universal genius than his contemporaries ever supposed. It is, however, impossible here to discuss this rehabilitation in all its aspects, and I have chosen instead to consider it as it is attempted in the work of two writers: Mr. C. W. Everett, of Columbia University, who besides editing one of Bentham's hitherto unpublished works, has given us a new view of the life and character of Bentham¹; and Mr. C. K. Ogden, who has given us a new view of Bentham's ideas.²

A new biography may be new because it is based upon new discoveries or because it ventures upon a new interpretation of material already well-known. And it may be said at once that the novelty of Mr. Everett's work on the early life of Bentham depends in the main (though not entirely) upon certain discoveries he has made during the last three years while examining the voluminous collection of Bentham MSS. in the British Museum and in University College, London. He has undertaken, on the strength of these discoveries, to refute biographically the traditional view (derived from Mill) that Bentham was incomplete 'as a representative of universal human nature,' and to show us a Bentham less cut-off from the world, less untouched by hope and fear, desire and disappointment, than the old Bentham appeared to

¹C. W. Everett. *Bentham's Comments on the Commentaries*, edited with an Introduction (Oxford, 1928, 15/-). *The Education of Jeremy Bentham* (Columbia University Press, Humphrey Milford, 1931, 15/6d.). ²C. K. Ogden, *Bentham's Theory of Legislation*, with an Introduction and Notes (Kegan Paul, 1931, 12/6d.).

be. Not one of Bentham's English school, he remarks, had known him before the age of sixty; and this incomplete acquaintance with the early life and fortunes of their master led them to misconceive his character, to think him less experienced than he actually was. His early love for Mary Dunkly was unknown to them, they were imperfectly acquainted with his strained relations with his father, and his intimate and affectionate relations with his younger brother Samuel. They knew only a Bentham passionately devoted to the reform of the law: they were ignorant of Bentham the lover, the man of the world, the man of moods, of gaiety and melancholy, the man who had a disappointment to forget, and the man who had difficult questions of personal conduct to answer. And Mr. Everett has been able to show us this new Bentham directly and vividly in the hitherto unpublished letters to his brother Samuel. Henceforward, whatever defects may be found in Bentham's philosophy, it is no longer possible to account for them by referring to the 'secluded' character of his life.

But this fresh account of Bentham's early life does not stop there, with a mere amplification of our knowledge of the facts, it ventures upon a new interpretation of the old material, the biographical material to be found in the last two volumes of Bentham's collected works. This interpretation is sometimes a little uncertain and indefinite, but so far as it goes it is admirably performed. We are given a picture of Bentham's early life and activities less encumbered than is usually the case with the detail of his later theories, his ethical, legal and political opinions. Indeed, this is perhaps the first biography of Bentham written by a man whose interest lies in biography rather than in law or philosophy; and from this, I think, it derives its great merits. The book is short, boldly conceived, simply planned and executed in a manner at once thorough and unpretentious. As a biography its only defect is, I think, a tendency to over-simplification: certain events in Bentham's life are singled out and made to appear more 'decisive' than is the case in any man's life. Bentham's attendance at Blackstone's lectures, his friendship with Lord Shelburn, his meeting with Dumont at Lansdowne House—these no doubt were important events, but too much can be made of them as absolute 'turning-points.' In this, and in some other matters,

Mr. Everett seems to me to have been insufficiently critical, to have relied too much upon the appearance of things. And this relatively uncritical attitude has resulted in a partial failure to formulate clearly and unambiguously, and to place in the foreground, the real point of the biography. And it has resulted also, I think, in an actual misunderstanding of certain aspects of Bentham's genius. For what, in effect, we are shown is not a Bentham who is a mere reformer of the law, a speculative thinker, a man whose work looks forward into the nineteenth century, an early democrat, but Bentham the *philosophe*, the creature of the eighteenth century, the native of France rather than of England, the companion in thought of Helvetius, Diderot, Voltaire and d'Alembert, the last of the believers in Benevolent Despotism. And, when this view is grasped firmly, when its implications are fully appreciated, not only is a new Bentham revealed, but the two 'major problems' of Bentham's life (which Mr. Everett states but solves only perfunctorily) are at once resolved;—Why was Bentham's genius recognised more fully on the Continent, in North and South America and in Russia, than in England? And why did Bentham write so much and publish so little? Indeed, they disappear as problems because they become what we should expect, and not what puzzles us.

Now, the character of the *philosophe* is both peculiar and interesting; and, taken as a whole, it is so foreign to the English character that it does not surprise us that Bentham was so little regarded in his own country and so greatly respected outside it, wherever this *philosophe* civilization had developed and established itself. There are, I suppose, three prime elements in this character, and all were highly developed in Bentham. First, an age of *philosophisme* implies a peculiar confidence in knowledge, indiscriminate knowledge; it implies an hydroptic thirst for information about the present world, its composition and its laws, and about human nature, its needs and desires. The *philosophe* believes in knowledge in a way which we find difficult to understand—we who have long ago lost this confidence. And he can exist only when there is a certain rude copiousness about the supply of knowledge which permits no suggestion of a limit. His is an inventive, ingenious, mildly perplexed and easily satisfied mind; there is vitality but no discrimination. All knowledge

appears equally significant; and there is so much to be learned that there is neither time nor inclination to stay and learn anything profoundly. One thing leads to another before it has itself been exhausted; and when every suggestion is followed, it is impossible to follow one suggestion far. It is true that the world of knowledge, after a visitation of *philosophisme*, somewhat resembles a September orchard after a plague of wasps, but to the *philosophe* himself his life appears an endless intellectual adventure; he is entirely ignorant of the senseless depredation his lack of discrimination involves, and he is unconscious of his vulgarity. And, if he is fortunate, the disenchantment which, it would seem, must overtake such a way of living, can be avoided.

But secondly, besides this belief in encyclopædic knowledge, the *philosophe* is remarkable for his general credulity. He does not know what it is to be perplexed; he only knows what it is to be ignorant. And he is protected from the dilemmas of doubt by a tough hide of self-confidence. Appearing to doubt everything and to be engaged upon the construction of a new world from the bottom up, he is really the most credulous of men. There is plenty of audacity and some courage in his thought, but little freedom and no candour. He does not, it is true, begin from the same place and with the same prejudices as his less enlightened contemporaries, nevertheless he begins with a whole miscellany of presuppositions which he has neither the time, the inclination nor the ability to examine. There is, in short, little or nothing in common between the *philosophe* and the philosopher. For the *philosophe* the world is divided between those who agree with him and 'fools'; 'science' is contrasted with superstition, and superstition is identified with whatever is established, generally believed or merely felt.

And thirdly, besides his thirst for knowledge and his naïve cast of mind, the *philosophe* is a rationalist, in the restricted sense that he believes that what is made is better than what merely grows, that neatness is better than profusion and vitality. The genius of the *philosophe* is a genius for rationalization, for *making* life and the business of life rational rather than for *seeing* the reason for it, for inculcating precise order, no matter at what expense, rather than for apprehending the existence of a subtle order in what appears to be chaotic.

There is, of course, much that is admirable in this type of mind; but it will be seen at once that its justification lies solely in the present appreciation of life and the world which it achieves, and not in any contribution to knowledge it has to offer to later generations. If it gives no present enjoyment to those who possess it, it is idle to look for other achievements. It can make no serious contribution to our store of knowledge; it denies the traditions of the past and attempts to fasten no new traditions on the future. What was important to the eighteenth century *philosophes* was not what they learned or discovered, not the knowledge they acquired, but merely the sense of life which the pursuit of knowledge engendered. And what is important to us is not the discoveries they made—these, for the most part, were negligible—but the general view of life by means of which they succeeded in making themselves at home in the world. The *philosophes* were the initiators of innumerable practical reforms, but in no direction did they achieve any real extension of knowledge; their minds were replete with half-conceived ideas. *Philosophisme*, that is, is a backwater so far as the main stream of European scholarship, philosophy and scientific research is concerned. The character of Voltaire's biblical criticism, for example, is entirely misconceived if it is considered as an attempt to make a serious contribution to the historical study of the Bible.

Now, the view I wish to suggest is that Bentham was, in all respects, a typical eighteenth century *philosophe*, and that for this reason his reputation was greater on the Continent than in England. And for this view Mr. Everett supplies much of the evidence we require. First, Bentham was moved by this peculiar, indiscriminate activity which belongs to *philosophisme*, and which accounts for his having completed so little of what he began. 'I am still persuaded, my dear Bentham,' writes George Wilson in 1787, 'that you have for some years been throwing away your time. . . . Your history, since I have known you, has been to be always running from a good scheme to a better. In the meantime, life passes away and nothing is completed.' Chemistry, the law, education, engineering, prison reform, psychology, economics—these were a few of the interests which served to supply material for his 'unnatural, unexampled appetite for innovation.' Never for a moment was his mind occupied with one thing to

the exclusion of all others. And it is not surprising that, 'for the sake of expedition,' Bentham should desire '5 or 6 pupils who were initiated in my principles to whom I could give as many parts of my plan to execute under my eyes.' In his undergraduate days at Oxford the study of chemistry had much engaged Bentham's attention; and along with chemistry, of course, went astronomy. But for Bentham, as for more than one of his brother *philosophes* on the Continent, the science which appeared more important than any other was the science of government, for by means of this the whole human race was to be rescued from superstition. To create a science of politics, to apply the scientific method to the field of law, to unite law and science, to discover some means for measuring accurately political satisfactions—these were his ambitions. And in pursuit of this end, two things appeared to Bentham's *philosophie* mind to be necessary: first, a clean start; secondly, a code, something made, organized and definite, as distinct from what had merely grown. The clean start he found, or he imagined, in Russia; though of course he did not stay there long enough to achieve anything significant. Russia was virgin soil for the legislator; it appeared to be in the condition which the eighteenth century *philosophes* believed the human mind to be at birth, a *tabula rasa*. And secondly, the organization and rationalization of law implied in a code was what engaged Bentham's attention more nearly to the exclusion of other interests throughout the whole of his life. It was natural for a *philosophie* to hate the English common law and to be suspicious of judge-made law, for in both there is an element of uncertainty; on account of both English law can never be an artistic whole. But, in his contempt of the first, Bentham seems to have forgotten that law must change, that law is an expression of what is and not of what ought to be; he forgot, in short, what all the benevolent despots forgot. And his suspicion of the second was based upon a misconceived theory of knowledge. He appears to have believed that thought is always and expressly dominated by the circumstances of its generation, that there can be no thought independent of the psychological situation. The whole of every judgment, he believed, depends upon the psychical state of the individual who judges and derives from this its truth or falsehood. Such an opinion involves, of course, at once universal scepticism and

self-contradiction; but Bentham was aware of neither of these implications. And in this matter, as in many others, he would have been on safer ground had he maintained his opinion as a mere prejudice instead of attempting to establish it as a principle. It is all very well to see Bentham's influence everywhere in the legislation of the nineteenth century, but when we consider how extreme his views about English law actually were, what must be noticed is, not the number of his isolated suggestions which have been put into practice, but the total rejection which his fundamental principles have suffered.

My view is, then, that the value of Mr. Everett's biography lies in what it suggests rather than in any specific interpretation of Bentham's life and mind which it offers. It suggests a Bentham different from the old, traditional Bentham, who was created by the liberal writers of the nineteenth century. In it Bentham is seen to belong to his century—the eighteenth century—and his environment. We are shown a living Bentham, a complete man, and not the mere thinker with which we have so long been obliged to content ourselves. And it remains to be seen whether, when this study is carried into Bentham's later life, yet another Bentham will appear. But, thus far, whatever his democratic sympathies, whatever specific modernity some of his suggestions show, what we have is Bentham the *philosophe*. And I venture to think that he remained a *philosophe* to the end.

It is now time to turn from this, to the other side of the attempt to rehabilitate Bentham; from Mr. Everett to Mr. Ogden. This new edition of the *Theory of Legislation* is a reprint, with a few verbal alterations, of Hildreth's translation (originally published in 1864) of parts of the three volumes prepared by Dumont from Bentham's half-French and half-English manuscripts and published in Paris in 1802 under the title of *Traité de législation Civile et Pénale, etc.* Hildreth's was not the first translation; an earlier was published in 1830. And it is not the most recent; Mr. C. M. Atkinson prepared a fresh, and on the whole better, translation with notes which was published in 1914. Setting aside, however the need for this reprint, what are important for us now are Mr. Ogden's *Introduction* and his *Notes*. For it is in these that the attempt is made to give a new range and significance to Bentham's ideas.

The *Introduction* is divided into three parts. First there is a discussion of Bentham's genius and ideas generally, secondly a few pages on the *Theory of Legislation* itself, and thirdly, some consideration of the relations of Bentham and Dumont. And something of interest has been found to say on all these topics. I shall deal, however, only with the first. Nobody denies Bentham's importance in the history of English law and legislation and it would be difficult to exaggerate that importance; and the discussion of the Bentham-Dumont relationship is in the main of merely historical and biographical interest. What is important for us is the thesis which Mr. Ogden undertakes to defend in the first part. 'It is that Bentham's merits, in spite of his great and deserved influence on the nineteenth century, are only now coming to be fully realized; that with every decade after the centenary of his death (1932) the significance of his achievement will become more obvious; and that fifty years from to-day he will stand out as one of the greatest figures in European thought, along with Réamur, Leibnitz, Newton Malthus and Helmholtz. . . .

'The grounds for the view that the full recognition of Bentham's work is still to come are as follows:

1. His theory of Language and Linguistic Fictions.
2. His contribution to the problem of an International Language.
3. His insight into the Psychology of Value, in conformity with the most recent tendency of Criticism.
4. His proposals for the Codification of nearly every legal system in the world, and particularly the Constitutions of South America.
5. His services to International Law.
6. His work on the Foundations of Humanitarianism and Public Health.'

Now, it cannot be denied that this estimate of Bentham's genius and importance creates a considerable revolution in the current view. And the question for us is, how far can it be maintained?

With regard to Mr. Ogden's thesis, three general observations may be made. First, he somewhat naïvely remarks that 'of course any estimate of Bentham must depend to a large extent upon our interests and our general approach.' Thus, if we are interested

in what interested Bentham, he will be important; if not, not. And since Mr. Ogden is most interested in the theory of language, this is the most important aspect of Bentham's work. Secondly, the criterion of importance which Mr. Ogden suggests is this: wherever in a writer who died a hundred years ago any ideas (however random, disconnected and undeveloped) appear which 'anticipate the modern view' of the matter, that writer is important. What makes a long-dead writer important are 'the echoes of modernity which reverberate through the fabric of his system.' And, whatever we may think of this criterion, since Bentham was a *philosophe*, a man with an inventive mind, a man of innumerable 'ideas' none of which he worked out fully, it is not difficult, if we adopt it, to represent him as 'a giant in the history of English thought.' Indeed, if these are our 'interests,' and this our 'general approach,' Bentham will have few competitors for the place of first importance; though if what we are after is modernity, I should have thought that, so far from being modern, at least one half of the grounds which are advanced to substantiate this claim on behalf of Bentham belong to the last century. And thirdly, Mr. Ogden everywhere asserts Bentham's importance, provides us with numerous quotations from present-day writers who also assert his importance, but nowhere is this importance actually shown and brought home to us. We are promised much, a bold thesis is proposed, but little or nothing is fulfilled.

The view is, then, that Bentham's chief interest lay, not in 'the law as it ought to be' (as Bentham himself seems to have thought) but in Orthology; and that his importance in the history of thought lies in his contribution, not to legal reform, but to the 'science of symbolism.' In this field Bentham was 'a century ahead of his times,' and he omitted to publish his writings on this subject merely because 'he had little hope of being understood.' But it must be said at once that considerably more and better evidence than Mr. Ogden offers us must be produced before this view can be established. That Bentham had this interest has always been known, and it was an interest he had in common with many of his contemporary *philosophes*; but unless we are to consult merely our own interests as the criterion of what is important and of what interested Bentham most, there seems

no reason at all for not believing that the established view of Bentham as primarily interested in the law and as performing his most important services in that field, is not merely established but also true.

The notion of an International Language from which the irrationalities and complexities (and subtleties) of all existing languages should have been removed, is one which would naturally appeal to the *philosophe*. Whatever has merely grown is for that reason abhorrent to him. And it does not surprise us to find Bentham engaged, for a while, with this notion. But whether, on this account, he is to be considered 'one of the greatest figures in European thought' appears to me doubtful, if not ridiculous.

And again, with regard to Bentham's psychology, all he has to offer us is one or two half-formulated doctrines developed for the purpose of jurisprudence. And the fact that there is to be found in Bentham's works a 'remarkable anticipation of the modern account of appetency' will scarcely persuade us that he was a great psychologist. When we consider the state of flux in which the science of psychology is at the present time, the fact that in Bentham there are to be found, disconnected and undeveloped, some of the ideas which for one school of psychologists appear, for the moment, true, cannot be considered very significant or important. And, in any case, although Mr. Ogden loudly announces Bentham the great innovator in psychology, no evidence is produced to show that such a Bentham exists outside his eager imagination.

Bentham's services to International Law are neither extensive nor striking; and Mr. Ogden says nothing to alter this view. Indeed when we consider what Bentham might have done, having regard to the state in which international law then was and to the real character of Bentham's genius we are surprised that what he has to say is so commonplace and devoid of significance. Of the whole of Bentham's *Principles of International Law* (a very brief work), only the last part, *A Plan for an Universal Peace* (which has nothing to do with international law itself), is of the least interest to-day. No amount of rehabilitation will make Bentham rank as one of the great publicists of international law. And what has Mr. Ogden to say to the contrary? Merely that 'the very term *international* was his own creation.'

But first, if it were, it would constitute no very staggering contribution; and secondly, does he suppose that Bentham had never heard of *jus inter gentes*? We shall be hearing next that Bentham is the greatest English theologian, on the strength of a couple of Voltarian anti-religious tracts.

Mr. Ogden's *Notes* are designed, for the most part, neither to elucidate Bentham's meaning, nor (like the notes in Mr. Atkinson's edition of the *Theory of Legislation*) to elucidate points of law and legal history, but to drive home the thesis of the *Introduction*, that is, 'to provide the student with references to the more important recent literature of the subject, partly in relation to psychology.' Thus, his first note is on the Principle of Utility, and the question proposed is, 'To what extent has the intervening century illuminated or invalidated (Bentham's) main position?' But the writer of the note seems unaware of the magnitude of the question he undertakes to dispose of in half a page, and unaware also of the destructive criticism of the last century which the utilitarian moral theory has not managed to survive. He is satisfied with a reference to Sidgwick and to Dr. Broad and the remark that 'there the matter rests'—which, of course, it does not. Other notes approach Bentham's most casual remarks with a pathetic seriousness, as if everything he wrote were full of 'echoes of modernity.' When Bentham, with a charming eighteenth century carelessness, observes that 'the occupations of a savage after he has supplied himself with physical necessities, the only ones he knows, are soon described,' the note directs us to the latest works on anthropology for 'the modern treatment of these subjects.' Some of these *Notes*, however, are more relevant, and the most useful are those which refer us to other passages in Bentham's works and those which elucidate some historical question.

In short, this attempt to represent Bentham as a greater Orthographist than psychologist, and as a more significant figure in both of these fields than in the field of law and jurisprudence, must be considered to have failed. It has failed because there is no evidence to support it and because it rests upon a false criterion of significance and upon the mere predilections of the writer who makes it. Bentham was an ingenious man, and if we look hard enough we shall certainly find in his works some

'remarkable anticipations' of fairly modern views. But what of it? Does that make him a giant? A thinker like Bentham does not trouble to discriminate or confine himself; he skims the cream. He is not listened to in his own day because he is ahead of his time; but, when it is all over, he has nothing to hand on to his successors save a few random suggestions and a few inventions more ingenious than sound. And this, I think, is the character of Bentham's genius whenever it applied itself outside the law.

Bentham as a thinker belonged essentially to the eighteenth century, and this fact has been obscured by writers on Bentham because they are determined to direct their attention away from what Bentham actually thought and the eighteenth century presuppositions of his thought, towards the so-called after-effects or consequences of his thought. What has practical consequence is, almost always, the idea itself severed from the grounds and reasons which lie in the mind of the thinker, the mere *obiter dictum*. Cremation, contraception, co-education, this or that reform of the law, may be advocated for a hundred different reasons, and what is influential is, usually, the bare advocacy of the view. But when we come to consider what a man actually thought, it is not these bare ideas which are important, but the grounds and reasons for them which he believed to be cogent, the *ratio decidendi*. And in the case of Bentham, these grounds and reasons were all typical of eighteenth century thought, and nearly all fallacious. For Bentham, so far from having thought out his first principles, had never given them a moment's consideration. He had studied closely the work of Locke, Hume, Condillac and Helvetius. And while he was a thinker rather than a reader when it came to dealing with the law, he remained always a reader and not a thinker with regard to the philosophical first principles which lay behind. No man with so little interest in or aptitude for philosophy has ever taken so large a place in the history of philosophy as Bentham. It is safe to say that, so far as philosophy is concerned, there is nothing in the whole of Bentham's works which is original either in conception or exposition: both his ideas and the words and phrases in which he expresses them are derived almost entirely from the half-dozen philosophical writers whom he had studied. The principle of pleasure and pain comes from Helvetius, sympathy and antipathy from Hume, utility from any one of

a dozen writers; his theory of knowledge is derived entirely from Locke and Hume; and wherever he ventures beyond what others had already thought out—as for example in his formulation of the principle of utility—he becomes at once confused and self-contradictory. Utilitarianism as Bentham left it is nothing more than a chaos of precise ideas. No man was ever more at the mercy of traditional doctrines in philosophy than Bentham. He belongs in these matters to the eighteenth century, and is an example of that not uncommon character in England—a man revolutionary in almost all practical matters, but dependent, unoriginal and cluttered up with prejudice in matters of speculation.

The principle of utility performed wonders in the reform of the law, or rather wonders were performed in its name, but this was possible only because the inherent fallacies which lie at the root of this principle were unappreciated or neglected. The principle, for the purpose of reform, was a mere *obiter dictum*; its *ratio decidendi* was ignored or forgotten. But if we wish to discover Bentham's quality as a thinker, we shall turn from these *obiter dicta* to their *rationes decidendi*, and we shall find these, for the most part, pointing us back into the eighteenth century, and moreover disfigured with the most naïve blunders.

And when we turn from his doctrines to his method, we find something admirably suited to Bentham's schemes for reforming the law, but (as a serious contribution to thought) something so naïve and childish that it is difficult to understand how it could ever have been selected as the finest product of the genius of any man who achieved so much as Bentham achieved in the way of practical reform. Bentham's method is based, of course, upon his view that 'in the whole human race, considered at all periods of its history, the knowledge of particulars has preceded that of generals.' But it is not the mere fact that Bentham was the simplest and most unconstrained nominalist in the history of English thought which is fatal to his reputation as a philosopher, but the fact that he assumed nominalism to be the only possible theory of knowledge, and was neither interested nor troubled to think about the matter.¹ His method is based throughout upon

¹On this point Mr. Ogden has a characteristically wild remark. 'That such a man,' he says 'should be content to hand over

presuppositions which he had never so much as considered. Analysis and synthesis, data and generalization, materials and conclusions, the bricks and the building—this was Bentham's crude and unconsidered conception of the character of knowledge. Thought, for him, as for most of the English philosophers at that time, was merely decaying sensation; and what could not be explained otherwise could always be accounted for by the principle of Association.

It appears, then, that Mill's estimate of Bentham's genius is, with certain reservations, more accurate than the view with which we are now presented. Mr. Everett has certainly proved to us that Bentham's life and character were somewhat different from what we had been led to suppose; thanks to him we are now in possession of a fuller knowledge of both than was at the disposal of Mill or any of the intimates of Bentham during his later years. But so far as the interpretation of his mind and genius goes, we have little advantage over Mill. And if it now appears that Mill was wrong in believing that this 'method' of Bentham's was so original and so significant, that he was wrong in thinking that Bentham's utilitarianism was good enough as a theory of law, though not sufficiently comprehensive as a theory

his most profound and considered achievements without comment to posterity, is merely evidence that he had little hope of being understood by anyone who had lived but one contemporary life. Even fifty years later, we find Vaihinger delaying the publication of his work *The Philosophy of As-If* till 1911, on the ground that such an extension of nominalism would be ridiculed in official circles.' In the first place, there is no proof that Bentham delayed publication for the same reason as Vaihinger—that is mere conjecture. Secondly, it is stupid conjecture when we consider the extreme carelessness of Bentham with regard to the publication of any of his works: with Bentham it was not a policy so much as negligence. And thirdly, whereas when Vaihinger was writing the predominant fashion in philosophy was Idealism and a man might well wonder whether a nominalist theory would get a hearing, in Bentham's day in England nominalism was a fashion, a prejudice, a universal assumption. Bentham's nominalism so far from being revolutionary was merely insipid conventionalism.

of morals, his *Essay* on Bentham still remains the best short account of the work and genius of his master. Bentham is a great and important figure in the history of English law, but there appears to me no doubt at all that if we follow the direction in which Mr. Ogden points, and look in Bentham for a man whose main interest and most important work was in Orthology, psychology, logic and philosophy, rather than in 'the law as it ought to be' and in jurisprudence, we shall end with an entirely false view of Bentham's genius.

Bentham's life and work abound in remarkable contrasts: a man without any real interest in speculative thought for its own sake, and yet a 'hermit'; a man who shrank from the world, the practice of the law and the compromises of politics, and yet one whose beneficial influence was felt entirely in these practical matters; a man who by force, cunning and ridicule killed many of the fallacies which dominated legal and political theory, yet one whose arguments were, in most cases, misconceived, and whose own thought was riddled with the most naïve fallacies; a man who spent his life talking about first principles, but who never once got beyond a consideration of what is secondary and dependent. The lesson of his life is not, as Mill thought, to show how speculative philosophy enters into and influences practical life, but to show that what in speculation is always the most influential in practical life is something half-thought out, something hazy, indefinite and confused. It is not the philosopher, the victim of thought, who influences our practical conduct of life, but the philosophaster, the *philosophe*. The significance of Bentham as a reformer of the law and as the first English writer on jurisprudence of any importance, is immense. But as a philosopher, as a thinker, he is negligible. 'It is the fashion of youth,' wrote Hegel, 'to dash about in abstractions: but the man who has learnt to know life steers clear of the abstract "either-or," and adheres to the concrete.' And Bentham (says Mill) was 'a boy to the end.'

MICHAEL OAKESHOTT.

WHAT'S WRONG WITH CRITICISM ?

A REPRESENTATIVE set¹ of books of contemporary criticism is at any rate an occasion for the inquiry proposed above.

That literary criticism is not in a healthy state we all—readers of *Scrutiny*, or those, at least, in sympathy with the undertaking—assume; the undertaking explicitly affirms it. But perhaps we assume a consensus too easily: it is of the essence of the plight that the plight can be questioned. As of taste, so of criticism; we must expect to be assured with Olympian dispassionateness that it always has been in a bad state and always will be. Such dispassionateness is probably invincible. Yet that the argument should be found impressive represents one of the most desperate of the conditions that we have to deal with, and the challenge to cogency of statement should sometimes be taken up.

No one is going to assert that criticism was ever in a satisfactory state. Just what, then, is peculiarly, and so desperately, wrong to-day? Why all this fuss?

One may start, paradoxically, by asserting that this age will be remarkable in literary history for its achievement in criticism. The histories of literary criticism contain a great many names, but how many critics are there who have made any difference to one—improved one's apparatus, one's equipment, one's efficiency as a reader? At least two of them are of our time: Mr. Eliot and Mr. Richards; it is a very large proportion indeed of the total. Mr. Richards has immensely improved the instruments of analysis, and has consolidated and made generally accessible the contribution of Coleridge. Mr. Eliot has not only refined the conception and

¹*Poetry and the Criticism of Life*, H. W. Garrod. *Variety of Ways*, Bonamy Dobrée (Oxford, 5/-). *Criticism*, Desmond MacCarthy (Putnam, 7/6d.).