CONTENTS

PREFACE BY A. D. LINDSAY, MASTER OF BALLIOL COLLEGE, OXFORD  
INTRODUCTION  

PART I.—THE YOUTH OF BENTHAM (1776-1789).

FOREWORD

CHAPTER I.—ORIGINS AND PRINCIPLES


CHAPTER II.—BENTHAM’S PHILOSOPHY OF LAW

Bentham and Blackstone, 35; civil law and penal law, 35.

I.—CIVIL LAW.

The notion of service anterior to the notion of obligation, 37—The fiction of the contract, 39—Bentham a disciple of Hume, 42—The
right of property, 42; Locke, 43; Priestley, 44; Hume, 44; Bentham, 45; the good of security, 46; the good of equality, 48—Practical solutions, 50—The two tendencies of the philosophy of civil law in Bentham, 52.

II.—PENAL LAW.

Criticism of the notion of merit, 54—Definition of legal punishment, 55—Beccaria, 56; Technical classifications and natural classification, 59—Classification of crimes, 59—Classification of punishments, 63—Qualities of punishment, 67—Rules for proportioning the punishment to the crime, 68—Criticism of sentimentalism, 69—Conclusion, 73.

III.—THE DOCTRINE AND THE AGE.


CHAPTER III.—ECONOMIC AND POLITICAL THEORIES

1.—ADAM SMITH AND BENTHAM.

Bentham a disciple of Adam Smith, 89—The principle of the natural identity of interests in Adam Smith, 89—The division of labour, 90—Postulates of Adam Smith's political economy, 97—Value in exchange proportional to labour, 97—Why the principle of the natural identity of interests tends to prevail over contrary principles, 102—Adam Smith and Bentham, 107—The definition of political economy in Bentham, 107—The Defence of Usury, 109—The criticism of the colonial system, 114—The two forms of the principle of utility, 118.

II.—DEMOCRATS AND UTILITARIANS.

PART II.—The EVOLUTION OF THE UTILITARIAN
DOCTRINE FROM 1789 TO 1815.

FOREWORD

CHAPTER I.—THE POLITICAL PROBLEM

I.—THE PRINCIPLE OF UTILITY AS AGAINST THE DECLARATION OF THE
RIGHTS OF MAN; BURKE AND BENTHAM

Price's sermon, 155—Burke, to reply to Price, takes his stand on the
principle of utility, 157—Experimental Utilitarianism and deductive
Utilitarianism, 158—Theory of prejudice, 159—Theory of pre-
scription, 162—Burke and Bentham, 164—Lord Lansdowne in 1789,
165—Romilly, Bentham and the Constituent Assembly, 165—The
Essay on Political Tactics, 166—The Code of Judicial Organisation,
167—Bentham not a democrat, 168—Lord Lansdowne and the
Revolution, 169—Romilly and the Revolution, 171—Bentham and
the Revolution, 172—Bentham made a French citizen, 173—The
Anarchical Fallacies, a criticism of the Declaration of the Rights of
Man, 175—Various writings of Bentham, 177—Dumont of Geneva
and the Revolution: the Groenvelt Letters, 178—Preparation and
publication of the Traites de Légitimation Civile et Pénale.

II.—MACKINTOSH, PAINE AND GODWIN

Replies to Burke, 182—The theory of simple government against the
theory of complex government, 182—Mackintosh undecided between
the philosophy of utility and the philosophy of the rights of man,
184—The principle of natural rights in Paine, 186—The necessity
of a written constitution, 187—Equalitarianism and individualism,
188—The principle of the natural identity of interests in Paine, 189—
Society without government, 190—The transition from Paine to
Godwin, 191—Godwin and the principle of utility, 192—He takes
his stand on the principle of utility to criticise the notion of right, 194
—Freedom of conscience, 195—Criticism of the idea of law, 196—
and of the idea of punishment, 198—Godwin and his age, 200—God-
win, a republican and a Utilitarian, 201—Intellectualistic elements,
however, which distinguish his doctrine from Benthamism, 202.

CHAPTER II.—THE ECONOMIC PROBLEM

I.—THE RIGHT TO ASSISTANCE—WILLIAM GODWIN.

The right to assistance can be deduced from the principle of utility:
right to assistance and right to work, 205—The Poor Law in England,
205—Pitt’s Bill, 207—Paine and the right to assistance, 207—God-
win; the criticism of the right of personal property based on the
principle of utility, 209—The three degrees of property, 210—Seeds
of this theory in the forerunners of the philosophy of utility, 211—
The principle of the identity of interests in Adam Smith and Godwin, 212—The criticism of luxury in Godwin, 213—Disharmony of
interests in actual society, 217—Godwin not a violent revolutionary, 217—The problem of population, 218—Paley, 218—Wallace, 219—
Condorcet, 220—The machines, 221—with Godwin, the doctrine of
utility tends to anarchistic socialism, 224.

II.—THE PRINCIPLE OF POPULATION—ROBERT MALTHUS 225
Adam Smith’s school hostile to the Poor Laws; the law of labour in
the doctrine of utility, 225—Seeds of the theory of Malthus in the
forerunners of Utilitarianism: Hume, 226, Adam Smith, 227—
Joseph Townshend, 228—Burke’s conservative optimism, 230—
Bentham hostile to the right of assistance, 232, discusses the Poor
Bill, 232, applies the plan of the Panopticon and the principle of the
artificial identification of interests to the solution of the problem,
233—The education of the people, 234—Malthus gives the orthodox
doctrine its definitive form, 234—His debt to Condorcet, 235—He
brings about the fusion between the fundamental ideas of Adam
Smith and of Godwin, 237—Condemnation of the Poor Law, 239—
The second edition, 239—Malthus still nearer to Condorcet, 240—
The education of the people, 241—Malthus a liberal, 242—He does
not deny, he corrects the idea of progress, 243—His influence exerted
on the democratic party, 244—Causes of his success: historical and
economic conditions, 245; the pseudo-mathematical formula of the
law of Malthus, 245—Malthus and the principle of utility, 246—How
he modifies the principle of the natural identity of interests, 247.

CHAPTER III.—BENTHAM, JAMES MILL AND THE BENTHAMITES 249
I.—THE BIRTH OF RADICALISM 251
In 1808, the life of Bentham the philanthropist is a failure: the
Panopticon comes to nothing, 251—Bentham, dissatisfied, turns
democrat, 254—But, until 1808, he remains a Tory, 254—It is James
Mill, whose acquaintance he makes at this time, who makes him a
democrat, 255—Defence of the liberty of the press, 256—Burdett
and Horne Tooke, 257—In agreement with them, Bentham and
James Mill do not, in 1809, go as far as universal suffrage, 258—
The Catechism of Parliamentary Reform, 258—Bentham enters into
relations with Cartwright, 259, with Francis Place, 260—‘Radicalism,’
261—in 1818, Bentham and Burdett demand universal suffrage,
262—Bentham and James Mill give Radicalism a philosophical
character, 264.

II.—FROM ADAM SMITH TO RICARDO 264
Economic science in England from 1776 to 1817, 264—What has
been the influence of Bentham and James Mill on the thought of
CONTENTS


III.—THE EDUCATION OF THE PEOPLE 282

V.—BENTHAM’S GROWING REPUTATION 296

PART III.—PHILOSOPHIC RADICALISM.

FOREWORD 313

CHAPTER I.—THE NATURAL LAWS OF ECONOMIC SOCIETY 316

—Ricardo 318

Double origin of Ricardo’s economic researches; double character of his economic philosophy, 318; static laws and dynamic laws, 319—The static point of view: the theory of value, 319—Restrictions on optimism: the law of labour, 320; diversity of the quality of labour, 31; price of monopoly, 322; oscillations of market price, 322—
Ricardo’s tendency to neglect the influence of disturbing influences, 324—Free-trade and the theory of foreign exchanges, 325—The dynamic point of view: the theory of rent, 329—The law of wages, 331—The law of profits, 332—Profits and wages: Ricardo and the first Socialists—The fall of profits, 334—The durability of capital and value, 335—The doctrine and the age, 336—The policy of laissez faire and laissez passer, 338—The problem of taxation, and in particular of a tax on rent, 338—Ricardo in Parliament, optimistic speeches, 340—Why optimism predominated over pessimism in Ricardo, 341.

II.—JAMES MILL AND MACCULLOCH 342

CHAPTER II.—THE ORGANISATION OF JUSTICE AND OF THE STATE 373
I.—JUDICIAL PROCEDURE AND ORGANISATION. 376
Adjective law: direct and collateral ends, 376—the technical system and the natural system, 377; Bentham and Montesquieu, 379—Of procedure, 380; criticism of special pleading, 380; summary procedure, 382—Of evidence, 383; criticism of the principle of exclusion, 383; admission of pis-aller evidence, 384; of circumstantial evidence, 385—Origin of the principle of exclusion, 385—Criticism of religious formalities, 387—Restrictions to the principle of the universal admissibility of evidence, 389—Criticism of liberal prejudices in these matters, 390; of the rule: nemo tenetur seipsum accusare, 391; of the rule testis unus, testis nullus, 393—Of judicial organisation, 394—Criticism of payment by fees, 395; of the logical principle of the division of courts, 395; of the system of the plurality of judges, 397—Of appeal, 399—Of the jury, 400: the quasi-jury, 401—Of the publicity of debates, 402.
CONTENTS

II.—CONSTITUTIONAL LAW


CHAPTER III.—THE LAWS OF THOUGHT AND THE RULES OF ACTION

I.—KNOWLEDGE


II.—ACTION.

Practical object of the theoretic researches of Bentham and James Mill, 455—Bentham and James Mill; different methods and preoccupations, 456—Bentham and James Mill on intention, 457; on motives, 458: how James Mill simplifies Bentham's classification of motives, 458; passage from psychology to morals, 464—Solution of the moral problem by the principle of the fusion of interests, 464; rejected by Bentham and James Mill: their individualism, 466—The
methodical cultivation of disinterested feelings, as a solution of the moral problem, 470; why this solution is rejected by Bentham and James Mill, 470—The hypothesis of the necessary progress of sympathy, as solving the moral problem, 471; why this solution is rejected by Bentham and James Mill, 472—The morality of egoism, 474; the theory of the four virtues in James Mill and Bentham, 474 —The morality of the Utilitarians is their economic psychology put into the imperative, 478.

CHAPTER IV.—CONCLUSION
Bentham’s death, 479—His group, 479—The Utilitarian Society, 480—Propaganda, 481—London University, 482; the Westminster Review, 483—Attacks of Macaulay, 485, and Mackintosh, 485—Summary of the doctrine, 486; conflict between the two principles of the natural identity of interests and the artificial identification of interests, 489; attempt to reconcile these two principles, 490—The postulates of the doctrine, 492—Rationalism, 492; critical examination, 495—Individualism, 500; critical examination, 503—Influence of Bentham’s doctrine, 508; on judicial reform, 509; on colonial policy, 510; on political and administrative reform, 511; on economic reform, 513—How the ‘Westminster philosophy’ disappears in the triumph of the ‘Manchester philosophy,’ 514.

APPENDIX: ‘TRAITÉS DE LÉGISLATION CIVILE ET PÉNALE’ 515

BIBLIOGRAPHY (COMPILED BY C. W. EVERETT) 522

INDEX 547