From Theory to Practice: Bentham's Reception of Helvétius

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It is widely accepted that Bentham was influenced by the thought of Helvétius. But the fact that Bentham copied some elements from Helvétius leads to the question of how he changed the Helvétian ideas, and in what respects he aspired to go further than Helvétius. Taking as a starting point Bentham's claim that Helvétius was the Bacon of moral science, whereas he himself was to be the Newton, I argue for the following. First, Bentham's theory can be understood as an attempt to work out in detail the theoretical programme that Helvétius outlined in order to reform moral philosophy. Second, in contrast to Helvétius, Bentham's theory is guided by considerations of feasibility, and this leads to claims that are more moderate than Helvétius's claims. Third, whereas Helvétius did not indicate how utilitarian principles should enter political decisions, in Bentham's approach the citizens, and especially philosophers, are considered active political agents.

In several passages, Jeremy Bentham mentions the writings of Claude Adrien Helvétius as decisive for his own philosophy. Following Bentham's autobiographical statements, it was only after reading Helvétius's magnum opus *De l'esprit* that Bentham decided to concentrate on the philosophy of law, political theory and politics.[1] In the short version of his *Article on Utilitarianism*, he states in the third person that 'Mr. Bentham has often been heard to say that he stands indebted [to *De l'esprit*] for no small part of the ardour of his desire to render his labours useful to mankind upon the largest scale.'[2] Bentham certainly sometimes endeavours to distance himself from Helvétius, but affirmation clearly prevails. In a letter to d'Alembert, he writes

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[1] Documented in *The Works of Jeremy Bentham*, 11 vols., ed. John Bowring (Edinburgh, 1838–43), vol. x, p. 27 (in the following cited as '*Works* (Bowring) vol., page'). Accordingly, following on from Helvétius's deliberations on 'genius', Bentham asked himself at a young age: 'Have I a *genius* for anything? . . . And have I indeed a *genius* for legislation? I gave myself the answer, fearfully and tremblingly – Yes!'.

[2] Bentham, 'Article on Utilitarianism: Short Version', *Deontology, Together with Table of the Springs of Action and Article on Utilitarianism*, ed. A. Goldworth (Oxford, 1983), pp. 319–28, at p. 325.

that his entire system is based on Helvétian ideas.[3] His commonplace book contains the claim that the law should receive from Helvétius the ruling principles for its 'matter', that is for its content.[4] No less does he praise Helvétius as a model for using exact and adequate language.[5]

In particular, Bentham traces the principle of utility back to Helvétius. To Voltaire he writes: 'I have built solely on the foundation of utility, laid as it is by Helvétius.'[6] Bowring cites him as follows: 'Montesquieu, Barrington, Beccaria, and Helvétius, but most of all Helvétius, set me on the principle of utility.'[7] Helvétius's definition of a just man as a man whose actions serve the public good, for Bentham comprises 'more useful truth, than is contained in whole Volumes of Ethics'.[8] According to further passages, in Helvétius Bentham came into contact with the principle of utility for *the first time*: 'I could not easily have thought it [the principle of utility] had been new to any one, if I had not remembered that before I had read Helvetius it was new even for myself.'[9] Elsewhere, Bentham mentions that his beliefs on the relation of interest and opinion and the psychological causes of misconduct also go back to Helvétius.[10]

But since elsewhere Bentham makes opposing statements regarding his sources, these remarks do not provide enough evidence that Bentham owes his ideas exclusively to Helvétius, rather than to further sources he himself mentions, namely Epicurus, Hume, Locke, Priestley, Beccaria and d'Alembert.[11] Nor do they show precisely which specific theorems Bentham owes to Helvétius. On the basis of the existing textual evidence, it seems hard to prove such claims.

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[3] Cf. *The Correspondence of Jeremy Bentham*, vol. 2, ed. T. L. S. Sprigge (London, 1968), p. 117. Cf. also the letter to Forster; *Correspondence*, p. 99.

[4] See *Works* (Bowring), vol. x, p. 71.

[5] See quote and references in n. 59 below.

[6] *The Correspondence of Jeremy Bentham*, vol. 1, ed. T. L. S. Sprigge (London, 1968), p. 367.

[7] *Works* (Bowring), vol. x, p. 54.

[8] Bentham, 'A Comment on the Commentaries', *A Comment on the Commentaries and a Fragment on Government*, ed. J. H. Burns and H. L. A. Hart (London, 1977), pp. 1–389, at p. 377.

[9] *University College London Collection of Bentham Manuscripts* (in the following: UC) c. 114. See also the letter to Forster: 'From him I learnt to look upon the tendency of any institution or pursuit to promote the happiness of society as the sole test and measure of its merit: and to . . . regard the principle of utility as an oracle which if properly consulted would afford the only true solution that could be given to every question of right and wrong' (*The Correspondence*, vol. 2, p. 99).

[10] Cf. Bentham, 'Article on Utilitarianism: Short Version', p. 325.

[11] Douglas Long claims that Helvétius 'appears to have influenced and even inspired Bentham in a uniquely comprehensive way', but he does not try to demonstrate that claim; cf. Long, 'Censorial Jurisprudence and Political Radicalism: A Reconsideration of the Early Bentham', in *The Bentham Newsletter* 12 (London, 1988), pp. 4–23, at p. 8.

Consequently, in the literature most writers declare in general terms that Helvétius played 'a large role'[12] in the origination of Bentham's thinking. They mostly refer non-specifically to various similarities, such as the idea of utility, the theory of action and the claim that the crucial medium of applying the utility principle was legislation.[13] Almost no author tries to show that particular concepts or theoretical features go back to Helvétius.[14] Until now, the most elaborate claims have been made by Frederick Rosen. He maintains that Helvétius taught Bentham, besides the importance of concepts like pleasure, pain, interest and legislation, to use the principle of utility prescriptively, whereas Hume only used it with a descriptive aim. On the other hand, Rosen claims that Helvétius advocates a 'reign of virtue', where the legislator may intervene unlimitedly in personal life, while Bentham developed an account of an autonomous sphere of private morality beyond the sphere of legislation. In this way, according to Rosen, Bentham saw morals as potentially opposed to legislation.[15] However, as both Bentham and Helvétius are quite ambiguous about the limits of political action, Rosen has to assign his claims a 'perhaps'.[16]

In this article, I would like to defend some claims that are further-reaching than the general image that there is *some* influence, but that take into account the limits of what we know on the basis of the existing text material. To me, it seems possible to clarify the relationship between Bentham and Helvétius by addressing the question of what *kind* of use Bentham endeavours to make of Helvétian ideas. How does Bentham make use of Helvétian insights, und how does he try to develop them further? To answer this question it is not necessary to prove that Bentham follows Helvétius rather than other writers. It is enough to assume that Bentham does follow Helvétius, and to show in which respects he does this. Pursuing this direction, I will reach some

[12] Ross Harrison, *Bentham* (London, 1983), p. 115. In the same general way, Crimmins writes that 'there can be no doubt that the influence of *De l'esprit* upon Bentham was considerable' (James E. Crimmins, *Secular Utilitarianism: Social Science and the Critique of Religion in the Thought of Jeremy Bentham* (Oxford, 1990), p. 78).

[13] Already Henry Sidgwick noticed that 'the premises of Bentham are all clearly given by Helvétius' (*Miscellaneous Essays and Addresses* (London, 1904), p. 151). See further Elie Halevy, *The Growth of Philosophic Radicalism* (London, 1934), pp. 18–27; Colin Heydt, 'Utilitarianism before Bentham', *The Cambridge Companion to Utilitarianism*, ed. B. Eggleston and D. E. Miller (Cambridge, 2014), pp. 16–37, at pp. 31–3.

[14] An exception is Douglas Long, who argues that the concepts of pleasure and pain as well as the idea of physical sensibility are Helvètian; cf. Long, 'Claude Adrien Helvétius', *The Bloomsbury Encyclopedia of Utilitarianism*, ed. J. E. Crimmins (Toronto, 2017), p. 233.

[15] Cf. Frederick Rosen, *Classical Utilitarianism from Hume to Mill* (London, 2003), pp. 93 and 95.

[16] Rosen, *Classical Utilitarianism*, p. 93.

results that could support a modified version of Rosen's claim that some kind of disagreement exists between Bentham and Helvétius.

I would like to posit the assumption that the way Bentham deals with Helvétian ideas is less a contentual revision of the basic ideas of Helvétius's moral philosophy, and far more a transition from a merely *theoretical* understanding of philosophy to a *practical* one. Although Helvétius had himself already tried to formulate a utility-orientated philosophy, he failed, in Bentham's opinion, to go beyond the theoretical, and Bentham saw his task as creating from the Helvétian ideas a genuine 'philosophy of practice'. I would like to substantiate this assumption in three ways.

First, I want to show that all the main elements of Bentham's philosophy can be understood as an attempt to work out the Helvétian programme of reforming practical philosophy with relation to concrete fields of action and to realize it in practice. My evidence here comes from a coincidence between Bentham's description of himself and what actually can be found in Helvétius (section I) and Bentham (section II).

Second, I will provide evidence that the move to practice comes with an orientation towards the practical realizability of normative ideas, which in turn is linked to certain changes in these ideas. This can be shown by contrasting Bentham and Helvétius regarding feasibility (section III).

Third, I will claim that between Helvétius's *De l'esprit* and the later Bentham, the notion of what kind of agents would be required to realize normative ideas fundamentally changes: whereas Helvétius favours a top-down understanding of politics, Bentham increasingly turns towards a model of middle-class politics. I try to show this by discussing the role of the citizen in Helvétius and Bentham, as well as by highlighting Bentham's own political engagement (section IV).

To start with, I shall examine Bentham's description of himself referred to above. It comes from a quotation which, as the only excerpt from the manuscript UC xxxii. 158 included in *Economic Writings* edited by Werner Stark, has long been familiar to researchers.[17] In an attempt at a more convincing interpretation, however, I shall in the course of my argumentation repeatedly refer to the previously unpublished part of the manuscript, which was kindly made available to me by the Bentham Project at University College London.[18] In the

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[17] *Jeremy Bentham's Economic Writings*, ed. W. Stark (London, 1952–4), vol. i, pp. 100–1.

[18] All passages quoted from UC xxxii. 158 are based on the transcription of Michael Quinn.

1780s, as an introduction to a planned, but never elaborated larger work on the Civil Code, Bentham writes:

The present work, as well as every other work of the same author that has been or may hereafter be published on the subject of legislation, or any other branch of moral science, is an attempt to extend the experimental method of reasoning from the physical world to the moral. What Bacon was to the former, Helvetius was to the latter. He laid the foundations, the only true foundations of moral science: but having done enough for one man, and more than had been done by any other man, he stopt there, leaving the superstructure to be reared by other hands. The moral world has therefore had its Bacon, but its Newton is yet to come.[19]

Here Bentham alludes to the widespread view of the time that the modern scientific revolution was occurring in two stages.[20] According to this view Bacon had rejected scholasticism, in his eyes useless, and developed a novel method of empirical research, but for the time being this remained a mere manifesto. The realization of the new method, which ultimately led to powerful new discoveries, was not initiated until Newton came along. Bentham transfers this two-step model to moral science, and it is clear from his writing that he himself would like to be the Newton of moral science.

And yet exaggerated importance should not be attributed to the analogy with the Bacon/Newton relationship. First, there are passages in Bentham's texts which suggest otherwise. For example, Bentham also stakes a claim to being the Bacon of moral science. He considers writing a text entitled *Novum organon Juris*, in other words transferring Bacon's *Novum organum scientiarum* to practical philosophy. Second, the quoted passage is marked by a rhetoric which possibly sheds a less flattering light on Helvétius than initially appears. In some respects Helvétius was already close to being the Newton of moral science, transferring terms like 'universe' and 'laws of motion' to morality[21] and attributing human actions to a single law.[22]

Nevertheless, the quotation shows all too clearly that, on the one hand, Bentham wants to adopt Helvétian ideas but, on the other hand, does not wish to stop there – and that is true not just peripherally, but also at the core of his entire theoretical development ('the present work, as well as every other work'). Can it be shown that Bentham

[19] UC xxxii. 158.

[20] That view is described e.g. in Steffen Ducheyne, 'Bacon's Idea and Newton's Practice of Induction', *Philosophica* 76 (2005), pp. 115–28.

[21] Cf. Helvétius, *De l'esprit*, p. 42 (II, 2). Because no standard English edition exists, the passages from *De l'esprit* are, in addition to page numbers, documented with references to the essay (roman numerals) and the chapter within this essay (arabic numerals). Quotations and page numbers are according to the translation by William Mudford: *De l'esprit or, Essays on the Mind and its several faculties* (London, 1807).

[22] On the Newtonian aspects of Helvétius's theory see David W. Smith, 'Helvétius and the Problems of Utilitarianism' in *Utilitas* 5 (1993), pp. 275–89, at p. 276.

actually pursues this aim in his writings? To answer this question, it is necessary to explain in which respects Bentham could have seen in Helvétius the Bacon of moral science.

I. HELVÉTIUS, THE BACON OF MORAL SCIENCE

Helvétius's epistemological starting point is a sensualism which views all human judgements as sensations.[23] From this Helvétius concludes that moral judgements cannot be divided into right and wrong using a criterion of rationality; far more, the core of philosophy deals with how human beings judge factually. According to him, if one observes the moral judgements of human beings, one discovers that they are always orientated towards the interests of whoever is judging,[24] and that what counts as being in their interest depends solely on the categories of pleasure and pain.[25] Thus, when individual human beings form a judgement about an action, they always judge in the light of their own self-interest. Because they also always act according to their judgements, Helvétius at the same time advocates psychological egotism.

Helvétius's explanation for supposedly altruistic actions is that there are some human beings – whether because of physical or educational factors – who happen to have needs motivating them to such actions, for example 'a happy disposition, a strong desire for glory and esteem'. Such naturally sunny dispositions are rare, however: 'But the number of these men is so small, that I only mention them in honour of humanity.'[26]

In order to proceed from psychological egotism to a criterion of morality, Helvétius introduces the judgement of the public, as opposed to the judgements of individuals. The former judgement is also a feeling, and as such is determined not by reason, but also by interest. Here, however, the interest is no longer particular, but general, directed towards the greatest benefit for the majority of human beings. Public judgement therefore constitutes 'true probity'.[27] Helvétius clearly believes that the judgement of the public does not constitute the random sum of many individual judgements, but instead develops a kind of objectivity. The public is '[s]heltered from influence,

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[23] Cf. Helvétius, *De l'esprit*, pp. 9–10 (I, 1).

[24] 'at all times, and in all countries, both with regard to morality and genius, personal interest alone dictates the judgment of individuals' (Helvétius, *De l'esprit*, p. 38; II, 1).

[25] Explicitly, for example, in *De l'homme*, vol. 1, p. 187 (II, 16): 'Pleasures and pains are the moving powers of the universe.' Passages from *De L'homme* are documented, in addition to volume/page numbers, with references to the section (roman numerals) and the chapter (arabic numerals); quotations and page numbers adhere to the translation by W. Hooper: *A Treatise on Man; his Intellectual Faculties and his Education*, 2 vols. (London, 1810).

[26] Helvétius, *De l'esprit*, p. 40 (II, 2).

[27] Helvétius, *De l'esprit*, p. 92 (II, 11).

exempt from all private interest'; it judges 'as the stranger'.[28] And yet the objectivity or 'infallibility' of the public refers only to a disregard of private, individual interests. Even the public can be deluded regarding the question what serves its own general interest.

From this principal possibility of delusion, it follows that determination of 'true' probity, although initially only referring in a descriptive sense to the factual judgements of the general public, harbours a considerable critical potential: much of what in certain societies is deemed virtuous loses its virtuous character when its real contribution to public happiness is questioned. This includes, for example, ritual actions from various religions. Helvétius lists how, in India, people who allow themselves to be eaten by crocodiles are considered sacred; how, on the island of Formosa (now Taiwan), female priests discard all their clothes and roll around on the ground; and how, in Hindustan, people worship the genitals of the Brahmins.[29] And yet, reading between the lines, he is patently equally averse to the ritual commandments and moral directives of Christianity.

Far more significant than this criticism of religion, however, is the critical impetus aimed at politics.[30] The relationship between the egotistical actions of individuals and the moral principle is one of tension which can only be solved politically:

[A]ll men tend only towards their happiness; that is a tendency from which they cannot be diverted; that the attempt would be fruitless, and even the success dangerous; consequently, it is only by incorporating personal and general interest, that they can be rendered virtuous. This being granted, morality is evidently no more than a frivolous science, unless blended with policy and legislation.[31]

As the quotation shows, Helvétius is ultimately concerned with the virtue of mankind, that is, with a classical category of individual ethics. Simultaneously, however, it becomes apparent that this goal can only be achieved through politics. To this extent, moral philosophy is translated into a project concerned with the political malleability of society: it is no longer virtue itself which is the object of theoretical interest, but the political conditions under which virtuous action emerges. Accordingly, individuals are no longer the direct addressees of normative ideals; they become a function of political will. '[T]o guide

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[28] Helvétius, *De l'esprit*, p. 90 (II, 10).

[29] Cf. Helvétius, *De l'esprit*, pp. 108–12 (II, 14).

[30] 'who can deny that prisons have disarmed more robbers than religion? . . . It is then only by good laws, that we can form virtuous man' (Helvétius, *De l'esprit*, p. 184; II, 24).

[31] Helvétius, *De l'esprit*, pp. 124–5 (II, 15).

the motions of the human puppet, it is necessary to know the wires by which he is moved.'[32]

Concerning the nature of this political influence, Helvétius hints at two divergent models: on the one hand, there is direct intervention by the legislator in the actions of individuals, a model which functions through rewards and deterrents.[33] But Helvétius rarely addresses this direct mechanism. Most of his deliberations are concerned with another, indirect type of political influence on human behaviour. The two elements of the latter are not concrete laws pertaining to concrete actions, but type of government and, second, education.

Accordingly, what is deemed virtuous in a society essentially depends on general political principles like the 'form of government' or the constitution.[34] Only by adapting general political principles, i.e. the form of government, can good morals spread throughout the population, in turn effecting the happiness of the majority. Helvétius writes astonishingly little about shaping a form of government which would give rise to 'true' virtues. Suitable institutions are not discussed; instead, he isolates the ideal form of government from despotism, and highlights the spirals of corruption which keep despotic societies alive.

Occasionally, Helvétius does describe his ideal of good politics somewhat more precisely. For example, he envisages the creation of a comprehensive system of state education aimed at promoting a passion for fame.[35] Because Helvétius views the character of human beings as completely the result of their education, in this way *all* human beings could in principle be guided towards virtue and, consequently, *all* human beings within a society could ultimately be happy.[36] The critique implicitly aimed here at social ranking emerges more clearly in the additional condition that general happiness demands restriction of the divide between rich and poor to a moderate degree.[37]

Helvétius's theory is undoubtedly underdeveloped in some respects. And yet it is clear in which respects, for Bentham, this theory contains the premises of a new type of ethical theorizing capable of making Helvétius the Bacon of moral science. If, in the preface to *De*

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[32] Helvétius, *De l'homme*, vol. 1, p. 4 (introduction, ch. 2).

[33] 'the legislator may assign so many punishments to vice, and so many rewards to virtue, that every individual will find it his interest to be virtuous' (Helvétius, *De l'homme*, vol. 2, p. 307; IX, 6); 'All the art therefore of the legislator consists in forcing them by self-love to be always just to each other' (*De l'esprit*, p. 185; II, 24).

[34] Helvétius, *De l'esprit*, pp. 121–2 (II, 15).

[35] Cf. e.g. Helvétius, *De l'esprit*, pp. 489 ff. (IV, 17).

[36] Cf. Helvétius, *De l'homme*, vol. 2, pp. 198 ff. (VIII, 1).

[37] 'The almost universal unhappiness of man, and of nations, arises from the imperfections of their laws, and the too unequal partition of their riches' (Helvétius, *De l'homme*, vol. 2, p. 205; VIII, 3).

l'esprit, Helvétius programmatically demands that 'morality ought to be treated like all the other sciences, and founded on experiment',[38] then this claim is essentially recognizable in four aspects of his theory, namely those which constitute the core of the Helvétian reforms:

- It is through empirical observation that psychological egotism is founded.
- It is through empirical observation that the principle of the greatest utility as the principle of 'true' virtue is introduced.
- The question of the practical realization of this principle can only be answered within the framework of empirical sciences.[39]
- Moral science is not an end in itself, but a prescriptive, utility-orientated science with the purpose of designing guidelines for the legislator of applying the moral principle.

In the following, I would like to attempt a reconstruction of how Bentham takes up precisely these aspects – albeit sometimes in a slightly modified form.

II. BENTHAM'S ELABORATION OF THE HELVÉTIAN IDEAS

The cornerstone of Bentham's philosophy consists of a conviction that human actions are largely determined by self-interest, even though it can be doubted that Bentham's theory of action is a strong form of psychological egotism.[40] As it was for Helvétius, self-interest is always linked to the categories of pleasure and pain. Pleasure and pain are therefore the 'sovereign masters' of mankind, with the chain of causes and effects being 'fastened to their throne'.[41] More strongly than Helvétius, Bentham stresses that this orientation towards self-interest can take place over the very long term, foreshadowing the economic orientation of the theory.[42]

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[38] Helvétius, *De l'esprit*, p. xxxi (preface).

[39] 'What is a new truth in morality? A new method of securing or increasing the happiness of nations' (Helvétius, *De l'homme*, vol. 2, p. 304; IX, 5).

[40] Bentham considers sympathy as a source of motivation, and it is unclear if sympathy for Bentham can be reduced to self-interest. See Philip Schofield, *Bentham: A Guide for the Perplexed* (London, 2009), pp. 54–5.

[41] Bentham, *Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart (London, 1970), p. 11. Long argues that Bentham here rephrases a Helvétian idea; see Long, 'Helvétius', p. 233.

[42] Cf. e.g. Bentham, 'Deontology', *Deontology, together with A Table of the Springs of Action and Article on Utilitarianism*, ed. A. Goldsworth (Oxford, 1983), pp. 117–281, at p. 132. Marco Guidi, 'Jeremy Bentham's Quantitative Analysis of Happiness and its Asymmetries', *Handbook on the Economics of Happiness*, ed. L. Bruni and P. L. Porta (Cheltenham, 2007), pp. 68–94, in sect. 2 in that point sees a crucial difference from Helvétius.

Bentham also follows Helvétius in finding the substantive content of his basic moral principle in the formula of the greatest happiness for the greatest number. Whereas for Helvétius the most urgent task was to bring the happiness of the masses within the horizons of moral philosophy *in any sense*, Bentham adds deliberations about the possibility of *offsetting* pleasure and pain, one against the other. A more important difference between the two thinkers is a result of Bentham's rejection of Helvétian sensualism and the role of public judgement. Judgements in the Helvétian sense would, for Bentham, be no more than sympathy and antipathy towards certain principles.[43] Instead, the principle of the greatest happiness for the greatest number is introduced as a kind of first principle accepted by every agent that can be used to prove further claims, but cannot itself be proven. At least, there is a way to give rational justification to the principle by showing that every possible opponent of the principle either comes to inhumane conclusions or unconsciously presupposes the principle.[44]

Furthermore, Bentham follows Helvétius in his idea that it is the task of politics and, by serving politics, also the task of the law in particular, to harmonize private interests[45] artificially with the interest of the general public. Accordingly, the legislator is to persuade each individual to orientate his happiness towards the happiness of all: 'each individual ought . . . to be *made* to fashion his behaviour'[46] – Bentham calls this the *duty and interest junction principle*.[47] The primary field of application for the principle of greatest utility is therefore designing a rational legal system.[48] Here Bentham explicitly closes ranks with Helvétius: the latter provides the yardstick for the *content* of the law; its external form would have to follow the linguistic criticism formulated by Locke in Book Three of his *Essay Concerning Human Understanding* (1689): 'From Locke the law must receive the ruling principles of its form, from Helvetius of its matter.'[49]

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[43] Bentham, *Introduction*, pp. 21–9. Such judgements do frequently agree with the principle of utility, but not always.

[44] Cf. Bentham, *Introduction*, pp. 15–33. Michael Quinn, 'Bentham on Mensuration: Calculating and Moral Reasoning', *Utilitas* 26 (2014), pp. 61–104, emphasizes that Bentham tries to establish a *rational* morality opposed to the Humean tradition.

[45] For a comparative analysis of artificial versus natural identity of particular and general interests, cf. Halevy, *The Growth of Philosophic Radicalism*, p. 88.

[46] Bentham, *Introduction*, p. 34; emphasis by Bentham.

[47] See, for example, Bentham, *First Principles Preparatory of Constitutional Code*, ed. P. Schofield (Oxford, 1989), p. 235; *Writings on the Poor Laws*, vol. II, ed. M. Quinn (Oxford, 2010), pp. 115–16.

[48] Bentham, *Introduction*, p. 11: 'to rear the fabric of felicity by the hands of reason and law'.

[49] *Works* (Bowring), vol. x, p. 71.

This goal can only be achieved politically if the legal system is viewed as principally and consciously modifiable. In this respect, Bentham's legal positivism, his critique of the *Common Law*, and the criticism of the concept of human rights in the French Revolution, all express a common thrust which Helvétius had tacitly presupposed. For Bentham, the law is neither God-given nor infallible, but invented by human beings and therefore modifiable by human beings, as expressed with great symbolism in the 'creation narrative' of the law: paraphrasing the Book of Genesis, Bentham narrates how the legislator created the law.[50] This aspiration to shape the legal system consciously and rationally becomes even clearer in the metaphor of an 'architect' of law who would have to adopt a function for legislation precisely opposed to that occupied by the linguistic critic Locke as a scavenger for natural philosophy.[51]

Yet how is the work of the architect of the law to be placed on firm foundations? From the beginning of his philosophical period, Bentham pursues Helvétius's idea of viewing moral science as an empirical science; and he pursues several plans to flesh out such a science in a book or set of books. In the 1770s, Bentham partly has in mind to write a magnum opus dedicated to the topic, and he produces a mass of text material under the heading *Preparatory Principles*, only some of which he later used in publications.[52] As far as his deliberations can be reconstructed, he envisages a new kind of science located somewhere between jurisprudence, action theory and economics.

A Science which might be conceived is, the art of knowing what ought to [be] done in the way of internal Government . . . [T]he fact is, no such science as yet existeth. No wonder, therefore, there should be no name for it. No such science as yet exists: for no such book hath as yet appeared as professes to contain a body of any such science, or any regular branch of such a body . . . . The science (the art, it matters not which) is not born.[53]

Bentham considers a number of titles for this science: 'the Art of Legislation', 'Critical Jurisprudence', 'the Science of Internal Politics', 'the Science of Legal Politics' and 'the Science of Jurisprudential Politics'. The ultimate aim of this new science would be to elaborate

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[50] 'And yet there is no law in the land: the legislator hath not yet enter'd upon his office . . . . This is the first day of the political creation: the state is without form and void' (Bentham, *Of the Limits of the Penal Branch of Jurisprudence*, ed. P. Schofield (Oxford, 2010), p. 288).

[51] Bentham, 'Preparatory Principles Inserenda', *Preparatory Principles*, ed. D. Long and P. Schofield (Oxford, 2016), para. 291, p. 285.

[52] Cf. Douglas Long and Philip Schofield, 'Editorial Introduction', *Jeremy Bentham: Preparatory Principles*, ed. D. Long and P. Schofield (Oxford, 2016), pp. xi–xxviii, at p. xi.

[53] Bentham, 'Preparatory Principles Inserenda', para. 1027, p. 321.

the principles of a complete legal system which different countries can then adapt to their local customs and peculiarities.[54]

It should be emphasized that Bentham completely rejects the customary distinction between 'science' and 'art' in his *Preparatory Principles* ('The science (the art, it matters not which)'): the science he demands should follow Bacon's ideal of a *utility-orientated* science; from the outset it aims not at pure knowledge, but at *technical* realization of the utility principle, and it does so as *art* in the sense of a skill. In his *Introduction* – and later in *Chrestomathia* – he pursues the same aim with a different strategy: here he concedes that there is a conceptual difference between *science* and *art*; however, these concepts form a direct means–end relationship:

As between *art* and *science*, in so far as they are distinguishable, *art* is that one of the two that seems entitled to the first mention, as being first and most independent – in *value*, and thence in dignity, in so far as dignity consists in *use*: for, of *science*, the value consists in its subserviency to art; of *speculation*, the value consists in its subserviency to *practice*.[55]

Therefore Bentham finds the best model for an optimal linking of *science* and *art* in the discipline of medicine. The 'science of law' and the 'art of legislation' should be related in the same manner as the 'science of anatomy' and the 'art of medicine'.[56] The fact that exactly the same analogy is drawn in the above-cited Bacon–Newton manuscript provides evidence for the claim that, as we look for the way Bentham wants to build on Helvétius's theory, we are on the right track: 'In short, what the physician is to the natural body, the legislator is to the political: legislation is the art of medicine exercised upon a great scale.'[57]

Methodologically, the new science must have a strict orientation towards empiricism. Concepts which are not tied to empirical insights are, for Bentham, 'jargon'. In particular, the idea of a 'good order' of the world; the binding of political relations to a contract, and the concept of natural law must not be allowed to play any role for legislation; all of these ideas are 'phantoms called in from the clouds to throw dust in the eyes of the learner'.[58] Bentham praises Helvétius for consistently excluding such concepts in his methods.[59]

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[54] Bentham, *Of the Limits,* 232; cf. also the *Essay on the Influence of Place and Time*, in *Works* (Bowring), vol. i.

[55] Bentham, *Chrestomathia*, ed. M. J. Smith and W. H. Burston (Oxford, 1983), p. 61.

[56] Bentham, *Introduction*, p. 9.

[57] UC xxxii. 158.

[58] UC xxxii. 158.

[59] 'The Helvetian philosophy, the continuation and counterpart of the Baconian, admits no jargon of any kind: no talk of relations, much less of eternal relations anterior

The fact that Bentham intended to present his political science within a monumental work is evidence of his aspiration to elaborate exhaustively the Helvétian idea for a new type of moral philosophy. This monumental work was never realized, but many aspects of his later writings must be viewed as components of precisely this revolutionary practice-orientated science, spelling out a rational shaping of society from its foundations to concrete political embodiment.[60] Let us try to crystallize some essential components which Bentham uses to elaborate Helvétius's theory.

Guiding the actions of citizens by means of laws

For Bentham a main medium for guiding the behaviour of citizens is penal law. In a very simple application of his action theory, Bentham advocates that the expected profit from a crime only has to be outweighed by the expected punishment for the crime not to take place at all.[61]

A large part of Bentham's philosophy is therefore dedicated to criminal law; he spells out precisely the conditions under which criminal law can optimally contribute to general happiness. This includes the development of a new system of legal terms: as the law should have an action-guiding function, there is a need for clear language making it possible for ordinary citizens to predict which actions will have legal consequences and which not. This may seem banal, but English Common Law in particular was very far from this insight, as Bentham repeatedly pointed out.

In addition to this 'direct' form of state intervention in the behaviour of its citizens, Bentham is aware of a second, 'indirect' form, namely 'indirect legislation'. This is no longer a case of regulating behaviour once the desire to commit a forbidden act has already arisen; far more, the idea is to prevent in advance such desires from arising at all. Indirect legislation therefore employs 'softer' methods than criminal

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to the men, the beings between whom they are fancied to subsist: . . . not a syllable about good order, order of things, right reason, equity, nature, natural law, natural fitness of things: no phantoms called in from the clouds to throw dust in the eyes of the learner and cover the want of intelligence on the part of the instructor . . . The measures which any of this jargon has been made use of to recommend may have been salutary or the reverse, but no degree of utility in the measures thus supported, or in any measures supported by arguments that have any other than the principle of utility for their basis, will ever go the smallest way toward changing jargon into sense . . . . The language of Helvetian philosophy is in every case as uniform as it is simple' (UC xxxii. 158; cf. also *Comment on the Commentaries*, p. 346–7). In 'Preparatory Principles Inserenda', para. 1022, Bentham explicitly refers to *De l'homme*, II, 11, to demonstrate that Helvétius demands the introduction of an exact language.

[60] Here I follow the interpretation in Douglas Long, 'Bentham as Revolutionary Social Scientist', *Man and Nature* 6 (1987), pp. 115–45.

[61] See e.g. *Works* (Bowring), vol. i, p. 399.

law. It attempts to cultivate 'less dangerous desires'[62] and to reinforce a moral consciousness within the people which, via sanctions from the moral community, can contribute to a coincidence of private and general utility. The means for achieving this are a guaranteeing of freedom of the press and freedom of speech so that any violations against morality can be made public, but also state-controlled and state-promoted employment of theatre and literature. Bentham even considers whether or not citizens should be made transparent by means of an identifying tattoo; if people expect to be recognized, they will behave more decently from the outset.[63]

Political economy

A further component of this new science can be seen in Bentham's writings on 'political economy'.[64] For Bentham, political economy is the branch of politics aimed at increasing national wealth; it alone is the means with which the state cannot only negatively circumvent harmful and erroneous behaviour from its citizens, but also positively contribute to their well-being.[65] Although Bentham's economic considerations are clearly influenced by Adam Smith, the 'Institute of Political Economy' as well as the 'Manual of Political Economy' contain polemic demarcations against Smith. Here, too, the link between *science* and *art* is in the foreground: 'To Adam Smith, the science alone has been the direct and constant object in view: the art the collateral and occasional one.' This is to be overcome in political economy: 'Political economy is at once a science and an art. The value of the science has for its efficient cause and measure its subserviency to the art.'[66]

No less does Bentham reject the claim often connected with Smith, that the state should intervene as little as possible in the free market: 'I have not, I never had, nor ever shall I have any horror . . . of the hand of government. I leave it to Adam Smith, and the champions of the rights of man . . . to talk of invasions of natural liberty',[67] wrote Bentham in 1801. That does not mean that for Bentham economic freedoms

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[62] Cf. e.g. UC lxxxvii. 18; lxxxvii. 62.

[63] Cf. e.g. UC lxxxvii. 135 and UC lxii. 189. See the illuminating description of this topic in Stephen Engelmann, '"Indirect legislation": Bentham's Liberal Government', *Polity* 35 (2003), pp. 369–88.

[64] Bentham expressly makes this connection by locating political economy 'on the Map of Political Science'; cf. *Economic Writings*, vol. iii, p. 307.

[65] UC lxxxvii. 2; cited in Michael Quinn, 'Editorial Introduction', *Bentham: Writings on Political Economy*, vol. 1, ed. M. Quinn (Oxford, 2016), pp. xv–civ, at p. xvii.

[66] Bentham, *Economic Writings*, vol. iii, 318; cf. the analogous passage of the 'Manual of Political Economy', *Writings on Political Economy*, ed. M. Smith (Oxford, 2016), pp. 165–268, at p. 168.

[67] Bentham, *Economic Writings*, vol. iii, p. 257.

are irrelevant. On the contrary, individuals are the driving forces of economic activity,[68] and the state is well advised to give them extensive free space. But because Bentham rejects the idea of a natural harmony of needs, the state is to bring about this harmony artificially with extensive legislation, without having to take into account economic freedoms substantiated in *natural law*.

Concrete projects

Components of a scientifically guided optimization of society are, finally, to be seen in several of Bentham's concrete proposals and projects located in the overlap between law and political economy. The most famous (and most notorious) of these projects is his Panopticon, a design for a circular prison with a warden situated in the middle, able to monitor all the inmates at once.[69] For some time, the Panopticon proposal was viewed in the literature either as eccentric or as merely profit-orientated, but more recent research has regarded it as symbolic for the various strands of Bentham's philosophical theory.[70] The fact that the Panopticon actually needs to be understood as the emanation of his 'new science' is verified, for example, by his statement that it is 'one of the corner stones of political science . . . [that] . . . the more strictly we are watched, the better we behave'.[71]

Here one should be aware that an unbounded instrument of suppression, designed to maltreat prisoners as effectively as possible, was not Bentham's intention in the slightest. On the contrary, the Panopticon is one of many attempts to replace the cruel dungeons of the eighteenth century with more humane detention centres, with the serious aim of improving criminals: in analogy to a hospital, they should regain their 'moral health'.[72] Even the fact that prisoners were used as cheap workers can be understood as an attempt at humanization because, through constant occupation, imprisonment is much easier to bear. The Panopticon is therefore both: 'a mill for grinding rogues honest, and idle men industrious'.[73]

Within the framework of this study, however, what is particularly interesting is the passion for detail with which Bentham works from his desk on the complete rationalization of prison life. The position

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[68] Cf. for example the role of the 'sponte acta', i.e. of the activities of individuals which they pursue without state intervention, in 'Institute of Political Economy', in *Economic Writings*, vol. iii, e.g. p. 323.

[69] For recent research on the Panopticon project, cf. *Beyond Foucault: New Perspectives on Bentham's Panopticon*, ed. Anne Brunon-Ernst (Farnham, 2012).

[70] Cf. Gertrude Himmelfarb, *Victorian Minds* (Chicago, 1995), p. 77–8.

[71] Bentham, *Writings on the Poor Laws*, vol. I, ed. M. Quinn (Oxford, 2001), p. 277 (UC cliib. 332–3).

[72] 'Considered with a view to moral health . . . a Panopticon is a vast hospital' (*Works* (Bowring), vol. iv, p. 185).

[73] *Works* (Bowring), vol. x, p. 226.

of the windows, the construction of the toilets, the condition of the bedding and clothing, a separation of the sexes without any wasting of space, concepts for hygiene and cooking: there is nothing which Bentham did not think through precisely and (in theory) optimize.[74]

Numerous additional concrete ideas could be listed here as the emanation of political science.[75] But my few remarks on the Panopticon provide sufficient evidence that Bentham's work can be predominantly viewed as a practice-orientated elaboration of Helvétian ideas, as he himself indicates in the Bacon/Newton analogy. This brings me to my second assumption: that orientation to a practical realization of normative ideas is accompanied by a certain change in these ideas themselves.

III. THEORETICAL CONSEQUENCES OF THE DEMAND FOR FEASIBILITY

If Bentham views himself as an 'architect'[76] or an 'engineer',[77] dedicated above all to a *practical* realization of the utility principle, then this does not remain inconsequential for his *theoretical* considerations; the translation of Helvétian ideas into practice does not occur without certain changes in meaning. The attempt to make theory fruitful for practice is accompanied by directly connected modifications to the theory. Certainly, there is no necessity for such changes, and the imperatives of practicability are not the only explanation for substantive deviations between Helvétius and Bentham. Nevertheless, it is possible to show how for Bentham certain modifications of Helvétian theory go hand in hand with practical application. This can be seen in at least three respects.

First, the claim to practical realization of the utilitarian principle coincides with a more strongly *sociotechnological* concept for shaping society. By this I mean that Bentham not only follows the (Helvétian) assumption that the form of government determines the lifestyle of citizens in general, but that he also assumes that concrete legislative measures in concrete fields of action can generate the unification of particular and general interests. Helvétius's main idea is that under the right form of government, desirable moral precepts develop automatically, in turn guiding the actions of individuals. By considering concrete measures through which the government can contribute to the convergence of personal and general interests,

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[74] Cf. Bentham, 'Panopticon; or, The Inspection House', *The Panopticon Writings*, ed. M. Božovič (London, 1995), Letter VI, pp. 47–8.

[75] In section IV, I will refer to Bentham's education programme as a further example of those concrete projects.

[76] Bentham, 'Preparatory Principles Inserenda', para. 291, p. 285 n. 52.

[77] Harrison, *Bentham*, p. 113.

Bentham replaces this model with the concept of a direct guiding of society: concrete laws and mechanisms regulate the actions of individuals in specific situations.

This technical idea becomes particularly clear if we take a look at Bentham's deliberations on the application of law: he views this as being ideally a clear deductive procedure which is open to as little interpretation as possible.[78] For Bentham, human rights are unable to represent reasonable dictates of justice, in part because of their abstract nature.[79] Where Helvétius aims at improving general political principles, for Bentham such abstract principles are useless as instruments of political guidance. Even Bentham's understanding of science as *art*, in other words as a skill, points to its technical character. And if one looks at how criminals are 'honed' in the Panopticon, there can hardly be any doubt remaining that Bentham presupposes in some sense a mechanistic model of how individuals can be integrated into social structures.

Second, his practical claim leads to the *ideals* of the theory being grasped differently. While Helvétius assumes the possibility of a comprehensive improvement in living conditions, Bentham's aims are considerable closer to reality in their orientation. In this context, first of all the role of virtue is relevant. Extolled by Helvétius in the classical sense as an honourable attitude, the virtue of citizens is an outstanding political goal. To this extent, the references to the strange customs on Formosa are not only amusing, but telling – Helvétius's philosophy aims at an enlightenment of the ideas rooted in 'morality'. Bentham does not completely reject such an enthusiastic concept of virtue. In the words of Helvétius he speaks of human beings 'of probity and public spirit'.[80] But it is only the virtue of an elite group of human beings which Bentham has in mind here.[81] The virtue of the citizens at large is, by contrast, not a predominant goal of the state.[82]

Further ideals orientated to 'realistic' measures become visible if one looks at the picture Bentham paints of the ideal utilitarian state. A passage from his *Essay of the Influence of Place and Time* has found its

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[78] See Gerald Postema, 'Bentham on the Public Character of Law', *Bentham: Moral, Political and Legal Philosophy*, ed. G. Postema (Aldershot, 2002), pp. 65–85, at p. 83; and Wilhelm Hofmann, *Politik des aufgeklärten Glücks* (Berlin, 2002), pp. 127–30.

[79] Cf. Bentham, 'Nonsense upon Stilts', *Rights, Representation, and Reform: Nonsense upon Stilts and Other Writings on the French Revolution*, ed. P. Schofield et al. (Oxford, 2002), pp. 317–401.

[80] *Works* (Bowring), vol. vii, p. 329.

[81] For more evidence for that claim, see Hofmann, *Politik*, p. 300.

[82] As Rosen puts it, there even remains a sphere of private morality where the legislator should not intervene to make citizens better humans; cf. Rosen, *Classical Utilitarianism*, p. 95.

way into the literature as his 'utopia';[83] here the orientation towards what is achievable becomes all too clear:

Every thing beyond this is chimerical. Perfect happiness belongs to the imaginary regions of philosophy, and must be classed with the universal elixir and the philosopher's stone. In the age of greatest perfection, fire will burn, tempests will rage, man will be subject to infirmity, to accidents, and to death. It may be possible to diminish the influence of, but not to destroy, the sad and mischievous passions. The unequal gifts of nature and of fortune will always create jealousies . . . Painful labour, daily subjection, a condition nearly allied to indigence, will always be the lot of numbers. Among the higher as well as the lower classes, there will be desires which cannot be satisfied; inclinations which must be subdued: reciprocal security can only be established by the forcible renunciation by each one, of every thing which might wound the legitimate rights of others.[84]

For Bentham, Helvétius's prognosis that work will provide pleasure as soon as the appropriate circumstances are generated,[85] that *all* human beings can be happy, that *everyone* is to be sufficiently wealthy and have sufficient leisure time, are only pipe dreams. Instead of philosophers devoting themselves to chimaeras, they should measure out potential progress within the limits of the realizable; these limitations are still wide enough: 'Let us seek only for what is attainable: it presents a career sufficiently vast for genius . . . '[86] Bentham's 'utopia' is not a state full of flourishing human beings achieving personal fulfilment, but a state in which the worst types of poverty and crime are effectively prevented – a seemingly bold project in the light of the massive social distortions perceived by Bentham in freshly industrialized England.

A third respect which serves to illustrate how theory is changed by a claim to practice concerns the agents of political guidance, and the role of the philosopher. In order to clarify this point, I now turn to the role of citizens in Helvétius and Bentham.

IV. THE ACTIVE ROLE OF CITIZENS

With his writing, Helvétius contributed substantially to the public debates of his time. However, his works were not intended to contribute to a political agenda in a narrower sense. The predominant interest behind Helvétius's theory seems to be the mere *revelation* of retention-of-power mechanisms, not overcoming them: he soberly analyses how

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[83] This passage has been treated under the name 'Utilitarian utopia' as the most distinctive exposition of Bentham's claims regarding a future ideal society by Long, 'Bentham', pp. 130–2, and Crimmins, *Secular Utilitarianism*, pp. 305–6.

[84] *Works* (Bowring), vol. i, p. 194; cf. UC cxlii. 200.

[85] Cf. Helvétius, *De l'homme*, vol. 2, p. 202 (VIII, 2).

[86] *Works* (Bowring), vol. i, p. 194.

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barely enlightened princes perpetuate their barely useful rule by putting barely enlightened persons into crucial positions and thus denying public judgement any influence over political matters.[87] Certainly, this revelation is linked to a conviction that improvement of the political situation is possible, at least in principle. But a political programme showing the way towards a better society is not what Helvétius envisages.[88] If at all – following a top-down model of politics – it is up to an enlightened monarch to introduce such reforms.[89] The philosopher Helvétius does not see himself as politically responsible: 'As to what regards myself, I have accomplished my task', leaving concrete implementation to the 'magistrate'.[90]

It is certainly true that Bentham also clings to the idea that it is ultimately down to a strong state to guide society. But whereas Helvétius regarded the actions of citizens as the mere function of decisions made by rulers (even as puppets!), for Bentham the citizens are assigned an active role. Remember that in Bentham the idea of an informed public plays a crucial role. This 'motto of a good citizen' is already to be found in his early works: 'To obey punctually; to censure freely.'[91] For Bentham, the citizen assumes a control function towards his or her fellow citizens (see his 'indirect legislation') and towards officialdom. If, as we could exaggeratedly say about Helvétius, the ruler is required to make citizens virtuous, then it makes no sense to view these citizens as the authority in turn controlling the ruler.[92] By contrast, the active role of the citizens in Bentham becomes especially obvious in his extolling of freedom of the press and freedom of speech – Bentham even talks about the '*Public Opinion Tribunal*'.[93] Public opinion is therefore seen as an important motor of social change.[94]

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[87] Cf. Helvétius, *De l'esprit*, p. 47 (II, 3) and p. 59 (II, 5).

[88] Cf. David Wootton, 'Helvétius: From Radical Enlightenment to Revolution', *Political Theory* 28 (2000), pp. 307–36, at pp. 322–23.

[89] 'The Catherines and Fredericks seak to endear themselves to mankind . . . . It is by them that the world will be enlightened' (Helvétius, *De l'homme*, preface; I follow the translation in Smith, 'Helvétius', p. 287).

[90] Helvétius, *De l'homme*, vol. 1, p. 326 (IV, 14).

[91] Bentham, 'Fragment on Government', *A Comment on the Commentaries and A Fragment on Government*, ed. J. H. Burns and H. L. A. Hart (London, 1977), pp. 391–551, at p. 399.

[92] A similar claim is made by Wootton, 'Helvétius', p. 332 n. 33.

[93] Bentham, *First Principles Preparatory of Constitutional Code*, p. 283; cf. Bentham, *Constitutional Code: Volume I*, ed. F. Rosen and J. H. Burns (Oxford, 1983), p. 36; *Works* (Bowring), vol. iii, pp. 471–2; as well as the numerous references in Hofmann, *Politik*, pp. 282–4.

[94] Emanuelle de Champs, 'Utility, Morality and Reform: Bentham and Eighteenth-Century Continental Jurisprudence', *Bentham's Theory of Law and Public Opinion*, ed. X. Zhai and M. Quinn (Cambridge, 2014), pp. 184–207, at 207, refers to 'public opinion' in connection with Bentham as 'an agent of change'. Rosen highlights that in Bentham,

The controlling role of the citizens is also to be found in its democratic *participation*. Following the outbreak of the French Revolution and a brief 'flirtation' with democratic ideas, Bentham was for a while critical of the dominion of that 'sorry majority'[95] which, in his opinion, had driven the political system of France against the wall. However, after the English parliamentary monarchy had proved itself equally incapable of learning, Bentham finally 'converts' to being a democrat after 1800.[96] Because the rulers are no more capable of being persuaded away from their private interests through moral arguments than the Pope would allow himself to be persuaded towards Protestantism as a result of arguments, the basic idea behind Bentham's theory of democracy states that only a democratic system can lead to the happiness of *all* citizens being taken into account.[97]

Within the group of all citizens, Bentham to some extent highlights the role of its middle-class members, who, according to him, form the 'most virtuous'[98] part of society. While Bentham's political goal is to increase everyone's happiness, it is not the case that Bentham regards everyone equally as active co-creators of civil life. Though he seems not to share the enthusiastic appraisal of the middle class we find in James Mill,[99] I would like to give two examples of how the middle class is judged at least to have a special active role.

First, in economic life the members of the middle class are the people who make greatest use of the above-mentioned economic freedoms. The poor, in contrast, in Bentham's thinking, have a more reactive role. According to Bentham, a nationwide company should build so-called 'Industry Houses' where the poor are able to apply for housing and working under given conditions they cannot change.[100]

Second, although Bentham follows Helvétius in the demand that all parts of society should have access to public education,[101] he designs two different types of school. On the one hand, his well-known school project *Chrestomathia* is explicitly intended for the 'middle ranks', who should be specially prepared to participate in political

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the moral sanction 'was associated with an active and critical public opinion' (*Classical Utilitarianism*, p. 92).

[95] Bentham, 'Nonsense upon Stilts', p. 319.

[96] A differentiated picture of the 'conversion' is drawn in Philip Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (Oxford, 2006).

[97] Cf. *Works* (Bowring), vol. iii, p. 507.

[98] *Works* (Bowring), vol. i, 457.

[99] Cf., e.g., James Mill, *Political Writings*, ed. T. Ball (Cambridge, 1992), p. 41.

[100] Bentham, *Writings on the Poor Laws*, vol. II, pp. 6–7.

[101] Bentham makes the criticism that pauper education 'has scarcely hitherto been deemed worth a thought' (Bentham, *Writings on the Poor Laws*, vol. II, p. 167).

debates.[102] On the other hand, his courageous demand for pauper education is linked with eliminating from the curriculum all politically relevant knowledge as 'useless studies',[103] and Bentham emphasizes that, regarding education, a 'Gentleman tells for more in the general account, than a common man: his conduct has more weight, more influence in society.'[104]

Bentham's theorizing about the role of the citizens is reflected in his own political commitment. How strongly his utilitarian theory is interwoven with societally relevant action from the outset can be seen in the characteristic missionary style with which he aligns his students with his utilitarian programme. He presents himself as 'a founder of a sect, of course a personage of great sanctity and importance. It was called the sect of the utilitarians.'[105] Asked by an influential personality what can be done to save the English nation, Bentham replies by paraphrasing Jesus: 'take up my book, & follow me'.[106]

And Bentham does indeed attempt to exert his influence on politics. Such attempts can first be seen in the way he drafts laws and then presents them to those in power. As early as the 1770s, he tried to arouse the attention of Catherine the Great, and up to the 1820s he agitated for his ideas in letters to political leaders in the whole world.[107] Paradigmatic for his 'advisory' understanding of political influence is, for example, the subtitle of his *Projet d'un corps de loix*: 'Offre faite par un Anglois aux Souverains de l'Europe'.

Having converted to democracy himself, the manner of Bentham's political activity changes after the turn of the century. Despite continuing to try to convince political leaders, he now tries to exert *direct* political influence more vehemently over existing democratic paths. His publications are no longer directed only at monarchs, but at a broader public audience; the title of his *Letter to the Citizens* [!] *of the American United States* (1817) and his founding of the *Westminster Review* (1823) are both paradigmatic. To acquire democratic influence,

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[102] Bentham, *Chrestomathia*, p. xiii. There has been a debate concerning the question how far *Chrestomathia* was indeed intended to provide skills necessary for political participation, or was rather more oriented to the need for economic growth at Bentham's time. Without doubt, *Chrestomathia* includes more political education than Bentham's proposal on pauper education. Cf. Elissa Itzkin, 'Bentham's Chrestomathia: Utilitarian Legacy to English Education', *Journal of the History of Ideas* 39 (1978), pp. 303–16, and Brian Taylor, 'A Note in Response to Itzkin's "Bentham's Chrestomathia: Utilitarian Legacy to English Education"', *Journal of the History of Ideas* 43 (1982), pp. 309–13.

[103] Bentham, *Writings on the Poor Laws*, vol. II, p. 184.

[104] Bentham, *Writings on the Poor Laws*, vol. II, p. 168.

[105] Quoted according to Crimmins, *Secular Utilitarianism*, p. 314.

[106] Quoted according to Crimmins, *Secular Utilitarianism*, p. 315.

[107] Documented in part in Bentham, *Legislator of the World: Writings on Codification, Law, and Education*, ed. P. Schofield and J. Harris (Oxford, 1998).

Bentham lacked, however, talent, and the group of Philosophic Radicals was necessary to bring his ideas to the public.[108]

V. CONCLUSION: FROM THEORY TO PRACTICE

Whereas it seems hard to prove that Bentham takes certain aspects of his thinking exclusively from Helvétius rather than from other writers, it could be shown that Bentham follows Helvétius in using these three axioms: (1) human beings act according to their self-interests; (2) the actions of human beings ought to be guided according to the principle of the greatest utility for the general community; (3) the means with which the actions of human beings are to be guided are politics and law.

Searching through the works of Helvétius for ideas concerning how the utility principle could be applied proves disappointing, however, for the few thoughts he leaves in his legacy are very general indeed. The way Bentham approaches Helvétian ideas can therefore largely be described as the transition from theory to practice. On the one hand, this transition refers to the theoretical work of Bentham, who would like to be the 'Newton of legislation', presenting realizable results of his philosophic studies. It is in this sense that Bentham writes in a later review of the emergence of utilitarianism with reference to Helvétius's *De l'esprit*: 'In this work, a *commencement* was made of the application of the principle of utility to practical uses'; its continuation, however, 'was reserved for a later period, of which presently'.[109] On the other hand, this transition refers to the role of the philosopher, who is no longer content with the elaboration of theories and instead himself becomes politically active.

This result is a refinement of the general claims on Bentham and Helvétius I mentioned initially. Likewise, it gives support to an alternative interpretation of the differences between the two authors which Frederick Rosen refers to. As I argued, Helvétius is more concerned with the general bias of the form of government, without discussing specific arrangements of governments. Bentham, however, obviously is willing to restrict personal freedom whenever this could serve happiness. Therefore, it should not be taken for granted that Bentham favours stricter limits of the private sphere than Helvétius.

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[108] Cf. Sidney Pollard, 'Der klassische Utilitarismus: Einflüsse, Entwicklungen, Folgen', *Der klassische Utilitarismus. Einflüsse – Entwicklungen – Folgen*, ed. U. Gähde and W. Schrader (Berlin, 1992), pp. 10–33; William Thomas, *The Philosophic Radicals: Nine Studies in Theory and Practice 1817–1841* (Oxford, 1979).

[109] Bentham, 'Article on Utilitarianism: Long Version', *Deontology, together with A Table of the Springs of Action and Article on Utilitarianism*, ed. A. Goldworth (Oxford, 1983), pp. 283–318, at p. 290 (my emphasis).

If it is true, as Rosen claims, that Helvétius views citizens' virtue as a political goal more strongly than Bentham did, the question of whether citizens are active political agents or rather reactive 'puppets' seems to be the crucial one here.

Additionally, my claims could also contribute to the description of a broader shift in philosophical theorizing. I cannot elaborate this here, but in my view Bentham's thinking should be seen as an important link between the Enlightenment and the nineteenth century: his elaborating of the ideas of Helvétius is a prime example of the increasing 'politicization' of philosophy marking the eighteenth and nineteenth centuries, and stands for a shift towards practice that is later followed across Europe by, say, Comte and Fourier, by the German Left Hegelians, and by sociotechnical models of society in Marxist as well as capitalist theories.[110]

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