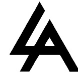
JEREMY BENTHAM (1748-1832):

THE UTILITARIAN FOUNDATIONS OF COLLECTIVISM

AXEL DAVIES



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Libertarian Alliance

FOR LIFE, LIBERTY AND PROPERTY

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AXEL DAVIES

INTRODUCTION

> The general character and disposition of the Rationalist are, I think, not difficult to identify. At bottom he stands for independence of mind on all occasions, for thought free from obligation to any authority save the authority of 'reason'. His circumstances in the modern world have made him contentious: he is the enemy of authority, of prejudice, of the merely traditional, customary or habitual. His mental attitude is at once sceptical and optimistic: sceptical, because there is no opinion, no habit, no belief, nothing so firmly rooted or so widely held that he hesitates to question it and to judge it by what he calls his 'reason'; optimistic, because the Rationalist never doubts the power of his 'reason' (when properly applied) to determine the worth of a thing, the truth of an opinion or the propriety of an action.[1]
>
> Michael Oakeshott

During the course of this essay I wish to return to a debate that has concerned political and economic historians throughout the twentieth century. What influence, if any, did Jeremy Bentham's doctrine of utilitarianism have on the changing conceptions of governmental responsibility in the life of the nation during the Victorian era? The argument consists of many parts. What did the nineteenth century 'revolution in government' consist of and why did it come about? Simultaneously, what influences were brought to bear on liberalism that transformed it from a predominantly laissez-faire ideology to one more predisposed to follow an interventionist path? Did Bentham's utilitarian philosophy have any part to play in both these transformations and, if so, for what reasons and in what way?

In his *Lectures on the Relationship Between Law and Public Opinion in England during the Nineteenth Century* (1905) A. V. Dicey sparked off the debate by planting Bentham firmly in the individualist camp. Since then opinion has swung from equating Bentham with laissez-faire to suggesting that he was responsible for the growth of the welfare state to denying that he had any real influence at all, and back again. It is notoriously difficult to discover a direct link between thought and practice, yet if one accepts that ideas have consequences, as I do, then it will be the main contention of this essay that one consequence of the doctrine of utility involved a weakening of the existing ideological constraints on government intervention. In other words, not only did utilitarian doctrines exert a considerable influence but that influence also ran concurrently with, if not actually anticipated at times, the main thrust of government activity during the nineteenth century.

While acknowledging that "any attempt to pigeon-hole or classify Bentham is bound to be particularly misleading and any attempt at a precise and concise generalisation about his views on the role of the state especially hazardous",[2] by concentrating primarily on the implications of his philosophical doctrine, rather than on what specific conclusions Bentham himself might have reached on any particular issue, one can see how the seeds of interventionist liberalism were sown.

Some commentators such as Lionel Robbins and G. Kitson Clark have argued that the terms of the debate are mistaken and that a false dichotomy exists when analysing the nineteenth century, because there was no clear-cut distinction between a period of laissez-faire and one of interventionism.[3] Robbins' revisionist study of the classical economists refuted the common caricature of them as proponents of 'social Darwinism' in economics (although Malthus and Ricardo may have sometimes given that impression).[4] Even Adam Smith believed that the state played an important role in "erecting and maintaining certain public works and certain public institutions, which it can never be for the interest of any individual, or small number of individuals, to erect and maintain."[5] Nevertheless, I wish to maintain that utilitarianism sanctions a more activist state and expansionist social programme than classical liberals would have desired or tolerated.

My reasons for holding such a view will not centre so much on the debate as to whether Bentham was more of an authoritarian than a liberal. I will accept, for argument's sake, and take at face value Bentham's professed liberal beliefs. Nor will I be proposing that because Bentham sanctioned certain and limited interventions by the state on specific matters such as the relief of indigence, then that automatically places him in the dirigiste camp. As was noted earlier, none of the classical economists were anarchists; all assumed that certain functions were the prerogative of the state and could be carried out by no other. I think it can be conceded that where it concerned economic policy Bentham was generally a proponent of the prevailing laissez-faire orthodoxy: "With the view of causing an increase to take place in the mass of national wealth ... the general rule is, that nothing ought to be done or attempted by government. The motto, or watchword of government, on these occasions, ought to be — Be quiet."[6]

Yet, as I hope to show later, Bentham's utilitarian doctrine was principally concerned with the legislation of morals.

Although he may have been non-interventionist in economic matters, it does not automatically follow that therefore the philosophy of utilitarianism must necessarily be so in general. I would not go so far as J. Bartlet Brebner in describing Bentham as "The archetype of British collectivism".[7] My somewhat different contention is not that utilitarianism is totally laissez-faire or wholly interventionist. Rather, that it allowed for a greater degree of government activity than ideologically inclined liberals had previously sanctioned and therein lies its interventionist roots. While Bentham himself may have believed that the greatest happiness of the greatest number be best achieved without the help of government, others who followed the same utilitarian premise could conceivably (and often did) arrive at different conclusions.

Furthermore, by discussing Bentham's political thought via an Oakeshottian analysis of the rationalist frame of mind, and with reference to the constructivistic utilitarian conception of the nature of political and social processes, I will attempt to explain why liberal doctrines, and utilitarianism in particular, became increasingly predisposed towards seeing the state, not as an impediment to the general welfare, but rather as an active agent in the quest for 'real' emancipation. However, before turning directly to the influence Bentham's doctrines may have exerted on the changing role of the Victorian administrative state, an overview as to what that change consisted of and possible explanations for it will be helpful in providing a backdrop to the debate.

THE GROWTH OF THE VICTORIAN ADMINISTRATIVE STATE

> There is no more fascinating theme in contemporary history than to follow the stages through which the laissez-faire 'night-watchman state' of the nineteenth century has been transformed into the 'welfare state' of today.[8]
>
> E. H. Carr

Conceptions as to what role the state should play in the life of the nation during the nineteenth century were so bound up with the prevailing liberal notions of the time, that a brief examination of these notions is necessary in order fully to appreciate the changes that occurred concerning the public/private sphere between the start and the end of this century.

Early Victorian liberalism, carrying on a tradition prevalent since the seventeenth century, still held closely to a belief in the 'inalienable' rights of man to 'life, liberty and property', a doctrine closely connected to the writings of John Locke. Over time this doctrine evolved into notions of the autonomous will of the individual and liberty, defined as the absence of all unnecessary restraints, was lauded as the supreme value in political discourse. This 'rugged individualism' naturally led to a distrust of the state and most forms of government intervention. Also, the belief in self-help as expounded by Samuel Smiles coupled with the political economy of Smith, Malthus and Ricardo amongst others, was ideally suited to the opinions of the growing commercial, industrial and merchant middle-classes who were becoming increasingly influential in national affairs. Progress would be ensured if the government removed restraints to trade and let individual enterprise flourish. Reform meant repeal.

However, if most of the nineteenth century can be considered as the 'golden era' of laissez-faire, self-reliance, individual responsibility, and minimal government intervention in economic and social affairs, it is clear that by the end of the century these ideas were in decline as popular ideology.

Many reasons have been put forward as to why governmental controls grew during the Victorian era, and they mainly concern the rapid changing social conditions of that time and the response many thought necessary to meet them. In other words, well-meaning people believed new measures were needed to meet new problems or even old problems which had now moved from the local to the national stage. Of greatest importance was industrialisation and its corollary, urbanisation, which was facilitated by a rapid increase and greater mobility in the population. As towns and cities grew so did the problems related to their growing density, such as general squalor and poor sanitary conditions. These changing social and economic conditions impacted so strongly on those who had to endure them that the general public became increasingly favourable towards interventionist reform to alleviate the problems.

Of equal significance is the extension of the franchise, particularly the second Reform Act of 1867, which ensured that government became more responsive to a wider segment of society. This may explain in part why Dicey dated the end of laissez-faire at about 1870. Laissez-faire capitalism, with its concern over property rights and the inviolability of contracts, had always held more appeal to the middle-classes than those lower down the social scale who were more concerned with better conditions of employment, etc. In other words, the needs of employees as well as employers now came into the equation. Yet even those who were believed to have benefited most from the free play of market forces such as industrialists, merchants and traders also began to question laissez-faire doctrines at about this time. Certainly increasing competition from abroad and the economic slump this country suffered in the 1870's and 1880's shook the conviction of many in the supremacy of private enterprise.

It was not only a reaction to external events, however, that forced the pace of change concerning governmental involvement in society. Liberalism itself underwent ideological change that could not but have had some influence on how public opinion and those more directly involved in government perceived political and social concerns. Yet it is not at all clear whether this evolving liberalism ran concurrently with changing external factors or whether it responded to these in order to survive as a still relevant and going concern. In short, whether liberalism influenced public opinion or whether it was influenced by it. Whatever the case, a growing segment of liberal opinion believed that if it did not loosen its ties to laissez-faire doctrines then it would be superseded by the growing ideology of socialism.

Throughout the nineteenth century non-interventionist liberalism had come under increasingly hostile cultural and literary criticism from figures such as Dickens, Coleridge, Southey, Arnold, Carlyle and Ruskin, to name but a few. The common caricature of political economy as heartless ideology concerned only with 'atomistic' and 'economic' individuals they considered too limiting as a description of the human condition. Furthermore, unregulated capitalism was condemned for the dehumanising effect it was per-

ceived to have and for breaking the traditional bonds that held society together as an organic whole. For those with an aesthetic sensibility, capitalism was seen as the engine by which ugliness had replaced beauty.

Unfortunately, some liberal thinkers responded to this criticism by conceding the argument over the perceived inadequacies of many of liberalism's basic tenets, particularly those concerning the nature of individuality and the traditional way freedom was defined as merely the absence of constraints on individual action. T. H. Green played an important role in changing liberal assumptions by moving from a 'negative' conception of freedom towards a more 'positive' one. He argued that freedom should be conceived in broader terms than had been previously allowed. Moral and ethical considerations were now brought to bear so that "the ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves."[9] A belief in the autonomy of the individual was discarded in favour of an organic notion of the individual as a part of society and with corresponding obligations to it. Rather than restricting freedom, the state should now be used as the means to enhance it as well. The traditional liberal antithesis between the state and the individual, Green argued, should be discarded, particularly in an emerging democratic nation.

Green was followed by other liberal thinkers such as David Ritchie, John Hobson and Leonard Hobhouse who all contributed to the movement of liberalism away from laissez-faire towards a more interventionist path. Significantly enough, Hobhouse acknowledged the debt that Bentham and utilitarianism had bequeathed to the changing emphasis of liberal ideology: "men ... like Bentham and Mill, who had principles and knew how to apply them, were the real spiritual leaders who moved the masses of social prejudice and political obstruction and made the way plain for reform."[10] Would Hobhouse have acknowledged a debt to previous thinkers if he had not seen them as forerunners of his own thought? I can only assume that his reference to John Stuart Mill concerns *The Principles of Political Economy* which, while still laying down Mill's laissez-faire credentials, nevertheless expressed some sympathy with socialist aspirations and sanctioned a fairly impressive number of exceptions to the 'non-interference principle'.

Before examining Bentham's role in all this, a brief survey of what growing state involvement and the 'administrative revolution' meant in practice will be useful when later on in the essay Bentham's influence on these developments comes under scrutiny.

Although evolving hand in hand, there are really two aspects to the changing role of the state in the Victorian era. Firstly, the specific areas where legislation was felt necessary and, secondly, the administrative machinery required to carry it out.

It is not particularly difficult to list just some of the areas involving legislation where governments had previously not concerned themselves. Hours and conditions at work were regulated in factories and mines. To take just one example, the Mines Act 1842 ensured that women and children under ten years of age would not be required to work underground. (Mining gradually became one of the most regulated industries in this country.) Various Factory Acts were similarly enacted in 1833, 1844 and 1847 to regulate hours of work. Legislation concerning urban sanitation and public health was also introduced through the Public Health Act of 1848 which, amongst other things, made the provision of drains and clean water compulsory. The provision of relief was re-modelled in 1834 by the centralising Poor Law Amendment Act, and regulation of the railways proceeded apace because of fears of monopolistic practices (thus eventually turning it into one big monopoly!). Another sphere where government took on responsibilities for the first time was in the field of education, with the passing of Forster's Education Act of 1870.

While political opinion discussed the merits or otherwise of government regulation, those involved in the regulatory process increasingly came to understand "that if a social policy was to be effective government machinery would have to be created to put it into force."[11] This came to be known as the 'administrative revolution', a term used to describe the evolving administrative regulation of social affairs and the form that it took. It also describes the growth of a more efficient bureaucracy staffed by a growing professional class of 'experts' and administrators. This may, in part, be due to reforms in the civil service such as the introduction of competitive examinations in an attempt to eliminate nepotism and incompetence. What alarmed many observers were the centralising tendencies of much of this legislation. The Poor Law Amendment 1834 and the Public Health Act 1848 were seen as typifying this process by trespassing on the rights of elected local authorities and impinging on the traditional duties of local government. This 'empire-building' on behalf of the central bureaucracy was perhaps no more than an outward expression of inner convictions about their own competence successfully to 'manage' or 'engineer' social change.

What is clear is that the 'administrative revolution' in government was an evolutionary process rather than an abrupt change, so much so that many did not realise it was happening. A few libertarian thinkers such as Herbert Spencer, Auberon Herbert, Wordsworth Donisthorpe, William Mallock and Thomas Mackay, were more perceptive than most in recognising the underlying trend of social policy. Herbert Spencer disparagingly referred to the 'New Toryism' of the Liberal Party.[12] Yet by the end of the century, the ideological tide had turned to such an extent that growing state involvement was perceived as a generally beneficial process and critics who bemoaned the new consensus were regarded as antiquated and out of touch.

Having described in some detail the changing role of the state during the nineteenth century and possible influences on that change, both ideological and non-ideological, I will now go on to concentrate on the role Bentham and his followers played in all this. Some historians, such as Harold Perkin, Jennifer Hart and C. R. Fay, consider Bentham as the architect of the reform process. J. Bartlet Brebner even goes so far as to claim that these reforms were "Benthamite in the sense of conforming closely to that forbidding, detailed blueprint for a collectivist state, the *Constitutional Code*."[13] Yet others, like David Roberts and Oliver Macdonagh, believe that these changes would have occurred no matter what ideological assumptions were prevalent at the time, and they suggest that Bentham's influence was minimal. The state was no more than responding pragmatically to events. Once the 'non-interference principle' was breached the growth of government took on a momentum of its own and ideas were of secondary importance. It is to this debate over Bentham's role that I now wish to turn.

THE DEBATE CONCERNING BENTHAM'S INFLUENCE

> The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else.[14]
>
> John Maynard Keynes

Macdonagh and Roberts argue that the 'administrative revolution' during the Victorian era cannot be considered as ideologically inspired. Instead it evolved organically and as a purely pragmatic response to changing social conditions. Or, as Kitson Clark maintains, there was no hidden agenda: "it was the work of individuals reacting as best they might to particular problems and situations."[15] In a sense, it can be understood as a self-perpetuating process. Once legislation was deemed a permissible response to a particular social injustice, then further legislation could always be called upon to remedy any remaining problems not foreseen when the original legislation was enacted. As Macdonagh makes clear, "A precedent was established, a responsibility assumed."[16] Furthermore, once legislatory action had been taken in one field it could be cited as an example as to why there was little reason for it not to be enacted in another. As for the trend towards increasing centralisation, they argue that this was merely a means towards greater efficiency in government while also helping to define clearer lines of authority.

As for Benthamism, Macdonagh concedes that "In its concern with the regulatory aspects of law and the problems of legal enforcement, in its administrative ingenuity and inventiveness, in its downright rejection of prescription, in its professionalism and its faith in 'statistical' enquiry, it worked altogether with the grain of our (administrative) revolution'."[17] Nevertheless, Macdonagh sees this as coincidental and denies that Bentham's doctrines were an operative force Bentham may have influenced particular individuals but his influence on the general public and civil servants was strictly limited. In short, his philosophy did not dictate the tenor of the times. At most it ran concurrently with, or even reinforced, existing trends rather than initiating them.

Others, however, find ample evidence to suggest Bentham and his followers played a significant role in nineteenth century legislation and that "the majority of essential reforms accomplished between 1820 and 1875 had the Benthamite impress upon them."[18] Support for the view that utilitarian doctrines were an important factor can be separated into two related parts. Firstly, it is contended that ideas do indeed play a part in the political process and, secondly, that those ideas can be discerned when judging the policies enacted in that process.

Henry Parris is one historian who supports the contention that political actions do not operate in an intellectual vacuum and that allowance must be made "for the unconscious influence of ideas on men's minds", even if it is a process that cannot be empirically verified.[19] In other words, if it is rarely possible to find empirical evidence the endeavour should not therefore be discarded. Why else discuss the ideas of historical figures if we cannot presume that in some way they permeate the general discourse of their time? If one accepts that ideas have consequences then it is surely permissible to suggest that Bentham's ideas had a determining influence on the nineteenth century, even if the contention cannot be proved to the satisfaction of everyone. As Stephen Conway makes clear, "historical study in general is, by its very nature, based on incomplete information about historical characters and their motives; but this does not mean that it is impossible to suggest connections that might further our understanding of the past."[20]

Parris claims that there is nothing inevitable about how institutions respond to changing social factors, they must be guided as much by prevailing theoretical assumptions concerning society as by practical considerations. If this be the case, then Parris suggests that the dominant current of opinion during the second half of the nineteenth century was utilitarian in origin and stemmed from the pen of Jeremy Bentham. Although abstract thought alone does not transform society (it must co-exist alongside, and respond to, material transformations) "it does not follow that the same (political) solutions would have been reached had he never lived." The growth of government "though not attributable to Benthamism as sole cause, cannot be understood without allotting a major part to the operation of that doctrine."[21]

While it would be rash to assume that politicians and legislators were solely concerned with implementing a coherent philosophical doctrine, it would appear that Macdonagh and Roberts have gone too far the other way in arguing that the 'administrative revolution' was a purely pragmatic, non-ideological and incoherent response to events. As Michael Freeden points out, "Legislation does not occur in a vacuum ... At the very least, the mental climate of an age defines and constrains the options open to the politician (who) cannot help being guided by the hard core of existing thought that has accumulated on a certain issue."[22] That Bentham's ideas were certainly in the air and common currency at that time, even if not consciously appreciated as coming from that source, is suggested by one disciple's rueful reflection that "many writers had drawn upon Bentham without acknowledging whence they had derived their inspirations."[23]

If it can be conceded that utilitarian thought played an important role in legislative affairs, it still needs to be established how this came about. By what route did theory become practice? How were Bentham's ideas disseminated and with what practical results?

That Bentham was notoriously difficult to read and that he produced no best-sellers during his lifetime is common knowledge. Nevertheless, it would appear that his ideas filtered through into the general consciousness via the writings and activities of a small number of dedicated and remarkably active advocates of his philosophical position. Secondary sources played an vital role in this process. The *Westminster Review* was established for the sole purpose of discussing public policy in terms of utilitarian analysis, and through the writings of James Mill, John Stuart Mill and other 'philosophic radicals' many of Bentham's ideas reached a wide audience. It must also be remembered that the political class involved in public policy at this time was a still relatively small coterie of intellectuals, civil servants, politicians and men of affairs. Through prolific correspondence and extensive personal contacts utilitarian ideas began to make inroads on the opinions of these policy makers.[24]

Benthamic ideas had an even more direct impact when a number of his followers achieved positions that enabled them to play a prominent role in Government social policy. John Dinwiddy claims that in this respect Benthamites

"played a major role in publicising abuses and framing legislation to remove them — in fields such as public health, poor relief, and the restriction of child-labour in factories."[25]

Edwin Chadwick, an enthusiastic proponent of Bentham's ideas, epitomises the new breed of administrative 'expert' involved in nineteenth century legislation. He perhaps played the most important proselytising role in the moulding of social administration. Besides sitting on the commission of enquiry into factory conditions which produced the Factory Act of 1833, he also played a prominent role, along with other Benthamites such as George Grote and Walter Coulson, in drawing up the Poor Law Amendment Act of 1834. He advocated new principles in poor relief that echoed Bentham's proposals as set out in *Pauper Management Improved* (1798). These included the acceptance of central government responsibility for the relief of poverty and national uniformity in provision where previously this had been left to the sole discretion of the various parishes.

Yet Chadwick was not the only Benthamite disciple involved in administrative reforms. John Roebuck was a forceful proponent of a national and uniform educational system. He saw those opposed to state interference in educational affairs as misguided, now that government was becoming increasingly democratic and more representative of the people. Similarly, Joseph Hume, Sir Samuel Romilly and Thomas Southwood Smith, actively promoting reform in the fields of public health, law reform and factory legislation respectively, were all either personal friends of Bentham or his avowed disciples. Other measures that Bentham had advocated at one time or another that finally found their way onto the statute books include the setting up of a permanent police force; the official registration of births, marriages, and deaths; and separate ministries responsible for the provision of education, health and poor relief.

A proviso, however, must be included at this point. Was someone like Chadwick implementing consistent policies that conformed to coherent philosophical principles, or was he just responding to perceived social evils in a humane way and without prior ideological commitments having any part to play? One can certainly point-to areas where regulation was advocated and yet in others where the 'non-interference principle' was maintained. For example, Chadwick, Roebuck and Hume all opposed any attempt to regulate the hours of work when applied to adult labour. And as Dr Conway makes clear, these reformers were much more than narrow-minded and dogmatic advocates of Benthamite doctrines. Indeed, Bowring, Southwood Smith and Chadwick were as much influenced by religious conviction, and it would therefore be erroneous to assume that utilitarian reformers drew up their proposals on solely utilitarian grounds.[26] Yet bearing this in mind all at one time or another acknowledged a debt to Bentham either publicly or in private correspondence.[27]

Equally it must be admitted that many involved in the reform process had very good reasons of their own that did not involve any knowledge of Bentham's back catalogue. Nevertheless, William Thomas maintains that Bentham's followers played a predominant, if indeterminable, role in much of the reforming process: "They are the moles of nineteenth century legislation: you never see them, but the mounds of earth show where they have been at work."[28] In a similar vein, John Dinwiddy has no doubt that almost by means of osmosis, utilitarian ideals influenced not only the actions of reformers but also the purpose of reforms. That many of Bentham's reform proposals never came to pass, such as the private contracting out of prisons, the Panopticon scheme, and much of the *Constitutional Code*, can be explained by the fact that reform "was a process of infiltration and piecemeal improvement ... of a general and rather intangible kind" and therefore did not result in the total reconstruction — of law or political institutions — that Bentham himself would have wished.[29]

Although it will never be possible to pinpoint with any precision the exact degree to which Bentham's influence impacted on each specific reform and legislative proposal, when all probabilities are taken into account one must concur with Harold Perkin that "there were, no doubt, reforming administrators who had not read Bentham, and some perhaps — although it is very hard to believe — who had not heard of his name ... (yet) those who had read Bentham, or talked to those who had, could travel all the faster for knowing where they were going."[30]

THE INTERVENTIONIST ROOTS OF BENTHAMISM

> The liberty of the subject is only the means towards an end; it is not itself the end; hence, when it fails to produce the desired end, it may be set aside, and other means employed.[31]
>
> William Jevons

As Stephen Conway suggests, those who reject the notion of any Benthamite influence on the changing role of the state do so, not only on the grounds that growing state involvement was an inevitability in the circumstances, but also because Bentham is still considered by many as a laissez-faire individualist and "that his general aim was to remove restrictions, not to create new ones; to reduce state interference, not to increase it."[32] In other words, if Bentham really was an advocate of laissez-faire ideology then he could have had little influence on the latter half of a century that slowly but surely moved away from such notions.

A. V. Dicey, who labelled the years between 1825 and 1875 the 'period of Benthamism or Individualism', had no doubt that "laissez-faire was practically the most vital part of Bentham's legislative doctrine."[33] Certainly one can find in Bentham's writings many instances of such a position. In his *Defence of Usury* (1787) Bentham went beyond Adam Smith in criticising government interference concerning interest rates and instead advocated the free play of market forces. He also supported the efficacy of private over public initiatives in many other respects. Take, for example, his proposal that prisons be run privately so that they would not become a drain on the public purse. Bentham always believed that pervasive corruption, 'sinister interests' and general government incompetence meant that, wherever possible, government should stand aside in favour of the private sector.

James Steinrager, for one, has no truck with those like Gertrude Himmelfarb and J. Bartlet Brebner who concentrate on Bentham's authoritarian tendencies. Bentham's work as a law reformer was concerned with the removal of archaic

and outdated restrictive laws such as those concerned with sexual freedom and religious liberty. The removal of unnecessary restrictions on freedom of speech and the press, and on individual freedoms that were 'self-regarding' (to use a phrase of Mill's) would increase the happiness of the people and thereby conform to the principle of utility. "In Bentham's eyes one of the appeals to the principle of utility was its profoundly liberating potential."[34] As Stephen Conway points out, in his opposition to deference, aristocratic institutions and traditional government practices, with his support for democratic reform and universal suffrage, and in his advocacy of greater economy and efficiency in government, in the minds of the general public at least, he was often "connected with the proponents of vigorous individualism".[35]

Another reason why Bentham was considered an advocate of laissez-faire was his concern over the sanctity of property, which he considered essential for the maintenance of stability. Indeed, security of private property took preference over the principle of equality as one of his four legislative ends of government. By opposing protectionism, subsidies, price controls and other forms of government intervention, by supporting the principle of free trade and in his distrust of costly and expensive foreign adventures, Bentham does appear as a fairly representative figure of the school of Political Economy. There may well be justification, in times of general hardship, for government limits on the price of grain and the prohibition of food exports, but such times he considered exceptions to the rule. In general, intervention by the state was unnecessary, People knew best what their own interests were and intervention would for that very reason be ineffective.

Yet I do not wish to stake my claim for the interventionist tendencies of utilitarianism in the purely economic sphere, as there seems little controversy as to which camp Bentham belonged. Nor do I wish to dwell on the specific policies Bentham himself advocated on this or that issue, for it is the implications of his philosophical position that concerns me most. One cannot presume that because as an individual Bentham was laissez-faire then that necessarily implies that utilitarianism must always be so, for there are various elements in his philosophy that can be interpreted, by those who wish to do so, in a much more interventionist light.

Bentham argued that the sole purpose of all legislation should be to promote the greatest happiness of the greatest number. Following on from Adam Smith's identification of a natural harmony of interests by means of an 'invisible hand', he also believed that his principle of utility could be best secured with minimal government interference. Yet in changing circumstances there is no reason why that principle could not also be used to support a large degree of government intervention in society if it was felt necessary in order to secure happiness, and this is indeed what happened. In other words, while the end remained the same, the means to achieve that end were not prescribed in tablets of stone.

That the 'greatest happiness principle' could be used to justify a much wider and more extensive degree of government intervention than Bentham had conceived of was something many of his followers, as personified in the work of Edwin Chadwick, clearly recognised. They certainly did not believe they were departing from utilitarian principles by sponsoring government interference in the economy, and they began to see the state as having a pivotal role to play in promoting the welfare of the people and, as a consequence, their general happiness. If utilitarianism did not directly advocate state intervention, then neither did it proscribe it as the earlier liberal doctrine of 'natural rights' had done.

Nor is it always obvious that the traditional liberal emphasis on individual freedom and autonomy can be reconciled with the greatest happiness of the greatest number. For it is at least conceivable that this could be achieved by restricting the freedom of some in order to promote the happiness of the many. That such utilitarian notions began to influence liberal thought is suggested by the following remark of Nassau Senior, once considered a committed adherent of laissez-faire doctrines: "The only foundation of government is expediency, the general benefit of the community. It is the duty of government to do whatever is conducive to the welfare of the governed. The most fatal of all errors would be the general admission that a government has no right to interfere for any purpose except the purpose of affording protection."[36]

Certainly, both 'New Liberals' and Fabians saw Bentham as a forerunner of the social welfare doctrines they started to advocate. By placing new emphasis on the reforming character of liberalism "conceived as the rational and planned remedying of social ills", Michael Freeden believes that "utilitarian reform — political, legal and social — left an indelible mark upon the ideological development of English social thought."[37] And as is well known this ideological development moved slowly but surely in an increasingly collectivist direction.

That "there was undoubtedly an inclination on Bentham's part to favour active and attentive government, and, correspondingly, no disposition to shy away from legislative interference" seems beyond doubt.[38] However, it is not always clearly apparent why this should be so. I will now attempt to show that due to the constructivistic basis of utilitarian philosophy, the Benthamic view of the nature of social processes implicitly requires constant legislative interference in social affairs, as do all rationalistic or constructivist ideologies.

(A) THE RATIONALIST PREMISE

> ... much of his political activity consists in bringing the social, political, legal and institutional inheritance of his society before the tribunal of his intellect; and the rest is rational administration.[39]
>
> Michael Oakeshott

In the above quote, Oakeshott was commenting on the nature of rationalism in general, but it is difficult to believe that he did not have Jeremy Bentham very much in mind as he wrote it. Friedrich Hayek suggests that a term more appropriate to the Benthamic frame of mind, and one that particularly leads in an interventionist direction, is 'constructivism' — a belief that "since man has himself created the institutions of society and civilisation, he must be able to alter them at will so as to satisfy his desires or wishes." This erroneous belief, of which Bentham was a supreme exponent, can easily mislead one "into thinking that morals, laws, skills and social institutions can only be justified in so far as they correspond to some preconceived design."[40]

Although overlapping in many areas and sharing similar ideals, there are really two distinctive traditions in liberalism.[41] One tradition, associated with the 'Scottish Enlightenment', Mandeville, Hume, Smith, Ferguson, Burke and the English Whigs, takes an evolutionary approach to the work of social processes in society. According to this view, traditional ways and means of social co-operation and interaction, for example, language, the common law, money and even the market economy, emerged in a spontaneous and evolutionary manner: "nations stumble upon establishments, which are indeed the result of human action, but not the execution of any human design."[42]

In other words, many of the institutions in society that are necessary for the maintenance of advanced civilisations were not purposely designed for their respective uses and there was no overall preconceived plan in their development. "Language, religion, law, even the state itself, and to mention a few economic and social phenomena of markets, of competition and money, and numerous other social structures are already met within epochs of history where we cannot properly speak of purposeful activity of the community as such directed at establishing them."[43]

The very survival of certain laws and fundamental rules of behaviour found present in all societies throughout history suggest they serve a purpose, one that we might not be able to discover or immediately articulate because they evolved spontaneously as general rules of conduct. Humans evolve and prosper by stumbling upon rules of conduct conducive to their survival, while those that do not adapt to these evolving rules will tend to remain at a fairly primitive stage. The same could be said for societies in general, and therefore it would be a mistake to discard traditional practices and established ways of conducting our affairs on a rationalist whim. Or as Burke put it: "We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that this stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and ages." 'Latent wisdom' is to be found in 'general prejudice'.[44]

The second liberal tradition stemmed from the Continent and took a more rationalist approach concerning the structure of human institutions, demanding a "deliberate reconstruction of the whole of society in accordance with principles of reason."[45] It emerged from the scientific method of reasoning attributed to René Descartes and is closely associated with the writings of the philosophers Voltaire and Rousseau, the Encyclopedists and the French Physiocrats. Descartes himself exemplified the constructivistic nature of the rationalist approach: "those nations which, starting from a semi-barbarous state and advancing to civilisation by slow degrees, have had their laws successively determined, and, as it were, forced upon them simply by experience of the hurtfulness of particular crimes and disputes, would by this process come to be possessed of less perfect institutions than those which, from the commencement of their association as communities, have followed the appointment of some wise legislator."[46] Or, as Voltaire put it more succinctly: "if you want good laws, burn those you have and make yourselves new ones."[47]

Perhaps the most fundamental difference between these two schools of thought is that one stresses the unforeseen and unforeseeable consequences of individual actions resulting in a social order that nevertheless works to the benefit of society, while the other attempts to trace all social phenomena to deliberate design: "the former is a product of an acute consciousness of the limitations of the individual mind which induces an attitude of humility toward the impersonal and anonymous social processes by which individuals help to create things greater than they know, while the latter is the product of an exaggerated belief in the powers of individual reason and of a consequent contempt for anything which has not been consciously designed by it or is not fully intelligible to it."[48]

Unlike the prescriptive view as expounded by the British Whigs, Continental liberalism consisted of "a general mental attitude, a demand for an emancipation from all prejudice and all beliefs which could not be rationally justified."[49] Rules or laws not founded on any rational basis should, be swept away in favour of those constructed solely by man's reason to serve a predetermined and definitive end. That this characterises Bentham's thought is suggested by his comment concerning the possible implementation of his *Constitutional Code*: "To the whole contents of this proposed code ... In whatever political community, by which it were adopted, it would ... probably to a very large extent, involve the abolition of existing institutions."[50] It is this brand of liberalism that appears to have influenced Bentham, the Philosophic Radicals and the English radical tradition in general. And it is this brand of liberalism, with its emphasis on re-designing society, that is much more prone to seeing the role of government as the means by which this may be achieved.

That Bentham was a fairly representative figure of this school of liberalism and the rationalist belief "that the human mind is capable of knowing all the facts relevant to the understanding of any situation" comes out clearly in his proposed 'felicific calculus' whereby pleasures and pains could be measured objectively and policies pursued that would maximise the greatest amount of objective pleasure. As Norman Barry claims, "this approach represents all too well the hubris of reason — the arrogance and insolence of 'rational man'. It is impossible, in a necessarily uncertain world, to know the consequences of political (or any human) action with anything approaching certainty. Indeed, most political actions by government generate unintended consequences which are impossible to control, even if they can be predicted."[51] In other words, the legislator cannot possibly know all the consequences of his actions no matter how 'scientific' his calculus.

It is not so much that opponents of Cartesian rationalism are in some way anti-rationalist or that Hume and Burke were opposed to the use of reason. Rather it is a form of what Karl Popper termed 'critical' rationalism, an acknowledgement of the limits to human understanding and the frailties of human wisdom, as opposed to the 'naive' rationalism of the Continental approach.[52] In a sense, reason is used as a means to debunk 'reason' and the presumption that one can restructure society according to some grand design.

Once the implications of constructivistic thought can be discerned the interventionist tendencies of utilitarianism become more apparent, and it is these tendencies which I will now go on to discuss.

(B) THE INTERVENTIONIST IMPLICATIONS OF UTILITARIAN THOUGHT

> He liked to think that he had discovered in the principle of utility a simple positive principle on which all men would be able to agree so as to reform society on a systematic plan.[53]
>
> Elie Halevy

Bentham's *Introduction to the Principles of Morals and Legislation* (1780) was a critical denunciation of existing English legislative practice, mainly because much of it was unintelligible, or because no rational justification could be found in its support. In response he proposed that laws should only be enacted if they conformed to the principle of utility as defined by the greatest happiness of the greatest number: "A measure of government ... may be said to be conformable to or dictated by the principle of utility, when in like manner the tendency which it has to augment the happiness of the community is greater than any which it has to diminish it."[54] In other words, Bentham was setting up an ideal ethical system by which to judge existing institutions in relation to how far they conformed to or fell short of that ideal. All proposals concerning public policy were evaluated by the same criteria.

If existing institutions or practices did not conform to this utilitarian agenda then no impediment should be found to their abolition. "Bentham saw himself as an engineer ... and he had a pioneer inventor's faith in his blueprints as well as a distaste for piecemeal alterations and adaptions of his plans."[55] Hence, if no rational justification could be found for following traditional rules and practices then they should be discarded forthwith in favour of rational designs that served a recognisable purpose, in Bentham's case that purpose being the greatest happiness of the greatest number. The common thread that runs through all of Bentham's work is the belief that "human institutions will serve human purposes only if they have been deliberately designed for these purposes ... and always that we should so re-design society and its institutions that all our actions will be wholly guided by known purposes."[56] Wise legislation was all that was needed to bring about this state of affairs.

Bentham, as John Stuart Mill observed, was "the great questioner of things established", and appeals to historical precedent, to tradition or to the principle of prescription all fell on deaf ears. They were mere "political fallacies" designed to protect the "sinister interests" of those who governed. That Bentham took this approach is hardly surprising. "To the Rationalist, nothing is of value merely because it exists (and certainly not because it has existed for many generations), familiarity has no worth, and nothing is to be left standing for want of scrutiny ... The conduct of affairs is a matter of solving problems, and in this no man can hope to be successful whose reason has become inflexible by surrender to habit or is clouded by the fumes of tradition."[57] In other words, binding constitutional rules and practices were regarded as archaic impediments to the implementation of a rational utilitarian agenda.

Bentham was not merely content, however, with debunking the existing shibboleths of political theory and practice. His utilitarian philosophy was also advanced as an objective guide to legislative practice. "In an iconoclastic frame of mind ... the Philosophic Radicals demanded the submission of all institutions — legal, constitutional, ecclesiastical — to the rationalist criterion of utility."[58] I will now go on to show now this relates to the changing nature of liberalism during the nineteenth century and why it also came to be seen as a doctrine that encouraged the state to assume a much larger role concerning its functions in society.

Michael Freeden argues that utilitarian thought played a major part in the evolution of liberalism towards a growing acceptance of government intervention, and that "it bequeathed to the new liberalism important modes of thinking about society even after it had ceased to exist as a definite philosophical movement."[59] Because happiness came to replace liberty as the sole end of legislation, utilitarianism initiated the increasing emphasis on social rather than individual welfare. Since happiness incorporated the notion of welfare and was not solely concerned with individual autonomy it preceded the new liberal thinking which emphasised the social responsibilities of government. Indeed, the provision of welfare came to be seen as a prerequisite to the enjoyment of 'real' freedom and opportunities so that "Liberty and welfare became twin goals, each in a way defining and explaining the other."[60] In other words, utilitarianism as a philosophical creed fitted in as easily with the new liberal assumptions about society as it had done with the old.

By placing happiness rather than liberty as the ultimate end of all legislation, utilitarianism sanctioned a much more extensive role for the government than liberalism had previously admitted. From Locke onwards, liberals argued that the state's two main functions were to act as 'umpire' by ensuring that the rules of the game were played correctly, and as 'protector' by upholding the natural rights of individuals against injury and injustice. Yet now the state was seen as having a more active role to play in positively promoting the happiness of its subjects.

It would appear that if happiness is the ultimate goal, then freedom can be considered beneficial only in so far as it promotes that happiness. What this implies is that if freedom came to be seen as an inadequate means of achieving Bentham's principle then it would be logical to discard it in favour of a process that would. In other words, positive action by government is in no way prohibited if it could shown to produce a beneficial outcome in terms of happiness. Those who follow the logical implications of utilitarianism must accept that "If it could be shown that happiness could be more effectively promoted by restricting freedom than by enlarging it, they would be bound by their own principles to favour restricting it."[61]

Whereas liberty had once been conceived of as an end in itself, with the advent of utilitarianism it came to be seen not as an end but as the means to a further end, that of happiness. It would seem that much of Bentham's opposition to government interference was due to the inadequate, mistaken or selfish reasons that were propounded in its support. Yet if the reasons provided could be shown to promote the greatest happiness of the greatest number then government interference would be considered permissible. In utilitarianism the means are determined by the end. Or to put it another way, while the end as defined by the greatest happiness principle remained fixed the means to achieve it were not. The debate concerning the respective roles of laissez-faire or government intervention now revolved around which, in each particular case, was the most appropriate in the circumstances. As Stephen Conway

makes clear, Bentham was "from first to last and above all else, a utilitarian. Actions were to be judged by their consequences not on their intrinsic merits."[62] The result being that it was no longer necessary for those liberals who accepted the utilitarian position to be inherently hostile towards the state.

Michael Freeden also makes the point that once utilitarianism concerned itself with happiness as an equal right of each individual, rather than the prerogative of a majority, if governments could intervene to facilitate the happiness of the few without substantially reducing the happiness of the many then it would be incumbent on them to do so.

What I hope to have shown is not that utilitarianism is inherently collectivist, rather that it was, by implication, more interventionist than traditional liberal doctrine in that it did not proscribe from the outset, as natural rights theory had done, limits to that intervention. By replacing the protection of individual liberty with the procurement of happiness as the main function of government, it allowed for a greater degree of state responsibility. The roots of liberal interventionism were thus planted.

(C) BENTHAM'S THEORY OF LAW AND THE ROLE OF THE LEGISLATOR

> His philosophy is essentially a philosophy written for legislators and men engaged in government, that is to say for men whose profession is to restrict liberty.[63]
>
> Elie Halevy

Bentham's constructivist approach to social processes also naturally led him to espouse a philosophy of law, legal positivism, that is not always an obvious defender of individual rights or liberties. Legal positivism subscribes to the view that all law, conceived of as "an instrument of organisation for particular purposes", derives from the expressed will of a sovereign law-giver.[64] It demands that the sovereignty of the legislature be supreme as a logical necessity, for it cannot be considered sovereign if its power can be limited by another placed above it. In short, sovereignty cannot be limited by law for it precedes it, and as a consequence there can be no limits to the legislative authority.

As Stephen Conway points out, not only is it a logical necessity for the sovereign to wield unlimited power, it is also demanded by the all encompassing agenda of utilitarianism: "Any imposition of boundaries, any endeavour to declare, in advance, that certain areas were beyond legislative control, was a derogation of sovereign power, and therefore a limitation on the ability of the sovereign power to maximise happiness."[65] On a similar note, in the *Constitutional Code* Bentham argued that, because sovereignty lies in the people, the legislature which represents them should therefore be 'omnicompetent' (all-powerful). In other words, there was no need for a separation of powers, a second chamber of debate, a Bill of Rights, or any form of judicial review or veto on government legislation. Bentham failed to see that without constitutional checks or limits, a majoritarian democracy may well result in a majority insisting on extensive government intervention in society if it was perceived that as a consequence it would increase their happiness.

Furthermore, in advocating the unlimited authority of the legislature, Bentham criticised natural rights theory as "nonsense upon stilts". He believed that only government had the power to confer rights, and that it was therefore illogical to presume that rights could be enforced against it in return. By claiming that there exist no absolute rights that can be upheld against the state, Bentham not only attacked a competing ideology that would have impeded the implementation of his own agenda, but also undermined a doctrine that proscribed from the outset any activity by the government that interfered with the 'natural right' to liberty and property. In other words, whereas previously one could appeal to a higher authority of Natural Law in defence of one's rights, utilitarianism placed no such impediments on government interference and there was no longer any sphere of activity that could now be considered off-limits to the state. "By denying that there were limits to legislative activity ... Bentham was opening the door to a very considerable degree of state intervention."[66]

The theory of natural rights was predominantly concerned with individual 'space' and autonomy. It preceded Kantian ethics in its concern that individuals be treated as ends in themselves rather than as means to some other aggregate end, irrespective of what that end might be. If one takes the greatest happiness of the greatest number principle literally, it is at least conceivable that some individuals may be sacrificed in order to increase the aggregate sum of happiness for the rest of the community. As Hobhouse stated, if utilitarian principles were taken to their logical conclusion it could mean that society "may do with the individual what it pleases provided that it has the good of the whole in view... It contemplates, at least as a possibility, the complete subordination of individual to social claims."[67] After all, by dismissing natural rights theory individuals now had no natural rights that could be violated if such a process were to occur. If maximisation of utility is the sole criteria of public policy then no rights can be raised in opposition to it. As Amartya Sen and Bernard Williams remark, "persons do not count as individuals in this any more than individual petrol tanks do in the analysis of the national consumption of petroleum."[68] This is particularly true of 'act-utilitarianism' which assesses any action purely by the results it produces.

That Bentham conceived of happiness as being more important than freedom is suggested in his oft quoted remark; "Call them soldiers, call them monks, call them machines, so they were but happy ones, I should not care."[69] Indeed, liberty does not even warrant a separate mention in Bentham's four proposed legislative ends of Government — security, subsistence, abundance and equality.

Frederick Rosen, in an essay re-affirming Bentham's libertarian credentials, makes much of the fact that, for Bentham, security was a more appropriate term to denote liberty because it "established the framework within which each person could realise his or her own happiness".[70] Yet when Rosen writes that "As security, liberty played the most fundamental role as the main end of legislation", I remain to be convinced.[71] To take just one example, in his proposals for the relief of indigence, *Pauper Management Improved* (1798), Bentham argued that it would be in the best interests of everyone concerned if beggars were confined to the workhouse whether they consented to this treatment or not. There they would remain until they had paid the expenses, not only of maintaining them, but also of the cost involved in capturing them.

Yet it was not only those who applied for relief who would be apprehended and forced into the workhouse, but also those considered in need of assistance even if they did not actively seek it. Furthermore, neither was it only the National Charity Company that would be given the power to arrest beggars: "even the ordinary citizen would be allowed — indeed encouraged — to apprehend and convey any beggar to the nearest Industry-House."[72] As Gertrude Himmelfarb goes on to say: "there was no such thing as the 'rights' of paupers, for there was no such thing as rights at all. There were only interests, and the interests of the majority had to prevail. The greatest happiness of the greatest number might thus require the greatest misery of the few."[73]

While Rosen would not agree with Himmelfarb that security as perceived by Bentham could result in repressive restrictions on liberty, he does recognise, nevertheless, that Bentham's conception of security sanctions a considerable degree of Government intervention in society, even if for different reasons, for it "enabled him to move beyond the Lockean conception of the minimal state ... where security would be conceived more widely in terms of education, health, and welfare."[74] Exactly. As shown earlier, that Bentham's legislative ends of government allowed for a more activist role for the state than John Locke would have sanctioned stemmed from the utilitarian principle that ends matter more than the means by which they are reached.

So far I have attempted to indicate to the reader where the interventionist roots in utilitarian philosophy spring from. I will now go on to briefly examine how Bentham believed his utilitarian agenda was to be implemented by discussing the role of the legislator in Bentham's thought.

One indication of how Bentham perceived the role of the legislator can be discerned in the following quote; "if it were possible to suppose a new people, a generation of children, in which the legislator would find no ready formed expectations to contradict his views, he might fashion them to his will, like the sculptor deals with a block of marble."[75] Now Bentham goes on to admit that this is not possible, but one can almost imagine him regretting the fact. Indeed, many commentators have seen in Bentham a "tendency to treat individuals as human materials to be conditioned and manipulated by the managers of society."[76] And the fact that the end in sight is the generally beneficial one of happiness does not detract from the fact that conditioning and manipulation are still involved.

Bentham saw utilitarianism as a 'science' of legislation to be mastered by the legislator who would then be in a position to restructure society in conformity with the greatest happiness principle: "The legislator is the great dispenser of pleasures and pains in society. It is he who creates the moral order ... Society is the work of his artifices."[77] In short, the legislators' task was to engineer psychological hedonism in such a way that it conformed to the utilitarian ethic. This is what Halevy termed "the principle of the artificial identification of interests".

In the economic sphere, if people were left alone to pursue their own self-interest Bentham believed that, due to the working of Adam Smith's 'invisible hand', it would generally tend to produce unintentional but desirable outcomes or, in other words, a natural identification of interests. Conversely, in the social sphere Bentham argued that legislative intervention would be required to prevent this natural self-interest of the individual from coming into conflict with other individuals which would tend to produce undesirable outcomes. In other words, the legislator would need artificially to channel this self-interest in a more harmonious direction. Halevy claims that this is why, at least in social affairs, Bentham tended towards a degree of paternalistic intervention by the state. This dichotomy between the natural and artificial identification of interests may go some way to explaining why increasing government intervention in social welfare during the nineteenth century was not immediately accompanied by a similar involvement in purely economic matters.

The paternalistic trend in utilitarian thought can also be discerned in the field of educational provision. Bentham argued that no-one knew better than the individual concerned what was in his own best interest. Yet this in turn requires that individuals be sufficiently educated and knowledgeable to appreciate where their real interests lie. John Stuart Mill, for one, did not believe that they were and hence that "the case is not one in which the interest and judgment of the consumer are a sufficient security for the goodness of the commodity."[78] And it was for this reason that utilitarians could sanction government provision of compulsory education. Yet as Halevy points out, why stop at education? The same reasoning concerning the general ignorance of the population could be used to admit a wide discretion for paternalistic interventionism.

If Henry Parris is correct in stating that the question was "not laissez-faire or state intervention, but where, in the light of constantly changing circumstances, the line between them should be drawn",[79] then on the basis of all the preceding evidence, it is my contention that utilitarianism increasingly allowed this line to be drawn in favour of government intervention. Thus "a generation reared in the doctrines of laissez-faire" nevertheless proceeded to lay "the foundations of modern collectivism".[80]

CONCLUSION

> No reformer has put more trust in rational planning to improve men's lives, nor worked out the details with such care.[81]
>
> William Thomas

While this essay could not even attempt to have been exhaustive in its analysis of the impact utilitarianism had on the political and social thought of the nineteenth century, I hope to have shown that, at the very least, Bentham was not the supreme laissez-faire exponent of Dicey folklore. I also attempted to show that not only did Bentham influence ideological developments, but that he influenced those developments in a particular direction.

Even if one accepts that Bentham considered himself an individualist, and there are many instances in his work that suggest this was the case, it in no way detracts from the interventionist tendencies of his doctrine. Once the greatest happiness principle replaced the liberty of the individual as the ultimate goal in political practice it let the interventionist cat out of the liberal bag. It may even be that Bentham's influence led to certain developments in the nineteenth century that he himself would not have intended or desired. But as Harold Schultz points out, "political theorists plan, their plans make a difference in society, but not necessarily the difference planned."[82]

11

NOTES

1. Michael Oakeshott, *Rationalism in Politics*, Methuen, London, 1962, p. 1.
2. T. W. Hutchinson, “Bentham as an Economist”, *Economic Journal*, LXVI, 1956, p. 301.
3. “I do not myself think that the conception of a period of laissez-faire is helpful. It has just enough truth to conceal its defects, which are many, and it is an encouragement to error.” G. Kitson Clark, *An Expanding Society: Britain 1830-1900*, Cambridge University Press, Cambridge, 1907, p. 162. See also Harold Perkins, “Individualism versus Collectivism in Nineteenth-Century Britain: A False Antithesis”, *Journal of British Studies*, XVII, 1977.
4. Lionel Robbins, *The Theory of Economic Policy in English Political Economy*, Macmillan, London, 1952.
5. Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776), eds., R. H. Campbell and A. S. Skinner, Clarendon, Oxford, 1976, Book IV, ix, p. 51.
6. Jeremy Bentham, “The Test of Utility”, in H. J. Schultz, ed., *English Liberalism and the State*, D C Heath and Co., Massachusetts, 1972, p. 7.
7. J. Bartlet Brebner, “Laissez-faire and State Intervention in Nineteenth Century Britain”, *The Journal of Economic History*, VIII, 1948, p. 61.
8. Quoted from the introduction in H. J. Schultz, ed., *English Liberalism and the State*, D C Heath and Co, Massachusetts, 1972, p. viii.
9. Quoted in Anthony Arblaster, *The Rise and Decline of Western Liberalism*, Basil Blackwell, Oxford, 1984. p. 286.
10. Quoted in Michael Freeden, *The New Liberalism*, Clarendon Press, Oxford, 1978, p. 253.
11. Kitson Clark, *An Expanding Society: Britain 1830-1900*, p. 138.
12. Herbert Spencer, *The Man Versus the State: With Six Essays on Government, Society and Freedom*, Foreword by Eric Mack, Introduction by Albert J. Nock, Liberty Classics, Indianapolis, Indiana, 1981 (first published as *The Man Versus The State* by Williams and Norgate, London, 1884).
13. J. Bartlet Brebner, “Laissez-faire and State Intervention in Nineteenth-Century Britain”, *The Journal of Economic History*, Vol. VIII, 1948, p. 62.
14. John Maynard Keynes, *The General Theory of Employment Interest and Money*, Macmillan, London, 1936, p. 383.
15. Kitson Clark, *An Expanding Society*, p. 147.

16 Oliver Macdonagh, “The Nineteenth-Century Revolution in Government: A Reappraisal”, *The Historical Journal*, Vol. 1, 1958, pp. 57-67.

17. Ibid.
18. Charles R. Fay, *Great Britain from Adam Smith to the Present Day*, Longmans, Green and Co., London, 1928, p. 57.
19. Henry Parris, “The Nineteenth-Century Revolution in Government: A Reappraisal Reappraised”, *The Historical Journal*, Vol. III, 1960, p. 28.
20. Stephen Conway, “Bentham and the Nineteenth-Century Revolution in Government”, in Richard Bellamy, ed., *Victorian Liberalism*, Routledge and Kegan Paul, London, 1990, p. 77.
21. Parris, *The Historical Journal*, p. 37.
22. Michael Freeden in *The New Liberalism*, p. 249.
23. Conway in *Victorian Liberalism*, p. 79.
24. For an extensive and more detailed analysis of this process see Conway in *Victorian Liberalism*, pp. 71-90.
25. John Dinwiddy, *Radicalism and Reform in Britain: 1780-1850*, Hambledon Press, London, 1992, p. 311.
26. Conway in *Victorian Liberalism*, p. 78.
27. Ibid., p. 79.
28. William Thomas, *The Philosophic Radicals*, Clarendon Press, Oxford, 1979, p. 9.
29. Dinwiddy, *Radicalism and Reform*, p. 312.
30. Harold Perkin, *The Origins of Modern English Society 1780-1880*, Routledge and Kegan Paul, London, 1969, p. 269.
31. Quoted in Michael Freeden, in *The New Liberalism*, p. 53.
32. Stephen Conway in *Victorian Liberalism*, p. 73.
33. A. V. Dicey, *Lectures in the Relation Between Law and Public Opinion in England during the Nineteenth Century*, Macmillan, London, 1905, p. 147.
34. James Steinrager, *Bentham*, Allen and Unwin, London, 1977, p. 30.
35. Conway in *Victorian Liberalism*, p. 74.
36. Marian Bowley, *Nassau Senior and Classical Economics*, George Allen and Unwin, London, 1937, p. 265.
37. Michael Freeden in *The New Liberalism*, p. 13.
38. Conway in *Victorian Liberalism*, p. 75.
39. Michael Oakeshott, *Rationalism in Politics*, Methuen and Co., London, 1962, p. 4.
40. Friedrich Hayek, *New Studies in Pnilosophy, Politics, Economics, and tne History of Ideas*, Routledge and Kegan Paul, London, 1978, p. 4.
41. Hayek, *New Studies*, pp. 119-151.
42. Adam Ferguson, *An Essay on the History of Civil Society* (first edition 1767), Edinburgh University Press with an Introduction by Duncan Forbes, 1978, p. 187.
43. Carl Menger, *Problems of Economics and Sociology*, University of Illinois Press, Urbana, Illinois, 1963, p. 146 (reprinted as *Investigations into the Method of the Social Sciences with Special Reference to Economics*, New York University Press, 1985).
44. Edmund Burke, *Reflections on the Revolution in France* (1790), Everyman’s Edition, J M Dent and Sons, London, 1960, p. 84.
45. Hayek, *New Studies*, p. 120.
46. Quoted in Hayek, *Order — With or Without Design?*, Centre for Research into Communist Economies, London, 1989, p. 44.
47. Quoted in Hayek, *New Studies*, p. 5.
48. Hayek, *Order — With or Without Design?*, p. 42.
49. Hayek, *New Studies*, p. 120.
50. Jeremy Bentham, *Constitutional Code*, Bowring, Edingburgh, 1843, p. 1.
51. Norman Barry, *End-States and Processes: Two Conflicting Explanations of Society*, Institute of Economic Affairs, London, 1988, p. 39.
52. Hayek, *Order — With or Without Design?*, p. 79.
53. Elie Halevy, *The Growth of Philosophic Radicalism*, Faber and Faber, London, 1972, p. 34.
54. Jeremy Bentham, “On the Principle of Utility”, in Schultz, ed., *English Liberalism and the State*, p. 6.
55. Thomas, *The Philosophic Radicals*, p. 19.
56. Hayek, *Order — With or Without Design?*, p. 75.
57. Oakeshott, *Rationalism in Politics*, p. 4.
58. Alan Bullock and Maurice Shock, *The Liberal Tradition from Fox to Keynes*, A and C Black, London, 1956, p. xxvi.
59. Freeden in *The New Liberalism*, p. 15.
60. Ibid., p. 14.
61. John Plamenatz, “Introduction”, in Halevy, *Philosophic Radicalism*, p. x.
62. Conway in *Victorian Liberalism*, p. 75.
63. Halevy, *Philosophic Radicalism*, p. 74.
64. Hayek, *Order — With or Without Design?*, p. 162.
65. Conway in *Victorian Liberalism*, p. 76.
66. Ibid., p. 76.
67. L. T. Hobhouse, *Liberalism* (1911), Galaxy Books, New York, 1964, p. 38.
68. Amartya Sen and Bernard Williams, ed., *Utilitarianism and Beyond*, Cambridge University Press, Cambridge, England, 1982, p. 4.
69. Shirley Robin Letwin, *The Pursuit of Certainty*, Cambridge University Press, Cambridge, 1965 p. 182.
70. Frederick Rosen, “The Origin of Liberal Utilitarianism: Jeremy Bentham and Liberty”, in Bellamy ed., *Victorian Liberalism*, p. 61.
71. Ibid., p. 60.
72. Gertrude Himmelfarb, “The Haunted House of Jeremy Bentham”, in Herr and Parker, eds., *Ideas in History*, Duke University Press, Durham, North Carolina, 1965, p. 233.
73. Ibid., p. 235.
74. Rosen in *Victorian Liberalism*, p. 68.
75. Quoted in Halevy, *Philosophic Radicalism*, p. 503.
76. Ibid., p. 487.
77. Ibid., p. 17.
78. John Stuart Mill, *Principles of Political Economy*, Penguin, Harmondsworth, Middlesex, 1970, p. 956.
79. Parris, *The Historical Journal.*
80. Phyllis Deane, *The First Industrial Revolution*, Cambridge University Press, Cambridge, 1965, p. 215.

81 Thomas, *The Philosophic Radicals*, p 20.

82. Schultz, ed., *English Liberalism and the State*, p. xi.