

is a significant distinction to be drawn between counterfactual and indicative conditionals. Reversing his earlier opinion, formed under the influence of the work of V. H. Dudman, he now thinks that there is and that these two classes of conditionals demand radically different analyses: the former a possible-worlds analysis along the lines proposed by David Lewis and the latter a probabilistic analysis of the sort pioneered by Ernest Adams. As a consequence, he holds that indicative conditionals, unlike counterfactuals, lack truth conditions and hence truth values. At the same time, he tries to explain why, despite their radically different analyses, there are close similarities between the logics of the two kinds of conditionals and why it is often correct to move from asserting an indicative conditional at one time to asserting a corresponding counterfactual at a later time.

Bennett's work in the history of philosophy has centred on the core texts of the British Empiricists—Locke, Berkeley and Hume—and those of certain eminent continental philosophers of the seventeenth and eighteenth centuries, especially Spinoza and Kant. *Kant's Analytic* (1966) was followed eight years later by its sequel, *Kant's Dialectic* (1974), with *Locke, Berkeley, Hume: Central Themes* (1971) appearing in between. Bennett's next major project of this kind was *A Study of Spinoza's Ethics* (1984); at about the same time he collaborated with Peter Remnant to produce an important new edition and translation of *Leibniz's New Essays on Human Understanding* (1981).

The culminating synthesis of Bennett's thoughts about the major philosophers of the early modern period is provided by his magisterial two-volume magnum opus, *Learning from Six Philosophers* (2001). The first volume treats Descartes, Spinoza, and Leibniz and the second Locke, Berkeley, and Hume. Bennett has always been clear about his own approach to the writings of the great philosophers of the past: although he does not ignore their historical context, he is concerned chiefly with the ideas and arguments to be found in them—not merely as illustrative of the philosophical thought of their times, but for their own sake and for the light that they can shed on present-day philosophical debate. Inevitably, this sort of approach has attracted criticism from certain quarters, especially from historians of philosophy who are skeptical about the very notion of *philosophia perennis*—the idea that there are perennial philosophical problems and arguments that transcend cultural and historical boundaries. But whatever the rights and wrongs of this dispute might be, it is manifest that Bennett's approach is motivated not least by his concern, as a teacher of philosophy,

to keep the seminal texts of past philosophers alive for succeeding generations of students.

See also Berkeley, George; Conditionals; Counterfactuals; Descartes, René; Empiricism; Event Theory; Grice, Herbert Paul; History and Historiography of Philosophy; Hume, David; Kant, Immanuel; Leibniz, Gottfried Wilhelm; Lewis, David; Locke, John; Ontology; Spinoza, Benedict (Baruch) de.

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E. J. Lowe (2005)

BENTHAM, JEREMY

(1748–1832)

Jeremy Bentham, English philosopher and reformer, was born in Houndsditch, London, on February 15, 1748. His father was a solicitor, with wealthy and important clients in the City of London. Of his siblings, only one younger brother, Samuel (1757–1831), survived into adulthood, becoming a prominent naval architect and engineer. His mother died on January 6, 1759. In 1760 his father entered him, at the age of twelve, into the University of Oxford, where he attended the lectures of William Blackstone (later published as *Commentaries on the Laws of England*, 1765–1769). He graduated in 1764, having been obliged to subscribe to the Thirty-nine Articles of the Church of England, the statement of its dogma and discipline.

Having entered Lincoln's Inn in 1763, he was admitted to the bar in 1769. He did not, as his father wished, practice law, but decided instead to devote himself to its reform. Bentham thought of himself as “the Newton of

legislation” (Milne 1981, p. 169); just as Isaac Newton (1642–1727) had brought order to the physical sciences, so would he to the moral sciences. Bentham adopted the principle of utility (an action was judged to be morally right to the extent that that it promoted the greatest happiness of the greatest number) as a critical standard by which to test the value of existing practices, laws, and institutions, and to suggest reform and improvement. He set about composing a comprehensive penal code, to which his best-known work, *An Introduction to the Principles of Morals and Legislation* (abbreviated as *IPML*), which was printed in 1780 and published in 1789, was intended to form a preface.

After returning from a visit to his brother in Russia from 1785 to 1788, his career was dominated by his attempt to build a panopticon prison in London. When the scheme effectively collapsed in 1803 Bentham was left embittered by what he regarded as the bad faith of successive ministries, and he became increasingly committed to political radicalism. In 1809 he began to write on parliamentary reform, and in 1822 he embarked on *Constitutional Code*, in which he advocated the establishment of a representative democracy. Having lived in Lincoln’s Inn from 1769 to 1792, he had then inherited his father’s home in Queen’s Square Place, Westminster, where he died on June 6, 1832.

Bentham’s contemporary reputation was founded on the five recensions of his works produced in elegant French between 1802 and 1828 by his Genevan translator and editor, Étienne Dumont (1759–1829). Bentham met Dumont in or around 1788, when both were members of the Bowood Circle that gathered at the country house of William Petty (1737–1805), second Earl of Shelburne and first Marquis of Lansdowne. Dumont’s recensions were not literal translations of Bentham’s writings, but lucid distillations of his central ideas. The first and most influential was *Traité de législation civile et pénale* (The Theory of Legislation; 1802). To those who wished to introduce political and legal reform, but who faced resistance from entrenched interests such as the privileged nobility and the church, the rational, secular, reforming programme offered by Bentham carried great appeal. While profoundly critical of the legal institutions and practices that he found in existence, he was at the same time optimistic about what could be achieved by law. As he had announced in *IPML*, his enterprise was “to rear the fabric of felicity by the hands of reason and of law” (Burns 1970, p. 11). Bentham’s vision of the law as an instrument of reform and improvement had considerable

impact in an age that viewed ignorance, prejudice, and superstition as the main barrier to human progress.

BENTHAM’S ACHIEVEMENTS

Bentham’s achievements, only some of which are noticed in detail here, were immense. He was the founder of classical utilitarianism, which inspired the movement known as philosophic radicalism in which the young John Stuart Mill (1806–1873) played a leading role, and which has remained one of the most influential doctrines in political philosophy. His method of calculating the potential utility of actions forms the basis of cost benefit analysis in economics. Distinguishing sharply between law as it is and law as it ought to be, he inspired the proponents of the doctrine of legal positivism. In his extensive and detailed writings on judicial procedure, he produced the most comprehensive theory of evidence in the Anglo-American tradition. He developed a theory of punishment and reward which emphasized deterrence, proportionality, and rehabilitation of the offender, and which went far beyond, in terms of rigor and coherence, that associated with Cesare Beccaria (1738–1794).

In politics he produced, in 1789, the earliest utilitarian defense of political equality (at one point even advocating women’s suffrage), and later, in *Constitutional Code*, produced a sophisticated and detailed blueprint for representative democracy. His essay on *Political Tactics* was the first systematic treatise on the organization of a political assembly. He put forward a scheme to promote peace between nations, advocating an international court of arbitration and a proportional reduction of armed forces. Indeed, the word “international” was coined by Bentham. His proposals for dealing with poverty provided the intellectual basis for the Poor Law Amendment Act of 1834, and for the welfare state more generally. His educational ideas, based on “useful learning” and access for all regardless of religion or gender (in contrast to the Universities of Oxford and Cambridge, where students had to be Anglican and male) inspired the founders of the University of London in the mid-1820s.

LANGUAGE

The starting point for Bentham’s thought was his understanding of the way in which the human mind perceived the physical world, and the way in which language was used to describe that world. The fundamental distinction in language was between the names of real entities, which represented objects existing in the physical world (e.g., an apple), and the names of fictitious entities, objects that were spoken about as if they did exist, and about which it

made sense to talk as though they existed, but to which it was not intended to ascribe physical existence (e.g., the property of a physical object, such as the sweetness of an apple, or an abstraction, such as a law). In order to make sense, language had to refer, either directly or indirectly, to physical objects. The difficulty lay in finding a method by which the names of fictitious entities could be related to their “real source” in the physical world. The names of fictitious entities were not capable of exposition by means of representation, where a specific object was produced and its assigned name pronounced, for there was no such object to produce. Nor was it possible to define a fictitious entity by means of the Aristotelian method of definition *per genus et differentiam*. Definition by this means was possible where the object belonged to a nest of aggregates, and was not the highest object in the nest, but was not possible where the word had no superior genus.

Bentham’s solution consisted in the complementary techniques of paraphrasis and phraseoplerosis. The operation of phraseoplerosis, the filling up of the phrase, was logically prior to that of paraphrasis. Discourse often contained ellipses, which needed to be “filled in” by inserting the omitted words. Thereupon, the operation of paraphrasis could be undertaken, whereby a sentence in which the name of the fictitious entity appeared was translated into another sentence in which the words were either real entities, or were more nearly related to real entities. Take the word “duty.” A person (X) had a legal duty when someone else (Y) had a right to have him (X) made to perform it, in which case X had a duty toward Y, and Y a right against X; what Y had a legal right to have X be made to do was that for which X was legally liable, upon a requisition made on Y’s behalf, to be punished for not doing. The definition or exposition had “resolved” the notion of duty into its simple, or more simple, elements: namely the prospect of suffering a punishment (a term which itself would require further exposition), upon the forbearance to perform some action, when required to do so by the person invested with the corresponding right. However, if an exposition by paraphrasis proved to be impossible, then the fictitious entity in question belonged to the class of nonentities, the noun substantive by which it was represented was merely a sound, and any proposition in which it occurred was nonsensical.

PRINCIPLE OF UTILITY

Bentham’s critical standard, the principle of utility, was a fictitious entity, and had to be expounded by relating it to the physical entities that formed its “real source.” As Bentham explained in *IPML*, the “real source” in question

consisted in the sensations of pain and pleasure: “Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do.” The “sovereign masters” of pain and pleasure not only accounted for human motivation, “govern[ing] us in all we do, in all we say, in all we think,” but also provided “the standard of right and wrong” (p. 11). Psychology and ethics were both founded on, and therefore linked by, their relation to pleasure and pain.

In relation to psychology, the desire for pleasure and the aversion to pain formed the basis for all motivation, both in humans and sentient creatures generally. An individual had a motive to perform an action—or put another way, had an interest in performing an action—if he or she expected to gain some pleasure or avert some pain from doing so; and the greater or more valuable the pleasure experienced or pain averted, the stronger the motive or greater the interest. The value of a pleasure or pain was determined by its quantity, which, in the case of a single individual, was a product of its intensity, duration, certainty or uncertainty, and propinquity or remoteness. Where the value of a pleasure or pain was considered in relation to more than one person, then in addition to these circumstances, the circumstance of extent, that is the number of persons affected by it, had also to be taken into account. At this point, a statement of psychological fact has become a statement of moral science. An act was morally good if, after calculating all the pains or pleasures produced in the instance of every individual affected, the balance was on the side of pleasure, and morally evil if on the side of pain. Bentham’s method of determining the value of pleasure and pain is known as the “felicific calculus,” though this was not a phrase that he appears to have used himself.

An adherent of the principle of utility would approve of any action that increased the overall happiness (understood in terms of a balance of pleasure over pain) of all the individuals affected by the action in question, where more than one individual was affected. An adherent of the principle of utility would likewise approve of any action that increased the happiness of a particular individual where no other individual was affected by the action in question. In the former instance the extent was equal to the total number of individuals in question, and in the latter instance to one. It was only when extent was taken into account that an action could be judged to be ethically right or wrong. The question of right and wrong was a question of fact—an account of the value, understood in terms of quantity, of the pleasures and pains that

had been brought into existence by the act in question. In order for the utilitarian legislator to accomplish his objective of promoting the greatest happiness of the greatest number, he had to use sanctions (punishments and rewards), themselves composed of pain and pleasure, to discourage actions detrimental to the happiness of the community, and (to a lesser extent) to encourage those that were beneficial.

NATURAL LAW

Bentham's adoption of the principle of utility—with its “real source” in the feelings of pain and pleasure experienced by sentient creatures—as a critical standard of morality led him to distinguish between “law as it is” and “law as it ought to be.” This distinction provided the basis both for his strategy of reform, and for his attack on natural law. In *A Fragment on Government* (1776), which took Blackstone's *Commentaries* for its target, Bentham distinguished two approaches that the legal commentator might adopt: the first was that of the expositor, whose task was to describe what had been done by legislators and judges (law as it is); the second was that of the censor, whose task to show what they ought to do in future (law as it ought to be).

Blackstone, by not only describing but also attempting to justify the laws of England, had confounded the two approaches. He had, moreover, failed to adopt the principle of utility as his standard of morality, but had appealed to the doctrine of natural law, claiming that human (positive) law was valid insofar as it did not contradict the natural law. Bentham condemned Blackstone both for linking the validity of positive law to a particular substantive content, and for thinking that the natural law could supply the content in question. The natural law did not exist (it was a nonentity), hence any appeal to the law of nature in order to validate a positive law was nonsense, and in practice reflected the mere subjective approval of the supporter of the positive law in question. Blackstone had stated that where there was law, there was some superior who made it. Bentham drew out the corollary: if there was no maker, there was no law. The same problem of nonexistence bedevilled a further device adopted by Blackstone, the original contract. Having accepted the criticisms of the doctrine made by David Hume (1711–1776), Bentham went on to argue that, even if one assumed its historical existence, the original contract, like any promise, had binding force only if adherence to it would promote utility. The original contract was, therefore, superfluous, since the question as to whether to obey

or resist government should be based directly on considerations of utility.

NATURAL RIGHTS

Bentham deployed similar arguments against a doctrine closely related to that of natural law, namely the doctrine of natural rights. In the French Declaration of Rights of 1789 it was asserted that the end of every political association was the preservation of the natural and imprescriptible rights of man, and that these natural rights could not be abrogated by government. The purpose of establishing government was to protect preexisting natural rights, and any government that failed to do so lacked legitimacy. In “Nonsense upon Stilts” (known as “Anarchical Fallacies” until the publication of the authoritative text in *Rights, Representation, and Reform* [Schofield, Pease-Watkin, and Cyprian Blamires 2002, pp. 317–401]) Bentham argued that there were “no such things as natural rights—no such things as rights anterior to the establishment of government—no such things as natural rights opposed to, in contradistinction to, legal” (p. 329). The notion of a state of nature, where men lived without government, was perfectly comprehensible, but in such a state there were no rights, and consequently no property and no security. Such rights might be desirable, but it was fallacious to assume that because a certain thing was desirable, that the thing in question existed. Furthermore, if natural rights did not exist, they could not be abrogated. To say that they were imprescriptible was to mount one nonsensical statement upon another: “Natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense, nonsense upon stilts” (p. 330). The purpose of declaring the existence of imprescriptible rights was to incite resistance to law and insurrection against government. To claim that no government could abrogate natural rights was “Terrorist language,” whereas those who spoke the “language of reason and plain sense” judged whether a right should or should not be established or abrogated on the basis of whether or not it was for the advantage of society to do so (p. 330).

In *A Fragment on Government* Bentham's concern was with the distinction between the censor and the expositor, while in “Nonsense upon Stilts” it was with that between the censor and the anarchist. The anarchy that Bentham associated with the French Revolution was closely related to the conservatism he associated with Blackstone. The latter had claimed to be describing the laws of England, but had attempted to justify those laws on no other ground than that they existed. His approach confused what existed with what ought to exist. A similar

confusion characterized the anarchist, who, in claiming to describe natural rights, was making prescriptions. The difference was that while Blackstone assumed that existing law was consistent with the natural law, and therefore valid, the anarchist assumed that existing law was inconsistent with natural rights, and therefore invalid. To the extent that both were appealing to a nonexistent standard in justification of their respective claims, both were talking nonsense.

In Bentham's view, only the principle of utility provided any rational ground for resolving moral, political, and legal disputes, while talk of justice, right reason, natural rights, or moral sense was merely a cover to give respectability to, or to endow with persuasive force, the likes and dislikes of the speaker. The doctrines of natural law and natural rights were grounded on the delusive properties of language, and in particular the confusion involved in taking the name of a fictitious entity to be the name of a real entity. The use of the noun-substantive "rights" had given rise to the opinion that rights as such did actually exist. Now to talk of rights established by law did make sense, since they might be shown to have their "real source" in the will of a sovereign legislature. To talk of natural rights, with their source in natural law or a supernatural being, was to talk nonsense. The techniques of exposition that Bentham had developed in his theory of language were at the root of his attacks on natural law and natural rights.

CODIFICATION OF THE LAW

In the early 1780s Bentham concluded that the most effective means of promoting the happiness of the community would be through the introduction of a complete code of laws, or a "pannomion." Bentham's commitment to codification arose from a profound dissatisfaction with the English common law, which he characterized as corrupt, unknowable, incomplete, and arbitrary. It could not perform the minimum purpose for which law was instituted, namely to guide conduct. Still less was it able to afford protection to those basic interests of the individual—his person, property, reputation, and condition in life—which constituted his security, and hence a major component of his well-being. Security was closely related to the notion of expectations, for it involved both the present possession and the future expectation of possessing the property or other subject-matter in question. Without security, and thus the confidence to project oneself and one's plans into the future, there could be no civilized life. Security was a product of law, resulting from the imposition of rules on conduct. To an extent it did

not matter which set of rules were imposed, so long as some set of rules were imposed, and these rules were known and certain. The crux of the problem with the common law was that those subject to it did not, and could not, know what it ordained, and this created insecurity. Expectations could either not be formed or were constantly liable to be disappointed.

The solution lay in codification. In his writings on the subject in the 1810s and 1820s Bentham explained that the pannomion should be "all-comprehensive" and "rationalized." This meant that the law would be logically complete, in that all legal terms would be defined consistently and related to some superior genus (where one existed), and that each provision would be followed by the reasons that justified it. At the apex of the pannomion was the civil code, concerned with the distribution of rights and duties. The purpose of the civil law was to maximize the four sub-ends of utility—namely subsistence, abundance, security, and equality. The purpose of the penal law was to give effect to the civil law, by means of attaching punishment to certain actions which, on account of their tendency to diminish the greatest happiness, were classified as offenses.

The constitutional code was also, at least in part, distributive in character, being concerned with the powers, rights, and duties of public officials, and their modes of appointment and dismissal. As with the civil law, the penal law would give effect to the relevant parts of the constitutional law. The penal, civil, and constitutional law together formed the substantive law, which was itself given effect by the adjective law, or the law of judicial procedure. The chain was completed by the law of the judicial establishment, the purpose of which was to give effect to the adjective law, and thence to the substantive law. In other words, the civil code, and to some extent the constitutional code, would contain the "directive rules" by which rights and duties were distributed, while the penal code would contain the sanctions which would enforce observance. For instance, the penal code would forbid and sanction interference with property without title, while the civil code would explain what events constituted a valid claim to title.

Bentham offered his services as a codifier to a variety of countries, including Scotland in 1808, the United States in 1811, and Russia in 1814. In April 1822 he received the invitation for which he had been longing: the Portuguese Cortes formally accepted his offer to draw up civil, penal, and constitutional codes. He immediately began to compose *Constitutional Code*, but long before even the first volume of this work had been printed in

1827, the liberal regime that had accepted Bentham's offer had been swept away. In the 1820s Bentham also devoted time and attention to Spain, Tripoli, Greece, and the emerging states of Latin America, as well as becoming fully involved in the movement to reform and codify English law. By this time he enjoyed an international reputation as the doyen of liberal legal philosophers and political reformers. José del Valle (1776–1834), for instance, the Guatemalan lawyer, economist, and politician, wrote to Bentham hailing him as “the legislator of the world.”

PANOPTICON

The panopticon design was the brainchild of Bentham's brother Samuel, when employed in the 1780s on the estates of Prince Grigoriy Aleksandrovich Potemkin (1724–1791) at Krichev, in Russia. He found that by organizing his workforce in a circular building, with himself at the center, he could supervise its activities more effectively. Visiting his brother and seeing the design, Bentham immediately appreciated its potential. Enshrining the principle of inspection, the design was applicable to mental asylums, hospitals, schools, poor houses, factories, and, of course, prisons.

The prison building would be circular, with the cells, occupying several stories one above the other, placed around the circumference. At the center of the building would be the inspector's lodge, with an open space between the lodge and the cells. Each cell would have a window to the outside of the building, which would, from the perspective of the lodge, backlight the cell in daytime, while lamps, placed outside the lodge with a reflector behind them, would light the cells at night. The lodge would be so constructed, with appropriate partitions and blinds, that the inspector would always be capable of seeing into the cells, while the prisoners would be unable to see whether they were being watched. The activities of the prisoners would be transparent to the inspector; his actions, insofar as the prisoners were concerned, were hid behind a veil of secrecy. On the other hand, it was a cardinal feature of the design that the activities of the inspector and his officials should be laid open to the general scrutiny of the public, who would be encouraged to visit the prison. Bentham did not succeed in building a panopticon in London, despite gaining parliamentary approval in 1794, and the scheme was effectively quashed in 1803 (a half-hearted attempt to revive it in 1811–1812 failed). Several so-called panopticons have since been built, but none which has been particularly faithful to Bentham's own vision.

Michel Foucault in *Discipline and Punish* (1977) has described Bentham's panopticon as a paradigm of the modern state, hence placing Bentham at the center of debates about what it means to be modern. What Foucault overlooked in Bentham's case (whatever might be the case with the modern state) is that Bentham was concerned not only with the ability of officials to gain knowledge of the community subject to them (which was, of course, critical if they were to rule well), but also with the ability of the people to monitor the conduct of their rulers. The panopticon prison would be open to inspection from the public at large, just as the actions of officials would be under *Constitutional Code*. Publicity was the means of securing responsibility, and the most effective antidote against corruption.

POLITICAL REFORM

By the 1820s Bentham was convinced that the only regime with an interest in enacting good legislation was a representative democracy. Scholars disagree over precisely when Bentham committed himself to political radicalism. One view is that Bentham was a political radical from the time of the French Revolution, when, for a short period in late 1789, he advocated democracy for France. Another view, which is based on a coincidence of dates, is that Bentham became a political radical in 1808–1809, having come into contact with James Mill (1773–1836). The most plausible view, however, is that the crucial development took place around 1804 with the emergence in Bentham's thought of the notion of sinister interests, that is the systematic development of the insight that rulers wished to promote not the happiness of the community, but their own happiness. There was no point in showing rulers what the best course of legislation might be unless they had an interest in adopting it. Only a legislature elected by a democratic suffrage had such an interest.

If the key episode is the emergence of sinister interests, then the panopticon prison becomes significant. Bentham devoted many years of his life, large sums of his money (which he eventually recovered in a compensation settlement), and considerable energy, on the scheme. He was never so bitter or so despondent as when the plan was quashed in 1803. He became convinced that nothing worthwhile could be achieved through the existing political structure in Britain, or through similar regimes elsewhere. Having concentrated on questions of law reform from 1803, he was in the summer of 1809 prompted to compose material on political reform, eventually bearing fruit in *Plan of Parliamentary Reform* (1817).

In this work Bentham called for universal manhood suffrage (subject to a literacy test), annual parliaments, equal electoral districts, payment of members of parliament, and the secret ballot. Bentham then went a stage further and drew up a blueprint for representative democracy that would have abolished the monarchy, the House of Lords and any other second chamber, and all artificial titles of honor, and would have rendered government entirely open and, he hoped, fully accountable. These proposals were developed in astonishing detail in the magisterial *Constitutional Code*, the work he began in 1822 upon learning that the Portuguese Cortes had accepted his codification offer.

For Bentham the key principle of constitutional design was to ensure the dependence of rulers on subjects. Instead of the traditional theory of the separation of powers, he proposed lines of subordination, based on the ability of the superior to appoint and dismiss (in Bentham's terminology to locate and dislocate) the inferior, and to subject the inferior to punishment and other forms of vexation. The supreme power or sovereignty in the state would be vested in the people, who held the constitutive power. Immediately subordinate to the people would be the legislature, elected by universal manhood suffrage, and subordinate to the legislature would be the administrative (i.e., the executive) and judicial powers. The system of representative democracy was not an end in itself—the end was the greatest happiness—but was an indispensable means to that end, in that it was only under such a constitution that effective measures could be implemented to secure the good behavior (appropriate aptitude) of officials and minimize the expense of government. The securities for official aptitude, otherwise termed securities against misrule, included the exclusion of factitious dignities (titles of honor), the economical auction (whereby officials made bids for the salary attached to the office), subjection to punishment at the hands of the legal tribunals of the state, the requirement to pass an examination, and, most importantly, publicity.

Bentham went to great lengths to ensure that government would be open to public scrutiny, and thence subject to the force of the moral or popular sanction operating through the public opinion tribunal, which consisted in all those who commented on political matters, and of whom newspaper editors were the most important. Bentham saw the freedom of the press as a vital bulwark against misrule: hence his proposal to encourage the diffusion of literacy by making the suffrage dependent on a literacy test. These measures were intended to ensure that rulers would be so situated that

the only way they could promote their own interest was by promoting the interest of the community.

RELIGION

Bentham offered a secular vision of society, where the standard of rectitude would be founded not on theology, or natural law, or right reason, or precedent, or sheer prejudice, but on observation and experience. Knowledge of society (and of the individuals who composed it) enshrined in a "political science" (for Bentham's use of the term see, for instance, *Official Aptitude Maximized* [Schofield 1993, p. 191]) would be the basis for the art of legislation, the practical measures that an enlightened legislator would introduce in order to promote the greatest happiness of the community. Bentham was committed to freedom of expression in religion, as in other areas. While it may be too quick to conclude that he was an atheist, he did ally himself from an early period in his life with those who were sceptical, if not of religious belief, certainly of organized religion, and he never wavered in his outright opposition to religious establishments. As early as the mid-1770s, he drew attention to the potential mischiefs associated with what he termed the religious sanction. The expectation of a future state amounted to the expectation of the distribution of pains and pleasures, but did not in itself entail any rules specifying in what way such pains and pleasures would be distributed. If this distribution was to be random, then the expectation of them could not have any influence in encouraging good conduct or restraining bad. Given that the idea of God might provide motives, but could not provide direction, it was better that the moralist and legislator had nothing to do with it.

In the 1810s Bentham launched a sustained attack against established religion. He argued that religious belief was used to further the particular and sinister interest of the priesthood and those linked with it. The Anglican Church was an instrument in the hands of rulers to oppress and extort resources from subjects. It extracted large sums of money from the population generally, in order to provide income for rulers, without providing any useful service in return. The state supported the Church with its coercive force, while the Church manufactured delusive arguments in support of the state. Indeed, the scale of abuse in the Church was not only greater than that in the political and legal establishments, but acted as a bulwark against reform elsewhere. Bentham was particularly critical of the role of the Church in education, both in schools and in the Universities of Oxford and Cambridge. In relation to the poor, its policy was to exclude

from the benefits of education those unwilling to declare their belief in Anglican doctrine, and to pervert the morals and intellects of those who were willing.

Bentham's resentment at being forced to subscribe to the Thirty-nine Articles while at Oxford led him to insist that the provision of education should be divorced from the profession of belief. He recommended the "euthanasia" of the Anglican Church, whereby, as livings and other offices became vacant, they would be abolished. The present possessors would retain their incomes and thereby not suffer the pain of disappointment, while the expense of the religious establishment to the state, and thus to the people generally, would gradually diminish, and the additional income derived would be used to reduce taxation. Those people who wished to receive religious instruction could continue to do so at their own expense.

AUTO-ICON

Bentham was not buried, but his body transformed into what he termed an auto-icon. He had left instructions in his will that his body should be used in a series of anatomical lectures, and thereafter his skeleton "put together in such manner as that the whole figure may be seated in a Chair usually occupied by me when living in the attitude in which I am sitting when engaged in thought" (Crimmins 2002, p. 8). The operation was entrusted to Bentham's surgeon, Thomas Southwood Smith (1788–1861), who created the auto-icon—the combination of skeleton, wax head, clothes, and stuffing—which now resides in University College London.

See also Aristotelianism; Beccaria, Cesare Bonesana; Democracy; Foucault, Michel; Hume, David; Legal Positivism; Mill, James; Mill, John Stuart; Newton, Isaac; Pleasure; Property; Punishment; Utilitarianism.

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The Bentham Project, University College London, is preparing a new authoritative edition of *The Collected Works of Jeremy Bentham*, which, it is estimated, will run to sixty-eight volumes. The twenty-fifth appeared in March 2002. The new edition is based on two main sources: first, texts printed during Bentham's lifetime; and second, Bentham's original manuscripts, of which around 55,000 folios are deposited in University College London Library, and around 10,000 in the British Library. Of the volumes in *The Collected Works*, the following have been most extensively drawn on for the entry above, and in-text citations correspond to these editions:

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Philip Schofield (2005)

BERDYAEV, NIKOLAI ALEKSANDROVICH (1874–1948)

Nikolai Aleksandrovich Berdyaev, a Russian religious philosopher, was born in Kiev in a family of the old nobility. He attended the Kiev military school. In 1894 he enrolled in St. Vladimir's University of Kiev as a natural sciences student, but after a year transferred to the department of law. Infatuation with Marxism and participation in the social-democratic movement led to his arrest, exclusion from the university (in 1898), and a three-year exile to Vologda. This represented a break with the aristocratic environment to which he had been accustomed, a break that he later called a fundamental fact of his biography, not only of his external biography but also of his inner one.

Berdyaev's Marxist period did not last long; in a short period of time he underwent an evolution that was characteristic for many Russian thinkers of the beginning of the twentieth century—from Marxism to idealism to the search for God. Berdyaev was one of the initiators of three collections of essays that became famous and provoked much heated argument: *Problemy idealizma* (Problems of idealism; 1902), *Vekhi* (Landmarks; 1909), and *Iz glubiny* (De Profundis, Out of the depths; 1918). Berdyaev greeted the fall of the monarchy in February 1917 with great enthusiasm, but he assessed the October Revolution differently—as the triumph of the destructive principle in the Russian revolution. He participated in the work of the Vladimir Sergeevich Solov'ev (Solovyov) Religious-Philosophical Society and was the founder of the Free Academy of Spiritual Culture (1918–1922), which became a non-Marxist spiritual center and continued the traditions of the Russian Silver Age after the Bolshevik coup. In 1919 Berdyaev was elected as a professor of Moscow University. Despite the fact that Berdyaev was remote from actual political struggle, in 1922 he and other outstanding figures of Russian culture were forcibly deported from Soviet Russia to Germany.

In 1922 Berdyaev founded the Religious-Philosophical Academy in Berlin, and in 1923 he became the dean of the Russian Scholarly Institute, established in Berlin to educate the Russian émigré youth. Also in 1923 he