Introduction

> But what I know well enough is my love for France; for the country of Helvétiuses, Voltaires, and D'Alemberts – always excepting what I owe to England.
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> Draft letter from J. Bentham to Frederick the Great of Prussia, 1780[1]

> The words *liberty, justice, happiness of the greatest number,* are wicked and criminal. They instil in people's minds the habits of debate and mistrust.
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> Stendhal, *The Charterhouse of Parma*, 1839[2]

Though he was born in London and lived there for most of his life, the English philosopher Jeremy Bentham (1748–1832) was a Francophile. He made five visits to France in his lifetime. In 1764, aged sixteen, he toured the French capital with his father. He returned to Paris six years later on his own. At the age of thirty-seven, he crossed the country swiftly on the occasion of a trip to Russia to visit his brother Samuel. Seventeen years later, in the autumn of 1802, he stayed for about three weeks in the capital. His final visit took place in 1825 at the age of 77, seven years before his death. The country, its people and its language played a significant part in the formation of his thought and the dissemination of his ideas.

From the beginning of his career, Bentham appealed to the authority of illustrious French Enlightenment thinkers, hailing Helvétius as the founder of the utilitarian doctrine and professing his admiration for Voltaire and D'Alembert. The principle of 'the greatest happiness of the greatest number', the foundation of Benthamite utilitarianism, was the product of an on-going philosophical dialogue between France and Britain, illustrating

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[1] Bentham Manuscripts, University College London, box 169, f. 19, (original in French). [Hereafter, UC, box, folio].
[2] Stendhal, *The Charterhouse of Parma*, 2 vols., J. Sturrock, trans. (Harmondsworth, 2006), 136.

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the wealth and depth of cultural transfers between the two nations. Bentham briefly chose to write in French in the 1780s. As early as 1789, some of his works were translated and read in francophone Europe. It was in Paris again that *Traités de législation civile et pénale* were published in 1802, bringing the author worldwide fame. Throughout his career, Bentham took a deep interest in European affairs and in French internal politics, which in turn contributed to the development of his thought.

This book places classical utilitarianism within the European context of the late Enlightenment and the early nineteenth century, and thus casts light on the nature of Benthamite utilitarianism at its inception. It highlights the central impact of continental culture and language on the formation of Bentham's utilitarianism, and explains the specific issues at stake in the formulation and reception of his ideas in France. Drawing on the methodology of intellectual history, it reveals the historical and textual context in which classical utilitarianism developed and spread. It presents Bentham as a significant thinker in a generation that took an active part in the last years of the Enlightenment and was influential in shaping the values of nineteenth-century Europe. Throughout the nineteenth century, Russian and Latin American admirers continued to read and discuss utilitarianism in French.

The book follows the leads provided by the direct personal contacts, through travels or correspondence, between the English philosopher and his French-speaking contemporaries. Though it focuses mostly on France, it also makes it clear that the philosopher's confident fluency – at least in writing – in the vehicular language of the Enlightenment provided him with an entry into a cosmopolitan world of ideas and with fruitful personal contacts across the European continent. Although it follows on from the interest in 'Bentham and France' that led to an international conference at Université Paris-Ouest Nanterre in 2006, and the publication of a collective volume a few years later, this book is different in its methods and in its scope.[3] The contributors to *Bentham et la France* have provided extremely valuable case studies on which I have built to construct this contextual presentation of Bentham's involvement with France and the French language. For the nation is taken here as both a linguistic and a political signifier, that is, as constituting both a linguistic and a political context.

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[3] E. de Champs and J.-P. Cléro, eds., *Bentham et la France. Fortune et infortunes de l'utilitarisme* (Oxford, 2009). Sources and methods also differ from J. Zagar 'Bentham et la France' (unpublished Ph.D. thesis, Université de Paris, 1958).

The book attempts to avoid two pitfalls into which studies of Bentham are often liable to fall. The first is presenting the philosopher's ideas as an isolated system, abstracted from the historical conditions in which they were put to paper. In Bentham's case, this approach is all the more tempting in that there is undoubtedly a systematic and self-referring element in his writings. The second pitfall is segmenting the study of his thought chronologically. Often, the younger Bentham – the writer of *A Fragment on Government* and *An Introduction to the Principles of Morals and Legislation* in the 1770s and 1780s – is studied independently from the older one – the English radical and the Liberal codifier for Greece, Spain, Portugal and Latin America. By placing Bentham's thought in a European context, this book throws light on continuities rather than divisions.

Like other recent pieces of scholarship, the re-contextualisation of the historical figure of Jeremy Bentham proposed here relies on the uncovering of a significant body of manuscripts, in this case the early French manuscripts and unpublished correspondence. It is also indebted to the careful editorial work conducted at the Bentham Project, University College London, in the preparation of *The Collected Works of Jeremy Bentham*. While making previously unknown material available, the editors also provide thorough information on the writing and editorial history of each text, which is indeed a prerequisite for any contextual study. In *Utility and Democracy: The Political Thought of Jeremy Bentham*, Philip Schofield has demonstrated how a thorough familiarity with both published and unpublished sources makes a historical study of the development of Bentham's utilitarianism not merely possible, but necessary.[4]

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Covering Bentham's formative years, Part I studies the Enlightenment roots of his career as a philosopher. A precocious child, he was educated first at Westminster School and, from the age of 12, at Queen's College, Oxford. In addition to the education he received in these institutions, his father Jeremiah Bentham made a point of rendering him proficient in French: this was indeed a requisite for the legal career he had in view for his son. Bentham himself viewed his mastery of the language as a passport to a cosmopolitan Republic of Letters. Uncovering little-known episodes of Bentham's youth, the chapters focus on the social and intellectual networks of his London life in the 1770s. By translating Voltaire and Marmontel, he hoped to make a reputation in British and French literary circles. Two of

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[4] P. Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (Oxford, 2006).

his closest friends, the Englishman John Lind and the Austrian François-Xavier Schwediauer, had extensive continental connections. They were both instrumental in developing the philosopher's hopes of reaching out to Eastern Europe. These social, literary and political pursuits accompanied the development of Bentham's philosophical system. Indeed, Bentham's discovery of the principle of utility, which he dated to 1768 or 1769, was the direct product of his familiarity with French-language writers. The idea of 'the greatest happiness of the greatest number' provides a perfect illustration of the philosophical dialogue between France and Britain during the Enlightenment. The implications of Bentham's recurring invocations of Helvétius are developed: like Helvétius, Bentham hoped to play an active role in the reforms of his time. His aborted correspondence with D'Alembert, fellow Encyclopédiste Abbé Morellet and the marquis de Chastellux, one of Helvétius's closest disciples, also throws light not only on his ambitions, but also on the subterranean network of references that underlay the formulation of utilitarianism in his early writings.

In the late 1770s, Bentham gradually abandoned translation and pamphleteering to focus on his great work, a critique of the foundations of contemporary jurisprudence. Directed at first towards English law, these early plans took on a more European direction in the course of the 1780s, as Bentham's aspirations to find a place in the Republic of Letters developed. In the early years of that decade, spurred on by his influential patron the diplomat Lord Shelburne, he hoped to present his work to Catherine II of Russia. A few years later, he used French to draft a complete plan for legal reform. He wrote over five hundred folios in that language destined to make up a 'Projet d'un corps de loix complet' (*Project for a Complete body of laws*, hereafter *Projet*). As Part II shows, the change from English to French was not only driven by practical considerations. It had a direct impact on both the nature of the project pursued by the philosopher and its contents. The *Projet* manuscripts also allow us to place Bentham's early ambitions in the context of the enlightened legal reforms undertaken on the Continent in the second half of the eighteenth century. This makes it possible to recognise his vast knowledge of Roman law and of contemporary reform schemes and to assess the nature of his contribution to that movement. As this section makes clear, *Projet* was but one aspect of Bentham's wide-ranging plan for legal reform in the early years of his career, one that was closely related to *An Introduction to the Principles of Morals and Legislation* (printed in 1780, but only published nine years later). Bentham's codification projects resurfaced in the 1810s when he wrote to a number of rulers,

from America to Russia (again), offering his services to codify local bodies of law.

When he came back from Russia in 1788, Bentham became more familiar with Lord Lansdowne (as Lord Shelburne had become after 1785). At Bowood, Lord Lansdowne's country seat, and at his London house, Bentham mingled with a cosmopolitan and brilliant crowd including Etienne Dumont, the Genevan who was to become his French translator. Bentham's encounter with Dumont at Lansdowne's was extremely significant for it coincided with the outbreak of the Revolution in France. Lansdowne's power and connections allowed Bentham to envisage that he could at last exercise a genuine influence on legal and political institutions. Indeed, Dumont himself was by then working in Paris with Mirabeau, then a rising star in French politics. Part III presents the history of Bentham's hopes to be heard in Revolutionary France in the wake of his cosmopolitan aspirations of former decades. It traces the ways in which his writings circulated there through Dumont and, importantly, other acquaintances of Lord Lansdowne's. The European perspective brings out the continuities in Bentham's political thought and identifies his reforming position with that of a specific milieu of cosmopolitan reformers who wished to see a modernised France take its place in the concert of nations without necessarily adopting republican institutions. It is principally – though not exclusively – through these networks that Bentham's ideas and writings were circulated in Revolutionary France, before the Terror put an end to hopes of achieving political security in Europe.

Not before 1802 were communications between the two nations possible again. Bentham's pre-revolutionary contacts were crucial in ensuring the publication of two of his works in Paris in that year, *Traités de législation civile et pénale* and *Esquisse d'un ouvrage en faveur des pauvres*. This seminal moment for the reception of Bentham's ideas in France is studied in Part IV, which shows why the intellectual and political climate of the Directory and the Consulate was propitious for the reception of British utilitarian ideas. Indeed, it coincided with the rise to power of the group of the Idéologues, the French branch of the heirs of Helvétius in philosophy and in politics. However, there was to be no true dialogue between French and British utilitarians at that time, and the reception of Bentham's writings in 1802 was ultimately disappointing. Part IV finds reasons for this seemingly paradoxical state of affairs in the complex and precarious situation prevailing in French political life at that time.

During the Empire, most channels of communication between France and Britain were again broken. After the Restoration of 1815, Anglophilia

played a part in the interest taken by the French liberal opposition in Bentham's ideas. Part V thus deals with the reception of Bentham's ideas in France. In the last decade of his life, Bentham continued to read the French press and was quickly informed of political events by his numerous correspondents. He took a strong interest in the July Revolution of 1830, for the last time sending pamphlets over the Channel in the hope of influencing its course. The number of Continental visitors to Bentham's house in Queen's Square Place in London also increased in the last decade of his life. As Bentham's personal fame reached a peak in French circles, utilitarian ideas were regularly discussed among French liberals. Focusing on such key figures as Germaine de Staël, Benjamin Constant, François-René de Chateaubriand, Jean-Baptiste Say, Henri de Saint-Simon and Lafayette, this section shows the place of utilitarianism within the debates that served to shape French liberalism. It also explains why utilitarian philosophy quickly lost ground in French politics. This early estrangement had long-lasting consequences, for it resulted in the almost complete eviction of the doctrine from the French political and philosophical tradition.

This book sketches the history of the writing, the circulation and the reception of a key text. Bentham's *Project for a complete body of laws*, studied in Parts II, III and IV, is emblematic of the ways in which contents can be cast into different shapes for different audiences in different contexts. It was first drafted in the mid 1780s in French and intended for the European and Russian courts, but eventually remained unpublished on the eve of the French Revolution. After 1789, Bentham made no attempt to circulate *Projet*, but he drew on it to supplement his proposals to the French revolutionaries in works such as *Draught of a New Plan for the Organisation of the Judicial Establishment in France* and *Political Tactics,*[5] which circulated in France, at least as extracts published by Dumont in newspapers edited by Mirabeau. Handed over to Etienne Dumont in 1792, the *Projet* manuscripts were the main source on which *Traités de législation civile et pénale*, which came out in 1802, was based. The work remained the most famous and most quoted of Bentham's writings throughout the nineteenth century, helped by its translation into English.[6] The editorial history of

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[5] J. Bentham, *Draught of a New Plan for the Organisation of the Judicial Establishment in France,* in *The Works of Jeremy Bentham*, John Bowring, ed., 11 vols. (Edinburgh, 1843), [hereafter *Draught of a New Plan,* Bowring], vol. IV, 285–406; *Political Tactics,* in *Collected Works* (hereafter *CW*), M. James, C. Pease-Watkin and C. Blamires, eds. (Oxford, 1999).

[6] *Traités de législation civile et pénale*, E. Dumont, ed., presented by M. Bozzo-Rey, A. Brunon-Ernst, E. de Champs (Paris, 2010). On the posterity of the work in Britain, see F. Rosen, "You have set me a strutting, my dear Dumont": la dette de Bentham à l'égard de Dumont', in *Bentham et la France,* 85–96.

this work shows how Bentham's own words and ideas were adapted to the swiftly changing political culture of Europe between 1780 and 1820.

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Tracing the history of the 'French Bentham' forces us to reconsider national divides in the history of ideas. In *Capital*, Karl Marx presented Bentham somewhat paradoxically as 'a purely English phenomenon' who had 'simply reproduced in his dull way what Helvétius and other Frenchmen had said with *esprit* in the eighteenth century.'[7] Such a contradiction can also be found in Elie Halévy's *The Growth of Philosophical Radicalism*, written at the turn of the twentieth century. Though he traced Bentham's debt to French thinkers, he also made it clear that utilitarianism was the doctrine of industrial Britain and was one of the keys to contemporary *British* political and economic culture:

> the subject of our study assumes a new amplitude, by reason of the impor-
> tance of the Utilitarian doctrine in the history of the public mind in England.
> For England, like France, had its century of liberalism: and to the century
> of the French Revolution corresponded, on the other side of the Channel,
> the century of the Industrial Revolution: to the juristic and spiritualistic
> philosophy of the Rights of Man corresponded the Utilitarian philosophy
> of the identity of interests.[8]

To this day utilitarianism, both classical and contemporary, is felt in France to be alien to the country's political and philosophic culture.[9]

Conversely, in Britain, Bentham's affinity with French thinkers has often served to exclude his brand of utilitarianism from the liberal tradition. In 1932, Michael Oakeshott defined him as the exact opposite of an English empiricist: a *French philosophe*. In a violent piece of writing, he criticised Bentham's rationalism, his inability to grasp the subtleties of British philosophy and the sterility of his political approach.[10] Oakeshott's article was seminal in introducing a dichotomy that soon became commonplace: contrasting 'Continental' (that is to say French and German) rationalism with 'British' liberalism. In a series of programmes broadcast in the

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[7] K. Marx, *Capital*, vol. I (London, 1996), 605. Marx conducted more work on Benthamite individualism in the 1880s, see *The Ethnological Notebooks of Karl Marx*, L. Krader, ed. and trans. (Assen, 1972). I thank Professor Don Jackson for this reference.

[8] E. Halévy, *The Growth of Philosophic Radicalism* (London, 1952), xviii.

[9] See C. Audard, 'La tradition utilitariste: Bentham, Mill et Sidgwick', in A. Renaut, ed., *Histoire de la philosophie politique*, vol. IV. *Les critiques de la modernité politique* (Paris, 1999), 53–101. The alienness of utilitarianism to French culture is further demonstrated in C. Welch, '"Anti-Benthamism": utilitarianism and the French liberal tradition', in R. Geenens and H. Rosenblatt, eds., *French Liberalism from Montesquieu to the Present Day* (Cambridge, 2012), 134–65.

[10] M. Oakeshott, 'The New Bentham', *Scrutiny*, 1 (1932), 114–31.

early 1950s, Isaiah Berlin reminded his BBC audience that 'Bentham was a complete disciple of Helvétius'.[11] Alongside Rousseau, Fichte, Hegel, Saint-Simon and de Maistre, Helvétius figured among the thinkers who had, according to Berlin, 'betrayed' the liberal tradition by substituting happiness to freedom and by calling for a 'tyranny of reason'. Highlighting Bentham's French intellectual ancestry was not the exclusive preserve of liberals. On the one hand, Berlin's arguments were later to be adopted by conservative American scholars.[12] On the other, building upon Marx's comment, Harold Laski also wrote, in *Political Thought in England, Locke to Bentham*, that with Bentham, '[t]he French seed at last produced its harvest. Bentham absorbed the purpose of Rousseau while rejecting his method'.[13]

Thanks to works that have firmly reasserted Bentham's debt to Hume, or the way he engaged with the common law tradition, the idea that his *Frenchness* set him apart from his British contemporaries now appears to be somewhat dated, and it is not the purpose of this book to revive it.[14] Oakeshott himself reviewed his earlier opinion and highlighted the continuities between Hume and Bentham.[15] However, as Berlin's move from eighteenth-century utilitarianism to twentieth-century totalitarianism reminds us, such categorizing in the history of ideas cannot be separated from ideological interpretations of the legacy of the Enlightenment and the French Revolution. This is one of the reasons why this book deals, through Bentham's writings, with the transition from Ancien-Régime Europe to early liberal states. Alongside other doctrines such as Republicanism in France and Whiggism in Britain, utilitarianism played an important part in adapting the ideas of the Enlightenment to the demands of the nineteenth century.

This book firmly places Bentham's thought, writings and aspirations within a definition of the Enlightenment as a period in which French-speaking philosophers and their ideas were influential. It considers Bentham's position on the philosopher's own terms, by closely following the leads he provided in his correspondence, in his literary activities (in a broad sense), and in his references in published and unpublished writings.

[11] I. Berlin, *Freedom and Its Betrayal. Six Enemies of Human Liberty* (London, 2003), 20, 25.
[12] G. Himmelfarb, 'The Haunted House of Jeremy Bentham', *Victorian Minds* (London, 1968), 32–81.
[13] H. Laski, *Political Thought in England. Locke to Bentham* (Oxford, 1955), 19.
[14] G.J. Postema, *Bentham and the Common Law Tradition* (Oxford, 1986); D. Lieberman, *The Province of Legislation Determined: Legal Theory in Eighteenth-century Britain* (Cambridge, 1989); F. Rosen, *Classical Utilitarianism from Hume to Mill* (London, 2003).
[15] M. Oakeshott, *Morality and Politics in Modern Europe: the Harvard Lectures* (New Haven, CT and London, 1993), 74–8.

The picture that emerges is a complex one, or at least one that challenges existing dichotomies between a 'French' and a 'British' Enlightenment, a 'High' and a 'Low' Enlightenment, and a 'radical' and a 'moderate' Enlightenment. Such divisions have proved incapable of making sense either of Bentham's ideas or of his career. First, the distinction between a 'Conservative Enlightenment in England' and a 'European Enlightenment', in which French was the dominant language and the *philosophes* set the tone for reform throughout Europe, fails to accommodate Bentham and his followers, who can then only be thought of as exceptions to a general rule. For instance Franco Venturi named 'Bentham, Price, Godwin and Paine' as the only, belated, representatives of the European Enlightenment in England.[16] As the description of Bentham's career in London scientific and literary circles in the 1770s and 1780s in Parts I and II demonstrates, Venturi's statement needs qualifying. If one believes, like John Pocock, that Britain's 'peculiar national institutions' fostered specific 'forms of Enlightenment, mainly Protestant in origin and character', Bentham's interest for continental and atheistic writers is difficult to understand. Indeed, John Pocock has consistently treated Bentham and his followers as exceptions, on the ground that they were 'atheist, bureaucratic, possessed of an instrumental rationality that made them ready to codify England's laws and reconstruct its institutions'.[17]

In 1981, reacting in part to Pocock's views, Roy Porter remarked that contemporary attempts to place 'the Enlightenment in national context' served to highlight the social conservatism of British thinkers by cutting them off from their French-speaking contemporaries. 'Modern scholarship', he wrote, 'reads like a paternity-denying alibi, proving that England's kinship with the family of *philosophes* was no closer than a maiden aunt's'.[18] Interestingly, he chose to mention Bentham as a counter-example. In his last study, *Enlightenment, Britain and the Creation of the Modern World*, published two years before his death, Porter illustrated the plurality of 'Enlightenments' in Britain by stressing the personal, cultural and political links between British thinkers and their French contemporaries. Devoting

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[16] 'Only one country was absent from this array of 'Enlightened' thinkers in the sixties and seventies, and that was England . . . The fact remains that no 'parti des philosophes' was formed in London, and so could not claim to guide society. . . . One has to wait until the eighties and nineties to find men such as Bentham, Price, Godwin and Paine. In England, the rhythm was different.' F. Venturi, *Utopia and Reform in the Enlightenment* (Cambridge, 1971), 132.

[17] J.G.A. Pocock, *Barbarism and Religion,* vol. I. *The Enlightenments of Edward Gibbon, 1737–1764* (Cambridge, 1999), 295, 294.

[18] R. Porter, 'The Enlightenment in England', in R. Porter and M. Teich, eds., *The Enlightenment in National Context* (Cambridge, 1981), 1–18, 3.

a section of his book to Bentham, Porter was the first to integrate the results of recent Bentham scholarship into a wider history of the Enlightenment in Britain.[19]

Among Bentham scholars, James H. Burns had long stressed the relevance of Bentham's ideas to the scholarly debate on the Enlightenment. He explained how Bentham's radicalism in religion and in politics related to 'the Enlightenment of Hume and Adam Smith, of Voltaire, Helvétius and D'Alembert', stressing that his kind of 'radicalism' was that of an intellectual reforming elite on both sides of the Channel.[20] His last articles were devoted to Bentham and Brissot, reminding his readers that the two men had met in London in 1784 and corresponded again, though briefly, in the early years of the Revolution. Burns showed how a comparative approach to their careers as legislators and reformers could cast light on their specific positions within the European Republic of Letters. This book owes much to Burns's illuminating approach and to his flawless scholarship.[21]

Burns's cautious definition of Bentham's 'radicalism' also needs explaining, as the phrase 'Radical Enlightenment' has been revived in Jonathan Israel's recently completed trilogy.[22] Indeed, though the third volume, entitled *Democratic Enlightenment*, covers the period 1770–89, there are few mentions of the philosopher's name. This is because Israel defines eighteenth-century radicalism as a 'package of ideas' held by the critics of the established thinkers of the Enlightenment. Issuing from Spinoza in the Netherlands, this package of ideas spread through underground channels in France, Britain and America and played a central part in the democratic revolutions of the 1780s and beyond:

[19] R. Porter, *Enlightenment: Britain and the Creation of the Modern World* (London, 2000). Franco Venturi also examined Bentham's thought – and his continental connections: *The End of the Old Regime in Europe, 1776–1789*, vol. II (Princeton, NJ, 1984).

[20] J.H. Burns, 'Jeremy Bentham: From Radical Enlightenment to Philosophical Radicalism', *The Bentham Newsletter* (1984), 4–14. See also *The Fabric of Felicity. The Legislator and the Human Condition* (London, 1968); and 'Happiness and Utility: Jeremy Bentham's Equation', *Utilitas*, 17 (2005), 46–61. For the distinction between 'High' and 'Low' Enlightenment, see R. Darnton, 'The High Enlightenment and the Low-Life of Literatures', *The Literary Underground of the Old Regime* (Cambridge, MA, 1982).

[21] J.H. Burns, 'Bentham, Brissot et la science du bonheur', in *Bentham et la France*, 3–19; 'Bentham, Brissot and the Challenge of Revolution', *History of European Ideas*, 35 (2009), 217–39.

[22] J.I. Israel, *Radical Enlightenment. Philosophy and the Making of Modernity* (Oxford, 2001); *Enlightenment Contested: philosophy, modernity, and the emancipation of man, 1670–1752* (Oxford, 2006); *Democratic Enlightenment* (Oxford, 2011). See also F. Rosen, 'Jeremy Bentham's Radicalism', in G. Burgess and M. Festenstein, eds., *English Radicalism, 1550–1850*, (Cambridge, 2007), 217–40.