

### JEREMY BENTHAM.

On the 6th of June of the present year falls the centenary of the death of Jeremy Bentham—whom it is proper to regard as the most fruitful advocate of law reform that England has ever known. His critical eye swept the whole field of public and private law. Tallyrand, who visited Bentham in the same year that he died, said of him "*Pillé par tout le monde, il est toujours riche*"; and, so far as England is concerned, Sir Henry Maine justified Tallyrand's encomium by declaring, well on in the nineteenth century, that he did not know a single law reform effected since Bentham's day which cannot be traced to his influence. Enlarging on his constructive quality Maine observes:

He gave us a clear rule of reform . . . made the good of the community take precedence of every other object, and thus gave escape to a current which had long been trying to find its way outward.

The current to which Maine here alludes had its source in the Industrial Revolution, when the powerful middle class in England became clamorous for a share in the government of the State which it could only attain through an extension of the franchise. The close of the eighteenth century had found England in the grip of a modernized social order yet governed to a large extent by political machinery fashioned in Tudor times. The captains of industry had become an immense social force, in that their employees were more dependent upon them for subsistence than were the retainers of the ancient feudal lords, but they had no political power. Edmund Burke had died before the England which he so valourously defended against the penetration of French revolutionary ideas had begun to feel the impact of struggle for political reforms rendered inevitable by the industrialization of the country. The England governed by aristocrats, of whom even so good a Tory as Dr. Johnson could say: "Though we cannot out-vote them we will out-argue them," was about to pass into history.

Jeremy Bentham many years before the popular demand for parliamentary reform became acute, had been forcibly advocating in his writings a remodelling of the English system of government, universal suffrage, vote by ballot, annual parliaments, and pay for those who were elected as representatives of the people. But until the time was ripe for heed to be given to at least some of his counsels, his voice was that of a preacher admonishing a deaf congrega-

tion. In the first half of the nineteenth century wise men within and without the two great political parties saw that the change must come. As Professor Trevelyan puts it: "From squire to postilion, from cotton-lord to mill-hand, everyone was talking of Reform." So far as men of practical minds were concerned they were not provoked to action by the writings of visionaries like Paine and Godwin, but rather we must have recourse to the literary remains of Bentham if we would find the spirit that infuses the Reform Act of 1832. When that democratic document, drafted by Lord Durham and Lord John Russell, was piloted through the Commons by Lord Althorp it was denounced by reactionaries as a fearsome overthrow of constitutional safe-guards. A further shock was sustained by them in the passage of the Municipal Corporations Act of 1835, which wrought more for the new economic democracy and the banishment of what has been called "the ice-age of English institutional and corporate life" than the legislation of 1832.

\* \* In what we have said above our motive was to honour the occasion of Bentham's centenary by some brief reference to him as the central influence in constitutional reforms of cardinal importance in respect of which his great contemporary Burke was timid about pushing aside the dead hand of the past. The modern world has fully entered into the fruit of his labours, yet there is much of his life that is a sealed book. Even J. S. Mill, a personal friend of Bentham's and derived from him as a utilitarian, failed to know him as he really was. To look at Bentham through the eyes of his disciple is to see a caricature and not a portrait. Then, again, while we can gather from Bowring's discursive work some knowledge of Bentham's boyhood and *Lehrjahre* it is less than enough. So that Mr. Everett's recently published book\* comes to us as a real boon. The author explains that it is the outcome of a study of the Bentham manuscripts in the possession of the University of London and the British Museum, made under the auspices of the Social Science Research Council of America. In 1928 Mr. Everett was able to put his study of the manuscripts to good account by giving us an edition of Bentham's previously unpublished "Commentary on the Commentaries"—a drastic criticism of Blackstone's familiar treatise on English law. Now he has increased our debt to him by supplying a charmingly written and informative account of the early life and education of the man whose writings form a *liaison* between political thought of the eighteenth and that of the nineteenth century. We are privileged in these pages to read the

\* *The Education of Jeremy Bentham*. By Charles Warren Everett. New York: The Columbia University Press, 1931. Price \$2.50.

story of a youth who resisted the pressure of a worldly-minded father to train himself for the practice of the law as a means of achieving wealth and personal importance, because of a desire and a resolve to devote his life to the lofty enterprises of political and legal reform. Mr. Everett's use of Jeremy Bentham's letters to his younger brother Samuel as a sort of *journal intime*, is good literary art. In this way the quality of the man whom we would know is revealed by the man himself and not by another's interpretation.

To read this portion of Bentham's life story is to indulge the hope that Mr. Everett will be permitted to continue his researches in London and so qualify to give us a complete and authoritative biography of the famous man such as the world has long craved.

Ottawa.

CHARLES MORSE.

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