
THE COLLECTED WORKS OF
JEREMY BENTHAM

CONSTITUTIONAL
CODE

VOLUME I

Edited by
F. ROSEN and J. H. BURNS

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THE COLLECTED
WORKS OF
JEREMY BENTHAM

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CONSTITUTIONAL LAW

Jeremy Bentham's massive, unfinished *Constitutional Code* (1822-32) is the major work of his last years and contains the most important statement of the theory of constitutional democracy which emerges after his well-known 'conversion' to political radicalism in 1809-10. Bentham develops here in a final form the theory and institutions of an ideal representative democracy addressed to 'all nations and all governments professing liberal opinions'. In the course of drafting the *Code* he was also stimulated by serious prospects of seeing it adopted in Portugal, Greece, and several Latin American countries.

The first volume is based on the only volume Bentham himself published in 1830 and covers chapters I to IX on the territory of the state, electorate, public opinion, legislature, prime minister, and administration. The new edition supersedes the Bowring text of 1841, edited by Richard Doane, but incorporates collations of Bowring, the original 1830 version, and various extracts published by Bentham in his lifetime. The fully annotated text clarifies and develops the historical allusions and explains the numerous obscure passages which Bentham himself failed to correct. An especially detailed subject index provides the scholar with easy access to material which otherwise is difficult to find in this complex legal document. The editors' introduction explores the evolution of the *Code*, Bentham's efforts at having his work accepted by leaders of the new states of his day, and his vision of a complete code of laws, which he latterly called the *Pannomion*.

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The Collected Works of Jeremy Bentham

The new critical edition of the works and correspondence of Jeremy Bentham (1748-1832) is being prepared and published under the supervision of the Bentham Committee of University College London. In spite of his importance as jurist, philosopher, social scientist, and leader of the Utilitarian reformers, the only previous edition of his works was a poorly edited and incomplete one brought out within a decade or so of his death. Eight volumes of the new *Collected Works*, five of correspondence and three of writings on jurisprudence, have appeared since 1968, published by the Athlone Press. Further volumes in the series are to be published by Oxford University Press. The over-all plan and principles of the edition are set out in the General Preface to *The Correspondence of Jeremy Bentham* vol. I, which was the first volume of the *Collected Works* to be published.

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F.R.
J.H.B.

ABBREVIATIONS

Apart from standard abbreviations the following should be noted:

Bowring	<i>The Works of Jeremy Bentham</i> , published under the superintendence of . . . John Bowring, 11 vols., Edinburgh, 1838-43.
1830	<i>Constitutional Code; for the use of All Nations and All Governments professing Liberal Opinions</i> , Vol. i, London, 1830.
P.C.D.	<i>Parliamentary Candidate's proposed Declaration of Principles: or say, A Test proposed for Parliamentary Candidates</i> , London, 1831.
WR	'Bentham on Humphreys' Property Code', <i>Westminster Review</i> , vi (1826), 446-507.
1827 pamphlet	<i>Article Eight of the Westminster Review No. XII. for October 1826, on Mr. Humphreys' Observations on the English Law of Real Property, with the Outline of a Code, etc. By Jeremy Bentham, Esq.</i> , London, 1827.
1826 Extract	<i>Extract from the Proposed Constitutional Code, Entitled Official Aptitude Maximized, Expense Minimized</i> , London, 1826.
1830 Off. Apt. Max.	<i>Official Aptitude Maximized; Expense Minized, as shewn in the several papers comprised in this volume</i> , London, 1830.
UC	Bentham papers in the Library of University College London (Roman numerals refer to boxes, Arabic to leaves).
BL Add. MS	British Library Additional Manuscript
CW	<i>The Collected Works of Jeremy Bentham</i> , London, 1968-
Colls	Journal of John Flowerdew Colls, 1821-5, BL Add. MS 33,563.
Iberian	<i>The Iberian Correspondence of Jeremy Bentham</i> , ed. Pedro Schwartz, 2 vols., London-Madrid, 1979.

All references to books and articles in this list are to works written by Bentham.

EDITORIAL INTRODUCTION

Jeremy Bentham's *Constitutional Code* represents the culmination of his long career as an advocate of reform and codification. Begun in 1822 when Bentham was already 74 years old and unfinished at the time of his death in 1832, it formed the major part of the last of several attempts to realize his vision of a complete code of laws which in his later years he called the *Pannomion*. The present work corresponds to the only volume of the *Code* actually published by Bentham in 1830.¹ It constitutes little more than a quarter of the massive ninth volume of the *Works of Jeremy Bentham*, edited by John Bowring, which bears the title 'The Constitutional Code'.² Although the Bowring volume was skilfully edited by Bentham's former secretary, Richard Doane, it failed to follow Bentham's own plan of a three-volume work, and Doane's lengthy 'Book I', constructed from a variety of manuscripts, obscured the structure of Bentham's own conception.³ The present work follows Bentham's plan (see Table 1) and is the first of a three-volume edition of the *Constitutional Code*. It is intended that manuscripts and published writings related to the *Code*, which in extent surpass the text of the *Code* itself, should appear in a series of supplementary volumes.

HISTORY OF THE WORK

Bentham was most probably prompted to start the *Constitutional Code* by the invitation he received from the Portuguese Cortes in April 1822 in response to his offer of November 1821 to draft penal, civil, and constitutional codes.⁴ Bentham admitted in his offer for Portugal that the codes had not yet been written. To write them he required the prior acceptance of his offer. 'At the age of three-and-

¹ *Constitutional Code; for the use of All Nations and All Governments professing Liberal Opinions. By Jeremy Bentham*, vol. i, London, 1830.

² *The Works of Jeremy Bentham*, published under the superintendence of . . . John Bowring, 11 vols., Edinburgh, 1838-43. Sir John Bowring (1792-1872), first editor of the *Westminster Review*, minor diplomat, and Bentham's literary executor.

³ For 'Book I' see Bowring, ix. 1-145. Doane discusses this addition in *ibid.* ix, p. iv.

⁴ Bentham to the Portuguese Cortes, 7 Nov. 1821; Felgueiras to Bentham, 3 Dec. 1821, *ibid.* iv. 575-6. See also Doane's comment in *ibid.* ix, p. iii.

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seventy, the current of blood runs slow: something is wanting, something from without to quicken it.'¹ Bentham had been stimulated by political events in Spain and Portugal at this time and the emergence of new states in Latin America. 'You never knew Bentham in better health, or more animated, than he is now', wrote James Mill to Étienne Dumont in June 1821.² Mill was referring to Bentham's extensive correspondence with political leaders in Spain and Portugal and his attempts to secure the engagement of his services as legislator. Mill was somewhat sceptical of Bentham's efforts and reported a remark of John Herbert Koe, Bentham's former secretary and friend, that 'an invitation, from any government, to make a code, if it should ever come, would put an end to all thought of a code forever—that although he thinks an invitation would give him courage, it would do the reverse; and that he would immediately shrink from the task'.³ Mill and Koe were mistaken. On the basis of the acceptance of his offer by the Portuguese Cortes, Bentham began, though he did not complete, the major work of his last years.

The offer was the most promising Bentham had received during his involvement with the liberal regimes in Spain and Portugal.⁴ But even at this period of considerable optimism, Bentham found little actual success as a legislator. Although he was well known in intellectual circles, largely through the wide circulation of Dumont's versions of his works and his extensive correspondence, the construction of a complete legal code and its actual adoption by a state were, both intellectually and politically, much more difficult. Perhaps the recognition of this difficulty led Bentham to write in 1822 his *Codification Proposal* addressed like the *Constitutional Code* not merely to Spain or Portugal but to 'All Nations Professing Liberal Opinions'.⁵ *Codification Proposal* contained a series of letters or testimonials from people in countries such as England, Switzerland, Spain, Portugal, Italy, France, the United States, and South America, and followed

¹ Bentham to the Portuguese Cortes, 7 Nov. 1821, *ibid.* iv. 576.

² Mill to Dumont, 8 June 1821, Dumont MSS, Bibliothèque Publique et Universitaire, Geneva, MS 76, fo. 21, published in *The Iberian Correspondence of Jeremy Bentham*, ed. P. Schwartz, 2 vols., London-Madrid, 1979, i. 539. James Mill (1773-1836), utilitarian philosopher and associate of Bentham since 1808; Pierre Étienne Louis Dumont (1759-1829) Swiss political writer and editor of several of Bentham's works.

³ *Ibid.*, fo. 22. John Herbert Koe (1783-1860), Q.C. 1842, county court judge 1847-60.

⁴ See the correspondence in Bowring, iv. 570-6.

⁵ *Codification Proposal addressed . . . to All Nations Professing Liberal Opinions*, London, 1822 (Bowring, iv. 535-94). Supplements to *Codification Proposal* were added in 1827 and 1830.

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in form the earlier *Papers relative to Codification and Public Instruction*.¹ These testimonials did not give a parochial cast to the proposal. Instead, they were used to justify Bentham's claim to legislate for any state which would accept his offer.² Once Bentham had begun his *Constitutional Code*, disappointment with Spain, Portugal, and later with Greece, would not bring his efforts to a halt. In looking beyond the horizons of particular states to all states based on liberal principles, Bentham's reference to the *Code* as a 'utopian' work can be most clearly understood.³

1822 MANUSCRIPTS

The first manuscripts consistently headed 'Constitutional Code' were written in April 1822 and a vast quantity of material was accumulated by the end of the summer. These first writings took the form of lengthy essays on a number of themes such as 'Securities', 'First Principles', 'Rule—Good and Bad', 'Factitious Dignity', 'Supreme Operative', 'Corruption', and 'Public Opinion Tribunal'.⁴ Although the writing began in earnest in April, it became especially intensive in July and August. Bentham also drew on unpublished material from earlier manuscripts written for other works. These included manuscripts headed 'Emancipation Spanish' and 'Rid Yourselves of Ultramarina' which were written originally for Spain, the former between 1818 and 1820 and the latter between 1820 and 1822; 'First Lines' written in April–June 1821; and manuscripts omitted from the published *Codification Proposal*.⁵ But most of the manuscripts were written specially for the *Code*. Bentham eventually discarded all of

¹ London, 1817 (Bowring, iv. 451–533).

² In April–June 1821, Bentham also wrote a lengthy manuscript entitled 'First Lines of a Proposed Code of Law for every nation compleat and rationalized'. See UC xxxvii. 7 (3 Apr. 1821).

³ See Bowring, v. 278. This passage appears in the 'Introductory View' to Bentham's 1826 *Extract from the Constitutional Code*. See p. xxxix below.

⁴ On 'Securities' see UC xxxviii, xlv, cviii, cxiii, cxiv, clx; on 'First Principles' see UC xxxvi, xxxviii, clviii; on 'Rule—Good and Bad' see UC xxxvi, xxxviii, cvi, cxiii, clx and esp. xxxiv. 12 (30 July 1822); on 'Factitious Dignity' see UC xxxviii, clx, clxii; on 'Supreme Operative' see UC xxxvi, xxxvii, xxxviii, lxxxiv and esp. xxxiv. 15 (16 Aug. 1822); on 'Corruption' see UC xxxviii, cvi, clxiv, clxvii, clxxii and esp. xxxiv. 14 (7 Aug. 1822); on 'Public Opinion Tribunal' see UC xxxviii, clx. See generally UC xxxiv. 12 (30 July 1822).

⁵ For MSS headed 'Emancipation Spanish' and 'Rid Yourselves of Ultramarina', see UC clxii, clxiv, clxxii; MSS on 'First Lines' are in UC xxxvi, xxxvii; for examples of MSS from *Codification Proposal* later used in the *Constitutional Code* see UC lxxxiv.

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this material both from the volume published in 1830 and from the 1830 three-volume plan. Nevertheless, in the Preface to the 1830 volume, he referred to an 'introductory dissertation' he had planned to append to this first volume of the *Code* concerned with 'the various forms of which the supreme authority in a state is susceptible'.¹ He noted that the material for such a dissertation on the different forms of government was already in existence and had been so for a long time, but that he had not arranged it properly. Bentham also stated that the want of such an arrangement was a factor responsible for the delay in the appearance of the 1830 volume, but, as will be shown, this does not appear to have been the case. Doane, however, attempted to fulfil Bentham's hopes in creating the 'Book I' of the Bowring edition based largely on the 1822 manuscripts.

Among the manuscripts on which Doane drew was a lengthy essay, or series of essays, entitled 'Supreme Operative' which explored the weakness and inaptitude of monarchy and aristocracy and the virtues of representative democracy. This material seems closest to what Bentham had in mind and a small part of it was used by Doane in his 'Book I'.² A portion of this manuscript was written directly for the *Code* between the end of June and mid-July 1822; another substantial portion was taken from manuscripts originally written for *Codification Proposal* between December 1821 and February 1822.³ These manuscripts, represented by 372 marginal entries, were then arranged on 6 August 1822 into a plan of 19 'Sub-Heads'.⁴ Bentham never returned to this material and only the Doane extract has ever appeared in print.

The material on the 'Supreme Operative' formed, as we have noted, only one of the general essays developed at this time for the *Code*. Let us examine several other examples. One heading for a lengthy essay was 'Corruptive Influence' or 'Corruption'. On 5 and 7 August 1822 Bentham arranged a body of manuscripts partly written for the *Code* in 1822 and partly taken from manuscripts headed 'Emancipation Spanish' and 'Rid Yourselves of Ultramarina' written in June-August 1820 and March 1821.⁵ A small portion of this material also appeared in the Doane 'Book I'.⁶ Another series of manuscripts was

¹ Cf. p. 3, below.

² Bowring, ix. 127-45.

³ For 'Supreme Operative' MSS written specially for the *Code*, see UC xxxviii. 123-39 (1-16 July 1822), xxxvi. 102-43, 156-63 (June, July 1822), xxxvii. 71-6 (4 July 1822), and xxxvi. 101-76 (June, July 1822); for MSS excluded from *Codification Proposal*, see UC xxxviii. 13-20, 108-22 (Aug., Dec. 1821, Jan., Feb. 1822), lxxxiv. 16-19, 19-22, 28-35, 74-6, 78-83, 93, 96, 98-105, 107-8, 109-10, 114-15, 117-24, 144-51, 153-8, 168-77 (Dec. 1821, Jan., Feb. 1822).

⁴ UC xxxiv. 15.

⁵ UC xxxiv. 14.

⁶ Bowring, ix. 64-76.

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written on the subject of 'Securities'. This material seems to have evolved from writings on parliamentary reform and particularly on the theme of 'economy in office'. Some of the manuscripts were written in 1818 and headed 'Official Economy'.¹ In April, May, and June 1822, Bentham wrote a long manuscript under the heading of 'Economy as to Office'.² This carefully-arranged work of 159 sheets was concerned with 'securities' and especially with 'securities for moral aptitude', an important theme of the *Constitutional Code*. In a letter to Dumont, Bentham referred to it as 'a forerunner and in part of my *Constitutional Code*'.³ Some portions of this manuscript were eventually headed 'Constitutional Code' but the manuscript was never included in the *Code*.⁴

By early August Bentham had written and organized a considerable body of *Code* material. Nevertheless, he continued through the month of August to draft further essays. As a first chapter to the *Code*, he wrote and collected some manuscripts entitled 'First Principles'.⁵ But by mid-August this effort seems to have been abandoned. He also wrote during August a series of essays on 'Rule— Good and Bad' which dealt with forms of misrule such as corruption, delusion, and the use of fictions.⁶ But after August 1822 Bentham seemed to turn away from these lengthy, general, and introductory essays.

During the autumn of 1822 Bentham became involved with Hassuna D'Ghies, the young ambassador from Tripoli, who became for a period Bentham's 'disciple and adopted son'.⁷ D'Ghies seems to have visited Bentham first in July 1822 and was a frequent visitor until early 1823.⁸ To his brother, Samuel, Bentham happily wrote that 'you would be as jealous as a Dragon if you knew half the esteem and affection I have for this young man'.⁹ D'Ghies was only 31

¹ See, for example, UC clx. 6-27 (Nov. 1818).

² UC cxiii. 1-159.

³ Bentham to Dumont, 26 May 1822, Dumont MSS, MS 33/v, fo. 25.

⁴ See, for example, UC clx. 56, 58 (28, 30 Apr. 1822), 76 (21 May 1822).

⁵ Cf. p. xiii n. 4 above.

⁶ Ibid.

⁷ Bentham to D'Argenson, 1 Jan. 1823, BL Add. MS 33,545, fos. 609-14. See also L. J. Hume, 'Preparations for Civil War in Tripoli in the 1820s: Ali Karamanli, Hassuna D'Ghies and Jeremy Bentham', *Journal of African History*, xxi (1980), 311-22.

⁸ A journal kept between 1821 and 1825 by John Colls, Bentham's secretary, records numerous visits from a variety of people including D'Ghies, important correspondence and the publication of works. See BL Add. MS 33,563, fos. 63-136. For the visits by D'Ghies, see *ibid.* fos. 106-17.

⁹ Bentham to Samuel Bentham, 16 Jan. 1823, BL Add. MS 33,545, fo. 615. Sir Samuel Bentham (1757-1831), naval architect and engineer, Inspector General of Naval Works, 1796-1807, Civil Architect and Engineer to the Navy Board, 1808-12.

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years old when he met Bentham. His father was Secretary of State for Foreign Affairs in Tripoli. D'Ghies had spent the previous eight years travelling in Europe and was obviously in Bentham's eyes both a charming and cultivated young man. Bentham could see in his new acquaintance a chance to influence the constitutional development of the Barbary states and D'Ghies seems to have enlisted his support for this purpose. The major writing that Bentham produced was the work, 'Securities against Misrule', where he attempted to develop and adapt his conception of 'securities for appropriate aptitude' to a state ruled by a Muhammadan prince.¹ Bentham went so far as to draft a letter to his friend John Quincy Adams (1767-1848), the future President of the United States, to suggest on the authority of D'Ghies that Tripoli would be ripe for revolution and that such a revolution, if supported by the United States, would rid it of the annoyance of the Barbary powers.² However, none of the projects with D'Ghies came to fruition and D'Ghies left London in 1823. Although Bentham's involvement with D'Ghies might be seen as a distraction from his work on the *Code*, the major manuscript, 'Securities against Misrule', displayed a systematic treatment of 'securities' within an institutional context which Bentham had not developed previously and which would be a feature (though in a different form) of the *Constitutional Code*.³ Furthermore, Bentham's relationship with D'Ghies provided another example of the way he believed that his own activities as an author of constitutions could be married to revolutionary politics. Finally, through D'Ghies, Bentham established one more link with the Mediterranean where he would find the greatest stimulus for the development of the *Code*.

CONSTITUTIONAL CODE FOR GREECE

Although Bentham had been aware of the Greek war of independence since 1821, his involvement in Greek affairs began in the spring of 1823. Edward Blaquière (1779-c.1832), naval officer, ardent liberal, disciple of Bentham since 1813 and an assistant in his codification ventures in Spain and Portugal, brought the Greek agent, Andreas

¹ The MSS are in UC xxiv. Bentham did not publish the work but part of it was printed in the Bowring edition. See Bowring, viii. 555-600.

² Bentham to Quincy Adams (draft), 10-13 Jan. 1823, UC xxiv. 378-86. For Bentham's relationship with John Quincy Adams, see Bentham to Quincy Adams, 19 June 1826, Bowring, x. 554-5, and Bentham to Jackson, June 1830, Nicholas P. Trist MSS, Library of Congress, Washington D.C., printed in Bowring, xi. 39-40, incorrectly dated 26 Apr. 1830.

³ See esp. Bowring, viii. 583-92.

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Louriottis, to London to raise money for the war.¹ Through Blaquièrre and Bowring, who served as Secretary of the London Greek Committee, Louriottis soon visited Bentham and eventually Bentham made contact with the leading figures of the revolution.² On 9 February 1823 Bentham began to draft an essay which commented on particular articles of the Greek Constitution of 1822.³ He completed his 'Observations' in time for Blaquièrre's departure for Greece in early March. During this period his hopes for playing a role in the constitutional development of Greece were high, but he was already aware that he faced formidable obstacles. The absence of Greek editions of his writings was a constant problem. Although at this stage he believed that translations of his works might be made in Greece, he was soon to learn that this was not possible.⁴ He also tried unsuccessfully to enlist the help of Dr Samuel Parr (1747-1825), 'the Whig Dr Johnson', with whom he had maintained friendly contact over the years, in obtaining a Greek translation of the 'Observations'.⁵ A second obstacle Bentham faced was his apprehension that works based on republican principles, though highly regarded by the Greeks themselves, could not be seen to be favourably received, because the Greeks needed to enlist the support of the European powers against the Turks. For this reason, Bentham asked Blaquièrre to have the material translated and published at his own expense so that the work would not appear as the responsibility of the constituted authorities.⁶

Bentham's 'Observations' was well-received in Greece where it was presented to the Legislative Council by Blaquièrre and Louriottis. Bentham received warm testimonials from Alexander Mavrocordato, then Secretary of the Provisional Government and eventually the

¹ William St. Clair, *That Greece Might Still Be Free*, London, 1972, p. 207. On Blaquièrre, see Bowring, x. 474-5 and C. Gobbi, 'Edward Blaquièrre: agente del liberalismo', *Cuadernos Hispano-americanos*, 350 (1979), 306-25.

² Colls's journal, fo. 119, records visits from Louriottis on 19 Feb. and Blaquièrre, for dinner, on 20 Feb. 1823.

³ Bentham based his 'Observations' on the edition of the Greek constitution appearing in C. D. Raffeneil, *Histoire des événements de la Grèce*, Paris, 1822. The manuscript, which Blaquièrre took to Greece on 3 Mar., was written between 26 Feb. and 2 Mar. See UC cvi. 327-83; earlier material may be found at UC xxi. 180-92, 209. See also UC xxi. 271-89.

⁴ Bentham seems to suggest to Dr Samuel Parr that his published works were already being translated in Greece by his 'disciples'. See Bentham to Parr, 17 Feb. 1823, Bowring, x. 535, printed in *The Works of Samuel Parr*, ed. J. Johnstone, 8 vols., London, 1828, viii. 6-10.

⁵ *Ibid.*; and Parr to Bentham, 20 Feb. 1823, Bowring x. 536-7.

⁶ Bentham to Blaquièrre, 2 Mar. 1823, UC xii. 103: 'It bears so strongly on Monarchies in general and in particular, that it would scarcely be consistent with prudence on their part to appear to regard it with a favorable eye.'

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main leader of the Greek government, and from the Legislative Council.¹ From the Legislative Council came the announcement that a person 'skilled in the English language' had been assigned to translate his 'Observations' into Greek, a proposal which, though contrary to Bentham's instruction to Blaqui re, was most welcome.² However, there is no evidence that such a translation was completed.

In the meantime Bentham proceeded to draft the *Constitutional Code*. 'These were days of boundless happiness to Bentham' wrote Bowring referring to the events of 1823, 'when, from every side, testimonials of respect and affection were flowing towards him, and when all events seemed concurring in advancing the great interest to which he was devoted.'³ Bentham's *Code* writings in early 1823 still reflected the general character of the essays of 1822. In April and May Bentham drafted yet another introductory chapter entitled 'Ruling Principles' which would have no place in the final version of the *Code*.⁴ Furthermore, he was also drafting the 'rationale' for some of the early chapters on subjects such as sovereignty and legislative authority. This material, also in the form of lengthy essays, was similarly excluded from the *Code* but some was utilized by Doane for his 'Book I'.⁵ At this stage Bentham conceived of the *Code* as consisting of three parts: the 'enactive' (the enacted provisions), the 'expositive' (explaining terms, etc.), and the 'ratiocinative' (giving reasons). He later added two more, the 'exemplificational' (providing examples) and the 'instructional' (giving instructions to the legislator). Bentham drafted each part of the *Code* separately and had not yet decided to combine the different parts within the various chapters and sections.

In the summer and autumn of 1823, the nature of Bentham's writing changed considerably. The *Code* started to take the form which Bentham would adopt in the published version. He began to discard the earlier 1822 material from the text. At the same time he published his brief work, *Leading Principles of a Constitutional Code For Any State*, first in *The Pamphleteer* and then as a separate work.⁶

¹ Mavrocordato to Bentham, 22 June/4 July 1823, UC xii. 127, printed in Bowring, iv. 580-1. Prince Alexander Mavrocordato (1791-1865), president of the first Greek National Assembly, 1822; leader of the 'Anglophile' party, and Prime Minister 1831, 1841, 1844, 1854-5.

² Orlandos and Scandalides to Bentham, 12 May 1823, Bowring, iv. 581.

³ Ibid. x. 539.

⁴ See UC xxxiv. 19-24 and xxxvi. 216-74.

⁵ See, for example, UC xxxvii; see also Bowring, ix. 95-127.

⁶ *The Pamphleteer*, xxii (1823), 475-86 (Bowring, ii. 267-74). Colls's journal indicates that Bentham received 250 copies of *Leading Principles* on 23 Aug. In the next few days (as well as over succeeding months), he distributed a number of copies. For example, fifty copies were sent to Bowring of which six were sent on to Greece.

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Although *Leading Principles* was written as an introductory work, it bore the marks of Bentham's considerable efforts at compressing and consolidating his text. Bentham defined the principal ends sought and the means for achieving them briefly and succinctly. *Leading Principles* was never incorporated into the published *Code*, but the even more limited treatments of ends and means developed in the latter reflect this earlier discussion.¹

Bentham attempted to complete a draft of the *Code* to accompany Leicester Stanhope on his journey to Greece as one of the representatives (with Lord Byron) of the London Greek Committee. Stanhope, later fifth Earl of Harrington (1784-1862), had had a distinguished career in India serving as private secretary to the Marquis of Hastings and then became an ardent Philhellene and disciple of Bentham.² Stanhope and Blaquièrre in Greece and Bowring in London served Bentham well in his attempts to become the legislator of Greece. Stanhope apparently began visiting Bentham in May 1823, several months after the formation of the London Greek Committee.³ He was one of the first to receive a copy of *Leading Principles* and on 23 September he received a number of Bentham's books and pamphlets for transport to Greece.⁴ On 26 September Colls's journal recorded the delivery to Stanhope of part of the *Code*:⁵

R.D. to Col. Stanhope with the Text of Chapters 1.2.3.4.5.6.8.9. & s.2 of ch. 10 of Constitutional Code with the Marginals of these on four column paper as also of Chapters 11, 12, 13 & Ch. [14?] on the Quasi Jury—another copy of the Marginals of the five first chapters on a sheet of Bank post columnwise, occupying half the sheet—Col. Stanhope requested to add to the title of Rad. Ref Bill—the following words—Adapted to the purpose of constituting the Election Code, being chapter () for the accompanying Constitutional Code.

Stanhope then departed for Greece and two further instalments of the *Code* were sent to him by post. On 10 October the journal recorded:⁶

To Foreign Post with Chapters 10, 11, and 12 of Constitutional Code, for Col. Stanhope. . . .

¹ Cf. Chs. II and VII, pp. 18-19 and 136-7 below. There is only one reference to *Leading Principles* in the *Code* at Ch. IX. § 17. Art 53 and n., p. 352 and n. 2, below.

² Bentham to Say, 9 Sept. 1828, Bibliothèque National, Paris, partly printed in Bowring, xi. 2-3.

³ Colls's journal, fo. 122, records a visit for dinner on 19 May.

⁴ Ibid., fos. 125 and 126.

⁵ Ibid., fo. 126, 'R.D.' stands for Richard Doane. The square brackets and question mark in the reference to Ch. 14 is in the original.

⁶ Ibid., fo. 126.

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And the entry for 14 October:¹

To Foreign post, with S.5. *Term of service of Ch. VIII of the Prime Minister*—to be substituted to the section sent on a former occasion; . . .

The parcel of books and manuscripts which Stanhope took to Greece arrived safely with him. Stanhope unexpectedly found the Greek government ‘almost in a state of anarchy’.² Besides trying to reconcile the various factions he planned to establish several printing presses which would counter the spirit of monarchy and aristocracy which he found widespread. On these presses, he hoped to publish extracts from Bentham’s works. Of the two parcels posted to Stanhope after his departure, the first, containing chapters X, XI, and XII, was lost in the post and never reached Stanhope in Ancona. Bentham sent a second copy soon afterwards with William Parry, who was leaving for Greece to serve under Lord Byron.³

Although a reconstruction of the text of this version of the *Code* from Bentham’s extant manuscripts is not possible, and the full draft sent to Greece has not been recovered, it is possible to see the way Bentham conceived of the *Code* at this time and its state of development in relation to Bentham’s final plan. One general plan, UC xxxviii. 9–10, seems to have been drafted and revised over the 1823–4 period when Bentham sent the *Code* to Greece, and it forms the basis of this discussion. The plan itself is not dated, although three dates, 17 February, 30 March, and 3 April 1824 appear on material clearly added to the original text. The original is in a copyist’s hand (probably Colls’s) and the later additions are by Bentham himself with some headings of later chapters on the judiciary added by Doane. From this plan, it is possible to obtain, first, a sketch of what Bentham sent to Greece in 1823; second, his conception of the *Code* in March 1824 in the table sent to Stanhope; and finally, revisions made after that date which incorporated further developments.

The parcel which Bentham sent to Greece with Stanhope contained, as we have seen, the texts of chapters I–VI, VIII–IX, and section 2 of chapter X. Chapter VII was sent later in March 1824 and on the general plan it is not yet broken down into sections, providing evidence that it had not yet been fully drafted. Chapters I–IV are similar to those in the final 1830 text except that the title of chapter

¹ Colls’s journal, fo. 126.

² Stanhope to Bentham, 1 Dec. 1823, UC xii. 160.

³ Colls’s journal, fo. 127, records Colls taking the parcel with these chapters to Bowring for transmission by Parry on 4 Nov. On the loss of the original parcel, see Stanhope to Bentham, 1 Dec. 1823, UC xii. 160. William Parry (fl. 1824–5), a major in Byron’s brigade, assisted in preparing the defence of Missolonghi in 1824. He published *The Last Days of Lord Byron*, London, 1825, which contained criticisms of Stanhope and an absurd description of Bentham.