

THE
SPIRIT OF THE AGE
OR
CONTEMPORARY PORTRAITS

BY
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JEREMY BENTHAM

MR. BENTHAM is one of those persons who verify the old adage, that 'A prophet has most honour out of his own country.' His reputation lies at the circumference; and the lights of his understanding are reflected, with increasing lustre, on the other side of the globe. His name is little known in England, better in Europe, best of all in the plains of Chili and the mines of Mexico. He has offered constitutions for the New World, and legislated for future times. The people of Westminster, where he lives, hardly dream of such a person; but the Siberian savage has received cold comfort from his lunar aspect, and may say to him with Caliban—'I know thee, and thy dog and thy bush!' The tawny Indian may hold out the hand of fellowship to him across the GREAT PACIFIC. We believe that the Empress Catherine corresponded with him; and we know that the Emperor Alexander called upon him, and presented him with his miniature in a gold snuff-box, which the philosopher, to his eternal honour, returned. Mr. Hobhouse is a greater man at the hustings, Lord Rolle at Plymouth Dock; but Mr. Bentham would carry it hollow, on the score of popularity, at Paris or Pegu. The reason is, that our author's influence is purely intellectual. He has devoted his life to the pursuit of abstract and general truths, and to those studies—

'That waft a *thought* from Indus to the Pole'—

and has never mixed himself up with personal intrigues

or party politics. He once, indeed, stuck up a hand-bill to say that he (Jeremy Bentham) being of sound mind, was of opinion that Sir Samuel Romilly was the most proper person to represent Westminster; but this was the whim of the moment. Otherwise, his reasonings, if true at all, are true everywhere alike: his speculations concern humanity at large, and are not confined to the hundred or the bills of mortality. It is in moral as in physical magnitude. The little is seen best near: the great appears in its proper dimensions, only from a more commanding point of view, and gains strength with time, and elevation from distance!

Mr. Bentham is very much among philosophers what La Fontaine was among poets:—in general habits and in all but his professional pursuits, he is a mere child. He has lived for the last forty years in a house in Westminster, overlooking the Park, like an anchorite in his cell, reducing law to a system, and the mind of man to a machine. He scarcely ever goes out, and sees very little company. The favoured few, who have the privilege of the *entrée*, are always admitted one by one. He does not like to have witnesses to his conversation. He talks a great deal, and listens to nothing but facts. When any one calls upon him, he invites them to take a turn round his garden with him.

Mr. Bentham is an economist of his time, and sets apart this portion of it to air and exercise; and there you may see the lively old man, his mind still buoyant with thought and with the prospect of futurity, in eager conversation with some Opposition Member, some expatriated Patriot, or Transatlantic Adventurer, urging the extinction of Close Boroughs, or planning a code of laws for some 'lone island in the watery waste,' his walk almost amounting to a run, his tongue keeping pace with it in shrill, clattering accents, negligent of his person, his dress, and his manner, intent only on his grand theme of UTILITY—or pausing, perhaps, for want of breath and with lack-lustre

eye, to point out to the stranger a stone in the wall at the end of his garden (overarched by two beautiful cotton-trees) *Inscribed to the Prince of Poets*, which marks the house where Milton formerly lived. To show how little the refinements of taste or fancy enter into our author's system, he proposed at one time to cut down these beautiful trees, to convert the garden where he had breathed the air of Truth and Heaven for near half a century into a paltry *Chrestomathic School*, and to make Milton's house (the cradle of *Paradise Lost*) a thoroughfare, like a three-stalled stable, for the idle rabble of Westminster to pass backwards and forwards to it with their cloven hoofs.

Let us not, however, be getting on too fast—Milton himself taught school! There is something not altogether dissimilar between Mr. Bentham's appearance and the portraits of Milton—the same silvery tone, a few dishevelled hairs, a peevish, yet puritanical expression, an irritable temperament corrected by habit and discipline. Or in modern times, he is something between Franklin and Charles Fox, with the comfortable double-chin and sleek thriving look of the one, and the quivering lip, the restless eye, and animated acuteness of the other. His eye is quick and lively; but it glances not from object to object, but from thought to thought. He is evidently a man occupied with some train of fine and inward association. He regards the people about him no more than the flies of a summer. He meditates the coming age. He hears and sees only what suits his purpose, or some 'foregone conclusion'; and looks out for facts and passing occurrences in order to put them into his logical machinery and grind them into the dust and powder of some subtle theory, as the miller looks out for grist to his mill! Add to this physiognomical sketch the minor points of costume, the open shirt-collar, the single-breasted coat, the old-fashioned half-boots and ribbed stockings; and you will find in Mr. Bentham's general appearance a singular mixture of boyish simplicity and of the venerableness of age.

In a word, our celebrated jurist presents a striking illustration of the difference between the *philosophical* and the *regal* look; that is, between the merely abstracted and the merely personal. There is a lackadaisical *bonhomie* about his whole aspect, none of the fierceness of pride or power; an unconscious neglect of his own person, instead of a stately assumption of superiority; a good-humoured, placid intelligence, instead of a lynx-eyed watchfulness, as if it wished to make others its prey, or was afraid they might turn and rend him; he is a beneficent spirit, prying into the universe, not lording it over it; a thoughtful spectator of the scenes of life, or ruminator on the fate of mankind, not a painted pageant, a stupid idol set up on its pedestal of pride for men to fall down and worship with idiot fear and wonder at the thing themselves have made, and which, without that fear and wonder, would in itself be nothing.

Mr. Bentham, perhaps, over-rates the importance of his own theories. He has been heard to say (without any appearance of pride or affectation) that 'he should like to live the remaining years of his life, a year at a time at the end of the next six or eight centuries, to see the effect which his writings would by that time have had upon the world.' Alas! his name will hardly live so long! Nor do we think, in point of fact, that Mr. Bentham has given any new or decided impulse to the human mind. He cannot be looked upon in the light of a discoverer in legislation or morals. He has not struck out any great leading principle or parent-truth, from which a number of others might be deduced, nor has he enriched the common and established stock of intelligence with original observations, like pearls thrown into wine. One truth discovered is immortal, and entitles its author to be so: for, like a new substance in nature, it cannot be destroyed. But Mr. Bentham's forte is arrangement; and the form of truth, though not its essence, varies with time and circumstance. He has methodised, collated, and condensed all the materials prepared to his hand on

the subjects of which he treats, in a masterly and scientific manner ; but we should find a difficulty in adducing from his different works (however elaborate or closely reasoned) any new element of thought, or even a new fact or illustration. His writings are, therefore, chiefly valuable as *books of reference*, as bringing down the account of intellectual inquiry to the present period, and disposing the results in a compendious, connected, and tangible shape ; but books of reference are chiefly serviceable for facilitating the acquisition of knowledge, and are constantly liable to be superseded and to grow out of fashion with its progress, as the scaffolding is thrown down as soon as the building is completed.

Mr. Bentham is not the first writer (by a great many) who has assumed the principle of *UTILITY* as the foundation of just laws, and of all moral and political reasoning :—his merit is, that he has applied this principle more closely and literally ; that he has brought all the objections and arguments, more distinctly labelled and ticketed, under this one head, and made a more constant and explicit reference to it at every step of his progress, than any other writer. Perhaps the weak side of his conclusions also is, that he has carried this single view of his subject too far, and not made sufficient allowance for the varieties of human nature, and the caprices and irregularities of the human will. ‘He has not allowed for the *wind*.’ It is not that you can be said to see his favourite doctrine of Utility glittering everywhere through his system, like a vein of rich, shining ore (that is not the nature of the material)—but it might be plausibly objected that he had struck the whole mass of fancy, prejudice, passion, sense, whim, with his petrific, leaden mace, that he had ‘bound volatile Hermes,’ and reduced the theory and practice of human life to a *caput mortuum* of reason, and dull, plodding, technical calculation. The gentleman is himself a capital logician ; and he has been led by this circumstance to consider man as a logical animal. We fear this

view of the matter will hardly hold water. If we attend to the *moral* man, the constitution of his mind will scarcely be found to be built up of pure reason and a regard to consequences: if we consider the *criminal* man (with whom the legislator has chiefly to do), it will be found to be still less so.

Every pleasure, says Mr. Bentham, is equally a good, and is to be taken into the account as such in a moral estimate, whether it be the pleasure of sense or of conscience, whether it arise from the exercise of virtue or the perpetration of crime. We are afraid the human mind does not readily come into this doctrine, this *ultima ratio philosophorum*, interpreted according to the letter. Our moral sentiments are made up of sympathies and antipathies, of sense and imagination, of understanding and prejudice. The soul, by reason of its weakness, is an aggregating and exclusive principle; it clings obstinately to some things, and violently rejects others. And it must do so, in a great measure, or it would act contrary to its own nature. It needs helps and stages in its progress, and 'all appliances and means to boot,' which can raise it to a partial conformity to truth and good (the utmost it is capable of) and bring it into a tolerable harmony with the universe. By aiming at too much, by dismissing collateral aids, by extending itself to the farthest verge of the conceivable and possible, it loses its elasticity and vigour, its impulse and its direction.

The moralist can no more do without the intermediate use of rules and principles, without the 'vantage-ground of habit, without the levers of the understanding, than the mechanist can discard the use of wheels and pulleys, and perform every thing by simple motion. If the mind of man were competent to comprehend the whole of truth and good, and act upon it at once, and independently of all other considerations, Mr. Bentham's plan would be a feasible one, and *the truth, the whole truth, and nothing but the truth*, would be the best possible ground to place morality upon. But it is not so. In ascertaining the

rules of moral conduct, we must have regard not merely to the nature of the object, but to the capacity of the agent, and to his fitness for apprehending or attaining it. Pleasure is that which is so in itself: good is that which approves itself as such on reflection, or the idea of which is a source of satisfaction. All pleasure is not, therefore (morally speaking), equally a good: for all pleasure does not equally bear reflecting on. (There are some tastes that are sweet in the mouth and bitter in the belly; and there is a similar contradiction and anomaly in the mind and heart of man.

Again, what would become of the *Hæc olim meminisse juvabit* of the poet, if a principle of fluctuation and reaction is not inherent in the very constitution of our nature, or if all moral truth is a mere literal truism? We are not, then, so much to inquire what certain things are abstractedly or in themselves, as how they affect the mind, and to approve or condemn them accordingly. The same object seen near strikes us more powerfully than at a distance: things thrown into masses give a greater blow to the imagination than when scattered and divided into their component parts. A number of mole-hills do not make a mountain, though a mountain is actually made up of atoms: so moral truth must present itself under a certain aspect and from a certain point of view, in order to produce its full and proper effect upon the mind. The laws of the affections are as necessary as those of optics. A calculation of consequences is no more equivalent to a sentiment than a *seriatim* enumeration of square yards or feet touches the fancy like the sight of the Alps or Andes.

To give an instance or two of what we mean. Those who on pure cosmopolite principles, or on the ground of abstract humanity, affect an extraordinary regard for the Turks and Tartars, have been accused of neglecting their duties to their friends and next-door neighbours. Well, then, what is the state of the question here? One human being is, no doubt, as

much worth in himself, independently of the circumstances of time or place, as another ; but he is not of so much value to us and our affections. Could our imagination take wing (with our speculative faculties) to the other side of the globe or to the ends of the universe, could our eyes behold whatever our reason teaches us to be possible, could our hands reach as far as our thoughts and wishes, we might then busy ourselves to advantage with the Hottentots, or hold intimate converse with the inhabitants of the Moon ; but being as we are, our feelings evaporate in so large a space—we must draw the circle of our affections and duties somewhat closer—the heart hovers and fixes nearer home.

It is true, the bands of private, or of local and natural affection, are often, nay in general, too highly strained, so as frequently to do harm instead of good ; but the present question is whether we can, with safety and effect, be wholly emancipated from them ? Whether we should shake them off at pleasure and without mercy, as the only bar to the triumph of truth and justice ? Or whether benevolence, constructed upon a logical scale, would not be merely *nominal*—whether duty, raised to too lofty a pitch of refinement, might not sink into callous indifference or hollow selfishness ? Again, is it not to exact too high a strain from humanity, to ask us to qualify the degree of abhorrence we feel against a murderer by taking into our cool consideration the pleasure he may have in committing the deed, and in the prospect of gratifying his avarice or his revenge ? We are hardly so formed as to sympathise at the same moment with the assassin and his victim. The degree of pleasure the former may feel, instead of extenuating, aggravates his guilt, and shows the depth of his malignity.

Now the mind revolts against this by mere natural antipathy, if it is itself well-disposed ; or the slow progress of reason would afford but a feeble resistance to violence and wrong. The will, which is necessary to

give consistency and promptness to our good intentions, cannot extend so much candour and courtesy to the antagonist principle of evil: virtue, to be sincere and practical, cannot be divested entirely of the blindness and impetuosity of passion! It has been made a plea (half jest, half earnest) for the horrors of war, that they promote trade and manufactures. It has been said, as a set-off for the atrocities practised upon the negro slaves in the West Indies, that without their blood and sweat, so many millions of people could not have sugar to sweeten their tea. Fires and murders have been argued to be beneficial, as they serve to fill the newspapers, and for a subject to talk of—this is a sort of sophistry that it might be difficult to disprove on the bare scheme of contingent utility; but on the ground that we have stated, it must pass for mere irony. What the proportion between the good and the evil will really be found in any of the supposed cases, may be a question to the understanding; but to the imagination and the heart, that is, to the natural feelings of mankind, it admits of none!

Mr. Bentham, in adjusting the provisions of a penal code, lays too little stress on the co-operation of the natural prejudices of mankind, and the habitual feelings of that class of persons for whom they are more particularly designed. Legislators (we mean writers on legislation) are philosophers, and governed by their reason: criminals, for whose control laws are made, are a set of desperadoes, governed only by their passions. What wonder that so little progress has been made towards a mutual understanding between the two parties! They are quite a different species, and speak a different language, and are sadly at a loss for a common interpreter between them. Perhaps the Ordinary of Newgate bids as fair for this office as any one. What should Mr. Bentham, sitting at ease in his armchair, composing his mind before he begins to write by a prelude on the organ, and looking out at a beautiful prospect when he is at a loss for an idea,

know of the principles of action of rogues, outlaws, and vagabonds? No more than Montaigne of the motions of his cat! If sanguine and tender-hearted philanthropists have set on foot an inquiry into the barbarity and the defects of penal laws, the practical improvements have been mostly suggested by reformed cut-throats, turnkeys, and thief-takers. What even can the Honourable House who, when the Speaker has pronounced the well-known, wished-for sounds, 'That this House do now adjourn,' retire, after voting a royal crusade or a loan of millions, to lie on down, and feed on plate in spacious palaces, know of what passes in the hearts of wretches in garrets and night-cellars, petty pilferers and marauders, who cut throats and pick pockets with their own hands? The thing is impossible.

The laws of the country are therefore ineffectual and abortive, because they are made by the rich for the poor, by the wise for the ignorant, by the respectable and exalted in station for the very scum and refuse of the community. If Newgate would resolve itself into a committee of the whole Press-yard, with Jack Ketch at its head, aided by confidential persons from the county prison or the Hulks, and would make a clear breast, some *data* might be found out to proceed upon; but as it is, the *criminal mind* of the country is a book sealed, no one has been able to penetrate to the inside! Mr. Bentham, in his attempts to revise and amend our criminal jurisprudence, proceeds entirely on his favourite principle of Utility. Convince highwaymen and housebreakers that it will be for their interest to reform, and they will reform and lead honest lives; according to Mr. Bentham. He says, 'All men act from calculation: even madmen reason'; and, in our opinion, he might as well carry this maxim to Bedlam or St. Luke's, and apply it to the inhabitants, as think to coerce or overawe the inmates of a gaol, or those whose practices make them candidates for that distinction, by the mere dry, detailed convictions of the understanding. Criminals

are not to be influenced by reason ; for it is of the very essence of crime to disregard consequences both to ourselves and others.

You may as well preach philosophy to a drunken man, or to the dead, as to those who are under the instigation of any mischievous passion. A man is a drunkard, and you tell him he ought to be sober ; he is debauched, and you ask him to reform ; he is idle, and you recommend industry to him as his wisest course ; he gambles, and you remind him that he may be ruined by this foible ; he has lost his character, and you advise him to get into some reputable service or lucrative situation ; vice becomes a habit with him, and you request him to rouse himself and shake it off ; he is starving, and you warn him if he breaks the law, he will be hanged. None of this reasoning reaches the mark it aims at. The culprit, who violates and suffers the vengeance of the laws, is not the dupe of ignorance, but the slave of passion, the victim of habit or necessity. To argue with strong passion, with inveterate habit, with desperate circumstances, is to talk to the winds. Clownish ignorance may indeed be dispelled, and taught better ; but it is seldom that a criminal is not aware of the consequences of his act, or has not made up his mind to the alternative. They are, in general, *too knowing by half*. You tell a person of this stamp what is his interest ; he says he does not care about his interest, or the world and he differ on that particular. But there is one point on which he must agree with them, namely, what *they* think of his conduct, and that is the only hold you have of him. A man may be callous and indifferent to what happens to himself ; but he is never indifferent to public opinion, or proof against open scorn and infamy.

Shame, then, not fear, is the sheet-anchor of the law. He who is not afraid of being pointed at as a *thief*, will not mind a month's hard labour. He who is prepared to take the life of another, is already reckless of his own. But every one makes a sorry figure in the pillory ; and the being launched from

the New Drop lowers a man in his own opinion. The lawless and violent spirit, who is hurried by headstrong self-will to break the laws, does not like to have the ground of pride and obstinacy struck from under his feet. This is what gives the *swells* of the metropolis such a dread of the *treadmill*—it makes them ridiculous. It must be confessed, that this very circumstance renders the reform of criminals nearly hopeless. It is the apprehension of being stigmatized by public opinion, the fear of what will be thought and said of them, that deters men from the violation of the laws, while their character remains unimpeached; but honour once lost, all is lost. The man can never be himself again! A citizen is like a soldier, a part of a machine, who submits to certain hardships, privations, and dangers, not for his own ease, pleasure, profit, or even conscience, but—for shame. What is it that keeps the machine together in either case? Not punishment or discipline, but sympathy. The soldier mounts the breach or stands in the trenches, the peasant hedges and ditches, or the mechanic plies his ceaseless task, because the one will not be called a *coward*, the other a *rogue*: but let the one turn deserter and the other vagabond, and there is an end of him. The grinding law of necessity, which is no other than a name, a breath, loses its force; he is no longer sustained by the good opinion of others, and he drops out of his place in society, a useless clog!

Mr. Bentham takes a culprit, and puts him into what he calls a *Panopticon*, that is, a sort of circular prison, with open cells, like a glass bee-hive. He sits in the middle, and sees all the other does. He gives him work to do, and lectures him if he does not do it. He takes liquor from him, and society and liberty; but he feeds and clothes him, and keeps him out of mischief; and when he has convinced him by force and reason together, that this life is for his good, he turns him out upon the world a reformed man, and as confident of the success of his handy-work as the shoe-

maker of that which he has just taken off the last, or the Parisian barber in Sterne, of the buckle of his wig. 'Dip it in the ocean,' said the perruquier, 'and it will stand!' But we doubt the durability of our projector's patchwork. Will our convert to the great principle of Utility work when he is from under Mr. Bentham's eye, because he was forced to work when under it? Will he keep sober, because he has been kept from liquor so long? Will he not return to loose company, because he has had the pleasure of sitting vis-à-vis with a philosopher of late? Will he not steal, now that his hands are untied? Will he not take the road, now that it is free to him? Will he not call his benefactor all the names he can set his tongue to, the moment his back is turned? All this is more than to be feared.

The charm of criminal life, like that of savage life, consists in liberty, in hardship, in danger, and in the contempt of death: in one word, in extraordinary excitement; and he who has tasted of it, will no more return to regular habits of life, than a man will take to water after drinking brandy, or than a wild beast will give over hunting its prey. Miracles never cease, to be sure; but they are not to be had wholesale, or *to order*. Mr. Owen, who is another of these proprietors and patentees of reform, has lately got an American savage with him, whom he carries about in great triumph and complacency, as an antithesis to his *New View of Society*, and as winding up his reasoning to what it mainly wanted, an epigrammatic point. Does the benevolent visionary of the Lanark cotton-mills really think this *natural man* will act as a foil to his *artificial man*? Does he for a moment imagine that his *Address to the higher and middle classes*, with all its advantages of fiction, makes anything like so interesting a romance as Hunter's *Captivity among the North American Indians*?

Has he anything to show, in all the apparatus of New Lanark and its desolate monotony, to excite the thrill of imagination like the blankets made of wreaths

of snow under which the wild wood-rovers bury themselves for weeks in winter? Or the skin of a leopard, which our hardy adventurer slew, and which served him for great-coat and bedding? Or the rattle-snake that he found by his side as a bedfellow? Or his rolling himself into a ball to escape from him? Or his suddenly placing himself against a tree to avoid being trampled to death by the herd of wild buffaloes, that came rushing on like the sound of thunder? Or his account of the huge spiders that prey on blue-bottles and gilded flies in green pathless forests; or of the great Pacific Ocean, that the natives look upon as the gulf that parts time from eternity, and that is to waft them to the spirits of their fathers? After all this, Mr. Hunter must find Mr. Owen and his parallelograms trite and flat, and will, we suspect, take an opportunity to escape from them!

Mr. Bentham's method of reasoning, though comprehensive and exact, labours under the defect of most systems—it is too *topical*. It includes every thing; but it includes every thing alike. It is rather like an inventory, than a valuation of different arguments. Every possible suggestion finds a place, so that the mind is distracted as much as enlightened by this perplexing accuracy. The exceptions seem as important as the rule. By attending to the minute, we overlook the great; and in summing up an account, it will not do merely to insist on the number of items without considering their amount. Our author's page presents a very nicely dove-tailed mosaic pavement of legal common-places. We slip and slide over its even surface without being arrested anywhere. Or his view of the human mind resembles a map, rather than a picture: the outline, the disposition is correct, but it wants colouring and relief. There is a technicality of manner, which renders his writings of more value to the professional inquirer than to the general reader. Again, his style is unpopular, not to say unintelligible. He writes a language of his own that *darkens knowledge*. His works have been translated