Here, I re-examine the sources of John Stuart Mill's feminist sympathies. After looking closely at two oft-touted candidates—Jeremy Bentham and Harriet Taylor Mill—I conclude that neither played the role attributed to them by some modern feminists. A third and heretofore unsuspected thinker—namely his own father, James Mill—proves to be a much more plausible and probable source of the younger Mill's feminist views.

Blackstone and Bentham: The Law of Nations and International Law

Mark Weston Janis

English jurist, William Blackstone's Commentaries, published between 1765 and 1769, transmitted the common law's traditional perception of the law of nations to American lawyers who would declare national independence, structure a government, and lead a New Republic. English philosopher Jeremy Bentham, displeased with Blackstone's law of nations, fashioned a new and lasting term international law in 1789, notably also the first year of US Constitutional government, Washington's inaugural term as President, and the French Revolution. Although Americans happily conflate the two terms, they have long struggled to reconcile Blackstone's and Bentham's competing notions about the nature of the discipline, however it be named. This chapter begins with
Blackstone's use and understanding of the traditional concept of the law of nations. It moves on to the creation of Bentham's new term, international law, then to Bentham's reconciliation of international law with his views about law in general, contrasting Bentham's perceptions with those of his disciple, John Austin. Finally, the chapter offers an analysis of some of the implications of Bentham's posited and widely accepted equivalence of international law and the law of nations. By understanding the important differences between Blackstone's classical concept of the law of nations and Bentham's influential conception of international law, we put ourselves in a better position to comprehend and appraise some of the conflicts among subsequent American approaches to the discipline. The general aim is to help explain how Americans have gotten to where they are with this discipline.

Theories of Law and Government
William Cornish, Michael Lobban, and Keith Smith

This chapter on theories of law and government begins with a discussion of the thought of Jeremy Bentham. It then discusses John Austin's reformulation of the province of jurisprudence, intuitionists and utilitarians, theories of evolution, individualism versus socialism, and late 19th-century jurisprudence.

Introduction
James E. Crimmins

This introductory chapter begins by setting out the purposes of this book: first, to illustrate the extent, depth, and nature of Bentham's concern with religion — from his Oxford days of first doubts, to the middle years.
of quiet unbelief, and, finally, the zealous atheism and secularism of later life when he pondered the vision of a world without religion. Secondly, it provides an interpretation of his utilitarian philosophy in which his religious views are located as an integral concern: on the one hand, intimately associated with the metaphysical, epistemological, and psychological principles which gave shape to his system as a whole and, on the other hand, central to the development of his entirely secular view of society. It then discusses the chronology of Bentham's views on religion and the manner in which they came to be published. An overview of the subsequent chapters is presented.

Jeremy Bentham’s Dream
Bart Schultz

in The Happiness Philosophers: The Lives and Works of the Great Utilitarians

This chapter examines Jeremy Bentham's doctrine of utilitarianism and the principle of “the greatest happiness of the greatest number.” Bentham is known for his radical critique of society, which aimed to test the usefulness of existing institutions, practices and beliefs against an objective evaluative standard, as well as his advocacy of law reform and his utilitarian justification for democracy. The chapter considers Bentham's views on subjects ranging from happiness and pleasure to social reform, “theory of fictions,” and sex and sexuality. It also discusses some of Bentham's writings, including Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind (published under the pseudonym Philip Beauchamp), Chrestomathia, Defense of Economy against the Right Honourable Edmund Burke, and An Introduction to the Principles of Morals and Legislation. Finally, the chapter looks at Bentham's proposals for reform of the Poor Laws and his influence on the Poor Law Amendment Act.

Transparency: The Key to Better Governance?
Christopher Hood and David Heald (eds)

‘Transparency’ is widely canvassed as a key to better governance, increasing trust in public-office holders. But it is more often preached
than practised, more often referred to than defined, and more often advocated than critically analysed. This book exposes this doctrine to critical scrutiny from a range of disciplinary perspectives, including political science, philosophy, and economics. It traces the history of transparency as a doctrine of good governance and social organization, and identifies its different forms; assesses the benefits and drawbacks of measures to enhance various forms of transparency; and examines how institutions respond to measures intended to increase transparency, and with what consequences. Transparency is shown not to be a new doctrine. It can come into conflict with other doctrines of good governance, and there are some important exceptions to Jeremy Bentham's famous dictum that 'the more closely we are watched, the better we behave'. Instead of heralding a new culture of openness in government, measures to improve transparency tend to lead to tighter and more centralized management of information.

**Atheism and the Secular Utilitarian Society**

James E. Crimmins

in **Secular Utilitarianism: Social Science and the Critique of Religion in the Thought of Jeremy Bentham**

Published in print: 1990 Published Online: October 2011


Item type: chapter

This chapter addresses the question of how we are to understand Bentham's critique of religion. The answer is that it only makes sense when viewed against the larger canvas of his aspiration to make his secular social science serve the needs of the Utilitarian society of the future. Taken together, Bentham's views on religion constitute a substantial part of the negative side of his plans for the construction of an entirely secular and rigorously Utilitarian society.

**Secular Utilitarianism**

James E. Crimmins

Published in print: 1990 Published Online: October 2011


Item type: book

Jeremy Bentham was an ardent secularist convinced that society could be sustained without the support of religious institutions or beliefs. This is writ large in the commonly neglected books on religion he wrote and published during the last twenty-five years of his life. However
his earliest writings on the subject date from the 1770s, when as a young man he first embarked on his calling as a legal theorist and social reformer. From that time on, religion was never far from the centre of his thoughts. This book illustrates the nature, extent, and depth of Jeremy Bentham's concern with religion, from his Oxford days of first doubts to the middle years of quiet unbelief, and finally, the zealous atheism and secularism of his later life. This book provides an interpretation of Bentham's thought in which his religious views, hitherto of little interest to Bentham scholars, are shown to be integral: on the one hand intimately associated with the metaphysical, epistemological, and psychological principles which gave shape to his system as a whole, and on the other central to the development of his entirely secular view of society.

**Benthamite Discipline and Punishment; Or, What Foucault Missed**

Terence Ball

In *Reappraising Political Theory: Revisionist Studies in the History of Political Thought*

Published in print: 1994 Published Online: November 2003


Item type: chapter

In this chapter, I show how James Mill reworks and recycles the argument of a classic text—viz. Plato's Republic—and uses Plato's theory of justice and just punishment to legitimize Bentham's plans for penal reform. Pace Michel Foucault, who views Bentham as the thoroughly modern doyen of the `surveillance society’, I argue that much modern political theory has classical roots and that we should therefore be wary of post-modern genealogists’ claims about discursive continuities between discrete epistemes or systems of thought.

**The Panopticon**

Peter Otto

In *Multiplying Worlds: Romanticism, Modernity, and the Emergence of Virtual Reality*

Published in print: 2011 Published Online: May 2011


Item type: chapter
Bentham's proposals for penal reform were published in Panopticon; or, The Inspection House (written in 1786) and its two Postscripts (1790, 1791). Focusing on these works, and diverging from accounts of the Panopticon that draw heavily on Michel Foucault's Discipline and Punish, this chapter argues that the optical environment of the panopticon (including the fictitious entities, recording devices, and communication systems that play a role within it) constructs a virtual reality that, by eclipsing the 'real' and re-contextualizing the prisoner's actions, provides a new way of shaping behaviour. It concludes with a discussion of later stages of Bentham's panopticon idea, evident in his unpublished plans for a theme park, to be called Panopticon Hill, which placed the Panopticon Penitentiary alongside: a Panopticon Tavern, complete with optical entertainments; a 'Sotimion or establishment for the preservation of female delicacy'; and a Nothotrophium or asylum for the innocent offspring of clandestine love.

Introduction
Janet Semple

in Bentham's Prison: A Study of the Panopticon Penitentiary

This introductory chapter discusses the coverage of the book, which focuses on English philosopher and social reformer Jeremy Bentham's failed attempt to build a prison called panopticon. It examines unexplored manuscripts that tell the story of Bentham's prolonged negotiations with the government and why the panopticon was never built. The book deals with the panopticon as an event in penal and political history. It also analyses some of the criticism of Bentham's obsession with building the panopticon and being involved in its day-to-day operations as an administrator.

Introduction
F. Rosen

in Bentham, Byron, and Greece: Constitutionalism, Nationalism, and Early Liberal Political Thought
This book is a study of British political ideas in the early 19th century. It deals specifically with the British involvement in the struggle for Greek independence roughly between 1821 and 1827. The ideas are examined, such as the evolution of constitutional thought from Montesquieu, the emergence of liberalism as a political ideology against a background of Whig and radical political ideas, and the response in Britain to movements towards national independence in the Mediterranean basin. Some of the characters that appear here, like Jeremy Bentham and Lord Byron, will be familiar, though they will not be presented in familiar ways. Others, like Edward Blaquiere and Leicester Stanhope, will be virtually unknown, and their importance to this study will surprise some readers. Still other members of the dramatis personae, like John Bowring, Joseph Hume, and John Cam Hobhouse, will be well known to historians of 19th-century for reform movements.

Theory and Practice I: Bentham and the Greek Constitution of 1822

F. Rosen

in Bentham, Byron, and Greece: Constitutionalism, Nationalism, and Early Liberal Political Thought

Published in print: 1992 Published Online: October 2011
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This chapter considers three major themes of the ‘Observations’: Jeremy Bentham's thesis that the acceptance of popular sovereignty should lead to a transformation of the theory and practice of constitutional government; his use of the greatest happiness principle to resolve problems arising from the exclusion of the Turkish community from citizenship; and his novel and important contribution to constitutional theory in the doctrine of ‘latent negatives’. The chapter also explores the relationship between the ‘Observations’ and Bentham's better-known work on constitutional government, the Constitutional Code. Finally, it discusses the allegation that the constitution of Epidaurus was a mere ‘façade’ created by Greece to impress Europeans as to the capacity of the Greeks to operate a Western, centralised government. This allegation raises not only the question of the point of Bentham's commentary but also the general issue of the relationship of constitutional theory to practice.
This chapter discusses the family and personal background of Jeremy Bentham and the origins of the panopticon. Bentham was born in London, England in 1748 and was the eldest son of Alicia and Jeremiah. His five brothers and sisters died in early childhood and only Samuel survived. When his mother died, his father married a widow whose own son Charles Abbot would play an important role in the story of the panopticon. In 1776, he wrote a successful book titled A Fragment on Government and during this time Bentham was always engaged in ambitious and wide-ranging speculations on the foundations of government and punishment. In 1830 The Rationale of Punishment was published, which explains his motivation for building the panopticon. Safeguarding the interests of the criminal was the main preoccupation of Bentham's panopticon scheme.

Susceptible Imaginations
Javed Majeed

Between 1797 and 1818, petitions to British parliament favouring extended or universal male suffrage were rejected either because they were printed or because of the language in which they were written. Trials for sedition, discussions in parliament, comments in newspapers, and responses to petitions relied on the notion of vulgarity to argue against the concept of extended or universal male suffrage. One of Jeremy Bentham's favourite targets for attack was the legal fictions of common law, whereas James Mill's target in the The History of British India was the fiction of the economic and cultural riches of India. Mill often condemned European travellers in India and East India Company officials for exaggerating India's wealth. But Mill's attack on the fiction of Indian wealth was rooted in a definite economic doctrine. He took
a strict economic view of imperialism in India. Mill demonstrated that India was of no economic benefit to Britain, and also pointed out the inconveniences of government at a distance as well as the corrupt patronage involved in governing colonies.

The First Phase 1786–1793
Janet Semple

in Bentham's Prison: A Study of the Panopticon Penitentiary

This chapter discusses the first phase of Jeremy Bentham's attempts to build the panopticon. The political arena in which Bentham fought for his panopticon was dominated by Prime Minister William Pitt and his allies, which included Henry Dundas, Evan Nepean, and George Rose. In December 1786, Bentham first sent his panopticon ‘Letters’ to London but failed to receive a positive response. He was then able to send it again to the Irish Chancellor of the Exchequer in August 1790 with the help of Lord Landsdowne. The start of Bentham's campaign for the panopticon started in the summer of 1793 when Pitt indicated his approval and asked Bentham to go ahead with his arrangements.

The Panopticon Bill of 1794
Janet Semple

This chapter examines the issues related to the Panopticon Bill of 1794. Jeremy Bentham spent five months—from October 1793 to February 1794—drafting the Panopticon Bill. There were three possible panopticon statutes that existed in the spring of 1794, which includes the draft act that was eventually enacted and Bentham's own two bills. The original panopticon bill and Bentham's commentaries on it provide valuable information about Bentham's ideas on bureaucracy and an extraordinary prescient discussion on the problems of the administration of welfare. The chapter suggests that Bentham's principles and his practice in the panopticon bill appear irreconcilable, and that his long hidden draft
legislation adds another problem to the question about the place of the panopticon in his thought.

A Picture of a Treasury
Janet Semple

in Bentham's Prison: A Study of the Panopticon Penitentiary

This chapter discusses the challenges faced by Jeremy Bentham in acquiring the Salisbury estate in Millbank, England, for his panopticon prison project. The Treasury was very difficult in the negotiating process and when the land was purchased in November 1799, it lay idle. When Prime Minister resigned fifteen months later no final decision on the panopticon had yet been taken and Bentham had to wait for another two years just to be told by Henry Addington's administration that they were unwilling to find the necessary funds for the project. To show his contempt and objections, Bentham wrote Picture of the Treasury, to which the Parliament turned a deaf ear.

The Final Failure
Janet Semple

in Bentham's Prison: A Study of the Panopticon Penitentiary

This chapter discusses the final failure of Jeremy Bentham's proposed construction of the panopticon prison. In 1803, Prime Minister Henry Addington refused to fund the building of the panopticon and ten years later, as Home Secretary and Viscount Sidmouth, he finally rejected the scheme. The rejection of the panopticon during 1810 to 1813 was an important turning point in the development of penal ideology and architecture. The chapter explains the reasons why the panopticon failed, how the media and the political nation responded to it, and what reasons were adduced for its rejection. It also tells the story of Bentham's final battles with the politicians and civil servants.
The negative conception of freedom as non-interference and the positive conception of freedom as self-mastery are not the only available ideals of liberty; a third alternative is the conception of freedom as non-domination, which requires that no one is able to interfere on an arbitrary basis—at their pleasure—in the choices of the free person. This is the conception espoused in the long republican tradition. Thus republicans regarded all of those who are subject to another's arbitrary will as unfree, even if the other does not actually interfere with them; there is no interference in such a case but there is a loss of liberty. And, in cases where a regime of law did not subject people to an arbitrary will, they thought that legal coercion was not a compromise of people's liberty; there is interference in such a case but no loss of liberty. As the conception of freedom as non-interference was introduced by Hobbes to defend Leviathan against republicans, it was used to defend British rule in the North American colonies against the republican criticism that Parliament had arbitrary power over the colonists. This new conception became respectable through the work of people like Bentham and Paley, who saw in it a way of conceiving of freedom that would allow even dominated agents like women and servants—so far as they did not suffer actual interference—to count as free. Unlike traditional republicans, Bentham and Paley did not feel able to limit the constituency of citizens to the mainstream, propertied males, and their inclusivism in this respect, which neo-republicans must also share, may explain why they regarded the republican ideal of freedom too demanding.