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University of Alberta

Jeremy Bentham and the Theories of International Relations

By

Gunhild Elizabeth Birgitta Hoogensen

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Doctor of Philosophy

Department of Political Science

Edmonton, Alberta
Spring 2000

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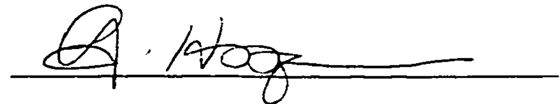

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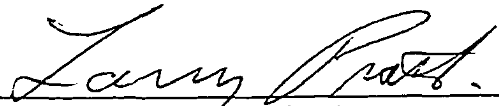

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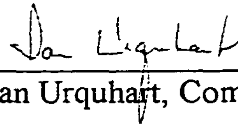

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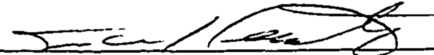

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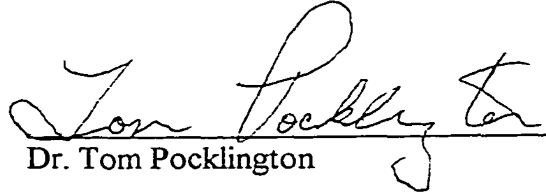

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To my family: Duane, Arne and Brontë

And to Allison, who sent me down this road . . .

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Abstract

Jeremy Bentham's contribution to international relations theory has been grossly misunderstood. Using Bentham's original manuscripts in University College London, his economic writings, and the recently edited *Collected Works of Jeremy Bentham*, this dissertation argues that Bentham's work in international relations consists of far more than his alleged essay "A Plan for an Universal and Perpetual Peace," and can only be understood with reference to his disappointment-prevention principle, or security of expectation. Although Bentham's interest in international relations focused largely on international law and the emancipation of colonies, he also wrote on other issues of peace and war. His work is often included in histories of international relations theory, but his contributions have been vastly underrated. His best-known essay, "A Plan for an Universal and Perpetual Peace" was never written by Bentham. It was a compilation of essays titled "Pacification and Emancipation," "Colonies and Navy," and "Cabinet No Secrecy," used by the general editor of *The Works of Jeremy Bentham* John Bowring. The title arose on the basis of an outline left by Bentham that suggested the title "Plan for an Universal and Perpetual Peace." This distortion of Bentham's work was itself misleading to numerous scholars endeavouring to understand his ideas, but most scholars never undertook the initiative to look at Bentham's other essays, especially his economic essays, to gain a sense of his important contributions to international political economy. As a result, Bentham's ideas have been designated part of the liberal tradition of international relations theory. Bentham's ideas cannot be so easily categorized. A much better understanding of Bentham's many works in international relations can be obtained

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when applying Bentham's disappointment-prevention principle. This principle embodies Bentham's life-long concern for security, and his need to weigh all policy and action on the basis of how security would be affected. It is this principle that provides the foundation for Bentham's famous principle of utility. This dissertation attempts to gather as much of Bentham's ideas on international relations together, and evaluate it in light of Bentham's concern for security.

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Chapter 1

Introduction

> Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while. The *principle of utility* recognizes this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of sense, in caprice instead of reason, in darkness instead of light.[1]

Jeremy Bentham's (1748-1832) famous, if not infamous, passage on the pursuit of pleasures and avoidance of pains sets the stage for our understanding of his principle of utility – the well known foundation of his political and legal theory. Bentham's name is well known in political philosophy circles as the vast proportion of his work addressed legal theory and reform, and what constituted the ideal relationship between the governors and the governed. His work has had some impact on international relations theory, but generally speaking, the man and his contribution to international relations thinking are largely unexamined and unknown. Upon inspection Bentham's work has a great deal to offer to international relations scholarship. Additionally, Bentham lived during, and responded to, a number of critical events that took place in the late 1700s and early 1800s, such as the American and French revolutions, and the Napoleonic wars. These events, as well as the circumstances of his life, had an impact on his writing in

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[1] J. Bentham, *An Introduction to the Principles and Morals of Legislation* (New York: Hafner Publishing C., 1965), 1.

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international affairs, providing us with many worthwhile insights into his work in particular, and international relations theory in general.

Bentham and his world

Especially in his later years, Bentham's eccentric lifestyle made him prone to ridicule and caricature, with John Stuart Mill providing one of the more influential critiques of Bentham's life, often discrediting his years of work:

> In one of two extremely interesting essays which [Mill] wrote about Bentham after his death, Mill applauded many of his ideas and achievements, but portrayed him as childlike, cloistered, equable, and emotionally shallow—as someone who had never known adversity or dejection, and whose knowledge of human affairs and human nature was very confined.[2]

This characterization was not entirely accurate, as Bentham was familiar with dejection, and had enough exposure to political events to prompt his addressing many prominent leaders of his day, Catherine the Great, and Pitt the Younger among them. Nonetheless, even though "[n]ot many philosophers—though Mill himself was one of the exceptions—have had as much contact with the world of affairs as Bentham did,"[3] his contact was often awkward and diffident.

Although Bentham was continually interested in the events surrounding him, he was not predisposed to an actively public life. Born in February of 1748, Bentham enjoyed a childhood in a prosperous, middle class, London family. His father was a successful attorney and played a dominant, if not domineering, role in Bentham's life, even more so when his mother died when he was 10 years old. His intelligence was recognized early,

[2] John Dinwiddy, *Bentham* (Oxford: Oxford University Press, 1989), 19.

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encouraged by a proud and determined father, beginning Latin studies at the age of three, entering Westminster at the age of seven, and moving on to Queen's College, Oxford at the age of 12. More than able to meet the intellectual challenges of school, Bentham was otherwise unhappy. He was smaller than his schoolmates, and much younger than his colleagues at Oxford: "kept very short of money by his father, he lived an isolated and restricted life, and meanwhile gained little satisfaction from the desultory and pedestrian teaching offered by his tutors."[4] Trained as a lawyer, Bentham did little to pursue an active law career, never tried a case, and gave up any notion of practicing shortly thereafter. He was aghast at the disorder disguised as the English legal sy stem. He turned to addressing that disorder, and spent the rest of his life writing about the legal system and how it could be improved.

His life as a writer and philosopher did not differ a great deal from his early school years. Self-described as "working hard, though in a manner underground, and without producing any apparent fruits,"[5] Bentham spent life in relative detachment from the rest of the world. He was not completely isolated however, as he did entertain the notion of marriage in the mid-1770s, a notion quickly dispelled by his father. For the most part, however, Bentham's attention was drawn toward his writing, producing at this time *An Introduction to the Principles of Morals and Legislation*, *Fragment on Government*, and *Of Laws in General*, to name a few. Of these, *Fragment on Government* was the only one published immediately but anonymously, and received high acclaim until the true authorship was discovered: "Acutely aware that he was a nobody, he had wishfully taken

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[3] Ibid.
[4] Ibid., 1.

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refuge in drafting letters to great figures of the Continental Enlightenment such as Voltaire, d'Alembert, and Catherine the Great, in which he described the nature of his work and sought their interest and approval."[6] Bentham had hoped to present Catherine the Great with an immense code of law, and went to Russia in 1785, in part with this endeavour in mind. "But Catherine never saw either the Code or its author. Bentham remained secluded in western Russia, translating his work into French; and when the empress visited the district he stayed—stubbornly diffident—in his cottage. So it had been time and time again with Bentham."[7] He had many grand schemes, and plainly wished them to be adopted, but he failed miserably in promoting his own work.

Nonetheless, while the Americans fought for independence, and the French for "équalité, égalité, et liberté," the isolated Bentham still had a strong enough sense of self to make his views plain to the Americans and French by writing vociferously to the policymakers and citizens of each state. Bentham supported the British policy regarding America in 1775 and 1776, and made anonymous contributions to John Lind's *Remarks on the Principal Acts of the Thirteenth Parliament of Great Britain*, which:

> . . . was designed to show, by an exhaustive review both of the charters granted to the colonies and the history of British legislation as well as by examination of constitutional principles, that Parliament had had full power to enact the so-called "Intolerable Acts" of 1774—including the act shutting the port of Boston—which had aroused such great indignation in America.[8]

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[5] Ibid., 4.
[6] Ibid., 5.
[7] J. H. Burns, "Bentham and the French Revolution," *Transactions of the Royal Historical Society*, 5th series, xvi (1966), 95.
[8] H.L. A. Hart, "Bentham and the United States of America," *The Journal of Law and Economics*, vol.xxi, 549. John Lind was an ex-clergyman and active lawyer, 11 years older than Bentham, and a very close friend. Lind was the one to suggest a critical commentary against Blackstone's famous commentaries, part of which became Bentham's *Fragment on Government*.

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Bentham's greatest preoccupation with the American strategy was with its declaration of rights, a notion he found baseless and weak. As such, any justification for rebellion and self-determination on the grounds of natural right was untenable. Bentham took issue with the work of Richard Price, a prominent advocate of the American cause, who wrote his *Observations on the Nature of Civil Liberty, The Principles of Government, and Justice and Policy of the War with America*:

> This was an attempt to demonstrate, on the basis of a theory of a natural right to liberty, that democracy, direct or indirect, was the only legitimate form of government. Price defined liberty as "self-government" and for him laws made without the participation of those governed reduced subjects to the condition of slavery. So the maxim by which sound political thought should be guided was "every man his own legislator." On Bentham, Price had a profoundly irritating effect. Price's slogan "every man his own legislator" seemed to him the height of absurdity and years later, in explaining why he had taken the government's side against the Americans who had so reasonable a cause, Bentham said, "Dr. Price with his self-government made me an anti-American."[9]

Bentham's reaction to American independence was illustrative of his person and work throughout his life; his many commentaries and diatribes were often made anonymously or were never published till after his death, and his views often altered, not with time but with circumstance.

Although Bentham later became an advocate of the great democracy he saw developing in the United States, he was not a quick critic of the British constitution and the people in power: "I was a determined aristocrat [in 1776]—a prodigious admirer of Lord Mansfield and the King. I was, however, a great reformist; but never suspected that the people in power were against reform. I supposed they only wanted to know what was good in

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[9] Ibid., 553.

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order to embrace it."[10] For many years after the American Revolution, Bentham considered the British constitution to be "the best beyond comparison that has hitherto made its appearance in the world; resting at no very great distance, perhaps, from the summit of perfection."[11] By 1789 his views altered somewhat as Bentham was praising America as the most enlightened state on the globe,[12] but by that time he had already turned his attention to the continent.

Bentham was not only attracted to the events taking place in France, but to British foreign policy regarding Russia. Although "[i]n 1783 Britain was widely regarded as having been reduced to the status of a second-rank power,"[13] Bentham did not agree. Much of his writing at this time emphasized the great power that Britain wielded, and its capacity to dictate the norms of international behaviour. British foreign policy did not reflect such confidence, as "Pitt the Younger and his first foreign secretary, the marquess of Carmarthen, sought a European alliance to end their country's isolation and vulnerability."[14] In 1787 and 1788 the British forged an alliance with the Dutch and the Prussians, the "Triple Alliance," enabling Britain to exert greater pressure on the international community than ever before. The British were instrumental in forcing Denmark to withdraw support to Russia when Sweden declared war against it. "Only when the government backed down during the dispute with Russia over possession of the Turkish fortress of Ochakov on the Black Sea coast, were the limits of British power fully

[10] John Bowring, "Memoirs of Bentham," *Bentham's Works*, I, 66. Found in Hart, 557.
[11] Ibid., 558.
[12] Ibid., 557.
[1313] Stephen Conway, "Bentham versus Pitt: Jeremy Bentham and British Foreign Policy 1789," *The Historical Journal*, 30, 4 (1987), 791.
[14] Ibid.

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exposed."[15] It was Britain's actions against Russia that enraged Bentham, not only because his brother resided there, but because Bentham held a great affection and admiration for Catherine the Great, considering her a most benevolent leader. Britain had no business interfering with the affairs of Russia, as he argued in four letters published to *The Public Advertiser* between 15-16 June and 23 July 1789, signing them "Anti-Machiavel."[16] Bentham's brief tenure as "Anti-Machiavel" was initially a response to a letter signed "Partizan" in *The Public Advertiser*; "Partizan" applauded British foreign policy initiatives, claiming that any commercial treaty with Russia was not necessary (goods could otherwise be obtained from the Baltic countries, or from the colonies), and that British support of Sweden and Turkey (both at war with Russia) would eliminate any advantage the French had in those countries. Bentham attacked Britain's policy of forcing Denmark to betray the defensive alliance it had with Russia, as well as the claim that Britain should further plunder the colonies for trade. As well he argued "that the government's actions were likely to plunge Britain, and indeed much of Europe, into hostilities."[17] Bentham wrote Pitt personally, to dissuade him from pursuing the anti-Russia policy. He intented to write a pamphlet addressing this error in British foreign policy, expanding on the comments and ideas expounded in his "Anti-Machiavel" letters, but like many of his potential projects, this pamphlet never came to fruition. Perhaps this inaction was understandable, as there were other important matters afoot, namely, the French Revolution.

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[15] Ibid.
[16] Ibid., 792.
[17] Stephen Conway, "Bentham on Peace and War," *Utilitas*, i, (1989), 85.

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When revolution dawned in France, Bentham saw opportunity: "He came to see that a new order across the Channel might afford him the chance he had so far failed to find;" namely the chance to be hired as a codifier for a new constitution.[18] He continued his crusade against natural rights using the French "Declaration of the Rights of Man and the Citizen" as his target, but opted for a less vehement stance against this notion than during the American Revolution.[19] Bentham concentrated on the French situation, writing *Essay on Political Tactics* on parliamentary procedure, and *Draught of a New Plan for the Organization of the Judicial Establishment in France*, sent to the French parliament with the aim to have his ideas adopted. Although Bentham received substantial encouragement from some of his contacts in the National Assembly, it all came to naught:

> The latter part of 1790 was indeed a time of disappointment for Bentham. On top of the indifferent success of his plans for the French judiciary came the failure of his hopes of a seat in parliament through Landowne's patronage. On the French side, only the belated appearance of a translation of the *Defence of Usury* could be set against the record of failure.[20]

At this time Bentham withdrew himself from the little social life he had, and began his Panopticon plan, resulting in a ten-year preoccupation with prison reform. He sent a copy of his Panopticon scheme to the National Assembly with an offer to come to France and establish a model prison which was "received with applause by the Legislative Assembly on 13 December [1791]."[21] Like his other initiatives however, the Panopticon plan never came to fruition. France was also on the brink of revolutionary war, and disinclined to spend much time over the prison scheme of a British philosopher. As the

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[18] Burns, 96.
[19] Ibid., 112.
[20] Ibid., 106.

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bare semblance of order broke down again in France, and Bentham harboured refugees fleeing the unstable country, the status of honorary citizen was conferred upon him by the National Assembly.[22] Unfortunately Bentham's infatuation with the political change in France turned to horror: "After 1792, however, he became deeply alarmed, like many others of his class, by the course of events in France, and especially by the threats to the security of life and property that seemed to be developing there; and he reacted strongly against democracy."[23] Not until 1809 did Bentham again consider parliamentary reform. His reaction was not anti-French, but anti-revolution. "Peace, when peace could be securely obtained, was to Bentham by far the better alternative."[24] Henceforth for Bentham, reform would only be acceptable if security would not be compromised. This concern about security would resonate throughout his work until his death in 1832.

The years between the mid-1790s and the first decade of the nineteenth-century was largely devoted to economic concerns, producing *Manual of Political Economy*, and *Institute of Political Economy*, but he discontinued his writing on the subject in 1804 when his interests and thoughts moved back to codification. Bentham's constitutional code became his passion, and occupied his thoughts for the rest of his life. His more active involvement in international affairs subsided after the French Revolution, and he did not pay explicit attention to international relations until 1830, when he drafted a loose proposal of international law to be promoted by his friend, Jabez Henry.[25] Bentham's focus on codification did not inhibit his attempts to make contact with various heads of

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[21] Ibid., 107.
[22] Ibid., 109.
[23] Dinwiddy, 12.
[24] Burns, 112.

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state however. Bentham looked to the Americas as a potential "market" for a constitutional code, writing to President Madison of the United States in 1811 and offering his services as a codifier, and making a similar offer to Alexander I of Russia in 1814.[26] Madison wrote back five years later, only to refuse Bentham's offer, but his letter expressed enough optimism about Bentham's ideas being used in America, that Bentham misinterpreted Madison's words to be an invitation to approach each state of the union individually.[27] Bentham did so in 1817, and again, it was all for naught:

> . . . indeed the most concrete acknowledgements that he received were professions of admiration for his genius and fame, and the report (from Governor Plumer of New Hampshire) that the distinguished American lawyer, Mr. Edward Livingstone, had said more than once that his own project of a new penal code for the State of Louisiana had grown out of what he had learnt of Bentham's views in the French translation published by Dumont.[28]

Not yet able to accept defeat, Bentham pursued the Americans once more in 1830, two years before his death. He wrote President Jackson to "express his intense admiration of his inaugural address," and again offered to release America from the burden of common law with his superior skills in codification.[29] He received no reply.

By this time Bentham had also redirected his solicitations toward the Iberian Peninsula. It was in part thanks to Étienne Dumont, a Swiss, Calvinist ex-minister who was exiled from France at the time of the Revolution, that Bentham's work became widely known. Bentham's awkward writing style and poor editorial skills were lar [1010] [32] After

[25] Please see Chapter 5, "Bentham on Peace".
[26] Dinwiddy, 14.
[27] Ibid., and Hart, 565-566.
[28] Hart, 566.
[29] Ibid.
[30] Burns, 114.

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the Portuguese and Spanish revolutions of 1820 Bentham's ideas garnered a great deal of interest by those in both Cortes, including a request from the Portuguese Cortes that Bentham submit a set of codes. Once more Bentham's hopes were dashed with the counter-revolutions that took place in Spain and Portugal in 1823. Bentham took up correspondence with Greece during its war of independence against Turkey, and after that the new states of Latin America.[33] Each turn was thought to give new promise, but each was pursued in vain.

While "peddling his wares" to various states encountering rebellion, Bentham also enjoyed a happy old age. In 1813 Bentham was granted a large sum from Parliament, as compensation for not pursuing his Panopticon plan. He entertained often, helped launch the *Westminster Review* in "rivalry with the established Whig and Tory quarterlies," and enjoyed the tributes which "arrived in profusion from overseas."[34] Though some people found Bentham to be charming and generous, there were others who found his vanity and narrow-mindedness unbearable.

> He was vain and egocentric, and surrounded himself with uncritical admirers much younger than himself . . . With friends who were closer to his own age and stature he tended to quarrel, as hie did with James Mill and Dumont, and he could be ungenerous and ungrateful. When Dumont applied to him for help in 1820-1 over a projected penal code for Geneva he was unresponsive, apparently because he regarded the Genevan republic as too small and unimportant to claim his attention when he was busy with other schemes of greater potential scope.[35]

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[31] Ibid. Ironically, in his capacity as honorary citizen of France, Bentham voted in favour of "the consulship for life" for Napoleon in 1802. (Ibid.)
[32] Dinwiddy, 15.
[33] Ibid.
[34] Ibid., 17.
[35] Ibid., 18.

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The image of a vain old man, as opposed to enlightened and influential philosopher, was best illustrated in Bentham's decision to have himself "immortalized" for posterity, having himself stuffed and put on display after his death. This gruesome oddity has undoubtedly played a hand in subsequent interpretations of the quality and seriousness of Bentham's work. Unfortunately less well-known than his corpse, are Bentham's reactions to the many international political events of his day, his attempts to benefit from them, and his many opportunities hampered.

Although Bentham despaired over the results of the French revolution, and henceforward never advocated the revolutionary purpose, he nonetheless sought out newly formed governments open to liberal ideals as potential "consumers" of his "wares". Known for his peace-loving sentiments, he found no difficulty in suggesting to his brother that they profit from the Napoleonic wars.[36] His writing, like his eye for opportunity, was equally riddled with contradiction. Without even considering his personal correspondence or his many outlines detailing possible content for his essays, Bentham's work on international relations take twists and turns that are difficult to explain. It is the object of this work to present a thorough evaluation of his essays, and offer such an explanation.

Bentham and international relations theory

[36] For more on Bentham's history with the peace movement see Steven Conway, "Bentham and the British Peace Movement," *Utilitas*, ii, (1990), 221-243. Bentham's penchant for opportunism led him to write his brother on 24 April 1811, asking him to "assist in a project to fit out a privateer. This was to be no ordinary privateer, but a primitve submarine piloted by the notorious smuggler 'Captain' Johnson. Bentham expalined: 'If this man fails and perishes, he can be better spared than a better and less mischievous man.' Bentham's primary motive seems to have been financial: it was the 'probable prospect of pecuniary advantage' that attracted him.* (* Even on this score Bentham's proposal was curious. In 1789 he had written that 'the profit of privateering had been thought to be not greater upon the whole than that of other

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During his lengthy writing career, Bentham devoted significant effort to international affairs, although as shown above, the vast proportion of it was written before the 1790s. Bentham's essay, *A Plan for an Universal and Perpetual Peace*,[37] is his best known work on international matters, but within his many other essays and texts there lies a rich and substantial contribution to international relations thinking that has largely been untapped. Consequently our understanding of Bentham's contribution in international relations is limited and deficient. Additionally, international relations scholars studying his work, rooted in the various theories of international relations, have often included Bentham within the liberal tradition.[38] Bentham's international essays cannot be so hastily assessed. From coining the word "international," to influencing the design of the League of Nations, many of Bentham's contributions to the field of international relations were direct and longstanding. The understanding of those contributions, however, has been misguided and inaccurate.

The first set of problems arise from Bentham's work itself – an incomplete and inaccurate published presentation of his main international essays, combined with a limited, if not nonexistent, examination of the scope of Bentham's work in international relations. has resulted in a largely superficial analysis of his contribution. Second, international relations theory seeks to "place" theorists and their ideas in the hopes of better understanding their work. Such categorization, however, can also be quite limiting and restrictive in that any inconsistencies in a theorist's work cannot be adequately explained

businesses, but rather less'. UCxxv.130. Moreover, at about the same time he had recommended the abolition of privateering. See ibid., 120.)" Steven Conway, "Bentham on Peace and War," 84.
[37] Hereafter referred to as *Plan*.

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and must ultimately be ignored if the categorization is to be sustained. This is precisely the difficulty found with Bentham's work. Bentham was not an idealist; he was not a realist. Bentham's work in this area stands in a unique place in the history of international relations theory. His ideas transcend the categorization of the theoretical traditions because they reveal a distinct discomfort with the principles that the international relations theory traditions attempt to impose.

To date, there is no comprehensive compilation and examination of Bentham's works on international relations. This project hopes to remedy that, not only bringing his international relations work to one location and making it more accessible, but also by clarifying, if not correcting, the presentation and understanding of his work, and its place in the development of international relations theory. To this end, it was necessary to examine Bentham's original manuscripts held at University College London in London, England. With the assistance of the scholars at the Bentham Project, especially Dr. Philip Schofield, it was possible to isolate the relevant transcripts, become accustomed to Bentham's eighteenth century style of handwriting, and become intimately familiar with the issues and concerns of international relations that were most important to Bentham.[39] In the instances where the publication of Bentham's work is not in question and is considered reliable, published sources such as the *Collected Works* or *Jeremy Bentham's Economic Writings* were used.[40] Upon re-examining Bentham's known works in

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[38] A thorough elucidation of the realist and idealist, or liberal, theoretical traditions in international relations will appear in chapter 3.

[39] Chapter 2, *Bentham's Manuscripts versus the Published "Works"*, illustrates the importance of examining Bentham's manuscripts against the published versions of the same pieces. The result has been the discovery of significant discrepancies and controversial alterations of Bentham's work.

[40] The *Collected Works* is the result of an initiative of the Bentham Project to re-publish, with a mind to accuracy and thoroughness, Bentham's manuscripts that were previously published under the editorship of

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international relations, and examining other pieces hitherto not considered, particular themes came to the fore that have previously not been explored. The result is not only a broader and more comprehensive presentation of Bentham's contribution to international relations, but a fresh understanding of the issues important to Bentham, and how his concerns could be interpreted through the international relations traditions.

That Bentham's work does not exactly "fit" the traditional paths of his contemporaries such as Kant, Rousseau, and the Abbé St. Pierre is not a radical or new discovery. F. H. Hinsley notes the very same in his seminal work *Power and the Pursuit of Peace*.[41] Nonetheless, the distinctiveness of Bentham's position is largely bypassed as it is clear that Bentham espoused many of the tenets of idealist, or more broadly speaking liberal, thinking; he detested war, thought commerce promoted peace, and respected notions of international law. In these ways, Bentham clearly fit the mold.[42] The 'realist' is apparent in Bentham as his ideas were couched in terms of interest, and would often include the interest of those who were in power. His rationale was consequentialist, and outside the scope of international relations theory. The conclusion of many analyses of political philosophy is that Bentham was very much a realist because of his emphasis on self-interest (among other things), and not an idealist.[43] Especially in his earlier writings, Bentham's words were frequently directed to the powerful states of Europe, trying to

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John Bowring in 1843, or not published at all. *Jeremy Bentham's Economic Writings*, edited by Werner Stark, is also considered a reliable rendering of Bentham's work.

[41] F.H. Hinsley, *Power and the Pursuit of Peace*, (Cambridge: Cambridge University Press,) 1963.

[42] Bentham as the idealist is noted in the writings of Hans Morgenthau, E. H. Carr, Kenneth Waltz, F. H. Hinsley, Arnold Wolfers, and J.W. Burton, to name a few. Those who read his work as that of a rationalist, also part of the liberal tradition, are Martin Wight, K.J. Holsti, Michael Donelan, Brian Porter, and Stanley Hoffmann. Generally speaking then, there appears to be agreement among many international relations scholars as to Bentham's solid roots in the liberal tradition.

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convince them how they would best profit and reap the most glory.[44] Most importantly, however, is that Bentham's concern for security in all its manifestations often speaks to a more realist interpretation of his work. As a result, it is difficult to categorically state that Bentham's ideas should be associated more with one, than another, tradition.

It should be noted, however, that the purpose here is not to identify Bentham as a realist but to properly know and understand his work. Consequently, through his work it is possible to understand what it means to be a realist or a liberal. Part of the problem lies in how the traditions are identified, especially those that are *not* realist. "Non-realists" are known as idealists, rationalists, revolutionists, or are encapsulated within the catch-all label of "liberal". If being a liberal means that one can assume all of the trappings of realism but accept the possibility of progress, or on the other side of the spectrum, present a platform advocating the union of all states under a world or cosmopolitan government, then the efficacy of understanding various ideas through the liberal lens becomes seriously diluted.

Understanding Bentham's work in international relations cannot be a matter of being able to identify him with a theoretical tradition. Although it is fair to say that interpretations of his work were influential for subsequent liberal thinkers, this does not mean that, conversely, the liberal tradition defines Bentham's work. It is also not a matter of contrasting ideas from his youth with his later writings since his views appear to

[43] For example see Norman E. Bowie and Robert L. Simon *The Individual and the Political Order: An Introduction to Social and Political Philosophy* (New Jersey: Prentice-Hall Inc, 1977) 32-33.
[44] In later writings, Bentham often addressed his words to the people of the state in question and not just the legislator. See *Rid Yourselves of Ultramaria* for an example. One of his earliest pieces, *Emancipate Your*

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fluctuate. To say that his fluctuating opinions were reflective of any philosophical transitions (from toryism to radicalism, for instance) also denies the fact that in each instance there still remains an inconsistency of ideas. To say Bentham was ambivalent, states only the obvious and does not explain why.[45] To say that his definitive guiding principle, the principle of utility, was the source of his various, and often contradictory directives,[46] is to suggest that the principle is highly subjective and more arbitrary than a guiding principle should be.

The difficulties of "isolating" Bentham's position has not been properly evaluated in his international relations work, but the problems have been obvious with his work in general: "Was the radical individualist really a precursor of what is sometimes called 'totalitarian democracy'?"[47] The "liberal" Bentham is questioned when it becomes apparent that for Bentham's ideas to be carried through, the government must compel its citizens to understand that their interests coincide with the overall, public interest. Bentham's government must likewise compel the people to behave in particular ways consistent with the end of security.[48] The state becomes the paramount factor, and it is obvious that the security of the individual is integrally linked to the security of the state. Fred Rosen, a Bentham scholar, claims that Bentham would not have agreed that "totalitarian democracy" was the result of his work, and that Bentham "believes that the

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Colonies! was also directed toward the citizens (of France in this case), however *Colonies and Navy*, written at roughly the same time, spoke to the states of France and Britain themselves.

[45] The "ambivalence" argument is used by Donald Winch. See chapter 4.

[46] This argument, that Bentham cannot be regarded as inconsistent because his various and often conflicting conclusions are based on the greatest happiness principle, is used by Lea Campos Boralevi. See chapter 7.

[47] J.A.W. Gunn, "Jeremy Bentham and the Public Interest", *Canadian Journal of Political Science*, I (1968), 408. Provided by F. Rosen, *Jeremy Bentham and Representative Democracy: A Study of the Constitutional Code* (Oxford: Clarendon Press, 1983), 31.

[48] F. Rosen, *Jeremy Bentham and Democracy*, 31.

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people themselves will largely seek security and subsistence as ends so long as they are not misled by corrupt government and sinister interests."[49] However, as the quote above shows, others have interpreted Bentham's work in a different light; the view that Bentham advocates vast government control is not inconsistent with much of his writing, and is illustrative of the battle ensuing within Bentham. For purposes of security and control Bentham was not a proponent of participatory democracy, but instead preferred a constitutional system. Citizens may share in politics through voting and public opinion (another area of confusion in Bentham's works), but the machinations of government are still the purview of those chosen to rule. The citizenry do not participate in decisions on policy, and they do not rule; they must look to the government to ensure their security in those instances that they are unable to ensure it themselves. This is only one example of where difficulties in interpreting Bentham's works have been identified, but it brings greater emphasis to the point that a problem does exist, and as the position here argues, that this problem extends to his international writings as well.

Bentham could be an idealist because he is one of the first thinkers to illuminate the possibilities; he could be a realist because often he resists change and even fears it. Bentham often provides an exit, in his later writings articulated as the disappointment-prevention principle, from any liberal constraints that might affect the security of common practice and expectations. The disappointment-prevention principle seeks to secure expectation – it is rooted, for the most part, in maintaining the status quo, or in gradually altering expectation so that no insecurity results from reforms. The

[49] Ibid.

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disappointment-prevention principle was developed late in Bentham's writing career;[50] for that reason alone one might argue that any thesis suggesting that the disappointment-prevention principle was integral to any of Bentham's earlier writings is misguided and inaccurate. However, it is obvious that the disappointment-prevention principle is the offspring of a strong, fundamental, but underlying concern, even in the essays that Bentham wrote much earlier.[51] This principle is a reflection of his battle with the place of security in legislation. The disappointment-prevention principle "might be said to form, for Bentham, under the overall authority of the greatest happiness principle, a principle of justice."[52] Before assuming that, because the disappointment-prevention principle works to effect "justice", that an idealistic code of behaviour is thereby applied, it cannot be forgotten that the principle is rooted in security, not only of the people but also the state. "If, for Bentham, happiness in its basic sense means the establishment of security (as opposed to the simple satisfaction of wants), the disappointment-prevention principle, in providing security of property, would seem to operate as a necessary condition for happiness."[53] Bentham's writing cannot be encapsulated within one particular tradition because the battle of "traditions" is going on in the one man, let alone between scholars across space and time.

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[50] See F. Rosen, *Jeremy Bentham and Representative Democracy: A Study of the Constitutional Code*, 104. Rosen states that the principle itself appears in the first volume of the *Constitutional Code* but only in material added in 1830. The earliest appearance of the principle is in 1826 in *A Commentary on Mr. Humphreys' Real Property Code*. (Rosen, 104).

[51] Fred Rosen attempts to discredit this point by stating that instead of reflecting an "older conception of security, and especially security of expectations" as argued by Doug Long, the disappointment prevention principle "receives a new emphasis and application in Bentham's later writings." (Rosen, 104n). As a coherent and fully articulate "principle", Rosen may be correct. Nonetheless it is quite clear that this very principle emanates from Bentham's consistent and overall concern with security.

[52] Ibid.

[53] Ibid., 105.

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The principle of utility is not the central issue to Bentham's difficulties, it is the disappointment prevention principle. If, at the end of his life, Bentham closely re-evaluated the principle of utility, or the greatest happiness principle, in order to address any deficiencies,[54] it is arguable that this evaluation was, in part, prompted by the obvious internal nagging and doubt that is evident throughout Bentham's work. Bentham's writing, at least with regard to international relations issues, is riddled throughout with a "tug-of-war" with security. "How much security is necessary to produce the greatest happiness for the greatest number?" becomes the question. That he later associated the importance of security to establishing the greatest happiness through a "new and improved" principle only proves the importance of security. The disappointment prevention principle, although rooted in the notion of property, is directly linked to Bentham's concerns in international affairs; his concerns with property extend to those of state territory, sovereignty, international relations and, of course, law.

It can be argued that Bentham's definition, or view, of security significantly differs from any realist predecessors, and that his concerns are still reflective of strictly liberal, or idealist, notions. Bentham considers security to be one of the four subordinate ends of the greatest happiness principle, and ultimately the most important end:

> Security admits as many distinctions as there are kinds of actions which may be hostile to it. It relates to the person, the honour, to property, to condition. Acts injurious to security, branded by prohibition of law, receive the quality of offences.
>
> Of these objects of the law, security is the only one which necessarily embraces the future. Subsistence, abundance, equality, [the other subordinate ends] may be considered in relation to a single moment of present time; but security implied a

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[54] Ibid., 104.

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given extension of future time in respect to all that good which it embraces. Security then, is the pre-eminent object.[55]

Of course, anyone would desire a sense of security, liberal or realist. So perhaps this distinction is really not so significant. But then what is the difference? The way in which this security is achieved? Bentham sees the "principal object of law" as the "care of security":

> That inestimable good, the distinctive index of civilization, is entirely the work of law. Without law there is no security; and, consequently, no abundance, and not even a certainty of subsistence; and the only equality which can exist in such a state of things is an equality of misery.
> To form a just idea of the benefits of law, it is only necessary to consider the condition of the savages. They strive incessantly against famine; which sometimes cuts off entire tribes. Rivalry for subsistence produces among them the most cruel wars; . . . Let us now examine what passes at those terrible epochs when civilized society returns almost to the savage state; that is, during war, when the laws on which security depends are in part suspended. Every instance of its duration is fertile in calamities; at every step which it prints upon the earth, at every movement which it makes, the existing masses of riches, the fund of abundance and of subsistence, decreases and disappears. The cottage is ravaged as well as the palace; and how often the rage, the caprice even of a moment, delivers up to destruction the slow produce of the labours of an age!
> Law alone has done that which all the natural sentiments united have not the power to do. Law alone is able to create a fixed and durable possession which merits the name of property. Law alone can accustom men to bow their heads under the yoke of foresight, hard at first to bear, but afterwards light and agreeable. . . . security is assailed on every side—ever threatened, never tranquil, it exists in the midst of alarms. The legislator needs a vigilance always sustained, a power always in action, to defend it against this crowd of indefatigable enemies. . . .
> To form a precise idea of the extent which ought to be given to the principle of security, we must consider that man is not like the animals, limited to the present, whether as respects suffering or enjoyment; but that he is susceptible of pains and pleasures by anticipation; and that it is not enough to secure him from actual loss, but it is necessary also to guarantee him, as far as possible, against future loss. It is necessary to prolong the idea of his security through all the perspective which his imagination is capable of measuring.[56]

[55] J. Bentham, *The Theory of Legislation*, 96-97.
[56] J. Bentham, *The Theory of Legislation*, 109-110.

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These comments illustrate the fears inherent within Bentham's writings; when and if security is threatened, and security is directly linked to self-preservation, then law must come down swift and hard to ensure that self-preservation, and hence security, is maintained.

Security can also be examined through the notion of liberty. At first glance, one would claim that the fact that security has been, in any way, linked to liberty is a liberal notion, and the argument about inconsistency or confusion can be closed. As has been seen, "Bentham dwells throughout his life on the importance of security as the primary end of government."[57] However, Bentham frequently links his view of security with that of liberty. As much as a link such as this one may lead one to believe that Bentham is firmly entrenched within the liberal tradition, this connection has not prevented some from seeing Bentham's "emphasis on security as revealing his real interest in order and social control rather than liberty."[58] As mentioned earlier, the confusion that is to be found in Bentham's work on international relations has already been identified in other avenues of his work. So what does the "liberty" question reveal, if anything?

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[56] J. Bentham, *The Theory of Legislation*, 109-110.
[57] Fred Rosen, 68.

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Liberty could be evaluated from two different perspectives as far as it relates to law, according to Bentham. The first, and highly indicative of the liberal approach, is the notion of negative liberty, whereby there is limited intervention by the law to ensure maximum liberty of individuals to pursue their interests. In this sense law is that which limits liberty. Law becomes the device that protects individuals and property through a sacrifice of liberty.[59] At the same time, however, law can also ensure that other liberties can be obtained; these liberties are often known as civil liberties,[60] or social liberties. As Fred Rosen states, "Bentham recognizes that liberty has this second sense, but he distrusts the way that other writers and supporters of liberty fail to see that the creation of civil liberty requires the sacrifice of 'natural' liberty."[61] Bentham therefore replaces this second notion of liberty with his idea of "security":

> As to the word *liberty*, it is a word, the import of which is of so loose a texture, that, in studied discourses on political subjects, I am not (I must confess) very fond of employing it, or of seeing it employed: *security* is a word, in which, in most cases, I find an advantageous substitute for it: *security* against misdeeds by individuals at large: *security* against misdeeds by public functionaries: *security* against misdeeds by foreign adversaries—as the case may be.[62]

Bentham's concern was with legislation, and therefore with that which would restrict liberty in the first sense described ("natural" liberty). Of course, 'natural' liberty as understood by Bentham was consistent with that understood by Hobbes, and is that which required legislation to ensure that individuals did *not* suffer a life that was "solitary, poor, nasty, brutish, and short." This perception of security and the way that many have

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[58] Ibid. Rosen cites Bahmueller, *The National Charity Company*, Berkeley, 1981, pp. 154-56; and D. Long, *Bentham on Liberty*, Toronto, 1977, pp. 215 ff., as examples of this type of charge.
[59] Ibid., 69.
[60] Ibid.

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subsequently chosen to interpret it is at the root of the difficulty in understanding Bentham's work.

Fred Rosen notes this problem in his analysis of Bentham's work on the *Constitutional Code*. On the one hand, one might understand that Bentham's preoccupation with security is merely a reflection of his ensuring that particular liberties are available that otherwise would not be if the legislation did not exist. Liberty becomes central to Bentham's whole system. On the other hand, "[m]aterial security, like health and knowledge, may be a condition for liberty, suggests Berlin, but to provide for increasing security is not the same thing as expanding liberty."[63] The liberty, and therefore security, that Bentham is after through adequate legislation requires obligation, not freedom, to obtain it. The question is, how extensive do these obligations need to be to provide the security Bentham is after, such as security against invasion or hunger or crimes against one's property? Even Bentham scholars find this question difficult to answer:

> If a government sets out methodically to prevent crime without any limits on its measures to maximize security, the constant surveillance necessary to achieve this end might create conditions which would make life secure though rigidly organized. Even though the measures are rational and justifiable (and thus do not represent an abuse of government power), they may still seem destructive of dignity. In depicting the paupers of Bentham's Panopticon for the poor, Bahmueller argues that they 'were to be divested of personality and formed into a common mould, much like soldiers upon joining an army.'[64]

Even Rosen, who favours the "liberty-as-security" interpretation, concedes that Bentham's emphasis on security could open a Pandora's Box of coercive initiatives on behalf of the government.

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[61] Ibid.
[62] Ibid. From Bentham's *Letters to Count Toreno on the Proposed Penal Code* in Bowring, viii. 509-10.
[63] Ibid., 71.

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> Bentham might admit that to maximize security (and liberty) government activity must be considerable, but he would argue that it need not be arbitrary and tyrannical. A well-ordered society, based on rational principles of security, need not be a totalitarian one.[65]

Rosen decides that Bentham's society would never carry the need for security too far. But although Rosen's interpretation carries this conclusion, it is obvious that others do not. Using the disappointment-prevention principle as the tool, it might be possible to obtain a better understanding of what drove Bentham's rationale, especially as it concerned international relations.

One could argue that Bentham is still quite liberal as his notion of security and law extends beyond events of pure lawlessness, to situations under which law has been firmly established and that security of another type, of a progressive civilization, needs to be subsequently maintained. To a degree this is true; one cannot ensure security of expectations if one's immediate security is still threatened. Alternatively, however, it is the security of expectation that works to ensure that immediate security will never need to worry of any threats. Security of expectation entrenches initial security concerns and makes security an integral part of, if not the paramount concern of, the legislator. As such, the disappointment-prevention principle comes into play.

To understand the concept better, however, it is necessary to see how Bentham described expectation. Bentham declared that that the "presentiment, which has so marked an influence upon the fate of man, [and] is called *expectation*."[66] From the moment

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[64] Ibid., 72.
[65] Ibid.
[66] J. Bentham, *Theory of Legislation*, 111.

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immediate security concerns appear satisfied, security of expectation continues to dictate subsequent legislative initiatives.

> It is hence that we have the power of forming a general plan of conduct; it is hence that the successive instants which compose the duration of life are not like isolated and independent points, but become continuous parts of a whole. *Expectation* is a chain which unites our present existence to our future existence, and which passes beyond us to the generation which is to follow. The sensibility of man extends through all the links of this chain.
> The principle of security extends to the maintenance of all these expectations; it requires that events, so far as they depend upon laws, should conform to the expectations which law itself has created.
> Every attack upon this sentiment produces a distinct and special evil, which may be called a *pain of disappointment*.[67]

Legislation should be guided by disappointment prevention; it is the disappointment-prevention principle that is at work here, and is the focus of the legislative project. It is also intrinsically linked, as Bentham has shown, to the notion of security. Law is the only thing lying between corrupt human desire and security of being:

> [The right of property] has vanquished the natural aversion to labour; which has given to man the empire of the earth; which has brought to an end the migratory life of nations; which has produced the love of country and a regard for posterity. Men universally desire to enjoy speedily—to enjoy without labour. It is that desire which is terrible; since it arms all who have not against all who have. The law which restrains that desire is the noblest triumph of humanity over itself.[68]

Law is the power that keeps human will in check. It also is the tool by which the legislator should maintain the security of expectations, even when such maintenance would require security to prevail over equality for the subject many, and keeping in mind that "[t]he goodness of the laws depends upon their conformity to general *expectation*."[69]

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[67] J. Bentham, *The Theory of Legislation*, 111.
[68] J. Bentham, *The Theory of Legislation*, 114.
[69] J. Bentham, *The Theory of Legislation*, 120; 148. Equality is still a desired end as long as security remains the supreme principle; security is even able to indirectly lead to equality. Equality, however, is a result that, although desired, is a last priority where the subordinate ends of utility are concerned.

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The disappointment-prevention principle articulates the concern for security that is so prevalent in Bentham's writing. Because this is such an important feature in his work, it cannot be ignored by international relations theorists. The principle is also the source of ambivalence and/or inconsistency that is apparent to the many scholars who have examined Bentham's work more closely. It is for this reason that the disappointment-prevention principle plays a central role in the thesis of this project. In identifying this principle for international relations scholars, a greater understanding and a more accurate representation of Bentham's work should be the result. In addition, it is hoped that illuminating this important feature of Bentham's attempt to wrestle with the "is" and the "ought" of international relations will provide insight into international relations theory as it has developed over the ages.

Bentham's focus on economic arguments over justice, his focus on interests, and his struggle with a conservative, tory, side reveals the extent of his battle and his need to ensure and maintain security. As much as Bentham wants change, he cannot sacrifice the safety and security of the known, and especially of the privileged position from which he speaks. The forthcoming chapters address, in different contexts, this need for security and its reflection through the disappointment prevention principle. Chapter Two takes a look at the origins of the confusion surrounding Bentham's writing. An examination of Bentham's original manuscripts against the published essay, *A Plan for an Universal and Perpetual Peace*, reveals the questionable origins of the essay and the subsequent problems that arise, such as the accurate interpretation of Bentham's work in this area.

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Chapter Three presents an overview of the theoretical traditions in international relations as they relate to Bentham's work. The works of Machiavelli, Grotius, and Kant set the stage for the subsequent evaluation of Bentham's contribution to the international relations discipline. In Chapter Four, Bentham's position on sovereignty is presented. Sovereignty is a fundamental concept underlying Bentham's rationale in his international writing, especially as he sees sovereignty integrally linked to security issues. By understanding the nature of the crucial foundation of sovereignty, features of Bentham's international writings gain clarity. As such the stage is set for Chapter Five, examining the works most familiar to international relations scholars, the pieces emanating from *A Plan for an Universal and Perpetual Peace*. The strength of Bentham's liberalism is obvious in many of the pieces evaluated, as his reputation emanates almost solely from portions of *Plan*. The authority of the liberal interpretation comes into question in Chapter Six, however, when investigating Bentham's position on war. Security concerns override many of his idealist exhortations found in *Plan*, and a less-than-liberal character emerges. Chapter Seven delves into the question of colonies, again an area in which many have felt confident about Bentham's position but, instead, illustrates the depth of Bentham's problems. Finding the appropriate balance between ideas of emancipation, and those echoing the economic and population concerns of his time, becomes a difficulty that Bentham does not adequately address in the end. Chapter Eight follows the lead of the writings on colonies, focussing on some of the other of Bentham's international political economy writings, supporting the thesis that security, and security of expectations, play a paramount role in his thinking. Chapter Nine concludes the work,

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fact that Bentham's place in the liberal tradition is based on the relatively scant evidence offered in *A Plan for An Universal and Perpetual Peace*, there is ample evidence, especially as seen through the lens of the disappointment-prevention principle, that Bentham cannot and will not be placed within one of the theoretical traditions at all.

Bentham does not appear to have arrived at any definitive conclusions on these issues before his death. His aspirations are idealist, his senses are realist, and so the battle ensues. There is no doubt that Bentham is a *contributor* to the liberal tradition that was evolving during his time. However, his theoretical conundrums allow us to not only understand part of the development of international relations thought, but also gives us pause to consider the efficacy of these theoretical traditions altogether. There is merit in all of these positions and attempting to reify one or the other as the correct lens or even "truth", can be both fruitless and deceiving.

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Chapter 2

Bentham's Manuscripts Versus the Published "Works"

> Bentham has hitherto been one of the most neglected of the eighteenth century philosophers. His name is a household word; he is universally acknowledged to be one of the founders of modern utilitarianism, his body is preserved in a curious mummified form in a little glass cabin at University College, London. But hitherto his Works have been chiefly known through a notoriously bad collected edition made by a young protégé of his named Bowring--a knight, a general, a Christian (the author indeed of that famous Victorian hymn, In the Cross of Christ I Glory)--but not a utilitarian, not ever a scholar. Moreover, Bowring cut out from what he published anything that might offend Victorian sensibilities akin to his own.[1]

Until relatively recently, students and researchers of Bentham's vast work have primarily relied upon *The Works of Jeremy Bentham* edited in 1843 by John Bowring.[2] Apart from the original manuscripts, these edited works have been the only source available for one desiring an understanding of Bentham's philosophy. Our understanding of Bentham's

[1] Maurice Cranston, "Forward," in *Bentham and the Oppressed*, by Lea Campos Boralevi (Berlin: Walter de Gruyter & Co., 1984), vii.

[2] *Works of Jeremy Bentham*, ed. John Bowring (11 vols., Edinburgh, 1843; reprint, New York: Russell & Russell, Inc., 1962). The volumes were reprinted only once in 1962. No additional editing was conducted in conjunction with this second printing (please see opening pages of the 1962 volumes which state: "Published in 1962, in a Limited Edition of Three Hundred and Fifty Sets Reproduced from the Bowring Edition of 1838-1843"). All citations emanating from this collection will be noted with the editor's name, followed by the volume number, and the page number. For example: Bowring, ii, 535. Citation of original manuscripts are presented as follows: location, box number (in roman numerals), ending with the page or folio number (in Arabic numerals). For example: UC (indicating University College) xxv. 36.

Sir John Bowring (1792 - 1872) was a "British diplomat, born in Exeter. On leaving school, he entered a merchant's office, and acquired a knowledge of 200 languages. In 1821 he formed a close friendship with Jeremy Bentham, and in 1824 became the first editor of his radical *Westminster Review*. He visited Switzerland, Italy, Egypt, Syria, and the countries of the Zollverein, and prepared valuable government reports on their commerce. He sat in parliament from 1835 to 1849, and actively promoted the adoption of free trade. From 1849 he was British consul in Hong Kong; in 1854 he was knighted and made governor. In 1856, in retaliation for an insult to the British by a Chinese pirate ship, he ordered the bombardment of Canton, a proceeding which nearly upset the Palmerston ministry. In 1855 he concluded a commercial treaty with Siam, and in 1858 made a tour through the Philippines." (*Chambers Biographical Dictionary*, 1990 ed., s.v. "Bowring, Sir John.") Bowring was chosen by Jeremy Bentham to be his executor, and Bentham gave Bowring all of his manuscripts "for the better enabling him to publish a complete edition" of his life works (A. Taylor Milne, ed. *Catalogue of the Manuscripts of Jeremy Bentham in the Library of University College, London*, London: Athlone Press, 1962, v). Given many of Bowring's interests, it is not surprising that Bowring became one of Bentham's "uncritical admirers", and after 1820 Bowring was Bentham's most favoured disciple (John Dinwiddy, *Bentham*, Oxford: Oxford University Press, 1989, 18).

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work has been highly dependent upon the editing of his work, and consequently it is imperative that an elaboration of the editing process is presented. It is the result of this editing that has given scholars the Bentham we currently know. This could not be more true than for our understanding of his work in international relations, and especially the essay *A Plan for an Universal and Perpetual Peace.*

Unfortunately, it has been almost universally agreed that Bowring did not do justice to Bentham's work, and that the *Works* could not be considered reliable: ". . . at times the inadequacy of Bowring's editing stands clearly revealed--. . . ,"[3] and,

> For those seeking Bentham's own writings the principal resource has inevitably been the collected edition completed in 1843 under the supervision of his executor, John Bowring. This has long been out of print; and even when accessible its eleven volumes of small type in daunting double columns (two volumes comprising what Leslie Stephen called 'one of the worst biographies in the language'--Bowring's *Memoirs of Bentham*) are defective in content as well as discouraging in form. . . . even now, despite the valuable work during the present century of such scholars as Elie Halevy, C. W. Everett, C. K. Ogden, and W. Stark, relatively little has been done to remedy these defects.[4]

The inadequacies of the Bowring edition stood out when subsequent editors attempted to re-decipher and reorganize Bentham's work. One such editor who undertook the challenge to rectify the disorder caused by Bowring was Werner Stark.[5] He noted:

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[3] Ian R. Christie, "Introduction", *The Correspondence of Jeremy Bentham*, vol. iii, ed. I. R. Christie (London: Athlone Press, 1971), xvii.

[4] Timothy L. S. Sprigge, "General Preface," *The Correspondence of Jeremy Bentham*, vol. i, ed. T. L. S. Sprigge (London: Athlone Press, 1968), v.

[5] Much of what scholars know of Jeremy Bentham's economic writings comes from the efforts of Werner Stark, a scholar most noted for his contributions to sociology, but who also made significant contributions in the history of economic thought (Please see W. Stark, *History and Historians of Political Economy*, ed. Charles M.A. Clark, New Brunswick: Transaction Publishers, 1994, xv.) Stark's work in sociology includes: "*The Sociology of Knowledge* (1958, 1991), *Social Theory and Christian Thought* (1959), *Montesquieu: A Pioneer of the Sociology of Knowledge* (1960), and *The Fundamental Forms of Social*

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> In the University College collection the papers designated Colonies and Navy are divided into two bundles: XVII, 50-57, and XXV, 36-49: the impression of the cataloguer was that the former set dealt with political economy, the latter with international law. Yet these are two aspects that, for Bentham, always formed one: and the simple fact of the matter is that we have to do with one manuscript. To date the one part 1786, the other 1790, is sheer nonsense: all was written at the same time, perhaps in one week, perhaps even on one day. The sequence in which the papers must be arranged in order to yield a coherent argument--and arranging them was like solving a jig-saw puzzle--clearly proves it. Here it is: XXV, 36-38 (39 is a footnote to 36); 44; XVII, 54; XXV, 45, 46; XVII, 55, 56; XXV, 41, 40, 47, 48; XVII, 57; XXV, 49, 42, 43.[6]

That the Bentham papers were, and still are, in such disarray can be attributed to Bowring's attempt at categorizing and cataloguing the works, but also to a subsequent 1892 attempt at the same by Thomas Whittaker.[7] Whittaker reported on the condition of the manuscripts and also noted that they were not "'treatises actually printed from or intended to be printed from', but that they were material of which the 'substantial equivalent' could be found in the published works."[8]

Thought (1962); in the sociology of religion: *The Sociology of Religion*, five volumes (1966-72); and [his] six volume magnum opus, *The Social Bond* (1976-87). . ." Most of Stark's work on economic thought took place during the time he resided at Cambridge; it was at this time that Stark was, among other things, working on the Bentham papers. Actually it was through his studies on Bentham's economic writings that Stark met and befriended one of the most influential economic thinkers of the twentieth century, John Maynard Keynes: "In order to prove as quickly as possible that I had a contribution to make to the culture into the midst of which my fate had propelled me, I decided to produce next an article rather than a book, and I chose as my topic "Jeremy Bentham as an Economist." I had always been interested in the history of economic thought for its own sake, and I had wondered for a long time why the great utilitarian philosopher, who was close to such outstanding economists as David Ricardo and John Stuart Mill and no mean economist himself had never been made the subject of a monograph. I submitted my paper to the prestigious *Economic Journal*, and it was immediately accepted. I was invited to visit the editor, J. M. Keynes, presently to become Lord Keynes, and was kindly and cordially received. Indeed, I gained in this great thinker a true friend." (Clark, xvi.)

The Cambridge years resulted in a couple of key texts [for example, *The Ideal Foundations of Economic Thought* (1943, 1975) and *The History of Economics in its Relation to Social Development* (1944)], and in Stark's editing a collection of Bentham's economic works entitled, *Jeremy Bentham's Economic Writings* which was published in 1952.

[6] J. Bentham, *Jeremy Bentham's Economic Writings*, vol. 1, ed. W. Stark (London: George Allen & Unwin Ltd., 1954), 46. (Hereafter cited as 'Stark'.)

[7] Whittaker was "entrusted with the task of reporting on the condition of the mass of papers and of compiling a catalogue, under the general supervision of Professors W. P. Ker and Croom Robertson." (Milne, v.)

[8] Milne, v. These "published works" refer to the Bowring edition.

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The manuscripts have remained essentially in the same order as Whittaker left them, albeit they have been placed in more protective boxes and obviously misplaced sheets have been replaced.[9] Because so many have relied on, and cited from, the manuscripts in the order in which they were catalogued, the organization of the Bentham papers remains somewhat haphazard. As a result, those who do have to work with these papers must be veritable detectives to ensure that they have covered most, if not all, of what Bentham had to say on a subject.[10]

As Stark's efforts to organize *Colonies and Navy* illustrate, it is quite an exercise to arrive at a well constructed and accurate rendering of one of Bentham's essays. The same can be said for dismantling an essay found in the Bowring edition and determining the origins of the various components. When Stark explained why particular essays were constructed in the way that they were, he noted: "The reason why the papers got so divided and disordered is not far to seek: the second volume of Bowring's *Works* gives the clue to the correct answer. Bowring arbitrarily selected some sheets for inclusion in his edition and as arbitrarily rejected others: the selected pages were XXV, 36-48 and formed the bulk of part IV of the *Principles of International Law* entitled: 'A plan for a universal and perpetual peace,' not, however, without having been 'corrected' and 'improved'."[11] Nonetheless, it

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[9] Ibid., vi.
[10] Ibid., ix. As yet another contemporary editor, Philip Schofield, states: "The manuscripts have been left in a particularly confused and complex state." [Jeremy Bentham, *Colonies, Commerce, and Constitutional Law: Rid Yourselves of Ultramaria and Other Writings on Spain and Spanish America*, ed. Philip Schofield, Oxford: Clarendon Press, 1995, lviii. (CW)]
[11] Stark, i, 11.

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is that very essay, *A Plan for an Universal and Perpetual Peace*, upon which international relations scholars rely when attempting to understand Jeremy Bentham's theory of international relations.[12]

Since the Bowring edition there has been a drive to present a more accurate and clear understanding of Bentham's works, from his correspondence to the many fragments and essays which lay hidden within the original manuscripts. What new editing has been achieved thus far is contained within the *Collected Works of Jeremy Bentham*.[13] Much work has been done in this regard, and much work has still to be done. It is presently understood that if one wishes to study Bentham's work one must examine the original manuscripts if the material is still not yet available through the *Collected Works*, or Stark's *Jeremy Bentham's Economic Writings*.

This chapter is mostly technical in nature, but necessarily precedes the following chapters rather than included as an appendix. Although what follows is a methodical examination of the structure of *Plan*, it is nonetheless crucial to the development of the thesis of this project. As *Plan* has been such a pivotal source of Bentham's views for international relations scholars, problems with the essay must be highlighted. A substantial problem

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[12] Few scholars have focused on Bentham's theory of international relations, possibly because Bentham's thought on the matter is scattered throughout the masses of his work, and take a bit of weeding to explain the essence of the thought. This point is noted in Stephen Conway, "Bentham on Peace and War," *Utilitas* 2: 82-101. Of the few who have tackled this subject, please see Stephen Conway; David Baumgardt, *Bentham and the Ethics of Today* (Princeton: Princeton University Press, 1952); Georg Schwarzenberger, "Bentham's Contribution to International Law and Organization," *Jeremy Bentham and the Law* ed. G. W. Keeton and G. Schwarzenberger (London, 1948), 152-84; and F. H. Hinsley, *Power and the Pursuit of Peace* (Cambridge, 1963), 81-91.

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arises with the mere construction of the essay, leading to distortions of Bentham's ideas as well as raising questions about whether Bentham himself wrote particular passages. Only a deconstruction of *Plan* enables one to have a clear understanding of Bentham's work in international essays. Once the original material has been properly isolated, a new interpretation of Bentham's ideas comes to the fore, notably his concern for security, and the security of expectation. This chapter chronicles a critical moment in the research of this work, when it was possible to examine and compare Bentham's original manuscripts against the Bowring publication. The significance of that experience to the thesis and development of this dissertation, warrants its immediate presentation.

A Plan for an Universal and Perpetual Peace: The original manuscripts

As regards *A Plan for an Universal and Perpetual Peace* (1789), Stark was correct in noting that Bowring arbitrarily chose certain papers to include in this work. However, a bit more 'detective' work was warranted, since, for example, the papers from UC xxv. 36-48, although included in the essay, certainly did not constitute the bulk of the essay. In addition, there are segments of the work which come from Bowring's original rendering of the essay,[14] but which cannot be corroborated by the material written by Bentham. However, to edit Bentham's work is no easy task, and to some extent it is understandable that one might require a bit of imagination to adequately present Bentham's essays in a clear manner to the world, which might partly explain the condition of the published *Works*. When comparing the Bowring version of *A Plan for an Universal and Perpetual*

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[13] *Collected Works of Jeremy Bentham*; subsequently cited as CW.

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Peace against the original manuscripts, one finds that *Plan* is actually a compilation of at least three essays found within the manuscripts titled: *Pacification and Emancipation*,[15] *Colonies and Navy*,[16] and *Cabinet No Secresy*.[17] In some cases these essays appear to be incomplete since these works do not always clearly introduce, conclude, or address all the issues they claim to address. Although these pieces overlap each other to a degree in terms of content, they can largely be viewed as being distinct by virtue of each essay's overall theme.

Within *Plan*, the essays *Pacification and Emancipation*, *Colonies and Navy*, and *Cabinet No Secresy* have been segmented and rearranged in a disconnected or piecemeal fashion. Perhaps Bentham desired this dissection and re-combination to take place, but if this is not the case, Bowring has deliberately presented scholars, and international relations scholars in particular, with a purposefully contrived and distorted picture of Bentham's writing in this area. The evidence in the original manuscripts suggests the latter.

Clues as to how Bowring arrived at the final construction of *Plan* are found in the manuscripts. In addition to the fragmented essays, Bentham included a number of marginal summary sheets or rudiment sheets,[18] listing the various sections and arguments he wished

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[14] UC xxv. 68 - 105.
[15] UC xxv. 26 - 35, 59; rudiment sheets UC xxv. 60, 119 -123.
[16] UC xxv. 36 - 49.
[17] UC xxv. 50 -58, 61 - 63.
[18] Occasionally these are also referred to as "marginal outlines" in the catalogue of Bentham's manuscripts.

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to make.[19] Only some of these sections are addressed in Bentham's essays, which might explain why it appears that these were used as guides when Bowring edited Bentham's work. Bowring obviously used one particular rudiment sheet showing, in the margin, that a title for the essay outlined should be "Plan of universal and perpetual peace".[20] This is, of course, the original rendering of the title that heads Bentham's most famous work in international relations. The rudiment sheet itself is titled *Pacification and Emancipation Ordo International*. In this and the other rudiments, Bentham refers to many of the themes which are addressed in *A Plan for an Universal and Perpetual Peace*. It is probable that Bowring examined the various essays that covered these themes, and subsequently arranged them in an order that he thought to be consistent with the outline or rudiment sheets.

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[19] Rudiment sheets are indicated where appropriate. A number of current editors of Bentham's work, such as Philip Schofield and Fred Rosen, rely on the marginal summary sheets (if available) to determine the appropriate construction of an essay. (For example, please see introductory editorial comments in *Colonies, Commerce, and Constitutional Law* ed. Philip Schofield, Clarendon Press, 1992.) It is interesting to note the differences between the marginal summary sheets and the rudiments: "Bentham's habit . . . seems to have been to date the sheets and to write a sequence of several sheets of text, to read it over and make corrections, and then to write summaries of the content in the margin, The marginal summaries were written in the form of short paragraphs and numbered consecutively. These marginal summary paragraphs were then copied out onto separate sheets (marginal summary sheets) by an amanuensis . . .. The marginal summary sheets also contain occasional additions and emendations in Bentham's hand. The marginal summary sheets are written on single sheets of foolscap ruled into four columns with a double line at the top for the date and the heading. Bentham did not add marginal summaries to all the text sheets which he wrote, while marginal summary sheets corresponding to some of the marginal summaries on the text sheets were either never made or have not survived. It should be noted that the marginal summary paragraphs were not intended for publication, unlike the marginal headings incorporated in some of the earlier works, [see for instance *An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart, London, 1970 (CW)] but rather seem to have been used by Bentham for purposes of reference. Additionally a few sheets containing 'Rudiments', or general statements or positions, and others containing plans, are written on double sheets of foolscap, each sheet again being ruled into four columns." (*First Principles Preparatory to Constitutional Code* ed. P. Schofield, Clarendon Press, 1989, xxxv-xxxvi.)

On the basis of the above description of the marginal summary sheets and the rudiments, it is clear that the outlines included with Bentham's international work are rudiments. All the pages are distinctly in Bentham's handwriting and not that of an amanuensis, the text sheets have the very occasional marginal notes or corrections but do not seem to be marginal summary paragraphs, none of the pages are double lined at the top for the date and heading, and the vast majority consist of double sheets of foolscap. Therefore, as suggested by Schofield above, these rudiments are not a concrete indication of what Bentham hoped to see as the final construction of his essays.

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The connections between the rudiment sheets are, one, that they are all headed with the working title of *Pacification and Emancipation*, and two, that they tend to overlap in terms of content. The outlines which do not include *Plan*'s title are far more detailed; this could be due to their being redrafts of the first, simpler outline; or, they are different outlines altogether. Based on the content of the resulting *Plan* essay edited by Bowring, it seems possible that he assumed the former. The majority of the outlines, if not all of them altogether, are only rudiments, and are not really indicative of the construction of any particular essay either completed or in progress. However, it is fairly evident that Bowring did use some of them as guides or indicators, at least with regard to editing *Plan*. Therefore these pages cannot be ignored when assessing the editing process of this essay.

A Plan for an Universal and Perpetual Peace: A figment of the imagination?

As stated earlier, *A Plan for an Universal and Perpetual Peace* is actually a compilation of at least three separate essays contained within the collection of papers in box xxv. In the preceding paragraph of the four essays collectively entitled *Principles of International Law*, the editor makes this note:

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[20] UC xxv. 119

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> The original MSS. from which these Essays are edited, consist of *Projet Matiere*, *Marginata*, and fragments. By the first of these terms, Bentham designated the contents of paragraphs he intended to write; by the second, the contents of the paragraphs he had written;--by means of these two sets of papers, the fragments have been arranged, and the connexion between them supplied:--but on this, as on every other occasion, the object of the Editor has been, without addition of his own, to show what Bentham has said upon each subject. This will account for the incompleteness of the Essays, and for the circumstance, that upon some points there are only indications of the subjects which Bentham has intended to discuss.[21]

Bowring may have tried to be true to Bentham's work, but upon examining the final construction of *A Plan for an Universal and Perpetual Peace* it is difficult to understand that Bentham wished his various arguments to be dismembered, reconfigured, and arbitrarily "sewn" together under the sort of "Frankensteinian" project which was the result.

Although it has been acknowledged that Bentham's various works on international relations are not necessarily organized in an orderly and coherent fashion within box xxv, each essay can be identified on the basis of its title, and is contained within one or two combinations of manuscript sheets. *Pacification and Emancipation* can be found within the sheets of UC xxv. 26 - 35 and 59; *Colonies and Navy* at UC xxv. 36 - 49 and xvii. 50 - 57; and *Cabinet No Secresy* at UC xxv. 50 - 58 and 60 - 63. That they have been catalogued in this fashion is not a reflection of a consecutive order; Stark's experience in organizing *Colonies and Navy* is testimony to that. An examination of how *Plan* is

[21] Bowring, ii, 536

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organized shows that little consideration was made as to how the essays ought to be presented, both in terms of content and form.

Given the condition of the essays, it is necessary for any editor to rearrange some of the manuscript pages for clarity, thereby "scrambling" the order of the pages from the way they are catalogued; Stark's experience in editing *Colonies and Navy* shows us this. Nonetheless, a quick look at the extent to which the manuscript pages have been rearranged in *Plan* should provide a warning—at the very least it should generate a concern not only about each individual essay, but also the extent to which they have been combined with other texts. The order of the manuscript pages chosen by Bowring is as follows: UC xxv. 26, 34, 26, 34, 31, 36, 37, 38, 97*,[22] 38, 36 (rep.),[23] 84*, 39, 84*, 42, xvii. 55, xxv. 42, 43, 40, 41, 43, 28, 89*, 90*, 36 (rep.), 44, 45, 46, 47, 48, 49, 95*, 36 (rep.), 96*, 36 (rep.), 37 (rep.), 97* (rep.), 9, 132, 29, 30, 31, 32, 38 (rep.), 27, 32, 33, 34, 132, 104*, 35, 38 (rep.), 50 - 58. Additionally, not every line from each manuscript was used; therefore, although one can see that UC xxv. 44 - 49 (*Colonies and Navy*) have been included consecutively in the middle of the essay, not all of the text from the original manuscripts was included.

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[22] Each sheet which is marked with an asterisk comes from Bowring's re-working of the essay contained in UC xxv. 68 - 105. These sections of text have not been corroborated by the presence of original manuscripts written in Bentham's hand. It is possible to conclusively identify three essays which do compose the bulk of *Plan*, but some of the paragraphs which are still difficult to identify can be found in Bowring's hand. It does not make sense that the original manuscripts for these missing paragraphs would be located in a place other than box xxv, and even that these paragraphs are not included in the essay. *Colonies and Navy*. Most of the unidentified writing discusses and qualifies the fourteen propositions presented at the beginning of the essay (taken from *Colonies and Navy*). That these explanatory paragraphs would be located elsewhere and yet specifically address the previous propositions makes very little sense. The only other possibility is that these qualifications were made by the editor for purposes of "clarity" (which is not inconsistent with Stark's point about Bowring's little "improvements").

[23] "(rep.)" indicates that this passage has been repeated from an earlier inclusion. Further discussion on this point will follow.

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The construction of *Plan* necessitates the examination of the various rudiment sheets included in the collection of Bentham's international work.[24] A number of these rudiment sheets discuss the various points which ought to be addressed in *Pacification and Emancipation*, but the obvious starting point for analysis is the rudiment at UCxxv.119, suggesting the title of "Plan of universal and perpetual peace."[25] The other rudiments, apart from being considerably more detailed, may be useful for more than just one essay; one rudiment listing 55 topics, is prefaced with Bentham's statement that "[t]his belongs partly to Constitutional partly to International Law.-- But principally and more obviously to the latter, and therefore had best be introduced under that head."[26] The topics listed are an expansion of the themes covered in the earlier rudiment, only a different title or "head" is suggested, in addition to its broader implications for constitutional law.

It is plain that the rudiment sheet, UCxxv.119, was used to construct *Plan*, as the final essay loosely follows this design:

> Pacif. & Emancip. Ordo InterNat.[27]
> Title
> Plan of universal & perpetual peace[28]
> 1. Mischiefs of extended empire
> 2. Motives that have given birth to the condition of extending empire

[24] For the most part contained within box xxv at UCL.
[25] Bentham wrote *Plan of universal and perpetual peace*, whereas Bowring used *A Plan of an Universal and Perpetual Peace*.
[26] UC xxv.120.
[27] Working title which heads the entire summary.
[28] This suggestion for a title is written in the upper, far left margin.

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3. That the ancient motives subsist not at present
4. Encrease of [. . . ?] encrease of security
5. Plan of general emancipation
6. Influence of that plan upon the interests of the several states
7. That such a plan is not visionary and that the world is ripe for it
8. Means of the plan of pacification - European Congress
9. Means of effectuating the adoption of the plan[29]

The three essays used to compose *Plan*, when combined, largely address most of the points on this rudiment sheet, but as each essay stands well on its own, the combination of the three makes the final result disjointed and often confusing. *Plan* is not a coherent and unified essay, and should not be the sole source from which Bentham's work may be devined.[30]

Previously, *Plan* was broken down into its manuscript components, illustrating the piecemeal fashion in which it was constructed. This, however, is not illuminating if one is not aware of the content as well. The example of the first paragraph of *Plan* is indicative of the whole treatment of the essay:

[29] Written in the upper, far right margin is: "Should not the defense against the charge of visionaryness come / stand/ first."

[30] Not only is the construction of *Plan* haphazard, but some passages are difficult to associate with Bentham's manuscripts. Marginal summary sheets (see also 21n) would be of great assistance, if they existed in this case. Using Bentham's work on the emancipation of the Spanish colonies as an example, one can see that the marginal summary sheets were intended to correspond to bodies of text contained on other sheets. When detailing the correct organization of the various sheets and folios for Bentham's *Summary of a Work entituled Emancipate Your Colonies* (in *Colonies, Commerce, and Constitutional Law*), the editor makes note of the location of corresponding marginal summary sheets which help corroborate decisions in organizing the material: "The marginal summary sheet at UC viii. 14 (28 July 1820) shows that clxxii. 11-12 was originally followed by clxii. 11-12 (22 July 1820), and then some unidentified material." (Schofield, xxxi.) In fact, most, if not all, references to the marginal summary sheets reveal that these sheets correspond to bodies of text, and are not text unto themselves. In the case of *Plan*, Bowring apparently had less guidance than marginal summary sheets could provide as they do not seem to exist, and rudiments were never intended for such a purpose. Certain passages cannot be found within the body of text written by Bentham and are not flagged by marginal summary sheets; the situation suggests that either the sheets containing these portions of the body of the text are catalogued inappropriately, are missing altogether, or the editor of *Plan* used his "artistic licence" to make improvements, as Stark would

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> The object of the present Essay is to submit to the world a plan for an universal and perpetual peace. The globe is the field of dominion to which the author aspires,-- the press the engine, and the only one he employs,-- the cabinet of mankind the theatre of his intrigue.[31]

In the original manuscripts it is the first of these two sentences which opens the essay *Pacification and Emancipation*.[32] The second sentence is also a component of *Pacification and Emancipation* but it is included within the manuscripts a number of pages later.[33] Bentham's own opening words were not satisfactory to the cause, or so it appears. If the combination of these two sentences seems more or less harmless, the result still raises the question of Bowring's intent in the editing of this essay.

After this initial paragraph, *Plan* continues with the rest of *Pacification and Emancipation* as written by Bentham on page UC xxv. 26, proposing "the reduction and fixation of the force of the several nations that compose the European system;" and "[t]he emancipation of the distant dependencies of each state."[34] The influence of the brief rudiment sheet discussed here earlier, especially point #7: "that such a plan is not visionary and that the world is ripe for it,"[35] becomes apparent. Bowring follows Bentham's direction that the notion of "visionaryness" be discussed at the beginning of the essay. The bulk of the

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suggest, and himself fleshed out some of the points alluded to within the main text, in conjunction with points outlined in the rudiment sheets.

[31] Bowring, ii, 546.

[32] UC xxv. 26.

[33] UC xxv. 34.

[34] Bowring, ii, 546.

[35] UC xxv. 119.

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text, however, can only be found in Bowring's hand.[36] This does not mean that Bentham never wrote it, never intended to write it, or that, in general, it is not consistent with Bentham's thinking. But it still raises an important question of who it is we are reading when reading *Plan*. Can we still unequivocally quote these passages as Bentham's word?

Following what is at least Bowring's contribution if not Bentham's, the essay leaps a few manuscript pages forward to plead to Christians for support,[37] and then jumps into *Colonies and Navy*.[38] *Colonies and Navy* and *Pacification and Emancipation* both speak to the emancipation of distant dependencies, perhaps justifying their merciless combination.[39] That point aside, other significant developments arise. *Colonies and Navy* contains thirteen propositions. *Plan* has fourteen. As mentioned before, because a statement or paragraph in *Plan* cannot be found in Bentham's manuscripts it does not mean that it absolutely does not exist. But, especially in this case, the likelihood that Bentham wrote thirteen of the propositions in one place and the fourteenth proposition in an entirely different location is not strong. The fourteenth proposition exists in the manuscripts, but it is an addition written in Bowring's hand.

The proposition in question (listed as proposition XII in *Plan*) makes an important claim: "That for the maintenance of such a pacification, general and perpetual treaties might be

[36] And Bentham had already discussed the question of visionary/not visionary in the preceding paragraphs. If Bowring did contribute to the discussion here he just fleshed out Bentham's point contained within the rudiment sheet.
[37] UC xxv. 31.
[38] UC xxv. 36.
[39] Bowring re-ordered propositions 1 - 4, such that they read 1, 3, 4, 2. Otherwise it is Bentham's piece.

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formed, limiting the number of troops to be maintained."[40] Bentham refers to arms reduction in earlier paragraphs, but not in the form of a proposition.[41] Assuming Bentham did not choose to highlight this point himself, it was probably for a good reason. Arms reduction is not as crucial, for instance, as the emancipation of colonies. Bentham certainly spends far more effort overall discussing the latter rather than the former.

After introducing the fourteen propositions, Bowring uses them as the foundation of *Plan*, repeating each proposition consecutively and following with fragments of the three identifiable essays that appear to explain the proposition. The "cut and paste" approach continues; after a reiteration of the first proposition, for example, the editor introduces a discussion of it, and then looks to various pages of *Colonies and Navy*, *Pacification and Emancipation* and the editor's own apparent contributions to provide a further discussion.[42] This procedure is followed for all of the propositions discussed.

Thus, following proposition I, "[t]hat it is not the interest of Great Britain to have any foreign dependencies whatsoever,"[43] the editor includes the passages from both *Colonies and Navy* and *Pacification and Emancipation* that were deemed relevant. However, the inclusion of these passages was apparently not sufficient as they are then followed by a

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[40] Bowring, ii, 547.
[41] This is referring to the UC xxv.26 passages of *Pacification and Emancipation* used at the beginning of *Plan*. Werner Stark, in editing *Colonies and Navy* for inclusion into *Jeremy Bentham's Economic Writings*, did not include this proposition.
[42] Again a combination of sentences and paragraphs from both Bentham's work and Bowring's are found here. It is possible, on the basis of how the discussion is constructed, that the editor added a few of his own sentences to attempt to provide continuity between paragraphs and ideas. However, as mentioned

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number of paragraphs which, again, can be found in Bowring's construction of *Plan*, but are not obvious contributions by Bentham. They do, however, attempt to summarize the previous arguments. If, indeed, this summary is not Bentham's own, then it is most likely a summary offered by the editor, perhaps in an attempt to bring clarity and precision to those ideas. If this is the case, this summary is only an interpretation of Bentham's ideas; it would be the editor's rendition of what Bentham was trying to say.

Once again there is some evidence that the editor relied upon the rudiment sheets, to some degree anyway. For example, a footnote included by Bowring in *Plan* discusses the inutility of maintaining colonies and refers to giving up Gibraltar. This idea is not addressed in any of Bentham's essays; it is touched upon in the rudiment sheets.[44] Is this yet another instance of the editor attempting to broaden the scope of examples from which one is to draw the required conclusions about colonies, or is this Bentham's work as of yet "undiscovered"? The former seems the more likely.

This pattern continues throughout *Plan*. The second proposition, "[t]hat it is not the interest of Great Britain to have any treaty of alliance, offensive or defensive, with any other power whatsoever," is followed by another passage only found in Bowring's manuscripts,

> Reason: saving the danger of war arising out of them.

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before, there is no obvious indication from Bentham that the paragraphs were to be connected in the manner that they were and therefore, perhaps no necessity for the editor's additions.

[43] Bowring, ii, 547.

[44] For example, UCxxv. 132.

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> And more especially ought not Great Britain to guarantee foreign constitutions. Reason: saving the danger of war resulting from the odium of so tyrannical measure.[45]

This passage is not out of context, but the question still remains: Is this what Bentham meant by this proposition and is this how he wanted to say it?

Proposition III, "[t]hat it is not the interest of Great Britain to have any treaty with any power whatsoever, for the purpose of possessing any advantages whatsoever, in point of trade, to the exclusion of any other nation whatsoever,"[46] is followed by the rest of the *Colonies and Navy* essay,[47] and is then summarized by a paragraph found only in Bowring's manuscripts: "[t]he following are the measures the propriety of which results from the above principles:-- . . . ."[48] Likewise proposition IV, "[t]hat it is not the interest of Great Britain to keep up any naval force beyond what may be sufficient to defend its commerce against pirates,"[49] is qualified by the statement that "[i]t is unnecessary, except for the defence of the colonies, or for the purposes of war, undertaken either for the compelling of trade or the formation of commercial treaties."[50] The qualifying statement is, again, only to be found in Bowring's hand.

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[45] Bowring, ii, 549.
[46] Ibid.
[47] Bowring only used the *Colonies and Navy* excerpts contained within box xxv, and only one line from UC xxvii. 55 in the discussion of proposition I. Why he did not use any more of the *Colonies and Navy* essay from box xvii is anybody's guess.
[48] Bowring, ii, 550.
[49] Ibid.
[50] Ibid.

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Propositions V through XI are repeated, including a brief comment from Bentham's manuscripts.[51] Proposition V, "[t]hat it is not the interest of Great Britain to keep on foot any regulations whatsoever of distant preparation for the augmentation or maintenance of its naval force--such as the navigation act, bounties on the Greenland trade, and other trades regarded as nurseries for seamen,"[52] is followed only by the comment that "[t]his proposition is a necessary consequence of the foregoing one,"[53] which is, relatively speaking, at least close to what Bentham wrote himself in his *Colonies and Navy* manuscript.[54]

The next propositions were adequately, albeit it not precisely, transcribed from Bentham's manuscripts, but are worthy of only some of Bentham's elaborations: "Propositions VI, VII, VIII, IX, & X. . . . [and] Proposition XI".[55]

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[51] But even here Bowring used his editorial license to change the wording, and the change is significant enough to make a difference: whereas Bentham makes reference to one proposition, Bowring makes reference to another (see below).
[52] Ibid.
[53] Ibid.
[54] More accurately, Bentham wrote: "Admit the second of the above propositions, this follows as a necessary consequence: This proposition is a necessary consequence of the second:" (UC xxv. 37) This differs from Bowring's use of the term "foregoing", as that would refer to proposition IV, not proposition II.
[55] Bowring, ii, 550. Bowring made some minor changes to Bentham's text with regard to these propositions. Where Bowring included the statement, "Propositions similar to the foregoing are equally true applied to France," Bentham wrote: "That all these several propositions are also true of France." (UCxxv.37) He also wrote: "As far as Great Britain is concerned proof of these several propositions rest principally upon two very simple principles:

1. That the trade / increase of growing wealth / of every nation [in] a given period is necessarily limited by the quantity of capital it possesses at a given period at that period.

2. That Great Britain with or without Ireland, and without any other dependency can have no reasonable ground to apprehend / fear/ injury from any one nation upon the earth.

Turning to France, I substitute to the last of the two just-mentioned propositions the following:

3. That France, standing singly, has at present nothing to fear from any other nation than Great Britain: nor, if standing clear of her foreign dependencies would she having any thing to fear from Great Britain." (UC xxv. 37 - 38).

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Subsequently the suspect proposition XII arises,[56] including Bowring's contributions. Bowring continues to discuss proposition XII, after adding his own comments, by incorporating fragments from *Pacification and Emancipation* again. These paragraphs do make sense here since, as stated before, it is in the introductory words of *Pacification and Emancipation* that the idea of arms reduction comes up. Of course this could make one wonder if proposition XII is then a contrivance of Bowring's to be able to combine *Pacification and Emancipation* and *Colonies and Navy* in one essay. It is *Pacification and Emancipation*, however, which links the two ideas of arms reduction and the relinquishing of colonies; this makes sense given the title. In the passages chosen from *Pacification and Emancipation*, shedding more light on proposition XII, Bentham argues that the emancipation of colonies inevitably reduces one's arms; the state no longer requires troops to defend colonial soil.

Proposition XIII states "[t]hat the maintenance of such a pacification might be considerably facilitated by the establishment of a common court of judicature, for the decision of differences between the several nations, although such court were not to be armed with any coercive powers."[57] This proposition, emanating from *Colonies and Navy*, is subsequently supported by passages from *Pacification and Emancipation*. These passages address the need for a "common tribunal", although only one page of manuscript in *Pacification and Emancipation* is explicitly devoted to such an institution.[58]

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[56] See above discussion.
[57] Bowring, ii, 552.
[58] UC xxv. 27.

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The rest of the passages which Bowring includes do not specifically refer to a "common tribunal":

> Can the arrangement proposed be justly styled visionary, when it has been proved of it -- that
>
> 1. It is the interest of the parties concerned.
> 2. They are already sensible of that interest.
> 3. The situation it would place them in is no new one, nor any other than the original situation they set out from.
>
> Difficult and complicated conventions have been effectuated: for examples, we may mention, --
>
> 1. The armed neutrality
> 2. The American confederation.
> 3. The German Diet
> 4. The Swiss League[59] Why should not the European fraternity subsist as well as the German Diet or the Swiss League? These latter have no ambitious views. Be it so; but is not this already become the case with the former?
>
> How then shall we concentrate the approbation of the people, and obviate their prejudices?
>
> One main object of the plan is to effectuate a reduction, and that a mighty one, in the contributions of the people. The amount of the reduction for each nation should be stipulated in the treaty; and even previous to the signature of it, laws for the purpose might be prepared in each nation, and presented to every other, ready to be enacted, as soon as the treaty should be ratified in each state.[60]

The manuscripts address an original proposal that is "styled visionary", but it is not the notion of a common tribunal, but the "emancipation of distant dependencies."[61] This passage moves from discussing an agreement for the emancipation of colonies, to the apparent construction of a multi-state "league"; the focus is still at the treaty or agreement level, and the use of this passage makes it appear that Bowring conflates the idea of treaties with the idea of a common tribunal. In actuality, the rest of the passages

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[59] "The Swiss League" is an example found only in the Bowring manuscripts, not Bentham's.
[60] Bowring, ii, 552 - 553.
[61] UC xxv. 32.

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allegedly pertaining to proposition XIII discuss the propensity to which states are capable in coming to satisfactory agreements rather than convening at a common tribunal. The accuracy of these passages relating to proposition XIII must obviously come into question.

A Plan for an Universal and Perpetual Peace closes with a discussion of the last proposition (proposition XIV) which states: "That secresy in the operations of the foreign department in England ought not to be endured, being altogether useless, and equally repugnant to the interests of liberty and peace."[62] Bowring injects Bentham's essay titled *Cabinet No Secresy* into *Plan*, for the purpose of exploring the last proposition. This essay has retained its original construction more so than the other essays, but the few changes made are still worthy of note.

Cabinet No Secresy was probably one of the easier essays to incorporate into *Plan*. Bentham numbered each page, enabling one to follow the sequence of his argument. This essay also reads more clearly than the others; relative to the first essays. *Cabinet No Secresy* provides well developed, lucid arguments, and each idea follows the next in a logical fashion. It is this portion of *Plan* that can be said to be unequivocally Bentham. For the most part Bowring left the essay untouched except for the occasional re-arrangement of sentences within a paragraph, or relegating part of the text to the status of

[62] Bowring, ii, 554.

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a footnote instead;[63] for the most part such efforts make no difference to the argument being presented. Nonetheless, a couple of points need to be made.

When Bentham discusses the inutility of waging war to increase trade; the example which follows states that "[t]he good people of England, along with the right of self-government, conquered prodigious right of trade." [64] Bentham actually wrote "[t]he good people of Ireland . . ."[65] This cannot be a case of misjudgment or an error; uncommon though it is, in this case Bentham's handwriting is unmistakably clear. The assumption that this is a purposeful replacement of England for Ireland is corroborated a few paragraphs later when reference is again made to the example of Ireland. *Plan*'s version claims, "[t]he sylph so necessary elsewhere, was still more necessary to France;"[66] yet in Bentham's manuscripts it reads: "The Sylph so necessary to Ireland was still more necessary to France."[67] Bowring explicitly omitted and replaced the reference to Ireland, misconstruing the example that Bentham was trying to present.

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[63] Bowring, ii, 555. The paragraph beginning, "Sorry remedies these: add them both together, their efficacy is not worth a straw. . . ." is a convoluted rendering of the original contained in UC xxv. 50. Remarkably, however, the meaning has not really been changed, and it is understandable that the editor attempted to rework this paragraph as the original is almost incomprehensible. In addition, the footnote referring to the "fate of Queen Anne's ministry" is actually part of the main body of text in Bentham's manuscripts. It is unclear why the editor decided to footnote this point as he retained many other examples within the body of the text. Nonetheless, compared to previous uses of editorial licence, not much harm is done.
[64] Bowring, ii, 557.
[65] UCxxv.54.
[66] Bowring, ii, 558. The initial paragraph beginning with the "good people of England" continued as follows: "The revolution was to produce for them not only the blessings of security and power, but immense and sudden wealth. Year has followed after year, and to their endless astonishment, the progress to wealth has gone on no faster than before. One piece of good fortune still wanting, they have never thought of:--that on the day their shackles were knocked off, some kind sylph should have slipped a few thousand pounds into every man's pocket." (Bowring, ii, 557)
[67] UCxxv.54.

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The rest of the essay proceeds as Bentham wrote it in the manuscripts, until the very end. The concluding paragraph reads: "In respect, therefore, of any benefit to be derived in the shape of conquest, or of trade--of opulence or of respect--no advantage can be reaped by the employment of the unnecessary, the mischievous, and unconstitutional system of clandestinity and secresy in negotiation."[68] This paragraph is contained within Bentham's manuscripts and concludes the last page, however, it is not written in Bentham's hand. It is in Bowring's, and he does include this last paragraph, of course, in his manuscript of *Plan*.

If Bentham wrote this concluding paragraph, it is in an alternative location. If it is, then it is more than likely that the paragraph was not intended to conclude this piece, but contribute to another. If this is the case what would that other essay be? It would be included in the manuscript section on international law given the nature of its content: it is more likely that the editor deemed it necessary to provide a concluding statement to finish the piece.

The first three essays in Principles of International Law

Of course *A Plan for an Universal and Perpetual Peace* is not the only essay on international relations included in the Bowring edition. The section *Principles of International Law* begins with three additional essays: *Objects of International Law*, *Of Subjects, or of the Personal Extent of the Dominion of the Laws*, and *Of War, considered*

[68] Bowring, ii, 560.

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in respect of its Causes and Consequences. It should come as no surprise that these works also include passages which cannot be accounted for within Bentham's manuscripts. However, the passages in question are also not included in the Bowring manuscripts contained within box xxv. The same point can be made here as in Plan; there is no guarantee that Bentham did not write these passages, but then where are they? The presence of these questionable passages require scholars to be wary when using these essays as well. Nevertheless, in this case each essay has been kept separate. One can find an essay in Bentham's manuscripts which corresponds to the bulk of the text within each of the essays which precede *Plan.* Thus the complication of an essay actually being a compilation of a number of separate works is not an issue, and each essay can be understood as an entity unto its own.

How can we know and understand Bentham's work in international relations?

As stated many times before, the fact that certain passages, primarily in *Plan*, are not found in Bentham's hand, does not unequivocally determine that these passages were not his. Those passages are also not entirely inconsistent with what Bentham has written himself. It is odd, however, that if Bentham did write these passages, that they are not included with the other sections of international text, especially as these passages are so closely related to the topics covered. Not only do they relate to previous points made by Bentham, but they attempt to summarize and conclude those thoughts. Important questions must be raised in the minds of those who are aware of *Plan*'s construction: if Bentham did write those passages (thus far only found in Bowring's hand), where have the original passages been catalogued?; what justification did Bowring have to construct

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Plan in the manner he had, especially as there is no clear indication that Bentham wished three separate essays to be reconfigured in this manner?;[69] and finally, what implications does this have for our understanding of Bentham's theory of international relations and his contribution to the discipline?

The question of accuracy becomes obvious upon realizing that a much relied upon essay has been reconstructed in the manner as was *Plan*. However, in addition to wanting an accurate presentation of Bentham's work, there is another reason for re-evaluating *A Plan for an Universal and Perpetual Peace*. Bentham's work on international relations would benefit from clearer presentation, and be better understood, if we came to know his international work through *Pacification and Emancipation*, *Colonies and Navy*, and *Cabinet No Secresy*. As separate pieces one can better detect themes which were obviously important to Bentham. Instead of getting lost within the number of concepts presented in *Plan*, Bentham's desire for the emancipation of colonies becomes more clear and direct when understood through the individual essays. In combination with Bentham's other works, one can see how important this theme is, and the extent to which Bentham was captured by it.

Stark has already made it clear that *Colonies and Navy* is an essay unto itself. This claim can also most certainly be made for *Cabinet No Secresy*; in comparison to *Pacification and Emancipation* this essay is remarkably clear, focused, and well developed, and deserves to

[69] This is also keeping in mind that the only additional clues to any sort of intended construction are

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stand on its own merits. The only essay which does not seem as well developed is *Pacification and Emancipation.* It is easy to see, actually, why Bowring used this essay to frame *Plan*; almost all of the rudiment sheets are titled *Pacification and Emancipation* which suggests that Bentham had many ideas about what could be included in this as either an essay or even a "section" of work devoted to this subject. Nonetheless, it seems as though many of the points mentioned in the rudiment sheets never made it past the conceptual stage, and certainly never made it into any of Bentham's main texts. But even as a less well-developed essay, *Pacification and Emancipation* contributes yet another rendering of the issues which struck Bentham as important.

Ideally, every scholar interested in Bentham's work in international relations would have ready access to accurately edited essays. The Bentham Project at UCL is working hard to expand the *Collected Works*, but many of Bentham's manuscripts have yet to be included. It would be best for scholars to have access to Bentham's original manuscripts, but this tends to get expensive, due to traveling to the location of the manuscripts, or in buying the microfilm of the same. This usually leaves one to rely upon the Bowring edition. That being the case, one cannot completely negate this source, but the purpose of this paper is to make clear that in using this source there are risks of accuracy and adequate understanding involved. Since most of the unaccounted-for passages in *Plan*, or any of the three preceding essays, are generally consistent in terms of theme one might feel fairly comfortable in using the Bowring edition. If using one of the first three essays

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provided by rudiment sheets which, as mentioned previously, are really not to be used as explicit guides.

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of *Principles of International Law*, that comfort might be justified. In the case of *A Plan for an Universal and Perpetual Peace* that comfort cannot exist. In this case, *A Plan for an Universal and Perpetual Peace* does not exist.

This chapter has shown, by revealing the unreliable condition of *Plan*, the necessity of using Bentham's original manuscripts to obtain an accurate comprehension of his work. The following chapters rely on the original manuscripts, but also show how, in some cases, a new understanding of Bentham's project results. This new understanding, in turn, affects the assumptions made about Bentham's contribution to international relations, and therefore affects Bentham's standing in relations to the traditions of international relations thinking. The next chapter defines those traditions, and provides some preliminary clues as to how Bentham's theory cannot be fixed within one tradition as opposed to the others. With each chapter a re-evaluation of Bentham's work is given based on the more accurate material of the manuscripts, and additional material from hitherto unexplored sources, all of which is measured with regard to security of expectation, and scrutinized through the various lenses of the traditions.

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Chapter 3

Bentham and the Traditions of International Relations Theory

> There is a long standing divergence between scholars of utilitarianism which centres on decidedly different interpretations of the thought of Jeremy Bentham (1748-1832). No doubt the sheer wealth of material that constitutes Bentham's corpus encourages contending views of his thought. However, in large measure these interpretations result from the emphases placed by commentators on different writings and on different elements within his utilitarianism. At the risk of disservice to particular commentators, the dispute over Bentham's thought can be reduced to two schools of analysis—here labelled "authoritarian" and "individualist." . . . The "authoritarian" school comprises commentators who stress illiberal tendencies in his thought. . . . Modern individualist interpreters of Bentham explain the meaning and place of "liberty" within his utilitarian theory in a manner quite different; . . . [1]

> References to Bentham . . . raise the question of whether utilitarianism is properly to be considered as a form of liberalism. There are grounds for seeing the two as being at odds with one another.[2]

Bentham's struggle between his desire for individual liberty and his need to contain human behaviour for the sake of order and security, is often recognized in political theory, but not so in theories of international relations. Bentham is solidly placed within the rationalist or idealist traditions, or more broadly speaking, the liberal tradition.[3] While this thesis is predominantly engaged in presenting a broader and more accurate rendering of Bentham's work in international relations, questions of the interpretation and categorization of Bentham's contributions inevitably arise. Although Bentham's

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[1] James E. Crimmins, "Contending Interpretations of Bentham's Utilitarianism," *Canadian Journal of Political Science* (xxix:4, December 1996), 751, 754.

[2] Anthony Arblaster, *The Rise and Decline of Western Liberalism* (Oxford: Basil Blackwell, 1987), 350.

[3] The theoretical traditions are further discussed below.

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placement in the liberal tradition is often well-deserved, and his contribution to liberal international thinking quite obvious, the assumed strength of this position has led to a neglect of a thorough analysis of Bentham's writings overall. As much as Bentham writing can be considered liberal in tone, there is also evidence of a realist side. Given the breadth of Bentham's work, it is deficient to highlight only one tradition to explain and understand Bentham's contributions to international relations.

The thesis of this dissertation argues that Jeremy Bentham's preoccupation with security, especially the security of expectation, has been the source of much confusion when evaluating Bentham's work in international relations. Of note is Bentham's "inconsistency" in his work; some scholars argue that the application of the principle of utility can result in divergent outcomes, whereas others simply criticize Bentham for his ambivalence.[4] Nevertheless, although a few authors recognize that a dichotomy of views exist in Bentham's work, this recognition has not been adequately brought to light in international relations theory, even though utilitarianism in general, and Bentham's work in particular, is not immune to varying interpretations.

Where Bentham resides in the theoretical traditions depends on what elements of his writing become the focus of attention. Arnold Wolfers, among others, emphasizes the utopian features of Bentham's work, stating that Bentham, along with "Sully, Kant, [and]

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[4] For example, see the contending interpretations of Bentham's work on colonies by L. C. Boralevi and D. Winch (see chapter 7).

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Penn, . . . had proposed schemes of international organization for peace and could thus qualify as precursors of the new prophets."[5] F. H. Hinsley recognizes that Bentham's work cannot be so easily summarized, but he includes Bentham's work in an analysis of contributions to internationalist thinking; these contributions include proposals to temper, if not eliminate altogether, the necessity for war, as well as explore, to varying degrees, the potential for a federation of states or even a cosmopolis.[6] Other scholars who choose to emphasize the idealist component of Bentham's writing are Hans Morgenthau, E. H. Carr, Kenneth Waltz, and J. W. Burton, to name a few. In these interpretations Bentham is associated with others who look to public opinion, international federations, and unfettered commerce, to bring peace to the world.

There are other scholars who focus less on federations and commerce, and more on Bentham's contributions to international law, such as Martin Wight, K. J. Holsti, Michael Donelan, and Brian Porter. The strength of Bentham's position within the liberal tradition lies with the rationalists, as the emphasis is not on his claims of the power of public opinion, but on a code of conduct between states that does not exclude the possibility of war. Rationalism does not hold that relations between sovereign states are inevitably and perpetually hostile; many instances exist where it would be prudent for states to cooperate rather than engage in combat. The moderate and "middle of the road"

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[5] A. Wolfers and L. W. Martin, *The Anglo-American Tradition in Foreign Affairs* (New York: Yale University Press, 1956) in S. Hoffmann, *Contemporary Theory in International Relations* (New Jersey: Prentice Hall, Inc., 1960), 241.

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position of rationalism makes it an easy and accessible category to utilize, and provides, again, the most compelling argument in favour of Bentham's liberalism.

Bentham has not been categorized a realist. *A Plan for an Universal and Perpetual Peace*, his best known, and often only known, essay on international relations, has little bearing on the realist tradition. Any connection to a realist interpretation has come through some scholars' evaluation of utilitarianism in general, rather than Bentham's work in particular. To the extent that Bentham can be equated with utilitarianism (he is considered the "father" of utilitarianism), the observations made by the likes of Stanley Hoffmann and F. Meinecke shed a realist light on the subject. Stanley Hoffmann expresses discomfort with a theory that he finds cold, calculated, and only a method of justification rather than a guide to moral development:

> Utilitarianism is better at giving one a good conscience than at providing a compass. . . . The morality of international relations will simply have to be a mix of commands and of utilitarian calculations. The commands cannot be followed at any cost: 'Thou shalt not kill' or 'Thou shalt not lie' can never be pushed so far that the cost clearly becomes a massive disutility to the national interest . . ."[7]

To a degree, Hoffmann's evaluation of utilitarianism is not inconsistent with Lea Campos Boralevi's claim that the principle of utility produces a variety of results, various justifications in a sense, from emancipating colonies in one instance but retaining them in

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[6] F. H. Hinsley, *Power and the Pursuit of Peace*, 81. Hinsley is very clear, however, that Bentham does not entertain the notion of a world state: "For Bentham international integration was not so much unattainable and undesirable as utterly unnecessary . . ."

[7] Stanley Hoffmann, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse: Syracuse University Press, 1981), 43.

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another.[8] She does not consider the varying applications of the principle of utility to be cold and calculating, but the application does not differ from Hoffmann's evaluation. F. Meineke provides a contrast between the idealist and utilitarian, stating: "If he [the statesman] acts out of consideration for the well-being of the State – that is to say, from *raison d'état* – then there at once arises the very obscure question of how far he is guided in doing so by a utilitarian and how far by an idealistic point of view."[9] He states further,

> . . . the advantage of the State is always at the same time blended too with the advantage of the rulers. So *raison d' état* is continually in danger of becoming a merely utilitarian instrument without ethical application, in danger of sinking back again from wisdom to mere cunning, and of restraining the superficial passions merely in order to satisfy passions and egoisms which lie deeper and are more completely hidden.[10]

Utilitarianism is dispassionate, useful and effective. Morality, at least that emanating from a source other than the state itself, is not relevant. That Bentham is not explicitly acknowledged in these passages can be an argument against including these passages in an analysis of his work; the utilitarianism mentioned here has no bearing upon the work of Bentham. It is possible that Hoffmann and Meineke speak to a utilitarianism that is only a by-product of what the founder of utilitarianism originally designed. As much as this may be the case, it is still inappropriate to divorce Bentham entirely from a theoretical perspective that is still fundamentally rooted in the assumptions Bentham laid out. Bentham's connection to the utilitarianism addressed by Hoffmann and Meineke is unavoidable. Further evidence of this can be seen in the chapters to follow. As will be

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[8] See chapter 7 on colonies.

[9] F. Meineke, *Machiavellism: The Doctrine of Raison d'État and its Place in Modern History* (New Haven: Yale University Press, 1957), 3.

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seen, morality devolves from state interest, and actions are carried out only if they are in the interest of the state.

International Relations Theory

Presenting a coherent and consistent elucidation of the many theories of international relations is an onerous task. Little agreement exists as to the delineation of the "traditions" or "paradigms", often making comparison of analyses problematic. Some of the difficulties in international relations theorizing emanate from the terminology used, especially amongst those perspectives offering alternative views to the power politics paradigm of realism. These terms include rationalism, revolutionism, idealism, liberalism, Grotian, Kantian, and cosmopolitanism. When Bentham wrote, he was not concerned with these classifications per se, but responded to his predecessors and contemporaries as if engaged in a type of dialogue with the ideas espoused by each. Nevertheless, these terms have subsequently been used when catergorizing Bentham's ideas. The chapters that follow make regular reference to either realism or liberalism. Liberalism spans a vast array of ideas, encompassing and combining works that would otherwise merit important distinctions. For this reason, it is useful to break this vast body of ideas down into rationalism and idealism, both indicating a particular stream of thought within the liberal tradition. Rationalism is often the system of thought equated with liberalism, accounting for the arguments in favour of international law. Including

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[10] Ibid., 7.

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"idealism" as a concept of liberalism, however, reflects those ideas that originated in the works of eighteenth and nineteenth-century writers and were so influential during the interwar years of the twentieth century, especially regarding the role of the individual and public opinion, and promoting unfettered trade practices. Dividing liberalism into the two streams of rationalism and idealism makes us more aware of the vast array of ideas that currently reside within the overarching umbrella of liberalism, and allow us to make finer distinctions between these ideas.

Certain distinctions in international relations thinking were discernable at the time Bentham wrote, as he periodically distinguished his work from the likes of Machiavelli, Vattel, and Abbé Saint-Pierre; according to Bentham, his work was unlike that of any of his predecessors. To provide a sense of the debates already at play by the time of his writing, some central features of the realist, idealist, and rationalist traditions are presented, focussing on the works that were either identified by Bentham, or have been associated with his work. Bentham did not delineate between thinkers through a notion of traditions, but he is nonetheless clear about fundamental distinctions between different writers. Machiavelli and Hobbes contribute to, and exemplify, crucial facets belonging to the realist tradition, Grotius and Vattel do the same for the rationalist tradition, and Kant and Abbé Saint-Pierre the idealist.[11] Although the traditions are by no means limited to the works to follow, Machiavelli, Kant, and Grotius are chosen to represent some key

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components of realism, idealism, and rationalism respectively. It is against the backdrop of the work of these thinkers and their theoretical traditions that Bentham's work should be evaluated in the chapters to follow. The result should be a better understanding of how, or even if, Bentham can be situated comfortably within one or the other tradition.

Realism

> If a man calculates badly, it is not arithmetic which is in fault; it is himself. If the charges which are alleged against Machiavel are well founded, his errors did not spring from having consulted the principle of utility, but from having applied it badly.[12]

> But it is in fact an essential part of the spirit of *raison d'état* that it must always be smearing itself by offending against ethics and law; if in no other way, then only by the very fact of war--a means which is apparently so indispensable to it, and which (despite all the legal forms in which it is dressed up) does signalize the breaking down of cultural standards and a re-establishing of the state of nature. . . .the State--although it is the very guardian of law, and although it is just as dependent as any other kind of community on an absolute validity of ethics and law, is yet unable to abide by these in its own behaviour.[13]

> [T]he end justifies the means.[14]

In international relations, the "end justifies the means" is taken to suggest that a state is free to pursue any action it deems necessary to ensure its survival. Unlike Hugo Grotius (1583-1645) or Immanuel Kant (1724-1804), who both identified a moral code, through

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[11] Bentham does not make any mention of Kant, but Kant's work is often considered the definitive contribution to idealism in the later 1700s (so much so that the idealist tradition is also referred to as "Kantian"), and Bentham's work has likewise been compared with that of Kant.

[12] J. Bentham, *The Theory of Legislation* (London: Kegan Paul, Trench, Trubner & Co. Ltd. 1931) 16.

[13] Meinecke, p. 12-3.

[14] Machiavelli, *The Prince And the Discourses* with an introduction by Max Lerner (New York: The Modern Library, 1950), p. 66.

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natural law, that regulated state behaviour, Niccolò Machiavelli (1469-1527) did not acknowledge an abstract morality divorced from state interests.

If a moral code dictates state action, it is a morality of the state.[15] Realist thinking refuses to be contingent upon a moral code emanating from anything other than the tangible needs of the state. To do otherwise leaves the state vulnerable. To protect the state, Machiavelli defined common good modeled on the "ancients", in that they "honour and reward *virtù*; value good order and discipline in their armies, oblige citizens to love one another, to decline faction, and to prefer the good of the public to any private interest. . ."[16] The unchanging characteristics of human nature play a central role in Machiavelli's, and realist, reasoning: "Wise men say, and not without reason, that whoever wishes to foresee the future must consult the past; for human events ever resemble those of preceding times. This arises from the fact that they are produced by men who have been, and ever will be, animated by the same passions, and thus they must necessarily have the same results."[17] As a result, Machiavelli wanted to control human passion, and engender *virtù* through an education of discipline.[18] This could be accomplished through a balance between two central human motivations: love and fear.[19] The sovereign could not be too beloved for fear of generating feelings of disrespect, but also could not be too harsh, for fear of incurring the hatred of the people, and likewise destroying the state.

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[15] Charles Beitz (*Political Theory and International Relations*) argues against the notion of an "alternative" morality, whereas Stanley Hoffmann acknowledges Machiavelli's position: "Machavelli's whole work is based on the contrast between ordinary Christian ethics and the ethics of statecraft, which entails doing whatever is necessary for the good of the country—not an 'immoral' code of behaviour, except by Christian standards, but a different code of morality." (*Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics*, Syracuse: Syracuse University Press, 1981, 23)

[16] Machiavelli, *The Art of War* with an introduction by Neal Wood (New York: Da Capo Press, 1990), p. 12.

[17] *Discourses*, III, 43; p. 530.

[18] *Art of War*, p. 61.

[19] *Discourses*, III, 21; p. 474.

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To protect the state, Machiavelli designed an armed force that works closely with the political interests of the state.[20] This force would be drawn from the people of the state, and would only be active during times of conflict, since no person should depend on war and aggression for a livelihood. Through order and discipline the common citizen becomes part of a unified and committed team, devoted to the preservation of the state:

> So that by establishing a good and well-ordered militia, divisions are extinguished, peace restored, and some people who were unarmed and dispirited, but united, continue in union and become warlike and courageous; others who were brave and had arms in their hands, but were previously given to faction and discord, become united and turn against the enemies of their country those arms and that courage which they used to exert against each other.[21]

An armed force remunerated to be always at the ready, in other words a standing army, is ill advised. The necessary passions of loyalty and devotion to the state, apparent in a militia, cannot exist in a force that is paid to go to war, where greed becomes the overriding force.

Discipline and order engender *virtù*, as do regular confrontations with other states, bringing each state back to its first principles. A "community of states" is not plausible, according to Machiavelli, if a state intends to remain faithful to *virtù*; such a community encourages weakness and complacency within each member state. It is advisable, however to seek profitable alliances, and avoid neutrality.[22]

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[20]*Art of War*, p. 3-4.

[21]*Art of War*, p. 41. Machiavelli also looks to religion as an effective tool in instilling order and discipline, but excludes the Christian Church in this regard, as Christianity encourages inward reflection and the life hereafter, as opposed to being concerned with worldly concerns of state preservation. (*The Prince*, xxv, 91) Pagan religions possessed the qualities Machiavelli recognized would inspire the people to secure the state. (*Discourses*, I, 14; 156) Religion gave the troops new hope when the old disappeared, united them to "obey wholly one government," kept them disposed to any enterprise, and compelled the people to submit to the good laws, which if not enforced properly by the governor, the governor could resort to including "divine authority." (*Discourses*, I, 12:152; 13:153; 11:147)

[22] Neither victor nor vanquished have cause to trust a sovereign that does not lend its support. *Prince*, xxi, 83, 84.

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Not hindered by the prospect of war, Machiavelli still cautions against reckless behaviour, especially as regards expense. He debunks the notion that finances are the "sinews of war."[23] There is no advantage to engaging the enemy when relying solely on money, since: ". . . gold alone will not procure good soldiers, but good soldiers will always procure gold."[24] The progress of commerce dulls *virtù*, and if left unchecked could become an ill of the state. Though Machiavelli acknowledges the need for money and provisions during a conflict, the most important elements are men and arms.[25] Commerce breeds pacifism, leaving the militia and its *virtù* unattended, which is deterimental to the state.

State security ultimately relies upon the masses, and the sovereign must balance fear with judicious care for his people, to inspire loyalty to the state.[26] To best gain the confidence of the people, the sovereigns must behave with continence and justice, where "the general must resort to such means as will expose him and his men to the least danger," and discourage "perfidy, which breaks pledged faith and treaties; for although states and kingdoms may at times be won by perfidy, yet will it ever bring dishonour with it." [27] Machiavelli does not make way for brutal tyrants, nor perceives the masses as helpless and disposable. Careless and reckless behaviour as a sovereign inevitably leads to state insecurity. Machiavelli looks to the power of the masses, controlled by a strong military education, to secure the state. State power and survival dominate the Machiavellian

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[23]*Discourses*, II, 10. p. 309.
[24]Ibid., p. 310.
[25]*Art of War*, p. 204.
[26]And if they (the sovereigns) do need to use a lot of violence, they ought to do it as quickly as possible, and ensure that they are not saddled with the blame. *The Prince*, Chap. 19; p. 69-70.
[27]*Art of War*, 179, 95; *Discourses*, III, 40: 526.

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scheme, where reliance upon community interests is unwise.[28] International relations is a realm dominated by a negative condition of anarchy and riddled with conflict.

Liberalism - Idealism

Immanual Kant's *Perpetual Peace* is often used as the measure of idealist thinking, its defining features composed of Kant's preliminary and definitive articles: 1) concluding peace cannot include secretly harbouring the possibility of future wars; 2) prohibiting state acquisition through inheritance, exchange, purchase or donation; 3) eventual abolition of standing armies; 4) prohibition of national debt accumulation through external affairs; 5) mutual non-intervention; and 6) elimination of gratuitous violence during wartime, so as to preserve future mutual confidence.[29] Peace must be guaranteed through law in the form of a concord among people.[30] To achieve this goal, each state must be republican, ensuring that all individuals live with freedom and equality. This places decision-making power, especially with regard to war, in the citizen's responsible hands.[31] While the individual seeks peace through the mechanisms of the republican

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[28]Thomas Hobbes mirrors some of these views, and is equally an influence in Bentham's international perspective. Seeking self-preservation and fearful of violent death resulting from the chaotic and anarchic state of nature, Hobbes finds refuge under the wing of an awe-inspiring and powerful sovereign: "Hobbes's doctrine of the three great motives of war--gain, fear, and glory--is an amplification of the account given by Thucydides. . . fear--not in the sense of an unreasoning emotion, but rather in the sense of the rational apprehension of future insecurity--[i]s the prime motive, a motive that affects not only some states some of the time, but all states all of the time . . . that inclines mankind toward 'a perpetual and restless desire of power after power, that ceaseth only in death." (Hedley Bull, "Hobbes and the International Anarchy," *Social Research*, Vol. 48, 1981, 721-2). States interact with each other within a lawless condition: they behave according to the necessity to survive, in a manner consistent with such a condition. Individual self-preservation is addressed through enforced and coercive laws set by the sovereign, but relations between sovereigns are not regulated in the same way. The laws of nature are all that exist between sovereign states, where uninhibited liberty reigns, and where "every man, ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek , and use, all helps, and advantages of war." (Thomas Hobbes, "Leviathan" in *International Relations and Political Theory*, ed. Howard Williams, et.al., Vancouver: UBC Press, 1993, 95).

[29] Kant, *Perpetual Peace*, in Hans Reiss, ed. *Kant: Political Writings* (Cambridge: Cambridge University Press, 1970). 93-7.

[30]Ibid., p. 108.

[31]Ibid., p. 100. As Kant further elaborates, republicanism does not necessarily mean democratic. Democracy has the tendency to produce the evil of tyranny over the majority, whereas Republicanism separates the executive power from the legislative. In actuality, the monarchy is best suited for this system, since the fewer individuals in executive power the better.

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state, each republican state is drawn to the other to constitute a federation, making firm the foundation for peace.

Through a *covenant of peace* it is hoped that war can be eliminated, not just postponed, or mitigated through laws of war. Republican states are inclined toward perpetual peace, and are most likely to form a federation, supported by international law. Because of the uniform, republican values shared among the states, coercive law becomes unnecessary:

> For if by good fortune one powerful and enlightened nation can form a republic (which by its nature inclined to seek perpetual peace), this will provide a focal point for federal association among other states. These will join up with the first one, thus securing the freedom of each state in accordance with the idea of international right, and the whole will gradually spread further and further by a series of alliances of this kind.[32]

Safe travel, commerce, and open communication is encouraged by, and facilitates good offices between states by bringing "the human race nearer and nearer to a cosmopolitan constitution."[33]

Kant considers union between republics possible since the fundamental and shared values are a reflection of the moral awareness achieved through Nature and reason. Nature has placed human beings on a predetermined path shaped by historical process, making humanity increasingly morally aware and active over time, occuring regardless of human will.[34] War is also part, albeit a *primitive* stage, of this historical development.[35] As time progresses, "Nature comes to the aid of the universal and rational human will" and "irresistibly wills" human beings to place rights and morality *a priori* over evils.[36] States

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[32]Ibid., 104.
[33]Ibid., 106.
[34]Ibid., 108, 110.
[35]Ibid., 110-12.
[36]Ibid., 113.

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are naturally willed together as the principles among them blend, linguistic and religious, leading to mutual understanding and peace.[37] The role of Nature is an important feature in Kant's perspective as it guides not only state action, but also individual action – both components are fundamental to the attainment of perpetual peace: "The impulse for progress toward perpetual peace comes largely from the individual: from the moral outrage at the destructiveness of war, from the ability to learn from experience, and from the gradual moral improvement of mankind."[38] This improvement of mankind allows Kant to dare speculate about (acknowledging pitfalls however) the utopian cosmopolis: "And this encourages the hope that, after many revolutions, with all their transforming effects, the highest purpose of nature, a universal *cosmopolitan existence*, will at last be realized as the matrix within which all the original capacities of the human race may develop."[39] Most scholars agree that Kant did not truly endorse the cosmopolis, but a debate still exists.[40] Whether Kant did, or did not, advocate the creation of the cosmopolis, the fact that he was willing to entertain the notion, even fleetingly, illustrates the level of idealism that can be found in Kant's writings. The critical role of the individual, and the power of Nature to compel states and people to band together in the name of peace, defines much about what is idealism.

<u>Liberalism</u> - Rationalism

> There is a third way between Utopianism and despair. That is to take the world as it is and to improve it; to have faith without a creed, hope without illusions, love without God. The Western world is committed to the proposition that rational man will in the end prove stronger and more successful than irrational man.[41]

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[37]Ibid., 114.

[38]A. Hurrell, "Kant and the Kantian paradigm in international relations," *Review of International Studies*, 16 (1990), 202.

[39]*Idea for a Universal History*, Reiss, p. 51.

[40] Andrew Hurrell explores this debate in "Kant and the Kantian paradigm in international relations." *Review of International Studies* 16 (1990): 183-205.

[41]A. J. P. Taylor, *Rumours of Wars* (London: Hamish Hamilton, 1952), p. 262. In Wight, *International Theory*, p. 29.

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> Grotius seems to have been the first who attempted to give the world anything like a regular system of natural jurisprudence, and *De Jure Belli ac Pacis* with all its imperfections, is perhaps at this day the most complete work on the subject.[42]

Hugo Grotius argues that states predominantly follow the "laws common to nations," in the interest of maintaining "the bulwarks which safeguard its own future peace."[43] Justice, too, inclines most states to abide by international law, since such law cannot be enforced by coercion through a higher authority. The state ensures the well being and self-preservation of the individuals within it, but, Grotius argues, laws beyond the state are also necessary because a single state's own resources are sometimes not sufficient for its protection.[44] A community of states becomes an inevitable result of Grotius' assumptions, especially that there must be law connecting the whole human race: "If no association of men can be maintained without law . . . surely also that association which binds together the human race, or binds many nations together, has need of law . . ."[45] Among these laws are the laws of war.

While war is perceived by many realists as a degradation of all social norms and practices, the rationalists, exemplified in this case by Grotius, envision the possibility of war conducted "within the bounds of law and good faith."[46] A just war is not incompatible with civilized behaviour, in that it abides by the laws of war and seeks to rectify any wrongs committed by transgressors. The laws by which just wars can be conducted are rooted in a combination of natural law, and positivist law, or treaties made between states. That natural law allows for just war is plausible as "[i]t is not, then,

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[42] Adam Smith, *Lectures on Justice, Police, Revenue and Arms* (C. 1762-3), ed. E. Cannan (Oxford, 1978), p. I. In Hedley Bull, Benedict Kingsbury and Adam Roberts, (eds), *Hugo Grotius and International Relations*, p. 3.
[43] Hugo Grotius, "De Jure Belli ac Pacis Libre Tres," in H. Williams, *International Relations*, 81, 82.
[44] Ibid., 82.
[45] Ibid., 83.
[46] Ibid.

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contrary to the nature of society to look out for oneself and advance one's own interests, provided the rights of others are not infringed; and consequently the use of force which does not violate the rights of others is not unjust."[47] Grotius does not deny a state the opportunity to protect itself and its interests, as long as it can be shown that these interests are in jeopardy. If so, war is just.

Its foundations lying partially within the *law of nature*, international law plays a dominant role in the relations among states. The natural law of Grotius or the rationalists is not to be equated with that of Hobbes, since Grotian natural law is premised on the concept of social strength and cohesion, whereas Hobbes concentrates on anarchical liberty.[48] Natural law is "the belief in a cosmic, moral constitution, appropriate to all created things including mankind; a system of eternal and immutable principles radiating from a source that transcends earthly power (either God or nature)."[49] It is natural law which is the motivation of human beings to act cordially in society, and care for their fellow person. Therefore treaties and compacts, which are conformable to natural law, are the logical course for international affairs.[50] As a result, rationalists place a heavy emphasis on the role of international law, as it dictates the code of conduct between states and regulates international events, including war.

Preliminary Comments About Bentham's Place in the Traditions

In addition to providing a comprehensive presentation of Bentham's theory of international relations, the chapters that follow will continue to highlight areas in which Bentham is either a "classic" liberal (rationalist or idealist), or strays into the realist

[47] Ibid.
[48] Wight, *International Theory*, 14.
[49] Ibid.
[50] Ibid., xxvii.

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camp. As a rationalist, it is true, Bentham appears to be the most comfortable. Nevertheless he does not occupy this position exclusively. His work on international law and acceptance of "necessary" wars makes Bentham's work comparable to that of Grotius, but the latter's assumptions of natural law and justice at play in the international arena are unquestionably unacceptable in Bentham's framework:

> What is natural to man is sentiments of pleasure or pain, what are called inclinations. But to call these sentiments and these inclinations *laws*, is to introduce a false and dangerous idea. It is to set language in opposition to itself; for it is necessary to make *laws* precisely for the purpose of restraining these inclinations. Instead of regarding them as laws, they must be submitted to laws. It is against the strongest natural inclinations that it is necessary to have laws the most repressive. If there were a law of nature which directed all men towards their common good, laws would be useless; it would be employing a creeper to uphold an oak; it would be kindling a torch to add light to the sun.[51]

There is a significant difference between the fundamental assumptions proffered by the rationalist and idealist traditions as exemplified by Grotius and Kant, and the assumptions that underlie Bentham's beliefs about, and designs for, the international realm. Bentham's reliance on self-interest as opposed to justice and natural law detracts from assumptions of externally enforced moral behaviour, and moves Bentham closer to the realist tradition.

At other times Bentham is the obvious idealist; his initial enthusiasm for the force of public opinion surpasses even Kant's beliefs in the power of the individual. As will be seen in subsequent chapters, Bentham was not shy about presenting visionary proposals,

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[51] J. Bentham, *The Theory of Legislation*, 83.

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even when he makes pains to argue that they are not visionary at all. Visionary though some of his ideas are, Bentham's place as an idealist, although plausible, is not very compelling when examining these same ideas further. We could say, on the one hand, that because Bentham highlighted the significance of public opinion as a way to reduce the chance of war, he is an idealist, and then say no more. On the other hand we could say that Bentham looked to public opinion to temper war, but in the end he could not reconcile his desire for greater individual participation in international affairs, with the interests and sovereignty of states. The latter conclusion reflects not only a deeper analysis of Bentham's work, but also reflects the tension Bentham experienced in trying to balance "progressive" ideas with important security concerns.

Bentham's concerns about security becomes very important when trying to understand his apparent contradictory statements on issues upon which we believe we "know" Bentham's views and take for granted. Bentham is surprising in his less understood, but not insignificant, views in a realist vein. Primarily as a result of his need to meet security concerns, Bentham is no less a utilitarian than those that Meineke speaks of, and no less a realist. Since this side of Bentham is rarely, if ever, explored, it is the side that requires so much proof to substantiate. What types of claims or suggestions has Bentham made that challenge premises that we have considered "rules of thumb" where Bentham's work is concerned? Bentham's work on the emancipation of colonies is well known, on the grounds that colonies are a burden on the mother country and oppressive to the peoples

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that are colonized. What follows is Bentham's argument, but contradicting his well-known pleas for colonial emancipation:

> This principle [of not permitting Governors to remain a long time in the same District] has a particular application to important commands in distant provinces, and especially those detached from the body of the empire.
> A governor armed with great power, if he is allowed time for it, may attempt to establish his independence. . . . The disadvantage of rapid changes consists in removing a man from his employment so soon as he has acquired the knowledge and experience of affairs. . . . This inconvenience would be palliated by the establishment of a subordinate and permanent council, which should keep up the course and routine of affairs. What you gain is the diminution of a power, which may be turned against yourself; what you risk is a diminution in the skill with which the office is executed. There is no parity between the dangers, when revolt is the evil apprehended.
> To avoid giving umbrage to individuals, this arrangement ought to be permanent. . . . The want of a permanent arrangement of this sort, is plainly the cause of the continual revolutions to which the Turkish empire is subject; and nothing more evidently shows the stupidity of that barbarous court.
> If there is any European government which ought to adopt this policy, it is Spain in her American, and England in her East Indian establishments.[52]

For fear of revolt, strict control of the distant dependency is required, not emancipation, so much so that the colonizing sovereign does not even trust its own to govern the colony – not for an extended period of time anyway. Bentham's rationalization, in this example, is consistent with the "cold and calculating" nature of utilitarianism, but is certainly the less familiar side of Bentham to international relations scholars.

This side is less familiar to those studying international relations, but not so to those arguing the "authoritarian" versus the "liberal" in Bentham's political theory as a

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[52] J. Bentham, *The Theory of Legislation*, 453-4.

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whole.[53] Part of the authoritarian analysis is based on Bentham's contribution to the "enlightenment project to construct rationally grounded institutions and policies to education, condition and/or direct humankind to the end of optimizing personal and public well-being."[54] If this is the case, the authoritarian label can be placed upon Kant, as well as Bentham. Both design a scheme by which, through education and legislation, a better political system results. A central difference, however, is that Bentham's scheme depends on interest, whereas Kant's depends on Nature. Nature inevitably leads humanity towards progress, whereas interest, if defined by each individual, will not necessarily do so. Bentham tries to direct human interest via legislation, attempting to articulate the greatest happiness for the greatest number that inevitably conflicts with and restricts individual interest.[55] Nonetheless, without the "guarantee" that Nature provides, Bentham's scheme does not always lead "forward". Bentham's reliance upon the security of expectation can explain this and the other "inconsistencies" in Bentham's writing in international relations. These inconsistencies are frequent enough to warrant comment from those studying Bentham's work, and are too meaningful to pass over without second thought. The inconsistencies do not negate Bentham's contributions to liberalism, either the rationalist or idealist stream, but they do merit consideration, and a re-evaluation of the validity of understanding Bentham's work through only the liberal lens.

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[53] The "authoritarian" can be equated with international relations realists as the attention is given to the need to address security concerns above all else. Bentham becomes, according to this argument, no different than Hobbes.

[54] Crimmins, 752.

[55] Arblaster, 352.

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Bentham's contribution to the theory of international relations has been treated awkwardly at best. His work has not been ignored in international relations literature; quite the opposite, as some of the most recent works, such as Stephen Conway's many articles on Bentham's writings on peace and war, Michael W. Doyle's *Ways of War and Peace*, and Torbjørn L. Knutsen's *A History of International Relations Theory*, pay homage to the important ideas Bentham set forth in *A Plan for an Universal and Perpetual Peace*.[56] Featured in all of these commentaries are the well known arguments taken from *Plan*. Doyle interprets Bentham's work as a completion of John Locke's view of international peace, and states that "Bentham . . . effectively addresses ways to overcome the "Inconveniences" that plagued Lockean international politics."[57] Doyle acknowledges Bentham's distance from Locke in relying on natural rights as the explanatory tool, as well as rationale, for moral conduct in the international realm. Beyond that, however, Doyle claims that Bentham recognized the same problems as did Locke, identifying:

> (1) Ignorance and bias in information, (2) partiality and negligence in adjudication, and (3) weakness and fear in execution reflect and then shape all politics, but they are particularly prevalent in the interstate condition.[58]

Doyle, like Knutsen and Conway, then examines Bentham's famous essay, *A Plan for an Universal and Perpetual Peace*, and details important highlights, especially as regards

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[56] See Stephen Conway, "Bentham on Peace and War," *Utilitas*, i (1989), 82-101; "Bentham and the British Peace Movement," *Utilitas*, ii (1990) 221-243, "Bentham versus Pitt: Bentham and British Foreign Policy 1789," *The Historical Journal*, 30, 4 (1987), 791-802.
[57] Doyle, 226.

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the maintenance of peace, and the function of disarmament and an international court as integral to peace. Though Doyle and Conway are alert to various contradictions in Bentham's writing on international affairs, neither views such contradictions as important enough to warrant further examination. As such, the current literature presents little evidence, and certainly no argument, that Bentham's contributions to liberal international relations theory are less solid than they have thus far appeared.

A different presentation of Bentham's work is offered here. Through each chapter the efficacy of the various theoretical traditions as they pertain to Bentham's work is shown to be tenuous. Bentham, for good or for bad, cannot be so easily categorized. The following chapters examine Bentham's theory of international relations, beginning with his views on sovereignty, which sets the foundation for the rest of Bentham's international writings. Where Bentham stands on the issue of sovereignty speaks to the sort of authority each state has in the international system, and how that authority is wielded. Although Bentham has moments where he envisions cooperation between states that suggests a disdain for sovereignty, he ultimately cannot relinquish the security found in the absolute sovereignty of each state.

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[58] Ibid.

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Chapter 4

Bentham and Sovereignty

> One cannot talk properly about international relations before the advent of the sovereign state.[1]

Jeremy Bentham agreed. The emancipation of colonies, the Public Opinion Tribunal, international law - everything that Bentham wrote regarding international relations assumed the sovereign state to be fundamental. The state, and the power it wields, has been a source of controversy since its emergence, evidenced by the works of Bodin, Machaivelli, Hobbes, Rousseau, and others.[2] Previous scholarship has examined Bentham's work on sovereignty from the domestic sphere, but little has been done from the international vantage point, even though the importance of sovereignty to Bentham's international writings is clear. The influence of Hobbes is evident in his work, but Bentham is also considered to be a contributor to the doctrine of sovereignty in his own right.[3] Bentham rejects the foundation of sovereignty in the form of a contract between the people and a supreme ruler, but the results of his analysis do not differ extensively from the absolute nature of sovereignty identified by Hobbes.[4]

> Bentham's position was, then, that the power of the governing body, though practically capable of limitation, through the operation of the causes which

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[1] Martin Wight, *International Theory: The Three Traditions* (Leicester: Leicester University Press. 1991), 3.
[2] Ibid; C. E. Merriam, *History of the Theory of Sovereignty Since Rousseau* (New York: Columbia University Press), 1900; F. H. Hinsley, *Sovereignty* (London: C. A. Watts & Co. Ltd), 1966.
[3] Merriam, 131. Merriam claims that Bentham was a "leader in the new movement" in defining sovereignty.
[4] Ibid., 133.

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determine the degree of obedience, was theoretically outside of any and all limitation or restriction whatsoever.[5]

This chapter will briefly review Bentham's better known work on sovereignty, but will also include a heretofore neglected international essay, *Persons Subject* (published as *Of Subjects, or of the Personal Extent of the Dominion of the Laws*), to provide a more thorough evaluation. The inclusion of this essay will also reveal the importance of the security of expectation in the determination of sovereignty, as well as offer some explanation towards the current confusion surrounding Bentham's views on the subject. As there are varying interpretations of Bentham's view of sovereignty, there can be likewise varying conclusions about Bentham's design on the international realm. This chapter on sovereignty hopes to bring clarity to the issue, especially as it is necessary to any discussion on Bentham's work on international relations.

A Fragment on Government was published in 1776, the first time readers were exposed to Bentham's views on sovereignty.[6] According to J.H. Burns, it is the work that dictates Bentham's place in the traditional history of the idea of sovereignty.[7] In *Fragment*, Bentham argues against William Blackstone's[8] use of the term "society", and although his intention is not to define sovereignty per se, Bentham endows one type of society with sovereignty, but does not extend the same privilege to another. As a result, two very different "societies" are distinguished from each other:

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[5] Ibid.
[6] J. Bentham, *A Fragment on Government* (Cambridge: Cambridge University Press), 1988. Hereafter referred to as *Fragment*.
[7] J. H. Burns, "Bentham on Sovereignty: An Exploration," *Northern Ireland Legal Quarterly*, Vol. 24, No. 3, Autumn 1973, 399.
[8] Bentham's *Fragment* is meant to be a critical commentary on the legal commentaries of Sir William Blackstone, a prominent legal thinker of Bentham's era.

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> Let us try whether it be not possible for something to be done towards drawing the import of these terms out of the mist in which our Author [Blackstone] has involved them. The word 'SOCIETY', I think it appears, is used by him, and that without notice, in two senses that are opposite. In the one, SOCIETY, or a STATE of SOCIETY, is put *synonymous* to a STATE of NATURE; and stands *opposed* to GOVERNMENT, or a STATE OF GOVERNMENT: in this sense, it may be styled, as it commonly is, *natural* SOCIETY. In the other, it is put *synonymous* to GOVERNMENT, or a STATE OF GOVERNMENT; and stands *opposed* to a STATE OF NATURE. In this sense it may be styled, as it commonly is, *political* SOCIETY. Of the difference between these two states, a tolerably distinct idea, I take it, may be given in a word or two.[9]

Bentham differentiates between natural and political society such that the former lacks government whereas the latter is synonymous with it, and he further differentiates between the two on the basis of a "habit of obedience" versus a "habit of conversancy":

> The idea of a natural society is a *negative* one. The idea of a political society is a *positive* one. 'Tis with the latter, therefore, we should begin.
>
> When a number of persons (whom we may style *subjects*) are supposed to be in the *habit* of paying *obedience* to a person, or an assemblage of persons, of a known and certain description (whom we may call *governor* or *governors*) such persons altogether (*subjects* and *governors*) are said to be in a state of *political* SOCIETY.
>
> The idea of a state of *natural* SOCIETY is, as we have said, a *negative* one. When a number of persons are supposed to be in the habit of *conversing* with each other, at the same time that they are not in any such habit as mentioned above, they are said to be in a state of *natural* SOCIETY.[10]

The political society has a governor dictating and enforcing law to the other members of the community, or the "subject many". The natural society lacks a governor, disabling any opportunity for the members of that community to be coerced into particular types of behaviour. The natural society does not exclude, however, the possibility of voluntary action as Bentham's definition of "habit" shows: "A *habit* is but an assemblage of *acts*: under which name I would also include, for the present, *voluntary*

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[9] *Fragment*, 39-40.
[10] Ibid., 40.

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forbearances."[11] In a natural society, the members of the community may not be coerced to behave in one manner as opposed to another, but they can voluntarily relinquish or assume responsibility as they see fit. That action is voluntary presupposes a supreme authority, or sovereignty, residing within each member of the natural community, but this point is not explored.

Bentham also recognizes the possibility that a *governor* of one community can, at the same time, be part of the *governed* of another community. The result is a federation:

> In the same manner we may understand, how the same man, who is *governor* with respect to one man or set of men, may be *subject* with respect to another: how among governors some may be in a *perfect* state of *nature*, with respect to each other: as the KINGS of FRANCE and SPAIN: others, again in state of *perfect subjection*, as the HOSPODARS of WALACHIA and MOLDAVIA with respect to the GRAND SIGNIOR: others, again, in a state of manifest but *imperfect subjection*, as the GERMAN STATES with respect to the EMPEROR: others, again, in such a state in which it may be difficult to determine whether they are in a state of *imperfect subjection* or in a *perfect* state of *nature*: as the KING of NAPLES with respect to the POPE.[12]

Even though Bentham accounts for the possibility of federation, he does not dismiss the relevance or importance of the supreme authority: "The authority of the supreme body cannot, *unless where limited by express convention*, be said to have any assignable, any certain bounds."[13] Bentham argues against Blackstone's claim that it is not only the "right" of the supreme authority to make laws, it is also the "duty" of the same. Bentham states that it is impossible that the supreme authority be duty bound to do anything; if it were it would no longer be supreme.[14] He argues that a supreme authority

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[11] Ibid., n.
[12] Ibid., 44.
[13] Ibid., 98. Bentham states that "That to say there is any act they *cannot* do,--to speak of anything of theirs as being *illegal*,--as being *void*;--to speak of their exceeding their *authority* (whatever be the phrase)—their *power*, their *right*,--is, however common, an abuse of language." (Ibid.)
[14] Ibid., 110.

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can be nothing short of absolute, which is reminiscent of the Hobbesian position, but a difficulty obviously exists if the supreme authority is capable of relinquishing some power as in the federal example.[15] If Bentham qualifies his definition of sovereignty to include a divide in supreme authority, how is this manifested on the international stage?

In *Introduction to the Principles and Morals of Legislation* (1780) sovereignty is still qualified; it cannot be universally applied as something inevitably and necessarily absolute.[16] Bentham abandons his concern over divided sovereignty in his concurrent and subsequent writings. In *Theory of Legislation* (1782) Bentham defines sovereignty simply:

> We ordinarily give the collective name of government to the whole assemblage of persons charged with the different political functions. There is commonly in states *a person* or *a body of persons* who assign and distribute to the members of the government their several departments, their several functions and prerogatives, and who have authority over them and over the whole. The person or the collection of persons which exercise this supreme power is called the *sovereign.*[17]

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[15] Although the supreme power is divided, sovereignty still exists.

[16] Bentham states: ". . . the total assemblage of persons by whom the several political operations above mentioned come to be performed, we set out with applying the collective appellation of *the government.* Among these persons there *commonly** is some one person, or body of persons whose office it is to assign and distribute to the rest their several departments, to determine the conduct to be pursued by each in the performance of the particular set of operations that belongs to him, and even upon occasion to exercise his function in his stead. Where there is any such person, or body or persons, *he* or *it* may, according as the turn of the phrase requires, be termed *the sovereign*, or the *sovereignty.*
(* I should have been afraid to have said *necessarily.* In the United Provinces, in the Helvetic, or even in the Germanic body, where is that one assembly in which an absolute power over the whole resides? where was there in the Roman Commonwealth? I would not undertake for certain to find an answer to all these questions.)" *An Introduction to the Principles and Morals of Legislation* (New York: Hafner Publishing Co., 1965), 217-18.

[17] J. Bentham, *The Theory of Legislation*, 243. Much later in his *Constitutional Code* Bentham states that "the sovereignty is in *the people*. It is reserved by and to them. It is exercised, by the exercise of the Constitutive authority." Although sovereignty is placed in the people of the state, it is exercised on their behalf by the government, and supreme authority is still exercised. (*Constitutional Code*, 25)

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In this definition Bentham does not delineate between varying levels of sovereignty, and his primary concern is the security of the state *vis-à-vis* offences against the sovereign. In *Of Laws in General* (1782), the definition becomes clearer as Bentham states that terms such as "illegal" or "void" have no bearing upon the sovereign body or legislature.[18]

> It follows that the mandate of the sovereign be it what it will, cannot be illegal; it may be cruel; it may be impolitic; it may even be unconstitutional . . . but it would be perverting language and confounding ideas to call it *illegal*: for concessions of privileges are not mandates: they are neither commands nor countermands: in short they are not *laws*. They are only promises from the sovereign to the people that he will not issue any law, any mandate, any command or countermand but to such or such an effect, or perhaps with the concurrence of such or such persons. In this respect they are upon the footing of treaties with foreign powers. They are a sort of treaties with the people. It is not the people who are bound by it, it is not the people whose conduct is concerned in it, but the sovereign himself; in as far as a party can be bound who has the whole force of the political sanction at his disposal. The force then which these treaties have to depend upon for their efficacy is what other treaties have to depend upon, the force of the moral and religious sanctions.[19]

The power of the sovereign is absolute. The only way in which a sovereign can be bound by any covenant is if it chose to do so in the first place. In the event that one sovereign decides to take on certain obligations, its successor, according to Bentham, need not necessarily do the same. Sovereignty is determined through expectation; covenants are only binding on the new sovereign if it chooses, and only if the covenant has been present for an extended period of time will the expectation be that the new responsibilities will be assumed.[20] The same principle applies in the cases of treaties with foreign powers:

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[18] Burns, 402.
[19] *OLG*,
[20] *Of Laws in General* (*OLG*) (Athlone Press: London, 1970), 65.

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> A treaty made by one sovereign with another is not itself a law; from which indeed it is plainly distinguished by the definition we set out with giving of the word *law*. It has an intimate connection however with the body of laws, in virtue of its being apt to be converted by construction into an actual law or set of laws, and at any rate from the expectation it affords of the establishment of express laws conformable to stipulations of which it is composed.[21]

The security of expectation plays the pivotal role in determining the extent and breadth of sovereign power. Expectation justifies the status quo, upon which Bentham often relies. The object is to initiate reform through common practice, requiring such initiatives to be introduced well in advance of implementation so that those affected by the reform will not react adversely. Bentham uses a classically conservative methodology whereby all those affected must first become accustomed to the features of the covenants and agreements for the latter to achieve credibility and legitimacy.

Bentham's work on sovereignty has inspired an informative and insightful essay by H. L. A. Hart, in which he displays the depth of Bentham's arguments, indicating how and why Bentham tried to divide sovereign power in some instances but not in others, and acknowledges that Bentham's ideas could often be confusing and inconsistent.[22] In *Bentham on Sovereignty*, Hart examines Bentham's views on sovereignty, especially as they are often thought to have influenced John Austin.[23] Hart explains that, in some cases, Bentham was not so adamant about distinguishing a supreme authority, and that

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[21] *OLG*, 16.
[22] See H. L. A. Hart "Bentham on Sovereignty," *The Irish Jurist*, 1967. F. H. Hinsley noted that Bentham made important contributions to the idea of dividing sovereignty, but he still relied on the supreme authority of the state when looking to matters of international concern (Hinsley, 157). J. H. Burns has provided a survey of some of Bentham's most important ideas on sovereignty in his article, "Bentham on Sovereignty: An Exploration," *Northern Ireland Legal Quarterly*, Vol. 24, No. 3, Autumn 1973.
[23] H. L. A. Hart, 399. Burns follows with a survey of Bentham's work on sovereignty in his article, *Bentham on Sovereignty: An Exploration.*

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he argued it was possible to ensure that one position was not the source of ultimate power and authority in the state.

Hart shows that Bentham had difficulty with the idea of a sovereign endowed with absolute power; with such power, an authority stands to abuse those whom are obliged to obey it. To safeguard against such abuse in the domestic setting, Bentham attempts to divide sovereign power, even recognizing the possibility of "a constitution providing for two or more omnipotent or sovereign legislatures."[24] Bentham refers to the Roman Republic, whereby "two independent legislative bodies the *comitia centuriata* and the *comitia tributa* each possessed full and absolute authority."[25] Although Hart alerts us to the fact that, for Bentham, the sovereignty of the state does not have to reside in one all-powerful entity, but can be limited (through the executive and judicial branches of government, for example), there still remains the difficulty of external sovereignty. Bentham attempts to mitigate the power of the sovereign with reference to the subject many who are bound to obey it, but he alludes to a more finite, less fluid, definition that is ultimately required from the international vantage point. Upon the threat of external hostility, or even in the event of a national response, there is a power that speaks, in its entirety, for the state.

The difficulty of isolating Bentham's definition of sovereignty can be attributed to his concern for security. Bentham's "limited" sovereignty appears to provide an alternative to the Hobbesian notion of absolute sovereignty, the same concept that Austin claims is

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[24] Hart, 329.
[25] Ibid.

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missing from Bentham's work. Austin looks to Chapter I of *Fragment* for a definition and is dissatisfied when it is apparent that Bentham does not explicitly state that "the superior generally obeyed by the bulk of generality of the members must not be habitually obedient to a certain individual or body."[26] Although Hart reveals the complex and nuanced nature of sovereignty as Bentham saw it, he does not adequately address Austin's problem, nor that of the international relations scholar. The international realm presupposes that the "habit of obedience", to use Bentham's phraseology, is finite and is not applicable beyond the state level. This does not eliminate the possibility of a "habit of conversancy", but such a conversation is by no means binding, and certainly does not imply obedience in the same sense that obedience is required within the state by the subject many.

Neither Hart, nor J. H. Burns in his survey of Bentham's work, explored the notion of sovereignty in Bentham's international writings, but if they had, one of Bentham's 1786 essays known as *Persons Subject*, could have contributed a different dimension to their research. Bentham not only provides a sense of what he means by sovereignty, but also offers a further explanation of the complexity of his view. *Persons Subject* distinguishes between dominion, or the supreme authority, and jurisdiction: "correspondent to one field of dominion there may be many fields of jurisdiction."[27] The dominion remains the purview of the sovereign whereas jurisdiction is the purview of the judge. Each jurisdiction has autonomous responsibilities, but overall is still contained within the dominion of one sovereign, hence the possibility of one dominion containing many

[26] John Austin, *The Province of Jurisprudence Determined* (1832), 220; provided by Burns, 400-401.
[27] UCxxv.10; Bowring, ii, 540.

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fields of jurisdiction. The dominion embodies the supreme authority, and it is dominion that becomes important when understanding issues of international concern.

The purpose of *Persons Subject* is to determine the meaning and extent of dominion. Bentham's discussion of sovereignty more or less assumes supreme, boundless, authority without stating it outright. Bentham identifies the sovereign on the basis of his ability to cause harm to others, who otherwise cannot do the same to him.

> A sovereign is stiled such in the first instance in respect of the persons whom he has the right or power to command. Now the right or legal power to command may be co-extensive with the physical power of giving force and effect to the command, that is by the physical power of hurting; the power of *hyper-physical* contrectation employed for the purpose of hurting. But by the possibility every sovereign may have the power of hurting any or every person whatsoever: and that not at different times only, but even at one and the same time. According to this criterion then, the sphere of possible jurisdiction is to every person the same. But the problem is to determine what persons ought to be considered as being under the dominion of one sovereign and what [others] under the dominion of another: in other words, what persons ought to be considered as the subjects of one sovereign, and what as the subjects of another.[28]

Bentham establishes the relationship between the individual and state, when and how the individual is obliged to pay obedience to one sovereign versus another, and over whom the sovereign has power: "The question is to what sovereign a given individual is subject in a sense in which he is not subject to any other."[29] Such a determination, Bentham notes, entails territorial dominion:

> The circumstance of territorial dominion, dominion over land, possesses the properties desired. It can seldom happen that two sovereigns can each of them with equal facility the other being unwilling traverse the same extent of land. That sovereign then who has the physical power of occupying and traversing a given tract of land, insomuch that he can effectually and safely traverse it in any direction at pleasure at the same time that against his will another sovereign can

[28] UCxxv.10; Bowring, ii, 540.
[29] UCxxv.13; Bowring, ii, 541.

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> not traverse the same land with equal facility and effect can be more certain of *coming at* the individual in question than such other sovereign can be, and may therefore be pronounced to have afflictive power over all such persons as are to be found upon that land; and that a higher afflictive power than any other sovereign can have. And hence the maxim, dominion over person depends upon dominion over land.[30]

Bentham makes clear that sovereignty consists of one supreme power having ultimate authority over a given piece of land, the persons residing upon that land, ruling out any possibility that another sovereign may lay equal claim upon either the same piece of land, people, or both. This contradicts earlier admissions that sovereignty can be divided, but Bentham's delineation between sovereignty and jurisdiction partially alleviates the problem. It is clear in *Persons Subject* that a supreme authority, residing in the state, must exist.

Persons Subjects bridges the chasm between national law and international law by attempting to determine who must abide by the laws of which sovereign, and also how sovereigns relate to each other, as well as to subjects who are not their own; a subject who is in the habit of obedience to one sovereign, cannot be in habit of obedience to another at the same time. Bentham distinguishes between *standing* or *ordinary* subjects of the sovereign, and *occasional* or *extraordinary* subjects of the same. The difference between the types of subjects depends on the nature of their relationship to the state.

> In every state, there are certain persons who are in all events, throughout their lives, and in all places, subject to the sovereign of that state; it is their obedience that constitutes the essence of his sovereignty these may be stiled the *standing* or *ordinary subjects* of the sovereign or the state, and the dominion he has over them may be stiled *fixed* or *regular*. There are others who are subject to him only in certain events, for a certain time while they are at a certain place: the obedience of these constitutes only an accidental appendage to his sovereignty:

[30] UCxxv. 13: Bowring, ii, 541-2.

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> these may be termed his *occasional* or *extraordinary subjects*, or *subjects pro re nata*: and the dominion he has over them may be stiled *occasional*.[31]

Bentham defines citizenship through the habitual obedience of the subject. The event of a person's *birth* is relevant to the determination of sovereignty, although he recognizes that here, too, situations may arise that complicate the issue.[32] He attempts to construct a permanent but flexible methodology that would successfully determine how all people would be subject to one sovereign at any given time, no matter where they were.

The sovereign's ability to cause harm, his dominion over territory, and the subject's birth place, determine the complicated issue of which sovereign commands power over whom. One central feature has yet to be addressed, and that is expectation. The fact that the sovereign *expects* to have dominion over certain persons, and that certain persons *expect* to pay obedience to a particular sovereign, is as important if not more so, than the preceding features.

> Thus it is that dominion over the soil confers dominion *de facto* over the greater part of the natives its inhabitants: in such manner that such inhabitants are treated as owing a permanent allegiance to the sovereign of that soil. And in general there seems no reason why it should not be deemed to be so, even *de jure* judging upon the principle of utility. On the one hand, the sovereign on his part naturally expects to possess the obedience of persons who stand in this sort of relation to him: possessing it at first, he naturally expects to continue to possess it: he is accustomed to reckon upon it: were he to cease to possess it, it might be a disappointment to him. Any other sovereign having even begun to possess the allegiance of the same subject, has not the same cause for expecting to possess it; not entertaining any such expectation, the not possessing it is no disappointment: for subjects in as far as their obedience is a matter of private benefit to the sovereign, may without any real impropriety (*absit verbo invidia*) be considered as subjects of his property. . . .

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[31] UCxxv.12; Bowring, ii, 541.

[32] UCxxv.13; Bowring, ii, 542 and UCxxv.14; Bowring, ii, 543. Bentham briefly addresses the problems arising from situations in which persons are born in a territory that is not their fixed location of residence, or have emigrated.

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> On the other hand let us consider the state of mind and expectations of the subject. The subject having been accustomed from his birth to look upon the sovereign as his sovereign continues all along to look upon him in the same light: to be obedient is as natural as to be obedient to his father. He lives and has all along been accustomed to live under his laws. He has some intimation (I wish the universal negligence of sovereigns in the matter of promulgation would permitt me to say any thing more than a very inaccurate and general intimation) some intimation he has however of the nature of them: when occasion happens, he is accustomed to obey them. He finds it no hardship to obey them, one at least in comparison with what it would be, were they alltogether new to him: whereas those of another sovereign were they in themselves more easy, (he might find harder on account of their being new to him) might merely on account of their novelty appear, and therefore be harder upon the whole.[33]

Sovereignty relies upon expectation. Even in these early writings, Bentham wishes to either instill a level of expectation to initiate reform, or, more importantly, respect the expectation that already exists. In the latter case, which becomes pre-eminent in Bentham's writings as time goes on, his reliance on expectation is no different from the fears expressed by Machiavelli with regard to innovation, and the need for people to have a system to rely on, even if reprehensible.[34]

Bentham's "consistency" in his definition of sovereignty appears contingent upon his ability to limit the power of the sovereign, without reducing that power to the point where it becomes ineffectual. In the domestic sphere, such limitation is relevant for the purpose of protecting the subject many, but external sovereignty is not likewise limited: " Legally speaking, declares Bentham, there is and can be no restraint on the power of the sovereign."[35] This position is first suggested by Bentham's distinction between a

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[33] UCxxv.14; Bowring, ii, 542.

[34] J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975), 153-54. Please see chapter 6 for further discussion.

[35] Merriam, 132.

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natural and political society, and then explicitly stated in later writings. Bentham's natural society, although not dominated by a supreme authority, does not appear to be an anarchic war of all against all, as a "habit of conversancy" is unlikely to exist under such conditions. Nonetheless, this also means that no supreme body exists in the natural society to ensure conditions of "conversancy" prevail. A division of sovereignty does not solve the problem without accepting empire as a result, but that is not Bentham's desire. Bentham's delineation between dominion and jurisdiction explains, in part, the inconsistency of his ideas between divided and absolute sovereignty. The greatest determining factor, however, is expectation. Only expectation determines the extent to which sovereign power may be "altered", such that a sovereign would consider himself bound by covenants. Bentham relies on expectation to enforce agreements upon sovereigns to limit the extent of their power, and his doing so supports his place within the liberal tradition in international relations. More often than not, however, expectation acts as a prophylactic against innovation, and it is this function that can even explain Bentham's most visionary proposals, in that he often wishes things to return to how they used to be. When subjected to the measure of expectation, Bentham's definition of sovereignty reflects a Machiavellian concern in favour of constancy, and the resulting absolute nature of Bentham's sovereignty is read, by some, to be similar to the Hobbesian conception of unlimited power. It is this understanding of sovereignty that underpins Bentham's work on international relations .

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Chapter 5

Bentham on Peace

> In the second place, with regard to the *political quality* of the persons whose conduct is the object of the law. These may, on any given occasion, be considered either as members of the same state, or as members of different states: in the first case, the law may be referred to the head of *internal*, in the second case, to that of *international** jurisprudence.
> (*The word *international*, it must be acknowledged, is a new one; though, it is hoped, sufficiently analogous and intelligible. It is calculated to express, in a more significant way, the branch of law which goes commonly under the name of *law of nations*: an appellation so uncharacteristic, that, were it not for the force of custom, it would seem rather to refer to internal jurisprudence. . . .)[1]

> As to the utility of such an universal and lasting peace, supposing a plan for that purpose practicable, and likely to be adopted, there can be but one voice. The objection, and the only objection to it, is the apparent impracticability of it;--that it is not only hopeless, but that to such a degree that any proposal to that effect deserves the name of visionary and ridiculous. This objection I shall endeavour in the first place to remove; for the removal of this prejudice may be necessary to procure for the plan a hearing.[2]

> Between the interests of nations, there is nowhere any real conflict: if they appear repugnant any where, it is only in proportion as they are misunderstood.[3]

The word "international" first appeared in one of Bentham's earliest published works, *An Introduction to the Principles of Morals and Legislation*, and has subsequently become part of mainstream discourse. Bentham is best known to international relations theorists for his contribution to the liberal tradition of international relations theory; this interpretation of his work stems primarily from *A Plan for an Universal and Perpetual*

[1] J. Bentham, *An Introduction to the Principles of Morals and Legislation* (New York: Hafner Publishing Co., 1965), 326. Bentham was dissatisfied with the term 'law of nations' and sought an alternative that he hoped would more clearly articulate the concept intended. Bentham had this work printed by 1780, but it was not published until 1789. (Hereafter referred to as *IPML*.)
[2] UCxxv.26 (Bowring, ii, 546.) Where applicable, the original manuscript citation will be followed by the published citation of Bentham's *Works*, edited by John Bowring.
[3] UCxxv.57 (Bowring, ii, 559.)

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Peace.[4] On the foundation of the essays that compose *Plan* as well as his other international essays of the same period, the argument that Bentham is a liberal is very compelling. *Plan*'s origin, if not existence, is suspect, however, requiring a re-examination of Bentham's work in international relations. This chapter will identify the strengths and weaknesses of Bentham's liberal designation on the basis of his international essays written in the late 1780s. This evaluation will be both chronological and conceptual, examining if and how Bentham's ideas evolved over time, as well as isolating some of the key concepts that Bentham judged to be most significant. *Plan* and its companion essays bring to light a crucial period in Bentham's writings in view of the fact that he wrote on international relations in such a concentrated manner. Given his apparent sentiments during this period, they largely justify the brand of liberal with which Bentham has been endowed. Notwithstanding this argument, even Bentham's most idealistic moments are riddled with ambivalence and inconsistency, a fact not unnoticed by many who have studied Bentham's work.[5] Bentham's reification within the liberal tradition is not entirely accurate, not for the reason that Bentham is, instead, a realist, but that the traditions in international relations theories do not serve to elucidate his work in the most accurate or useful fashion.

The vast proportion of Bentham's writings that focussed almost exclusively on international matters was written between 1786 and 1789. Most of these essays were published in the Bowring edition of Bentham's *Works*, under the heading *Principles of International Law*. Bentham did not concentrate on international matters again until

[4] UCxxv.26-58 (Bowring, ii, 546-560.) Hereafter referred to *Plan*.
[5] Please see Winch, Schwarzenberger, Conway, and Boralevi, for examples.

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1827 to 1830, just shortly before his death, when he revisited the subject of international law with the hopes of enlisting his acquaintance, Jabez Henry, in the task of drafting a code of international law.[6]

The 1786-89 essays, some of which contribute to *Plan*, consist of the following: *Pacification and Emancipation* (1786-89); *Colonies and Navy* (1786); *Persons Subject* (1786); *Cabinet No Secrecy* (1789); *Projet Matiere* (1786); *Gilbert* (1789); and *On War* (1789).[7] It is possible that these essays were eventually meant to constitute one, larger essay like *Plan*, but such a project is not clear. As they currently exist, each comprises its own distinct essay or fragment, and although the topics addressed in each are not entirely divorced from each other, they are best treated separately for clarity. We begin with an examination of *Plan* as it has been the most influential source of Bentham's work on international relations in the past, but also include some of Bentham's other international essays, both published and unpublished.

A Plan for An Universal and Perpetual Peace Revisited

Plan is often visionary, even though Bentham tries to convince his readers that it is not. The material covered in *Plan* has two central themes; emancipation of colonies, and ridding the foreign department of secrecy. The force of public opinion and the possibility of arms control measures are also addressed, in support of the two main themes. The first half of *Plan* consists of *Colonies and Navy*, *Pacification and Emancipation*, and parts of *Projet Matiere*, with *Cabinet No Secrecy* completing the last half. Although the content

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[6] Discussed further below.

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of *Plan* is the subject of discussion, it will be the individual essays that compose *Plan* that will be referred to, giving a sense of how Bentham chose to address the topics that concerned him, and how frequently.

Colonies: Troop Reduction through Emancipation

It is not coincidental that a substantial part of *Plan* is devoted to the argument against colonial possessions.[8] There can be no doubt about the extent of Bentham's contribution to, as well as interest in, this subject. Bentham's work on colonies should be considered one of the most, if not *the* most, significant contribution he has made to the study of international relations.[9] The emancipation of the colonies is a central feature of Bentham's plan for peace, and is a point he repeats wherever possible within the 1786-89 manuscripts.

In *Colonies and Navy*, reducing a state's reliance upon a naval force is among the many arguments Bentham offers in favour of emancipating the colonies. Upon releasing distant dependencies, the navy's only obligation would be in warding off any pirates attacking vessels of commerce.[10] Additionally, a reduction in the naval force eliminates the need for regulations such as a Navigation Act and other "nurseries for seamen."[11] Bentham's call for a reduction in naval forces does not receive further explanation in

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[7] John Bowring also used various pieces of material from Bentham's marginal outlines to construct *Plan*. The essay *On War* is discussed in chapter 5, entitled *Bentham on War*.
[8] In *Plan*, a large part of the discussion on colonies comes from the essay *Colonies and Navy*.
[9] The subject of colonies is of paramount importance in Bentham's work, and as a result will be discussed in a separate chapter devoted to this topic. (See chapter 6.)
[10] UCxxv.36 (Bowring, ii, 546.)
[11] UCxxv.37 (Bowring, ii, 546.)

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Colonies and Navy. He does take up the matter in *Projet Matiere*, however, when he explores the possibility of a treaty for arms control:

> An agreement of this kind would not be dishonourable. If the covenant were on one side only, it might be so. If it regard both parties together, the reciprocity takes away the acerbity. By the treaty which put an end to the first Punic war, the number of vessels that the Carthaginians might maintain was limited. This condition was it not humiliating? It might be: but if it were, it must have been because there was nothing correspondent to it on the side of the Romans. A treaty which placed all the security on one side, what course could it have had for its source? It could only have had one—that is the avowed superiority of the party thus incontestably secured,--such a condition could only have been a law dictated by the conqueror to the party conquered. The law of the strongest. None but a conqueror could have dictated it; none but the conquered would have accepted it.[12]

Bentham's favours "honourable" treaties only because they already exist, beyond that he has difficulty following through on his ideas. It is clear that security is the motivating factor behind the success of such an initiative. Security is established through reciprocity, and must exist on all sides if an arms control agreement were to have any merit. Although Bentham entertains notions of arms control, subsequent passages in *Projet Matiere* are decidedly more skeptical about the possibilities:

> Whilst as to naval forces, if it concerned Europe only, the difficulty might perhaps not be very considerable. To consider France, Spain and Holland, as making together a counterpoise to the power of Britain,--perhaps on account of the disadvantages which accompany the concert between three separate nations, to say nothing of the tardiness and publicity of procedures under the Dutch Constitution,--perhaps England might allow to all together a united force equal to half or more than its own.[13]

Bentham's argument supports his cause but is still hesitant. His treaty for arms control relies upon a balance of power argument; the combined weakness and ineptitude of three

[12] UCxxv.9 (Bowring, ii, 550-51.)
[13] UCxxv.9 (Bowring, ii, 550.) The original manuscript is written in French but is illegible. The above translation is courtesy of the Bowring edition of Bentham's *Works*.

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European states is no match for Britain's power, therefore this treaty would not be a threat. He does not explore the implications of reducing the naval force beyond stating, once again, "takeaway the colonies, what use would there be for a single vessel, more than the few necessary in the Mediterranean to curb the pirates."[14] The rest of Bentham's commentary does not hold out much hope for the initiative.

Bentham provides additional but weak support for his arms control argument in a marginal outline titled *International Economy*, where he makes note of precedents such as the "1. Convention of disarmament between France and Britain in 1787. –This [is] a precedent of the measure or stipulation itself. 2. Armed Neutrality-Code-- This [is] a precedent of the mode of bringing about the measure: and may serve to disprove the impossibility of a general convention among nations. 3. Treaty limiting the Russian forces to be sent to the Mediterranean. Does not exist. 4. Treaty forbidding the fortifying of Dunkirk."[15] Even though Bentham notes an instance where one such treaty does not exist, it is clear that he strives to prove that treaties of arms control can be made with success. He speculates about the possibility of reducing more than just the navy, but again, he is skeptical:

> If the simple relation of a single nation with a single other nation be considered, perhaps the matter would not be very difficult. The misfortune is, that almost everywhere compound relations are found. On the subject of troops,--France says to England, Yes I would voluntarily make with you a treaty of disarming, if there were only you: but it is necessary for me to have troops to defend me from the Austrians. Austria might say the same to France; but it is necessary to guard against Prussia, Russia, and the Porte. And the like allegation might be made by Prussia with regard to Russia.[16]

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[14] UCxxv.29 (Bowring, ii, 551.)
[15] UCxxv.132 (Bowring, ii, 550.) Bowring did not include #3 in the published version of this manuscript.

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Bentham does not solve the dilemma of "compound relations" – instead his words offer no optimism and no direction out of this predicament. Bentham considers a reduction of the naval force, but that is due to the fact that he considers the navy to be a relatively insignificant asset.[17] A reduction in the army, or land force, receives little to no support.

Additional consideration of treaties in *Pacification and Emancipation* is devoted to emancipating colonies, and the rhetoric is nothing short of visionary: "Whatsoever nation got the start of the other in making the proposal [to emancipate colonies] would crown itself with immortal honour. The risk would be nothing—the gain certain. This gain would be, the giving an incontrovertible demonstration of its own disposition to peace, and of the opposite disposition in the other nation in case of its rejecting the proposal."[18] The nation taking the lead in colony emancipation undertakes the most honourable and glorifying project available to a state. The process should be conducted in public, "sound[ing] the heart of the nation addressed," and "discover its intentions, and proclaim them to the world."[19] Relinquishing claims to colonial possessions eliminates the motivating factor behind nations engaging in war. The possession of colonies leads to expense, not revenue, and only makes a nation more vulnerable to attackers.

The essay *Pacification and Emancipation* completes the remaining first half of *Plan*, full of hope that the ails of humankind can be remedied with a bit of education and information, while lamenting the fact that humanity is jealous, prejudiced, and

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[16] UCxxv.9 (Bowring, ii, 550.)
[17] See discussion on the Defensive Force in chapter 6, *Bentham on War*.

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malevolent. Although many of Bentham's ideas in *Plan* are visionary, and suited to idealist categories, the fact that these ideas are also peppered with skepticism has largely been overlooked. Surrounding his recommendations to emancipate colonies and use the force of public opinion are statements that contradict his initiatives:

> But, as I have observed, men have not yet learned to tune their feelings in unison with the voice of morality on these points. They will feel more pride at being accounted strong, than resentment at being called unjust; or rather the imputation of injustice will appear flattering rather than otherwise, when coupled with the consideration of its cause. I feel it in my own experience. But if I, listed as I am in the professed and hitherto only advocate in my own country, in the cause of Justice, set a less value on Justice then is its due, what can I expect from the general run of men?[20]

The fact that Bentham makes this and similar statements throughout *Plan*, is important to our understanding of Bentham's strategies, and fears about those strategies. These fears and doubts articulate paramount concerns of Bentham's; the ability to "change" men's habits so that they will expect and applaud certain initiatives over others. The only way Bentham foresees his plan gaining acceptance is if he couches the benefits of his suggestions in terms of self-interest:

> Can the arrangement proposed by justly stiled visionary if it has been shown to
> 1. That it is in the interest of the parties concerned
> 2. That they are already sensible of that interest
> 3. That the situation it would place them in is no new one nor any thing more than the original situation they set out from.[21]

Bentham not only makes clear that emancipating colonies is in the interest of all the states involved, but that emancipation does not run contrary to expectation. Eliminating

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[18] UCxxv.29 (Bowring, ii, 551.) The Bowring edition incorrectly states that this proposal is intended to "reduce and fix the amount of its armed force," but in truth, Bentham only speaks of a proposal to emancipate colonies (Ibid.).
[19] Ibid.
[20] UCxxv.32 (Bowring, ii, 552.)
[21] Ibid.

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colonial possessions only returns international conditions to their prior state. The result of Bentham's initiative would be nothing new, and agreements such as these have occurred in the past. There have been other "complicated and difficult conventions effectuated" such as the Armed Neutrality, the American Confederation, and the German Diet: "Why should not the European fraternity subsist as well as the Swiss or German League?"[22] Bentham's argument relies on three assumptions: that he has accurately articulated the interests of the state, that a return to conditions of the past is desirable, and that it is possible to effect such an agreement between states. Bentham uses conservative methods to engender a community of states; he argues that what he proposes is nothing less than a manifestation of the interests of the states, and nothing more than returning to a familiar way of life.

When Bentham next speaks of a "reduction", it is not in arms, but in the "contributions of the people."[23] He does not explain his meaning behind this reduction, leaving one to only speculate. It is nevertheless clear that his intention is to make the subject many aware of his proposal and what it offers, so that they can realize that this plan is in their interest and therefore support it. Immediate publication of this initiative is imperative, according to Bentham, since the "mass of the people" are otherwise "most exposed to be led away by prejudices."[24] Bentham's defence against the ignorance and malevolence of men is freedom of the press and public opinion. While the press informs, public opinion responds, and together they might be able to effect positive change on the international landscape.

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[22] UCxxv.32 (Bowring, ii, 553.)
[23] Ibid.

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Public Opinion and the Tribunal

Bentham would create a forum for public opinion through a "common tribunal". It is one of his best known contributions to liberal internationalist thinking.[25] Bentham sought the application of the *moral sanction* to inspire state action through the tribunal, which would otherwise have no legal or political authority.[26] Apart from the emancipation of colonies, the tribunal appears to be uppermost in the minds of those who read Bentham's *Plan*. His ideas are often cited as an influence in the construction of a twentieth-century international institution: "The influence of social thinkers like Locke and Bentham is most apparent in the idea of a League of Nations."[27] As a result, Bentham's tribunal presents a complicated problem; his influence on this or related is apparent, but although the concept may be a focal point for many scholars, it is also giving credit where it probably is not due. In this case Bentham's undoubted influence is built on a weak and tenuous foundation. A closer look at what Bentham said about a tribunal will reveal a distinct lack of clarity and attention to the subject, and little confidence in the concept. Bentham may have planted the seed, but he did little to ensure that it would take root.

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[24] UCxxv.33 (Bowring, ii, 553.)

[25] UCxxv.27 (Bowring, ii, 552.) E. H. Carr, F. H. Hinsley, K. J. Holsti, to name a few, all make reference to the tribunal.

[26] Bentham conceived of various *sanctions* as motives that determined interest and inspired action.

[27] Torbjørn Knutsen, *A History of International Relations Theory* (Manchester: Manchester University Press, 1997), 215. E. H. Carr does not state that Bentham's thinking was directly related to the idea of the League, but he acknowledges Bentham's contributions to nineteenth-century thinking that spurred on American (especially Woodrow Wilson's) incentives to design such an international organziation: "Just as Bentham, a century earlier, had taken the eighteenth-century doctrine of reason and refashioned it to the needs of a coming age, so now Woodrow Wilson, the impassioned admirer of Bright and Gladstone, transplanted the nineteenth-century rationalist faith to the almost virgin soil of international politics . . . The most important of all the institutions affected by this one-sided intellectualism of international politics was the League of Nations." E. H. Carr, *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of International Relations* (New York: Macmillan and Co. Ltd., 1966), 27-28.

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The notion of a tribunal, or formal organization designed for the expression of public opinion, receives only sporadic attention from Bentham.[28] In *Pacification and Emancipation* he presents the idea of a tribunal, meant to alleviate conflict through negotiation and arbitration:

> It is an observation of somebody's, that no nation ought to yield any evident point of justice to another. This must mean evident in the eyes of the nation that is to judge—evident in the eyes of the nation called upon to yield. What does this amount to?—that no nation is to give up any thing of what it looks upon as its right—no nation is to make any concessions. –Wherever there is any difference of opinion between the negotiators of two nations, war is to be the consequence.
>
> Without a common tribunal, something might be said for this. Concession to notorious injustice invites fresh injustice.
>
> Establish a common tribunal, the necessity of war no longer follows from difference of opinion—Just or unjust the decision of the arbiters will save the credit, the honour of the conceding party.[29]

Bentham's tribunal provides an alternative to war, offers the opportunity to determine justice openly, and more importantly, allows arbiters to take responsibility for decisions made, thereby reducing the "shame" that would otherwise affect the obliging party. Arbitration also suggests that the tribunal has the capacity to dictate, if not enforce, judgements upon any offending party. Bentham does not explain how less shame and better compliance will result when the tribunal dictates state action; Bentham assumes that decisions from a body of states is more palatable than from the "winner" of the conflict alone.

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[28] One of the difficulties in understanding Bentham's intentions with regard to the tribunal is that his terminology varies, and as a result his subject matter is not always clear. Additionally, the assumption has subsequently been that an international tribunal is the equivalent of the "Public Opinion Tribunal" of which Bentham makes mention in his *Constitutional Code*, and further complicates the interpretation of the role of the international body.

[29] UCxxv.27 (Bowring, ii, 552)

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In *Colonies and Navy* Bentham makes fleeting reference to a "court of judicature", where he explores the possibility of publicly advertising all government activity and decision-making in foreign relations. In a marginal outline *International Economy*, Bentham speaks of a "Congress or Diet," to be constituted in the following manner:

> Each power to send two: one principal with an occasional substitute.
> Form of proceedings Public.
> Powers
> 1. Power of reporting opinion only
> 2. Power of causing the report to be circulated in the dominions of each state
> 3. After a certain time—putting the refractory state under the Ban of Europe.[30]

The most important role of Bentham's tribunal/court/congress/diet are for the expression and publication of opinion which would thereby resolve any conflict. The conclusion that the court, tribunal, and congress or diet, are one and the same is plausible, but the extent of the abilities of each is not certain. The court of judicature has the power to dictate solutions to the affairs between states although this power is not coercive. The "Ban of Europe", the tool available to the Congress, might constitute one such solution, but it appears to encompass far less latitude than that given to the court. The tribunal is empowered with an arbitration function, which appears similar to the powers of the court. but again, it is not clear. Only much later does Bentham bring some clarity to the issue in his unpublished manuscripts of 1827-30, when he better distinguishes between a Congress, a Judicatory, and a tribunal, the latter serving only as a last resort, as an institution to decide on an international matter.[31] Nevertheless, in these papers Bentham

[30] UCxxv.132 (Bowring, ii, 554.) Bentham contemplates a number of options to "enforce the decrees of the court," including "regulating as a last resource the contingent to be furnished by the several states." Better yet, he advocates the use of a "clause guaranteeing the liberty of the press in every state to its decrees and to every paper whatever it might think proper to sanction with its signature the most extensive and unlimited circulation." UCxxv.35 (Bowring, ii, 554.)
[31] Additionally, the international tribunal has often been conflated with the notion of Bentham's "Public Opinion Tribunal" in the national context. The lion's share of discussion on the Public Opinion Tribunal

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addresses the functions of at least four different international bodies: a Confederacy, a Congress, a Judicatory, and a Public Opinion Tribunal. The Confederacy and Congress appear to be the same instrument as both are fora for the member state's opinions.[32] There is no indication that the Congress has any function outside of the expression of opinion. The apparatus of paramount importance is a separate body Bentham calls the Judicatory, which is endowed with the capacity to administer international law, and this body receives most of Bentham's attention. The only mention Bentham makes of a Public Opinion Tribunal is in relation to the Judicatory, where it does not receive pride of place: "The Judicatory in dernier resort, should in effect be the Public Opinion Tribunal, composed of all the several individuals belonging to all the several states."[33] It is not clear how the Congress and Tribunal differ, other than Bentham's explicit lack of confidence in the latter.

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takes place in Bentham's *Constitutional Code* and *Securities Against Misrule*, and, as Fred Rosen points out, the concept lacks clarity: "Admittedly, Bentham's conception of the Public Opinion Tribunal, on which reform depends, is not altogether clear. He might have explained more fully how he conceived of the Public Opinion Tribunal as a judicial body. . . . An even greater difficulty arises with his argument that the Public Opinion Tribunal in some way expresses the public interest. The Public Opinion Tribunal expresses itself in many different forms and seems composed of disparate elements. . . . But how can these differing sources of public opinion be considered fused in a single body called the Public Opinion Tribunal? And how can the voice of the Public Opinion Tribunal be more than a confused outpouring of conflicting and disparate voices? Bentham does not seem to have resolved these problems, but his failure does not extent to an over-optimistic view of the power of the people to rule. . . . he rejects claims on behalf of the people to rule or to take important decisions on policy. For Bentham, the people can have security and accountability through the constitutional system. They can share in politics to an extent by voting." Fred Rosen, *Jeremy Bentham and Representative Democracy* (Oxford: Clarendon Press, 1983), 39.

[32] BL Add. MS 30151.

[33] Ibid. Bentham has been both lauded and chastised for his vision of a tribunal that would have some sort of an effect in international relations. E. H. Carr makes note of Bentham's tribunal, but his evaluation is misguided. Carr's definition of the tribunal is taken from *Securities Against Misrule*, which discusses the concept in a domestic setting, but does not address the international context. (Carr, 24.) Knutsen goes so far as to discuss Bentham's "Congress of States", which is not only a term that Bentham never used himself, but a concept by no means explored to the extent that Knutsen's analysis would suggest (Knutsen, 152-53.). F. H. Hinsley treats the subject most accurately by acknowledging that the tribunal receives a "subsidiary role" in comparison to emancipating colonies or secrecy in government.

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Bentham was concerned with the notion of a tribunal because he thought a formal institution bringing states together was warranted. On this basis it makes sense that Bentham's contribution to the concept, even to a "League of Nations" is acknowledged. What needs to be equally acknowledged, however, is the difficulty Bentham found in articulating this concept, in part due to the battle between sovereignty and community that inevitably ensues.[34] If Bentham holds a sacred place in the history of such an institution, it must be recognized that this place does not contribute a solid foundation. Bentham seeks to increase communication between states that would enable contesting parties to avoid war. He recognizes that he must overcome the many vices of humanity, but if prejudice could be replaced by knowledge, ambition by honour, and jealousy by confidence, his hopes have a chance of realization.[35] The rest of *Plan* is devoted to ensuring that the people who are most affected (the masses) have ready access to information and education to enable them to express their views on international affairs, especially those affairs that would call them to war. For Bentham, a significant part of the problem lies in the secret diplomacy of the foreign department, committing the subject many to fight in wars that are of no interests to them, but to the sinister few.

Secrecy in the Foreign Department

Bentham's views on secrecy in foreign departments are best known from *Plan. Cabinet No Secrecy* completes the last half of *Plan*, easily the most complete and cohesive essay of the 1786-89 set. This essay is devoted to exposing the sinister nature of secrecy in foreign affairs, but Bentham's continued emphasis on the economic implications,

[34] The importance of sovereignty is explored in the section, "International Law", below.
[35] For example, Bentham praises the virtuous negotiating power of De Witt and Temple (see chapter 8).

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especially as regards foreign dependencies, is unmistakable. This is logical given Bentham's belief that one of the most fundamental, if not *the* cause of war, is the possession of distant dependencies, and the unscrupulous trade practices that result. It is Bentham's contention that empire requires secrecy to maintain of control, but by eliminating distant dependencies, reliance upon secrecy is no longer necessary, and can be eliminated as well. Bentham's proposal to eliminate secrecy is simple:

> I lay down two propositions
> 1. That in no negotiation and at no period of any negotiation ought the negotiations of the Cabinet in this country to be kept secret from the public at large: much less from Parliament, and after enquiry made in Parliament.
> 2. That whatever may be the case with preliminary negotiations, such secrecy ought never be maintained with regard to treaties actually concluded.[36]

Throughout this essay, Bentham sustains his unqualified demands for the elimination of secrecy in the foreign department, but for one small comment inserted on the margin of the manuscript, beside the first of his propositions: "It lies upon the other side at least to find a case in which want of secrecy may produce a specific mischief."[37] Bentham does not acknowledge this possibility again in this essay, but the suggestion appears influential in his future treatment of the subject.

Treaties increase the propensity to war when negotiated in secret. Secrecy is the method by which ministers may, without regard for the people who must endure the fight, plunge the nation into war for the illusory goals of enhanced wealth and power. Bentham decries the mediocre methods used to halt wars already in progress, belittles the ineffective and improbable punishments that can be imposed upon the offending ministers, and

[36] UCxxv.50 (Bowring, ii, 554.)
[37] Ibid. Bowring includes this comment as a footnote in the published *Works*.

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disparages the assumption that the power of the state is dependent upon secret diplomacy.[38] Secrecy's only benefit is to allow government action to take place in the most unabashed and gratuitous manner, without any check against it. The product of secrecy, says Bentham, is war.

Bentham's arguments against secrecy are directed toward Britain, a "civilized" nation and great power. If her circumstances were otherwise, an argument could be made whereby secrecy is acceptable, and where war is necessary and desirable. Bentham argues that Britain has no choice but to eliminate secrecy from her foreign affairs because she is powerful and has nothing to fear from other nations. As a result Britain has no need to "hide" its foreign agenda. Other nations, on the other hand, may still require secrecy and even be justified in making conquest.

> Conquests made by New Zealanders have some sense in them. While the conquered fry, the conquerors fatten. Conquests made by the polished nations of antiquity, conquests made by Greeks and Romans, had some sense in them. Lands, moveables, inhabitants, every thing went into pocket. War Invasions of France in the days of the Edwards and the Henrys had a rational object. Prisoners were taken and the country was stripped to pay their ransom. The ransom of a single prisoner a Duke of Orleans exceeded 2/3 of the revenue of England. Conquests made by a modern despot of the continent have still some sense in them. His new property, being contiguous, is laid on to his old property: the inhabitants men as many as he thinks fit to squeeze from them, goes into his purse. Conquests made by the British nation would be violations of common sense, were there no such thing as justice. They are nothing but confirmed blindness and stupidity that can prompt us to go on mimicking Alexander and Caesar and the New Zealanders, and Catherine and Frederic, without the motive.[39]

[38] "If bribe-taking, oppression, peculation, duplicity, treachery, every crime that can be committed by statesmen sinning against conscience produce no desire to punish, with what dependence can be placed in punishment in a case where the mischief may so easily happen without any ground for punishment? Mankind is not yet arrived to that stage in the track of civilization." UCxxv.51 (Bowring, ii, 555.)
[39] UCxxv.53 (Bowring, ii, 557.)

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It is not entirely clear why Britain does not profit but New Zealand does, given that the benefits of contiguous land are irrelevant to both. Additionally, Bentham argues only paragraphs earlier, that for the costs that go into conquest, the benefits of extracting the resources, be they what they are, amount to nothing. For despots, however, profit still appears to be possible.

"Oh, but you mistake! . . . We do not now make war for conquests, but for trade."[40] In anticipation of the claim that war must be made for increased trade, Bentham repeats his oft-made argument that trade is not possible without capital. In some respects, the substance of *Cabinet No Secrecy* often appears tangential to the theme of secrecy itself. War depletes capital so trade cannot be the result.[41] Since secrecy is considered necessary to trade, Bentham declares that trade can only be accomplished by "forcing independent nations to let you trade with them, and conquering nations, or pieces of nations, to make them trade with you."[42] Britain, in particular, falls prey to Bentham's attack; as such a powerful nation she does not need such poor excuses for war. Bentham bemoans the decisions of British foreign affairs and the lack of action in Parliament: "Being asked in the House of Lords about secret articles, the Minister for foreign affairs refuses to answer. I do not blame him. Subsisting rules, it seems to be agreed, forbid him. They throw a general veil of secrecy over the transactions of the Cabinet with

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[40] UCxxv.54 (Bowring, ii, 557.)
[41] This argument will be further elaborated in chapters 6 and 7, on colonies and international political economy.
[42] Ibid.

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foreign powers."[43] According to Bentham, Britain has no justification for endorsing secrecy, especially as this practice is repugnant to its constitution and people:

> What, then, is the true use and effect of secrecy? That the prerogatives of the place may furnish an aliment to petty vanity: that petty vanity may draw an aliment from the prerogatives of place: that the members of the *Circulation* may have a newspaper to themselves: that under favour of monopoly, ignorance and incapacity may put on airs of wisdom: that a man, unable to write or speak what is fit to put into a newspaper may toss his head and say I don't read newspapers: as if a Parent were to say, I don't trouble my head about school-masters: and that a Minister, secure from scrutiny in that quarter may have the convenience upon occasion of filling the posts with obsequious cyphers instead of effective men. Any thing will do to make a Minister whose writing may be written for him, and whose duty in speaking consists in silence.[44]

Secrecy perpetuates ignorance, on the part of both the ministers of state and the masses. Britain should not engage in secrecy since her vast power does not necessitate it; she need not fear any one nation, nor even two, her power is so great.

> Oh but if every thing were written were published, were liable to be made public. who would treat with you abroad?—Just the same persons as treat with you at present: negotiations, for fear of misrepresentation would perhaps be committed somewhat more to writing than at present—and where would be the harm: Your King and his Ministers might not have quite such copious accounts, true or false, of the tittle-tattle of each court: or he must put into different hands the tittle-tattle and the real business: . . . And suppose our head-servants were not so minutely acquainted with the Mistresses and Buffoons of Kings and their Ministers, what matters it to you as a nation, who have no intrigues to carry on, no petty points to gain?[45]

Bentham suggests that if Britain is not, by definition, a war-mongering state, then it must do away with secrecy in the foreign department. If Britain claims that these wars are made in the name of trade, "with equal justice might they look upon the loss of a leg as a cause of swiftness."[46] Whether secrecy enabled Britain to become the power she is, is

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[43] UCxxv.50 (Bowring, ii, 554.) The occasion Bentham speaks of took place 22 May 1789.
[44] UCxxv.56 (Bowring, ii, 558.)
[45] Ibid.
[46] UCxxv.57 (Bowring, ii, 559.)

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not addressed by Bentham. His only conclusion is that Britain does herself a disservice in utilizing secrecy now, and that war is an expense that could never result in prosperity.[47]

In similar fashion with his other international essays, *Cabinet No Secrecy* speaks to the issue of security. While persuading his readers that war is absurd, Bentham anticipates the argument that war, and the perceived opulence and prosperity it brings, encourages Britain's neighbours and potential aggressors to "respect" Britain's position in world politics. Bentham claims that this is not respect but fear, and "fear is much more adverse to security than favourable."[48] He further states:

> So many as fear you, join against you till they think they are too strong for you, and then they are afraid of you no longer. Mean time they all hate you and jointly and severally they do you as much mischief as they can. You on your part are not behind hand with them. Conscious or not conscious of your own bad intentions, you suspect theirs to be still worse. Their notion of your intentions is the same. Each does his endeavours to begin for fear of being forestalled. Measures of mere self-defence are naturally taken for projects of aggression. The same causes produce both sides the same effect: Each makes haste to begin for fear of being forestalled. In this state of things if on either side there happens to be a minister, or a would-be minister who has a fancy for war, the stroke is struck, and the tinder catches fire.[49]

Not unlike Machiavelli, Bentham recognizes the disadvantages of fear. Machiavelli's balance between fear and loyalty, love and disrespect, is different than Bentham's, but generally speaking their point is the same; *too* much fear will work against those who try to instill it. Where Machiavelli and Bentham most certainly differ, however, is in their subsequent treatment of the problem. Machiavelli's concern about fear lies primarily with the citizens of the state and their support of their sovereign, thereby recommending a

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[47] Again, he does concede that prosperity can result from war if a state is despotic. His rationale is unclear.
[48] Ibid.

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balance of fear and loyalty and often instilling loyalty through religious means. Bentham expresses a distaste for the use of fear in any context, and believes that fear can be overcome through education. The more we know, the less we fear. Fear escalates due to "perceived" interests, not "known" interests; in trade, the perceived interests dictate that war increases opulence, if not "splendor, greatness, [and] glory."[50] Bentham's foremost concern is trade and the road to prosperity. War can only produce ill-gotten gains, and in the end, they are not gains at all.

In *Cabinet No Secrecy* the strength of Bentham's convictions are readily apparent—there are no circumstances under which secrecy in the foreign cabinet can be justified. When the people are regularly apprised of the decisions being made on their behalf by the ruling few, then the ruling few would be adequately kept in check. But recall that Bentham allowed for the possibility that, under certain circumstances, a lack of secrecy could do more harm than good. *Cabinet No Secrecy* argues that secrecy is entirely unnecessary for an advanced and powerful state such as Britain, but in subsequent works Bentham does not sustain this position.

In later works, security concerns prevent Bentham from advocating publicity on all accounts in government, and least of all in the foreign department. Publicity is important, but only if it can be assured that no harm will come of it:

> Exceptions excepted,--in every Subdepartment and Department, and in every Office belonging to each Subdepartment and Department, publicity will at all times be maximized. . . . Where, in this or that particular case, in addition to the evil of *expense*, if any, the evil of the publicity would, in the instance of this or

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[49] Ibid.

[50] UCxxv.58 (Bowring, ii, 559.)

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> that particular person or class of persons, be preponderant over the good. . . . Subdepartments in which this preponderance is most apt to have place, examples are the following:
> 1. The *Constitutive Department*: to wit, in respect of the evil that would result from its being known which way the several voters, or any of them, gave their votes. . . .
> 2. The *Army Bis-subdepartment*: to wit, by making known to the enemy of the State the strong and the weak points of its means of defence.
> 3. The *Navy Bis-subdepartment*: the two together constituting the *Defensive Force Subdepartment*: to wit, by information given as above.
> 4. The *Preventive Service Subdepartment*: to wit, in respect of the like information given to delinquents.
> 5. The *Health Subdepartment*: to wit, in respect of any such evil as may be liable to result from its being known who the persons are who have been labouring under any disease to which disrepute is attached.
> 6. The *Foreign Relation Subdepartment*: to wit, by information given, to those, who at any time are *liable* to become *enemies*, and who are at all times, *in one way or other, rivals*.[51]

Bentham is a realist. Contrary to his earlier advice, Bentham segregates three sub-departments from his broader mandate against secrecy. These three departments are critical to the state's international position, and include that of Foreign Relations and the Defensive Force (Army and Navy). Bentham articulates classic security concerns, recognizing the chance that open and public relations could result in a weaker defence and therefore weaken state security. Unlike *Cabinet No Secrecy*, Bentham appreciates that publicity could leave the state vulnerable and exposed to threats from others. As such, Bentham allows for and accommodates a reversal of his original commitment that would otherwise guide government.

Amidst an air of openness, secrecy prevails as long as the legislature requires: "Then is the regular time for divulgation. But if the cause for secrecy subsists, divulgation may be referred to the same Legislature on some succeeding day of that year, or to the next

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succeeding Legislature; and so on from Legislature to Legislature."[52] In the Defensive Force subdepartment and the Foreign Relation subdepartment secrecy is acceptable, if not entirely necessary. In an attempt to maintain the guise of open and transparent governance, Bentham allows the Prime Minister the opportunity to inform the Legislature of various instances in which the "demand for secrecy has, in his opinion, ceased, [and] that divulgation may be made accordingly."[53] For some, the fact that after 1809 Bentham embraced broader, democratic principles, contesting the status quo thus designating him a radical, had significant implications in his writing, especially in that his "Tory" side becomes less apparent. As far as secrecy is concerned, however, Bentham's thinking reflects an opposite trend, where security and maintenance of expectation tramples his loftier and ideal notions of the 1780s. The fact that Bentham hoped for publicity to be maximized is meaningful only if one can accept his exceptions.[54] The "radical" that is Bentham is very cautious, and state security must be protected at all times, if not at all costs.[55]

Bentham's *Plan* encapsulates his most ideal measures, and it is understandable that most readers assume Bentham to be firmly entrenched within the liberal paradigm if *Plan* is the only source available to them. He reserves his most powerful arguments for the emancipation of colonies and the elimination of secrecy from the foreign cabinet. The

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[51] J. Bentham, *Constitutional Code*, 163-64.
[52] Ibid., 57.
[53] Ibid., 167.
[54] A leading justification for secrecy, according to Bentham, is "war, existing or supposed impending." (*Constitutional Code*, 408, 426). The security of the state, under these circumstances, has *carte blanche* with regard to the various activities it considers necessary for state preservation.
[55] Bentham's obvious and increased concern for state security is also reflective of his view of sovereignty; the 1786-89 essays predominantly envision a strong community of states, but his later writings foresee the need to maintain explicit sovereign power over a state's domain.

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main objective of these initiatives is to increase peace and *prosperity* in Britain, if not the rest of the "civilized" world. Bentham's arguments for the tribunal are more tenuous, even though it relates to his interest in international law, and the difficulty in enforcing international law is exemplified by Bentham's reluctance to commit to this institution he created.

Bentham's other essays: International Law

Bentham's definition of sovereignty is fundamental to any understanding of his work in international law. It is on the basis of sovereignty that the latitude and expression of international law is determined. Bentham's contribution to international law in his 1786-89 writings is not extensive: he includes a list of possible scenarios emanating from the relations between subjects of foreign states in *Persons Subject*, and sets the stage for a potential international legal code in *Projet Matiere*. In the latter he considers what sort of offences ought to be included under international law, who constitutes the offenders, and possible preventive measures. Like many of Bentham's essays, *Projet* is vague, possibly incomplete, and poses more questions than it answers, but the points that it does raise are still intriguing, especially as to how Bentham tries to connect the principle of utility to the institution of international law.

The explicit mention of the principle of utility has been largely missing from Bentham's 1786-89 international writings. Bentham has made more frequent mention of expectation, and how expectation ought to guide action in the international realm. It is no different in this next essay—expectation, again, plays a crucial role, but as was indicated

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in the introductory chapter, the security of expectation (later articulated as the disappointment-prevention principle) and the principle of utility are inextricably linked, with the former guiding the latter. This is explicitly apparent in Bentham's opening statements of *Projet Matiere*:

> L'un citoyen de monde avait à rédiger un code international universel, qu'est qu'il se proposerait pour but et ce serait l'utilité commune et égale de toutes les nations. . . . Quoi qu'on pensat sur ses ces questions-là, quelque petite que fussent les égards qu'on voulut qu'il eut pour l'utilité commune, il ne lui en importerait pas le moins de la connaitre. C'est ce qu'il lui serait necessaire a deux effects: d'abord pour qu'il suivit lui meme les regles pour autant que son but particulier s'y trouvat, compris: ensuite pour y fonder des attentes qu'il devrait entretenir les demandes qu'il devrait former envers les autres nations. Car enfin la ligne de l'utilité commune une fois determiné, a ce serait (celle vers laquelle la conduite de toutes les nations—la centre de gravité) devait gravite sans cesse: ce serait là la direction ou les efforts communs trouverient le moins de resistence, ver laquelle ils tendraient avec le plus de force, et out l'équilibre un fois etabli . . . trouverait le moins de difficulté à se maintenir.[56]

Maintaining the expectations of his own and other nations, legislators, or sovereigns, abide by the dictates of the "citizen of the world", with the result that each state follows a course of action that effects the "least resistance." This easier and presumably more "natural" course of action would enhance peace between states, and alleviate misperception and misunderstanding that would lead to war. Expectation determines utility, and utility results in peace—but Bentham does not explain what the expectations of his own, and other nations are. From other essays we can be certain that the security of the state is an expectation. Bentham is not clear as to how expectation would likely lead to peace, especially as history suggests that it more often has led to war. To Bentham, however, this is merely a matter of correctly determining the greatest happiness for the greatest number.

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The sovereign who endeavours to maximize the greatest happiness for the greatest number can do so in two possible ways; the sovereign seeks happiness for his own subjects alone, or, he seeks happiness for all people of the world. The former is the course that has been pursued in the past, such that one's own subjects were the sovereign's pre-eminent concern, and foreigners were treated no better than beasts: "comme tous les anciens modeles de virtu: enfin comme tous les peoples [ont employé]-nous connaissons l'histoire."[57] In declaring "c'est le but que determine les moyens,"[58] Bentham agrees with Machiavelli that the end justifies the means, but he claims that the end has changed, and that the sovereign can no longer look out for the interests of his subjects alone. To ensure the least resistance for the attainment of the greatest happiness for the greatest number, each sovereign would be wise to consider the interests of all peoples. This interest would be best established through a code of international law.

The objects of international law are both positive and negative; negative in that no injury ought to be caused to any nation, by any nation, and positive in that each nation ought to receive from, and bestow upon, every other nation the greatest good.[59] This criterion enables Bentham to distinguish between positive and negative crimes, such that wrongs committed against other nations are positive crimes, and negligence to act resulting in a wrong, is a negative crime.[60] The objects of international law are qualified, however, in that they, and the prevention of positive and negative offences, can only prevail as long

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[56] UCxxv.1 (Bowring, ii, 537.) The text has been left in the original French, with no editorial changes.
[57] UCxxv.5 (Bowring, ii, 537.
[58] Ibid.
[59] UCxxv.5 (Bowring, ii, 538.)
[60] UCxxv.2 (Bowring, ii, 538.)

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as the security of any state is not in jeopardy.[61] If state security is threatened and war is the only option available to it, one additional object of international law must be considered: in the event of war, care should be taken that the least possible evil occurs, commensurate with the desired end.[62] Bentham does not explore definitions of state security in this essay, nor does he recognize that his qualification provides a great deal of latitude for state action. Bentham looks to international law to effectively curtail the need for states to resort to war, but only through the moral imposition it makes upon state behaviour.

The notion of sovereignty is crucial to this discussion. State security dictates the extent to which international law has any force, and it is ultimately left up to the state, as a sovereign entity, to determine the course of international affairs. The fact that the highest authority rests with each state is illustrated in Bentham's treatment of the subject. Whether he condemns or applauds the actions of a sovereign, it is always clear that the fullest extent of power resides within the sovereign regardless. The sovereign is the only actor subject to international law, and it is the sovereign who must be kept in check through international legislation:[63]

> De nos jours les conquérants ne s'attrapent pas comme la vermine: et pour les individus quelque mauvaise que soit la foi du chef ils sont toujours dans la bonne. La partie une fois liée et c'est las chef qui la lié (il n'u a guère de difference entre attaquer et se defendre) attaquer ce n'est guère autre chose qu'une faim de se defendre. Quelque abominable que soit l'agression-, il n'y en a proprement de délinquent que le chef: les particuliers cen ne sont que ses instruments innocent et

[61] UCxxv.5 (Bowring, ii, 538.) In either upholding the objects of international law or preventing various offences, "sauf les egards qui il lui convient d'avoir a son propre bien-etre." No offence can be considered within the confines of international law if the well-being of the state is threatened.
[62] Ibid.
[63] In *Persons Subject* Bentham lists a number of situations in which offences may be committed by nationals or foreigners, but his purpose is to identify which sovereign these individuals are bound to obey.

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malheureux, l'extenuation qui se dérive du poids de l'authorité s'élève ici au niveau des exemptions extières.[64]

The weight of responsibility for the actions of war rests solely upon the shoulders of the sovereign. Citizens are innocent instruments; an argument that would have been welcomed by those facing judgement at Nuremburg. Bentham also sympathizes with the sovereign, however; "on a tant parlé de l'injustice des souverains, je voudrais qu'on s'avisat un peu d' l'injustice encore plus commune et encore plus criante a haute voix ils convient les individu, de leurs detracteurs."[65] On the one hand, the sovereign is responsible for taking innocent civilians to war, and on the other hand the sovereign is responsible for the reprehensible behaviour of its citizens – either way, the sovereign is the only relevant actor in international relations. The fact that the sovereign possesses absolute authority is uncontested. International law does not mitigate, or even qualify, the strength of sovereignty, unless the sovereign chooses.

Projet concludes with a list of the causes of war, citing the right of succession, troubles in neighbouring states, uncertainty over the limits of new discoveries, religious hatred, and disputes of any kind.[66] Bentham's suggestions to safeguard against war consist of ratifying already existing customary law, designing new international laws for those points as yet unascertained, and perfecting the style of laws, both national and international.[67] Contrary to many of his predecessors, Bentham does not base international law on "natural law". He criticizes the tendency of "the pretended law of

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[64] UCxxv.4 (Bowring, ii, 539.)
[65] Ibid.
[66] UCxxv.4 (Bowring, ii, 539-40.)
[67] Ibid.

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nature," to lack distinction between the *is* and *ought* of international law, blurring reality and falling prey to methodological errors.[68]

> The ambiguous connotations of the phrase '*natural law*' suggest that something contrary to nature cannot physically take place. But that will hardly do in a political context where, as Bentham noted, the main *complaint* is that the 'impossible' (in whatever sense is meant here) *has* been and *is* being done, and that violations of natural law *are* being committed. . . . committing oneself to general principles as fundamental laws *in advance* of a detailed investigation—is so contrary to reason, Bentham suggests, as to betray much darker motives than any genuine concern for human welfare.[69]

Alternatively, Bentham distinguishes between complete law, "that is to say, which possess everything necessary to give them effect, to put them into execution," and incomplete law, which does not have the force of sovereignty and coercion behind it.[70] International law is incomplete law, and is defective as a result. "The happiness of the human race would be fixed, if it were possible to raise these two classes [defective and incomplete] of laws to the rank of complete and organized law."[71] Although international law comes closer to perfection by becoming complete law, Bentham does not take the next step to design a coercive authority to enforce international law. Bentham claims that an international code ought to be adopted by all states as such action is consistent with the principle of utility and will effect the least resistance. The objects of international law endeavour to keep the peace among nations, as long as it is in each nation's interest to do so.

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[68] *Fragment*, 94.
[69] Jeremy Waldron, ed. *Nonsense Upon Stilts: Bentham, Burke, and Marx on the Rights of Man* (London: Meuthen, 1987), 38.
[70] Bowring, iii, 162.
[71] Ibid.

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Forty years later when he was almost 80 years old, Bentham again attends to the issue of international law, with the hope that his acquaintance, Jabez Henry, would construct a code of international law under his guidance. These papers from 1827 and 1830 have not yet been published, even though this work is uncharacteristically brief and coherent. Bentham constructs a draft of guiding articles regarding relations between states, their obligations as well as privileges:

> Art.1. The [Political] States concurring in the establishment of the present all-comprehensive International Code are those which follow.
> Here enumerate them in alphabetical order to avoid the assumption of superiority from precedence in the order of enumeration.
> Art.2. The equality of all is hereby recognized by all.
> Art.3. Each has its own form of government—each respects the form of government of every other.
> Art.4. Each has its own opinions and enactments on the subject of religion: each respects that of every other.
> Art.5. Each has its own manners, customs, and opinions-, each respects the manners, customs, and opinions of every other.
> Art.6. This Confederation with the Code of International Law approved, adopted, and sanctioned by it has for its objects or say ends in view the preservation not only of peace, (in the sense in which by peace is meant absence of war, but of mutual good will and consequent mutual good offices between all the several members of this Confederacy.)
> Art.7. The means by which it aims at the attainment of this so desirable end—and the effectuation of this universally desirable purpose—is, the adjustment and preappointed definition of all rights and obligations that present themselves as liable and likely to come into question: to do this at a time when no State having any interest in the question more than any other has, the several points may be adjusted by common consent of all, without any such feeling as that of disappointment, humiliation, or sacrifice on the part of supposed to have place, no such cause of antisocial affection in any of the breasts concerned *will have place*.
> Art. 8. Of each of these several confederating States the Government can do no otherwise than desire to be regarded as persuaded that its own form of Government is in its nature in a higher degree than any other conducive to the greatest happiness of the whole number of the members of the community of which it is the Government: and by this declaration it means not to pass condemnation on the fitness of any other for governing in the community in which it bears rule.[72]

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[72] BL Add. MS 30151.

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In these, his final and most articulate comments on international law, Bentham is both innovative and cautious; innovative for his suggestion that a confederacy be entered into on the basis of international law, and cautious in that each state's sovereignty and style of governance cannot be subject to any interference from any other state. Bentham designed a constitutional code with the hopes that it would be adopted by whatever state would be interested, but the adoption of his recommended style and method of governance is not a precondition to developing a community of states. Unlike Kant, Bentham does not insist that participating states assume democratic, or other, ideals. This being the case however, the ability to enforce international law is reduced when state values, priorities, and agendas are potentially so different. This difficulty is supposed to be mitigated through the use of the principle of utility, but the universalization of this principle is less likely without the cohesion of similar values among states.

The rest of the unpublished 1827 manuscript discusses the mandate of the international Judicatory, and its relationship to the Congress, or Confederacy of states, that Bentham envisioned:

> The Congress itself might form a sort of Apellate Judicatory.
> The Immediate Judicatory might be constituted of a single judge elected by the Congress.
> By this Judge should be exercised all the elementary functions of Judicature, with the exception of the Imperative.
> Under a system of International Law, the Imperative could not be exercised by any authority: not even by the International Congress.
> The admission of the faculty of issuing Imperative Decrees with power for giving execution and effect to them, would have the effect of an attempt to establish an Universal Republic, inconsistent with the sovereignty of the several sovereigns, within their respective dominions.[73]

[73] Ibid.

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Respect for sovereignty overrides any consideration of enforcing international law. If a state deems it necessary to breach international law, little can be done. The Judicatory, in actual fact, has very little power to enforce its own decrees. The only way in which decisions from the Judicatory could have any effect is if those decisions were rooted in "argumentation universally notorious, [and] would possess a probability of experiencing general if not universal deference."[74] The issues over which the Judicatory prevails are similar, if not identical, to the many issues Bentham delineates in his *Persons Subject* manuscript, although he did not refer to a judicial body in this earlier essay. In both works Bentham is preoccupied with procedure, and how to determine who has sovereignty over whom, under what conditions, and why. In response to the potential criticism that his agenda is idealistic and impracticable, Bentham states:

> Even suppose no such Congress and Judicatory established, a work grounded on the greatest happiness principle, viz. a work such as is here attempted would, if the plan and execution be more moral and intellectual than Vattal's, possess a probability of superceding it, and being referred to in preference.
> From the impracticability of the Abbé de St. Pierre's Projet de paix perpetuelle, no just inference can be drawn, affecting the impracticability of the system here proposed.[75]

Bentham's argument in favour of his own plan relies on the debunking of his predecessors: the greatest happiness principle make the logic of his plan self-explanatory, but as mentioned previously, the adoption of the greatest happiness principle, or principle of utility, by all states is questionable. Nevertheless, the 1827 manuscript clarifies, reiterates, and develops the points over which Bentham is most concerned. Communication between states is desirable, if not necessary, for the prevention of war;

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[74] Ibid.
[75] Ibid.

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mechanisms such as the Judicatory, the Congress, and international law, all serve to facilitate communication between states.

Identifying the strengths and weaknesses of liberalism's claim over Bentham and his international work is extremely difficult. On the surface, the claim is justified, as Bentham pushes for the emancipation of colonies, open diplomacy, international law, and even international institutions for the expression of public opinion. These demands cannot be ignored or undervalued for the purpose of denying Bentham's place in the liberal paradigm, but as has also been shown, his placement is sometimes tenuous. Beyond his hesitations and misgivings though, his undeniable reliance upon expectation either to justify his lofty peace plans, or concede defeat, is striking. Expectation also has a profound influence on Bentham's views on war. Expectation guides Bentham's pen no matter the argument, and it is because of this feature of his work that there is great difficulty in enabling international relations theorists to accurately assess Bentham's contribution to the discipline.

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Chapter 6

Bentham on War

> The first passion of every man is the desire of his own preservation, and [. . .] courage is more or less a factitious quality, a social virtue which owes its birth and growth to the public esteem more than to every other cause. A momentary ardour may be kindled by anger, but a courage, tranquil and sustained, is only formed and ripened under the happy influences of honour. . . . The external security of the state against its rivals depends upon the courage of its soldiers; the internal security of a state against those very soldiers depends upon the courage of the mass of citizens. In one word, courage is the public soul, the tutelary genius, the sacred palladium by which alone we can be protected against all the miseries of servitude, remain in the condition of men, or escape falling beneath the very brutes.[1]

The focus of this chapter is Bentham's ideas about war; its causes, justifications, and methods of successfully undertaking a military initiative. Generally speaking Bentham's project frequently leans toward indicating the various means by which one can prevent war. This fact makes his writings on war all the more interesting, especially since he was not outright opposed to war, and had a personal fascination with things military. Nonetheless Bentham's writings are predominantly occupied with issues of peace maintenance, not warfare. That being said, although it is not surprising that the material Bentham wrote about war is sparse and limited, this work has also been ignored to the detriment of our understanding of his ideas and his place in the theoretical traditions of international relations.

The works examined in this chapter consist of his essay *On War*, found, in part, in the section Bowring designated as *Principles of International Law*, part of a marginal outline

[1] J. Bentham, *The Theory of Legislation*, 303.

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dictating causes of war,[2] and, having received the least attention by previous scholars, an extensive examination of Bentham's work on the Defensive Force contained within his work the *Constitutional Code*. The work on the Defensive Force will subsequently be compared with positions articulated by Adam Smith and Machiavelli, and subsequently evaluate how Bentham approached the subject of defence.

Within Bentham's 1780s papers there is one essay, *On War*, that exclusively addresses war. This essay on war is quite small; easily the smallest essay among the collection comprising Bentham's work on international relations. In many respects Bentham addresses the same theme in all of his essays from this time, focussing on the understanding and the prevention of war. However, of the 1780s collection, including *A Plan for an Universal and Perpetual Peace*[3], the *On War* essay is the only one wherein the causes of, and *justifications* for, war are present. Although written circa 1786, Bentham already examines issues that later become central to his future concern of disappointment prevention, and the security of expectation.

A number of significant points arise immediately in Bentham's *On War* essay that clearly illustrate his position; at the forefront of analysis is the state and property. A leading perception of Bentham's writings in international relations theory is that he emphasized, at least to a degree not seen before, the extent to which the individual was capable of altering or affecting international circumstances. This perception emanates, in part, from his views on the efficacy of public opinion and the public opinion tribunal, among other

[2] Also used by Bowring and inserted into the essay *On War*.
[3] Subsequently referred to as *Plan*.

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things.[4] In his *On War* essay, however, Bentham is clear from the start that war is the purview of the state, and can only be successfully evaluated with a state-centric analysis. He asserts that any parallels made between the state and the individual can only be taken so far, such that "tracing the process from the original source to the ultimate effect a variety of intermediate considerations will present themselves in the instance of war which have no place in the quarrels of individuals."[5] This argument is further sustained by the fact that the state may not have "persons distinct from the persons of individuals: but they have property which is the property of the state, and not of any individuals."[6] This is meaningful for two reasons: the first is that the state is the prime, if not sole, actor in the event of war; the second is that "property" is central to the cause of war. A direct connection with the thesis that Bentham was preoccupied with the security of expectation or disappointment-prevention, already lies here. It is "property" that becomes central to the disappointment prevention principle, such that the state exists to protect individuals and their expectations that must be felt to be secure; the state must therefore be able to ensure the expectation that one's "property" or thing will not be tampered with or taken away. The connection between property, security, and the prevention of disappointment, or security of expectation, is not one explicitly made by Bentham at this point. It is, however, early evidence that is consistent with the subsequent development and articulation of his concerns for security of expectation, and hence the development of the disappointment-prevention principle. In this case, it is on the basis of security of "property" that the state is justified to go to war.

[4] Further discussion of the public opinion tribunal appears in the previous chapter, *Bentham on Peace*.
[5] UCxxv.22

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Security of property does not justify conquest. Offensive action for the purpose of conquest is more likely to place one's own territory in jeopardy rather than effect any maintenance or increase of security. It is also not in every case, when a threat to a state's property or territory exists, that war should be the result:

> In all these cases the utility with regard to the state which looks upon itself as aggrieved, the reasonableness in a word of going to war with the aggressor depends partly upon his relative force, partly upon what appears to have been the state of his mind with relation to the injury. If it is evident there was no *mala fides* on his part, it can never in that case for the aggrieved state to have recourse to war, whether it be stronger or weaker than the aggressor, and that in whatever degree. In that case be the injury what it will it may be pronounced that the value of it should ever amount to the expense of war, be it ever so short and carried on upon ever so frugal a scale.[7]

If no malicious intent is present then war cannot be an option; the breach of security or threat must be dealt with by other means, although those means are not clear in this essay. Bentham does not offer an example of this scenario, in part suggesting that although it is an appropriate guide to action it is also a scenario that is a rare one.

The other scenario, where *mala fides* are present, and for which Bentham does provide examples, provides us with Bentham's justification for war.

> In case of *mala fides*, whether even then it shall be worth while to have recourse to war will depend upon circumstances. If it appear that the injury in question is but a prelude to others, and that it proceeds from a disposition which nothing less than entire destruction can satisfy, and war presents any tolerable chance of success how small soever, reason may join with passion in prescribing war as the only remedy to so desperate a disease.[8]

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[6] UCxxv.23
[7] UCxxv.25
[8] Ibid.

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If the aggressor appears to have no other intent than the destruction of the recipient and its property, then war is justified. Of course this makes sense if one takes the position that one has nothing to lose in entertaining such an effort. However, there are other circumstances under which war would also be an option:

> Though in case of perseverance on the part of the assailant, successful resistance may appear impossible, yet resistance such as can be opposed, may be gaining time, give room for some unexpected incident to arise, and may at any rate by the inconvenience it occasions to the assailant contribute more or less to weaken the mass of inducements which prompt him to similar enterprises.[9]

War may also be thought of as an option for the purpose of wearing out the assailant. In this way the aggressor would be dissuaded from pursuing similar attacks elsewhere, if not on the state in question. Bentham refers to the Spartans at Thermopylae where they "finished to a man," but not without its use.[10] The instance where war may not be advised, even if *mala fides* motivate the action, is in the event that the action has for its object a limited goal, and that under some situations allowing that goal to pass would be more advantageous, for both the people and the finances.

Brief though it is, Bentham's essay on war uncharacteristically provides succinct and coherent ideas in a small space. In the 1780s papers he additionally made some "notes" regarding the causes of war, but did not explore them in depth. In those Bentham indicates a cause and then suggests a method of prevention:

> **Guerre - Causes**
>
> **I.** Debits reals ou pretendre des citoyens d'un état envers les citoyens d'un autre. Causes par les interets des sujets.
>
> 1. Injures en general

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[9] Ibid.
[10] Ibid.

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2. Injures occasionments par la rivalité de commerce – Interception de droits de propriété

Guerre – Preventifs
I.
1. Liquidation des pretensions de chaque souverain a l'egard des sujets de chaque autre souverain
2. Liberté generale de commerce
–par les interets des souverains.
1. Disputes par les droits de succession.
2. Disputes par les [boundaries][11]

Bentham explores some of the above causes of war in his other writings, especially with regard to commerce, but the fact of war becomes, although still very important, tangential to the analysis that he provides. The rest of his essays from the 1780s focus on how to engender better relations between states, the object being the avoidance of *any* conflict that manifests itself in dialogue, court action, and moral and economic sanctions, as well as war. Over forty years must pass before Bentham speaks to the issue of war, and he does so through his work on the Defensive Force. One last point should be made however, as it relates to his future writings. Bentham wrote very little about a defensive force in his 1780s papers, except for one or two comments regarding standing armies. In these earlier works Bentham did not see the worth of standing armies, as these were only to be found in a state that desired war. This is significant because, as will be seen below, Bentham's position on the composition of a defensive force still reflects the same fears through a modified structure.

The very important, but hardly considered, piece that Bentham wrote for the subject of war is his extensive chapter, contained in *Constitutional Code,* on the Defensive Force. It

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[11] UCxxv.124.

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is one of the most overlooked but equally illuminating pieces he has written on the issue of state defence, and correlatively, war. In this piece, written in the late 1820s, Bentham broadly addresses his subject, dictating, on the one hand, the various sorts of compensation one would receive for the loss of a limb during service, to how many subordinates ought fall under the command of a superordinate, on the other. With these ideas and all those that Bentham covers in between, we get an excellent view to Bentham's thinking on the subject of defence, for whom and from whom, toward the end of his life. For a man devoted to the cause of peace, Bentham spent considerable effort designing a force for war. But with Bentham's preoccupations with security, it makes sense that a Defensive Force would be integral to his plan for peace. His interest in military things is still not so well known, and apart from having personal interests in the area,[12] it is apparent that he also spent much time thinking about these issues on a national and international level as well.

Bentham's design for a defensive force is included in his overall design for a constitutional code, which he began writing in 1826 and continued to work on until his death in 1832. Bentham was speaking to an audience that he felt was aware of the particular conditions of their time, and hoped that his work reflected and worked with those conditions. Bentham's work assumed that notions of conquest were no longer relevant, left behind in the primitive past, because such activities were no longer needed by his time; civilized states had what they needed. He did not oppose conquest as a principle in and of itself, however, by the 1800s Bentham did not consider conquest necessary, and this principle is clearly laid out in the *Constitutional Code*, first in the

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[12] Please see Conway, "Bentham on Peace and War," *Utilitas* (No. 2, Vol. 1), 1992.

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inaugural declaration of the sovereign, and then in the chapter on the defensive force. Since conquest was no longer a part of the agenda, an offensively trained force would be inappropriate. A defensive force is still a very necessary instrument though. Although a state need not conquer its neighbours anymore, it still needs to defend itself if neighbours see fit to conquer it.

The defensive force should be available in times when there is an "efficient cause" of necessity; the cause consisting in "the need of contribution in any shape, to the supply in every shape, which happens to have been provided for the purpose of national defence; and note that, 1. For the purpose of national *defence*, it may at any time happen that operations of an *offensive* nature may be necessary."[13] Bentham's definition of defence is broadly based, reflecting the fact that state security is paramount, and even justifies a type of "preemptive strike" in addition to defence against overt attack. The defensive force has both positive and negative ends to ensure the defence of the state. The positive end works toward the preservation of the state from external, hostile, forces, and the negative ends work to "minimize the danger to the supreme authority, and thence to the whole community, from the quantity of force lodged in an authority intended to be subordinate," as well as "minimizing the amount of the attendant evil in all shapes" including the minimizing of any expenses involved in creating and maintaining the defensive force.[14] Overall, Bentham's design of the defensive force attempts to walk a fine line between defending the state from without, and defending it within. Defending it from external forces becomes fairly straightforward – when one is attacked, make sure one can defend

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[13] Bowring, ix, 384.
[14] Ibid., 336

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oneself. But from forces from within, Bentham wants to make sure that a defensive force would not constitute a threat to the people at large, and also that the people at large do not constitute a threat to the state. How does he set out to accomplish this?

The defensive force must be subject to a military discipline that results in the optimum security for the state and its people. The sort of military discipline that Bentham requires reflects his concern for protection of the state from hostilities that could originate from within, as well as without, the state in question:

> Of military discipline, the objects are these:--
> 1. The *good of the service*: that is to say, making the species of the force in question, on each occasion, effectual to the purpose of national defence; and, to this purpose, securing to superordinates obedience at the hands of subordinates.
> 2. Securing subordinates against oppression by superordinates.
> 3. Securing the members of the community at large from oppression and wrong, at the hands of these their military functionaries and intended defenders.
>
> Primary object, the first: secondary objects, the two others. Of these antagonizing objects, in time of war or imminent danger of war, the first will have the superior claim to regard: in time of undisturbed peace, the two others.[15]

If the defensive force must not only secure the state from external pressures, but also from the state's "military functionaries and intended defenders," in other words, from the defensive force itself, the force must be designed in such a way that such internal policing can succeed. The notion of internal policing is pivotal to Bentham's design and as such will be continually examined through the evaluation of the defensive force. The need to police one's own security force becomes apparent immediately in Bentham's work on the subject. What also becomes immediately apparent is that even though this policing

[15] Ibid., 366.

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exists, Bentham cannot but help release ultimate authority to just one body, resulting in a definite weakening of the system he tries so hard to construct.[16]

Bentham thinks that he has effected a balanced design for a defensive force, but he sets himself up to accomplish the most difficult of tasks, since he grants virtual absolute power to the same functionaries whom he wishes to defend himself against:

> Annexed, of necessity, to power of military command, in the instance of every person to whom it is given,--are the eventual power of *suspension* and the eventual power of *arrestation*; both powers being exercisible on the spot, over every person in relation to whom the power of command having by the superordinate as per Arts. 2, 3, been exercised, the exercise thereof has been followed by *disobedience* or say noncompliance, or want of sufficiently and practically prompt compliance.
> In the exercise of such power of arrestation, whatever physical force is necessary to subdue resistance may be lawfully employed: of such modes as are effective, the least afflictive being always employed in preference.[17]

This clause is vitally significant since it allows supreme authority to fall in the hands of the superordinates. This point is presented in the beginning of this analysis because it will arise time and time again and it makes a definite statement about Bentham's inability to rely on his own mechanisms that are designed to make sure that the subordinates, and the subject many, prevail. For example, Bentham defers to the above procedure in the event of a question about superior orders. He initially declares that no subordinate is obligated to obey a command that demands the subordinate to "inflict wrong in any

[16] Power ultimately resides with the state. On any occasion deemed appropriate by the Legislature, can the Legislature effect the use of the defensive force (Ibid., 36). The only time that a subordinate can exercise power without order from a superordinate is in time of great military need, usually linked to that individual's self-preservation (this power would be exercised over others in the military or over the population in general, especially during war time. (Ibid.) Likewise, the judicatory is granted immense power for purposes of punishment during times of war for such things as desertion or disobedience of orders. This power is reduced in peacetime, however, the point is certainly made that when the state suffers a condition of threatened security, it is allowed great latitudes. (Ibid., 394).
[17] Ibid., 366.

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shape, on the person or property of any individual at large."[18] A command that dictates an action of wrong doing on public property might be required, and even considered acceptable, if the circumstances warrant it, but Bentham states that this does not hold true in the case of private individuals and their property. The above clause allows for the power of *arrestation* that can render void any effort to keep the civilian population and private property out of the fray of war. But perhaps things are not as bleak as they appear. Bentham's design may still keep the power granted to the military command in check with a division of the forces, between the *stipendiary* and the *radical* force, as Bentham called them.

Bentham's defensive force consists of a land-service (army) and sea-service (navy), both subsequently broken down into the *stipendiary* and the *radical* forces. These two types of forces distinguish between those who are permanent and paid members of the defensive force (the stipendiary) and those who are not (the radical). Bentham's justification for a paid portion of the force is the "progress made in the career of civilisation".[19] Whereas in the "early and immature state of society" *everyone*, even "the weaker sex", was made to participate in the preservation of the security of the state at a moment's notice.[20] At that time, according to Bentham, society was not organized enough to have established functionaries charged with the sole duty of ensuring survival and security. However, with the progression of time a "small portion [of individuals is]

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[18] Ibid., 367.
[19] Ibid, 334. Bentham believes that the stipendiary force is the pre-eminent force of any political society. It is the most efficient and "is the only one that suits that which is everywhere the *actual* end of government; namely, the prosperity of those by whom the powers of government are possessed.""(Ibid., 337) The radical force is the product of an "inferior culture". Hence Bentham's justification for having a paid military force; it is the product of civilization. A military force emanating from the public at large, such as a militia, is reflective of more primitive cultures.

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withdrawn from the care of producing the matter of subsistence and abundance, the whole remainder of the population is left exclusively in maximizing the aggregate mass of the matter on which life and prosperity depend."[21] Although the progression of time allows for the paid, stipendiary force, Bentham acknowledges that such a force ought not to grow too large, and that the bulk of the defensive force ought to be contained within the radical, unpaid force. The radical force also ensures security against the stipendiary force, in the event that the latter turns against the state; the radical force is the only source of security against the stipendiary force.[22]

Bentham is aware of the possible difficulties of having a paid military force available during times of peace. For that reason he explores options for making the most productive use of the paid personnel's time when not occupied with training for, or participating in, a war. There is no fear of the possibility of idle hands in the radical branch as those serving in that branch are first and foremost devoted to their various domestic and civil occupations. Those, however, who depend upon the military life for their livelihood, need to be occupied during peacetime.[23] The vast proportion of the stipendiary's time is spent in training, however, as "the whole of the disposable portion of the four-and-twenty hours will not be filled up,"[24] Bentham suggests what sort of time-occupying endeavours ought to fill the spare time. He includes activities that enhance one's comfort, recreation and involve regular exercise, but especially activities that will, at the same time, promote the development of one's military aptitude. Each individual is

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[20] Ibid.
[21] Ibid.
[22] Ibid., 338.
[23] Ibid., 341.

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allowed to decide for himself how his time shall be occupied, but within certain parameters:

> Lest by the idea of obligation and coercion, an occupation which would otherwise be *acceptable*, should by the circumstance of its appearing to be prescribed by government, be rendered *unacceptable*,--let the choice of it, although antecedently made in a general way by the government, be on each individual occasion felt, and by each individual person understood, to be made by himself.[25]

Ideally each individual has the opportunity to chose how to occupy his time, but to ensure that such choices will not conflict with the interests of the state, the state is provided with the ability to control those choices.

The balance achieved between the paid and unpaid forces also dictates the roles assigned to each. The stipendiary force is first and foremost responsible for all hostilities emanating from outside the state, and secondly responsible for responding to hostilities initiated from within; alternatively, the radical force must pay particular attention to internal discontents, and secondly address hostilities from without.[26] It is clear that the internal security question is generated from a fear of insurrection on the part of the stipendiary force, and that the radical force exists to ensure that the stipendiary force would not be allowed to cause harm to the state or its people. Bentham makes this fear plain when he discusses the composition of each force, in that the stipendiary force must be minimized and the radical force maximized:

> *Reasons.* 1. Minimization of danger to the constitution from insubordination on the part of these [stipendiary] functionaries, and from resistance to, or even forced ascendancy over, their respective superordinate authorities, whether in the

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[24] Ibid.
[25] Ibid., 342.
[26] Ibid., 338

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military line or the non-military; to wit, the army minister, the navy minister, the prime minister, and the legislature.
2. Minimization of expense,--of the quantity of the expense bestowed upon the service of this compound subdepartment.
3. Minimization of power and disposition, on the part of the government, to engage in offensive aggression against other states, and thence to involve this state in needless and internally pernicious warfare. . . .
Reasons for the maximization [of the radical force.]
1.Maximization of security, and sense of security, against danger of insubordination and ascendancy on the part of the stipendiary force.
2.Giving increase to the chance and facility of affording, without expense of bounty or enlistment, or at less expense, as well as without compulsion, increase in case of need, to the stipendiary force.[27]

The fear that the stipendiary force could turn against the state also dictates the size each force is to take; the principle to be applied is to minimize, to the extent that potential external hostilities will allow, the stipendiary force, and *relative* to that number, make the radical force proportionately greater in size. Bentham does not state *how* much greater in size the radical force ought to be, just that by being the larger force it would be capable of dealing with any wayward stipendiary force. The radical force exists because of the stipendiary force; the former is designed to be a check on the latter. It is difficult to understand, however, how Bentham thought that such a design would be successfully achieved. Bentham himself does not give the radical force much credit in its historical foundation and training, and he is ambiguous when determining the actual size of the force. The balance is difficult to maintain if one was to follow Bentham to the letter. The stipendiary force, as will also be seen below, is heavily relied upon for both external and internal security issues.[28]

[27] Ibid., 339.
[28] In later passages Bentham claims that fears about the stipendiary force rebelling against the state are mitigated by the type of political regime that is in place.

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Confusion continues to dominate Bentham's balance between the two types of forces he has designed. It becomes unclear how the radical force would be a check upon the stipendiary force given the training each force receives. The stipendiary force must be trained in the "manipulationary and evolutionary movements with small arms, but moreover other branches of physical art and science, wide in extent and variety; mechanical and chemical for example—through the medium of fortification and artillery exercise."[29] The radical force need only be trained in the "small arms exercises, as above, . . . with which the members in general will naturally be apt to content themselves."[30] Apart from numbers, the radical force does not appear to be much of a threat to anyone. This is emphasized when Bentham reiterates that the stipendiary force is an effective product of civilization. The radical force is the product of an "inferior culture", and "has everywhere pined or withered under the shade of it."[31] Even though Bentham does not appear to take the radical force very seriously, he relies upon it to ensure the "greater the security against all enterprises, to the temptation of engaging in which the members of the stipendiary force stand exposed."[32]

The radical force is trained by personnel from the stipendiary force, but the material that the radical force must train with is of a lower calibre, and they are trained with less: "The appropriate *material* instruments will be the least expensive of those which will suffice for the exercises: for articles no otherwise employed than by being instantaneously consumed—powder and ball, for example—no absolute need will, for this species of

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[29] Ibid., 339
[30] Ibid.
[31] Ibid. 337.
[32] Ibid., 339.

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service, have place."[33] The only required field of service would be infantry, as this is also the least costly. The legislature would decide whether or not cavalry, common artillery, and horse-artillery service would be included in the radical branch, as these more expensive services would have to be paid for by the government.[34] Bentham liberally applies what he refers to as the *expense-minimizing* principle where the radical branch is concerned. The stipendiary force is the one that must be primed and ready for any hostile eventuality, thereby justifying various government expenses to ensure that the stipendiary branch is well trained and ready. The radical branch does not receive as favourable a treatment, and the only result could be a less, if not ill, prepared force, in comparison with their paid colleagues.

Although the general objectives that Bentham wishes to achieve are relatively clear, he manages to confound those objectives with his details. His arguments become circular and confusing, especially where the radical force is concerned. For example, Bentham declares that the radical force ought not to be compared to what many would think of as a *militia*, since his radical force is supposed to be something quite different:

> To an English or English-bred mind, the idea of an aggregate body, the individuals of which are brought together by compulsion, with a view to land-army service,--and which is distinguished from an army by its comparative unserviceableness for the purposes for which both are intended,--presents the word *militia*. As to the *existence* of this institution, in England, and in the Anglo-American United States, it is unquestionable. To find for it anything like *a use*, must be the work of imagination. Two, and no more than two, uses, does this instrument (it is believed) ever bring to mind.
> 1.Supposable Use the first. *Nursery for the army*: this phrase may serve to give expression to one.—2. Supposable Use the second. *Protection against* the army, and those who have the command of it: this phrase may serve for the other.

[33] Ibid., 343.
[34] Ibid.

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> As to the benefit derivable from the keeping up, at *all* times,--by pay, and compulsion to boot, a large body of ineffective men, with no better prospect than that of a *chance* of being able, *with*, or though it were even *without*, compulsion, at one time or other, to aggregate a small portion of it to the effective army, instead of aggregating to that body, on each occasion, at the minimum of expense, the number actually wanted and no more,--this first imaginable use has just been held up to view.
>
> . . . .
>
> Remains, the protection imagined to be afforded or affordable by the militia *against* the army: against the army, and thence against those who have the command of this last-mentioned instrument, the force and formidableness of which are not open to dispute.[35]

Bentham has himself provided an adequate critique against a militia, but it is difficult to see how the militia differs from his radical force. The radical force is designed to keep a better trained, more able and advanced defensive force in check, but only its force of numbers appears to be the radical's advantage. In large part, what Bentham created in the radical force is precisely that which he criticizes in the same breath. Bentham notes that the militia as utilized by England and the United States is the only military force available to those states. Bentham, of course, advocates the institution of a permanent force, in *addition* to what could still be styled a militia, the radical force. For the sake of efficacy, however, Bentham's radical force does not appear to be any more efficient or effective than that which he criticizes. Although Bentham does, many times, pay homage to the idea of the "people" having the last word and the ability to exercise power (his continued criticisms of the British and American militias and the fact that they were controlled by the ruling few is an example), ultimately his own organization ensures that the state machinery has the final authority.

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[35] Ibid., 345-346.

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The advanced and "civilized" stipendiary force is necessary since the state requires a force constantly prepared for any instabilities that occur, externally or internally. The inferior radical force must be able, with little training and only a *relatively* larger number of troops, to combat the stipendiary force that will, more than likely, rebel against the state and cause it harm. But assuming that the radical force, inferior though it is, is still capable of the functions to which it has been ascribed, how does Bentham ensure that it has the numbers required to do so?

Bentham initially appears to be in favour of only voluntary service, but his position is flexible. His discussion focuses on recruitment for the stipendiary force, but Bentham does not ignore some important points about the radical force.[36] With "exceptions excepted", the radical force is open to those who "being apt with respect to the performance of the appropriate exercise, are willing to join therein; none who are not willing."[37] In addition, and for the purposes of reducing expense as much as possible, candidates will not be solicited from anywhere other than urban areas. This would reduce the cost of transportation to and from the location of the military exercises, and would not impose such an expense upon those individuals unable to endure it.[38] If enough people voluntarily enlist in the radical force then all is satisfactory. However, how can the required number (which must be relatively larger than the stipendiary force) be obtained with certainty, if not through compulsion?

[36] Bentham notes the possibility of the use of compulsion to generate an adequate radical force, but this point is not explored nor explained. Ibid., 340.
[37] Ibid., 343.
[38] Ibid., 344.

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Bentham attempts to address this very question, and states that compulsion, "for this service men in sufficient number . . . would not be needed."[39] Bentham assumes that a number of principles apply in the acquisition of a radical force, and that they reveal how compulsion is not only unnecessary, but also detrimental to its creation. To begin with, it is assumed that those with a relish for the military service would likewise have a particular aptitude toward it; those with less relish, less aptitude. Therefore the radical branch is available for those who find the service appealing and are more suited to the task, and no one who feels otherwise should be forced to take part. Compulsion would be detrimental in that efficiency would remain the same at best, and at worst, be reduced. Discontentment would increase, resulting in members avoiding service or deserting. Many would suffer at the hands of a few (those few in the leading ranks), and the expense of pursuing, catching and convicting deserters does not justify the practice.[40] Apart from the suffering that is endured by those individuals compelled into service through enlistment, such a practice is costly in application.

The radical force must rely on the willingness of its participants to be there. Willingness is facilitated in two ways; through time and distance.[41] A man must not be made to sacrifice whatever time is required for generating an income to provide for himself and his family; the time devoted to the radical force must be convenient and not disruptive. The distance to training facilities must also be minimal. Bentham advises that

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[39] Ibid., 344.
[40] Ibid. Some of these costs are deflected with the funds obtained from those who pay a price for their exemption from the service; an untenable suggestion for anyone concerned with even the faintest of egalitarian practices. Not only does this work against those who cannot afford to pay, but those at the very top of the social scales rarely, if ever, pay for their exemptions while receiving them all the while. Ibid., 345.
[41] Ibid., 345.

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participants should come from towns and cities of relatively dense population. This not only ensures a short travel time to and from the site of training, but also ensures that the service attracts people of intellect.[42] Such are Bentham's reasons to recruit only on a voluntary basis. These reasons directly answer, according to him, the question of generating enough troops for the radical force. It is true that troops would probably be generated, the question is, would it be enough? Bentham *requires* that the radical force be relatively larger than the stipendiary force; the security of the state is vested in the radical force since it is the only viable remedy against a wayward stipendiary force. Since the stipendiary force must be large enough to respond to external threats immediately and effectively, the radical force must be larger.

Bentham does not address the problem of enlistment in the radical force any further. It appears that he ultimately *hopes* to have an adequately sized radical force. However, if he is short on stipendiary personnel he offers a solution: conscription. "Obligatorily located, if any, are those, whom in a time of extreme peril, through inability to procure a sufficient number voluntarily serving, the Legislature shall have ordered to be thus located."[43] Having already provided lengthy arguments against, Bentham still concedes that "[i]n all branches of the Defensive Force service, *involuntary*, or say *compulsorily-enforced* enlistment may, to an unlimited amount, be but too indispensably necessary."[44] There is not much question that Bentham considers conscription to be undesirable, but as in many other circumstances, he provides an exit so that the state is not bound by these

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[42] Ibid. " . . . in the seat of the densest, not in that of the thinnest population,--has the nature of man, in unison with the nature of things, placed the seat of the most intellectual public."
[43] Ibid., 351.

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ideals. As much as it would be best that all enlistment occur voluntarily, it is possible that the state will find it necessary to compulsorily enlist recruits. Conscription is only supposed to take place under conditions of necessity, but since these conditions "consist in the need of contribution in any shape, to the supply in every shape, which happens to have been provided for the purpose of national defence,"[45] the state is able to determine with particular latitude whether conditions warrant conscription or not.

The extent of this latitude is apparent when Bentham speaks of desertion, and what measures should be taken to prevent or curtail it. He admits that desertion would not be a concern if recruitment was strictly voluntary, but there are two conditions where the status of volunteer no longer applies: in war; and "in a state of peace, if the number of those desirous to quit should be so great, that by the substitution of that same number of recruits to veterans, the deterioration to the strength of the aggregate of the force in the branch in question would be perceptible."[46] There is no indication as to how this deterioration is to be determined. Therefore it can only be assumed that this determination is left up to the state. Although the state is confined to action on the basis that "[e]xaction of services of a military nature is, for the time that the course of the operation lasts, *compulsory enlistment*; enlistment, for a *time* corresponding in duration to the emergency,"[47] and "[c]onsistently with this constitution,--only in the case of invasion,

[44] Ibid., 353. Bentham further states that the constitution will allow for compulsory enlistment "only in the case of necessity." Ibid., 357.
[45] Ibid., 384.
[46] Ibid., 372.
[47] Ibid., 384.

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or imminent danger of invasion, or civil war, can any such compulsory recruitment have place,"[48] there is still ample room for the state to maneuver.

Bentham's design of the defensive force is an intricate balancing act between the interests of the people, of the state, and of the defensive force itself. Ideally the state defers to the people, and the defensive force defers to the state. Ultimately, however, the state is authorized to exact necessary evils and is granted significant powers through the constitution to carry out actions of necessity. These acts are understood to be those by "military necessity, the necessity of giving by law to military functionaries authority to produce, on each occasion, in any shape whatsoever, whatsoever evil may be at the same time sufficient and *necessary* to the exclusion of greater evil."[49] Allowing for such "evil" to take place must be legislated; Bentham notes that many societies (he does not state which ones) prohibit any evils to take place, however, Bentham argues that it is better to legislate these actions rather than prohibit them altogether:

> That which you prohibit, you cannot regulate. . . .
> If you *prohibit* the production of the supposed necessary evil,--the prohibition will include in it the effect of an order for *concealment*: and, under favour of this concealment, the supposed agent stands exposed by you to the temptation of producing, over and above the evil necessary to the exclusion of the supposed greater evil, evil in whatsoever shape and quantity may afford a present gratification in any manner to himself.[50]

For security Bentham allows extensive legislative and state control. His methods are not arbitrary, and he distinguishes between conditions of peace and war when determining

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[48] Ibid., 396.
[49] Ibid., 384.
[50] Ibid.

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the sort of measures that ought to be pursued,[51] but there is no question as to the power granted the state when the state is threatened:

> Regulations which, in a civil case, would be established with a view to *justice*, are accordingly, in this or that military case, made to give way to others, which are regarded as most conducive to the *maximum of efficiency* on the part of the national force. This sort of conflict being admitted,--follows the observation—that in time of *war*, the demand for corroboration of *power* is at its *maximum*; the demand for *justice* at its *minimum*; in time of peace the demand for *justice* is at its *maximum*; the demand for corroboration of *power* at its *minimum*.[52]

The state is required to play the dominant role in times of crisis, or where there is a perceived threat to the state's security.

The vast proportion of what has just been discussed applies primarily to the land-service of the defensive force. As mentioned earlier, Bentham also envisioned the inclusion of a sea-service, but only for those states that had access to water routes. The land-service takes precedence over the sea-service as far as necessity is concerned, as not every political community is situated in such a way as to require a sea-service, however *all* need a land-service. Bentham has a "romantic" respect for the sea-service, however, as he claims that the sea-service prevails over the land-service as far as dignity is concerned, so far as "dignity is proportioned to quantity of demand for appropriate intellectual and active aptitude."[53] A littoral state would have a navy, but there is no impression that a state receives any particular benefit from it.[54] If a sea-service is required, however, one

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[51] For example, if punishment of military personnel is required, such punishment is dictated by the nature of the offense as well as the political climate (peacetime or war). Ibid., 394.
[52] Ibid., 393.
[53] Ibid., 334.
[54] This is contrary to what Bentham's idol, Catherine II of Russia, believed. She was uncompromising in her demands to have a warm water port, assuming not only that sea power was necessary, but that it was more so from particularly strategic and central locations.

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need not fear from the potential risks of an employed defensive sea force, unlike the risks attendant with the land service.

Unlike the land-service, there is no need to check the dangerous inclinations of a paid sea-service. Although the sea-service is also broken down into the stipendiary and radical divisions, the stipendiary naval force is no threat:

> In the stipendiaries belonging to the sea-service branch, no such source of danger is perceptible. The element on which they act keeps them in a state of comparative separatedness; and at the same time mostly at an uninfluential distance from the seat of the legislature. . . But as, in comparison with the danger from the land stipendiary force, the danger to a constitution from the sea stipendiary force is inconsiderable;--so, on the other hand, is the use of it, in the character of a check, as above, correspondently inconsiderable; in its serving as a source of constantly applicable supply, consists its principal use.[55]

Since the state is capable of supplying itself otherwise, a check against the sea-service (as a source of supply) is not necessary in the event the sea-service turns against the state. The role of the sea-force is not pivotal to the survival of the state, it just supplements the efforts of the land-service. The radical arm of the sea-service is conveniently ready and able with little, if no, training needed. It is "in its own way, trained, (unarmed or armed as it may happen,) and thus kept in a state of comparative preparedness for eventual military sea-service."[56] All in all, if a state has a sea, it almost inevitably can have a sea-service.

But again, it is the land service that is most crucial to a state's survival, and it is the *state* that is in question. The paid, or stipendiary, land force is only a small component of the

[55] Ibid., 335.
[56] Ibid.

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defensive force, but because they are kept in a constant position of preparedness they are capable of threatening, as well as defending, the state. This threat can manifest itself in two ways – under the command of the 'commander in chief', or under the command of any 'subordinate leader'.[57] Since there is always a force ready for action, it is possible for the leader of the state, or anyone else who would have power over the force, to usurp the legitimate authority endowed by the people. Bentham still offers one hopeful suggestion, however, that would ultimately balance these difficulties out and result in a successful, "liberal" conclusion.

The fear that a state's own armed forces might turn against it can be had in any political system. The fear is reduced somewhat, however, if the state happens to be a representative democracy where the "governors and governed are to the greatest possible extent the same individuals."[58] Although it is still possible that the stipendiary division of the defensive force can turn against the state, it is less likely because those who would guide the defensive force in such a direction emanate from the governed, or subject many. This is the only remedy to the fear, but once achieved it appears that the defensive force can be safely and efficaciously utilized in a variety of ways:

> . . . the principal and sole constant use of a body of stipendiaries is—that which consists in their serving as an instrument of security against aggression by *foreign* adversaries, actual and eventual. But, moreover, a collateral and highly useful, though but eventual and occasional use, is—the affording aid to the *justice minister* and the *preventive-service minister* respectively, in the application of remedies, suppressive or preventive, against delinquency in various shapes, when operating upon a large scale:--that is to say, upon a scale too large to admit of the mischief's being suppressed or prevented, by the personal force constantly at the command of the directing functionaries at the head of the above-mentioned non-military departments and subdepartments; and capable of being, with adequate

[57] Ibid.
[58] Ibid.

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> promptitude, brought to bear by them respectively upon the place in which the mischief has its seat.
>
> A casualty to which a democratic constitution, like any other, stands perpetually exposed, is—that of giving birth to a knot of malefactors, who, acting in manifest opposition to the ordinary official establishment of the government, constitute thereby a sort of temporary government of their own formation, monarchical or aristocratical as the case may be, waging war upon the government established by law: in which case, although no such prospect should be entertained by them as that of subverting the government which they find established, yet were it not for a body of well-trained military men in readiness to act for their suppression, no limit might be assignable to the quantity of the mischief which, before an end could be put to it, might be produced by them.[59]

Assuming that it is a representative democracy that is in question (and Bentham's *Constitutional Code* is designed primarily for, if not itself a design for, such a political regime), the risk of maintaining a paid military force is outweighed by the benefit of the same force being immediately deployed to suppress insurrection. Bentham acknowledges that the radical force is capable of achieving the same effect, eventually, but that the stipendiary force is able to act much faster as it is constantly prepared.[60]

The further one moves from democratic principles, the more that a stipendiary force poses a threat to the security of the state. For example, in a federative democracy, which Bentham considers to be somewhat removed from the representative democracy, a stipendiary force can still be recommended but a safe balance must be maintained; there ought to be enough troops available to suppress any "disobedience to the general will" by any one member of the federation, but not so many troops that they could wield power over the majority of the population belonging to the entire federation.[61] This argument

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[59] Ibid.
[60] Ibid., 336.
[61] Ibid.

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suggests, therefore, that the further the people of the state are from governing themselves, the greater the insecurity from any sort of a paid military force. Additionally, the radical branch of the defensive force can only have true efficacy in a republic as it is only in a republic that the people feel they have something they wish to preserve and make secure; in a monarchy or aristocracy the members of the community who would constitute the radical force would have nothing to lose if the state were threatened, whereas they would have much to lose, according to Bentham, if their republic was threatened.[62] This logic draws Bentham to conclude that "[i]n none but a republic or a mixed government, therefore, can there be either security or care about security."[63] Bentham does not explicitly explore the fact that in a monarchy or aristocracy, participants in the military force might be compelled to ensure state security, either through coercion or allegiance to the state or head of state.

Bentham's strategy on defence could be considered to be a peculiar combination of theory from Machiavelli and Smith, resulting in a synthesis that respects the security concerns of the realist while aspiring to the civilized, modest defence concerns of the liberal. Bentham's brief evaluation of the development of defence is significantly similar to Smith's. Smith notes that in primitive societies all members *must* participate in war, "even the women,"[64] but as society evolves and becomes more civilized, the necessity for all members of the community to participate is reduced. Agriculture is the key to determining the extent to which the members of a society are able to go to war; once a society relies on agriculture it must be settled rather than nomadic, and the habitation

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[62] Ibid.
[63] Ibid.

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must be tended at all times, even during times of war. In this case, Smith says, consideration must be given to the time taken away from harvest, and/or the costs involved in keeping members of the community from the source of their subsistence for the purpose of war.[65] Societies advanced beyond the basics of agriculture have yet other concerns. Whereas, according to Smith, nature is able to handle much of the needs in agriculture, those societies making use of manufactures cannot rely on nature to pick up the slack; the work of the artisan lies dormant until the return of the individual upon which the manufacture relies: "A shepherd has a great deal of leisure; a husbandman, in the rude state of husbandry, has some; an artificer or manufacturer has none at all."[66] Likewise, with the progress of civilization come the complexities of the war machine. War no longer becomes a matter of taking up a weapon and heading off to the battlefield; particular training is required for the more intricate devices and complicated strategies employed in battle.

The more advanced the state, the wealthier the state, the more desireable becomes the state, the greater the likelihood that state will be attacked. Smith suggests that there are two options of defence for the advanced state: embrace conscription, whereby each citizen is required to train in military exercises regardless of inclination, interest and aptitude (a militia), or design a small, permanent, and paid military force composed of those individuals in society so inclined to the military profession (a standing army).[67] The latter approach is more consonant with the civilized state, and reflects the advanced

[64] *Wealth of Nations*, 312.
[65] Ibid.
[66] Ibid., 314.
[67] Ibid.

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and progressive evolution of the division of labour. In a complex society, members divide themselves into specialized areas of labour, honing their particular trades to subsequently trade with other community members, rather than attempting to manage numerous professions with less time and ability. Smith applies this principle to the military as well. Society becomes so advanced as to require the specialization of military activity as a profession in its own right.

Smith supports his case for a specialized military force not only based on the complexity of advanced society, but also on the complexity of the armaments. With civilization came the advent of the firearm, the result being the presence of a "great equalizer". Physical skill and ability were indispensable for war between what Smith considered to be "the more barbarous societies" (features which the hunter and shepherd brought to the field), but became less significant, although by no means irrelevant, in comparison to "regularity, order, and prompt obedience,"[68] through large scale, vigorous training and exercise. Smith illustrates his point in providing multiple examples of how militias have failed in contrast to standing armies. The irregularity and inconsistency of training that is a defining element of the militia results in a product "effeminate and ill-exercised."[69] The only way in which a militia has any potential to become a venerable force in war is if it meets regularly on the battlefield, thereby forcing those who would normally be casual and occasional warriors to become professionals by default.[70] This way the militia becomes strong and, for all intents and purposes, a standing army.

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[68] Ibid., 315.
[69] Ibid., 316.
[70] Additionally, the militia of less-civilized nations, being led by the chieftains who are habitually obeyed in times of peace and war, are more effective than those that are led by less familiar authority figures. This

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The standing army not only benefits the defence of the civilzed state, but it also ensures that the condition of civilization is introduced, in the case of a conquered barbarous nation, and/or maintained, within the civilized state itself.[71] The standing army prevails on all accounts as far as Smith is concerned, however, he is not insensitive to the criticisms provided by those he refers to as "men of republican principles," that the standing army is a potential threat to liberty.[72] Smith notes that the standing army must, at all times, be consistent with the general interests of the public and the constitution of the state.[73]

> But where the sovereign is himself the general, and the principal nobility and gentry of the country the chief officers of the army; where the military force is placed under the command of those who have the greatest interest in the support of the civil authority, because they have themselves the greatest share of that authority, a standing army can never be dangerous to liberty.[74]

With the loyalty of the standing army, the sovereign, and by extension, the public can feel secure.

Smith also addresses the expense of the military project, especially as the maintenance of a standing army dictates some sort of expenditure on the part of the state. As it is a concern of Bentham's, it is also a concern of Smith's, albeit for different reasons. Bentham wishes to reduce the expense as much as possible. Smith, on the other hand,

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inherent allegiance evident in barbarous militias makes the militia of the civilized nation even more vulnerable, as the latter is not capable of engendering the strength of loyalty found in the former. (Ibid., 318.) Such a situation strengthens the argument for a standing army.

[71] Ibid.

[72] Ibid. Machiavelli would be included among these thinkers.

[73] Ibid.

[74] Ibid.

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merely acknowledges the existence of the increased expense; military expenditure is just a part of civilized community.

> In modern war, the great expense of fire-arms gives an evident advantage to the nation which can best afford that expense; and consequently to an opulent and civilised, over a poor and barbarous nation. In ancient times, the opulent and civilised found it difficult to defend themselves against the poor and barbarous nations. In modern times, the poor and barbarous find it difficult to defend themselves against the opulent and civilised. The invention of fire-arms, an invention which at first sight appears to be so pernicious, is certainly favourable both to the permanency and to the extension of civilisation.[75]

Not only is the expense acknowledged, it is condoned. It is the price one pays for civilisation.

Bentham also acknowledges that progress through civilization requires a form of defence other than strictly a militia. His stipendiary force is likewise designed to become fully competent in the ways of modern warfare, as Smith requires given the development of armaments. Bentham, too, is willing to pay a price for the permanent and well-trained military force, although in typical Bentham style he still tries to emphasize how to make most effective use of those costs. Beyond these similarities though, Bentham is not a disciple of Adam Smith. A fear for security lingers within Bentham's thinking that cannot be tempered with relying solely upon a professional military force. Those who make a career out of warfare are dangerous to the state and its citizens. Bentham seeks a design of a defensive force that can alleviate his fears about the standing army, and although he does not explicitly state it as such, his ideas appear to turn to Machiavelli.

Machiavelli argues in favour of a citizen's militia. The idea of an armed force composed of native troops was one of the most important contributions Machiavelli made to

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political thought in this regard. This militia composed of citizens of the state[76] was a response to the problems Machiavelli saw occurring in the Italian states' military system.[77] Frequently states, especially in Italy, hired professional armies instead of using the human resources available to them within their own territory: "[a] wise and well-governed republic ought never to keep such commanders in constant pay; rather, it should employ its own citizens in time of war and subsequently dismiss them to pursue their former occupations."[78] Machiavelli was not sympathetic to fallen regimes, since he attributed these losses solely to their imprudence, their laziness and desire for luxury, and their ignorance in not depending upon themselves and their own state's ability to preserve security.[79] Machiavelli feared that which he observed when the many princes of Italy made use of foreign troops:

> I understand by auxiliary troops such as a prince or a republic sends to your aid, but which are paid, and the commander of which is appointed by the prince or republic . . .
> I repeat, then, that of all kinds of troops, auxiliaries are the most dangerous; for the prince or republic that calls them to their assistance has no control or authority whatever over them, as that remains entirely with him who sends them; for, as I have said, auxiliary troops that are sent you by any prince are under officers appointed by him, under his banner, and are paid by him . . .
> A prince or republic, then, should adopt any other course rather than bring auxiliaries into their state for its defence, especially when their reliance is wholly upon them; for any treaty or convention with the enemy, however hard the conditions, will be less hard to bear than the danger from auxiliaries.[80]

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[75] Ibid., 319.
[76]There is a distinction between the military community and the civil community in Machiavelli's work, but they are closely linked. See Neal Wood, p. lxxviii.
[77]In chastising the many princes of Italy who had been using foreign troops or mercenaries, Machiavelli claimed the failing to use native troops was not due to the lack of capable citizens or subjects available, but solely the fault of the prince, who did not have the sagacity to lead those citizens. *Discourses*, I, 21; p. 175.
[78]*Art of War*, p. 23.
[79]*The Prince*, Chap. 24; p. 90.
[80]*Discourses*, II, 20; p. 349 and 350.

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The sovereign ought to control as much as possible; in doing so the acts of *fortuna* are more likely to be held at bay and the state has a greater likelihood of directing the outcome. If a victory is dependent upon the armed forces used to attain it, then one requires a great deal of control over those very forces. Machiavelli states this quite plainly, and reiterates this fact frequently throughout *The Prince*, *The Discourses* and *The Art of War*.

In keeping with his conception of the common good of the state, Machiavelli advocated the use of a citizen's militia, which would be available during times of war, but would not exist during times of peace. Machiavelli is vehemently opposed to a professional army:

> . . . since war is not an occupation by which a man can at all times make an honourable living, it ought not to be followed as business by anyone but a prince or a governor of a commonwealth; and if he is a wise man, he will not allow any of his subjects or citizens to make that his only profession . . . War will not maintain them in time of peace, and thus they are under a necessity either of endeavouring to prevent a peace or of taking all means to make such provisions for themselves in time of war so that they may not lack sustenance when it is over. *But neither of these courses is consistent with the common good.*"[81]

The militia would function only during times of conflict and training; the rest of the time the citizens who composed the militia would sustain themselves with typical civilian professions. Mercenaries on the other hand, whose only occupation was the waging of war for a fee, illustrated everything that Machiavelli believed was wrong with military organization. There was no incentive other than money for mercenaries to carry out the wishes of the sovereigns who hired them. Machiavelli preferred to create and develop a more honourable and loyal soldier by controlling and disciplining the human passions.

> A soldier who is nothing but a soldier is a menace to all other social activities and very little good at his own. . . . because his *arte* [of war] is to exercise the means

[81]**Art of War**, p. 15. See also p. 16-19.

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> of coercion and destruction. . . . it is important "to restrict the practice of this art to the commonwealth." . . . This *arte*, more than any other, must be a public monopoly; only citizens may practise it, only magistrates may lead it, and only under public authority and at the public command may it be exercised at all.[82]

Like Machiavelli, Bentham distrusts the motives and intentions of a fully employed but idle group of people knowledgeable in the ways of war. Similarities between the two thinkers do not end here however.

In two other respects Bentham mirrors the thoughts of Machiavelli: in the evaluation of "evil" doing for the sake of the state, and in the security of a republic. Both Machiavelli and Bentham advise that the most secure political regime is a republic; both agree that the more citizen involvement there is, the more secure the state is likely to be since the citizens have a vested interest in that security. These sentiments are not directed at reducing, or taking away, authority from the state, but that the more loyalty that can be engendered through the people toward the state, the more secure it will be. When it is time for war, however, a state, when threatened, must defend itself. Sometimes this means defence to the limits. This is the greatest "end" which "justifies the means." When no other recourse is available, the state must be defended by even unsavory means:

> . . . for the purpose of saving the country no propositions ought to be rejected. . . it ought to be saved at any price; . . . the defence of their country was always good, no matter whether effected by honourable or ignominious means. . . . For where the very safety of the country depends upon the resolution to be taken, no considerations of justice or injustice, humanity or cruelty, nor of glory or of shame, should be allowed to prevail. . . . the only question should be, What course will save the life and liberty of the country?[83]

In the end, if it depends on the survival of the state, any means to ensure that survival must prevail. Would Bentham go so far? He is not as explicit, but as has been seen

[82] J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican*

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above, some situations dictate the use of necessary evils, and the security of the state is one such situation. Neither Machiavelli nor Bentham would endorse the use of gratuitous violence, that which goes beyond whatever is deemed necessary to ensure control and order, but both see its purpose.

Lastly, but most importantly, it should be noted that Bentham's concern for the security of expectations is paramount, and can also find parallels with Machiavelli's thinking. Bentham does not seek change if it means radical alterations to the expectations of the people whereby their security is threatened or reduced. The disappointment-prevention principle dictates virtually every move Bentham makes as a designer of an ideal society, and is readily apparent in his writings on war as in everything else. Interestingly enough, Machiavelli was concerned in much the same way, and expressed his concern in his work *The Prince*. Machiavelli articulated this concern somewhat differently, but the principle behind the thinking remains very similar to Bentham's. Machiavelli's intentions were to examine changes in rule, and what features hindered or engendered certain changes. By so doing he identified "innovation" as a feature that was prone to disrupting the lives of many and therefore treated with distrust and disdain. This was expecially important to any new prince who would be considered an "innovation" himself within his new community.

> Innovation, the overthrow of an established system, opens the door to fortune because it offends some and disturbs all, creating a situation in which they have not yet had time to grow accustomed to the new order. Usage is the only alternative to fortune . . . The prince's new subjects are not accustomed to him . . . by defining innovation as the destruction of a previously existing legitimate

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Tradition, (Princeton: Princeton University Press, 1975), 199-200.
[83]*Discourses*, III, 41; p. 527.

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> system, [Machiavelli] had established that previous systems might vary and the prince's new subjects react variously to their loss.[84]

Machiavelli has identified the difficulty in attempting to institute something new upon the people; the fear of the unknown enters into the equation. Bentham acknowledges this same fear and renders advice accordingly.

Bentham wants the efficiency and expertise of the standing army with the security, through loyalty, of the militia. Bentham's respect for the sea-service, and resigned necessity for the land-service, speaks to his presentation and discussion of both. To possess a land-service is imperative, but it is also a source of danger. Here arise some of Bentham's difficulties in balancing defence concerns with the freedom of the individuals composing that society. A small group of people could be justifiably supported by the society to meet the security needs, but that same small group is also a source of insecurity for the state. Instead of ensuring, as Machiavelli does, that no paid defence force exists for fear of their being idle (given the fact that their livelihood is dependent upon war), Bentham attempts to balance the fears of having a permanent defence that stands idle against the benefit and convenience of a force constantly at the ready. This balance becomes the determining element in establishing the defensive force.

The purpose of this chapter is not to convince the reader that Bentham is actually a Machiavellian; he is not, but in certain respects he has followed Machiavelli quite closely. Quite unlike Bentham, Machiavelli had an intense distrust of the motives and methods of commerce, finding the commercial life to have a debilitating effect on the

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[84] Pocock, 160-161.

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virtù of the citizenry. He also thought that a regular visit to the fields of war was advantageous for the maintenance and development of *virtù*, a practice that would never have been endorsed by Bentham. Nonetheless, the similarities of the two thinkers cannot be overlooked, and although Bentham may not be a Machiavellian, he still draws his security expectations from the tradition that Machiavelli inspired. Bentham's writings on war pave the way to our overall understanding of his work in international relations. Realizing the conditions under which a state must react violently, and the conditions when it must not, we can further consider how the various states of the world are advised to make sure that any and all unnecessary conflict be prevented. Although there are events upon which a state must consider war, such events are few, and Bentham would have a state explore many other options before sending the citizens off to encounter "mischief upon the largest scale."[85]

In the next chapter, we take up one of the more controversial aspects of Bentham's international thought—his attitude towards colonies. Bentham often claims that colonies are a primary source of war, and additionally are too costly for the mother country. In some instances, however, Bentham applauds and supports the use of colonies, more often than not to meet important security concerns.

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[85] UCxxv.22

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Chapter 7

Bentham and the Colonies

> You will, I say, give up your colonies—because you have no right to govern them, because they had rather not be governed by you, because it is against their interest to be governed by you, because you get nothing by governing them, because you can't keep them, because the expense of trying to keep them would be ruinous, because your constitution would suffer by your keeping them, because your principles forbid your keeping them, and because you would do good to all the world by parting with them. In all this is there a syllable not true?—But though three-fourths of it were false, the conclusion would be still the same.—Rise, then, superior to prejudice and passion: the object is worth the labour. Suffer not even your virtues to prejudice you against each other: keep honour within its bounds; nor spurn the decrees of justice because confirmed by prudence.[1]

After his writings on international law and a world tribunal, Bentham's work on colonies is probably the best known to international relations scholars. This is primarily because a substantial part of *Colonies and Navy*, one of Bentham's first pieces on the subject, is contained within *A Plan for An Universal and Perpetual Peace*, Bentham's most recognized work in international relations. This chapter intends to evaluate Bentham's work on colonies, to further expand our overall understanding of his contribution to international relations literature. Bentham's writings on colonies are also one of the first and more important examples of a fundamental problem with his work on international relations: determining the extent to which his work contributes to, or is enveloped by, the principles of any of the international relations theoretical traditions.

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[1] Jeremy Bentham, *Emancipate Your Colonies!* (London: Effingham Wilson, Royal Exchange. 1838), 18.

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Others have explored Bentham's ideas on colonies. One of the most thorough explorations of Bentham's work on colonies is by Donald Winch, who concludes that Bentham is ambivalent about the necessity of colonies. Lea Campos Boralevi responds with an argument that Winch's perspective does not take into account the philosophical lens through which Bentham examined everything; Bentham's only measure of 'right and wrong' and/or 'necessity' is the principle of utility. This chapter will argue that both evaluations lack enough substance or explanatory power, and that although neither is wholly incorrect, both are inadequate if the goal is to understand Bentham's work, understood on its own and as it stands in historical context. Additionally, this "colonies" example sets the stage for subsequent chapters that will show how this dilemma extends beyond colonies into other areas of Bentham's international relations work.

After briefly looking at what some of Bentham's contemporaries had to say about colonies, and providing a more detailed presentation of the Winch and Boralevi analyses, I will examine the evidence, using in particular the two essays *Emancipate Your Colonies!*, *Rid Yourselves of Ultramaria*, and the fragment *Colonies and Navy*. Other important excerpts from Bentham's works addressing related topics will be included, adding to the evidence Winch and Boralevi rely upon. Lastly I will explain why both analyses, although useful to some degree, require more depth in each case to provide adequate explanatory power.

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Although Bentham did not believe he was breaking new ground by addressing the issue of colonies, he did not give some of his contemporaries, and especially his self-proclaimed mentor Adam Smith, a lot of credit for this subject:

> On the encrease [sic] of wealth resulting from colonization I know no work which has spread so much light as a small publication of Dr. Anderson, published towards the end of the American war, entitled, *The Interest of Great Britain with regard to her American Colonies considered* (1782). The work of Adam Smith, which still is and deserves to be the textbook of political economy, contains almost nothing on the subject of colonies and on the greater part of the questions which are treated in the forementioned work.[2]

From his 1960 doctoral dissertation, Donald Winch published his 1965 text *Classical Political Economy and Colonies*. In it he provides a very thorough account of Bentham's thinking on the colony issue and successfully brings to light the conflicting nature of Bentham's theorizing about the retention or emancipation of colonies.

> . . . any examination of Bentham's contribution to the political economy of colonies and colonization entails an excursion from the mainstream of classical thought. . . . Bentham spent most of his life in the process of revising and occasionally contradicting positions he had reached earlier. His second-thoughts on colonial questions can be found in works dealing with other topics and also in his tangled manuscripts. Once these writings are taken into account, it becomes clear that Bentham had great difficulty in maintaining a consistent anti-colonial position; that, depending on the case under consideration, he alternated between emphasis on the drawbacks of colonial rule and awareness of the opportunities presented by the existence of Britain's overseas possessions. This ambivalence is of interest not only as evidence of the private workings of Bentham's mind, but also because it epitomizes the ambivalence towards the empire felt by philosophical radicals as a group. It helps to explain Bentham's acceptance late in

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[2] J. Bentham, *The True Alarm*, in *Jeremy Bentham's Economic Writings*, vol. 3, ed. W. Stark (London: George Allen & Unwin Ltd, 1952), 142-3.

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life of Wakefield's schemes for 'systematic colonization'; and, by implication, the involvement of philosophical radicalism with the Colonial Reform movement.[3]

As will be seen below, the conclusion that Bentham was ambivalent is more than self-evident. Winch successfully contested any notion that Bentham was strictly "anti-imperial", but that is all. To conclude that Bentham was ambivalent is only to state the obvious. And this point is obvious only on a superficial level, as Boralevi argues.

Boralevi recognizes the fluctuation in Bentham's thinking too, but she argues that the reason for it is not ambivalence but an examination of each case on the basis of its own merits. In no way is Bentham ambivalent and therefore inconsistent in his treatment of colonies; Bentham is applying the principle of utility in every case. Boralevi claims the following:

> . . . Bentham did not treat the problem of colonies and colonization as a single problem as we would today, but rather as two distinct problems: English, Spanish, and French colonies in America; Penal Colonies in Australia; and British India, all constituted different problems, towards which Bentham's attitudes changed in relation to his personal convictions and to particular circumstances. . . .
> . . . This change of attitude has to be looked for instead, mainly in the transition from his original toryism to radicalism. In other words, Bentham later came to think that the greatest happiness of the greatest number was served better if the 'governing few' were prevented from pursuing their own sinister interests by submitting them to the strict control of the people. . . .
> The issue of oppression and the 'felicific calculus' which determined the quantities of happiness, are in fact the only perspective from which it is possible to reconstruct a line of continuity in Bentham's attitude towards colonies, which can be maintained even in these cases where, from the political or economic point of view, his position would appear to be contradictory.[4]

[3] Donald Winch, *Classical Political Economy and Colonies* (London: London School of Economics and

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Boralevi does take a deeper look at Bentham's alleged lack of consistency, and does provide a plausible explanation for the apparent swing in position. Given the fact that in balance, Bentham's work favours emancipation, it does appear that his favour for colonies must be driven by particular circumstances rather than being a question of principle. An examination of the evidence, however, does not bear this conclusion out.

The bulk of Bentham's writings argue against the acquisition and retention of colonies. As stated above, two essays and one fragment are devoted to such arguments, and Bentham included this opinion frequently in many of his other writings. However, Bentham's initial opinion was not against colonies. When Bentham began to offer his position on this issue, he did not yet express the strong anti-colonial sentiments found in later writings.

The American war of independence undoubtedly spurred Bentham, and others, on to consider the importance of colonial emancipation.[5] Looking at Bentham's correspondence, one can see that his initial reaction was not an opinion on colonies per se.

Political Science, 1965), 25-26.

[4] Lea Campos Boralevi, *Bentham and the Oppressed* (Berlin: Walter de Gruyter, 1984), 121, 122, 130.

[5] The American War of Independence was the beginning of a long succession of secessions and independence movements, and therefore the first action against colonialism about which Bentham would have been able to offer opinions:

"But when independence for the American states was followed in turn by the emancipation of Latin America from Spain and Portugal and by mass decolonization in the twentieth century, the broader trends of historical explanation emerged and human culpability diminished: the American revolt then appeared as the first in a series of national colonial risings rather than the unique occurrence it had once seemed." Roy Porter, *England in the Eighteenth Century* (London: The Folio Society, 1998), 459-60.

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His strongest opinions on the American Revolution revolved around the nonsensical nature of the American Declaration of Independence. Bentham contributed to John Lind's pamphlet entitled *An Answer to the Declaration of the American Congress* (published in the autumn of 1776), where Bentham takes issue with the theory of government proposed, and later, the reason the Americans chose independence in the first place.

> 'hold to be inalienable'. This they 'hold to be' a (among truths) 'truth self-evident'. At the same time ~~they are~~ to secure these rights they are satisfied (content) that Governments should be instituted. They see not, or will not seem to see that nothing that was ever called government ever was or ever could be in any instance exercised save at the expence of one or other of those rights. That (consequently) in ~~so far~~ as many instances as Government is ever exercised, some one or other of these pretended inalienable rights is alienated. [*In margin:* It is thus they endeavour by a cloud of words to cover (veil) the ~~atrocity~~ enormity of their (crimes) (misdeeds) enterprizes.] If ~~life is one~~ the right of enjoying life be the unalienable right of all men, whence came their invasion of his Majesty's province of Canada, and the unprovoked destruction of so many lives of the ~~Canadians~~ inhabitants of that province? . . .
>
> 'Governments long established', they do vouchsafe to admitt, 'should not be changed for light and transient causes'—Can any cause be so light, as that which wherever Government has subsisted or can subsist has always and must continue to subsist. What was their original their only original grievance. That they were taxed more than they could bear? No, but that they were liable to be (so: more than they could bear. Is there any where, can there be imagined any where that Government whose subjects are not /so/ liable to be so taxed more than they can bear?[6]

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[6] J. Bentham, *Correspondence*, i, 1752-1776, ed. By Timothy L. S. Sprigge (London: Athalone Press, 1968); Letter to John Lind 2 (?) September 1776, pp. 341-344. Bentham also helped Lind compose *Remarks on the Principal Acts of the Thirteenth Parliament of Great Britain* (1775) "which included a defence of the Government's American policies." (*Correspondence*, i, 161, n.2) Later on Bentham had hopes of accompanying George Johnstone, one of three peace commissioners to negotiate with the American Congress in 1778, as his assistant. Johnstone was a naval officer and a member of Parliament who strongly defended his Government's policies. He was very impressed by Bentham's *Fragment on Government* (1776) and on that basis Bentham hoped Johnstone would choose him. Through Bentham's friend John Lind, Johnstone intimated that he was interested in the idea if his first choice was not able to come. Bentham never heard anything further on the subject. (*Correspondence*, i, 94-95, n. 2)

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Beyond that, Bentham's comments on the war were restricted to relating the latest military and political skirmishes to his friends, family, and colleagues.[7] He did not give much thought to the idea of colonies yet; at this point he was more concerned with the reliance the Americans placed on this elusive and nonsensical notion called rights (against which Bentham had a lifelong battle), and less so with who should govern whom and why.[8]

If one wanted to argue that Bentham's position on colonies was contingent on either his age or his philosophical bent, then one would undoubtedly notice a discernable shift in position divided by some sort of event (i.e.: that being the time of the change from toryism to radicalism, or the passing of a number of years to reflect the "older" Bentham). Bentham's colonial writings do not indicate either; as a young thinker he appears to be against colonies, at mid-age he can see an argument in favour of them, in old age he is once again opposed to colonial possessions, and then a year prior to his death he, once again, seems to have a change of heart. If nothing else, one can at least discern a development of the ideas he first poses in the 1790's with *Colonies and Navy* and *Emancipate Your Colonies!*. His *Rid Yourselves of Ultramaria* includes more thought on economic arguments, and includes much discussion on the political as compared to the earlier pieces. The American Revolution had brought new attention to this issue for Bentham

[7] *Correspondence*, i, 322; ii, 23, 26, 36, 49, 67, 153, 157.

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and his contemporaries. A chronological "walk" through Bentham's years of writing on this topic will illustrate the influences and issues affecting what Bentham had to say on the matter.

Bentham's views on colonies first become formalized in his essay *Defence of Usury* (1787). Although he does not devote a great amount of time or space to the topic, this piece provides a glimpse into his future arguments not only on colonies, but on the related concept, 'no more trade than capital'.[9] Although Bentham does not explore some of his ideas at this point, some very important features of his future arguments are already appearing: colonies are bad practice primarily for the economic disadvantages to the mother country (for the most part Bentham does not waver from this contention throughout his lifetime), articulated, as stated above, as trade limited by capital; the

[8] Bentham tried to organize a 'colony," with his brother Samuel, in Russia, under Prince Potemkin's authority. It was to employ Scottish farm workers from the estate of the economic and agricultural author, James Anderson's (1739-1808). (*Correspondence*, iii, 270, 285, 287, 291).

[9] Werner Stark notes: ". . . this last section of the intended postscript [of *Defence of Usury*] is of interest because it concerns a topic to which Bentham attributed great importance: colonial policy, or rather colony-holding, of which he was a sworn enemy. The matter, as has been indicated, is more fully expounded in *Colonies and Navy*, a fragment which we shall have to consider in a moment; and it is the sole subject of two pamphlets which he drafted, one addressed to his friends in France--*Emancipate your Colonies* (*Works*, vol. IV)-- and the other to his friends in Spain--*Rid yourselves of Ultramaria*[...]. Bentham's contention--which does not seem to be borne out by the history of the British Empire--is that both mother-country and colony are benefited if the link of dependency is dissolved. His arguments are here conveniently summed up. They are in good part political rather than economic; but there is one economic point which deserves a short glance and scrutiny.

Bentham claims that if the trade with a colony were given up, the capital formerly invested in it and now freed could be used to greater advantage in Britain, "in the improvement of land". (Stark, "Introduction," *Jeremy Bentham's Economic Writings*, Vol. 1, 37-38.) Stark claims that Bentham's arguments are strongly political; he is correct, but only to a degree. Bentham makes the choice to emphasize economic arguments, and this choice is a very political one as will be argued below. His decision adds to the confusion as to how Bentham's works are to be evaluated within the context of international relations theory.

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inhabitants of the colony[10] are better able to govern themselves; and the impossibility of governing from a distance. It is especially this last point that will become of defining interest to us as it will be noticeable that the retention of colonies is to a great degree contingent on how far away they are from the mother country. Another interesting but lesser feature is Bentham's emphasis on the improvement of land in the mother country. The capital expended on colonies can only be considered as being taken away from agriculture at home (he places more of an emphasis on land, therefore, than he does on other industries.)

Bentham's *Defence of Usury* comments on colonies briefly reveal future arguments, especially his emphasis on the importance of agriculture and the cost of colonies:

> PRACTICAL CONSEQUENCES OF THE PRINCIPLE "NO MORE TRADE THAN CAPITAL" WITH RESPECT TO COLONIAL GOVERNMENT, ECONOMY AND PEACE.
> What is it that would be the loss, suppose it to amount to anything, that a nation would sustain by the giving up of any colony? The difference between the profit to be made by the employing in that trade so much capital as would be employed in it were the colony kept, and the profit that would be made by the employment of the same capital in any other way, suppose in the improvement of land. The loss is nothing, if the same capital employed in the improvement would be more productive: and it would be more productive by the amount of so much as would go to form the annual rent: for deducting that rent, capital employed in the improvement of land produces as much as if employed in any other way. If the loss were any thing, would it them amount to the whole difference between the profit upon that trade, and the profit upon the next most profitable one? no: but only [to] the difference between so much of that difference as would be produced if the colony were retained in subjection, and so much as would be produced if the

[10] Boralevi contends that Bentham only speaks of colonists, and not necessarily the native peoples of the land. It is hard to determine from where she gets this idea; although the native people are not colonists, are they not inhabitants of the colony? Bentham is not clear on this point but there is evidence in future writings that would suggest an acknowledgement of the native population. This will be further discussed below.

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colony were declared free. The value of a colony to the mother country, according to the common mode of computation, is equal to the sum total of imports from that colony and exports to it put together.

From this statement, if the foregoing observation be just, the following deductions will come to be made:

1. The whole value of the exports to the colony.
2. So much of the imports as is balanced by the exports.
3. Such a portion of the above remainder as answers to so much of the trade as would be equally carried on, were the colony independent.
4. So much of that reduced profit as would be made, were the same capital employed in any other trade or branch of industry lost by the independence of the colony.
5. But the same capital, if employed in agriculture, would have produced a rent over and above the ordinary profits of capital: which rent, according to a general and undisputed computation, may be stated at a sum equal to the amount of those profits. Thence [arises a further deduction, viz. the] loss to the nation [caused] by employing the capital in the trade to the colony, in prefernce to the improvement of land, and thence upon the supposition that the continuance of the trade depended upon the deeping the colony in subjection.

The other mischiefs resulting from the keeping of a colony in subjection, are:

1.The expence of its establishment, civil and military.

2.The contingent expence of wars and other coercive measures for keeping it in subjection.

3.The contingent expence of wars for the defence of it against foreign powers.

4. The force, military and naval, constantly kept on foot under the apprehension of such wars.

5. The occasional danger to political liberty from the force thus kept up.

6. The contingent expence of wars produced by alliances contracted for the purpose of supporting wars that may be brought on by the defence of it.

7. The corruptive effects of the influence resulting from the partronage of the establishment, civil and military.

8. The damage that must be done to the national stock of intelligence by the false views of the national interest, which must be kept up in order to prevent the nation from opening their eyes and insisting upon the enfranchisement [of the colony].

9. The sacrifice that must be made of the real interest of the colony to this imaginary interest of the mother-country. It is for the purpose of governing it badly, and for no other, that you wish to get or keep a colony. Govern it well, it is of no use to you.

To govern its inhabitants as well as they would govern themselves, you must choose to govern them those only whom [they] would themselves choose, you must sacrifice none of their interests to your own, you must bestow as much time and attention to their interests as they would themselves, in a word, you must take those very measures and no others, which they themselves would take. But

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would this be governing? And what would it be worth to you, if it were? After all, it would be impossible for you to govern them so well as they would themselves, on account of the distance.
10. The bad government resulting to the mother-country from the complication, the indistinct views of things, and consumption of time occasioned by this load of distant dependencies.[11]

The importance of the notion 'no more trade than capital' becomes even more apparent in Bentham's hoped-for postscripts to the second edition of *Defence*: He planned to add to the second edition of *Defence of Usury* for which the publisher soon began to press, a number of postscripts which he sums up as follows: "1. Short observations on the injustice and impolicy of forced reductions of the rate of interest. 2. Development of the principle *No more trade than capital.* 3. Practical consequences of the principle *No more trade than capital*, with respect to colonial government, economy and peace."[12] His next work would explore this concept in much greater detail.

By 1790 Bentham had fleshed out his position on 'no more trade than capital' in the fragment *Colonies and Navy*. His argument on capital is the most thoughtful portion of the piece, whereas the rest of the fragment is quite choppy and unexplored. As stated in the last chapter, the introductory thirteen points of *Colonies and Navy* are contained within Bentham's better known but suspect work, *A Plan for an Universal and Perpetual Peace*. Actually, *Colonies and Navy* could constitute a small, coherent essay itself were it

[11] Jeremy Bentham, *Defence of Usury*, i, *Jeremy Bentham's Economic Writings*, 202-204.

[12] W. Stark, "Introduction," *Jeremy Bentham's Economic Writings*, Vol. 1 (London: George Allen & Unwin Ltd, 1952), 36.

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not for the thirteen introductory points – in no way does Bentham address all of these in his subsequent words.

Colonies and Navy has a general and particular audience at the same time: "The ensuing sheets are dedicated to the common welfare of all civilised nations: but more particularly of Great Britain and France."[13] Although Bentham did want to catch the attention of particular states, especially those whose interests most corresponded with his own, he also intended, and hoped for, a broader audience. Bentham himself, therefore, debunks the notion that he only wrote to particular situations. He debunks it yet again when, after the thirteen points he moves into his thoughtful account of 'no more trade than capital' by stating: "The first of these principles, viz. That [the] trade of every nation is limited by the quantity of capital, is so plainly and obviously true as to challenge a place among self-evident propositions."[14] Bentham mentions only once the French, and then the Irish, in the rest of the fragment, as examples of the ideas he is trying to get across. For the rest, he speaks to 'all civilised nations'.

Bentham's 'no more trade than capital' argument is also supplemented by comments on prohibitory trade measures and the lack of reason and economic sense that they imply. As Bentham briefly states in *Defence,* and as he elaborates in *Colonies,* agriculture, and only that at home, is the most important productive industry. Bentham's point is that a

[13] *Colonies and Navy*, i, *Jeremy Bentham's Economic Writings*, 211.
[14] Ibid., 212.

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nation's trade is restricted by the quantity of its capital and not the extent of its market.[15] For this reason, the mere acquisition of new territories as colonies will not increase a nation's wealth – only a capital investment in one of the five productive industries will do so: "Productive industry may be divided into five main branches: 1. production of raw materials including agriculture, mining, and fisheries: 2. manufacture: 3. home trade: 4. foreign trade: 5. carrying trade."[16] Investment in one industry means less of an investment in another. In turn, the encouragement of one industry through prohibitory measures means the discouragement of the rest. Such a project is carried out at the expense of the nation, whereas all the productive industries would thrive to the best of their ability if left alone.

Bentham also argues against the emphasis on manufacture as opposed to agriculture:

> Oh! but it is manufacture that creates the demand for the productions of agriculture. You can not therefore encrease the productions of agriculture but by encreasing manufacture. No such thing. I admitt the antecedent: I deny the consequence. Encrease of manufactures certainly does create an encrease in the demand for the productions of agriculture. Equally certain is it that the encrease of manufactures is not necessary to produce an encrease in that demand. Farmers can subsist without ribbons, gauzes, or fine cambrics [*sic*]. Weavers of ribbons, gauzes, or fine cambricks [*sic*] can not subsist without the production of agriculture. Necessary subsistence never can lose its value. Those who produce it, are themselves a market for the produce. Is it possible that provisions should be too cheap? Is there any present danger of it? Suppose (in spite of the extreme absurdity of the supposition) that provisions were growing gradually too cheap, from the encrease of the quantity produced, and the want of manufacturers to consume them. What would be the consequence? The encreasing cheapness would encrease the facility and disposition to marry: it would thence encrease the

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[15] The statement that extent of market is not central to trade actually appears in his next work, *Emancipate Your Colonies!*, but it is already implied here by his emphasis on the importance of the quantity of capital.
[16] *Colonies and Navy*, 214.

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> population of the country: and the children thus produced, eating as they grew up, would keep down this terrible evil of a superabundance of provisions.[17]

Ultimately, Bentham states, the worst situation arising from the emancipation of the colonies would be that the capital thus employed would be invested in agriculture: "The loss of the colonies, if the loss of the colony-trade were the consequence of the loss of the colonies, would at the worst be so much gain to agriculture."[18] Bentham did not think it likely that trade would desist upon the emancipation of the colonies. Once a trade pattern had established itself, it would be very difficult to prevent its continuation. Nonetheless, as agriculture provides the basis to economy, according to Bentham, then any losses incurred in colonial emancipation would be easily made up when capital is invested in agriculture.

Following quickly on the heels of *Colonies and Navy*, Bentham wrote *Emancipate Your Colonies! Addressed to the National Convention of France, A 1793, shewing the uselessness and mischievousness of Distant Dependencies to an European State*, shortly after the French Revolution and the granting of an honorary French citizenship to Bentham.[19] Bentham expanded the arguments he first introduced in *Defence of Usury* and *Colonies and Navy*. He now included some arguments of justice as opposed to a strictly

[17] Ibid., 215-216.
[18] Ibid., 218.
[19] *Emancipate Your Colonies!* was printed in 1793 but never published until 1830 by Bowring (iv, 407-418). It was also reprinted as *Canada. Emancipate Your Colonies! An Unpublished Argument, by Jeremy Bentham* (with a dedication to the Right Honourable Lord Viscount Melbourne by 'Philo-Bentham') London: Effingham Wilson, Royal Exchange. 1838. The latter printing does not include the postscript of

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economic approach, although ultimately the balance of the essay is devoted to the economic disadvantages. With the argument of justice he included a consideration of the "other people's" position of being ruled from afar: "You choose your own government: why are not other people to choose theirs? Do you seriously mean to govern the world; and do you call that *liberty*? What is become of the rights of men? Are you the only men who have rights? Alas! my fellow citizens, have you two measures?"[20] Whether Bentham is speaking strictly of the colonists of French extraction or the population at large is not clear; but it seems, contrary to Boralevi's position, that it is the latter. Boralevi requires that Bentham refer only to interests of French, English, or Spanish colonists, depending on the work in question, and that this, in part, explains the alleged inconsistency in Bentham's response to the colony question. Thus far *Defence of Usury*, *Colonies and Navy*, and now *Emancipate Your Colonies!* appear to have a broader audience in mind. *Emancipate Your Colonies!* refers to "the colonists" but questions whether they ought to be, or are, considered Frenchmen and who has the right to govern them. Bentham also wonders why the French would even "govern a million or two people you don't care about;"[21] and then decides that the "French" are adequate to govern themselves but if it is determined that the others need masters, then so be it.[22]

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24 June 1829 (whereas the Bowring edition does). Bentham was granted an honorary French citizenship in 1792.

[20] *Canada. Emancipate Your Colonies! An Unpublished Argument, By Jeremy Bentham*, (1838) 1.

[21] Ibid., 2.

[22] Ibid., 16. Bentham also distinguishes between 'the people' and 'the good citizens', implying the latter are French and the former the greater population. Either way, at least at this point in the essay, both deserve emancipation. (Ibid., 4) Later he speaks of the financial burden of maintaining forces to keep the colony under France's subjection: " . . .to pay the expense of a marine capable of blocking up all their ports, and defending so many vast and distant countries against the rival powers, *with the inhabitants on their side*." (italics mine, ibid., 12); and "Go then to those colonists, go with liberty on your lips, and with fetters in your hands, go and hear them make this answer.—*Frenchmen, we believe you intend liberty*

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Bentham begins *Emancipate Your Colonies!* with a discussion of the importance of justice, honour, and self-governance for those in the colonies, but he quickly changes tack: "Think not that because I mentioned them first, it is for their sake in the first place that I wish to see them free. No: it is the mischief you do yourselves by maintaining this unnatural domination; it is the mischief to the six-and-twenty millions, that occupies a much higher place in my thoughts."[23] The focus of the discussion once again becomes economic. Although he does emphasize his "no more trade than capital" argument,[24] he expands the argument into a debate between colonial trade versus free trade. He argues that it is illusory for a country to think that it gains from a monopoly of trade with a colony, that the former derives an income from the latter, and that monopoly reduces prices of imported goods.[25] Lastly, Bentham briefly addresses the view that colonies enhance power. He contests this view on the basis that the mother country's power, militarily speaking, is vastly diminished. Military resources are spread thin between France and the colony that makes France even more vulnerable against attacks from others, for example, Britain.[26]

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for us strangers, when we have seen you give it to your own brethren." (Ibid., 15) In all Bentham in no way explicitly differentiates between French colonist and other inhabitants.

[23] *Emancipate Your Colonies!*, 5.

[24] It is in *Emancipate Your Colonies!* where Bentham states "Yes—it is *quantity of capital*, not *extent of market*, that determines the quantity of trade." (Ibid., 7)

[25] These concepts are further explored in *Rid Yourselves of Ultramaria.*

[26] Although why Britain is considered so powerful compared to France is hard to understand; Britain may have lost the United States but it still had numerous other colonies which would undoubtedly reduce Britain's strength as well, according to Bentham's argument.

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Bentham's next formal essay on this question does not appear until the 1820's and is based substantially on arguments he had already developed in *Emancipate Your Colonies!*[27] However, the inconsistencies Winch noted and that Boralevi tried to explain have already begun to appear. Justice and economics reappear in the 1820's, but even in *Emancipate Your Colonies!* Bentham has hinted that an argument could be made for a pro-colony stance.

To the extent that Bentham does advocate the possession of colonies, his strongest arguments appear in his 1801-1804 writings. He does not, however, devote full essays or fragments to this pro-colony position; his comments in this regard are still surrounded by arguments against colonies in general. It becomes evident that Bentham is torn. On principle, Bentham argues against colonial possession: "A man who could not bear the idea of inflicting the smallest injustice or the smallest personal injury on his neighbour, will send millions of men to be slaughtered, a smile on his lips and satisfaction in his heart, in order to conquer distant islands or to found a colony which will eat up revenue and yield nothing."[28] Nonetheless, in his need to preserve the known, to ensure the "safety" of his situation and enable himself to feel protected, Bentham has to find an "out", a way to allow for colonies albeit under more restricted circumstances. Still, for

[27] "[*Rid Yourselves of Ultramaria*] is a work of sustained and coherent argument, which builds on those general principles against colonization which Bentham had first outlined at the time of the French Revolution." (Philip Schofield, "Editorial Introduction" *Colonies, Commerce, and Constitutional Law*. Oxford: Clarendon Press, 1995, xvii.)
[28] "Of the Balance of Trade," (1801) *Jeremy Bentham's Economic Writings*, Vol. 3, 243.

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the reasons that Bentham gives in the following paragraphs, any colony could find its justification for existence.

Between 1801 and 1804 Bentham continues to express a variety of opinions on the issue of colonies. In 1801 Bentham wrote *The True Alarm*, *Of the Balance of Trade*, and in 1804 Bentham finished a substantive work on political economy entitled *Method and Leading Features of an Institute of Political Economy (Including Finance) Considered not only as a Science but as an Art*. These last years of writing on political economy are intriguing and significant;[29] the works that emanate from the period of 1801-1804 reveal an attitude of reserve and a level of "Toryism"[30] that is generally not recognized in Bentham's economic works.

Stark considers *Institute of Political Economy* to be the "last important work [Bentham] ever wrote on economic science,"[31] in that "we see quite clearly that Bentham was for once within an inch of final achievement: the pages written in 1804 were essentially a filling-in of the gaps left over from 1801, and one short month--in fact, a part of one short month--had sufficed to supply practically all that was still wanting. Even so, Bentham found it impossible to finish this book: . . . Bentham was a brilliant man, but he was all

[29] Bentham's "career" as an economist, in addition to being a legislative theorist, took place from approximately 1796-1804, and it was only in 1820-21 that he took up the pen regarding colonies once again so as to make an effort to persuade the Spanish to relinquish their colonies.
[30] W. Stark, "Introduction," *Jeremy Bentham's Economic Writings*, Vol. 3,43.

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his life a little like a child that plays with a favourite toy for a time but then throws it aside and forgets about it, whatever its attractiveness may have been in the past."[32] It is very interesting that Stark believed *Institute of Political Economy* to be such a potentially pivotal work for Bentham, and yet, at least for the international theorist, *Institute* expressed some themes for which "ten years later [Bentham] would probably have been ashamed of these passages and disowned them."[33]

It is only fair to consider the passages on colonies written in 1801/1804 to be a modification of Bentham's previous, and subsequently future position; he still readily argues that colonies are an expense to the mother country, and that it is useless to have to expend the money and energy on travelling great distances when it is possible to accomplish a similar, if not identical, result at home:

> Land is worth nothing, but in proportion as labour is applied to it. Land at a distance is worth less than land at home, by the amount of all the distance. Of the mass of labour which is employed in lessening the expence of carriage--in reducing the expence of carriage from a great distance to a level with the expence of carriage from a less distance. If it could be done without destruction to existing capital, and above all without vexation, and destruction of security of property, wealth might be encreased by taking the existing population, and transporting it from greater distances with reference to the metropolis, to lesser distances.
>
> Land newly acquired to a nation, especially in the way of colonization, is acquired at a greater distance. [The] foundation of a colony is an introductory expence; government of it a continual standing expence; wars for the defence if it an occasional one. All this requires money: and money is not to be had for it but

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[31] Ibid.,7.
[32] Ibid., 45, 47.
[33] Ibid., 44.

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from taxes. To the mother country, the positive profit from it is equal [to] 0: the negative profit, the loss to, [or] the defalcation from, national wealth, consists in the amount of taxes.*

[*When, at the expence of a war, and of a hundred millions, and a hundred thousand lives sacrificed in that war, England has got another nation or another colony to trade with,--the foreign nation maintaining itself at its own expence, the colony to be maintained at the mother country's expence--whatever portion of wealth in the shape of capital is *transferred* to the new spot, the Englishman considers as *created*. For a few *negative* hundred thousands a year, he looks upon the positive hundred millions as well bestowed. On the strength of this negative encrease in opulence, the Englishman encreases in insolence; the German envies him, the Frenchman would devour him, thus it is that wars are never to have an end.

But though, in the way intended, no good is done, good is done in another way, in which it is not intended. By the export of capital, a check is applied to the virtual income tax, imposed upon fixed incomists, by the reduction effected in the rate of interest by the continually encreasing *ratio* of that part of the mass of money which is employed in the shape of capital, to the remainder which is employed in the shape of expenditure of income.

If, from the acquisition of a colony, any real advantage were derivable to the mother country, whence would it arise? From the diminution in the burthen of taxes: from the amount of taxes paid, by the inhabitants of the colony, to the government of the mother country, over and above what they would have paid, had they staid [sic] at home: the expence of governing and defending the colony being first defrayed by them. But it is a maxim, that by or for the mother country, colonists, as such, are not to be taxed at all: and thus it is that the inhabitants of the mother country are benefited by the acquisition of colonies.[34]

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[34] *Institute of Political Economy*, vol.3, 352-353. "The capital employed in the exportation and maintenance of the colonists and their stock would, if employed at home, at any rate have added something to the annually growing wealth*[*Bryan Edwards (*The History, Civil and Commercial, of the British Colonies in the West Indies*, 1793, II, 260), even in magnifying the utility of colonies, makes the rate of profit upon capital so employed but 7 per Cent: the common calculation gives, for the profit on capital employed within the mother country, 15 per Cent. Whatever capital is bestowed upon this employment, is so much taken from other more lucrative ones.] as well as population, and thence the defencible security of the home territory, by the whole amount of it. Of the produce of the colonists when settled in the colony, it is only a part that would be exported to the mother country and be added to the mass if its wealth.
In point of wealth and population, Europe has lost by colonies. The only gain, if any, is that which consists in mere enjoyment, and that so far, and no further, as it depends on novelty and variety in regard to the articles or instruments of enjoyment." Ibid., 354.

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Thus far, Bentham's comments and conclusions do not differ radically from what he previously wrote regarding colonies, *except* now there is the possibility of a tax break. Other than that the only benefit in acquiring colonies is in the enjoyment of the exotic and different products it might produce, and the only way this increases wealth is as a *source* of enjoyment which increases *value*, if not quantity. Otherwise colonies are just one great expense.

For the most part Bentham's arguments against colonies are quite simple, and more often than not revolve around the expenses incurred by the mother country in the planning, the acquisition, and retention of colonies. Essentially, one gets more from one's money when one works and shops at home. Bentham considers this view to be logical, and if one remains within the realm of what is considered logical (at least when thinking along a Benthamic vein) then more than likely no colonies would have been acquired. However, Bentham never addresses that for which colonies are, arguably, most desired: power. Not just power measured in purely monetary or economic terms, but power of influence, possession, and control. It is not that Bentham did not recognize the existence of such power, but he refused to give it its due. Bentham provides a very simple, rational argument against the acquisition of colonies, but does not take into account the equally simple, albeit perhaps less "rational", issues of power and dominance.

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The arguments of generating greater accumulation of wealth at home reappear regularly, as will be seen below. He recognizes the problems he is up against, the common beliefs regarding wealth: "The ideas of encrease of money and encrease of territory are so strongly associated in the minds of men with the idea of an encrease in real wealth, that it appears almost impossible to separate them. The distinction between these ideas becomes clear for everyone who takes the trouble to reflect, but many generations will perhaps pass by ere the opinion of thinking men becomes the opinion of the public."[35] Also, if wealth is to be gained in the colonies, Bentham claims that, "But the encrease is to the colonists--to the individual occupiers of the fresh land, not to the mother country. Taxes they at first can not pay, and afterwards will not pay."[36]

However, what is more of a different course for Bentham's writings takes place in his concessions about the good of colonies. We again see some of the more redeeming qualities of colonies. And what better way can we see some counter arguments to Bentham's anti-colonial stance than in the arguments he himself provides. In a *complete* reversal of previous sentiments, Bentham exclaims that the *true* benefits of colonies are received not by the mother country, but by the *colonized*:

> It is desirable for mankind that offsets should be taken from the most flourishing and soundest root: that the races propagated every where in parts of the earth as

[35] J. Bentham, *The True Alarm*, in *Jeremy Bentham's Economic Writings*, vol. 3, ed. W. Stark (London: George Allen & Unwin Ltd, 1952), 178.
[36] J. Bentham, *Institute of Political Economy*, in *Jeremy Bentham's Economic Writings*, vol. 3, ed. W. Stark (London: George Allen & Unwin Ltd, 1952), 353.

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> yet vacant, should be races whose habits of thinking in matters of government should be taken from that constitution from which the greatest measure of security has been seen to flow, and whose habits of acting in the sphere of domestic economy and morals should be taken from that society which, in those respects, is in the most improved as well as improving state.[37]

Colonies, therefore, can consider themselves advantaged for the privilege of receiving the wise and advanced guidance, the high moral values, and exceptional standards of the colonizer.[38] As a matter of fact, the action of colonization now becomes more of an altruistic tendency on the part of the colonizer in that it not only grants the colonies with its great wisdom, but the colonizer also incurs the cost of the activity.

The creation of wealth is a topic extensively explored by Bentham, but within his examination are certain contradictions regarding a nation's wealth. Although most of his writings specifically on colonies argue that the acquisition of colonies in no way increases a nation's wealth, he can also be found to admit the opposite, for example, in *The True Alarm*.

> It would be the object of a rather intriguing speculation to examine what the progress of wealth would have been if several modern causes which have contributed to its encrease had not existed: such as the augmentation of the precious metals by the discovery of the mines of the New World, . . . As far as real wealth is concerned, its progress would not have been so rapid without the accession made, by these various means, to productive capital.[39]

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[37] Ibid., 355.
[38] W. Stark, vol. 3, 43.
[39] J. Bentham, "The True Alarm," *Jeremy Bentham's Economic Writings*, Vol. 3, 141.

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However, Bentham does state that his own thoughts are that Britain's increase in wealth over the years would not have been considerably less than it is now, had the "discovery" of the New World not taken place with its subsequent colonization. In his words, "[i]ts actual composition would have been a little different, but I do not see any decisive reason why it should have been less."[40] He does not offer, however, any suggestions as to how the increase in wealth, as produce from the New World has greatly contributed in the actual case, would have otherwise come into being. Lastly, in *Institute of Political Economy* Bentham states "The operations by which an encrease of the matter of wealth is produced or promoted, may be thus enumerated under the following principal heads, viz. . . . Discovery of this or that portion of land, considered as the source from which portions of matter in an unimproved state, [i.e.] raw materials, are extracted."[41] Bentham slowly but surely concedes that the acquisition of new land has financial benefits. This evidence is confusing because later on such notions are, once again, debunked. This is less a reflection of ambivalence than a complete reversal of what Bentham originally stated would create wealth. The principle of utility also offers no help here. Wealth creation is wealth creation, and how one *generates* wealth is not linked to how that wealth should be used for the greatest good. However, Bentham had already hinted in previous works at the features he considered to be important. Land, as always, is the key to wealth creation, and land acquisition through discovery to extract new materials or use for agriculture will generate wealth. It is distance that is key. Nonetheless, by 1804 it

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[40]Ibid., 142.
[41] J. Bentham, *Institute of Political Economy*, in *Jeremy Bentham's Economic Writings*, vol. 3, ed. W. Stark (London: George Allen & Unwin Ltd, 1952), 178.

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appears that, "taking futurity into the scale, the well-being of mankind appears to have been promoted upon the whole by the establishment of colonies."[42]

There is yet one other circumstance under which colonies do impart a benefit to the mother country, according to Bentham, and that is through emigration. Over-population was a burden to many well-established European nations, and the acquisition of these newly acquired territories were seen to facilitate the management of these population crises. "If we consider further the rapid encrease of population such as it has been even during the war, if we observe that it would soon, by its natural course, reach the point where it exceeds the means of subsistence which the two isles could produce, it will be recognized that the emigration of men and capital is a real good in the present state of Great Britain."[43] In addition Bentham noted that, "We have seen in another place how the Sinking Fund distributes each year a mass of productive capital the effect of which could be to produce a superabundance of money, *if the emigration of men and capital did not offer a natural remedy for this evil* (italics mine)."[44] Here again we find an argument that seems to endorse colonization, and in this case the argument takes place in a piece which at other points in the paper would suggest otherwise.[45]

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[42]J. Bentham, "Institute of Political Economy," *Jeremy Bentham's Economic Writings*, Vol. 3, 355.
[43]J. Bentham, "The True Alarm," *Jeremy Bentham's Economic Writings*, Vol. 3, 68.
[44]Ibid., 193.
[45]Earlier in *The True Alarm* Bentham states, without providing any illuminating examples however, that the acquisition of colonies did not increase a nation's wealth any more than anything else. This passage

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Boralevi thinks that part of the explanation for Bentham's contradictory statements on colonies stems from his philosophical change from toryism to radicalism.[46] At the time of this change (1809), Bentham was more likely to articulate interests in terms of the sinister interests of the ruling few versus the universal interests of the subject many. In 1818 he writes:

> In everybody of which men are the members, the most concentrated will, in the ordinary course of things, dissolve and swallow up the more dilute [?] interest. The interest of the few prevails over the interest of the many, the interest of the one over the interest of the few. Scarcely will you see that empire that has not in the heart of it one still more powerful by which, in a manner still more irresistible, the universal interest, the common interest of the governors and governed, is overborn[e] and sacrificed. In the vast East India monopoly, the millions of subjects are preyed upon by the thousands of proprietors, the thousands of proprietors by the confederacy of Directorys, and controuling Ministers.[47]

Although the notion of a sinister interest does come into play in Bentham's subsequent writings of the 1820's, his transformation to radicalism does not satisfactorily account for the differences of opinion at varying times. Most importantly, this would not account for the fact that Bentham's next work, *Rid Yourselves of Ultramaria*, is substantially based on arguments already developed in *Emancipate Your Colonies!*[48]

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indicates that, even indirectly, colonization through the emigration of men and capital is *necessary* to the restriction of paper money and therefore to the increase of a nation's wealth.

[46] Please see the Boralevi quote above.

[47] UC ii. 1-12 (c.1818). Provided by W. Stark, "Introduction," Vol. 2, 69. Donald Jackson writes: "There was a major change in Bentham's thinking after 1808 . . . Traditionally, Bentham had accounted for irrationality in government on the basis of indolence and intellectual ineptitude of individual governors and office holders, but never in terms of general mendacity, improbity, or the influence of what he called *sinister interest* such as he had recently discovered to be the basis of maladministration in the judicial department." D. Jackson, *Halevy Reconsidered: The Importance of Bentham's Psychological Epistemology in His "Conversion" to Democracy*, New Orleans, 1997., p. 4.

[48] Bentham states: "I conclude this Introduction with a more particular reference to my own opinion, as above spoken of, applied as it was, in the only direct purpose of it, to the case of *France*.

The work, in which the grounds of it are briefly developed, is a pamphlet of 48 8[vo] pages, headed *Jeremy Bentham* to the *National Convention of France*. Better would it have been characterized by the three words of exhortation that occurr in the first sentence—*Emancipate Your Colonies*. It was printed in

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Following two preliminary drafts entitled *Emancipation Spanish* and *Summary of Emancipate Your Colonies* respectively, Bentham reorganized his research and material to eventually produce *Rid Yourselves of Ultramaria: Being the Advice of Jeremy Bentham as Given in a Series of Letters to the Spanish People* by the spring of 1822.[49] *Rid Yourselves of Ultramaria* is a far more detailed evaluation of colonies, although it still comprises many similar arguments as his previous works. Bentham's completion of *Rid Yourselves of Ultramaria*, however, was unfortunately not timely:

> Bentham came to recognize that his hopes of persuading the liberal government of both the undesirability and the impossibility of re-establishing Spanish dominion were unlikely to be realized. In Spain itself there was little dissent concerning the need to maintain Spanish hegemony over the Empire. The bulk of the political élite in Spain, whether the *serviles*, who had supported the absolute monarchy, or the newly restored liberals, wished to retain the Empire, refused to accept that its loss was inevitable, and only differed in their analyses of the causes of the discontent and thus their preferred policies for dealing with it. . . . New Granada, Venezuela, Quito, Mexico, and Guatemala effectively secured their independence,

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the last month of 1792 or the first of 1793: it has incidentally found its way into various hands: but has scarcely ever been exposed to sale. A copy of it was, along with others of my works, presented to the late Cortes, by which the same regard was paid to it as to your liberties and your welfare.

Among the representatives of your neighbours, those works, such as they are, have not been alike unfortunate." *Rid Yourselves of Ultramaria*, 22.

And earlier: "I will shew you the same positions maintained by the same arguments, not less than 27 or 28 years ago, by a writer who is not altogether unknown to you . . ." *Emancipation Spanish*, 204.

In her book *Jeremy Bentham: An Odyssey of Ideas, 1748-1832* Mary P. Mack argues "that Bentham had become a full-fledged democrat and parliamentary reformer by 1790, made a Fabian retreat after 1792, and then resumed his previous position in 1809-10, a view successfully challenged by J.H.Burns in 1966." Don Jackson, 2. If one thought that Bentham had this many reversals of opinion then it might explain the *Emancipate Your Colonies!* and *Rid Yourselves of Ultramaria* connection. However, the argument that he had such reversals appears to be unsubstantiated.

[49] *Emancipation Spanish* and *Summary of Emancipate Your Colonies* were earlier drafts of the major work, *Rid Yourselves of Ultramaria*: "[*Colonies, Commerce, and Constitutional Law*] also includes two earlier versions of the work, which represent significant stages in its drafting, and form discrete, coherent, and complete essays in their own right. . . . 'Emancipation Spanish', which Bentham had completed by the middle of July 1820; the second is 'Summary of Emancipate Your Colonies', which began as a précis of 'Emancipation Spanish', but came to rival it in length, and which is reproduced in the state it had reached by the end of August 1820." (Philip Schofield, xvii.) Although these two previous drafts do constitute essays in their own right, their arguments of interest are contained within the major work. Evaluation of Bentham's ideas during this period are therefore confined to *Rid Yourselves of Ultramaria*.

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> Peru can near to doing so, while such influential foreign powers as Great Britain and the United States of America were increasingly sympathetic to the aspirations of the new states. Meanwhile divisions in Spain meant that she had neither effective politics nor the necessary means to crush the revolutionary movements.[50]

Additionally a Decree issued by the Cortes on 13 February 1822 invariably closed any discussion on the matter of emancipating colonies. They relinquished any and all claims of independence contingent on the Treaty of Córdoba of 24 August 1821 and considered foreign recognition of such claims to be a violation of treaties.[51] Nonetheless, Bentham obviously felt it an important enough topic to give it his full attention for the moment.

One of the more significant differences between this work and *Emancipate Your Colonies!* (1793) can be found in the detailed constitutional arguments Bentham now included in the latter. Additionally, where he stated that figures would be of no use to one's argument as they are so malleable,[52] Bentham includes various tables indicating the expenses incurred, over time, on the part of Spain for her colonies. Beyond that, *Rid Yourselves of Ultramaria* is a broadly developed and complex essay arguing against the possession of distant colonies. Bentham's hope was that the Spanish people would petition their government to explore the benefits and deficiencies of holding colonies: "behold now what I venture to propose:--a *motion* in the Cortes—nothing more. For the production of this effect, on the part of what number of wills is compliance necessary? A single one and no

[50] Philip Schofield, xvi-xvii.
[51] *Rid Yourselves of Ultramaria*, 30, n.2.
[52] *Emancipate Your Colonies!*,

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more.—Object of the motion, a set of *Estimates*—nothing more."[53] Bentham also transcends his earlier arguments of the questionable economic benefits and explores how Spain's constitutional arrangements defeat any advantage Spain would otherwise have in retaining her colonies.[54]

Bentham begins with a lengthy discussion of the "Injury to Spain from the Claims in Her Name on Spanish Ultramaria", and makes plain that his points take the shape of pecuniary and constitutional arguments. The bulk of the essay is directed toward peninsular Spain's interests, with a few additional letters at the end outlining how possession of the colonies is also in conflict with the interests of the Ultramarians. Apparent in Bentham's writing is the notion of sinister interest; Bentham explains here why colonies have thus far remained part of the political and social landscape. They serve the interests not of the common Spaniard, not of the people of the colonies, but of the ruling few. Bentham very briefly gives a nod to the notion of honour and how it is bestowed upon the nation that relinquishes her colonies. The argument is almost identical to that in *Emancipate Your Colonies!*, except for his comment on the ruling few and their sinister enterprise.[55] He does attempt to reach out to those of the ruling few who may

[53] *Rid Yourselves of Ultramaria*, 115.
[54] *Rid Yourselves of Ultramaria*, 25.
[55] However, the government that best exemplified the Greatest Happiness principle was "the Anglo-American States". (Ibid., 27) Bentham also provides a lengthy explanation of sinister versus universal interst in his second letter to the Spanish people. (31-53)

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discover that they have a greater interest in the universal interest than in their narrow, sinister interest, and that they may take the lead for emancipation of the colonies.[56]

Bentham explores in greater detail the supposed profits to be made through colonies, identifying these sources of profit as taxation, mine-rents or mine-taxes, sale of lands, emolument from Ultramarian offices, and men for military service. He proceeds one by one with arguments to show how each profit-making source is illusory, or if not illusory, how the profit does not maximize the greatest happiness for the greatest number (and all profit fall in the hands of the ruling few). Any revenue generated from the first four sources is either unconstitutional or used by those in power. As for more men in the military, Bentham argues that Spain would be much better off financially to hire from neighbouring countries if necessary, rather than incur the huge cost of shipping men from Ultramaria.[57] In the letters that follow, Bentham continues meticulously to detail and discuss the constitutional and financial pitfalls of Spain's dominions, the arguments of which are intricately woven together. For instance, although one might argue that Spain will derive a profit from the dominions in the shape of taxes, the constitutional code prohibits the government from doing so as it declares all Spaniards to be equal and therefore one group is not responsible to carry the financial burden of another. Bentham's arguments in *Rid Yourselves of Ultramaria* are essentially all in this vein, and it is in this way that the essay, besides the length of the piece, differs from *Emancipate*

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[56] Ibid., 52.
[57] Ibid., 55-61.

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Your Colonies!. His arguments are much more complex and deeply intertwined with an analysis of the Spanish constitution and the way it limits Spain's profit-making opportunities.[58]

If Bentham considered colonies to be an evil, his opinion was primarily based on the costs and inefficacy of governing from afar; the issue of distance eliminated, the difficulty with colonial possession becomes considerably less. Bentham is most clear in this distinction in *Rid Yourselves of Ultramaria*:

> But (says somebody) these arguments of yours, do not they prove too much? In case of other nations—not to say all other nations—profit is encreased as dominion is encreased, diminished as it is diminished. This you will not deny to be the case in those instances. Then why should it be otherwise in our instance? What is it that makes the difference? If there be any such difference, what cause or causes can you find for it?
> I answer in one word—*distance*. By distance—distance between the seat of government and a country subject to it, uselessness and burthensomeness to the governing country are produced—irremediably produced—in every way imaginable. On the one part, discontent is produced; on the other part, the means of suppressing it, whether by gentle measures or by forcible ones, are excluded. Exercised by imported strangers, subordinate power exercises itself by acts of oppression: or at any rate, what to this purpose comes to the same thing, is thought to do so: superior rulers at the seat of government, whether they be [willing] or unwilling to afford redress, the distance of itself, by excluding them from the knowledge of the grievance, suffices to render redress at their hands impossible. Before one grievance, with its discontent, has reached their ears, another grievance, with its discontent has succeeded: and thus matters go on, ill-will accumulating on both sides. Be the grievance what it may, if the newly acquired territory were in contiguity with the seat of government, no sea at all or no considerable sea intervening, the inhabitants will submitt to it, seeing no remedy but in patience and supplication: the sovereign's known approbation of

[58] It is interesting to point out that Bentham's arguments are contingent on the fact that Spanish citizens, in general, are remotely aware of what their constitution says. He often argues that based on this or that part of the constitutional code, Penninsular and/or Ultramarian Spaniards would not stand for such behaviour. What is the likelihood that the average citizen had the reading and comprehension skills required to make such judgements?

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> every thing that is done in his name prevents so much as the birth of hope. But in the other case, the sovereign being supposed to be all goodness, on every occasion hope is continually raising itself up, and almost as continually beaten down by disappointment: till at last the very germ of hope being killed by experience, despair takes its place, and a settled despondency, or series of insurrections, is the ultimate result.
>
> In another Letter I shall have occasion to shew you how it is that by distance, sooner or later, discontent ending in insurrection is sure to be produced. On the present occasion, an enquiry of that sort is not yet in its place: for what can not be denied is—that by no degree of discontent on the part of subjects, where effectual resistance is hopeless, can encrease of revenue and effective power to the rulers be prevented.[59]

It appears, therefore, that with regard to contiguous colonies or those more readily accessible, there is an argument to be made about their profitable nature.[60] Bentham repeatedly makes the point that distance makes the retention of colonies impossible for both parties; the mother country only ends up with the expense, and the colony suffers from poor governance. When Bentham tries to provide various arrangements to relinquish Spain's colonies, one suggestion he makes is the sale of such colonies to another "host" country or foreign power. In the Spanish case Bentham suggests the United States because "they have this great natural advantage—vicinity."[61] Yet another indication that distance is integral to the colonial question, Bentham states:

> So much for the profit side: now as to the loss side: namely the expence. The expence, being the first in the order of time, should on that account have been in the first instance brought to view. But in the profit, real or imaginary, you have the inducement—the sole inducement to the expence.

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[59] Ibid., 64-65.
[60] It also appears that today it would be for more profitable and beneficial to have a dominion since, "Upon what theory—upon what hypothesis—can the expectation of money to be drawn from Ultramaria into Spain have been grounded? That Ultramaria and Spain are contiguous; that Ultramaria is upon wheels, and may be drawn and pushed off at pleasure; *or that between them is stretched a rope along which letters may be passed in no time* . . ." (Italics mine, Ibid., 104). Apart from Bentham preconceiving e-mail, it is again apparent that the possibility of retaining colonies becomes desirable if the colonies are close by.
[61] Ibid., 151.

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> Barbary is next door—Morocco is next door. Distance much less from Spain to many a part of Barbary, to many a part of Morocco, than from many a part of Spain to many another. Distance, meaning in place: and the distance in time abridged by that element which has no bad roads in it.
>
> Compared with a voyage to Peru or Chili, what is the length of voyage to any part of Barbary or Morocco? What therefore the expence of it?[62]

It would be incorrect to infer from these many passages that Bentham out and out advocated colonial possessions if the distance issue could be solved, but it is important to recognize his argument that without the expense, the arguments against are substantially reduced.

Otherwise, colonies will not do. *Rid Yourselves of Ultramaria* is specifically addressed to Spaniards (of Peninsular Spain, not Ultramaria) because it makes constant reference to the constitutional code. It is striking that Bentham does this not only because his argument readily refers to potential abuses of power in Ultramaria as if the average Spaniard, so far away, would even give such abuse a moment's thought.[63] Additionally Bentham repeats often the "fact" that Ultramarians would never pay taxes to support Peninsular Spaniards, either because constitutionally Ultramarians are Peninsular Spain's equal (so one can not be expected to support the other)[64] or that Ultramarians would never submit to such taxes.[65]

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[62] Ibid., 188.

[63] Ibid., 69. Bentham reveals how difficult it is for Ultramarians to protest abuses of power, given the distance.

[64] Ibid., 55, 104.

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Bentham relies upon the assumption that some or all Ultramarians are familiar with the Spanish constitutional code and would recognize their subjection as a blatant contravention of the same. On this basis, if no other, Ultramarians would inevitably feel inclined to revolt.[66] Never mind the hypocrisy of Spain: "Think of the task which, on this occasion, Spain has set herself—think of her undertaking to keep in subjection a population more than equal to her own, and in the teeth of those precepts of equality which, by Articles 4 and 13, she is professing all the while."[67] Lastly, Bentham provides an interesting and paradoxical argument for why relinquishment would be profitable for Spain. Spain and its dominions share language, religion, laws, and customs,[68] and for these reasons free trade should automatically result between parties who have so much in common.[69] Bentham could not say it more succinctly than he does here: "in *language, institutions, customs, religion*, she is already yours."[70]

Bentham's argument here is important not only as a reason to emancipate, but also as a clue as to whom he is actually speaking. The determination of whether Bentham is concerned about the welfare of the colonists per se (people descended from Spain), the natives, or both (total inhabitants) is *very* difficult to discern. Bentham speaks so loosely

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[65] Ibid., 71.
[66] This is, again, noting that much of Ultramaria had already gained independence and the rest were going to be flatly denied it if the Cortes had anything to say about it.
[67] Ibid., 110.
[68] Ibid., 118.
[69] For example: "*Customs*, which, in so far as they stand clear of laws and institutions, are free, have in the nature of the case, on that account, a better chance for permanence. The *fandango*, having neither been made obligatory nor been instituted by law, might still continue in use, when every law and every institution had long been changed." (Ibid., 119) Also, Bentham's emphasis on common ancestry as an incentive for future trade relations is quite strong (Ibid., 120, 127).
[70] Ibid., 126.

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about the colonists and how they are so similar, and then how they are so dissimilar. Nonetheless, his audience, or at least the people over whom he is concerned, is crucial to Boralevi's argument regarding Bentham's overall stance on the question of colonies. As noted in *Emancipate Your Colonies!*, although he occasionally spoke of "colonists", at the same time he spoke of some colonies requiring a continued servility. Likewise in *Rid Yourselves of Ultramaria*, who Bentham is exactly emancipating is often unclear and confusing. While Bentham argues that trade with one's former colonies is virtually guaranteed because of similar cultural background, he also refers to those in the colonies as strangers: "True it is, that in the language of the Code, these strangers and you are designated by one and the same name: these strangers—for kinsmen as they are many of them, yet so distant are they in kindred as well as in place—so distant and so compleatly unknown, they are not the less strangers."[71] In this case, only "many" of these strangers are even kinsmen; an obvious acknowledgement that "others" exist and are considered as well.

According to the Spanish constitutional code, these strangers would also have the power, by virtue of their numbers, to determine the makeup of the Cortes. "Taken to the extent of the claim, supposing the design declared in the Constitutional Code effected, the effect would be to place in the Assembly of Cortes sitting in Spain, at present composed of Members the majority of whom are natives of the Peninsula, chosen by the inhabitants of the Peninsula, i.e. in the plain, original and true sense of the word *Spaniards*, a majority

[71] Ibid., 76.

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composed of, or at any rate chosen by, Ultramarians."[72] Although Bentham is speaking to the colonists he *includes* the native population as well:

> But in these same three hundred years, the population of Spain has not, for any thing that appears, experienced any encrease.
>
> *Even if the Aborigines and the imported Negroes be deducted, still the encrease will be found very considerable.*[73]

Bentham was not so ignorant as not to know that the colonies were populated prior to colonization. As a self-confessed disciple of Adam Smith, he could have learned it from Smith if no one else. Whom Bentham is speaking of in these passages is important because it does, as Boralevi claims, partly explain his alleged ambivalence. However, the principle of utility is also not adequate as an explanatory tool. Although he desires emancipation for most everybody, Bentham also fears the consequences if freedom is given to those that are part of the unknown. He cannot but help to establish a comfort zone, an escape hatch by which some may seek emancipation and others may not. However, the difficulty lies in the fact that the people who "deserve" emancipation and the people who would "benefit" from further guidance live in the same area. He cannot resolve this.

Bentham's emphasis on the ancestral linkage and a common political culture is also significant. It is an integral part of his argument for the emancipation of the Spanish

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[72] Ibid., 77.

[73] Ibid., 80. Where in one paragraph the Ultramarians are kinsmen, in the next they are strangers. To foment mistrust between the two parties Bentham even goes so far as to say: "Of him who framed this Article together with Articles [ ], of those by whom it was adopted, what was the persuasion in matters of religion? Not to speak of Catholicism, was it really Christian? Was it not rather Mahometan? Their

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colonies. Implicit in this argument, however, is a need for colonization to begin with. The only way that these links originated was through the process of colonization. The benefit of emancipation requires this link to be established in the first place, otherwise continued mastery is required until such time that circumstances become more favourable. Again, this scenario reveals Bentham's need to ensure security-such security is defined and maintained by the cultural values imposed upon the colonies in the first place. This security would also, hopefully, guarantee the appropriate, culturally instituted, behaviours in international relations once the colonies are released.

Even though Bentham has acknowledged, in previous works, some of the benefits of colonial possession, he now gives the occasional nod to the more sinister reasons why most mother countries do not emancipate colonies. The most detail is provided on the advantages colonies offer to the ruling few. This discussion still results in a rather short letter, which is suggestive.[74] It is obvious that Bentham is not oblivious to arguments of profits for the ruling few, and the subsequent augmentation of their power; he will not, however, give it much time or due. Bentham recognizes the influence of this power but will not address the weight of it. Perhaps he assumes that more time devoted to arguments against colonies will ultimately convince his readers of his position, but it is difficult to tell. With all of his efforts to claim the opposite, even Bentham cannot deny that thus far, colonial powers were not in the habit of relinquishing the dominions.

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blood, is it altogether free from Moorish contamination? In their conception, have the female individuals of humankind each of them a soul belonging to it?" (Ibid., 173).
[74] Ibid., 74-75.

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> If *after* the relinquishment of her dominion over that portion of English America, the quantity of money or money's worth drawn by England from that same region through the channel of trade—and this too even the very next year—was greater than *before*,--what should render the advantage less to Spain, in the event of her relinquishing *her* portion of dominion in that same distant continent?—*If so ample was the advantage where the emancipation was the result of sad necessity, extorted from adversary by adversary as the price of peace*,--how much more ample may it not be expected to be, if, as here proposed, it be the result of spontaneous wisdom and benevolence, given freely and gratuitously, by kinsman to kinsman—by friend to friend—for hope of mutual encrease?[75]

And later:

> 'Yes' (men would be saying of you to one another) 'Yes: they gave up what they could not help giving up: but they keep every thing they are able to keep: the bad principle, the morbid appetite, with the folly of seeking to gratify it, still remain: still are they on the watch for every chance of gratifying it: of gratifying it, once more, at our expence. No: the peace they have been pretending to give us is, in their hearts, no better than a truce: for tormenting us again and again nothing is wanting to them but opportunity: and to eyes so eager, opportunity will be continually presenting itself.[76]

Bentham's only way out of this difficulty is to forward his plea to the "common" Spaniard,[77] as it is only the people of Spain who could compel their rulers to relinquish the colonies:

> No: neither in this shape nor in any other, on this occasion or any other, without strong and general reluctance, will men in their situation, whoever they may be, make any the smallest sacrifice, of what in *their* eyes are their interests, to yours: to bring them to it must be *your* task: and to this end no peaceable exertion that you can make can be superfluous.[78]

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[75] Ibid.,121. (Last italics mine.)
[76] Ibid., 134.
[77] Or, at least, the Spaniard who was literate and well versed in constitutional arguments, and in some way capable of influencing the government.
[78] Ibid., 136.

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One can only assume that Bentham believes the Spanish people, if at all compelled by the arguments of the ruling few that colonies enhance the power of Spain, will subsequently be compelled by his own counter-arguments. But how he expects the Spanish people to rise above arguments of power is remarkable since,

> All this is *human*, and of course more particularly *regal*, nature: pride forbids the confession of miscarriage; love of power forbids the parting with any the least scrap of the fascinating appendage, how troublesome so ever, so long as any the faintest hope of keeping it can be kept.[79]

Given the fact that throughout his writing Bentham is not adverse to admitting the above perspective, this too can be seen as an excuse for falling back on that which appears to ensure security, both of property and lifestyle.

Bentham ends his essay with a brief look at "Injury to Spanish Ultramaria from the Claims Made of Dominion Over Her in the Name of Spain."[80] Much of it repeats what he previously wrote, but now slightly reflective of Ultramarian interests. He claims that where the previous government was able to keep Ultramarians relatively ignorant of their subjection, the new constitutional code inevitably reveals to them the injustices they have endured.

> While it kept all hands in shackles, the former government kept a gag in every mouth, a bandage over all eyes. By the present Constitution, these same instruments of tyranny—shackles, gag, and bandage—are all cast forth: cast forth not less compeatly [sic] in the one hemisphere than in the other.[81]

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[79] Ibid., 137.
[80] Ibid., 154.
[81] Ibid., 154-155.

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Bentham had already listed the various reasons for which Ultramarians would revolt in a previous letter, and he explains these reasons more fully in this section.[82] Again, the greatest difficulty arises from the vast distance between government and governed. Distance denies the rights and proper procedures allowed to all Spaniards: "In this case—nay in almost all cases—*distance* suffices of itself to render any thing better than despotism and misrule impossible."[83]

Bentham's arguments rarely have a moral tone to them as economic and constitutional considerations always take precedence. At one point, however, he does resort to a "how-would-you-feel-if . . ." type of discussion that brings forth a slight moral approbation: ". . . think but on the indignation which the bare anticipation of them would excite in your breasts if you yourselves were placed in this same situation in which the Code undertakes to place your kinsmen in Ultramaria."[84] In the end though, it appears that although that the scourge of colonialism was detrimental to those *in* the colonies (colonists and native population alike), at least *some* benefit accrued to those in Spain, albeit a minority.[85]

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[82] Ibid., 73 (Letter 5)
[83] Ibid., 160. The injustice to the Ultramarians is the inefficacy of appeals when required: "Oppression follows oppression at the distance of a day: Relief follows oppression at the distance of 365 days: Oppression is a dromedary: Relief, a tortoise." (Ibid., 161).
[84] Ibid., 164.
[85] Ibid., 180. "Known—universally known—that the money, when collected, is—a great part of it—to be sent out of the province, sent to a Distant region, there to constitute, at the expence of the people of the province, the means of luxurious living to a set of utter strangers, whom the greatest part of the people in the province will never see: in such a state of things, much more watching, and a considerably greater number of watchmen, and those with higher pay, would be necessary, than if there were no such dominion would be thought necessary." (Ibid.) Again Bentham acknowledges that someone does benefit and profit from the colonies.

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Rid Yourselves of Ultramaria was the last substantive essay Bentham wrote about colonies, but it was not the last we hear of him on the issue. In 1829 he added a postscript to *Emancipate Your Colonies!*, which Bowring included in Bentham's *Works*. In it Bentham states:

> An argument, that had not as yet presented itself to the view of the author when penning the accompanying tract, is furnished by the consideration of the quantity of the matter of *good*, operating to the effect of *corruption*, in the shape of *patronage*.
> As a citizen of Great Britain and Ireland, he is thereby confirmed in the same opinions, and accordingly in the same wishes. But, as a citizen of the British Empire, including the sixty millions already under its government in British India, and the forty millions likely to be under its government in the vicinity of British India, not to speak of the one hundred and fifty millions, as the Russians say, of the contiguous Empire of China,--his opinions and consequent wishes are the *reverse*.[86]

That Bentham was not comfortable with emancipation for all peoples is now more obvious than ever. Not only is this reflective of his age and era, it also conforms to his need for security and fear of the unknown. Therefore, emancipation of various parts of the British Empire, it became clear, could only be had by those who have assumed the "civility" of the mother country.

It is also in this postscript that Bentham mentions Australia and the likelihood that the colonies there would gain independence by the end of that century, thereby adopting the government of a representative democracy.[87] Australia is also the topic for Bentham's "last words" on the subject of colonies. In 1831 (a year before his death), Bentham wrote

[86] *Works of Jeremy Bentham*, IV, 418.

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a proposal entitled "Colonization Society Proposal, being a Proposal for the formation of a Joint Stock Company by the name of the Colonization Company on an entirely new principle intituled [sic] the vicinity-maximizing or dispersion-preventing principle." In it he "examines all of the features of the proposal thoroughly, from its aims and financing down to the question of providing for the emigrants on the voyage 'decent and comfortable bedding during the night and means of exercise and recreation in the daytime.'"[88] Bentham also notes that the colony would be an increase in the market of the mother country, a thought that contradicts earlier statements regarding trade limited by capital.[89] But where Winch sees this as a reflection of Bentham's ambivalence, and Boralevi confuses it with earlier comments on penal colonies in New South Wales, it is not difficult to understand from a security standpoint. Such a proposal would take care of any problems of over-population, and mirror the project of the East India Company, a project that Bentham had little difficulty with.[90]

What Winch calls "ambivalence" Boralevi refers to as a "change in his opinion".[91] Even if this change of opinion is the result of the application of the principle of utility, the rationale is still unsatisfactory. The application appears arbitrary. To explain this, however, through the role of security and further, the disappointment-prevention principle, Bentham's arguments no longer need to be considered ambivalent or mere

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[87] Ibid.
[88] Winch, 128.
[89] Ibid., 129.
[90] *Emancipate Your Colonies!*, 16, and Boralevi, 121.
[91] Boralevi, 124.

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changes of opinion; his arguments are contingent on the extent and quality of security that Bentham considers necessary. In the next chapter, this same trend is evidenced in Bentham's other, lesser known, economic works.

It is security that distinguishes the civilized man from the savage, this same savage that occasionally is allowed self-determination if the colonizing attitude sees fit, and that such self-determination would not be seen to threaten the existence of the colonizer. Bentham, the liberal, believes in progress and this progress is no less applicable to security than to anything else. As a matter of fact, the progress of civilization is contingent upon the progress of security:

> North America presents to us a most striking contrast. Savage nature may be seen there, side by side with civilized nature. The interior of that immense region offers only a frightful solitude, impenetrable forests or sterile plains, stagnant waters and impure vapours; such is the earth when left to itself. The fierce tribes which rove through those deserts without fixed habitations, always occupied with the pursuit of game, and animated against each other by implacable rivalries, meet only for combat, and often succeed in destroying each other. The beasts of the forest are not so dangerous to man as he is to himself. But on the borders of these frightful solitudes, what different sights are seen! We appear to comprehend in the same view the two empires of good and evil. Forests give place to cultivated; morasses are dried up, and the surface, grown firm, is covered with meadows, pastures, domestic animals, habitations healthy and smiling. Rising cities are built upon regular plans; roads are constructed to communicate between them; everything announces that men, seeking the means of intercourse, have ceased to fear and to murder each other. Harbours filled with vessels receive all the productions of the earth, and assist in the exchange of all kinds of riches. A numerous people, living upon their labour in peace and abundance, has succeeded to a few tribes of hunters, always placed between war and famine. What has wrought these prodigies? Who has renewed the surface of the earth? Who has given to man this domain over nature—over nature embellished, fertilized, and perfected? That beneficent genius is *Security*. It is security which has wrought this great metamorphosis. And how rapid are its operations? It is not yet two centuries since William Penn landed upon those savage coasts, with a colony of

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> true conquerors, men of peace, who did not soil their establishments with blood, and who made themselves respected by acts of beneficence and justice.[92]

It is a liberal premise that progress can happen at all, however, the basis for that premise should be equally important. The basis for Bentham is security, and constant security at that. Not unlike a realist, Bentham realizes that security issues are ever present, and even though prosperity may increase, and humanity may progress beyond the war of all against all scenario that he believes exists among the "savages", the slightest provocation can bring the structure of security crumbling down again, and Bentham knows it.

[92] J. Bentham, *The Theory of Legislation*, 118-19.

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Chapter 8

Bentham the International Political Economist

> Maximizing universal security;--securing the existence of, and sufficiency of, the matter of subsistence for all the members of the community;--maximizing the quantity of the matter of abundance in all its shapes;--securing the nearest approximation to absolute equality in the distribution of the matter of abundance, and the other modifications of the matter of property; that is to say, the nearest approximation consistent with universal security, as above, for subsistence and maximization of the matter of abundance:--by these denominations, or for shortness, by the several words *security*, *subsistence*, *abundance*, and *equality*, may be characterized the several specific ends, which in the character of means stand next in subordination to the all embracing end—the greatest happiness of the greatest number of the individuals belonging to the community in question.[1]

Bentham's economic writings are rarely, if ever, highlighted by international relations scholars. When Bentham's work is referred to it is usually with reference to his writings in international law. Although some of his ideas in economics are familiar to us, his work has not been adequately explored from the international relations perspective to show its development and evolution. This chapter shows how Bentham believed economics to be fundamental to the peace and harmony of a state; economics can dictate whether a state is headed towards peace or war, and are contingent upon security of expectation, or the disappointment-prevention principle. If Bentham's writings on international political economy are not more significant than his thinking in international law, they are at least equally important and deserve to be considered a major part of his contribution.

[1] J. Bentham, *The Philosophy of Economic Science*, vol. 1, 92.

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Bentham's work in economics is somewhat familiar to international relations scholars, but it is his writings in the area of colonial policy that are best known. This makes sense given the fact that *A Plan for an Universal and Perpetual Peace* is partially composed of the essay *Colonies and Navy*. After briefly discussing the economic theories at play during Bentham's time, and examining the basis of Bentham's economic thinking, this chapter will continue with a survey of his views on topics such as free trade, the costs of war, and economics as it is linked to security.

The Economic "isms" prevalent in the late 18th and early 19th centuries:

Many contemporary IPE scholars refer to at least three "traditions", "ideologies", or "theories" of economics: Liberalism, Mercantilism, and Marxism.[2] They are often recognized as the springboards for current theoretical approaches, as like-minded descendents (such as rational choice theory emerging from liberalism[3]) or critical evolutions.[4] Debates on the efficacy, accuracy, and salience of these categories are reflected in Bentham's work in that these categories do not offer an easy fit, and to a large

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[2] The latter, Marxism, is not applicable in Bentham's case, as Marx developed most of his ideas after Bentham's death.

[3] George T. Crane and Abla Amawi, *The Theoretical Evolution of International Political Economy: A Reader* (New York: Oxford University Press, 1991), 22.

[4] Ibid., 19. Authors who recognize these three traditions as distinctive include Robert Gilpin, *The Political Economy of International Relations* (Princeton: Princeton University Press, 1987); Crane and Amawi, eds., *The Theoretical Evolution of International Political Economy*, 4; and for a critique of this practice of holding to three fundamental traditions, see Susan Strange, *States and Markets*, 2nd ed. (London: Pinter Publishers, 1994), 16.

"But for the rest, all we have, so far, are competing *doctrines* - sets of normative ideas about the goals to which state policy should be directed and how politics and economics (or, more accurately, states and markets) *ought* to be related to one another. This is enough to satisfy ideologues who have already made up their minds. They may be realists who want to think narrowly about the means and ends of national policy at home and abroad; or they may be liberal economists who want to think about how the world economy could be most efficiently organized, or they may be radicals or Marxists who want to think about how greater equity and justice could be achieved for the underdogs." Susan Strange, *States and Markets*, 16.

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degree they hinder the analysis of Bentham's work. Bentham was familiar with mercantilism which had a foothold in the political economy of states, and liberalism was still the fledgling to which Bentham was to contribute. It is important to have an adequate understanding of these two political economy approaches as they affected, and were affected by, Jeremy Bentham's work.

Most of Bentham's economic writings were reactions to the practices of the government of his day, practices that, more often than not, reflected the mercantilist approach. This approach dictated the supremacy of the state over economic activities. Robert Gilpin, writing about it many years later, describes mercantilism:

> All [mercantilists] ascribe to the primacy of the state, of national security, and of military power in the organization and functioning of the international system. Within this general commitment two basic positions can be discerned. Some [mercantilists] consider the safeguarding of national economic interests as the minimum essential to the security and survival of the state. For lack of a better term, this generally defensive position may be called "benign" mercantilism. On the other had, there are those [mercantilists] who regard the international economy as an arena for imperialist expansion and national aggrandizement. This aggressive form may be termed "malevolent" mercantilism.[5]

Jacob Viner's oft-quoted passage notes that mercantilism reflects the historical and social context in which it is practiced, but there are characteristics of this approach which have remained constant:

> I believe that practically all mercantilists, whatever the period, country, or status of the particular individual, would have subscribed to all of the following propositions: (1) wealth is an absolutely essential means to power, whether for security or for aggression; (2) power is essential or valuable as a means to the acquisition or retention of wealth; (3) wealth and power are each proper ultimate

[5] Robert Gilpin, 31-32.

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> ends of national policy; (4) there is long-run harmony between these ends, although in particular circumstances it may be necessary for a time to make economic sacrifices in the interest of military security and therefore also of long-run prosperity.[6]

A central feature in the realization of mercantilist goals is the institution of industrialization, or rather the establishment of manufactures.[7] Doing so eliminates the necessity of the state to rely on others for products essential to state building and survival. The balance of trade and the accumulation of precious metals as stores of wealth are equally important. It becomes necessary for the state to impose various tariffs and trade barriers upon exported material in order to persuade domestic consumers to focus on domestic-made products. As noted above, the pursuit of industrialization (wealth and power) is intrinsically and positively linked to military security; "it is the basis of military power and central to national security in the modern world."[8] The mercantilist perspective, as an IPE perspective, is closely related to the international relations theory tradition of realism. Interstate relations are inherently conflictual, and in this case, economic relations are not based on mutual state interest. It was to the mercantilist approach that Adam Smith, Jeremy Bentham and David Ricardo, responded. The liberal perspective was in its infancy at this time, but it was on its way to being one of the most influencial economic, and moral, approaches in the Western world.

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[6] Jacob Viner, *The Long View and the Short: Studies in Economic Theory and Policy* (New York: Free Press, 1958), 286. Provided by Gilpin, 32.
[7] Alexander Hamilton, "Report on Manufactures," in G. T. Crane and A. Amawi, 37-47.
[8] Gilpin, 33.

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Where the state once reigned supreme, the individual now takes hold as the primary unit of analysis. To allow free and unfettered competition to take place between individuals in markets is to create an environment where a "natural" balance takes place, and "utility" is maximized for all. The state is reduced to a mechanism for law and order, ensuring that competition between individuals *remains* free and unfettered. "Liberalism is thus permeated with a concern for enhancing the freedom and welfare of individuals; it proposes that humankind can employ reason better to develop a sense of harmony of interest among individuals and groups within the wider community, domestic or international."[9] Freedom is expressed through the acquisition of private property and the ability to build capital and profit without state intervention. Economically speaking this means that the market ought to be allowed to function and fluctuate as demand and supply see fit. In this way that "natural" balance would find itself.

Given the fact that not always do things function ideally, liberals do not deny the state any opportunity to intervene at all; there can be occasions where intervention is warranted. "Liberal economists do accept that there may be a case for some state intervention to correct market imperfections, but only if the state has sufficient knowledge to do this, and if administrative costs are not too high."[10] This is still a much

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[9] Geoffrey Underhill, "Conceptualizing the Changing Global Order," in *Political Economy and the Changing Global Order*, Richard Stubbs and Geoffrey Underhill, eds. (Toronto: McClelland & Stewart Inc., 1994), 27.
[10] Stephen Gill and David Law, *The Global Political Economy: Perspectives, Problems and Policies* (Baltimore: Johns Hopkins University Press, 1988), 43.

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more qualified and restricted intervention than allowed through mercantilism, and is a crucial delineating point between the liberal and mercantilist approach.

On the international level, where the realist/mercantilist sees competition between states resulting in an insecure, fractured, anarchical and potentially war torn environment, the liberal sees individual competition continuing internationally, and actually promoting peace by generating and encouraging mutual interests. Such "free" trade and the attendant increase in communication would ultimately lead to each economic area (state, firm or individual) providing its own specialty good or set of goods at the cheapest possible cost, allowing all individuals to obtain a variety of goods, for the cheapest prices, from among the various economic areas participating in this trade scheme.

> To give the monopoly of the home-market to the produce of domestic industry, in any particular art or manufacture, is in some measure to direct private people in what matter they ought to employ their capitals, and must, in almost all cases, be either a useless or hurtful regulation. If the produce of domestic can be brought there as cheap as that of foreign industry, the regulation is evidently useless. If it cannot, it must generally be hurtful. It is the maxim of every prudent master of a family, never to attempt to make at home what it will cost him more to make than buy.[11]

The belief that certain interests should be protected is not consistent with a liberal perspective. The less interference in the organization and function of the market, the better life is for everyone.

[11] Adam Smith, "Of Restraints Upon the Importation from Foreign Countries of Such Goods as Can Be Produced at Home" in *An Inquiry into the Nature and Causes of the Wealth of Nations* (London: Ward, Lock & Tyler, 1812), 354-55.

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Establishing economic policy

> The underlying idea of it was, of course, to be the greatest-happiness principle, and the greatest happiness of the race was, in his opinion, to be achieved by establishing universal security, guaranteeing subsistence, maximizing abundance, and reducing, as far as possible, inequality. . . . security and equalization of property are of paramount importance to the economist.[12]

Security, subsistence, abundance, and equality (or more accurately, the reduction of inequalities) all are subordinate ends of Bentham's universal principle of utility, or greatest happiness principle. According to Bentham, these four components are essential to ensuring any one human being's happiness, and they ought to be considered constantly by those who engineer the economic policies of the state.

Bentham's approach to wealth and the accumulation thereof was quite simple; wealth was constrained by the amount of capital available and the particular use made of that capital.[13] That wealth is dependent on the amount of capital available is a crucial "fact" in Bentham's work; it justifies, if not demands, the relinquishing of colonies and is used in his arguments against prohibitory trade practices. The limitations of capital and the ways in which a community can increase wealth, then, are fundamental to Bentham's recommendations.

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[12] Stark, "Introduction," vol.1, *Jeremy Bentham's Economic Writings*, ed. W. Stark (London: George Allen & Unwin Ltd, 1952), 17-18.

[13] Jeremy Bentham, *Manual of Political Economy*, vol. 1, *Jeremy Bentham's Economic Writings*, ed. W. Stark (London: George Allen & Unwin Ltd, 1952) 228. (All of Bentham's economic writings are taken from the above compilation of his economic work, unless otherwise noted.)

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Bentham's view of the role of wealth is also integrally linked to security, both with regard to prosperity and also, and more importantly, to a state's defence.

> The enhancement of wealth is one of the most legitimate and one of the most reasonable ends which a government can have in view. In the polity of Sparta which excluded money, the legislator did not by any means exclude the augmentation of wealth: wealth is not only a means of enjoyment, but a means of security and [of adding to the] population: the more products there were, the more consumers: the more citizens, the more arms there were for the defence of the city.
>
> The encrease of wealth, its encrease as well as its preservation, is then an object which should, under all systems of government, attract the attention of the legislators. The encrease of money would be [an] equally proper [object] if money were wealth: but money is not wealth. . . . the augmentation of wealth will be equal to the [national] production minus the portion consumed for subsistence, for enjoyment, for security, and the part put in reserve for the purposes of future reproduction. The encrease of production is thus the primary aim. . . . And yet it is money, and not wealth, exchange and production, which has been the object of the solicitude of government.[14]

Wealth provides a state with security, not only for material comfort but also, and most importantly, for defence. Wealth, according to Bentham, is best understood in terms of how it is used: as subsistence, defence and enjoyment.[15]

> [The] uses of the matter of wealth [are]: 1. provision for subsistence--present subsistence, and security in respect of future; 2. provision for security in respect of defence, viz. against (*a*) external adversaries, (*b*) internal adversaries, and (*c*) calamities, to which, without human design, the community is exposed; 3. provision for enjoyment, viz. mere enjoyment, as far as distinguishable from that share, which is the natural, and more or less inseparable, accompaniment of subsistence and security.[16]

It is important to note the evident overlap of concepts between the uses of wealth and the subordinate ends of the greatest happiness principle. Economics include a distinct

[14] Jeremy Bentham, *Of the Balance of Trade*, vol. 3, 239-41.
[15] Jeremy Bentham, *The True Alarm*, vol. 3, 72.

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security feature; an economically viable state, and its defence, is expected by those residing within the state. The principle of utility seeks to ensure the ends of subsistence, abundance, equality, and security; which can only be met by integrating the interests of the community with the expectation of state security. Bentham expresses the importance of the interconnectedness of political and economic concerns in his discussion of political economy:

> It may be said, there is a science distinct from every other, which is called *political* economy: the mind can abstractly consider everything which concerns the wealth of nations, and form a general theory concerning it: but I do not see that there can exist a code of laws concerning political economy, distinct and separate from all the other codes. The collection of laws upon this subject would only be a mass of imperfect shreds, drawn without distinction from the whole body of laws.
> Political economy, for example, has reference to the penal laws, which create the species of offences which have been called *offences against population*, and *offences against the national wealth.*
> Political economy would be found connected with the international code by treaties of commerce, and with the financial code by the taxes, and their effects upon the public wealth.[17]

Security is linked to economics; not just the security of wealth, but also the security of the state, as political economy impinges upon penal and international codes, among others.

Because security is such an integral part of the legislator's role, and is a pivotal concept in our understanding of theories of international political economy, it plays a great part in our trying to determine and understand Bentham's contributions to the field. Although subsistence, security, abundance and equality are subordinate ends of the greatest

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[16] Jeremy Bentham, *Institute of Political Economy*, vol. 3, 318-19.

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happiness principle, they also affect, and are affected by, one another. It is this causal chain, as Bentham presents it, which becomes problematic and adds to the difficulty in recreating the lens through which Bentham views international politics.

The responsibility of the legislator lies in the establishment and maintenance of security,[18] and in "the enhancement of wealth."[19] As a matter of fact, "[t]he encrease of wealth, its encrease as well as its preservation, is then an object which should, under all systems of government attract the attention of the legislators."[20] If this is the case, just how broad are the legislator's parameters in handling the economy, for the purpose of "encrease" and "preservation"?

Bentham's causal chain functions in this manner: continually improving security breeds opulence which, in turn, breeds populousness. Therefore security is directly responsible for the success of another subordinate end, abundance (abundance is composed of both opulence and populousness[21]). Populousness is advantageous to security from a defence point of view; a state benefits from the increased troop potential. Security, abundance and equality are all dependent upon subsistence as the population must be able to survive to thrive. At the same time, subsistence is dependent upon security since a population cannot take advantage of subsistence without some level of security.

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[17] J. Bentham, *The Philosophy of Economic Science*, vol. 1, 94.
[18] Jeremy Bentham, *Institute of Political Economy*, vol. 3, 311.
[19] J. Bentham, *Of the Balance of Trade*, vol. 3, 239
[20] Ibid.
[21] J. Bentham, *Institute of Political Economy*, vol. 3, 307.

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Assuming "enough" security is established and opulence increases, a problem arises. Although populousness is a result of opulence, Bentham also argues that increased populousness results in decreased opulence.[22] In essence, the two factors which make up abundance actually work against each other; as populousness increases, opulence decreases, and as populousness decreases, opulence increases. However, security benefits from increases in both, since opulence leads to a greater proportion of income allowed for luxury goods (which are easily exchangeable for defence measures[23]), and as stated above, increased populousness provides for more troops. Finally, equality is affected by, and affects, the other ends such that, according to Bentham, equality is reduced as opulence increases, but, as inequality increases, security is reduced.[24]

Through these assumptions, associations, and causal links, Bentham has established a precarious and often contradictory arrangement that requires an intricate balancing act of the subordinate ends for the principle of utility to have any ability to function. Inherent in these subordinate ends, and in the greatest happiness principle itself, is a notion of progress. In this sense this elaborate arrangement is liberal in its intentions. However, it is also difficult to avoid the importance of security and how it *must* pervade a substantive portion of a community's life; it is necessary to establish and increase opulence, but then also to reduce inequality and maintain subsistence. The question is: when does the notion

[22] Ibid., 318, 361.
[23] Ibid., 321, 327.
[24] Ibid., 327.

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of security traverse the boundary between that required for the liberal thinker, and that required by the mercantilist? Mercantilism focuses on national security; the benefactor of security is the state. The liberal provides security for the individual to carry out, safely and freely, her or his activities.[25] It is difficult to ignore the pervasiveness of security in Bentham's system. Does it really differ from mercantilist requirements? Security and the increase of wealth is the purview of the legislator (who is part of the state mechanism), and security is fundamental to the attainment and maintenance of the subordinate ends, and therefore to the greatest happiness principle. It can be argued that the principle of utility must *necessarily* be under the strict guidance of the state (or legislator). This argument speaks to the development of the disappointment-prevention principle, which articulates Bentham's need to intervene in the political system to ensure security of expectation.[26] The subordinate ends strive to meet expectation; the community's expectation for subsistence, abundance, and to a certain degree, equality. Ensuring the expectation of these ends produces the greatest happiness for the greatest number. Bentham's emphasis on security is clear, and begs the question: to what extent does this emphasis on security for the state impinge on the state's economic position with regard to other states?

Government interference

[25] Obviously the individual cannot pursue his/her interests if the state is not secure, but once security is established, the primacy of the individual can come to the fore.
[26] These interventions can include those that maintain the political status quo, or slowly introduce reforms.

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A substantive distinction between the mercantilist and liberal perspectives is the role, or lack thereof, of the government in economic activity. The extent to which Bentham advocates government interference, and under what circumstances, provides us with further insight into Bentham's thinking and his position on this "theoretical continuum".

Security is fundamental to the mercantilist perspective, but is also well entrenched within Bentham's thinking, as it is the primary, subordinate end of the greatest happiness principle. Security is the primary goal of the legislator, as it is intrinsic not only to the safety and freedom of the individuals composing the community, but also to the increase of wealth.[27]

> [B]y what means and how far the comparatively inferior ends of extra-security for subsistence, opulence, and equality might be attained in the utmost degree of perfection without prejudice to the superior interests of security, in comparison of which every other blessing is but a feather in the political scale.[28]

Bentham's tone is realist, but one might argue that security is equally necessary for the purposes of liberty, and for liberalism. Although security is paramount, it exists for the individual and not the state. This point is apparent in Bentham's work, but not continuously. Additionally, the example of another subordinate end of utility, equality, which cannot be achieved under conditions of extensive liberty, illustrates Bentham's struggle. In this case Bentham attempts a balancing act between notions of liberty and equality, especially as they relate to security, which provides much ambiguity and confusion in the interpretation of his work.

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Nevertheless, Bentham *appears* to be the consummate liberal, given his well-known position on government intervention as an evil. It is still a necessary evil, and most of Bentham's work is directed towards the legislator and how he ought to legislate. Ideally, the areas, according to Bentham, where the legislator, and hence government, has no authority are the following:

> If the end could be accomplished without any interference on his part, so much the better: and so much as will be done without his interference, so much he will [if he is wise] suffer to be done. The whole course of legislation, though a necessary evil, it still an evil: the legislator can not stir, but what he does is felt in the shape of hardship and coercion somewhere.[29]

With regard to economics, "Government ought not to give bounties, much [less enforce] prohibitions &c, for [the] encrease of wealth, as they can't encrease wealth because they can't encrease capital."[30] These thoughts are consistent with liberal ideals, but to what extent does Bentham play these ideals through?

In *Institute of Political Economy*, certain ambiguities come into play as Bentham, although adamant about the troublesome nature of government interference, qualifies this position in a small, but obviously significant paragraph:

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[27] J. Bentham, "Of the Balance of Trade", vol. 3, 239; "Institute of Political Economy", vol. 3, 311.
[28] UCxx.180-81. Provided by Stark, "Introduction," vol. 1, 63.
[29] J. Bentham, "Institute of Political Economy," Vol. 3, 311.
[30] J. Bentham, "Manual of Political Economy," Vol. 1, 269.

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> That the uncoerced and unenlightened propensities and powers of individuals are not adequate to the end without the controul and guidance of the legislator is a matter of fact of which the evidence of history, the nature of man, and the very existence of political society are so many proofs.[31]

It is not necessary to immediately conclude that Bentham advocates total government control of individual action, but it is understandable that many Bentham scholars are ambivalent about the extent of Bentham's liberal ideals. Another flag may be raised when Bentham, throughout his economic work, discusses the four subordinate ends to the greatest happiness principle; subsistence, abundance, security, and equality (or the minimization of inequality).[32] These ends are very similar to the ends or uses of wealth: subsistence, enjoyment, security, and encrease [sic].[33] A circular argument appears in Bentham's use of the four subordinate ends. Security plays a primary role, the other ends are dependent upon it, especially opulence which is directly related to the generation of wealth; security is also the central focus of government intervention, as the purpose is to alleviate as much mischief and crime as possible which would interfere in the creation and accumulation of wealth. Under proper legislation, a community would find itself in a condition of continually improving security,[34] which leads, in turn to increasing opulence.[35] Opulence is central to the *relative* wealth of the nation, as the population of the community increases, opulence decreases, or when the population decreases, opulence increases: "opulence is *relative* wealth, relation being had to population: it is the ratio of

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[31] J. Bentham, "Institute of Political Economy," Vol. 3, 311.
[32] W. Stark, "Introduction," Vol. 1, 18.
[33] J. Bentham, "Manual of Political Economy,", Vol. 1, 226.
[34] J. Bentham, "Defence of Usury", vol. 1, 180; "Institute of Political Economy," vol. 3, 310.
[35] J. Bentham, "Institute of Political Economy," vol. 3, 318.

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wealth to population."[36] In Bentham's scheme wealth and happiness are close to being the same thing. It is possible to extrapolate broad parameters for the legislator, meaning government interference in the economy, as the "guarantor" of wealth enhancement, and therefore happiness. This is no longer a reflection of a liberal position.

International Trade

Bentham did not devote much time to the idea of foreign trade.[37] However, in the places where he does address this question, the emphasis is on the unnecessary and destructive quality of prohibitive measures, or any measures at all for that matter, which are effected by government to influence foreign trade.

Bentham's ideas on foreign trade were remarkably consistent. On this topic he differs very little from his predecessor, Adam Smith, and his ideas are repeated often, from 1795 in *Manual of Political Economy*, to 1804's *Institute of Political Economy*, and finally in the 1821 *Observations on the Restrictive and Prohibitory Commercial System*:

> It may be laid down as a universal maxim, that the system of commercial restriction is always either useless or mischievous; or rather mischievous in every case, in a less degree, or in a greater degree. In the judgement of the purchaser, or the consumer, the goods discouraged must be either better than those which are protected, or not: if not better, (of course better for a fixed equivalent,) they will not be bought even though no prohibition exist: here then is uselessness, or mischief in the lesser degree. But the case, and the only probable case, in which the fictitious encouragement will be applied, is that where the goods excluded are better, or in other words cheaper, than those sought to be protected: here is unqualified mischief, mischief in the greater degree.

[36] Ibid., 318.
[37] Ibid., 27.

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> ....
> The persons for whom this favour is intended, what title have they, what title can they ever have, to such a preference; to a benefit to which a correspondent injury, not to say injustice, to others,--an injury, an injustice to such an extent,--is unavoidably linked?
> And in point of numbers, what are the favoured when compared with the disfavoured?—Answer, The few; the few always served, or meant to be served, at the expense of the many.[38]

As a result, the nation imposing the prohibitory measures falls prey to higher costs, inferior quality, reduced demand for home produced products, loss of tax on those products, increased smuggling, increased animosity from foreigners, and increased animosity toward the nation's ruling few from the subject many.[39]

In the works that touch on foreign trade (*Manual of Political Economy*, *Of the Balance of Trade*, *Defence of a Maximum*, *Institute of Political Economy*, and *Observations on the Restrictive and Prohibitory Commercial System*) Bentham provides a number of interesting (although not extensive) arguments against mercantilist practices. He frequently demands that trade be allowed to proceed on its own, such that as little government intervention as possible would take place. He argues against bounties on production and exportation. In the case of the former, Bentham discussed the inefficacy of supporting a trade with bounties; the only way a trade would be truly successful and *not* burden the community in which it is being carried out is to let it function on its own. This can especially be seen with bounties on exportation since, as Bentham states, this means a loss to the community exporting the goods and "is a continuance for getting

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foreigners slily to receive tribute of [the exporting state] without their knowing of the matter."[40]

> In the instance of the bounty given on exportation, no advantage can be reaped by anybody in the nation in any case: in any case, whatever is given is either so much sunk and wasted as if it had been thrown into the sea, or else given to foreigners.[41]

Bentham is very concerned with the state as a whole, and not just the individuals who compose it. Government policies affect the state negatively where prohibitory measures are concerned.

Foreshadowing arguments of the twentieth century, Bentham presents a very liberal "absolute" versus realist "relative" gains argument where he debunks the notion that one state's gain in trade is another's loss. He claims that no one will give away their produce for nothing, and therefore any trade will result in a gain. It does not matter that one nation's earnings are numerically higher than another; that both have increased wealth is what is important.[42] This relates to Bentham's discussion of the balance of trade:

> By *balance of trade* is meant the excess, in terms of value, of the goods exported out of the country over the value of the goods imported. . . . But is not long and positive experience against this theory? Taking a country as a whole and over a certain length of time, there cannot exist what is called a *losing* trade.[43]

The mercantilists insist on using notions such as favourable or unfavourable balances of trade. Bentham claims it is a deception used for political reasons rather than economic:

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[38] J. Bentham, *Observations on the Restrictive and Prohibitory Commercial System*, vol. 3, 386, 388.
[39] Ibid., 391-403.
[40] J. Bentham, *Manual of Political Economy*, vol. 1, 249.
[41] Ibid.

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> Another distinction which is no less necessary and no less difficult to bear in mind, is that between what is called the balance of trade and the balance or difference of profit or loss in the books of this or that person engaged in trade. The term *favourable balance* does not mean the same thing in its political and in its commercial sense: it has not the same significance. A merchant and indeed all merchants may have carried on a trade more lucrative than ever before in the same period in which what is called the balance of trade has been unfavourable. They may in the same way have carried on a trade less lucrative than ever before in the same period in which the balance of trade has been favourable.[44]

The stockpiling of gold and silver is crucial to the mercantilist, and Bentham finds difficulty with this practice as well. As he puts it "If an individual has need of money, it is to exchange it for all the things which he likes. Would he regard it as a favour if, to the possession of the money, you were to add the stipulation that he must never spend it?"[45] To Bentham, wealth is not solely composed of precious metals, but of all goods that are produced and exchanged.[46] If the legislator has a role to play here, since wealth enhancement is part of the legislator's jurisdiction, it does not include imposing taxes, barriers, or incentives to allegedly assist the home market.[47]

Bentham devotes one of his chapters, among other essays, in *On the Balance of Trade* to arguments against the mercantile system. In this chapter Bentham argues against the accumulation of money as an end unto itself. He considers this the same as granting an

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[42] J. Bentham, "Of the Balance of Trade," vol. 3, 222.
[43] Ibid., 221.
[44] Ibid., 226, 227.
[45] Ibid., 243-44.
[46] J. Bentham, "Institute of Political Economy," vol. 3, 319.
[47] J. Bentham, "Observations on the Restrictive and Prohibitory Commercial System," vol. 3, 385, 386, 389, 391.

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individual a sum of money with "the stipulation that he must never spend it."[48] In this piece Bentham states that money has only one purpose: exchange. Hoarding money is an "abusurdity" and serves no other purpose than to cause trouble to the peace between states, commerce to be interrupted, real wealth to be dried up at its source, while this "phantom" is pursued.[49]

It is true that the above represents the bulk of ideas Bentham had to offer on the topic of foreign trade, but like many of the topics he addressed, there are always moments of exception. Bentham would curtail export in the event of a shortage, and more so to prevent any insurrection and "various mischiefs" that would probably occur due to a lack of supply. Under these circumstances it would be logical and necessary for the government to forbid export since that supply would be needed in the home market.[50] Additionally, Bentham advocates magazining, not only by individuals[51] but by government as well, so that "you are sure you have."[52] If a country has the forethought to have full magazines, then any restriction upon trade would again not be necessary. At any rate, such trade measures are less desirable anyway since these regulations cost money, and do not provide the same level of security as stockpiled supplies in magazines. To what extent does this differ from the mercantilist practice of stocking up on precious

[48] J. Bentham, "Of the Balance of Trade," vol. 3, 244.
[49] Ibid.
[50] J. Bentham, "Manual of Political Economy," vol. 1, 267.
[51] Bentham still believed that magazining by individuals would be a more bountiful approach than to leave it solely in the hands of the government. Nonetheless, the government is also expected to provide full magazines for the nation, and Bentham is not clear on what sort of balance should be achieved between government and individuals in this regard. Please see W. Stark, *Introduction*, vol. 1, 54.

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metals? It is true that Bentham is not hoarding gold and silver for the security of the nation, but instead he hoards corn for the same purpose. Is the difference really so great?

Werner Stark alerts his readers to some notes made by Bentham while writing *Manual of Political Economy*. In gathering ideas for his treatise Bentham compiled some thoughts about "eligible modes of encouragement" on the part of government. Stark points out:

> The one deals with technological problems in the narrower sense of the work, the other rather with questions of export technique and financial steering. Here is the former list of ideas: "[1.] Inventing methods of applying the natural *primum mobiles* with encreased advantage: *1*. Men's force. *2*. Animal. *3*. Water. *4*. Air. *5*. Artifical vision. 2. Diminishing the unhealthiness or disgustfulness of certain trades" (64). Bentham probably thought that the government should foster research along these lines. He did not expect the individual always to play the part of the forlorn hope of technical advancement. The second set of suggestions is still less in line with the free-trade point of view. It reads as follows: "1. Securing of existing markets for manufactory—with or without competition—foreign or colonial. 2. Acquisition of new markets—with or without competition—foreign or colonial." How far could Bentham have gone in this respect without abandoning the definite position he had taken up in *Colonies and Navy*?[53]

It should be remembered that these are just notes, and did not make it into the body of Bentham's *Manual*. However, it does provide an interesting look into Bentham's thoughts and the directions that he was apparently, at some point, willing to go in his designs for ideal economic interaction between states.

A Few Thoughts on War

Bentham often tries to make plain the horrible and useless nature of war, "murder on the grandest scale." But again, there are still frequent occasions where Bentham provides

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[52] Ibid.

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ammunition against his own case. His economic writings frequently point out the necessity and utility of financial planning in the event of war; arguments stating the economic and moral rationale to avoid war do not eliminate plans financially to manage the affairs of the state when a war takes place. Among his ideas to safeguard the state's finances is the development of a new Sinking Fund. This fund would compensate for the lack of surplus occurring during war years, and would differ from the old Sinking Fund in that it would be fed by interest and not by principal, the latter "being a mere fiction, which neither is, nor ever can be, realized."[54] Additionally Bentham saw a venue for his Annuity Note proposal in discussions regarding war and peace. His rather bizarre, and very complicated, plan consisted of circulating annuities instead of fixed-value bank notes, such that the value of the annuities, which were to be used daily, consisted of a different value each day they were used. A table would be provided on the annuity note which would indicate the value of the note that day for the convenience of the persons conducting financial transactions, from buying simple foodstuffs to complex stock transactions. These new notes could be at one and the same time currency and capital, depending on the need at that moment in time. Bentham's intention, by issuing these notes, was to increase national wealth, and eradicate the national debt. To support his plan against arguments of increased inflation, Bentham used the example of peace and war to illustrate how his Annuity notes were to be used; in times of war the notes would act as currency since the government of the day would be required to hoard as much of the

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[53] Ibid.

[54] J. Bentham, "On the Form of the Supply to the Sinking Fund," BM Add. MSS 31235, p. 27. July 23, 1800. Supplied by W. Stark, "Introduction," *Jeremy Bentham's Economic Writings*, Vol. 2, 44.

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scarce cash as possible to finance the high expenditure of war, whereas in times of peace the notes would be withdrawn from circulation as they would be primarily used for purposes of investment.[55] Bentham supposed his system would work so smoothly that excess capital or currency would never become a problem.

Whether a state is at war or peace is secondary to the circulating annuities proposal, however it provides an interesting insight into the scope of Bentham's thinking. As much as he had written against the efficacy of war, he was enough of a realist to be prepared for it, at least financially. If all else failed at least the state would not be bankrupt in the process. Bentham deals with modern warfare as a financial problem, taking all of a state's resources into account in times of conflict—total war.

Conclusion

Bentham's contrasting views are remarkable. While often echoing the liberal notions of his mentor, Adam Smith, and fervently arguing against state intervention so that free trade may result, Bentham continues to show us that he cannot accept these liberal principles under all circumstances. First and foremost security, and security of expectation or disappointment prevention, must be adequately maintained. This may, or may not, involve state interventions. The point is that the liberal notion of non-interference in economic questions is not the driving force behind Bentham's initiatives, it is only a result

[55] W. Stark, "Introduction," Vol. 2, 60; J. Bentham, "Circulating Annuities, Vol. 2, 261-67, 310, 421; J.

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under conditions where security needs are adequately met, and expectation can be enhanced by free trade practices. When expectation is reduced by the same practices, or if preparations for war warrant it, mercantilist practices come into play through magazining, or directing resources towards defence needs. Either way, the disappointment-prevention principle is the key to understanding Bentham's ambivalence, or inconsistency, in his work.

Bentham, "Paper Mischief [Exposed]," Vol. 2, 456.

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Chapter 9

Conclusion

> Like so much that Bentham wrote, the work was smug, parochial and simplistic, making sweeping generalizations on the basis of minimal knowledge.[1]

> Jeremy Bentham was a famous English philosopher. He was also a little strange.
>
> He thought everything should be useful. It was very wasteful, he said, just to bury bodies in the ground. He thought that they should be preserved and put on display. He thought it was a particularly good idea for smart fellows like himself to be put on display after death. He said that such displays would inspire the young.
>
> So when Jeremy Bentham died in 1832, he left instructions that his body should be preserved, stuffed, and put on display in a glass case. The case was to be set up at the entrance of the University of London. It's still there.
>
> But things didn't work out quite as Bentham had hoped. In the first place, his head wasn't very well preserved. It has been replaced by a wax model. The original skull now rests between the figure's feet.
>
> The partially preserved philosopher doesn't inspire anyone. The display is looked upon as a gruesome oddity.
>
> Bentham's ghost has been reported in the halls of the University. The spectre carries his skull under his arm. Sometimes, it is said, he rolls his skull down the corridors, like a bowling ball.
>
> He was a little strange in life. He is a little strange as a ghost.[2]

Bentham's work has suffered as a result of his personal failings; he was his own worst publicist. In his younger years he shunned any direct communication with the very figures whose attention he was trying to seek, and in his later years his vanity overwhelmed any sensible assessment of the man or his work. Often reduced to caricatures or, as above, children's jokes, careful scrutiny of his work was neglected. The Auto-Icon sits to this day in a corner at University College London, its original head now

[1] Michael Howard, *War and the Liberal Conscience* (London: Temple Smith, 1978) 33.
[2] Daniel Cohen, *Great Ghosts*, 1990.

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placed in a safe rather than between its legs.[3] Bentham's post-mortem wishes are often better known than the work he compiled over his 84 years of life, although he hoped that his utilitarianism would be the world's philosophy by 2032. Such a goal is undoubtedly another failed aspiration, nevertheless Bentham work in political and juridical reform has been influential and a source of debate.[4] There has been an attempt in recent years to overcome the awkward and peculiar reputation of the philosopher, and give due diligence to the massive stores of manuscripts that was also Bentham's legacy. The revised and carefully edited *Collected Works* are slowly replacing the dismal editorial work of John Bowring, enabling many scholars to have an accurate look at Bentham's work for the first time. Bentham's work on international relations has not yet benefited from this careful treatment. Until now it has received superficial attention, with that attention never challenged.[5]

It is plain that Bentham's contribution to international relations theory is important to scholars, as his work continues to be included in some of the most recent compilations of the subject. Although some scholars have moved well past the humble origins of international relations theory and do not bother to pay acknowledgement to philosophers long gone, there are others who recognize the importance of revisiting the works of classical theorists to glean insights to today's international politics. Michael Doyle's latest text falls in the latter category, encouraging scholars to recall the important

[3] The term "Auto-Icon" was Bentham's; an appropriate title, according to him, as he sat and inspired future disciples. Bentham has often been mistaken as a founder of University College London, but his corpse and manuscripts were willed to the school a few years after Bentham's death, and shortly after University College first opened.
[4] Bentham's work on the Panopticon has spurred many a discussion, for example.
[5] Bentham's poor and scattered writing, combined with incompetent editing, has largely contributed to this weak treatment of his work.

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foundations laid by Thucydides, Machiavelli, Rousseau, Smith and Marx. Doyle includes Bentham as a contributor to the liberal tradition, and confidently labels him as "homogeneously pacific."[6] Doyle continues what appears to be a time-honoured tradition where Bentham is concerned; his brief focus is only devoted to *Plan*, and he relies on a minimal number of secondary sources to flesh out, or bring depth, to his own analysis. The result is a familiar and unoriginal presentation, typically emphasizing oft-repeated comments on disarmament, international courts, secrecy in the foreign office, and public opinion. T. Knutsen employs similar tactics in *A History of International Relations Theory*, and even S. Conway, who is most familiar with Bentham's work in international relations as he has had access to the original manuscripts, does not make pains to inform his readers either of the poor shape of *Plan*, or that Bentham's writing reflects strong incongruities as regards theme and content.

Although these authors contribute to an important facet of international relations scholarship, often the treatment of Bentham's work is poor, and relies on weak research.[7] What they present is not necessarily incorrect, but what they neglect makes these presentations inaccurate. Additionally, this treatment is unnecessary as the work of F. H. Hinsley and M. Howard illustrate; even on the basis of *Plan*, both of these authors were aware of at least some of Bentham's contradictory positions, and his awkward place within the liberal tradition. Howard aptly notes that Bentham was never a pacifist and had little difficulty with acquiring colonies that were contiguous rather than distant, and

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[6] Doyle, 209.
[7] Conway's work is not included in this assessment as his project is primarily historical. Nonetheless, Conway does tend to emphasize Bentham's more pacifist side, as well his contributions to international law.

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Hinsley recognized that disarmament was, at best, a subsidiary concern.[8] Nonetheless, all of these works lack the insight that can only be obtained through a thorough examination of Bentham's original manuscripts and the more recently edited *Collected Works*, exploring not only his *many* international relations essays but his *Constitutional Code*, and his wealth of economic writings. If Bentham's work is significant enough to warrant presentation, and it is according to the most recent explorations of international relations theory, then the repetition of past analyses will no longer suffice.

What has been Bentham's contribution to international relations theory? Bentham's detailed examination of international law has, and continues to be, an important contribution to international relations thinking; although *Plan* is probably the weakest source of this contribution, paling in comparison with *Persons Subject* and his draft of international law in 1830. His view of international law is meaningless, however, without a clear understanding of his position on sovereignty, the latter rarely receiving any attention by international relations scholars. Bentham walked a fine line between engendering cooperation and "proper" behaviour between states, and maintaining absolute sovereignty within each state. This balancing act is problematic today, and although Bentham's work did not have the necessary depth to suggest solutions, his resulting reliance on the security of absolute sovereignty over international law cannot be ignored. Known for encouraging an international court to adjudicate in conflicts between states, Bentham was never ready to relinquish the sovereignty of the state to such a noble ideal.

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[8] Howard, 32-35; Hinsley, 85.

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Bentham's views on sovereignty, a neglected facet of his work by international relations scholars, has had an equal impact on another of his interests which has thoroughly escaped the attention of many experts in international relations theory; international political economy. Hinsley and Howard briefly speak to his work on colonies, a subject that occupied a substantial part of Bentham's time, especially from 1796-1804. Doyle misses this point altogether, but then Bentham's contribution to international political economy has been grossly underrated by most scholars. Bentham tangles with the contentious problem of free trade versus the sovereign state, and through colonial emancipation, the question of self-determination. His 1780s work, such as *Colonies and Navy*, is cited as illustration of his demands to emancipate all colonies, and his claim that colonies have no trade value above free trade between sovereign states. Bentham was never unequivocal on this point however.

Free trade and self-determination are not issues of the past; quite the opposite in fact. It is significant that Bentham recognized the importance of these issues already 200 years before. His views on these subjects were not exhaustive, as he did approach many topics in a simplistic fashion, and would often repeat, rather than elaborate on, the same arguments. However he did raise some important points. Although colonial emancipation largely is irrelevant, self-determination is not. Bentham looked at the difficult decision of *granting* independence; self-determination requires the initiative to gain independence, as well as having such independence granted and/or recognized. Bentham was far more hesitant in granting independence to a colony contiguous to the

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mother country, such as Chechnya, than doing the same for a distant colony such as Hong Kong. This is no less a problem today than in Bentham's day.

Not unrelated to Bentham's contribution to international relations theory is his placement among the various theoretical traditions. The difficulty of finding such a place for Bentham has been a recurring theme throughout this dissertation, and although not explicitly stated, this difficulty comments on the efficacy of the theoretical traditions as a whole. The work carried out in the previous eight chapters challenges the light treatment of Bentham's work, by carefully analyzing the key source for international relations scholars, *A Plan for an Universal and Perpetual Peace*, to providing a full and comprehensive presentation of Bentham's ideas on international relations. Although *Plan* is a poor, but not entirely incorrect, rendition of some of Bentham's ideas, it has only provided one view of Bentham's work. This project has sought out Bentham's original sources, going beyond the material only contained within *Plan*, to gain a better sense of Bentham's thinking on the subject.

From issues of sovereignty, through peace, war, colonization, and other important economic questions, Bentham's ideas appear to be wide and varied. It is clear that Bentham experienced an internal debate throughout his lifetime, that was not contingent upon the time period in which he was writing, or the philosophical position he was thought to hold. Bentham was ambivalent, which is apparent throughout the many themes covered here. At times sovereignty must be divided to prevent a sovereign from having absolute power, and at other times the power of the sovereign is unquestionably

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absolute. Nonetheless, the power and the importance of the state materializes in Bentham's work, and plays a fundamental role in his thinking in international relations. When he considers peace, war, colonies, or foreign trade, the ambivalence that appears in each circumstance is rooted in the security of the state, and the expectation that the state retain its power. The security of expectation, known by the late 1820s as the disappointment-prevention principle, is the measure by which state security is determined. Bentham's use of this principle is a leading cause for the confusion and ambivalence surrounding his work, and greatly affects, as a result, his categorization within the theoretical traditions in international relations.

The theoretical traditions, the categories in which we place thinkers and their ideas, allow us to root or fix those ideas to a place that we desire to become instantly familiar and understandable. To say that a thinker is an idealist, or a Kantian, speaks volumes; through the traditions we understand the ideas a thinker proposes, before having explored the ideas themselves. The traditions are necessary in that they provide us with the intellectual "springboards" to understanding ideas, as well as conceiving our own. They show us how ideas are connected and through whom. They also reify those ideas and the thinkers who explored them, and if we are not careful, we become trapped into understandings that are no longer meaningful, relevant, or even accurate.

Bentham shows us that the work done in international relations, by any thinker, is far more than the categories we have contrived to better understand certain concepts. He shows us that the battles between traditions need not take place between thinkers,

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between epochs, or between continents, but can take place, in an even more nuanced fashion, within the thinkers themselves. Through his work we can see that these ideas consists of a tug of war between, or a convergence of, various ideas. Influential in Bentham's writings are the works of Adam Smith, Niccolò Machiavelli, Hugo Grotius, Thomas Hobbes, and the Abbé St. Pierre; a mix of liberal and realist.

Bentham is steeped in idealism, and has much in common with the optimism of the Abbé St. Pierre, when he speaks of the power of public opinion, and the extent to which public opinion can influence international affairs. Bentham's reliance on commerce as a purveyor of peace is completely consistent with the work of Kant, another thinker associated with idealism. Such views have nothing in common with the work of Machiavelli, or other realists. On the other hand, Bentham becomes Machiavelli's bedfellow in their shared fear of innovation, and the stresses of unexpected change and reform in a political system. The fear of innovation is the motivation for Bentham's disappointment-prevention principle, or security of expectation, which is a fundamental feature in Bentham's work. Other influences appear in Bentham's work on sovereignty; Bentham strives to eliminate the absolute authority of the sovereign, especially within his one work, *A Fragment on Government*, yet in other works his concern for maintaining the absolute nature of the sovereign appears paramount, in some respects emulating his predecessor Hobbes. Bentham is not Hobbes, that is clear, but as Bentham's work progresses, his need to wield authority through the legislator for the benefit of the community is equally clear. This tendency has been noted in various places, and has been addressed by Bentham scholars who debate the existence of the authoritarian versus

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the liberal Bentham. Bentham's work on international law brings him easily back into the liberal tradition, alongside Grotius, but their foundations for international law differ significantly; Grotius looks to natural law as the guide, a concept for which Bentham has no time. Bentham looks instead to self-interest, an approach with which modern writers such as F. Meineke and S. Hoffmann have great difficulty in associating with anything but realism. One of the few thinkers to whom Bentham paid tribute, and acknowledged as an important influence, is Adam Smith. In Bentham's economic works in general, and in his international economic works in particular, Bentham has often recognized the important contribution of Smith. Nonetheless, the self-confessed disciple of Smith still had his profoundly different outlook, not the least of which had to do with defence. Where Smith looked to a professional army to secure the needs of the modern state, Bentham could only allow for a small stipendiary force, and one which would be easily outnumbered by a citizen's, radical, force. His reliance upon the citizenry over paid professionals rings more of Machiavelli than Smith.

It is difficult to look to one tradition over another to adequately capture Bentham's work in international relations. Bentham's work on peace, war, colonies, and foreign trade shows us that he has contributed many ideas to the liberal tradition, but he is not a liberal. His realist side has not been recognized and bears examination. Nonetheless, it would not be correct to call him a realist. Bentham's work is important to us because he cannot be categorized so easily. His ideas are dependent upon, and rooted in, the security of expectation, which results in work that does not adhere to the strict dictates of the international theory traditions. Bentham's conclusions often bypass these traditions, and

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as a result, present scholars with another angle by which to understand and explain international relations.

Bentham did not have a broad-based theory of international relations, and would not likely be considered one of the greatest thinkers on the subject, but what he does have to offer is neither irrelevant nor insignificant. Today's world, especially liberal democracies, faces the some of same problems Bentham attempted to grapple with 200 year earlier. As one of the original purveyors of liberal dogma (albeit not limited to liberal ideals), Bentham has helped create the world we live in. In the face of "globalization," today's democracies must face choices about the importance of sovereignty over assumptions about fair and open trade practices. In the face of public opinion, they must decide to support, ignore, or reject independence movements. The pressures of liberal ideals clash with the perception of reality, the underlying concern being security.

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Bibliography

Manuscripts

Bentham Manuscripts in the University College, London Library.

Milne, Taylor, A., ed. *Catalogue of the Manuscripts of Jeremy Bentham in the Library of University College, London.* London: Athlone Press, 1962.

Bentham Manuscripts in the British Library, Add. MSS 30151

Bentham's Works

The Collected Works of Jeremy Bentham, general editors, J. H. Burns, J. R. Dinwiddy, London, 1968—(in progress):

Colonies, Commerce, and Constitutional Law: Rid Yourselves of Ultramaria and Other Writings on Spain and Spanish America, ed. Philip Schofield, Oxford: Clarendon Press, 1995.

Constitutional Code, ed. Fred Rosen. Oxford: Clarendon Press, 1994.

The Correspondence of Jeremy Bentham, 1752-1776. Edited by L.S. Sprigge. London: Athlone Press, 1968.

The Correspondence of Jeremy Bentham , 1781-1788. Edited by I. Christie. London: Athlone Press, 1968.

*Of Laws in General.*London: Athlone Press, (1970).

An Introduction to the Principles of Morals and Legislation. New York: Hafner Publishing Co., 1965.

Emancipate Your Colonies! London: Effingham Wilson, Royal Exchange. 1838

Jeremy Bentham's Economic Writings. Edited by W. Stark, London: George Allen & Unwin Ltd., 1952-4.

The Theory of Legislation. London: 1931.

Works of Jeremy Bentham. Edited by Bowring, John, Edinburgh, 1843. Reprint, New York: Russell & Russell, Inc., 1962.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Other Books and Articles

Arblaster, A. *The Rise and Decline of Western Liberalism*. Oxford: 1987.

Austin, John. *The Province of Jurisprudence Determined.* 1832.

Bahmueller. *The National Charity Company.* Berkeley: 1981.

Beitz, C. *Political Theory and International Relations*. Princeton: 1979.

Boralevi, Lea Compos. *Bentham and the Oppressed.* Berlin: Walter de Gruyter, 1984.

Bowie, Norman E. and Robert L. Simon. *The Individual and the Political Order: An Introduction to Social and Political Philosophy.* New Jersey: Prentice-Hall Inc., 1977.

Burns, J.H. "Bentham on Sovereignty: An Exploration." *Northern Ireland Legal Quarterly,* Vol. 24, No. 3, Autumn 1973.

--"Bentham and the French Revolution," *Transactions of the Royal Historical Society*, 5th series, xvi, 1966.

Carr, E.H. *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of International Relations.* New York: MacMillan and Co. Ltd., 1966.

Chambers Biographical Dictionary, ed. 1990.

Conway, S. " Bentham on Peace and War." *Utilitas,* i,1992.

--"Bentham versus Pitt: Jeremy Bentham and British Foreign Policy 1789," *The Historical Journal*, 30, 4, 1987.

--"Bentham and the British Peace Movement," *Utilitas*, ii, 1990.

Crimmins, J.E. "Contending Interpretations of Bentham's Utilitarianism," *Canadian Journal of Political Science*. xxix:4, 1996.

Baumgardt, D. *Bentham and the Ethics of Today.* Princeton: Princeton University Press, 1952.

Bull, Hedley. "Hobbes and the International Anarchy," *Social Research*, 48, 1981.

--, Benedict Kingsbury, and Adam Roberts (eds). *Hugo Grotius and International Relations*. Oxford: 1990.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Cohen, Daniel. *Great Ghosts*. New York: 1990.

Crane, George T. and Abla Amawi eds. *The Theoretical Evolution of International Political Economy*. Oxford: Oxford University Press, 1991.

Cranston, Maurice. Foreward to *Bentham and the Oppressed,* by Lea Compos Boralevi. Berlin: Walter de Gruyter & Co., 1984.

Dinwiddy, John. *Bentham*. Oxford: Oxford University Press, 1989.

Edwards, Bryan. *The History, Civil and Commercial, of the British Colonies in the West Indies.* 1793

Gill, Stephen and David Law. *The Global Economy: Perspectives, Problems and Policies*. Baltimore: Johns Hopkins University Press, 1988.

Gilpin, Robert. *The Political Economy of International Relations.* Princeton: Princeton University Press, 1987.

Grotius, Hugo. "De Jure Belli ac Pacis Libre Tres," in *International Relations and Political Theory*. Edited by Howard Williams et.al. Vancouver: 1993.

Gunn, J.A.W. "Jeremy Bentham and the Public Interest." *Canadian Journal of Political Science* I (1968).

Hart, H.L.A. "Bentham on Sovereignty." *The Irish Jurist* (1967).

--"Bentham and the United States of America," *The Journal of Law and Economics*, xxi, 1967.

Hinsley, F.H. *Power and the Pursuit of Peace.* Cambridge: Cambridge University Press, 1963.

Hinsley, F.H. *Sovereignty.* London: C.A. Watts & Co. Ltd., 1966.

Hobbes, Thomas. "Leviathan," in *International Relations and Political Theory*. Edited by Howard Williams et.al. Vancouver: 1993.

Hoffmann, S. *Contemporary Theory in International Relations*. New Jersey: 1960.
--*Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics*. Syracuse: 1981.

Howard, Michael. *War and the Liberal Conscience*. London: 1978.

Jackson, D. *Halevy Reconsidered: The Importance of Bentham's Psychological Epistemology in his "Conversion" to Democracy.* New Orleans: 1997.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Hurrell, A. "Kant and the Kantian Paradigm in international relations," *Review of International Studies*, 16: 1990.

Kant, Immanuel. *Kant: Political Writings*. Edited by Hans Reiss. Cambridge: 1970.

Knutsen, Torbjorn. *A History of International Relations Theory.* Manchester: Manchester University Press, 1997.

Long, D. *Bentham on Liberty.* Toronto: 1977.

Mack, Mary P. *Jeremy Bentham: An Odyssey of Ideas.* London, 1748-1832.

Machiavelli, N. *The Prince and the Discourses*. New York: 1950.

--*The Art of War*. New York: 1990.

Meinecke, F. *Machiavellism: The Doctrine of Raison D'Etat and Its Place in Modern History.* New Haven: Yale University Press, 1957.

Merriam, C.E. *History of the Theory of Sovereignty Since Rousseau.* New York: Columbia University Press, 1900.

Pocock, J.G.A. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition.* Princeton: Princeton University Press, 1975.

Porter, Roy. *England in the Eighteenth Century.* London: The Folio Society, 1998.

Rosen, F. *Jeremy Bentham and Representative Democracy: A Study of the Constitutional Code.* Oxford: Clarendon Press, 1983.

Schwarzenberger, Georg. "Bentham's Contribution to International Law and Organization." In *Jeremy Bentham and the Law,* ed. G.W. Keeton and G. Schwarzenberger, 152-84. London: 1948.

Smith, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations.* London: 1812.

--*Lectures on Justice, Police, Revenue and Arms.* Edited by E. Cannan. Oxford: 1978.

Stark, W. *History and Historians of Political Economy.* Edited by Charles M.A. Clark. New Brunswick: Transaction Publishers, 1994.

Strange, Susan. *States and Markets,* 2nd ed. London: Pinter Publishers, 1994.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Taylor, A.J.P. *Rumours of Wars*. London: 1952.

Underhill, Geoffrey. *Political Economy and the Changing Global Order.* Edited by Richard Stubbs and Geoffrey Underhill. Conceptualizing the Changing Global Order. Toronto: McClelland & Stewart Inc., 1994.

Viner, Jacob. *The Long View and the Short: Studies in Economic Theory and Policy.* New York: Free Press, 1958.

Waldron, Jeremy, ed. *Nonsense Upon Stilts: Bentham, Burke, and Marx on the Rights of Man.* London: Meuthen, 1987.

Wight, Martin. *International Theory: The Three Traditions.* Leicester: Leicester University Press, 1991.

Winch, Donald. *Classical Political Economy and Colonies.* London: London School of Economics and Political Science, 1965.

Wolfers, A. and L.W. Martin. *The Anglo-American Tradition in Foreign Affairs*. New York, 1956.

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