

NOTE TO TYPESETTERS: Please begin new recto.

[003_172] [7 December 1801]

DEFENCE OF A MAXIMUM

CONTAINING A PARTICULAR EXAMINATION IN ANSWER TO
THE ARGUMENTS ON THAT HEAD IN A PAMPHLET OF 1800
ATTRIBUTED TO A LATE SECRETARY OF THE TREASURY. TO
WHICH ARE SUBJOINED, HINTS RESPECTING THE SELECTION
OF RADICAL REMEDIES AGAINST DEARTH AND SCARCITY*¹

NOTE TO TYPESETTERS: Please begin new recto

* [Editor's Note: Bentham drafted this work very quickly in December 1801, having compiled a brouillon for it on 7 December 1801 (UC iii. 172), while the latest date in the text is 25 December 1801. No marginal contents sheets for the work have survived, and the organization of parts of the text is incapably conjectural.]

¹ MS orig. 'To which [is] [MS 'are'] subjoined, Short view of a comprehensive work on the encrease of prices considered in respect of its causes, consequences and remedies.'

[003_215] <.^.^.> December 1801]

In introducing these pages to the notice of the Reader, the first thing to be done is to shut the door against any such misconceptions as might be apt to arise out of the Title page.

In speaking of a Maximum as a defensible measure, all I mean to contend for is that a price might be found which, though inferior in no small degree to the highest prices that have been known to be given and demanded in some instances, might be marked out as the highest that should be suffered to be taken, by a fixation which would be productive of some relief without any such disadvantageous effects as would overbalance the advantage.²

In the eventual recommendation thus given in favour of a maximum measure of this kind, I do not mean it as a specific against all complaints of scarcity. I do not mean it as a means of ensuring an habitual middling price, much less habitual cheapness. It will not annihilate money: it will neither create land, nor unfetter it.

[003_216] [12 December 1801]

I do not give it as an instrument for the punishment of the growers or venders of corn: I do not mark them out as set of objects of legal punishment, nor so much as of moral censure.

I do not pretend to say that among the precedents in which the prices of labour or goods [have]³ been limited by law, there is a single one that can justly be looked upon as a case in point with reference to this. It is something indeed to show that it can not be said that there is no instance in which Government has taken [it] upon itself to limit prices. But examine the cases, and you will see there is not one of them that will not be perceived to differ from this in some essential point, and that so materially that although in those cases it should be expedient, in this it might notwithstanding be the reverse.

[003_217] [12 December 1801]

I do not believe in the existence of combination in any instance. I do mean not that were evidence to present itself, I should be at all disinclined to listen to it: but as from the nature of the case it is that sort of fact which I should not expect to see exist, it is, of course, that sort of fact

² In the margin, Bentham has written in pencil at this point: 'Here state the price.' In his discussion of objections to a maximum price, drafted before the rest of the work, Bentham had suggested 'the exact double of the highest average free price at the place at which that price is highest' (p. 000 below [To UC iii. 199]) as such a price, while in discussion of the mode of implementation he suggested 90 shillings a quarter (p. 000 below [To UC iii. 280]).

³ MS 'has'.

which I should not expect to see made out by evidence.

The very enormity of the height to which we have seen the prices rise is, in my view of the matter, an argument against the [probability]⁴ of any such combination. On the supposition of a combination, I find it difficult to conceive how it should have ever fallen so much to the too high mark to which we have seen it fall, or how it should ever have risen so high as we have seen it rise.⁵

[003_218] [12 December 1801]

The effect of a combination is rather to fix prices, than to urge them on at an indefinitely increasing rate. In the case of a combination, it is but natural that the mark at which they are fixed by it, should be at too high a mark: but at that too high mark at any rate they are fixed. It is by competition, the very reverse of combination, that prices are spurred up to a continually increasing height. While the price is as yet no higher than a double price, dealers crowd in upon a farmer to buy it at that double price, each apprehending that if he does not now submit to get it at so high a price, he will he knows not how soon not be able to get it at less than a treble price. The farmer, observing this eagerness, and looking to a general and proportionably increasing scarcity as the cause of it, rises accordingly in his demand. Why should he not? if he foregoes his share in the profit, he will but throw it entire into the hands of his neighbours. If combination had been the cause, there must have been an uninterrupted chain of prices successively fixed by it, with a convention of farmers or corndealers, or farmers and corndealers, continually sitting and setting illegal assizes of corn with as much regularity as the legal assizes are set in the case of [003_219] [12 December 1801] bread.⁶ The supposition of a combination among farmers is a supposition altogether unnecessary to the accounting for the effect, when without any such combination, a

⁴ MS 'improbability'.

⁵ In the margin, Bentham has noted in red ink at this point: 'Distinguish between the Farmer and the Dealer', but no corresponding material has been located. MS del.: 'Remorse, fear of popular censure and legal punishment out of the question, personal prudence must, I think, have been sufficient to prevent any individual farmer or dealer from proposing at the beginning of the season any such price as the £8 or £9 a quarter we have seen it rise to. Consistently with personal prudence, a man could not at the commencement of the scarcity—when wheat was at 50^s or 60^s a quarter—build upon engagements calculated upon any such price as 170 or 180^s.'

⁶ The Assize of Bread obliged local magistrates to fix a maximum price of bread at a rate that was affordable for consumers, while securing a reasonable profit for bakers. The precise date of its inception is unknown, but it was established prior to the ratification of A Statute of the Pillory and Tumbrel, and of the Assize of Bread and Ale of 1266 (51 Hen. III, stat. 6). Regulations governing the Assize of Bread were amended frequently in the eighteenth-century, for instance by the Landlord and Tenant Act of 1709 (8 Ann., c. 18), the Excise Act of 1758 (32 Geo. II, c. 29), the Bread Acts of 1762 (3 Geo. III, c. 11) and 1773 (13 Geo. III, c. 62). In terms of the frequency of its sittings, the Assize and Making of Bread, London Act of 1797 (37 Geo. III, c. 98, § 15), for instance, stipulated that the Assize of Bread be set every Tuesday.

competition among the dealers is a cause adequate to the production of the effect in an equal, or any superior degree. When in the case of the South Sea Scheme an annuity that had been sold at £100 rose in the course of a few months to £1,000, the cause of it was not a combination among the actual possessors of the property, but a competition among those who, being confident that how high a price soever they should give for it, they should always be able to sell it at a still higher, were continually anxious to possess more and more of it.⁷ When in Holland, at the time of the Tulip Rage, a flower of that kind that might before that time have been had for a shilling or two found purchasers at 5 or 10 Guineas,⁸ it was still not any combination amongst the growers of these beautiful rarities, but the competition, the adventurous wager-laying competition, among the purchasers, that was the known and real cause.

[003_220] [12 December [1801]]

Seeing in these and other instances how a rise much greater than that in question can be produced without combination, and not seeing how any thing near so great a rise will be produced by combination, nor so much as how any combination can take place, it is but natural enough I should not expect to see the existence of any such matter of fact as a combination of this sort established by evidence. But though the effect has not human wickedness, nor even human concert for its causes, it is not in itself the less grievous, nor the prevention of it, so far as it can with safety be prevented, the less desirable.

[003_221] [12 December 1801]

The mention of the article of *money* as one among the falsely supposed cases in point against a maximum for corn, brings to mind an incident which at the time was matter of some amusement to me. In combating I know not what unnamed antagonist, a newspaper conductor who, with views such as I have been just disclaiming, at the time had been standing forth as an advocate for a

⁷ The South Sea Company, launched in 1710 and incorporated in 1711 (9 Ann., c. 21), was granted a trading monopoly in the South Seas as a means to pay off the National Debt. The infamous South Sea Bubble of 1720 involved a dramatic fluctuation in the value of the Company's stock from approximately £100 per share in mid-1719, up to £1,000 per share in mid-1720, back to approximately £100 per share in late 1721. See J. Hoppit, 'The Myths of the South Sea Bubble', *Transactions of the Royal Historical Society*, xii (2002), 141–65, at 143–4; N. Ferguson, *The Ascent of Money: a Financial History of the World*, St Ives, 2009, pp. 156–7.

⁸ During the Tulip Rage or Tulip Mania in Holland, a frenzy of financial speculation surrounding the sale of tulip bulbs, often before they had been extracted from the soil, led to a twenty-fold increase in their price between November 1636 and February 1637, followed by an equally dramatic decrease between February and May 1637: see, for instance, P.M. Garber, *Famous First Bubbles: the Fundamentals of Early Manias*, Massachusetts, 2000, pp. 80–3; A. Goldgar, *Tulipmania: Money, Honor, and Knowledge in the Dutch Golden Age*, Chicago, 2007, pp. 131–93.

maximum, [found]⁹ himself incommoded, as it should seem, by some reference that had been made to the *Defence of Usury*.^a Having thus been brought into disgrace with the self-appointed Censor, this harmless production, innocent certainly of any such crimes as were thus imputed to it, was to be tied about the necks[?] of the harpies who were seen preying upon the country in the shape of farmers and corndealers, and with them consigned to the pit of infamy. Abhorrence, with its consequences, was to be the doom of those to whom we are indebted for the necessaries of life, contempt was to be the portion of the ‘specious economist’,¹⁰ in despite of whose theoretical reveries about money Judges had continued all along to do their duty. Little did he think [that]¹¹ in this ebullition of his zeal to destroy an imagined adversary, he had been aiming so desperate a stroke against an advocate on the same side.

^a Times, 20 Nov^r 1800.¹²

[003_222] [12 December 1801]

On what precise ground I had happened to be numbered among the condemners of a measure I had never presumed so much as to [have] glanced at, is a question I can answer no otherwise than by conjecture. I had brought to view the interference of the legislator in a case in which, for the reasons given,¹³ according to my humble conception of the matter, that interference might have as well been spared: or I had talked about levels, and about things finding their own level, observing that a level was a very proper thing to find, and that money, if left to itself, would stand a good chance of finding it. What helps to incline me to this conjecture is—that gentlemen, when they have done me the honour to join with me, as it seemed to them, in opinion on this ground, have

⁹ MS ‘finding’.

¹⁰ See the article ‘Maximum’, in the *London Packet or New Lloyd’s Evening Post*, 21–4 November 1800, p. 2: ‘the avarice of usurers was becoming so insatiable, and the mischiefs resulting therefrom so grievous, that the Legislature felt itself called upon to fix a Maximum of the most rigid kind; and notwithstanding the theoretic reveries of some specious æconomists, the measure has continued to be approved by all the great oracles of the law, through a long series of years, from that hour to this’. The maximum legal rate of interest had been reduced from 6% to 5% by the Usury Act of 1714 (13 Ann., c. 15).

¹¹ MS ‘than’.

¹² This edition of *The Times* did carry a brief review of, and extracts from, [John Symmons], *Thoughts on the present prices of provisions, their causes and remedies; addressed to all ranks of people*, London, 1800, which was described as ‘one of the most intelligent publications that ever fell under our observation’, but neither Bentham nor *Defence of Usury* are mentioned.

¹³ See *Defence of Usury; Shewing the Impolicy of the present legal restraints on the terms of pecuniary bargains. In a series of letters to a friend. To which is added, A letter to Adam Smith, Esq. LL. D. on the Discouragements opposed by the above Restraints to the Progress of Inventive Industry*, (first published 1787), in Bentham, *Writings on Political Economy*: I, ed. M. Quinn, Oxford, 2016 (CW), pp. 43–121.

sometimes, whether for shortness or for ornament, referred in this way to a law in hydrostatics as the ground for it. Money, in my opinion, I mean according to their edition of it—was a sort of thing that would find its own level, or that ought to be left to find [it].¹⁴ Between what does naturally take place and what ought to take place, there is indeed some difference: but it is a difference which moralists are apt enough to overlook, which they constantly overlook as often as they talk of the law of nature, and which it is quite as easy for them to overlook, if instead of sufferings and enjoyments, they betake themselves to measuring of levels. In the play of convivial conversation, I have never had the inurbanity to requite a complement with a criticism: but on a serious occasion, speaking with that sincerity and recollection that becomes a man who is addressing himself to the public, and to save a well intended and, as I flattered myself, a harmless publication from being a cause of mischief and mistake, I must needs [003_223] [12 December 1801] say that neither of those allusions will serve to convey a just conception of the principles on which the arguments in that book are grounded. Neither on that or any other occasion have I ever given, or shall I ever give, serpents for fish,¹⁵ sentiment or metaphor for argument. I have not, I never had nor ever shall have, any horror, sentimental or anarchical, of the hand of government.¹⁶ I leave it to Adam Smith and the champions of the rights of man (for confusion of ideas will jumble together the best subjects and the worst citizens upon the same ground) to talk of invasions of natural liberty, and to give as a special argument against this or that law, an argument the effect of which would be to put a negative upon all laws.¹⁷ The interference of government, as often as, in my humble view of the matter, any the smallest ballance on the side of advantage is the result, is an event I witness with altogether as much satisfaction as I should its forbearance, and with much more than I should its negligence. Neither in that book, nor in any other book of mine, will any expression be found by which any such association is attempted to be made between rates of interest and levels. The

¹⁴ See *The Times*, 20 November 1800, p. 3: ‘In the first place they will say, that every branch of commerce should be left perfectly free and open, so that commodities may find their just level at market; prices being in exact ration with quantity and demand’.

¹⁵ See Luke 11: 11.

¹⁶ In his brouillon for the work at UC iii. 172 (7 December 1801), Bentham had nevertheless noted: ‘If, in the field of legislation, each person were to mark out the tract of ground from which he would wish to see the legislature withhold its interference, there are few or none, I am apt to think, in which this portion of interdicted ground would be found so extensive as in mine.’

¹⁷ See, for instance, Smith, *Wealth of Nations* (*Glasgow Edition*), (Bk. IV, Ch. V) i. 530: ‘The law which prohibited the manufacturer from exercising the trade of a shopkeeper, endeavoured to force this division in the employment of stock to go on faster than it might otherwise have done. The law which obliged the farmer to exercise the trade of a corn merchant, endeavoured to hinder it from going on so fast. Both laws were evident violations of natural liberty, and therefore unjust. .^.^ It is the interest of every society, that things of this kind should never either be forced or obstructed.’ See also *ibid.*, (Bk. I, Ch. IX) 157, (Bk. II, Ch. II) 324.

particles of a mass of fluid, the particles of a mass of water, have a propensity when left to themselves to range themselves upon the same level: human creatures have on their part a propensity to save their own lives: and when water in the search after a level is making its way too fast into a ship, pumps are employed by men to [003_224] [12 December 1801] prevail on it to get the better of that propensity, and betake itself to a higher level, and this may serve as an argument in support of maximum to any gentleman who feels in himself a propensity to consider it as such.¹⁸

[003_225] [13 December 1801]

If, in the Defence of Usury, there were any proposition that presented itself to me as incompatible with any of those which on the present occasion have presented themselves to me as true, it would not cost me the smallest effort to give it up. Not having the honour to be Pope, I have no pretensions to infallibility: having never had the honour to belong to any party, I am under no promise never to become wiser. The praise of corrigibility is so rare, and I see so few to share in it, that if a man could buy it honestly it would be worth buying at almost any price. But in running over upon this occasion, after an interval of I don't know how many years, that little book, I see not a single proposition that stands in contradiction to the measure here proposed, nor, on that or any other point, do I find any thing that in point of honesty and sincerity I could give up. With every imaginable goodness of intention, and every imaginable degree of acuteness, it is seldom that a man himself is the first to find out his own errors: and if in this instance I were to perceive any, it must be from my own finding out, for not a shadow of objection in all these 14 years has it been my good or bad fortune to hear of, in print or in manuscript, made to any one point contained in it on the part of any body else. Adam Smith, who, if objectionable matter had been to be found in it, should naturally [003_226] [13 December 1801] have been as able and as willing as most people to have found it, could find none, as I had the satisfaction of learning from some common friends.¹⁹ Not but

¹⁸ In the margin, Bentham has noted at this point: 'I choose rather to remain unread than feed the reader with such arguments.' In his brouillon for the work at UC iii. 172 (7 December 1801), Bentham noted: 'I have met with Gentlemen every now and then who have discovered money to be a fluid, after reading or hearing of my book: but the discovery is all their own—I have not the smallest claim to it.'

'On the contrary, if I were forced to talk of levels, I should insist upon its having different ones[?]'—on account of the different degrees of risk, requiring correspondent differences in the equivalent for it.'

¹⁹ See George Wilson to Bentham, 4 December 1788, BL Add. MS 37,520, fos. 238–9, a précis of which appears in *The Correspondence of Jeremy Bentham* (CW), vol. iv, ed. A.T. Milne, London, 1981 (CW), p. 20, passing on the report of William Adam (1751–1839), lawyer and politician, Solicitor General for Scotland 1802–5, Lord Chief Commissioner of the Jury Court 1815–39, that Smith had told him that "'That the Defense of Usury was, The Work of a very Superior Man; and that tho' he had given Him some hard knocks, it was done in so handsome a way that he could not Complain" and seemed to admit you were in the right'. George Wilson (d. 1816), barrister, had been a friend of Bentham since around 1775. For further details, see *Writings on Political Economy*: I, Editorial Introduction, p. xlvi.

that, in here and there an instance, tokens of dissatisfaction and general suppositions of the existence of objectionable matter in it have now and then reached my ears, but as no one specific objection was ever the result of the disposition thus manifested, the evidence afforded by the disposition is, under that circumstance, rather a proof of the impregnability of the opinions in question than of their being erroneous in any respect. A circumstance given as a proof of its erroneousness by the censor above spoken of is—that the law continues unchanged, and Judges continue punishing Usurers, as before: as if the detection [and correction]²⁰ of an inveterate error, rooted as deep as error ever was in the understanding, in the passions and in language, were fruits of the same years. Three circumstances would have been sufficient to account for it, were this not an abundance. It would have raised the terms of War Loans; the author has never sat in Parliament; and he is still alive. Death or absence are conditions inseparable to every man who in legislati[on], not being in power, would make any considerable change: absence may do something for a him in such a country as France, but in England nothing will serve a man but death.²¹

[003_227] [13 December 1801]

The example of France has been referred to as an experimental proof of the inexpediency of a maximum law. The reference, if applicable to the purpose, must go to this, that the example proves the inexpediency of such a law according to any the most advantageous form that could in this country be given to it. But to this purpose the example will be found inapplicable altogether. To those who want either ability or inclination to look beyond a name, the argument may be a sufficient one: but to any one who will take the trouble of seeing what was really done in France by government on the occasion referred to by that word, the resemblance will be found wanting altogether. In France, the price was set at random, and set abundantly too low: it was accompanied with an obligation—an universal pell-mell obligation—to carry in the corn to market to be sold at that inadequate price: and the price, which would have been inadequate had it even been real, was after all but nominal, payment being to be taken in worthless paper.²² This account of the matter is

²⁰ The editorial addition assumes that Bentham forgot to supply an additional subject for the plural verb form he used in this sentence.

²¹ MS alt: ‘Death and absence are merits altogether indispensable: one or other can not any where be dispensed with.’

²² On 29 September 1793 the *Convention nationale* passed a *maximum général*, which imposed an upper limit on all prices and wages in French territory. The prices of *objets de première nécessités* were set at their 1790 level plus one-third, and wages set at their 1790 level plus one-half, with severe penalties for infractions. See *Archives parlementaires de 1787 à 1860, première série*, Paris, 1879–1913, lxxv. 321–3, Arts. 1–3, 8, and 7, 14, and 17 respectively. Bentham’s reference to ‘worthless paper’ money is to the assignats that were issued by the revolutionary government in December 1789 in order to meet its immediate debts. Within the first year of being issued, assignats, which bore a rate of interest of 5% and were exchangeable for specie at par, trebled in circulation from 400 million livres to 1,200 million livres. See D.M. Sutherland, *The French Revolution and Empire: The Quest for a Civic Order*, 2nd edn., Oxford, 2003, pp. 85–6.

taken from an interesting narrative, purporting to be that of a Lady, who was witness to the scene.²³

The propositions it does prove are abundant—that people ought neither to be put to death nor plundered [003_228] [13 December 1801] without trial—that farmers ought not to be forced to send in their corn to market—especially not all of them the same day and every day: that people ought not to be forced to take a grain or two of stamped paper for an ounce or two of gold or silver: with a multitude of other propositions as incontestable as these. But what has all this to do with such a maximum law as any one would propose for Britain?

[003_229] [14 December 1801]

In speaking of a maximum as a measure that might eventually become an eligible one, I must beg not to be understood as proposing a system of compulsion, obliging growers or venders of corn to send it in to market either all at once or according to any plan of regulation in respect of numbers, quantities, times and places.

[003_230] [14 December 1801]

Compulsion being out of the question, what assurance, it may be asked, can you have that your price when thus fixed will be accepted of? but, if not accepted of, then comes famine. I answer—the same assurance that exists in all other instances: and that in all other cases is proved to be well-grounded by experience: the natural sufficiency of the inducements for bringing the article to market: the absence of all inducements for keeping it back. I might have said a much stronger assurance. The profit still obtainable will not be a profit merely equal to the greatest usually obtainable in other trades—or at other times in this trade—but much greater: the inducement which without the maximum prompts men to keep back the article, would by the maximum be taken away: without the maximum, experience holds out almost a quadruple price as obtainable, presumption might hold out a greater and indefinite one: the maximum, admitting of no more than a double price, little more or less, puts an end to all such expectations, and leaves the allowed price as the

The *maximum général* was repealed on 24 December 1794 after severe price inflation and food riots in Paris, and in February 1796 assignats were abolished. See *Gazette nationale, ou le moniteur universel*, no. 97, 27 December 1794; F. Aftalion, *The French Revolution: An Economic Interpretation*, Cambridge, 1990, pp. 68–85, 167–71; E.N. White, ‘The French Revolution and the Politics of Government Finance, 1770–1815’, *Journal of Economic History*, vol. lv (1995), 227–55, at 244.

²³ Bentham almost certainly had in mind Helen Maria Williams (1759–1827), whose letters concerning the events in France between 1792 and 1795 were first published anonymously in 1797. See [Helen Maria Williams], *A Residence in France, During the Years 1792, 1793, 1794, and 1795; Described in a Series of Letters from an English Lady: with General and Incidental Remarks on the French Character and Manners*, ed. John Gifford, 2 vols., London, 1797, i. 160, ii. 99–101.

only obtainable, as well as abundantly sufficient, price.

[003_235] [14 December 1801]

Should any one here observe, that a maximum is a sort of measure of which famine might be the result, I admitt the truth of the observation without the smallest hesitation. A government which, with this instrument in its hand, should propose to itself to give birth to that calamity might go to work with the most perfect assurance of success. A Physician, who should propose to himself to poison his patients, might afford him[self] an equal assurance of success, by means of Opium or Antimony. To the College of Physicians this property thus indisputably belonging to these two useful drugs has never been a secret or matter of dispute: yet opium and antimony maintain an undisputed place in the list of useful medicines. Physicians, knowing that life and death depend upon number, weight and measure, are in the habit of bestowing upon those objects the attention they deserve. If those who amuse the body politic with speculating or operating upon the body politic, were as strict and as uniform in their attention to those essential objects as those whose labours are employ'd upon the body natural, there would be a little better logic, and a little less rhetoric would be heard and read, both within doors and without.

I admitt then that by means of a maximum, it is perfectly easy to make a famine: but, in return [003_236] [14 December 1801] for this admission, I am more than half inclined to demand another—it would in such a case be little, if at all, less easy to avoid making one.

Look at the name only and no deeper, famine stares you in the face: look a hair's breadth deeper—the danger vanishes.

As, for example, suppose the price reduced by a maximum to whatever mark it is proposed to reduce it by importation—where in that case is the famine? Importation, it is true, increases quantity, and in that way lowers price, whereas a maximum would, if successful, reduce price without encrease of quantity. True: but on the other hand, encrease of price, it is equally well known, is out of all proportion to deficiency of quantity:—but of this a little further on.²⁴

[003_237] [14 December 1801]

A maximum law would be in possession of one good property at least—it would have the affections of the great body of the people for its support: all eyes would be open to any violation of the law: all tongues ready to communicate it. Could the law but be so adjusted as to give [a]²⁵ compleat indemnity, though it were but a mere indemnity for the necessary expence of prosecution,

²⁴ See pp. 000–000, 000–000 below. [To UC iii. 233, 234; & UC iii. 174 respectively].

²⁵ MS 'an'.

reward over and above such indemnity would be scarcely necessary to the engaging men to lend their assistance in the capacity of prosecutors and informers.

This would be no inconsiderable advantage. The reproach which unthinking minds, which is most minds, are so eager to fix upon the character of him who lends his services to the public in the character of an informer, would with at least equal reason be heaped upon him who lends his services to the same law in the character of judge. If the receiving payment for this service were a just cause of infamy, the judge should be the more infamous of the two, as receiving the highest price. That because a man will speak the truth for a given sum, he will speak falsehood, he will committ perjury—and that sort of perjury by which punishment is made to fall upon the head of the innocent—for the same sum, is a proposition as absurd in a logical view as in a moral view it is scandalous and injurious. Perjury for saving of the guilty is but too abundant: of perjury for the condemnation of the innocent, a fair example would scarcely to be found. The informer is never in fault—never deserves otherwise than well of his country—howsoever the legislator, his employer, may deserve ill of it. Yet among men in other [003_238] [14 December 1801] respects not altogether void of rationality, nor decidedly desirous of seeing the bonds of society burst asunder or dissolved—those bonds which for their binding force depend altogether as much upon the prosecutor and informer as upon the Judge—the term informer is, to the disgrace of the age, still a denomination of disgrace. It is a blessing for mankind wherever, as here, the kingdom of senseless and mischievous prejudice is divided against itself: by this means the wretch called an informer, who in another case would not be endurable, may obtain a sort of toleration, in consideration of the use he is of in directing the thunder [of] public vengeance upon the head of the still more obnoxious wretch, the seller of corn at a high price.²⁶

[003_284] [25 December 1801]

He who is angry with those on whom the supply and price of corn depends, for transgressing the proper bounds, should first have settled with himself what those bounds are. He who calls upon each person to impose a maximum on the price he takes, should himself have settled a maximum for the price he will be content to give. He should settle with himself the share in which the price and the profit ought to be directed: he should say what price shall be allowed to the grower of this necessary article, and what greater price to the purchaser for sale: and if in this way he finds it not quite so easy as he might have expected to set an absolute maximum, he should at any rate set a relative one: he should announce to each man how much less that man shall be bound by the law of morality to take than what his neighbours have received, according to his knowledge, or will have,

²⁶ The insertion of the following paragraph at UC iii. 284, drafted on 25 December 1801, eleven days after the remainder of this discussion, is conjectural. For further details see the Editorial Introduction, p. 000 above.

according to his belief, received, on each occasion from their respective customers.

[003_239] [14 December 1801]

The antipathy against the venders of corn at an excessive price would then for the first time have a rational ground, by having a determinate mark to fix upon—a determinate standard by which it would be possible for the first time to say what is and what is not an excessive price. No rule, no transgression, says a rule of common sense. What rule, what possible mark to steer by, has hitherto been to be found? Not only the whole stock of corn, but the whole stock of national selfishness, is, if these same men are to be believed, monopolized by farmers and corndealers. Yet if each individual of these obnoxious classes were to discard all thought of his own welfare, and take the interest of the rest of the community for the sole standard of his conduct and object of his endeavours, how, as matters have stood hitherto, would he know what price to sell at? Among so many who have been so active in their exertions to heap infamy on his head, what individual is there who has so much as vouchsafed to inform him in what conditions he might have it in his power to escape from it? Not a single farmer, not a dealer, to whom it has ever been possible to know at what price it might be in his power to purchase an exemption from the infamy thus poured upon his head in such copious streams—no, not from so much of it as flowed from the pen or the tongue of any one individual among those who have been thus liberal of it.

[003_240] [15 December 1801]

First, there was no deficiency: and those whose degree of assurance rises with the deficiency and doubtfulness of the evidence were too sure of it, to hear with patience of an opinion on the other side, and not the smallest enhancement of prices was endurable. When at length the existence of a deficiency great beyond all example was too notorious to be denied, and when remorse, remorse for having for so many months been venting obloquy against high and low, and exciting discontents upon false grounds, should have wrung confession and apologies from any breast susceptible of it—then at last some advance of price was admitted to be endurable in consideration of the deficiency. But what enhancement?—above what price—and in what degree above that price? No answer to either of these questions: for in the nature of things it was impossible to give one: and still more were to be consigned to infamy for presuming to depart from a standard which had neither been set up, nor attempted to be set up, by any body: and the non-compliance with these non-existing rules was given as a symptom of a most wide-spreading as well as unexampled measure of hard heartedness and depravity, in an age and country which has much still to learn in the book of wisdom, but of which charity, as far as the poor are concerned, is the characteristic excellence.

[003_241] [15 December 1801]

I mention thus much—I travel with the more latitude in this line of argument—that it may be seen whether any prepossession—any ill humour, any precipitancy—[any] adherence to formerly declared opinions—has had any share in the production of the sentiments here expressed—or rather of the arguments here submitted. I say the arguments: for it is thus for them to speak for themselves, and to make whatever impression they may be commensurate to by their intrinsic weight. As to opinion—of that fixed and decided sort by which conduct is determined—it is matter of self-congratulation to me that in my humble situation I am not obliged to form one: but if I were, judging from such lights as have as yet appeared to me, I am inclined to think it would be in favour of a maximum law. As to authority, if any one should be inclined to bestow the weight of a grain upon the opinion, as adding a particle of force to the arguments more than they would [have] appeared to possess had the quarter from whence they come remained unknown, he will set so much more value on it than is set on it by him who entertains it.

I have studied for about these 30 or 40 years, and I think I have succeeded so to order my mind as to be able to stop at any point between perfect conviction and absolute doubt, according to the apparent force of evidence in each case, as it presents itself at the time.

[003_242] [15 December 1801]

What is curious enough—the measure, so far mere legislation independent of execution, is not so much as a novelty. A new law would not be necessary, howsoever in respect of matters of detail it might be expedient. An Act of Parliament remains still in force (25 Hen. 8. c. 2) by which powers are given to certain great officers of state there named, for setting a price upon everything that can be eat.²⁷

For my own part, the store I set upon this precedent is not, I acknowledge, very great. The powers exist: but of their having ever been executed no instance that I know of is to be found. The argument from its non-[use],²⁸ seems at least a match for the argument from its existence. The epithet *tropo antico*,²⁹ applied by men of taste to pictures, may perhaps, when viewed by the eye of judgement, be looked upon as applicable to a precedent drawn from so remote an age, and for [a] reign at the same time so copious in precedents, and so scanty in precedents fit for imitation. Such

²⁷ The Price of Victuals Act of 1533 (25 Hen. VIII, c. 2) gave powers to a large number of councillors, justices, and officers of the Crown for setting prices and taxes at ‘reasonable’ rates for ‘Cheese, Butter, Capons, Hens, Chickens, and other Victuals necessary for Man’s sustenance.’

²⁸ MS ‘user’.

²⁹ i.e. ‘too old’.

as it is, however, there it is: and the argument *ex novitate*³⁰ is at any rate done away by it.³¹

[003_243] [15 December 1801]

At the time of the dispute with America, the reign of Hen. 8 was resorted to for [precedents].³²

But that was constitutional law: and this belongs to the department of political economy. In constitutional law, the more ancient the precedent, so it have nothing particularly objectionable in it, the better: but in political economy, the older, the more remote from the circumstances as well as lights of more modern times.

[003_244] [14 December 1801]

My aim in these pages being—not the gaining of a point—but the disentanglement of useful truth, on which side soever it may be to be found, arguments that appear inconclusive must, on whatever side they present themselves, be as such held up to view.

Cases of various kinds have been pointed out, as precedents of a *maximum* law: they are so of a maximum taken at large, of a fixation of prices taken at large: but they do not, any of them, appear to be in point or to come up to the case when applied to the case of corn.

[1.] The nearest case to a superficial view, is that of the assize of bread:³³ and to a superficial view, it is indeed a very near one: the subject matter being the same individual parcel of matter, only in different states. But in point of principle the analogy is altogether wanting. Of the fixation proposed for the price of the corn the effect would be to prevent it from rising above the mark so

³⁰ i.e. ‘from novelty’.

³¹ In the margin, Bentham has noted at this point: ‘True ground of judgment in regard to old precedents.’

³² On 15 December 1768, in moving an address of thanks to the King after a debate in the House of Lords concerning political unrest in Massachusetts Bay, John Russell (1710–71), fourth Duke of Bedford, First Lord of the Admiralty 1744–8, Secretary of State for the Southern Department 1748–51, Lord Lieutenant of Ireland 1757–61, Lord Privy Seal 1761–3, and Lord President of the Council 1763–5, argued that the Treason Act of 1543 (35 Hen. VIII, c. 2, § 1) provided the requisite legal basis for the Governor of Massachusetts Bay to investigate allegedly treasonous acts, which might then be tried in Great Britain before a special commission: see *Parliamentary History* (1765–71) xvi. 479–80. The Treason Act of 1543 had prescribed that all ‘Treasons, Misprisions of Treasons, or Concealments of Treasons’ committed ‘out of this Realm of *England*’ were to be ‘enquired of, heard and determined before the King’s Justices of his Bench .^.^ by good and lawful Men of the same Shire where the said Bench shall sit .^.^ or else before such Commissioners, and in such Shire of the Realm, as shall be assigned by the King’s Majesty’s Commission, and by good and lawful Men of the same Shire, in like Manner and Form .^.^ as if such Treasons, Misprisions of Treasons, or Concealments of Treasons had been done .^.^ within the same Shire where they shall be so enquired of, tried and determined’.

³³ See p. 000 n. above. [To UC iii. 219 n.]

fixed upon for that purpose. The sort of fixation in use in regard to bread leaves the price free in effect to rise to any height. What it determines is—not the absolute price of bread, but only its proportion to another price, the [003_245] [14 December 1801] price of corn or flour, which itself is left free to rise to any height. In the case of corn, the cause of difficulty is the danger of not leaving the price high enough at all times and in all places to afford to the possessor of the corn, whether grower or dealer, a profit sufficient to induce him to grow at the next seed time, or purchase at the harvest following the next seed time, as much as the one would have grown, or the other have purchased, otherwise. In the case of the fixation of the price of bread, this difficulty has no place. What under the fixation will be the profit of the baker is correctly ascertainable: it is the same as it is known will be sufficient to ensure his continuing to carry on his trade, and carry it on to the utmost, because it always has been so.

[003_246] [15 December 1801]

2. Another case is that of Salt. By a Statute of King William, re-enacted in the main as to this point by the late General Salt Act (38 G.3. c. 89. § 143), power is given to certain authorities to fix the price of that necessary, or almost necessary, article.³⁴ In this case the superficial analogy is little less close than in the preceding one. But here too, the substantial analogy is almost equally deficient. In the case of corn, the quantum of profit is always changing, as between place and place as well as between time and time, nor at any place or any time ascertainable but with considerable difficulty, and subject to considerable uncertainty: not only the quantity and quality of the product being liable to great changes, but the quantity of labour necessary to obtain the product obtainable at each time and place being also liable to considerable change and fluctuation, as well as the quantity of money necessary to be paid for that labour: whereas in the case of salt all these points are ascertainable with still greater precision than in the case of bread.

[003_247] [15 December 1801]

3. Another case, or rather cluster of cases, is that of the wages of labour in various branches, and indeed the principal branches, of industry: that of the labourers in husbandry—of those by whose labour the very article in question, corn, is amongst the articles produced—[included]. But even here, the analogy is but superficial, as before. No such difficulties exist here, as those which have just been indicated in the case of bread. What has been sufficient in all points of time past,

³⁴ The Salt Duties Act of 1694 (5 & 6 Will. & Mar., c. 7, § 12) empowered Justices of the Peace ‘at every *Easter* and *Michaelmas* Quarter Sessions, to set the Prices of all Salt and Rock Salt’, a power which was extended to ‘the Lord Major and Court of Aldermen of the City of *London*’ by the Salt Duties Act of 1798 (38 Geo. III, c. 89, § 143), to which Bentham also refers.

those the nearest to the present among the rest, may afford a standard, such an one as can not lead a man very wide of the truth, in regard to those that are immediately to come.

Not that in this case the matter has not its difficulties. The power is accordingly used but sparingly: and the difficulties that are seen to attend the use of it in this case, [while]³⁵ they are so much less considerable than in the case of corn, are such as seem to render the complexion of the precedent rather unfavourable than otherwise to the extension of the power to the present case.

[003_248] [15 December 1801]

In the instance of some species of labour indeed, it is habitually made use of, and in these, if with no very great and decided advantage, yet at any rate at the worst with little if any bad effect.

Tailors &c. are the instances of chief note.³⁶ But here, besides that the standard of sufficiency is determinable by experience with so much accuracy, the evil consequences in case of a too low fixation are, in comparison, in the first instance so trivial, and upon experience the damage so easily reparable, that the parallelism between these cases and that of corn altogether fails. Suppose a few tailors were to quit their occupations in consequence—what would be the result?—that a few individuals might have a little the longer [to wait] for their cloaths, or, at the worst, have their hems made in a shape not quite so elegant and agreeable.

In a word, the broad line of distinction made between the fixation of a price for corn and the giving of powers of fixation for such an article as salt, or for the wages of this or that species of labour, or even of the wages of labour in general, is this—that in these latter cases no man's subsistence can be affected, since, though by an injudicious or unfortunate use of the powers of the law particular individuals might for a time be [003_249] [16 December 1801] debarred from the faculty of deriving subsistence from their own labour, they are secure of subsistence from the labour of others, under the Poor Laws: whereas in the case of a fixation of the price of corn, every man's subsistence is alike at stake.

[003_250] [16 December 1801]

[4.] The last case which I shall mention of those which have been quoted as being in point with reference to the fixation of the price of corn, is that of the Anti-Usury laws—the laws which have for their object the fixing in certain cases the price paid in future money for present money.

³⁵ MS 'where'.

³⁶ The Journeymen Tailors, London Act of 1768 (8 Geo. III, c. 17) established maximum daily wage rates for tailors in London in order to restrain a perceived rise in their earnings.

In the reference made to it by those by whom it is quoted for this purpose, two propositions have been included: 1. that it is in point with regard to the fixation of the price of corn.—and 2. that the effects of the law have been of beneficial upon the whole.³⁷ On both these propositions I can do no otherwise than put a negative.

[1.] The analogy is not near so strong in this case as in any of those others. Subsistence is here altogether out of the question: as well in regard to the matter of subsistence, (consisting principally of corn) as in regard to money paid on this score in the form of wages—the means of purchasing it. The anti-usury laws do not extend to all modes of buying present with future money. Society might subsist—production and exchange might go on—under a prohibition of all recompense in the name of money; for in catholic countries they have for ages gone on under that restraint. The current [003_251] [16 December 1801] price, that *quæsitum*,³⁸ which is so rapidly variable and so difficultly ascertainable in the case of purchased corn, is as slowly variable and easily ascertainable in the case of borrowed money. In the case of borrowed money, the legislation, always having in view that current price, has always in its fixations kept a small matter above that current price: so that in respect of the great bulk of the instances in which money has been borrowed or wished to be borrowed by persons possessing good security, the state of things has been as it would have been had there been no such laws.

[003_252] [16 December 1801]

2. Next as to the question of expediency. On this head I will take the opportunity of adding a few observations, though I find nothing to retract from what has been before the public for these fourteen years in the Defence of Usury.

The laws on this head, being grounded in incompleat conceptions and false views, have compleatly failed in all their purposes: but by mere accident, and without having in contemplation any such thing, they have given birth to some good effects, in compensation or part compensation for the mischief they have produced.

The object principally in view seems to have been the protection of indigence—at least on the part of the superior classes: in this instance, they have so much worse than simply miscarried that they have not simply failed of producing the good they aimed at, but have produced the opposite mischief in an encreasing though uncalculable degree: in each instance, they have driven the object of their intended protection, either to purchase relief upon more disadvantageous terms, or have

³⁷ Bentham presumably has in mind Symmons, *Thoughts on the present prices of provisions, their causes and remedies*, pp. 16–19.

³⁸ i.e. ‘thing required’.

debarred him from it altogether.^b

^b If a man has borrowed money too dear, he may borrow it cheaper, and buy off the first loan: if he has bought corn too dear, he is without remedy.

In the same way, they have crushed, and doubtless in many and many an instance nipped in the bud and destroy'd outright, an object altogether out of their view, inventive industry: forcing the man of genius in some instances to sell the fruit of his labours, in part or altogether, upon terms of comparative disadvantage, in others to lose it altogether.

[003_253] [16 December 1801]

Another object may perhaps have been the prevention of prodigality. In regard to this object, though they have compleatly failed of producing the good they aimed at, they have, by counteracting their own endeavours, produced to a certain degree a good they never thought of. Instead of stopping or diminishing the waste committed by the prodigal on his own property, they have accelerated the progress of it, by driving him into expedients whereby future money is exchanged for present upon terms more disadvantageous than those of an ordinary loan. But the more disadvantageous the bargain is to the prodigal, who when he gets the money expends it in the purchase of unproductive labour, that of servants, pleasure horses and prostitutes, and articles of quick consumption, such as expensive eatables and drinkables, the more advantageous it is to the lender, who is generally a man of thrift.

Neither the individual mischief which they fail of preventing in respect of relative dissipation, nor the good which they do to the public in respect of absolute dissipation diminished, are, however, worth reckoning in comparison of the mischief they do in the case of indigence. Were the rate of interest left altogether free, the injury which the property of a ruined prodigal would be found to have received from disadvantageous loans, is as nothing in comparison of what it would be found to have experienced from other sources. In the case of borrowed money, the principal must be returned besides the interest: if he has [003_254] [17 December 1801] good security to give, he will find no difficulty in getting the money at the current rate of interest: if he has not, he will not get it at all, unless in small sums on the score of friendship from persons who, as friends, will either not accept of interest, or at any rate will not think of accepting of any thing beyond the common rate. Running in[to] debt to tradesmen in the first instance, then, to clear the debt, selling outright whatever is saleable in possession or reversion—certain or contingent—fee-simples—annuities—post-obits—such, under the anti-usury laws, is—and such without them would be—the beaten road to ruin in the department of prodigality.

The Roman Law [thinks]³⁹ the prevention of prodigality worth its while to stop him on the road, and accordingly does stop him, as mentioned in the Defence of Usury.⁴⁰ The English Law has not thought it worth while to do any such [thing]: and has, therefore, no title to whatever praise or blame may belong to it. If she comes across him any where upon the road, it is by mere accident: if she jostles him out of the beaten track, all the effect of the contact is to shove him into a shorter cut: and upon the whole his arrival at the goal is rather accelerated than retarded.

[003_255] [17 December 1801]

The attempts that have sometimes been made to make the country positively the richer by forcing down the rate of interest lower and lower, to improve upon the anti-usury laws, by tying the cords still tighter, so as to drive individuals still faster than they would travel of themselves in the road of national accumulation, may make no bad match with the notion of making corn cheap by forcing the possessors of it to sell it at a price below even the habitual price.

In the natural course of things, as wealth increases on the one hand, and frugality, that is the disposition to lay up a proportion of it for futurity, does at least not diminish, the quantity of money saved up, and ready to be employ'd in such ways as shall make it serve the purpose of a capital to the owner, by being employ'd in some branch of productive industry without his taking any part in the trouble of management, is continually on the increase, except in as far as the [increase]⁴¹ is checked by the waste of war, and other inferior accidents. As the quantity increases, the price that can be got for the use [of] it, in the shape of interest, of course decreases: and the current rate of interest, and with it the income of the class of money'd men, is reduced. Every such reduction has the effect of a most grievous income-tax: a reduction from the existing 5 per cent to 4 per cent would be exactly a double income-tax:⁴² yet with this difference, that the produce, instead of being applied by government [003_256] [17 December 1801] to the exigencies of the state, for the benefit of the public at large, would be squandered away at the instant of collection, by being distributed among the class of borrowers.

This price—and a dear one it is—is the price that is and must be paid for the benefits of national accumulation, subject to the abatement, which occurs but too frequently and too copiously, the abatement made by the increased demand for capital to dissipate—the demand created by the

³⁹ Bentham has deleted this word, which would destroy the sense.

⁴⁰ See 'Defence of Usury' in *Writings on Political Economy: I (CW)*, p. 57 & n.

⁴¹ MS 'increased'.

⁴² The maximum rate of the income tax was 10%: see p. 000 n. above. [To UC note to UC iii. 114, 'Thoughts on Paper Money']

unproductive, and even destructive, expenditure of war.

When this income tax is imposed, as above by the progress of national frugality and accumulation, it is a burthen growing naturally out of a still greater benefit: when it results, as it will soon result, from the glut of money thrown into the market by the discharge of the national debt, it is again a burthen growing out of a great public benefit: a burthen which, whatever be its ratio to the benefit, government, in its quality of creditor, has at any rate an unquestionable right, so far at least as justice is concerned, to impose, to any amount at all times. A country which, with a view to the benefit, should force down the rate of interest by a law on purpose, to any lower rate, would lay on the pain without the benefit. Ireland, with the best intentions imaginable on the part of the intended authors, was not a great many years ago on the point of being [003_257] [17 December 1801] afflicted with this severe and unprofitable pressure:⁴³ of the capital which it was endeavoured to force into trade, a part, but probably a very small one, would have been forced [into it] along with the unhappy owners, who stood aloof from trade only because they were unfit for it, by aversion at any rate, where they were not from other more unsurmountable causes, and in respect of these and these alone the wishes of the authors of the measure would have been fulfilled; another part would through helplessness have submitted to the tax, and in respect of these, the design would have been without effect: a third part would have accompanied or sent their capital to some foreign country; and in respect to these the measure would have been followed by effects the directly opposite to what was aimed at.

That between the phænomena in question, reduction of the rate of interest and encrease of national wealth, a connection in the way of causality does indeed subsist, is what has just been brought to view: the error lay in looking upon *one* effect—and that an undesirable one—as if it were the *cause*. Of errors much wider than this the great mass of argumentation in matters of political economy is composed. Upon no better ground than a mere connection in point of time, according as measures or men are to be marked out for censure or applause, any one phænomenon is taken for the cause of any other: sometimes, as here, an effect, sometimes a co-effect of the same cause—sometimes a phænomenon altogether unrelated—not unfrequently even an obstacle is given for a cause.

⁴³ A Bill to reduce the maximum interest rate from 6% to 5% (i.e. to parity with England) was passed by the Irish House of Commons in February 1788, but was defeated in the Lords on 4 March 1788: see *The Parliamentary Register: or, History of the Proceedings and Debates of the House of Commons of Ireland*, 17 vols., Dublin, 1782–1801, (1788) viii. 237–41, 275–300, 307–30, 344–5; *Journals of the House of Lords [of Ireland]*, 8 vols., Dublin, 1779–1800, (1787–91) vi. 155, 159, 162–5. There was a suggestion in March 1789 that the Bill might be reintroduced, but nothing came of it: see *Parliamentary Register Ireland* (1789) ix. 269.

[003_258] [17 December 1801]

Of one good effect, the credit can not be refused to the anti-usury laws: that of serving government in time of war, in respect of the terms of its loans. Of this effect the magnitude is such that I am inclined to look upon it as affording more than a compensation for the mischief done by them at all times, and in particular in time of peace. This, however, is an effect that certainly was not in contemplation at the time of the first fixation of this kind: probably not at the time of the last, since further reductions have been in contemplation of government (an example has just been given)⁴⁴ in a non borrowing season—in a time of peace.

To draw up an account, as between debtor and creditor, of the advantages and disadvantages resulting to the public from the measure in respect of this part of its effects, would require a discussion much too voluminous for a digression, as it would be in this place. For my own part, without having as yet attempted to sound the depths of it, I should expect to find the advantages of it in this point of view predominate over its disadvantages in all others. So far as it has contributed to keep down the rate of interest paid by government—viz: by chaining down to 5 per cent the rate of interest obtainable from individual borrowers, the utility of it seems beyond dispute: for though the positive depression of the income of money'd men is no benefit to the whole community taken together, but a disadvantage, it being a positive loss to one set of men, a positive loss [003_259] [18 December 1801] which, sum for sum, is never adequately compensated by a positive gain to any other, yet for the same reason, whatever tends to check the positive gain made at the expence of the community at large, by an enhancement of the rate of interest received from the community for money lent in annuities on the occasion of a war, operates in diminution of loss, and diminishes the suffering of the community in general in a greater degree than it diminishes the enjoyment of the comparatively small number of its members whose profits are kept down. The good effects, therefore, are obvious and discernible. The bad effects, on the other hand, have been altogether masked from view. For the distress felt from the subtraction of so much capital that would otherwise have been lent to individuals as before, has received relief from the quantity of artificial pecuniary capital created in the shape of paper money, in the course of the same period of time: which relief has, however, been purchased at a more disadvantageous rate, than the use of money was ever known to be purchased at under the most enormous usury, the disadvantage falling upon the possessors of fixed incomes, and upon all incomes whatever in proportion as the possessors stood debarred from making themselves amends by an encrease in the quantity of their pecuniary income, for the loss resulting from the decrease in value (taking into the account what has resulted from the encrease of metallic money, an encrease still more burthensome than that of paper). Of the

⁴⁴ See p. 000 & n. above. [To UC iii. 257 & n., this file]

reality and preponderancy of this mischief, I hope ere long to submit to the public a tolerably satisfactory proof, as well as a tolerably correct estimate of the amount:⁴⁵ but upon the present occasion, a discussion of this sort would be too digressive to be endured.

[003_260] [18 December 1801]

At the time of writing the Defence of Usury, the effects of the restraining laws upon the terms of War loans, had, I am free to confess, never presented themselves to my mind. On the other hand, I may be allowed to observe, that the point of view in which alone I undertook to examine the subject, was not such as to call for the consideration of the effect producible by any such collateral and accidental incident. War, though almost as habitual throughout the last departed century, is not, it is to be hoped, a state of things altogether so natural as peace. The anti-usury laws, regulations long anterior to the birth of public credit, had not, at their origin at least, any such collateral effect in contemplation: perhaps not at the time of their last reduction (that from 6 per cent to the existing 5 per cent) in the time of Queen Ann:⁴⁶ certainly not at the time of any anterior reduction. The only sources in which they took their rise—the only grounds on which they had ever been defended—were the passions and prejudices—the malignant passions and shallow prejudices—unmasked by the Defence of Usury.

[003_279] [20 December 1801]

*Mode*⁴⁷

As to the mode of accomplishment—it might be effected either by a fresh law under the powers given by an already existing Act,⁴⁸ or by a fresh law: in either case, the maximum price might be fixed either by the general authority for the whole of South Britain, or the whole Island, or the whole of the United Kingdom; or by local authorities, such as the Magistrates in and for each County in Sessions: and in this latter case, either within limits fixed by the general authority, or without any such restraining limits.

In effect and substance, these options lie as open, supposing the existing Act to be taken for

⁴⁵ Bentham had in mind his discussions in ‘Thoughts on Paper Money’ and ‘The True Alarm’. In both, Bentham estimated that the increase in money had led to a doubling of prices in the period 1760–1800: see pp. 000 and 000 above. [To UC iii. 103–10, ‘Thoughts on Paper Money’; and Ms. Dumont 50. fos. 60, 214–24, 236–304, ‘Sur les prix’]

⁴⁶ i.e. The Usury Act of 1714 (13 Ann., c. 15). Anne (1665–1714), Queen of England, Scotland and Ireland 1702–7, and of Great Britain and Ireland from 1707.

⁴⁷ The title is taken from the marginal subheading on the text sheets.

⁴⁸ i.e. The Price of Victuals Act of 1533 (25 Hen. VIII, c. 2): see p. 000 & n. above. [To UC iii. 242 & n.]

the ground of operation, under that Act as under any fresh Act: the difference would be only in mode and form. The authority would require the signatures of the great Officers of State mentioned in the Act, but there is nothing to hinder them from sending the matter to the local authority to report upon, and acting, so far as should seem proper, on the foundation of such reports.

An objection, though perhaps the only one, against the acting under the existing Statute without a fresh authority, is that inasmuch as under the existing Act there is no maximum already fixed and known, the growers and venders of corn would be kept in a state of uncertainty, inconsistent with the security due to their respective trades. A man would not have it in his power to know what would be the price set in the first instance; nor supposing such first price [003_280] [21 December 1801] set, could he know what dependence he could with safety place on the continuance of it. Whereas, if from the first he were to know what price the law would allow him to take, supposing the state of the market to keep the article up at that price, his operations would be supported by a degree of assurance much firmer than in the other case. If, from the first, in virtue of a fresh Act for that purpose, the maximum were to be fixed, suppose, at 90^s a quarter, the farmer according to whose calculations wheat at that price would pay him better than any other crop he could raise, at the same time that circumstances in his estimation seemed to warrant the expectation of its keeping up at that price, would take his measures accordingly. These measures he would perhaps not take with a maximum at a pitch altogether uncertain hanging over his head: and supposing his expectations sanguine enough to get the better of his apprehensions on that score, still, if the maximum eventually set under the discretionary power were in his part of the country to stand so low, for example, as 80^s, he would be a sufferer, in [003_281] [21 December 1801] a way in which, in point of the rules of justice and expediency, (two rules which when probably understood can never disagree) a man ought not to be made a sufferer by the dispensations of the legislature. The public would indeed in this case have the benefit of his corn: but it would be only for one crop—and even then, it would amount to no more than the difference between a crop of corn and a crop of something else: and for this hair's breadth difference, it will see a shock given to that security which so many other crops look to as their source.

[003_233] [14 December 1801]

*Conclusion*⁴⁹

Even supposing, if I may be allowed so to do for argument's sake, the utility and success as well as the adoption of the measure, it will require no small degree of the purest and rarest sort of public spirit as well as fortitude on the part of administrators to propose it. I can think of no state of things

⁴⁹ The title is taken from the marginal subheading on the text sheets.

in which any very general approbation could reasonably be expected for it. If, after the establishment of the maximum price, the actual price should continue every where below it, the law could then be said, with or without reason, to be without effect: if the actual price should have risen every where or any where to the maximum price, the increase of price might, and by many naturally would, be attributed not to the scarcity, but to the law: in the first case, your law is useless—it would be said—in the other, mischievous. In the first case, does it absolutely follow from the mere state of the case that the law will have been useless—that it can not have contributed any thing to the keeping down of the price? The answer is more than I could undertake to give with confidence. I see no absurdity in the supposition, that the recognized impossibility of seeing the [003_234] [14 December 1801] actual price rise to any pitch above that of the statutable price, should have nipped the rage of unlimited and speculative competition in the bud: and by that means confined the encrease of price within limits less wide than they would have been otherwise of the mark exactly correspondent to the amount of the deficiency.

[003_231] [14 December 1801]

If it requires much fortitude and public spirit to stand forth as the adopter [of] such a measure, it required some share, how inferior soever a share I will [not] venture to say, to have stood forth in the way in which I have ventured to do to be the proposer of it. In doing so, I am but too well persuaded of experiencing nothing but disapprobation from the persons whose judgement stands highest even in my own estimate: in a case like this, converts in any considerable proportion would not reasonably be expected, even by the help of arguments of a more convincing nature than what, in my view of it, it affords. On the part of those who in the same question are on the same side, the prospect is still more discouraging: if I make good their point, it is after the rejection of all their reasons. If, on one single point, the arguments I have brought to view confirm their judgment, it is not till after having thwarted and wounded their affections. Hot tempers joined to weak and imperfectly furnished understandings have ever hitherto been the characteristics of the bulk of readers: in the present instance, the ground of conciliation is narrow—irritative matter copious. Candour and impartiality, in any station other than that of an official, are not to the taste of the generality of readers. They feel no such sentiment: [003_232] [14 December 1801] they see no marks of it elsewhere: they are not used to it: they do not understand it: they turn aside from it as perplexing and unintelligible—if they do not quarrel with it as treacherous.⁵⁰

In all political questions, what the great mass of mankind are upon the look out for is—a

⁵⁰ MS del.: ‘what they thirst for, is metaphorically the blood of the supposed blood-suckers: literally their disappointment and even punishment. What is there in these pages that can be regarded by them with complacency?—when in my view of the matter there exists not any where, any such thing as the smallest ground for blame.’

pretence for crimination: if the candidates for power are to be extolled, it is that the possessors of it may be depressed: the question is not whether there is matter of blame, but on which side it is to be found.

[003_173] [7 December 1801]

Objections to the measure of fixing a maximum to the price of wheat—with Answers

[003_261]

In regard to this question, I had remained in that state of self-conscious and quiet ignorance, in which I have never found any difficulty remaining in regard to any question in which I had no particular motive for bestowing a thorough examination, suspended between what seemed to me to be a plain and *primâ facie* conclusive argument on one side, and the force of authority—the opinions of the most esteemed writers, and of individuals whose opinions stood the highest in my own estimation—on the other, when on opening without any particular view a pamphlet which I had heard ascribed to a late Secretary of the Treasury,⁵¹ at the place where the topic of a maximum is touched upon, and a number of arguments on the other side held up to view, I was struck at the same time with the number and variety of them [on the one hand], and with the inconclusiveness of the whole collection, for such it appeared to me, on the other. And is this all then, said I, that there is to say against the measure?—if so, then as I have all along suspected, the horror in which it has been held by the best opinions has nothing but prejudice, and a too indiscriminate attachment to general principles, for its cause: so that the leaning which, with or without sufficient cause, I have now seen reason to entertain in favour of the measure has been confirmed, if not altogether produced, by the arguments which in the eyes of the Hon. Gentleman formed a sufficient ground for reprobating it.

Looking upon the observations made by the Hon. Gentleman on that head as constituting a pretty compleat index to any such arguments as might be constructed on that side, though to my view of the matter the arguments themselves [003_262] [17 December 1801] seemed to be yet to make, I will take the liberty of repeating them in the order in which they stand, accompanied with the respective reasons which have presented them to my view as being jointly as well as severally

⁵¹ i.e. Charles Long (1760–1838), created Baron Farnborough in 1826, Junior Secretary to the Treasury 1791–1801, Lord of the Treasury 1804–6, Paymaster of the Forces 1807–26, *A Temperate Discussion of the Causes which have led to the Present High Price of Bread*, 3rd edn., London, 1800, p. 37. Bentham's use of this edition is confirmed by his page references to the work.

inconclusive.

[003_173] [7 December 1801]

Objection 1.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘It would encourage a consumption disproportionate to the supply, which can never be so well regulated as by a rising or a falling price; .^.’ *Temperate Discussion &c.*, p. 37.⁵²

NOTE TO TYPESETTERS: End of displayed quotation. Please continue paragraph flush to the left-hand margin.

Answer. As to the encouragement here supposed to be given to the evil of a disproportionate consumption (a state of things the inelegibility of which I admitt to be indisputable), the expression is not strictly a correct one: and in the incorrectness of the expression will be found the source of the insufficiency of the argument. That a measure applying in this case an *encouragement* properly so called—viz: a positive encouragement—would be highly pernicious and plainly indefensible, is a proposition to which I accede most heartily.

That while a scarcity exists, a diminution of consumption in a degree all along proportionate to that of the scarcity is highly to be wished, is a proposition of the truth of which I am fully sensible. It will on the other hand, I should suppose, be pretty generally admitted, that supposing the price, from whatever cause, to have [003_174] [7 December 1801] risen to the pitch sufficient to produce a diminution of consumption proportionate to the scarcity,⁵³

In a country in which the maintenance of such as are unable to maintain themselves is not made a matter of obligation—that is in any other country than Great Britain, it would be more proper to say than South Britain⁵⁴—an unlimited encrease of price might, for aught I see to the contrary, operate to the very extent of it, in diminution of the quantity consumed. When arrived at such a pitch that a certain number of the most indigent were unable to purchase the least quantity sufficient for the continuation of their existence, that number would be *starved off*, and what

⁵² i.e. [Long], *Temperate Discussion*, p. 37.

⁵³ Bentham has evidently omitted a clause necessary to complete the sense.

⁵⁴ i.e. England and Wales: there was no statutory poor relief in Scotland.

otherwise would have been their share would have been left to add to the subsistence of the rest.

But under the existing Poor Laws this effect is one that can not any where take place: when once the price has risen to a certain mark, any encrease above that mark contributes nothing or next to nothing towards diminishing the quantity consumed: as to every thing above that mark, the sole effect of the encrease of price is to tax the Rateable inhabitants, the contributors under the Poor Laws, by an assessment the produce of which is [003_175] [7 December 1801] shared in some inscrutable proportion between the producers and the venders of the necessaries of life—between the Farmers on one hand, and the Corn Dealers, Millers and Butchers, with or without the Bakers, on the other.

The only case, therefore, in which the proposition I am examining would be true, is a case which never has happened, nor can ever happen, in this country.

[003_176] [7 December 1801]

Objection 2.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘It would discourage what it is so essential to promote, the importation from foreign parts.’⁵⁵

NOTE TO TYPESETTERS: End of displayed quotation. Please continue paragraph flush to the left-hand margin.

Discourage the importation from foreign parts it certainly would, in a case that might be supposed: as certainly it would not, in a case that has since been realized. If, notwithstanding the fixation, the price remained so high as to afford for the whole mass of corn exportable from foreign countries a profit greater than could be obtained by the sale of it within those respective countries, the whole of such exportable stock would in consequence be imported into this country, and no further encrease of the price could add any thing to the quantity of the relief obtainable from that source.

No encrease of the free price could be adequate to the purpose of affording a perfect assurance of the obtainment of this surplus quantity: because, being the result of speculation, the same cause which raised the price at one time might, by a sort of reflux of the public opinion on this

⁵⁵ [Long], *Temperate Discussion*, p. 37.

head, sink it back again at another time.

The method taken by the legislature was adequate to that same purpose: in theory it promised to be so, and it proved to be so in experience. A bounty was given—not a [003_177] fixed one—but a variable one—calculated by eventual addition to the free price, to ensure the sufficiency of the aggregate price.⁵⁶ This aggregate price was what was looked upon by government as adequate to the purpose of attracting into this country the whole of the quantity that was regarded as obtainable at any price. This aggregate price, then, is what might consistently have been fixed upon and made the maximum price, without incurring that part of the inconvenience at least which consists in diminishing the quantity obtainable from foreign parts.

This security—this supply—such as it was—and obtained as it was—was not certainly obtained without money: it was not obtained without laying a proportionable burthen on the community: the advantage which this direct mode of assessing the burthen [had]—instead of the indirect one abovementioned—is that it rested it on the broadest basis—on the whole community taken together, instead of that part of it which is composed of the contributors to the Poor Rates. Even supposing the contributors to be precisely the same persons, and assessed in precisely the same proportions in both cases, the burthen would still be lighter—and that in a prodigious degree—in one case than in the other. The amount of it might, [003_178] by being added in the whole or in part to that of the loan, be spread gently over a long series of successive years, instead of being heaped up upon one with a weight which might be so great as to be intolerable.

[003_179] [9 December 1801]

Objection 3.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘The adoption of such a measure would not only assume that the actual price was much higher than the stock in hand warranted, but that the precise degree, in which it was higher could be ascertained.

⁵⁶ Bounties ranging from 2s. 6d. to 5s. per quarter on the exportation of malt, barley, rye, and wheat, when the price reached a certain threshold, had been introduced by the Exportation Act of 1688 (1 Will. & Mar., c. 12). Conversely, in response to a shortage of food and rising prices, the exportation of corn, meal, flour, and potatoes was temporarily forbidden from 23 November 1795 (36 Geo. III, c. 3). The prohibition was renewed in November 1796 (37 Geo. III, c. 7), reduced in scope in June 1797 (37 Geo. III, c. 83), and renewed again in December 1797 (38 Geo. III, c. 10), before lapsing at the end of 1798. In July 1799, in response to another food shortage, the Crown was granted a temporary authority to prohibit the export of various grains and their products (39 Geo. III, c. 87), which was renewed in October 1799 (39 & 40 Geo. III, c. 9), June 1800 (39 & 40 Geo. III, c. 58), and December 1800 (41 Geo. III, c. 5).

Now this we all know to be impossible.’⁵⁷

NOTE TO TYPESETTERS: End of displayed quotation. Please centre the next line.

Observations

This being a description, and no doubt a faithful one, of the idea of a maximum in the form in which it stood depicted in the mind [of] the Hon: Gentleman, in that character the accuracy of it is incontestable. It is neither impossible nor difficult to frame an idea of a law, to which the name of a *maximum* law shall be applicable with indisputable propriety, and which shall at the same time be a most absurd, and impracticable as well as mischievous measure. That the maximum of the Hon: Gentleman—the phantom which he has set up and combated—is this and every thing else he says of it, is what I see no reason to dispute. What [I] am inclined to suspect is—that his maximum is not the maximum of any one person who has ever manifested his approbation of the sort of measure characterizable by that name:—what I am certain of is—that it is not *mine*.—What mine is will be seen in another place.⁵⁸

[003_180] [9 December 1801]

Objection 4.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘But would such a measure be just?—The Farmer sowed his corn in the confidence that he was to have the largest price he would get for it:’⁵⁹

NOTE TO TYPESETTERS: End of displayed quotation. Please centre the next line.

Observations

The proposition is of the interrogative kind, and as such is refutation proof.⁶⁰ The question, when construed into the allegation implied with it, must, however, be construed, I should suppose, into some such proposition as the following: viz: that it is inconsistent with justice for the legislature to

⁵⁷ [Long], *Temperate Discussion*, pp. 37–8.

⁵⁸ See pp. 000 and 000 below. [To UC iii. 199 and 280, this file]

⁵⁹ [Long], *Temperate Discussion*, p. 38.

⁶⁰ MS orig. ‘certainly not assailable in any direct mode of attack, by the imputation of error.’ The emendation is a marginal addition by Bentham.

take any measure the effect of which would be to debar the farmer from any price, how high soever, which he might have been confident of obtaining had it not been [for] the measure: and that whatever may have been the expectation of the Farmer (any Farmer) on this score, no legislative measure which should have in any degree the effect of disappointing it would be reconcilable with the principles of justice.

[003_181] [9 December 1801]

If any one were to say that after and notwithstanding the fixation of the highest lawful price, the farmer would still have the largest price he could get for it, inasmuch as would not be able to get any larger price than the law allowed, it might be replied on the part of the Hon: Gentleman that the answer is no better than a quibble, being an answer to the words he happens to have employ'd, and not to the words which would have been expressive with propriety of the proposition he must be understood from the turn of the argument to have had in view. This makes it necessary to substitute to the expression which the Hon:^{ble} Gentleman has used some expression which, to convey an adequate intimation of his own meaning, and to do justice to his own argument, it may be supposed he should have used:—a task of some not altogether without difficulty, and, on the part of an antagonist, of too much delicacy to be a desirable one.

The thing to be done consists in the putting into the mouth of the farmer a claim which, not being an unreasonable one—that is, which but being grounded in observation and experience of the line of conduct habitually pursued by the legislature—shall go to the putting a negative upon every endeavour on the part of the legislature having for its object rendering the price [003_182] [10 December 1801] of the necessaries of life lower than it would be without such interference: or at any rate upon every endeavour which should seek its accomplishment by measures taken in the interval between the time of the sowing of the seed, and that of the reaping of the produce.

As to any expectations that may have happened to have been entertained by A and B through mere ignorance—as to any expectations that have had any other grounds than that of the line of conduct actually pursued in this behalf by the legislature—it would be injustice to the Hon:^{ble} Gentleman to suppose that it was his meaning to point out any such expectations as a standard to which the legislature ought to hold itself bound to regulate its measures by.

Whatever this or that farmer may happen to have been confident of—a matter of fact as unascertainable in its own nature as it would be irrelevant, even supposing it to be ascertained—the proper standard for the proceedings of the legislature in *succeeding* instances will not be denied (I should suppose) by the Hon. Gentleman to be the proceedings of the same authority in relation to the same object in *preceding* instances.

[003_183] [10 December 1801]

Taking then, the practice of the legislature for the standard, what will be the result?—that there is no time at which the farmer could have had any reasonable ground for any such confidence. Has it not been a constant object of the legislature to keep prices of all sorts of articles, but more particularly of the necessaries of life, within what have been looked upon as the bounds of general utility? To discuss the propriety of the measures taken in this view would be an operation as irrelevant as it would be arduous and voluminous:⁶¹ the matter of fact—the habit of pursuing such measures—is the only point which is at present to the purpose.

In particular, has it not been a matter of frequent practice to give encouragement in all imaginable ways to the production of rival articles, and to the importation not only of rival articles but of articles of the same sorts, to the production of potatoes for example⁶²—and to the importation of provisions of all sorts, and even of wheat itself, when wheat has been the particular article the dearth of which was more particularly the object of apprehension?⁶³ On a point thus open to

⁶¹ Bentham did, in fact, later decide to include a discussion of statutory control of food prices: see pp. 000–000 above. [To UC iii. 215–18, this file]

⁶² In December 1795, the ‘First Report from the Select Committee appointed to take into Consideration, the Means of promoting the Cultivation and Improvement of the Waste, Uninclosed, and Unproductive Lands of the Kingdom’ appealed to Parliament to consider ‘whether it would be expedient .^.^ to grant any extraordinary encouragement to the culture of Potatoes, more especially if raised in the Waste Lands of the Kingdom’, and recommended that ‘Premiums amounting to a sum not exceeding £60,000, might be amply sufficient for that Purpose’: *Commons Sessional Papers of the Eighteenth Century*, xcix. 257–303, at 261–2. No such measure, however, was enacted. In February 1800, the ‘First Report from the Committee, appointed to consider the Means for rendering more effectual the Provisions of .^.^ “An Act for Better Regulating the Assize and Making of Bread”’ recommended that charitable and parochial relief be afforded in the form of ‘soups, rice, potatoes, or other substitutes’ in order to alleviate the ‘inconveniences arising from the deficiency of the last crop’ of wheat: *Commons Papers of the Eighteenth Century*, cxxxi. 1–45, at 7. In its ‘Second Report’ of March 1800, the Committee suggested that ‘provision should be made by law .^.^ to enable lords of manors, or individuals, or parish officers .^.^ to break up a quantity of common land, and to cultivate it with Potatoes’: *ibid.* 51–68, at 56. In February 1801, the ‘Second Report from the Committee appointed to consider the present High Price of Provisions’ strongly advocated premiums for the culture of potatoes to the maximum total value of £30,000 across twelve districts: *Commons Sessional Papers (1774–1802)* ix. 132–6, at 132. See also *Parliamentary History (1800–1)* xxxv. 1004–7. The Improvement of Commons Act of 1801 (41 Geo. III, c. 20), an extension of the Inclosure Act of 1773 (13 Geo. III, c. 81), did encourage the cultivation of potatoes on open and common fields by stipulating that the ‘Majority in value of the Occupiers’ might, at eight days’ notice, ‘enter into any Agreement for shutting up and unstocking open and common Field Lands for the Purpose of planting the same with Potatoes’, but it did not include any provision of premiums for the culture of potatoes.

⁶³ Statutory responses to harvest failure included both the suspension of import duties and the direct provision of bounties on import of foodstuffs. In relation to the first, the Exportation and Importation Act of 1795 (36 Geo. III, c. 3), extended by the Exportation and Importation Act of 1796 (37 Geo. III, c. 7), permitted all ‘Foreign Corn, or other

observation, I will not fill up the page with references: I will even through⁶⁴ myself on the indulgence of the reader for not filling up my time with hunting, [003_184] [10 December 1801] even if such precedents were not in any instance to be found, the conclusion would not be much affected by their absence. On a point like this the *argumentum ad hominem* will not only be much shorter, but I should suppose sufficiently pertinent and conclusive. Though no such precedent were to be found, the Hon. Gentleman himself would not dispute the propriety of making one. He does more than admitt the propriety of it, he assumes it and takes credit for the measures that are the result. Within six pages after this in which the imputation of injustice is passed upon all legislative interference in the view of preventing the farmer from receiving for his corn the highest price that could be got for it, the public is informed by the Hon: Gentleman—as matter of consolation to the public, and certainly not as matter of dishonour on the score of justice, or any other, to the authors of the measure—that ‘supplies (it is known) may be obtained from foreign parts, and the measure of proposing to Parliament an encouraging bounty for the purpose of bringing them to this country is determined upon; .^.^ and the liberal encouragement held out by the East India Company to the importers of rice, will furnish (he adds) a large supply of provision before the next harvest.’⁶⁵

Articles’ of provisions to be imported ‘without Payment of any Duty whatsoever’, via ‘any British ship or Vessel’, or ‘any other Ship or Vessel’ originating from ‘any Kingdom or State in Amity with his Majesty’, from 23 November 1795 to 23 August 1797. The Importation Act of 1799 (39 Geo. III, c. 87), extended by the Continuation of Acts Act of 1799 (39 & 40 Geo. III, c. 9, § 2), the Importation and Exportation Act of 1800 (39 & 40 Geo. III, c. 58), and the Continuance of Laws Act of 1800 (41 Geo. III, c. 5), permitted duty-free imports under similar conditions from 12 July 1799 to 7 December 1801. In relation to the second, the Bounties Act of 1795 (36 Geo. III, c. 21) provided a range of bounties on imports of wheat, wheat flour, Indian corn, Indian meal, and rye from 24 December 1795 to 15 October 1796. The Bounties on Importation Acts of 1800 (39 & 40 Geo. III, c. 29; 39 & 40 Geo. III, c. 35; and 41 Geo. III, c. 10) and the Bounty on Rye Act of 1800 (39 & 40 Geo. III, c. 53) provided a range of bounties on the importation of wheat flour, wheat, oats, rye, Indian corn, Indian meal, pease, beans and rice, for periods extending from 1 May to 1 October 1800 and 1 December 1800 to 1 October 1801 respectively.

⁶⁴ i.e. ‘throw’.

⁶⁵ [Long], *Temperate Discussion*, p. 44. There are minor inaccuracies in the rendering of the passage. On 24 November 1800, following the presentation to the House of Commons of ‘First Report of the Committee Appointed to Consider of the Present High Price of Provisions’, Dudley Ryder (1762–1847), first earl of Harrowby, Secretary of State for Foreign Affairs 1804–5, and Lord President of the Council 1812–27, recommended that all imports of rice from the East Indies be made eligible for a bounty ensuring to importers a minimum price of 35s. per cwt: see *Parliamentary History* (1800–1) xxxv. 778–806, at 786–7. The bounty was enacted by the Bounties on Importation Act of 1800 (41 Geo. III, c. 10, § 13).

The steps taken by the East India Company to encourage the importation of rice are detailed in a letter of 19 November 1800 from its Chairman, reproduced in ‘Second Report from the Lords Committee to whom it was referred to consider so much of His Majesty’s Speech, as relates to the Dearth of Provisions’: see *Lords Sessional Papers* (1800) i. 95–117, at 105–8. The letter undertook that the Company would, first, to issue licenses to merchants wishing to

[003_185] [10 December 1801]

But if instead of the 20^s a Bushel which he might otherwise have got for his wheat, the farmer is reduced to 10^s, what difference does it make to him whether it be by one mode of interference on the part of the legislature, or by another? Travel the country round and enquire of each farmer which arrangement he would prefer—that his price should be reduced to 11^s by a maximum law, or to 10^s by importation: which of the two proposals does the Hon: Gentleman suppose would be embraced by the majority of Farmers?

[003_186] [10 December 1801]

The imputation of injustice would have a somewhat stronger ground—though even then not a sufficient ground—if at the sowing time—or, to speak with more precision, at the time of his determining upon the quantity of ground to be thus employ'd—the farmer could be supposed to have fixed his expectation upon a mark higher than that of the price proposed to be fixed upon as the maximum price.

But, even for this supposition the ground would be found wanting—at least it might, and, according to my conception of the proper price for a maximum price would, be removed in the fixation of any such price. It is indeed of the essence of a proper maximum price according to my conception of it—and would be comprized under the definition of it—that it should not be so low as to take from the farmer any of that profit which, from any recollection he could have had of former years, not being years of extreme scarcity, he could, at the point of time above indicated,⁶⁶ have had reason to expect.

[003_187] [13 December 1801]

Let us, in another point of view, compare the condition of the Farmer under the sort of measure the Hon: Gentleman takes credit for, and under the sort of measure he rejects as indefensible. Price for price, whether the reduction was brought about by one measure or the other would, to the Farmer or any one else whose profit were reduced by it, be, as hath been just observed, pretty much the same. But the difference lies in this. The maximum, whatever it does for the consumer, does thus much for the grower, that it sets limits to the mark to which his profit shall be reduced by the hand of government: whereas the aim and effect of the encouragements given to

import rice from India; second, to advance money for the purchase of rice in India repayable after three months; third, to waive the 3% duty payable to them for warehousing and other charges; and finally to resign to the importer their entitlement to the bounty just outlined: see *ibid.*, 105–8.

⁶⁶ i.e. 'the time of his determining upon the quantity of ground to be thus employ'd'.

importation of foreign corn is to reduce his profit without limit and without mercy. I do not say that it is so much the worse for the consumer, that is, for the public at large: but, in this point of view at least, it is so much the worse for the grower and dealer, whose interest the Hon: Gentleman is thus taking care of. The damage he would protect them against, is a limited damage: the damage he subjects them to is an unlimited one.

[003_203] [10 December 1801]

Objection 5.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘.^.^ you may force him, it is true, to sell it at a certain rate, but you can not force him to sow any more.—In the present state of things, those who think the profits of the farmer have been most exorbitant, should surely hesitate before they take a step which though it might relieve the want of the moment, would discourage the general agriculture of the country.’⁶⁷

NOTE TO TYPESETTERS: End of displayed quotation. Please centre the next line.

Observations

The supposed discouragement to future production, if indeed any such effect belonged to the case in question, would be a peremptory bar to the measure: it would be ripping up the hen to get the golden eggs all at once.⁶⁸

But in this instance as in the one which has just passed under review,⁶⁹ the argument turns upon the supposition of the maximum’s being fixed at a mark, where there would be no need of placing it, and where I can scarce think [that]⁷⁰ any person conspicuous enough to have engaged the notice of the Hon: Gentleman would have thought of placing it. The argument is grounded on the supposition of a fixation so low as to deprive the farmer of some portion of profit, the expectation of which could reasonably be supposed to have been necessary to induce him to sow the quantity of seed eventually determined upon and sown accordingly: [003_204] [10 December 1801] fix the price at any higher mark, and the argument loses its application. The measure is first supposed to be

⁶⁷ [Long], *Temperate Discussion*, p. 38. There are minor inaccuracies in the rendering of the passage.

⁶⁸ An allusion to *Aesop’s Fables*, trans. L. Gibbs, Oxford, 2002, Fable 434, pp. 268–9.

⁶⁹ See pp. 000–000 above [To UC iii. 182–7, this file].

⁷⁰ MS ‘than’.

an absurd one, and then, from the supposition, proved to be so.

What the Hon. Gentleman attacks and triumphs over is what nobody, I should suppose and hope, would defend: what I am sure I would not. It is the creature of his own imagination: slaughtered with ease enough because created for the purpose. I have submitted to him one of mine: and once more I invite him to try his hand upon it.

[003_205] [10 December 1801]

Objection 6.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘It is not enough to say, that the maximum shall be set so high, that generally speaking, the farmer shall be a gainer’—(Certainly—but where was this ever said by any body?) ‘What’ (continues the Hon. Gentleman) ‘will that man say to your average whose crop has almost totally failed, and who even at the very high price of the market may possibly be a loser? Will you make him a greater loser by arbitrarily reducing the price of his corn?’⁷¹

NOTE TO TYPESETTERS: End of displayed quotation. Please centre [Observations] the next line

[Observations]

Thus far the Hon: Gentleman: for my own part, I must confess, I see not what true light will be thrown on the subject by a conversation between a man put into a case from which nothing can be concluded, and a supposed simpleton of a legislator—such an one as the man would never meet with.

[003_206] [10 December 1801]

Here as before, the Hon: Gentleman having wrapped up his argument in an interrogation,⁷² at the peril of the charge of misconception and misrepresentation, I find myself obliged to make a proposition for the Hon: Gentleman, which I do with all imaginable diffidence and reluctance, prepared and resolved to turn it out of doors the very instant he disowns it: protesting most sincerely that if this be not what he means I am altogether unable to conjecture what else it can be.

⁷¹ [Long], *Temperate Discussion*, p. 38. There are minor inaccuracies in the rendering of the passage.

⁷² See p. 000 above [To UC iii. 180, this file].

This is—that the price of corn ought at all times to be of such a height, as to afford something not much less than living profit to a farmer whose crop has ‘almost totally failed’. I could wish the proposition had been more determinate: but had I made it so, I might have been taxed, not without ground, [with]⁷³ misrepresenting it. This, if the Hon.^{ble} Gentleman will have the goodness to take pen and ink to it, or even without pen and ink bestow a little thought upon it in the line of calculation, is what he will find rather an expensive mode of insurance.

[003_207] [10 December 1801]

It may be noted down as no better than an argument *ad hominem*, if I were to call to mind upon this occasion as upon a former, that the case of the scarcity-crop farmers, which is here taken up as having a claim to be the measure and standard of the desirable rate in regard of price, is thrown out of the question—that the cause of this unfortunate class so decide[d]ly taken up and patronized, is in less than six pages after given up and deserted.⁷⁴ Of two inconsistent propositions, the Hon: Gentleman will at any time be at liberty to adhere to which he pleases, though he can not well adhere to both at the same time; he may at any time, on condition of giving up the other, adhere to either. On the terms of acknowledging that the measure we have seen him announcing with complacency, and which on that ground I will venture till corrected to call his measure—the measure of encouraging importation for the express purpose of keeping down the price—upon the terms, I say, of giving up his measure, he may at any time adhere to this argument which is more particularly and decidedly his own. He may say, happen what will to the consumers—I will take care of the unfortunate part of the farmers, I will bring them whole at any rate.

[003_208] [10 December 1801]

The decision would be a humane one: but as partial humanity must have its limits, let us, in this instance, catch some sort of glance at the effect of it upon the whole.

Precision does not appear, upon the occasion of this pamphlet, to have been in any considerable degree the Hon: Gentleman’s aim, at least as far as the aim may be judged of by the effect. If it had been, a few figures, I mean of arithmetic not of speech, might have in that point of view been more eligible than the interrogations—and the almost total failure of crops—and the possibility, and nothing more than possibility, of a loss, which under the supposed excess of price is supposed to be result of the almost total failure. Had it not been for the context, if I had been called upon to give a picture of the Hon. Gentleman’s almost total failure, I might have represented [it] by some such deficiency as that of nine tenths: but as the degree of deficiency understood must not be

⁷³ MS ‘of’.

⁷⁴ i.e. by Long’s endorsement of bounties for the importation of foreign corn: see *Temperate Discussion*, p. 44.

any greater than the Hon. Gentleman would wish to see made up, *possibi[li]ties* apart, by the price, I will, in the midst of my perplexity—protesting it to be merely for illustration, pitch upon a failure of considerably less magnitude—a failure corresponding, for example, to a deficiency of three fourths. Rejecting the quantity representative of the value of the Hon. Gentleman’s possibility, as a quantity too troublesome to deal with, the price to be allowed of and wished for, for the purpose [003_209] of saving harmless the unfortunate class which the Hon: Gentleman has taken under his protection, will be a price about four times as great as the average or ordinary price. Three times the amount of the whole price or value of the national crop of corn (say 8 millions of quarters at 50^s, which makes 20 millions)⁷⁵—three times this 20 millions, making 60 millions, is the amount of the tax he would be for imposing upon the inhabitants of the country in quality of consumers, for the purpose of affording the proposed indemnification to these his *protégés*.

Admitting this sort of insurance to be right in principle, the mode, I am inclined to think, would be looked upon as rather an expensive one. To establish a fund for the making up an average profit, or something no more than the value of a possibility of being so, in favour of all growers whose crops should by whatever cause have proved inferior to that profit by a given amount, is a measure of which I will not take upon myself to decide upon in point of utility, but so far as novelty enters into the composition of merit, its merit appears indisputable. But, in point of utility, thus much, I trust, may be said of it at any rate, that in the scale of economy it would have precedence over the virtual tax of 60 millions or some such matter, in favour of [003_210] [10 December 1801] which the humanity of the Hon: Gentleman appears, on this page at least, to have leaned.

As to the word *arbitrarily*, in the passage where, by a figure not of arithmetic but of speech,

⁷⁵ In the margin, Bentham has noted at this point: ‘Compare by the documents.’ The specific documents from which Bentham intended to derive the average price and the average annual domestic production of wheat by the quarter have not been identified, but average market prices were published regularly in the *London Gazette* and reproduced in other newspapers and periodicals, and several estimates of national output were made prior to December 1801. According to the *London Gazette*, the average price of wheat per quarter between December 1791 and December 1801 fluctuated from a low of 37s. 6d. in June 1792 to a high of 154s. 2d. in March 1801. According to the ‘Sixth Report of the Committee Appointed to consider of the present High Price of Provisions, 31 December 1800’, in *Commons Sessional Papers of the Eighteenth Century*, cxxxi. 425–38, at 429, the ‘average annual crop’ for the preceding decade was approximately 6,700,000 quarters (‘including the very deficient Harvests of 1795 and 1799’). A number of detailed surveys, including those instigated by Sir John Sinclair (1754–1835), President of the Board of Agriculture 1793–8, 1806–14, on behalf of the Board of Agriculture, as part of the *General Views of Agriculture* series (1793–5, 1798–1817), several instalments of which were written by Arthur Young (1741–1820), agricultural reformer and writer, and those ordered at various times and for various purposes by the Home Office, the Board of Trade, the Board of Taxes, and the House of Lords, investigated not the total annual wheat crop but rather, for instance, the proportion of arable to other land, the average yield per acre of various crops, and the average prices of grain in different counties.

he examines his antagonist upon interrogatories, asking him whether he would make the farmer a loser by *arbitrarily* reducing the price of his corn, the examinant, I should conceive, need not be at any great pain about the answer. The authority, he may answer, is the same in the one case as in the other: it is the same authority you call in a few pages after to reduce the price of the farmers corn by bounties upon importation: you do not suppose it will act arbitrarily when it forces down the price of home grown corn by bounties upon foreign corn: you have no right to suppose it will act arbitrarily if it were to fix the price by a prohibition put upon higher prices. Parliament being the authority you have to work with, you must take it as it is, and in both places make the most of it: you can not have it a good Parliament in one page, and an arbitrary one in another.

[003_211] [10 December 1801]

Objection. 7.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘The profits of the Farmer, from the high price of the commodities in which he deals, have certainly been very great; but it must not be forgotten that the principal cause of the price being so high is, that in general his crop has been so small; and those who in recommending a maximum consider simply what would be a sufficient profit to the farmer, see only a very small part of the question which they pretend to examine.’⁷⁶

NOTE TO TYPESETTERS: End of displayed quotation. Please centre the next line.

Observations.

Bating the expression of the sentiment entertained by the Hon:^{ble} Gentleman towards those whose misfortune it is not to view the subject in the same point of view in which it has presented itself to his eyes, I am not able to frame any very clear conception of the precise import of this paragraph, or of its bearing in relation to those that have gone before it. Must not, according to a Nursery Proverb, are words for the King, but as the Hon. Gentleman, *virtute officii* or otherwise, by virtue of office, or by some other virtue, has taken them into his possession, there, for any claims I can presume to put in to the use of them, they rest: for my own part, speaking [003_212] [10 December 1801] with that sort and degree of submission with which alone it is competent or customary for me to speak, I will venture so far to join my humble suffrage to the decision of the Hon: Gentleman as to say that

⁷⁶ [Long], *Temperate Discussion*, pp. 38–9. There are minor inaccuracies in the rendering of the passage.

the truth thus brought forward by him (for such it appears to me) respecting the connection between the magnitude of what there is not, and the dearness of what there is, is a truth that ought not to be forgotten. I will venture still further: viz: so far as to say, that a truth so true does not appear to me to be in any great danger of being forgotten: who it is that should have forgotten it is what I can not easily conceive. That there was a time when some disputed it, is what I observe from some of the discourses of that day:⁷⁷ but what a man is occupied in disputing seems, according to my conception of the matter, to be in still less danger of being forgotten by him, than what he has admitted.

For my own part, I bow down to the Hon: Gentleman's injunction, and find no difficulty in following with my compliance: but having done so, how to make application of it in such manner as to see any more in the question than had presented itself to me before, is beyond my ability. In speaking of such degree of augmentation [003_213] [10 December 1801] in the price as is required by the deficiency in the crop, does he mean to say thus much and no more: viz: that the aggregate of the prices paid for the scanty crop ought to be equal but no more than equal to what would be the aggregate of the prices paid for a full or average crop, that is that supposing a fourth wanting, the price of the remainder should be a third higher than it would be if not increased? This can hardly be the meaning of the Hon: Gentleman, for that would be as much as to admitt, by implication, the expediency of any maximum that should be set so high as not to take any thing from such confessedly sufficient price. But if this be not his meaning, what then is? It is real perplexity, and not rhetorical ambition, that has caused the interrogatory form here employed instead of the assertive. If I presume to ask the Hon. Gentleman what on this occasion his meaning is, it is because I really do not know.

[003_214] [10 December 1801]

The⁷⁸ sort of sentiment excited in the mind of the Hon:^{ble} Gentleman by the shortsightedness betray'd by 'those who in recommending a maximum consider simply what in fixing it would be a sufficient profit to the farmer', is another source of similar perplexity. Upon looking into my own mind, I feel a sort of consciousness of making one of this shortsighted company: it seems to me that if the result of a maximum when fixed were to be its leaving a sufficient profit to the farmer, this profit, thus beng sufficient for the farmer's purpose, would be sufficient to every other purpose.

[003_191] [8 December 1801]

⁷⁷ [Annotation to be finalized]

⁷⁸ Bentham has marked this paragraph for possible deletion.

*Objection [8.]*⁷⁹

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘Another objection to a maximum is, that it has always a great tendency to become a minimum. If you tell a man, he shall not sell the article in which he deals for more than a certain price, he will do his utmost not to sell it for less; and if any thing could produce a combination among corn-dealers, and furnish them with a pretence for combining, it would be this very measure.’⁸⁰

NOTE TO TYPESETTERS: End of displayed quotation. Please centre the next line.

Observations

‘If you tell a man he shall not sell the article in which he deals for more than a certain price, he will do his utmost not to sell it for less.’ Admitted: if you tell him so, he will get so much as he can for it: which is precisely what he will do, if you told him nothing about the matter.—What is it that a man engages or continues in trade for, but to buy as cheap as he can, and sell as dear as he can. What is the view this argument presents us with of human nature?—that in the common course of dealing the way of a dealer is to reject the greater profit, and prefer the smaller: but that if government, for the sake of [the] public, attempts to confine his profit within bounds—to limit it by bounds fixed any where—then out of spite he takes it into his head to [003_192] [8 December 1801] prefer two shillings to one, it being what had never occurred to him before. Would it easily have been guessed that it was from the one pair of stairs window of the Treasury Chambers that such a picture had been sketched of the commercial world?⁸¹

‘.^.^ and if any thing could produce a combination among corn-dealers, and furnish them with a pretext for combining, it would be this very measure.’

In this observation [four]⁸² things are implied:—that combination among corn-dealers is practicable—that it waits for nothing but a pretext—but that it does wait for a pretext—and that this is the pretext it waits for.

⁷⁹ MS ‘7.’ The texts of this and the following subsection were drafted before Bentham decided to insert a new objection into the discussion. For further details, see the Editorial Introduction, pp. 000–000 above.

⁸⁰ [Long], *Temperate Discussion*, p. 39. There is a minor inaccuracy in the rendering of the passage.

⁸¹ The Treasury occupied the first floor of the Treasury Building in Whitehall.

⁸² MS ‘three’.

In regard to the first point, the leaning of my opinion is pretty strongly on the side of the better and more decided opinion of the Hon: Gentleman. Till I find myself compelled by some express evidence to believe in the existence of a combination amongst such parties, I shall, for the reasons given by Adam Smith and others,⁸³ continue to disbelieve in it, not regarding any price to which corn has ever risen or can ever rise as affording the smallest proof of it. But as, in the eyes of the Hon: Gentleman, the existence of any such combination appears as improbable as in those of any body who has considered it, the reasoning, I am inclined to think, would not be much the weaker if this point were to be left out of it. Those who think differently [003_193] need not feel much reluctance at the idea of admitting, with or without reason, that in the case he puts, the consequences he paints might follow—he having first admitted, or rather protested, it to be a case that can never happen. Make what he can of it, he can not have it true and false at the same time.

As to the three remaining propositions—that corn-dealers in their propensity to combine wait for nothing but a pretence to bring it into act—that they do wait for a pretence—and that this is the pretence they wait for—the light in which these propositions present themselves to me has been given above.⁸⁴ The principle of competition is [to] what the public is at each point of time indebted for the price being no higher than it is at that same point of time. What there is in the fixation of any particular price that shall divest that principle of all force and virtue, is more than I can see. It is because he can get (as he thinks) no higher price, that a man takes on each occasion what he does take: and whether the fixation exist or no, the same necessity will (I am inclined to think) be on each occasion productive of the same acquiescence.^c

^c [003_201] [9 December 1801] It has been observed—and with great appearance of truth—that the interest of the Vender of corn is the same as that of the public at all times.⁸⁵

It certainly is so at a time of moderate plenty; it may be so at the time of a slight degree of scarcity. But it seems by no means equally clear that it is so in a time of extraordinary scarcity.

⁸³ See Smith, *Wealth of Nations (Glasgow Edition)*, (Bk. IV, Ch. V) i. 526: ‘The inland dealers in corn, therefore, including both the farmer and the baker, are necessarily more numerous than the dealers in any other commodity, and their dispersed situation renders it altogether impossible for them to enter into any general combination.’

⁸⁴ See pp. 000, 000, and 000 above [To UC iii. 232, 191, 188, this file]

⁸⁵ The inclusion of this passage as a note at this point is conjectural. For further details see the Editorial Introduction, p. 000 above.

For the assertion of the identity between the interest of the inland dealer of corn and the interest of the great body of the people see Smith, *Wealth of Nations (Glasgow Edition)*, (Bk. IV, Ch. V) i. 524.

In a time of extraordinary scarcity it is the interest of the public that the price should rise to⁸⁶ the degree sufficient to produce the utmost degree of retrenchment in the consumption—the utmost degree of economy—consistent with the preservation of the lives and healths of the inhabitants; such a degree of economy as shall, if possible, be sufficient to keep the supply from being exhausted in any superior degree before the time when the fresh crop, assisted by such intermediate supplies as shall have been obtained from abroad, shall have come to its relief. That the price should rise thus high is also the interest of the grower and vender of the articles of subsistence. But at that point the interests separate. It is not the interest of the consumer that the price should rise a single step beyond this mark. It is the interest of the grower and dealer that it should keep on rising above this mark as high as possible.

In the case of a moderate stock, what makes it the interest of the Grower and the vender that the price should not rise above a certain mark is that if it were to rise above the mark, the diminution [in the consumption] might be so great that by the commencement of the next harvest they might find [003_202] [9 December 1801] a quantity of the old stock upon their hands, though even in this case it would not be the[ir] interest to let the commodity go out of their hands at a lower price, and consequently at a quicker rate, unless, in consequence of the final glut produced by the intervening diminution in the consumption, the ultimate fall of price were to become so great as to do more than take back again from them the intermediate profit derived from the intermediate artificial scarcity.

But in the case of an extraordinary scarcity—a decided and known deficiency—this check no longer holds: the whole, or a part scarce distinguishable from the whole, is necessary to keep the inhabitants alive: the whole must therefore be bought at whatever price. By the poor themselves it could not have been bought at a price anything near so high as that at which we have seen it bought: but by the poor assisted by the rich it might be bought and has been bought at that price, and might have been bought at a price still higher: how much higher it seems difficult to say. The quantity of money in the country might in former times, when money was gold and silver and the quantity of it [limited],⁸⁷ have set a limit to this encrease—but now that money is paper—and the quantity of paper without limit, the limits of the quantity capable of being raised for the purchase of necessaries in the several hands through which they have to pass are at any rate very ill defined.

[003_194]

A thing that sometimes happens—and, I should suppose, not infrequently at market—is that a

⁸⁶ Bentham has indicated the beginning of a deletion at this point, but given no indication of its ending. He has also indicated that the final forty-seven words of this sentence ('such a degree .^^. to its relief'), a marginal addition, should be inserted here, although the insertion at this point would destroy the sense.

⁸⁷ MS 'unlimited', contradicting the evident sense of the passage.

man not being able to get the price he expected takes his leave of the market—leaving his goods unsold. But what is his motive for so doing?—an expectation that another time he may be able to get a better price. But in the supposed case of a fixation, that motive does not exist: for the utmost price is fixed and known to every body—it is known to every body that a greater is not to be had.

Did the Hon. Gentleman ever know a single instance in the whole course of his life when a trader, having it in his choice to sell a thing for 2^s or 1^s, preferred the one? He might have met with a hundred, and they would be nothing to the purpose. Humanity, policy, vanity, caprice—all such accidents are altogether out of the question: the question is about the natural and habitual state of things. If it were the way [of] one man out of ten to take a less price every now and then when he could get a greater—what effect would that have on the general price—the aggregate price?

[003_195]

Of this argument it may perhaps be observed with not much less truth than of a preceding one—that no small part of the force of it lies in the impropriety of the terms.⁸⁸ A maximum price implies a number of prices, of which that price is or may be the greatest. Minimum in like manner implies a number of prices, of which that price is or may be the least. But the result thus pointed out by the Honourable Gentleman as an object of apprehension is a result which, by the supposition he himself sets out with, is impossible. Of the maximum, if it have its effect, the effect is to exclude every greater price. Of a law to this purpose—as of a law for any other purpose—it may be supposed in the way of argument that it shall prove nugatory and ineffective *in toto* or in any inferior degree: but this is not among the suppositions put by the Hon: Gentleman, unless a glance thus oblique should be construed into a way of putting it: but if it be, it is a supposition altogether naked, shot down without support.

The term selected by the Hon: Gentleman imports that what is rendered the highest of all prices becomes thereby, *ex vi termini*,⁸⁹ the lowest—that it not only kills all inferior prices, but begets superior ones. But this if it be not a jest, is a misconception of the Hon:^{ble} Gentleman's. When the worst comes to the worst, the utmost magnitude the maximum price can arrive at is that of⁹⁰ being the only price. Being as great as the greatest does not make it any greater. The most famous of elephants, he who was the biggest in the whole world except himself, was as big as himself, but, big as he was he was, no bigger.

⁸⁸ See p. 000 above. [To UC iii. 207, this file]

⁸⁹ i.e. 'by force of the term'.

⁹⁰ Bentham has deleted the following four words, which would destroy the sense.

[003_196] [8 December 1801]

One case may here be mentioned as capable of being cited, though not cited by the Hon. Gentleman, as lending countenance to the supposition that a maximum may be fatal to all inferior prices. This is the case of the price of bread as fixed by the Law in certain places according to the standard pitched upon for that purpose.⁹¹ But in this case the price is always so low, that there is no field left in which competition can find room to exercise itself. It is made purposely as near as may be to the lowest rate of profit which is capable, or supposed [capable], of finding acceptance. If in any instance it be not absolutely at the mark of the very lowest price that would be accepted of, it is even then so near the mark, that the difference—in that sort of general view which the eye of the public is in the habit of bestowing—would not be perceptible. Three or four per Cent perhaps, or some such matter:—but what is such a scale of variation in comparison of an interval of cent per cent: an interval which, in the case of bread corn, might well be left between the greatest allowed price and the living-profit price, and yet afford a prodigious relief when compared with the mark to which the actual prices have so lately been seen to rise.

[003_197] [8 December 1801]

Even under the maximum, low as it is fixed by the existing laws, competition—or in other words reduction—though in point of place but partial, is by no means without example. The experiment made by M^r Potter upon a large scale will be in the recollection of some readers,⁹² who may be more distinctly apprized of its bearing in reference to this question, than I can pretend to be. But in little shops here and there I have every now and then been witness to what may be called gally-pot experiments of the same kind. Where the utmost scale of variation is so small, the wonder ought not be great if such experiments should not be found to answer. A profession of this sort will not be generally regarded without a degree of diffidence which can not be got the better of, at any other price than the trouble of constant weighing. But an operation of this sort requires a set of implements which some of the poorest class are not generally in possession of, and [on]⁹³ those above them would impose a degree of trouble in their estimation more than equivalent to the saving to be made by it: nor will a man who has dealt with the same baker or other tradesman for years,

⁹¹ See p. 000 n. above. [To UC iii. 219 n., this file]

⁹² Bentham may have had in mind Johann Heinrich Pott (1692–1777), who, under the commission of Frederick II (1712–1786), King of Prussia from 1749, conducted thousands of experiments in order to replicate the high-quality porcelain that was manufactured at Meissen in Saxony. His experiments were recorded in *Chymische untersuchungen welch furnshmlicht von der Lithogeognosia*, Potsdam, 1746, and in *Lithogeognosie ou examen chimique des pierres et des terres en general*, Paris, 1753.

⁹³ MS ‘to’.

quit him on the sudden for an adventurer who may be gone tomorrow.

[003_198] [8 December 1801]

Objection 9.

NOTE TO TYPESETTERS: Please present the following as a displayed quotation.

‘If it were worth pursuing the point further, it might be shewn, that the difficulties in the execution of it would be insurmountable. The same *maximum* could not apply universally throughout the kingdom, nor could it be set correctly in every different place, according to all the variety of circumstances which operate upon price.’⁹⁴

NOTE TO TYPESETTERS: End of displayed quotation. Please centre the next line

Observations

If what the Hon:^{ble} Gentleman appears so confident of having it in his power to shew, and forebore to shew only because in his view of the matter it was not worth shewing, had been shewn, this one argument might have stood in the place of all the rest. The same *maximum* not apply universally throughout the kingdom?—why not? what should hinder it? Had he said that different maximums could not, on the extraordinary occasion in question, be applied to all the different places of the kingdom that are wont to exhibit in ordinary years so many differences in regard to price, and that in such manner as to make the extraordinary fixed price be in the same proportion every where to the ordinary natural one; had this been the measure reprobated on the score of impracticability, I should have found no difficulty in acceding to the rejection. [003_199] [8 December 1801] That the allowed price of bread corn could not be adjusted to the living-profit price of bread corn in every place of the kingdom with as much correctness as, in the metropolis, the allowed price of bread is to the market price of bread corn, is a proposition, the truth of which I see no reason for disputing. Whether it would be worth while to attempt to make any difference at all between place and place, between the places which average the lowest price and the place which gives upon an average the highest price, is more than at present, if ever, I can regard myself as competent to pronounce. But the question is not whether a fixation of this sort could be performed with the utmost degree of correctness that could be wished, but whether it could be performed at all. The Hon:^{ble} Gentleman’s answer is most decidedly, and without limitation or condition, in the negative: if, therefore, any one

⁹⁴ [Long], *Temperate Discussion*, p. 39. There is a minor inaccuracy in the rendering of the passage.

fixed price be pointed out, that shall at the same time be lower than the highest free price known, and shall at the same time stand clear of the Hon.^{b[le]} Gentleman's arguments, the whole apparatus of them falls to the ground. I will venture for illustration's sake to name a price in this view: and let it be the exact double of the highest average free price at the place at which that price is highest. That a price thus high [003_200] [8 December 1801] would not be sufficiently correct to do as much good as the fixation of the price of bread may, for anything that will be shewn to the contrary, have done, is evident enough—but because it is out of our power to do all the good we wish, and have in view, is that a reason for doing none?

[003_188] [8 December 1801]

*Conclusion—Temperance*⁹⁵

For my part,⁹⁶ without having professed temperance on my title page, I will so far vye[?] with the Hon: Gentleman in the practice of that virtue, as to give it as an opinion to which I have a strong leaning that the profession thus made by implication, the profession of having bestowed upon the subject a real examination, is a sincere one, and not a pretence—and that in the pamphlet will be found the whole fruit of such sort and degree of examination as a mind like that of the Hon. Gentleman has been fitted for bestowing upon it.

Should the measure I have thus contrived to take of it prove an erroneous one, the means of rectifying it are compleatly in his hands. He is now left free to pursue this or any other line of study, free from those interruptions which he found so troublesome in office. He is in full possession of that leisure which it depends upon him to convert in[to] literary [produce]:⁹⁷ and if that dignity which in some instances becomes the accompaniment of leisure in the retreats of public men has not yet found its way into his, rewards of a nature more substantial than dignity, and which in some men's scale weigh heavier, have not been thus tardy in finding their way into his lap.⁹⁸

[003_189] [8 December 1801]

⁹⁵ The title is taken from the marginal subheading on the text sheets. This material was originally drafted for inclusion under Objection 7, pp. 000–000 above. For further details see the Editorial Introduction, p. 000 above.

⁹⁶ Above this paragraph Bentham has noted in red ink: 'From Brouillon X'. Although no 'X' appears on the brouillon at UC iii. 172 to indicate which text he may have intended to incorporate at this point, the brouillon does contain fragmentary passages of criticism of Long's dismissal of those with whom he disagrees. For further details see the Editorial Introduction, p. 000 above.

⁹⁷ MS 'leisure'. Bentham appears to have used an inappropriate word here, although there is no MS alt.

⁹⁸ Long had been awarded a pension of £1,500 a year after leaving office in 1801, and would be created Baron Farnborough in 1826.

The public, or at least those who, having the property of the public at their disposal have thought fit to make this use of it, has given itself some title to such service as the Hon:^{ble} Gentleman may at his leisure feel himself disposed to render in return: and as the subject which he has already chosen is a subject of first rate importance—and of so much importance in his eyes as to have received the benefit of those moments which in his eyes were not ill bestowed when borrowed from more immediate official duties, from duties of more perfect obligation—and as the subject is still on the carpet—exciting as much interest as ever, whatever claim the public had to the benefit of his labours on this ground or that line[?], will hardly, I should suppose, be regarded as weakened by the intervening state of things.

Excitation has mimicked creation—effects little less than miraculous have been said to be produced by a stimulus well applied: by terror, speech has been given to the dumb:⁹⁹ and if any thing started in the course of these pages should prove the means of engaging the Hon:^{ble} Gentleman to convert his index into a book, they will not have been written in vain, and the public, in whatsoever proportions it may vouchsafe to divide the credit of it between us, will have the benefit of it.

[003_190] [8 December 1801]

The motives by which the one of us may have been excited to call forth the exertion, and the other to exhibit it—are among those topics which the public is but too fond of amusing itself with—but which, in the eye of reason, are beside as well as beneath its notice.

[003_264] [16 December 1801]

*Ulteriora*¹⁰⁰

A maximum law, defensible as it appears, is but a palliative, though I see nothing which should prevent its being a permanent one in principle, subject to variation in respect of nominal

⁹⁹ Bentham may have had in mind Samuel Squire, ‘The Case of Henry Axford, who after having been dumb for Years, recover’d the Use of his Tongue by means of a Frightful Dream’, *Philosophical Transactions of the Royal Society of London*, xlv (1748), 148–9.

¹⁰⁰ i.e. ‘Further things’. The title is taken from the subheading on the text sheets. Bentham appears to have drafted then abandoned the following attempted beginning to the section at UC iii. 263: ‘In political economy, one of the most copious sources of error is a blind and sordid greediness: grasping at every thing—not enduring to part with any thing—straining to unite advantages essentially incompatible. Goods are to be bought of foreigners, but the money which should pay for them is not to be exported in return. Capital is to be obtained from foreigners, in alleviation of the waste produced by war loans[?], but the remuneration for it in the way of annuities, and the restitution of it in the redemption of the annuities, is to be deplored and fought against as a grievance.’

price, and at best but a palliative, in relation to the inconveniences under which we have been labouring, and under which, if no remedy of a more radical complexion be applied, we seem condemned to labour.

To the catalogue of remedies that have been proposed, no new article, I am confident, remains to be added: but in regard to the selection of them, it presents itself to my view as a topic that wants much of being exhausted. Pernicious—inoperative—inadequate—indispensable—such is the mixture I have been accustomed to see in the same page.¹⁰¹

The mischief has two causes—habitual scarcity, and dearness beyond the scarcity: both habitual and permanent: roots altogether unconnected, and which require carefully to be distinguished with the utmost care.

The scarcity has for its ulterior cause, prosperity in all its shapes: an exuberant population—exuberant not with reference to wealth taken in all its shapes—for that too is in exuberance, but with respect to the capacity of raising within the local precincts of the chief seat of empire the quantity of food necessary for the sustenance of its inhabitants.^d

[003_282] [23 December 1801]

^d The application of capital to agriculture can not keep pace with the accumulation of the

¹⁰¹ Long himself provided a list of four remedies at *A Temperate Discussion*, pp. 34–5. Symmons provided a list of fourteen ‘remedies .^.^ that have been hitherto suggested’ by others in *Thoughts on the Present Price of Provisions*, pp. 25–6, before proceeding at length to criticise them in sequence at pp. 27–44. Bentham’s notes on ‘A. Young’s Remedies on the Question of Scarcity’ are at UC xvii. 130, headed ‘Scarcity Statistics 1800–1801. A. Young. Statistics Evidence for the legislator’, where Bentham listed eight remedies suggested by Young, and then divided six of them into ‘I. Measures for information’ (‘1. Numbering the people. 2. Registering acres of wheat and rye sown. 3. Ascertain the prices of corn.’) and ‘II. Measures of *efficiency*’ (‘4. A general inclosure. 5. Give land to Cottagers. 6. Parochial assistance in rice &c.’). Bentham’s initial list also included ‘Previously recommended as an *immediate* measure. 7. Encourage the culture of Potatoes’ and ‘8. No Parochial Relief but in Potatoes, Rice and Soup’. See Young, *The Question of Scarcity plainly stated, and remedies considered*, London, 1800, pp. 65–8 (remedy 7), 71 (remedies 1–6), and 79–80 (remedy 8). The ‘Seventh Report from The Committee, Appointed to Consider of the Present High Price of Provisions’, 24 June 1801, provided a list of four proposed remedies: see *Commons Sessional Papers* (1801), ii. 249–308, at 253–6.

In the margin at this point, Bentham has noted in red ink: ‘Write dogmatically, for shortness, having prefaced by an apology.’ He had cancelled the following admission at the abandoned beginning of this discussion: ‘An observation I set out with—an admission, if the reader pleases—for an observation would otherwise be but ill bestowed upon a matter sufficiently obvious to every body, that’.

aggregate mass of capital.¹⁰² It is kept back by impediments that do not apply in equal degree, if in any degree, to manufactures. So much land as is in farms below a certain size stands excluded from the possibility of receiving improvement. [The occupier of a farm below a certain size]¹⁰³ sets out with an insufficient capital. The advantages attendant on operations conducted upon a large scale are prodigious, not only in manufactures but in agriculture. Where they are wanting to a certain degree, accumulation can not take place. The magnitude of the farm is such as barely to afford sustenance for the occupier and his family. The produce, the profit, and saving of each manufacturer increase *ad infinitum*, in proportion to the encrease of the custom he has for his goods. No encrease of custom will enable even the most opulent farm[er] to produce a greater quantity of his goods than can grow upon the quantity of land he occupies. By accident, he may obtain another farm, which by accident may happen to be situated at a convenient distance, and by another accident may not be too large for the superfluous capital he has at his command. It is in this way the additions that can be made to the agricultural capital are made. But it may be seen even by this slight and superficial sketch how slow and uncertain the progress of accumulation must be in this track.

[003_283] [23 December 1801]

The grand efficient cause of agricultural encrease is the consolidation of small landed properties and small farms. By selling his estate to an already wealthy neighbour, a man who is starving upon a farm of £30 or £35 a year of his own, may obtain such a capital, as in a farm of profitable size would place him at once in a state of affluence. A farm of £250 or £200 a year may thus be brought into the most improved and highest state of culture. It is in this way that small farms are gradually consolidated into large, [and] the quantity of the national agricultural produce encreased together with the mass of population deriving sustenance from that produce, to the unspeakable advantage of all parties interested, amidst the lamentations of so many wolves in sheep's cloathing, mixed with sheep in their own cloathing, who never cease crying out oppression and depopulation, of so many idle lookers-on who draw pictures of agricultural oppression and depopulation, copied, if they are to be believed, from this truly prosperous and universally beneficial state of things.¹⁰⁴ Two features are of course dropped in this picture: the consent of him who parts with his small property, and the beneficial equivalent, by the consideration of which that consent was produced. So far, so good: but the progress of this state of things is retarded by the impediments we have seen. Some centuries may yet elapse, before they are compleatly surmounted, and the whole of the culturable surface brought in consequence into the highest state of culture. Meantime capital employ'd in manufactures encreases without stint, and with it growing wealth and population beyond the means of home-

¹⁰² The insertion of this passage as a footnote at this point is conjectural. For further details see the Editorial Introduction, p. 000 above.

¹⁰³ MS 'He'. The bracketed words are MS orig. of the beginning of the previous sentence.

¹⁰⁴ See, for instance, Oliver Goldsmith, *The Deserted Village*, London, 1770.

bred sustenance.

[003_265] [18 December 1801]

The dearness has for its ulterior cause exuberance—habitual and indefinitely increasing exuberance: of money—of money of the primary sort, by the too rapid importation of the pretious metals, its materials: of money of the secondary sort, by the unlimited creation of it.

In regard to scarcity, two remedies commonly relied on as sufficient are essentially inadequate: cultivation of wastes, and importation, with or without bounties, in the ordinary course of trade, I mean by individuals on their own account, taking their chance in respect to sale and price. Two others commonly shrunk from, but the only ones upon which any safe reliance can be placed, [are] magazines, on public account, and allowance declaredly and liberally given to exportation of capital and emigration.

By *inadequate*, in speaking of cu[l]ture of wastes, I certainly do not mean undesirable: but where is the resource when all shall have been brought into culture? a state of things which some persons now living may perhaps live to see. The arrival of the[se] times is an event worth calculation, but [this] is not a fit place. In the mean time, encrease of mouths is going on, as fast perhaps as the encrease of land in a state to feed them.

[003_266] [18 December 1801]

Importation, as a permanent and constant recourse, is another recourse essentially inadequate, because it supposes a constant surplus, constantly at our command, and adequate to our encreasing wants. The recent inadequateness of it [is] matter of experience: it has been grievously expensive, and still inadequate. Relying on it, we remain in a state of continual dependence for our daily bread: the state, whatever it may be, from which we draw the largest portion of our supply, has us at its mercy. The system pursued till within these |^^| years,¹⁰⁵ the system of bounties on exportation, supposed an habitual deficiency of corn in the rest of the commercial world: the system of importation supposes an habitual redundance. Both suppositions are random ones: both can not be true at the same time: but the risk attendant on the former is as nothing in comparison of that attendant on the latter. Quantity for quantity, to fail of filling up a deficiency is a much worse misfortune than to fail of getting rid of a superfluity upon advantageous terms: and the superfluity formerly got rid of was but a small part of the deficiency of late endeavoured, and in vain, to be filled up. Measure for this purpose has never yet been taken of the commercial world: the world is a

¹⁰⁵ See p. 000 n. above. [To note to UC iii. 177, this file]

large place, and corn in abundance grows in it: greater precision than this calculation¹⁰⁶ has never aimed at.

[003_267] [19 December 1801]

*Magazines*¹⁰⁷

It is time to cast off antipathies and panics, and look difficulties in the face. Subsistence must remain for ever precarious, or magazines must be established. Wheat with the inferior grains rather than corn—rice from Hindostan would stand clearest of objection. The objections that have been urged against magazines are strong, perhaps conclusive. But they all turn upon a state of things out of which we have emerged, and in which nothing but some unexampled calamity can replace us. They turn upon an habitual sufficiency, either actual or possible, of the average stock of grain for the subsistence of [the] stock of inhabitants. With us, barring calamity as above, or emigration to an unexampled and improbable amount, the very possibility of such a sufficiency is gone for ever. Population has already outstripped culture. Population having no limit, so long as food is to be had from abroad in exchange for wealth—that culture should ever again keep pace with it seems altogether improbable, that it should long continue so to do is, unless contiguous land were to arise out of the sea, impossible.

[003_268] [19 December 1801]

It is not certain that magazines could not be so ordered as to pay their own expence: although it were, and although that expence were to amount to several millions a year, it need not be grudged. Indemnification against loss by fire, has been left, as it might be left with safety, to individual anxiety, and no one has ever contested the claim of that anxiety to the praise of prudence. Insurance against scarcity can not be left with safety to individual exertion: every man may purchase at an insurance office the sort of security it deals in; every man can not build a granary, purchase a cargo of corn abroad, and freight a ship with it. Cost what it will—we can afford to pay for this as well as every other security that is to be had for money, and we ought to have it. States comparatively poor, have not grudged themselves this resource. Shall the nation most famed for opulence hold herself too poor to purchase it?¹⁰⁸

¹⁰⁶ MS ‘calculations’. Bentham has changed the number of the verb but omitted to change that of the subject.

¹⁰⁷ The title is taken from the marginal subheadings on the majority of the text sheets in this subsection.

¹⁰⁸ In the margin, Bentham has noted at this point: ‘Refer to Geneva[?] and quote Rendor’, while the following appears on the next folio (UC iii. 269): ‘The following passage, from a work just published by D^r Rendor, points to facts, in their own nature matters of notoriety, and such as at least may be worth enquiry.’ Bentham has not supplied the passage in question, but he may have had in mind Wilhelm Rendor, *A Tour through Germany: particularly along the banks of*

[003_270] [19 December 1801]

Envy and jealousy are passions [to]¹⁰⁹ which, if the secrets of the heart could be laid open, many a useful plan would be found to owe its rejection or defeat. To a plan for the benefit of the public alone there is in general no disinclination: for the benefit is spread abroad in impalpable and indistinguishable portions, and no one individual can be distinguished as reaping any distinct or superior share of it. But if an individual can be found who, besides his share in the profit of the public, reaps a profit of his own, this separate profit, instead of being added to that of the public in the account, is considered not merely as so much loss, but as that sort of loss which, though it be but a small fraction—a tenth, a twentieth, or a fiftieth—of the gain, shall be considered as outweighing it. Experience has brought to my view many incidents which have presented themselves to me as evidences of this feature of the public mind, and which in this country is, I believe, at least as prevalent as in any other. Men whose opportunities of observation have been beyond comparison more extensive, have from their own experience, joined their suffrage on this head to mine. That the benefit to the public should have for its author the individual by whom the private benefit would be reaped is a circumstance by the consideration of which the bent of the public mind would not be varied. If, on any occasion, the interest of the public and the interest of the individual happened to be so combined and tied together, that on condition of seeing the [003_271] [19 December 1801] individual reap a profit to the amount of a hundred thousand, the public might reap a profit to the amount of a million, the plan would be turned aside from or rejected. Whatever satisfaction might be excited by the idea of the million gained by every body and nobody, would be sowered and turned to regret by a glance of the hundred thousand pound gathered into a store of which the owner was in view. In the account of wisdom and good sense, the profit to the public would be eleven hundred thousand pound: but in the account of jealousy and envy, the million would be dropped, and the hundred thousand would stand alone with the negative sign before it.¹¹⁰

If the view of an authorized gain to any such amount thus accruing to a blameless individual

the Rhine, Mayne, &c. and that part of the Palintate, Rhingaw, &c. usually termed the Garden of Germany, London, 1801, pp. 339–40.

¹⁰⁹ MS ‘from’.

¹¹⁰ In the margin, Bentham has noted at this point: ‘Were I to give particular instances, which I could in abundance, personal [.^.^?], it would be said, and not the prevention of scarcity, was the object, and thus again the public eye would be turned aside from [^^^].’

‘But I will do no such injury to the cause.

‘The plan in which the connection [between public and private profit] is the strongest will be the best executed: but the plan in which there is no such connection will be most likely to be chosen.’

would not be fatal to the plan, the view of an unauthorized gain to any such amount would be fatal to it at any rate. If places to that amount were necessary to be created, the countenance shewn to the plan would scarcely be less severe.

[003_272] [20 December 1801]

The more formidable this source of objection is, the more fortunate it is to the Magazing system to be capable of being disengaged of all objections from this source. Fortunate it may be in this respect, that the same state of society which has given birth to the demand for this species of public economy, furnishes the means of satisfying the demand without encountering the force of those objections which might have been so formidable at an earlier period. In the East India Company, the solution of the problem may be recognized at a single glance. A system of immediate management ready formed, and ripened by the experience of ages—an immense capital already accumulated in the only country from whence the supply can be obtained with regularity and certainty, and susceptible of extension to any amount that can be required—power already established, and competent, to the ensurance of a degree of regularity in the supply such as would in vain be expected at the hands of any foreign and independent state—a climate not exposed to those vicissitudes [under]¹¹¹ which our own is condemned to struggle—a mass of population prepared to submit (in case of necessity) to occasional pressure under an habitually good government, by the memory of frequent and wanton pressures under a bad one, which by reason of the superiority of its amount is by so much less affected by the casual defalcation of any given quantity—a class of subjects blessed with proverbial patience, and capable of sparing a portion of even a scanty supply (were it necessary) with less murmuring, with more resignation, than would be manifested by European spirits at the idea of parting with a small portion out of a sufficient one. [003_273] [20 December 1801] In these circumstances taken together may be seen a cluster of requisites such as never met[?] in favour of any other nation, or of our own in any former time, and such as take the system compleatly out of the case in which it stands exposed to those formidable objections that have their root in the passions and infirmities which have been brought to view.

The proper object in view is—not to prevent fluctuation but only to confine it within proper limits—not to supersede the supply from home produce, not to furnish any part of the supply that can be provided by home produce—but to furnish so much, and so much only, [as] can not be furnished from that source. A fixed price for the supplemental hoard would either be more than sufficient for the grower of the principal stock in favourable years, or what would be beyond comparison worse, less than sufficient in unfavourable ones.

¹¹¹ MS 'to'.

Although no profit were to be annexed to the management, the burthen, for such it would be, would fall upon a company not incapable of bearing burthens; but it seems difficult to say why use of capital, and labour of management, joined to more than ordinary responsibility, should be less requited in this than in other instances.¹¹²

The very thing that has been aimed at by the export-and-import system with means formerly adequate and effective, but now become inadequate and inapplicable, would be accomplished under the magazining system with its East Indian amendment by means as adequate to the object as any that the vicissitude inseparable from human affairs admits of.

[003_274] [20 December 1801]

I have heard of an intention so to order matters that the price of wheat shall be made, or at least permitted, to rise as high as 10^s a bushel, I suppose by restraint on importation till it has arrived at that mark: and I have heard that price admitted to be sufficient, though not more than sufficient, but the means insufficient, unless a bounty on export be of the number.

If what is above observed respecting the want of land be just, that or any still higher price, with or without a bounty, will be inadequate, and if a bounty be given, the amount of it will be so much thrown away. The quantity of cultivated land not being augmented, or at least not being augmented in proportion to the existing deficiency of agricultural produce, added to the growing superflux of population, whatever quantity is added to corn will be so much taken from other produce. As to the bounty, so much as it amounted to, by so much would the scarcity and price of the aggregate of all agricultural produce taken together be enhanced. So much more corn as was produced in consequence, so much less of other agricultural produce would be producible by the

¹¹² The following related fragment is at UC iii. 276: ‘The supposition of the practicability of the plan in point of profit is taken from the mercantile statement given by M^r Arthur Young. Against the expences of freight in a voyage of such length are to be set, the superior productiveness of the climate, the superior cheapness of labour in that climate, and the inferiority of bulk in a mass affording equal nourishment. If, bulk for bulk, rice contains thrice the quantity of nourishment that wheat does, a six months voyage of a cargo of the Asiatic rice will cost no more than a two months voyage of a cargo of the British grain.

‘The profit, if any—the profit, be it little or much—would be so happily distributed, and dispersed—that it would be beyond the ken of any ordinary eye to fix upon any one individual who should be in any assignable degree the better for it. Not only the sharers in it would be an indeterminate and ever changing multitude, but the profit itself would be swallowed up and confounded in an ocean of other profits. If in the highest sphere of management the labourer should claim to be worthy of his hire, even this’

The text is abandoned at this point, while Bentham has added in the margin: ‘Who so caused it might partake of it.’ For Young’s advocacy of importation of rice by the East India company see *Question of Scarcity plainly stated*, pp. 80–1, 91–2.

same land: and of the extra quantity of corn produced, a part at least is proposed to be, and by the supposition must be, sent out of the country. What part and what proportion it may bear to the whole extra [003_275] [20 December 1801] produce, the expected fruit of the bounty, is what I will not pretend to give the most random guess at: any more than what it would be necessary the bounty should be in order to pay foreigners for coming for their corn to a country labouring under an habitual dearth and scarcity. Produce, I am aware, may be augmented in certain circumstances, otherwise than by augmenting the quantity of land in culture. The quantity of mineral manure and labour might be increased at any time; the quantity of vegetable and animal manure might be increased in time. But the addition from this source to the means of produce (without addition to land) would take place in regard to such lands as the bounty should find understocked with capital at the time: besides that a part of it would, even in that case, be added by the farmer to his provision¹¹³ of instruments of present enjoyment—to the unproductive part of his expenditure: whereas the bounty would be received as well for the produce of land unsusceptible of further improvement, as for the produce of the most improvable and scantily stocked lands.

Insufficient against scarcity, these enhancements of the prices of corn will be still more palpably so against dearth—against enhancements of the aggregate of prices of all sorts of things taken together: for stopping the augmentation of the aggregate of prices—that is the decrease of the value of money as applied to the purchase of vendible things of all sorts, there is but one course to take, which is to stop the augmentations in the quantity of it.

[003_277] [20 December 1801]

Colonies¹¹⁴

The encrease of wealth and population being at length established by evidence,¹¹⁵ gives a new turn

¹¹³ MS orig. ‘fund of present stock’.

¹¹⁴ The title is taken from the marginal subheading on the text sheets.

¹¹⁵ Regarding the evidence of an increase in wealth, Bentham probably had in mind the contemporary estimates of national income made by Rose and Beeke, as well as the earlier estimate by George Chalmers (bap. 1742, d. 1825), antiquary and political writer. Rose calculated that the total national income was £125,000,000, a much lower estimate than that of Beeke, whose figure of £217,500,000 included an additional £110,000,000 of labour costs: see Rose, *Brief Examination*, unpaginated Appendix No. 7; Beeke, *Observations on the Produce of the Income Tax*, p. 136. Chalmers determined that the total national income at the end of the seventeenth century was approximately £43,500,000: see George Chalmers, *An Estimate of the Comparative Strength of Britain during the present and four preceding reigns; and of the Losses of her Trade from every war since the Revolution*, London, 1782, p. 2.

According to the returns that were published following the 1801 census, which was undertaken in accordance with the Census Act of 1800 (41 Geo. III, c. 15), the total population of England and Wales was approximately 8,872,980,

to every thing. It converts exhaustion into relief, and gives to shortsightedness the effect of perspicacity. If capital and hands must emigrate—and emigrate ere long the hands must do, or be starved—better to spots within the empire, at least so as provided our expence in governing and defending them does not encrease with their population—better to places within the empire—for happily, removal to Ireland is no longer emigration¹¹⁶—than elsewhere. Where (as if the plea of necessity and self-defence were not strong enough) the Ministers of that day made war, as they said, for indemnification,¹¹⁷ indemnification was, as to this island it always has been and always will be, impossible. In the account of relief to national burthens, untaxable colonies are all loss: for this plain reason, because the goods obtained from thence are not to be had without equivalent, any more than if obtained from foreigners—taxes on imports from thence are paid by ourselves—taxes upon exports, that is taxes paid by others than ourselves, are, by another species of blindness, reprobated—the labour which is only turned aside from channel to channel being looked upon sometimes as being created by the diversion, sometimes as being destroyed by it. Remain the expences of governing and defending—in peace and in and by war—expences for which no indemnification is to be found in any shape: plus the capital transferred from the mother country to these dependencies, and which to the mother country is so much thrown away.

[003_278] [19 December 1801]

Thus stands the account, so long as the land suffices for its inhabitants in prospect as well as

with a further 469,188 people enlisted in the army or navy and 1,410 people imprisoned in disused naval hulks. The population of Scotland, with the exception of parishes in Aroyleshire, Cromartyshire, and Larnarkshire, for which no returns were received, was estimated at 1,599,068. See ‘Abstract of the Answers and Returns Made pursuant to .^.^.’ “An Act for taking an Account of the Population of Great Britain, and the Increase or Diminution thereof”, 21 December 1801, in *Commons Sessional Papers* (1801) vi. 1–533, at 503, 553. In the ‘Observations on the Results of the Population Act, 41 Geo. III’, an attempt was made to calculate the total population increase in England and Wales, and in Scotland, from 1700. The population of England and Wales in 1700 was estimated at 5,475,000, and the population of Scotland at 1,048,000: see *ibid.* at 473–4.

¹¹⁶ The Act of Union of 1800 (39 & 40 Geo. III, c. 67, Art. 1) stipulated that, from 1 January 1801, ‘*Great Britain and Ireland*’ would, ‘for ever after, be united into one Kingdom’, thus rendering any movement of labour from Britain into Ireland no longer emigration to another territory.

¹¹⁷ Bentham may have had in mind the assertions made by Pitt on 25 April 1793, regarding British involvement in the war with Revolutionary France, which France had declared on 1 February 1793. Pitt told the House of Commons that ‘this country was justly entitled to proceed on the war against France, to repel her unjust attacks, and .^.^ to chastise and to punish her, and to obtain indemnification for the past, and security for the future’, and that ‘indemnification for an unjust aggression, and future security, were the objects of the war’: see *Parliamentary Debates* (1793) xxxv. 302, 312. Bentham’s reference to ‘that day’ alludes to the fact that Pitt was no longer in office, having tendered his resignation on 3 February 1801, although, owing to the temporary insanity of George III, his departure was delayed for just over a month.

in existence—and so long as efflux, whether of hands or capital, is a loss. But when efflux in both ways is become a relief—efflux of hands and mouths by mitigating scarcity—efflux of capital by mitigating the income-tax imposed by capitalists upon capitalists, as capital accumulates and the rate of interest, the income obtainable for the use of it, is borne down—in this already impending, yet although impending scarcely yet so much as imagined state of things—Colonies, though still a drain, are notwithstanding—and even because they are a drain—a relief.

NOTE TO TYPESETTERS: Please present the verse in the editorial footnote to the following paragraph as a displayed quotation.

The retribution for the past expence is—a prospect from Paradise lost—a prospect such as the Angel shewed to Adam¹¹⁸—men spreading in distant climes, through distant ages, from the best stock—the earth covered with British population, rich with British wealth, tranquil with British security—the fruit of British law.

¹¹⁸ See John Milton (1608–74), *Paradise Lost*, first published in ten Books in 1667 and in twelve Books in 1674, Bk. XII, lines 17–23, where the archangel Michael fulfills his earlier promise to show ‘To Adam what shall come in future days’ (ibid., Bk. XI, lines 113–14), when men:

Shall lead their lives, and multiply apace,
 Labouring the soil, and reaping plenteous crop,
 Corn wine and oil; and from the herd or flock,
 Oft sacrificing bullock, lamb, or kid,
 With large wine-offerings poured, and sacred feast,
 Shall spend their days in joy unblamed, and dwell
 Long time in peace by families and tribes.