

APPENDICES

TO

INSTITUTE OF POLITICAL ECONOMY

NOTE TO TYPESETTER: Please begin new page.

[017_143] [29 October 1800]

APPENDIX A*

FIRST DRAFT

Introduction: Difficulties (October 1800)¹

The course taken by an enquiry into the true principles of political economy winds between two opposite imputations: the imputation of nugatoriness on the one hand, and the imputation of error on the other.

At first comes a string of propositions so obviously true, at any rate when once brought to view, perhaps even already so familiar that they appear not worth mentioning: at length, on a sudden up starts another proposition which, though an incontrovertible inference from this string of self-evident and therefore nugatory truisms, runs directly counter to some universally, or almost universally, received opinion, and therefore presents itself as paradoxical, and to such a degree

* [Editor's Note: This Appendix contains a discussion directly linking 'Method and Leading Features of an Institute of Political Economy' with Bentham's efforts in October 1800 to achieve several different goals. In the first place, he wanted to complete both 'Circulating Annuities' and 'Abstract or Compressed View of a Tract intituled *Circulating Annuities*'; in the second, he was beginning to plan a new work, 'Thoughts on Paper Money'; in the third, he was still drafting brouillons in preparation for a work which would broaden the specific focus of his Annuity Note plan to address the production of wealth in general, and the role of money in that production, for which his draft title was 'National Prospects in the Field of Political Economy, or Picture of Futurity'. At almost the same time, under the generic heading 'Polit. Economy', Bentham drafted the discussion reproduced here. On the one hand, the fact that the discussion predates Bentham's first use of the title 'Method and Leading Features of an Institute of Political Economy' at UC xvii. 158 (25 August 1801) by almost ten months might be taken as evidence that it was not drafted for any such work. On the other, the fact that none of Bentham's manuscripts for that work written before March 1804 bear the short heading 'Institute', but rather some variant of 'Political Economy', together with the fact that in March 1804, when reviewing the existing text of 'Institute' by means of marginal contents sheets compiled by Koe on his instruction, Bentham noted of this discussion—at UC xvii. 340 (6 March 1804)—'*Precognita*. Ch. 2. Money or wealth. Non-Ag[enda]. Encreasing money', indicate that Bentham did view it as having been drafted for 'Institute', although remaining clearly undecided about the position in which it might be utilized to best effect. Since his final draft of the discussion of 'Encreasing money' does survive at UC xvii. 332–3, pp. 000 above, and shows no indication whatever of any intention on his part to incorporate the much earlier discussion, it is excluded from the work in the present volume, but reproduced here as the first Appendix to 'Institute'.]

¹ The title is taken from the marginal heading on the text sheet. On the corresponding marginal contents sheet at UC xvii. 340 (6 March 1804), the alternative '*Precognita*' appears, as well as 'Ch. 2 Money or wealth. Non-Ag[enda]. Encreasing money', for which see pp. 000–000 above [To UC xvii. 332–3, 'Method and Leading Features of an Institute of Political Economy'] indicating that Bentham considered using this material later in the work than s implied by the title 'Introduction'. For further details see the Editorial Introduction, pp. 000 above.

paradoxical as not capable of being received as true.

Of the language of this branch of science, it is the characteristic property to be composed of terms and propositions most of them to the last degree familiar, and at the same time many of them of the most extensive import: they are [on]² the lips of every body, while the import of them is so extensive that there is scarce any body whose mind is capable of taking in the whole of it. Hence the language—and, as far as opinions are formed and convey'd by language—the opinions of men in this ground are composed of propositions such as, each taken in its totality, are many of them mutually repugnant—asserting and at the same time denying the existence of this or that matter of fact—or asserting the co-existence of two facts incapable of co-existence.

[017_144] [29 October 1800]

In the mechanism of political society there are certain facts apparently contradictory—seen to exist together and yet to appearance incompatible—involving a contradiction which seems never hitherto to have been removed—a contradiction, however, which, till it has been removed, will leave a multitude of points of the highest practical importance in such confusion as will render it impossible to come to any satisfactory determination what course in relation to those points ought in preference to be pursued.

I will begin with what is true in reality, as well as in appearance.

1. The national wealth—the wealth of the community—is the sum of the several masses of wealth belonging to the several individuals of which that community is composed.

2. The addition made to the mass of wealth at the end of each year is the sum of the savings made by all the individuals in question in the course of the year. It is the difference between the sum of the *comings-in* and the sum of the *out-goings* in the course of the year.

[017_145] [29 October 1800]

3. What is thus true of the several masses of wealth of all sorts put together, is true of the several masses of each sort in particular:—of *money* of all sorts consequently, amongst the rest. The addition made to the national mass of money in each year is the difference between the sum of the masses either produced or imported in the course of the year, and that of the masses either consumed or lost by destruction or otherwise or exported in the course of the same year.

² MS 'in'.

4. In the case of the individual—in the case of each and every individual—the mass of general wealth possessed by him (i:e: the mass of wealth of all sorts except money) is the greater, the greater the mass of money he possesses. If, on the first of two days, he possesses, or, what comes to the same thing, has it in his power to possess at any time and keep for what length of time he pleases a thousand pounds weight of gold—coined into guineas, he possesses 48,500 guineas: in pounds sterling, £50,925 pounds: if, on the next day, he possesses, as above, two thousand pounds weight of the same valuable article, he is truly and exactly twice as rich as he was the day before. He has it in his power to command twice the quantity of general wealth—of wealth non-pecuniary—of wealth of all kinds other than money, on condition of parting with all the money: or of money and non-pecuniary wealth together, on condition of parting with the requisite proportion of his money.³

[017_146] [29 October 1800]

Thus far the *nugatory*.—Now comes the *paradoxical*—which, to the eyes of the great bulk of men, and even reading and thinking men, is the same thing with the untrue.

The first of the two days in question, the quantity of coined gold possessed by the whole community taken together is a million of pounds weight, and no more. The second day, it is two millions. What follows?—On the second day, instead of being as rich again in wealth non-pecuniary as, we have seen, the individual was, as on the first, it is no richer than it was before: instead of having twice the quantity that it had of wealth non pecuniary at command that it had, it has no more at command than it had before.

True it is, that by exporting into other communities this suddenly acquired mass of gold, or any given part of it, it may obtain in exchange the possession of an addition to a certain amount to its mass of non-pecuniary wealth: but in proportion as such exchange obtains, the case last supposed is altered. The community in question—Great Britain—ceases to possess the additional million of gold: whereas, in the case of the individual, whatever proportion of gold he parted with in order to obtain a correspondent mass of non-pecuniary wealth, the quantity of wealth remaining in the community (Great Britain) remained undiminished.

[017_147] [29 October 1800]

Lastly, to do away the seeming *inconsistency*—to reconcile the *paradox* with *truth*.—When

³ In a marginal contents sheet at UC iii. 85 (30 October 1800), headed ‘Paper Mischief. Polit. Economy’, which corresponds in part to this material, Bentham has added the following content at this point, for which there is no text:

my individual found his quantity of gold money doubled, the value of it was not—any part of it—lessened—the quantity of non-pecuniary wealth which it gave him the command of was not—as to any part of this mass of gold—lessened by the addition so made to the whole:—for though in the coffers of the individual there was as much again the second day—in the whole community—in Great Britain taken together—there was [not] any greater quantity on the second day than on the first.

The whole mass of non-pecuniary wealth, or vendible commodities, sold within the year, is worth the whole mass of pecuniary wealth or money, that has been given or undertaken to be given in exchange for it within the year: the actual quantity of money being multiplied by the number of times it has been thus given in exchange: the one mass is worth the other, for, by the supposition, it has been given in exchange for it: and this and no other is, on this occasion, the meaning of such words as *worth* and *value*.

[017_148] [29 October 1800]

This equality of exchangeable *worth* and *value* as between mass and mass—mass of pecuniary wealth and mass of wealth not-pecuniary—is at all times the same, whatever in quantity be the difference between the respective masses. When, by passing each particle of it upon an average three times in the course of the year, the single million's weight of gold in circulation bought the whole of the mass of non-pecuniary wealth in that year, it was worth the whole of that mass of non-pecuniary wealth: it gave to its several successive possessors taken together the command of that whole mass. When, by taking the same course the two million's weight of gold gave to its successive possessors, as above, the command of that *same* mass of non-pecuniary wealth (the latter mass, by the supposition, not having received any encrease), the two million's weight of gold was of the same worth and value in respect of non-pecuniary wealth—gave to its successive possessors at the several successive periods the command of the same quantity of non-pecuniary wealth, neither more nor less, as the single million did before: this double mass being composed of two million's weight, each million's weight was consequently at this second period worth but half as much as the single million's weight was at the first period.

[017_149] [29 October 1800]

Here then, lies the difference between the wealth of the individual, and the wealth of the community—between additions made to the pecuniary wealth of a single individual or small number of individuals (or any number of individuals less than the whole number) taken separately,

'Unless imported, in which case it is so much added to the *wealth* of the community.'

and additions made to the pecuniary wealth of the whole number of individuals of which the community is composed. To the pecuniary wealth of any single individual or inferior number of individuals, an addition may be made to any amount without any addition made to the pecuniary wealth of the whole community taken together:—viz: by its being taken from some part of the mass possessed by others—and it is on this supposition, and this supposition only, that an addition can be made to the pecuniary wealth of an individual without lessening its value as compared with the mass of non-pecuniary wealth, as above. On this supposition, the quantity of pecuniary wealth in the community is no greater after the addition than it was before. On the opposite supposition—on the supposition that the addition made to the pecuniary wealth of the one individual or set of individuals is made to it without being taken away, any part of it, from the pecuniary wealth of any other individual or individuals, the addition to the pecuniary wealth of the individual or particular set of individuals is made to the wealth of the whole community or total number of individuals:—and the proportionable loss of value, to each particle of the thus increased mass of pecuniary wealth, takes place.

NOTE TO TYPESETTERS: In the following paragraph and the accompanying footnote, $\frac{1}{1001}$ and $\frac{1}{999}$ to appear as fractions please.

[017_150] [29 October 1800]

An addition made to the money of an individual by importation, or otherwise without being received and taken from other individuals, members of the same community, will make to the amount of his wealth an addition not perceptibly less than its own amount. But, being at the same time an addition to the stock of money of the community, the real addition thus made to the wealth of the individual will be diminished by a sum which is to the amount of the added money of the individual as *that* is to the total stock of money of the community. Stock of money in the community before the addition [£]1,000,000. Share of that stock belonging to the individual, £1,000: addition, £1,000. As the £1,000 is to the £1,000,000—i:e: as 1 is to £1,000—so is the defalcation from the quantity of wealth produced by the money added to the amount of the money added. He has now £2,000 of money: but each £1,000, instead of being worth $\frac{1}{1,000}$ th part of the wealth, is worth no more than $[\frac{1}{1,001}]^4$ part. The nominal £2,000 is worth, in fact, but £1,998.

[017_151] [29 October 1800]

Thus it is, that, of every fresh portion of pecuniary wealth which is introduced into the

⁴ MS ' $\frac{1}{999}$ th'.

circulation of the community and employ'd in making purchases within the year, and which has not the effect of producing an *equivalent* or *correspondent* portion of non-pecuniary wealth sold within the year, the effect is to produce a proportionable degradation in the value of the total mass of pecuniary wealth existing after such addition, including its own amount, and that of the original mass into which it is poured: or, to express the same result in other words—to produce a proportionable rise in the money prices of vendible commodities taken together—in the money price of the whole mass of non-pecuniary wealth taken together: and consequently either in the price of every article of which that aggregate mass is composed—or at any rate in the prices of a great number of those articles.

[017_152] [29 October 1800]

If the effect of a portion of pecuniary wealth thus added to the mass of pecuniary wealth of a community be to bring into existence a portion of non-pecuniary wealth that would not have been brought into existence in the community otherwise, in so far, and to the amount of such new produced portion of non-pecuniary wealth, the degrading operation of the portion of pecuniary wealth is taken off.⁵

[017_171] [24 October 1800]

Chapter I.

Place of Political Economy in the Map of Political Science

The object of the present work is to enquire what is the most suitable course for the sovereign of a country to pursue on each occasion, within a certain field of action that will presently [be] marked out, in his endeavours to compass what ought in every government to be in every degree, and is to a certain degree, the end or object aimed at—viz: the maximum of happiness with reference to the several members of the community taken together, and with reference to the whole expanse of time.

⁵ Bentham has noted in the margin at this point: ‘The *quantity* added, and the *suddenness* is excessive, and made so only for illustration. No great or sudden addition *is* ever made in *gold*: but *has* [been] in *paper*.

‘*Application* without *addition* is competent to the making an addition to *capital* and *wealth* every year adequate to the addition to *capacity for labour* in that year.

‘This leaves no room for an extra-addition by addition to money, and without such extra-addition, no addition to money can produce any other effect than rise of prices.

‘Rise of prices is an index of the extra-addition to money, and a *measure* of the quantity of it.

‘That the rise of corn has not been in proportion to rise of other prices seems to be an indication of advance of good husbandry.’

This object may be termed the general end, or *end paramount* with reference to [certain]⁶ other objects which separately taken are objects of less extent and of subordinate importance: I mean 1. Subsistence. 2. Security. 3. Enjoyment⁷ or Opulence. 4. Populousness. 5. Liberty. 6. Equality.

The subject matter of the present work being—not the entire field of the art of government (including its principal branch, legislation) but only that part of it which is understood to appertain [to] that department of it which has received the name of political economy—the object consequently is—not to enquire what course it will be the properest for the sovereign [017_172] [24 October 1800] to take on every occasion that presents itself to his notice, but only on such occasions as are understood to come within the field of enquiry of the branch so denominated, and within the field of action of the corresponding branch of the art of government—the art of government in matters of political economy.

In a few steps more we shall come to the point of separation between this and the several other branches of the art of government, but so far as concerns the being directed in common [to] the one end paramount, and the [four]⁸ immediately subordinate ones that have just passed under review, they remain united and indistinguishable.

Much convenience will result from the employment of these [four]⁹ words. By these four points, as it were, we see marked out the bounds and dimension of this whole field of science. Familiar in their use, they will serve to familiarize us at once in some degree with the whole compass of the science: they will engage the attention without effort, and fix it without aberration or fatigue: comprehensive so much so as to be all-comprehensive, they will serve as an index to every measure which can present itself or have presented itself as conducive to the common end.

[017_173] [24 October 1800]

In these [four]¹⁰ grand objects of contemplation we may behold so many independent powers, sometimes in a state of harmony and subservience with reference to one another, sometimes in a state of rivalry. The former case presents no difficulty: in the latter, the legislator will find an option for him to make, and a determination to which of the contending powers he shall do homage in preference: for the forming of which determination he has no other enquiry to make than which of

⁶ MS alt. 'five'. The text follows MS orig.

⁷ MS orig. 'Abundance'.

⁸ MS alt: 'five'.

⁹ MS 'five'.

¹⁰ MS 'five'.

those four subordinate objects it is, the pursuit of which will lead him by the shortest and surest track, and in the most perfect degree, to the attainment of the one supreme and general end abovementioned.

They will form so many centers of arrangement, by means of which the several measures to be taken in the department of government, and the several reasons or points of utility by which those measures are recommended, may be [classed].¹¹—so many compartments or boxes in which they may be lodged.

[017_174] [24 October 1800]

The word *subsistence* has no need of explanation: the conception belonging to it is as simple as it is familiar.

It is otherwise with the word *security*. Security is not to be understood but by its reference to mischief: the chance of which is *danger*, and the expectation, *fear* or apprehension.

Security will, to the present purpose, require to be distinguished and branched out in two respects; in respect of the *source* of the mischief, and in respect of the *object* it affects.

The source, as

I. Human agency

1. Foreign aggression from without, or hostility.
2. Aggression from within—or delinquency.
 1. on the part of the subject. 2. on the part of government.

II. Agency other than human—i:e: calamity.

The object, as Person—property—reputation—condition in life.

Security is diminished in two ways: by *defalcations* and by *shocks*. Shocks are only danger and alarm: but defalcations *ex vi termini*¹² can affect only a part: shocks may affect the whole. For defalcations from security a demand—and that a continual and uneludible one—is presented by the several other co-ordinate ends: there is for general shocks no such demand on the part of any one of them.

¹¹ MS ‘classes’.

Enjoyment¹³

[017_175] [24 October 1800]

Happiness is a vain word—a word void of meaning—to him to whose mind it does not explain itself by its reference to human feelings—feelings painful and pleasurable—pains and pleasures.^a

^a Politics, not less than Medicine or any other branch of physics, is an experimental science. Feelings—not words, are the elements that compose it—the elements of which the subject-matter of the science is composed. Each science has its pathology—Laws are the *materia medica* of the political body:—therapeutics, legislation.

Government—legislation—political economy would be a study without an object—a labour without fruit—but for their reference to, and influence on, human feelings. Propositions bearing reference to those feelings—indicative of the influence exercised on those feelings by those events which government and legislation seek to regulate—may be termed propositions of pathology—and, to distinguish them from those propositions of corporal pathology about which the art of medicine is conversant—propositions of mental pathology. And should they, in point of self-evidence and application to practice, be regarded as standing in the place of the propositions termed axioms in mathematical science, they may here also claim the title of *axioms*.

[017_167] [25 October 1800]

Chapter 2

Demand for interference

What is incumbent on the legislator is to take care that that course of action be pursued by the whole community that is most conducive to the general end in view: that subsistence, security in all its branches, opulence and equality be attained collectively in the highest degree, and separately in the highest degrees respectively proportioned to the degree of their comparative importance.—But from its being his care to see that that most eligible course of conduct be pursued, it does not follow that it is necessary that whatever step is taken in that course should be the result of measures taken by himself in that view. What concerns him is—that the desirable effect should take place:—not that it should have his own agency for the cause. If the end could be accomplished without any interference on his part, so much the better: and so much as will take place of itself, so much he will

¹² i.e. ‘from the force of the term’.

¹³ The text is abandoned at this point.

suffer to be done. The whole course of legislation, though a necessary evil, is still an evil: the legislator can not stir, but what he does is felt in the shape of hardship and coercion somewhere. An attempt on the part of the legislator to produce by his interference an effect that will take place without it, is waste of labour on the part of the legislator: if it be attended, as is most commonly the case, with any act of coercive authority, it is a defalcation from liberty—and that, by the supposition, a useless one—on the part of the subject. A propensity leading to the requisite ends, general and subordinate, is implanted in every breast he has to deal with: it is the endeavour, or at least the wish, of each individual to see those several blessings, in his own instance at least, carried to the highest pitch: the course which each individual will take of himself is, therefore, the [017_168] [25 October 1800] course that will be most conducive to the end in view, in so far as it can be pursued without thwarting other individuals in their course, and in so far as his own stock of information is adequate to the reflecting the proper light upon his steps.

That the uncoerced and unenlightened propensities and powers of individuals are not adequate to the end without the controul and guidance of the legislator is a matter of fact of which the evidence of history, the nature of man, and the very existence of political society are so many proofs.

In looking over the four several subordinate ends of political action, we shall [see] a great difference in respect of the demand they respectively present for the interference of the legislator. *Security* is more especially and essentially his work: in regard to subsistence, opulence and equality, his interference is comparatively unnecessary. From the very first dawn of society we find him occupied about security: and for a long time scarcely at all in the pursuit of those other ends. It is by the agency of the sovereign that political society, as contradistinguished to natural, owes its existence, and of which a degree of security before unknown is the immediate fruit. Without this degree and course of action on the part of the sovereign, political society could not exist: it may exist, and in all societies has existed, at a period when little or nothing has been done by the sovereign in the view to those other ends.^a

^a Purposed sacrifice of opulence in Sparta—to security *ab extrà*: also of equality and security *ab intrà* on the part of the Helots.

[017_169] [October 1800]

Liberty demands the same distinction, in respect of the difference between *defalcations* and *shocks*, as Security.

Of men of turbulent ambition—of the enemies of the established government, whatever it

be—and with it of liberty as well as security and every other of the [four]¹⁴ blessings—it is the constant endeavour—the ever-practiced art—to confound this distinction—to magnify *defalcations* into *shocks*.

This pernicious propensity is in some the chargeable vice of the will, in others of the understanding.

And what demagogues have always done through passion, philosophers, sitting in their closets—in the course of their endeavours to make men either better or wiser or both—have done in but too many instances, through defect of understanding—for want of correct and comprehensive views.^b

[017_177] [22 July 1801]

^b Life of Benjamin Franklin.¹⁵ *Biographical Literary & Political Anecdotes &c.*, Vol. 2, p. 179.¹⁶—‘In one of the answers of the Assembly to the governor, there is a short passage of great beauty and sublimity. It is in these words. “Those who would give up essential liberty, to purchase a little temporary safety deserve neither liberty nor safety”. Upon which the writer of the Historical Review of Pennsylvania makes this remark. “There is not in any volume, the sacred writings excepted, a passage to be found better worth the veneration of free men.” Page 290, Edit 1759.’¹⁷

If, in the line of legislation, fame is earned slowly and with difficulty by truth and reason, this passage among others may serve to shew how quickly and cheaply it may be earned by nonsense. What is meant by ‘*essential liberty*’, what by ‘*temporary safety*’, are questions, in the mind of the panegyrist not worth asking: but be the meaning what it may, it is equally evident, that the goodness of the bargain will have depended altogether upon the proportions: upon the quantity of essential liberty given up, on the one hand, and the quantity of temporary safety purchased on the other.

Political fame—at least immediate fame—depends not on genius or any other intellectual

¹⁴ MS ‘five’.

¹⁵ This note was drafted on 12 July 1801, almost nine months after the composition of the rest of this appendix, and its insertion at this point is conjectural: for further details see the Editorial Introduction, p. 000 above.

The balance of this paragraph is in the hand of John Herbert Koe.

¹⁶ i.e. John Almon, *Biographical, Literary, and Political Anecdotes, of several of the most eminent persons of the present age*, 3 vols., London, 1797, ii. 179.

¹⁷ i.e. [Richard Jackson], *An Historical Review of the Constitution and Government of Pennsylvania, from its Origin; so far as regards the several Points of Controversy, which have, from Time to Time, arisen, between The several Governors of that Province, and their several Assemblies*, London, 1759, p. 290.

faculty, but on the harmony of passions and affections between the statesman who is the candidate for the reward, and the multitude who are the distributors of it: Grattan, for doing what depended upon him towards fomenting division between Britain and Ireland, for a single speech, without a particle of labour, genius, or personal risk, obtained a reward of £50,000.¹⁸ Pitt, for effecting an Union—Pitt and all his coadjutors put together—never got a farthing.¹⁹

Not only Price, who wrote metaphysical nonsense for the purpose of abetting the American Colonists in their revolt against the mildest of governments²⁰—Thomas Payne, who wrote it for the purpose of abetting all subjects in their revolt against all Governments²¹—Rousseau, who wrote for the purpose of restoring and chaining men to his favourite state of nature, and rendering the existence of government impossible at all times²²—The Declarers of the Rights of Man, who, for the purpose of overthrowing one government spread doctrines alike incompatible with the existence

¹⁸ Henry Grattan (bap. 1746, d. 1820), MP (in the Irish House of Commons) for Charlemont 1775–90, moved an amendment on 16 April 1782 for a declaration of rights of the Irish parliament, to secure its effective independence, under the Crown, from the British parliament in London. His speech was received rapturously, and the amendment carried unanimously. On 31 May, the House voted Grattan a grant of £50,000 (reduced from an initial proposal of £100,000, on the grounds that he was unlikely to accept such an amount), ‘for his unequalled services to this kingdom’. See *The Parliamentary Register: or, History of the proceedings and debates of the House of Commons of Ireland*, 17 vols., 2nd edn., Dublin, 1784–1801, i. 339–40, 383.

¹⁹ Pitt oversaw the passage through the House of Commons of the Act of Union of 1800 (39 & 40 Geo. III, c. 67) and, less directly, the corresponding statute of the Irish Parliament (40 Geo. III, c. 38), which created the United Kingdom of Great Britain and Ireland, and established a joint parliament.

²⁰ Richard Price (1723–91), philosopher and political radical, published a series of tracts sympathetic to the cause of the American revolutionaries, which placed their grievances within a broader consideration of the nature of civil liberty. See Richard Price, *Observations on the Nature of Civil Liberty, the Principles of Government, and the Justice and Policy of the War with America*, London, 1776; *Additional Observations On the Nature and Value of Civil Liberty, and the War with America*, London, 1777; and *Observations on the Importance of the American Revolution, and The Means of Making it a Benefit to the World*, London, 1784.

²¹ Thomas Paine (1737–1809), author and revolutionary, published *Rights of Man: being an answer to Mr. Burke’s attack on the French Revolution*, London, 1791, in response to Edmund Burke, *Reflections on the Revolution in France, and on the proceedings in certain societies in London relative to that event*, London, 1790. Paine wrote in defence of the revolution, against despotism and hereditary government, and argued for individual civil rights founded on natural rights.

²² Jean-Jacques Rousseau (1712–78), Genevan writer and philosopher, considered the legitimate basis for political orders in *Du Contrat Social, ou principes du droit politique*, Amsterdam, 1762, and argued that only active popular sovereignty could preserve and fulfil the natural liberty of human beings. See, for instance *ibid.*, p. 3: ‘Né citoyen d’un Etat libre, et membre du souverain, quelque foible influence que puisse avoir ma voix dans les affaires publiques, le droit d’y voter suffit pour m’imposer le devoir de m’en instruire. .^.^ L’homme est né libre, et par-tout il est dans les fers.’

of all government²³—undermining the ground on which they were erecting their own edifice—occasionally even the Montesquieus,²⁴ the Blackstones²⁵ and the Adam Smiths²⁶ have fallen into this error.

[017_170] [October 1800]

Subsistence can not be placed any where but at the head of the list of subordinate ends. Subsistence—actual subsistence, however, neither requires nor admits of any axioms of the pathological kind to [constitute]²⁷ the foundation of its importance. Without actual subsistence, neither suffering nor enjoyment.²⁸

NOTE TO TYPESETTER: Please begin new page.

²³ In the early months of the French Revolution, a Declaration of the Rights of Man and the Citizen became a *desideratum* of those seeking to legitimize opposition to the King. Several drafts were prepared and made public, by Emmanuel Joseph, Abbé Sieyès (1748–1836), pamphleteer, constitutional theorist, and politician, Joseph Michel Antoine Servan (1737–1807), Jean Joseph Mounier (1758–1806), and Gui Jean Baptiste Target (1733–1806). The draft adopted by the National Constituent Assembly on 26 August 1789, however, was the work of Marie Josèphe Paul Yves Roche Gilbert du Motier, Marquis de La Fayette (1757–1834), soldier and politician. A second and longer version, prepared by a commission including Louis Antoine Léon de Saint-Just (1767–94) and Marie-Jean Hérault de Séchelles (1759–94), was included in the Constitution ratified by the National Convention on 24 June 1793. For Bentham’s critique of the drafts by Sieyès, Mounier, Target, and Servan, see *Rights, Representation, and Reform: Nonsense upon Stilts and other writings on the French Revolution*, ed. P. Schofield, C. Pease-Watkin, and C. Blamires, Oxford, 2002 (CW), pp. 177–92.

²⁴ Charles Louis de Secondat, Baron de La Brède et de Montesquieu (1689–1755). Neither ‘natural liberty’ nor ‘natural right’ appear in Montesquieu’s *The Spirit of Laws*, 2 vols., London, 1750 (first published as *De l’esprit des loix*, 2 vols., Geneva, 1748), and his considered position was that (*ibid.*, (Bk. XI, Ch. IV) i. 214): ‘Liberty is a right of doing whatever the laws permit; and if a citizen could do what they forbid, he would no longer be possess of liberty, because all his fellow citizens would have the same power.’

²⁵ William Blackstone argued, *Commentaries on the Laws of England*, i. 122–3, that ‘[t]he idea and practice of .^.^ political and civil liberty flourish in their highest vigour in these kingdoms, where it falls little short of perfection. .^.^ as they are founded on nature and reason, so they are coeval with our form of government’.

²⁶ Adam Smith contended in *Wealth of Nations (Glasgow Edition)*, (Bk IV. Ch. IX) ii. 687, that: ‘All systems either of preference or restraint .^.^ being .^.^ completely taken away, the obvious and simple system of natural liberty establishes itself of its own accord.’

²⁷ MS ‘constitution’.

²⁸ The text is abandoned at this point, while in the margin, Bentham has noted: ‘Bearings as between Subsistence and Security.’