

Jeremy Bentham in the early nineteenth century English law reform politics

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Abstract

The best two modern biographies of Bentham, John Dinwiddy's *Bentham* (1989) and Philip Schofield's *Bentham: A Guide for the Perplexed* (2009) have not overturned the prevailing image of Bentham as a passive theorist who depended on others to advertise his ideas in William Thomas' *Philosophic Radicals: Nine Studies in theory and practice, 1817-1841* (1979). However, by reading the Bentham's Correspondence edited by UCL's Bentham scholars, I feel this image problematic. I navigated the sources of newspapers, parliamentary debates, and personal letters and find that lawyers and law reformers in close communication with Bentham. The discussion on Bentham's interactions with individual reformers, the law reform association of 1830, and the *Jurist*, presents a new image of Bentham. Bentham was not so passive as Thomas described. In contrast, he put great energy on advertising himself and his ideas. Meanwhile, he also took suggestions from others. It seems in his lifetime, it was the law reform, not the political reform, that Bentham's impact can be seen most clear. However, the existing scholarship on the early nineteenth century law reform tends to minimize Bentham's impact. My focus is a story of Bentham's impact, whether it is a story of failure or success, needs criteria. The arrangement of my thesis, three parts, from individuals to an association and a journal, implied that Bentham did get more attention. Of his specific reform claims, Bentham was a persistent promoter of codification in the common law England, but he was not the only one, studying his circle can show how other reformers responded

to this idea. In terms of the languages of reform, a study of Bentham's circle is also a story of the competition among political languages, but also reveals that languages can be mixed in one person. Maybe Bentham was so confident of his rationalism to accept romanticism, but Romilly, Peel and O'Connell were not. They felt more confused and uncertain, more likely to be in a dilemma situation, the rise of nationalistic sentiment competing the universal liberal rationalism.

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