



Book review

***Bentham*, by Michael Quinn**

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Book review: *Bentham*, by Michael Quinn

Cambridge: Polity Press, 2021, 250 pp. Hardback £55 (ISBN 978-1-50952-190-6), paperback £16.99 (978-1-50952-191-3), eBook £11.99 (978-1-50952-194-4)

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To Bentham scholars, there is no need to introduce Michael Quinn. He is an Honorary Research Fellow at Philipps University Marburg and Justus Liebig University Giessen, Germany. He was previously Senior Research Associate at the Bentham Project at UCL (University College London, UK). Under the general editorship of Philip Schofield, he edited *Bentham's Writings on the Poor Laws* (2001 and 2010) and *Bentham's Writings on Political Economy* (2016, 2018, 2019), as well as co-edited *Of Sexual Irregularities, and Other Writings on Sexual Morality* with Schofield and Catherine Pease-Watkin (2014).¹ There are very few academics who are better placed to write a book on Bentham.

Quinn's *Bentham* is not the first on the market of monographs introducing the father of utilitarianism. A non-exhaustive list would include volumes by Charles Warren Everett (1966), James Steintrager (1977), Ross Harrison (1983), John Dinwiddy (1989), Philip Schofield (2009), Christophe Chauvet (2010) and Jean-Pierre Cléro (2022).² And the list above does not include edited series such as Fred Rosen's *Jeremy Bentham* (2007) or collections of essays such as H.L.A Hart's *Essays on Bentham* (1982).³ With such a wealth of *Benthams*, it is legitimate to question whether there is still a place for yet another monograph on the market of ideas. They belong to a well-established genre. Their underlying principle is that the reader will be offered a complete presentation of a writer's

work. However, the long list of *Benthams* above shows that any such volume is a far more humble endeavour: that of offering an updated introduction to an author for each new generation of academics and students. And Quinn's book achieves just that: it offers a masterful rereading of Bentham's theories in the light of the latest research.

As with many other introductions to the thought of Bentham, Quinn's volume first covers his life and works, and then moves on to describe his logic and theory of language (Chapter 1). It also outlines his fundamentals on psychology and morality (Chapter 2), before turning to Bentham's legal theory (Chapter 3). This is where comparisons with other introductions to Bentham stop. Chapter 3 is entitled 'Direct legislation'. By choosing to distinguish Bentham's legal theory into 'direct' and 'indirect' (Chapter 4), Quinn points to an understanding of law in the broadest sense, and thus reads Bentham as 'a theorist of governmental reason' (p. 169). This interpretation extends beyond the chapters on law proper to inform his overall reading of Bentham, taking in his stride Bentham's writings on political economy (Chapter 5), on Panopticon architecture and management understood as choice architecture (Chapter 6), and on the constitutional safeguards of prevention against misrule understood as institutional design (Chapter 7). There is also a chapter dealing with international law and Bentham's stance on colonies (Chapter 8). Because Bentham is a writer who engages with the contemporary, Quinn speculates about how Bentham's utilitarianism could be applied to solve today's problems, such as crime, climate change, racism, COVID-19, surveillance and so on. This engagement is not only marked at each step, but also receives a separate concluding chapter, aptly entitled: 'Jeremy Bentham: Why Bother?' (Chapter 9). This can be a perilous exercise for academic neutrality. However, Quinn efficiently confronts key issues in an open, argued and balanced manner, such as when, in Chapter 5, he provides a way to reconcile Bentham's liberal views with a more collaborative approach:

Can the ubiquitous analysis of decisions on the basis of self-interested economic rationality be reconciled with a more social, constructivist view of reality? To a significant extent yes. At what cost? At the cost of reducing the determinacy of calculations on one hand, and of rendering them much more overtly 'political' on the other. (p. 108)

Moreover, notwithstanding his commitment to investigating Bentham's contemporary relevance, Quinn is careful to avoid any

anachronistic categorisations, which he rightly believes have limited value (p. 23).

Quinn shares with the authors of prior *Benthams* the ambition to present a comprehensive picture of Bentham's thought. As others before him, Quinn is well aware that the task is impossible, as he repeatedly notes (for instance, 'there is insufficient space here to detail ...', p. 55). Both impossible and biased, as there is always a construction that guides any such volume, which makes these monographs more than just an 'introduction to'. As shown by the breakdown of the chapters, Quinn reads Bentham's work through the lens of indirect legislation, an approach which he shares with Stephen Engelman and Bentham scholars influenced by Foucault (Bozzo-Rey, Brunon-Ernst, Itai, Laval, Marciniak, Niesen, Wrobel and so on). Scholars from the Bentham Project, from Semple to Schofield, have been unwillingly drawn into an argument about Foucault on account of his pivotal but fragmentary and strategic reinterpretation of the Panopticon projects. Recent scholarship from the French Centre Bentham has identified connections between Bentham's theory of government and Foucault's concept of governmentality. Quinn's research has fed on both traditions to inform an understanding of Bentham where 'Foucault was half right' (p. 6).

Quinn explains that indirect legislation encompasses a wide range of expedients for exercising influence (p. 64). This provides the frame to explore economics, surveillance, architecture, management, good governance and so on. The concept has a very humble beginning. It was first publicised in French in Etienne Dumont's widely circulated 1802 edition of the *Traité*s.⁴ Dumont worked from Bentham's manuscripts, both the English 'Indirect Legislation' and the French 'Projet'. There is also a reference to the concept in *Limits* (2010). Schofield's editorial choice of associating *Limits* with Chapter XVII of *An Introduction to the Principles of Morals and Legislation* (1970) restored it to its focal place within Bentham's project as a whole.⁵ Indirect legislation has also attracted much interest lately on account of two unconnected phenomena. The first is the publication of Foucault's *Birth of Biopolitics* (2004), where he relies on some of the alternative modes of governance to be found in Bentham's economic writings and practical schemes (Panopticon, police powers and so on) to explore the rise of norms in the era of biopolitics.⁶ The second is the growing interest in nudges, as J.S. Mill and Bentham are often arguably identified as their founders. The combination of the edition of Foucault's works on biopolitics and of the promotion of alternative forms of regulation has renewed interest in the theoretical roots of both biopolitics and nudges,

and has triggered the publication of a special issue on indirect legislation in 2017 in the journal *History of European Ideas*, where Quinn, as one of the editors (with Bozzo-Rey and Brunon-Ernst) put indirect legislation finally firmly on the map of Bentham scholarship. Quinn pursues here the work he started in the special issue.⁷

Remarkably, for someone who has spent so many years in the company of Bentham's published works and manuscripts, Quinn manages to keep critical distance with Bentham's thought, always keen to highlight the contradictions and inconsistencies in the utilitarian project, and how they can be resolved. For instance, Quinn shows that Bentham criticised the nanny state, only to later devise the inspection principle in the Panopticon (p. 69). In the case of choice architecture, he shows areas where Bentham was a forerunner, but Quinn is not blind to areas where Bentham's proposals were dubious to say the least, such as his proposal to tattoo individuals to identify them better (p. 72). Quinn's methodology makes for dynamic reading which entertains the reader and unravels intricate ideas to make sense of a complex reality, such as explaining the distinction between direct and indirect legislation where others have misunderstood it (p. 67). Quinn's instructive approach can also be seen in his working from a set of questions to answers, by scrupulously explaining what he wishes to achieve at the beginning of a chapter, before recapping what he has established in a closing argument. When discussing such a difficult thinker as Bentham, Quinn's lively prose and efficient pedagogy is welcome.

In *Bentham*, Quinn writes a persuasive and thorough introduction to the thought of the utilitarian thinker. But, as with any introduction, it fails to be exhaustive. It would be unfair, given the constraints in writing such a book, to hold Quinn too strongly to account. However, the present reviewer draws the attention to some areas she would have liked to see more developed. Indeed, although Quinn's engagement with Foucault runs through the book, and although there is a section specifically on Foucault, this section falls somewhat short of full-blown discussion. Moreover, as with most Bentham scholars, Quinn takes up Foucault's concept of 'internalisation' to describe the functioning of the Panopticon. However, Rosen and Santesso (2013) have pointed out that the term is anachronistic in the context of late eighteenth-century Britain.⁸ Indeed, they argue that the Panopticon tapped into the leverage of unremitting pressure of social observation on the individual to modify the nature of self and ultimately reform them. The Panopticon therefore relied on peer pressure, rather than on the yet unknown psychological springs of internalisation.

Well informed, well written and offering cutting edge research, Quinn's book is a must read for Bentham scholars and non-specialists alike. Whether in the fields of political science, philosophy or history, the volume makes a significant contribution to knowledge. Quinn is one of the very few academics who could present such a timely and wide-ranging analysis of Bentham. The resulting *Bentham* is a milestone, and a testimony to how vibrant research on Bentham is and continues to be.

Notes

- 1 Bentham, *Writings on the Poor Laws*, vol. I; Bentham, *Writings on the Poor Laws*, vol. II; Bentham, *Writings on Political Economy*, vol. I; Bentham, *Writings on Political Economy, Volume III: Preventive Police*; Bentham, *Writings on Political Economy, Volume II: Financial Resources*; Bentham, *Of Sexual Irregularities*.
- 2 Everett, *Jeremy Bentham*; Steintrager, *Bentham*; Harrison, *Bentham*; Dinwiddy, *Bentham*; Schofield, *Bentham: A Guide for the Perplexed*; Chauvet, *Jeremy Bentham: vie, œuvres, concepts*; Cléro, *La philosophie de Bentham*.
- 3 Rosen, *Jeremy Bentham* (2007); Hart *Essays on Bentham*.
- 4 Bentham, *Traité de législation civile et pénale*.
- 5 Bentham, *Of the Limits of the Branch of Penal Jurisprudence*; Bentham, *An Introduction to the Principles of Morals and Legislation*.
- 6 Foucault, *Naissance de la biopolitique*.
- 7 Bozzo-Rey, Brunon-Ernst and Quinn, 'Special Issue – Indirect Legislation: Jeremy Bentham's Regulatory Revolution'.
- 8 Rosen and Santesso, *The Watchman in Pieces*.

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