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Bentham and Birth Control: the Misreading¹

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The myth that Jeremy Bentham ‘proposed birth control measures as a means of reducing pauperism and the poor rates’ in 1797, the year before the publication of Thomas Malthus’ famous *Essay on the Principle of Population* (1798), has proved strangely enduring.² It is now more than 40 years since J.R. Poynter explained that the ‘evidence’ for this early advocacy rests upon a misreading of Bentham’s essay ‘Situation and Relief of the Poor’, published in Arthur Young’s *Annals of Agriculture*.³ Yet the claim has been made many times more since Poynter’s rebuttal, and has been repeated within the past three years in the pages of both *The Lancet* and *The Journal of Legal History*.⁴ To understand the endurance of the myth it is helpful to explain how it came to be believed in the first place. This is a story that relates to the American eugenics movement of the 1920s and 1930s, and features cameos by one of the main inspirations of the Chicago School of Economics, Jacob Viner (1892-1970), and his principal animus, John Maynard Keynes (1883-1946).

The first published claim that Bentham advocated birth control as early as 1797 appeared in an article in *Economic History* in 1936, entitled ‘Jeremy Bentham and the Genesis of English Neo-Malthusianism’.⁵ Its author was Norman E. Himes (1899-

¹ The research for this article was made possible by a Fellowship at the Countway Library of Medicine, Boston.

² M. Sokol, ‘Jeremy Bentham on love and marriage: a utilitarian proposal for short-term marriage’, *The Journal of Legal History*, 30 (2009) p. 11.

³ J.Poynter, *Society and Pauperism: English ideas on poor relief, 1795-1834*, London, 1969, p. 125fn; *Writings on the Poor Laws*, vol. ii., ed. M. Quinn, Oxford, 2010 (*The Collected Works of Jeremy Bentham*), pp. 467–86.

⁴ B. Dickens, ‘Conscientious commitment’, *The Lancet*, 371 (12 April 2008) pp. 1240-1241; Sokol, ‘Love and Marriage’.

⁵ N. E. Himes, ‘Jeremy Bentham and the Genesis of English Neo-Malthusianism’, *Economic History*, 3 (1936) pp. 267–75. Reprinted in *Jeremy Bentham: Critical Assessments*, 4 vols. ed. B. Parekh, London, 1993, iv. pp. 41-9.

1949), Professor of Sociology at Colgate University, who at that time had been engaged in a decade long study of the history of birth control, with particular reference to nineteenth-century England. Himes had come to London in 1926 on a fellowship from the Social Science Research Council to collect data on the history, growth and development of Marie Stopes' newly established birth control clinics.⁶ He soon found himself frustrated by an uncooperative Stopes, who provided only very restricted access to her clinics and their records, and Himes instead turned his attention to compiling a documentary history of the birth control movement.

Himes proved an energetic and indefatigable researcher, tracing surviving relatives of late nineteenth-century birth controllers and sniffing out documents from the earlier part of the century, including many relating to the 'Bentham circle'. It was Himes who first collated and published Francis Place's 1823 handbills offering advice on the use of the sponge as an intrauterine device, and Himes who established the young John Stuart Mill's authorship of a series of letters to the radical *Black Dwarf* newspaper, also in 1823, arguing the case for birth control.⁷ What Himes did not find, however, was any direct evidence of Bentham's advocacy or involvement. The suggestion that Bentham anticipated even Malthus and was, therefore, the inspiration for Place and Mill, came from Jacob Viner.⁸

Viner referred to Bentham as 'the first person to propose birth-control as a measure of economic reform, and this *before* Malthus', in a 1949 article for the *American Economic Review*, citing Himes as his authority.⁹ But sixteen years earlier, in September 1933 it was Viner who had written to Himes, from Geneva, to tell him of a bold 'discovery'.

I fear you may have to withdraw your claim that Francis Place was the founder of the English birth-control movement. In Bentham's *Situation*

⁶ N. E. Himes to M. C. Stopes, 17 August 1926, Norman E. Himes Archive [hereafter NEHA], The Francis A. Countway Library of Medicine, Boston, Box 47, Folder 538 [hereafter NEHA 47/538].

⁷ N. E. Himes, 'The Birth Control Handbills of 1823', *The Lancet*, 210 (6 August 1927) pp. 313–16; N. E. Himes, 'John Stuart Mill's attitude towards Neo-Malthusianism', *Economic History: A Supplement of the Economic Journal*, 4 (1929) pp. 457–84.

⁸ For Viner see: 'In Memoriam, Jacob Viner, 1892-1970', *American Economic Review* [AER], 61 (1971) pp. 247–48.

⁹ J. Viner, 'Bentham and J. S. Mill: the utilitarian background', *AER*, 39 (1949) p. 362.

and Relief of the Poor, 1797, fo.31, you will find an outspoken argument for birth control which is specific even as to the method recommended. It seems to me altogether likely that Bentham inspired James Mill, Place, and J.S. Mill, with their zeal for birth-control. But who is the “reverend friend” referred to by Bentham. It cannot have been Malthus, for he had not yet published anything.¹⁰

Himes immediately set about trying to get his hands on a copy of Young’s *Annals of Agriculture*, only to find that it was not available in the Library of Congress, or at Harvard, or in the Boston Public Library. In desperation he wrote back to Viner asking if he would send him the pamphlet or ‘get the appropriate page photostated’, as ‘I always like to know the full context of any passage’. Unfortunately, the best that Viner could manage was a ‘copy of the relevant passages’.¹¹ It is thus doubtful that Himes read ‘Situation and Relief’ in full before he submitted ‘Jeremy Bentham and the Genesis of English Neo-Malthusianism’ to *Economic History*, around eighteen months later. The journal’s editor, John Maynard Keynes, however, did read Bentham’s essay in its entirety before he published Himes’ article.

Himes had first established contact with Keynes back in 1926, and although the tone of their subsequent correspondence was never that of equals, Keynes was sympathetic to Himes and his work.¹² The suggestion that Bentham had preceded Malthus clearly intrigued Keynes, and he took the trouble to get hold of ‘the complete text so as to read in context’. Having done so he was none the wiser. The relevant passage in the *Annals* was, he told Himes, ‘a most queer one’ and the article in its entirety ‘casts no further light on it’. Keynes could only express exasperation at Bentham’s eccentricity: ‘What a funny fellow he was’.¹³

¹⁰ J. Viner to N. E. Himes 23 September 1933, NEHA 48/547.

¹¹ N. E. Himes to J. Viner 26 October 1933; J. Viner to N.E. Himes 13 November 1933, NEHA 48/547.

¹² Both men had developed an interest in the history of birth control after reading J. A. Field’s ‘The early propagandist movement in English population theory’, *Bulletin of the American Economic Association* 4th series, 1 (1911) pp. 207–36. See N. E. Himes to J. M. Keynes 24 June 1927, and J. M. Keynes to N. E. Himes, 1 July 1927, NEHA 21/222. Keynes later provided Himes with a reference for an application to the Guggenheim Foundation. J.M. Keynes to N.E. Himes, 30 December 1935, NEHA 21/222.

¹³ J. M. Keynes to N. E. Himes 31 July 1935, NEHA 21/222.

Keynes might be forgiven his perplexity, and Viner his misunderstanding, as the passage in question is obscure even by Bentham's Delphic standards:

Come, my Oedipus, here is another riddle for you: solve it, or by Apollo! – You remember the penalty for not solving riddles. – *Rates* are encroaching things. You, as well as another illustrious friend of mine, are, I think for *limiting* them. – Limit them? – Agreed. But how? – Not by a prohibitory act – a remedy which would neither be applied, nor, if applied, be effectual – not by a *dead letter*, but by a *living body*: a body which, *to stay the plague*, would, like *Phineas*, throw itself into the *gap*; yet not, like *Curtius*, be swallowed up in it.

When I speak of *limitation*, do not suppose that limitation would content me. My *reverend* friend, hurried away by the torrent of his own eloquence drove beyond *you*, and let drop something about a *spunge*. I too have my *spunge*; but that a slow one, and not quite so rough a one. Mine goes, I promise you, into the fire, the instinct you can shew me that a single particle of necessity is deprived by it of relief.¹⁴

No Bentham scholar now doubts that the passage is referring to a '*spunge*' wiping out poor rates, rather than to the sponge that Place would later recommend as the most reliable means of contraception. But Poynter was a little disingenuous in arguing that 'Bentham was *clearly* referring to his plan' for poor relief.¹⁵ This was, after all, a clarity that was lost on two of the most distinguished economists of the early twentieth century – it was one of the few questions on which Keynes and Viner were agreed – and their mistake was recycled in some otherwise excellent histories of birth control.¹⁶ It should also be said in mitigation that references to birth control in the early nineteenth century were frequently framed within discussions of poverty and its solution, and conducted in cryptic language. Add in the fact that 'gap' was often employed as slang for 'vagina' and it becomes easier to understand how the misreading was perpetuated.¹⁷ Rather than a failure to grasp what was obvious, a

¹⁴ *Writings on the Poor Laws* (CW) ii, p. 484.

¹⁵ Poynter, *Society and Pauperism*, p. 125fn. Emphasis added.

¹⁶ See, for example, A. MacLaren, *Birth Control in Nineteenth-Century England*, London, 1978, p. 51.

¹⁷ G. Williams, *A Dictionary of Sexual Language and Imagery in Shakespearean and Stuart*

more legitimate criticism of Himes would be what William Langer called, in relation to the Bentham extract, Himes' tendency to stretch 'tenuous evidence much too far'.¹⁸

In many respects Himes was a good academic: he was prolific in his production of books, articles, and essays, and it is no exaggeration to say that he established the history of birth control as a historical field. His major work, *Medical History of Contraception* (1936), remains the foundation text in the field and was groundbreaking both in its comprehensive coverage and in Himes' insistence that a 'medical history' needed to relate to social and economic questions. He was always, however, as much a polemicist and propagandist as an academic historian.¹⁹ Himes had been schooled under Thomas Carver at Harvard in the belief that social science should address national public policy, and he was committed to constructing a history of the birth control movement with a contemporary relevance.²⁰ His agenda for historical research, as he made clear in a paper read at the AGM of the American Eugenics Society and Eugenics Research Association in 1929, was but one element in a broader political agenda.²¹ As the venue for his paper suggests, Himes was a committed eugenicist and in addition to his historical works, he authored a marriage guide for young couples and publicized the work of birth control clinics.²² Even his more obviously academic work benefited from funding from pro-birth control groups, such as the National Committee on Maternal Health.

Perhaps the most interesting point here is not that Himes *misread* Bentham, but that he, Viner, and Keynes positively *wanted* Bentham to be a birth controller. Himes' initial response to Viner harbored a note of caution: he remarked that he had been in

Literature, London, 1994, pp. 579–80.

¹⁸ W. L. Langer, 'The origins of the birth control movement in England in the nineteenth century', *Journal of Interdisciplinary History*, V (1975) p. 671.

¹⁹ It is indicative of Himes' skill as a propagandist that when he left academia for the US army he successfully forged a new career in 'information'. In 1948 he joined the staff of OMG Bremen, as chief of the Research and Reorientation Branch of the Information Services Division.

²⁰ N. E. Himes (ed.), *Economics, Sociology and the Modern World. Essays in Honor of T.N. Carver*, Cambridge, Mass., 1935, p. v. See, for example, N. E. Himes, 'Eugenic thought in the American birth control movement 100 years ago', *Eugenics*, II (1929) p. 8.

²¹ N. E. Himes, 'Some Untouched Birth Control Research Problems', *Eugenics* III (1930) pp. 1, 4.

²² N. E. Himes, *Happy Marriage*, London, 1941 (published in the US as *Your Marriage*); N. E. Himes, 'The Cooperation of Social Agencies and Physicians with Representative American Birth Control Clinics', *Hospital Social Service*, XXV (1932) pp. 17–30.

London in 1927 with Charles Warren Everett, who was also a fellow of the Social Science Research Council, and that Everett had assured him that ‘there was nothing in Bentham’s well-known works on birth control’.²³ This, combined with his inability to locate the full text and the inconclusive nature of the passages Viner provided, might have made him circumspect; just as Keynes’ perplexity upon reading the full text might have led him to counsel caution, as he had with Himes on other occasions.²⁴

That enthusiasm eventually outweighed prudence reflected both Himes’ general desire to find forebears and progenitors, a characteristic of any campaigner, and a more specifically American need to find *liberal* forebears and progenitors of birth control. His politics – like those of Keynes, who was also sympathetic to eugenics – were broadly of the left, and in the 1930s Himes grew increasingly aware of the need to distinguish his case for birth control from that of an ever more aggressive assertion of Nazi eugenics in Germany. Himes’ work had also been framed by the existence of the Comstock Laws in the US, which severely restricted the dissemination of contraceptive information. His decision to publish Place’s 1823 handbills in the London-based *Lancet*, for example, he told Keynes, had been made to avoid potential legal problems in the States.²⁵ In this illiberal atmosphere it is perhaps little wonder that Himes so eagerly embraced the idea of Bentham as the fountainhead of the birth control movement.²⁶

The myth of Bentham as the first public, albeit oblique, advocate of birth control, of course, drew additional succour from the fact that at some later point he *did* come to accept the case for birth control; although precisely when remains unclear. Poynter even hedged his bets by suggesting that Bentham might, after all, have got there before Malthus, noting that ‘the passage in Latin in the *Manual of Political Economy* is better evidence for Himes’ contention’.²⁷ Most Bentham scholars, however, have contented themselves with arguing that Bentham accepted

²³ N. E. Himes to J. Viner 3 October 1933 NEHA 48/547. Everett was the author of *The Education of Jeremy Bentham*, Columbia, 1931 and later edited Bentham’s *The Limits of Jurisprudence Defined*, ed. C. W. Everett, Columbia, 1945.

²⁴ See J. M. Keynes to N.E. Himes 6 March 1928, NEHA 21/222.

²⁵ N.E. Himes to J. M. Keynes, 20 July, NEHA Box 21/222.

²⁶ On the broader context of Himes’ research see C. R. McCann, *Birth Control Politics in the United States, 1916-1945*, Cornell, 1994.

²⁷ Poynter, *Society and Pauperism*, p. 125fn.

the Malthusian population principle sometime in the first decade of the nineteenth century, and regarded birth control as at the very least a harmless, and quite likely an expedient, response.²⁸ More difficult to maintain would be an argument that Bentham accorded the topic much priority. Even Lea Campos Boralevi, who made a strong case for Bentham's influence upon the writing of the first book advocating birth control, Francis Place's *Illustrations and Proofs of the Principle of Population* (London, 1822), conceded that birth control was but one element, and by no means the most important, in Bentham's quest for total sexual liberation.²⁹ Moreover, once the 'Situation and Relief' myth is laid to rest, there are no public statements by Bentham in favour of birth control. Indeed, it was something he appears to have been reluctant to talk about even in private. One of his most revealing comments on the subject was made towards the end of his life, in a letter to Place dated 24 April 1831. In the face of Archibald Prentice's complaints concerning Place's pro-birth control propaganda, Bentham chose taciturnity:

I took care not to let him know how my opinion stood: the fact would have been all in the fire, unless I succeeded in converting him, for which there was not time.³⁰

Far from being a fearless pioneer, it would be more accurate to treat Bentham's guarded approach to Prentice as proxy for his more general attitude to birth control and the broader public.

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²⁸ See, for example, M. Quinn, 'Mill on Poverty, Population and Poor Relief', *Revue d'études benthamiennes*, 4 (2008), <http://etudes-benthamiennes.revues.org/185>, accessed 8 March 2011.

²⁹ Lea Campos Boralevi, *Bentham and the Oppressed*, New York, 1984, pp. 106-112. Bentham, Boralevi notes, was 'more deeply concerned with the oppression exercised on homosexuals', than he was with birth control. p. 112.

³⁰ J. Bentham to F. Place 24 April 1831, reproduced in G. Wallas, *The Life of Francis Place, 1771-1854*, London, 1898, pp. 81-2.