

Utilitarianism and its British Nineteenth-Century Critics

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1. Antecedents: consequentialist voluntarists

In this paper I reconstruct the nineteenth-century controversy about Utilitarianism. The limits in space and time are as follows: I limit myself to the British discussion and take 1801 and 1874 as respectively my *terminus a quo* and *terminus ad quem*. I will not discuss accordingly Neo-Hegelian critics, positivist fellow-travellers like Herbert Spencer, and the transformation of Sidgwick's views through various editions of his main work. I will discuss, as a preliminary, and indeed decisive, issue, the relationship between the Cumberland-Paley tradition of consequentialist voluntarism and Benthamite utilitarianism and I will focus on objections raised by Intuitionist and Idealist-Romantic critics as well as on the two Mills' and Sidgwick's counter-criticism.

It is as well to start with a definition of utilitarianism. I assume that it consists in (i) a definition of the good in terms of welfare; (ii) the assumption that we can compare welfare across different people's lives; (iii) a definition of the right in terms of the good, or consequentialism (see Chappell and Crisp 1998: 552). On this account, Bentham and the two Mills are Utilitarians and Sidgwick is a proponent of a revised kind of utilitarianism as a viable option slightly better than others, while those who made a calculus of utility the basis for rational choice by a divine legislator, like Gottfried Wilhelm Leibniz, Nicolas Malebranche, Cumberland, John Gay, Thomas Brown, Paley and Malthus, simply were no Utilitarians. A remarkable amount of confusion used to hover over literature on utilitarianism as regards William Paley and his relationship with utilitarianism properly understood. He was assumed by John Stuart Mill as a proponent of the "system of utility", but in some spurious version. This is why Mill manifested despise for him without ever discussing his doctrines from a theoretical point of view, and declined to defend his claims against those of the "intuitional system" since, even if he belonged to the empirical school of morality, yet "whatever principles of morals he professed, seems to have had no object but to insert it as a foundation underneath the existing set of opinions, ethical and political"¹. Later on, he was classified by Ernest Albee (following Leslie Stephen's scheme of a progress from confused not fully secular ideas to fully secular ones that finally abandon unnecessary theological premises), under the heading "Theological Utilitarianism" and definitely fixed as a 'forerunner' (through a notorious kind of *ante-hoc propter-hoc* kind of explanation) of utilitarianism *properly understood*².

When looked at with an eye free from positivist philosophies of history like Stephen's, the members of the alleged current of Theological Utilitarians, Cumberland, Gay, Brown, and Paley, were Anglican divines looking – not unlike the rationalists Samuel Clarke, Joseph Butler, William Wollaston, Richard Price³ albeit with a different approach – for a third way between the theological voluntarism of the extreme Calvinists and Hobbes's supposedly atheistic conventionalist ethics and politics⁴. While the rationalists were trampling over a more familiar path, that is Medieval intellectualism revisited, basing the justification of the moral law on its self-evidence while dropping essences and final causes implied in Aquinas's version of the intellectualist enterprise, Cumberland and followers were trying something more original, namely keeping Ockham's voluntarism while discarding its alleged implications in terms of Calvinist theological arbitrariness⁵. Note that such a 'consequentialist voluntarism' (or perhaps 'divine rational choice theory' – both tokens for a

better wording, but surely more accurate descriptions than “Theological Utilitarianism”) was hardly a British-only or Protestant-only strategy, since it was also Leibniz’s and Malebranche’s program. The new doctrine was built in three steps. The first was singling out a *ratio cognoscendi* for natural law’s contents by assuming that a justification of a natural law preceding any positive declaration of God’s will may be mounted by assuming that God is benevolent and has accordingly prescribed that set, among the infinite possible sets of laws, that will carry the maximum amount of happiness to his creatures. The second was providing an eventual justification of natural law in God’s will, by assuming that God, one his infinite wisdom (that is, information and calculating power), has provided Him with an answer to the question as to the set of laws carrying the maximum amount of net happiness for His creatures, he will *freely* but *not arbitrarily* choose to promulgate those laws. God is assumed to be rational and benevolent; hence we may safely assume that there is *one* set of laws which He would freely choose to promulgate. Note that this yields a voluntarist doctrine alternative to the Calvinist one, or something opposite to the infamous “divine command theory” that, after Kant, has been universally assumed to be the paradigmatic case of heteronomous ethics⁶. The third step was working out a solution to the question of theodicy as a necessary complement to the foundation of ethics. This is a solution of the Leibnizian kind, where God’s rational choice yields the most favourable balance of evils and goods and the only possible answer left for the sufferer is that he may console himself with the thought that his own is only *partial* evil, subservient to some good elsewhere in the universe, where the best possible balance of good and evils is warranted⁷.

It may be worth noting that Bentham owed virtually everything to the theological theory that has been illustrated, not via Paley, whose work he read when his own doctrine had already been worked out and that he most of the time attacked as an exponent of the old morality he was fighting even if at times he tried to draft him as an ally⁸, but via Maupertuis’s version. In fact, Pierre-Louis Moreau de Maupertuis in 1749 published his only contribution to ethics, the *Essai de philosophie morale*. Starting with definitions of pleasure and pain he envisaged a calculus of happiness. A remarkable conclusion is that, apart from a few wise who, by practising justice and contemplating truth enjoy the kind of pleasures they carry, nonetheless in common life the sum of evil overweighs the sum of goods⁹. And another is that the Christian moral doctrine is fully compatible with the calculus of happiness, since it prescribed love of God and of our neighbour and the practice of both precepts is the source of the greatest happiness available in this life¹⁰. It is worth noting that, while being an avowed Christian like Cumberland, Malebranche, and Leibniz, Maupertuis did not confine himself to consequentialist voluntarism, a doctrine which embodies almost all elements of Bentham’s utilitarianism and yet is still different in leaving the calculus to God, but worked out an kind of utilitarianism strictly understood in so far as his calculus of happiness is *our* – not *God’s* – tool for establishing the right course of action, and it just happens to coincide with the Christian moral doctrine. Maupertuis’s example is important, in so far as it forces us to ask: why should a controversy arise in Great Britain between proponents of utilitarian ethics and defenders of the Christian doctrine?

What was new with Bentham – when compared with Maupertuis – is that he denied (i) that Christianity is a source of happiness; (ii) that in common life pain overweighs pleasure. This makes for a theory that is different not only from consequentialism voluntarism but also from Christian utilitarianism.

2. A Unitarian critic of Godwin, Bentham, and Paley

Thomas Belsham, a disciple of Joseph Priestley in philosophy and theology, and the intellectual leader of English Unitarianism after Priestley’s emigration to America, dedicated a section of his *Elements* to the treatment of morality. One chapter discusses those system that makes virtue coincide with utility, briefly mentioning Bentham and discussing at length

William Paley, the Anglican divine, and William Godwin, the anarchist political writer. His line of argument points at an ethical doctrine that be less 'heteronomous' than Paley's in so far as it avoids recourse to belief in after-life as the source of moral motivation but also tries to come to terms with a major conundrum in any secular consequentialist doctrine, the reconciliation of self-love and benevolence. Belsham's claims are, first, that the "only valuable end of existence is happiness"¹¹; second, that the essence of virtue is the tendency of an action to "the voluntary production of the greatest sum of happiness, or [...] unlimited benevolence"¹²; third, that the "good of mankind is the *subject*, the will of God is the *rule*, and everlasting happiness the *motive*, of human virtue"¹³; note that this is taken verbatim from Paley's comment to his own definition of virtue as "the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness"¹⁴, and that Paley in turn took it from Edmund Law¹⁵; fourth, that the essence of virtue is "the ultimate happiness of the agent", but adding – contrary to Paley – that "the expectation of future reward is so far from being essential to the existence of human virtue, that an explicit regard to it as a motive, is even inconsistent with a state of complete, that is, of absolutely disinterested virtue"¹⁶; fifth, that only by religion "self-love and benevolence can be reconciled"¹⁷, and as a consequence Godwin is wrong in claiming that a motive to virtue may be provided by our interest in the general good of the community to which we belong, since it is coincident with our own interest; the reason why Godwin is wrong is that it is only from a totally universalistic point of view, that is the point of view of the universe, that the criterion of utility may be accepted as a moral standard, since only in these terms is ultimate happiness of the agent coincident with the "general good"¹⁸ and, "if the extraordinary case should occur in which I can promote the general good by my death, more than by my life, justice requires that I should be content to die"¹⁹. Belsham's conclusion is that no sacrifices to the general good are, or can be obligatory, where there is not a prospect of adequate compensation. But, Belsham remarks,

this in extreme cases is possible only upon the hypothesis of a future life, and under the government of a Being of consummate wisdom and benevolence, In which case, to suppose that any being can be ultimately a loser by the greatest sacrifices he can make of self-interest to the good of others would be extravagant and absurd. And this brings us to the important conclusion, that self-love and benevolence can only be reconciled by religion²⁰.

3. A Whig critic of Bentham's science of legislation

In 1804 the reviewer of Bentham's *Traité de Législation civile et pénale*²¹ for the *Edinburgh review*, Francis Jeffrey, argued that Bentham's ethical theory is less new than he makes us believe. Utility in fact is widely acknowledged to be the end of moral right and evil, but it is so only in general and as a whole. Instead, there is no point in trying "a bold and rigid investigation into the utility of any course of action that may be made the object of deliberation"²², but the moralist and the legislator would be well-advised instead in basing themselves on "the old established morality of mankind"²³. The reason is that also the perception of utility is based on sense and feeling and is accordingly no more precise and universal than our shared judgements on right and wrong may be.

4. A Unitarian/Pantheist critic of Paley

Samuel Coleridge, the poet and essayist who introduced the ideas of Romanticism in England, was in first phase a Unitarian, that is a member of the most radical wing of Dissent, made of Christian Enlighteners, and in a second phase became a kind of Pantheist or a proponent of a universal religion. In his early writings, particularly in *The Friend*, he attacked Paley for his spiritual shallowness. Lack of a spiritual dimension appeared to Coleridge's mind to be the very malaise of modernity. His critiques to Paley are, first, that the

identification of virtue with prudence as both forms of self-love is a sophistry that had been already unmasked by Joseph Butler²⁴; secondly, that his “principle of general consequences” as the criterion of the right action is useless, since it is a “purely ideal” criterion that is unable to provide clear-cut directions for the concrete case, and “so far, possesses no advantage over the former systems of morality”²⁵; thirdly, that it “labours under defects” from which former systems were exempt in so far as they at least expatiated in a rational or spiritual world, while Paley’s system “remains in the world of the senses”²⁶, that is, “it depends on, and must vary with, the notions of the individual”²⁷, who may be more or less able in predicting consequences and advancing plausible conjectures on future courses of things, and it reduces morality to law, since it considers only “the outward act”, and draws away the attention from “the inward motives and impulses which constitute the essence of morality”²⁸, and it is a source of “delusion and sophistry” since the individual has “to imagine what the general consequences would be, all other things remaining the same, if all men were to act as he is about to act”²⁹.

Instead, we already have a “universal and sufficient principle and guide of morality”³⁰. It is “the sole principle of self-consistence or moral integrity”³¹, or the following maxim: “So act that thou may be able, without involving any contradiction, to will that the maxim of thy conduct should be the law of all intelligent Beings”³². It is true that virtue is beneficial and benevolent ends are proper goals, since the “outward object” of virtue is the greatest happiness of all human beings, but this a side-effect not its foundation of virtue.

5. An Anglican critic of Paley

In 1834 Adam Sedgwick, a Cambridge dean, published the *Discourse on the studies of the University*, originally a sermon preached to Cambridge students, which arouse unexpected echo; this happened for contingent reasons, namely expectations of a drastic reform of University studies. Part of the discourse was dedicated to a criticism of Locke and Paley, that is the two main items of philosophical staple in Cambridge education. It included an attack to Paley’s consequentialist voluntarism in the name of more traditional theological views with a smattering of philosophical claims that seem to echo Joseph Butler. A remarkable blunder is Sedgwick’s adoption of the term “utilitarian” in order to describe Paley’s system. The term utilitarianism as a name for the doctrine based on the principle of utility was invented by Bentham along with the two alternative terms “felicism” and “eudemonology” (Bentham 1929: 300-302), had been recently spread in print by John Stuart Mill as a name for the doctrines of the Benthamite school. Sedgwick’s choice implied that Paley’s and Bentham’s doctrines were of the same kind, what Bentham no less than Mill vehemently denied. Sedgwick claims – echoing MacLaurin’s, Smith’s, Stewart’s criticism of Cartesianism – that the reason for Paley’s success was exceeding simplicity of his system that resolves virtue into a single principle³³. He claims that Paley’s mistakes are, first, denying the sanction and authority of the moral sense³⁴; secondly, making man no longer the *subject* of a law, but giving him the authority of a *judge*, and giving him his own and his fellow-men’s leading interest as rule of action³⁵; thirdly, the fact that, while identifying the criterion of the right with God’s will (which is quite correct), yet, by assuming that, granted God’s benevolence, we are in a position to determine what his will is, he ends up with blurring the fact that we cannot understand God’s infinite wisdom, and; as a side-effect, making the problem of theodicy intractable, in so far as the misery and desolation we see around us may be used as a proof that the great first cause wanted either goodness or power³⁶; fourth, overlooking the circumstance that man is not entirely rational, that benevolent affection comes not from teaching and is not the fruit of reason or calculation but sometimes becomes a dominating feeling leading us into acts contrary both to reason and to our worldly interest³⁷; fifth, overlooking the facts that the rule of expediency is ill-suited to the limited capacities of man and that it tends to lower the standard of what is right and

good³⁸. It is worth remarking – in view of the circumstance that Sedgwick’s discourse was the target of a vehement counter-attack by the younger Mill – that Bentham is never mentioned since the discussion is limited to Paley’s system and all that concerns utilitarianism in the pamphlet is use of the word “utilitarian” referred to Paley. Thus, the question may be asked: why should the younger Mill bother to discuss Sedgwick’s discourse?

6. Whig critics of Bentham and Mill as political theorists

Jeffrey’s review had been an isolated attack on Benthamite politics. During the Napoleonic wars the issue of parliamentary reform was no more on the agenda as it had been for a while in the 1780s. After 1815 it came back, and it was in the dangerous company of a new wave of working class radicalism occasioned by after-war economic depression. Whig polemicists feared that the philosophic radicals of the Bentham-Mill kind may endanger the cause of moderate reform by their too radical proposals, and besides by their association (no matter how undeserved) with ‘real’ radicalism and were eager to distance themselves from their political views. This may be the reason for James Mackintosh’s verbose discussion of Bentham’s *Plan of Parliamentary Reform* (1817) in the *Edinburgh Review*³⁹ aimed at proving, in Bentham’s own terms, that is looking at the utility and the happiness of the people, how universal extension of the franchise would be productive of more evils than benefits.

While Mackintosh was an old-fashioned Whig with a rather pompous style, Thomas Babington Macaulay was a young man with a lively intellect. His belated attack on Mill’s *Essay on Government* (Mill 1819-20) – it was indeed a review of a collection of seven contributions by Mill to the Supplement to the Encyclopaedia Britannica, undated but published perhaps in 1828⁴⁰ – resorted to one of the brilliant polemicist’s moves: backwards from contingent political issues to more theoretical issues. His main points were that (i) Mill’s assumptions were tautologies; (ii) his view of human nature was too limited; (iii) the “noble Science of Politics” should be based on

that method which, in every experimental science to which it has been applied, has signally increased the power and knowledge of our species, - by that method for which our new philosophers would substitute quibbles scarcely worthy of the barbarous respondents and opponents of the middle ages, - by the method of Induction; - by observing the present state of the world, - by assiduously studying the history of past ages, - by sifting the evidence of facts, - by carefully combining and contrasting those which are authentic, - by generalizing with judgement and diffidence, - by perpetually bringing the theory which we have constructed to the test of new facts, by correcting, or altogether abandoning, it according as those new facts prove it to be partially or fundamentally unsound⁴¹.

On such a basis Mill’s argument for democracy is proved unwarranted, democracy is proved to bear the same troubles as other kinds of government, Mill’s plea for the function of the middle ranks is shown contradictory with his plea for democracy, and his plea for universal adult *male* suffrage is proven an example of male bigotry. It is remarkable how Macaulay’s review contributed a lot in securing posthumous fame to Mill’s politics, even if in a less positive light than Mill could have wished for.

There were two rejoinders in the *Westminster Review*, each of them followed by a response by Macaulay in the *Edinburgh Review*. In the first of these Macaulay first discusses the ‘greatest happiness principle’, which, he remarks, had not even mentioned in his first review, where he had discussed Utilitarian methodology, not ethics⁴². He objects that Bentham’s principle is

that mankind ought to act so as to produce their greatest happiness, The word *ought*, he tells us, has no meaning, unless it be used with reference to some interest. But the interest of a man is synonymous with his greatest happiness: - and therefore to say that a man ought to do a thing, is to say that it is for his greatest happiness to do it. And to say that mankind ought to act so as to produce their greatest happiness, is to say that the greatest happiness is the greatest happiness⁴³.

It is worth remarking that we face here the first formulation of the criticism based on the twofold dimension of the principle of utility, descriptive and prescriptive, and on the lack of a justification for the passage from the former to the latter, a criticism taken over by Whewell, Sidgwick and finally transformed by Moore in the naturalistic fallacy argument. He adds that the principle, understood in the first sense, is vacuous, and if understood in the second sense, is plausible but not new. In fact, it overlaps with the golden rule and precept to love one's neighbour as may be found in the Gospel⁴⁴. But the strength of Christian morality lies in the fact of giving a precept and providing a motivation, namely "the prospect of an infinite happiness hereafter"⁴⁵, while Bentham on the contrary "has no new motive to furnish his disciples with"⁴⁶. It is remarkable that these points raised by Macaulay will be incorporated later by John Stuart Mill and Sidgwick into their own arguments, with no mention of Macaulay himself.

7. A 'Scottish' critic of Bentham's ethics

Mackintosh in his monumental *Dissertation on the Progress of Ethical Philosophy* of 1836, after Paley and before Dugald Stewart, discusses systematically Bentham the moral philosopher⁴⁷. His critical remarks are the following: (i) the principle of utility is not Bentham's discovery; what is new in Bentham is rather its generalised application⁴⁸; (ii) and yet such an application of the principle, being incompatible with human nature, is his main mistake⁴⁹; (iii) the claim that the principle of utility should be not only a principle of moral approbation but also the main moral quality or "the chief motive of human conduct" is mistaken, because both a regard to our own interest and a desire to promote the welfare of men in general are "very faint and ineffectual inducements to action"⁵⁰; (iv) a theory adopting utility as a criterion should promote the sources of action we know by experience to be beneficial to ourselves, that is, "all the social affections" as an "object of moral culture", since these may indeed produce more comprehensive benevolence, but also may not "be supplanted by it"⁵¹; individual virtues, such as courage or temperance, cannot be supplanted by one virtue, since it "is only when the means are firmly and unalterably converted into ends, that the process of forming a mind is completed"⁵²; (v) the original and non-disposable character of moral feelings is independent from the distinction between "implanted and acquired principles" and no man has the power to extinguish the affections and the moral sentiments, however much they may be thought to be acquired⁵³; (vi) self-love and benevolence do play a function, that of regulating other self-regarding or social affections, and the claim of a coincidence of self-regarding and other-regarding interest is indeed an important theoretical conclusion in so far as it proves "the absolute impossibility of forming any theory of human nature which does not preserve the superiority of virtue over vice"⁵⁴, but also one with hardly any practical relevance, since this coincidence "is too dimly seen to produce any emotion which can impel to, or restrain from action"⁵⁵; (vii) the Benthamites have forgotten the delight which is a part of virtuous feeling, and of the beneficial influence of good actions upon the frame of mind⁵⁶, and the fact that "the social affections are the only principles of human nature which have no direct pains"⁵⁷; (viii) they also underrate the most important effect of human conduct, which consists in its action on the frame of the mind, by fitting its faculties and sensibilities for their appointed purpose⁵⁸; this would provide an answer to the objection based on the 'repugnant conclusion' to which utilitarianism allegedly leads (namely, that if an horrible

action yields benefits heavier than the evils it carries, it is our duty to perform it), for it would make it impossible to combine the benefits of the general habit with the advantages of occasional deviation; the reason is that every such deviation either produces remorse, or weakens the habit, and prepares the way for its gradual destruction"⁵⁹; (ix) taking the former point into account, human nature will appear less selfish than it is commonly supposed to be; the consideration of the effect of conduct on the state of mind (which has been called "sentimental" with a derisory intention) will appear to be the most proper subject-matter for the moralist, and "the comparative importance of *outward consequences* will be more and more narrowed"⁶⁰; (x) generalised recourse to utility as a standard has a demoralising tendency, in so far as, first, an essentially weaker motive is gradually substituted for others which must always be stronger, secondly, it tends to introduce "an uncertainty" with respect to the conduct of others, which would render all intercourse "insupportable", and thirdly, it affords "a disguise for selfish and malignant passions" by teaching disregard to rules when contrasted with the utility of particular acts, so that it approaches to "the casuistry of the Jesuits, and to the practical maxims of Caesar Borgia"⁶¹; (xi) the Benthamites have treated ethics too much in a legalistic attitude, or too "juridically"⁶², while ethics' direct object is "mental disposition", and actions are just considered indirectly as its exterior marks; (xii) they also disregard the pleasures of taste and of the arts dependent on imagination.

MacIntosh's conclusions are that "the speculations of the followers of Mr. Bentham are not unlike the unsuccessful attempt of the Cartesians"⁶³ while adding that the Cartesian natural philosophy was defective because of exceeding simplification, and Newton reformed that philosophy "not by simplifying that science, but by rendering it much more complicated"⁶⁴. The same idea had already been hinted at by Sedgwick two years before, but it could have been orally communicated to Sedgwick by McIntosh, and it was commonplace at the time, being almost the key-idea of Dugald Stewart, the Scottish Philosophy's intellectual leader.

8. Utilitarian rejoinders

James Mill produced in what is remarkably short time a counter-attack on MacIntosh. The occasion was appropriate enough, since the latter's work was the first where a whole chapter was dedicated to Bentham's doctrines. There is something quite unbalanced in the reply's length and tone. Mill in fact wrote a whole book mainly in order to refute one chapter⁶⁵, and, far from acknowledging MacIntosh's merit for noticing Bentham's ethics and discussing them in an academic context, he took the *Dissertation* as the occasion for an attack on 'traditional' moral doctrines, assumed to be all of them of *one* kind, that is, based on the doctrine of an innate moral faculty, while proclaiming this doctrine reactionary. The point around which the proof of the claim turns is that such a doctrine tends to preserve all received beliefs and customs and MacIntosh's objections in detail are answered by trying to render them trivial⁶⁶. On balance, the *Dissertation* is taken more as an occasion for attack on old morality than something worth discussion in itself.

In the same year John Stuart Mill too published another oversized counter-attack. His target was Sedgwick's discourse, which had been already circulating for two years. The son's rebuttal is even more of a personal attack than his father's reflections on MacIntosh. The claims are that the doctrine of "intuitive principles of morality"⁶⁷ is a mistaken account of the phenomena, being the latter are the "moral judgments" and "moral feelings", which are "a fact in human nature"⁶⁸, and that the doctrine of utility is the correct account. It may be noted that Mill introduces here for the first time a remarkably modified version of Bentham's doctrine – the one he had criticized two years before without leniency⁶⁹ – but availing himself the clause "nobody denies the existence of"⁷⁰ while referring precisely to such entities as moral feelings that were declared by Bentham to be nonsense. Besides, a remarkable achievement by the younger Mill is writing a defense of utilitarianism taking as an occasion an attack on Paley where the name of Bentham did not even once appear by arguing that

Paley is not a true proponent of the doctrine of utility and that Sedgwick “has no right to represent Paley as a type of the theory of utility”⁷¹, and so that he was wrong in having written an attack on Paley’s doctrine (the one that was been currently taught at Cambridge, the reason why it had been discussed by Sedgwick who never meant to meddle with Bentham and Benthamism) and should have attacked instead Bentham himself!

What is instead far from being a counter-attack is the younger Mill’s essay on Coleridge, where he Mill acknowledges that Coleridge’s teachings were complementary to Bentham’s, in so far as he taught us to ask, when faced with doctrines: “what does it mean?” before asking “is it is true?” and that they were a counterbalance to the French eighteenth-century philosophers’ view of society in so far as it reminds us that a system of education and a feeling of allegiance have always been there in any society, which is no artificial product, but instead a pre-existing datum for any moral theory⁷².

7. Cambridge sympathizers of Coleridge

Between the Thirties and the Sixties there was a whole generation of enthusiastic followers of Coleridge, enemies of materialism and empiricism, critics of the British Society at the time of Industrial Revolution and adept to some kind of progressive / conservative proto-socialism, and opponents of John Stuart Mill’s rising influence over the British intellect⁷³. The first among them was Frederic Denison Maurice, a clergyman known more as a theologian than a philosopher, and a citizen committed to progressive causes, among the founders of the movement of Christian socialism. Curiously enough, he was on friendly terms with John Stuart Mill and introduced him to the knowledge of Coleridge’s work that in turn did contribute in drawing Mill away from Benthamism. Maurice in ethics was an ‘idealist’ with vague Kantian leanings.

In *Moral and Metaphysical Philosophy* he attacks Bentham on the following ground: first, he has not kept up with the march of knowledge; second, he adopted a narrow theory of human nature from a narrow inductive basis⁷⁴. He also makes a paradoxical acknowledgement, that is, Bentham was more consistent than Paley and this contributed in showing its absurdity, that is, “the doctrine of expediency which Paley sanctioned might have continued to prevail among us, if men had not been startled by observing to what practical conclusions that doctrine led, when it was fairly and consistently followed out by Bentham”⁷⁵. Bentham’s merit is to have shown that received wisdom needed re-examination but “the question was in what spirit should it be undertaken”. Bentham has carried it out in a spirit of hatred and contempt, a spirit that was ineffectual; in other words, he says addressing Bentham himself, instead of going too far,

you have not gone far enough. Instead of judging practices and institutions by tests which are too severe, by principles of human nature which are too deep, you have made use of the most weak tests, you have brought the most shallow principles to bear upon them, We demand a more rigid scrutiny... we must look into history, and study the growth of institutions [...] We must look into the same history to know what men have been thinking about in past ages⁷⁶.

In another work Maurice insists on the evidence of a moral conscience, and accordingly of a sense of obligation, while denying Butler’s claim of its absoluteness as well as that of its ability of perceiving the genuine motives of action, and Whewell’s identification of conscience with human reason as such. He writes:

I recur to the old question, ‘What am I?’ There are a few simple answers to that question which show me that there is an order in which I am placed [...] I *am* a son, I *am* a brother, I *am* a citizen. Perhaps I *am* a husband, perhaps I *am* a father. And if the enjoyment of any

pleasure or the avoidance of any pains lead me to acts which are inconsistent with any of these positions, my conscience says, 'I ought not to enjoy that pleasure', 'I ought not to avoid that pain'. Let the enjoyment or the avoidance be as natural as it may, it involves a departure from the order in which I am placed⁷⁷.

8. An Oxford counterenlightener

In Oxford there was an analogous romantic-idealist reaction against eighteenth century empiricism, also taking issue with Paleyite Anglicanism, Benthamite radicalism, and political economy. Yet, its traits were more varied, ranging from evangelicalism and romanticism to Anglican latitudinarianism revisited, built on a idealistic, no more an empiricist, basis, and also its final outcome was more complex, ranging from the liberal Anglicanism promoted by Richard Whately to the return to Catholicism preached by Henry Newman in his final phase. The latter, the leader of the so-called Oxford movement, a current which was at its start evangelical and in the end conservative, that wanted restoration of Christian tradition against all forms of modernism, was concerned with enlarging the bounds of rationality, unduly restricted by Cartesian rationalism and Lockean empiricism to what can be proved through inferences. "Life is for action. If we insist on proofs for everything, we shall never come to action: to act you must assume, and that assumption is faith"⁷⁸. He pointed at Bentham as at "shame" for English philosophy, like Hobbes and other materialists, because of the base image of human nature they presented. Very much in tune with his general attack on modern rationalism and empiricism, he wrote that Bentham the master of one of the two schools of philosophy in high esteem at his day had, unhappily enough, "not a spark of poetry in him"⁷⁹, that his system had

nothing ideal about it; he is a stern realist, and he limits his realism to things which he can see, hear, taste, touch and handle. He does not acknowledge the existence of anything which he cannot ascertain for himself⁸⁰.

The fact is – unsurprisingly, given Newman's theory of knowledge – that secular knowledge is not the antecedent of moral improvement. Bentham says that "the knowledge which carries virtue along with it, is the knowledge how to take care of [...] what is pleasurable, what is painful, and promotes the one and prevents the other. An uneducated man is ever mistaking his true interest, and standing in the way of his true enjoyments. Useful knowledge is that which tends to make us more useful to ourselves; a most definite account of the matter, and needing no explanation"⁸¹. What is wrong with this claim is that there are many instances in which men become wiser, without becoming better and, Bentham's attacks on flowers of rhetoric, signifying nothing notwithstanding, virtue is a word that makes perfectly sense, even if it cannot consist in secular knowledge but only – and it is important to note that Newman is arguing something quite opposite to what not only Paley, but also McIntosh and Whewell contended for – in "religious sentiment" of "Faith"⁸². That is, there is no *natural* or *rational* morality and human beings left to their fallen nature are unable to carry on a moral life following a moral law indicated by reason, were it able to point at one. This is pure Augustinianism, which strangely enough led Newman away from the Church of England to the Catholic Church, which in turn had more than once officially condemned Augustinian theses. But this just one more example of actions and reasons-for-action going in different directions.

9. A Cambridge Anglican rationalist and his controversy with Mill

William Whewell, a Cambridge academic and an Anglican clergyman, was the main intellectual figure of the Cambridge anti-Paley reaction. He wrote a preface to MacIntosh's *Dissertation*, a bulky textbook of normative ethics, and a series of lectures on the history of

British moral philosophy where also Bentham was treated at length. His key-idea was the existence of a moral law accessible to the human mind before any divine revelation, and justified by reason not by divine will, but also justified in its kernel on a priori basis, even if its detailed contents could be established only by combination of reason and experience.

Whewell's ethical theory, in more detail, is that there is a basic moral norm that is largely 'open' in its contents; there are five basic "ideals" corresponding to basic fields of human action; actual norms are derived through a circular movement involving experience and the moral ideals; such norms are partially empirical in their content but are no way empirical in their justification; thus they are not immune from self-correction on the basis of experience but do provide a basis for criticism of *positive* systems of rules such as those enforced by the legal system of a country⁸³.

Whewell's criticism of Benthamite utilitarianism focuses on the impossibility to calculate all consequences of actions and on the nature of happiness, which does include moral elements, so that we cannot derive morality from happiness unless we are to fall into a vicious circle⁸⁴.

John Stuart Mill attacked Whewell in a rather vehement tone, somewhat surprisingly in comparison to the more moderate tone adopted with Sedgwick – one would say inversely proportional to the target's intellectual stature. He claimed that Whewell in epistemology and ethics adopted arguments that justify use of a priori theses not derived from experience; that in this way in ethics he apparently found a theoretical argument for justifying the transformation of traditional morality's teachings into a system of allegedly self-evident truths; that he had based morality on positive law; that his definition of a fundamental norm was a tautology; that to make morality depend on other elements, themselves moral, ends up with a vicious circle; and finally that, since he also connected morality with the Christian promise of eternal happiness, he – not the Utilitarians – actually adopted the "selfish system" of Hobbes and Mandeville by making moral motives self-interested ones⁸⁵.

Whewell answered in a post-script in his *Elements*' third edition, claiming first that his reasoning was not circular, because *right* means what must be done, and by his fundamental norm no further "why" for moral action is introduced; secondly, that he had not *derived* fundamental rights from human happiness even if he agreed that they also serve this purpose, but as a aside-effect; thirdly, that he did not base morality on law, but that he had used law as an "indication of its place and form"; and finally that the "selfish theory" is quite different from the doctrine of eternal happiness⁸⁶.

10. Mill's new synthesis

Mill's attack included, to a remarkable extent, an attempt at incorporating Whewell's criticism into his own system while complaining of misunderstanding, turning his opponent charges against himself, hinting at allegedly reactionary implications of his opponent's arguments. Mill's review of Whewell's *Elements* is seldom read, while his *Utilitarianism* has become core reading for generations of students and has acquired the aura of a masterpiece begotten in a virginal state by his Author's brains. But it may be worth re-reading Mill's *Utilitarianism* in the light of his review of Whewell and of the latter's reply, since Mill published it just six years after Whewell's rejoinder, and the circumstance that Whewell's name is never mentioned is clearly no proof that the controversy had been forgotten, but more probably just a matter of tactics. The pamphlet is a emphatic defence of utilitarianism against attacks, and an understated rewriting of Benthamite doctrine from scratch. It is well-known how details of such rewriting include (i) an attempt at replacing Bentham's axiomatic foundation of utilitarian doctrine with an inductive one, that is, with the notorious 'proof' of the principle of utility⁸⁷; (ii) a conversion from Benthamite hedonism to Coleridgean romanticism with regard to pleasure and happiness⁸⁸; (iii) a tacit disavowal of Bentham's theorem of the coincidence between self-interest and benevolence by introducing the alternative claim that virtue is an

end in itself⁸⁹; (iv) a full surrender to Whewell while claiming victory concerning the function of rules in morality, by admitting that rules are required, even if only the principle of utility justifies them⁹⁰; (v) a strategic withdrawal on traditional morality and common sense, through the admission that moral rules result from the accumulated experience of mankind, not by a calculus carried out by the moral reformer, what amounts to turning Bentham's case for a new morality upside down⁹¹.

11. John Grote

Nine years after Mill's *Utilitarianism*, John Grote, another Cambridge academic, published an *Examination of the Utilitarian Philosophy* where he argued that Mill's *Utilitarianism* is much closer to non-utilitarian schools than original Utilitarianism was, but the result is, more than a consistent new system, an unstable amalgam. On the quality of pleasure Mill attacks Whewell for raising the issue, but then introduces a distinction between different kinds of pleasure as obvious, while Bentham had rejected it as something that would have made the felicific calculus impossible. On the value of social feeling, Mill admits of "a basis of powerful natural sentiment", but nothing could be more opposite to this than the language of Paley and Bentham, and he claims he is an Epicurean but he is a Stoic on the main point, that is, the natural sociability, about which he repeats the claims of such authors as Cicero and Grotius, which were despised by Bentham⁹². Concerning the authority of traditional morality, while Bentham depicted himself as the Bacon of morality, who would lay the basis for the new morality, Mill declares instead that mankind has been learning by experience the beneficial or damaging tendencies of actions⁹³. Also, the choice of the name utilitarianism for the doctrine was infelicitous, but its authors are to be blamed for it; in fact *utile* in ancient philosophy was contrasted sometimes with *honestum* and sometimes with *dulce*; accordingly the name adopted conveys both associations, leaving confusion and carrying a demoralising implication, as if it favoured *utile* as contrasted with *honestum*. Concerning happiness, the remark is in order that it consists in something more complex than Utilitarians believe; they are positivists, they stand for facts, they insist that happiness is an elementary idea and this is the reason why their philosophy is allegedly the true one; but happiness, first, is very different for different people; secondly, we as yet, at least, know very little how far a man, by the power of his own will and imagination on his thoughts and feelings, can make his own happiness under any circumstances; third, nor how far, under any circumstances again, his constitution and temper may have settled the question of happiness or unhappiness for him; fourth, we have no means of deciding whether we shall best spend our efforts in trying to be happy under existing circumstances, or in trying to improve the circumstances; and fifth, nor have we any means of deciding, if there are different qualities or heights of happiness, whether we had best rest in the lower quality or strive to attain to the higher.

Grote's general conclusion is that Mill answers objections by claiming that they are based on misunderstanding, but

in meeting the objections, which he does with qualification, he gives us on the one hand a reassertion of old utilitarian doctrines; on the other, new (and professedly utilitarian) doctrines of his own. That he does this latter he to a certain extent avows, to that extent admitting the force of the objections made [...] his *neo-utilitarianism* is something very different from that to which the objections were made⁹⁴.

13. Sidgwick

Sidgwick's *Methods* have been read too, no less than Mill's *Utilitarianism*, in an unsophisticated way, as the repository of the musings of an isolated and disinterested genius, or as "the first genuinely academic work in moral philosophy". Actually, Sidgwick did

something that was *prima facie* the opposite of what Mill had done but that finally proved a better way to the same goal. Instead of incorporating Whewell's criticism into a revised version of utilitarianism and claiming that this was the original version when properly understood, he resorted to accepting all criticism and declaring the failure of utilitarianism but in the meantime made believe he had proved an even more drastic failure of its opponents. In more detail he claimed first that the dependence of morality from law, allegedly admitted of by Whewell, contrasts with the claim of being able to judge law on a moral basis⁹⁵; secondly, he claimed that Whewell's "method" was unable to provide precise contents unless we are to resort to consideration of consequences, since the norm of truthfulness or the duty to keep promises become "evanescent at a more accurate examination"⁹⁶, since such duties seem intuitively independent and certain to unreflective common sense, but also a number of exceptions seems to be commonly accepted and thus *common sense* (note, common sense, not intuitionist moral philosophy) is unable to reach a consensus on what are precisely the cases where a promise must be kept; the same holds true for justice, since for intuitionists the idea of justice should make more rigorous what common sense understands for justice, but in fact it includes contrasting ideals, such as the individualist and the socialist one⁹⁷.

Facing two failures, what philosophy can do in the practical field is transforming common sense into knowledge by singling out "intuitions" which may be eventually justified, by reflecting on the body of beliefs that "we" share, by ferreting out inconsistencies *in such a body of beliefs* as well as *between the above* and the whole of results of the natural sciences qua body of beliefs well-founded and consistent with which the beliefs of common sense should be harmonized.

In Sidgwick's attempt common sense comes to play the main role, a traditional idea of the Scottish philosophy appealed to by Coleridge, Morice, John Grote in so far as it is an anti-empiricist notion;

marginally accepted by Whewell who believed in rational (partly a priori) knowledge, attacked by Bentham and rescued by Mill as a means of paving the objection to the impracticability of utilitarian calculus as well as of overcoming Bentham's lack of a "proof" of the principle of utility. The defence of utilitarianism is based on a kind of judo move, that is, after having conceded to the opponents of utilitarianism everything they contended for, that is common sense, showing how the contents of common sense, albeit uncertain, are utilitarian. This carries among other things, doing away with Bentham's program of a moral reform, that is with the very *raison d'être* of utilitarianism. But the difficulty is made less devastating for Sidgwick by his faith in moral progress. The better part of mankind has such more refined feeling and more extended sympathies as may ensure widespread adoption of the principle of utility even after its lack of foundation has been confessed⁹⁸. This was Sidgwick's performance, something like being able to skate over ice after it had broken.

13. Conclusions

There is a way of studying the history of ideas starting with their context that is *apparently* the opposite of the analytic style and looks apparently like old fashioned Continental history of philosophy focusing on 'influences' and even worst 'forerunning' but is *actually* a sensible preliminary to a really analytic reading of philosophical arguments. It consists in reading texts first qua speech acts, taking advantage of the tools provided by pragmatics, and asking who is speaking to whom, what illocutive act is s/he performing while apparently performing a rather innocent elocutive act, what perlocutive effect is s/he (successfully or not) pursuing by the act, what background knowledge is shared by speaker and audience, etc.

When read from this viewpoint, doctrines turn out to be more research programs than self-contained doctrinal bodies, and such programs appear to be implemented, and indeed radically transformed while in progress thanks to their enemies no less than to their

supporters. Controversies are the propelling devices of research programs. Controversies are real-worlds affairs, and philosophers do not engage in them just for the sake of the argument, but in order to win, and alignments are defined on the basis of strategic and tactical requirements that cross the boundaries of disciplines.

As Montaigne believed, “we buy our opinions wholesale”, that is, the reasons for opting for one doctrine, say utilitarianism, or against it are often reasons for adopting one among several competing overall views, religious, political, philosophical. In nineteenth-century Britain the competing overall views were more than two, pace the two Mills’ attempts at describing the discussion as a battle between the intuitional and the empirical school, or Prejudice and Reason.

It is true that the fierce discussion was between umbrella alignments (at once political, religious, economic, and cultural) and specifically philosophical doctrines were made to bend to the alignment they apparently served. The curious lot of Paley is one brilliant example of this circumstance. He was immensely influential in the first two decades of the century and was suddenly disavowed by both alignments once he started looking an awkward sputnik to the Utilitarians and a dangerous Troy-horse to the Common-Sense and Intuitionist philosophers. And the discussion became more vehement every time some interest, in terms of influence on the public opinion, was at stake that was perceived to be important and rather often the more vehement the less neat was the difference between alignments on theoretical issues. And yet, good objections and counter-objections, and most of all amendments of doctrines were incidentally produced in the course of the fight, and they were no less valuable because of their being more side-effects than sought-for discoveries.

As I have illustrated, the discussion raged first about politics and only in the Thirties, more than four decades after Bentham’s *Introduction*, specific points of utilitarian ethical theory started being discussed in any detail. A curious circumstance is that, once theoretical difficulties were highlighted, they were accepted as new starting-points by everybody without much fight in defence of former theoretical formulations. The rescuer of utilitarianism, Sidgwick, was a superb master in such kind of *Gattopardo*-like process of self-transformation. In fact, he turned utilitarianism from a subversive ideology into the establishment’s philosophy precisely because he transformed it deeply, and the bequest he left to twentieth-century Anglo-Saxon ethics consisted, more than of Benthamite ones, of those ideas he, and before him Mill, had borrowed from their opponents.

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¹ Mill, 1861, pp. 173.

² Albee, 1902, chs. 1, 4, 9.

³ See Schneewind 1998, chs. 10, 15, 16, 18; Cremaschi 2007, ch. 6.

⁴ See Schneewind 1998, ch. 6, 19; Cremaschi 2007, ch. 5.

⁵ See Cumberland, 1672; Gay, 1731; Brown, 1751.

⁶ See Schneewind, 1984.

⁷ See Schneewind, 1995.

⁸ These aspect of the Paley-Bentham relationship have been stressed by Schofield 1987 and Crimmins 1990a.

⁹ Maupertuis, 1749, pp. 201-4.

¹⁰ Maupertuis, 1749, pp. 240-1.

¹¹ Belsham, 1801, p. 369.

¹² *Ibidem*, p. 379.

¹³ *Ibidem*.

¹⁴ Paley 1785, book I, ch. 7 (p. 25).

¹⁵ See Law 1758; for comments see Crimmins 1998, pp. 20-23.

¹⁶ *Ibidem*, p. 371.

¹⁷ *Ibidem*, p. 411.

¹⁸ *Ibidem*, p. 432.

¹⁹ *Ibidem*, p. 440.

²⁰ *Ibidem*, p. 447.

²¹ See Jeffrey 1804.

²² *Ibid.*, p. 18

²³ *Ibid.*

²⁴ Coleridge 1817, pp. 188-87 fn.

²⁵ Coleridge, 1818, vol. I, p. 314.

²⁶ *Ibidem*, p. 317.

²⁷ *Ibidem*, p. 314.

²⁸ *Ibidem*.

²⁹ *Ibidem*, p. 318.

³⁰ *Ibidem*, p. 194.

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- ³¹ *Ibidem*, p. 49.
³² *Ibidem*, p. 194.
³³ Sedgwick, 1834, p. 67.
³⁴ *Ibidem*, 1834, p. 51.
³⁵ *Ibidem*, p. 52.
³⁶ *Ibidem*, p. 53.
³⁷ *Ibidem*, p. 61; cf. 66.
³⁸ *Ibidem*, p. 69.
³⁹ See Mackintosh 1818
⁴⁰ See Lively and Rees, p. 52.
⁴¹ Macaulay 1829a, p.128.
⁴² Macaulay 1829b, pp. 171-177.
⁴³ *Ibid.*, p. 171.
⁴⁴ *Ibid.*, p. 175.
⁴⁵ *Ibid.*, p. 176.
⁴⁶ *Ibid.*
⁴⁷ Mackintosh 1830, pp. 284-313.
⁴⁸ *Ibidem*, p. 292.
⁴⁹ *Ibidem*.
⁵⁰ *Ibidem*, p. 293.
⁵¹ *Ibidem*.
⁵² *Ibidem*, p. 294.
⁵³ *Ibidem*, p. 295.
⁵⁴ *Ibidem*, p. 296.
⁵⁵ *Ibidem*.
⁵⁶ *Ibidem*.
⁵⁷ *Ibidem*, p. 297.
⁵⁸ *Ibidem*, p. 302.
⁵⁹ *Ibidem*, p. 303.
⁶⁰ *Ibidem*.
⁶¹ *Ibidem*, p. 306.
⁶² *Ibidem*.
⁶³ *Ibidem*, p. 309.
⁶⁴ *Ibidem*, p. 308.
⁶⁵ J. Mill, 1835, pp. 120-130.
⁶⁶ *Ibidem*, p. 156.
⁶⁷ J.S. Mill 1835, p. 51.
⁶⁸ *Ibidem*, p. 50.
⁶⁹ See J.S. Mill 1833.
⁷⁰ J.S. Mill 1835, p. 51.
⁷¹ *Ibidem*, p. 52
⁷² J.S. Mill 1840.
⁷³ See Schneewind, 1974.
⁷⁴ Maurice 1862, p. 672; on Maurice see Hall, 1971.
⁷⁵ *Ibidem*, p. 673.
⁷⁶ *Ibidem*.
⁷⁷ Maurice, 1867, p. 47.
⁷⁸ Newman 1841, p. 295.
⁷⁹ *Ibidem*, p. 263.
⁸⁰ *Ibidem*, p. 269.
⁸¹ *Ibidem*, pp. 262-63.
⁸² *Ibidem*, pp. 304.
⁸³ Whewell, 1954, § 648.
⁸⁴ Whewell, 1952, p. 216.
⁸⁵ Mill, 1852.
⁸⁶ Whewell, 1854, vol. ii, pp. 300-23.
⁸⁷ Mill, 1861, pp. 234-39.
⁸⁸ *Ibidem*, pp. 220-22.
⁸⁹ *Ibidem*, pp. 227-30.
⁹⁰ *Ibidem*, pp. 206-7.
⁹¹ *Ibidem*, pp. 223-26.
⁹² Grote, 1870, p. 24.

⁹³ *Ibidem*, p. 22.

⁹⁴ *Ibidem*, p. 15.

⁹⁵ Sidgwick, 1874, book III, ch. 5, par. 1

⁹⁶ *Ibidem*, book III, ch. 11, par. 6

⁹⁷ *Ibidem*, book, III, ch. 11, par. 5

⁹⁸ See Cremaschi 2006a, pp. 57-59;2006b.