

stitutions questioned by cultivated men, by men of acknowledged intellect; and it is not in the nature of uninstructed minds to resist the united authority of the instructed. Bentham broke the spell. It was not Bentham by his own writings; it was Bentham through the minds and pens which those writings fed—through the men in more direct contact with the world, into whom his spirit passed.”

12.
Legal re-
form on
basis of
moral
principle
of utility.

The second point which is important is this, that Bentham found it necessary, and had the courage, to select a moral principle whereon to base the legal reforms which he had in view. This principle was selected from the existing vocabulary and ideas of the ethics of his century, solely for the reason that it would work: this means that with its aid the correctness of special existing laws could be tested and the desired change and reform brought about. The moral principle itself, the principle of utility and the definition of utility in this connection as meaning that which is conducive to happiness—the greatest happiness of the greatest number—is not an invention of Bentham's, nor exclusively characteristic of his system. Ethical writers of very different shades of opinion regarding the deeper philosophical problems of the Good, had before him used almost identical expressions¹ with

¹ That the utilitarian aspect, or more definitely the “greatest happiness” principle, worked itself to the front in most of the ethical writings of the eighteenth century, is shown by Leslie Stephen in the 9th chapter of his ‘History of English Thought in the Eighteenth Century’ (1876). Notably of Hutcheson (1694-1747, a predecessor of

Adam Smith in the Chair of Moral Philosophy at the University of Glasgow), Leslie Stephen says that he “appears to have been the first person to proclaim the celebrated formula, the ‘greatest happiness of the greatest number.’ Hutcheson's use of the phrase occurs in the ‘Enquiry concerning Moral Good and Evil’ (sec. iii. § 8), ‘in the