

JEREMY BENTHAM AND DANIEL O'CONNELL: THEIR CORRESPONDENCE AND RADICAL ALLIANCE, 1828–1831*

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ABSTRACT. *O'Connell's relationship with Jeremy Bentham is the subject of frequent comment. However, the nature of this relationship has never been adequately documented, largely because the principal documentary evidence – their correspondence – remains uncollected. As a result, there exists a lacuna in the literature relating to O'Connell's involvement with British radicalism. This essay reconstructs the nature of his political alliance with Bentham from the evidence provided by their correspondence, from 1828 to 1831. It begins with O'Connell's plausible professions of discipleship and their shared optimism about the radical reform agenda, through to Bentham's concerted efforts to bind O'Connell to the British radical movement, and ending in the disillusionment and division that arose from O'Connell's insistence on giving priority to Irish reforms and Bentham's deep suspicion of catholicism. The whole is illustrative of Bentham's efforts in his later years to implement his policies through the agency of presumed 'disciples'.*

I

The volumes of correspondence currently in production for the definitive edition of *The collected works of Jeremy Bentham* are of unquestionable historical importance, containing substantial insights into the political and social fabric of the age in which Bentham lived, essential biographical data, and information about the conception and progress of his writings and projects.¹ From his first letter at the age of three in January 1752 through to his death eighty years later Bentham was in correspondence with innumerable intellectuals and public figures at home and abroad, in addition to the usual family members and friends, covering a phenomenal range of social, legal, economic and political events and issues. His letters went out to Russia and many parts of continental Europe, North Africa, and both parts of the Americas. Among his corres-

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¹ *The correspondence of Jeremy Bentham (CW)*, vols. 1–9 (1752–June 1820), *The collected works of Jeremy Bentham* (London and Oxford, 1968–89), 1–II, ed. T. L. S. Sprigge; III, ed. I. R. Christie; IV–V, ed. A. T. Milne; VI–VII, ed. J. R. Dinwiddy; VIII–IX, ed. S. R. Conway. Henceforth *Bentham correspondence*.

pondents were three past or future presidents of the United States – Madison, Jackson, and John Quincy Adams – and a host of other American ministers and state governors; an array of French and continental luminaries and politicians; and an endless stream of British notables, including prime ministers and other crown ministers and officials as well as the cream of radical politics spanning the French Revolution to the Great Reform Act.

To this constellation we must add Daniel O’Connell, the charismatic leader of the Catholic Association, largely responsible for forcing Catholic Emancipation upon a reluctant British government, and unparalleled battler for justice for Ireland inside and outside parliament throughout his adult life. O’Connell’s eloquence and effectiveness as a public speaker coupled with his avowed commitment to radical legal and political reform, drew the aging Bentham to him in the belief that great improvements could be achieved through their cooperation. O’Connell was fifty-three when they first corresponded in 1828, at the height of his powers, already established as the leading defender of Irish interests and set to embark on a distinguished parliamentary career that was to reach near-mythical proportions; Bentham was a sprightly eighty years, the acknowledged sage of British radicalism, still projecting schemes for political, legal and judicial improvement, and ever ready to seize an opportunity to prosecute his proposals before the bar of public opinion. To both men the alliance seemed to promise a good deal: the critical utilitarian theorist would convey the appropriate ideas and information, impart the benefit of the hard-earned wisdom of a lifetime, and instil in the eloquent and energetic practical politician the required know-how to attain those goals they both held dear; the busy reformer would pay homage to the venerable scholar and employ whatever materials he presented that might be suitable to his purpose, invoke his name in seeking to impress upon his fellow parliamentarians the wisdom of his recommendations and to facilitate his dealings with other reformers. The reformist aspirations they shared, the ideas they discussed, the proposals they conceived and developed, each informs us of the nature of the alliance between Bentham and O’Connell, and it is in their correspondence that this story largely unfolds.

Of the 47 letters they exchanged between July 1828 and March 1831 34 are Bentham’s, sent from Queen’s Square Place in London, and 13 are O’Connell’s, 10 sent from Ireland and 3 from London, covering a period of two years and nine months. It is unfortunate that we do not have a comprehensive collection of their correspondence – a situation which will be rectified only when the final volumes of the Bentham *Correspondence*, covering 1820–32, appear in the coming years. For the present we must deal with several sources, none of which provides a complete inventory of the letters. Maurice O’Connell’s eight-volume edition of his ancestor’s correspondence does not include Bentham’s letters.² The Bowring edition of *The works of Jeremy Bentham* omits 13 of Bentham’s letters and one of O’Connell’s, but even the letters reproduced are

² *The correspondence of Daniel O’Connell*, 8 vols., ed. M. R. O’Connell (vol. 1, Shannon, 1972; vols. 2–8, Dublin, 1973–80). Henceforth *O’Connell correspondence*.

frequently presented in mutilated form.³ The only other printed source is *The Irish Monthly* for 1883, which published a selection of 15 letters from Bentham to O'Connell described as previously 'unpublished',⁴ ten of which do not appear in any form in Bowring. Finally, there are two letters from Bentham to O'Connell in the University College Dublin collection which have not been printed at all: the second of these marks the beginnings of a running dispute between the two men over the relative merits of Simon Bolívar, the South American revolutionary.⁵

In addition, Bentham penned three 'public' letters on the Irish Question, each of which is found in Bowring's edition and deserves further notice. The first letter is addressed 'J.B. to the Catholic Association', dated 9 December 1824;⁶ the second, dated February 1828, several months before the beginning of the correspondence with O'Connell, is an 'Address proposing a plan for uniting the Catholics and Dissenters for the furtherance of religious liberty';⁷ and the third is dated 1831 and headed 'Pacifus against the conquest of Ireland'.⁸ The status of these letters is ambiguous. With the possible exception of the first, it is doubtful that they were sent directly to O'Connell, and the second and third may not have been published or circulated at all. They are important because they exhibit expressions of support for the Irish Catholics of a kind not found elsewhere in Bentham's correspondence, and indicate that at times he considered a more radical solution for the ills that beset Ireland than even O'Connell was prepared to countenance, including full democracy and complete independence from Britain.⁹

For a time Bentham and O'Connell became personal friends as well as political allies. When they fell out each sought to repair the damage in letters reminiscent more of two estranged lovers than the towering public and intellectual figures they actually were. 'O'Connell', wrote Bentham, 'I love you with a father's love!'¹⁰ After some months without writing, O'Connell relented and assured his mentor that he retained 'great respect' and 'veneration...undiminished', but was despondent that events have proved him 'not worthy of your patronage and friendship'.¹¹ However, what makes their association intriguing is the optimism that pervades both sides of the

³ See *The works of Jeremy Bentham, published under the superintendence of his executor, John Bowring*, 11 vols. (Edinburgh, 1838–43; New York, 1962), x–xi, passim. Henceforth *Bowring*.

⁴ *The Irish Monthly*, xi (1883), 424–33, 511–19, 549–56.

⁵ J.B. to O'Connell (16 Oct. 1829), University College Dublin, P 12/3/207. The other unpublished letter is J.B. to O'Connell (25 May 1829), University College Dublin, P 12/3/203.

⁶ 'J.B. to the Catholic Association' (9 Dec. 1824), *Bowring*, x, 544. For Bentham's comments of this time on the fallacies employed to bolster the Protestant Ascendancy and the British administration in Ireland see *Bentham's handbook of political fallacies* (1824), ed. H. A. Larrabee (1952; repr. New York, 1971), pp. 90–91, 173–76; see also J. E. Crimmins, *Secular utilitarianism: social science and the critique of religion in the thought of Jeremy Bentham* (Oxford, 1990), pp. 138–48.

⁷ *Bowring*, x, 593.

⁸ *Ibid.* xi, 64–6.

⁹ On O'Connell's loyalty to the British crown see M. O'Connell, *Daniel O'Connell: the man and his politics* (Dublin, 1990), pp. 41, 43–4.

¹⁰ J.B. to O'Connell (18 Dec. 1829), *The Irish Monthly*, xi, 550 (incorrectly dated 28 Dec. 1829).

¹¹ O'Connell to J.B. (22 Feb. 1831), *Bowring*, xi, 64.

correspondence, the extravagant professions of faith in their mutual practical utility, expressed at a time when both men were highly reputed radicals immersed in the agitation for political reform. To Bentham, O'Connell was 'the only man perhaps in the world, by whom, for many years to come, Radical Reform, or any approach to it can be brought upon the carpet, with any the smallest chance of success'.¹² O'Connell offered Bentham his services in the business of law reform,¹³ and the latter encouraged the establishment of a Law Reform Association to do for the law what O'Connell's Catholic Association had done for his co-religionists in Ireland.¹⁴ O'Connell offered effusive praise of Bentham and his many contributions to 'the great approaching change', 'convinced that no one individual, in modern times, approaches in any degree to the practical and permanent utility of Bentham'.¹⁵ Inevitably, as doubt and frustration began to infect their relationship, optimism diminished. For O'Connell's part it was rooted in his difficulties with the English reformers; Henry Hunt, in particular, was to prove himself a vexing and unreliable comrade in the radical camp. From Bentham's perspective it had its source in O'Connell's independent frame of mind and, ultimately, in what he took to be a debilitating commitment to catholicism and a blindness to the harm this caused the Irishman's reputation as a radical reformer. But what is truly remarkable is that the flames of optimism should have burned so bright at all. Their respective experiences with the British political establishment might have suggested a decidedly lower level of expectation as to what improvements could be realized through their combined efforts.

II

Bentham scholarship has been notably remiss in passing over the connection with O'Connell. An accurate measure is Elie Halévy's otherwise magisterial study of Bentham, which contains but a single reference to the Irishman.¹⁶ O'Connell's biographers have served him better, but they tell a mixed tale without significantly advancing our knowledge. Oliver MacDonagh's two-volume study of O'Connell is probably the best we have; it relates a great deal about his education, reading habits, formative influences, subsequent alliances, and much else.¹⁷ Unfortunately, MacDonagh is one of the least enamoured with the notion that Bentham served anything more than a rhetorical purpose for O'Connell, and only introduces Bentham into the story at the time of the second Co. Clare election on 30 July 1829, fully a year after they began their correspondence.¹⁸ In an earlier work MacDonagh observed that what

¹² J.B. to Henry Hunt (27 Sept. 1828), *ibid.* p. 5.

¹³ O'Connell to J.B. (3 Aug. 1828), *ibid.* x, 597.

¹⁴ J.B. to O'Connell (18 Dec. 1829), *The Irish Monthly*, xi, 550, and (17 Jan. 1830), *Bowring*, xi, 32–3.

¹⁵ J.B. to O'Connell (6 Oct. 1828), *O'Connell correspondence*, viii, 203.

¹⁶ E. Halévy, *The growth of philosophic radicalism* [*La formation du radicalisme philosophique*, 1901–4], trans. M. Morris (1928; Clifton, N.J., 1972).

¹⁷ O. MacDonagh, *The hereditary bondsman: Daniel O'Connell, 1775–1829* (New York, 1987), and *The emancipist: Daniel O'Connell, 1830–1847* (London, 1989).

¹⁸ MacDonagh, *The hereditary bondsman*, p. 280.

O'Connell had to say about Bentham's influence should be discounted as 'characteristic blarney'.¹⁹ As if to underscore the point, Bentham rates only two brief mentions in the entire two volumes of MacDonagh's biography. If there was a utilitarian influence shaping O'Connell's radicalism, in MacDonagh's account it is William Godwin's *Enquiry concerning political justice* (1793). Although he rejected its anarchist and anti-monarchical sentiments, the *Enquiry* provided him 'with the two master principles of his politics':²⁰ the first was phrased by O'Connell in the form that the best government is the one 'which laid fewest restraints on private judgement';²¹ the second served to reinforce his already established conviction that violence should never be used for political ends.²² In sum, for O'Connell, as for Godwin, public opinion lay at the root of all power, and civil liberty and equality formed the bedrock of social stability.²³

MacDonagh is not alone among O'Connell's biographers in downplaying the connection with Bentham. R. Dudley Edwards states that 'The utilitarian principles of Bentham provided a convenient backdrop for an O'Connellite oratorical performance in England, concerned to present the Irish question as an irresistible element in the achievement of social justice'. Thus O'Connell put forward emancipation 'as a United Kingdom issue which few reformers could resist' – a tactical ploy, therefore, rather than a deep-seated commitment to Benthamism or the radical cause.²⁴ Along similar lines, Lawrence J. McCaffrey doubts the discipleship of O'Connell: 'he was more interested in the personal liberty, happiness, and economic security of the Irish people...'²⁵ He implies a contrast between the two reformers when he states that 'O'Connell was a Benthamite, a believer in freedom of conscience and separation of Church and State, but he was also a master politician committed to reality before theory'.²⁶ Presumably, the latter part of what he says is meant to signal O'Connell's reticence in pursuing the Benthamite agenda. Joseph Lee sees some affinity between O'Connell's political views and Bentham's, but adds that this did not prevent his rejection of Benthamite *laissez-faire* economics. In this respect, O'Connell's catholicism, with its prior commitment to natural law, 'emerges as the crucial control on his Benthamism'.²⁷

On the other side of the interpretive divide stand Fergus O'Ferrall and Maurice O'Connell. O'Ferrall claims that an understanding of Bentham's utilitarianism is essential to comprehending the nature of O'Connell's liberalism, and points to various professions of radicalism in his speeches and

¹⁹ O. MacDonagh, *Early Victorian government, 1830–1870* (London, 1977), p. 35.

²⁰ MacDonagh, *The emancipist*, p. 18.

²¹ A. Houston, *Daniel O'Connell: his early life, and journal 1795 to 1802* (London, 1906), p. 102, quoted F. O'Ferrall, *Daniel O'Connell* (Dublin, 1981), p. 11.

²² For a sample of O'Connell's praise for Godwin's *Enquiry* see O'Ferrall, *Daniel O'Connell*, p. 9.

²³ MacDonagh, *The emancipist*, p. 19.

²⁴ R. Dudley Edwards, *Daniel O'Connell and his world* (London, 1975), p. 48.

²⁵ L. J. McCaffrey, *The Irish Question 1800–1922* (Lexington, 1968), p. 37.

²⁶ *Ibid.* p. 63.

²⁷ J. Lee, 'The social and economic ideas of O'Connell', in K. B. Nowlan and M. R. O'Connell, eds. *Daniel O'Connell: portrait of a radical* (Belfast, 1984), pp. 79–80.

letters (including a selection of quotations from letters to Bentham) as evidence.²⁸ Maurice O'Connell also presents his forebear as a radical cut from the same cloth as the later Bentham, and quotes O'Connell from an address adopted by the Repeal Association in Dublin on 11 October 1843, in which he argued that freeing the American slaves would grant the boon of liberty to a far greater number of persons, thus 'the noble Benthamite maxim, of doing the greatest possible good for the greatest possible number, would be amply carried into effect'.²⁹ There is also the dubious statement that in early adulthood O'Connell had been a rationalist and a deist influenced by Bentham (as well as the French philosophes, Paine and Godwin).³⁰ But neither O'Ferrall nor Maurice O'Connell provide substantive evidence to show that O'Connell went beyond expressions of radicalism to embrace Benthamism in any meaningful sense.

Only Angus MacIntyre seems to have conducted a serious investigation into O'Connell's speeches and correspondence to establish his commitment to 'the Benthamite programme of political and legal reform', including codification of the laws, parliamentary reform and the ballot.³¹ Unfortunately, he begins his account in 1830 and deals with the Bentham connection in cursory fashion before moving on to his main theme of study – the role of O'Connell and the Irish Party in British politics, 1830–47.

If we take these writers as illustrative of the current state of our knowledge, then there is much still to be said about O'Connell's relationship with Bentham. Does his alliance with Bentham in the cause of reform help us to fathom the true nature of his radicalism? How seriously are we to take O'Connell's own professions of discipleship? In what ways did Bentham's influence on O'Connell differ from that of others, for example Godwin? Did O'Connell genuinely share the passion of Bentham and other English radicals for comprehensive constitutional reform? Their correspondence provides us with a starting point from which to answer these questions.

III

In general Bentham had little in common with the popular political radicals of the day in England, men like Burdett, Cobbett, Hunt and Cartwright, with each of whom he experienced diffident relations. He was flattered by the attentions of Burdett, but increasingly frustrated with the failure of the baronet to pursue the radical agenda entire.³² In 1810 Cobbett declined to publish a

²⁸ O'Ferrall, *Daniel O'Connell*, p. 71.

²⁹ The address was transcribed in the report of that meeting in *The Nation* (14 Oct. 1843), quoted by O'Connell, *Daniel O'Connell: the man and his politics*, p. 130.

³⁰ *Ibid.* pp. 122, 136.

³¹ A. MacIntyre, *The liberator: Daniel O'Connell and the Irish Party, 1830–1847* (London, 1965), p. 19.

³² Bentham first complained about Burdett's diffidence in pressing for political reform in a letter to Francis Place (6 Feb. 1818), only to have Burdett approach him a few weeks later (25 Feb. 1818) requisitioning a draft bill for parliamentary reform; *Bentham correspondence*, ix, 158–9, 165–6.

section of Bentham's *Parliamentary reform catechism* in his immensely popular *Political Register*, even though he published lesser papers on the same subject; after this Bentham never uttered a kind word for Cobbett.³³ He recognized Hunt's abilities as a public speaker and praised his efforts to stem corruption in the City of London, but also expressed reservations about his long-term utility to the reform movement.³⁴ For Major John Cartwright, 'the worthy father of radical reform',³⁵ Bentham always showed respect, but he consistently declined invitations to involve himself in Cartwright's frenzied political activities.³⁶ At bottom what disengaged Bentham from these radicals was their tendency to base arguments for reform not on utility, but on natural law theory and a sentimental veneration for England's ancient constitution, all of which was anathema to Bentham. With O'Connell matters were far different; they struck an instant rapport based on a wide range of shared ideals, rarely sullied by extraneous reasoning of a non-utilitarian kind.

Although Bentham was certainly familiar with the Irishman's political activities, Bowring relates that there was no contact between them prior to the opening of the correspondence in the summer of 1828.³⁷ Nevertheless, an earlier communication may have occurred. In his letter of 15 July 1828 Bentham reminded O'Connell that he had once sent him a copy of his 'Parliamentary Reform Bill'.³⁸ It is likely the occasion was in 1825, when O'Connell made his first significant connection with the English radicals, inducing Burdett to introduce a house of commons' motion favouring the catholic claims (Burdett's bill was defeated in the Lords on 18 May). But O'Connell's familiarity with Bentham's work seems to predate this. As early as March 1818 he revealed his interest when in a letter to his wife Mary he asked that his nephew and sometime clerk, Roger O'Sullivan, send him a recent issue of the *Quarterly Review* which contained 'a short review of Bentham's work on reform'.³⁹ When, in the summer of 1828, Bentham arranged for O'Connell to receive a selection of tracts – *Draught of a code for the organization of the judicial establishment in France* (1790); *Bentham's Radical Reform Bill* (1819); *Codification proposal* (1822); *Leading principles of a constitutional code, for any state* (1823); *Observations on Mr. Secretary Peel's House of Commons speech... introducing his Police*

³³ J.B. to William Cobbett (16 Nov. 1810), *ibid.* viii, 80–1; and J.B. to John Mulford (9 July 1812), *ibid.* p. 252, where Cobbett is mentioned as 'universally known for a vile rascal'.

³⁴ J.B. to O'Connell (13 Sept. 1828; 25 Sept. 1828; and 10 Nov. 1829), *Bowring*, x, 601; *The Irish Monthly*, xi, 429–30; and *ibid.* 519.

³⁵ Bentham, *Plan of parliamentary reform*, *Bowring*, iii, 481 note.

³⁶ See, for example, J.B. to Cartwright (30 Aug. 1811), *Bentham correspondence*, viii, 170–2; J.B. to Francis (17–18 Jan. 1818), *ibid.* ix, 150; and J.B. to Cartwright (18 Feb. and 9 Apr. 1821), *Bowring*, x, 523.

³⁷ *Bowring*, x, 594.

³⁸ Either the *Plan of parliamentary reform, in the form of a catechism* (1818) or *Bentham's radical reform bill* (1819), *Bowring*, iii, 433–557, 558–97. This may have been in response to a speech in which O'Connell alluded to Bentham's writings on reform. In a letter to Henry Hunt (27 Sep. 1828) Bentham referred to O'Connell 'several years ago...making express reference to Bentham's Parliamentary Reform Catechism, or the Radical Reform Bill, or both, I forget which' (*ibid.* xi, 6), but I have not been able to trace O'Connell's speech.

³⁹ O'Connell to M. O'Connell (3 Mar. 1818), *O'Connell correspondence*, ii, 170.

Magistrates' Salary Raising Bill (1825); *Rationale of judicial evidence* (5 vols., 1827); and the first volume of the *Constitutional code* (printed 1827, published 1830)⁴⁰ – he claimed familiarity with certain of them already:

I read with great rapidity and have already read much of the books you sent me. I am not a stranger to your works by any means nor was I before you sent them. I however read more of them than I digested. I took only the landmarks for the purpose of practical utility, not then foreseeing that I should have any chance of reducing your opinions into practice although the general notion has been long familiar to my mind that I should be instrumental in introducing a Code and abolishing the present nefarious and atrocious System.⁴¹

It is impossible to say to what extent O'Connell had already imbibed the principles of utilitarianism from his reading of Bentham. What is clear, however, is that a broad-based similarity of political disposition already existed before the summer of 1828 and continued thereafter.

Like Bentham, O'Connell was a lawyer by training who had attended Lincoln's Inn (though unlike the utilitarian legal philosopher he found Blackstone's *Commentaries* both clear in style and attractive in exposition).⁴² For both men judicial and legal reform constituted a core element of their radicalism. Equally important to them was their commitment to freedom of conscience. From 1807 forward, O'Connell's battle against discrimination encompassed liberal religious convictions and the effort to establish parity between Irish catholics and protestants.⁴³ Consistent with his enthusiasm for the individual's right to exercise private judgement in religious matters, he advocated the separation of church and state, and extended this to include the catholic church in Ireland.⁴⁴ O'Connell's stance created personal difficulties with the Vatican, as did his subsequent intervention in the civil war in Spain (1834–39) on the side of the anti-clerical Liberal government and its policy of expropriating the property of the Spanish church against the church-backed Carlists.⁴⁵ But this was not the kind of thing to bother Bentham, who for long had expressed similar sentiments and, initially at least, was untroubled by the

⁴⁰ J. B. to O'Connell (31 Aug. 1828), *The Irish Monthly*, xi, 429. In his first letter (15 July 1828; *Bowring*, x, 595) Bentham had already promised O'Connell copies of his *Codification proposal, addressed by Jeremy Bentham to all nations professing liberal opinions* (1822), *Indications respecting Lord Eldon* (1825), and *Rationale of judicial evidence* (1827); *Bowring*, iv, 535–94, v, 348–82, vi, 189–585 and vii, 1–644.

⁴¹ O'Connell to J. B. (29 Sep. 1828), *O'Connell correspondence*, viii, 202; on p. 201 he singled out the *Rationale of judicial evidence* for special mention.

⁴² MacDonagh, *The hereditary bondsman*, pp. 32, 40.

⁴³ MacDonagh, *The emancipist*, pp. 19, 22. For a speech to this effect see *Dublin Evening Post*, 30 Dec. 1813; the speech is published in *Life and speeches of Daniel O'Connell*, 2 vols., ed. J. O'Connell (Dublin, 1846), ii, 264. See also O'Connell, *Daniel O'Connell: the man and his politics*, p. 34.

⁴⁴ MacDonagh, *The emancipist*, pp. 23–5.

⁴⁵ The principles of private conscience in religious matters and separation of church and state were condemned as immoral and irreligious by Pope Gregory XVI's encyclical *Mirari Vos* (1832), and subsequently by Pius IX's *Syllabus Errorum* (1864) and Leo XIII's *Immortale Dei* (1885); see M. R. O'Connell, 'O'Connell and the Spanish civil war 1834–1839', in M. R. O'Connell, ed., *O'Connell: education, church and state* (Dublin, 1992), pp. 35–9.

complexities of O'Connell's catholicism; it accommodated what lay at the heart of religious liberty for Bentham – the principle of voluntarism essential for the public exercise of religion free from political constraints.⁴⁶ Only when their friendship began to falter did Bentham come to question the veracity of O'Connell's commitment to genuine religious liberty. Like Bentham, too, O'Connell consistently advocated the unpopular cause of Jewish emancipation.⁴⁷ Speaking in the Commons in favour of the Jewish disabilities bill of 1830 he argued vehemently against those who claimed that equality for the Jews would de-christianize the state.⁴⁸ However, if he and Bentham were of one mind on the plight of dissenters and both were tireless advocates of abolishing the church rates and religious tests for office, O'Connell could still rage against 'the filthy slime of Wesleyan malignity' (a 'solitary blemish on his non-conformist record', according to MacDonagh).⁴⁹ There were, of course, strong feelings of anticlericalism within the radical movement, including those directed against Wesleyan ministers who had tried to dissuade their flock from participating in political agitation. But, as John Dinwiddy has explained, such views were frequently accompanied by a distrust of evangelical religion in general 'on the ground that its ardent emphasis on personal salvation distracted people from the possibilities of political improvement in this world'.⁵⁰ Bentham shared this perspective, first suggested in the foundational work of his philosophy, *An introduction to the principles of morals and legislation* (1789), and later made the centrepiece of *An analysis of the influence of natural religion on the temporal happiness of mankind* (1822).⁵¹

Consistent with the general position he took on issues of civil liberty, O'Connell also shared with Bentham a deep-seated hatred of slavery; he was a leading figure in the British and Foreign Anti-Slavery society, and from 1830 to 1833 played a prominent role in the successful campaign for West Indian emancipation.⁵² He once said that he would never visit the United States while it upheld the slavery laws and would never shake the hand of an American who supported slavery, proclaiming to an anti-colonization meeting in London on the 13 July 1833, 'I should be sorry to be contaminated by the touch of a man from those States where slavery is continued'.⁵³ As for the rights of women,

⁴⁶ For Bentham on religious liberty see Crimmins, *Secular utilitarianism*, pp. 107–13.

⁴⁷ See O'Connell's letter to the leader of English Jewry, Isaac Goldsmid (11 Sept. 1829), *O'Connell correspondence*, iv, 95. For Bentham on the plight of the Jews see L. Campos Boralevi, *Bentham and the oppressed* (Berlin, 1984), ch. 4. ⁴⁸ MacDonagh, *The emancipist*, p. 19.

⁴⁹ *Ibid.* p. 23, quoting O'Connell from a speech to the ministers and office-bearers of the Wesleyan Methodist Societies of Manchester, 1 Aug. 1839, reported in *Freeman's Journal* (5 Aug. 1839).

⁵⁰ J. R. Dinwiddy, *From Luddism to the First Reform Bill: reform in England, 1810–1832* (Oxford, 1986), pp. 39–40.

⁵¹ The attack on religious asceticism in both works is discussed in Crimmins, *Secular utilitarianism*, chs. 2 and 7.

⁵² For Bentham on slavery see Campos Boralevi, *Bentham and the oppressed*, ch. 7.

⁵³ MacDonagh, *The emancipist*, p. 20. O'Connell persisted in denouncing American slavery, much to the disappointment of the Young Irelanders, even when it threatened American support for repeal of the union; *ibid.* pp. 20–1.

O'Connell's position was much like Bentham's: he voiced rational arguments against prejudice but in practice accepted that the time was not ripe to improve the female lot.⁵⁴

What the correspondence adds to this summary of their political values and convictions is a detailed account of the genesis, development, and ultimate demise of an alliance formed to put ideals into practice and to further the cause of radical reform.

IV

The correspondence is concentrated into three unequal periods, separated by intervals of three and six months respectively. In the first period, from July to November 1828, there are 19 letters, 13 from Bentham and 6 from O'Connell. In the second period, from February 1829 to June 1830, there are 21 letters, 15 from Bentham and 6 from O'Connell. The final short period begins with Bentham's attempt to re-open the correspondence on 31 January 1831; O'Connell responded with his last letter on 22 February; and then five were sent by Bentham, the last apparently on 21 March 1831. The 'agenda' which constitutes the letter of this date indicates that the two men met, presumably at Bentham's house in Queen's Square Place, on the previous evening, 20 March 1831 – their final meeting.

I. The opening letter of the first series (July to November 1828) is Bentham's, dated 15 July 1828, following O'Connell's avowal in a public speech earlier that month that he was 'an humble disciple of the immortal Bentham'.⁵⁵ As the correspondence proceeds, discussion of reform takes on an increasingly optimistic tone, but it is not just or even primarily political reform that forms O'Connell's radical agenda. Still then a lawyer dependent on his profession for an income, he had always taken an acute interest in both the theory and practice of the law. In his first letter Bentham had expressed delight at reading (in the *Morning Herald*) that O'Connell had raised – in a speech making explicit reference to Bentham – both the issue of political *and* law reform, declaring that 'The system of law at present used in England is a disgrace (you say) to the present period of civilisation'.⁵⁶ Prophetically, Bentham enthused, 'Daniel O'Connell! there I have you; and, so sure am I always to have you, never, so long as I have life, will I let you go'.⁵⁷ When O'Connell replied on 3 August 1828 he apologetically declined Bentham's invitation to visit him at 'the Hermitage', but professed himself 'your humble disciple', and expressed his 'political faith' in the utilitarian principle, 'The greatest possible good to the greatest possible number'. Bentham would, no doubt, have been even more heartened to see O'Connell expressing sentiments similar to his own regarding judicial procedure and the legislative influence of 'Judge and Co.':

⁵⁴ Ibid. pp. 21–2, 42. Bentham's 'feminist' credentials are discussed by Campos Boralevi, *Bentham and the oppressed*, ch. 2. ⁵⁵ J.B. to O'Connell (15 July 1828), *Bowring*, x, 594.

⁵⁶ Ibid. p. 595.

⁵⁷ Ibid.

I am also convinced that to be without a Code [of laws] is to be without justice. Who shall guard the guardians? – Who shall judge the judges? – A Code – without a code, the judges are the only efficient and perpetual legislature. There is a melancholy amusement in see[ing] how *the scoundrels* – pardon me, do sometimes *legislate*. In England, it is bad enough. In Ireland, where the checks (such as they are) of parliamentary *talk*, and of the press, are either totally removed or rendered nearly powerless, the mischief of *judicial legislation* is felt in its most mischievous, ludicrous and criminal operation.⁵⁸

Bowring later recalled Bentham's 'enthusiasm – the joy with which he referred to some of those eloquent outbreaks with which O'Connell every now and then attacked the abuses of the law – the craft of the lawyers – the costliness and inaccessibility of justice to the people'.⁵⁹ To Michael Staunton, the editor and proprietor of the *Morning Register*, he declared soon after the opening of his correspondence with Bentham:

The Law Reform is now my grand object. ... Everybody should help to get rid of the present most vexatious, expensive, cabalistic and unintelligible system of law proceedings... I do not exaggerate when I say that no man since the days of 'the Sainted Alfred' was ever half as useful as I shall be if I can abolish the present nefarious and abominable system and introduce a code of Common Sense both in its mode of proceeding and in its rules and enactments.⁶⁰

Consistent with this statement the most discussed topics are Bentham's petitions for codification of the laws and for reforming the administration of justice,⁶¹ petitions which O'Connell was to gather signatures for and later to present to parliament when he had secured a seat.⁶² In this respect O'Connell had already shown his commitment to judicial reform as early as 1823, when he was instrumental in persuading Henry Brougham to present a petition to the Commons on reform of the administration of justice in Ireland; in the debate following, Brougham cited Bentham as his authority.⁶³ Now, with Bentham's

⁵⁸ O'Connell to J.B. (3 Aug. 1828), *O'Connell correspondence*, viii, 199. Inadvertently, O'Connell may have supplied Bentham with the title for a later tract in this letter, when he wrote (apparently with reference to Henry Brougham's six-hour Commons speech of 7 Feb. 1828 on the state and administration of the common law) that 'Mr Brougham's *evils* are plain and sometimes well displayed'; *ibid.* For Brougham's speech see *Mirror of Parliament* (1828), pp. 68–95, cited in *O'Connell correspondence*, viii, 200. Bentham's critique of Brougham's Local Jurisdiction Bill was started in 1830 and published as *Lord Brougham displayed* in 1832, *Bowring*, v, 549–612.

⁵⁹ *Ibid.* p. 594.

⁶⁰ O'Connell to M. Staunton (22 Sept. 1828), *O'Connell correspondence*, iii, 411.

⁶¹ These would appear to be what Bentham drafted and subsequently published as the *Justice and codification petitions* (1829), *Bowring*, v, 437–548.

⁶² See O'Connell to J.B. (29 Sep. 1828), *O'Connell correspondence*, viii, 202; J.B. to O'Connell (11 Oct. 1828), *The Irish Monthly*, xi, 511; O'Connell to J.B. (26 Oct. and 2 [and 3] Nov. 1828), *O'Connell correspondence*, viii, 207, 211–12; and J.B. to O'Connell (18 Nov. 1828), *The Irish Monthly*, xi, 513.

⁶³ See *Select speeches of Daniel O'Connell*, 2 vols., ed. J. O'Connell (Dublin, 1867), ii, 214, 224–30. In Nov. 1823 O'Connell hoped to persuade Earl Grey to present a second petition to the house of lords; see *ibid.* p. 233. Attempts to persuade Brougham and Grey to introduce petitions again in May 1824 were unsuccessful, both taking exception to elements of the petitions which asked for (1) reformation of the temporalities of the Church Establishment of Ireland; (2) the better regulation

encouragement, O'Connell put forward codification petitions at the catholic Co. Kerry meeting on 16 October and in Kilkenny on 21 October 1828, both of which passed unanimously.⁶⁴

Political issues were not ignored altogether in this first period of their correspondence but, with the exceptions of the ballot and the problems for the radicals caused by the strained relations between O'Connell and Henry Hunt (to which I will come in a moment), few thoughts on politics *per se* were exchanged. Without prior prompting from Bentham, O'Connell showed himself convinced of the necessity of the ballot, without which he says 'it is not possible to have perfect freedom of election'.⁶⁵ That the ballot was the linchpin of the radical reform agenda was a constant refrain in Bentham's letters of this period, and he tried hard to get both O'Connell and Hunt to work together for this objective.⁶⁶ Surprisingly, the situation in Ireland barely surfaced in their private correspondence. When O'Connell promised 'never to spend *one week* in the house unmarked by some effort to reform *the Law, the parliament – aye and the Church*', he followed it by a profession of his own religious voluntarism. He assured Bentham: '*I do not want to effect any change of any other mans opinions on that subject in any way or shape save by reasoning at its proper season, which in the present shape of society seldom occurs*'.⁶⁷ Bentham was later to doubt such professions, and O'Connell's catholicism came to pose an insuperable obstacle to the smooth running of their political collaboration.⁶⁸ For his part, on the Irish Question Bentham mentioned in passing his opposition to the 'wings' or securities designed to placate protestant opposition in Ireland to a catholic relief act,⁶⁹ and he expressed ambivalence about

of juries; (3) the disenfranchisement of the rotten borough corporations, and (4) Catholic Emancipation; *ibid.* pp. 315–20.

⁶⁴ 'That the laws of the land ought to be precise and intelligible, and that the administration of those laws ought to be cheap and expeditious, and that for those purposes it is necessary that an all comprehensive code of law and procedure should be adopted by the Legislature, and therefore we do petition the Parliament to take measures in order to procure drafts of such code to be prepared and submitted for legislative consideration'; quoted from the *Leinster Journal* (25 Oct. 1828), *O'Connell correspondence*, viii, 209 editor's note.

⁶⁵ O'Connell to J.B. (3 Aug. 1828), *ibid.* p. 199.

⁶⁶ J.B. to O'Connell (31 Aug. 1828), *The Irish Monthly*, xi, 427; J.B. to O'Connell (23 Sept. 1828), *Bowring*, x, 601; J.B. to O'Connell (25 Sep. 1828), *The Irish Monthly*, xi, 429; and J.B. to Hunt (27 Sep. 1828), *Bowring*, xi, 5.

⁶⁷ O'Connell to J.B. (3 Aug. 1828), *O'Connell correspondence*, viii, 199.

⁶⁸ For the first strong statement of O'Connell's catholic convictions to Bentham see (6 Oct. 1828), *ibid.* p. 204.

⁶⁹ J.B. to O'Connell (2 Nov. 1828), *Bowring*, x, 603–4. The 'wings' to which Bentham refers were the 'securities' for protestants in Ireland which O'Connell had supported at the time of the 1825 Relief Bill: (1) the payment of the catholic clergy out of state funds; and (2) the disfranchisement of the Irish forty-shilling freeholders. The first was designed to secure the loyalty of the clergy to the crown and the state; the aim of the second was to ensure that whatever catholic MPs were elected would not have to depend on the votes of 'the mob'. F. O'Ferrall, *Catholic Emancipation: Daniel O'Connell and the birth of Irish democracy, 1820–1830* (Dublin, 1985), p. 92. Following the defeat of the 1825 bill, O'Connell backed away from the 'wings' and would not have liked being reminded of his earlier support for them.

Catholic Emancipation preceding parliamentary reform.⁷⁰ Otherwise, Bentham was thoroughly satisfied that O'Connell's sentiments on the constitution were exactly as he would wish. In a letter of 19 September 1828 he referred to a speech by O'Connell reported in the *Morning Herald* of that day, in which the latter was quoted as proclaiming 'I deem it impossible... to have a Constitution at all worth naming, without Radical Reform'. To which Bentham responded, 'we have not a Constitution worth naming, so say I'.⁷¹

A recurring issue in this period was the altercation between O'Connell and Hunt, which stemmed from O'Connell's support for Burdett's Catholic Relief Bill of 1825, including the 'wings', one of which involved the disfranchisement of the Irish forty-shilling freeholders – a concession to which Hunt strongly objected. Matters came to a head during and after O'Connell's success in the Co. Clare by-election of July 1828, when Hunt impugned O'Connell's radical credentials, his tactics during the election, and his failure to take his seat in the Commons as originally planned. Hunt was first off the mark in the 9 August 1828 issue of the *Morning Herald*, in which he mixed some personal slights on O'Connell with doubts about the sincerity of his political convictions.⁷² O'Connell responded with his own public letter to Hunt (9 September 1828) in the *Morning Register*, declaring: 'I am, I ever have been, I ever will be, a radical reformer'.⁷³ Between the two reformers Bentham played a determined role as intermediary, endeavouring to prevent a schism among the radicals; in a flurry of letters in September 1828 by turns he praised and cajoled both men. To O'Connell in a letter of 13 September Bentham wrote of Hunt's inhibiting 'passions of envy and jealousy' (in this case Hunt's envy of O'Connell, whose radical star was on the rise following his election for Co. Clare).⁷⁴ However, six days later he informed O'Connell that Hunt 'has already done considerable good' in tackling abuses in the City of London, 'and is in the way to do considerably more',⁷⁵ and advised O'Connell to cease his attacks on Hunt for trading as a seller of shoe blacking: 'the feeling thus betrayed belongs not to us democrats, but to aristocrats, who make property... the standard of opinion'.⁷⁶

⁷⁰ J. B. to O'Connell (18 Nov. 1828), *The Irish Monthly*, xi, 514. In fact Bentham had long ago explained to John Cam Hobhouse (31 Jan. 1821) that emancipation should be sought only in conjunction with parliamentary reform or even following 'the triumph of radicalism'; *Bowring*, x, 524. Previously, O'Connell had himself vacillated on this issue; e.g. compare the speech he gave in Oct. 1819 with those given in Jan. 1821 and May 1823 in *Select speeches of Daniel O'Connell*, II, 63–9, 91–8, 104–10, 214.

⁷¹ J. B. to O'Connell (19 Sept. 1828), *Bowring*, x, 601.

⁷² These are noted by O'Connell in a letter to Bentham (6 Oct. 1828), *O'Connell correspondence*, VIII, 204.

⁷³ *Ibid.* III, 412 note. To Michael Staunton (22 Sept. 1828), the editor of the *Morning Register*, O'Connell explained, 'I wrote that letter not for Hunt but for the dormant reformers in England, Bentham, Bowring, etc.', and adds, 'The Law Reform is now my grand object'; *ibid.* p. 411. O'Connell had declared his radicalism in virtually identical words at a dinner held in his honour and reported in the *Morning Register* (17 July 1828), quoted by MacDonagh, *The hereditary bondsman*, p. 261.

⁷⁴ J. B. to O'Connell (13 Sept. 1828), *Bowring*, x, 601.

⁷⁵ For Hunt's anti-corruption campaign in the Common Hall in 1827–28 see J. Belchem, 'Orator' Hunt: *Henry Hunt and English working-class radicalism* (Oxford, 1985), pp. 177–83.

⁷⁶ J. B. to O'Connell (19 Sept. 1828), *Bowring*, x, 602. While Hunt was frequently lampooned as 'the Blacking man' and enjoyed the free publicity this gained for his business, he did not lightly

A week later Bentham counselled O'Connell that to effect a truce with Hunt he must 'forbear writing to him in the *vituperative* style' which, he says, has only damaged O'Connell's reputation not Hunt's.⁷⁷ More praise of Hunt followed: 'In point of capacity of *taking the lead, at present*, in support of *radical reform* in the way of public *speaking*, no one has as yet appeared, who is at all comparable to him'. Moreover, by common report Hunt is 'of late, in every respect, even *moral* as well as *intellectually*, surprisingly *improved*'.⁷⁸ At the same time, in a barely disguised anonymous letter to Hunt,⁷⁹ Bentham was equally at pains to point out the paramount value of O'Connell to the radical cause: 'His *instruments* are the vast majority of the people of Ireland – his *operations*, by means of those same instruments, petitionings for Reform: for Reform in whatever shape, for a commencement, may be deemed to afford the most promising prospect of success'.⁸⁰ Bentham shared Hunt's concern about O'Connell's substitution of the phrase 'constitutional reform' for 'radical reform' – a phrase 'which, as you think, and I think, means nothing at all' (unless it means whig reform).⁸¹ But as a rebuttal to Hunt's innuendos against O'Connell's sincerity, Bentham recalled an earlier attempt by O'Connell to instigate reform: 'At that time he gave the matter up: how could he do otherwise? – no support could he find; to have persevered would have been, thenceforward, to render it impossible to make any part of the great progress he has made. In his place... I should have done the same'.⁸²

Despite Bentham's exertions O'Connell and Hunt rarely saw eye to eye. In private O'Connell confided to Bentham, 'My opinion of Hunt is, that his radicalism is not love of liberty, but hatred of tyranny, mixing I think with hatred of anything superior of any description'. Such men are indispensable as 'the pioneers of reform; but they get so "unsavoury from their trade" that it is absolutely requisite to send them to the rear when the practical combat comes on'. This, says O'Connell, was the idea behind his reply to Hunt. In the meanwhile he will listen to Bentham as the 'thermometer of Hunt's political utility'.⁸³

When Hunt published Bentham's no longer 'anonymous' letter in the *Morning Herald* together with a commentary (29 September 1828),⁸⁴ O'Connell sought to dispel once and for all the aspersions cast on his radicalism by

take cheap jokes that undermined his political standing, and this may in part account for the venom of his counter-attack on O'Connell; see Belchem, 'Orator' *Hunt*, pp. 168–9.

⁷⁷ J. B. to O'Connell (25 Sept. 1828), *The Irish Monthly*, xi, 430. ⁷⁸ *Ibid.* 429, 430.

⁷⁹ J. B. to Hunt (27 Sept. 1828), *Bowring*, xi, 5–7. This letter was made public by Hunt when he had it printed in *The Morning Herald* (29 Sept. 1828) with Bentham's name; see J. B. to O'Connell (29 Sept. 1828), *The Irish Monthly*, xi, 430–1 (wrongly dated 27 Sept. 1828).

⁸⁰ J. B. to Hunt (27 Sept. 1828), *Bowring*, xi, 5.

⁸¹ *Ibid.* p. 6. Only a month previously Bentham had taken O'Connell to task for this himself, arguing that it would be taken as a sign of moderation; see J. B. to O'Connell (31 Aug. and 30 Sept. 1828), *The Irish Monthly*, xi, 425–6, 432. ⁸² J. B. to Hunt (27 Sept. 1828), *Bowring*, xi, 6.

⁸³ O'Connell to J. B. (6 Oct. 1828), *O'Connell correspondence*, viii, 205.

⁸⁴ See *Bowring*, xi, 5–7.

detailing to Bentham the circumstances of the Co. Clare election and rebutting the charges Hunt had levelled against him. Hunt's charges were: '1st. that I had *refused* to allow Mr. Ensor to be put in nomination with me at Ennis so that if I were declared ineligible he may be substituted. 2ndly. that I selected Mr. Leader for Tralee, he being a Whig, instead of Mr. Ensor who is a radical'.⁸⁵ In reply O'Connell explained that although George Ensor, a protestant member of the Catholic Association, had been suggested as a second radical nominee for the constituency ('in an anonymous letter or in a letter written by a man called Anthony Marmion') it was an 'impracticable' proposal.⁸⁶ The nomination committee had debated the possibility of a second nomination, but not of Ensor, rather of Thomas Steele, another radical protestant member of the Association. The idea was rejected for the following reasons: (1) in a single member constituency it was by no means certain that two radicals could head the poll; (2) nor was it certain that Steele could get support from the catholic freeholders, who might be prepared to take risks to vote for one of their own but not for Steele or Ensor; and (3) it would have been interpreted as a confession that O'Connell could not take his seat once elected and undermine any future claim before the Commons that he had a right to the seat for which he had been elected.⁸⁷ O'Connell dismissed the second charge on the grounds that 'Tralee is not an open borough', by which he meant that votes had to be bought at great expense, an expense which the Irish barrister Nicholas Leader (later MP for Kilkenny, 1830–32), a resident of Tralee, was ready to pay, but which Ensor, known to the voters of Tralee by name only, would not.⁸⁸ Finally, for Hunt to suggest that O'Connell's radicalism was attributed 'to a desire to get briefs and fees' is ludicrous: 'radicalism the road to professional emolument!!!! Would to heaven it was so for the sake of the cause...'⁸⁹

In a further letter on the subject O'Connell accepted Bentham's rebukes with equanimity, but nonetheless justified his own attitude in a manner that underscored the basic differences of temperament between the two men, and which was to continue to trouble Bentham in the future:

It is quite true, the 'fierce extremes' mingle in our estimate of men. It can not be helped. Nay, I am convinced that it is necessary to be warm with *our love*, to glow with our resentment. I who have helped to *convert* the people of Ireland from apathy, despair and from nocturnal rebellion into determined but sober politicians ought to be able to form some judgement of what is likely to conduce to attain that cooperation so necessary to give a prospect of success.⁹⁰

⁸⁵ O'Connell to J.B. (26 Oct. 1828), *O'Connell correspondence*, VIII, 207. In an earlier letter sent after the Clare by-election in July, Bentham had himself promoted the interests of Ensor should O'Connell be refused his seat; J.B. to O'Connell (30 Sept. 1828), *The Irish Monthly*, XI, 432. However, in a subsequent letter he sought to mollify O'Connell by reporting James Mill's less than flattering account of Ensor's political skills, and conceded that O'Connell had no choice in the Co. Clare by-election; J.B. to O'Connell (2 Nov. 1828), *Bowring*, x, 603–4.

⁸⁶ To what degree Ensor's criticisms of O'Connell's support for the 'wings' in 1825 influenced this judgement is difficult to say; G. Ensor, *Irish affairs at the close of 1825* (Dublin, 1826).

⁸⁷ O'Connell to J.B. (26 Oct. 1828), *O'Connell correspondence*, VIII, 207–8.

⁸⁸ *Ibid.* p. 208.

⁸⁹ *Ibid.* p. 209.

⁹⁰ O'Connell to J.B. (2 [and 3] Nov. 1828), *ibid.* pp. 210–11.

O'Connell and Hunt managed to overcome their differences long enough in March 1830 to co-operate in the founding of the Metropolitan Political Union, at which O'Connell spoke from the chair and demanded 'a real Radical Reform', including universal suffrage, shorter parliaments, the ballot, and law reform.⁹¹ But despite Bentham's best efforts the relationship between O'Connell and Hunt remained volatile, producing an unseemly sequel when Hunt involved himself in an apparent blackmail attempt against O'Connell in November 1831. Hunt claimed to be acting in the role of a concerned friend when he forwarded a letter from Ellen Courteney, who had accused O'Connell of rape and fathering her illegitimate son, born in November 1818. Hunt explained that Courteney's letter had been sent 'applying to me for pecuniary relief'.⁹² O'Connell denied all knowledge of Courteney and there was no evidence to prove otherwise. Naturally, this did not prevent his enemies from using this slur upon his character against him in the future.⁹³ About Hunt's letter he was blunt: 'Mr. O'Connell treats it with all the contemptuous indifference so maniac a piece of impudence deserves'.⁹⁴

II. In the second period of their correspondence (February to June 1829) Bentham continued to look to O'Connell to present his petitions on justice and codification to parliament, but initially O'Connell had other matters to consider. Should he take his seat in the Commons or wait for Emancipation? Hunt was among those pressing O'Connell on the question. On 17 March 1829 he wrote to O'Connell expressing disappointment that his promised attempt to take his seat in the Commons remained unfulfilled, and pointed to this, together with O'Connell's seclusion since arriving in London in February, as the reason for the indifference of the London reformers.⁹⁵ In the same letter Hunt reiterated his opposition to the disenfranchisement of the Irish forty-shilling freeholders,⁹⁶ reluctantly accepted by O'Connell as the price for catholic relief.⁹⁷ Emancipation passed through parliament in the first two weeks of April 1829, which in essence meant the opening up of all state and

⁹¹ E. J. Evans, *Britain before the Reform Act: politics and society, 1815–1832* (London and New York, 1989), p. 85; and O'Ferrall, *Catholic Emancipation*, p. 272.

⁹² Hunt to O'Connell (25 Nov. 1831), *O'Connell correspondence*, iv, 363.

⁹³ O'Ferrall, *Daniel O'Connell*, p. 23. MacDonagh agrees with O'Ferrall that the evidence favours O'Connell in this episode; *The emancipist*, p. 78.

⁹⁴ O'Connell to Hunt (30 Nov. 1831), *O'Connell correspondence*, iv, 369.

⁹⁵ Hunt to O'Connell (17 Mar. 1829), *ibid.* p. 31. O'Connell's promise to take his seat was made in an address to the Co. Clare freeholders on 28 Jan. 1829; see *ibid.* p. 32. Even before polling closed in Clare in July 1828 Hunt and the London radicals promised to 'convey' O'Connell at the head of 50,000 or 60,000 to Westminster to take his seat; MacDonagh, *The hereditary bondsman*, p. 261.

⁹⁶ *O'Connell correspondence*, iv, 31. A month later, however, O'Connell complained in a letter to Edward Dwyer (11 Mar. 1829) that Brougham and the whigs had given in to disenfranchisement, and that Hunt and Cobbett were ineffective in gathering radical resistance to the measure; *ibid.* p. 27. See also O'Connell to Dwyer (12 Mar. 1829), *ibid.* pp. 28–9.

⁹⁷ MacDonagh argues that O'Connell swallowed the odious securities 'in order to assuage the cabinet's unspent resentment of its defeat', and that this provides 'a classic instance of his elasticity' in politics; *The hereditary bondsman*, p. 271.

judicial offices to catholics without prejudice and a revision to the parliamentary oath, which hitherto had described the catholic religion as 'superstitious' and 'idolatrous'. Since the Union of 1800 this oath had prevented catholics, who were eligible to vote, from becoming MPs – that is, until O'Connell forced the issue by running in Co. Clare in 1828.⁹⁸ Nonetheless, in a churlishly conceived vote in the Commons on 18 May 1829 O'Connell was ruled ineligible (by 190 to 116 votes) to take the revised oath since he had been elected before it came into effect, forcing him to repair to Ireland to fight another election. However, he managed to meet with Bentham in early May and again before his departure at the end of the month.⁹⁹

During the early part of this period O'Connell's side of the correspondence continued to exude optimism about what he might do once securely seated in the Commons. In high hopes of being returned for Clare a second time, he exclaimed: 'Then for Utility – Utility – Law – Church – Finance – Currency – Monopoly – representation. – How many opportunities to be useful!' And followed this with his usual fulsome praise: 'I will not express – indeed, I could not express – my affectionate veneration to you. It increases as the period when I can start forward in the race of legal utility approaches, and becomes more certain'.¹⁰⁰ O'Connell's second victory on 30 July occasioned an ecstatic letter of the same day to Bentham, in which he declared, 'BENEFACITOR OF THE HUMAN RACE, I avowed myself on the hustings this day a "Benthamite" and explained the leading principles of your disciples'. O'Connell proceeded to dedicate his parliamentary career to the principle of utility, stating that Bentham had 'now one Member of Parliament *your own*', and professed his 'conviction of your paramount utility to mankind'.¹⁰¹ When Bentham replied, his gratitude did not prevent his vanity from wondering why the English newspapers had suppressed the news of O'Connell's avowal on the hustings of being 'a Benthamite', no reports to this effect having come to hand.¹⁰²

The justice and codification petitions formed the centre-piece of the efforts of the two men to reform the law in this period. Bentham sent a series of petitions, abridgements, amended versions, and supplements,¹⁰³ constantly seeking the perfect meshing of the ideal and the practical in order to solicit as many

⁹⁸ O'Ferrall, *Daniel O'Connell*, p. 26.

⁹⁹ In a letter to his wife (6 Mar. 1829), the bulk of which concerns the Emancipation Bill and his reservations about the subsidiary bill to raise the Irish freehold qualification for the vote from forty-shillings to ten pounds, O'Connell mentioned, 'On Sunday I dine at Bentham's, ...'; *O'Connell correspondence*, iv, 20. There is no other record of this meeting taking place. A meeting with Bentham in early May is confirmed in Bentham's unpublished letter to O'Connell of 25 May 1829, University College Dublin, P 12/3/203. A further meeting on 29 May is indicated in an exchange of letters on 28 May 1828, *O'Connell correspondence*, viii, 215, and *The Irish Monthly*, xi, 515.

¹⁰⁰ O'Connell to J.B. (28 May 1829), *O'Connell correspondence*, viii, 215.

¹⁰¹ O'Connell to J.B. (30 July 1829), *ibid.* p. 216.

¹⁰² J.B. to O'Connell (25 Aug. 1829), *The Irish Monthly*, xi, 516.

¹⁰³ Bentham's *Justice and codification petitions* (1829), *Bowring*, v, 437–548, includes 'Petition for justice' (pp. 444–507); 'Abridged petition for justice' (pp. 507–34); 'More abridged petition for justice' (pp. 534–8); 'Supplement to the petitions for justice' (pp. 539–45); and 'Petition for codification' (pp. 546–8).

signatures as possible outside parliament and to rebut objections and win over votes inside.¹⁰⁴ O'Connell promised that once parliament agreed in principle to codification Bentham would be commissioned to work on it, as befits 'the Newton of the Law'.¹⁰⁵ He was happy to report that resolutions for a code had been passed at Youghal in Co. Cork and announced his intention to introduce 'a number of petitions' for law reform and codification during the first few days of the coming parliamentary session. 'The hon[ourable] House! shall hear the name of Bentham – a name which, it would seem, has been considered too harsh for "ears polite"'; with Bentham's approval he would 'drive at once to the framing of the code'.¹⁰⁶

Bentham's own enthusiasm barely lagged behind O'Connell's, writing excitedly of the allies and supporters he was busy arranging for O'Connell. Brougham, he writes, cannot be relied upon; Daniel Whittle Harvey will stand as O'Connell's lieutenant in parliament in an alliance, says Bentham, that 'will suffice to drive out the Ministry and replace it with one including themselves'.¹⁰⁷ On another occasion Bentham reported his efforts to establish a 'Law Reform Association' to support O'Connell in parliament. Burdett, John Smith and Joseph Hume had agreed to it, and Bentham noted that by coincidence the idea for such a body had found its way into the *Morning Chronicle*.¹⁰⁸ But Bentham was always racing ahead, and the letters periodically discuss other proposed measures, such as reforms to the real property law and the public house licensing system,¹⁰⁹ establishment of an equity dispatch court,¹¹⁰ and abolition of the fee-gathering system.¹¹¹ To each of which O'Connell responded with encouragement, suggestions for improvements, and grand professions of what might be achieved.

Even when relations had cooled later on in this period, O'Connell continued

¹⁰⁴ J.B. to O'Connell (25 Feb. 1829), *ibid.* xi, 12; (25 Aug. 1829), *The Irish Monthly*, xi, 516–17; J.B. to O'Connell (16 Oct. 1829), University College Dublin, P 12/3/207; and O'Connell to J.B. (22 Oct. 1829), *O'Connell correspondence*, viii, 221.

¹⁰⁵ O'Connell to J.B. (22 Apr. 1829), *ibid.* p. 214.

¹⁰⁶ O'Connell to J.B. (4 Nov. 1829), *ibid.* p. 222.

¹⁰⁷ J.B. to O'Connell (25 Aug. 1829), *The Irish Monthly*, xi, 516.

¹⁰⁸ J.B. to O'Connell (18 Dec. 1829), *ibid.* 550.

¹⁰⁹ For reforms to the 'real property' law see J.B. to O'Connell (25 Aug. 1829), *The Irish Monthly*, xi, 515–17, and (16 Oct. 1829), University College Dublin, P 12/3/207; see also Bentham, *A commentary on Mr. Humphreys' Real Property Code* (1826), and *Outline of a plan of a General Register of Real Property* (written 1828; printed 1832), *Bowring*, v, 387–416, 417–35, and for a discussion M. Sokol, 'The Real Property Tree', in the papers of *The fourth conference of the International Society for Utilitarian Studies* (Tokyo, 1994), pp. 336–58. On the Public House licensing system see J.B. to O'Connell (29 Oct. 1829), *Bowring*, xi, 24; and O'Connell to J.B. (4 Nov. 1829), *O'Connell correspondence*, viii, 222–4.

¹¹⁰ J.B. to O'Connell (25 May 1829), University College Dublin, P 12/3/203; O'Connell to J.B. (28 May 1829), *O'Connell correspondence*, viii, 215–16; J.B. to O'Connell (25 Aug. 1829), *The Irish Monthly*, xi, 515–17; O'Connell to J.B. (22 Oct. 1829), *O'Connell correspondence*, viii, 219–22; and J.B. to O'Connell (18 Dec. 1829), *The Irish Monthly*, xi, 549–50 (incorrectly dated 28 Dec. 1829). See also Bentham, *Equity Dispatch Court proposal* (1830), and *Equity Dispatch Court Bill* (published from MSS), *Bowring*, iii, 297–317, 319–431.

¹¹¹ A matter first addressed by O'Connell in a letter to J.B. (2–3 Nov. 1828), *O'Connell correspondence*, viii, 210–12; see also J.B. to O'Connell (15 Mar. 1830), *Bowring*, xi, 37–8.

to encourage law reform and, much to Bentham's gratification, to laud the name of his utilitarian mentor. In January 1830 (Bentham noted) O'Connell was busy drumming up support for the Law Reform Association.¹¹² In February he introduced a petition with 10,000 signatures for a new and comprehensive legal code,¹¹³ supported a motion by Peel for 'the Reform of the Courts of Law' and in the same speech recommended abolition of the fee-gathering system and codification of the laws.¹¹⁴ In March O'Connell spoke on a parliamentary motion for the printing of a codification proposal and boasted of belonging to 'the small and sacred band of Radical Reformers'.¹¹⁵ When Bentham heard of this he wrote to offer arguments that O'Connell might use in responding to objections to a code.¹¹⁶ In a speech on Brougham's Local Jurisdiction Bill in April O'Connell royally praised Bentham and bemoaned 'the want of a fixed code of laws' and the wretchedness of 'judge-made law'.¹¹⁷ Finally, in July, when withdrawing his motion for codification (at Bentham's bidding),¹¹⁸ O'Connell attacked Burdett's debilitating equivocations on the matter, regretting that the baronet:

was prevented from presenting a petition on this important question, from a man whose name was his highest eulogy – he meant Mr. Jeremy Bentham – to whom the world was so deeply indebted for his works on the subject; which petition contained an offer to submit to the House the draft of a full Code of Laws and procedure, with reasons for every article.... He [O'Connell] was instructed to say, that Mr. Bentham, in his plan, met the objection which had hitherto been made to all codes, that they were subject to misinterpretation.¹¹⁹

Despite the set-back O'Connell's zeal for codification remained undiminished and he never let the degeneration in their personal relations stand in the way of his drawing what support he could from Bentham's writings.¹²⁰

However, if they were agreed in their perception of the faults that beset the English legal system, on other matters they became increasingly at odds during this period. The major points of contention centred on O'Connell's continuing

¹¹² J.B. to O'Connell (17 Jan. 1830), *ibid.* xi, 32.

¹¹³ *Hansard*, xxii, (11 Feb. 1830), 328–32.

¹¹⁴ *Ibid.* (18 Feb. 1830), pp. 673–6. A few days earlier O'Connell assured the radical M.P. Sinclair Cullen (and through him, Leicester Stanhope) that he stood full square behind the Benthamic reform of the system of fee-gathering; O'Connell to C. Sinclair Cullen (16 Feb. 1830), *O'Connell correspondence*, iv, 129–30. See also Sinclair Cullen to O'Connell (12 Jan. 1830), *ibid.* p. 116.

¹¹⁵ *Hansard*, n.s., xiii (23 Mar. 1830), p. 793, quoted O'Ferrall, *Daniel O'Connell*, p. 73.

¹¹⁶ J.B. to O'Connell (15 Mar. 1830), *Bowring*, xi, 37–8.

¹¹⁷ O'Connell on 'Reform in Courts of Law', *Hansard*, xxiii (29 Apr. 1830), 286.

¹¹⁸ See J.B. to Burdett (17 June 1830), *Bowring*, xi, 50–1.

¹¹⁹ O'Connell on 'Code of Laws', *Hansard*, xxv (8 July 1830), 1114. See also J.B. to O'Connell (23 June 1830), *The Irish Monthly*, xi, 551; and J.B. to Burdett (17 June 1830), *Bowring*, xi, 50. O'Connell's original motion was styled 'An Address to his Majesty, that he would be graciously pleased to take measures to have drafts or plans of a Code of Law and procedure... to be laid before that House'.

¹²⁰ This is evident from a letter O'Connell wrote from Cork to Robert White (16 Aug. 1830), in which he requested that all of Bentham's works that could be found in his house should be sent to him; *O'Connell correspondence*, iv, 197.

support for Bolívar in South America, and on a maverick attack he mounted against the continental liberals, the acerbic nature of which threatened to permanently isolate O'Connell from the radicals and other reformers. The dispute over Bolívar began mildly enough. Perhaps unmindful of the strength of O'Connell's faith in the South American 'Liberator', in a letter of 16 October 1829 Bentham accused Bolívar of betraying his earlier liberalism and becoming 'a selfish and maleficent despot'.¹²¹ In reply O'Connell was quick to take Bolívar's part, defending the 'eminent services he has rendered to Liberty' and commending the 'persevering ardour' that enabled him to defeat the Spaniards and 'to lay the foundation of freedom' in Columbia and elsewhere, and to establish 'the perfect equalisation of civil rights amongst all castes and colours'. Contrary views of Bolívar, he proclaimed, were the product of mean and selfish compatriots envious of his talent and virtue.¹²² O'Connell, who well understood the kinds of conflicting pressures that a popular leader had to deal with in trying to forge unity among his people, concluded this part of his letter with a typically impassioned flourish: 'If I must abandon my reliance on the purity of Bolívar, I will shed a tear for poor human nature. But no: I venture to prophesy that he will live to have his patriotism and disinterested virtue recognised all over the world.'¹²³

O'Connell's commitment to Bolívar began in 1819 when he organized a celebratory dinner in Dublin following the insurrection against Spanish authority in South America. Here he met John Devereux, a veteran of the 1798 insurrection, who was raising an Irish Legion to fight with Bolívar in Venezuela. Many in Dublin thought Devereux an adventurer who hoped to make a fortune by organizing the Legion (which he seems to have done). O'Connell lent his reputation and vociferous support to the plan in speeches and writings, but also found himself acting as Devereux's lawyer, banker of last resort, and leading character witness.¹²⁴ In 1820 O'Connell even sent his son Morgan, then only fifteen and a half years old, to serve as an officer attached to Bolívar's command, and wrote a letter to the revolutionary leader praising him as the liberator of his country and comparing him with Washington, 'your great prototype'.¹²⁵ In 1824 O'Connell gave his famous 'Bolívar' speech, in which he expressed the veiled threat of an insurrection under an Irish Bolívar if persecution continued in Ireland.¹²⁶ When Bolívar's image became tarnished among Europe's liberal intelligentsia in the late 1820s, when he limited the

¹²¹ J.B. to O'Connell (16 Oct. 1829), University College Dublin, P 12/3/207. For a discussion of Bolívar's reactionary acts in the summer of 1828 and their justification see T. L. McKennan, 'Benthamism in Santander's Columbia', *The Bentham Newsletter* (1981), 29–43.

¹²² O'Connell to J.B. (22 Oct. 1829), *O'Connell correspondence*, VIII, 220. ¹²³ *Ibid.* p. 221.

¹²⁴ MacDonagh, *The hereditary bondsman*, pp. 168–70; and O'Connell, *Daniel O'Connell: the man and his politics*, p. 94.

¹²⁵ O'Connell to Bolívar (17 Apr. 1820), *O'Connell correspondence*, II, 257–8; see also O'Connell, *Daniel O'Connell: the man and his politics*, p. 94.

¹²⁶ Speech reported 8 Jan. 1825, Catholic Association papers, State Paper Office, quoted O'Ferrall, *Daniel O'Connell*, p. 53. O'Connell was unsuccessfully charged with sedition as a result of this speech.

rights of representation and quashed the liberty of the press,¹²⁷ O'Connell stood by him. The situation in Venezuela and Columbia was volatile, he explained; partial independence from Spain during the Napoleonic Wars was followed by a reconquest by Ferdinand VII and then by Bolívar's uprising. In these circumstances violence – which O'Connell stood four square against in Ireland – was required to overthrow despotism. Moreover, Ferdinand had sought to extinguish democracy in Spain (although in March 1820 he was forced to restore the constitution of 1812), and had reinstated the Inquisition and the union between church and state. For O'Connell, Bolívar was a hero struggling against the re-establishment of religious intolerance and political despotism.¹²⁸ As Oliver MacDonagh put it, 'Bolívar remained an ideal for O'Connell all his life', and nor was it coincidental that 'he came to bear with pride the title invented originally for Bolívar – "The Liberator"'.¹²⁹

O'Connell's support for Bolívar and his problems with the English radicals soon became inextricably entwined, bound in public perception with his unflinching defence of the catholic religion. In an intemperate letter published in the *Dublin Evening Post* (6 October 1829), he accused the French liberals of 'incessant attacks' on the catholic clergy and of 'gross calumnies' against them.

The French Liberals are ready to allow Atheism and Deism, and every vice and error, whether ending in ism or otherwise; but they hunt down with blood-hound cry, all the practices of piety – all the decencies and solemnities of worship, and all the faith and doctrines of revealed religion. ... I a Liberal! – No. I despise the French Liberals – I consider them the enemies, not only of religion, but of liberty; ...¹³⁰

The *Dublin Evening Post* ran an accompanying editorial condemning O'Connell's views on the French liberals. The outcry against O'Connell was quickly taken up in England a few days later when the *Morning Chronicle* reprinted the offending letter, together with an editorial censuring the extreme nature of O'Connell's anti-liberal attack,¹³¹ and not long after that the moderately reformist *Examiner* joined in the general criticism.

Under the editorship of Leigh and John Hunt (no relation to Henry Hunt) the *Examiner* had for long supported Bentham and his parliamentary associates.¹³² Now, presumably unaware of O'Connell's alliance with Bentham, Henry L. Hunt, a son of John Hunt, who had taken over control of the paper, was quick to expose him as a false friend to reform in two articles published in October and November 1829, including a series of extracts from the most embarrassing sections of O'Connell's letter and a damaging onslaught on his

¹²⁷ See *Bowring*, x, 552, and McKenna, 'Benthamism in Santander's Columbia', esp. pp. 33–6.

¹²⁸ O'Connell, *Daniel O'Connell: the man and his politics*, pp. 66–7.

¹²⁹ MacDonagh, *The hereditary bondsman*, p. 171.

¹³⁰ *Dublin Evening Post* (6 Oct. 1829); I am grateful to Professor Gary Owens for providing a transcription of this letter.

¹³¹ *Morning Chronicle* (10 Oct. 1829).

¹³² Bentham to John Mulford (9 July 1812), *Bentham correspondence*, viii, 252; see also F. Rosen, *Bentham, Byron and Greece: constitutionalism, nationalism, and early liberal political thought* (Oxford, 1992), pp. 210–11 note.

credentials as a disciple of Bentham.¹³³ In sum, the letter was presented as a condemnation of European liberalism *in toto*, grounded in O'Connell's reactionary commitment to the catholic faith. O'Connell had likened the French liberals to the Jacobins responsible for the clerical massacre of September 1792,¹³⁴ while the liberals in Spain and Portugal were taken to task for their 'subversion of the Catholic Church'. How, asked the *Examiner*, could this be squared with O'Connell's commitment to the doctrines of Bentham?

Mr. O'Connell knows about as much of the doctrines of Bentham as he does of the sentiments of French Liberals. ... Let him observe ... that all the charges which he prefers against the French Liberals are urged by the retainers of corruption against the English Radicals, amongst whom he numbers himself.¹³⁵

The point was driven home in the second article, purportedly from the hand of an anonymous correspondent:

Let Mr. O'Connell explain by what dislocation of understanding he can at once connect himself, as a Benthamite, with that party in political theory who are equally opposed to establishments in religion and to absolutism in Government – and with that faction of corruptionists or of idiots assuredly not less vicious in France than in other countries, whose symbol it is that 'Philosophy is nothing but a grand insurrection against God, *or spiritual power*, and as to Democracy, it is a general insurrection against political power, which emanates from God'.

... Finally, let the friends of toleration and freedom of discussion, let the Benthamites, reformers, and philosophers ... discern what sort of protector they would find in Mr. O'Connell, who, in his fanatical frenzies against Infidelity, would crush the privilege of a doubt, however calmly or incidentally expressed; ... What rational, practical, or upright man, will condescend to co-operate with so unstable and perverse an auxilliary [to reform]?¹³⁶

At first Bentham gently scolded his wayward friend, appealing to him to adopt a more equable manner in his dealing with other reformers. There is a certain irony in Bentham, the theorist, advising O'Connell, the consummate pragmatist, to be more practical and measured in his expectations. 'DAN, DEAR CHILD,' he exclaimed,

Whom, in imagination, I have, at this moment, pressing to my fond bosom, – put off, if it be possible, your intolerance. Endure the conception, and even the utterance of other men's opinions, how opposite soever to your own. At any rate, when you assume the mantle of the legislator, put off the gown that has but one side to it, – that of the advocate.¹³⁷

A few days later, after weighing the full force of the *Examiner's* attack, Bentham unequivocally condemned O'Connell's 'tirade' against the liberals and begged him to 'abstain from such reproachful sallies in future'. He pointed out

¹³³ 'Notabilia: Mr. O'Connell and the French Liberals', *Examiner*, no. 1133 (18 Oct. 1829), 658; and 'Mr. O'Connell and the French Liberals, to the editor of the Examiner', *ibid.* no. 1135 (1 Nov. 1829), 692–3.

¹³⁴ For O'Connell's long-standing hatred of Jacobinism see MacDonagh, *The hereditary bondsman*, pp. 26–8.

¹³⁵ *Examiner*, no. 1133 (18 Oct. 1829), 658.

¹³⁶ *Ibid.* no. 1135 (1 Nov. 1829), 693.

¹³⁷ J.B. to O'Connell (7 Nov. 1829), *Bowring*, xi, 26.

that under the head of 'liberal' should be counted both whig reformers and radicals, 'all to whom you can look for assistance in the character of friends'. To the degree that O'Connell damaged their reputations, he weakened his own potential support.¹³⁸ The tone of this letter changed dramatically when Bentham focused on what he believed to lie at the root of O'Connell's outburst – his catholicism: 'What on this, or any occasion, could have possessed you thus to *run-a-muck* (Malay like) against all your friends, with the exception of a comparatively small number of zealous Catholics'.¹³⁹ To make war upon them on account of their being 'either Non-Catholics, or Non-Christians' is to engage in an 'unnatural war', without any hope of converting unbelievers to the catholic faith or any other religion. Then, in even stronger terms drawn from Bentham's moral vocabulary, he admonished O'Connell for his 'antisocial feelings', a criticism attended by professions of goodwill on Bentham's part. Clearly, he believed O'Connell had recklessly jeopardized the prospects for reform in the coming session of parliament, citing the *Examiner* as evidence.¹⁴⁰

No sooner had this letter of remonstrance left Bentham's hand than news arrived of another of O'Connell's public disputes. In a second letter of the same day (10 November 1829) Bentham took O'Connell to task for an attack on John Doherty, the Irish solicitor general, whom he accused of suppressing evidence and disallowing the evidence of witnesses for the defence in the famous Doneraile Conspiracy trial held in Cork the previous month. Summoned to the case at the last moment, O'Connell dramatically and successfully defended fifteen peasants facing the death penalty for conspiracy to murder local landlords and gained a reprieve for four prisoners previously convicted on the same charge.¹⁴¹ Ignorant of the effect of this case on Irish public opinion, it was Bentham's view that the attack on Doherty would further damage O'Connell's reputation and with it the cause of reform. In the strongest declaration to date of his ownership of O'Connell's services, Bentham vowed the utility of his advice:

It is the fear of seeing worn down, and rendered less respected, less feared, less efficient, this mighty instrument [O'Connell] – the use of which stands engaged to me, for crushing in its whole enormous mass, the machinery of injustice.¹⁴² ... Are we not linked together by our most philanthropic, most meritorious, our strongest and fondest hopes? Your reputation, is it not mine?¹⁴³

Though he owned that he knew nothing of the particulars of the case, Bentham counselled O'Connell to make a public apology to Doherty.¹⁴⁴ Finally, betraying his true feelings about Hunt, he reminded O'Connell of 'the excellent temper and endurance' with which he had previously bore the abuse of the 'so unworthy Radical, our false brother *Hunt*'.¹⁴⁵

¹³⁸ J.B. to O'Connell (10 Nov. 1829), *ibid.* p. 25. ¹³⁹ *Ibid.* ¹⁴⁰ *Ibid.* p. 26.

¹⁴¹ This was reputedly O'Connell's finest performance as a criminal barrister; O'Ferrall, *Daniel O'Connell*, p. 20. The unfolding drama was closely followed in *Freeman's Journal*; MacDonagh, *The emancipist*, p. 11 (for a full account see pp. 9–14).

¹⁴² J.B. to O'Connell (10 Nov. 1829), *The Irish Monthly*, xi, 518. ¹⁴³ *Ibid.* 519.

¹⁴⁴ *Ibid.* ¹⁴⁵ *Ibid.*

When such proud and independently-minded individuals are in dispute, friendship is often the first casualty. Clearly, Bentham deluded himself that O'Connell would passively accept his rebukes, however well-intentioned they might be. In fact, O'Connell persisted with the attack on Doherty in the house of commons in May 1830 (Bentham never understood that O'Connell's pursuit of Doherty was a requirement to shore up support in Ireland, rather than the needless outburst he seems to have taken it for).¹⁴⁶ With no sign of either a public apology or a private explanation from his correspondent, a greatly disappointed Bentham wrote a month later of O'Connell in relation to himself: 'He has declared war against you. Are you not a Liberal? ... On the Monday he is at your feet; he was a Benthamist. On the Thursday, you are the object is his declared abhorrence; he is an anti-Benthamist'. O'Connell's silence confirmed it. Adding insult to injury, Bentham continued in a bitter vein:

He is a tool in the hands of the Jesuits. He is a weathercock, and their breath the blast that determines its direction.

Those to whom you are most indebted for what you are, for your having devoted the whole of your long life to the service of mankind, those by whose means he himself became what, till the other day he was, – a Benthamist, these are now among the objects of his proclaimed abhorrence.

In England the men of his own religion are cold to him, and indifferent; Liberals, all to a man, his warm friends, and the only ones: and this is the return he makes to them.

The friends of liberty all over the world, those are the men he thus makes war upon. The liberal Spanish Cortes, – the liberal Portuguese Cortes, – all over late Spanish America, the constituted authorities, with the exception of Bolívar, till the t'other day the Liberator, now the Subjugator.¹⁴⁷

If previously Bentham was prepared merely to chide O'Connell for refusing to acknowledge Bolívar's betrayal of the liberal cause, now he introduced a personal dimension to his critique:

after trumpeting my works, and declaring that they had given to politics and morals the certainty and precision of mathematics, [Bolívar] has made it a crime in every man to have so much as one of them in his possession. In a word, he has made himself to be, in his part of Spanish-America, what the beloved Ferdinand was – completely absolute; with the single exception of the person of the despot he has reestablished the *ancien regime*.¹⁴⁸

Why could not O'Connell see this? Bolívar reinstated clerical orders, and O'Connell can see no wrong in this, but rather attacked those Liberals who oppose Bolívar and ridicule the notion of papal infallibility. To defend the latter is arrogance writ large, since it is to elevate one's own opinion above all others. That Bentham was forced to listen to these same views expressed by

¹⁴⁶ See MacDonagh, *The emancipist*, pp. 35, 48.

¹⁴⁷ J.B. to O'Connell (8 Dec. 1830), *Bowring*, xi, 28.

¹⁴⁸ *Ibid.* Bowring records that in 1826 Bolívar 'prohibited the use of Bentham's writings in the Columbian seminaries of Education'; *ibid.* x, 552. However, it was in March 1828 that Bolívar forbade the teaching of Bentham's *Traité de Législation* in Colombia's *colegios* and universities; McKennan, 'Benthamism in Santander's Columbia', p. 35.

those close to him (probably Bowring) only deepened his frustration with O'Connell: 'I am struck dumb. I stand mute. I shrug up my shoulders: this is the condition in which you have placed me'. Finally, Bentham warned O'Connell that if he would not distance himself from these views he would be permanently isolated from the parliamentary radicals and whig reformers.¹⁴⁹

Inevitably, relations between the two men cooled. In the final two letters of this period Bentham attempted to repair the damage by redirecting O'Connell to matters upon which they were agreed, namely codification and other legal reforms.¹⁵⁰ But too much had been said and there was no going back.

III. After a silence of over six months, in the final short period of correspondence (January to March 1831) it is clear that the rift between O'Connell and Bentham stood little chance of being repaired. In his last, despondent letter (22 February 1831) O'Connell explained that the lack of communication with Bentham was due to his shame of 'inutility' in the cause of reform. His former optimism was now entirely absent: 'I had flattered myself that in the British Senate I could and should be able to advance the sacred cause of rational and cheap government and assist to cleanse the Augean Stable of the Law'. He was mistaken in his opinion of 'the moral worth and intellectual power of the house of Commons'.¹⁵¹ He sensed that he had little influence left in parliament and that he had missed opportunities to push for reform.

Under these circumstances, I am ashamed to call myself your disciple. I deem myself not worthy of your patronage or friendship, and I console myself only by working for useful objects in a lower grade and endeavouring to make up by perseverance and moral energy for the loss of the more brilliant prospect of usefulness which I think lay before me.¹⁵²

O'Connell encouraged Bentham to suggest reforms that he might pursue. However, in a signal that repeal of the Union was not the focus of his political activity, he cautioned: 'I feel under the necessity of limiting my exertions to the amelioration of the institutions of one of the finest but most oppressed portions of the human race'.¹⁵³

For his part, Bentham issued invitations to O'Connell to visit him,¹⁵⁴ which were ignored until an ultimatum was laid down on 12 March 1831: if O'Connell will not set a date to visit Queen's Square Place then no more invitations would be sent.¹⁵⁵ Another invitation followed,¹⁵⁶ then they met for the last time on 20 March 1831. Evidently, this final meeting encouraged Bentham to think of resuming his influence with O'Connell. The following day

¹⁴⁹ *Bowring*, xi, 29.

¹⁵⁰ J.B. to O'Connell (15 Mar. 1830), *ibid.* pp. 37–8, and (23 June 1830), *The Irish Monthly*, xi, 550–2. ¹⁵¹ O'Connell to J.B. (22 Feb. 1831), *O'Connell correspondence*, viii, 229.

¹⁵² *Ibid.* p. 230.

¹⁵³ *Ibid.*

¹⁵⁴ J.B. to O'Connell (26 Feb. 1831), *Bowring*, xi, 64, and (9 Mar. 1831), *The Irish Monthly*, xi, 552.

¹⁵⁵ J.B. to O'Connell (12 Mar. 1831), *ibid.* p. 553.

¹⁵⁶ J.B. to O'Connell (c. 15 Mar. 1831), *ibid.* pp. 555–6.

he drew up a ‘Proposed agenda for O’Connell: regarded as consented to by O’Connell last night’,¹⁵⁷ in which he suggested a variety of courses of action on a number of measures, including codification and how to deal with sinister interests opposed to it; Brougham’s Bankruptcy Bill; a proposed amendment to Peel’s Jury-regulating Act; the issue of retirement allowances for judges; and the Witness Examination Bill. However, O’Connell’s visit would appear to have been paid out of respect for the venerable old sage rather than with a view to renewing their collaboration. Bentham wrote no more to O’Connell and the correspondence came to an end.

V

Several conclusions can be drawn about the radical alliance between Bentham and O’Connell, and about the ideological relationship between disciples and their icons in political life generally in this period. First, the correspondence amply illustrates Bentham’s attempt, in the last two decades of his life, to have an influence upon policy by working through an extensive network of disciples (or thought-to-be disciples), and the use he was prepared to make of those who professed reform and were in a position to prescribe it. In his efforts to provide O’Connell with allies and supporters in parliament and to mediate in the dispute with Hunt, we see exemplified Bentham’s view of himself as the commander-in-chief of radical reform in England, the arch-reformer who set out to educate his troops in the measures and the tactics to achieve them, to motivate them when the going got hard, to rebuke them when they strayed from the path, and to heal the schisms that stood in the way of the optimum effort by the movement as a whole.

Second, in the correspondence we see elements of a pattern frequently encountered in fathoming the nature of the relationship between Bentham and public figures considered his disciples, and to whom he imparted advice and encouragement. On the one hand, it is clear that he had an exaggerated notion of his impact on the actions of those singled out for such attention, and there are times when fancy prevailed over judgement in his letters urging those he expected to deliver his reformist message to parliament, to pursue particular reforms and to adopt the tactics he prescribed. There are also occasions when Bentham extended advice when he little knew the details of the matter upon which he advised (as with his criticism of O’Connell’s attack on Doherty, the Irish solicitor general). On the other hand, the waters are muddied by the tendency among reformers to invoke in speeches the names of reputed authorities, such as Bentham had undoubtedly become by the 1820s, as a way of bolstering their own reformist credentials, but without necessarily pursuing the kinds of reforms that their icons recommended.¹⁵⁸ Indeed, scholars have too

¹⁵⁷ J.B. to O’Connell (21 Mar. 1831), *ibid.* pp. 554–5.

¹⁵⁸ In the context of constitutional reform in Greece see Rosen’s detailed exposition of the disjunction between Bentham’s position and that taken by his supposed disciples, in *Bentham, Byron and Greece*, *passim*.

often mistaken rhetoric for genuine political conviction. Burdett, for example, sought to retain some of his lost appeal as a radical reformer as the 1818 general election approached by making a pact with Bentham.¹⁵⁹ He moved resolutions supplied by Bentham in a Commons speech on 2 June of that year for universal suffrage, secret ballot, annual parliaments, equal electoral districts, same-day voting, and the division of constituencies into manageable sub-districts.¹⁶⁰ But he justified this programme of reform in terms of history and popular constitutionalism, not utilitarianism; moreover, following the election he disavowed universal suffrage in favour of a 'general suffrage'.¹⁶¹ Later, when Bentham sought permission to publish Burdett's original letter soliciting a radical reform bill he refused.¹⁶² By comparison, O'Connell's association with Bentham and the kind of reforms he advocated went beyond the rhetorical, the expedient invoking of the name of a highly respected philosopher and political reformer. He showed himself a sincere advocate of codification and of judicial reform, and if he tempered his political radicalism at times it was always with an eye to what might practically be achieved. True, there were matters suggested to him by Bentham that he did not take up, such as the equity dispatch court proposal, and reforms to the real property law and the public house licensing system, but these were minor considerations in the general radical alliance that they developed.

Third, in his relations with O'Connell we can see the degree to which Bentham could be disappointed when religion interfered with politics. He rarely allowed religion to impede fruitful political or personal relations. However, his several attacks on O'Connell for his support for Bolívar and views on continental liberals are characterised by an evident distaste for what he took to be their source in the Irishman's catholicism. Despite his own sympathies for the oppressed condition of the catholic Irish, Bentham expected O'Connell to adopt the role of the statesman, to rise above peripheral matters, and to focus on matters of real concern – parliamentary reform and codification. That O'Connell failed him in this regard was as much to do with O'Connell's independent disposition and ingrained Irish scepticism about the sincerity of the support offered him by English reformers as with his reformist agenda, at the head of which always stood Ireland. This brings me to my final point – the misunderstanding and lack of trust that dogged O'Connell's relations with his English counterparts in the radical camp.

Virtually from the beginning O'Connell's commitment to parliamentary reform came under fire, and not without reason. When he voiced support for

¹⁵⁹ The alliance was instigated by a mutual acquaintance, Henry Bickersteth; *Bowring*, x, 493–4. See Francis Burdett to J.B. (25 Feb. 1818), *Bentham correspondence*, ix, J.B. to Burdett (25 Feb. 1818), *ibid.* pp. 166–7. On their differences concerning the ballot see J.B. to Burdett (10 Mar. 1818), *ibid.* pp. 177–8; and Burdett to J.B. (10 Mar. 1818), *ibid.* p. 179. Also, see above note 32.

¹⁶⁰ For which see *Bowring*, x, 495–7.

¹⁶¹ Belchem, 'Orator' *Hunt*, pp. 78–9, 82; and W. Thomas, *The philosophic radicals: nine studies in theory and practice, 1817–1841* (Oxford, 1979), pp. 41–3.

¹⁶² J.B. to Burdett (6 Nov. 1819), and Burdett to J.B. (1 Dec. 1819), *Bentham correspondence*, ix, 365–72.

parliamentary reform at a catholic 'aggregate' meeting in Cork on 6 September 1816 he spoke as a man convinced that this was the only route to gain a Catholic Relief Act, a position reiterated in his annual address to the Irish people on 1 January 1821.¹⁶³ Subordinating parliamentary reform to improving the situation in Ireland, and in particular to alleviating the political and economic plight of his fellow catholics, was always likely to invoke doubts about the sincerity of O'Connell's radicalism among the English reformers. But the difficulty was not all on O'Connell's side. In truth, each found it hard to come to terms with the other, illustrating a well-entrenched failing on the part of English and Irish politicians to foster understanding and trust. Yet, today O'Connell is often regarded as the leading British radical of his time,¹⁶⁴ an Irish nationalist but one who also fought for an extension to parliamentary and local government suffrages, Jewish emancipation and the abolition of slavery, sided with the Tolpuddle Martyrs and Poles persecuted by Czarist Russia, consistently argued for the separation of church and state in catholic as well as protestant countries, and advocated free trade, repeal of the Corn Laws, and an amended Poor Law.¹⁶⁵ However, in his own day O'Connell had to work hard to gain the confidence of those with whom he sought to collaborate, whether it was to enlist Irish protestant support for Emancipation and repeal of the Union, or the support of the English whigs and radicals for other legal and political reforms. His tactical manoeuvring between these groups made it difficult at times even for his own catholic supporters to discern his objectives, but that it fostered distrust among the ranks of English reformers there can be no doubt.¹⁶⁶ To them O'Connell was an outsider, never quite attaining the required respectability to be fully accepted. Yet, if the English radicals and whig reformers found reason to doubt O'Connell, he in turn was frequently frustrated by their lack of concern for Irish affairs. Prior to 1829 he believed the objections of Cobbett and Hunt to the concessions for a Catholic Relief Act placed ideological purity above practical politics and the suffering of his countrymen. By 1829 his own position had changed, but now his request to Brougham and the whigs to resist the disenfranchisement of the Irish forty-shilling freeholders as the price for Emancipation fell on deaf ears, while Cobbett and Hunt proved singularly incapable of mustering the radicals when he needed them most.¹⁶⁷ Even more distressing for O'Connell was the refusal to listen to his repeated pleas for more equitable treatment for the Irish in the Reform Bills of 1831–32; the radicals were bent on pushing the parameters of

¹⁶³ Reported in *Freeman's Journal* (11 Apr. 1816), quoted MacDonagh, *The hereditary bondsman*, pp. 147, 174.

¹⁶⁴ See O'Ferrall, *Daniel O'Connell*, pp. 78–9; MacDonagh, *The emancipist*, p. 82; and O'Connell, *Daniel O'Connell: the man and his politics*, p. 135.

¹⁶⁵ O'Connell, *Daniel O'Connell: the man and his politics*, p. 135; and E. Royle and J. Walvin, *English radicals and reformers 1760–1848* (Lexington, 1982), p. 175.

¹⁶⁶ MacDonagh, *The hereditary bondsman*, p. 104. On the troublesome relations between O'Connell and Cobbett and Hunt, respectively, see D. Green, *Great Cobbett: the noblest agitator* (London, 1983), pp. 323–4, 423; and Belcham, 'Orator' Hunt, pp. 104, 186, 190–3, 200–1, 218, 243.

¹⁶⁷ O'Connell to Edward Dwyer (11 Mar. and 12 Mar. 1829), *O'Connell correspondence*, IV, 27–8; see also MacDonagh, *The hereditary bondsman*, pp. 266–7.

reform in England without the hindrance of the Irish albatross. At times O'Connell showed himself extraordinarily adept at straddling both the whig and the radical wings of the reform movement, but his ultimate goal of repealing the Union found few friends among the latter and none among the former.

Bentham was not exempt from the general failure to empathise with O'Connell. He never grasped the depth of the mistrust that existed between the Irishmen and the English reformers. Nor does he seem to have understood the priority O'Connell afforded Irish concerns or his particular brand of liberal catholicism. The latter allowed O'Connell to defend catholic interests at home and abroad but without abrogating the principle of religious liberty or backing away from his commitment to the universal separation of church and state. This failure to appreciate the fundamental nature of these features of O'Connell's politics takes us a long way to explaining both Bentham's inflated notion of what might be achieved with his assistance and the ultimate collapse of their political alliance.